

# **U.S. History I: United States History 1607-1865**

## **Text for History 121**

**Northern Virginia Community College**  
**Extended Learning Institute**

Third Edition  
Revised and Updated, June 2010



Associate Professor Henry J. Sage

**Academic American History**  
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This edition of the text is structured for History 121, Early American History, taught online through the NVCC Extended Learning Institute. It may be updated and augmented during the course of each semester. Announcements about all updates affecting NVCC courses will be posted on the course web site and linked from the NVCC Blackboard course management system. The content parallels ***From Colonies to Free Nation: United States History 1607-1865***, also available through Lulu.

*Students who purchase this text should be aware that while all course content is contained herein, they should nevertheless check for announcements in Blackboard regularly for additions or changes in assignments. Links to additional support pages may be found on the course web site at [www.academicamerican.com](http://www.academicamerican.com).*

Email the author/instructor: [hsage@cox.net](mailto:hsage@cox.net)

*H.J. Sage*

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*About the Author:* Henry J. Sage is professor emeritus of history at Northern Virginia Community College. He received his B.S. in Engineering in 1962 from the United States Naval Academy. He earned a *Diplom* in German Language, Culture and History from the University of Heidelberg in 1968, an M.A. in History from Clark University in 1974, and an M.A. in American Literature from the University of Maryland in 1986. He has taught history at The College of the Holy Cross, the University of Maryland (Far East Division) and at George Mason University. Mr. Sage served in the Marine Corps until his retirement in 1981. His tours of duty included Marine Corps Headquarters; the Pentagon; Marine Corps Schools, Quantico, Virginia; U.S. Army Artillery School, Fort Sill, Oklahoma; 1<sup>st</sup> Marine Division, Vietnam; 2d Marine Division, Guantanamo Bay, Cuba; 3<sup>rd</sup> Marine Division, Okinawa, Japan; the Navy ROTC unit at the College of the Holy Cross, Worcester, Massachusetts.

*Cover Photo: The San Jacinto Memorial near Houston, Texas, taken by the author.*

## Preface

Welcome to Academic American History: Early American History, 1607-1865. This textbook is the print version of course content published on the Academic American History web site, [www.academicamerican.com](http://www.academicamerican.com). The site contains links to information about recommended readings, historic sites and other sources of historic interest.

This text is offered as a convenience for online students, for whom this is the only required text. The alternative to using this text involves downloading and printing identical material from the web site. To save you time, Lulu publishing prints the book to order for each buyer. The link for this and other texts by the author is [www.lulu.com/hjsage](http://www.lulu.com/hjsage). As the author I add a small royalty fee, which goes toward maintenance of the Academic American History web site and donations to Northern Virginia Community College.

This volume is not a rigorously researched and constructed formal textbook. Rather, it is the product of my thirty plus years of teaching American history at several different colleges and universities, starting at the College of the Holy Cross in 1971. My lectures, and this text, have been influenced by America's finest historians. The documentation in this book is necessarily slender, for to reassemble a bibliographic record of those years would be quite a challenge.

Where materials from any work are quoted directly, the source is clearly indicated. They generally refer to authors whose ideas have struck me as particularly interesting. On the companion web site you will find useful links and recommended books that I have found especially helpful in understanding American history. Most of the graphics have come from open source locations on the Web such as Google images and various government sites such as the Library of Congress and the National Archives. I have also included my own photographs where appropriate.

Much of what you will find here is the product of my own thinking and necessarily includes opinions with which others may disagree. It is essentially what my students heard during my years of teaching in the classroom. It also includes their thoughts and ideas, expressed in class discussions and in examinations and essays written over the years. My online students at Northern Virginia Community College continue to make valuable contributions. In addition to their formal and informal submissions, they have provided invaluable proofreading assistance and have made many suggestions, all of which have been given careful consideration. Many student ideas have been included in the text.

It is a pleasure to acknowledge the editorial contribution of Katherine Kappus. Her careful editing and useful suggestions have improved this edition immeasurably. As a history teacher in Fairfax County, Virginia, Katy viewed the text not only from the point of view of a skilled editor, but also from the perspective of students who will be using this book. I am very grateful for her assistance.

My students have also written hundreds of excellent papers from which I have gleaned additional knowledge about our country's past. This work is dedicated to them.

*H.J. Sage*  
*Lorton, Virginia*  
*January 2010*

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This text is arranged into four chronological sections according to the History 121 syllabus. The documents for each section are at the end of that section. Additional references and resources can be found on the course web site, [www.academicamerican.com](http://www.academicamerican.com).

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## **History 121: U.S. History I Course Description & Objectives**

History 121 is taught through the NVCC Distance Learning Center (Extended Learning Institute.) All materials for this course, including the contents of this text, can be accessed from the History 121 Course Home Page. This is a fully online course, so you will need regular access to a computer with an Internet connection. You will not have to attend any class meetings. You will have to take two proctored exams at any NVCC campus testing center. Proctoring at other locations can be arranged. (See the ELI web site for details.) You will also use the Blackboard component of the course for online discussions, quizzes and exams. You will be enrolled automatically in Blackboard when the course officially begins.

The Course is divided into four chronological sections as follows:

- Part 1 (1607-1763) covers exploration and colonization and examines the lives of colonists and how they interacted with the new landscape of America and with the British Empire. It continues through the French and Indian War to the beginning of the period of the American Revolution.
- Part 2 (1763-1800) begins with an exploration of the background events of the American Revolution, the conduct of the war independence, and the granting of freedom to the new nation in 1783. It then proceeds to the story of the writing of the United States Constitution and the development of the new nation under Presidents Washington and Adams. It ends with the election of 1800.
- Part 3 (1800-1840) covers the events of the Thomas Jefferson, James Madison, James Monroe and John Quincy Adams administrations and concludes with a discussion of Jacksonian America under Presidents Andrew Jackson and Martin van Buren. It includes the War of 1812 and explores a time of economic progress as well as democratic growth and reform.
- Part 4 (1840-1865) begins with a period identified with Manifest Destiny and expansion across the continent to the Pacific coast. It includes the Texas fight for independence, the Mexican-American War and the opening of California. The section next proceeds through the turmoil of the 1850s as the Southern states move toward secession. It concludes with the conduct and results of the Civil War.

Each section requires one quiz or exam and one written project, general instructions for which are included below. In addition students are required to make at least one site visit to an actual historic location or museum during the course, which will be the subject for one or more essays.

### **Course Objectives:**

- Understand the character of the men and women who settled America and created a new nation;
- Appreciate the causes, effects and meaning of the American Revolution;
- Examine and understand the United States Constitution;
- Study the forces that both unified and divided the young Republic;
- Comprehend the causes, conduct and legacy of the American Civil War.

Although we will examine the experiences of all segments of American society from colonial times through 1865, we will emphasize the major political events and figures. We will spend extra time on the American Revolutionary War and Civil War periods and will study the United States Constitution in considerable detail. At the end of the course students should have a deeper understanding of America and its people, a fuller appreciation of how this nation has been shaped by its past, and realistic expectations for America's future.

## INTRODUCTION TO AMERICAN HISTORY

"I have but one lamp by which my feet are guided, and that is the lamp of experience."

—Patrick Henry, 1775

"If you don't know history, you don't know anything; you're a leaf that doesn't know it's part of a tree."

—Michael Crichton in *Timeline*

"A nation that forgets its past can function no better than an individual with amnesia."

—David McCullough

"History is our collective memory. If we are deprived of our memory we are in danger of becoming a large, dangerous idiot, thrashing blindly about, with only the dimmest understanding of the ideals and principles that formed us as a people, and that we have constantly to reinterpret and affirm if we are to preserve a sense of our own identity."

—Page Smith, from *A People's History of the United States*

### Why Study History?

Henry Ford once said, "History is more or less bunk." To an industrialist who revolutionized the automobile industry by discarding old methods and creating new ones, the past may have seemed irrelevant. But it is clear that Henry Ford understood thoroughly what had occurred in industrial America before his time when he developed the assembly line and produced an automobile that most working Americans could afford. Whether he was aware of it or not, Henry Ford used his understanding of the past to create a better future. (In fact, what Henry Ford really meant was that history as being taught in the early 1900s was bunk.)

Ford's opinion aside, history is about understanding. It would be easy to say that "in these critical times" we need to know more about our history as a nation. But even a cursory study of America's past reveals that relatively few periods in our history have not found us in the midst of one crisis or another—economic, constitutional, political, or military. We have often used the calm times to prepare for the inevitable storms, and in those calm times we ought to try to predict when the next storm will arise, or at least consider how we might cope with it.

Because the best predictor of the future is the record of the past, we can learn much of value even when the need for such learning is not immediately apparent. Once the inevitable crisis is upon us, it may be difficult to reflect soberly on what we can learn from the past. As philosopher Georg Wilhelm Friedrich Hegel said, "Amid the pressure of great events, a general principle gives no help." A modern version of that dictum, often used in a military context, goes something like this: "It's hard to remember that your mission is to drain the swamp when you're up to your butt in alligators." In any case, without looking backward, we may find the road ahead quite murky.

No matter how much American history keeps presenting us with trying new situations, we discover from looking backward even to colonial times that we have met comparable chal-

lenges before. Conditions change, technology provides new resources, populations grow and shift, and new demographics alter the face of America. Yet no matter how much we change as a nation, we are still influenced by our past. The Puritans, the early settlers, founding fathers, pioneer men and women, Blacks, Native Americans, Chinese laborers, Hispanics, Portuguese, eastern Europeans, Jews, Muslims, Vietnamese—all kinds of Americans from our recent and distant past—still speak to us in clear voices about their contributions to the character of this great nation and the ways in which we have tried to resolve differences among ourselves and with the rest of the world.

Everything we are and hope to be as Americans is rooted in our past. Our religious, political, social and economic development proceeded according to a pattern—whether random or cyclical—and those patterns are intelligible to us when we study our heritage. The men who wrote our timeless Constitution, the most profound political document ever produced by man, were acutely aware of what had gone before as they fashioned a document that would serve millions of Americans yet unborn. The power of our form of government comes from the fact that our fathers took the best of the past and built upon it.

Our success as a nation depends on how well we know ourselves, and that knowledge can only come from knowing our history. Without hindsight we are blind to the future; without comprehending our past—the positive and negative aspects—we can never truly know where we want to go. History is an essential element of the chain of events that defines our road ahead. As the quotations at the top of this section suggest, we are all part of the American tree, and its roots go very deep.

### **What Is American History About?**

For most historians the fundamental question to be answered in the study of history is, “What really happened?” In studying American history we know a great deal about “what happened,” and relatively few serious questions exist about the basic facts of American history. We have fought wars, elected presidents, built factories, cultivated millions of acres, produced enormous wealth, seen immigrants flock to our shores, driven the Indians off the plains and onto reservations, ended slavery, and so on. If our concern with history stopped there, we would mere chronology. The study of history goes beyond chronology and into the how and why things happened in the past. History, in other words, soon becomes complicated.

We know, for example, that the American Revolutionary War began when shots were fired at Lexington and Concord in 1775. We are still undecided, however, about the exact nature of that experience—was it really a revolution, or merely a transfer of power across the Atlantic Ocean? We know that the Japanese empire bombed Pearl Harbor on December 7, 1941, but controversies have raged over the causes of that aggression, and about how much was known of the impending attack on that fateful morning. The real causes of the Civil War continue to be debated, and hundreds of books have been written about the events surrounding the assassination of President John F. Kennedy. As soon as we begin to ask how and why things happened, consensus disappears.

Sometimes explanations for historical events breed conspiracy theories. Did President Roosevelt really know about the impending attack on Pearl Harbor? Was the CIA involved in President Kennedy's assassination? Did we really land on the moon? Was the plot to destroy the World Trade Center really hatched in Washington by our government? Is the earth really round? Conspiracy theories spread rapidly and die hard even when overwhelming evidence to the contrary exists. (There really is a Flat Earth Society.)

## Our Roots Are Deep and Wide: America and the Rest of the World

American history did not occur in a vacuum. Thousands of years of human history preceded the discovery and colonization of the North American continent, and much of that prior history had a direct or indirect bearing on how this nation was formed. Some historians view American history as an extension of the history of Europe, or of the history of the “Western world.” On the other hand, some claim that American history tells a tale that has no real parallel in the histories of other nations, even though Americans have much in common with



other peoples. That view is sometimes referred to as “American exceptionalism,” the idea that America’s history is unique. Both views have some merit, but the important point to remember is that Americans sometimes fail to see themselves in their proper relationship to the rest of the world, often at their own peril. In other words, we are not alone.<sup>1</sup>

As we shall see, American history has strands that find their roots in the ancient worlds of Greece and Rome. Indeed, the “American Empire” has been compared—for better or worse—with the Roman Empire, and much of our political philosophy, as well as our literary and social concepts, can be traced to the ancient Greeks. The scientific discoveries associated with the Renaissance were frequently based in the work of Muslim scholars and historians, who kept classical ideas of the ancient world alive during Europe’s so-called Dark Ages. The advances of the Renaissance led in turn to the discovery and exploration of new worlds, of which our ancestors were the beneficiaries.

When the Europeans left their homes to come to America they did not leave everything behind, but brought with them their religions, their cultural ideas, their values and concepts of justice and freedom. They named their colonies, cities, towns, and villages after their Old World homes and in some measure tried to recreate them on virgin soil. For reasons we will discuss later, that attempt at re-creation was futile if not actually undesirable, for the movement to the New World was inevitably a transforming experience. But the colonizers felt their roots deeply, and those roots persisted in influencing their decisions for generations.

Thus American history was shaped in part by strong currents that go back hundreds or even thousands of years. While the investigation of all that prehistory is essential for a full understanding of the modern world, most of it necessarily lies beyond the scope of this basic course. No matter how much we read or study, we are never capable of seeing more than a small portion of the great panorama that is the history of the United States, which, no matter how sharp our focus, is just a small part of the greater history of the world.

Although America is necessarily connected with the rest of the world in profound ways, for significant periods in American history events in this country occurred without being influenced from without. The colonists who arrived here in the 17th century, for example, were largely untouched by events occurring elsewhere except as they stimulated further emigration from Europe. In the 18th century, however, a series of dynastic wars among the European powers were often played out on the battlefields of North America. In the latter decades of the century, the influences of the American and French revolutions were felt strong-

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<sup>1</sup> See Barry Gewen, “Forget the Founding Fathers,” *New York Times Book Review*, June 5, 2005. The essay reviews recent books that have taken a new approach to American history.

strongly on both sides of the Atlantic.

Later, as America filled up its frontiers, 19th-century Americans went about their business without much reference to the rest of the world, except, of course, for the influence of millions of refugees and immigrants who poured in through Ellis Island and other ports in the latter decades. Following the defeat of Napoleon at Waterloo in 1815, the European world was relatively free from conflict until 1914, a period known as the “Hundred Years’ Peace.” During that time America was relatively untouched by major events beyond our shores. Eventually, perhaps inevitably, America was dragged into conflicts with foreign powers, but those periods were typically followed by periods of withdrawal—or isolation, as it is sometimes called. It was only during the 20th century, beginning with World War I, that the United States became a major player on the international scene. Since the end of World War II America has been a dominant force in international affairs.

To go back to our origins, however, we may start with the proposition that American history did not begin with Jamestown, nor the Spanish settlement of North America, nor Columbus, nor even with the arrival of the Native Americans. For America is a Western nation, a nation whose roots lie deeply in Europe, albeit with powerful strains of Native American, African, and Asian cultures mixed in. America is an outgrowth of the evolution of European society and culture. From our politics to our religion to our economic and social behavior, we follow patterns that emerged over time from the ancient civilizations of the Western world—Greece, Rome, the Middle East, and the barbarian tribes that ranged across northern Europe before the rise of the Roman Republic and the Greek city-states.

Our principal religion is Christianity. Our drama is tinged with the influence of Greek tragedy. Our laws have grown out of the experiences of the Roman Republic, the Greek city-state and English common law. Our philosophy is heavily derived from Plato and Aristotle, and our science and mathematics also stem from the ancient world, often via Islamic and African scholars who picked up long-lost threads and wove them into new shapes that were embraced by Europeans during and after the Renaissance. Those developments in science and mathematics made possible the great age of exploration, which led to the discovery of America (or “rediscovery” if you prefer) by Columbus and his successors.

Following are ways in which the pre-Columbian world touched American history:

- Religious: The Judeo-Christian heritage of America is strong and still has enormous influence over our attitudes and beliefs. The Crusades, the Reformation, and the entire religious history of Europe are part of the background of America. Our religious heritage helps determine our relationships with the rest of the world.
- Political: Early concepts of democracy were Greek—the funeral oration of Pericles from Thucydides could be used at a present-day 4th of July celebration. The Roman Republic was the last great republic before the United States. The founding fathers were aware of that history and used it in making their revolution and writing our Constitution.
- Philosophical: As Alfred North Whitehead remarked, “The safest general characterization of the European philosophical tradition is that it consists of a series of footnotes to Plato.” In other words, our ideas of self, society, and government, and the nature of our universe, have roots in ancient and medieval philosophies.
- Cultural: Our poetry, drama, music, literature, and language are all part of the Western European heritage. We formed our own culture, but it was informed by all that



had gone before.

- **Economic:** From mercantilist beginnings America became the most successful capitalist nation in the history of the world, partly because of our adoption of the Protestant (Puritan) work ethic and the notion that God helps those who help themselves. Banks, publicly owned stock companies, corporations, insurance companies, and other economic enterprise systems had their roots in Europe, but were refined and expanded in America.

In beginning our study of American history, then, it is important to enter it with an open mind and a broad vision. This introductory text of necessity covers only the surface of America's past. As one delves deeper into the course our nation has taken from its origins to the present day, one's focus must narrow. More advanced courses in history dig deeper into history's different components. Many hundreds of historical works cover specific events and individuals in great detail. Political figures like Washington, Jefferson, Lincoln, Wilson, and both Roosevelts have attracted dozens of fine authors, as have inventors, scientists, artists, athletes and countless other figures. The American Civil War alone has bred tens of thousands of books, and they are still coming out. In studying history we quickly realize that the overall picture is even larger than it may at first seem; in our first journey through the past we will leave out many details. This is just the beginning.

### **Prehistory: The Origins of the Age of Discovery**

The year 1607, which marks the settlement of Jamestown, the first permanent English colony in North America, is certainly one of the more significant dates in early American history. It would be wrong, however, to think that American history started there—after all, many peoples were here before the English. Spaniards roamed parts of North America 100 years before the English arrived, and as is well known, Native Americans were here tens of thousands of years before that.

As we have already noted, the origins of American history go back in other directions besides those that lead to what actually happened on this continent. The explorations of Christopher Columbus began an earlier phase of the story of the settlement of the New World, but that story also had roots that go even further back in time. The scientific discoveries of the Renaissance that made oceanic travel possible are part of the background of the discovery story. The Crusades generated interest among the the European powers in trading with the Far East, which in turn led to the desire for better communication between Europe and Asia.

For reasons we will not take time to explore, Pope Urban II ordered the first Crusade in the year 1099. The Crusades lasted for about 200 years, and during part of that time the Holy Land, the area that is now Israel, was occupied by European princes and their followers who tried to organize a Christian empire in the midst of the Islamic world. One byproduct of that occupation was enhanced contact with traders and travelers from the Far East who journeyed overland to the Mediterranean region, bringing silks, spices and other goods. Much of the commerce between the Middle East and Western Europe went through Italy, where merchants found that dealing with goods originating in Asia was quite profitable. Thus it was no coincidence that the first mariner to set out for Asia across the Atlantic was Italian.

The difficulty with trading with the Far East was that the overland routes were long and tedious, and caravans were subject to various taxes and raids along the way. Conducting commerce with the Far East by ship was faster and safer, though the trip was long. For a time traders seeking to deal with Asia sailed around the Horn of Africa, along its East Coast

and then across the Indian Ocean until they reached ports in East and Southeast Asia.

Seaborne travel was at that time still dangerous because of limited knowledge of celestial navigation and the lack of accurate timepieces, which combined to make any ocean voyage that got outside the sight of land quite precarious. But with the Renaissance came advances in knowledge of navigation and the ability to determine longitude, which meant that vessels could proceed farther out to sea and maintain some sense of their whereabouts. Since the trip around Africa was long and difficult, and since it was known (despite myths to the contrary) that the world was round, sailors came to imagine traveling to the far east by sailing west.

Those ideas, of course, led to Columbus's discovery of what he thought was a direct route to India, but which was actually the ocean path to America.

The Crusades influenced events America's roots in another way. In our discussion of the Reformation we will point out that Martin Luther's frustrations with the Roman Church were a product of corruption which had in part begun during the time of the Crusades. Crusaders who died fighting in for Christ were granted by Pope plenary indulgences, which meant that they had a direct, rapid path to heaven in case of their death while fighting for God.

Since the Crusades were expensive, in order to raise funds to support those journeys, indulgences were eventually offered to those who supported the Crusades financially. That idea soon evolved into the concept of granting indulgences for other good works, such as supporting the building of St. Peter's in Rome. By Luther's time, indulgences were being sold with all the crassness that suggested the church was selling tickets to heaven.

Martin Luther found those and other practices of the church corrupt and issued his famous complaints against the church; thus began the Protestant Reformation. It often happens that once a revolution has begun, it is difficult to contain it, and from Martin Luther's first break with the Church of Rome, various other reformers took his ideas off in even more radical directions. Even in his own lifetime, Martin Luther was involved in disputes with other reform theologians, not only with Catholic authorities.

One of the defenders of the church against what was seen as the heresies of Martin Luther was King Henry VIII of England, who, in appreciation for his writing of a defense of the Roman Church, was granted the title of "Defender of the Faith," an appellation which British monarchs carry to this day. For reasons explore more fully below, Henry eventually became disgruntled with the pope, and therefore separated his church from Rome, an event known as the English Reformation. But some of the advocates of Protestant Reformation ideas took more extreme positions, saying that the Anglican Church had done little to reform itself except to replace the Pope as the head of the church with the King of England. Some of those reformers were upset by what they called "remnants of popery," and sought to purify the Anglican Church from its "Romish" influences. Important among such groups were the Puritans who would eventually settle Massachusetts Bay.

The colonization of North America by the English that took root at Jamestown, Virginia, in 1607 was also driven by additional forces emanating from the Crusades, namely, the Spanish and Portuguese conquests of Central and South America which had brought them enormous wealth. As more and more nations sought to expand trade as the key to national wealth, they saw the acquisition of colonies as a way to facilitate that trade. Exploration and colonization were advanced by ideas that have come to be identified as capitalism.

Along with the events described above are, of course, other major factors such as the reli-

gious movement begun by Mohammed which resulted in the religion of Islam; the rise and decline of the Roman Empire, which included the spreading of Christianity throughout most of the European world; the Viking explorations and Norman conquest of England. All those things and more have contributed to the chain of events which resulted in the nation we see today.

### **Prehistory Continued: Native American Cultures: The First Americans**

At the time Columbus discovered America, millions of Indians had been living in the Western Hemisphere for thousands of years. During the latter part of the Ice Age, a land bridge existed between Asia and Alaska across what is now the Bering Strait, and all evidence indicates that the Native American tribes migrated from Mongolia, through Alaska and Canada and eventually all the way down to South America, with some settling in favorable locations in the north and others moving on. Over time, they developed into distinct, separate Indian cultures. Although the exact time of that migration is still being studied, evidence gathered so far indicates that it began at least 12,000 years ago.



Thus North and South American Indians were extremely diverse, with varied physical traits, linguistic groupings, ethnic characteristics, customs, cultures, and so on. Indeed, the Indians in North America were probably far more diverse than the people of the nations of northwestern Europe in 1500. In Central America the Aztecs had a large powerful empire, while along the eastern coast of North America Indians lived in smaller tribes and subsisted by both agriculture and by hunting and gathering. Farther south the Mayas and Incas had advanced civilizations that had progressed far in mathematics, astronomy, and engineering. In the western part of North America nomadic tribes roamed over the Great Plains in search of buffalo and other game and often came into conflict with other tribes over the use of their hunting grounds.

When game became more scarce, perhaps due to over-hunting or from other causes, many American Indian groups turned to agriculture as a means of subsistence. In so doing American Indians became perhaps the best farmers in history, developing new crops and refining farming methods that they later shared with the colonists from Europe. Dozens of foodstuffs consumed in the world today, including corn, potatoes, various beans, squash, and so on, were developed by Native American farmers. When the European colonists first arrived, their survival often depended on their adoption of Indian hunting and farming practices.

Indians also understood the use of natural medicines and drugs, and many of their healing techniques are still used by medical people today. Indian foods, especially corn and the potato, transformed European dietary habits, and in fact the impact of the potato on Ireland's population was so great that it eventually led to the great wave of Irish immigration to America during the potato famine of the 1800s.

A thorough investigation of Native American cultures, including those of North and Central America, is an apt subject for lengthy study; the literature on pre-Columbian America is rich indeed. What is important to know is that Indian and European cultures affected each other profoundly, a phenomenon that has been called the Colombian Exchange—the exchange of habits, practices, living techniques, and resources between the Indians and the Europeans.

The Native American cultures in the Western Hemisphere found their societies disrupted or even destroyed by the impact of the Europeans, some of which was deliberate, and some of which was a result of the transmission of diseases to which the American Indians were not

immune. The introduction of firearms, alcohol, and other European artifacts also had deep and unpredictable effects. But the impact of the Indians on European culture was also deeply significant.<sup>2</sup>

For reasons that are not fully understood, some groups of Indians vanished without being affected by the Europeans. One such group were the Anasazi of the southwestern United States. They built spectacular dwellings in the cliffs in New Mexico; some of their settlements carved into the rocks contained hundreds of rooms. But somewhere around the year 1300 they left their rock palaces, never to return, for reasons yet unknown.

## Native Americans and Europeans

Ironically, in North America the presence of the native cultures made it possible for the first English settlers to maintain a foothold on the new continent. The Jamestown colony and the New England Pilgrims certainly owed their mere survival to the help and assistance of Indians. The Indian cultures that the Europeans encountered were in many ways just as sophisticated, or in some instances even more sophisticated, than the European cultures that arrived in the first ships. The Indians never thought of themselves as inferior to whites; in fact, the opposite was often the case.



The arrival of the Europeans also upset the balance of power among the North American Indian tribes, both in the eastern woodland regions and later on the Great Plains and in the deserts of the Southwest. Europeans frequently had a romanticized view of the Indians as “noble savages,” and some Europeans believed them to be one of the ten lost tribes of Israel. In eastern tribes women frequently held power, and in fact some were tribal chiefs. Despite the Native Americans’ obvious survival skills and social organization, Europeans often rated Indians as inferiors, which then justified their harsh treatment of the Indians later on.

Probably the greatest misunderstanding between Europeans and Indians was their differing concepts of land, or land ownership. The European believed that you could drive four stakes in the ground, parcel off a square of land, and claim ownership of that piece of ground. Such individual ownership of a section of land was completely alien to the Indian way of thinking. Certainly Indian tribes fought over the use of land on which to hunt or fish or even practice agriculture, though the agricultural tribes tended to be less warlike than hunting tribes. But the idea of “ownership” of land was something they did not understand. For some Indians the land itself was sacred, held as a mother goddess. For many Indians the idea of plowing soil to plant crops was as good as blasphemy, and many aspects of nature—rivers, ponds, even rocks—performed similar functions as the saints in Christian cultures. Even after they had made deals with the Europeans for the purchase of land, the meaning of what they had done was often unclear, which led to further conflict.

Many Indians tribes were traders and had built complicated economic relationships with their neighboring tribes, so they understood the idea of commerce as it existed within their own system of barter and exchange. The European impact on this trading culture was often destructive, however, as the Europeans sought to trade and exchange different kinds of goods from what the Indians were used to.

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<sup>2</sup> For more detail on the clash of cultures, see Jared M. Diamond, *Guns, Germs and Steel: The Fates of Human Societies*. (New York: Norton, 2005)

The nature of warfare also illustrated cultural differences and heightened the conflict between Europeans and Indians. Native Americans fought hard, and the ability to sustain pain and suffer physical punishment with stoicism was a sign of honor. The booty in Indian warfare often took the form of captured women and children of enemy tribes, especially when the population of an aggressor tribe was threatening for some reason. Thus many Europeans saw Indian ways of warfare as primitive and barbarous, while Indians in turn thought European practices such as hanging were destructive of the soul.

Despite all the conflicts, in certain ways the Indians benefited from the contact with the Europeans. The horse, for example, had become extinct in North America long before the Spaniards arrived. But when the Spaniards brought their superior breed of Arab horses to North America, the Indians of the Southwest took to the horse with amazing speed. The horse transformed the culture of the Plains Indians almost immeasurably; consider the difficulty of tracking and killing a fast-moving buffalo on foot, compared with the ability to run one down on horseback. Plains Indians became the greatest light cavalry in the history of the world. Armed with rifles or bows and arrows, Plains Indians could hold their own against any cavalry detachment anywhere on the open plains. That they eventually succumbed to the superior military power of the United States was less a factor of individual skill than it was of organization and numbers.

The history of the interaction between the Indians and whites begins with Columbus, and the story is a long, tragic tale of greed; relentless pushing, shoving, and grabbing of land; insensitivity; xenophobia; and even genocide. The cultural differences between Indians and Europeans and their American descendants continue to this day. As we go through the history of Americans and the United States, we will pick up the thread of this story again.

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### **Overview of Early American History, 1607-1865: A Beginning, a Middle and an End**

One way to look at history—perhaps the easiest way—is to view it as a narrative. Rather than trying to learn history as a series of more or less unconnected events, if we see it as a story with a plot, much as a novel or a movie, we can grasp the big picture as a frame in which we can look at particular events.

Early American history is indeed a story with a beginning, a middle and an end. The plot of the story is full of interesting characters, conflict, resolution of conflict, successes and failures, more conflict and more resolution. Since we know the end of the story of early America, as it turned out in 1865, the dramatic tension may be slight. But while it was happening, the outcome was uncertain, and in no way inevitable.

*In the beginning they came—in a trickle at first, and then a growing tide of humanity escaping from the frustrations of life in the old country.*

*They saw—they liked what they saw, and more came and spread inward and up and down the coasts, along rivers, into the valleys and over the mountains.*

*They conquered—they conquered their loneliness, they conquered the land, they conquered the rivers and the fields and the forests, and they conquered the natives. And within 150 years the first part of the American story was ending, and a new chapter was beginning*

## **The Plot Thickens**

The second part of the story is that of revolution, which began when the frustrations of Europe reached America's shores. The new country and the old country had parted ways—partly because of distance and the newness of life in America, but also because the old systems did not work here. Life was different, labor was more valuable, land more plentiful, opportunities less restricted. Although the differences between the Old World and the New were not at first irreconcilable, they were sharp. Had relations been managed better from the British side, and had Americans been less impatient, things might have been resolved peacefully, although the eventual independence of America over time must be seen as having been inevitable. In any case, the protest began, spread to open defiance and finally to armed rebellion, and the war came.

The revolutionary war was not the bloodiest in American history in absolute terms, but in terms of its impact on the population, the percentage of people who participated and died, it was a great war. It was fought badly for the most part on both sides, and although George Washington was not a great general on the model of Napoleon, Julius Caesar or Robert E. Lee, he managed to hold the cause together until the British tired of the game. With help from the French and pressure from the other European nations, the British let go of their rebellious cousins.

The second part of this chapter was the creation of a government and a nation. Compared with conditions which have accompanied most modern revolutions, the Americans had the extraordinary luxury of a period of six years during which Europe ignored the new nation. Absent any threats from without, America was allowed to find its own constitutional destiny. The original government created, the Articles of Confederation, could not have lasted as the nation expanded—there was too little power at the center; something more substantial, more permanent, more profound was required, and in Philadelphia in 1787 what has been called a "miracle" was wrought, and the Constitution was written.

Under Washington's leadership the new ship of state found its way, though the waters were often rough and choppy. Turmoil erupted in Europe just as the new government under the Constitution began, and the French revolutionary and Napoleonic wars threatened the stability of the nation. But with firm hands on the helm, the ship kept on course and did not founder.

The first great test came in 1800, when political power changed hands peaceably for the first time in the modern world. So tense had been the politics in the 1790's that at least one historian has opined that the nation might have descended into civil war, had Jefferson's Republicans not won the election of 1800. With that victory a new phase of American history began—the Jeffersonian-Jacksonian era.

During Jefferson's two terms as president the nation spread and prospered, but also slowly

drifted towards war. His successor, James Madison, challenged the British, and the War of 1812, sometimes called the second war for independence, was fought. Again, it was fought badly if valiantly by the Americans, but the British, fatigued from years of struggling against Napoleon, were willing to call it quits after having punished the Americans by burning their capital.

Then followed what has become known as the “era of good feelings,” although sectional tensions over economic issues, including slavery, were developing underneath the placid surface. In 1828 a new revolution was underway. The “Age of Jackson” is also known as the age of the common man—American democracy spread from wealthy landowners to virtually all adult white males. During the 1820s and 30s American democracy move forward at a steady pace, even as it left women and blacks behind. In 1831 Alexis de Tocqueville visited America and wrote his famous “Democracy in America,” an explanatory history of the nation which emphasized the spirit of egalitarianism that pervaded everything American, with the notable exception of slavery.

The final chapter in early American history began with expansion, which led to further struggles over slavery and how to deal with the peculiar institution. War with Mexico expanded the country to the coast and opened new areas of conflict. The most difficult issue to resolve—largely because it was embedded in the Constitution—continued to be slavery. Through the 1850s virtually every public issue of national import was related to it, and as 1860 approached, the tension on both sides became unbearable.

The election of Abraham Lincoln in 1860 signaled the beginning of the end of early American history, and the greatest war our nation has ever indulged in began. It was fought with the ferocity only possible when brother fights brother and friend fights friend. The devastation in the South was enormous, the losses grievous on both sides, but in 1865 the end of the end came when Lee surrendered to Grant at Appomattox.

Thus the first half of American history drew to a close, and as northerners and Southerners buried their dead, they looked ahead to new and unforeseen challenges as America entered the modern world.



# Part I: Colonial America, 1607-1763

## Introduction to Colonial American History

Historian Page Smith produced the only full-length history of the United States written by a single author in the 20<sup>th</sup> century. His *People's History of the United States* covers the time from the American Revolution through World War II in eight volumes of 800 to 1,000 pages each. I have found him to be a thoughtful, careful historian who sees beyond the mere chronology into the deeper meanings of historic events. In his first of two volumes on the American Revolution he briefly describes the principal elements of colonization, then concludes as follows:

In this hasty review of the founding of the principal colonies, I have tried to convey a sense of the remarkable diversity represented in these ventures. A number of human varieties and social forms, some as old as England itself, others as new as the new commercial and mercantile spirit of the age, were planted in the virgin soil of the New World. There they would grow luxuriantly, each in its particular way, in a vegetative mold made up of new ideas and opportunities. There religious enthusiasm and rigid orthodoxy would shape one colony, while tolerance and a vigorous commercial spirit would place an unmistakable stamp on another. In the South, the best traditions of the English landed gentry would grow on the incongruous foundation of black slavery. In the North, the democracy of the New England village would be nurtured by a spirit that seems to the modern consciousness to be marked by simple religious fanaticism. America was like some strange new garden where all kinds of transplanted vegetables and flowers lived together in vigorous incompatibility, growing with astonishing speed in that fertile ground and developing, in the process, new strains and varieties. The New Englanders indeed liked the image of a new land of Canaan, a refuge for a new Chosen People; other colonists spoke of a Garden of Eden, a world of innocence where humanity might start anew. Perhaps it was this vision of a new world and a new opportunity that ran as a common theme through all the colonies. North or south, all reverberated to that grand chord, a silken thread that tied them all together and that, in time, would become a mighty rope.<sup>3</sup>

Smith's history of America is not what is sometimes called "triumphalist" history, meaning a history that celebrates everything American without being overly critical, even when criticism is warranted. Smith presents the American story without pulling any punches, warts and all, as it were. In the process he takes on some American myths and puts them to rest.



Myths about American history began with the colonial period, and we will discuss some of them as we proceed. Perhaps the first thing to discuss would be the so-called "push-pull effect," which would evaluate the colonial process both by what attracted immigrants to America and by the conditions in Europe that "pushed" them to leave their homeland. In England and in much of Europe, the poor were chronically unemployed, and opportunities to rise out of poverty were scarce; by comparison, almost any alternative might have seemed promising—Europe in 1600 had lots of push. On the other hand, conditions in early America were

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<sup>3</sup>Page Smith, *A New Age Now Begins: A People's History of the American Revolution*, vol. I, (New York: McGraw-Hill, 1976) 27.



difficult, to say the least, but the “pull factor” was helped by what can only be characterized as propaganda. Proprietors of the companies that sponsored American colonies quickly realized that settlers were needed if their investments were to show a return, and their efforts to recruit settlers made the New World appear far more attractive than conditions warranted. Thus the first myth which we might challenge is that of the New World as “Utopia—the land of opportunity.”

Despite Smith’s rather positive description above, he understands that the settlement of America was neither easy nor simple—the forces that brought colonists from Europe were complex, as were the many changes that being in a new, alien environment engendered in the colonists. The odds were high that those brave souls would meet an early death, either during the dangerous sea voyage—when storms often alternated with periods of little wind, when food and water would go bad and sickness rampaged through the passenger holds—or from disease, Indian attack, or even starvation once they arrived in the New World. They came for a variety of reasons, but all wanted a better life. Carving a better life out of the vast wilderness the early colonists found in North America challenged even the hardiest of those early pioneers.

### **Colonization of the New World: Early European Explorations**

The Spanish, Portuguese, and English were not the first Europeans to come to North America. As far as is known, the first to arrive on the continent of North America were from Scandinavia. The Norse explorer Eric the Red traveled through Greenland and founded a



settlement around the year 985. His son Leif Ericsson also explored the area of what is now Northeastern Canada and spent some time in that region. It is possible that Viking explorers sailed farther south along the Atlantic coast, perhaps as far as the Caribbean islands. Some evidence has been found in North and South America to suggest that other contacts occurred between North America and explorers from either Europe or Asia, but all such ideas remain in the realm of speculation pending further evidence.

In any case, Columbus’s journeys, conducted under the auspices of King Ferdinand and Queen Isabella of Spain, traditionally mark the beginning of the period of European settlement of the New World. John Cabot, Amerigo Vespucci, Ponce de León and others soon established territorial claims for Spain and Portugal, and Vespucci’s name was eventually attached to the continents of the New World. (He probably had a better publicist than Columbus.) But Columbus was the first to arrive after 1400.

The great irony of Christopher Columbus, of course, is that he never really knew what he had discovered; indeed, he never set foot on the continent of North America. Yet the first explorations of the area that eventually became the United States started from the Spanish settlements begun by Columbus in the Caribbean. The oldest settlement in North America is the city of St. Augustine in Florida. Spanish explorers such as Hernando De Soto and Francisco Coronado ventured widely into the southeastern and central parts of North America and as far west as Colorado and the Grand Canyon. It was Coronado’s men who introduced the plains Indians to the horse, which, as stated elsewhere, resulted in a remarkable transformation of their culture. Other Europeans such as Giovanni da Verrazano sailed along the east coast as far as New York harbor, and Frenchman Jacques Cartier sailed into the St. Lawrence River, establishing the French claims on what became Canada.

## English Colonization of North America

**General.** In the broadest sense the American colonial experience was not unique in history. Following the discovery of the New World by Columbus, the European nations—



primarily Spain, Portugal, Netherlands, France, and England—set out to build colonial empires based on certain assumptions: First, colonies would make them wealthy and powerful and give them advantages over their neighbors. Second, the acquisition of colonies would enable them to solve various social problems such as overpopulation (relative to available land and food supplies), poverty, and the crime that was often associated with chronic lack of work for the unemployable poor. Third, a general sense prevailed among prosperous members of

society that since the poorer classes knew they had little chance of improving their lives, which might tend to make them rebellious, colonies could serve as a sort of escape valve for pent-up frustrations. Whatever the motivations, most major European nations vigorously pursued colonial policies.

England began to venture out into the North Atlantic in the latter half of the 15th century, in search of gold and other precious metals, better fishing areas and, possibly, a short route to Asia, the mythical northwest passage. In 1585 Sir Walter Raleigh established the first British colony in North America off the coast of North Carolina—Roanoke Island off the coast of what is now North Carolina. Although the “lost colony” failed, it was the first step in the English settlement of the New World. Although little is known of the Roanoke colony, it was where the first English child born in America first drew breath—her name was Virginia Dare. (The story of the Roanoke Island colony, the “Lost Colony,” is replayed dramatically every summer in Manteo, North Carolina.)

The North American colonies were English for the most part, excepting Spanish Florida and French Canada. But those English colonies included numerous immigrants from other nations. Along the Delaware River was a small colony known for a time as New Sweden, and in parts of Pennsylvania there were more German settlers than English. French Huguenots came as well, and the New York colony started as the Dutch colony of New Amsterdam. Within the English communities one could find diversity of another sort—Puritan Congregationalists in New England, Catholics in Maryland, Anglicans in Virginia and the other southern colonies, Presbyterians in the regions settled by Scottish and Irish Protestants from Ulster (Northern Ireland), Jews in Rhode Island, Quakers in Pennsylvania, along with German pietists, and a smattering of Methodists, Baptists, and other Protestant sects throughout most of the colonies. Religious differences were more important than they are in the United States today, and were often the source of conflict. No matter the religious or ethnic makeup of each colony, whether they were proprietary colonies governed by entities such as the London Company, or Crown colonies under the direct control of the British government, all were governed according to British law.

### Why did they come?

We have already discussed the push-pull factor, forces operating in both directions, east and west. The English and other colonists who came to America voluntarily came for different reasons, but virtually all could be boiled down to one essential point: They wanted to improve their lives. Behind that self-evident fact was the additional idea that they had different backgrounds and different primary motivations. Some were seeking economic advantage—most of all, a chance to become landowners. The decision to emigrate was also often

spurred by conditions in England and elsewhere in Europe—during times of strife or economic hardship, the impetus for emigration was stronger than in good, stable times. Some emigrants were moderately prosperous, and saw the New World as an opportunity for investment that would allow them to move up a few notches on the economic scale. In general, however, the very well-to-do did not emigrate because they had everything to lose and could gain only at great risk.



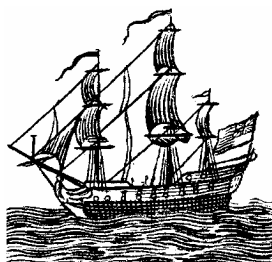
The very poor did not come at first because they had nothing to offer—no skills, no money for passage, and so on. To obtain a contract as an indentured servant, one had to have something to offer—a skill such as blacksmithing or farm experience or the price of passage—so the poorest of the poor, who were generally chronically unemployed and had no skills to speak of, tended not to be among those who came voluntarily. Later many poor people came against their will—some were prisoners who were offered a chance to go to America in lieu of a prison sentence, and others came as indentured servants, some sold into that temporary form of servitude by parents or families. Both convicts and indentured servants had a chance to succeed because labor was dear in America and they were valued far more than they might have been at home.

In 1618 the Virginia Company instituted the “headright” system, which guaranteed that any person who immigrated into Virginia or paid for another person to settle in Virginia would receive fifty acres of land for each immigrant. The person entitled would get a certificate entitling him to a tract of 50 acres. People already settled in Virginia would get two headright grant, or 100 acres. The purpose of the headright system was to encourage immigration, a measure of how valuable labor was where land was cheap. (The United States government later used a similar policy to stimulate settlement of the West.)

Things began slowly. By 1620 maybe 2,500 colonists existed in all the English colonies in North America. A great migration of Puritans and others occurred from 1630 to 1642. Because of the need for labor to “develop” America, as mentioned above, vigorous recruiting methods were used—inmates of jails and poorhouses were loaded into the ships. The fundamental economic fact about America was the opposite of what existed in Europe: America was land rich and labor starved—much of Europe almost an exact mirror image.

Some settlers came to America for religious freedom, to be able to practice their faith as they wished. But as we shall see, however, the desire for religious freedom did not necessarily mean the desire to have everybody share that freedom. In Puritan Massachusetts, for example, members of other faiths were not welcome. And in Anglican Virginia, it was virtually impossible up to the time of the Revolution for a minister other than Anglican to obtain a license to preach. Maryland became a refuge for Catholics, and the religious diversity of Pennsylvania was an exception.

### **Gradual Expansion: English and Other Colonies**



By the time the first English colony in North America was established in Jamestown in 1607, Spain and Portugal had colonized much of what we now call Latin America, and French and Dutch settlements were being established in the Caribbean area as well as in East Asia and elsewhere around the globe. The French and Dutch began colonizing North America as well soon after Jamestown was settled. By the time of the American Revolution, Great Britain possessed thirty-

one colonies around the world, including some—Canada, Florida, and New Netherlands, for example—wrested from colonial competitors such as France, Spain and Holland. Thus the American colonies in 1776 were but thirteen small parts of a vast colonial empire that had been growing since the 1500s.

(It may be noted that Great Britain acquired Spanish Florida in the Treaty of Paris of 1763 that ended the French and Indian War. But Florida had a negligible English population and did not participate in the Revolution. Florida reverted to Spain in 1783, and was later added to the United States in a treaty negotiated by John Quincy Adams with Spain in 1819.)

Acknowledging the debt Americans owe to the past, we can still assert that in many ways the American experience was unique, as are all national experiences. What brought about the American colonial experience? What was its character? What was the colonial experience really like?

### ***The Colonial Experience: No Free Lunch***

Imagine climbing aboard a ship in which you and about one hundred other people, mostly strangers, have not much more space than exists in your college classroom or perhaps a small house, carrying only as much personal property as you can fit into a medium sized suitcase. You sit in that ship in port for days or even weeks until suitable winds and tides take you out to sea, and then you toss and rock for more weeks or months, as food spoils, water becomes foul, people get sick and often die, storms threaten life and limb of everybody on board. If you survive that ordeal, you finally arrive on a distant shore, disembark with whatever provisions have not been ruined by saltwater, and set out to make yourself a life. Particularly in the earlier years of colonization, there was not much on those shores to greet you when you arrived.

Try to place yourself in that time:

- *Imagine: No hotel to check into, no shops in which to purchase what you need (even if you had money), no restaurants, hardware stores, or theaters—not even a 7-Eleven! But don't sell yourself short—people are adaptable, and those hardy colonial souls would be completely unable to comprehend our world.*

### **Who were They?—The Gene Pool.**

The second point about the colonial experience has to do with the people who came. Of all the things that can be said about the settlers who came to America, one thing can be claimed without much fear of contradiction: Those who came differed from those who did not. The settlement of America was not easy; consider the warning at the top of the list of instructions provided to colonists heading to America, "Make Thy Will!" The odds were very high that those brave souls would meet an early death, either during the dangerous sea voyage—when storms often alternated with periods of little wind, when food and water would go bad and sickness rampaged through the passenger holds—or from disease, Indian attack, or other causes once they arrived in the New World. The risk of failure was unavoidable, but overriding the fears that such conditions engendered was hope of improvement, willingness to gamble, to bet one's life on the chance of being able to make a fresh start. Those who were prepared to take the necessary risks came. Those who could not face those odds stayed home.

We should remember that what happened in the colonial world two to three hundred years ago helped to shape us into the nation we are today. Those early colonists were our spiritual

ancestors, and the things we admire in them are aspects of our own character that we would emphasize. Their flaws are often shared by us. If we wish to understand who we really are, we must know where we came from. The physical and emotional demands of colonization were such that one needed to be a certain type to try it—one had to be a bold, adventurous spirit, with a work ethic and a determination to prosper—and those traits became basic elements of the American character. In a real sense the broad outlines of the American experience were formed before the colonists left their homeland because of the differences between those who were willing to take that gamble and those who were not. Thus the first seeds of the American Revolution were planted among those early risk takers and their offspring.

We should remember that what happened in the colonial world two to three hundred years ago helped to shape us into the nation we are today. Those early colonists were our spiritual ancestors, and the things we admire in them are aspects of our own character that we would emphasize. Their flaws are often shared by us.<sup>4</sup> If we wish to understand who we really are, we must know where we came from.

**Summary.** Many came voluntarily, many came under duress of some kind. (We will discuss the African experience, which brought thousands of slaves to the New World, below.) Those who came voluntarily thought they could make a better living. They dreamed of finding gold or silver, or of a life that would reward them in ways that were impossible in their circumstances at home. Some felt oppressed by political conditions that required obedience to king, duke or other landlord, which many found intolerable and which often involved involuntary military service. Those who came involuntarily, aside from African slaves who were brought to America, included prisoners, debtors, young people who were sold by their parents or people who sold themselves into indentured servitude.

### **The Lives of Indentured Servants**

One method of addressing the problem of labor shortages in America was that of indentured servitude. An individual or a family wishing to migrate to America but lacking funds to pay for the voyage might offer their services by means of a labor contract under which they would agree to work for a specified period of time for whoever owned the contract. Such contracts were negotiable in the sense that they might be signed with the owner of a vessel heading to America who would then sell the contract to someone in need of labor. Needless to say, it was an imperfect system subject to various kinds of abuse.

The experience of indentured servitude was as varied as the people who practiced it, either as owners of their servants' time for a stipulated period or those whose time belonged to somebody else. Some indentured servants—say, a young married couple with skills to offer, the husband perhaps as a carpenter and the wife a seamstress—might make a decent bargain for themselves, and given a decent person for whom to work, come out of the experience with a little money, some land, an animal or two or perhaps a set of tools that they could use to start their own lives.

Periods of service varied from two or three to seven years or more, depending on all kinds of variables. Quite often, possibly in the majority of cases, indentured servants found their

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<sup>4</sup> In his *Freedom Just Around the Corner: A New American History 1585-1828* (New York: Harper-Collins, 2004), Walter A. McDougall describes Americans as having "enjoyed more opportunity to pursue their ambitions, by foul means or fair, than any other people in history." (p. 5.) Americans are hustlers, he says, in the good and bad sense.

lives less than ideal. Laws tended to protect the masters, punishments for laziness or attempting to run away were frequently harsh, and both men and women were subject to various kinds of abuse. For most, the period of indenture was most likely seen as a trial to be endured as best one could, with a reasonable hope of some sort of a stake in the future when the service was complete.

In some cases, very warm relationships no doubt developed between servants and owners, and indentured servants might find themselves more or less adopted into the family, perhaps through marriage or formal or informal adoption. Whatever the odds may have been at any given time for any person or group, indentured service was a gamble. When the contracts were signed in Europe, those offering themselves for service had little knowledge or control over who might eventually buy those contracts. If they survived the voyage to America, they then had to go through a period of acclimatization, and if they were not brought down by diseases to which they had never been exposed, then they had at least several years of hard work before they could again call their lives their own.

*Two documents about the experience of indentured servants can be found on the Academic American web site and in the appendix for this section.*

- *Letter of Richard Frethorne*
- *Journal of Gottlieb Mittleberger*

Both of the above documentary descriptions of the lives of indentured servants present an extremely negative view of the experience. In many cases that description would have been accurate. But by no means should we conclude that all indentured servants' lives were so afflicted.

Most of the cases of indentured servants probably fell between the extremes of abusive, exploitative contract owners and those who, with a generous spirit, for all practical purposes



adopted the indentures into their families. Where indentured servants got along well with the contract owners, both parties undoubtedly benefited. The host benefited from the labor provided by the indentured servants, and the indentured servants honed the skills they would need to survive on their own and built up some sort of equity upon which they could trade when their indenture was completed.<sup>5</sup>

We know little about the many individual cases of indentured servants, but we have a sense that many landowners in the later colonial period and in the years after the Revolution had risen from the ranks of those who temporarily sold their services to another person. The practice continued in somewhat modified forms well into the 19th century. Tenant farmers in the Reconstruction era had something like indentured contracts. And even in modern times, those who contract with an employer to provide services over a fixed period are entering into a similar type bargain.

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<sup>5</sup> Brief mention is made of indentured servants in the film "The Last of the Mohicans"—the family of John and Alexandra Cameron, whose farm is attacked early in the movie.

The point here is simply to observe that the Frethorne letter and the description written by Gottlieb Mittleberger do not tell anything like the whole story. As Page Smith makes clear in his history of the American Revolution, many poor people, including those sent to America as prisoners, managed to prosper because labor in America was so valuable. As Smith puts it, many of those prisoners "went straight."

Many prisoners were also sent to America by the English courts, generally as a means of ridding the mother country of the chronically unemployable or incorrigibly criminal. So many were sent in one period, in fact, that the governor of Virginia sent a letter of protest to England complaining about the influx of lawbreakers. Given the conditions of chronic underemployment and want, the vast majority of crimes at that time were property crimes, sometimes accompanied by violence. Many imported thieves, however, finding opportunities available in the New World that did not exist in the old, managed to become productive citizens. Others, of course, continued their disruptive ways, to the consternation of the colonial population and authorities.

## **Slavery**

The chronic shortage of labor in colonial America created an open door through which slavery entered. The impact of slavery on the American experience was profound, and its legacy has continued to be felt into modern times. Although it is been said that "slavery was old when Moses was young," in certain ways American slavery was unique. Although slavery in the American colonies began almost by accident, the institution soon took on a life of its own. In the southern colonies (later southern states), it became the focus of much conflict, eventually leading to the Civil War. The subject of slavery in colonial America will be covered in more detail below. (See page 40.)

## **Early Capitalism**

From mercantilist beginnings, America became the most successful capitalist nation in history, partly based on the Protestant (Puritan) work ethic and the notion that God helps those who help themselves. The institution of capitalism flourished in America with its valuable labor supply, seemingly endless natural resources, broad rivers and sheltered harbors, all of which fostered a booming trade both within the colonies and with the rest of the world.

The basic idea of capitalism is that one invests one's capital resources in order to increase wealth. The idea is no different from what occurs today when people invest in the stock market, rental properties or businesses. People who put part of their earnings into 401(k) plans are practicing basic capitalism. The early colonial stock companies were based upon the same principle. Investors in the London company expected that the colonial economy would make a profit, and that they would share in that profit. The fact that many investment ventures could not prove to be profitable does not undermine the basic theory. Throughout history businesses have failed; companies have gone bankrupt; schemes and scams have cost investors millions upon millions of dollars; areas of the market that proved extremely profitable for a time eventually ceased producing wealth; but over the course of the years, wealth has been used to create more wealth, and putting money to work has always had an appeal to investors.

Over the years people have tried to create formulas to ensure profitable investments, but capitalism is a human endeavor, and human beings, imperfect creatures that we are, do not always make wise decisions. As a result, the progress of capitalism has not been an upward

moving curve, but rather a jagged line with highs and lows, rises and falls. For the early colonists the most reliable form of investment was to engage themselves in hard work.

### **THEMES OF COLONIAL PERIOD: What do we take from our colonial ancestors?.**

Much that is uniquely American derives from the colonial period. To start with, we should recognize that the development of America was rooted in competition. Although the notion of “social Darwinism”—the idea that the laws of nature, sometimes characterized as survival of the fittest, does or should obtain in political and economic society—has been discredited. But life in the early modern world was often about survival, and survival involves competition, both as a personal and family level, and at higher levels of political society.

The early impetus for colonization in England was about competition with Spain and Portugal and later with Holland. In order to be great, England felt she needed colonies, not only in America but everywhere. The English had multiple goals: to produce, consume, and protect the British economy against weaker rivals, and to convert the heathens by carrying out the missionary spirit.

**Economic Forces.** The English colonies were also exercises in an early form of capitalism, which is essentially the creation of wealth through investment. According to historian Carl Degler, “The capitalists arrived in the first ships.” The growth of modern capitalism parallels the growth of America—in many ways America has been history’s most successful experiment in capitalism. That entrepreneurial spirit was seen not only in the investors who sunk their pounds into the chartered companies, but also in the colonists themselves. People in those times, not unlike today, wanted to improve the material quality of their existence, not so much out of greed or a desire to accumulate luxury items, but simply to make it the bare survival for existence less burdensome.

**Social Leveling.** Although the joint stock companies hoped that by investing in colonial enterprises they might get rich quick through the discovery and mining of gold and silver. But the colonists quickly discovered, sometimes more rapidly than their proprietors, that the real gold in America was the land—land that produced tobacco, rice, timber, and later cotton and other crops. Thus when the promise of profits from gold and silver did not materialize, the companies declared dividends of land, their only asset. The great problem in Europe was finding enough land for the people—in America, the reverse was true. The fact that labor was scarcer than land made it worthwhile to trade land for labor, which constantly undercut European notions of class differences: In Europe landowners were aristocrats; in America, landowners were beggars.

Despite the pressure toward egalitarianism, some elitism existed in the colonies. It was commonly felt that “God’s will” mandated that some people be rich, some poor. Social mobility was more possible than in England, but was still seen as threatening. (In New England at one point, wearing clothes above one’s station was considered a crime.)

**Religion.** The quest for religious freedom is often stated as a motivating factor in the colonization of North America, but its exact nature is often misunderstood. Our concept of religious freedom today means that people of all faiths Christian, Jewish, Hindu, Muslim, or any other, including those who lack faith, should be free to follow their own religious inclinations without interference from others and especially not from the government. During a time of colonization England and the rest of Europe were in the throes of monumental religious controversies. The religious tension was more than just Catholic and Protestant; Puritans, Presbyterians, Quakers, Methodists, Baptists and others all had their own particular forms of



worship and systems of belief. People who came to America in the 17<sup>th</sup> and 18<sup>th</sup> centuries were not seeking land of religious freedom for all so much as a land where they could practice their own form of religion free of interference from rival denominations.

One overriding theme of religion in colonial America was hatred of everything Catholic. Thousands of people died in Great Britain and elsewhere in Europe during the struggles between Catholics and Protestants, beginning with King Henry VIII's replacement of Catholic Rome with his own Anglican structure, a conversion that was later rejected by his daughter Queen Mary, who clung tenaciously to her Catholic faith.<sup>6</sup> When the Protestant Elizabeth came to the throne, she was constantly advised to be wary of Catholic suitors for her hand as well as Catholic threats to English sovereignty.

That religious tension was carried into the colonies, as much of British colonial policy—such as it was—was directed against Spain. Catholic Maryland was an exception to the religious exclusionism, but even there problems existed, as tension existed between Maryland and surrounding colonies. The famous Maryland act of religious toleration passed in 1649 was repealed before very long.

**Native Americans.** Native Americans were seen in various ways: The “noble savage” was a common characterization, though others thought of them as barbarians. As mentioned above, some religious groups saw Indians as a lost tribe of Israel. Both sides took from each other—both good and bad—in what became known as the “Colombian exchange.” In the end, tragically but almost inevitably, Indians were the losers in the colonial and later revolutionary experiences.

**The Social Contract.** Despite the hardships, colonization proved to be a study in the concept of the social contract: Survival conditions required contributions by all, regardless of birthright or other status symbols, and that need eventually made republicanism and later democracy a natural solution to problems of government. The colonists were gradually liberalized—they got used to doing things their own way. Experiments in communal living, however, failed.

In a word, colonization involved exploitation—exploitation of human and natural resources. Life was fragile, and the first step people took before coming to America was often making a will. Colonization had a fearful price; it has been said that more people died as a result of colonization and perished on all the beachheads of World War II. In one single year in Jamestown, 80 percent of the population perished.

Probably the most important point in considering the development of America was that the North American English as well as other European colonists were freer than their European counterparts. The colonists were European in character but were nevertheless different; early on they developed a sense of independence and to a certain extent contempt for authority. Americans did not have the luxury of holding onto the old ways because of “tradition”; they had to go with what worked. Flexibility was an American characteristic. The frontier experience tended to favor individualism and a certain egalitarianism. It mattered less who your parents were than how well you could survive.

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<sup>6</sup> The Thirty Years' War, 1618-1648, was one of the most brutal wars in history. It started as a religious conflict between Catholic and Protestant nations.

# The American Colonies

## VIRGINIA: THE LONDON COMPANY



The *Susan B. Constant* at Jamestown Historic Site  
—Photo by Traci Gerber

In 1606 King James I issue a charter to a group of investors to establish the Virginia Company. The company was formed into two groups, the London and Plymouth companies, and each was given rights to colonize the North American coast from south to north, with some overlap. The purpose of the companies was to help make England stronger and reap rewards for those who dared to “adventure” their capital—or their persons—in America. The company soon discovered that the gold in America was the land, but that money and labor were needed to exploit it. Therefore the company used various recruiting schemes in an attempt to lure more people to invest in and/or go to Virginia, but its only real asset was the land and

what could be produced on it. As has been noted already, the problem in Europe was finding enough land for the people: in America, the reverse was true—there was plenty of land but too few people to develop it profitably. The fact that labor was more valuable than land constantly undermined traditional European ideas of class and position in America; in fact, one can detect early seeds of rebellion and faint democratic stirrings even in the early colonies.

Many plans were used to try to increase the labor supply, including the use of Indians as slaves. The critical shortage of labor also contributed to the growth of slavery. While the Indians were excellent farmers, they did not take to slavery, and because they could easily escape, that experiment failed. Even as farmers, Indians were not as wedded to the idea of land ownership as Europeans; in fact, most Indians didn’t understand the concept of individual ownership of land. Furthermore, idleness was a virtue among male Indians. They often laughed at white men farming, or doing “women’s work.”

(It should be mentioned here that Africans did not take to slavery any more than Indians, but were much less able to escape, because they were in alien country and had no place to which they could safely flee.) The Virginia settlers were patriots, Christians, men seeking personal profit and betterment of their economic circumstances. They were urged to come “for the good of your country and your own, to serve and fear God . . .” Emigration to America became a selection process. The temperament and personality of the settler was that of someone searching for the unknown, escaping from the intolerable.

The goals of the companies and to some extent of the settlers were to secure a place, find gold, civilize the natives, and find a passage to India. Indians were seen both as laborers and as potential consumers of European goods: It was a form of economic imperialism, later called the “last stage of capitalism.” As it turned out, opportunities of all kinds were indeed plentiful, including opportunities for political power not available in England.

*Note: A class system did evolve in Virginia, which was the most aristocratic of the colonies; Virginians believed in rule by elite, though that elite might be based on achievement and wealth rather than by name or birthright. Virginia started as a “white male democracy,” in a*

limited sense, but that system also evolved. The Virginia House of Burgesses, established in 1619, is the forerunner of today's Virginia Assembly.

## The Jamestown Disaster

In May, 1607, three ships belonging to the London company, the *Susan B. Constant*, *God-speed*, and *Discovery*, arrived in the Chesapeake area under the command of Captain Christopher Newport. The ship put over 100 colonists ashore, and England had what would become its first permanent settlement in North America.<sup>7</sup> Things began badly. The location—in a swamp—had been a mistake, but even worse was the failure of the colonists to work together for the common good. Captain John Smith saved the colonists by imposing order, but conditions became so bad by 1610 that the colony was almost abandoned. As late as 1616 the colony seemed to be incapable of returning a profit to the investors. Eventually it went bankrupt and its charter was revoked.



Buildings inside the Fort at Jamestown  
Photo by Kathy R. Tennessee.

It is not clear why the Virginia settlers were so reluctant to work, but it may have had to do with attitudes from home. Because there was not enough work to go around, the chronic condition of English workers was one of underemployment. Even when work was available, it was cyclical or irregular. Furthermore, probably as a result of those conditions, English workers lacked what we would call a work ethic. People were used to being idle and were frequently short of basic necessities. The working poor lived marginal lives at best. They knew that there must be greener pastures somewhere, and many came to believe that "Utopia" could literally be found across the Atlantic. And so they came, by the hundreds, thousands, and eventually by the millions.

For an account of the difficulties in Jamestown, read the excerpt from Captain John Smith's "Generall Historie of Virginia," which was printed in 1624. He describes his own adventures but also offers a grim account of the "starving time." (Appendix)

*Summary: The Jamestown experience was ten disastrous years—every possible mistake was made and then some. Murphy's law was in effect—everything that could go wrong did go wrong, or so it seemed.*

### Jamestown Chronology

- 1606** Charter issued. (See Virginia Company Charter.)
- 1607** The first ships arrive. (See John Smith's history.)
- 1610** Company stock is open to public investors—membership cost 12 pounds.<sup>10</sup> By May 9 vessels with six hundred passengers are underway. Wealthy London merchants invest in hopes of making profits, but no one ever makes a farthing.

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<sup>7</sup> In August, 1607, at the Plymouth Company established a colony on the Kennebec River in what later became the state of Maine, but it failed within a year.

- 1609–10** A new expedition is shipwrecked underway, leaders lost. Survivors bicker among themselves; in this winter of horror, four-fifths of the colonists die.
- 1610** Lord Delaware arrives with reinforcements. The Company Council in London sees Virginia as a long-term investment that will pay off in national prosperity if successful. Thus raising additional funds is seen as a patriotic duty. By 1611 the purpose is understood to be the use and exploitation of land, which requires people.
- 1612** A new charter includes Bermuda as part of the London Company as an incentive. Company control is granted to owners and members, and the Council serves as liaison with the Crown. A new legal code guarantees rule according to English law.
- 1614** Settlers are now becoming “seasoned”—accustomed to the climate and more resistant to disease. The colony is somewhat more stable, after having nearly been abandoned a few years earlier.
- 1616** The colony was originally organized with community ownership of all assets. The settlers shared food, tools, products, jobs, and theoretical profits. In 1616, however, that experiment is terminated and assets are divided up among the members.
- 1616** *By now the trial and error period is over, and Jamestown begins to function as a cooperative enterprise. The leaders of the colony turn out not to be the well-born, but those who can function and survive in the wilderness.*
- 1617** About this time the headright policy is established, which awards fifty acres to investors willing to settle the land as well as fifty acres for each person they can bring over at their own expense.
- John Rolfe has been experimenting with various types of tobacco and develops a less biting strain than earlier types. Tobacco soon takes hold. Growing requires little skill, so landowners can do well if they can find people to work the crops. By 1688 Virginia is producing 18 million pounds of tobacco annually.
- Rolfe also eases tensions with Indians by marrying Pocahontas, the daughter of chief Powhatan.
- 1619** The first representative assembly in North America is created. Its purpose is to advise Governor Yeardley—the Company is struggling, so perhaps those on the scene can help with the management. The best way to get the cooperation of the settlers is by allowing them to participate in government in a limited way.
- 1619** A “Dutch man of war” drops anchor in Jamestown and trades twenty African slaves for food. (Lerone Bennett, *Before the Mayflower: A History of Black America*) Slave owners begin to establish the power structure and lifestyle of the southern colonies.
- 1622–23** An attack of the plague and raids by Indians nearly wipe out the colony—only twelve hundred are left alive by the end of 1623. The company is bankrupt and all support is gone.
- 1624** The London Company charter is revoked. Virginia become a royal colony, the survivors inherit the land in the colony, and within ten years own it free and clear.

## **Lessons of Virginia and Jamestown:**

- The Virginia Company charter determined the structure of the colonial government so long as it conformed to English common law.
- London established rules of conduct. The Charter was kept in London—Virginians never had as much freedom from control as New England.
- A steady money supply was needed to keep the investment going. Eventually that need was seen as throwing good money after bad, and the charter was revoked.
- A steady supply of people to settle and work the land was also necessary, but it was not an easy life, despite promises made to and by investors.
- In order to get people to continue to invest, it was necessary to promise a return on investment. Company officials kept “sweetening the pot,” but ultimately it was not enough.
- Capitalism was at the center of the early Virginia experience. The planters learned management and government systems that helped mercantile capitalism develop in America.
- Bottom line: Colonies are expensive to support and maintain; there is no easy road to riches. But the real “gold” in America is the land.

## ***Noted with Irony:***

1. *Without intervention of the Indians, the Jamestown colony would probably not have survived. Those same Indians later tried to exterminate the colony.*
2. After the charter was revoked and the colony became a crown colony, the survivors eventually inherited the land and became the wealthy Virginia planters, among whom were the famous “First Virginia Families,” whose descendants have been around ever since.
3. *Virginia was closer to England than New England—in religion, commerce, politics, economics. But in the early years, New England was healthier and stronger in many ways.*

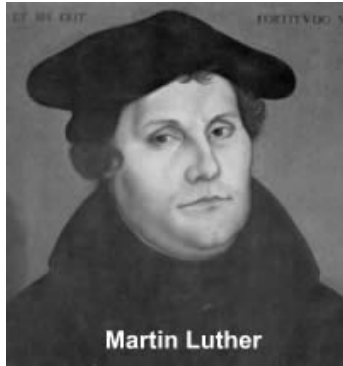
## **Bacon’s Rebellion Of 1676**

In 1676 settlers in western Virginia started a revolution against Governor William Berkeley, led by a recent immigrant named Nathaniel Bacon. The settlers in the Piedmont region of western Virginia were going through difficult economic times as newly arrived immigrants competed for good land. Frontier settlers were also still dealing with hostile Indians, and when the government seemed unable to respond to their requests for assistance in suppressing Indian harassment, the western citizens revolted. After fighting the Indians, they marched on Jamestown, led by the young firebrand Bacon. They drove Governor Berkeley over into Maryland and then set fire to the capital.

When Bacon suddenly died, the rebellion collapsed for lack of strong leadership, but repercussions were felt back in England, where even the king was aware of the uprising. When he heard of the punishments handed down by Governor Berkeley, who hanged twenty-three of the rebels, King Charles II complained that Berkeley had hanged more people than the king himself had over the execution of his father, Charles I.

The rebellion is an interesting forerunner of the American Revolution and pointed up the differences between Tidewater and inland Virginians. The episode also faintly foreshadows the rebellion of the western Virginia counties in 1861, who broke away over the secession issue and became the state of West Virginia in 1863.

## The Protestant Reformation in Germany and England



In order to fully understand American history one must have a grasp of the role that religion has played in the development of this nation. In fact, the history of religion in the Western world going back hundreds of years before the discovery of America has affected this nation down to the present time.

In the early 1500s, Martin Luther became scandalized by the degree of corruption he observed in the Christian Church. Today we refer to the church to which Luther first belonged as the Roman Catholic Church; at that time it was the only church that existed in the Western world, although Catholicism varied in certain ways from country to country. For all kinds of reasons stemming from the church having wielded extraordinary social and political pressure over the Western world for more than a thousand years, the corruption touched the lives of many people.

Luther was an extremely pious and devout priest, so much so that even on the day of his ordination, he was not confident that he was holy enough to be able to conduct his first mass. It is understandable that a man with serious concerns about his own holiness would be shocked to discover corruption in an institution he revered. What bothered him more than anything was the sale of indulgences, by which priests could forgive sins in exchange for donations of money.

Luther began to collect his complaints and finally delivered them in the form of ninety-five theses that he nailed on the door of the cathedral in Wittenberg, Germany. To say that his complaints were timely doesn't quite capture the impact; within one generation of Martin Luther's protest, Protestantism, consisting of a number of Christian sects that had rebelled against the leadership of the Roman church, had spread over much of northern Europe. As frequently happens in cases of revolution, after the initial upheaval was complete, the rebellion fragmented further into various segments. Thus the Protestant Reformation led to the creation of a variety of churches: Lutheran, Baptist, Methodist, Calvinist, and many other varieties. (More than one hundred different Protestant denominations exist in America today.)

Most interesting for American history is the fact that during the time when the Reformation in Germany was getting underway, a young English prince fell in love with his brother's widow. Henry and Arthur were the sons of Henry VII, the first of the Tudor monarchs. Under a treaty negotiated by Henry VII in 1496, Prince Arthur was betrothed to Catherine of Aragon, daughter of Ferdinand of Aragon and Isabella of Castile.<sup>8</sup> Arthur and Catherine were finally married in 1501, but soon after the marriage Arthur fell ill and died of tuberculosis. As he was only 15, it was claimed that his marriage to Catherine was never consummated, a claim which the widow supported.

Young Prince Henry, now heir to the Tudor throne, was in love with Kathryn and wished to marry her. At that time, however, it was considered incest for a man to marry his brother's widow, so Henry appealed to the Rome to nullify the marriage between Arthur and Catherine so that he would be free to marry her, on the grounds that Catherine's marriage to

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<sup>8</sup> When Ferdinand became king, Aragon and Castile were united into the Kingdom of Spain. Those were the two monarchs who sent Christopher Columbus on his journey in search of Asia in 1492.

Arthur was unconsummated. Pope Julius II, nervous over the fragmentation of his religious domain, was happy to grant an annulment to keep himself in good favor with the English monarch.

Upon the death of Henry VII, the prince became King Henry VIII, and his wife Queen Catherine. The story of Henry and his six wives is well known. Not so well known is the fact that several years into his reign Henry argued forcefully against the reforms of Martin Luther and defended the Roman Catholic Church from what he saw as false accusations. In recognition of his faithful service, Pope Leo X named Henry “Defender of the Faith,” a title borne by British monarchs to this day.



**King Henry VIII**

The story does not end there, of course. After twenty years of marriage to Catherine of Aragon, with no male heir to show for it, Henry became disenchanted with his wife. At the same time he was becoming attracted to a handsome young woman of the court, Anne Boleyn. The story of Henry’s infatuation with Anne is less important than the fact that eventually he sought an annulment of his marriage to Catherine on the grounds that the original annulment enabling the union had gone against the will of God. He claimed to believe that the reason he had no male heirs was God’s displeasure with the marriage.

Now the pope—Pope Clement VI—was in a difficult position; he was being asked to declare that the daughter of two powerful Catholic monarchs of the kingdom of Spain had been living in sin with the English king for some time, and that their child, a girl named Mary, was a bastard. In addition, Catherine’s nephew was Holy Roman Emperor Charles V, supporter of the pope, who would also have been outraged by the annulment. Undoubtedly aware of the political implications of his ruling, Pope Clement denied Henry’s request.

Infuriated and infatuated, Henry decided to break with Rome, and thus came about the English Reformation, so-called because Henry made himself head of the Church of England, which became known as the Anglican Church. Although the Anglican Church had formally severed its ties with Rome, the Anglican faith kept many of the trappings of the Roman Catholic religion, including the hierarchy of bishops. The Latin liturgy, however, was dropped in favor of English.

Because the church in Rome was a political as well as a religious force, and because the idea of the separation of church and state was not yet developed, Henry’s break with Rome led to conflicts between those in England who clung to the Catholic faith and those who adopted Protestantism. The conflict existed even among Henry’s closest advisors, a number of whom were executed for their resistance to the King’s will.<sup>9</sup> Henry’s daughter Mary, whose Spanish family remained staunch Catholics, kept to the Roman religion herself. Because tradition held that only sons could accede to the monarchy, Henry’s son Edward, daughter of Henry and his third wife, Jane Seymour, succeeded upon Henry’s death, even though he was younger than his half sisters Mary and Elizabeth.

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<sup>9</sup> The best known figure to be executed was Henry’s Chancellor, Sir Thomas More, author of *Utopia*. His story was told eloquently in the film *A Man for All Seasons*. The film won six Oscars, including best picture for 1988.

Edward VI became king at age nine and never reached majority. Toward the end of his reign, as his health deteriorated, the question of his successor was a source of considerable conflict. Mary Tudor, daughter of Henry and Catherine and still a strong Catholic, had a claim to the throne which was supported by the Catholic monarchs of Spain and France and her nephew, Holy Roman Emperor Charles V. The Pope naturally desired to see Catholicism restored to England as a bulwark against the further spread of Protestantism.

Factions in England who wanted to see the Protestant religion continued advanced other claimants to the throne, including Lady Jane Grey, granddaughter of Henry VIII's sister Mary. The events surrounding Edward's demise are clouded with mystery, but his death was concealed for a time in order to install Jane Grey, a Protestant who was barely seventeen years old, on the throne in order to block the accession of Mary. Lady Jane's supporters planned to have Mary arrested and placed in the Tower of London, but Mary got wind of the plot and foiled it. Nine days into Lady Jane's reign, Mary became the monarch with a great deal of popular support among the English people. Lady Jane was imprisoned and later executed, as were many of her supporters, on charges of treason, even though Queen Mary had promised clemency to young Queen Jane.

Queen Mary, who became known as "Bloody Mary," ordered many imprisoned Catholics to be released and had a number of Protestants opponents executed, since practicing the wrong faith was considered treason. In hopes of having an heir to thwart the accession of



Elizabeth I, "The Great"

her Protestant sister Elizabeth, Mary married Prince Philip of Spain, who eventually became King Philip II. Because of long-standing animosity between England and Spain, Mary's marriage was very unpopular with the people. She never had a child.

Upon Mary's death, Henry's daughter Elizabeth became Queen according to the Act of Succession of 1544. The issue of Elizabeth's potential marriage had enormous political import and dominated the first decades of her reign. The matter of a suitable husband was heavily debated among Elizabeth's councilors. The fact that many of her suitors were Catholics made the search for a possible husband politically explosive. Elizabeth remained, however, the "Virgin Queen" and never married. When it became apparent that she would not have an heir, the issue of succession again became critical. One claimant to the throne was Elizabeth's first cousin, Mary Queen of Scots, but the fact that she was Catholic led to Elizabeth's having her executed.

The struggle between Catholics and Protestants left a long and bloody trail through English and European history. Heretics<sup>10</sup>—those who professed the wrong faith—were burned at the stake, and the number of executions on religious grounds can only be estimated. The Thirty Years' War, 1618-1648, one of the bloodiest and most brutal in European history, was but one of many conflicts with religious overtones. The horrors of the Spanish Inquisition, the burning of witches, and depredations against Jews and others whose faith was in question are all part of the long and violent history of religious conflict in the western world. Lingering animosities have persisted into modern times,

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<sup>10</sup> The word "heretic" comes from a Greek root meaning to choose.



as evidenced by the violent conflicts between Catholics and Protestants in Ireland throughout much of the 20<sup>th</sup> century.<sup>11</sup>

### **The English Puritans**

Many English Protestants felt that Martin Luther had not gone far enough in his reforms and objected to the continuing “remnants of popery” that emanated from English cathedrals. Those Protestants insisted that the church be further purified of Catholic influence. The most vociferous of these were known as Puritans, who divided themselves into two camps, Puritans and Separatists.

The Puritans were those who stayed in England during the reign of Henry’s heirs, especially during that of Queen Elizabeth, the daughter of Henry and Anne Boleyn. They remained within the Anglican Church and worked to reform it from within. They were willing to conform to the political demands of the church, for church and state were one, because the king was head of both. To defy the church too openly was considered treason.

The Separatists, however, being more radical, were unwilling to continue to live under the domination of the Anglican church and sought their salvation elsewhere. One group of Separatists eventually moved to Holland and eventually became the Pilgrims who settled in Plymouth in 1620. The group we identify as Puritans were the great mass of people who came to America’s shores in Massachusetts Bay, beginning in 1630, during the reign of Charles I, who had little tolerance for Puritan ways. The influence of the Puritans and the Anglican faith and many other religious convictions that colonial Britons brought with them from England and other countries has become part of the legacy of American religious history.

### **The New England Colonies**

The forces that led to the settlement of New England both at Plymouth and Massachusetts Bay stemmed from the religious controversy begun by Martin Luther’s Reformation movement. When Luther attacked the church for the failings he perceived, he opened the door for even more radical theologians such as John Calvin and Ulrich Zwingli. They preached such matters as predestination and the need to rid the Protestant church—or churches, as was soon the case—of remaining elements of Roman Catholicism, the so-called “remnants of popery.”

Early in the 1600s a group of more the radical Puritans, “Separatists,” moved to Leyden in Holland for a time, but when they found conditions there not amenable to their religious convictions, they contracted to come to America under the aegis of the Plymouth Company. They were the famous Pilgrims who came over on the Mayflower in 1620.

The remaining Puritans discovered that although they had been able to get along under the relatively benign reign of Elizabeth I, they did not do so well under James I and his successor. (James had declared that he would make all his subjects conform to his religion or he would “hound them out of the realm.”) During the reign of Charles I the Puritans decided that the way to find the religious environment they were seeking was to go to America, where they could create a “New Jerusalem.” Thus the Massachusetts Bay Company was

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<sup>11</sup> The Irish “troubles” also had roots in succession to the monarchy, when Catholic James II was deposed in favor of William of Orange and his wife Mary. William led a victorious army in Ireland in 1690 against an army of James’s supporters. The Battle is still celebrated in Northern Ireland.

founded, and the great Puritan migration began. The first governor of the Massachusetts Bay Colony, John Winthrop, laid out the plans for the colonists in his "Model of Christian Charity." (See Appendix.)



John Winthrop

The New England experience was similar in some ways to that of Virginia, but with a much stronger emphasis on religious practice and a theocratic form of government. Virginia's Anglicans were also very religious, and the Anglican Church was "established" in Virginia, but it was not as intense as Puritan New England in matters of religion. Capitalism—the desire for material improvement—was part of the cultures of both Virginia and Massachusetts, but it is safe to say that capitalism tended to be the primary motive for all that happened in Virginia, whereas religious motives were more controlling in New England. Additional differences existed between Virginia and Massachusetts generally and, as time went on, between the northern and southern colonies, and those differences were the root of the sectionalism that would later divide colonies and country.

Both Virginia and Massachusetts came to be based on systems of governance that had roots in British philosophy, although those roots are easier to find in the New England case. Thomas Hobbes wrote in "Leviathan" that man first existed in a state of nature, where he was born absent any constraints and therefore could live in absolute freedom. Man in nature, however, lived "in continued fear and danger of violent death," and found that life was "solitary, poor, nasty, brutish, and short." Man's natural freedom therefore needed to be curbed so that civilization could develop, and because human nature was inherently sinful, man needed to be controlled by a strong authority to control man's wayward nature. In other words, in order to live together in harmony, men (and women) are required to give up a portion of their natural freedom so that society can function. For Hobbes, that controlling authority was a monarch who ruled by "divine right."

Later, philosopher John Locke wrote that in finding ways for controlling man, good institutions were needed, for man was a blank slate ("tabula rasa") at birth and his nature would develop according to the kinds of mechanisms that were used to control his baser instincts. Thus both Locke and Hobbes provided the fundamental concepts that shaped English and, later, American political philosophy, though Locke's ideas tended to support more republican forms whereas Hobbes leaned more toward absolutism. It was Locke who provided the philosophical basis for American democracy. He wrote, "every man, by consenting with others to make one body politic under one government, puts himself under an obligation, to every one of that society, to submit to the determination of the **majority.**"<sup>12</sup>

### **The Mayflower Compact: A Social Contract**

The basic idea growing out of the philosophy of Hobbes and Locke, later elaborated by Jean Jacques Rousseau, was the social contract, or social compact. That theory of the social contract—that man is born free, but willingly gives up some freedom in exchange for the benefits of civilization—is at the heart of most Western political thought. The social contract theory is embedded in our Constitution, which is designed "to promote the general welfare."

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<sup>12</sup> John Locke, *Second Treatise on Government*, 142.

Another example, as nearly pure and perfect as one is likely to find, is the Mayflower Compact. Looking at that document one is struck by its simplicity, yet it contains everything that



The Mayflower in Plymouth Harbor  
William Halsall, 1882

is essential in the United States Constitution—all that is missing are the details. In it they declared their intention to create “a civil Body Politick, for our better Ordering and Preservation.”

The Plymouth colony survived with the help of Native Americans and was later absorbed into the Massachusetts Bay colony. (See William Bradford’s Journal, Appendix.)

### **Massachusetts Bay: A Puritan Commonwealth**

How did the Puritans construct a society from scratch, based on religious belief? It was not easy, but the New Englanders did it. People have images of Puritans as somber, grim-faced people who eschewed pleasure in favor of hard work and sacrifice. That image is inaccurate.

Puritans were in fact very passionate people who lived their lives as fully as they could. They often wore colorful clothes, danced, and even drank “strong waters” on occasion. They believed that sex was a blessing from God to be enjoyed to the fullest, though within the confines of marriage. They had large families. What Puritans opposed was anything that wasted time or resources. For example, they thought gambling and card playing were sinful, not because they were inherently evil but because they wasted time.

Puritans worked very hard and saw themselves as stewards of God’s bounty—the so-called Protestant work ethic originated with the Puritans and is the source of folk wisdom such as “Early to bed, early to rise . . .,” “A penny saved is a penny earned,” and so on. Puritans believed that if one worked hard and pleased God, one would be successful in this life, so prosperity was seen as a good thing—a measure of God’s favor. Because it is safe to say that hard work will tend to make people prosperous whether or not God is involved, their prosperity—the “serpent prosperity,” as they came to call it—tended to dilute their intense religiosity. Their church became the Congregational Church, a religious system that emphasized local control and independence. Religion was closely connected with the Puritan political structure, so the congregational system spilled over into their civic institutions, which gave us the famous “New England town meeting”—a form of pure democracy, though the church itself was not democratically organized.

### **Another View of the Puritans**

Puritans have a bad name among most Americans. We think of them as dour, stubborn, cold, unfeeling, anti-romantic prudes who, in the words of H. L. Mencken, were “desperately afraid that somebody, somewhere might be having a good time.” When people think of the Puritans, they think of the Salem witch trials, Nathaniel Hawthorne’s “Scarlet Letter,” Jonathan Edwards’s fire-and-brimstone sermons, the persecution of Anne Hutchinson and other real and perceived wrongs. Yet alongside those real and alleged traits of intolerance, obstinacy, stubbornness and infuriating self-righteousness, there is far more to their story.

Much of what was important about Puritanism is very much alive in the U.S. today. Early in the 20th century the German sociologist Max Weber wrote a book called “The Protestant Ethic and the Spirit of Capitalism.” That Protestant work ethic to which Weber referred ori-

originated among the Puritans, who believed above all that their time on this earth should be spent in productive labor—the benevolent and efficient use of God-given resources; they were thrifty, industrious, and wedded to their religious beliefs. Furthermore, Puritans did not reject pleasure by any means; they were people who obviously enjoyed conjugal love—they had very large families.<sup>13</sup>

Puritans wore bright clothes on occasion, and they celebrated successful harvest, and drank alcoholic beverages. They sang and danced and made music, but they did so at times they considered appropriate, and always in moderation. They did not regard sex as evil, only that it should be conducted within the sanctity of marriage. In fact, once a Puritan couple were engaged, if they had intimate relations, it was not considered a fatal flaw. It was not uncommon for a Puritan bride to be pregnant at the time of her wedding.

The Puritan political system, which was rooted in their Congregational religious organization, also grew in the North and spread across the Midwest. In the New York village where I grew up, our population was under 5,000, yet we were fully incorporated political entity with our own mayor, police and fire departments, school system, public works department, and so on. Where I now live, in Virginia, we are governed by counties for the most part, which arises from the fact that colonial Virginia was dominated by the Anglican Church, which was organized in parishes, which in turn became counties. In other words, New England local government down to the town level, made famous by the “town meeting,” is a part of our political heritage that survives in substantial portions of the nation. Just as the Puritans rejected the idea of higher religious authorities such as bishops and cardinals and other—as they put it—remnants of popery, they resisted the power of higher authority, unless of course it was one of their own ordained ministers.

(The Puritans, after all, were on the Whig Parliamentary side in the English Civil War against King Charles I and the Royalists. During the subsequent period of Puritan rule under Protectorate of Oliver Cromwell, many Puritan colonists returned to England.)

Given the Puritan history of resistance to authority, it is no surprise that much of the revolutionary fervor which erupted in the colonies in the 1760s and 1770s had its roots around Boston. The British army was sent to Boston in the 1760s for the purpose of rooting out the seeds of the incipient rebellion. The “Intolerable Acts” passed in reaction to the Boston tea party were directed exclusively against the Massachusetts Bay colonists. Indeed, John Adams and other revolutionary leaders were descendants of those early Puritans and carried much of their spirit with them.

For these and many other reasons, the Puritan legacy is still with us—their blood runs in our veins, much deeper and stronger than many of us might wish to admit. On the other hand, there is much about their legacy that is positive—ideas of political and individual freedom, liberty, hard work, perseverance, dedication, stewardship: All those features of the American character are owed in great measure to the Puritans.

The Puritans believed beyond much doubt that they were absolutely on the right track. John Winthrop’s “Model” describes a society that, if the Puritans had been able to achieve it, would have been a reasonable facsimile of paradise on Earth. Being human, they could not sustain their religious fervor, nor live up to the idealized conditions Winthrop laid out, but they created a strong, vibrant society that prospered and influenced American behavior and attitudes far beyond their temporal and geographical boundaries.

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<sup>13</sup> One of this author’s Puritan ancestors had 107 grandchildren and 227 great-grandchildren!

## Highlights of the Puritan Era:

- For some time only those who were theologically acceptable could enter Massachusetts. The Puritans felt that rigid orthodoxy was necessary for their survival: “We believe in liberty,” they claimed, “and others are at liberty to stay away from us!” They meant to create a “New Jerusalem”—Winthrop’s famous “city on a hill”—and were willing to pay a high price to try to achieve that state.
- When the English Civil War broke out in 1640, Puritan life changed. Many Puritans, feeling that their time had come or perhaps wanting to get in on the struggle, returned to England. The center of the Puritan world shifted back to England, and the effects on the colony were sharp. Immigration into New England slowed markedly, and various adjustments had to be made to keep the colony thriving.
- By 1660 Massachusetts Puritans were concerned over the restoration of King Charles II to the throne. Stronger mercantile laws changed economic conditions in all the colonies, and in that decade the Puritans also adopted the “halfway covenant”—a sort of agreement that one was acceptable if one was at least trying to live the right kind of life—and numbers continued to grow.
- In 1684 the Massachusetts Charter was revoked, and Massachusetts became a crown colony. In 1686 James II issued a new charter for Massachusetts, Maine, and New Hampshire. Yet another charter was issued in 1691 by William III, which provided for two elected assemblies.

## The “New England Way”

The Puritan way of life consisted of a mixture of religion and politics based on the following principles called the New England Way. First, they believed in both personal and collective autonomy within each village or settlement. Their faith, which survives to this day, was known as Congregationalism. That gave them local control over both religious and political matters. The well-known New England town meeting was testimony to their idea of self-government. They recognized no higher authority than the Bible, the basis of much of their antipathy to the hierarchical structure of the Roman Catholic church. Along with their congregational approach to community, they believed in individualism to the extent that everyone should be able to interpret the Bible for himself or herself. That reliance on the Bible had an obvious effect on education and literacy for the since in order to interpret the Bible, one had to be able to read it. Teaching Puritan children to read was the mother’s job, which in turn gave women a strong voice in family matters.

Second, while the principles above might suggest that Puritans enjoyed religious freedom, that freedom existed only within very strict limits. Their communal approach to society meant that the community had the right to exercise control over individuals in order to promote the common interest. Thus rigid enforcement of rules and laws was necessary whenever the community was thought to be threatened from within or without. At the same time, they did not believe in unlimited government, for if man is conceived in original sin, how can he be trusted to exercise unlimited power over others? Although man had a one-on-one relationship with God, those whose interpretation of that relationship or of the Bible strayed beyond the bounds of Puritan orthodoxy could be punished, as Anne Hutchinson and Roger Williams discovered.

## Characteristics of Puritanism: Myth and Reality

- Myth: Puritan—someone who is desperately afraid that somebody, somewhere might be having a good time.

- Fact: Puritans were not somber, morose people. They wore colored clothes, had games, celebrations, feasts, partook of “strong waters”—had strong aesthetic sense in their architecture.
- Puritans were not opposed to pleasure, but saw its regulation as part of a well-ordered society. They were moral athletes who strove to standards higher than one had a right to expect. They drove themselves to great achievements—there was no rest short of the grave.
- Puritanism was very similar to Judaism—they saw themselves as spiritual heirs of Abraham—entered into a covenant of Grace—God’s chosen people who were creating a “New Jerusalem.” *“Never was a people so sure it was on the right track.”*
- Puritans were not high-minded theorists but rather pragmatic people who were concerned with the way things worked in the real world. They fought among themselves over power, not how many angels could dance on the head of a pin. They were indeed frequently narrow-minded, but that can often be a source of strength.
- Puritanism was a very comforting religion despite harshness because it placed God in charge and eliminated worldly vanities. The Puritans were bookish and literate: They created the first college, the first bookstore, and the first newspaper in America. *(See Anne Bradstreet’s poems, Appendix)*
- Marriage was for joy—to escape “burning” in hell; men and women were created different for each other’s pleasure; divorce laws were relatively mild, and separation could be based on sexual incompatibility.
- There was much premarital sex—about 10 percent of brides were pregnant at the time of marriage. *(Anglicans in the South were much stricter.)*
- Because Puritans expected very little from life, few of them were disillusioned. The world was filled with evil—it was not a playhouse but a workhouse.
- American individualism can be traced to the Puritans. Faith was their rock, but human intellect was highly valued: “Ignorance is the mother of heresy,” they said.
- The Puritans could be self-righteous and intolerant, although such tendencies have been exaggerated. Nevertheless, Puritans were hated by others. Their view of the world was very harsh: They saw the world as filled with depravity. Yet Puritans, Anglicans, Catholics, and Separatists were not that far apart; they shared many fundamental beliefs.
- The sermon tradition of Puritanism still lives (as seen in TV preachers today.) Puritan sermons were lengthy exercises in logic—more like legal documents than literary events. *(See Jonathan Edwards, Sinners in the Hands of an Angry God, Appendix.)*
- All government in the Puritan colonies was based on the shaky assumption that the Bible is clear and unambiguous, which is not true; controversy over proper interpretation of the Bible continues to this day.
- Laws were strict: Crimes included blasphemy, perjury (death), cursing of parents, idolatry, adultery, fornication. Laws followed commandments and Deuteronomy; they also wrote laws as existed back in England.
- Whatever the drawbacks, the church was the central unifying force in Massachusetts, which led to the famous town meeting. First held in churches, then separately, the town meeting is the “most remarkable if not the most influential institution to emerge in early America.”
- A connection exists between American public school tradition and the Puritans—also with higher education.
- Dissenters: Anne Hutchinson and Roger Williams both ran afoul of Puritan authorities and were banished from the colony. Fear of dissension also led to the Salem witch craze, a terrible event but one that had far more gruesome parallels in Europe.

**VIRGINIA-MASSACHUSETTS COMPARISONS.** *Differences are precursors of North-South differences of antebellum period.*

- Two different kinds of people emerged:
  - Massachusetts: People of proven ability at home
  - Virginia: People who could survive in wilderness
- Massachusetts aristocrats created democracy.
- Virginia planters replaced defunct London leaders.
- Massachusetts Bay colonists brought their charter with them, which gave them much firmer local control earlier. Congregationalism gave more local control.
- Burgesses and the assembly formed the basic political structure of Virginia. New England had the town meeting.
- Virginia became in many ways a model/miniature England—much closer than New England to the mother country, but still different. Maybe more conservative, much more self-conscious.
- The Virginia Assembly was the first democratic (republican) body in North America, but it began almost by accident in 1619. Charles I terminated the assemblies in 1624, but later authorized their return.
- Important precedent, including the idea of prohibition on taxes “other than by authority of the grand assembly.” Englishmen had always guarded their right to tax locally.
- Early, dogmatic insistence on self-government important in American political development. Representative government born in the 17th century (Virginia assembly and New England town meeting).
- Most New England immigrants arrived as members of a nuclear family in which the father exerted strong authority. They therefore found it easier to cope with the wilderness and to preserve English ways. It was even possible to reproduce an English family structure in New England because the sex ratio was about even.
- Life expectancy was longer in New England than in the Chesapeake colonies because climatic and economic conditions were more favorable there.
- New England families differed from the English pattern in only one important aspect—people **lived longer** in New England. This meant that parents could expect to see their children grow up, marry, and have their own children. New England may have “invented” grandparents, who gave an additional measure of stability to Puritan society.

### **Additional New England Colonies**

Not everything in New England was agreeable. The Puritans were passionate people with strong beliefs, and like all human beings, they had differing opinions on important matters from time to time. Although their thinking was rooted in the Bible, the Bible is sometimes ambiguous in terms of religious doctrine. Thus, when arguments arose, they could not always be resolved by resorting to Scripture. Within a few years of the settlement of Massachusetts Bay, various groups began to break off and establish new colonies. Because of the way New England expanded, the similarities among the New England colonies probably outweigh the differences. Throughout the 17th century, the New England colonies were dominated by the Puritan faith.

### **Connecticut**

Not all the motivation was over religious differences, however; the relatively rocky and unfriendly coast of Massachusetts was not as appealing as, for example, the Connecticut River Valley. Thomas Hooker was the pastor in Newtown, Massachusetts, in the early 1630s. Be-

cause of his differences with the leadership of the Massachusetts colony in the person of Governor Winthrop, Hooker decided to take his flock westward, and in 1636 his entire congregation set out for the Connecticut River Valley, which had been discovered by Dutchman Adrian Block some years earlier. Two additional congregations soon followed. Hooker quickly founded the town of Hartford at the confluence of the Connecticut and Park Rivers. Other groups from Massachusetts later founded the towns of Windsor and Wethersfield. The colony was granted a royal charter in 1662 as the Connecticut colony.

The Fundamental Orders of Connecticut were written in 1639. (See appendix.) Although the Mayflower compact had laid down the broad outlines of government, the Fundamental Orders filled in the details and became the first full-blown constitution written for government in America. They were adopted by the government of the colony under the 1662 charter. The orders contained no reference to the British government; thus the document occupies an important place in American political history. It was a more liberal document than that of Massachusetts, and is the origin of Connecticut's motto of "The Constitution State."

The colony of New Haven, led by the Reverend John Davenport, was founded in 1637, and Stamford was settled in 1641. Additional towns joined with them to create the New Haven colony. They were absorbed into the Connecticut colony in 1665. Eventually the settlers on the north shore of Long Island Sound also merged with the Puritans in the Connecticut River Valley. Although the Dutch colony at New Amsterdam had claimed parts of Connecticut, the English settlers eventually controlled the colony. Following a bloody war with the Pequot Indians, known as the Pequot War, the people of Connecticut obtained a charter from Charles II. As was the case with most colonial charters, the one restriction was that the laws of the colony must conform to the laws of England.



Roger Williams Statue, Providence  
[www.helloprovidence.com](http://www.helloprovidence.com)

## Rhode Island

The founder of the Rhode Island colony was Roger Williams, a dissenter from Massachusetts who had more liberal ideas than some of the Puritan fathers in the Massachusetts Bay colony. Williams first established Providence, which eventually merged with other settlements such as Newport and became the colony of Rhode Island. Williams obtained a charter from Parliament in 1643, which gave the colony the right to govern itself.

Williams believed in the separation of church and state, and thus is a revered figure in the history of American ideas of religious freedom. The colony attracted freethinkers of all kinds, including Anne Hutchinson, who was found guilty of heresy in her famous trial in Massachusetts. Although the government of Rhode Island was not fully democratic, the settlers nevertheless felt free to express themselves in various ways, with the result that Rhode Island was one of the more turbulent colonies.

Because of the conflict between King Charles I and Parliament that led to the English Civil War, Rhode Island's charter was declared invalid following the restoration of Charles

II. Rhode Island then got a new charter, which affirmed the rights granted under the first charter and included a land grant. It also declared that people should be free of any sort of persecution "for any difference in opinion in matters of religion." That provision reflected the



feelings of Roger Williams himself, and the idea continued to grow as the American colonies developed. So liberal was the religious posture of Rhode Island that Roman Catholics and even Jews were welcome in the colony. Rhode Island remained, however, something of an outcast among the rest of the colonies for its different ways. (Following the American Revolution, Rhode Island was the only state that did not send a delegation to the Constitutional Convention in 1787.) Yet the people of Rhode Island felt strongly about their views and defended their positions against the other New England colonies.

## **New Hampshire**

The territory that became New Hampshire was part of a 1622 land grant established by the Council for New England. The first small settlement was eventually expanded by colonists from Massachusetts. A number of small towns were created. They had difficulty establishing a system of government and remained under the jurisdiction of Massachusetts until 1679, when they were separated by the Crown. James II rejoined them again in 1686, but in 1691 New Hampshire became a royal colony. The colony grew slowly because of conflicts over land ownership, but in 1717 a group of Scotch-Irish settlers entered the colony and established the town of Londonderry, and a thriving textile business soon grew up. The western portion of the New Hampshire colony was also claimed by New York, which eventually won the territory, but later it broke off and became a separate colony of Vermont, which in turn became the 14th state in the Union. The territory of Maine remained part of Massachusetts until 1820.

## ***The Middle Colonies: New York, New Jersey, Pennsylvania and Maryland***

### **Maryland**

George Calvert, who became the first Lord Baltimore, was granted territory in the American colonies north of the Potomac River in 1632. The charter authorized the proprietor, Cecilius Calvert, the second Lord Baltimore, to recognize religions in the colony other than Protestants, and thus the Maryland colony became a haven for Catholics. The first Catholics arrived in 1634 and settled at St. Mary's in the southern part of the colony. The Virginia colony had established a trading post within Maryland's boundaries, leading to conflict between the two colonies, which was eventually resolved in favor of Maryland.

In 1649 Maryland passed its famous Toleration Act, which assured religious freedom to anybody who recognized the doctrine of the Trinity. A later assembly repealed the toleration act, however, and conflict between Catholics and Protestants within the colony continued until the early 1680s. Additional conflict arose between the Maryland and Pennsylvania colonies regarding the southern boundary of Pennsylvania. Two English surveyors, Charles Mason and Jeremiah Dixon, surveyed the line that eventually became known as the Mason-Dixon line, later recognized as a dividing line between slave and free states. Following the Glorious Revolution of 1688 it was thought that the Maryland colony would once again be turned over to Catholics, but in 1695 the capital was moved from St. Mary's to Annapolis, located in the more "Protestant" area of Maryland. For a time Maryland was a royal colony, but eventually the charter was restored and the fourth Lord Baltimore continued as proprietor.

### **New York**

In 1609 Henry Hudson explored for the Dutch East India Company in the Hudson Valley area, and additional exploratory journeys followed along the New York, Connecticut, and

New Jersey coasts. In 1621 the Dutch West India Company was founded, and its charter granted the company the right to colonize in the New World. The first permanent settlement of New Amsterdam was created in 1624, and Peter Minuet arrived in 1626 with a group of settlers and purchased Manhattan Island from the Native Americans for about \$24 in trading goods. He named the colony New Netherland. The Dutch settlements expanded up the Hudson River as far as Fort Orange opposite what became Albany. Large landowners were known as patroons and received favorable treatment from the owners of the company.

Although the British and Dutch had been on friendly terms for some time, the Dutch colony separated New England from Virginia; as economic competition between the two nations grew, the Dutch colony began to be seen as an impediment. King Charles II granted the territory between the Delaware and Connecticut rivers to his brother James, the Duke of York, but this claim challenged the Dutch claim of the same area. The authority of the Navigation Acts began to be enforced against the Dutch trading competition, and in 1664 ships of the Royal Navy sailed into New Amsterdam harbor and forced the Dutch governor Peter Stuyvesant to surrender. (*More about Navigation Acts below.*)

The Duke of York renamed the New Netherland territory New York, and although it was now under English control, the Dutch settlers were indifferent to the change in rule as long as they retained their holdings, as the period of Dutch rule had not been amenable to them. Soon large English landholders existed along with the Dutch patroonships. Seeking to strengthen his political position within the realm, James granted a portion of his holdings to

Sir John Berkley and Sir George Carteret, whose territory eventually became the New Jersey colony.



Both New York and New Jersey were exceedingly diverse with Dutch, Scandinavians, Germans, French Huguenots, and African slaves. To the south of New Jersey the colony of New Sweden was established on the Delaware River in 1637. Settlement began in 1638. Fort Christina, which eventually became the city of Wilmington, was the center of New Sweden. Settlers also moved into the area that bordered Pennsylvania.

Ties between the English and Dutch were once again strengthened by the marriage of the Dutch Prince William of Orange to James's daughter Mary. When James openly avowed his Catholic faith and was removed from the throne in the Glorious Revolution of 1688, the Crown was offered to William and Mary jointly and they acceded in 1689. When Mary died in 1694, William continued as King William III.

In 1735 an event occurred in New York that had significant implications for the future of the freedom of the press in America. The governor of New York lost a case before the Supreme Court of New York and subsequently fired the judge. Peter Zenger, a newspaper publisher, criticized the governor in his *New York Weekly Journal*, and the governor angrily ordered Zenger arrested for libel and that his paper be shut down. Defense attorney Andrew Hamilton of Philadelphia defended Zenger and obtained for his client the decision of the jury, which overruled the trial judge, a stunning victory for the liberty of the press in America, an important precedent that carried over into and beyond the American Revolution.

## Delaware

The Delaware colony, named for Governor De La Warr (who never set foot in the colony), was one of the most diverse of all the colonies, settled as it was by Dutch, Swedes, Finns and Germans, among others. The colony of **New Sweden** (1638–1655) was the first permanent settlement in the Delaware region, beginning with the expedition of 1637–1638, when settlers occupied the future site of Wilmington, Delaware. They named their settlement Fort Cristina in honor of the Queen of Sweden. In 1643 Governor Johan Printz of New Sweden established his capital at Tinicum Island within the present limits of Pennsylvania, where there is now a state park bearing his name. Although the first Dutch settlement in the area was wiped out by an Indian attack, more Dutch settlers later established farms along the Delaware River. Trouble broke out between the Swedes and the Dutch, however, and in 1655 Governor Peter Stuyvesant of New Netherlands seized New Sweden and made it part of the Dutch colony. In 1664 the English seized the Dutch possessions in the name of the Duke of York, the king's brother, during the Anglo-Dutch war of that period. English laws and civil government were introduced by the Duke of York's Laws in 1676. Delaware remained under Duke of York's jurisdiction until 1681, when title was transferred to William Penn, and although they shared a common governor, Pennsylvania and Delaware had separate assemblies.

## Pennsylvania

The founding of the Pennsylvania colony began when King Charles II awarded a charter in 1681 to William Penn, son of Admiral Sir William Penn, to whom the king owed a debt. The charter, the largest grant ever made to one man in America, was awarded in discharge of the debt on the condition that it would be named for the king's patron. The resulting Pennsylvania colony took shape as a refuge for Quakers, a radical sect that had been persecuted in England for their unorthodox views. The Quakers were pacifists who refused to pay taxes, did not respect social ranks, and were branded by Parliament as "dangerous."



Following the tenets of their founder, George Fox, Quakers found themselves unwelcome in the existing American colonies, especially in Massachusetts, where several of them were hanged as heretics. By the mid-1600s their members numbered in the tens of thousands, and by the time William Penn received his grant from King Charles, he was the best known Quaker in England.

The charter situated the colony to the north of Maryland, but the exact boundary was a bone of contention between Penn and Maryland's Lord Baltimore. It was not until 1767 that the exact boundary was determined by the English surveyors Mason and Dixon. As the proprietor of the colony, Penn was allowed to determine the shape of the government of Pennsylvania by establishing courts and judges and forming a militia; but the tax power under the charter was retained by Parliament. To expand his domains and give them access to the oceans, he purchased the three counties of the Delaware colony.

The first colonists arrived in Pennsylvania in 1681 under Pennsylvania's first appointed governor, William Markham. William Penn himself arrived a year later and began to build a city on the spot that became Philadelphia, soon to become the most important city in colonial America. Penn's approach to the Indians was unusual in that he believed that the Indians were legitimate owners of the land, and he was prepared to pay them a fair price for the

areas that Pennsylvania took over. Shortly after arriving, Penn made a formal treaty with the Delaware Indians and promised friendship with them. The treaty remained in effect for decades, and the Indians always considered the Quakers their friends.

In 1683 the colonial legislature of Pennsylvania had begun to function, and it passed laws granting citizenship in the colony to all free Christians. Penn temporarily lost his charter and his friendship with the Duke of York, who became King James II, because of issues relating to the Glorious Revolution of 1688 when James was deposed in favor of William of Orange and his wife Mary. Business affairs also kept Penn in England for an additional time, but when he returned to Pennsylvania he found that the economy had grown and changed considerably in his absence. To revise the government he turned the three counties that constituted Delaware over to the people of that colony to govern themselves.

Noted for its openness to various religions, the Quaker colony soon attracted large numbers of Germans fleeing from religious wars, as well as a stream of Scotch-Irish from the Northern Ireland province of Ulster. The Germans in particular were hardworking, humble, and pious people, many of whose descendants still inhabit Lancaster County, Pennsylvania, and surrounding areas. In their religious devotion, the German sects tended to be very much like the Quakers themselves. Their descendants, the Amish, still live peacefully in Lancaster County.



Benjamin Franklin

In 1723 an event occurred in Pennsylvania that did not seem significant at the time, but over the course of the life of the colony, it would grow in importance. In that year a young apprentice printer by the name of Benjamin Franklin arrived in Philadelphia from Boston. Franklin set himself up as a printer, a trade he had learned under the tutelage of his brother, James, who had started an early colonial newspaper. Franklin's business acumen soon made him wealthy, and he began to delve into a variety of pursuits, from politics and civic action to scientific experiments, which led him to inventions such as bifocals, the lightning rod and the Franklin stove. He also established the first lending library in America and served for a time as colonial postmaster general. He held several important diplomatic posts before and during the American Revolution. A leading figure of the Enlightenment, Franklin would help to

shape not only the colony of Pennsylvania but the destiny of the future United States. During the colonial era he was the most famous of all Americans. His last service to his country came during the Constitutional Convention of 1787. He died in 1790.

## **The Southern Colonies**

### **The Carolinas**

Many parts of the New World were explored before actual settlements were created, and the southern North American colonies were no exception. Giovanni da Verrazano visited the Carolina coast in the early 1500s, and Spanish explorers from Florida also traveled northward as far as North Carolina.

The first attempt to colonize North Carolina occurred in the 1580s under Sir Walter Raleigh. The first of these attempts failed, but the second colony was established in 1587 under the leadership of John White. This settlement on Roanoke Island eventually became known as the "lost colony." Because of Great Britain's preoccupation with the invasion of the Spanish

armada, the colony was left to itself for several years. When John White, who had returned to England, sailed back to the colony in 1590, no trace remained except for the word "CROATAN" carved on a tree. The colony is distinguished by the fact that the first English baby born in America was born on Roanoke Island; her name was Virginia Dare. Other than that, little is known of the colony or what became of it.

The early settlement of North Carolina occurred in the coastal region in the 1650s as settlers from Virginia drifted into the area, but the Carolinas remained thinly populated until French Huguenots arrived in 1704. In 1670 additional settlers arrived from Barbados in what became the area of Charleston, South Carolina, where the Ashley and Cooper Rivers join and flow into the Atlantic Ocean. Carolina received a charter in 1663, and the two parts—North and South—remained a single political unit until 1729, and though they were separated at that time, their histories are similar.

The chief sources of revenue for the Carolinas were labor-intensive crops such as rice, indigo, and (later) cotton, as well as exports of timber, resin, and tar from the thick pine forests. The city of Charleston, long the leading city of the South, was actually founded in 1680 and quickly became a leading economic center.

Although attempts were made to create an aristocratic government based on heredity in the Carolinas, the American colonies were not favorable to such a social structure. With seemingly unlimited tracts of land available for settlement, attempts to tie the lower classes to a landed gentry proved unsuccessful. Education was not pursued as vigorously in the South as in New England and Pennsylvania, although the wealthier landowners often sent their sons to school in England. Partly because of the more rural nature of the southern colonies, public education was more difficult to sustain. By 1750 the population of the Carolinas was more than 100,000.

The Yamassee War of 1715 between white settlers and Indians disturbed the peace of Carolina for almost a year, but the whites eventually prevailed. Later the people requested that their colony be made a royal colony; in 1719 that request was granted and the South Carolina charter was ended, turning the governance of South Carolina over to the Crown.

## **Georgia**

The last colony of the original thirteen was the southernmost colony of Georgia, named for King George II and established in 1732. Originally conceived as a buffer colony between the English settlements and Spanish Florida, the colony's founder, General James Oglethorpe, saw the territory as a refuge for former prisoners and working-class people. General Oglethorpe petitioned the King to allow prisoners, especially those in debtors' prisons, to be released and sent to Georgia. The Governor treated the people well, and they were very loyal to him. Oglethorpe rebuffed an attempt by Spain to reclaim the Georgia colony. He prohibited slavery in the colony initially, but from popular pressure it was eventually allowed.

## **Slavery in the Colonial World**

Early American history is a story of three cultures: European, Native American, and African. The impact of African culture on American society is indisputable. Because of the institution of slavery, which began in America in Virginia in 1619, great numbers of Africans were brought to North America against their will, and they suffered huge deprivations and oppressive conditions as part of their lives as slaves.

It is important to remember, as one African American historian has noted, that “slavery was old when Moses was young.” Slavery existed from ancient times well into the modern period, and, sad to say, in parts of the world slavery, or a condition very much like slavery, still exists today. None of that changes the fact that American slavery is the great paradox of American history. That a nation “conceived in liberty” could have been built on the backs of thousands of African slaves is certainly one of the most troublesome features of the American past.



The legacy of slavery continued long after its ending with the American Civil War. During Reconstruction and the times that followed, into the civil rights movement of the 1960s, the legacy of slavery has remained part of American culture. Of all the millions of slaves taken from West Africa into the Western Hemisphere, about five percent wound up in what became the United States. They came from all parts of the west coast of Africa, and the cultural differences among them were certainly as great as those of Europeans and Native Americans, yet almost all Africans were treated identically, not much different from beasts of burden.

Most slaves started as prisoners captured in African tribal wars or raids and were sold to white traders for transport across the Atlantic. The middle passage was notoriously inhumane, and the conditions in the slave ships were so intolerable that slaves often tried to commit suicide by jumping over the side or refusing to eat; anything was better than the horribly painful existence in the slave ships. (*See Middle Passage, Appendix.*)

When the slaves arrived in American trading centers, they were sold to the highest bidder, and to the extent that any human connections remained among the slaves, they were almost certainly broken. Little or no recognition was given to slaves’ families, let alone friendships.

The institution of lifetime slavery in America did not occur immediately. The first slaves to arrive in Virginia were treated more or less as indentured servants, and many of them eventually became free; some became landowners, and some of them, paradoxically, even became slave owners themselves. But within a few short decades, the lot of slaves had evolved into one of permanent lifetime servitude from which there was no escape, save by the voluntary manumission on the part of the owner, which was not likely to occur. Colonial America was chronically labor poor, and labor was valued highly, so slaves became an economic commodity whose monetary worth rose steadily as the economic fortunes of America rose.

One can understand the evolution of slavery by looking at the evolution of the Virginia slave statutes. By 1669 a code indicated that because corporal punishment was the only means of chastising a slave, and because no one would willfully destroy his own property, the death of a slave as a result of corporal punishment could not have been deemed intentional. Thus the death of a slave was not considered a felony, which meant that slave owners gained virtual life-and-death authority over their slaves. (*See Virginia Statutes, Appendix.*)

Religion was no consolation for the slave. Very early it was decided that even though slaves could be Christianized for the salvation of their souls, the fact that they became Christians

did not entitle them to freedom. In addition, the religious practice of slaves was monitored to prevent religion from becoming a call for liberation.

The daily life of slaves was hard. They were given the bare essentials for life: a place to sleep, clothing, enough food to keep them healthy enough for work. Luxuries of any kind were virtually unknown; they worked six or seven days a week, for most of the daylight hours. And although their health was often protected because of their economic value, they were worked as hard as a body can physically tolerate. African slaves increased in number through natural reproduction at approximately the same rate as whites for most of the colonial period. Thus relationships between male and female slaves were encouraged, and something resembling marriage was occasionally recognized; however, if economic conditions demanded, marriages were severed, and the selling of partners and children from the plantation to another location was common.

The literature of slavery is now vast. Many historians have examined the African cultures from which the slaves came. The slave cultures in the American South have been documented through slave codes and records of slave owners to the point where we have an excellent view of the life of the slave.

To say it was hard is inadequate, for it does not fully convey the agony that the slave existence could always be. On the other hand, life was difficult for everybody in colonial times, except for those who managed to accumulate some wealth and position. If one looks at the histories of indentured servants such as those contained in the documents for this part of the course, one can see that indentured servitude could also be a brutally harsh existence. The main difference seems to have been that for the indentured servant, there was a light at the end of the tunnel; eventually, if he or she survived, the indentured servant would become free, perhaps with a little property to get a start of one's own. But for the slaves there was no light at the end of the tunnel; they knew they would spend all their lives in slavery and that their children would spend their lifetimes as slaves as well.

Although many slaves were in fact eventually freed by their masters long before the end of slavery in 1865, no slave could reasonably expect to be freed except by the most generous masters in what could only be called unusual circumstances. As much of the literature has borne out, economic conditions for the slave owner, which were generally favorable, often took unexpected downturns, so that even when slave owners had an abundance of slaves, they would hold onto them as a hedge against more difficult times. Often those with more slaves than they could profitably employ rented them out to other plantations, or sometimes allowed them to work at jobs in villages or towns as blacksmiths or harness makers. The slave's wages would be paid to his owner, and if he were generous, perhaps a portion of that income would go to the slave himself.

We shall return to the institution of slavery later, but in the colonial period one sees the gradual adoption of slavery as an economic resource, devoid of human considerations, that would remain a major component of American history for two more centuries.

## **Religion and Early American History**

The religious origins of American colonization are very deep and are also part of the larger history of Christianity in the Western world. The Crusades of the Middle Ages are part of that story, for they helped to inspire the desire for exploration and contact with the Near and Far East. The Crusades also contributed indirectly to the forces that led to the Reformation, and such religious practices as the prosecution of witches, fear and oppression of here-

tics, and various other negative—as well as many positive—religious impulses were transmitted by the colonists across the seas.

The Protestant Reformation itself, begun by Martin Luther, is probably the single largest event that impacted on Europe and therefore on its colonies in modern times. The Reformation set off, among other things, a shattering conflict between the Roman Catholic Church and the different Protestant groups, a conflict that was often played out on bloody battlefields between nations that adhered to the Roman faith and those that had broken away. Lesser conflicts, such as those that continue to plague such places as Northern Ireland, Eastern Europe, and the Middle East, are further dimensions of that great religious struggle that has been going on for four hundred years or more. The troubles to which the Reformation gave birth played a direct role in the colonization of America, most notably in the desire of English Puritans to escape what they saw as intolerable conditions in England. That struggle in turn had its root in the English Reformation, by which King Henry VIII separated the English church from Rome. By that time Protestantism itself had further subdivided into different sects and churches, and much of the religious disharmony in the early modern period occurred among Protestant sects as well as between Protestants and Catholics.



Bruton Parish Church  
Colonial Williamsburg

Americans to this day are inheritors of traditions and ideals passed down from the early Puritan settlers. Early in this century the German sociologist Max Weber wrote a book called *The Protestant Ethic and the Spirit of Capitalism*. Under various rubrics—the Yankee work ethic, for example—those ideas of Weber’s are still with us, and they have their origins in Puritan New England.

From the Congregational religion, the Puritans also contributed to our political structure, initiating what became the “New England town meeting,” a still viable form of direct democracy. That localized means of government, whose origins were religious, helped define the way localities in that part of the country are governed to this day. Similarly, in the southern colonies, where the Anglican Church was dominant, the county, or parish, was the basic structure of church rule and therefore also of political rule. Government by county instead of by township or village is still the norm in much of the South.

Perhaps the most important legacy of religious attitudes that developed in colonial America was the desire of the colonists not to let religious differences infect the political process as had for so long been the case in Europe. Thus our First Amendment to the Constitution may be traced to colonial times as part of the religious legacy of that era.

To say that religion played a large role in American history is an understatement. The section you have read on the Reformation in Germany and England should have led you to understand that religion was an important factor in bringing early colonists to America. Whether they were Puritans escaping what they saw as Anglican persecution, Anglicans settling for the glory of God and country, German pietists, Dutch reformers, Quakers, Catholics or whatever brand of Christianity they practiced, many early colonists came here for religious purposes, and they brought their religious attitudes with them.

The varieties of religious experience in the colonies were widespread: Puritans in Massachusetts, who practiced the Congregational religion and made it part of their political structure; Quakers in Pennsylvania, whose faith influenced the way they treated Indians, and who issued the first formal criticism of slavery in America; Catholics in Maryland, who passed a



law of religious toleration, only to repeal it when religious conflict sharpened. All colonies had strong religious values and strict practices; even Virginia Anglicans accepted readily the notion that the state should support the established religion. A part of the taxes Virginians paid went to the parish to pay Anglican ministers and other church personnel.

The American colonists knew that religious wars had torn Europe apart from the time of the Reformation, including such bloody events as the Thirty Years War, the English Civil War, and the fights between Catholics and Protestants in France. All of these events convinced the colonials that if they brought their religious conflicts to America and allowed them to continue, their lives would become as full of bloody persecutions as those they had left behind. Gradually a sense of religious harmony began to emerge, and although it was interrupted from time to time in the course of American history (as when Irish Catholics began to arrive in large numbers in the 1800s), by the time of the American Revolution Americans had decided that they wanted a life free of religious strife. Just as Roger Williams, a dissenter from the Massachusetts Bay Puritan colony, argued that the state had no right to dictate religious practice to its citizens, many more leaders such as Jefferson, Madison, and others urged that a line of separation between church and state be established and made permanent, as was done in the First Amendment to the Constitution.

It would be wrong, however, to think of religion in America as a completely oppressive institution. Read, for example, the poetry of Anne Bradstreet and see how her religious faith could bear her up in time of great sorrow, such as in the poem she wrote on the burning of her house. Preachers such as Jonathan Edwards are remembered for their "fire and brimstone" sermons, and in fact the very term fire and brimstone comes from Edwards's "Sinners in the Hands of an Angry God." But if you study all of Edwards carefully, including some of those thundering sermons, you will discover that Edwards ultimately carried a message of hope and salvation, arguing that in spite of our sinful natures God loves all of us.

## **The Great Awakening**

The first truly American event during the colonial period, according to some historians, was known as the "Great Awakening," an event that took place in the early 1700s. This was a revival kind of experience where itinerant preachers, the most famous of whom was George Whitefield, traveled around from colony to colony urging the citizens to return to their faith in God. Jonathan Edwards, mentioned above, is also a figure associated with the Great Awakening.

The Great Awakening was the first of many periods of religious enthusiasm that seem to come and go cyclically in American history. Later on we will discuss the Second Great Awakening of the 1840s, out of which emerged, among other things, the Church of Jesus Christ of Latter-day Saints, otherwise known as Mormons.

A great controversy goes on among observers of American history as to whether God played a real role in the American Revolution and early history, or whether Americans rejected the whole idea of religion as a significant value in American society, as suggested perhaps by the First Amendment. If one searches the Internet for information about religion in America, one will find a variety of opinions, many of them quite strong. Struggles over religious belief have come down into modern times; religious fundamentalism is still a lively part of American life.

The conflict between America's concept of itself as a Christian nation and those who object to such formulations, both in the United States and in other places in the world, continues

to appear on the front pages of our newspapers and magazines. So one ignores religion and its role in American history at one's peril—its influence is profound and its effects varied, but its role has continued through the ages.

## **Religion and the Revolution**

Although the American Revolution was not fought over religious matters, the legacy of the religious strife in the world preceding the revolution provided the impetus for the American founding fathers to see to it that religion would not become a divisive issue in the new republic. Starting with George Mason's Virginia Bill of Rights, written in 1776, which stated that "all men are equally entitled to the free exercise of religion, according to the dictates of conscience," the state of Virginia and the nation followed a policy of keeping religion and politics officially separated. With the Virginia statute on religious freedom written by Thomas Jefferson, endorsed by James Madison, and enacted in 1786, the states gradually began to remove all connections between governments and churches. (*Note: Mason's Virginia Bill of Rights formed the basis for the Declaration of Independence and parts of the Constitution.*)

The First Amendment to the Constitution, which stated that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," although it did not apply originally to the several states, did nevertheless foster an atmosphere suggesting a wall between church and state. Anyone who follows current events even in the 21st century understands that religious conflicts have not disappeared from American culture. All the same, the steps taken by the founding fathers to minimize religious controversy have stood the country in good stead.

An additional note should be added here about the relationship of colonial American attitudes toward religion and the coming of the American Revolution. As discussed above, a large number of the colonists who came to America did so in order to be able to practice their religion freely, without interference from any higher authority. As we have seen, that desire for religious independence was not a cry for universal religious freedom, although in colonies such as Pennsylvania religious diversity was not only tolerated, it was encouraged.

As the colonists became ever more independent-minded in the 1760s and 1770s, however, it could not escape many of them that the British desire to increase its dominion over the American colonies was to be done with the complicity of the Anglican Church. The Anglican Church, after all, was the Church of England, and it was supported by English law with King George at its head. Thus the state controlled religion, and the Church of England helped the state control its people. This propensity to enforce political control through religious doctrine was recognized by the colonists.

As John Adams later noted in a letter to Dr. Jedediah Morse in December 1815, the "apprehension of Episcopacy" contributed to the revolutionary ideas percolating among the American colonists. He went on: "Passive obedience and non-resistance, in the most unqualified and unlimited sense, were [the church's] avowed principles in government, and the power of the church to decree rites and ceremonies, and the authority of the church in controversies of faith, were explicitly avowed." Thus was the power of Parliament, and the colonists soon began to see "that parliament had no authority over them in any case whatsoever."

With those ideas as background, Adams, Madison, Jefferson and others sought to ensure the American government would never be allowed to use religion as a device to ensure political control. Thus the separation of church and state, embedded in the Bill of Rights, was incorporated into the Constitution as yet another safeguard against tyranny.

## The Enlightenment and America

The period known as the European Enlightenment was also known as the Age of Reason, a time when the full scope of human existence was carefully examined, with an eye toward trying to perfect human society as much as possible. It was felt that the full application of man's intellect could rescue society from the forces of despotism. Encompassing the years 1715 to 1789, the Enlightenment was probably as important in America as it was in Europe. In that age of classical thinking, the European philosophers studied with great zeal the institutions of modern government with the same intensity with which scientists such as Newton had probed the mysteries of the universe and the worlds of physics and mathematics.

The German word for Enlightenment is "Aufklärung"—literally a "clearing up." It is a useful word because it helps explain what the Enlightenment tried to achieve. From the time of the scientific revolution that grew out of the Renaissance, human knowledge had been growing at an exponential rate, and the Enlightenment sought to draw on that knowledge in order to improve the human condition by improving man's institutions, including government.



Voltaire at his desk. --Engraving by Baquoy, 1795

In Europe the Enlightenment centered around the salons of Paris, famous for the "philosophes"—popular philosophers—such as Voltaire, Montesquieu, Diderot and Rousseau. From Paris to Berlin, St. Petersburg to Vienna, the rulers of that era became known as "enlightened despots," monarchs such as Frederick the Great of Prussia, Joseph II of Austria and Catherine the Great of Russia. Although they held nearly absolute power over their citizens for the most part, they nevertheless considered themselves to be modern and progressive in the sense that they listened to the popular philosophers of the time. Catherine, for example, corresponded with Voltaire for years and acquired many of his books for Russian

libraries. The philosophes offered ideas for reforming society, which led the enlightened rulers to attempt to govern in a way that reflected those uplifting ideas. In practice, society probably changed only modestly during the Age of Reason, but the ideas put forth were quite advanced for their time.

The great irony of the Enlightenment is that those political thinkers like Voltaire saw England as the most enlightened nation in Europe, yet it was the nation where the people first revolted—in the American colonies.<sup>14</sup> American political leaders such as Jefferson, Franklin, James Otis, John Adams, and others were heavily influenced by Enlightenment thinking. Indeed, it may be said that the most profound result of the European Enlightenment was Jefferson's Great Declaration, whose ideas were first expressed by George Mason, and which Jefferson himself claimed was a synthesis of American thinking.

Although the locus of Enlightenment thinking is generally considered to have been the salons in Paris and Berlin, the practical application of those ideas was carried out most vividly in the American colonies. The Enlightenment was important to America because it provided the philosophical basis of the American Revolution, beginning with the political thought of John Locke. The Revolution was more than just a protest against English authority; as it

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<sup>14</sup> Voltaire's *Letters on the English* was a collection of essays especially laudatory of English society.

turned out, the American Revolution provided a blueprint for the organization of democratic societies well into the modern age. And although imperfectly done, for it did not address the terrible problem of slavery, the American Revolution was an enlightened concept of government whose most profound documents were the Declaration of Independence and the United States Constitution.

To feel the full impact of the Enlightenment on America one needs only to look at the first inaugural address of Thomas Jefferson, who, along with Benjamin Franklin, is considered the American most touched by the ideas of the Age of Reason. Jefferson wrote:

*"If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."*

### **Women in Colonial America**

Early life in the American colonies was hard—everyone had to pitch in to produce the necessities of life. There was little room for slackers; as John Smith decreed in the Virginia colony, "He who does not work, will not eat." Because men outnumbered women by a significant margin in the early southern colonies, life there, especially family life, was relatively unstable. But the general premise that all colonials had to work to ensure survival meant that everyone, male and female, had to do one's job. The work required to sustain a family in the rather bleak environments of the early colonies was demanding for all, including the children, both boys and girls.



While the women had to sew, cook, take care of domestic animals, make many of the necessities used in the household such as soap, candles, clothing, and other necessities, the men were busy building, plowing, repairing tools, harvesting crops, hunting, fishing, and protecting the family from whatever threat might come, from wild animals to Indians. It was true that the colonists brought with them traditional attitudes about the proper status and roles of women. Women were considered to be the "weaker vessels," not as strong physically or mentally as men and less emotionally stable. Legally they could neither vote, hold public office, nor participate in legal matters on their own behalf, and opportunities for them outside the home were frequently limited. Women were expected to defer to their husbands and be obedient to them without question. Husbands, in turn, were expected to protect their wives against all threats, even at the cost of their own lives if necessary.

It is clear that separation of labor existed in the New World—women did traditional work generally associated with females. But because labor was so valuable in colonial America, many women were able to demonstrate their worth by pursuing positions such as midwives, merchants, printers, and even doctors. In addition, because the survival of the family depended upon the contribution of every family member—including children, once they were old enough to work—women often had to step into their husband's roles in case of incapacitation from injury or illness. Women were commonly able to contribute to the labor involved in farming by attending the births of livestock, driving plow horses, and so on. Because the family was the main unit of society, and was especially strong in New England, the wife's position within the family, while subordinate to that of her husband, nevertheless meant that through her husband she could participate in the public life of the colony. It was assumed, for example, that when a man cast a vote in any sort of election, the vote was cast

on behalf of his family. If the husband were indisposed at the time of the election, wives were generally allowed to cast the family vote in his place.

Women were in short supply in the colonies, as indeed was all labor, so they tended to be more highly valued than in Europe. The wife was an essential component of the nuclear family, and without a strong and productive wife, a family would struggle to survive. If a woman became a widow, for example, suitors would appear with almost unseemly haste to bid for the services of the woman through marriage. (In the Virginia colony it was bantered about that when a single man showed up with flowers at the funeral of a husband, he was more likely to be courting the widow than offering condolences.)

Religion in Puritan New England followed congregational traditions, meaning that the church hierarchy was not as highly developed as in the Anglican and Catholic faiths. New England women tended to join the church in greater numbers than men, a phenomenon known as the "feminization" of religion, although it is not clear how that came about. In general, colonial women fared well for the times in which they lived. In any case the leading role in the family practice of religion in New England was often played by the wife. It was the mother who brought up the children to be good Christians, and the mother who often taught them to read so that they could study the Bible. Because both men and women were required to live according to God's law, both boys and girls were taught to read the Bible.


The feminization of religion in New England set an important precedent for what later became known as "Republican motherhood" during the Revolutionary period. Because mothers were responsible for the raising of good Christian children, as the religious intensity of Puritan New England tapered off, it was the mother who was later expected to raise children who were ethically sound, and who would become good citizens. When the American Revolution shifted responsibility for the moral condition of the state from the monarch to "we, the people," the raising of children to become good citizens became a political contribution of good "republican" mothers.

Despite the traditional restrictions on colonial women, many examples can be found indicating that women were often granted legal and economic rights and were allowed to pursue businesses; many women were more than mere housewives, and their responsibilities were important and often highly valued in colonial society. They appeared in court, conducted business, and participated in public affairs from time to time, circumstances warranting. Although women in colonial America could by no means be considered to have been held "equal" to men, they were as a rule probably as well off as women anywhere in the world, and in general probably even better off.



## The American Colonies and the British Empire

It is useful to recall that until the beginning of the American Revolution (and even for a time after), many or most Americans were loyal subjects of their royal majesties, the kings and queens listed below. One of the great paradoxes of Western history is that although these British monarchs were not always everything their subjects wished them to be, they ruled reasonably well, and their subjects were among the freest and best governed in the world. Thus it is interesting that the first modern revolution of any size took place in the least likely country on Earth.

 <b>The British Royal House during the Period of Colonization</b>		
Elizabeth I (the Great)	1558–1603	Daughter of Henry VIII and Anne Boleyn, last of the Tudors
James I	1603–1625	James VI of Scotland, House of Stuart
Charles I	1625–1649	Deposed. Executed 1649—English Civil War
The Protectorate	1649–1660	Oliver Cromwell is Lord Protector; Son Richard Cromwell succeeds in 1658
Charles II	1660–1685	The Restoration; Cromwell removed
James II	1685–1688	Deposed in the “Glorious Revolution” of 1688
William and Mary	1689–1694	Joint rule. Battle of the Boyne—1690
William III	1694–1702	William is of the House of Orange (Netherlands) Succeeds on Mary’s death.
Anne	1702–1714	Last of the Stuarts. No surviving children.
George I	1714–1727	House of Hanover
George II	1727–1760	Seven Years’ War begins 1756
George III	1760–1820	American Revolution 1775–1783

### The System of Government

Virginia led the way in the establishment of a governance system that eventually applied to all the North American colonies. Charles I formally granted the Virginia colony the right to have an assembly in 1639, though one had been functioning off and on since 1619. The court system developed more slowly, and it was not really until the U.S. Supreme Court was created by the Constitution that the governmental triad (executive, legislative, judicial) moved toward the coequal circumstances that we now take for granted. All the colonies eventually developed the political apparatus shown below:

### The Colonial Governor

- Governors were appointed by the king, but were dependent upon the goodwill of colonists for pay, support, friendship, and so on.
- Most were sensitive to the needs of the colonists—they had great power, but were in the middle, and their authority tended to be undermined from both sides: Responsibility to the king could clash with loyalty to the colonists.
- Governors held power over various judicial officers, sheriffs, and others, all royal agents who tended to support the Crown.
- Although some governed well, in all the colonial governors were not an impressive lot. They were subject to the will of the Crown, but had few resources with which to enforce the mandates they received.

## Colonial Legislatures

- Colonial assemblies could pass laws, which had to be signed by the governor and sent to the king for approval. The process could be time-consuming, and colonists learned how to take advantage of loopholes in the system.
- As a result, the colonists got in the habit of doing things their own way—often as a result of royal neglect; many members served for a long time, and the process of selecting assemblymen was not always democratic.
- The monarchs overturned about 5 percent of colonial legislation—not much, but it was a constant irritant. Often vetoed laws would be immediately re-passed in slightly different form, and the whole process would begin again.
- Theoretically the legislatures did not have much power, but they dominated nearly every colony. They were not “local parliaments,” but the colonists began to see them as such. As we get closer to the Revolution, tension between the colonies and Parliament will grow.

## The English Side: The Royal “Privy Council” and the Board of Trade

- Until 1696 the principal body that dealt with colonial affairs was the royal “Privy Council,” private advisers to the King. They reviewed legislation and acted as a court of appeal.
- The Privy Council evolved into the “Lords of Trade” under William III, who were responsible for formulating colonial policy on an *ad hoc* basis.
- The Navigation Act of 1696 provided for the Lords of Trade and Plantations, which became known as the “Board of Trade.”

Because the colonial assemblies were quasi-democratic (in the colonies most white males who were free from indentures could vote), officials could not act without reference to public opinion. The assemblies held the purse strings of the government, and the governor could not rule without reference to their wishes.

*Note: Great Britain never developed an effective, centralized government system for her colonies. For most of colonial history, British policy was one of “benign neglect.”*

## The British Imperial Economic System: Mercantilism—or “State Capitalism”

*(Note: The term “state capitalism” may in other areas of economic theory have a meaning different from what is described here: All that is implied in this context is that mercantilism was essentially a capitalist system in which the mechanisms of trade were heavily controlled by the state rather than by market forces. Adam Smith’s *The Wealth of Nations*, published in 1776—a very interesting date for the history of capitalism—was an argument against mercantilism and in favor of free-market capitalism.)*

Mercantilism was a system by which the government deliberately controlled the economic affairs of the state in order to accumulate national wealth. The ultimate purpose of mercantile policy was to enhance national strength, provide self-sufficiency, and pay for military power. Mercantile theory came to include the notion that no nation could be great without colonies as sources of markets and raw materials. The British became especially dependent upon their colonial empire.



International economics was based on the idea of a zero sum game—at any given moment, only a finite amount of wealth exists in the world; therefore, the only way for a nation to increase its wealth is to fight for a bigger share. If one pictures all the wealth in the world or within a group of nations as a large pie chart, and acknowledges that although the whole pie may get larger, thereby increasing everyone's wealth, those changes at best are likely to be only incremental, at least in the short term. To rapidly increase one's wealth in the immediate future, one must accumulate new wealth at the expense of someone else. In other words, get a bigger share of the pie.

### **Principles of Mercantilism**

- A "favorable balance of trade" is the major goal—more exports (in terms a value, not quantity) than imports to bring wealth to the home nation.<sup>15</sup>
- Nations should concentrate on producing marketable goods—cash products. (Adam Smith advocates national specialization in *The Wealth of Nations*.)
- Nations should limit the importation of goods and services as much as possible so as to prevent the exporting of gold.
- It is necessary to accumulate silver and gold as bulwarks of national wealth and power.
- All the major nations were mercantilist; each European nation practiced some form of mercantilism. Spain tried to control metals, France regulated internal trade, the Dutch controlled external trade, and so on.

**Great Britain had four major aims** in its mercantile policy:

- Encourage growth of a native merchant marine fleet (which would include colonial ships.)
- Protect English manufacturers from foreign competition.
- Protect English agriculture, especially grain farmers.
- Accumulate as much hard money as possible. (Americans had to pay for everything with hard currency, which was scarce in the colonies. Instead, they often paid with tobacco or other goods in lieu of cash. Colonial paper was not legal tender in England. The coins that actually circulated in America were often Spanish or Dutch, if they could be obtained.)

*Note:* The American colonies were a small part of a worldwide system. Although the Americans occasionally chafed under the restrictions placed upon them, they rarely doubted that they benefited from being part of the Empire, with all its protections. For example, colonial ships sailed under the protection of the Royal Navy, no small thing in an age of piracy.

### **The Navigation Acts**

The mercantile system was controlled through a series of Navigation Acts. The thrust of those Acts was to keep profitable trade under British control in order to bring as much wealth as possible into English pockets. In general the Acts said that insofar as possible, goods shipped to and from English ports must be carried in English ships. Within the Empire (i.e., between the colonies and mother country), foreign vessels were generally excluded. These Navigation Laws were not pointed at the colonists but rather at the Dutch and others who "took" trade away from the British.

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<sup>15</sup> If a country exports five shiploads of grain but at the same time imports one shipload of expensive goods, it may still have a negative balance of trade.

*Note: The colonists had no objection to the Navigation Acts in theory, as they were not directed against colonies, but against Britain's competitors. They were seen not so much as taxation as regulation. (The issue of "taxation without representation" was not yet in focus.) Nevertheless, the colonists still found the navigation laws an irritant because in practice they tended to work for the interest of the mother country at the expense of the colonies. So Americans avoided paying duties whenever they could get away with it, which in fact was most of the time. It was too expensive for the British to try to collect duties in lightly populated America, a condition of which the colonists happily took advantage.*

The Navigation Acts also demanded that most raw materials be imported into England from the colonies in order to support British manufacturing. Conversely, the colonies were often prohibited from exporting manufactured goods to the mother country because they would compete with British manufactures. For a time, Virginia tobacco could be sold only in England, even though the Dutch might pay more for it. On the other hand, the growing of tobacco in England was prohibited.



The first major Navigation Acts of 1650 and 1651 forbade the importation into England of all goods except those carried by English ships or ships owned by the producing country, eliminating third-party carriers. Foreign ships were barred from trading in the colonies. It should be noted in all these acts that the colonies were part of the Empire, and thus colonial ships were British ships. Also, as stated above, these acts were not aimed against the colonies, but rather against the Dutch traders, who challenged British domination of the seas. Eventually these Acts led to war between the British and Dutch.

The second major Navigation Act was passed in 1660, and it forbade the importing into or the exporting from the British colonies of any goods except in English or colonial ships (with one-fourth of the crew British) and it forbade certain colonial articles such as sugar, tobacco, wool, and cotton from being shipped to any country except to England or some English plantation in order to keep them from competitors.

Additional Acts passed in the 1660s and 1670s sought further control of the kinds of goods that could be shipped to and from the colonies and the methods by which they could be shipped. Some of the Acts were also designed to tighten enforcement, as patrolling the lengthy coastline of America with its many bays and rivers was extremely difficult and costly. The net result was that the Navigation Acts, although rigorous on paper, were very loosely enforced, and the colonists became habitual offenders and smugglers.

In 1675 King Charles II designated certain Privy Councilors as "Lords of Trade and Plantations" in order to make colonial trade more profitable. From then until 1696, the Lords of Trade handled most colonial matters, though it must be said that colonial affairs ranked low on the King's list of priorities. The 1696 Navigation Act confined all colonial trade to English-built ships and tried once again to toughen enforcement procedures in order to collect duties. In addition it voided all colonial laws passed in opposition to the Navigation Acts and created the Board of Commissioners for Trade and Plantations. The Board's fifteen members were supposed to provide centralized control of colonial affairs.

### Some Navigation Acts (mercantile laws) and their application:

1621	Virginia tobacco can be sold only in England. English tobacco crop prohibited.
1650–51	Navigation Acts forbid import of goods except in English ships or in ships owned by producing country (no third parties.) Foreign ships were barred from the colonies. These acts and not anti-colonial, but aimed at the Dutch. The Anglo-Dutch Wars break out 1652; peace is reestablished in 1654.
1660	Provides for no goods in and out of colonies except in British ships or ships with one-fourth British crews; certain goods (indigo, sugar, tobacco) may be shipped only to England.
1662	Goods may be imported in English-built ships only
1663	Staples Act: European goods bound for the colonies must go in English-built ships from England. Colonial governors may grant authority to naval officers.
1673	Duties are to be assessed at port of clearance to prevent plantation owners from evading laws; also, inter-colonial duties imposed on tobacco, sugar, and so on.
1675	Charles II designates certain Privy Councilors as “Lords of Trade and Plantations”; seeks to make colonies more profitable; Lords of Trade handle virtually all colonial affairs.
1696	Act confines all colonial trade to English-built ships; toughens enforcement procedures to collect duties; voids colonial laws passed in opposition to the Navigation Acts; creates the Board of Commissioners for Trade and Plantations. The Board’s fifteen members provide centralized control.
1698	Wool Act—prohibits export of colonial woolen cloth—raw wool only.
1732	Hat Act—no hats exported from colonies. Danbury, Connecticut, hit.
1733	Molasses Act—protects West Indian planters; imposes high duty on rum; virtually unenforceable in the colonies because of smuggling—Americans very adept.
1750	Iron Act—bans iron finishing in colonies; ensures sufficient pig-iron supply to England.
1764	Sugar Act—The beginning of the pre-Revolutionary acts. <i>See next section.</i>

Additional navigation and Trade Acts in the 1700s raised further restrictions, and although not so intended, the Acts nevertheless alienated the colonists, who often suffered from them—in theory, if not in practice, because of lax enforcement. Colonial governors could enforce these acts only with difficulty, and even though various levels of authority were granted to naval officers, enforcement was expensive and, in the end, impractical. Although the seeds of revolution do not begin to take hold firmly until the 1760s, tension grew between the colonies and mother country throughout the early 1700s.

The English considered that their mercantile policies would benefit the Empire and necessarily all its many parts—(a rising tide lifts all boats)—and leaders were willing to sacrifice local interests for the broader market. This policy was not unreasonable in the main, and the colonists generally prospered under British mercantilism, though they sometimes failed to understand that restrictions were aimed at others, not at them. Bottom line: When acts were passed that aided the mother country at the expense of the colonies, the colonists tended to take it personally. On the other hand, mercantilism was practically impossible to enforce, especially in the thinly populated colonies. The volume of trade was so small that

aggressive enforcement of duties, for example, would not pay. Smuggling became a “respectable” profession in the colonies and paid off.

*Summary of Mercantilism: Economic Imperialism vs. Free Enterprise: Mother Country vs. Colony. What’s good for the Empire is good for all its parts—a rising tide lifts all boats.*

## **The Glorious Revolution of 1688**

When James II ascended to the throne, the English were afraid that he intended to return the nation to Catholicism. Parliament rebelled, and in the Glorious (bloodless) Revolution deposed James and offered the crown to his daughter Mary and her Dutch Protestant husband, William of Orange. They ruled jointly as William and Mary until Mary’s death, after which William ruled alone as William III. In America, James II had created the “Dominion of New England” in an attempt to control all colonies down through New Jersey. He appointed as governor of the Dominion the tough, unyielding Sir Edmund Andros, who supported Anglicanism and sought to enforce the navigation acts, both of which infuriated the Puritan New Englanders. When the Bostonians learned of the overthrow of King James, they rioted and chased Governor Andros out of town, and he was deposed.



William of Orange and Mary, daughter of King James II

The Glorious Revolution had long-term effects on America: The philosophy that emerged from the event, elucidated in John Locke’s *Second Treatise on Government*, became a cornerstone of American political thinking. The revolution (and Locke’s explanation and justification of it) undermined claims for authoritarian government and argued essentially that men (and women) had the inherent right to participate in their own governance.

According to Locke, people had certain rights—to life, liberty, and property—and the government was responsible for protecting those rights for all citizens. Locke’s thinking was invoked by Jefferson and the other founding fathers as justification for revolution and also as a basis for our Bill of Rights. Locally, the Revolution of 1688 helped propel the citizens of Massachusetts to overthrow Governor Andros.

Many new immigrants arrived in America during the period 1700–1750, increasing the population almost tenfold, a huge increase in terms of percentage. Many were non-English, including Germans and Scots from Northern Ireland, called Ulstermen (and later Scots-Irish). They settled heavily in Pennsylvania and migrated down through the Shenandoah Valley into Virginia and even farther south. The Ulster Irish had felt religious and economic oppression at the hands of their English masters and tended to be rebellious. When the time came for the Revolution, they fought the British in large numbers. From the ranks of the Ulster settlers came America’s first Irish-American president, Andrew Jackson.

Germans came in large numbers, and in parts of Pennsylvania they outnumbered the English. They were good citizens—hard working and peaceful—and their religious practice blended nicely into the Quaker colony. They often found themselves culturally at odds with their English neighbors, but the Germans, like the Ulster Irish, were more interested in finding prosperity than in quarreling with the English or worrying about religious issues.

## Colonial Wars and Wars for Empire

Beginning in the late 1600s, a series of wars swept across Europe, all of which involved the British and their American colonies. These wars were fought not only on the European continent, but all over the globe, both on land and at sea. Virtually every one of those conflicts saw fighting in America, pitting British regulars and colonial militia against French and Spanish opponents. The European components of those wars often dealt with issues of little or no concern to the Americans, but the colonists were often affected directly or indirectly by the outcomes, sometimes to their detriment. Americans often fought alongside British regulars and contributed significantly to gains on the battlefield, only to see the fruits of their efforts bargained away by treaties being made far across the ocean.

Native Americans were involved in these wars as well, and they fought on both sides. Most tribes sided with the French, who were more interested in trade with Indians than in colonization. Those who sided with the British may have recognized that the growth of British colonies meant that they would be in North America well into the future, and it would pay to be on their side. In either case, the Indians did whatever seemed to be in their own best interest; as often as not, they were caught in the middle and paid a price for it.

Each of these wars dealt with Empire—indeed, the last of them, which we know as the French and Indian War (the Seven Years' War in Europe) has been called the "Great War for Empire." The net result of all of them was that Great Britain stood alone in command of most of North America—at least everything north of Mexico and east of the Mississippi. The Indian threat, which had been made worse because of the Indian alliances with the French, was significantly reduced, and the Americans in 1763 could feel secure within their borders. From fighting in these wars the Americans gained military experience as well as a sense of strength. Though they were not ready for any sort of union by 1763, they had begun to realize that in serious matters they had more in common with their colonial neighbors than they had previously believed.

The colonial wars demonstrate how American history was constantly affected by events in Europe in the 17th and 18th centuries. When King Louis the XIV of France—the "Sun King"—came to power in 1660, he sought to increase French power in Europe by starting what became a series of dynastic and imperial wars. His belligerent attitude led to the formation of states aligned against France, the League of Augsburg, or Grand Alliance. When Louis invaded the Rhineland in 1688, the war was soon underway.

In America, the aim of these wars was to secure colonial territory against encroachment by rival powers and generally pitted Great Britain against France. France was aggressive in trying to contain the expansion of British colonies and employed Indians as allies. Indian tribes in the Northeast had fought with the American colonists prior to that time, as in the bitter King Philip's War of 1675-1676, in which hundreds of colonists and Native Americans died when a coalition of tribes attacked colonial settlements.

These major wars were interspersed with periods of shaky peace and episodes of lesser conflict among the major powers. Each of these wars was fought in Europe among the British, French, Spanish, Russians, Germans, Austrians, and other players. In addition to being struggles over power on the European continent, these wars also affected the imperial domains of the nations concerned; thus many of them were fought not only in North America but on other parts of the globe where the European powers were struggling to build colonial empires. These wars also had religious implications, as Catholic and Protestant nations were often at odds, with issues left over from the bitter Thirty Years' War of 1618–1648.

Most colonists considered their participation in these wars part of their duties as members of the British Empire, and the Empire looked at it in the same way. The colonists, however, were frustrated when these wars were terminated by treaties that left the colonists wondering what they had been fighting for. For example, in one of those conflicts the colonists at great expense to themselves captured the French fortress of Louisburg in Nova Scotia. At the end of the war, however, the fortress was returned to the French as part of the peace settlement.

The last of these wars, the Seven Years' or French and Indian War, was important for several reasons. First, the American contribution was substantial, and many Americans, including a young Virginia planter named George Washington, received combat experience that would serve them well in the coming revolution.

These wars served as a constant reminder to the colonists that they were indeed part of the British Empire. While the threat of the Indians on the frontier was constant, the colonists valued the presence of British regulars as part of their defense against Indian attacks. As time went on, however, the colonists grew ever more ambivalent about the value of having British soldiers in their midst. As the colonies grew in size and became stronger, their resentment against British interference in their lives grew slowly but inexorably. There was a price to pay for being part of the British Empire, and hundreds of colonists paid that price dearly.

*These imperial or colonial wars, sometimes known collectively as the "Second Hundred Years' War," will be discussed in greater detail in the following section on the American Revolution.*

### **Summary of Life in the Colonies, 1700–1750**

- The American colonists became more "English" as the seventeenth century moved into the eighteenth, but regional distinctions and sectional differences remained.
- The seeds of the American Republic were planted early—the settlers brought some sense of independence with them.
- Colonists got used to doing things their own way through their own assemblies; local control over taxes was always important.
- Americans were probably the healthiest people in the world once acclimatized. Clean water, plentiful food, and healthier conditions generally prevailed, though not equally everywhere.
- By around 1750 Americans were probably the most literate people in the world, at least in New England.
- Americans tended to be tough, self-reliant people, individualists. England's new attitude toward the colonies did not yet produce a sense of nationalism for the colonies; the colonists were rebellious by nature, but not yet ready to challenge British authority in the main—the American Revolution was still more than a decade off, and Americans saw themselves as loyal subjects of the Crown.
- Settlers from non-English backgrounds generally did not object to English governance; at worst, it was no more oppressive than what they were used to, and frequently much better.

By 1750 Great Britain had thirty-one colonies from North America to Asia governed by various sets of rules. Even the various North American colonies had different charters.

### **Where does America stand in 1763?**

- *The American colonies have become a prosperous and important component of the British Empire—they can no longer be ignored.*
- *American colonists are unquestioningly loyal to the Crown, but that loyalty only extends as far as the Crown's willingness to let the colonists live their lives without interference.*
- *Many colonists have lived on the edge of civilization and are accustomed to conflict. They realize that from time to time it may be necessary that one fight to protect what one values.*
- *British officers and soldiers who served in North America during the late colonial wars carried reports back to England of American prosperity, which turns the eyes of Parliament toward America as a source of revenue.*
- *A significant number of colonists were born in America, and thus England, the seat of the British Empire, seems remote.*
- *Few British officials—members of Parliament in particular—have been to America nor have they any concept of what life in the colonies is really like.*
- *If the British had managed to see the colonies as worthy partners in the imperial enterprise and treated them as equals, things could have been very different.*

## Appendix A: Selected Documents in Colonial American History

### JOHN SMITH: Difficult Times in Early Virginia

*John Smith's description contained in his Generall Historie of Virginia provides insight into the conditions in the Jamestown colony during the earliest days of the colonial period. As Smith was a self promoter as well as an adventurer, and because some of the events contained in his history occurred when he was temporarily back in England, the accounts must be viewed with certain reservations. Nevertheless, his leadership was widely acknowledged, and it is unlikely that the colony would have survived without someone of his character to lead it through those difficult early times. His views are, therefore, a valuable contribution to our understanding of colonial Virginia.*

1607. Being thus left to our fortunes, it fortuned that within ten days scarce ten among us could either go or well stand, such extreme weakness and sickness oppressed us. And thereat none need marvel if they consider the cause and reason, which was this

While the ships stayed, our allowance was somewhat bettered by a daily proportion of biscuits, which the sailors would pilfer to sell, give, or exchange with us for money, sassafras, furs, or love. But when they departed, there remained neither tavern, beer, house, nor place of relief, but the common kettle. Had we been as free from all sins as gluttony and drunkenness, we might have been canonized for saints; but our president [Wingfield] would never have been admitted for engrossing to his private [use] oatmeal, sack, aquavita, beef, eggs, or what not, but the kettle; that indeed he allowed equally to be distributed, and that was half a pint of wheat, and as much barley boiled with water for a man a day, and this having fried some twenty-six weeks in the ship's hold, contained as many worms as grains; so that we might truly call it rather so much bran than corn, our drink was water, our lodgings castles in the air.

With this lodging and diet, our extreme toil in bearing and planting palisades so strained and bruised us, and our continual labor in the extremity of the heat had so weakened us, as were cause sufficient to have made us as miserable in our native country, or any other place in the world.

From May to September, those that escaped lived upon sturgeon, and sea crabs. Fifty in this time we buried, the rest seeing the president's projects to escape these miseries in our pinnace by flight (who all this time had neither felt want nor sickness) so moved our dead spirits, as we deposed him, and established Ratcliffe in his place (Gosnoll being dead), Kendall deposed. Smith newly recovered, Martin and Ratcliffe was by his care preserved and relieved, and the most of the soldiers recovered with the skillful diligence of Master Thomas Wolton, our chirurgion [surgeon] general.

But now was all our provision spent, the sturgeon gone, all helps abandoned, each hour expecting the fury of the savages; when God, the Patron of all good endeavors in that desperate extremity so changed the hearts of the savages that they brought such plenty of their fruits and provision as no man wanted.

And now where some affirmed it was ill done of the Council to send forth men so badly provided, this incontestable reason will show them plainly they are too ill advised to nourish such ill conceits. First, the fault of our going was our own; what could be thought fitting or necessary we had; but what we should find, or want, or where we should be, we were all ignorant, and supposing to make our passage in two months, with victual to live and the advantage of the spring to work. We were at sea five months, where we both spent our victual and lost the opportunity of the time and season to plant, by the unskillful presump-



tion of our ignorant transporters, that understood not at all what they undertook.

. . .

And now, the winter approaching, the rivers became so covered with swans, geese, ducks, and cranes that we daily feasted with good bread, Virginia peas, pumpions [pumpkins], and putchamins [persimmons], fish, fowl, and diverse sorts of wild beasts as fat as we could eat them; so that none of our tuftaffety humorists desired to go for England.

But our comedies never endured long without a tragedy; some idle exceptions being muttered against Captain Smith for not discovering the head of the Chickahamania [Chickahominy] River, and taxed by the Council to be too slow in so worthy an attempt. The next voyage he proceeded so far that with much labor by cutting of trees asunder he made his passage; but when his barge could pass no farther, he left her in a broad bay out of danger of shot, commanding none should go ashore till his return. Himself, with two English and two savages, went up higher in a canoe; but he was not long absent but his men went ashore, whose want of government gave both occasion and opportunity to the savages to surprise one George Cassen, whom they slew, and much failed not to have cut off the boat and all the rest.

Smith, little dreaming of that accident, being got to the marshes at the river's head, twenty miles in the desert, had his two men slain (as is supposed) sleeping by the canoe, while himself, by fowling, sought them victual. Finding he was beset with 200 savages, two of them he slew still defending himself with the aid of a savage, his guide, whom he bound to his arm with his garters, and used him as a buckler, yet he was shot in his thigh a little, and had many arrows that stuck in his clothes; but no great hurt, till at last they took him prisoner. When this news came to Jamestown, much was their sorrow for his loss, few expecting what ensued.

Six or seven weeks those barbarians kept him prisoner, many strange triumphs and conjurations they made of him, yet he so demeaned himself among them as he not only diverted them from surprising the fort but procured his own liberty, and got himself and his company such estimation among them that those savages admired him more than their own *quiy-ouckosucks* [gods].

The manner how they used and delivered him is as follows:

The savages, having drawn from George Cassen whether Captain Smith was gone, prosecuting that opportunity, they followed him with 300 bowmen, conducted by the king of Pamaunkee, who, in divisions, searching the turnings of the river, found Robinson and Emry by the far side. Those they shot full of arrows and slew. Then finding the captain . . . yet, dared they not come to him till, being near dead with cold, he threw away his arms. Then . . . they drew him forth and led him to the fire, where his men were slain. Diligently, they chafed his benumbed limbs.

He demanding for their captain, they showed him Opechancanough, king of Pamaunkee, to whom he gave a round, ivory double compass dial. Much they marveled at the playing of the fly and needle, which they could see so plainly and yet not touch it because of the glass that covered them. But when he demonstrated by that globelike jewel the roundness of the earth and skies, the sphere of the sun, moon, and stars, and how the sun did chase the night round about the world continually; the greatness of the land and sea, the diversity of nations, variety of complexions, and how we were to them antipodes, and many other suchlike matters, they all stood as amazed with admiration. Notwithstanding, within an hour after they tied him to a tree, and as many as could stand about him prepared to shoot him; but the king, holding up the compass in his hand, they all laid down their bows and arrows,

and in a triumphant manner led him to [the town of] Orapaks, where he was after their manner kindly feasted and well used.

Their order in conducting him was thus:

Drawing themselves all in file, the king in the middle had all their pieces and swords borne before him. Captain Smith was led after him by three great savages, holding him fast by each arm; and on each side, six went in file with their arrows nocked. But arriving at the town (which was but only thirty or forty hunting houses made of mats, which they remove as they please, as we our tents), all the women and children staring to behold him, the soldiers first, all in file and on each flank, officers . . . to see them keep their orders. A good time they continued this exercise, and then cast themselves in a ring, dancing in such several postures, and singing and yelling out such hellish notes and screeches; being strangely painted, everyone his quiver of arrows, and at his back a club; on his arm a fox or an otter's skin. . . . their heads and shoulders painted red. . . . which scarlet like color made an exceeding handsome show; his bow in his hand, and the skin of a bird with her wings abroad dried, tied on his head, a piece of copper, a white shell, a long feather, with a small rattle growing at the tails of their snakes tied to it, or some suchlike toy.

All this while, Smith and the king stood in the middle, guarded, as before is said; and after three dances they all departed. Smith they conducted to a longhouse, where thirty or forty tall fellows did guard him; and ere long more bread and venison was brought him than would have served twenty men. I think his stomach at that time was not very good; what he left they put in baskets and tied over his head. About midnight they set the meat again before him, all this time not one of them would eat a bite with him, till the next morning they brought him as much more; and then did they eat all the old, and reserved the new as they had done the other, which made him think they would fat him to eat him. Yet in this desperate estate to defend him from the cold, one . . . brought him

## A Letter from an Indentured Servant in Virginia, 1623

*New charters did not solve the problems of Virginia's European colonizers, who continued for many years to die in great numbers, of disease and malnutrition. In the spring of 1623, the following letter was written from Martin's Hundred, a plantation about ten miles upriver from Jamestown. Its author (though not necessarily the person who actually wrote out the words) was Richard Frethorne, who had been sold into servitude by his own parents. Except for this letter, no shred of evidence about the life of Frethorne has survived. The letter is the lament of one of the many thousands of anonymous victims, European and Native American, of the often-murderous process of "transplantation." Richard Frethorne's Virginia is a place where desperate men steal each other's clothes, and where people cry out that they would give up their limbs—just to be back in England, even if they had to become beggars.*

Loving and kind father and mother,

My most humble duty remembered to you, hoping in God of your good health, as I myself at the making hereof.

This is to let you understand that I, your child, am *in* a most heavy case, by reason of the nature of the country, [which] is such that it causeth me much sickness, as the scurvy and the bloody flux [probably dysentery], and diverse other diseases, which make the body very poor and weak. And when we are sick, there is nothing to comfort us. For since I came out of the ship, I never ate anything but peas and loblollie (that is, water gruel). As for deer or venison, I never saw any since I came into this land. There is indeed some fowl, but we are not allowed to go and get it, but must work hard both early and late for a mess of water gruel and a mouthful of bread and beef. A mouthful of bread, for a penny loaf must serve four men, which is most pitiful, if you did know as much as I, when people cry out day and night, O that they were in England without their limbs, and would not care to lose any limbs to be in England, yea though they beg *from* door to door.

*For* we live in fear of the enemy every hour, yet we have had a combat with them on the Sunday before Shrovetide [Shrove Tuesday is the day before Ash Wednesday, of the week leading to Easter Sunday]. And we took two alive and made slaves of them. But it was by policy, for we are in great danger, for our plantation is very weak, by reason of death and sickness of our company. For we came but twenty, for the merchants [for the men who had bought the contracts of indenture], and they are half dead just. And we look every hour when two or more should go. Yet there came some other men to live with us, of which there is but one alive, and our lieutenant is dead, and his father, and his brother, and there was some five or six of last year's twenty, of which there is but three left, so that we are fain [we need] to get other men to plant with us, and yet we are but thirty-two to fight against three thousand if they should come. And the nighest help that we have is ten miles of us. And when the rogues overcame this place last, they slew eighty persons.

And I have nothing to comfort me, nor is there nothing to be gotten here but sickness and death, except [unless] one had money to lay out in some things for profit. But I have nothing at all, no, not a shirt on my back, but two rags, nor no clothes, but one poor suit, nor but one pair of shoes, but one pair of stockings, but one cap. My cloak was stolen by one of my own fellows, and to his dying hour he would not tell me what he did with it. But some of my fellows saw him have butter and beef out of a ship, which my cloak I [don't] doubt paid for. So that I have not a penny, nor a penny worth to help me to either spice, or sugar, or strong waters [alcohol, probably rum], without the which one cannot live here. For as strong beer in England doth fatten and strengthen thee, so water doth wash and weaken here, only keeps life and soul together.

For I am not half a quarter as strong as I was in England, and all is for want of victuals, for I do protest unto you that I have eaten more in a day at home than I have allowed me here for a week. You have given more than my day's allowance to a beggar at the door.

And, if Mr. Jackson had not relieved me, I should be in a poor case. But he like and father and she like a loving mother doth still help me, for when we go up to James Town, that is ten miles of us, there lie all the ships that come to the land, and there they must deliver their goods. And when we went up to town as it may be on Monday at noon, and come there by night, then load the next day by noon, and go home in the afternoon, and unload, and then away again in the night, and be up about midnight. Then if it rained or blowed never so hard, we must lie in the boat in the water, and having nothing but a little bread, for when we go in the boat we have a loaf allowed to two men, and it is all [even] if we stayed there two days, which is hard. And we must lie all that while in the boat. But Goodman Jackson pitied me and made me a cabin to lie in always when I come up. . . . Oh, they be very godly folks, and love me very well, and will do anything for me. And he much marvelled that you would send me a servant to the company. He said I had been better knocked on the head, and indeed I find it now to my grief and misery, and say that if you love me you will redeem me suddenly, for which I do entreat and beg. And if you cannot get the merchant to redeem me for some little money, then for God's sake get a gathering, or entreat some folks to lay out some little sum of money, in meals, and cheese and butter, and beef . . .

Wherefore for God's sake pity me. I pray you to remember my love to all my friends and kindred. I hope all my brothers and sisters are in good health, and as for my part, I have set down my resolution that certainly will be: that the answer to this letter will be life or death to me.

## John Winthrop: A Modell of Christian Charity, 1630

**John Winthrop (1588–1649)** *John Winthrop founded the colony of Massachusetts Bay and was the colony's first governor, a position he held almost continuously until 1649. The company was organized before leaving England and brought its charter to the new world, thus giving it a greater degree of independence than Virginia enjoyed. His sermon below was probably delivered orally to the colonists on their way to America.*

*As a leader of the colony, Winthrop tried to create a society based in a moral code that was rooted in the Bible. His notion that New England was to be seen as a "city upon a hill" became a larger ideal in American history, as Americans came to see themselves as models for the rest of the world, not so much in religious beliefs as in their democratic ideals. Although Winthrop's vision of Massachusetts Bay was one of loving solidarity among true believers, he and his colleagues were intolerant of dissenters and insisted upon a strict adherence to Puritan religious beliefs. His rigid standards of conduct placed him at odds with British authorities from time to time, perhaps foreshadowing Massachusetts as a hotbed of rebellion during the pre-revolutionary era.*

Written On Board the *Arbella*, On the Atlantic Ocean

God Almighty, in his most holy and wise providence, hath so disposed of the condition of mankind, as in all times some must be rich, some poor, some high and eminent in power and dignity, others mean and in subjection.

THE REASON HEREOF

First, to hold conformity with the rest of his works. Being delighted to show forth the glory of his wisdom in the variety and difference of the creatures; and the glory of his power, in ordering all these differences for the preservation and good of the whole; and the glory of his greatness, that as it is the glory of princes to have many officers, so this great king will have many stewards, counting himself more honored in dispensing his gifts to man by man, than if he did it by his own immediate hands.

Secondly, that he might have the more occasion to manifest the work of his Spirit. First, upon the wicked, in moderating and restraining them: so that the rich and mighty should not eat up the poor, nor the poor and despised rise up against their superiors and shake off their yoke. Secondly, in the regenerate, in exercising his graces in them: as in the great ones, their love, mercy, gentleness, temperance etc.; in the poor and inferior sort, their faith, patience, obedience etc.

Thirdly, that every man might have need of other, and from hence they might be all knit more nearly together in the bond of brotherly affection. From hence it appears plainly that no man is made more honorable than another, or more wealthy etc., out of any particular and singular respect to himself, but for the glory of his creator and the common good of the creature, man. Therefore God still reserves the property of these gifts to himself, as Ezekiel, 16.17: he there calls wealth his gold and his silver; Proverbs, 3.9: he claims their service as his due: honor the Lord with thy riches etc. All men being thus (by divine providence) ranked into two sorts, rich and poor, under the first are comprehended all such as are able to live comfortably by their own means duly improved; and all others are poor, according to the former distribution. . . .

This law of the Gospel propounds likewise a difference of seasons and occasions. There is a time when a Christian must sell all and give to the poor, as they did in the apostles' times.

There is a time also when a Christian (though they give not all yet) must give beyond their ability, as they of Macedonia, II Corinthians, 8.8. Likewise community of perils calls for extraordinary liberality, and so doth community in some special service for the church. Lastly, when there is no other means whereby our Christian brother may be relieved in his distress, we must help him beyond our ability, rather than tempt God in putting him upon help by miraculous or extraordinary means. . . .

The definition which the scripture gives us of love is this: "Love is the bond of perfection." First, it is a bond, or ligament Secondly, it makes the work perfect. There is nobody but consists of parts, and that which knits these parts together, gives the body its perfection, is love. . . .

From hence we may frame these conclusions. First, all true Christians are of one body in Christ, I Corinthians, 12.12.27: "Ye are the body of Christ and members of its parts."

Secondly, the ligaments of this body which knit together are love. Thirdly, no body can be perfect which wants it proper ligament. Fourthly, all the parts of this body, being thus united, are made so contiguous in a special relation as they must needs partake of each other's strength and infirmity, joy and sorrow, weal and woe, I Corinthians, 12.26: "If one member suffers, all suffer with it, if one be in honor, all rejoice with it." Fifthly, this sensibleness and sympathy of each other's conditions will necessarily infuse into each part a native desire and endeavor to strengthen, defend, preserve and comfort the other . . .

It rests now to make some application of this discourse by the present design, which gave the occasion of writing of it. Herein are four things to be propounded: first, the persons; secondly, the work; thirdly, the end; fourthly, the means.

First, for the persons. We are a company professing ourselves fellow members of Christ, in which respect only though were absent from each other many miles, and had our employments as far distant, yet we ought to account ourselves knit together by this bond of love, and live in the exercise of it, if we would have comfort of our being in Christ. This was notorious in the practice of the Christians in former times; as is testified of the Waldenses, from the mouth of one of the adversaries Aeneas Sylvius "mutuo [ament] pene antequam norunt"-they use[d] to love any of their own religion even before they were acquainted with them.

Secondly, for the work we have in hand. It is by a mutual consent through a special over-valuing providence and a more than an ordinary approbation of the churches of Christ, to seek out a place of cohabitation and consortship under a due form of government both civil and ecclesiastical. In such cases as this, the care of the public must oversay all private respects, by which not only conscience, but mere civil policy, cloth bind us. For it is a true rule that particular estates cannot subsist in the ruin of the public.

Thirdly, the end is to improve our lives to do more service to the Lord; the comfort and increase of the body of Christ whereof we are members, that ourselves and posterity may be the better preserved from the common corruptions of this evil world, to serve the Lord and work out our salvation under the power and purity of his holy ordinances.

Fourthly, for the means whereby this must be effected. They are twofold, a conformity with the work and end we aim at. These we see are extraordinary, therefore we must not content ourselves with usual ordinary means: whatsoever we did, or ought to have done, when we lived in England, the same must we do, and more also, where we go. That which the

most in their churches maintain as a truth in profession only, we must bring into familiar and constant practice, as in this duty of love. We must love brotherly without dissimulation, we must love one another with a pure heart fervently, we must bear one another's burdens, we must not look only on our own things, but also on the things of our brethren. Neither must we think that the Lord will bear with such failings at our hands as he doth from those among whom we have lived, and that for three reasons.

First, in regard of the more near bond of marriage between him and us, wherein he hath taken us to be his after a most strict and peculiar manner, which will make him the more jealous of our love and obedience. So he tells the people of Israel, you only have I known of all the families of the earth, therefore will I punish you for your transgressions. Secondly, because the Lord will be sanctioned in them that come near him. We know that there were many that corrupted the service of the Lord, some setting up altars before his own, others offering both strange fire and strange sacrifices also; yet there came no fire from heaven or other sudden judgment upon them, as did upon Nadab and Abihu, who yet we may think did not sin presumptuously. Thirdly, when God gives a special commission he looks to have it strictly observed in every article. When he gave Saul a commission to destroy Amalek, he indented with him upon certain articles, and because he failed in one of the least, and that upon a fair pretense, it lost him the kingdom which should have been his reward if he had observed his commission.

Thus stands the cause between God and us. We are entered into covenant with him for this work, we have taken out a commission, the Lord hath given us leave to draw our own articles, we have professed to enterprise these actions, upon these and those ends, we have hereupon besought him of favor and blessing. Now if the Lord shall please to hear us, and bring us in peace to the place we desire, then hath he ratified this covenant and sealed our commission, [and] will expect a strict performance of the articles contained in it. But if we shall neglect the observation of these articles, which re the ends we have propounded, and, dissembling with our God, shall fall to embrace this present world and prosecute our carnal intentions, seeking great things for ourselves and our posterity, the Lord will surely break out in wrath against us, be revenged of such a perjured people and make us know the price of the breach of such a covenant.

Now the only way to avoid this shipwreck, and to provide for our posterity, is to follow the counsel of Micah: to do justly, to love mercy, to walk humbly with our God. For this end, we must be knit together in this work as one man, we must entertain each other in brotherly affection, we must be willing to abridge ourselves of our superfluities, for the supply of others' necessities, we must uphold a familiar commerce together in all meekness, gentleness, patience and liberality; we must delight in each other, make others' conditions our own, rejoice together, mourn together, labor and suffer together, always having before our eyes our commission and community in the work, our community as members of the same body. So shall we keep the unity of the spirit in the bond of peace. The Lord will be our God, and delight to dwell among us as his own people, and will command a blessing upon us in all our ways, so that we shall see much more of his wisdom, power, goodness and truth, than formerly we have been acquainted with. We shall find that the God of Israel is among us, when ten of us shall be able to resist a thousand of our enemies: when he shall make us a praise and glory that men shall say of succeeding plantations: "the Lord make it like that of New England." For we must consider that we shall be as a city upon a hill: The eyes of all people are upon us, so that if we shall deal falsely with our God in this work we have undertaken, and so cause him to withdraw his present help from us, we shall be made a story and a by-word through the world: we shall open the mouths of enemies to speak evil of the ways of God and all professors for God's sake. We shall shame the faces of many of God's worthy

servants, and cause their prayers to be turned into curses upon us, till we be consumed out of the good land whither we are going.

And to shut up this discourse with that exhortation of Moses, that faithfull servant of the Lord, in his last farewell to Israel, Deuteronomy, 30: beloved, there is now set before us life and good, death and evil, in that we are commanded this day to love the Lord our God, and to love one another, to walk in his ways and to keep his commandments and his ordinance and his laws, and the articles of our covenant with him, that we may live and be multiplied, and that the Lord our God may bless us in the land whither we go to possess it. But if our hearts shall turn away, so that we will not obey, but shall be seduced, and worship other God-our pleasures and profits-and serve them , it is propounded unto us this day, we shall surely perish out of the good land whither we pass over this vast sea to possess it: Therefore let us choose life, that we and our seed may live by obeying His voice and cleaving to Him, for He is our life, and our prosperity.



## Excerpts from William Bradford's History of Plymouth Plantation

*Compare this account with that of John Winthrop. The two colonies eventually merged.*

Being thus arrived in a good harbor, and brought safe to land, they fell upon their knees and blessed the God of Heaven who had brought them over the fast and furious ocean, and delivered them from all the perils and miseries thereof, again to set their feet on the firm and stable earth, their proper element. . . .

But here I cannot but stay and make a pause, and stand half amazed at this poor people's present condition; and so I think will the reader, too, when he well considers the same. Being thus passed the vast ocean, and a sea of troubles before in their preparation (as may be remembered by that which went before), they had now no friends to welcome them nor inns to entertain or refresh their weather-beaten bodies; no houses or much less towns to repair to, to seek for succor. It is recorded in Scripture as a mercy to the Apostle and his shipwrecked company, that the barbarians showed them no small kindness in refreshing them, but these savage barbarians, when they met with them (as after will appear) were readier to fill their sides full of arrows than otherwise. And for the season it was winter, and they know that the winters of that country know them to be sharp and violent, and subject to cruel and fierce storms, dangerous to travel to known places, much more to search an unknown coast. Besides, what could they see but a hideous and desolate wilderness, full of wild beasts and wild men—and what multitudes there might be of them they knew not. Neither could they, as it were, go up to the top of Pisgah to view from this wilderness a more goodly country to feed their hopes; for which way soever they turned their eyes (save upward to the heavens) they could have little solace or content in respect of any outward objects.

For summer being done, all things stand upon them with a weather-beaten face, and the whole country, full of woods and thickets, represented a wild and savage hue. If they looked behind them, there was the mighty ocean which they had passed and was now as a main bar and gulf to separate them from all the civil parts of the world. If it be said they had a ship to succor them, it is true; but what heard they daily from the master and company? But that with speed they should look out a place (with their shallop) where they would be, at some near distance; for the season was such that he would not stir from thence till a safe harbor was discovered by them, where they would be, and he might go without danger; and that victuals consumed space but he must and would keep sufficient for themselves and their return. . . .

What could now sustain them but the Spirit of God and His grace? May not and ought not the children of these fathers rightly say: "Our fathers were Englishmen which came over this great ocean, and were ready to perish in this wilderness; but they cried unto the Lord, and He heard their voice and looked on their adversity," etc. "Let them therefore praise the Lord, because He is good: and his mercies endure forever. Yea, let them which have been redeemed of the Lord, show how He hath delivered them from the hand of the oppressor. When they wandered in the desert wilderness out of the way, and found no city to dwell in, both hungry and thirsty, their soul was overwhelmed in them." "Let them confess before the Lord His loving kindness and His wonderful works before the sons of men."

How they sought a Place of Habitation

Being thus arrived at Cape Cod the 11th of November, and necessity calling them to look out a place for habitation (as well as the master's and mariner's importunity); they having

brought a large shallop with them out of England, stowed in quarters in the ship, they now got her out and set their carpenters to work to trim her up; but being much bruised and shattered in the ship with foul weather, they saw she would be long in mending. Whereupon a few of them tendered themselves to go by land and discover those nearest places, whilst the shallop was in mending; and the rather because as they went into that harbor there seemed to be an opening some two or three leagues off, which the master judged to be a river. It was conceived there might be some danger in the attempt, yet seeing them resolute, they were permitted to go, being sixteen of them well armed under the conduct of Captain Standish, having such instructions given them as was thought meet.

They set forth the 15 of November; and when they had marched about the space of a mile by the seaside, they espied five or six persons with a dog coming towards them, who were savages; but they fled from them and ran up into the woods, and the English followed them, partly to see if they could speak with them, and partly to discover if there might not be more of them lying in ambush. But the Indians seeing themselves thus followed, they again forsook the woods and ran away on the sands as hard as they could, so as they could not come near them but followed them by the track of their feet sundry miles and saw that they had come the same way. So, night coming on, they made their rendezvous and set out their sentinels, and rested in quiet that night; and the next morning followed their track till they had headed a great creek and so left the sands, and turned another way into the woods. But they still followed them by guess, hoping to find their dwellings; but they soon lost both them and themselves, falling into such thickets as were ready to tear their clothes and armor in pieces; but were most distressed for want of drink. But at length they found water and refreshed themselves, being the first New England water they drunk of, and was now in great thirst as pleasant unto them as wine or beer had been in foretimes.

Afterwards, they directed their course to come to the other shore, for they knew it was a neck of land they were to cross over, and so at length got to the seaside and marched to this supposed river, and by the way found a pond of clear, fresh water, and shortly after a good quantity of clear ground where the Indians had formerly set corn, and some of their graves. And proceeding further they saw new stubble where corn had been set the same year; also they found where lately a house had been, where some planks and a great kettle was remaining, and heaps of sand newly paddled with their hands. Which, they digging up, found in them divers fair Indian baskets filled with corn, and some in ears, fair and good, of divers colors, which seemed to them a very goodly sight (having never seen any such before). . . .

After this, the shallop being got ready, they set out again for the better discovery of this place, and the master of the ship desired to go himself. So there went some thirty men but found it to be no harbor for ships but only for boats. There was also found two of their houses covered with mats, and sundry of their implements in them, but the people were run away and could not be seen. Also there was found more of their corn and of their beans of various colors; the corn and beans they brought away, purposing to give them full satisfaction when they should meet with any of them as, about some six months afterward they did, to their good content.

And here is to be noted a special providence of God, and a great mercy to this poor people, that here they got seed to plant them corn the next year, or else they might have starved, for they had none nor any likelihood to get any till the season had been past, as the sequel did manifest. Neither is it likely they had had this, if the first voyage had not been made, for the ground was now all covered with snow and hard frozen; but the Lord is never wanting unto His in their greatest needs; let His holy name have all the praise. . . .

**The Mayflower Compact.** *[At this point Bradford inserted his account of the writing of the Mayflower Compact. See the Mayflower Compact Document below, page 64.]*

After this they chose, or rather confirmed, Mr. John Carver (a man godly and well approved amongst them) their Governor for that year. And after they had provided a place for their goods, or common store (which were long in unloading for want of boats, foulness of the winter weather and sickness of divers) and begun some small cottages for their habitation; as time would admit, they met and consulted of laws and orders, both for their civil and military government as the necessity of their condition did require, still adding thereunto as urgent occasion in several times, and as cases did require.

In these hard and difficult beginnings they found some discontents and murmurings arise amongst some, and mutinous speeches and carriage in other; but they were soon quelled and overcome by the wisdom, patience, and just and equal carriage of things, by the Governor and better part, which clave faithfully together in the main.

#### Treaty with the Indians (1621)

All this while the Indians came skulking about them, and would sometimes show themselves aloof off, but when any approached near them, they would run away; and once they stole away their tools where they had been at work and were gone to dinner. But about the 16th of March, a certain Indian came boldly amongst them and spoke to them in broken English, which they could well understand but marveled at it. At length they understood by discourse with him, that he was not of these parts, but belonged to the eastern parts where some English ships came to fish, with whom he was acquainted and could name sundry of them by their names, amongst whom he had got his language. He became profitable to them in acquainting them with many things concerning the state of the country in the east parts where he lived, which was afterwards profitable unto them; as also of the people here, of their names, number and strength, of their situation and distance from this place, and who was chief amongst them. His name was Samoset. He told them also of another Indian whose name was Squanto, a native of this place, who had been in England and could speak better English than himself.

Being after some time of entertainment and gifts dismissed, a while after he came again, and five more with him, and they brought again all the tools that were stolen away before, and made way for the coming of their great Sachem, called Massasoit. Who, about four or five days after, came with the chief of his friends and other attendance, with the aforesaid Squanto. With whom, after friendly entertainment and some gifts given him, they made a peace with him (which hath now continued this 24 years) in these terms:

- That neither he nor any of his should injure or do hurt to any of their people.
- That if any of his did hurt to any of theirs, he should send the offender, that they might punish him.
- That if anything were taken away from any of theirs, he should cause it to be restored; and they should do the like to his.
- If any did unjustly war against him, they would aid him; if any did war against them, he should aid them.
- He should send to his neighbors confederates to certify them of this, that they might not wrong them, but might be likewise comprised in the conditions of peace.
- That when their men came to them, they should leave their bows and arrows behind them.

After these things he returned to his place called Sowams, some 40 miles from this place, but Squanto continued with them and was their interpreter and was a special instrument sent of God for their good beyond their expectation. He directed them how to set their corn, where to take fish, and to procure other commodities, and was also their pilot to bring them to unknown places for their profit, and never left them till he died. He was a native of this place, and scarce any left alive besides himself. He was carried away with divers others by one Hunt, a master of a ship, who thought to sell them for slaves in Spain. But he got away for England and was entertained by a merchant in London, and employed to Newfoundland and other parts, and lastly brought hither into these parts by one Mr. Dermer, a gentleman employed by Sir Ferdinando Gorges and others for discovery and other designs in these parts. . . .

#### First harvest (1621)

They began now to gather in the small harvest they had, and to fit up their houses and dwellings against winter, being all well recovered in health and strength and had all things in good plenty. For as some were thus employed in affairs abroad, others were exercised in fishing, about cod and bass and other fish, of which they took good store, of which every family had their portion. All the summer there was no want; and now began to come in store of fowl, as winter approached, of which this place did abound when they came first (but afterward decreased by degrees). And besides waterfowl there was a great store of wild turkeys, of which they took many, besides venison, etc. Besides they had about a peck a meal a week to a person, or now since harvest, Indian corn to the proportion. Which made many afterwards write so largely of their plenty here to their friends in England, which were not feigned but true reports.

## THE MAYFLOW COMPACT, November 11, 1620

*Upon arriving in Plymouth, outside the Virginia Company Territory, the Pilgrims drew up this document, which could be called the first American Constitution. It contains all the essential elements of a constitution—the only thing needed in addition is the details, as were included in the United States Constitution of 1787.*

IN The Name of God, Amen. We, whose names are underwritten, the Loyal Subjects of our dread Sovereign Lord King James, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc. Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a Voyage to plant the first colony in the northern Parts of Virginia; Do by these Presents, solemnly and mutually in the Presence of God and one another, covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid; And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Offices, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; unto which we promise all due Submission and Obedience. IN WITNESS whereof we have hereunto subscribed our names at Cape Cod the eleventh of November, in the Reign of our Sovereign Lord King James of England, France, and Ireland, the eighteenth and of Scotland, the fifty-fourth. Anno Domini, 1620

Mr. John Carver. . .  
Mr. William Bradford. .  
Mr. Edward Winslow. .  
Mr. William Brewster.  
Isaac Allerton.  
Miles Standish. . .  
John Alden. . . . .  
John Turner. . . . .  
Francis Eaton. . . . .  
James Chilton  
John Craxton. . . .  
*And others . .*

## Fundamental Orders of Connecticut, 1639

For as much as it hath pleased Almighty God by the wise disposition of his divine providence so to order and dispose of things that we the Inhabitants and Residents of Windsor, Hartford and Wethersfield are now cohabiting and dwelling in and upon the River of Connectecotte [Connecticut] and the lands thereunto adjoining; and well knowing where a people are gathered together the word of God requires that to maintain the peace and union of such a people there should be an orderly and decent Government established according to God, to order and dispose of the affairs of the people at all seasons as occasion shall require; do therefore associate and conjoin ourselves to be as one Public State or Commonwealth; and do for ourselves and our successors and such as shall be adjoined to us at any time hereafter, enter into Combination and Confederation together, to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus which we now profess, as also, the discipline of the Churches, which according to the truth of the said Gospel is now practiced amongst us; as also in our civil affairs to be guided and governed according to such Laws, Rules, Orders and Decrees as shall be made, ordered, and decreed as followeth:

1. It is Ordered, sentenced, and decreed, that there shall be yearly two General Assemblies or Courts, the one the second Thursday in April, the other the second Thursday in September following; the first shall be called the Court of Election, wherein shall be yearly chosen from time to time, so many Magistrates and other public Officers as shall be found requisite: Whereof one to be chosen Governor for the year ensuing and until another be chosen, and no other Magistrate to be chosen for more than one year: provided always there be six chosen besides the Governor, which being chosen and sworn according to an Oath recorded for that purpose, shall have the power to administer justice according to the Laws here established, and for want thereof, according to the Rule of the Word of God; which choice shall be made by all that are admitted freemen and have taken the Oath of Fidelity, and do cohabit within this Jurisdiction having been admitted Inhabitants by the major part of the Town wherein they live or the major part of such as shall be then present.

2. It is Ordered . . . that the election of the aforesaid Magistrates shall be in this manner: every person present and qualified for choice shall bring . . . one single paper with the name of him written in it whom he desires to have Governor, and that he that hath the greatest number of papers shall be Governor for that year. And the rest of the Magistrates or public officers to be chosen in this manner: the Secretary for the time being shall first read the names of all that are to be put to choice and then shall severally nominate them distinctly, and every one that would have the person nominated to be chosen shall bring in one single paper written upon, and he that would not have him chosen shall bring in a blank; and every one that hath more written papers than blanks shall be a Magistrate for that year; which papers shall be received and told by one or more that shall be then chosen by the court and sworn to be faithful therein; but in case there should not be six chosen as aforesaid, besides the Governor, out of those which are nominated, than he or they which have the most written papers shall be a Magistrate or Magistrates for the ensuing year, to make up the aforesaid number.

3. It is Ordered ... that the Secretary shall not nominate any person, nor shall any person be chosen newly into the Magistracy which was not propounded in some General Court before, to be nominated the next election; and to that end it shall be lawful for each of the Towns aforesaid by their deputies to nominate any two whom they conceive fit to be put to election; and the Court may add so many more as they judge requisite.

4. It is Ordered ... that no person be chosen Governor above once in two years, and that the Governor be always a member of some approved Congregation, and formerly of the Magistracy within this Jurisdiction; and that all the Magistrates, Freemen of this Commonwealth; and that no Magistrate or other public officer shall execute any part of his or their office before they are severally sworn, which shall be done in the face of the court if they be present, and in case of absence by some deputed for that purpose.

5. It is Ordered, sentenced, and decreed, that to the aforesaid Court of Election the several Towns shall send their deputies, and when the Elections are ended they may proceed in any public service as at other Courts. Also the other General Court in September shall be for making of laws, and any other public occasion, which concerns the good of the Commonwealth.

6. It is Ordered ... that the Governor shall, either by himself or by the Secretary, send out summons to the Constables of every Town for the calling of these two standing Courts one month at least before their several times: And also if the Governor and the greatest part of the Magistrates see cause upon any special occasion to call a General Court, they may give order to the Secretary so to do within fourteen days' warning: And if urgent necessity so required, upon a shorter notice, giving sufficient grounds for it to the deputies when they meet, or else be questioned for the same; And if the Governor and major part of Magistrates shall either neglect or refuse to call the two General standing Courts or either of them, as also at other times when the occasions of the Commonwealth require, the Freemen thereof, or the major part of them, shall petition to them so to do; if then it be either denied or neglected, the said Freemen, or the major part of them, shall have the power to give order to the Constables of the several Towns to do the same, and so may meet together, and choose to themselves a Moderator, and may proceed to do any act of power which any other General Courts may.

7. It is Ordered ... that after there are warrants given out for any of the said General Courts, the Constable or Constables of each Town, shall forthwith give notice distinctly to the inhabitants of the same, in some public assembly or by going or sending from house to house, that at a place and time by him or them limited and set, they meet and assemble themselves together to elect and choose certain deputies to be at the General Court then following to agitate the affairs of the Commonwealth; which said deputies shall be chosen by all that are admitted Inhabitants in the several Towns and have taken the oath of fidelity; provided that none be chosen a Deputy for any General Court which is not a Freeman of this Commonwealth.

The aforesaid deputies shall be chosen in manner following: every person that is present and qualified as before expressed, shall bring the names of such, written in several papers, as they desire to have chosen for that employment, and these three or four, more or less, being the number agreed on to be chosen for that time, that have the greatest number of papers written for them shall be deputies for that Court; whose names shall be endorsed on the back side of the warrant and returned into the Court, with the Constable or Constables' hand unto the same.

8. It is Ordered ... that Windsor, Hartford, and Wethersfield shall have power, each Town, to send four of their Freemen as their deputies to every General Court; and Whatsoever other Town shall be hereafter added to this Jurisdiction, they shall send so many deputies as the Court shall judge meet, a reasonable proportion to the number of Freemen that are in the said Towns being to be attended therein; which deputies shall have the power of the whole Town to give their votes and allowance to all such laws and orders as may be for the public good, and unto which the said Towns are to be bound.

9. It is Ordered ... that the deputies thus chosen shall have power and liberty to appoint a time and a place of meeting together before any General Court, to advise and consult of all such things as may concern the good of the public, as also to examine their own Elections, whether according to the order, and if they or the greatest part of them find any election to be illegal they may seclude such for present from their meeting, and return the same and their reasons to the Court; and if it be proved true, the Court may fine the party or parties so intruding, and the Town, if they see cause, and give out a warrant to go to a new election in a legal way, either in part or in whole. Also the said deputies shall have power to fine any that shall be disorderly at their meetings, or for not coming in due time or place according to appointment; and they may return the said fines into the Court if it be refused to be paid, and the Treasurer to take notice of it, and to escheat or levy the same as he does other fines.

10. It is Ordered ... that every General Court . . . shall consist of the Governor, or some one chosen to moderate the Court, and four other Magistrates at least, with the major part of the deputies of the several Towns legally chosen; and in case the Freeman, or major part of them, through neglect or refusal of the Governor and major part of the Magistrates, shall call a Court, it shall consist of the major part of Freeman that are present or their deputies, with a Moderator chosen by them: In which said General Courts shall consist the supreme power of the Commonwealth, and they only shall have power to make laws or repeal them, to grant levies, to admit of Freeman, dispose of lands undisposed of, to several Towns or persons, and also shall have power to call either Court or Magistrate or any other person whatsoever into question for any misdemeanor, and may for just causes displace or deal otherwise according to the nature of the offense; and also may deal in any other matter that concerns the good of this Commonwealth, except election of Magistrates, which shall be done by the whole body of Freeman.

In which Court the Governor or Moderator shall have power to order the Court, to give liberty of speech, and silence unseasonable and disorderly speakings, to put all things to vote, and in case the vote be equal to have the casting voice. But none of these Courts shall be adjourned or dissolved without the consent of the major part of the Court.

11. It is Ordered ... that when any General Court upon the occasions of the Commonwealth have agreed upon any sum, or sums of money to be levied upon the several Towns within this Jurisdiction, that a committee be chosen to set out and appoint what shall be the proportion of every Town to pay of the said levy, provided the committee be made up of an equal number out of each Town.

14th January 1639.



## Mary Jemison's "Captivity" with the Senecas and Delawares

*Mary Jemison's tale is one of a number of Indian captivity documents that survive from the colonial period. Jemison's experience was not atypical—she was treated like an adopted sister and became relatively comfortable with her Indian family. Eventually she returned to her roots, as did some of the other captivity survivors. On the other hand, numerous counts exist of whites who went to live among the Indians, but it was much later in American history before Indians left their tribal families in order to live with whites. The two cultures managed to get along together, but the struggle was difficult and often bloody.*

The night was spent in gloomy forebodings. What the result of our captivity would be, it was out of our power to determine, or even imagine. At times, we could almost realize the approach of our masters to butcher and scalp us; again, we could nearly see the pile of wood kindled on which we were to be roasted; and then we would imagine ourselves at liberty, alone and defenseless in the forest, surrounded by wild beasts that were ready to devour us. The anxiety of our minds drove sleep from our eyelids; and it was with a dreadful hope and painful impatience that we waited for the morning to determine our fate.

The morning at length arrived, and our masters came early and let us out of the house, and gave the young man and boy to the French, who immediately took them away. Their fate I never learned, as I have not seen nor heard of them since.

I was now left alone in the fort, deprived of my former companions, and of every thing that was near or dear to me but life. But it was not long before I was in some measure relieved by the appearance of two pleasant-looking squaws, of the Seneca tribe, who came and examined me attentively for a short time, and then went out. After a few minutes' absence, they returned in company with my former masters, who gave me to the squaws to dispose of as they pleased.

The Indians by whom I was taken were a party of Shawnees, if I remember right, that lived, when at home, a long distance down the Ohio.

My former Indian masters and the two squaws were soon ready to leave the fort, and accordingly embarked—the Indians in a large canoe, and the two squaws and myself in a small one—and went down to Ohio. When we set off, an Indian in the forward canoe took the scalps of my former friends, strung them on a pole that he placed upon his shoulder, and in that manner carried them, standing in the stern of the canoe directly before us, as we sailed down the river, to the town where the two squaws resided.

On the way we passed a Shawnee town, where I saw a number of heads, arms, legs, and other fragments of the bodies of some white people who had just been burned. The parts that remained were hanging on a pole, which was supported at each end by a crotch stuck in the ground, and were roasted or burnt black as a coal. The fire was yet burning; and the whole appearance afforded a spectacle so shocking that even to this day the blood almost curdles in my veins when I think of them.

At night we arrived at a small Seneca Indian town, at the mouth of a small river that was called by the Indians, in the Seneca language, She-nan-jee, about eighty miles by water from the fort, where the two squaws to whom I belonged resided. There we landed, and the Indians went on; which was the last I ever saw of them.

Having made fast to the shore, the squaws left me in the canoe while they went to their wigwam or house in the town, and returned with a suit of Indian clothing, all new, and very clean and nice. My clothes, though whole and good when I was taken, were now torn in

pieces, so that I was almost naked. They first undressed me, and threw my rags into the river; then washed me clean and dressed me in the new suit they had just brought, in complete Indian style; and then led me home and seated me in the center of their wigwam. I had been in that situation but a few minutes before all the squaws in the town came in to see me. I was soon surrounded by them, and they immediately set up a most dismal howling, crying bitterly, and wringing their hands in all the agonies of grief for a deceased relative.

Their tears flowed freely, and they exhibited all the signs of real mourning. At the commencement of this scene, one of their number began, in a voice somewhat between speaking and singing, to recite some words to the following purport, and continued the recitation till the ceremony was ended; the company at the same time varying the appearance of their countenances, gestures, and tone of voice, so as to correspond with the sentiments expressed by their leader.

“Oh, our brother! Alas! he is dead—he has gone; he will never return! Friendless he died on the field of the slain, where his bones are yet lying unburied! Oh! who will not mourn his sad fate? No tears dropped around him: oh no! No tears of his sisters were there! He fell in his prime, when his arm was most needed to keep us from danger. . . . His spirit has seen our distress, and sent us a helper whom with pleasure we greet. Deh-he-wä-mis has come: then let us receive her with joy!—she is handsome and pleasant! Oh! she is our sister, and gladly we welcome her here. In the place of our brother she stands in our tribe. With care we will guard her from trouble; and may she be happy till her spirit shall leave us.”

In the course of that ceremony, from mourning they became serene-joy sparkled in their countenances, and they seemed to rejoice over me as over a long-lost child. I was made welcome among them as a sister to the two squaws before mentioned, and was called Deh-he-wä-mis; which, being interpreted, signifies a pretty girl, a handsome girl, or a pleasant, good thing. That is the name by which I have ever since been called by the Indians.

I afterward learned that the ceremony I at that time passed through was that of adoption. The two squaws had lost a brother in Washington's war, sometime in the year before, and in consequence of his death went up to Fort Duquesne on the day on which I arrived there, in order to receive a prisoner, or an enemy's scalp, to supply their loss. It is a custom of the Indians, when one of their number is slain or taken prisoner in battle, to give to the nearest relative of the dead or absent a prisoner, if they have chanced to take one; and if not, to give him the scalp of an enemy. On the return of the Indians from the conquest, which is always announced by peculiar shoutings, demonstrations of joy, and the exhibition of some trophy of victory, the mourners come forward and make their claims. If they receive a prisoner, it is at their option either to satiate their vengeance by taking his life in the most cruel manner they can conceive of, or to receive and adopt him into the family, in place of him whom they have lost.

All the prisoners that are taken in battle and carried to the encampment or town by the Indians are given to the bereaved families, till their number is good. And unless the mourners have but just received the news of their bereavement, and are under the operation of a paroxysm of grief, anger, or revenge; or, unless the prisoner is very old, sickly, or homely, they generally save them, and treat them kindly. But if their mental wound is fresh, their loss so great that they deem it irreparable, or if their prisoner or prisoners do not meet their approbation, no torture, let it be ever so cruel, seems sufficient to make them satisfaction. It is family and not national sacrifices among the Indians, that has given them an indelible stamp as barbarians, and identified their character with the idea which is generally formed of unfeeling ferocity and the most barbarous cruelty.

It was my happy lot to be accepted for adoption. At the time of the ceremony I was received by the two squaws to supply the place of their brother in the family; and I was ever considered and treated by them as a real sister, the same as though I had been born of their mother.

During the ceremony of my adoption, I sat motionless, nearly terrified to death at the appearance and actions of the company, expecting every moment to feel their vengeance, and suffer death on the spot. I was, however, happily disappointed; when at the close of the ceremony the company retired, and my sisters commenced employing every means for my consolation and comfort.

Being now settled and provided with a home, I was employed in nursing the children, and doing light work about the house. Occasionally, I was sent out with the Indian hunters, when they went but a short distance, to help them carry their game. My situation was easy; I had no particular hardships to endure. But still, the recollection of my parents, my brothers and sisters, my home, and my own captivity, destroyed my happiness, and made me constantly solitary, lonesome, and gloomy.

My sisters would not allow me to speak English in their hearing; but remembering the charge that my dear mother gave me at the time I left her, whenever I chanced to be alone I made a business of repeating my prayer, catechism, or something I had learned, in order that I might not forget my own language. By practicing in that way, I retained it till I came to Genesee flats, where I soon became acquainted with English people, with whom I have been almost daily in the habit of conversing.

My sisters were very diligent in teaching me their language; and to their great satisfaction, I soon learned so that I could understand it readily, and speak it fluently. I was very fortunate in falling into their hands; for they were kind, good-natured women; peaceable and mild in their dispositions; temperate and decent in their habits, and very tender and gentle toward me. I have great reason to respect them, though they have been dead a great number of years. . . .

In the second summer of my living at Wiishto, I had a child, at the time that the kernels of corn first appeared on the cob. When I was taken sick, Sheninjee was absent, and I was sent to a small shed on the bank of the river, which was made of boughs, where I was obliged to stay till my husband returned. My two sisters, who were my only companions, attended me; and on the second day of my confinement my child was born; but it lived only two days. It was a girl; and notwithstanding the shortness of the time that I possessed it, it was a great grief to me to lose it.

After the birth of my child I was very sick, but was not allowed to go into the house for two weeks; when, to my great joy, Sheninjee returned, and I was taken in, and as comfortably provided for as our situation would admit. My disease continued to increase for a number of days; and I became so far reduced that my recovery was despaired of by my friends, and I concluded that my troubles would soon be finished. At length, however, my complaint took a favorable turn, and by the time the corn was ripe I was able to get about. I continued to gain my health, and in the fall was able to go to our winter quarters, on the Saratoga, with the Indians.

From that time nothing remarkable occurred to me till the fourth winter of my captivity, when I had a son born, while I was at Sciota. I had a quick recovery, and my child was healthy. To commemorate the name of my much-lamented father, I called my son Thomas Jemison.

## **Gottlieb Mittelberger's Journey to Pennsylvania in the Year 1750**

*This description by a German indentured servant conveys the challenges faced even by those who came to America voluntarily. The account also suggests that the differences between indentured servitude and slavery were not as stark as we might suppose. The great difference, of course, is that indentured servitude was often, though not always, entered into voluntarily, and—assuming the servant survived—there was a light at the end of the tunnel. Slavery was never voluntary, and soon after the first layers were introduced, their servitude and that of their children was for life.*

When the ships have for the last time weighed their anchors . . . in Old England, the real misery begins ....During the voyage there is on board these ships terrible misery, stench, fumes, horror, vomiting, many kinds of seasickness, fever, dysentery, headache, heat, constipation, boils, scurvy, cancer, mouth-rot, and the like, all of which come from old and sharply salted food and meat, also from very bad and foul water, so that many die miserably.

Add to this want of provisions, hunger, thirst, frost, heat, dampness, anxiety, want, afflictions and lamentations, together with other trouble, as for example the lice abound so frightfully, especially on sick people, that they can be scraped off the body. The misery reaches the climax when a gale rages for 2 or 3 nights and days, so that every one believes that the ship will go to the bottom with all human beings on board. In such a visitation the people cry and pray most piteously. ....

Many sigh and cry: "Oh, that I were at home again, and if I had to lie in my pig-sty!" Or they say: "O God, if I only had a piece of good bread, or a good fresh drop of water." Many people whimper, sigh and cry piteously for their homes; most of them get home-sick. Many hundred people necessarily die and perish in such misery and must be cast into the sea, which drives their relatives or those who persuaded them to undertake the journey, to such despair that it is almost impossible to pacify and console them. In a word, the sighing and crying and lamenting on board the ship continues night and day so as to cause the hearts even of the most hardened to bleed when they hear it. . . .

At length, when, after a long and tedious voyage, the ships come in sight of land, so that the promontories can be seen, which the people were so eager and anxious to see, all creep from below on deck to see the land from afar, and they weep for joy, and pray and sing, thanking and praising God. . . . But alas! When the ships have landed at Philadelphia after their long voyage, no one is permitted to leave them except those who pay for their passage or can give good security; the others, who cannot pay, must remain on board the ships till they are purchased, and are released from the ships by their purchasers. The sick always fare the worst, for the healthy are naturally preferred and purchased first; and so the sick and wretched must often remain on board in front of the city for 2 or 3 weeks, and frequently die, whereas many a one, if he could pay his debt and were permitted to leave the ship immediately, might recover and remain alive. . . .

The sale of human beings in the market on board the ship is carried on thus: Every day Englishmen, Dutchmen and High-German people come from the city of Philadelphia and other places, in part from a great distance, say 20, 30, or 40 hours away, and go on board the newly arrived ship that has brought and offers for sale passengers from Europe, and select among the healthy persons such as they deem suitable for their business, and bargain with them how long they will serve for their passage money, which most of them are still in debt for. When they have come to an agreement, it happens that adult persons bind themselves in writing to serve 3, 4, 5 or 6 years for the amount due by them, according to their

age and strength. But very young people, from 10 to 15 years, must serve till they are 21 years old.

Many parents must sell and trade away their children like so many head of cattle; for if their children take the debt upon themselves, the parents can leave the ship free and unrestrained; but as the parents often do not know where and to what people their children are going, it often happens that such parents and children, after leaving the ship, do not see each other again for many years, perhaps no more in all their lives. . . . It often happens that whole families, husband, wife, and children, are separated by being sold to different purchasers, especially when they have not paid any part of their passage money.

When a husband or wife has died at sea, when the ship has made more than half of her trip, the survivor must pay or serve not only for himself or herself, but also for the deceased. When both parents have died over half-way at sea, their children, especially when they are young and have nothing to pawn or to pay, must stand for their own and their parents' passage, and serve till they are 21 years old. When one has served his or her term, he or she is entitled to a new suit of clothes at parting; and if it has been so stipulated, a man gets in addition a horse, a woman, a cow. . . .

If some one in this country runs away from his master, who has treated him harshly, he cannot get far. Good provision has been made for such cases, so that a runaway is soon recovered. He who detains or returns a deserter receives a good reward. If such a runaway has been away from his master one day, he must serve for it as a punishment a week, for a week a month, and for a month half a year. But if the master will not keep the runaway after he has got him back, he may sell him for so many years as he would have to serve him yet. . . .

However hard he may be compelled to work in his fatherland, he will surely find it quite as hard, if not harder, in the new country. . . . Therefore let every one stay in his own country and support himself and his family honestly. Besides, I say that those who suffer themselves to be persuaded and enticed away by the man-thieves, are very foolish if they believe that roasted pigeons will fly into their mouths in America or Pennsylvania without their working for them.

## **Sinners in the Hands of an Angry God (1741), Jonathan Edwards**

*Jonathan Edwards is considered by many to be the last great voice of Puritanism in America. Although he is remembered for the harsh message of this, his most famous sermon, his overall message was one of hope and redemption. One should not focus solely on the harsher passages even as one hears his voice, which must have rolled like thunder from the pulpit.*

God has laid Himself under no obligation, by any promise, to keep any natural man out of hell one moment. God certainly has made no promises either of eternal life or of any deliverance or preservation from eternal death, but what are contained in the Covenant of Grace, the promises that are given in Christ, in whom all the promises are yea and amen. But surely they have no interest in the promises of the Covenant of Grace that are not the children of the Covenant, and that do not believe in any of the promises of the Covenant, and have no interest in the Mediator of the Covenant. . . .

This may be of awakening to unconverted persons in this congregation. This that you have heard is the case of every one of you that are out of Christ. That world of misery, that take of burning brimstone, is extended abroad under you. There is the dreadful pit of the glowing flames of the wrath of God; there is hell's wide, gaping mouth open; and you have nothing to stand upon, nor anything to take hold of. There is nothing between you and hell but the air; it is only the power and mere pleasure of God that holds you up.

You probably are not sensible of this; you find you are kept out of hell, but do not see the hand of God in it; but look at other things, as the good state of your bodily constitution, your care of your own life, and the means you use for your own preservation. But indeed these things are nothing, if God should withdraw His hand, they would avail no more to keep you from falling than the thin air to hold up a person that is suspended in it. ...

The wrath of God is like great waters that are dammed for the present; they increase more and more, and rise higher and higher, till an outlet is given; and the longer the stream is stopped, the more rapid and mighty is its course when once it is let loose. 'Tis true, that judgment against your evil works has not been executed hitherto; the floods of God's vengeance have been withheld; but your guilt in the mean time is constantly increasing, and you are every day treasuring up more wrath; the waters are continually rising, and waxing more and more mighty; and there is nothing but the mere pleasure of God that holds the waters back that are unwilling to be stopped, and press hard to go forward. If God should only withdraw his hand from the floodgate, it would immediately fly open, and the fiery floods of the fierceness and wrath of God would rush forth with inconceivable fury, and would come upon you with omnipotent power; and if your strength were ten thousand times greater than it is, yea ten thousand times greater than the strength of the stoutest, sturdiest, devil in hell, it would be nothing to withstand or endure it.

The bow of God's wrath is bent, and the arrow made ready on the string; and justice bends the arrow at your heart, and strains the bow; and it is nothing but the mere pleasure of God, and that of an angry God, without any promise or obligation at all, that keeps the arrow one moment from being made drunk with your blood. Thus are all you that never passed under a great change of heart, by the mighty power of the spirit of God upon your souls; all that were never born again, and made new creatures, and raised from being dead in sin, to a state of new, and before altogether unexperienced light and life. However you may have reformed your life in many things, and may have had religious affections, and may keep up a form of religion in your families and closets, and in the house of God, and may be strict in it, you are thus in the hands of an angry God; it is nothing but his mere pleasure that keeps you from being this moment swallowed up in everlasting destruction.

However unconvinced you may now be of the truth of what you hear, by and by you will be fully convinced of it. Those that are gone from being in the like circumstances with you, see that it was so with them; for destruction came suddenly upon most of them, when they expected nothing of it, and while they were saying, peace and safety. Now they see, that those things that they depended on for peace and safety, were nothing but thin air and empty shadows.

The God that holds you over the pit of hell, much as one holds a spider or some loathsome insect over the fire, abhors you, and is dreadfully provoked; his wrath towards you burns like fire; he looks upon you as worthy of nothing else but to be cast into the fire; he is of purer eyes than to bear to have you in his sight; you are ten thousand times so abominable in his eyes as the most hateful venomous serpent is in ours. You have offended him infinitely more than ever a stubborn rebel did his prince; and yet it is nothing but his hand that holds you from falling into the fire every moment. 'Tis to be ascribed to nothing else, that you did not go to hell the last night; that you were suffered to awake again in this world, after you closed your eyes to sleep. And there is no other reason to be given why you have not dropped into hell since you arose in the morning, but that God's hand has held you tip. There is no other reason to be given why you haven't gone to hell since you have sat here in the House of God, provoking his pure eyes by your sinful wicked manner of attending his solemn worship; yea, there is nothing else that is to be given as a reason why you don't this very moment drop down into hell.

O, sinner! Consider the fearful danger you are in. 'Tis a great furnace of wrath, a wide and bottomless pit, full of the fire of wrath, that you are held over in the hand of that God, whose wrath is provoked and incensed as much against you as against many of the damned in hell. You hang by a slender thread, with the flames of divine wrath flashing about it, and ready every moment to surge it, and burn it asunder; and you have no interest in any mediator, and nothing to lay hold of to save yourself, nothing to keep off the flames of wrath, nothing of your own, nothing that You ever have done, nothing that you can do, to induce God to spare you one moment. . . .

. . . And now you have an extraordinary opportunity, a day wherein Christ has thrown the door of mercy wide open, and stands in the door calling and crying with a loud voice to poor sinners; a day wherein many are flocking to Him, and pressing into the kingdom of God. Many are daily coming from the east, west, north, and south. Many that were very lately in the same miserable condition that you are in, are now in a happy state, with their hearts filled with love to Him who has loved them, and washed them from their sins in his own blood, and rejoicing in hope of the glory of God.

How awful is it to be left behind at such a day! To see so many others feasting, while you are pining and perishing! To see so many rejoicing and singing for joy of heart, while you have cause to mourn for sorrow of heart, and howl for vexation of spirit! How can you rest one moment in such a condition? Are not your souls as precious as the souls of the people at Suffield, where they are flocking from day to day to Christ? . . .

And let everyone that is yet out of Christ, and hanging over the pit of hell, whether they be old men and women, or middle-aged, or young people, or little children, now hearken to the loud calls of God's word and providence. This acceptable year of the Lord, a day of such great favors to some, will doubtless be a day of as remarkable vengeance to others. Men's hearts harden, and their guilt increases apace at such a day as this if they neglect their souls; and never was there so great danger of such persons being given up to hardness of heart and blindness of mind.

### Three Poems of Anne Bradstreet

*When people think of the Puritans, they are often confronted with images of somber, serious, and coldhearted people for whom the joy of living was overwhelmed by a harsh and restrictive religion. Anne Bradstreet, daughter of one governor of Massachusetts Bay and the wife of another, conveys as clearly as anything evidence that Puritans could be warm, loving, affectionate, and passionate people, and that their religion could be a source of hope and consolation in what often seemed to be an unforgiving world. America's first published poet, she reaches out to us across the centuries to bring us into a world we do not always fully understand.*

#### TO HER LOVING HUSBAND

If ever two were one, then surely we.  
If ever man were lov'd by wife, then thee;  
If ever wife was happy in a man,  
Compare with me ye woman, if you can.  
I prize thy love more than whole Mines of Gold,  
Or all the riches that the East doth hold.  
My love is such that Rivers cannot quench,  
Nor ought but love from thee, give recompense.  
Thy love is such I can no way repay,  
The heavens reward thee manifold, I pray.  
Then while we live, in love let's so persevere  
That when we live no more, we may live ever.

#### A LETTER TO HER HUSBAND, ABSENT UPON PUBLIC EMPLOYMENT

My head, my heart, mine eyes, my life, nay, more,  
My joy, my magazine of earthly store,  
If two be one, as surely thou and I,  
How stayest thou there, whilst I at Ipswich lie?  
So many steps, head from the heart to sever,  
If but a neck, soon should we be together.  
I, like the Earth this season, mourn in black,  
My Sun is gone so far in's zodiac,  
Whom whilst I 'joyed, nor storms, nor frost I felt,  
His warmth such frigid colds did cause to melt.  
My chilled limbs now numbed lie forlorn,—  
Return, return, sweet Sol, from Capricorn;  
In this dead time, alas, what can I more  
Than view those fruits which through thy heat I bore?  
Which sweet contentment yield me for a space,  
True living pictures of their father's face.  
O strange effect! now thou art southward gone,  
I weary grow the tedious day so long;  
But when thou northward to me shalt return,  
I wish my Sun may never set, but burn  
Within the Cancer of my glowing breast,  
The welcome house of him my dearest guest.  
Where ever, ever stay, and go not thence,  
Till nature's sad decree shall call thee hence;  
Flesh of thy flesh, bone of thy bone,  
I here, thou there, yet both but one.



HERE FOLLOW SOME VERSES UPON THE  
BURNING OF OUR HOUSE JULY 10TH, 1666.  
COPIED OUT OF A LOOSE PAPER

In silent night when rest I took  
For sorrow near I did not look  
I wakened was with thund'ring noise  
And piteous shrieks of dreadful voice.  
That fearful sound of "Fire!" and "Fire!"  
Let no man know is my desire.  
I, starting up, the light did spy,  
And to my God my heart did cry  
To strengthen me in my distress  
And not to leave me succorless.  
Then, coming out, beheld a space  
The flame consume my dwelling place.  
And when I could no longer look,  
I blest His name that gave and took,  
That laid my goods now in the dust.  
Yea, so it was, and so 'twas just.  
It was His own, it was not mine,  
Far be it that I should repine;  
He might of all justly bereft  
But yet sufficient for us left.  
When by the ruins oft I past  
My sorrowing eyes aside did cast,  
And here and there the places spy  
Where oft I sat and long did lie:  
Here stood that trunk, and there that  
chest,  
There lay that store I counted best.  
My pleasant things in ashes lie,

And them behold no more shall I.  
Under thy roof no guest shall sit,  
Nor at thy table eat a bit.  
No pleasant tale shall e'er be told,  
Nor things recounted done of old.  
No candle e'er shall shine in thee,  
Nor bridegroom's voice e'er heard shall  
be.  
In silence ever shall thou lie,  
Adieu, Adieu, all's vanity.  
Then straight I 'gin my heart to chide,  
And did thy wealth on earth abide?  
Didst fix thy hope on mold'ring dust?  
The arm of flesh didst make thy trust?  
Raise up thy thoughts above the sky  
That dunghill mists away may fly.  
Thou hast an house on high erect,  
Framed by that mighty Architect,  
With glory richly furnished,  
Stands permanent though this be fled.  
It's purchased and paid for too  
By Him who hath enough to do.  
A price so vast as is unknown  
Yet by His gift is made thine own;  
There's wealth enough, I need no more,  
Farewell my pelf, farewell my store,  
The world no longer let me love,  
My hope and treasure lies above.

## Maryland Toleration Act, 1649

*We often say that the early colonists came to America in search of religious freedom. What we often overlook is the fact that what many colonists wanted was the freedom to practice their own religion and not to be bothered by people of different faiths intruding upon their turf. Being anything but a Puritan in Massachusetts was not a comfortable condition; being anything but an Anglican in colonial Virginia was likewise often problematic. Rhode Island, Pennsylvania, and Georgia offered alternatives, but as far as religion was concerned, colonial America was not always the land of the free.*

*The Maryland Toleration Act excerpted below is often presented as an example of the movement toward freedom of religion in early America, and for its time it was indeed a milestone document. It was, however, later repealed, and religious harmony between Maryland and its sister colony of Virginia was often an unfriendly affair. Nevertheless, the Act is interesting for us to read. As is obvious from the document, expressions of religious freedom were very carefully circumscribed in those turbulent times.*

FORASMUCH as in a well-governed and Christian commonwealth, matters concerning religion and the honor of God ought in the first place to be taken into serious consideration and endeavored to be settled, be it therefore ordered and enacted, by the Right Honorable Cecilius, Lord Baron of Baltimore, Absolute Lord and Proprietary of this province, with the advice and consent of this General Assembly, that whatsoever Person or persons within this province and the islands thereunto belonging shall henceforth blaspheme God, that is, curse Him, or deny our Savior Jesus Christ to be the Son of God, or shall deny the Holy Trinity-the Father, Son, and Holy Ghost-or the Godhead or any of the said three Persons of the Trinity or the unity of the Godhead, or shall use or utter any reproachful speeches, words, or language concerning the said Holy Trinity, or any of the said three Persons thereof, shall be punished with death and confiscation or forfeiture of all his or her lands and goods to the Lord Proprietary and his heirs.

And be it also enacted . . . that whatsoever person or persons shall from henceforth use or utter any reproachful words or speeches concerning the Blessed Virgin Mary, the Mother of Our Savior, or the holy apostles or evangelists or any of them, shall in such case for the first offense forfeit to the said Lord Proprietary and his heirs, Lords, and Proprietaries of this province the sum of 5 pounds sterling or the value thereof to be levied on the goods and chattels of every such person so offending. . . .

And be it also further enacted, by the same authority, advice, and assent, that whatsoever person or persons shall from henceforth upon any occasion of offense or otherwise in a reproachful manner or way declare, call, or denominate any person or persons whatsoever inhabiting, residing, trading, or commercing within this province or within any of the ports, harbors, creeks, or havens to the same belonging, a heretic, schismatic, idolator, Puritan, independent, Presbyterian, popish priest, Jesuit, Jesuited papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or any other name or term in a reproachful manner relating to matter of religion, shall for every such offense forfeit and lose the sum of 10 s. . . .

And be it further likewise enacted, by the authority and consent aforesaid, that every person and persons within this province that shall at any time hereafter profane the Sabbath or Lord's Day called Sunday, by frequent swearing, drunkenness, or by any uncivil or disorderly recreation, or by working on that day when absolute necessity does not require it, shall for every such first offense forfeit 2s. 6d., or the value thereof, . . .

And whereas the enforcing of the conscience in matters of religion has frequently fallen out to be of dangerous consequence in those commonwealths where it has been practised, and for the more quiet and peaceable government of this province, and the better to preserve mutual love and amity among the inhabitants thereof, be it, therefore, also by the Lord Proprietary, with the advice and consent of this assembly, ordained and enacted (except as in this present act is before declared and set forth) that no person or persons whatsoever within this province, or the islands, ports, harbors, creeks, or havens thereunto belonging, professing to believe in Jesus Christ, shall from henceforth be in any way troubled, molested, or discountenanced for or in respect of his or her religion, nor in the free exercise thereof within this province or the islands thereunto belonging, nor in any way compelled to the belief or exercise of any other religion against his or her consent, so as they be not unfaithful to the Lord Proprietary, or molest or conspire against the civil government established or to be established in this province under him or his heirs.

And that all and every person and persons that shall presume contrary to this act and the true intent and meaning thereof directly or indirectly either in person or estate willfully to wrong, disturb, trouble, or molest any person whatsoever within this province professing to believe in Jesus Christ for, or in respect of, his or her religion or the free exercise thereof, within this province other than is provided for in this act, that such person or persons so offending shall be compelled to pay treble damages to the party so wronged or molested, and for every such offense shall also forfeit 20s. in money or the value thereof, half thereof for the use of the Lord Proprietary, and his heirs, Lords, and Proprietaries of this province, and the other half for the use of the party so wronged or molested as aforesaid. . . .

And be it further also enacted, by the authority and consent aforesaid, that the sheriff or other officer or officers from time to time to be appointed and authorized for that purpose, of the county, town, or precinct where every particular offense in this present act contained shall happen at time to be committed and whereupon there is hereby a forfeiture, fine, or penalty imposed, shall from time to time distrain seize the goods and estate of every person so offending as aforesaid against this present act or any part thereof, and sell the same or any part thereof for the full satisfaction of such forfeiture, fine, or penalty as aforesaid, restoring unto the party so offending the remainder or overplus of the said goods or estate after such satisfaction so made as aforesaid.

The freemen have assented. . . . . [Signed] THOMAS HATTON. . . . Enacted by the Governor William Stone

## A Letter from New England

To my loving father William Pond, at Etherston in Suffolk give this.

MOST LOVING & KIND FATHER & MOTHER, My humble duty remembered unto you, trusting in God you are in good health, & I pray remember my love unto my brother Joseph & thank him for his kindness that I found at his hand at London, ... I know, loving father, & do confess that I was an undutiful child unto you when I lived with you & by you, for the which I am much sorrowful & grieved for it, trusting in God that he will guide me that I will never offend you so any more & I trust in God that you will forgive me for it.

My writing unto you is to let you understand what a country this New England is where we live. Here are but few [Indians], a great part of them died this winter, it was thought it was of the plague. They are a crafty people & they will [cozen] & cheat, & they are a subtle people, & whereas we did expect great store of beaver here is little or none to be had. They are proper men & . . . many of them go naked with a skin about their loins, but now sum of them get Englishmen's apparel; & the country is very rocky and hilly & some champion ground & the soil is very [fruitful], & here is some good ground and marsh ground, but here is no Michaelmas. Spring cattle thrive well here, but they give small store of milk. The best cattle for profit is swines & a good swine is her at £5 price, and a goose worth £2 a good one got. Here is timber good store & acorns good store, and here is good store of fish if we had boats to go for & lines to serve to fishing. ... & people here are subject to diseases, for here have died of the scurvy & of the burning fever nigh too hundred & odd; beside as many lie lame & all Sudbury men are dead but three & three women & some children, & provisions are here at a wonderful rate. ...

If this ship had not come when it did we had been put to a wonderful straight, but thanks be to God for sending of it in. I received from the ship a hogshead of meal, & the Governor telleth me of a hundred weight of cheese the which I have received part of it. I humbly thank you for it. I did expect two cows, the which I had none, nor I do not earnestly desire that you should send me any, because the country is not so as we did expect it. Therefore, loving father, I would entreat you that you would send me a firkin of butter & a hogshead of malt unground, for we drink nothing but water, & a coarse clothe of four pound price so it be thick. For the freight, if you of your love will send them I will pay the freight, for here is nothing to be got without we had commodities to go up to the East parts amongst the Indians to truck, for here where we live here is no beaver. Here is no cloth to be had to make no apparel, & shoes are a 5s a pair for me, & that cloth that is worth 2s 8d is worth here 5s.

So I pray, father, send me four or five yards of cloth to make some apparel, & loving father, though I be far distant from you yet I pray you remember me as your child, & we do not know how long we may subsist, for we can not live here without provisions from old England. Therefore, I pray do not put away your shop stuff, for I think that in the end, if I live, it must be my living, for we do not know how long this plantation will stand, for some of the magnates that did uphold it have turned off their men & have given it over. Besides, God hath taken away the chiefest stud in the land, Mr. Johnson & the lady Arabella his wife, which was the chiefest man of estate in the land & one that would have done most good. ...

My wife remembers her humble duty unto you & to my mother, & my love to brother Joseph & to Sarey Myler. Thus I leave you to the protection of Almighty God. ...

## The Middle Passage: Voyage From Africa, 1756

*This account of the middle passage from Africa is chilling in its depiction of the absolute absence of any humanity shown by those who dealt with human beings as commodities to be bought and sold to the highest bidder.*

*SOURCE: Gustavus Vasa, The Interesting Narrative of the Life of Olaudah Equiano or Gustavus Vasa, Written by Himself (London: Printed and sold by the author, 1793.)*

The first object which saluted my eyes when I arrived on the coast was the sea, and a slave ship, which was then riding at anchor, and waiting for its cargo. These filled me with astonishment, which was soon converted into terror, which I am yet at a loss to describe, nor the then feelings of my mind. When I was carried on board I was immediately handled, and tossed up, to see if I were sound, by some of the crew; and I was now persuaded that I had got into a world of bad spirits, and that they were going to kill me. . . .

I was not long suffered to indulge my grief; I was soon put down under the decks, and there I received such a salutation in my nostrils as I had never experienced in my life; so that, with the loathsomeness of the stench, and crying together, I became so sick and low that I was not able to eat, nor had I the least desire to taste anything . . . but soon, to my grief, two of the white men offered me eatables; and, on my refusing to eat, one of them held me fast by the hands, and laid me across, I think, the windlass, and tied my feet, while the other flogged me severely. . . .

In a little time after, amongst the poor chained men, I found some of my own nation, which in a small degree gave ease to my mind. I inquired of them what was to be done with us? they gave me to understand we were to be carried to these white people's country to work for them. I then was a little revived, and thought, if it were no worse than working, my situation was not so desperate: but still I feared I should be put to death, the white people looked and acted, as I thought, in so savage a manner; for I had never seen among any people such instances of brutal cruelty; and this not only shewn towards us blacks, but also to some of the whites themselves. One white man in particular I saw, when we were permitted to be on deck, flogged so unmercifully with a large rope near the foremast, that he died in consequence of it; and they tossed him over the side as they would have done a brute. This made me fear these people the more; and I expected nothing less than to be treated in the same manner. . . .

The stench of the hold while we were on the coast, was so intolerably loathsome, that it was dangerous to remain there for any time, and some of us had been permitted to stay on the deck for the fresh air; but now that the whole ship's cargo were confined together, it became absolutely pestilential. The closeness of the place, and the heat of the climate, added to the number in the ship, which was so crowded that each had scarcely room to turn himself, almost suffocated us. . . .

The shrieks of the women, and the groans of the dying, rendered the whole a scene of horror almost inconceivable. Happily perhaps for myself I was soon reduced so low here that it was thought necessary to keep me almost always on deck; and from my extreme youth I was not put in fetters. In this situation I expected every hour to share the fate of my companions, some of whom were almost daily brought upon deck at the point of death which I began to hope would soon put an end to my miseries. . . .

One day, when we had a smooth sea, and moderate wind, two of my wearied countrymen, who were chained together (I was near them at the time), preferring death to such a life of

misery, somehow made through the nettings, and jumped into the sea; immediately another quite dejected fellow, who, on account of his illness, was suffered to be out of irons, also followed their example; and I believe many more would very soon have done the same, if they had not been prevented by the ship's crew, who were instantly alarmed. Those of us that were the most active were in a moment put down under the deck; and there was such a noise and confusion amongst the people of the ship as I never heard before, to stop her, and get the boat out to go after the slaves. However, two of the wretches were drowned, but they got the other, and afterwards flogged him unmercifully, for thus attempting to prefer death to slavery. In this manner we continued to undergo more hardships than I can now relate. . . .

## Virginia Slave Laws

*Throughout the seventeenth century, indentured servants, who agreed to work for a stated number of years in return for their passage to the New World, were a convenient source of labor for the American colonies. Both Negroes and whites served under the system. White servants, after working out their period of indenture, often rose to respected positions in the community. However, Negroes, who numbered about 2,000 in Virginia in 1670, were seldom accorded the same treatment. By the middle of the century they were generally considered servants for life. In the late 1650s, laws referring to slaves began to appear in the Virginia statutes; the following sampling of Virginia Laws, passed between 1660 and 1669, clearly marks the distinction between white servants and Negro slaves.*

### **ON RUNNING AWAY WITH NEGROES (MARCH 1660)**

*Be it enacted* that in case any English servant shall run away in company with any Negroes who are incapable of making satisfaction by addition of time ... the English so running away in company with them shall serve for the time of the said Negroes absence as they are to do for their own by a former act.

### **ON THE NATIVITY CONDITIONS OF SLAVERY (DECEMBER 1662)**

Whereas some doubts have arisen whether children got by any Englishman upon a Negro woman should be slave or free, be it therefore enacted and declared by this present Grand Assembly, that all children born in this country shall be held bond or free only according to the condition of the mother; and that if any Christian shall commit fornication with a Negro man or woman, he or she so offending shall pay double the fines imposed by the former act.

### **ON BAPTISM AND BONDAGE (SEPTEMBER 1667)**

*Whereas* some doubts have risen whether children that are slaves by birth, and by the charity and piety of their owners made partakers of the blessed sacrament of baptism, should by virtue of their baptism be made free, *it is enacted and declared by this Grand Assembly, and the authority thereof*, that the conferring of baptism does not alter the condition of the person as to his bondage or freedom; that diverse masters, freed from this doubt may more carefully endeavor the propagation of Christianity by permitting children, though slaves, or those of greater growth if capable, to be admitted to that sacrament.

### **ON CORPORAL PUNISHMENT (SEPTEMBER 1668)**

*Whereas* it has been questioned whether servants running away may be punished with corporal punishment by their master or magistrate, since the act already made gives the master satisfaction by prolonging their time by service, *it is declared and enacted by this Assembly* that moderate corporal punishment inflicted by master or magistrate upon a runaway servant shall not deprive the master of the satisfaction allowed by the law, the one being as necessary to reclaim them from persisting in that idle course as the other is just to repair the damages sustained by the master.

### **ON THE KILLING OF SLAVES (OCTOBER 1669)**

*Whereas* the only law in force for the punishment of refractory servants resisting their master, mistress, or overseer cannot be inflicted upon Negroes, nor the obstinacy of many of them be suppressed by other than violent means, *be it enacted and declared this Grand Assembly* if any slave resists his master (or other by his master's order correcting him) and by

the extremity of the correction should chance to die, that his death shall not be accounted a felony, but the master (or that other person appointed by the master to punish him) be acquitted from molestation, since it cannot be presumed that premeditated malice (which alone makes murder a felony) should induce any man to destroy his own estate.



## **Part II: The Era of the American Revolution 1760-1800**

**Introduction.** Part two of your course covers the period from 1760 to 1800, the era of the American Revolution. I have said elsewhere that the first half of American history has a plot: a beginning, a middle, and an end. The beginning of early American history takes us through 1760 (though history rarely divides itself into clear-cut eras), when the colonies were developed to the extent that they had the capacity to become a separate nation. In fact, the Americans were already a different people by 1760, if for no other reason than through their physical separation from the mother country.

It has been said that contact with a frontier environment changes people and the way they think, and there is much evidence to support that claim for American history well into the 19th century. Practices that were accepted as normal in the home country did not necessarily work in America, and skills that were undervalued in Europe offered a path to self-sufficiency for many American colonists. Life in the fields and forests of America was very different from life in the streets and alleys in London as well as in the British countryside.

I have also suggested that there was a difference between the people who came to America, at least those who came voluntarily, and the people who did not. It took a certain character to leave one's hearth and home and family and travel across the ocean on a dangerous voyage into an uncertain future. The conditions that confronted the colonists when they arrived, especially in the early decades, must have caused them to rethink the way they intended to live their lives.

As we shall see, it is ironic that the Americans who rebelled were in many ways the freest people in the civilized world in 1760. Until then the hand of government had touched them but lightly; even where British laws sought to control their lives, as with the navigation acts, Americans found it easy to work their way around the legal restrictions imposed by the Empire. In short, the colonists had gotten used to doing things their own way. When the British decided to change that and attempted to bring the Americans back into the fold, as they saw it from their perspective, the Americans were not so sure they wanted to go. In that sense, the American Revolution was not only about change, but about preserving a way of life to which the hardy colonists had grown accustomed.

## The American Revolution: 1763–1800

*"I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain."*  
—John Adams

**Background.** The American Revolution is one of those events that virtually all Americans celebrate with enthusiasm. As much as anything, Americans value freedom, the liberty to live their lives as they see fit with as little interference as possible from higher authority. That was the impetus that drove many emigrants from England and other countries to America during the colonial era. It was that same impulse that triggered feelings of rebellion once the British ceased treating the colonies with more or less benign neglect. And that same impulse for freedom still drives the thinking of many Americans in the 21st century. As Supreme Court Justice Louis Brandeis put it, the American people insist on "the right to be left alone."

### 1763–1800: Why Those Dates?

Almost all American historians begin the Revolutionary Era with the year 1763. The Treaty of Paris of that year ended the Seven Years, or French and Indian War, and Great Britain, standing "astride the globe like a colossus," turned her attention to her colonies as a means of securing her frontiers and beginning to ease the huge debt that resulted from decades of war. The tensions between the colonists and the mother country, which had always been present to some degree, began to sharpen, and twelve years later the war broke out.

The ending date of the Revolution is not so easy to ascertain. The year 1783, in which another Treaty of Paris brought official recognition of American independence, is certainly one possible date. Many historians have extended the date to 1789, the year in which the Constitution went into effect. Certainly there is logic in that, for it is clear that the newly created states could not have survived and prospered under the Articles of Confederation, so it is fair to argue that without the Constitution, the Revolution would not have been fully complete.

This author will argue that the Revolution was sealed to a great extent in the year 1800 when a Republican president and a Republican Congress replaced the Federalists, who had been in power for twelve years under presidents Washington and Adams. Thomas Jefferson recognized the significance of 1800 when he called the election of that year a "revolution"; what Jefferson meant was that for the first time in the modern world, political power at the top of a nation had changed hands without the shedding of blood. There is good reason to endorse Jefferson's claim and to say that once the democratic process had demonstrated that there could be an orderly transfer of power in United States, then the true goals of the Revolution had been achieved.

Despite the often contentious nature of our modern elections, we take it for granted that power will regularly change hands without bloody rioting. But in the 1790s that was no certainty, for the country was in perhaps the most agitated political state in which it has ever found itself, with the exception of the Civil War years. At least one noted historian has argued that had the Republicans not won the election of 1800, the country might well have broken up or resorted to violence. Although we associate secession with the Civil War era, it

was openly discussed even at that earlier time, as the different areas of the country found themselves unable to agree on the proper course of the American nation under a Constitution that had, in some respects, been left deliberately vague.

For those reasons we assert that the 1790s do belong to the Revolutionary Era, for even after the Constitution was adopted, a certain time was required for the meaning of it all to begin to settle in. For good reasons strong disagreement as to what was the true meaning of the Revolution—and even of the Constitution—existed for some time. Thus we set 1800 as the end date of the Revolutionary Era. In a real sense, however, the American Revolution has never ended, for as we debate our political differences and argue over laws, courts, politicians, and administrators, we continue to define the meaning of the American Revolution and American democracy.

## General

We Americans tend to take our Revolution for granted. We assume that it was inevitable, in more ways than one: We assume that it had to happen, and that the outcome was more or less foreordained. Both those assumptions have been challenged and are still worthy of discussion. We also assume that the event was truly revolutionary, a radical break with the old order and old ideas. That assumption also bears close scrutiny, for the American Revolution was in some ways conservative in that it did preserve much that was old, much that the colonists feared losing.



Washington and Lafayette and Valley Forge

Yet historians such as Gordon Wood have argued that the American Revolution was as radical as any in history, an event that has had repercussions well into modern times and into corners of the world that few would connect with the events of 1776.<sup>16</sup> Our

great revolution is in some ways still going on, in some ways still unfinished, but in many ways it continues to be an event that has the power to capture our collective imagination.

The issues surrounding the American Revolution include:

- How, when, and why did the Revolution really begin?
- Was the American Revolutionary War inevitable?
- Were the colonists justified in taking up arms against the Crown?
- How “glorious” was the cause, the war for independence itself?
- How revolutionary was the American Revolution? What things changed and what remained the same?

We have said that the American Revolution is generally dated from 1763, but it can be argued that the Revolution actually began long before that. We said in the section on colonial America that those who left their homelands to migrate to the new world separated themselves in fundamental ways from those who would not or could not make that journey. If we assume that the people who chose to come were different, then we can say that the roots of the American Revolution actually go back to the old countries, and that the people who left were in a sense already in a state of rebellion.

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<sup>16</sup> Gordon Wood, *The Radicalism of the American Revolution* (New York: Knopf, 1991.)

Second, it has been argued in other contexts that the frontier experience of America had a leveling effect on people; that is, in a wilderness environment that always existed, at least on the fringes of colonial America, the skills needed for survival were unrelated to a person's social or cultural background. America needed and bred working people who were strong enough to withstand the rigors of colonial life, and they were not the sort of people who were likely to take kindly to a superior authority attempting to control their lives.

For the first hundred years of the colonization of North America by the English, from 1607 until early in the 18th century, the colonies were for the most part ignored by the Crown, and very little if any British presence was felt on this side of the Atlantic. But starting about 1700, world events more and more connected the colonies with the mother country.

### **A CENTURY OF IMPERIAL WAR: The Second Hundred Years War**

In the previous section we mentioned briefly the series of colonial wars that were connected with larger European conflicts—wars about power and empire. Those wars, which began in the late 1600s, were fought all over the world and almost inevitably involved the American colonies; colonies were, after all, both a measure and a source of imperial strength. With the American colonies growing in size and influence over the course of those wars, it was also inevitable that they would continue to draw attention to the growing disparity between the interests of the British Empire and the interest of the colonists themselves. In other words, they were an important contributing factor to the background of the American Revolution.

Those colonial wars were part of a European struggle for empire. Beginning with the Spanish and Portuguese colonization of much of Central and South America, the other European nations came to believe that in order to compete with Spain and Portugal for power and prestige, they would have to develop colonies as well. At the same time, the face of Europe was subject to change as the major powers, including Great Britain, France, Austria-Hungary, Prussia, Russia, Spain, and Sweden, competed for domination of the smaller states and sought to extend their boundaries wherever practicable. Those wars were fought over dynastic, economic, and religious impulses, and as the battlegrounds shifted, so did the alliance structure of the major powers.

Much of the fighting in America during those wars was done by British regulars, but colonial militias contributed to all of them, providing firepower as well as local knowledge that helped bring about British success on the battlefield. While the outcomes of those wars had a lasting impact on relations among the European powers, the results also directly or indirectly affected the lives of the colonies, sometimes to their detriment. In each war the colonists fought alongside British regulars on the battlefield, only to see the fruits of their efforts bargained away by treaties being made far across the ocean.

The net result of all of this series of conflicts was that in the end, Great Britain stood alone in command of most of North America—everything north of Spanish Mexico and east of the Mississippi. The Indian threat, which had been made worse because of the Indian alliances with the French during each of those war, was significantly reduced, and the Americans in 1763 could feel reasonably secure within their borders. From fighting in these wars the Americans gained valuable military experience as well as a sense of strength. Though they were not ready for any sort of union by 1763, they had begun to realize that in serious matters, they had more in common with their colonial neighbors than they had previously believed.

These wars, which became known as the **Second Hundred Years War**, included the following:

- 1689–1697: The War of the League of Augsburg, known in America as King William’s War.
- 1702–1713: The War of Spanish Succession—in America Queen Anne’s War.
- 1715: The Yamassee War. A bitter, harsh war conducted mostly in South Carolina between colonists and Indians loosely allied with Spanish Florida.
- 1739-1742: The War of Jenkins’ Ear, Begun when a Spanish warship attacked a British merchantmen at sea. The war eventually merged with:
- 1740–1748: The War of Austrian Succession—King George’s War in America.
- 1756-1763: The Seven Years War—French and Indian War—or “Great War for Empire.”

We will not attempt to portray here the details of the European portion of those conflicts except where they directly affected colonial America. Nor can we say that the only armed conflicts that occurred during this era were those listed above; localized quarrels could break out at almost any time. Yet to some extent the face of Europe remained stabilized, even through this extended period of conflict, by a phenomenon referred to as the “balance of power.” That term can be misleading in that it suggests a rigid structure somehow held in place by political forces. But the theory of the balance of power can more accurately be described as a condition in which the European powers understood that if any one of them, or if a coalition of two or three major powers, became so strong as to threaten the interests of the other nations, those would organize to offset the potential aggressors.

Thus the War **of the League of Augsburg**—often called the War of the Grand Alliance or the Nine Years’ War (1688–97)—was fought by a coalition designed to offset the wealth, power, and expansive actions of King Louis XIV of France. Although the war began with Louis’s invasion of the Rhineland, it was expanded when William of Orange, who became King William III of England, fought to oppose a potential uprising of supporters of the deposed King James, who were backed by King Louis of France. Fighting raged throughout the 1690s and was finally ended with the Treaty of Ryswick in 1697. Order was restored to

Europe, and all territory captured in the colonies was to be restored to its original situation.



The Duke of Marlborough

When the Spanish monarch King Charles II expired in 1700 and left his throne to Philip of Anjou, grandson of Louis XIV, the natural alliance between France and Spain triggered the **War of Spanish Succession** (1702-1713), or “Queen Anne’s War.” Protestant monarchs combined to thwart the power now united in two very strong Catholic monarchs. The leading generals of the war included an ancestor of Winston Churchill, the Duke of Marlborough, and Prince Eugene of Savoy. Marlborough was a brilliant general who won several great battles and later became the dominant political figure in British politics during the rule of Queen Anne. Anne, the last of the Stuart dynasty, was an unfortunate monarch who went through seventeen pregnancies but bore no children who lived to adulthood. Upon her death she was succeeded by a prince of the House of Hanover, who became King George I of England. His great-grandson George III

was monarch during the American Revolution.

Fighting in the colonies during Queen Anne’s War occurred on the northern and southern fringes, where the French in Canada and Spanish in Florida employed Indian allies against

the British colonists. The precarious nature of life on the frontier meant that outlying towns and villages had to be prepared to defend themselves against a sudden attack. One such event was known as the Deerfield Massacre, which occurred when joint French and Indian forces struck the Massachusetts settlement at dawn in February of 1704. Fifty-six colonists were killed, and the village was razed. Over one hundred survivors were taken as prisoners back to Canada, of whom about sixty eventually made their way back to New England.

The war was ended by the Treaty of Utrecht (1713), by which Britain acquired Acadia (re-named Nova Scotia), Newfoundland, and other parts of Canada. Again, the colonists were frustrated, because the British had failed to defend them adequately against the French and Spanish and their Indian allies.

*(An interesting secondary result of the war was that the French Catholics who had settled in Acadia were later forced to give up their homes and disperse. Descendants of the displaced Acadians later settled in French Louisiana, where the pronunciation of their name evolved into Cajuns. The state now formally recognizes twenty-two counties in Louisiana as Acadiana, where Cajun culture and language—a French dialect—continue to thrive. The Cajuns form one of the rich subcultures of America; their motto is laissez les bons temps rouler!)*

The **Yamasee War** of 1715 involved settlers in South Carolina fighting against a coalition of Yamasee, Creek, and other Indian tribes supported by the Spanish and French. The fighting was fierce while it lasted, and died down rather than being formally ended. The conflict led to the creation of the Georgia colony as a buffer against further Spanish encroachment. Animosity toward the Spanish and French continued in the southern border colonies.

The **War of Jenkins' Ear** was named for an incident at sea when a Spanish officer cut off the ear of a British merchant captain named William Jenkins, who later displayed his cut-off ear in Parliament to the outrage of members. Fought largely over issues regarding maritime trade, the brief conflict was also fought between Georgia colonists and Spanish authorities in Florida.



Frederick II, "The Great," of Prussia

The War of Jenkins's Ear evolved into the **War of Austrian Succession**, which began when Frederick II, the "Great," of Prussia took advantage of the accession to the throne of the young Empress Maria Teresa of Austria to invade the province of Silesia. Opponents of Prussia combined to defend themselves against Frederick's military adventurism. Frederick's military prowess and tactics became models for future military leaders such as Napoleon, and his highly disciplined troops were recognized for their fighting skills and courage. The Treaty of Aix-la-Chapelle (1748) ended the war in Europe and restored the *status quo* between Austria and Prussia, although Maria Teresa was forced to cede Silesia to Frederick.

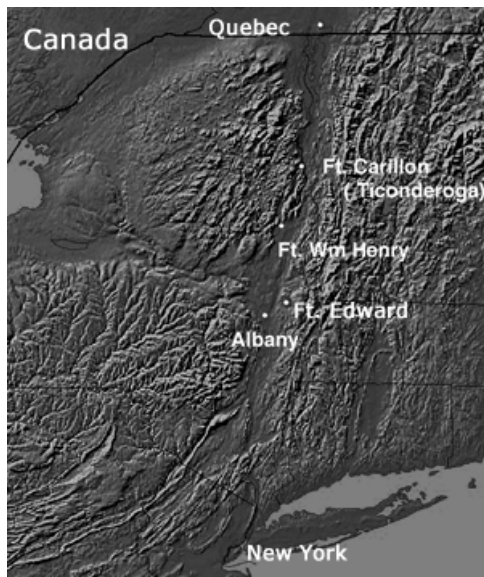
Once again, a portion of the war, known as **King George's War**, was fought in the American colonies. In particular merchants of New England felt threatened by a base for privateers located at Louisburg in Nova Scotia, the former French territory of Acadia awarded to the British at the end of Queen Anne's War. In 1745 a Maine merchant, William Pepperrell, organized an expedition of several thousand men from Massachusetts, Rhode Island, and Connecticut to assault the fortress at Louisburg, which they successfully captured. French attempts to recapture the fortress were thwarted, but with the treaty of Aix-la-Chapelle, Louisburg was returned to the French, which nullified the most significant victory ever won by the American colonists. In order to

assuage colonial anger, Parliament reimbursed the colonial governments for expenditures during the war. It was neither the first nor the last time that the colonists would feel betrayed by the mother country.

### **The French and Indian War (Seven Years' War)**

The last and most important of all the colonial wars with the French and Indian War, which was fought on all corners of the globe. Unlike previous conflicts, however, this last of the imperial wars began in America. Competition for control of the interior of North America had intensified during the previous decades, and by 1754 the French had made great inroads, extending their control from Canada down through the Ohio and Mississippi Valleys as far as New Orleans. The British thus found themselves constrained by the hated French "papists" (Catholics) to the territory between the Atlantic coast and the Appalachian Mountains.

In 1754 Lieutenant Governor Robert Dinwiddie of Virginia sent young Lieutenant Colonel George Washington on a mission to press the French not to advance further. Washington reported that the French had no intentions of removing themselves. Dinwiddie then ordered construction of a fort on the site of present-day Pittsburgh, but the French captured the site and built Fort Duquesne. Washington's attempt to retake Fort Duquesne with Virginia militia was unsuccessful. In 1755, British General Edward Braddock, accompanied by Virginia militia under Washington, set out to capture Fort Duquesne and drive the French out of the Ohio Valley. Braddock met the French east of the fort and was mortally wounded during his defeat in the Battle of the Wilderness. Washington organized and led the retreat of the defeated army. Disgusted with Braddock's performance and frustrated with his subordinate position, Washington's animosity toward the British began to take shape.<sup>17</sup> a



War was officially declared in 1756. The fighting spread to Europe, and things continued to go badly for the British in North America. The French sent a new commander, the Marquis de Montcalm, along with reinforcements, to Canada. The colonials built Fort William Henry north of Albany, New York, on Lake George to defend against French attacks from Canada, but they failed to take Fort Carillon (Ticonderoga), or Crown Point. Soon, however, the fortunes of war began to turn in favor of the British and their American compatriots.

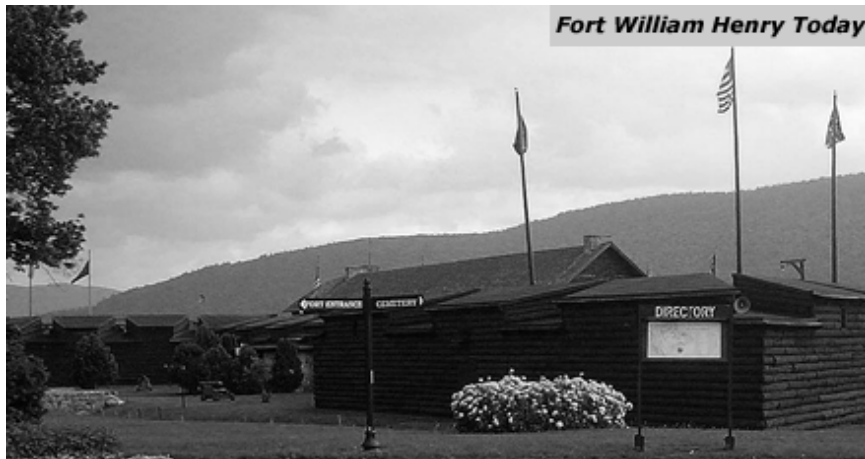
In 1757 Montcalm moved against Fort William Henry on Lake George; the fort was commanded by British Lt. Col. George Monro. Following a siege, during which reinforcements failed to reach the fort, Monro was forced to surrender. Monro was offered generous terms by Montcalm and set out on a retreat to Fort

Edward, along with the colonial militia who had joined in the defense of Fort William Henry. As the British soldiers and militia were marching away from the fort, they were attacked by Indian allies of the French, and many were massacred or captured.

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<sup>17</sup> Washington's frustration was heightened by the fact that British regular officers of any rank, down to the lowliest lieutenants, outranked all colonial officers.

The story of the Battle of Fort William Henry and the "massacre" has been told by James Fenimore Cooper in *The Last of the Mohicans* and in the 1992 film by Michael Mann made from the book.<sup>18</sup> Although the story is romanticized in the movie, the moods and attitudes of the British, colonists and Indians are convincingly depicted. Fort William Henry was reconstructed based on the original plans, which were discovered in the 1950s when archeologists were excavating the site. The upper New York "Independence Trail" would see major action twenty years later during the Saratoga campaign, and in the War of 1812.



major action twenty years later during the Saratoga campaign, and in the War of 1812.

British Prime Minister William Pitt assumed power in 1757 and committed the government to carrying out whatever measures were necessary to prosecute the war. Realizing that the colonies were the key to British power, Pitt decided to concen-

trate on the American campaigns. He sent substantial reinforcements to America under the leadership of Generals Lord Jeffrey Amherst and James Wolfe. A campaign to retake for Ticonderoga was unsuccessful, but Brigadier General John Forbes marched on Fort Duquesne, forcing the French to blow it up. Forbes occupied the abandoned site, rebuilt the fort and named it Fort Pitt. Meanwhile Amherst and Wolfe had recaptured Louisburg on Nova Scotia.

The year 1759 became known as *annus mirabilis*, the "year of miracles," when the British turned the tables on the French for good. First the British moved up through the Lake



Death of General Wolfe by Benjamin West

George-Lake Champlain waterway and took forts Ticonderoga (Carillon) and Crown Point. Supported by Amherst, General Wolfe then planned and executed a brilliant amphibious campaign by crossing the St. Lawrence River and moving his army by stealth up steep slopes to the Plains of Abraham outside the city of Québec. Wolfe coaxed Montcalm to come out of the city and attack the British with a force of about 4,500 troops. Wolfe's well disciplined army won a decisive battle, but both he and General Montcalm were killed. When Jeffrey Amherst captured Montréal in 1760, French control of Canada was finished.

By the Treaty of Paris of 1763, Great Britain gained all of North America east of the Mississippi, including French Canada and Spanish Florida. The Treaty also brought an end to the Seven Years War and restored peace to Europe. Great Britain now commanded a worldwide empire consisting of thirty one colonies stretching from North America to India and stood "astride the world like a colossus." But the cost of all those years of war meant that Great Britain was deeply in debt—the stage now set for the coming of the American Revolution.

<sup>18</sup> See Ian K. Steele, *Betrayals: Fort William Henry and the Massacre* (New York: Oxford University Press, 1993.)



## **Importance of the French and Indian War**

We have already noted that the French and Indian war was an important prelude to the American Revolution. The reasons for that are manifold. First, many Americans, including the young Virginia planter, George Washington, received combat experience that would serve them well in the coming revolution. The colonists had contributed substantially to British successes and had paid dearly in blood and treasure, for which they felt they deserved respect, if not compensation.

Second, as mentioned above, the war was extremely expensive for the British, as previous wars had also been. Further, many British officers who had been in America during the wars had observed that American cities such as Boston, Philadelphia, and New York had become quite prosperous, and the colonists obviously had resources that could go to direct support of the British Empire. With the British treasury exhausted, the British naturally looked for new ways to raise revenue, and their prosperous cousins across the Atlantic seemed able to provide. With a population of approximately 1.5 million, America was now too large to be ignored and wealthy enough to be exploited. Furthermore, the dangers that the colonists had faced at the hands of the French and Indians were now greatly reduced.

The contributions of the colonial soldiers, while they were small in number, nevertheless involved substantial portions of the American population. Most colonists accepted participation in these wars as part of their duties as members of the British Empire, and the Empire looked at it in the same way. The colonists, however, remained frustrated by the fact that when these wars were terminated by treaties that ended the conflicts in Europe, the colonists were left wondering what they had been fighting for.

In any case, relations between the British and the colonists had now reached a new stage, and momentum in the direction of separation of some sort was beginning. The British began to tax America more heavily than it had done in the past. One historian, in fact, has made a strong case that the French and Indian War was so significant in affecting relations between the American colonists and the mother country that the American Revolution was all but inevitable.<sup>19</sup> That does not necessarily mean that there had to be a Revolutionary War, but it did mean that substantial grievances that arose between the colonists and the mother country would have to be settled in order for the relationship between the Empire and its American colonies to continue. As we know, the result of that conflict was indeed the American Revolution, and we shall proceed to that war in due course.

## **Summary of Conditions in 1763**

In 1763 the British empire stretched around the world, from North America to India and points in between. The casual, haphazard system of colonial governance would no longer be sufficient. The mighty empire required administration and leadership far beyond that to which the colonies had become accustomed. Furthermore, the long series of wars had left the British deeply in debt, and Britain's far-flung possessions would be costly to manage. All the same, Great Britain was a wealthy nation, though a great portion of the wealth lay in private hands.

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<sup>19</sup> Fred Anderson. *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766*. New York: Knopf, 2000.

The influence of the Enlightenment had touched America, and radically new ideas of government including that of republicanism had reached across the Atlantic. Because of such things as the Puritan emphasis on reading and the general prosperity of the average citizen, Americans were quite familiar with the new ideas being propounded by the likes of Voltaire, Rousseau, Montesquieu, and other *philosophes* of the French salons and were well versed in political philosophy from reading John Locke. American ideology also emphasized the idea of “virtue” as a necessary component of political structure—an idea from the Enlightenment.

Of all the shortcomings of British management of their American cousins, their failure to perceive the political sophistication of the colonists was a crucial flaw. (*Failures caused by not understanding one’s potential adversaries have, of course, by no means been limited to the British in 1760.*) A second major misunderstanding lay in the British perception that although they had neglected to enforce various import and export restrictions for decades, the colonists would understand their responsibilities as parts of the empire and readily conform to new and stricter controls.

By 1760 smuggling had become a major American enterprise. Given that it was expensive to maintain revenue cutters and other patrol vessels along a thinly populated American coast filled with many bays, inlets, and rivers in which vessels could hide themselves, the British had found it far from cost-effective to try to enforce navigation laws. In 1761 the British began to reinforce writs of assistance, laws that granted customs officials the authority to conduct random searches of property to seek out goods on which required duties had not been paid, not only in public establishments but in private homes. Representing New England’s merchants, attorney James Otis protested against these general warrants, claiming that “a man’s house is his castle,” and that violating its sanctity was a “wanton exercise” of power.

**The Proclamation of 1763.** In 1763 the British took another fateful step. Understandably wishing to reduce the cost of maintaining its empire, the British felt that if the North Americans would not interfere with the Indians, guarding of the frontiers would be much less demanding and less costly. Thus in 1763 a royal proclamation was issued that reserved all of the western territory between the Allegheny Mountains and the Mississippi for use by the Indians. The colonists, now that the French were no longer present to rile and equip the Indians, saw the vast open reaches beyond the mountains as greener pastures to which they were entitled. The proclamation was thus seen as high-handed and uncalled for.

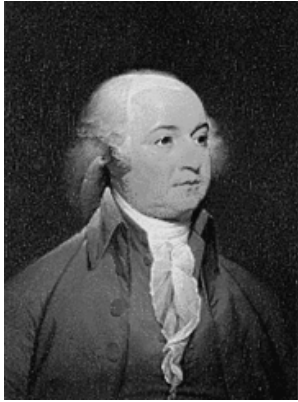
#### **1764. The North American Revenue (Sugar) Act and the Currency Act.**

The next step was the “Sugar” Act of 1764, and it quickly became apparent that the purpose of the act was to extract revenue from America. The Molasses Act of 1733 had placed a tax of six pence per gallon on sugar and molasses imported into the colonies. In 1764 the British lowered the tax to three pence, but now decided to enforce it. In addition, taxes were to be placed on other items such as wines, coffee, and textile products, and other restrictions were applied. The Act authorized Vice Admiralty Courts, which took the place of jury trials; judges’ terms were changed to “at the pleasure of the Crown”; and so on.

The **Currency Act of 1764** prohibited “legal tender” paper in Virginia, which reduced the circulation of paper money in America, further burdening the colonies, which were always short of hard currency. The British enforcement of the “Sugar” or “Molasses” Act quickly cut into the economic welfare of the colonies by causing a slump in the production of rum. Americans were becoming increasingly leery of what they perceived as British attempts to

milk more profits from the colonies. Meetings were called to protest the law, and the idea of "taxation without representation" began to take shape.

### The Stamp Act Crisis, 1765



*"It should be your care, therefore, and mine, to elevate the minds of our children and exalt their courage; to accelerate and animate their industry and activity; to excite in them an habitual contempt of meanness, abhorrence of injustice and inhumanity, and an ambition to excel in every capacity, faculty, and virtue. If we suffer their minds to grovel and creep in infancy, they will grovel all their lives."*

—John Adams, *Dissertation on the Canon and Feudal Law*, 1756

Although the American colonists were unhappy with the restrictions on trade and various import and export duties, they were not necessarily philosophically opposed to the right of the British to control trade, especially as they found it easy to avoid the attendant duties. The Stamp Act of 1765, however, opened a new door. John Adams and others believed that the Stamp Act was the point at which the real American Revolution began, in "the hearts and minds" of the people, as Adams put it. The Stamp Act caused a furious storm in the streets of New York, Boston, Richmond, and elsewhere.

The Act required that revenue stamps be placed on all newspapers, pamphlets, licenses, leases, and other legal documents, and even on such innocuous items as playing cards. The revenue from the act, which was to be collected by colonial American customs agents, was intended for "defending, protecting and securing" the colonies. The use of the revenue did not bother anyone; the fact that it was being collected solely for revenue purposes without the consent of the colonies bothered all kinds of people, especially those who conducted business of any kind. Those who objected to the act included journalists, lawyers, merchants, and other businessmen, men likely to be community leaders, and well-known public figures such as James Otis, John Adams, and wealthy businessman John Hancock.

The protests soon moved beyond the mere voices of opposition. Men selected to be collectors of the new taxes were openly threatened with violence, and many resigned their posts before they had collected anything. Associations were formed to encourage nonimportation (boycotts) of British goods. Colonial legislatures nullified the Stamp Act, and shipments of stamps were destroyed. Sons of Liberty organizations and committees of correspondence were formed to create a feeling of solidarity among the afflicted. Mobs threatened other British officials in New York and Massachusetts, and the residences of some of them were torn down or ransacked. When the lieutenant governor of New York threatened to fire on a crowd, the mob in turn threatened to hang him, then burned an effigy of him in his favorite carriage in a public square.

In Virginia, resolutions were adopted denouncing taxation without representation. The colonists were not denying their status as British citizens subject to the Crown, but rather were expressing their rights as British citizens not to be taxed without their consent through duly appointed or elected representatives. The Massachusetts Assembly called for a Stamp Act Congress to meet in New York City in October 1765. Among the resolutions passed by the Congress were the following:

- That His Majesty's subjects in these colonies, owe the same allegiance to the Crown of Great-Britain, that is owing from his subjects born within the realm, and all due subordination to that august body the Parliament of Great Britain.

- That His Majesty's liege subjects in these colonies, are entitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great-Britain.
- That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives.
- That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great-Britain.
- That the only representatives of the people of these colonies, are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

Although the British realized that they had blundered into a minefield, they still sought to assert the right of the British government to govern the colonies as it saw fit. The British followed a principle of "virtual representation," which meant that Parliament governed for the entire empire and noted that there were areas of England itself not represented in Parliament (to which the colonists replied that they should be.) The theory was that "what's good for the British empire is good for all its parts."

In truth the colonists benefited greatly from being part of the British Empire. They could trade freely within the entire British colonial system, which meant worldwide ports were open to them. Furthermore, when they traveled outside the trade routes of the empire itself, they were always protected by the mighty Royal Navy. Flying the British flag, the colonists knew that they had a staunch protector when they ventured into foreign waters. Unfortunately, the British focused their attention on the duties of the colonists rather than on the benefits they enjoyed from their position within the Empire.

Parliament repealed the Stamp Act in 1766, in part because their constituents in England quickly perceived that if Parliament could extract revenue from the colonists with a free hand, they could also do so at home. But as a warning to the colonies, they passed the Declaratory Act of 1766 on the same day. The Act stated that Parliament had the right to rule the colonies "in all cases whatsoever."

Although the Americans had won something of a victory in the repeal of the Stamp Act, they were soon to find that the British attempts to raise revenue would not cease.

In 1767 Chancellor of the Exchequer Charles Townshend decided that because the colonists had raised objections to the Stamp Act, he would reassert Great Britain's right to impose new taxes on imported goods. The Townshend duties placed taxes on glass, lead, tea, and paper. He also imposed rules intended to tighten collection of customs duties in America.

In response, John Dickinson wrote the following in his *Letters from an American Farmer*. Referring to claims of a material difference between the Stamp Act and the Townshend Duties and that the new taxes were therefore justified, Dickinson said: "That we may be legally bound to pay any general duties on these commodities relative to the regulation of trade, is granted; but we being obliged by the laws to take from Great-Britain, any special duties imposed on their exportation to us only, with intention to raise a revenue from us only, are as much taxes, upon us, as those imposed by the Stamp Act."

Dickinson's point was followed by a new round of actions by the colonials to thwart British intentions. For some time among the more prosperous folk of American cities, it had been fashionable for women to support the latest fashion from London. Now politics intruded upon the fashion world, as the wearing of homespun became de rigueur. To show one's pa-

triotism, in other words, women were to take the lead in providing clothing that was American made, not British made, a small but significant step in introducing American women into the political system.

In Boston, agents attempting to collect the new duties were met with physical opposition, which led to the dispatching of two British regiments to Boston to maintain law and order.

### **The "Boston Massacre"**

At about the same time that Parliament passed the Stamp Act in 1765, they had also passed a Quartering Act designed to provide, in effect, room and board for British soldiers stationed in America. Modified in 1766, the act required colonial assemblies to provide such things as bedding, certain food items and other provisions in addition to living spaces for soldiers in public buildings. Since the presence of British troops and America was ostensibly to provide defense for the colonists, the assemblies were expected to cover the expense of such provisions. When resistance to the Townshend duties erupted in Boston, British troops were sent from New York to Massachusetts in 1768.

The presence of Redcoats in Boston, rather than calming the troubled waters, only roiled them further. The typical British soldier of the time was a rough-hewn sort, accustomed to taking advantage of his position to further his personal fortune. British soldiers sought employment during their off-duty hours, competing with local citizens, and being unmarried males, they were accustomed to free-spirited entertainments. The citizens of Boston often exchanged taunts and insults with the hated soldiers, and on the evening of March 5, 1770, violence erupted.

The trouble, which had been brewing for days, started when a rowdy mob began taunting a group of soldiers guarding the Customs House. The men began throwing snowballs, some containing rocks, and chunks of ice at the unfortunate soldiers and threatening them with clubs. An officer, Captain Preston, appeared and read the Riot Act (an actual document) to those causing the disturbance, ordering them to disperse. Tensions escalated, however, and someone shouted "Fire!" Weapons were discharged, and five Bostonians were killed, including Crispus Attucks, an escaped slave.

Captain Preston and the eight soldiers were tried for murder, and their defender was none other than future American president John Adams. Adams made a lengthy summary speech addressing the testimony of eyewitnesses, after which he concluded:

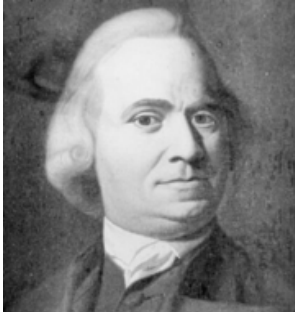
Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence: . . . if an assault was made to endanger their lives, the law is clear, they had a right to kill in their own defence.

It was determined that the order to fire had not come from a British officer or soldier, but from someone in the crowd. Captain Preston and most of the soldiers were acquitted.

The so-called Boston Massacre was the worst violence that had occurred so far during the British attempt to cool things down. They responded by repealing the Townshend taxes except for the duty on tea. Things remained relatively quiet until 1772 when another event occurred in Rhode Island, known as the "*Gaspee* Affair." The *Gaspee*, a revenue cutter whose captain had successfully hunted down a number of smugglers, ran aground in Narragansett Bay, and during the night some locals sailed out, captured the crew, set fire and

burned the schooner to the keel. When British authorities made inquiries among nearby residents, they were met with stony silence.

### The Boston Tea Party



Samuel Adams

The next event in the drama, not surprisingly, once again took place in Boston under the leadership of Samuel Adams, a cousin of John Adams who was even more revolutionary than his less famous relative. The British East India Company found itself in dire financial straits and asked the British government to issue the company monopoly rights on all tea exported to the colonies. The company was also allowed to sell tea directly, bypassing merchants. Perceiving the British actions as directed against them, the colonists again resented the interference with their economic well-being. *(It is safe to say that by that time, any action by the British that had a negative impact on the colonists was seen as a deliberate provocation.)*

All up and down the coast ships bearing East India Company tea were turned back, but in Boston the royal governor saw to it that the tea arrived in the harbor. On the night of December 16, 1773, a band of colonials disguised in Indian dress, led by Sam Adams, boarded the British ships and dumped thousands of pounds of tea into Boston harbor. Regardless of the motivations on either side, it was clear that the act involved destruction of property, an act that the British could not afford to allow to go unpunished.

### The Coercive Acts

Parliament's response was five new laws—the "Coercive Acts"—that soon became known as the "Intolerable Acts," which included the following:

- The Boston Port Bill closed the port of Boston until the tea was paid for, a questionable tactic as commerce in the city would become paralyzed.
- The Administration of Justice Act abolished local administration of justice and provided that the governor of Massachusetts could cause all trials to be conducted in that colony to be removed to Great Britain and heard under a British judge so that the result would favor the British.
- The Massachusetts Government Act virtually suspended the right of self-government in the Massachusetts colony by ensuring that the governor and all public officials would serve "at the pleasure of his Majesty."
- The Quartering Act of 1765 was extended to require that troops be housed not only in public buildings, but in occupied private dwellings such as homes as well.<sup>20</sup>
- The Quebec Act extended the boundaries of Quebec and guaranteed religious freedom to Canadians. Though not intended to be punitive, the measure fed into anti-Catholic sentiments.

### The First Continental Congress

If the British thought that their course of action would isolate the rebellious colony of Massachusetts and temper feelings elsewhere, they were sadly mistaken. Throughout the colonies the feeling was widespread that whatever the British did in Boston could be done anywhere. The Virginia House of Burgesses suggested a meeting of colonial representatives

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<sup>20</sup> It is likely that families with young female members were less than thrilled to have soldiers living in their homes.

that finally took place in Philadelphia on September 5, 1774, "to consult upon the present unhappy state of the Colonies." Every colony except Georgia was represented among the fifty-five men present, who conducted lengthy debates. Realizing that the rebellion had now reached a critical point, if not a point of no return, the delegates understood that unity would be necessary for the colonists to resist British actions. Representatives included Samuel and John Adams of Massachusetts, Roger Sherman of Connecticut, and George Washington and Patrick Henry of Virginia.

The Congress resolved that the colonies were not obliged to obey the coercive acts, adopted a set of resolutions, and agreed to form a "Continental Association" designed to organize anti-British trade policies across all the colonies. Their resolutions asserted that the colonists were "entitled to life, liberty and property" and would never give up anything without their own consent. They claimed their rights as British citizens, arguing that neither they nor their ancestors had forfeited any of those rights by being removed to the colonies. They asserted their right to participate in the legislative process and argued that for practical reasons, their participation in the British Parliament was not possible. They rejected the right of any form of taxation on colonial subjects without their own consent. They also declared that keeping standing armies in the colonies in time of peace was against the law.

The colonists were divided among those who are prepared to fight for their rights; those who favored discussion, negotiation, and compromise and were essentially loyal to the Crown; and the ever-present middle group who would wait to see how things progressed. If King George and the leaders of Parliament had been more circumspect, they might in fact have appealed to the more moderate factions by attempting to lower the temperature and set things right. But King George rejected a petition sent by Philadelphia Quakers and wrote, "The die is now cast, the Colonies must either submit or triumph," thus dealing a blow to those of a loyalist or even moderate disposition.

It should be noted that in 1774 few Americans had the idea of independence in mind. In fact George Washington wrote to a friend in that year that independence was the last thing any thinking man in North America could wish for. But the colonists were determined to assert their rights, and the citizens around Boston began organizing militia groups known as "Minutemen" and assembling weapons and munitions in the event of possible action of a military nature. The pot was simmering and ready to boil.

## **1775: The Real Revolution Begins—The “Shots Heard Around the World”**

In 1775 British Prime Minister Lord North offered a reconciliation plan, but it was rejected by the Americans, and the colony of Massachusetts was declared to be in a state of rebellion. The newly appointed governor of Massachusetts, General Thomas Gage, whose appointment stirred further animosity in that he was a military man, took it upon himself to preempt any possible hostile action on the part of the overheated Bostonians and their friends in the Massachusetts countryside. Loyalists in the area kept General Gage informed of events.

When General Gage’s spies learned of the quasi-military preparations being made by the patriots, he issued orders to his officers to arrest rebel leaders (he knew who many of them were) and directed his troops to march to Concord to seize the military stores being gathered there. On the night of April 18, 1775, the patriot line of communication discovered General Gage’s intentions, and Paul Revere, Dr. Samuel Prescott, and William Dawes were to be signaled with lanterns in the Old North Church about the British advance across the Charles River: “One if by land, two if by sea.” Revere and the others rode off to warn John Hancock and Samuel Adams, who fled to avoid arrest.

Early in the morning of April 19, General Gage’s seven hundred troops under the command of Lieutenant Colonel Francis Smith were marching toward Concord to capture stores when they encountered a group of American Minutemen under the command of Captain John Parker arrayed on the town green at Lexington. The British commander ordered, “Disperse you damned rebels!” Someone fired a shot, and a brief skirmish broke out, leaving eight Americans dead and ten wounded.

Minutemen—colonial militia—continued to gather ahead of the British line of march, and they removed most of the supplies from Concord before the Redcoats arrived. The British destroyed most of what was left but were forced to retreat back toward Boston. All during their retreat, more Minutemen arrived along the route and harassed the British, firing from behind fences and trees and inflicting heavy losses. General Gage sent out a relief party to aid the beleaguered soldiers, but more than two hundred were killed or wounded. The American Revolution had begun.

*It was clear that once the shooting had begun in earnest, it would very difficult to turn back and find grounds for reconciliation. George III declared, “Blows will decide!” how it would all turn out.*

### **The Nature of the American Revolution**

Many theories about revolution have been put forth, but they do not always explain what happened in America. For example, it is assumed that a necessary ingredient of revolution is widespread discontent, yet the average American was in general as well off as anyone in the world at that time. It may also be argued that the American colonists were behaving like spoiled children, unable to grasp their responsibilities as citizens of a supposedly benevolent empire. To be sure, many colonists felt that they were being treated badly by their home government, but it is not always clear to what extent wrongs are real or perceived. In the end, it probably does not matter; the Americans had come to see the British as oppressors ready to curb their rights and plunder their pocketbooks. Once that feeling was extant, it would have taken considerable generosity of spirit by Crown and Parliament to reverse the trend. Crown and Parliament were in no mood for that, despite warnings by men such as Edmund Burke who were sympathetic to the American cause.



*It is interesting to note that four major revolutions (the English, American, French, and Russian) all began with government trying to get more money out of the people.*

Viewing all revolutionary leaders as “wild-eyed radicals” is a cliché. Many American leaders were almost boring in their lack of revolutionary passion. Washington was a very non-revolutionary figure, one of the least radical Americans, yet he was technically guilty of treason. The rank-and-file soldiers who fought with Washington generally came from the working classes. The most passionate patriots, men such as Patrick Henry of Virginia, used rhetoric to advance the revolutionary cause, generally with significant success. (See Henry’s “*Liberty or Death*” speech.)

The real causes of the American Revolution involved a number of attitudes. The colonists had developed a sense of national identity; their isolation from the mother country during the colonial period developed a spirit of common interest, though it had been slow in developing. Once the Revolution began, however, Benjamin Franklin expressed their situation as follows: “We had best hang together, or we shall surely hang separately.” An additional factor was that for the discontent that did exist, there was no easy avenue for redress of grievances.

In many ways the British had no one to blame but themselves; their governance of the colonies was an unending stream of insensitivity and inflexibility: One real cause of the war was “imperial mismanagement”—they failed to consult the colonists on almost all major policy issues, feeling that what was good for the Empire was good for all its parts, all the while treating the colonies as “dependent children.” Connected to this failure was the British idea of “virtual representation,” which the colonists rejected.

One question has always intrigued historians: whether the American Revolution was a real revolution or a conservative reaction to changing circumstances. It has been noted that the Revolution did not change the essential social, economic, or power structure of the colonies. In contrast to the notion of a conservative revolution, however, historian Gordon Wood, in *The Radicalism of the American Revolution*, a relatively recent book (mentioned above), makes a number of interesting points. Noting that the American Revolution was long considered “conservative,” he argues that when viewed in terms of social change, the American revolution was “as radical as any in history.” The American Revolution forever redefined the relationship between a government and its people.

The real key to the idea of revolution (in the opinion of this writer) is that prior to the American Revolution, the responsibility for honest, virtuous, or just plain good government resided in the hands of the power structure—the Crown and the aristocracy. From 1776 onward, that responsibility lay in the hands of the American people. Thomas Paine made that point most eloquently in *Common Sense*.

### **From Armed Resistance to Independence**

Just as many Americans remained loyal to the Crown throughout the Revolution, many in England tried to see things from the colonists’ perspective. But along with a certain degree of sympathy, there was significant resentment, for the standard of living of Americans was not at all bad. There was little great wealth in America but less poverty than elsewhere. Nevertheless, Americans were certainly not prepared to give up what they had worked hard to earn. One member of Parliament, Edmund Burke, argued to his colleagues, “Your scheme will yield nothing but discontent, disorder, and disobedience.”

## The Second Continental Congress

The Second Continental Congress convened on May 10, 1775, a month after the fighting had begun. One major question to be addressed was whether it was too late for reconciliation. The answer is that it was probably so, but independence was still not yet on the table. But with the British Army in Boston and an American army forming in the field surrounding the city, more and more leaders were beginning to think of a permanent separation.



This second Congress was a more radical and more distinguished group than the members of the First Continental Congress, and in the course of events the Second Congress became, *de facto*, the government of the United States until the Articles of Confederation were adopted in 1781. The first of one of its most important actions was to appoint George Washington of Virginia as commander in chief of the Continental Army. His appointment was sponsored by John Adams who wished to make it clear that this was an American Revolution, not just a rebellion in Massachusetts. Feelings of unity among the colonies were certainly beginning to emerge, but each colony was still aware of and protective of its own individual rights.

In addition to pointing Washington as commander in chief, the Congress sent an “Olive Branch Petition” composed by John Dickinson to King George III on July 5. In October or November the Congress officially created a United States Navy and Marine Corps and began to think about establishing friendly relations with other nations. Eventually Congress would dispatch diplomats to negotiate treaties. The Congress also invited Canada to join the rebellion, an offer that was politely refused.

## The Balance of Forces

The task facing the American patriots in fighting Great Britain was daunting, to say the least. Despite having fought a series of colonial and territorial wars in Europe and around the world, the British were still an extremely powerful and wealthy nation. And although England was complacent regarding its ability to defeat the rebels, the objective of the British would prove to be challenging. The British had to fight an offensive war and defeat the colonies in detail in order to stamp out the rebellion. The colonists, conversely, only had to keep the fight going long enough to wear out the British. In the end, that’s what they did, but it took seven years.

To meet challenge, the British sent an enormous force to North America, the largest overseas deployment they had ever conducted. The British had a powerful and skillful navy, a well-trained standing army, and resources enough to hire foreign mercenaries. British sea power gave its commanders the flexibility to attack the Americans in different locations—they could call the shots. In sheer numbers the British outnumbered the Americans by a substantial margin of about two to one, but British soldiers were also better equipped and trained. Despite their numerical superiority, the British strategy was essentially one of “divide and conquer.” The Americans were on the defensive from the beginning. General Gage was commander in chief at the outset; under him were Generals William Howe, Henry Clinton, and John Burgoyne—all in all a less than impressive group.<sup>21</sup>

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<sup>21</sup> On one occasion, King George is said to have remarked, “I don’t know if our generals scare the Americans, but they certainly scare me!”

The British also had the assistance of a significant number of active loyalists, who comprised approximately one fifth of the total colonial population. Scattered among their patriot neighbors, however, the loyalists were not well organized, and the British did not exploit them fully, nor did they trust them. Nevertheless, thousands of loyalists participated at least passively on the British side, sometimes acting as informants or outright spies. Especially in the southern colonies, where loyalist strength was strong, their presence was particularly sharply felt, and some of the most bitter fighting of the Revolution was conducted in the southern areas, where Americans were often fighting against Americans.

American advantages were perhaps less concrete, but no less real. First, they were fighting for a cause in which many of them believed passionately. Second, the fighting was on their home turf; America had a vast interior, and resources could be assembled rapidly from local populations in case of emergency. Americans officers and soldiers had gained valuable experience during the colonial wars. The American navy was small, but privateers (privately owned vessels authorized to harass enemy shipping) did well—American seamen were experienced and skillful. John Paul Jones became the most famous naval hero, but there were others.

The Americans received substantial aid from foreign powers, especially France, and Congress received a flood of offers from foreign “soldiers of fortune,” many of them bogus. But foreign officers such as the Marquis de Lafayette made valuable contributions. Most important, perhaps, the Americans had George Washington, the right man for the job, whose participation in the creation of the United States has made him in the eyes of one biographer “the indispensable man.”

### **Early Fighting: The War in the North**

**1775.** Within weeks after the opening skirmishes at Lexington and Concord, thousands of Patriot militia men had gathered around Boston and begun a siege of the British forces, which continued into 1776. General Artemas Ward was declared commander in chief by the Provincial Congress. Rhode Island, Connecticut, and New Hampshire also voted to send troops to Boston, and by the beginning of June a substantial if somewhat ill-trained and undersupplied army of patriots was on hand opposite the British positions.

On May 10 American forces led by Ethan Allen and Benedict Arnold successfully attacked Fort Ticonderoga in New York State and captured a substantial number of cannons. By March 1776 General Henry Knox had successfully hauled the captured cannons and mortars to Cambridge to support Washington’s army. The Americans also captured Crown Point, and Benedict Arnold occupied St. John’s across the Canadian border.

General Gage, supported by additional forces under Generals Howe, Clinton, and Burgoyne, imposed martial law on Massachusetts and declared the Patriots in a state of rebellion to be traitors. When Patriot leaders discovered that Gage was planning to expand his position to higher ground, they begin digging fortifications on Breed’s Hill, near Bunker Hill. When Gage discovered the activity, he ordered British warships to fire on the positions and then planned a frontal assault. With General Howe leading the charge, the British were driven back twice with heavy losses but finally took Breed’s Hill and Bunker Hill when the Patriots ran out of ammunition.

Bunker Hill, as it has been called ever since, was but a Pyrrhic victory for the British, as General Gage lost more than one thousand men; American casualties were four hundred. The only factor that made the engagement a victory for the British was the fact that they

occupied the ground when the battle was over. One British officer expressed the opinion that, with one more victory like this, “we are finished.”

Under the leadership of President John Hancock, the Continental Congress had appointed Washington to be commander in chief in June and authorized expenditures in support of the Army. Washington arrived in Boston on July 3 to take command and was disappointed in what he saw. He discovered that he had been misinformed concerning the amount of supplies and munitions on hand, and he was initially appalled by the lackadaisical attitude of some officers and the slovenly appearance and poor discipline of the troops. He is said to have complained, “Is this the rabble with which I am to defend America?”

### **Washington as a Military Commander**



George Washington is generally considered to have been the “indispensable man” of the Revolution, an epithet he undoubtedly deserves. Paradoxically, however, he was by disposition one of the least revolutionary men in America, yet he was a great revolutionary leader. Although he is not often described as a brilliant general, he was more than adequate to the occasion. His most significant achievement was holding the Revolution together through some very difficult years. He eventually got significant assistance from European officers, most notably the Marquis de Lafayette, Baron Johann de Kalb, Count Casimir Pulaski, Thaddeus Kosciuszko, Baron Friedrich Wilhelm von Steuben, and

others. Washington’s goal was to create a regular 18th-century-style army and fight traditional battles against the British, but that goal was difficult to achieve under the circumstances.

Washington knew very little of the formal science of war—he was not a military theorist and had not studied the great published works on war. Lacking a talent for conducting training, he turned that task over to subordinates, especially the Europeans such as Baron von Steuben, a former aide to the Prussian Frederick the Great. Nevertheless, Washington was able, loyal, cautious, devoted, and patient—and he brought great dignity to the cause.

Washington’s essential gift was in his character. Although he could never be called humble, he was nevertheless uncorrupted and not tempted by power. He was remarkably respectful of civil authority, even though he had ample reason to be contemptuous. He often fumed privately about the lack of support he received from Congress and wrote letters of protest about shortages within his army. Overall he was unquestionably a wise and good man and a dedicated leader—he cared for his officers and men and commanded their loyalty, respect, and affection.

Washington’s strategy was necessarily reactionary—he was obliged to keep out of harm’s way wherever possible. On the advice of Lieutenant Alexander Hamilton and others, he maneuvered so as to keep his army from being trapped between the British Army and the sea. He worked hard to address the problem of lack of unity based on his soldiers’ regional loyalties. He continually maintained that the Army was American, not a collection of various colonial militias. Keeping his soldiers’ fighting spirits up was a struggle against what Thomas Paine called “summer soldiers.” Although the length of the war unified the Americans, it also exhausted Washington and his men. The fact that he never gave in to despair or lost faith in the eventual outcome was a remarkable achievement.

Washington's subordinates included Artemas Ward, who had commanded Massachusetts militia; Charles Lee, a veteran of the British army; New York's Philip Schuyler; Israel Putnam, an ex-tavern keeper; Horatio Gates, who became adjutant general; Nathaniel Greene; and Francis Marion, the "Swamp Fox," (on whom the Mel Gibson character in *The Patriot* was based.) As has been true in most wars, generals could at times be petty, jealous, and quarrelsome, and even disloyal—as Benedict Arnold demonstrated—another reason why Washington's steadfastness at the top was so important.<sup>22</sup>

## Early Troubles

On the 5th of July in 1775 Congress sent to the Crown what is known as the "Olive Branch Petition," which expressed hope for possible reconciliation, but the time for reconciliation had ended when the actual fighting began. Thomas Jefferson and John Dickinson wrote a resolution, which Congress adopted, declaring reasons for the Americans taking up arms, but the time for declaring independence had not yet arrived.

In August 1775 King George III declared the colonies to be in a state of rebellion. The early skirmishes that had cost casualties led the British public to demand retaliation, not reconciliation. In that same month Philip Schuyler's campaign against Québec began, a response to news that General Sir Guy Carleton, the British commander in Canada, was planning to invade New York.

In September Benedict Arnold was commissioned by General Washington to invade Canada; Washington was confident that the Canadians as fellow sufferers would join in the Revolution. Arnold joined forces with General Richard Montgomery, who had relieved General Schuyler because of the latter's poor health. Arnold's expedition took until early December, when his assault on the city of Québec ended in disaster. General Montgomery was killed and Arnold wounded. The Americans lost four hundred men and retreated to Fort Ticonderoga.

## 1776

For obvious reasons 1776 was a pivotal year in the American Revolution. Once Americans declared independence, there could no longer be any thought of turning back. On March 4 the Americans occupied Dorchester Heights in Boston overlooking the British positions. With the artillery laboriously hauled from Fort Ticonderoga by General Knox, the Americans now held commanding positions. Increased enlistments and arrival of troops from neighboring colonies reinforced Washington's army to near twenty thousand, and on March 17 General Howe, having relieved General Gage of command, withdrew his troops to Nova Scotia. (*Boston Evacuation Day, which coincides with St. Patrick's Day, is still enthusiastically celebrated in the heavily Irish area of South Boston.*)

Correctly perceiving that Howe's next move would be against New York, Washington set sail for that city while his army was marched overland. (En route to New York, the Army came face-to-face with the continuing sense of local loyalties that often frustrated the American cause. Upon reaching the border between Connecticut and New York, Washington's com-

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<sup>22</sup> Starting with John Marshall's 5-volume work, many biographies of Washington have been written. James Thomas Flexner's *Washington: The Indispensable Man* (New York, Signet, 1984) is a brief version of his thorough 4-volume work. More recently, *His Excellency: George Washington* by Joseph J. Ellis (New York: Knopf, 2004) has been very well received.

mander was met by a delegation from the New York Provincial Congress demanding to know by whose authority this “foreign army” was being brought into New York.)

Washington arrived in New York in April. In July the British fleet under William Howe arrived off Staten Island and landed ten thousand men unopposed. He was soon joined by his brother, Admiral Richard Howe, who had arrived from England with additional ships and men. By August the British force numbered thirty-two thousand, including nine thousand Hessian troops who had been hired by Great Britain to assist the British Army.

The superior British force soon routed the American army in the battle of Long Island, but with the assistance of John Glover’s Marblehead Mariners, Washington was able to salvage most of his army by moving back into New York City. In September the British landed twelve thousand troops on Manhattan Island from the East River and Washington retreated northward, fighting and delaying action at Harlem Heights on September 16. In October the Battle of White Plains forced Washington to retreat further and to give up Hudson River forts Washington and Lee. As Washington’s army retreated through New Jersey toward Philadelphia, British military authorities collected thousands of oaths of allegiance from Americans, many of whom had supported independence. The times were distinctly sufficient to “try men’s souls.”

### **The Move for Independence**

Two events occurred in 1776 that pushed the Americans to declare independence. The first was the news that King George III had hired Hessian troops—foreigners—to fight against his own countrymen. Many whose loyalty to the Patriot cause had been suspect were now galvanized against the Crown.

The second event was the publication of the pamphlet *Common Sense* by Thomas Paine. Paine had arrived in America in 1774 with letters of introduction from Benjamin Franklin, who was still in England at the time. Ever a controversial figure, Paine was nevertheless a passionate believer in freedom and a radical political thinker and writer. Not long after arriving in America he wrote the pamphlet that became one of the most widely read documents in American history. (By today’s standards, it would be a mega best seller.)

Paine’s words, in keeping with the Age of Reason, were supremely rational. H began:

*Society in every state is a blessing, but Government, even in its best state, is but a necessary evil; in its worst state an intolerable one: for when we suffer, or are exposed to the same miseries BY A GOVERNMENT, which we might expect in a country WITHOUT GOVERNMENT, our calamity is heightened by reflecting that we furnish the means by which we suffer. Government, like dress, is the badge of lost innocence; the palaces of kings are built upon the ruins of the bowers of paradise.*



One hundred thousand copies were printed, and evidence suggests that most were passed around to many readers. Meanwhile, Congress debated the purposes of the war. Rumors and talk of independence abounded, but many were less than enthusiastic. Declaring independence would be a drastic step with severe penalties possible in case of failure.

On June 7 Virginia delegate Richard Henry Lee introduced a resolution

to Congress calling for America to declare independence from Great Britain once and for all. A lively debate ensued between those who supported the resolution and those who were still hesitant. On June 11 a committee consisting of Thomas Jefferson, Benjamin Franklin, John Adams, Roger Livingston, and Roger Sherman was appointed to draft an appropriate declaration. At Adams's suggestion, Jefferson prepared the first draft, and with changes made by Adams and Franklin the declaration was presented on June 28. On July 2 Congress voted to support independence, and on July 4 Congress formally endorsed Jefferson's Declaration. Realizing that their signatures on the declaration (which has been called "the defense brief for the treason trial") might be used against them, members did not begin signing it until August 2.

On July 3 John Adams wrote to his wife, Abigail:

*The Second Day of July 1776, will be the most memorable Epocha, in the History of America. I am apt to believe that it will be celebrated, by succeeding Generations, as the great anniversary Festival. It ought to be commemorated, as the Day of Deliverance by solemn Acts of Devotion to God Almighty. It ought to be solemnized with Pomp and Parade, with Shows, Games, Sports, Guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more.*

*You will think me transported with Enthusiasm but I am not. —I am well aware of the Toil and Blood and Treasure, that it will cost Us to maintain this Declaration, and support and defend these States. —Yet through all the Gloom I can see the Rays of ravishing Light and Glory. I can see that the End is more than worth all the Means.*

Despite the morale boost of the Declaration, American morale in December 1776 was still low after repeated defeats and humiliating retreats. General Howe went into winter quarters in New York, leaving fourteen hundred Hessian soldiers at Trenton. Washington, in Pennsylvania and frustrated by his losses, was informed that the Hessians were unprepared. He gathered reinforcements by December 20, and on December 25th he crossed the Delaware River with his army.

Early on the morning of December 26 Washington struck, catching the Hessians completely by surprise as they recovered from their holiday festivities. Washington captured more than nine hundred Hessian soldiers and numerous supplies; his own army suffered only five casualties. *The 2000 film "The Crossing" with Jeff Daniels is an excellent dramatization of Washington's daring raid on Trenton.*

Heartened by his success, Washington struck again on January 3, 1777, at Princeton, where he achieved a quick victory over Cornwallis. Although the victories were not large in terms of numbers engaged, Washington's tactical victories gave an enormous boost to American morale, not only in his army but among all Patriots who got word of the victories. Prussian leader Frederick the Great called Washington's surprise attacks "brilliant." The British evacuated most of their troops from New Jersey, and Washington retired to winter quarters in Morristown.

### **1777: The Saratoga Campaign**

The year 1777 was a crucial year in the American struggle for independence. The year 1776 had been highlighted, of course, by the adoption of the Declaration of Independence, which was the great turning point of the war in terms of the overall objective. But the fighting in

1776 had been less than successful. Only General Washington's daring advance across the Delaware that led to victories at Trenton and Princeton saved the year from being a total washout.

In 1777 the British adopted what they hoped would be a decisive strategy to divide the colonies along the Hudson River-Lake George-Lake Champlain line, detaching New England, long seen by British authorities as the hotbed of the rebellion, from her sister colonies. They planned an ambitious, three-pronged attack against the Americans, led by British Generals John Burgoyne, Barry St. Leger, and William Howe.

The campaign, whose goal was consistent with the overall British strategy of divide and conquer, was probably too complicated for the times. It involved a series of maneuvers that

required full cooperation by officers who were not in direct communication with each other. General Burgoyne was to attack from Canada along Lake Champlain and Lake George toward Albany. General St. Leger was to head eastward from Lake Erie via the Mohawk River toward Albany, and General Howe was to send ten thousand troops up the Hudson River toward the same convergence point.



The major portion of the campaign involved General Burgoyne's advance from Canada down toward Albany. Accompanied by Hessian mercenaries, including German officers and their wives, and a huge

baggage train, which included what could only be called luxury items not really needed for a wilderness campaign, "Gentleman Johnny" Burgoyne, as he was known, made his way ponderously down from Canada with eight thousand troops. American General Horatio Gates, in overall command of the Americans, had concentrated his forces at Albany.



General John Burgoyne

Burgoyne's campaign began with promise. He passed the fort at Crown Point and captured Fort Ticonderoga on July 5 after the Americans evacuated. On August 16, however, British fortunes began to change. At the Battle of Bennington, General John Stark and the Vermont militia defeated a detachment of Burgoyne's army. American raiders had begun harassing Burgoyne's supply lines, so on September 13 and 14 Burgoyne crossed to the west bank of the Hudson River, cutting off his own retreat, thus committing his army to battle.

On September 19 at the Battle of Freeman's farm, General Benedict Arnold repulsed Burgoyne's army, and on October 7 at the Battle of Bemis Heights, Generals Arnold and Daniel Morgan again repulsed Burgoyne, who withdrew to Saratoga, now surrounded and with supply lines cut off. Forced



to give up the fight, on October 17 Burgoyne surrendered his entire army, a stunning victory for the Americans.

The victory at Saratoga was the major military turning point of the American Revolution: It provided a tremendous morale boost for Americans, who showed they could defeat a large British army in the field. The Americans captured three hundred officers, including seven generals, and more than five thousand troops. The contribution of the Marquis de Lafayette foreshadowed more formal French assistance along with French recognition of American independence, which was soon to follow.

Meanwhile, the second component of the British campaign was going badly as well. St. Leger had advanced along the Mohawk River accompanied by one thousand Iroquois Indians under Chief Joseph Brant, capturing Ft. Stanwix. On August 8, however, American General Herkimer won a hard-fought victory over the British at Oriskany, stalling St. Leger. Benedict Arnold, also with Iroquois Indians (who fought on both sides), bluffed St. Leger into thinking he was attacking with a large force. St. Leger's Indian allies departed, taking supplies, and he was forced to withdraw.

General Howe, meanwhile, who had been working his way toward Albany to assist Burgoyne, decided instead to capture Philadelphia—which he did easily—once he learned that Burgoyne had surrendered. Howe desired to take advantage of the loyalist sentiment that existed in New Jersey and Pennsylvania.

### **Effects of Saratoga**

The American victory at Saratoga persuaded the French to offer a formal alliance—founded on their desire to revenge the losses in the French and Indian War, as well as by Benjamin Franklin's brilliant diplomacy—that turned the American rebellion into a much wider war. From the beginning of hostilities, France had secretly been supplying the Americans with arms, using phony corporations as a cover. After Saratoga, England feared an open alliance between France and America and proposed peace. Parliament offered to repeal all acts passed after 1763, to respect the right of Americans to tax themselves, and to withdraw all English troops. The Americans, however, by now preferred full independence and were no longer in a mood to bargain. Louis XVI of France recognized American independence in December 1777. In January 1778 French Minister Vergennes offered to enter into two treaties with the United States, military and commercial.



*Burgoyne's Surrender* National Archives

Meanwhile, Spain decided to join the fight against Great Britain but did not recognize the United States minister to Spain, John Jay. Jay failed to gain Spanish recognition of independence but did manage to borrow a small amount of money. Spain was anxious to recoup some of its holdings in North America, which in fact did occur: Florida was returned to Spain during the peace negotiations in 1783. Also making Great Britain's situation more troublesome, Russia, Sweden, Denmark, Holland, and Portugal entered the "League of Armed Neutrality." Although those nations did not actively intervene on the American side,

their action meant that Great Britain was, in effect, fighting the entire Western world.

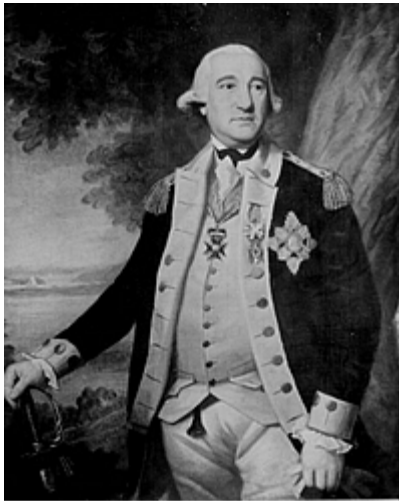
*Saratoga and its aftereffects were the second great turning point of the war, the first having been the Great Declaration of 1776.*

### **The Philadelphia Campaign**

In the spring of 1777, Howe decided to abandon New Jersey and invade Pennsylvania by sea. In July he re-embarked at Staten Island with more than two hundred ships and landed south of Philadelphia at Head-of-Elk, Maryland. Washington's army at that time was near Wilmington and moved to a blocking position at Brandywine Creek. From September 9 to 11, Howe maneuvered his army as Washington prepared his defenses. Because of inadequate reconnaissance and confusion, Washington was driven back in an otherwise indecisive battle and retreated toward Philadelphia. Washington lost about one thousand men to some five hundred British casualties.

On September 19 General Anthony Wayne was routed by a surprise British night attack at Paoli, and Congress evacuated Philadelphia, eventually setting up in York, Pennsylvania. Supplies were removed to Reading for safekeeping, and Congress granted Washington more authority to deal with the critical situation. On September 26 the British entered the city of Philadelphia unopposed and were warmly welcomed by the loyalist population.

On October 4 Washington began an attack on Howe's base at Germantown. After some initial success, the battlefield again became disorganized because of fog and confusion, and Washington withdrew with losses of seven hundred casualties and four hundred captured. Howe settled into Philadelphia, and Washington moved into winter quarters at Valley Forge. Although Washington had suffered two defeats, neither proved to be disastrous. Nevertheless, because of expired enlistments and for other reasons, Washington's army had dwindled considerably in size, and he found himself critically short of supplies.



**Baron von Steuben**

**Valley Forge.** Although winter quarters at Morristown in 1776–77 and 1778–79 were painful experiences for Washington's men, Valley Forge is remembered as a time of particular hardship. It was said that the path into the camp could be traced by the bloody footprints in the snow, and during the long cold winter Washington's soldiers struggled just to keep from freezing and to find enough food to stay alive. During the bitter winter, however, the Prussian general, Baron von Steuben, who had served on the staff of Frederick the Great, drilled and trained the American troops, imparting discipline and tactical skills.

*(It was reported that the good Baron, whose English was imperfect, used an American aide to swear for him, as he had difficulty managing American curse words.)*

The **Conway Cabal** also occurred in the fall of 1777, a reminder of the constant intrusion of politics into the American ranks. Disgruntled Irish Colonel Thomas Conway tried to undermine Washington, but the so-called plot never got anywhere. It was a distraction the commander in chief hardly needed, but Conway resigned and later apologized to Washington.

### **1778**

On February 6, 1778, France and America concluded an alliance by signing two treaties, a treaty of amity and commerce and a military alliance. The nations exchanged ambassadors, and France and England were soon at war. Parliament soon passed bills calling for reconciliation with America and sent a peace commission to Philadelphia to try to achieve a settlement. The Americans, however, refused to accept the commission and declared that any person who met with the commission would be branded an enemy of the United States. Congress responded that the only basis for reconciliation would be a full withdrawal of all British troops from American soil and recognition of American independence. The war would continue.

**The Battle of Monmouth.** In May Sir Henry Clinton replaced General Howe and, hearing that a French fleet was en route to America, decided to move his army back to New York. The Americans reoccupied Philadelphia on June 18, and Washington decided to pursue the retreating British across New Jersey. On June 28 Washington caught up with the British at Monmouth Courthouse, New Jersey. General Charles Lee was in command of an advance unit with orders to attack at the first opportunity. Orders to Generals Lafayette and Anthony Wayne became confused, and Lee precipitously ordered a retreat, which brought on a counterattack by Clinton.

Washington soon arrived on the scene and, furious at Lee's order for retreat, is said to have sworn so forcefully that the leaves shook on the trees. Washington rallied his men, and with the discipline instilled by the training of Baron von Steuben, the Americans met the British squarely. Although the outcome was indecisive, it was clear that the Americans had fought the British to a standstill. Clinton withdrew and took his army back into New York, and Washington moved north of the city and settled into camp near White Plains, about twenty miles north of Manhattan.

*The war in the North thus remained a stalemate—with Clinton boxed in in New York, and Washington holding the Hudson River line.*

## **THE WAR IN THE WEST**

The majority of American Indians seem to have judged—correctly as it turned out—that an American victory in the Revolutionary War would probably lead to further trouble in the form of new encroachments on their lands. A British victory would therefore be in their best interests—it was the British, after all, who had tried to confine the colonists to the territory east of the Appalachians. The British, on their part, welcomed Indian allies in the West, but the outcome of the war and that alliance later hurt both the British and the Indians in their further struggles with the Americans. The pro-British Iroquois under Joseph Brant did considerable damage to the Americans, but overall the Indian involvement in the war did the Native Americans more harm than good.

In 1778 the Wyoming Valley and Cherry Valley Massacres in Pennsylvania led by Loyalist Sir John Butler provoked a response from the Americans. Indians swept through outlying settlements, terrorizing the people and killing forty survivors at Cherry Valley after they had surrendered. Washington sent four thousand men under Generals Sullivan and Clinton to attack the Indians, and the American victories broke up the Six Nations.

In 1779 Colonel George Rogers Clarke's expedition, commissioned by Virginia Governor Patrick Henry, against Colonel Henry Hamilton (the "hair buyer") captured Kaskaskia, Cahokia, and Vincennes. Like much of the fighting on the frontier, the combat was especially bloody

and brutal; Clarke's victories secured American claims to western lands and ended British control in the Northwest.

*Worthy of note: The Northwest territory (Ohio, Illinois, Indiana, Michigan, and Wisconsin) could otherwise have wound up as part of Canada.*

## **THE WAR IN THE SOUTH**

Considerable fighting occurred in the South early in the war, but it was mostly indecisive until 1778, while the focus was on the northern campaigns. In 1779, with the results of fighting in the North failing to resolve the conflict, the British turned their attention to securing the South, where they felt strong loyalist support would aid them. They took Savannah and later captured and burned Norfolk and Portsmouth. (Norfolk was the most heavily damaged American city in the war.) When the city of Charleston fell on May 12, 1780, a garrison of 5,400 Patriots surrendered, the worst defeat of the war for the Americans.

Meanwhile, on June 21, 1779, Spain declared war on Great Britain, though it refused to recognize American independence for fear of losing territory to the Americans. (Spain's fears were eventually played out after independence was secured.) Although unsuccessful in gaining recognition from Spain, American Minister John Jay was able to borrow a small sum of money. About the same time, Congress authorized John Adams to explore negotiations for a settlement of the war. Aiding the American cause were the actions of naval hero John Paul Jones, who conducted raids along the coast of the British Isles and eventually defeated the HMS *Serapis* from his vessel, the *Bonhomme Richard*, named for Benjamin Franklin.

Supported by the cavalry of Colonel Banastre Tarleton, a fierce and ruthless fighter, General Cornwallis routed an American army at Camden, South Carolina, on August 16, 1780. Washington sent General Nathanael Greene to the South to replace General Gates, whose behavior on the battlefield at Camden had been grossly incompetent, as Cornwallis invaded North Carolina. On October 7 a force of 1,100 loyalists were defeated at Kings Mountain by frontiersmen under Colonels Isaac Shelby and William Campbell.

### **1781: The Final Showdown at Yorktown**

With Greene now in command, the American forces, some elements commanded by Daniel Morgan, met and defeated Tarleton and Cornwallis at the Battle of Cowpens, where Greene used his militia to great advantage. *(A rough approximation of the Battle of Cowpens was depicted in the Mel Gibson film The Patriot. The British colonel in the film was obviously based on Banastre Tarleton.)*

Following Cowpens, Cornwallis followed Daniel Morgan into North Carolina, and after Greene and Morgan combined forces they fought the British at Guilford Courthouse. Although Cornwallis won the field, his losses weakened him and he had to retreat to Wilmington, North Carolina, for reinforcements.

Meanwhile, the United States Navy continued to give the British a bad time. During the course of the war American privateers, privately owned vessels commissioned by Congress to conduct raids on British shipping, captured six hundred British ships. Although the navy was not able to take on the British fleet and large-scale battles, American sailors captured or destroyed 196 British vessels during the course of the war. In 1781 French fleets were

operating in the Caribbean and off the American coast, a development that eventually meant defeat for Cornwallis.

In order to protect his forces in North Carolina, Cornwallis decided to invade Virginia. There Benedict Arnold, who had turned his back on the patriot cause and was now a British brigadier general, conducted a raid on the capital and almost captured Governor Thomas Jefferson. Generals Lafayette and von Steuben, however, their regiments reinforced, forced Cornwallis to retreat to Yorktown, Virginia, where he hoped to be reinforced by forces from New York under Henry Clinton.

In 1780 French General Count Rochambeau had arrived in Rhode Island with a French fleet and an army of several thousand men. In 1781 he moved his army from Newport to New York, where he planned to join up with Washington for a possible combined attack on British forces in New York City. Washington, however, received a message via his French ally that the French fleet under de Grasse was available for operations in the Chesapeake area. British Admiral Graves attempted to drive the French away but was forced to withdraw back to New York, leaving Cornwallis isolated. Washington was also aware of Cornwallis's situation.

Seizing the opportunity, Washington and Rochambeau marched rapidly to Yorktown (some units transported by the French fleet), making feints against New York City to keep the British off guard. Setting up a siege around Cornwallis's position, Washington began hammering the British position with artillery. Led by Colonel Alexander Hamilton, the Americans captured two redoubts along the British line, and when a counterattack failed, Cornwallis realized that his position was hopeless. His attempted withdrawal across the York River was foiled by a storm, and the British fleet was unable to rescue him because of the French naval victories off the Virginia Capes. Out of options, Cornwallis surrendered on October 19, 1781. For all practical purposes, the American war for Independence was over.



*"General Cornwallis surrenders at Yorktown." Actually Cornwallis did not personally surrender to General Washington, being "indisposed," but Washington took no offense. He merely asked that the surrender by Brigadier General O'Hara be addressed to his deputy, General Benjamin Lincoln. The British army laid down its arms before the French and American troops, and the American Revolutionary war was, for all practical purposes, over, though the Treaty of Paris ending the conflict was not signed until 1783.*

*National Archives*

*Note: The final campaigns in the South were ugly and violent—prisoners were slaughtered, the countryside ravished. Colonel Tarleton's tactics infuriated the Americans and made them more determined than ever to continue the struggle to the end. Mel Gibson's movie The Patriot, while not completely accurate, especially in regard to the character based on Tarleton, does convey the bitterness of much of the fighting in the South.*

### **The Paris Treaty of 1783 Ends the American Revolution**

The British government now found the struggle too costly to continue and decided to settle for peace on American terms. The American peace commission included Benjamin Franklin, John Adams, John Jay, and Henry Laurens. Thomas Jefferson was also appointed but did not

go to France. Although the American delegation had been directed by Congress to negotiate in coordination with the French, because of the complicated issues involving Spain and other countries, the Americans settled with the British independently. French Minister Count Vergennes was not pleased, but recognized that the result was favorable to the Americans.

By playing France off against England, the Americans secured highly favorable terms: American independence was recognized; all territory east of the Mississippi River between Canada and Florida was ceded to the United States; the Americans were granted joint navigation of the Mississippi River and the right to use fisheries off the Canadian coast; there was to be no lawful impediment to the collection of private debts on either side, and restitution was recommended for the loyalists; finally, the British were to withdraw from all outposts in the Northwest. The Americans were successful for a variety of reasons, some purely fortuitous. Some British, for example, were quite comfortable with American independence. They also wanted good trade relations, they wanted to keep America outside the sphere of French influence, and they were still at war with much of Europe.

### **Other Issues of the American Revolution**

Washington from time to time had great difficulty in keeping his troops from rebelling against the shoddy treatment the army was afforded because of inefficiencies in Congress. On May 25, 1780, a near mutiny occurred in Washington's headquarters over the issue of pay and general discontent. In January 1781 an event known as the "mutiny of the Pennsylvania line" occurred and had to be put down forcefully.

**Washington's Newburgh Address.** Following the war, with Washington's army still encamped at Newburgh, New York, a group of officers threatened to defy Congress if they did not receive promised pay and reimbursement for food and clothing. Washington got wind of the movement and addressed the officers in person. Having difficulty reading his prepared remarks, Washington fumbled for his spectacles and said, "Gentlemen, I beg your pardon, but I have grown not only gray but blind in the service of my country." Moved by the image of Washington's personal sacrifices, the officers withdrew their protests when Washington promised quick redress for their grievances. Shortly thereafter Congress granted the officers of the army a generous settlement. Washington's actions in deference to Congress are seen as setting a historic precedent for civilian control of the military.

**American Diplomacy.** American diplomacy during the war was quite effective. France and Spain still hated Great Britain after the Seven Years' War, and American agents Silas Deane, Arthur Lee, and Benjamin Franklin used that fact to good advantage. Franklin was most important—he was well known in Europe, an experienced diplomat, and an excellent propagandist. Through Franklin's efforts, France gave much to the American cause, but got little in return. Having no particular friendly feelings toward America, and certainly not interested in supporting policies that would threaten the French Crown, France acted in its own best interest, as nations generally do. The Americans, of course, never said that George III did not have the right to rule; they merely said he did not have the right to rule them.

The Netherlands took advantage of the war to hijack British trade. John Adams was sent as minister in 1780, where he secured formal recognition, concluded a treaty of amity and commerce, and was able to secure a substantial loan. In all, American diplomats, though having little prior experience (except for Franklin), comported themselves quite favorably in the service of the fledgling nation.

## American Government During the Revolutionary War

The Second Continental Congress was de facto the American government for most of the period of the American Revolution. With no real executive and uncertain support from the thirteen states, the Congress operated with notorious inefficiency. In its daily work the Congress functioned by committee (John Adams served on dozens), and it was hard to fix responsibility for any task anywhere. Money was chronically short, and the states still thought of themselves as separate entities merely gathered for the conduct of the war.

Shortly before the Declaration of Independence was signed in 1776, however, John Dickinson headed a committee that began drafting a plan for association that eventually became the Articles of Confederation. The articles were presented in July of that year and were debated for more than a year. Congress eventually approved the articles in October 1777, and the articles were submitted to the states for ratification.

Because unanimous consent of all the states was required for ratification, and because the states—which were engaged in a war of rebellion against what they saw as a tyrannical authority—were reluctant to take any action threatening their sovereignty, the Articles were not ratified until March 1781.

Despite its shortcomings, the Continental Congress achieved much. They declared independence, successfully conducted the war, sent ambassadors to foreign nations and gained the powerful support of France, oversaw the negotiation of an extremely favorable treaty, and, for better or worse, kept the Revolution alive through some very dark days. It was government by committee, not always a good thing, but under the circumstances it was probably better than having a strong leader who would inevitably have caused resentment.

### Loyalists in the Revolution

Many Americans had remained loyal because they feared that independence would bring chaos, and that there was no guarantee that the government they were going to get would be any better—if indeed as good—as the one they were giving up. (*One famous Loyalist motto went, "I would rather have one tyrant 3000 miles away than 3000 tyrants one mile away."*) The loyalists thought that independence would threaten the liberties for which other Americans were fighting. They were poorly treated on both sides. The English did not trust them, and the Americans confiscated their property and even imprisoned, punished, or executed them. By the time the war was over, more than 100,000 loyalists had left the United States, many for Canada and some back to England, bitter at their treatment. Most of them were never reimbursed for their losses despite agreements made in the Treaty, and most of them never returned.

**Women and the Revolution.** Beginning with the policy of nonimportation and the wearing of homespun clothing as a patriotic gesture, many American women had entered the political arena as contributors if not actual participants. Women in the 18<sup>th</sup> century had no reason to expect that they might become more politically liberated, for with the exception of monarchs such as Elizabeth the Great and Queen Anne, not to mention Catherine the Great of Russia, who reigned at that time, women had generally been excluded from European politics for centuries. But American women, who were often fairly well read and literate, were conscious of ideas of republicanism and democracy and began to develop the hope that those enlightened ideas might alter their state.

Abigail Adams famously pleaded with her husband to “remember the ladies” as the men of the Second Continental Congress plotted their Revolution. Although Adams, who loved and admired his wife as his most faithful counselor, treated her remarks lightly, he was probably sympathetic; but one revolution at a time was more than plenty to handle.

The Revolution did not directly address the issue of women’s rights in any specific way (nor did it take note of the institution of slavery beyond the fact that the British offered freedom to slaves who would fight against the Americans, a promise they kept). The growth of republican ideas offered the possibility of substantial change once the American nation found its proper form of government. We will discuss the idea of republican motherhood in the women’s rights movement in due course, but it should be noted that women did participate in significant ways during the war itself.

The famous “Molly Pitcher,” so called because of her carrying water for the soldiers, helped man the guns in time of need. Women accompanying the army carried out various logistics functions, from assisting with preparation of food, to caring for clothing and uniforms, to tending to the wounded. Following the war, Washington himself recognized the many contributions of women to the Patriot cause, symbolized to an extent by the presence of Martha Washington in the American camp during the difficult winter at Valley Forge.

It is also worth noting that the first full history of the American Revolution was written by a woman, Mercy Otis Warren, the sister of James Otis, who had protested the Writs of Assistance in 1761. Mercy Warren was a good friend of Abigail Adams, and both women and many others were fully tuned to the political realities, not only of the Revolution but also of the challenges facing the nation once the war was over. Warren’s *History of the Rise, Progress, and Termination of the American Revolution The National Period: 1783–1789* was published in 1805 and is still available in paper and hardcover editions.



## America under the Articles of Confederation: 1783–1789

The most radical idea to come out of the American Revolution was the idea of republican government. To be called a republican in Europe in 1780 was something like being called a socialist or anarchist in later times. That idea of republican government—government by the people—once established, would profoundly change the relationship between men and women and their government. Some of those changes were subtle, but over time their impact was felt. Perhaps most important was the idea of virtue: Where did virtue reside in the political structure, and how could virtue be cultivated?

In a state run by an aristocracy, a monarchy such as England's, for example, the virtue—the goodness or quality or character—of the state was determined by the ruling class. Ordinary people had no real civic responsibility except to obey the laws. In a republic (from the Latin *res publica*) the people are responsible for the virtue of the state. The qualities that make virtuous citizens and therefore a virtuous state—decency, honesty, consideration of others, respect for law and order—are qualities that are first learned at home, generally at the mother's knee. So in a very subtle way the role of motherhood, the job of raising virtuous citizens, became a public good. The concept was known as "**republican motherhood**," and although women were still treated as second-class citizens for decades, when they began to make their case for full equality, they could and did point to seeds sown during the Revolution.

Other significant changes that came into focus during and after the Revolution included a new and more highly developed sense of equality, the idea that people should be judged by their worth rather than by their birthright, that being highly born is not a requisite for achievement or recognition. Those ideas developed slowly and unevenly, but the Revolution made such radical thinking possible. Some of those changes in attitude were eventually translated into new laws and practices, such as:

- More equitable representation among all regions of the states.
- Less restrictive voting qualifications—the elimination of property or religious qualifications for voting, for example.
- More liberal laws of inheritance—the end of primogeniture.
- Greater religious freedom—the separation of church and state.

We should note that the young American nation had the extraordinary luxury of a period of about six years between the end of the fighting in America and the next outbreak of violence to find a new way to govern itself. If the French Revolution with all its turmoil had started earlier, or if the Americans had taken longer in getting around to writing their Constitution, things would certainly have turned out differently, quite possibly for the worse. Few nations have had such a broad and untrammelled opportunity to form a government under so little pressure.

Once the British system of government was rejected, the states, operating under the inefficient Articles of Confederation, saw themselves as independent republics, so that American government under the Articles was, in effect, a "United Nations of North America," rather than the "United States" as a single nation. For years the country was referred to in the plural: "The United States are. ..." Americans were in no hurry to create a powerful national government—only after several years of experiment did they begin to realize that thirteen "sovereign and independent republics" could not function as a nation without a strong central authority.

## Political Issues in the Early Federal Period

The Articles of Confederation were finally ratified in 1781. Maryland was slow to ratify, and unanimous consent of all thirteen states was required. Under provisions of the Articles, the Confederation Congress, a continuation of the Continental Congress, had managed to achieve victory in the Revolutionary War, but only with difficulty and inefficiency. Wartime problems had been huge, and the Confederation was cumbersome and inefficient. The colonies had never really gotten along very well, and once the war was over, the states became even more suspicious of federal power and of each other. Thus government under the Articles had less power than Parliament and Crown had held over the colonies. There was no executive, and no courts were provided for. Government was operated by scores of committees, notoriously inefficient in executing policy.

During the 1780s, many Americans feared, as the glow of victory began to fade, that their Revolution could still fail if not grounded in a virtuous republican government—they were not willing to continue under the *status quo* of a top-down monarchical system. Ordinary folk, influenced by the experience of the colonial era, expected the Revolution to preserve the individual liberties they had enjoyed, and to give them a voice in government. They expected progress founded on fairness and equity. At the same time, more conservative elements feared that too much liberty might lead to democratic excesses and emphasized the need for order. *At issue was the debate over liberty versus order: The two ideas were not necessarily compatible.*

Republicanism in the 18<sup>th</sup> century was as radical for its time as Marxism was later, even though the concept had its origins in Greece and Rome. Since ancient times only brief experiments in republican forms of government had been tried, and all had failed. Still, the concept began to spread throughout Europe in the 18th century, finally coming together in revolutionary America to set a precedent that would spread around the world.

Republicanism was a social as well as political construct, and the simplicity and plainness of American life were now considered virtues. The evils of the Old World were seen as rooted in restrictive government and rigid class structures, but in order for republican government to succeed, the citizens had to be virtuous, patriotic, and willing to serve the interests of their country.

Property ownership was seen as requisite to participation in republican government because people needed to have a measurable stake in their political society *and* be independent. Jefferson saw dependency as an evil—"it begets subservience and venality"—so he proposed that Virginia give fifty acres of land to every citizen who did not own that much. At the heart of the American experiment was the idea of *equality*. In all states, more of "the people's men" began to participate in government. The new American aristocracy would be based on merit, not birth—leaders would be strong men who could set aside personal interests in favor of the greater good. The theory of a born aristocracy was inconsistent with the inbred individualism of the former American colonists, now citizens of their own nation.

As the need for a stronger central government became more apparent after 1783, the United States could easily have become a monarchy, with George Washington as King George I of America. The American states under the Articles were independent republics, and the feeling was that viable republics were of necessity small. Many were skeptical of attempts to create a larger, unmanageable republic. Thus the Americans still faced many difficulties in shaping a new republican government. They had closed "but the first act of the great dra-

great drama," but much hard work remained to be done. Without the completion of the task of creating a viable government, the experiment still might have foundered.

### **The States: The First American Republics**

The state constitutions provided the practice arena for the writing of the United States Constitution. Massachusetts set an important precedent by drafting its constitution in a special convention called for that purpose. Even before the war ended, constitution writing was going on all over in special conventions, following the Massachusetts example. As John Adams put it, how glorious it was to be able to participate in the making of a government—few in history have had such an opportunity. Americans were aware that the entire world was watching, with more than a little skepticism about whether this experiment in republican government could work. Many Europeans assumed that America would fail and become some sort of despotism, or perhaps attach itself to one of the great nations of Europe.

The new state constitutions emphasized fundamental freedoms such as freedom of religion, speech, and the press.<sup>23</sup> The office of governor was generally weak, and elected assemblies were given the most power. The state constitutions had to be ratified by a referendum of the people. Americans wanted written constitutions that would clearly define the rights of citizens and the limits of government power. Their attitude reflected the American distrust of power, an American characteristic that continues to this day. In writing their constitutions, the states incorporated parts of the British system (from their colonial charters) into their new governments, being wise enough not to throw out the baby with the bath water. Nevertheless, they still created radical new forms.

### **Foreign Affairs: Diplomatic Humiliation**

Congress commanded so little, and had so little power over the states and therefore over foreign policy, that other nations either ignored the young United States or ran roughshod over their interests with little fear of retaliation. The British ignored certain provisions of the Paris peace treaty and kept troops on American soil long after the treaty was signed. In addition, the Royal Navy remained in American waters, a threat to American independence of action.

When Spain closed the port of New Orleans to American commerce in 1784, Congress sent John Jay to Madrid to achieve terms to open the Mississippi to Americans. Instead, Jay signed an agreement that ignored the problem of the Mississippi in exchange for commercial advantages benefiting the Northeast (the Jay-Gardoqui Treaty.) Congress rejected the treaty, and the issue smoldered for ten more years. Congress also claimed lands in the West still occupied by the British and Spaniards but could not forcefully challenge those nations for control of the land.

The American armed forces, except for state militias, over which Congress had little control, were for all practical purposes disbanded after the war. (The U.S. Army numbered fewer than one hundred men in 1784, the Marine Corps was disbanded and the Navy sold off for the most part.) For good or ill, foreign affairs would come to dominate American public life and politics between 1790 and 1815—as Europe became steeped in the wars of the French

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<sup>23</sup> The original state Constitutions can be viewed at Yale's Avalon Project: <http://avalon.law.yale.edu/>. See links on the Academic American History site.

Revolution and Empire. But even in the immediate postwar years, America carried little weight in the world despite having won the Revolutionary War.

### **Commercial Issues: Foreign Trade**

After the Revolution the American balance of trade was very negative, which led to a serious recession from 1784 to 1786. As Americans had been unable to trade with Great Britain during the war but still had an appetite for British goods. British imports to the United States expanded after the war, and as a result money and wealth flowed out of the country. The young nation also was critically short of hard currency, a situation exacerbated by the fact that cash was flowing overseas. Furthermore, Congress had no taxing authority, and massive war debts, including promised pensions for soldiers, remained unpaid. It was clear that a strong central authority was needed to regulate trade—the Confederation government could not get a tariff bill through because of jealousy among the states. On the bright side—and there was not much there—new foreign ports were now open to American traders, and American ships could go anywhere they pleased, but without, of course, the protection of the Royal Navy. The vessel *Empress of China* sailed to the Far East in 1784–85, opening up trade with that part of the world for Americans.

### **The Free Trade Issue—The Downside:**

- America was now excluded from British imperial ports;
- Americans no longer benefited from British mercantilism;
- Foreign nations were reluctant to enter trade agreements with the United States in fear of retaliation;
- High duties were charged on imports to England, which now hit U.S. traders hard;
- British Orders in Council of 1783 barred certain goods as well as American ships from Caribbean trade, which hit northern states especially hard; shipbuilding interests were hurt.

*The issue of unpaid debts persisted, though some thought they should be renounced. (George Mason is supposed to have said, "If we still owe those debts, then what were we fighting for?")*

### **The American Economy: "Anarchy and Confusion"**

The financial problems of the new United States were huge. The U.S. treasury, such as it was, was empty. The national government and many other states had huge debts, and in order to have some currency so that business might be conducted, the wartime practice of issuing paper money continued; the result was rampant inflation. American paper was practically worthless, and state paper money was worth even less, if that was possible. (In Rhode Island, legal tender paper was created, and it had so little value that people refused to accept it as payment for anything—going so far as to leave the state to avoid being paid, since Rhode Island paper was legal tender only within the state.)

With no power to tax, Congress could do little to ease the situation. Nationalists such as Alexander Hamilton and James Madison wanted Congress to have a taxing authority, but their efforts came to naught, as the states were jealous of federal power to tax, having just fought a war initiated in large part over unwanted taxation. In 1781 Robert Morris tried to set up a Bank of North America, thinking that that "the debt will bind us together." He was given near dictatorial powers, but he resigned in frustration in 1784, having been unable to stabilize the economy.

The situation even held potential danger for the government itself, as war veterans threatened to march on Congress. Before leaving Newburgh General George Washington had thwarted one such movement, but the seeds of discontent among the former soldiers and officers remained apparent. To make matters even more confusing, economic jealousy existed among the new states. Various tariffs were applied to goods that moved between the states, and state laws came into conflict with the treaty made with Great Britain in 1783.

During this time the national debt rose from \$11 million to \$28 million, which included foreign debt. Those debts were never brought under control during the Confederation period—it was not until Alexander Hamilton reformed American finances under the constitutional government that America's economic house began to be put in order.

All these events pointed up weaknesses in the American government and showed the need to revise the Articles of Confederation. Meanwhile, other reforms were emerging from the fire of rebellion, such as religious freedom—the separation of church and state. Most states abandoned tax support for churches, and Jefferson's Statute of Religious Freedom in Virginia set an important example. In the northern states of Massachusetts and New Hampshire, the Congregational Church still got some tax money. Despite their newly found liberalism, most Americans were nevertheless intolerant of views that were strongly anti-Christian.



Washington by Gilbert Stuart

### **A National Culture**

The Cultural Declaration of Independence: By 1789 poems, plays, music, and art celebrated the Revolution and all things American. One of the earliest examples was a long lyric poem, *The Columbiad*, by Joel Barlow, a noted author. Patterned after great epics such as *The Iliad*, Barlow's work was meant to convey the majesty of the American experience. Although it was not popular in its time and is not considered great literature, it remains an example of the patriotic art that emerged after the Revolution. Noah Webster worked to produce the first American dictionary—the American language began to depart from English. American art stressed patriotic themes—portraits of Washington and other revolutionary dignitaries abounded, and artists began to develop new styles. A fledgling American literary movement began with plays such as *The Contrast*, whose characters represented American virtues and corrupt old European ideas. American literature did not become highly evolved—that would have to wait for the Romantic Age under Emerson, Hawthorne, Whitman, and others—but the seeds were sown.

### **Rights of Women: "Republican Motherhood"**

As mentioned above, the creation of an American republic had important implications for women, although they were slow to see concrete changes in their status. Nevertheless women had made important contributions to the Revolution, including fighting. Deborah Sampson served as a man in Washington's army from 1781 to 1783. Others did much to support the American armies—making bandages, and so on. Martha Washington did much to assist soldiers at Valley Forge.

Women also demanded the natural right of equity and contributed to the creation of a new society by raising children in households where the republican values of freedom and equality were daily practice. Moved by the spirit of freedom, women were more assertive in divorcing undesirable mates and in opening their own businesses, though they were still denied their political and legal rights. Although women made some gains in education and law, society still defined them exclusively as homemakers, wives, and mothers.

*Abigail Adams had said "Remember the ladies"—or they would foment their own revolution, which they eventually did. But even in the republican fervor of the post-revolutionary period, women got few new rights. But the newly created republican form of government held considerable promise for the future of women's rights in America.*

## **Slavery and the Promise of Liberty**

The American Revolution did not abolish slavery, although in some states the innate contradiction between the institution and the Declaration of Independence were apparent. During the Revolution, many African Americans fought for freedom in their own way—some on the British side, some on the American. Slavery was gradually abolished, but mostly where it was economically unimportant. At this stage of its history, slavery was not seen as morally defensible; even southerners questioned the morality of slavery, and no one defended it as a "positive good." That would come later.

Slavery was an important issue during the Revolutionary War. Governor Dinsmore of Virginia had promised freedom to all slaves who would fight for the British against the American rebels. As a result, the British army emancipated many slaves—about twenty thousand escaped to the British, including some of Jefferson's. When the war ended, many of them returned with the British army to England, where they became free men.

During the revolutionary period, provisions for emancipation were incorporated into most northern state constitutions. Even outsiders were struck by the contrast between American cries for freedom and its practice of slavery. Samuel Johnson had pointedly asked, "How is it that we hear the loudest yelps for liberty from the drivers of Negroes?" Some Americans were equally outraged by the practice. As Abigail Adams put it, "It always appeared a most iniquitous scheme to me to fight ourselves for what we are daily robbing and plundering from those who have as good a right to freedom as we have."

Meanwhile, slavery was dying elsewhere in the world. In England a slave owner could not exercise his property rights over a slave. In America, excuses were found not to use blacks to fight for independence. And yet, in the words of one historian, "For all its broken promises, the Revolution contained the roots of the black liberation movement." For blacks had been at Lexington, had crossed the Delaware with Washington, and many had been recognized at Bunker Hill and during the surrender of the British at Saratoga. In fact, British soldiers mocked the American army because it contained so many blacks. All the same, in the South the sight of a black man with a gun evoked fear. The time for full emancipation was not yet at hand.

## **The Great Land Ordinances**

One thing that America did have plenty of was land, though the use of it would bring continuing troubles with Indians until late in the 19th century. During the American Revolution, the Americans resolved not to treat their territories as colonies. Following the war, Congress sold millions of acres of land to large companies, but those companies had trouble attracting

settlers. Congress therefore realized that some form of control was necessary in the territories that were not yet states.

At the end of the war, several of the states claimed extensive territories west of their own boundaries, but by 1786 all the western territories had been turned over to the federal government. The Confederation Congress soon decided that the western territories were not to be treated with the sorts of abuses that the British had imposed upon the original Americans, and a careful policy was worked out.

In 1784 Jefferson drafted an ordinance providing that when the population of a territory reached that of the smallest state, that territory would be eligible for statehood. The Land Ordinance of 1785 provided for a layout of townships of 36 square miles, 6 miles on a side with a north and south orientation, divided into one-square-mile lots of 640 acres, to be sold at \$1 per acre. One section was set aside to be sold for income supporting public schools (the first national education law written anywhere), which reflected Jefferson's commitment to public education as essential to democracy. The Ohio and Scioto land companies were formed; Marietta, Ohio, was established as the first town in the new territory. (Marietta remains proud of that distinction to this day.)

**The Northwest Ordinance.** In 1787 the territory northwest of the Ohio River, which eventually came to comprise the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin, was designated the Northwest Territory, and the Northwest Ordinance of 1787 carefully outlined the process through which the territories would become states. Each territory was to have a governor, a secretary, and three judges, all chosen by Congress. When any territory's population reached five thousand, the male adults there would have the right to elect an assembly.

Once the population reached sixty thousand, the territory could call a convention to draft a constitution and apply for statehood. In addition, the Ordinance provided for a Bill of Rights that guaranteed freedom of religion, proportional representation, trial by jury, and other rights; and slavery was permanently excluded from the territory. Needless to say, if the provisions of the Northwest Ordinance had been applied to the remaining territories, many of which were soon to become states, the extension of slavery and thus the entire future of the American nation would have been considerably different.

The essential point about the Northwest Ordinance is that America did not see its territories as part of an empire, but rather as territory that would join the original thirteen states on an absolutely equal footing, with the same privileges, rights, and responsibilities. The Northwest Ordinance has been considered significant enough that some historians have said that its philosophy of equality of territories and new states is part of our constitutional heritage. Along with the Declaration of Independence, the Northwest Ordinance is seen as one of the highest achievements of the Confederation era. The principle behind the Northwest Ordinance was carried into the Constitution in Article IV, Section 4, which states: "The United States shall guarantee to every State in this Union a Republican Form of Government."

The years between the signing of the Paris Peace Treaty in 1783 and the beginning of government under the Constitution in 1789 were thus uncertain times. The country might have continued under the Articles of Confederation, but it is likely that as additional states were added, the sense of unity and purpose would have degenerated further into endless bickering. Even after the Constitution went into effect, the different areas of the nation often placed their own interests above national goals. The country needed an anchor.

## **Making a New Government: The Road to Philadelphia**

By 1785 it was beginning to become apparent that the government of the Articles of Confederation was making it difficult to resolve issues among the states. In order to deal with waterways that formed state boundaries, including the Potomac River and Chesapeake Bay, a conference was called at Mount Vernon, where James Madison, George Mason, and others discussed commercial issues. An outcome of the meeting hosted by Washington was that the Virginia legislature invited all the states to attend a meeting in Annapolis in 1786.

The Annapolis convention met even as the Confederation Congress was attempting to reorganize itself. For various reasons, including difficulty of long-distance transportation, the Annapolis convention was only lightly attended. The convention, however, accepted a proposal drafted by Alexander Hamilton to request all the states to meet in a convention in Philadelphia in May 1787, "to render the Constitution of the Federal Government adequate to the exigencies of the Union." Congress finally endorsed the plan in February 1787 and called for a convention "for the sole and express purpose of revising the Articles of Confederation."

**Shays's Rebellion.** In August of 1786 a violent protest erupted in Massachusetts over economic hardships that had resulted in foreclosures of homes and farms. Leader of the rebellion was Daniel Shays, a farmer who had been a captain during the Revolutionary War. Massachusetts farmers were frustrated because they were unable to pay their debts due to depressed crop prices, and mortgages were being foreclosed. Shays marched his insurgents to Springfield, threatening the federal arsenal there. State militia backed by federal forces eventually drove off the Shaysites, but the uprising underscored the weaknesses of the Confederation government and the inadequacy of the American interstate commercial structure.

Americans from George Washington to Abigail Adams were horrified by the prospect of a new rebellion. Washington declared it "liberty gone mad," and the situation reminded many that mob rule was sometimes seen as a natural outgrowth of too much democracy. Thomas Jefferson was less bothered by the uprising, believing that a little violence was necessary for the good health of liberty, but it was obvious that the federal government could not respond to the needs of the people. In the end, Shays's rebellion furthered the cause of those who wanted a radical revision of the Articles of Confederation.

## **THE CONSTITUTION: "THE REPUBLICAN EXPERIMENT"**

The writing and adoption of the Federal Constitution was a vital second step in making the American Revolution and republican experiment a permanent success. It is clear that if the nation of thirteen states could not operate effectively with a weak central government, a nation of thirty, forty, or fifty states would never have become possible. For Alexander Hamilton, James Madison, and other far-thinking political leaders, attempts to amend the Articles of Confederation would only be, to use a modern analogy, rearranging deck chairs on the *Titanic*. If the nation were to survive and prosper, the Articles would have to go.

**Madison's Role.** For those who have had the pleasure of visiting James Madison's home, Montpelier, in Orange, Virginia, they have probably approached that property on a highway known as the Constitution Route. Madison, they soon discover, is known as the father of our Constitution, and the title is more than fitting. No one worked harder than James Madison to achieve the new form of government that he felt was vital for the success of the American nation. Madison's notes on the Convention are still the best source we have of the historic event.





Educated at the College of New Jersey, later Princeton University, James Madison was well-versed in matters legal and political. His preparation for the convention in Philadelphia was prodigious. Knowing that as a slight and frail man, he would not make an imposing figure on the convention floor, he put together a formula for government known as the Virginia Plan and then had it introduced by the more charismatic and well-known governor of Virginia, Edmund Randolph.

As the delegates gathered in Philadelphia, they knew that the task ahead of them was daunting, but they were a group of exceptionally capable men—Jefferson (who was ambassador to France and thus absent from the convention) referred to them as “demigods.” Many of the delegates knew each other from having served together in the Congress, and many of them had been actively involved in writing their own state constitutions. They were well-versed in political matters and were cognizant of historic examples of governments going all the way back to the Roman Republic.<sup>24</sup>

**Washington Presides.** Their first task was to select a president, and the choice was obvious: Once again George Washington would lead the vital enterprise. Although Washington participated not at all in the debates, his presence in the chair was essential during the long hot summer. The dignity with which he held himself, and the knowledge among the delegates of the sacrifices he had made to achieve liberty, made his position as president one of the highest importance.

*(For a wonderful, readable account of the Constitutional Convention, see Catherine Drinker Bowen’s classic *Miracle at Philadelphia*.)*



The Constitutional Convention organized itself in such a way as to maximize the possibility of success. First, they agreed that all of their deliberations would be secret, fearing that if news of their proposed document were to leak out, false impressions might be created that would jeopardize eventual ratification. Second, they organized themselves into a committee of the whole so they could openly discuss various proposals and then recommend them for adoption by the formal convention. Although that move may sound frivolous, it had a serious point: After a day of heated debate, the committee might adopt a resolution for presentation to the convention—the very same members—on the following day. With the intervening time for reflection, the convention would have the opportunity to take a fresh look at what had been proposed.

When a quorum of states was finally achieved late in May, Randolph introduced the Virginia Plan, which went beyond revision of the Articles of Confederation and outlined a completely new national government. The plan called for a bicameral legislature, a separate executive, and a separate judicial department. At that point the convention dissolved itself into a committee of the whole, and the debating began.

In June the smaller states, led by New Jersey, proposed an alternative plan. The issue was representation in the national Congress: the larger states feared that the small states might

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<sup>24</sup> John Adams, America’s first Ambassador to the Court of St. James’s, was in London during the proceedings.

gang up on them and, in effect, nibble them to death; the small states, on the other hand, feared that the larger states might run roughshod over their interests. The solution was known as the "Connecticut compromise." The smaller states would be represented proportionately by population in the lower house, and the states would be represented equally in the upper house. Approval by a majority of both the Senate and the House of Representatives would be necessary before any bill could become a law.

**The Executive Branch.** The creation of an executive brought the decision to have an elected office of president. Although not as difficult to resolve as the issue of representation in Congress, the role and powers of the chief executive were still a matter of concern. The idea of creating a monarchy was never seriously considered, as it was inconsistent with the concept of republicanism, though George Washington would have been an acceptable figure as a monarch. But Washington had no male descendants, and the idea of a hereditary monarchy was out of the question in any case.

In the end, the president was given substantial power: He was the commander in chief of the armed forces; he had the power to make treaties, with the advice and consent of the Senate; he could veto congressional legislation, though it could be overridden by a two-thirds vote in both houses; he had the power to grant pardons; he would appoint ambassadors, ministers, justices of the Supreme Court and other judges and heads of government departments (cabinet officers); and he had the responsibility to ensure that the laws of the United States were faithfully executed.

In some respects the president had more power than King George III had held. Partly for that reason, the president was not to be elected directly by the people, but by an electoral college, the makeup of which was left to the states. For the few first few decades of American history, for all practical purposes the president was elected by the state legislatures. It was not until the time of Andrew Jackson that presidents began to be elected by the people, still indirectly through the Electoral College.

**The Courts.** Article III, Section 1 of the Constitution, states:

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

The rest of the structure of the court system is left up to Congress. For historical reasons courts were not particularly popular in that era. English courts were seen as places where the king's prerogatives were executed rather than a place where the rights of the people were defended. Thus many Americans were in no mood to see courts created with large powers. It would not be until the tenure of Chief Justice John Marshall that the Court began to attain its proper place as a third and coequal branch of government.

Every American should read the United States Constitution at least once and probably more often. Students are often surprised in what they find there, and are often equally surprised by what they do not find. Following the articles creating the three branches of government, the Constitution does cover other important details, such as the fact that the laws of the various states should be recognized by other states, and that every state is required to have a republican, that is representative, form of government.

**Making Laws.** The Constitution goes into considerable detail on the subject of making laws. Both houses of Congress—the Senate and the House of Representatives—must agree on the exact wording of a bill before it goes to the president for his signature. Once the bill leaves the Congress, it will either become a law or not; it cannot be altered in any way during any part of the process once passed by both houses and sent to the president. The president can refuse to sign a bill and return it to Congress with his objections. Congress may consider the president’s objections before it votes again on the bill, but it cannot make any changes. With a two-thirds vote in both houses, the bill becomes law without the president’s signature. The president can also block legislation by refusing to sign it within the designated period of ten days; this is known as a pocket veto and has historically been somewhat rare.

**Slavery.** There can be no doubt that the men in Philadelphia knew that the issue of slavery was a serious one and in many ways inconsistent with the principles expressed by Thomas Jefferson in the Great Declaration. No less a figure than George Mason, himself a slave owner and author of the Virginia Bill of Rights, foresaw the dangers of slavery. On August 22, 1787, during debate over the issue of slavery, as recorded by James Madison, Mason said:

This infernal traffic originated in the avarice of British Merchants. . . . Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next world they must be in this. **By an inevitable chain of causes & effects providence punishes national sins, by national calamities.** He lamented that some of our Eastern brethren had from a lust of gain embarked in this nefarious traffic. As to the States being in possession of the Right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view that the General Government should have power to prevent the increase of slavery. [emphasis added.]

Although we do not know exactly what Mason meant by national calamity, civil war would certainly fit the definition. Many historians and civil rights advocates have bemoaned the fact that the Constitutional convention did not deal with the issue of slavery. But as we shall see below, the process of getting the Constitution signed and ratified was a huge challenge, and trying to deal with slavery in the bargain would almost certainly have doomed it to failure. Still, it must be said that failure to deal with the issue and recognizing it in the Constitution *de facto*, though the word “slavery” does not appear in the document, was bound to make it much more difficult to deal with in the future.

The Constitution did recognize slavery in the language of “persons bound to a term of service.” It made provisions for the return of fugitives from slavery, and it adopted the three-fifths compromise—the counting of three-fifths of the slave population in the states for representation in the House of Representatives—as a means of pacifying the South. Furthermore, any restriction on the importation of slaves was not to be permitted under the Constitution until 1808, a part of the Constitution designated as not subject to amendment.

The best that can be said about the issue of slavery in the Constitution is that the creation of a republican form of government made possible the eventual abolition of slavery, but ridding the nation of that “peculiar institution” would be a long, painful, and bloody process.

**Amendments.** With few exceptions, anything in the Constitution is subject to amendment. Article V of the Constitution outlines the process by which this can happen. Whether initiated by both houses of Congress or by the state legislatures, any amendment must still be

ratified by the legislatures of three-quarters of the states. It is rather remarkable that in more than two hundred years the Constitution has been amended only twenty-seven times. Ten of those amendments are what we call the Bill of Rights, and two of them cancel each other out (Prohibition and repeal.) The most important amendments were those that ended slavery, created United States citizenship, gave women the right to vote, and changed the method by which senators were elected. Interestingly, the basic structure and functioning of government has not been modified at all since 1789.

**Ratification.** We Americans tend to take our Constitution for granted, assuming in retrospect that “of course it was adopted—why wouldn’t it have been?” The fact is that the Constitution came perilously close to not being ratified at all. Why? For one thing, the Constitution granted more power to the national government than King George had ever wielded over the colonies. There were other reasons.

First, the Constitutional Convention violated its charge from the Confederation Congress by writing a new constitution instead of amending the Articles. But the Congress wisely decided to pass the document along to the states without otherwise interfering; the signatures of George Washington, Benjamin Franklin, James Madison, and others on the document could not be ignored.

Second, many feared the absence of a Bill of Rights. The convention, with minor exceptions, had not addressed individual rights, feeling that the state constitutions would protect individual rights adequately. But Americans were used to seeing things in writing and wanted those rights assured; thus one of the first major actions of Congress was to add a Bill of Rights, a condition that was attached to many of the state ratification votes.

The most serious arguments against the Constitution were those expressed by Patrick Henry in the Virginia ratifying convention, Samuel Adams in the Massachusetts convention, and others. The first thing that caught the objectors’ eyes were the first words of the preamble: We the People. As Patrick Henry expressed it, where did those gentlemen in Philadelphia get the idea of ‘we the people’ instead of ‘we the states’?. Many people wanted a federation, not a national government, and the differences in those days were large.

The Articles of Confederation had created a union of sovereign states, which might legitimately have been called the United Nations of North America. Although the states still retained many powers under the Constitution, a direct link had been created between the people and the national government, which some saw as a threat.

Neither did Patrick Henry look with favor upon the office of president. “It squints toward monarchy,” he said. The American people had just overthrown one tyrant and they did not want another in his place.

Those who supported the Constitution—James Madison, Alexander Hamilton, George Washington, Benjamin Franklin, John Marshall, and eventually even George Mason (the most famous non-signer in Philadelphia)—were known as Federalists. Those who opposed were known as the anti-federalists. They became the second major opposing political groupings in the United States, the first having been Patriots and Loyalists during the Revolution.

Because all of the New York delegation had left the Philadelphia convention except Alexander Hamilton, considerable fear existed that the state might not ratify, and given its key position between New England and the rest of the states, its vote was considered critical. Alexander Hamilton, James Madison, and John Jay therefore penned a series of articles di-

rected at the people of New York known as the Federalist Papers—eighty-five essays defending the Constitution and explaining the essentials of republican government as eloquently as has ever been done.

In the end it was a serious fight, and the outcome was very, very close. If less than 5 percent of all the votes cast in the state conventions had changed, the Constitution would not have been ratified. The votes in several key states were extremely close.

- Virginia: 89–79. If 5 votes out of 165 had changed, Virginia, the largest and most important state, would have been out.
- New York: 30–27. Two votes reversed and the “Empire State” would have been out.
- Massachusetts: 187–168. Ten votes out of 355 change and Massachusetts, the “Cradle of the Revolution,” would have stood outside the Union.

Even after the Constitution was adopted, it was uncertain exactly how it would be interpreted and followed. In 1798, in response to the Sedition Act of that year, Kentucky passed a resolution stating in part “that the several States composing the United States of America, are not united on the principle of unlimited submission to their general government . . .” As it had been during the debates over ratification, states’ rights was an issue and would remain so until well after the Civil War.

Despite all the issues surrounding its creation, the U.S. Constitution can still be considered one of the most remarkable documents ever penned by man. It was the first government in history created essentially out of whole cloth, and it served as a model for other nations seeking to find a successful way of governing themselves. Although certain provisions of the Constitution have been interpreted in various and sometimes conflicting ways, its essential nature has remained intact.

### **SUMMARY:**

- The road to Philadelphia included the meetings at Mount Vernon and Annapolis.
- Daniel Shays’s rebellion in Massachusetts underscored the need for a stronger national authority.
- The Founding Fathers in Philadelphia were a gathering of “demigods.”
- They created a federal system with firm national power.
- Debate over the Virginia and New Jersey Plans led to the Connecticut Compromise.
- Madison’s role as “Father of the Constitution” is a well-deserved epithet.
- The 3/5 Compromise postponed more serious consideration of slavery.

### **Commentary on the Constitution:**

*“The United States of America have exhibited, perhaps, the first example of governments erected on the simple principles of nature; and if men are now sufficiently enlightened to disabuse themselves of artifice, imposture, hypocrisy, and superstition, they will consider this event as an era in their history. Although the detail of the formation of the American governments is at present little known or regarded either in Europe or in America, it may hereafter become an object of curiosity. It will never be pretended that any persons employed in that service had interviews with the gods, or were in any degree under the influence of Heaven, more than those at work upon ships or houses, or laboring in merchandise or agriculture; it will forever be acknowledged that these governments were contrived merely by the use of reason and the senses.” —John Adams*

*"This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their Constitutional right of amending it or their revolutionary right to dismember it or overthrow it."* –Abraham Lincoln

*"The makers of our constitution undertook to secure conditions favorable to the pursuit of happiness. . They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the government, the right to be let alone – the most comprehensive of the rights and the right most valued by civilized men."* –Supreme Court Justice Louis D. Brandeis

*"Yes, we did produce a near-perfect republic. But will they keep it? Or will they, in the enjoyment of plenty, lose the memory of freedom? Material abundance without character is the path of destruction."* –Thomas Jefferson

*"The preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people."* –George Washington

*Outside Independence Hall when the Constitutional Convention of 1787 ended, Mrs. Powel of Philadelphia asked Benjamin Franklin, "Well, Doctor, what have we got, a republic or a monarchy?" With no hesitation whatsoever, Franklin responded, "A republic, if you can keep it."*



*"Scene at the Signing of the Constitution of the United States" by Howard Chandler Christy  
—Library of Congress*

## The New Republic: The United States, 1789–1800

### General

We tend to think in this age that the writing of the Constitution and its ratification, the setting up of the new government under the Constitution, the early years of Washington's administration, and indeed the whole series of events in the post-Revolutionary War period had a certain inevitability, that these things were the logical and only possible outcome of the struggle with Great Britain. Along with that idea goes the notion that American history was pretty much ordained to come out as it did, that subsequent events would have taken us along the same general path to the future, that America would become the great 20th-century powerhouse that has dominated world affairs for the past sixty years. In fact, particularly if one accepts the general premise that chaos theory can be applied to historical events, nothing at all was inevitable about what happened from 1775 to 1800.

*Chaos theory is a concept that comes from the world of mathematics. When teaching in the classroom, I used to show a clip from the film "Jurassic Park," where Ian, the mathematician played by Jeff Goldblum, describes the concept as being about "the butterfly effect." The essence of the theory is unpredictability; in complex systems a tiny variation in an early stage can have significant and unpredictable events at a later stage. "A butterfly flaps its wings in San Francisco, and three days later you have rain instead of sunshine in New York." History is not a mathematical system, but historians have used a jingle to illustrate the idea: "For want of a nail, a shoe was lost; for want of a shoe, a horse was lost; for want of the horse, the rider was lost; for want of the rider, a message was lost; for want of the message, a battle was lost; for want of the battle, a kingdom was lost, and all for the loss of a horseshoe nail." History is unpredictable. Small, seemingly insignificant events can have great impact later on.*

We have previously discussed Washington as "the indispensable man." Let us consider what that might mean. Just suppose that Washington had gone out riding in December of 1788, had gotten wet and chilled and come down with the illness that killed him in 1799? Suppose that Jefferson had come back from France in time to be elected the first president, or that the honor had gone to John Adams, just back from England, or Madison, the father of the Constitution. All three were great men and made great contributions to our history. Yet Jefferson was a minimalist with respect to government and might have been comfortable taking the presidency down the road toward irrelevancy, to a kind of ceremonial office, following the general path being taken by the British monarchy. Adams could be a cantankerous, passionate political fighter who might not have been able to bring the warring factions of Federalists and Republicans to heel. And Madison, brilliant as he was, might, like Jefferson, have brought so little power to the office of president (though perhaps more from personality and "presence" than by design, as compared with his close friend Jefferson) that the office would have evolved in very different ways.

We also tend to think of our own times as politically troublesome—people get angry over politics and think the worst of our political leaders with a cynicism that present day pundits find disturbing. How wonderful, we think, it must have been to have lived under government conducted by those great founding fathers, who had to have gotten along famously in order to have achieved what they did. Yet Page Smith, a superb historian of that period, has written:

"What is most significant about the election of 1800 is that power was transferred from one party to another under conditions of rivalry so bitter that many thoughtful Americans doubted that the Constitution could survive and that bloodshed could be avoided, whatever the outcome. ... [T]he mere fact that a peaceful 'transmigration'

[transfer] of power took place was, in itself, of enormous significance. The fact was that it was the first time, in modern history certainly, that such an event had taken place. The election of 1800 would thus be notable for that if for no other reason."<sup>25</sup>

The despair some committed Federalists felt over their loss of political power in 1800 drove some to imagine the worst—that the excesses of the French revolution would be visited upon America.

Looking back with a critical eye we can see that the decade of the 1790s was a time of enormous turmoil, both in America and Europe, and the troubles on the two continents were connected in various, not always obvious ways. Certainly the successful American Revolution had its impact on French thinking before and during their Revolution, and we can but wonder at how differently those two upheavals turned out. Clearly the bloodshed and violence of the French Revolution had a dampening effect on political discord in this country, even though the struggle in Europe from 1792 to 1815 drove the American political parties even farther apart. It is not difficult to imagine the American Revolution turning out just as badly as the French, had it not been for the right people in the right places at the right time. Few nations in history have had such good fortune as ours, and even with good fortune, we might well have lost it all, as we came perilously close to doing on numerous occasions. *What, then were the 1790s about?*

## **HAMILTON, JEFFERSON, AND THE POLITICS OF PERSONALITY**

This age of American history from the beginning of the Revolution through the first years of government under the Constitution is the age of the “founding fathers,” the political giants whom we have elevated to nearly godlike or at least mythical proportions. In so doing we tend to forget that they were human beings with all the faults, foibles, idiosyncrasies, and failings we all have. That they were supremely capable men and women does not alter that fact, and only by digging beneath the myth can we begin to see the person underneath. The problem is that we don’t always like what we find—we prefer our heroes and heroines neat. During the 1960s when American society and culture were coming under close scrutiny, a popular pastime—and indeed a serious undertaking for many historians and biographers—was an attempt to explode myths and bring those “so-called heroes” down to earth.

While for the most part well-intentioned, the effort may at times have gone too far. For in the course of demythologizing those giants, by extension we brought all public figures under closer scrutiny, and many of them did not bear that much attention from the media or other critics very successfully. If we discover that Jefferson and Washington and Lincoln and others were, by our standards, less than democratic or racist or shortsighted in other ways, then what can we expect from lesser men in modern times? When we look closer at men such as Hamilton and Jefferson, however, and examine their characters, we discover that they were very complex individuals who lived in very different times from ours, faced different challenges, and operated on a different set of assumptions. By reading the fine biographies that exist of all those men, we can look at their lives and contributions with more sophistication.

Hamilton was much more in favor of a strong national government than was Jefferson. An immigrant from the Caribbean, Hamilton came to New York in 1773 at the age of sixteen. When the fighting started he joined the Continental Army, an experience that changed the thinking of many young men. John Marshall, the great chief justice, for example, said of his

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<sup>25</sup> Page Smith. *The Shaping of America*. Vol. 3 of *A People's History of the Young Republic*. (New York: McGraw-Hill, 1980), 298.



war experience, "I went into the war a Virginian, and came out an American." Hamilton served ably on Washington's staff and became one of his most trusted lieutenants. A key figure in the Annapolis convention and the only New Yorker to sign the Constitution, Hamilton was selected by Washington as the first Secretary of the Treasury.

Washington, Marshall, Hamilton, and many others lived in a state of almost permanent frustration at how inefficiently the Continental Congress, which evolved into the Confederation Congress, handled the war effort. The states' representatives were seen as miserly and narrow minded, putting their own interests first whenever asked to provide supplies and money for the army. Jefferson, who did not serve in the Continental army but remained in Virginia, serving in various capacities of that state's government, felt for all of his political career a definite loyalty to Virginia. (Robert E. Lee is probably the most famous spokesman for that idea—he referred to Virginia as "my country.") Jefferson and his friend Madison were among the first to articulate the "states' rights" position and open the debate over the issues relating to the limits of federal power that would finally be decided only by civil war.

The Constitution transferred control of the national government from the states to the people. As ordinary American voters became keenly interested in political issues and debates, elected officials learned that public opinion, not just the leadership of a social elite, would play a major role in guiding the country's future. The basic cause for the development of political parties was the ambiguity of republican ideology. The Hamiltonians, or Federalists, stressed the need to create a national economy to preserve the independence of the United States. The Jeffersonians, or Republicans, preferred to keep government small, local, and responsive. Federalists and Republicans agreed upon ends but differed widely about means. Hamilton and Jefferson, both brilliant men, could hardly stand to be in the same room with each other.

## **The New Government**

The political figures who assumed office under the Constitution had varying ideas of how the government should work. Some wanted a strong chief executive to keep order, whereas others saw the president as merely enforcing the will of Congress. Most political figures were nervous about too much democracy, fearing something like mob rule. The Senate, elected by the state legislatures, was seen as a balance against the excessive democracy of the House, to thwart, when necessary, the will of the people. Elbridge Gerry: The mass of people are "neither wise nor good." Full democracy in America was still decades off.

Thus the new government was an experiment, and no one could be sure how it was going to turn out, or indeed, if it was even going to succeed. In our time we take it for granted that it had to have worked, but the 1790s were a perilous time, perhaps the most politically divisive decade in American history. Even the revered George Washington did not escape the political vitriol that often spilled out.

## **Trying on the Constitution for Size: The Bill of Rights**

In the 1780s, the American people met the challenge of self-government. When they discovered that it was dangerous to give themselves too much power, they created governments regulated by a system of checks and balances that protected the people from themselves. The ratification of the Constitution closed an era of protest, revolution, and political experimentation. The future seemed to belong to the free people of a strong nation. The American people had won their sovereignty and accepted the resulting responsibility, and

created a new, stronger government based on the Constitution. Yet no one really knew whether this republican experiment would work.

The government of the United States was to begin to function on March 4, 1789, but only eight senators and thirteen representatives were in the capital of New York; a quorum was not achieved until late in April. President Washington was therefore duly sworn in on April 30 at City Hall before members of Congress and spectators. He delivered a modest address to the assembled crowds in which he promised that his administration of the government would “be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world.” The government of “we the people” was underway.

Much of the initial business of Congress was rather mundane. Matters of protocol had to be decided, such as the proper terms of address for the President. Was Washington to be called “Your Highness,” or perhaps “Your Republican Majesty”? We smile at such things, but they point out the experimental nature of this new government. (They finally decided on the republican sounding “Mr. President.”)

Congress had to write its own rules—there was no *Roberts’ Rules of Order* to guide them, only precedents borrowed from the British, and that done very cautiously. The new government had very little bureaucracy—the State Department consisted of Secretary of State Jefferson and a couple of clerks. The jobs and responsibilities of the four cabinet officers—secretaries of State, Treasury, and War and the Attorney General—and their “departments” had to be invented, and under the Constitution Congress was required to create a federal court system; the Constitution named only one specifically—the Supreme Court—and even there the number of justices was left to Congress to determine.

Because America had been governed by congresses or assemblies since 1775, that branch probably had the easiest time finding its way. (Many members of Congress had also had experience in colonial assemblies before the Revolution.) Congress’s first major act was to create a federal court system, which was accomplished by the Judiciary Act of 1789.

Recall also that ratification of the Constitution had been a near thing: In Massachusetts, Virginia, and New York a mere handful of votes on the other side would have doomed the Constitution. Ratification was possible in part because the conventions attached to their acceptance of the document suggestions for the amendments that became the Bill of Rights. Thus one of the first orders of business in the First Congress was the adding of the Bill of Rights, a task ably managed by James Madison. From more than two hundred proposals submitted by the state conventions, Madison narrowed the list to seventeen. (There was much duplication on the suggested amendments.) Of those proposals, twelve were approved by Congress in 1791, and ten were quickly ratified and became the “Bill of Rights.”

One more amendment, a historical oddity, languished unratified for almost two hundred years until a graduate student in history discovered that it was still technically alive. That student raised the issue with the states that had not ratified the forgotten amendment, and it was finally declared ratified in 1992, 201 years after being passed by Congress. It is now the 27th Amendment. It reads:

*No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.*

It is interesting that in that very skeptical age that amendment did not get ratified quickly enough to keep pace with the addition of new states. The wheels of government sometimes turn very slowly!



## George Washington as President: Setting the Tone

Washington was unanimously elected president in 1789 and thus began his third and final labor in the creation of the United States, and—given the temper of the times—it is fortunate that a man of his character and reputation occupied that office for the first eight years under the Constitution. Washington set the tone—he adopted trappings for his office that some found pompous or pretentious, but his purpose was to create an office as a symbol of America that would command the respect of the Europeans, who remained skeptical of this “republican experiment.” Washington, like most of his countrymen, assumed that the government would function smoothly, but it was a trying time.

Washington really wanted to serve only one term; he missed his home at Mount Vernon and his life as a prosperous gentleman farmer. In his inaugural address he had described his plantation “as the asylum of my declining years—a retreat which was rendered every day more necessary as well as more dear to me by the addition of habit to inclination.” But by the end of Washington’s first term, politics had already become bitter enough that Hamilton urged him to stay, arguing that without his firm hand at the helm, the ship of state might well founder upon the shoals of partisan bickering. Reluctantly, Washington agreed, but to a certain extent lived to regret his decision. In his second term, politics continued to become more sharply focused, and even Washington himself was not above the slings and arrows of his partisan opponents. He learned how to play politics, however, as when he withheld the Jay Treaty (discussed below) from the Senate until the time was ripe for its likely approval. Hamilton remained close to him, but Jefferson, his secretary of state, drifted away, and by the end of Washington’s second term, Washington and Jefferson were no longer on speaking terms, a sad situation that continued to the end of Washington’s life.

At the end of his second term Washington did retire, leaving his famous farewell address as a guidepost for the future of the nation he had served so well. During his brief retirement Mount Vernon became something of a Mecca for people, including foreigners, who were interested in and admirers of the new American republic. Visitors came in droves from far and near, and were greeted with warm hospitality, although Washington himself kept his traditional aloofness from all but his very closest friends. His retirement lasted less than three years, for he was struck down after becoming chilled while riding during a winter storm. He died on December 14, 1799.

In summary, Washington’s presidency could be defined as follows:

- He was firm, dignified, and cautious.
- He understood that the separation of powers was important for success of the government.
- Thus he exhibited respect for Congress, but knew his own place as well.
- There was little guidance in the Constitution about a cabinet, so the offices had to be created under his guidance: War, State, Treasury, and Justice (the attorney general) were the first cabinet posts.
- Washington tried not to make decisions according to politics, but rather according to what seemed best for the nation. In the end he tended to agree with the Federalist ideas of Hamilton.
- *Nota bene:* The great presidents have tended to be those who are most able to rise above partisan politics when deciding critical issues.
- *Note also:* For all his restraint, Washington asserted presidential power, as with the Creek Treaty ratification by the Senate.

## Hamilton and Financial Reform

Alexander Hamilton can truly be called the father of American capitalism. Whether or not one approves of the capitalist system, it was still a great achievement by that most controversial of the founding fathers. His achievement as first secretary of the Treasury was to create a stable and sound federal financial system, without which the economic development of America would have been severely hampered.<sup>26</sup>



Alexander Hamilton Statue, New York  
James G. Batterson

Alexander Hamilton was born in the West Indies, had questionable parentage, but through benefactors made his way to America. He eventually married well, became an officer in Washington's army, and was a valued military thinker. Following his service in the revolution, Hamilton practiced law in New York and founded the Bank of New York, which still functions and is the oldest bank in the country. During that time he was one of the "nationalists" who believed that the Articles of Confederation needed to be revised to strengthen the national government, and helped get the Constitutional Convention off the ground. He was an active delegate from New York at the Convention and was the only signer from that state. During ratification he authored several of the Federalist Papers, aimed at leaders in his own state who were opposed to the Constitution. That state ratified by a vote of 30–27, and it is safe to say that Hamilton was indispensable in that narrow victory.

Washington named his former lieutenant as Secretary of the Treasury, a post from which he managed to get the country under its new Constitution off on a sound financial basis. He did that in large part by getting the wealthy members of American society behind the new government. He was severely criticized for so doing, both then and later, but the fragile nature of that first attempt at a new republic suggests that it needed all the help it could get. Hamilton is as responsible as anyone for its survival.

One of Hamilton's first acts was to assume all the remaining outstanding state debts under the federal government and fund them at 100 percent of their original value. That brought profits to wealthy speculators who had bought up government paper at bargain prices, but it also built confidence in the soundness of the government and gave influential people a heavy stake in its success. It also created bitterness among the less wealthy who had sold their government bonds at considerable discounts.

Hamilton also argued that the nation needed a national bank. Although Washington sought Jefferson's opinion (and the latter was strongly opposed), he went along with Hamilton and the bank was created. It will become a recurring issue as we go forward into the 1800s. Hamilton also issued reports in support of creating a national mint for coinage and supporting manufacturing as a means of advancing America's fortunes. Hamilton's exhaustive work—his reports totaled 140,000 words—helped establish the financial foundations of the United States. (*Note: Chief Justice John Marshall later used Hamilton's "necessary and*

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<sup>26</sup> Ron Chernow, *Alexander Hamilton*. New York: Penguin, 2004. A superb, prize-winning biography.

*proper” arguments in the case of McCulloch v. Maryland in upholding the constitutionality of the National Bank.)*

## **America and the French Revolution**

*Liberty—Equality—Fraternity!* Those inspiring words promised for many a continuation of the revolutionary fervor that had sprung up in America decades earlier. Although the American Revolution had yet to demonstrate its staying power, people saw in it the promise of the future, and in 1789 that future seemed to be emerging among the French people. Instead, the French Revolution, while it did indeed reform many aspects of French life, evolved into a spectacle of unspeakable horrors, as thousands of people were executed for political reasons, and violence swept across France and spilled out across the rest of Europe. For twenty-five years, the events of the French Revolution and Empire—the Napoleonic Era—dominated not only Europe but the rest of the Western world.

As noted above, it is fortunate that America got its Constitution written and ratified before the French Revolution got into high gear. Many saw what happened in France during the terror—and under Napoleon—as the inevitable result of an excess of democracy: a descent into mob rule, which in turn would lead to a more autocratic government. Such attitudes would inevitably have affected the formation of the United States had we not completed our Constitution on the very eve of the outbreak in France.

Many seeds sown in America were harvested in France: the French were tuned in to what America had done; many veterans of American campaigns participated in the French Revolution, including the Marquis de Lafayette. But the two revolutions had very different outcomes. Washington was no Napoleon—Napoleon was no Washington. Yet the two great events of the late 1700s are inextricably connected. With Thomas Jefferson in Paris as America’s ambassador to France, leaders of the French Revolution naturally looked to him and to the example of the United States for inspiration.

Like Great Britain in the 1760s, France found itself in debt following its wars, including support of America during the Revolution. In 1789, in order to address the financial problems of the nation, King Louis XVI convened the Estates General, a gathering of leaders of the French Estates: the First Estate (the Church), the Second Estate (the Nobility), and the Third Estate (the middle class and peasants, or Commons.) With republican fervor in the air, the Commons decided to proceed independently, but Louis closed the assembly hall, so the Third Estate retired to a tennis court, where they took an oath not to adjourn until France had adopted a constitution. Joined by members of the clergy and nobility, the assembly designated itself the National Constituent Assembly.

As revolutionary feelings continued to mount, violence broke out, and reform-minded revolutionaries stormed the Bastille prison on July 14, 1789. Over the next months new constitutions were written, new governments installed, and eventually King Louis and his wife, Marie Antoinette, attempted to flee Paris in the face of the angry mobs protesting harsh conditions. The royal couple were captured, brought back to Paris, and eventually executed. Not long after, the Revolution degenerated into what was known as the Reign of Terror as thousands of Frenchmen were executed on the guillotine for political reasons.

The fury of the French Revolution was seen as a threat to the neighboring monarchies, and in 1792 the wars of the French Revolution erupted. By 1799, as a series of governments had come and gone, Napoleon Bonaparte, the successful general, having put down riots in Paris, proclaimed the consulate that led to his becoming dictator and then emperor in 1804.

Over the course of the next decade, Napoleon fought against every major power in Europe with spectacular success. In 1812, however, he made the fateful error of invading Russia, where he saw an army of six hundred thousand reduced to tatters. Removed from power and exiled, he staged a comeback but was finally defeated by the Duke of Wellington at Waterloo at 1815.

As a result of the wars of the French Revolution and Empire, much of American public life was dominated by the turmoil in Europe. As a neutral nation, the United States sought to trade to its advantage, but often found that the warring powers made that extremely difficult. Presidents Washington, Adams, Jefferson, and Madison all had to deal with issues arising from the French Revolution and Empire.

### **Federalists and Republicans: The Rise of Political Parties**

As we have already noted, the 1790s were a time of great political discord. It had begun during the Revolution when the Patriots and Loyalists often fought bitterly and violently against each other on the battlefield and in the streets. Many who had shared the patriot cause now found themselves at odds, and personalities were attacked on both sides of the political divide. Much of the anger was based on fear that the American experiment in republican government might not survive. In addition, the fear of strong central power that had been expressed during the ratification debates persisted. People were concerned with safeguarding personal freedom and were afraid that liberty as they understood it might not survive. Those feelings were heightened by the specter of the bloody revolutionary turmoil in France, and those who shared specific principles coalesced into political parties.

The Federalist party evolved out of those who supported adoption of the Constitution, its leaders being John Adams (recently returned from his time as ambassador to Great Britain), Alexander Hamilton, John Jay, and Washington. The anti-federalists were those who were concerned that the Constitution created the very kind of government against which they had rebelled (minus the king.) The anti-federalists evolved into the Democratic Republican party, known then as Republicans. Their leader was Thomas Jefferson, and although Madison had been an ardent Federalist until the Constitution was adopted, he soon moved into the Republican camp alongside his friend and colleague Jefferson.

The two parties both thought they understood the meaning of the American Revolution and the nature of republican government as now defined by the Constitution. The stakes were high, and feelings quickly grew bitter between the two parties, composed as they were by men of strong convictions—there were few shrinking violets among members of the revolutionary generation.

<b>Major Outlines of the First Two American Parties</b>	
<b>Federalists</b>	<b>(Democratic) Republicans</b>
Adams/Hamilton/Marshall	Jefferson/Madison
Well-born leaders	Talented leaders; meritocracy
Conservative/monarchy	Liberal/democratic-republican
Pro-British	Pro-French
Strong federal government	States' rights/limited federal power
Strong judiciary	Strong legislature; weak courts
Permanent debt financed by wealthy	Elimination of national debt
Support merchants/manufacturing	Support farmers, artisans
Property qualifications to vote	Open vote

<i>Evolved into Whigs in the Jackson years, then Republicans in 1854.</i>	<i>Evolved into the Democratic Party under Jackson in 1828.</i>
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## Important Early Political Figures

All these political leaders have been studied and written about extensively. Here are some highlights of their contributions.

**George Washington's** place in American history is unchallenged. He was a man of enormous passions who struggled mightily and mostly successfully to keep them under control. His devotion to his nation never wavered, and he rejected all temptations to power, even while accepting as duty his summonses to positions of leadership. Though he tried to stay "above politics," he was generally sympathetic to Federalists—he sided with Hamilton over Jefferson.

Perhaps the greatest testimony to Washington's character comes from a description by Colonel Benjamin Tallmadge (who had been Washington's intelligence chief) of Washington's farewell to his officers in New York City at the end of the Revolution. Tallmadge wrote:

At 12 o'clock the officers repaired to Fraunces Tavern in Pearl Street where General Washington had appointed to meet them and to take his final leave of them. We had been assembled but a few moments when his Excellency entered the room. His emotions were too strong to be concealed which seemed to be reciprocated by every officer present.

After partaking of a slight refreshment in almost breathless silence the General filled his glass with wine and turning to the officers said, "With a heart full of love and gratitude I now take leave of you. I most devoutly wish that your latter days may be as prosperous and happy as your former ones have been glorious and honorable."

After the officers had taken a glass of wine General Washington said, "I cannot come to each of you but shall feel obliged if each of you will come and take me by the hand."

General Knox being nearest to him turned to the Commander-in-chief who, suffused in tears, was incapable of utterance but grasped his hand when they embraced each other in silence. In the same affectionate manner every officer in the room marched up and parted with his general in chief. Such a scene of sorrow and weeping I had never before witnessed and fondly hope I may never be called to witness again.

**Alexander Hamilton**, Federalist, was perhaps the most controversial figure of all a revolutionary heroes. A brilliant intellect, his public career was tinged by a romantic scandal, to which he nevertheless responded honorably. He had a noted business-financial bias. He believed in original sin—the natural depravity of human beings and therefore felt that strong controls were necessary to maintain an orderly society. He was possessed of authoritarian inclinations along with an entrepreneurial spirit. His ambition, fueled by personal passion, led him to excesses and made him enemies. In the famous duel with Aaron Burr that ended his life, Hamilton planned only to fire over Burr's head, but Burr's shot struck and mortally wounded Hamilton. His death was considered a national tragedy.



**John Adams**, Federalist, had an agricultural bias but otherwise thought much like Hamilton. He was a true republican, though he was accused of monarchical sympathies. A brilliant political thinker and writer, Adams had an abrasive personality and was argumentative to the point of being considered rude and cantankerous. His adoring wife Abigail was his most trusted adviser, and she did her best to keep her passionate husband's temper in check. Lacking diplomatic skills, Adams was not an especially able executive. Yet, as president, he worked diligently to keep the United States out of what would have been a costly and possibly fatal war with France. He deserved a second term as president, but retired peacefully to his home in Massachusetts where he lived quietly for another quarter of a century.

**Thomas Jefferson**, Republican, is another of the controversial founding fathers. Another man of great passions, he carried within him an internal struggle between his head and heart. Ten years after his marriage to Martha Skelton, with whom he had six children, only two of whom survived to adulthood. He was left a widower. Jefferson lived the rest of his life as a bachelor, although it is now generally accepted that he had an intimate relationship with the beautiful slave woman Sally Hemings, his wife's half sister. Jefferson's great contributions came from his intellect, unsurpassed among the founding generation. The issues about which he seemed to have cared most passionately for religious freedom and education. A true child of the Enlightenment, he saw a little to be gained from what he considered superstitious beliefs, believing that faith "is a matter which lies solely between man and his God." He also believed that an educated population was the surest defense against tyranny; one of his major achievements was the creation of the University of Virginia

**James Madison**, Republican, might be the least appreciated of all the founding fathers, although in recent years his star has continued to rise as historians have come to regard him as the preeminent political thinker of his time. He, like Jefferson, was a firm believer in religious freedom and the separation of church and state. He rightly deserves this title of father of the Constitution, as no single figure had a greater hand in its creation. Always flexible in his political beliefs, he modified them wisely to suit changing circumstances. Succeeding Jefferson as president, he was thrust into an unpopular war brought about by circumstances beyond his control. Although served poorly by his advisers, he nevertheless saw the conflict to a reasonably successful conclusion. He lived for 20 years after his presidency and was the last of the founding fathers to die.

**Benjamin Franklin**. A Federalist in that he supported the Constitution, he did not live to see the first real parties develop, Franklin was undoubtedly the most colorful figure of his age. A man of large appetites and extraordinary talents, his genius showed itself in the fields of science, politics, diplomacy and civic responsibility. As a raconteur, he was unparalleled in his time; his *Poor Richard's Almanac* contains the wit and wisdom of his Puritan ancestry, a pithy overview of Yankee ingenuity. The most famous and beloved American of his time, at least in the salons of Paris, he was one of the few signers of both the Declaration of Independence and the Constitution. He died in 1790 at age 84, and his funeral was attended by thousands. He could be called the leading figure of the Enlightenment in America.

**John Marshall**, Federalist, although not always considered one of the founding fathers, had as much impact on the future of the country as almost any of them. As an officer who served under Washington during the Revolution, he developed strong feelings of nationalism that he carried with him into his years on the Supreme Court. A distinguished and successful lawyer, Marshall was appointed by John Adams as Chief Justice. He served from 1801 to 1835 and was the author of numerous landmark decisions. One of his biographers called him "the man who made the court supreme." He created an air of collegiality among the

justices and instituted a number of practices that continue to this day on the nation's highest tribunal. A poll of attorneys once unanimously voted him the greatest chief justice in American history.

### **Foreign Affairs: The Best of Times, the Worst of Times**

Realizing that America was too weak to become involved in Europe's wars, President Washington adopted a position of neutrality, technically in violation of the 1778 agreement between the United States and France. Many Americans, enthralled by the notion that France was following their example but not fully aware of the direction the French Revolution would take, formed pro-French political organizations called Democratic-Republican clubs. (Jefferson, present at the creation, initially reported favorably on the events in France, but even he eventually came to realize that the Revolution in France had taken an unfortunate turn.)

In a sense, Dickens's phrase about the best of times and worst of times was applicable to the 1790s in America.<sup>27</sup> Relations were strained between the United States and both Great Britain and France. On the other hand, no power in the world threatened the internal security of the United States, but neither did any nation feel much respect for the new nation. Although the United States was all but invulnerable to sudden attack because of its separation from Europe, the nation had trouble asserting its rights in the international arena.

The United States was obviously affected by the wars that emanated from the French Revolution, but considerable disagreements erupted about America's proper response. Jefferson and his followers, the Republicans, tended to admire France and believed in the promise of the French Revolution—and end to autocratic government. The Federalists, led by Adams and Hamilton, saw the excesses of the French Revolution as a threat to republicanism everywhere, as the other nations of Europe recoiled in horror at the violence in France. These disagreements were strongly felt in the political debates in America at the time, and it made the already significant political differences even more bitter. For twenty-five years events in Europe whipsawed young America around and finally brought us to the point of war to defend American rights in a very troubled world.

America's basic position in world conflicts has traditionally been one of neutrality, but that position could be maintained only at a price, especially during major periods of conflict, as during the world wars of the twentieth century. Americans wanted to be free to trade in an arena in which wartime needs sent prices, and therefore potential profits, soaring. But trade in a warring world is fraught with danger, as the Americans soon discovered. No longer a part of the British Empire, Americans would now have to learn to defend their own interests, not an easy task.

Furthermore, leftover ill feelings from the American Revolution were exacerbated by the conflict in Europe. Great Britain did not feel inclined to follow the 1783 Treaty in any case, and being engaged in a deadly contest with France, they did not hesitate to make attacks on American shipping. The British Rule of 1756 maintained that ports closed in peacetime were also closed in wartime, and the British Orders in Council of 1793 in effect interrupted all American trade with France by authorizing the seizure of American ships and cargoes. Meanwhile, because of the intensity of the war and its economic aspects, France tried to inhibit American trade with Great Britain. America was a pawn in Europe's deadly game.

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<sup>27</sup> The opening line of *A Tale of Two Cities* begins, "It was the best of times, it was the worst of times ... "

In 1783 a French minister, Edmond Charles Genet, known as "Citizen Genet," arrived in Washington and tried to raise privateers for the purpose of attacking British shipping. Genet was received coolly by the Washington administration, as Federalist leaders perceived the enthusiasm as being directed against the Federalist administration. Washington ordered him to be recalled. Citizen Genet eventually found himself out of favor with the French government and wound up settling in America.

### **Jay's Treaty of 1795: War Delayed**

With Great Britain pushing America hard in an attempt to end American trade with the French enemy, America needed a firm response. President Washington sent Chief Justice John Jay to England to negotiate outstanding issues such as the removal of British troops from American soil, payment for ships America illegally seized, better commercial relations, and acceptance of the United States as a neutral nation. Jay was hampered by backdoor politicking, which led the British to believe we were less than serious. Jay had little chance of getting a broad treaty, and in fact got very little. The final agreement provided for the elimination of British control of western outposts within two years, recognized America's claim for damages from British captures of American ships, and gave America the right to trade in the West Indies. If Jay's Treaty accomplished anything, it postponed war with the British for another seventeen years, during which time America grew stronger.

Washington objected to some of the treaty and hesitated in signing it. When he felt that it might get a favorable hearing, he sent it to the Senate, which ratified it 20-10. Republicans protested vigorously against the treaty; in areas they controlled it was very unpopular. Cries went up of "Damn Sir John Jay! Damn anyone who won't damn John Jay!" Yet the treaty accomplished some good: Arbitration was a valuable precedent—you don't need to go to war to address differences between nations. Jeffersonian opposition notwithstanding, a war with Great Britain in the 1790s would have been very dangerous for the nation, win, lose or draw. Furthermore, Jay's Treaty led indirectly to Pinckney's Treaty.

### **Pinckney's Treaty of 1795; The Treaty of San Lorenzo**

The American treaty with Great Britain made the Spanish in the Southwest anxious. They were afraid the Americans might team up with their old antagonists and attempt to drive the Spanish out of North America. Thus they approached the United States with an offer to open the Mississippi to American traffic, to settle the border between Spanish Florida and the United States, and to stop supporting the Indians in the region. Pinckney's Treaty resolved virtually all of those issues. Most important, Americans got untrammelled use of the Mississippi and the right of free deposit of goods in New Orleans. What that meant was that cargo floated down the Mississippi on barges or rafts could be unloaded on docks in New Orleans for reloading onto ships without having import or export duties attached. The chief difficulty was that when Napoleon took the Spanish territory away a few years later, the new treaty rights did not go with the land. Thus began the events that led to the Louisiana Purchase.

**Summary:** Jay's Treaty postponed war with Great Britain for more than a decade and a half and Pinckney's Treaty of 1795 between the United States and Spain was very important because it guaranteed Midwestern farmers free use of the Mississippi River and the port of New Orleans. The treaty also led indirectly led to the Louisiana Purchase when Napoleon acquired the Louisiana Territory from Spain.

### **Washington's Second Term: Diplomacy in the West**

The Federalists regained some popularity with other treaties that extracted major concessions in the West. Indian resistance in the Northwest Territory was crushed, and Spain's agreement to favorable American terms in Pinckney's Treaty reduced threats to the Southwest. Ironically, the unpopular Jay Treaty brought advantages to the United States in the western region. English posts in the Northwest Territory had supplied and encouraged Indian raids on American settlements. The U.S. Army failed to defeat the Indians until the battle of Fallen Timbers (1794), which led to the Treaty of Greenville and Indian removal from what is now Ohio. While the Indians were in this desperate condition, the English deserted them and pulled back into Canada.

**The Whiskey Rebellion.** Part of Hamilton's financial plan to deal with the national debt was an excise tax on whiskey, to be collected at the distilleries. Protests erupted in western Pennsylvania against what they saw as an unfair tax. The Federalists branded the civil unrest caused by the Whiskey Rebellion as Republican agitation stirred up for political reasons. Jefferson felt the Federalists were using the episode as an excuse to create an army for the purpose of intimidating Republicans. The Federalist reaction was similar to that against the Daniel Shays rebellion in Massachusetts—order must be maintained. Washington ordered the raising of militia from three states and personally led an army of 15,000 into Pennsylvania to put down the rebellion. (That was more troops than he had commanded during the Revolution.)

During Washington's terms, three more states were added to the union. When New York and New Hampshire relinquished claims to Vermont, she was admitted in 1791. As the western portions of Virginia and North Carolina had been ceded back to the federal government, Kentucky and Tennessee were admitted in 1792 and 1796.

### **Washington's Farewell: Legacy of the "Indispensable Man"**

With no limits on the presidency, two terms seemed a modest tenure. Washington sent his farewell address draft to Alexander Hamilton, who worked on it for three months; Washington used Hamilton's draft "substantially," but added his own sentiments. Speaking directly to the citizens of the United States, Washington expressed "a solicitude for your welfare, which cannot end but with my life," and was thus moved to offer advice to his countrymen.

He emphasized the "immense value of your national Union to your collective and individual happiness," and added, "The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations." Washington had undoubtedly felt the tug of states' rights pressures.

Advising his countrymen on foreign relations, Washington went into considerable detail, stating that Americans should "Observe good faith and justice towards all Nations. . . . It is our true policy to steer clear of permanent alliances, with any portion of the foreign world. . . . Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.—"

It was not until 1949 that the United States entered the NATO alliance that Washington's advice about permanent alliances was set aside.

When Washington died on December 14, 1799, he was remembered on the floor of Congress as being "First in war, first in peace, first in the hearts of his countrymen." Even Brit-

ish ships flew flags at half-mast. Lord Byron's "Ode to Napoleon" ended by honoring Washington as "The Cincinnatus of the West." He is buried in a vault at his home in Mount Vernon, the place he loved more than any other. Back at Mount Vernon following the Revolution, he wrote to his friend the Marquis de Lafayette: "At length my Dear Marquis I am become a private citizen on the banks of the Potomac, & under the shadow of my own Vine & my own Fig-tree."

## **THE ADAMS ADMINISTRATION**

*John Adams was a decent man who was not fully appreciated in his time nor since; he deserved to be reelected in 1800, though Jefferson was also deserving. The recent HBO series, John Adams, based on the book of the same title by David McCullough, accurately depicted both John and Abigail Adams.*

### **The Election of 1796**

Whoever was chosen to follow in the footsteps of the "Father of his country" was bound to face challenges. Alexander Hamilton was far too controversial to get the nomination, but his influence was still very strong within the Federalist party. His attempt to manipulate the election of 1796 backfired, which angered newly elected President John Adams. Hamilton tried to control the Adams administration from the outside and eventually contributed to the Federalist party's loss of control of the government.

Adams, the combative, argumentative revolutionary, was a brilliant political thinker whose knowledge of the law was exceeded by few, though he lacked a personality conducive to running a smooth administration. Even with Abigail as his loving and trusted adviser, he felt the stings of political attacks very sharply, and had difficulty holding his temper. He made a tactical mistake by retaining Washington's cabinet out of fear of offending his predecessor. He would have been better served by selecting his own men, especially as Hamilton had ties with the cabinet that facilitated his attempts at manipulation. Nevertheless Adams managed the difficult years of his presidency with considerable skill, at one point threatening cantankerous Federalists in Congress with resignation, suggesting they might have a much harder time dealing with Vice President Thomas Jefferson, who by then had made it clear that he opposed many of Adams's Federalist policies.

*Until the Constitution was amended in 1804, the winner in the Electoral College became president and the runner-up vice president, thus virtually guaranteeing that the president and vice president would be of different parties, a clearly untenable condition.*

## **THE XYZ AFFAIR**

During the first years of Adams's presidency, relations between the United States and France steadily deteriorated. The problem was aggravated by Jay's Treaty, which angered the French, who mistakenly took it as directed against them. When President Adams named Charles Cotesworth Pinckney as minister to France in 1796, the French refused to receive him. President Adams then sent a commission to Paris to attempt to gain a new treaty, sending John Marshall and Elbridge Gerry to join Pinckney.

Although the Americans were greeted unofficially, before negotiations could begin, they were informed by three agents of French Foreign Minister Talleyrand, identified in reports as Ministers X, Y, and Z, along with a beautiful woman who may have been sent to distract and

perhaps spy on the Americans, that negotiations would be delayed. They were then informed that for talks to begin, France would need a bribe of \$240,000 and promise of a loan.

John Marshall replied firmly that no bribe would be forthcoming, and he and Pinckney left, leaving Gerry behind, as they were told that unless one of the three stayed, France would declare war. President Adams informed Congress of the failure, and when criticism erupted, he "laid the correspondence on the table." Americans rose in anger, declaring "millions for defense, but not one cent for tribute." Some Federalists called for a declaration of war, but Adams pursued a peaceful approach, though he called for the raising of an army, with Washington in command, reorganized the navy, and reconstituted the Marine Corps. Tensions continued to rise as Congress authorized privateers to seize French ships. A condition known as the "Quasi-War" began and lasted for two and one-half years.

### **The First Test of State v. Federal Rights: The Alien and Sedition Acts**

The Federalists used the outpouring of anti-French sentiment in America as an excuse to increase the nation's military defenses, a move intended to stifle internal political opposition as well as thwart French aggression. The extreme Federalists secured legislation to build up the army, even though there was no prospect of a French invasion, and American involvement across the ocean would have been the sheerest sort of folly. Washington was given nominal command, but Alexander Hamilton took over day-to-day control of the army and filled it with officers loyal to himself. All Hamilton needed was a declaration of war against France, but Adams refused to ask for one.

In order to thwart open criticism of their actions, but purportedly to protect American security, the Federalist Congress also passed the Alien and Sedition Acts of 1798. The Acts were, in reality, Federalist measures designed to harass Republican spokesmen by disallowing criticism of the government. These blatantly political attempts to silence opposition ultimately proved counterproductive.

The Sedition Act stated in part:

If any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published . . . any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, . . . or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, . . . then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

The Alien Enemies Act and the Alien Act gave the president power to expel any foreigner deemed unfriendly to the United States. The Naturalization Act required immigrants to reside in the United States for fourteen years before becoming eligible for citizenship. The Sedition Act made it a crime to criticize the government, and led to federal courts being politicized, which in turn often led to their enforcing the law in absurd ways. Republicans were convinced that free government was on the brink of extinction. Although the Sedition Act was later declared unconstitutional and repealed, Republican newspaper editors and writers were fined or jailed. The Alien Acts were never used.

## THE KENTUCKY AND VIRGINIA RESOLVES

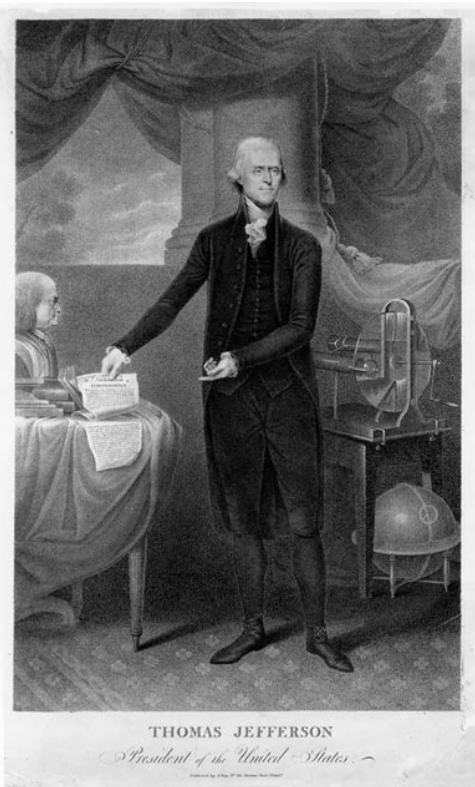
Jefferson and Madison responded to the Alien and Sedition Acts with the Virginia and Kentucky Resolutions (1798). The Kentucky Resolutions, written by Jefferson and passed by the state of Kentucky, claimed each state had the power to decide whether acts of Congress were constitutional and if not, to nullify them. Madison's Virginia Resolutions urged the states to protect their citizens but did not assert a state's right to nullify federal law. Jefferson and Madison were less interested in constitutional theory than in clarifying the differences between Republicans and Federalists.

The resolves were the first shot taken at the right of a state to nullify federal laws and were a step in the long-lasting battle over states' rights. Some threatened open rebellion if the acts were not repealed. Republicans could not take the case to court because they hated the courts and did not want to give them any more power. The situation was another example of the Constitution being seen as an experiment—far more fragile than we realize today. Nullification and even secession were spoken of long before the Civil War.

## Adams's Finest Hour

Having refused to ask Congress for a formal declaration of war against France, Adams pursued peaceful negotiations. The Convention of Mortefontaine ended the Quasi-War and restored good relations between France and the United States. The United States agreed to assume \$20 million in debts in exchange for abrogation of the 1778 treaty. In 1799 Adams openly broke with Hamilton. The president sent another delegation to negotiate with France, and this delegation worked out an amicable settlement. The war hysteria against France vanished, and the American people began to regard Hamilton's army as a useless expense. In avoiding war with France, Adams saved the nation from the schemes of the High Federalists. In return, they made sure he lost the election of 1800.

## THE PEACEFUL REVOLUTION: THE ELECTION OF 1800



The election of 1800 is noteworthy for the peaceful transition of government leadership from one political party to its opposition, demonstrating that such a process could be accomplished without widespread confusion, villainy, or violence. Throughout history, governments (kings, autocrats, emperors) had rarely been replaced, except by death and inherited succession, without bloodshed or war. This peaceful transition at the dawn of republican ideas ushered in a new century in appropriate style.

President Thomas Jefferson sought to unite the nation in his inaugural address by stressing the republican values shared by members of **both parties**. The election of 1800 is one of the most important in our history because the transfer of power from Federalists to Republicans was achieved peacefully, but it was not without controversy.

Republicans Thomas Jefferson and Aaron Burr challenged Adams and Charles Cotesworth Pinckney for

the White House in 1800. The Federalists had a number of strikes against them including the Alien and Sedition Acts, the taxes raised to support an undesirably large army, suppression of the Whiskey Rebellion, and Jay's Treaty. Jefferson was nominated for president, and Burr for Vice president. When the final results were tallied, Jefferson and Burr each had seventy-three electoral votes. Under the Constitution as it then stood, Burr had what he believed was a legitimate claim to the highest office.

The election was then thrown into the House of Representatives, which was still controlled by Federalists. Many of them threw their support to Aaron Burr. The House election was deadlocked through thirty-five ballots until Hamilton finally convinced several reluctant Federalists that Jefferson was a lesser evil than Burr, and Jefferson was elected. Burr, whose ambition knew no bounds, was obliged to accept second place.

Thus control of the republic changed hands. The Federalists lost office in 1800 partly as a result of internal party disputes, but more importantly, because they lost touch with American public opinion. The Federalists also lost the election of 1800 because they were internally divided, a condition resulting from differences between the Hamiltonian "high Federalists" and supporters of John Adams. The Republicans won easily, but now they would have the responsibility to govern, and as many subsequent parties and candidates have discovered, it is one thing to win an election, quite another to govern effectively. For a time, at least, the Republicans would have it their way.

Several points about the election are notable:

- Jefferson called the election a "revolution" because power changed hands with no bloodshed.
- Although it was not considered proper to "run" openly, Jefferson worked hard behind the scenes to get elected.
- The Federalists linked Jefferson to France, challenging his early support for the French Revolution, which by 1800 had a legacy of violent excess.
- A peculiarity existed in the Electoral College in that there was no distinction between presidential and vice-presidential electors: The resulting tie between Jefferson and Burr sent the election into the House. The Twelfth Amendment corrected the problem, and only one subsequent election was decided by the House of Representatives, the election of 1824.
- The Federalist contribution: The Federalists were out of power, but they had created a new Constitution and worked hard to get it ratified, a considerable feat.

Thus the era of the American Revolution ended with the country sometimes weak and insecure. But as Jefferson pointed out in his inaugural address, the American nation was strong and secure overall; the people had found a system in which they could believe, even as they argued and fought over its execution. He said:

We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government can not be strong, that this Government is not strong enough; but would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm on the theoretic and visionary fear that this Government, the world's best hope, may by possibility want energy



to preserve itself? I trust not. I believe this, on the contrary, the strongest Govern-  
ment on earth.

## Documents for the Era of the American Revolution

### JAMES OTIS: Against Writs of Assistance

*Disturbed by smuggling in the colonies and in need of revenue to support and pay for the wars it had fought, Parliament authorized the use of Writs of Assistance, which empowered customs officials to search without what we now call "probable cause" when they suspected the presence of goods on which duties had not been paid. These writs aroused indignation and resulted in several court cases, the most famous of which was tried in February 1761. In this case Massachusetts attorney James Otis, a friend of John Adams, argued that the writs were unconstitutional. This "master of the laws of nature and nations," as John Adams described him, based his case on precedents from English common law. His opposition to the power of Parliament was one of the first rhetorical shots fired against the Crown in the coming of the American Revolution. Because he was no longer active in public affairs by the time the revolution began, he has been forgotten by many.*

Your Honors will find in the old books concerning the office of a justice of the peace precedents of general warrants to search suspected houses. But in more modern books you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn that he suspects his goods are concealed, and will find it adjudged that special warrants only are legal. In the same manner, I rely on it that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. I say I admit that special writs of assistance, to search special places, may be granted to certain persons on oath; but I deny that the writ now prayed for can be granted. . . .

In the first place, the writ is universal, being directed "to all and singular justices, sheriffs, constables, and all other officers and subjects"; so that, in short, it is directed to every subject in the King's dominions. Everyone, with this writ, may be a tyrant; if this commission be legal, a tyrant in a legal manner, also, may control, imprison, or murder anyone within the Realm. In the next place, it is perpetual, there is no return. A man is accountable to no person for his doings, Every man may reign secure in his petty tyranny and spread terror and desolation around him, until the trump of the archangel shall excite different emotions in his soul. In the third place, a person with this writ, in the daytime, may enter all houses or shops, at will, and command all to assist him. Fourth, by this writ, not only deputies but even their menial servants are allowed to lord it over us. What is this but to ... be the servant of servants, the most despicable of God's creations?

Now, one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and while he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Customhouse officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient.

This wanton exercise of this power is not chimerical suggestion of a heated brain. . . . [To] show another absurdity in this writ, if it should be established, I insist upon it every person—by the 14<sup>th</sup> Charles II—has this power as well as the customhouse officers. The words are, "It shall be lawful for any person or persons authorized." What a scene does this open! Every man prompted by revenge, ill humor, or wantonness to inspect the inside of his neighbor's house, may get a writ of assistance. Others will ask it from self-defense; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.

## Resolutions of the Stamp Act Congress, 1765

*The Stamp Act was the first direct tax placed on the American colonists and it started a firestorm of protest. Many historians place this act at the starting point of the Revolution, for it marked the first time that the colonists organized themselves to formally protest an act of Parliament. Having dealt with the mother country mostly on a one-to-one basis, the colonists now realized they had much in common and began to appreciate the value of combined action.*

The members of this Congress, sincerely devoted with the warmest sentiments of affection and duty to His Majesty's person and Government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered as maturely as time will permit the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists, and of the grievances under which they labour, by reason of several late Acts of Parliament.

1. That His Majesty's subjects in these colonies owe the same allegiance to the Crown of Great Britain that is owing from his subjects born within the realm, and all due subordination to that august body the Parliament of Great Britain.
2. That His Majesty's liege subjects in these colonies are entitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great Britain.
3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally or by their representatives.
4. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great Britain.
5. That the only representatives of the people of these colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.
6. That all supplies to the Crown being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British Constitution, for the people of Great Britain to grant to His Majesty the property of the colonists.
7. That trial by jury is the inherent and invaluable right of every British subject in these colonies.
8. That the late Act of Parliament, entitled *An Act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, etc.*, by imposing taxes on the inhabitants of these colonies; and the said Act, and several other Acts, by extending the jurisdiction of the courts of Admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.
9. That the duties imposed by several late Acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous; and from the scarcity of specie, the payment of them absolutely impracticable.
10. That as the profits of the trade of these colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.
11. That the restrictions imposed by several late Acts of Parliament on the trade of these colonies will render them unable to purchase the manufactures of Great Britain.
12. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great Britain mutually affectionate and advantageous.

13. That it is the right of the British subjects in these colonies to petition the King or either House of Parliament.

Lastly, That it is the indispensable duty of these colonies to the best of sovereigns, to the mother country, and to themselves, to endeavour by a loyal and dutiful address to His Majesty, and humble applications to both Houses of Parliament, to procure the repeal of the Act for granting and applying certain stamp duties, of all clauses of any other Acts of Parliament, whereby the jurisdiction of the Admiralty is extended as aforesaid, and of the other late Acts for the restriction of American commerce.

## The Boston Port Act

March 31, 1774

*This is the "Intolerable Act" (there were others) that infuriated the citizens of Boston. The city lived on trade, and shutting down the port not only threatened the economic life of the city; it would have made paying for the tea next to impossible, even if the citizens had been willing to pay it. What happened in Boston was certainly understood in the other colonies as well—Great Britain's hope to isolate the rebellious city was doomed to failure, for the colonists, soon to be American rather than British subjects, were beginning to understand that they were all in this thing together. The Act also stated that the clandestine transport of goods in or out of Boston by any other means was illegal.*

An act to discontinue, in such manner, and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town, and within the harbour, of Boston, in the province of Massachusetts Bay, in North America .

WHEREAS dangerous commotions and insurrections have been fomented and raised in the town of Boston, in the province of Massachusetts Bay, in New England, by divers ill-affected persons, to the subversion of his Majesty's government, and to the utter destruction of the publick peace, and good order of the said town; in which commotions and insurrections certain valuable cargoes of teas, being the property of the East India Company, and on board certain vessels lying within the bay or harbour of Boston, were seized and destroyed:

And whereas, in the present condition of the said town and harbour, the commerce of his Majesty's subjects cannot be safely carried on there, nor the customs payable to his Majesty duly collected; and it is therefore expedient that the officers of his Majesty's customs should be forthwith removed from the said town: May it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

That from and after the first day of June, one thousand seven hundred and seventy-four, it shall not be lawful for any person or persons whatsoever to lade put, or cause or procure to be laden or put, off or from any quay, wharf, or other place, within the said town of Boston, or . . . on the eastern side of the entrance into the said bay, . . . or on the western side of the entrance into the said bay, or in or upon any island, creek, landing place, bank, or other place, within the said bay . . . into any ship, vessel, lighter, boat, or bottom, any goods, wares, or merchandise whatsoever, to be transported or carried into any other country, province or place whatsoever, or into any other part of the said province of the Massachusetts Bay, in New England; or to take up, discharge, or lay on land, or cause or procure to be taken up, discharged, or laid on land, within the said town, or in or upon any of the places aforesaid, out of any boat, lighter, ship, vessel, or bottom, any goods, wares, or merchandise whatsoever . . . upon pain of the forfeiture of the said goods, wares, and merchandise, and of the said boat, lighter, ship, or vessel or other bottom into which the same shall be taken, and of the guns, ammunition, tackle, furniture, and stores, in or belonging to the same: And if any such goods, wares, or merchandise, shall, within the said town, or in any the places aforesaid, be laden or taken in from the shore into any barge, hoy, lighter, wherry, or boat, to be carried on board any ship or vessel coming in and arriving from any other country or province, or other part of the said province of the Massachusetts Bay in New England, such barge, hoy, lighter, wherry, or boat, shall be forfeited and lost. ...

## Resolves of the Continental Congress

October 14, 1774

*The declaration and resolves of this First Continental Congress first reviewed the situation at the end of the French and Indian War and the actions that Parliament had taken after that time, mentioning in particular the recent "Intolerable Acts." Declaring themselves representatives of the people of the "several colonies," the members of the Congress on behalf of the colonists then resolved:*

1. That they are entitled to life, liberty, and property, & they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.
2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects within the realm of England.
3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.
4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council; and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent.
5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.
6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.
7. That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.
8. That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.
9. That the keeping a Standing army in these colonies, in times of peace, without the consent of the legislature of that colony in which such army is kept, is against law.
10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed during pleasure, by the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

All and each of which the aforesaid deputies, in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which, from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

## Patrick Henry: "Liberty or Death"

*As the British army tightened the noose around Boston, the Virginia Assembly met in an extralegal session to discuss what steps to take in the wake of what was happening up north. The words were later written from memory by William Wirt, and though they may not be the exact words spoken by Patrick Henry (and others), the general consensus among historians is that they certainly contain the spirit of Henry's remarks and are consistent with what we know of his eloquence. Patrick Henry is "the Gentleman from Hanover." It has been said that during revolutionary times, one should never underestimate the power of rhetoric. Henry's speech is one of the best known examples of the idea.*

Mr. Pendleton: Mr. President.

The President: The gentleman from Caroline.

Mr. Pendleton: I hope this Convention will proceed slowly before rushing the country into war. Is this a moment to disgust our friends in England who are laboring for the repeal of the unjust taxes which afflict us, to extinguish all the conspiring sympathies which are working in our favor, to turn their friendship into hatred, their pity into revenge? Are we ready for war? Where are our stores—where our arms—where our soldiers—where our money, the sinews of war? They are nowhere to be found in sufficient force or abundance to give us reasonable hope of successful resistance. In truth, we are poor and defenseless, and should strike when it becomes absolutely necessary—not before. And yet the gentlemen in favor of this resolution talk of assuming the front of war, of assuming it, too, against a nation one of the most formidable in the world. A nation ready and armed at all points; her navy riding in triumph in every sea; her armies never marching but to certain victory. For God's sake, Mr. President, let us be patient—let us allow all reasonable delay, and then if the worse comes to the worst, we will have no feelings of blame. . . .

. . . Mr. Nicholas: I agree heartily with the gentleman from Caroline. I consider the resolutions of the gentleman from Hanover as hasty, rash and unreasonable. But, more than that, I deem the militia upon which the gentleman depends as wholly insufficient. It will prove the bane of the war into which the gentleman from Hanover wishes to hurry us. Sir, I hope this resolution will be voted down but, sir, if the colony is to be armed, let us do it in the proper way. The late war with France proved the value of trained soldiers, and Virginia was envied by the other colonies for its two regiments of regular troops under the command of a distinguished gentleman present here. Let Virginia, if she means war, raise at once a force of 10,000 men to be trained and serve for the war. Short enlistments, such as this gentleman contemplates, will prove the bane of the war. But I speak for peace not war, till it is forced upon us.

. . . Mr. Nelson: I am a merchant of Yorktown, but I am a Virginian first. Let my trade perish. I call God to witness that if any British troops are landed in the County of York, of which I am lieutenant, I will wait for no orders, but will summon the militia and drive the invaders into the sea.

The President: The gentleman from Fairfax.

Mr. Washington: Mr. President, I am a soldier and believe in being prepared. For that and other reasons, I will give my vote for the resolutions of the gentleman from Hanover. Rather than submit to the present condition of things, I will raise one thousand men, subsist them at my own expense, and march myself at their head to the relief of Boston.



**Patrick Henry: Mr. President.**

The President: The gentleman from Hanover.

Mr. Henry: No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the house. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen, if entertaining, as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely, and without reserve. This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery. And in proportion to the magnitude of the subject, ought to be the freedom of debate. It is only in this way that we can hope to arrive at truth and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time through fear of giving offense I should consider myself guilty of treason toward my country and of an act of disloyalty toward the majesty of Heaven which I revere above all earthly kings.

Mr. President it is natural for man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth—and listen to the song of the siren till she transforms us into beasts. Is this the part of wise men engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it might cost, I am willing to know the whole truth; to know the worst and provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the house? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss.

Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation—the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy in this quarter of the world to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British Ministry have been so long forging.

And what have we to oppose them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned—we have remonstrated—we have supplicated—we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have pro-

duced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained—we must fight! I repeat it, sir, we must fight!! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak—unable to cope with so formidable an adversary. But when shall we be stronger?. Will it be the next week, or the next year?. Will it be when we are totally disarmed, and when a British guard shall be stationed in every house?. Shall we gather strength by irresolution and inaction?. Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of Hope, until our enemies shall have bound us hand and foot?. Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged, their clanking may be heard on the plains of Boston! The war is inevitable—and let it come!! I repeat it, sir, let it come!!!

It is in vain, sir, to extenuate the matter. Gentlemen may cry, peace, peace—but there is no peace. The war is actually begun. The next gale that sweeps from the North will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle?. What is it that gentlemen wish?. What would they have?. Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery?. Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

[He took his seat. No murmur of applause was heard. The effect was too deep. After the trance of a moment, several members started from their seats. The cry, "To arms" seemed to quiver on every lip and gleam from every eye.]

The President: The question is on the adoption of the resolutions of the gentleman from Hanover. As many as are in favor will say aye—as many as are opposed will say no. The ayes have it and the resolutions are adopted.

## COMMON SENSE—Thomas Paine, 1776

On the Origin and Design of Government in General, with Concise Remarks on the English Constitution

*Thomas Paine's Common Sense is credited with having precipitated the move for independence. In fact, the exact nature of the American cause would have been rather hard to define in 1775 or early 1776. Clearly the Americans wanted the English to stop abusing them, as they saw it, but how was fighting a war supposed to achieve that end? What would constitute victory? As long as they were still British subjects, they would still be subject to British law, and by 1775 it was unlikely that Parliament would grant them any real form of self-government. As the Declaratory Act of 1766 had made clear, Parliament claimed the right to govern the colonies "in all cases whatsoever." Because achieving quasi-independence was an unrealistic hope, therefore, the only thing that finally did make sense was American independence, a case made very powerfully by Thomas Paine.*

Here are excerpts from **Common Sense**.

Society in every state is a blessing, but Government, even in its best state, is but a necessary evil; in its worst state an intolerable one: for when we suffer, or are exposed to the same miseries by a Government, which we might expect in a country without Government, our calamity is heightened by reflecting that we furnish the means by which we suffer. Government, like dress, is the badge of lost innocence; the palaces of kings are built upon the ruins of the bowers of paradise. For were the impulses of conscience clear, uniform and irresistibly obeyed, man would need no other lawgiver; but that not being the case, he finds it necessary to surrender up a part of his property to furnish means for the protection of the rest; and this he is induced to do by the same prudence which in every other case advises him, out of two evils, to choose the least. Wherefore, security being the true design and end of government, it unanswerably follows that whatever form thereof appears most likely to ensure it to us, with the least expense and greatest benefit, is preferable to all others. . . .

There is something exceedingly ridiculous in the composition of Monarchy; it first excludes a man from the means of information, yet empowers him to act in cases where the highest judgment is required. The state of a king shuts him from the World, yet the business of a king requires him to know it thoroughly; wherefore the different parts, by unnaturally opposing and destroying each other, prove the whole character to be absurd and useless. . . .

### Thoughts on the Present State of American Affairs

In the following pages I offer nothing more than simple facts, plain arguments, and common sense; and have no other preliminaries to settle with the reader, than that he will divest himself of prejudice and prepossession, and suffer his reason and his feelings to determine for themselves: that he will put on, or rather that he will not put off, the true character of a man, and generously enlarge his views beyond the present day.

Volumes have been written on the subject of the struggle between England and America. Men of all ranks have embarked in the controversy, from different motives, and with various designs; but all have been ineffectual, and the period of debate is closed. Arms as the last resource decide the contest; the appeal was the choice of the King, and the Continent has accepted the challenge. . . .

The Sun never shined on a cause of greater worth. 'Tis not the affair of a City, a County, a Province, or a Kingdom; but of a Continent—of at least one eighth part of the habitable Globe. 'Tis not the concern of a day, a year, or an age; posterity are virtually involved in the contest, and will be more or less affected even to the end of time, by the proceedings now. Now is the seed-time of Continental union, faith and honour. The least fracture now will be like a name engraved with the point of a pin on the tender rind of a young oak; the wound would enlarge with the tree, and posterity read it in full grown characters. . . .

I have heard it asserted by some, that as America has flourished under her former connection with Great-Britain, the same connection is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this kind of argument. We may as well assert that because a child has thrived upon milk, that it is never to have meat, or that the first twenty years of our lives is to become a precedent for the next twenty. But even this is admitting more than is true; for I answer roundly, that America would have flourished as much, and probably much more, had no European power taken any notice of her. The commerce by which she hath enriched herself are the necessaries of life, and will always have a market while eating is the custom of Europe.

But she has protected us, say some. That she hath engrossed us is true, and defended the Continent at our expence as well as her own, is admitted; and she would have defended Turkey from the same motive, viz. for the sake of trade and dominion.

Alas! we have been long led away by ancient prejudices and made large sacrifices to superstition. We have boasted the protection of Great Britain, without considering that her motive was interest, not attachment; and that she did not protect us from our enemies on our account; but from her enemies on her own account, from those who had no quarrel with us on any other account, and who will always be our enemies on the same account. Let Britain waive her pretensions to the Continent, or the Continent throw off the dependance, and we should be at peace with France and Spain, were they at war with Britain. The miseries of Hanover last war ought to warn us against connections.

It hath lately been asserted in parliament, that the Colonies have no relation to each other but through the Parent Country i.e. that Pennsylvania and the Jerseys, and so on for the rest, are sister Colonies by the way of England; this is certainly a very roundabout way of proving relationship, but it is the nearest and only true way of proving enmity (or enemyship, if I may so call it). France and Spain never more, nor perhaps ever will be, our enemies as Americans, but as our being the subjects of Great Britain.

But Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families. Wherefore, the assertion, if true, turns to her reproach; but it happens not to be true, or only partly so . . . Europe, and not England, is the parent country of America. This new World hath been the asylum for the persecuted lovers of civil and religious liberty from every part of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster; and it is so far true of England, that the same tyranny which drove the first emigrants from home, pursues their descendants still.

In this extensive quarter of the globe, we forget the narrow limits of three hundred and sixty miles (the extent of England) and carry our friendship on a larger scale; we claim brotherhood with every European Christian, and triumph in the generosity of the sentiment.

...

But, admitting that we were all of English descent, what does it amount to? Nothing. Britain, being now an open enemy, extinguishes every other name and title: and to say that reconciliation is our duty, is truly farcical. The first king of England, of the present line (William the Conqueror) was a Frenchman, and half the peers of England are descendants from the same country; wherefore, by the same method of reasoning, England ought to be governed by France.

. . . I challenge the warmest advocate for reconciliation to show a single advantage that this continent can reap by being connected with Great Britain. I repeat the challenge; not a single advantage is derived. Our corn will fetch its price in any market in Europe, and our imported goods must be paid for, buy them where we will.

But the injuries and disadvantages which we sustain by that connection, are without number; and our duty to mankind at large, as well as to ourselves, instruct us to renounce the alliance: because, any submission to, or dependance on, Great Britain, tends directly to involve this Continent in European wars and quarrels, and set us at variance with nations who would otherwise seek our friendship, and against whom we have neither anger nor complaint. As Europe is our market for trade, we ought to form no partial connection with any part of it. It is the true interest of America to steer clear of European contentions, which she never can do, while, by her dependance on Britain, she is made the make-weight in the scale of British politics. . . .

The authority of Great Britain over this continent, is a form of government, which sooner or later must have an end: And a serious mind can draw no true pleasure by looking forward, under the painful and positive conviction that what he calls "the present constitution" is merely temporary. As parents, we can have no joy, knowing that this government is not sufficiently lasting to ensure any thing which we may bequeath to posterity: And by a plain method of argument, as we are running the next generation into debt, we ought to do the work of it, otherwise we use them meanly and pitifully. In order to discover the line of our duty rightly, we should take our children in our hand, and fix our station a few years farther into life; that eminence will present a prospect which a few present fears and prejudices conceal from our sight. . . .

Every quiet method for peace hath been ineffectual. Our prayers have been rejected with disdain; and hath tended to convince us that nothing flatters vanity or confirms obstinacy in Kings more than repeated petitioning—and nothing hath contributed more than that very measure to make the Kings of Europe absolute. Witness Denmark and Sweden. Wherefore, since nothing but blows will do, for God's sake let us come to a final separation, and not leave the next generation to be cutting throats under the violated unmeaning names of parent and child.

To say they will never attempt it again is idle and visionary; we thought so at the repeal of the stamp act, yet a year or two undeceived us; as well may we suppose that nations which have been once defeated will never renew the quarrel.

As to government matters, 'tis not in the power of Britain to do this continent justice: the business of it will soon be too weighty and intricate to be managed with any tolerable degree of convenience, by a power so distant from us, and so very ignorant of us; for if they cannot conquer us, they cannot govern us. To be always running three or four thousand miles with a tale or a petition, waiting four or five months for an answer, which, when obtained, requires five or six more to explain it in, will in a few years be looked upon as folly

and childishness. There was a time when it was proper, and there is a proper time for it to cease. . . .

Small islands not capable of protecting themselves are the proper objects for government to take under their care; but there is something absurd, in supposing a Continent to be perpetually governed by an island. . . .

I am not induced by motives of pride, party, or resentment to espouse the doctrine of separation and independence; I am clearly, positively, and conscientiously persuaded that it is the true interest of this Continent to be so; that every thing short of that is mere patch-work, that it can afford no lasting felicity,—that it is leaving the sword to our children, and shrinking back at a time when a little more, a little further, would have rendered this Continent the glory of the earth. . . .

America is only a secondary object in the system of British politics. England consults the good of this country no further than it answers her own purpose. Wherefore, her own interest leads her to suppress the growth of ours in every case which doth not promote her advantage, or in the least interferes with it. A pretty state we should soon be in under such a second hand government, considering what has happened! Men do not change from enemies to friends by the alteration of a name: And in order to show that reconciliation now is a dangerous doctrine, I affirm, that it would be policy in the King at this time to repeal the acts, for the sake of reinstating himself in the government of the provinces; In order that he may accomplish by craft and subtlety, in the long run, what he cannot do by force and violence in the short one. Reconciliation and ruin are nearly related. . . .

But the most powerful of all arguments is, that nothing but independence, i.e. a Continental form of government, can keep the peace of the Continent and preserve it inviolate from civil wars. I dread the event of a reconciliation with Britain now, as it is more than probable that it will be followed by a revolt some where or other, the consequences of which may be far more fatal than all the malice of Britain. . . .

If there is any true cause of fear respecting independence, it is because no plan is yet laid down. Men do not see their way out. Wherefore, as an opening into that business I offer the following hints; at the same time modestly affirming, that I have no other opinion of them myself, than that they may be the means of giving rise to something better. Could the straggling thoughts of individuals be collected, they would frequently form materials for wise and able men to improve into useful matter.

A government of our own is our natural right: and when a man seriously reflects on the precariousness of human affairs, he will become convinced, that it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance. . . .

O! ye that love mankind! Ye that dare oppose not only the tyranny but the tyrant, stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the Globe. Asia and Africa hath long expelled her. Europe regards her like a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.

## The Virginia Bill of Rights

*Even before Congress declared independence, the process of creating new governments was well under way. Meeting in what they called a "full and free convention," the "representatives of the good people of Virginia" voted this declaration of rights. It was, the convention declared, to serve as the "basis and foundation of government." The declaration was drafted by George Mason—though Patrick Henry wrote the article on religious freedom.*

*Note the similarity to the thoughts expressed in Jefferson's far more famous Declaration.*

1. That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.
2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.
3. That government is, or ought to be instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.
4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of publick services; which, not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.
5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members to be again eligible or ineligible, as the laws shall direct.
6. That elections of members to serve as representatives of the people in assembly, ought to be free; and that all men having sufficient evidence of permanent common interest with, and attachment to the community have the right of suffrage, and cannot be taxed or deprived of their property for publick uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented for the public good.
7. That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.
8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.
9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.
11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.
12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotick governments.
13. That a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural and safe defence of a free state; that standing armies in time of peace should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.
14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of the government of Virginia, ought to be erected or established within the limits thereof.
15. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.
16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.



**Blacks Petition Against Taxation Without Representation**  
**March 14, 1780**

*In 1780, seven African-American residents of Dartmouth, Massachusetts, presented the following very thoughtful petition to the legislature. Their protest was simple: They were being taxed and were not allowed to vote. The relationship between taxation and representation, they pointed out, was "too well known to need a recital in this place."*

To the Honorable Council and House of Representatives in General Court assembled for the State of Massachusetts Bay in New England, March 14, 1780. The petition of several poor Negroes and Mulattos who are inhabitants of the town of Dartmouth humbly sheweth: That we being chiefly of the African extract and by reason of long bondage and hard slavery we have been deprived of enjoying the profits of our labor or the advantage of inheriting estates from our parents as our neighbors the white people do (having some of us not long enjoyed our own freedom), and yet of late, contrary to the invariable custom and practice of the country, we have been and now are taxed both in our polls and that small pittance of estate which through much hard labor and industry we have got together to sustain our selves and families withal.

We apprehend it therefore to be hard usage . . . and doubtless will reduce us to beggary, whereby we shall become a burden to others if not timely prevented by the interposition of your justice and power.

And your petitioners further show that we apprehend ourselves to be aggrieved, in that while we are not allowed the privilege of freemen of the state, having no vote or influence in the election of those that tax us, yet many of our color (as is well known) have cheerfully entered the field of battle in the defense of the common cause, and that (as we conceive) against a similar exertion of power (in regard to taxation) too well known to need a recital in this place.

## **A BILL FOR ESTABLISHING RELIGIOUS FREEDOM IN VIRGINIA**

*Thomas Jefferson drafted this act in 1777, and it was finally enacted in 1786. It is one of three achievements for which Jefferson wanted to be remembered—the others being the Declaration of Independence and his founding of the University of Virginia. They are listed on his tombstone at Monticello in accordance with his request.*

Section I. Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion; . . . that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern and whose powers he feels most persuasive to righteousness; ... that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; and therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust or emolument, unless he profess or renounce this or that religious opinion, is depriving him injudiciously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; . . . that the opinion of men are not the object of civil government, nor under its jurisdictions that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with differ from his own; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

Section II. We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or beliefs; but that all men shall be free to profess, and by argument to maintain. their opinions in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

Section III. And though we well know that this Assembly, elected by the people for their ordinary purposes of legislation only, have no power to restrain acts of succeeding Assemblies, constituted and with powers equal to our own, and that therefore to declare this act to be irrevocable would be, of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operations, such act will be an infringement of natural right.

## George Mason on Slavery

August 22, 1787

From James Madison's Notes

*James Madison's notes from the Constitutional Convention of 1787 are the most complete source of information remaining from that remarkable gathering. Because the convention was conducted in secrecy, the taking of notes was permitted only with the greatest circumspection. On one occasion one member apparently dropped his notes on the floor at the end of the day session, and they were discovered by presiding officer Washington. The next morning Washington sternly announced that someone had lost the notes in question and might come and claim them. No one did.*

*(A complete set of all surviving notes from the convention, edited by Max Farrand, is published by Yale University Press.)*

*Madison was present at every session of the convention and not only took copious notes; he often consulted with members following the day's discussion to be sure that he had correctly transcribed their words. Because of the secrecy surrounding the convention, and because Madison did not wish to embarrass any of the members nor influence the ratification process, he did not publish his notes immediately. In fact, he decided not to publish them until every member of the convention was deceased. As fate would have it, Madison was the last survivor of the Constitutional Convention. He lived until 1836. Although textual analysis reveals that Madison may have altered his notes in his later years, the substance of his notes is accepted as generally correct.*

*Madison's notes can be a bit confusing, as he alternated first person (the voice of the speaker) with third person (his own elaboration on the speaker's meaning.)*

**Col. MASON.** This infernal traffic [in slaves] originated in the avarice of British Merchants. The British Govt. constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the Enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves, as it did by the Tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the Commissioners sent to Virginia, to arm the servants & slaves, in case other means of obtaining its submission should fail. Maryland & Virginia he said had already prohibited the importation of slaves expressly. N. Carolina had done the same in substance. All this would be in vain if S. Carolina & Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands, and will fill that Country with slaves if they can be got thro' S. Carolina & Georgia. Slavery discourages arts & manufactures. The poor despise labor when performed by slaves. They prevent the immigration of Whites, who really enrich & strengthen a Country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next world they must be in this. By an inevitable chain of causes & effects providence punishes national sins, by national calamities. He lamented that some of our Eastern brethren had from a lust of gain embarked in this nefarious traffic. As to the States being in possession of the Right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view that the Genl. Govt. should have power to prevent the increase of slavery.

## **Benjamin Franklin's Final Speech in the Constitutional Convention Concluding Remarks by George Washington and James Madison**

from James Madison's Notes

The engrossed Constitution being read,

**Docr. FRANKLIN** rose with a speech in his hand, which he had reduced to writing for his own conveniency, and which Mr. Wilson read in the words following.

### **Mr. President**

I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. Most men indeed as well as most sects in Religion, think themselves in possession of all truth, and that wherever others differ from them it is so far error. Steele a Protestant in a Dedication tells the Pope, that the only difference between our Churches in their opinions of the certainty of their doctrines is, the Church of Rome is infallible and the Church of England is never in the wrong. But though many private persons think almost as highly of their own infallibility as of that of their sect, few express it so naturally as a certain french lady, who in a dispute with her sister, said "I don't know how it happens, Sister but I meet with no body but myself, that's always in the right—Il n'y a que moi qui a toujours raison."

In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general Government necessary for us, and there is no form of Government but what may be a blessing to the people if well administered, and believe farther that this is likely to be well administered for a course of years, and can only end in Despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic Government, being incapable of any other. I doubt too whether any other Convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel; and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats.

Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors, I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If every one of us in returning to our Constituents were to report the objections he has had to it, and endeavor to gain partizans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects & great advantages resulting naturally in our favor among foreign Nations as well as among ourselves, from our real or apparent unanimity. Much of the strength & efficiency of any Government in procuring and securing happiness to the people, depends, on opinion, on the

general opinion of the goodness of the Government, as well as well as of the wisdom and integrity of its Governors. I hope therefore that for our own sakes as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress & confirmed by the Conventions) wherever our influence may extend, and turn our future thoughts & endeavors to the means of having it well administered.

On the whole, Sir, I can not help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument.-

He then moved that the Constitution be signed by the members and offered the following as a convenient form viz. "Done in Convention by the unanimous consent of the States present the 17<sup>th</sup>. of Sepr. &c—In Witness whereof we have hereunto subscribed our names."

...

When the PRESIDENT rose, for the purpose of putting the question, he said that although his situation had hitherto restrained him from offering his sentiments on questions depending in the House, and it might be thought, ought now to impose silence on him, yet he could not forbear expressing his wish that the alteration proposed might take place. It was much to be desired that the objections to the plan recommended might be made as few as possible. The smallness of the proportion of Representatives had been considered by many members of the Convention an insufficient security for the rights & interests of the people. He acknowledged that it had always appeared to himself among the exceptionable parts of the plan, and late as the present moment was for admitting amendments, he thought this of so much consequence that it would give him much satisfaction to see it adopted

[This was the only occasion on which the President, Washington, entered at all into the discussions of the Convention].

...

Whilst the last members were signing it Doctr. FRANKLIN looking towards the Presidents Chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that Painters had found it difficult to distinguish in their art a rising from a setting sun. I have said he, often and often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun.

The Constitution being signed by all the members except Mr. Randolph, Mr. Mason, and Mr. Gerry who declined giving it the sanction of their names, the Convention dissolved itself by an Adjournment *sine die*—

## Virginia Ratifying Convention

June 2–27, 1788

*Patrick Henry was one of many "founding fathers" who objected to the Constitution on various grounds. He feared the centralized power of the new "consolidated" government and claimed that it "squints toward monarchy." His speeches lasted for hours, and is part of the reason why the vote in Virginia for ratification was so close, 89-79. Thus if Henry's wish had prevailed—and a change of only five votes would have done it—the largest and most powerful state in the Union would not have ratified the Constitution; we can but imagine what the results might then have been for the future of the nation. Among Henry's objections were the absence of a Bill of Rights and the great power granted to the federal government and the president.*

### **Patrick Henry's Opening Speech: "A Wrong Step Now and the Republic Will Be Lost Forever" June 4, 1788**

Mr. Chairman—The public mind, as well as my own, is extremely uneasy at the proposed change of Government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation—and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this Commonwealth, as a centinel over their rights, liberty, and happiness. I represent their feelings when I say, that they are exceedingly uneasy, being brought from that state of full security, which they enjoyed, to the present delusive appearance of things. A year ago the minds of our citizens were at perfect repose. Before the meeting of the late Federal Convention at Philadelphia, a general peace, and an universal tranquility prevailed in this country;—but since that period they are exceedingly uneasy and disquieted. When I wished for an appointment to this Convention, my mind was extremely agitated for the situation of public affairs. I conceive the republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system—it arises from a proposal to change our government:—A proposal that goes to the utter annihilation of the most solemn engagements of the States. A proposal of establishing 9 States into a confederacy, to the eventual exclusion of 4 States. It goes to the annihilation of those solemn treaties we have formed with foreign nations. The present circumstances of France—the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to our treaty with her.

We are in alliance with the Spaniards, the Dutch, the Prussians: Those treaties bound us as thirteen States, confederated together—Yet, here is a proposal to sever that confederacy. Is it possible that we shall abandon all our treaties and national engagements?—And for what? I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity, or public justice, endangered or sapped? Was the real existence of the country threatened—or was this preceded by a mournful progression of events? This proposal of altering our Federal Government is of a most alarming nature: Make the best of this new Government—say it is composed by any thing but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for instead of securing your rights you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new Government will not come up to the expectation of the people, and they should be disappointed—their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg Gentlemen to consider, that a wrong step made now will plunge us into misery, and our Republic will be lost. It will be necessary for this Convention to have a faithful historical detail of the facts, that preceded the session of the Federal Convention, and the reasons that actuated its members in proposing an entire alteration of Government—and to demonstrate the dangers that awaited us: If they were of such awful magni-

tude, as to warrant a proposal so extremely perilous as this, I must assert, that this Convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this enquiry of those worthy characters who composed a part of the late Federal Convention. I am sure they were fully impressed with the necessity of forming a great consolidated Government, instead of a confederation. That this is a consolidated Government is demonstrably clear, and the danger of such a Government, is, to my mind, very striking. I have the highest veneration for those Gentlemen,—but, Sir, give me leave to demand, what right had they to say, *We, the People*. My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorised them to speak the language of, *We, the People*, instead of *We, the States*? States are the characteristics, and the soul of a confederation.

If the States be not the agents of this compact, it must be one great consolidated National Government of the people of all the States. I have the highest respect for those Gentlemen who formed the Convention, and were some of them not here, I would express some testimonial of my esteem for them. America had on a former occasion put the utmost confidence in them: A confidence which was well placed: And I am sure, Sir, I would give up any thing to them; I would cheerfully confide in them as my Representatives. But, Sir, on this great occasion, I would demand the cause of their conduct.—Even from that illustrious man, who saved us by his valor, I would have a reason for his conduct—that liberty which he has given us by his valor, tells me to ask this reason,—and sure I am, were he here, he would give us that reason: But there are other Gentlemen here, who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me—I wish to hear the real actual existing danger, which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, Sir, no dangers, no insurrection or tumult, has happened—every thing has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to a degree of inflammatory resentment in different parts of the country—which has been occasioned by this perilous innovation. The Federal Convention ought to have amended the old system—for this purpose they were solely delegated: The object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member, to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our Government.

## The Kentucky Resolutions, 1798

*So bitter were the political differences between the Federalists and the Republicans in the 1790s that the late historian Page Smith wrote in his People's History of the Young Republic that it was "most fortunate that Jefferson and the Republicans triumphed" in the election of 1800. Had they not, the country might have torn itself apart. The cause of the bitterness was the distribution of power between the federal government and the states. It is easy for us to forget, so revered is our Constitution, that it was anything but a sure thing that the country would prosper under that historic document. Many people continued to believe even after ratification that the Constitution did not contain sufficient guarantees that the federal government would not become too powerful, and any tendencies to increase federal power were viewed with much skepticism. The Sedition Act of 1798, an attempt by the Federalists to squelch criticism of President John Adams and his administration, was seen by the Republicans as a dangerous usurpation of power, not to mention a violation of the First Amendment. Under the Sedition Act a number of Federalist writers were prosecuted.*

*Thomas Jefferson and James Madison, the two leading Republicans, wrote resolutions protesting the Sedition Act (as well as the Alien Enemies Act, which was scarcely used) and had them published by the legislatures of Kentucky and Virginia. (Jefferson's contribution was anonymous because he was vice president.) It is one of the first shots fired in what will become a long struggle over states' rights, which of course ultimately led to civil war. The first paragraph of the Kentucky Resolutions contains the essence of the issue—mistrust of the federal government.*

1. *Resolved*, that the several states composing the United States of America are not united on the principle of unlimited submission to their general government; but that, by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government. And that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each state acceded as a state and is an integral party; that this government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

2. *Resolved*, that the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the high seas, and offenses against the laws of nations, and no other crimes whatever; and it being true, as a general principle, and one of the amendments to the Constitution having also declared "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; therefore, also, the same act of Congress, passed on the 14<sup>th</sup> day of July, 1798, and entitled "An Act in Addition to the Act Entitled 'An Act for the Punishment of Certain Crimes Against the United States,'" as also the act passed by them on the 27<sup>th</sup> day of June, 1799, entitled "An Act to Punish Frauds Committed on the Bank of the United States" (and all other their acts which assume to create, define, or punish crimes other than those enumerated in the Constitution), are altogether void and of no force; and that the power to create, define, and punish, such other crimes is reserved, and of right appertains, solely and exclusively, to the respective states, each within its own territory.

3. *Resolved*, that it is true, as a general principle, and is also expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively,



or to the people;" and that no power over the freedom of religion, freedom of speech, or freedom of the press, being delegated to the United States by the Constitution, nor prohibited by it to the states, all lawful powers respecting the same did of right remain, and were reserved to the states, or to the people; that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech, and of the press, may be abridged without lessening their useful freedom, and how far those abuses, which cannot be separated from their use, should be tolerated rather than the use be destroyed. ...

. . . That transferring the power of judging any person who is under the protection of the laws from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides, that "the judicial power of the United States shall be vested in the courts, the judges of which shall hold their office during good behavior," and that the said act is void for that reason also. And it is further to be noted that this transfer of judiciary power is to that magistrate of the general government who already possesses all the executive, and a qualified negative in all the legislative powers.

. . . That it does also believe, that, to take from the states all the powers of self-government and transfer them to a general and consolidated government, without regard to the special government, and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these states; and that, therefore, this commonwealth is determined, as it doubts not its co-states are, to submit to undelegated and consequently unlimited powers in no man, or body of men, on earth; that, if the acts before specified should stand, these conclusions would flow from them.

. . . In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution. That this commonwealth does therefore call on its co-states for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes herein before specified, plainly declaring whether these acts are or are not authorized by the federal compact. And it doubts not that their sense will be so announced as to prove their attachment to limited government, whether general or particular, and that the rights and liberties of their co-states will be exposed to no dangers by remaining embarked on a common bottom with their own; but they will concur with this commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the general government, but that it will proceed in the exercise over these states of all powers whatsoever. That they will view this as seizing the rights of the states, and consolidating them in the hands of the general government with a power assumed to bind the states, not merely in cases made federal but in all cases whatsoever, by laws made, no, with their consent but by others against their consent. That this would be to surrender the form of government we have chosen, and live under one deriving its power from its own will, and not from our authority; and that the co-states, recurring to their natural rights not made federal, will concur in declaring these void and of no force, and will each unite with this commonwealth in requesting their repeal at the next session of Congress.



## Part 3: The Age of Jeffersonian Democracy

### The United States 1800-1840

This section of the course deals with American history from 1800-1840. It comprises what are referred to as the Jeffersonian and Jacksonian ages. Because of continuing strife in Europe, the administrations of Jefferson and his successor James Madison were still dominated by foreign affairs. The War of 1812, however, coincided with the final years of the Napoleonic wars; Napoleon's defeat at Waterloo in 1815 came just six months after the War of 1812 was concluded. From then until the 1840s domestic issues predominated.

Jeffersonian politics, the politics of the Democratic Republican Party (known as Republicans at that time) dominated through the administrations of Jefferson and Madison. By the end of Madison's term in 1817, the Federalist Party had disappeared, having been discredited by its opposition to the War of 1812. For a time America became essentially a one-party system. James Monroe ran unopposed for president in 1820. Some politicians at that time began referring to themselves as National Democrats, but there was really only one party. Nevertheless, the country was divided by many political issues which we will discuss below.

By 1824 political divisions had begun to reappear in the country. Well before that election took place, five potential presidential candidates had emerged. In the end, John Quincy Adams became president. That controversial election was the last one ever decided in the House of Representatives. By 1828 a new political coalition had begun to form out of the old Democratic Republican party, but this time they were referred to as Democrats. Their leader was Andrew Jackson, who defeated John Quincy Adams in 1828. Jackson's administration began without organized political opposition. Remnants of the old Federalist Party, along with Adams supporters, generally men of a more conservative persuasion, began to call themselves National Republicans. They never coalesced into a formal party, however.

Jackson's resounding victory in 1832 and his defiance of congressional opponents led to the creation of a new political party, the anti-Jacksonians. They called themselves Whigs, a name traditionally used by political groups opposed to autocratic rule. The Whig Party survived until the 1850s, when it broke up over the slavery issue. Many of the issues that divided the Democrats and Whigs during these years, such as the National Bank and protective tariffs, came to a head during the Jackson administration. Jackson's successor, President Martin Van Buren, a Democrat, was defeated by the Whig candidate William Henry Harrison in 1840.

By 1840 the country had changed a great deal. Voting privileges had been extended to virtually all adult white males, and organized political parties began to field candidates for president and vice president on a single slate. The European world was in a period of relative calm, and America was able to develop internally without significant interference from overseas. As the country grew and expanded, domestic politics were typically rough-and-tumble, but lurking barely below the surface of the nation was the institution of slavery, which was dividing the country ever more sharply along sectional lines.

**Thomas Jefferson: Founding Father.** Jefferson's politics were clearly liberal, according to the meaning of the term in that age, and so were Jackson's. But Jefferson's politics had a sort of elitist overtone. He believed that while republican principles would guide the nation's course, men of superior ability and talent would naturally rise to the surface and become

the leaders—a “natural aristocracy” in Jefferson’s terms.<sup>28</sup> The age of Jackson, on the other hand, is known as the age of the common man. That belief was symbolized by Jackson himself, who rose from very humble beginnings to the highest office in the land. It is during the age of Jackson that we will see modern ideas of democracy begin to emerge.

Thomas Jefferson is claimed with some justification as a political icon by both liberals and conservatives in modern times, for there were elements of his political philosophy that are consistent with the beliefs of both groups. Yet Jefferson’s positions must be viewed both in the context of his own times and in the context of the changes that have occurred over the course of American history. The forces that affect our “pursuit of happiness” have evolved; so must our understanding of Jefferson’s idea of the proper role of government in American society. Had Jefferson, for example, foreseen the power of the “robber barons” of the late 19<sup>th</sup> century, he might have viewed government very differently.



**Thomas Jefferson wished to be remembered on his tombstone for three things:**

- **Author of the Declaration of Independence**
- **Author of the Virginia Statute on Religious Freedom**
- **Founder of the University of Virginia**

Jefferson was a true liberal in his pursuit of freedom of speech and religion, the spreading of republican (democratic) values far and wide, and in his general approach to government. He was willing to see blood shed in the cause of freedom, not only during the American Revolution, but as a general principle. On the other hand, he felt that all government was a necessary evil, and that that government which governed best governed least. He was one of the first sponsors of government-supported education for all children, and among his proudest achievements was the founding of the University of Virginia. Jefferson felt that an educated citizenry was the surest way to protect democratic institutions and guard against oppression. He said: “Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day.”<sup>29</sup>

Because politics were often so bitter in early America, they frequently became personal. Jefferson’s greatest political rival was Alexander Hamilton. Jefferson opposed the kind of centralization that Hamilton advocated, and he had strongly disagreed with Hamilton’s reasoning in the creation of a national bank. Their mutual animosity was personal as well. Jefferson also found himself at odds with George Washington, whom he believed had been duped by Hamilton into following unfortunate policies. He also parted ways with his close friend John Adams, even while serving as Adams’s Vice President.

One sad outcome of the political bitterness of the 1790s was the rupture of the friendship between those two giants. Fortunately for posterity, Adams and Jefferson were later reunited in correspondence through the intercession of their mutual friend, Dr. Benjamin Rush, and spent their latter years writing each other about a wide variety of topics. Very little of their correspondence involved past issues. One fascinating letter exchange, how-

<sup>28</sup> Thomas Jefferson to John Adams, 28 Oct. 1813, *Adams-Jefferson Letters*, ed. Lester J. Cappon (Chapel Hill: Univ. of North Carolina Press, 1988), p. 388.

<sup>29</sup> Thomas Jefferson to P. S. du Pont de Nemours, April 24, 1816. *The Writings of Thomas Jefferson*, ed. Paul L. Ford, vol. 10, p. 25

ever, took place between Abigail Adams and Thomas Jefferson. She sent condolences to Jefferson upon the death of his daughter in 1808. Jefferson's response went beyond thanking her, however, and drifted into his disagreements with John Adams. Abigail joined the debate with vigor, and their exchange lasted several months. John Adams knew nothing of it until the end.

Thomas Jefferson and John Adams died on the same day—July 4, 1826. Adams's last words have been widely quoted as, "Thomas Jefferson survives," but his friend had died hours earlier.

### Jefferson and Sally Hemings



Monticello

*Thomas Jefferson Foundation*

Another aspect of Jefferson's life which has gotten much attention is the relationship between him and Sally Hemings, a slave who belonged to him. Known for her beauty, Sally was Thomas Jefferson's wife's half sister. It now seems virtually certain that Jefferson fathered at least one child by Sally Hemings; recent DNA tests connect Jefferson and Hemings though their descendant, Madison Hemings. Until this mystery was unraveled by modern science, the Jefferson-Hemings affair was a lesson in historiography, for with one set of available evidence, reputable historians came to opposite and mutually exclusive conclusions. The lesson is that honest men and women can disagree

even when agreeing on the facts. Further, our own feelings and biases can affect the way we interpret history.

The most exhaustive work on the subject prior to the DNA discoveries was the book by Annette Gordon-Reed, "Thomas Jefferson and Sally Hemings: An American Controversy." Gordon-Reed, a law professor, examined the evidence in detail and concluded that it was impossible to know for sure what the Jefferson-Hemings relationship was. Gordon-Reed was bothered by the fact that evidence offered by Madison Hemings, who claimed to be a descendant of Jefferson and Sally Hemings, was discounted because he was African American.

*Many admirers of Jefferson are distressed over this entire issue and would prefer not even to have it mentioned. Does that say more about Jefferson, about us, or about the different time in which Jefferson lived?*

### Jefferson the Man: An Enigma

- Jefferson is claimed by both left and right, he remains elusive and controversial. Personally he was a shy and introspective man.
- He was a brilliant thinker, in office capable and pragmatic, but he was not a great president.
- Jefferson personified the contradictions in republicanism: He despised ceremonies and formality and dedicated himself to intellectual pursuits. Still, he was a politician—he realized that his success as president would depend on cooperation with Congress.
- Jefferson's View of Man was shaped by his experiences during the early days of the French Revolution. He approved of the French foray into new government forms, but

he was slow to deplore the violence. He said, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."<sup>30</sup>

- His public life was characterized by conflict with Hamilton, Adams and even Washington from time to time. His most enduring political friendship was probably with James Madison, who moved from the Federalist camp to become a stalwart of Jeffersonian democracy and the Democratic-Republican Party.
- Jefferson spent almost his entire life in significant debt, partially caused by others, but also brought on by his taste for furnishings, books, wine and other fineries, as well as his lavish spending on Monticello. He was unable to make a stable income from farming.
- Jefferson loved music, education learning; he collected books—after the War of 1812 his library became the core of the Library of Congress.

### **Jefferson's Political Theory**

- Jefferson did not favor a strong government. He said, "I own I am not a friend to a very energetic government. It is always oppressive. It places the governors indeed more at their ease, at the expense of the people."<sup>31</sup>
- He held a strong belief in a free press, freedom of religion and speech.
- Jefferson did not like pomposity, formality, or aristocratic pretensions. He supported the yeoman farmer, who he felt he was the salt of the earth, and did not want America to become a nation of "mechanics" (laborers.) He also did not trust judges, bankers, or merchants—and he disliked urban life.
- Although at that time it was considered ungentlemanly to "run" openly for public office, Jefferson worked hard behind the scenes to get elected in 1800.
- Jefferson was an early advocate of government supported education, as he showed in the land ordinances of the 1780s, parts of which he authored.

### **The Revolution of 1800: Republicans Triumph over Federalists**

A peculiarity existed in the Electoral College provision of the original Constitution—there was no distinction between Presidential and Vice-presidential electors. When the electoral votes were counted in 1801, Jefferson and Aaron Burr, both Republicans, were tied with 73 votes apiece. Next, the election went into the House of Representatives, where it took 36 ballots to elect Jefferson over Burr. (The Twelfth Amendment corrected the problem.) Many Federalists voted for Burr to keep Jefferson from getting the victory, but Alexander Hamilton eventually interceded in favor of Jefferson, which broke the deadlock and swung the balance. Hamilton's action irritated Burr, which eventually helped lead to the duel that killed Hamilton several years later.

As Jefferson's presidency progressed, followed by James Madison's two terms in office, the Federalist Party gradually lost most of its political power. It ceased to exist altogether about 1816. They lost out because they were unwilling to adopt popular campaign techniques, and they opposed territorial expansion and the War of 1812. In the last years, the Federalists were a regional party centered in New England, increasingly jealous of what they came to call the "Virginia dynasty." Although the Federalists disappeared, a summary of the Federalist Contribution to American history is worthwhile. They do not always fare well among historians because some of their ideas seemed to be anti-republican. Nevertheless, their accomplishments are notable.

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<sup>30</sup> Thomas Jefferson ltr. to William S. Smith, November 13, 1787.

<sup>31</sup> Thomas Jefferson ltr. to James Madison, December 20, 1787.

## The Federalist Legacy

- The Federalists created a Constitution and got the nation underway under its provisions, a considerable feat. (Compare to the French Revolution.)
- The Federalists put the nation's financial house in order.
- The Federalists resolved significant diplomatic issues with Spain, France and England and postponed armed conflict until the nation was stronger.

## Jefferson as President

In his first inaugural address Jefferson laid down his political philosophy in his own words, written in his own hand. There were no “speechwriters” in Jefferson’s time. The following excerpts from Jefferson’s first inaugural capture not only his thinking, but they represent a near perfect embodiment of the ideals of the Enlightenment, of which he was a product.

If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.

He summarized his political philosophy as follows:

Equal and exact justice to all men ...; peace, commerce, and honest friendship, with all nations—entangling alliances with none; the support of the state governments in all their rights, ...; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people; absolute acquiescence in the decisions of the majority ...; a well-disciplined militia—our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, ... ; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; ... freedom of religion; freedom of the press; freedom of person under the protection of the *habeas corpus*; and trial by juries impartially selected.

Jefferson was known for what has been called a “pell-mell” style, in that he stepped back from the more formal practices of Washington and Adams. In keeping with his basic republican principles, he favored informality in the White House. He got rid of the coach and six that Washington and Adams had used, and at dinner he sat people randomly around the table rather than in order of rank. His informality of dress surprised many, especially foreign diplomats used to the grandeur of European courts.<sup>32</sup>

Also in keeping with his idea of minimal government Jefferson asked Congress to repeal the federal excise taxes on whiskey and cut military spending. His attitude toward military matters bordered on pacifism (he had not fought during the Revolution) and he has been criticized for allowing the U.S. military to slip to the point where the country could scarcely defend its own national waters. This weak military establishment invited abuse of America’s rights as a neutral nation as the European powers waged terrible wars. His purpose was a

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<sup>32</sup> Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York: Knopf, 1997) 190-191.

frugal government, an admirable goal, but some saw the reduction of military expenditures as dangerous.

Jefferson regarded a large federal deficit (debt) as dangerous to republican government. He viewed large military expenditures as dangerous and likely to provoke hostilities. He cut federal expenses, mostly through reductions in military spending. Reduction of the army had the further benefit of removing a threat to Republican government, as he saw it; standing armies were still very unpopular. He saw the repeal of the whiskey taxes by Congress as a way of reducing the hand of government on the people.

Jefferson was hounded by Republicans for political offices, but he gave jobs only to those he thought competent, no matter what their party. He did not fire Federalists because of their party affiliation, but many retired. Some, who saw where things were going politically, like John Quincy Adams, became Republicans.

### **The Louisiana Purchase**

Jefferson's presidency, like those of Washington and Adams, was dominated by foreign affairs issues because of the wars resulting of the French Revolution. By the time Jefferson became president, Napoleon had risen to power in France and had embarked upon the creation of a worldwide empire. Secretary of State James Madison had long believed that the strength of American commerce could be an influential factor in European affairs. Both he and Jefferson believed that the United States could play Great Britain off against France in order to further their own goals. Napoleon, on the other hand, saw North America and the Caribbean as potential areas he could use in order to develop French power.

The Mississippi River, along with the Ohio and Tennessee, which fed into it, had been seen since the 1780s as perhaps the most important communication avenue in the young nation, at least for the states and territories west of the Appalachians. The key to the commercial use of the Mississippi was New Orleans. Pinckney's Treaty of 1795 (the Treaty of San Lorenzo) had established the right of deposit in New Orleans. When the Louisiana territory was later ceded to France in the secret Treaty of San Ildefonso in 1800, America's rights were not transferred. Jefferson did not formally learn of the transfer of power until 1803, although he had been getting secret intelligence concerning Napoleon's intentions in North America from friends in France.

Napoleon, meanwhile, had been planning to colonize the Louisiana territory. He would use slaves from Haiti to establish an agricultural venture to support his plans for further conquest. A slave revolt in Haiti led by Toussaint L'Overture, however, upset Napoleon's plans, and he stunned the Americans by offering them the whole Louisiana Territory. Livingston and Monroe had been authorized to purchase only New Orleans; fearing that Napoleon might rescind the offer, however, they agreed to purchase the entire region for \$15 million.

Although the Louisiana Purchase was one of the greatest real estate bargains in history, a surprising amount of opposition arose to the treaty. New England-based Federalists feared that adding more territory in the West would reduce their political influence relative to the rest of the nation. The proposed purchase raised a Constitutional question in Jefferson's mind, but he was persuaded to put aside scruple and grab the bargain—over 800,000 square miles at about three cents an acre. The exact boundaries were not clearly deline-



ated, which led to a later controversy with Spain. The purchase, however, doubled the size of the United States.

## **Barbary Pirates**

Prior to the American Revolution, Great Britain had for years been paying tribute to the North African nations of Algiers, Tunis, Morocco and Tripoli, an area known as the Barbary Coast, in order to enjoy free commerce within the Mediterranean area. When the 1778 American alliance with France was signed, American vessels were protected by the French Navy from "violence, insults, attacks, or depredations" by the Barbary Pirates. After the Revolution, American vessels no longer had the protection of the French or British and thus became subject to pirate attacks, which involved capture of ships and crews followed by demands for ransom.

Presidents Washington and Adams were willing to pay tribute to the Barbary states on the grounds that it was cheaper to pay ransoms than to conduct wars against those nations. When Thomas Jefferson was minister to France and later Secretary of State, he expressed objections to paying ransom. Nevertheless, the United States paid almost one million dollars to gain the return of sailors from Algiers in 1795.

When Jefferson became president in 1801, the pasha of Tripoli demanded thousands of dollars in annual tributes, and when Jefferson refused, the pasha declared war on the United States. In his first annual message to Congress, Jefferson stated that although the nation had been blessed with a state of peace, one exception existed:

Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact. ... The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. ... I wish I could say that our situation with all the other Barbary states was entirely satisfactory.

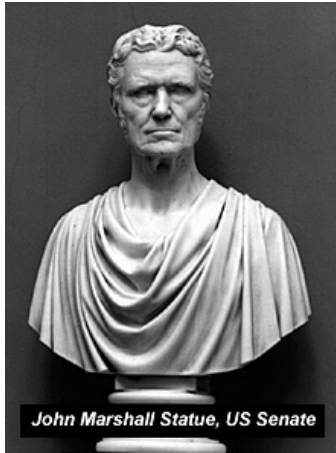
Toward the end of his first term Jefferson dispatched additional ships under Navy Commodore Edward Preble to the Mediterranean. Lt. Stephen Decatur destroyed the frigate *Philadelphia*, which the Tripolitan pirates had captured, and mercenaries and Marines led by Lieutenant Presley O'Bannon marched overland from Egypt and captured the city of Derna in Tripoli.<sup>33</sup> A strong naval blockade brought the war to an end. Although the United States could not defeat all the Barbary states, the show of force induced the North African nations to show greater respect for American rights. Nevertheless, the United States continued to pay tribute to the other Barbary states until 1816, when Captain Decatur defeated the Dey of Algiers with a 10-ship American squadron. American prestige was on the line during those wars and was defended. However, the notion of "Millions for defense, but not one cent for tribute" in the XYZ Affair did not ring true. Americans paid tribute to pirates for years.

## **Jefferson and John Marshall**

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<sup>33</sup> The first line of the Marine Corps Hymn commemorates the event with the words, "To the shores of Tripoli."

John Marshall is judged by lawyers and historians to be the greatest Chief Justice in the history of the Supreme Court. He may also be the most unappreciated and neglected figure in American history, for the imprint he left on our nation and government was enormous, yet he is not well known. After years of public service in various capacities, including military duty under George Washington during the Revolution, and a distinguished legal career, Marshall was appointed Chief Justice by President John Adams in one of his final acts before leaving office.



Marshall was a Federalist who brought his attitudes of political nationalism to the bench. Yet within a few years of his appointment, most of the Federalist judges on the court had been replaced by Republicans appointed by Jefferson or Madison. The decisions that Marshall wrote were, nevertheless, all unanimous or nearly so, a tribute to Marshall's astute legal reasoning, his persuasiveness and his leadership of the Court. Appointed by Adams in 1801, Marshall served as Chief Justice of the United States through almost nine presidential terms—Jefferson through Jackson. When Marshall died in 1835, John Quincy Adams said that Marshall's appointment was his father's greatest gift to the nation. John Adams himself had called the appointment his proudest act.

Jefferson had little use for courts in general or for John Marshall in particular. (There may have been personal animosity between the two men, who were distantly related, that had nothing to do with politics.)<sup>34</sup> In any case Jefferson went to his grave calling Marshall a detriment to American government. The two great men were at their worst when confronting each other. It began with the case of **Marbury v. Madison**.

William Marbury, appointed by John Adams as Justice of the Peace for the District of Columbia, was one of the "midnight judges," so called because they were appointed by Adams at the last minute under the Judiciary Act of 1801. When Jefferson became president he discovered that Marbury had not received his warrant, ironically because of an oversight by Marshall, who had been acting Secretary of State before becoming Chief Justice. Under the 1789 Judiciary Act, judges could sue for writs of mandamus—in this case getting the court to order the warrant delivered. Marbury sued for his warrant, but Jefferson ordered Secretary of State Madison not to deliver it. The case eventually made its way to the Marshall Court.

Marshall was in a tight spot. By now it was clear that Jefferson wanted to keep the courts, including the Supreme Court, weak. If Marshall ordered Madison to deliver Marbury's warrant and Madison (as directed by Jefferson) refused, there was little Marshall could do, and the Court would be further weakened. There was no constitutional means for the Court to enforce its own rulings in the face of presidential defiance.

Marshall found a clever way around the dilemma, a way that sacrificed poor Marbury but strengthened the Court immeasurably. Marshall said that Marbury was entitled to his warrant, but could not sue for it in the Supreme Court, as he had been granted the right to do in the Judiciary Act of 1789. Marshall found that portion of the act in conflict with the Constitution, which said that the Supreme Court had only appellate jurisdiction in such cases. He asserted the right of the Court to declare that section of the law null and void—in other

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<sup>34</sup> Jean Edward Smith, *John Marshall: Definer of a Nation* (New York: Holt, 1996) 11.

words, unconstitutional. Authority to review legislation is called "**judicial review**," and while Marshall did not invent it, he claimed that power for the Supreme Court. *Marbury* is considered by many to be Marshall's most famous and important decision. (Later Marshall decisions will be discussed below.)

### **The Lewis and Clark Expedition**

Shortly after completing the Louisiana Purchase, in keeping with his wide interest in science, President Jefferson planned a mission to investigate the new territory. On June 20, 1803, he sent a letter to Captain Meriwether Lewis of the 1st US Infantry. He wrote: "The Object of your mission is to explore the Missouri river & such principal streams of it as by its course and communication with the waters of the Pacific ocean, whether the Columbia, Oregon, Colorado or any other river, may offer the most direct & practicable water communication across this continent for the purpose of commerce."

Captain Lewis and Lieutenant William Clark set out within weeks. Lewis and Clark led their party of about 40 soldiers across the continent in a two-year journey. They were guided by French-Canadian fur trapper named Toussaint Charbonneau and his Shoshone wife, Sacajawea, who also acted as translator in the party's dealing with Indian tribes. They built Ft. Mandan in the Dakota Territory, where they spent the first winter, and eventually reached the Oregon coast. In the spring of 1805 they sent samples of wildlife back to Jefferson, including a live prairie dog. In addition to providing detailed information about the newly acquired western regions, their travels also gave America claim to the Oregon Territory; it would be decades before those rights were assured. Jefferson also sent Zebulon Pike on a similar mission. Pike helped establish the notion of the Great Plains as the "Great American Desert." He also explored the Colorado Rockies and discovered the peak named for him.

### **The Burr Conspiracy**

In 1805 Aaron Burr stepped down as vice president of the United States. As mentioned above, he had challenged Jefferson for the presidency in the election of 1800, even though he had been nominated for vice president. Burr had conducted himself as president of the Senate quite ably; he presided over the impeachment trial of Justice Samuel Chase with rigorous fairness. Although Jefferson never referred to Burr's conduct in the election of 1800, it was clear that he did not trust his vice president. Burr ran for governor of New York in 1804 and lost. He blamed the loss on political enemies, including Alexander Hamilton.



**The Hamilton-Burr Duel**

When Hamilton made what Burr considered derogatory remarks about him at a dinner, the two antagonists sent notes to each other and eventually fought a duel. As dueling was illegal and punishable by death in New York, the two crossed the Hudson River to New Jersey, where Burr fatally wounded Hamilton on July 11, 1804. It remains the most famous duel in American history.

Burr was charged with murder in New York and New Jersey, though he was never tried in either jurisdiction. He fled to South Carolina, where his daughter lived, and eventually returned to Washington to

complete his term as vice president. After leaving office in 1805, he embarked on an

enterprise that eventually led to his being charged and tried for treason. Burr began corresponding with one General James Wilkinson concerning an apparent plan for the conquest of Mexico. Although the full nature of Burr's intentions remained unclear, it was rumored that he planned a rebellion to separate the Western parts of America from the nation and create an empire which he would control. He was clearly engaged in some sort of conspiracy, even though details remain murky. Burr was eventually arrested, charged with treason against the United States, and brought to Richmond, Virginia, for trial.

Before the trial began President Jefferson openly expressed his opinion that Burr was guilty of treason. Chief Justice Marshall, however, presiding over the trial, followed the strict construction of the definition of treason in the Constitution. Article III, Section 3, states: "No person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court." In Marshall's opinion, the evidence provided by the prosecution failed to rise to that standard. Aaron Burr was thus acquitted, which widened and made permanent the rift between Jefferson and Marshall. Thus ended the public career of Aaron Burr, a man who fell out of grace, and whose behavior "filled many of his fellow 'great men' with horror."<sup>35</sup> His many admirable qualities were outweighed by his overweening ambition.

### **Jefferson's Second Term**

Hamilton's death accelerated the decline of the Federalist Party down to 25%, which in turn diminished the need for Republican Party unity. Jefferson faced two major defections from his party. John Randolph of Roanoke was a brilliant but tough politician who led the "Tertium Quids" (the "third somethings"); they stood for pure republican ideals. They attracted attention when they attacked land grants in Georgia to companies that had earlier bribed the state legislature. A later legislature attempted to nullify these sales, but much of the land was already owned by innocent third parties who had contracted for it in good faith. The Marshall Supreme Court ruled in *Fletcher v. Peck* (1810) that the state legislature could not revoke a contract, even if it had been obtained under false pretenses. The ruling established the Court's right to nullify state laws if they violated the Constitution.

The foreign slave trade was outlawed January 1, 1808, as permitted by the Constitution. However the law Congress passed did not end importation. Many slaves continued to be smuggled into the country; some estimates place the number of slaves that were illegally imported by 1860 at 50,000, or even higher.

**The Essex Junto.** The first rumblings of secession in American history came from New England, and were associated with a group known as the "Essex Junto." (The word "junto" generally refers to a self-selected group with a political agenda.) The "Essexmen," as they were originally known, were a group of conservative public figures in Essex County, Massachusetts at the time of the American Revolution. They supported the revolution but were less than enthusiastic about the unlimited spread of democracy. They gravitated towards the Federalist Party and objected to Republican policies of Thomas Jefferson. Because the Louisiana Purchase would open up territory that was likely to become heavily Republican, the Essex group began to plan the creation of a Northern confederacy, which would secede from the Republican South. They quickly realized that the structure would have to include New York and New Jersey. They approached Vice-President Aaron Burr, who, as we have seen, was already in disfavor with Jefferson and was planning to run for governor of New

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<sup>35</sup> See Gordon Wood, *Revolutionary Characters: What Made the Founders Different* (New York, 2006), especially "The real Treason Trial of Aaron Burr," pp. 223-242.

York. Burr was sympathetic to the confederacy plan. When he lost the election for governor, however, plans for the confederacy dissipated. Remnants of that group, however, would re-surface in 1814 and 1815 during the Hartford Convention, which will be discussed further below.

## America in the Age of Napoleon

*"Wherever wood can swim, there I find this cursed flag of England."* —Napoleon

During the administrations of both Jefferson and Madison, America continued to be dominated by events in Europe. Diplomatic historian Thomas A. Bailey coined the phrase, "Europe's distresses spelled America's successes,"<sup>36</sup> but it worked the other way as well. America got whipped about by European turmoil, even while profiting from wars as a trading neutral.

As has been suggested above, the United States was fortunate that the French Revolution did not start earlier than it did. Looking at it another way, it is fortunate that the Constitution was written and the government underway before the French Revolution began. The events of the French Revolution dominated world affairs and to a great extent American domestic politics from the outbreak of the Napoleonic wars in 1792 to the defeat of Napoleon at Waterloo in 1815.

## Summary of Events in Europe

The full story of the French Revolution and Empire will not be repeated here, but suffice it to say that the American Revolution stirred passions far beyond the Anglo-American realm. For a time the French Revolution was seen as a successor event of the American Revolution. But the two revolutions were very different. The American Patriots never claimed that George III did not have the right to rule; they merely argued that he did not have the right to rule them. By stark contrast, King Louis XVI and his wife, Marie Antoinette, were executed, and instead of leading to the creation of a democratic republic, the French Revolution led to the autocratic rule of the Emperor Napoleon.



Napoleon Bonaparte was one of the most skillful and successful military commanders in the history of the world. His French armies overran most of Europe and penetrated deep into Russia before succumbing to the Russian army and the Russian winter in 1812. During the first decade of the 1800s, central and southern Europe were dominated by Napoleon, who declared himself Emperor of the French in 1804. His French army rolled over everything in its path during the wars of the French Empire, just as they had during the French revolutionary wars of the 1790s. While the French possessed a powerful navy, they were challenged at sea by the traditional naval might of the British Empire. The Royal Navy, led during that period by Lord Horatio Nelson, was well-nigh invincible on the seas. In the three great sea battles of Trafalgar, Copenhagen, and the Nile, Nelson crushed the Danish and French fleets and

<sup>36</sup> Thomas A. Bailey, *A Diplomatic History of the American People*, 8<sup>th</sup> Edition (New York, 1970), p. 5. "Europe's distresses thus contributed to many of America's most spectacular diplomatic successes." Bailey repeats the idea often in his work, which has long been accepted as a standard reference on American diplomatic history.

controlled the Atlantic and Mediterranean for most of the time when Napoleon was in power.

**Foreign Affairs under Jefferson.** Napoleon resumed war against the allied nations in 1803, which created a dangerous situation, but left America free to pursue its own interests. American neutrality promised lucrative trade opportunities; there was no direct threat to American security from the fighting in Europe. In 1805 Napoleon triumphed on land at the Battle of Austerlitz. Lord Horatio Nelson defeated the French fleet decisively at the Battle of Trafalgar in the same year. Thus the contest became known as the struggle between the tiger and the shark.

Although pro-British (Hamilton) and pro-French (Jefferson) sentiments had existed since the 1790s, Americans felt detached and aloof from the struggles until the problems escalated during Jefferson's second term. From 1795 to 1805 friendship with Great Britain prevailed despite incidents at sea. Further, the XYZ and Genet affairs were still fresh in American memory. Jefferson always went out of his way to avoid war, except when he saw it as the only solution, as with the Barbary pirates. He preferred what he called "peaceable coercions,"<sup>37</sup> and commercial coercion, which was "peaceful," could be an effective tool in international politics.

America was the most important neutral in the conflict (as she would be in later wars.) During the struggle in Europe, American merchants were making huge profits on food and other goods from the highest volume of trade that had gone on in decades. For a time, the warring powers did little to interfere with neutral trade, but as a war grew more intense, that situation was bound to change. When Great Britain had gained mastery of the seas, it did. Great Britain, France, and Spain had long restricted trade between their colonies and the mother country to cargoes carried in their own ships. With their own merchant fleets hemmed in, France and Spain were happy to allow American ships to carry trade between the Caribbean and Europe. Under the British Rule of 1756, however, colonial ports not open in peacetime were not open to neutrals in time of war—British peacetime rules still applied. When it became apparent that American trade was in fact aiding the French cause, the British objected.

For American merchantmen, however, a loophole existed. American vessels were free to carry goods between European colonial ports and the American homeland. When Great Britain sought to restrict trade between French colonies in Europe, Americans resorted to what was called the "broken voyage." They brought goods from British and French colonies to the American ports, then reshipped them as U.S. goods. Legally the goods had to be actually imported before being reshipped, but whether they were in fact imported was hard to prove.

In 1800 the *U.S.S. Polly* brought Cuban sugar to Massachusetts, then shipped it to Spain. The British determined that importation and reshipment in such a manner was a broken voyage and thus acceptable. But in 1805, according to the *Essex* ruling, the mere payment of import duties did not constitute evidence of good faith importation. The British demanded more proof that the goods were in fact imported. If the ship put into port in the U.S., it had to demonstrate that the goods did not make a continuous voyage. It was difficult to prove a negative.

In 1806 Congress passed an act adopting non-importation of certain goods from Great Britain as retaliation for Great Britain's interference with American neutral rights. Great Britain in turn proclaimed a blockade from the Elbe River to Brest. Jefferson sent William Pinckney,

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<sup>37</sup> Jefferson letter to Robert R. Livingston, September 9, 1801.

a Maryland lawyer, to join James Monroe, the American ambassador to Great Britain, to try to work out a new treaty to replace Jay's Treaty, which was about to expire. The two ministers were able to gain some concessions from the British, who were concerned about the non-importation act. Jefferson vetoed the treaty, however, because it did not contain a clause on British impressment of American sailors (see below). British ships continued to hover off the American coast, capturing violating merchantmen and sending them to Nova Scotia. Many American ships were seized after the *Essex* ruling. The game got rougher as *H.M.S. Leander* "accidentally" hit a U.S. ship, killed first mate John Pierce, whose body was paraded around New York City to a great hue and cry.

## **The Impressment Controversy**

As a neutral nation, the United States sought to continue its trade and commerce with the rest of the world even as the warring nations began to place restrictions on neutral traffic. French and British sea captains preyed upon American shipping, and although both were viewed in essentially the same light by the American government, the fact that Great Britain dominated the seas made her depredations more troublesome than those of the French. Furthermore, since the British depended so heavily upon sea power for survival, they faced constant pressure to keep fleets well manned. This task was difficult because life in the Royal Navy was known to be harsh and demanding, and British sailors were prone to desert their ships whenever an opportunity presented itself.

There were few volunteers in the Royal Navy. Ships would spend months at sea and years away from home. The food and quarters aboard ship were unpleasant, as both could be infested with vermin. Discipline was administered with the lash or by keel-hauling. Press gangs were employed to "recruit" sailors from the slums of British cities, especially in time of war, when desertions ran high. This tactic had been in use for over 400 years to keep Royal Navy ships adequately manned. At one point, twelve British ships were stuck in Norfolk because of desertions—there had been 42,000 desertions in the Royal Navy by 1801.

American merchants, always looking for experienced sailors for their crews often encouraged British sailors to desert to the American merchant fleet. Americans were building 70,000 tons of shipping each year and needed 4,200 new sailors per year until 1808 to man merchant vessels. The result was that the press gangs, who forced reluctant young men into the Royal Navy with impunity, began to point the finger at deserted British sailors serving in American vessels. Royal Navy cruisers began stopping American ships and "impressing" sailors identified as deserters back into His Majesty's service. The fact that some of those sailors might have become American citizens, or in fact had not actually deserted at all, made little difference to the press gangs. Times were desperate, and desperate measures were called for.

Although American merchant ships lost many sailors to impressment, British deserters were plentiful enough to make up for those losses. Despite American protests, the British operated at will on the seas, and hundreds of American seamen were impressed. The British violated even their own rules when they got desperate enough. Some 8,000 bona fide U.S. citizens were eventually taken by force, which hurt shipping interests, merchants and families.

Impressment was seen by Americans as a violation of their neutral rights; the British promised not to take American citizens. The British idea of citizenship, however, was not the same as the American view: "Once an Englishman, always an Englishman" was their motto, and that was especially true in time of war. Americans resisted, but they were not innocent in the matter—they encouraged desertions through enticements and sold phony citizenship papers. They also advertised for sailors in neutral ports, promising higher wages and better treatment. American protests produced some releases, but it took time. The U.S. claimed

that the American flag created de facto American territory and called British practices “nautical slavery,” but impressment continued.

[See the film, *The Bounty*, based on a true story, with Anthony Hopkins, Mel Gibson, Liam Neeson and others for a look at life in the Royal Navy around 1800.]

**Berlin and Milan Decrees.** In 1806 Napoleon issued his Berlin Decree, thereby instituting what was known as his “Continental System.” The Decree prohibited the import of British goods to any nation in Europe allied with France. Any ship that followed British trade rules was deemed to be a British ship and was therefore a legitimate target of the French Navy, which left American ships’ captains between a rock and a hard place. French privateers felt free to capture any ship which the British had searched.

In 1807 Napoleon issued the Milan Decree to enforce the Berlin decree. The two acts constituted open economic warfare against Great Britain. When the British ruled in 1807 that ships bound for Europe had to stop and move their cargoes through England, France declared that all such goods were British property and seized them accordingly. As America was the most important neutral nation, American ships were directly affected. The restrictions emanating from both France and Great Britain inevitably rendered cargoes that did manage to evade the blockaders more valuable than ever, with predictable results.

### **The Chesapeake Affair, 1807**

The impressment controversy continued more or less unabated until 1807, when the British went too far. The captain of *H.M.S. Leopard*, prowling off the American coast, after exchanging apparently respectful signals with the American warship *U.S.S. Chesapeake*, demanded the right to come aboard and search for deserters. When American Captain Barron refused, the British opened fire, killing three Americans and wounding eighteen. Four American seamen were taken off the *Chesapeake*, and one deserter was hanged. Although the British acknowledged their error, Americans were outraged. Ten days after incident President Jefferson closed all American ports to the Royal Navy, and Congress authorized the construction of 263 gunboats. Jefferson was unwilling to go to war over the issue, but demanded an apology and reparations, which the British duly offered.

In order to avert further confrontations, President Jefferson then ordered Congress to put an end to all foreign trade with the **1807 Embargo Act**, which legally ended all trade by American ships overseas in December 1807. Despite the fact that during the ongoing conflict merchants were being harassed by both the British and French, the wartime situation had driven prices of goods up to such an extent that merchants could make a tidy profit even if some of their ships were captured. The Embargo was a strict act; when loopholes appeared, Congress did its best to plug them. Nevertheless, the same Yankee ingenuity that had foiled the British before the revolution was used to get around the embargo. Trade across the Canadian border took up some of the slack. Also, as inter-coastal trade was still legal, some ship owners used that fact as a ploy to get their vessels out of port.

Because of the Embargo’s impact on their livelihood, New England revolted against the Embargo, calling it the “dambargo,” or the “ograbme” (embargo spelled backwards.) Federalists said the Embargo was like cutting off your head to stop a nosebleed. The New England shipping industry was badly affected and grass began to grow in the streets of towns like New Bedford, Massachusetts. There the matter rested as Jefferson’s prepared to turn the presidential office over to his hand-picked successor, Secretary of State James Madison. The Embargo was repealed just as Jefferson left office in March, 1809.



Even after repeal, the Embargo left a bad taste in the mouths of the people of the Northeast; the New York-Canadian border was in a state of insurrection. Jefferson had overestimated the patience of his fellow Americans, and talk of secession, which had begun in 1805 in New England, gained new life. The Embargo also caused much antagonism in England, where textile workers were hurt but had no political clout. In addition, the act was viewed by many British subjects as assisting France. Napoleon did his part to "help" the situation by capturing American ships that had violated the embargo, claiming, "They must be British ships if they are on the seas."

The Embargo did have some unintended fortunate results, however; it drove capital and labor from agriculture or trading into manufacturing, rendering the United States less dependent upon imports of foreign manufactured goods. The lack of trading also relieved the impressment crisis and bought time for America to grow stronger. James Madison responded to criticism of the embargo by arguing that the Embargo was a positive instrument of policy, not a backing down in the face of British pressure. The Act also led to the eventual British repeal their Orders in Council of 1793, which had authorized the seizure of American ships and cargoes.

The end of Jefferson's two terms left the country much larger because of the Louisiana Purchase, but in other respects scarcely better off than in 1800. True, the Republican victory in 1800 had the effect of diffusing some of the political antagonism that characterized the 1790s, but Jefferson proved that he could be just as partisan as his predecessor Adams had been, despite the lofty words of his first inaugural address. Jefferson's ideals were high, but like many other presidents and rulers before and after, he found it difficult to live up to those ideals once in power. Jefferson did not want to be remembered on his gravestone for anything he accomplished during his eight years in the White House, and that is probably an accurate judgment. Jefferson is on Mt. Rushmore, and no doubt deserves to be, but more for his thinking and intellectual leadership than for his governance. In any case, he passed a healthy if somewhat impotent nation along to his successor, his friend James Madison.

### **James Madison as President**

James Madison was a close friend and political ally of Jefferson. Madison's home, Montpelier, near Orange, Virginia, is about 27 miles from Monticello. Madison and Jefferson exchanged frequent visits when able, and their collected correspondence fills three hefty volumes. Madison was selected as Jefferson's successor by Republicans in Congress and won the election of 1808 easily. As Jefferson's Secretary of State and closest advisor, Madison's transition to the higher office was essentially seamless, yet he inherited most of the same problems with which Jefferson had been dealing.



James Madison is sometimes viewed as being temperamentally unsuited for leadership, but a closer examination of his performance at the Constitutional Convention of 1787, his term as Speaker of the House, as Secretary of State under Jefferson and as President reveals otherwise. While he was small in stature and lacked a strong speaking voice, he knew how to get things done. Dolley Madison, known for her physical attractiveness and cleverness at entertaining and decorating, was a sophisticated political companion who knew how to use her feminine charms in the service of her husband's political career.

Ever faithful to her "Jemmy," Dolley entertained at the White House in a manner suggestive of the salons of Paris, collecting information and seeing to it

that those who needed her husband's ear could get it. Like many other great women in supporting roles, Dolley Madison served her husband and her country well. She is best known for having saved a famous portrait of George Washington from the British as they approached and then burned the White House in 1814.

*For a good read about Madison and his contemporaries, including the women, try the fine book **1812** by David Nevin, a first rate historical novel.*

**Madison's Foreign Policy.** James Madison's terms in the White House were dominated by foreign dilemmas—the last years of the Napoleonic Wars. Following the repeal of the Embargo Act, subsequent attempts to reduce tensions at sea included the Non-Intercourse Act, which was in effect from March 1809 to May 1810. It provided for non-importation or exportation against belligerent nations; it was directed against both France and England as trade with both nations was prohibited. Under the Act, trade with all other nations was permissible. Concerning France and Great Britain, trade could be resumed with whichever nation dropped its restrictions against the U.S. In general, American ships could go wherever they wanted.

Also under the terms of the Non-Intercourse Act, the United States committed itself to resume trade with England and France if those nations promised to cease their seizure of American vessels. On the basis of a pledge by a British official, President Madison reopened trade with England, but the British ignored the promise and seized American ships that sailed under Madison's direction.

Congress then passed Macon's Bill Number Two, in effect from May 1810 to March 1811, another "carrot and stick" measure. It reopened trade with both Britain and France, but threatened new sanctions against either nation in the case of misbehavior, and trade with the other nation at the same time. Theoretically it provided flexibility, but in the face of repeated violations and "cheating" by both sides, it also proved ineffective.

Under this law Napoleon promised to respect American rights but subsequently broke his word; he had no intention of respecting American neutral rights. Instead Napoleon buffaloeed Madison by having one of his ministers, M. Cadore, send an ambiguous letter containing various promises to revoke restrictions in exchange for American pressure against Great Britain. Madison informed Great Britain that non-importation would be re-invoked, but the British refused to repeal their Orders in Council. Non-importation was thus invoked against England from March 1811 to June 1812, an act which aided Napoleon's Continental System.

In April 1809, British Minister Erskine, who was friendly to the U.S., negotiated a favorable treaty with the U.S., and President Madison claimed that all issues between the U.S. and Great Britain were resolved. Foreign Secretary Canning rejected the agreement, however, and the Americans grew angry and moved closer to France. Great Britain replaced Erskine with a tougher minister, "Copenhagen Jackson," who was notorious for having ordered British ships to fire on the Danish capital. He repudiated the Erskine agreement, and Madison ordered him returned to Great Britain.

In a new incident at sea in 1811, an American ship, the *U.S.S. President* got into a scrap with the British *Little Belt*, which was badly battered. Meanwhile, the British had again begun arousing the Indians in the Northwest Territory. The Indian Chief Tecumseh and his brother, The Prophet, attempted to form an Indian coalition to unify resistance against the Americans. Governor William Henry Harrison of the Indiana Territory led an expedition and

defeated the Indians at the Battle of Tippecanoe. The Indian Confederation collapsed, but the American victory sent Tecumseh and his warriors over to the British side.

By 1812 troubles between the United States and Great Britain (and France, to a lesser extent) had reached a point of no return. Although the War of 1812 has been called the least necessary of all American wars (at least until Vietnam), in retrospect the American government under Jefferson and Madison pursued reasonable (if somewhat ineffective) policies in defense of America's neutral rights. It was true that great profits could be earned through trade in time of war, and greed was no doubt a factor that pushed American merchant captains into repeated confrontations with both nations. Still, nations have a right to carry on business even when part of the world is at war.

The major goal of American foreign policy during this era was to try to give the President enough flexibility so that he could punish nations that treated us badly and reward those who were more cooperative. Unfortunately Great Britain and France were locked in mortal combat, and neither was inclined to be cooperative with anybody, least of all the fledgling new republic across the ocean.

In the end, British domination of the seas was the factor that put the Americans most at odds with them. Though the French behaved almost as badly as the British, an American war with France was unlikely, first because a French invasion of America (or vice versa) was virtually out of the question; the Atlantic Ocean was too great a barrier. Furthermore, impressment of American sailors was hardly practiced by the French, and leftover antagonisms from the Revolution still rankled both Americans and the British. Americans continued to blame their troubles on the British. For all their differences, France had been America's ally in winning independence, something Americans were unlikely to lose sight of. (*"God forget us, if we forget/the sacred sword of Lafayette" became a well-remembered epithet for much of American history.*)

### **The "War Hawks"**

The 1810 election brought a group of new congressmen to office, the "War Hawks." They were southerners and westerners who were strong nationalists, including Henry Clay of Kentucky, John C. Calhoun of South Carolina, and Felix Grundy of Tennessee. These patriots from the frontier regions were offended by the depredations of the British, even though they were far less directly affected by them than were the merchants and ship owners of New England. In addition, the country was suffering an economic depression, a situation exacerbated to some extent by trade problems.

Furthermore, Americans, who were always hungry for more land, had looked with envy upon the rich portion of southern Canada in the Great Lakes region. War with England, it was felt, might well bring the Canadian provinces into the American fold. (Americans mistakenly assumed that Canada was ripe for rebellion against the mother country.) In any case, patience with Great Britain eventually wore thin, especially in the West, in the face of repeated violations. New Englanders, however, opposed the war, which would end *all* trade for the duration of the conflict. The old Federalist Party was not quite dead.

In the end there was much resistance to war: the vote for the declaration of war in Congress was 79-49; every state delegation in Congress from Massachusetts to Delaware came down against the war declaration. The southern and western delegations were almost unanimously in favor and "gave the East a war." In 1810 a group of Americans in West Florida seized control from Spanish authorities and declared the "Republic of West Florida"; this

was the only territorial conquest relating to the War of 1812. The Florida question would be opened again following the end of hostilities.

## The WAR of 1812: The “Forgotten War”

Many Americans probably think that the “1812 Overture” was written to commemorate the war of 1812, especially since it is often performed on the 4<sup>th</sup> of July to the accompaniment of bells and cannon. In fact, the work was written by Peter Ilyich Tchaikovsky to celebrate Napoleon’s invasion of Russia in that year. That faulty connection, however, is not as wrong as it may seem.

In the first place, the War of 1812 has often been called a forgotten war, with good reason. Few Americans know very much about the War of 1812 beyond the fact that it was fought with the British and that there was a Battle of New Orleans involved. Some may also associate the burning of the White House or the writing of the *Star Spangled Banner* with the war, but only vaguely. Part of the reason for that vagueness may be that the war changed very little in America: The end of the war restored the *status quo ante bellum*, that is, it left everything the way it had been when the war began (except, of course, for the dead and wounded.) In addition, the end of the war coincided with the end of the Napoleonic wars (the War of 1812 ended six months before Waterloo) and was thus overshadowed by the greater events going on in Europe. Added to that overshadowing is that fact that with a few notable exceptions, the Americans did not always fight well, even allowing their capital to be burned by the British in 1814.

The second reason why the confusion with the events in Russia in 1812 is understandable is that the two events were in fact related. The War of 1812 began as a result of the fighting in Europe, which left America, a neutral nation, besieged by major players France and England as it tried to carry on normal trade in abnormal times. The war, in other words, was fought on the American side largely over neutral rights, although issues such as national pride, economics and regional politics certainly played a part in the decision to declare war. The fact of the Napoleonic wars also helped determine the way in which the British fought the war. They felt that Napoleon was a far greater danger to the world than any minor acts of interference (as they saw it) they might have committed with regard to American trade. They felt bitter toward their American cousins for declaring war while they had their hands full with France.

There are many reasons why Americans do not really celebrate the War of 1812. In the first place, the war restored to “*status quo ante bellum*,”<sup>38</sup> and did not change anything. The war did, however, produce its share of victories and heroes—most famously, Andrew Jackson at New Orleans. In the end, however, the most important result of the War of 1812 may have been the fact that placed America on the world stage at a level which had not been achieved by the Revolution. The American experiment was considered just that, an experiment, and many Europeans fully expected the new nation to fail, as it well might have. The War of 1812 has thus been called with some justification America’s second war for independence—an assertion of America’s position as a nation worthy of respect.

At the start America was woefully unprepared for conflict. There was lack of unanimity over the causes, organization was poor, and militia forces—a necessary adjunct to the regular professional army—displayed a general unwillingness to go beyond their own state borders to fight. Few strong leaders remained from the Revolutionary generation, and early encounters with the British, though they were still distracted by Napoleon, were disastrous.

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<sup>38</sup> State in which things were before the war.

Nevertheless, American sailors were very capable, and American soldiers, when well led, were prepared to fight. However poorly the Americans fought the war, they did indeed fight it, growing stronger as the war progressed. At worst they achieved a stalemate. New leaders such as Andrew Jackson, Oliver Hazard Perry, Thomas MacDonough and Winfield Scott emerged. Had the war gone on longer, the Americans might well have given the British more significant defeats besides the Battle of New Orleans. Finally, no matter how sharply Americans were divided over the war early in 1812, the end of the war brought the "Era of Good Feelings." Although the term is perhaps an exaggeration, it nevertheless points to the fact that that America had come through the war essentially intact.

### **The Military Campaigns**

The United States Army in 1812 was small, and state militias proved inadequate to fight well-trained veterans. Early campaigns were designed to take Canada, an appealing goal because of the abundance of land, the lucrative fur trade and problems with Indians. All the early Canadian campaigns were unsuccessful, however. General William Hull invaded Canada in July 1812 but was forced to surrender to British Major General Isaac Brock in Detroit. Brock then moved to the eastern end of Lake Erie where American General Stephen Van Rensselaer was attempting unsuccessfully to invade. A third attempt at invasion failed when General Henry Dearborn's New York militia troops refused to enter Canada.

In 1814, England planned a three-pronged attack on the United States: a march from Canada into the Hudson River Valley, an amphibious assault on the Chesapeake Bay region, and occupation of New Orleans. The decisive campaign was in New York State. General Sir George Prevost led a British force into New York and advanced to Plattsburg. Although he outnumbered the American garrison there, when American sailors under Commodore Thomas McDonough defeated the British on Lake Champlain, Prevost withdrew.



**Fort McHenry Today**

Meanwhile, British Admiral George Cockburn was conducting operations in the Chesapeake Bay area, raiding towns along the coast. In August 1814 he marched on the capital and handily defeated the American militia in the Battle of Bladensburg, Maryland. Dolley Madison saw to the saving of valuables, including a portrait of George Washington, even as James Madison was forced to flee the presidential mansion. British General Ross ate the dinner which had been prepared for the president, drank a toast to "Little Jemmy," and set fire to the building. The next day British troops burned many more buildings in Washington.

The British then advanced on Baltimore, but were unable to reduce Fort McHenry, which had been built following the American Revolution to protect the Baltimore harbor. British warships bombarded the fort for over 24 hours, but were unable to penetrate the harbor, which was also protected by chains and sunken ships. The strong stand at Fort McHenry led Francis Scott Key, who observed the bombardment through a long night as bursting shells illuminated the flag, to compose his famous anthem.

### **The Battle of New Orleans**

During the War of 1812 a conflict erupted in the Southwest involving a faction of the Creek Indians known as the "Red Sticks." When Indians attacked Ft. Mims in the Alabama territory and killed several hundred residents, Major General Andrew Jackson led the Tennessee mili-

tia in a series of battles against the Creeks that ended at Horseshoe Bend in March, 1814. In May Jackson was named American commander in the New Orleans area, just as the British were planning to take New Orleans with a large force of 7,500 veterans under Sir Edwin Pakenham. The British planned to take control of the entire Mississippi River Valley.

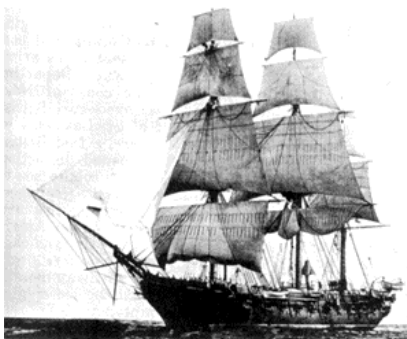


**Chalmette Battlefield**  
Site of Battle of New Orleans

A nighttime raid by Jackson's men disrupted Pakenham's march on the city from the east, and Jackson then took up a strong position south of New Orleans between a Cyprus swamp and the east bank of the Mississippi. Jackson's force was a motley collection of Tennessee and Kentucky sharpshooters, members of Jean Lafitte's pirate band and various volunteer groups of Creoles and fire brigades from the city. He quickly constructed heavy breastworks along his defensive position that offered good firing positions for artillery and riflemen. Jackson's flank were protected by the Mississippi River and the Cyprus swamp.

On the morning of January 8, 1815, Pakenham's force of over 5,000 redcoats disembarked below Jackson's position and prepared to advance. Veterans of campaigns against Napoleon's troops, the British were confident of swift victory and expected to dispatch the Americans without difficulty. They advanced confidently upon Jackson's entrenchments, but were met by a rude shock. Behind the parapets (which can be seen in the picture above) were 4,500 defenders, many of them expert riflemen. They waited for the attacking British to get well within range and then let loose a furious volley of artillery and rifle fire. The redcoats were cut down unmercifully, and Pakenham himself was killed. The British suffered over 2,000 men killed and wounded; the Americans had eight killed and 13 wounded.

The Battle of New Orleans was one of the most one-sided victories in all of American military history, and although it had no direct impact on the war, it was a huge morale booster for the Americans, and created a hero in Andrew Jackson, which would eventually result in his election to the nation's highest office. The great irony of the Battle of New Orleans was that it actually took place after the peace treaty had been signed, but there was no way to communicate the news in time to prevent the battle. *The Chalmette Battlefield is about seven miles south of the city of New Orleans. Jackson's battlements are well preserved, and it is easy to see how the British were hemmed in by the swamp and the Mississippi River.*



**The Naval War.** Although badly outnumbered, the U.S. Navy nevertheless distinguished itself during the War of 1812. New shipping was needed but was not built in at the outset of the war; thus the American blue-water Navy collectively was generally ineffective against the much larger Royal Navy. On the other hand, the American ships that were already in operation were better suited than British ships for one-to-one combat. The *U.S.S. Constitution* (left) under Captain Isaac Hull defeated *H.M.S. Guerriere* on August 19, 1812, in one of a number of individual ship victories for the Americans. American privateers did very

well; 148 "legalized pirates" captured 1300 British ships, damaging the British cause. Commodore Oliver Hazard Perry's victory on Lake Erie secured the Northwest Territory firmly

under American control. Another fleet victory by Commodore Thomas Macdonough on Lake Champlain turned back the attempted British invasion from Canada in 1814.<sup>39</sup>

### **THE TREATY OF GHENT: *Status Quo Ante Bellum***

After the American victory at Plattsburg on Lake Champlain, the English government decided to enter negotiations to end the war without addressing any of the issues that had caused the war. The Duke of Wellington also advised the British government to abandon the war. As much of the war had gone badly for the Americans, Madison was also ready to negotiate, and sent a peace party consisting of, among others, John Quincy Adams and Henry Clay to the city of Ghent in Belgium, where discussions were to be held. Both sides were weary of the war, and an agreement was reached to end the war and restore the *status quo ante bellum*.

The Treaty of Ghent, signed on Christmas Eve 1814, thus ended the deadlock of war with no major concessions granted by either side. The belated American victory at the Battle of New Orleans led to a widespread conception that the United States had won the War of 1812, and the Senate ratified the treaty unanimously. For Americans, the war succeeded splendidly. They had won a “second war of independence.” Even after the treaty had been signed, Great Britain considered the war a stab in the back—they still saw the Yankees as “degenerate Englishmen.” The British victory at Waterloo and the American victory at New Orleans, however, detracted from bad feelings on both sides. In addition, the end of the Napoleonic wars rendered issues such as impressment and neutral rights moot.

*The Battle of New Orleans and the Naval War of 1812 demonstrated that American soldiers were capable of fighting when well led, and that American ships and sailors were very good.*

### **Summary of the War of 1812**

U.S. Objectives of the War of 1812 were as follows:

- Get the British to repeal their Orders in Council, which placed severe trade restrictions on the Americans. (In fact, the Orders had been repealed before war was declared, but word did not get to America in time to stop the process.)
- Get the British to stop the impressment of American sailors into the Royal Navy.
- Assert Americans' rights to freedom of the seas. (*See Madison's War Message to Congress in the Appendix.*)

Despite early optimism, American war efforts were marred by poor preparation and management, ineffective leadership, and an ill-designed strategy. Americans expected victory even though they were unprepared. President Madison had problems with his administration of the war that were beyond his control. By the end of the war, however, the Americans were getting their house in order. In New England, where the Federalists were still strong, people refused to take an active part in the war effort. Great Britain was in a state of turmoil politically, which helped bring the war about and contributed the British involvement. King George III was by then totally insane, and the Prime minister (Spencer Percival) had been killed. Preoccupied with Napoleon, Great Britain appeared ineffective in executing offensive operations, which was fortunate for the Americans.

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<sup>39</sup> Future President Theodore Roosevelt wrote *The Naval War of 1812* at age 23. Written in 1882, it remains a fine account of the action by the U.S. Navy and includes a chapter on New Orleans.



In the end, America probably gained more than it lost from the war. If nothing else, the conduct of the war left powerful lessons: Wars should not be entered into lightly or for the wrong reasons; it is best to be prepared for war before the fighting begins rather than having to improvise once hostilities have actually begun. The latter lesson is one Americans have had to “learn” several times.

### **THE HARTFORD CONVENTION:** Further Hints of Secession

Resentment felt by New Englanders over Jefferson’s Embargo grew during the Madison administration; the so-called “Essex Junto” was still alive and kicking, though the actual membership had changed with time. When the war seemed to be going badly for the United States, a group of Federalists met in Hartford, Connecticut, in December 1814. They recommended changes in the Constitution that would have lessened the power of the South and the West. Many New Englanders were more than disenchanted with what they viewed as the “Virginia Dynasty.” (With the exception of the single term of John Adams, only Virginians had occupied the office of president since 1789.) Fortunately, more moderate voices prevailed; talk of secession and a Northern confederacy gained no traction. The Convention did, however propose several constitutional amendments:

- Abolish the 3/5 Compromise (Reduce Southern power in Congress.)
- Require 2/3 of the Senate approval to declare war. (One third of the states could then veto a war declaration.)
- Place a 60-day limit on any trade embargo.
- Permit presidents to serve only one term.
- Do not allow a president to succeed another president from the same state. (Prevent another “Virginia dynasty.”)

Unfortunately for the Federalists, they met on the eve of the conclusion of peace. Their proposal arrived in Washington more or less simultaneously with news of the Ghent Treaty and the victory at New Orleans. After those events, the Convention’s demands seemed irrelevant and disloyal. The proposed amendments never went anywhere, and the Federalist Party never recovered from the Hartford Convention. In the end, the Treaty of Ghent discredited the Federalists and killed their party.

### **Aftermath of the War of 1812.**

Although there were no “fruits of victory” following the war, some benefits did accrue to the United States, even though there was no victory. The American performance in the war, especially after Jackson’s overwhelming triumph in New Orleans, was convincing to Europe. The war brought an end to Barbary tributes, and freedom from harassment by pirates. As so often happened throughout American history, the Indians were the big losers. They backed the wrong side in the conflict—it was not the first time, nor would it be the last. Significant for all the Western world was the final defeat of Napoleon, which began a period known as the “Hundred Years’ Peace.” It began in Europe with the Congress of Vienna and continued more or less uninterrupted (with limited exceptions) until the outbreak of World War I in 1914.

Madison’s term ended on a fairly positive note. Whether it was a victory or a lucky draw, the American people felt satisfied with the results of the war, largely because of Jackson’s victory at New Orleans and several spectacular naval triumphs. Further, the old Federalist Party was now all but gone, and a new “Era of Good Feelings” was ushered in. Threatening talk about the “Virginia Dynasty” gradually died out.

*James Madison's legacy is still being debated, but in general it can be said that he was one of the key figures in the creation of the American Republic. He seems to many historians to be moving out of the shadow of his more famous Virginia brethren, and well deserves his title of "Father of the Constitution." He lived until 1836, the last of the great men of that era to pass on.*

### **The James Monroe Administration: Last of the "Virginia Dynasty"**

James Monroe, who succeeded his fellow Virginian James Madison as president, was Jefferson's law student and protégé. Jefferson once remarked that if you turned Monroe's soul inside out, it would be "spotless." Monroe was the last president to dress in the old colonial style. His distinguished cabinet included John Quincy Adams, John C. Calhoun and William Crawford, all three of whom became candidates for President.

Unlike his predecessors Thomas Jefferson and James Madison, James Monroe had served in a military capacity during the American Revolution. As a young lieutenant in the Continental Army, he crossed the Delaware with Washington en route to the Battle of Trenton. He was promoted to captain by General Washington for bravery in the battle and continued to serve with the Army through the winter at Valley Forge and the subsequent Battle of Monmouth. When Major Monroe departed from Washington's army in 1779 for duty in Virginia, Washington wrote of Monroe to a colleague in Virginia, "He has, in every instance, maintained the reputation of a brave, active, and sensible officer."<sup>40</sup>



By the end of the war James Monroe had reached the rank of colonel. In subsequent years he served in the Virginia Assembly and the Confederation Congress, where he championed the Northwest Ordinance. He then represented Virginia in the United States Senate. His diplomatic assignments have been discussed above. When he assumed the presidency in 1817, he was one of the most qualified men ever to win the nation's highest office. Biographer Gary Hart has described Monroe as America's "first national security president," based on his actions to strengthen America's borders and promote friendly relations with other nations.<sup>41</sup>

Monroe's First Inaugural Address showed that the Republicans had adopted many Federalist Nationalist principles—Monroe supported a standing Army, strong Navy, fortifications, and support for manufacturing. It was said at the time that "the Republicans have out-federalized federalism." But Monroe was still an old Jeffersonian at heart—he vetoed certain bills on Constitutional grounds, the only grounds, it was believed at the time, on which presidents could legitimately veto actions of Congress. (That would change when Andrew Jackson entered the White House.)

**Anglo-American Agreements.** In the aftermath of the War of 1812, both Americans and Britons were fatigued from decades of struggle. Although America did not fight in the Napoleonic wars, lasting tensions over neutral rights, etc., had kept the country on edge. Thus both parties were disposed to try to secure peace for the future and entered into negotiations to achieve that end. A Commercial Convention of 1815 ended unfavorable trade prac-

<sup>40</sup> Harry Ammon, *James Monroe: The Quest for National Identity* (New York, 1971) p. 28.

<sup>41</sup> Gary Hart, *James Monroe, The American Presidents* (New York: McGraw-Hill, 2005) p. 8.

tices by the British and allowed American access to various markets; an issue that could not be resolved in time of war was thus settled when the two nations were at peace.

**The Rush-Bagot Treaty.** In 1817 many armaments (naval forces and forts) remained around the shores of the Great Lakes. Furthermore, Canadians were very apprehensive about American expansionist tendencies. British Minister Charles Bagot and American Secretary of State Richard Rush reached an agreement in 1817 designed to reduce tension along the Canadian boundary and avoid a naval arms race. (Minister Bagot in Washington flattered the Americans, calling Dolley Madison a “queen” ) The Rush-Bagot Treaty provided the basis for an unguarded boundary and demilitarization of the Great Lakes. Each side was allowed to keep one ship on Lake Champlain and Lake Ontario and two ships on the upper Great Lakes, one a revenue cutter. The agreement was ratified by the Senate as a formal treaty, and became a model of disarmament. It created the longest unguarded international boundary in the world.

In another follow up to the Treaty of Ghent, Albert Gallatin and Richard Rush in London signed the Convention (Boundary Settlement) of 1818. It provided for the U.S.-Canadian boundary to be set along the 49<sup>th</sup> Parallel to the Rocky Mountains and provided for joint occupation of the Oregon Territory from there to the Pacific Ocean. The agreement also established the northern Louisiana Purchase border at the 49<sup>th</sup> parallel. In addition, Americans received perpetual fishing rights off the coast of Canada forever, and a commission was established to adjust territorial disputes.

**The Adams-Onis Treaty.** In 1819 Secretary of State John Quincy Adams negotiated the Transcontinental Treaty with the Spanish Minister in Washington, Luis de Onis. The Adams-Onis Treaty fixed the southern boundary of Louisiana to the Pacific Ocean and ceded Florida to the U.S. Adams’s position was aided by Andrew Jackson’s unauthorized foray into Florida, which Spain had difficulty governing. In addition, Mexico was threatening to revolt for independence, and Spain saw much of her colonial empire in America crumbling. The U.S renounced its claims to Texas and agreed to assume \$5 million in claims of Americans against the Spanish government. The result of the Adams-Onis Treaty, along with the Rush-Bagot agreement, was that all major border issues west to the Pacific were settled.

### **The Era of Good Feelings: *But with Hard Feelings Beneath***

Shortly after James Monroe was sworn in as president in 1817, he made a goodwill trip through New England. A Massachusetts newspaper applauded his visit and declared that the time was now an “Era of Good Feelings.” Historians have picked up that phrase, and it is generally associated with the period following the War of 1812. It is true that with the end of the Napoleonic wars and the ratification of the Treaty of Ghent, the world was a much calmer and safer place. Captain Stephen Decatur had neutralized the Barbary Pirates and American trade was free to go forth with its accustomed vigor.

Symbolic of the general feeling of goodwill in the nation, James Monroe ran unopposed for reelection in 1820 and received every electoral vote but one. Although the Federalist Party had disappeared by 1820, some of their nationalist ideas persisted. For example, although Republicans had opposed the national bank in Jefferson’s time, Madison had found it inconvenient to run a war without a national financial institution at his disposal, so the Bank was re-chartered in 1816. Madison also felt that a peacetime standing army and a strong Navy were essential safeguards for the country.

The Embargo of 1807-1809 and the War of 1812 had stimulated manufacturing and industry in the United States, and a system of protective tariffs was felt to be useful. As the export of southern cotton drove the economy of that region to new heights, prosperity seemed well distributed throughout the land. Tariffs and land sales provided all the income that the national government needed to support its operations comfortably. The treaties discussed above improved America's relations with foreign powers.

In short, it seemed to be a time of peace, prosperity, and liberty; the Jeffersonian balance between individual liberty and responsible government had apparently been reached. Yet the Era of Good Feelings could not last in a society of so many contending interests. Although the surface of public affairs appeared calm, significant troubles were roiling not far below the surface.

Substantial population growth, improved transportation links within the various sections, and attacks on the institution of slavery contributed to a growing sense of regionalism in the new nation. Powerful sectional loyalties had already begun to undermine national unity. The trans-Appalachian West—with its rich soil and developing system of water transportation—experienced substantial growth after 1790. Native Americans offered some resistance but were pushed aside by the onrushing settlers. The growth in the West typified the incredible population growth of the whole nation. Areas that had been populated by Indians and fur traders became the states of Kentucky, Tennessee, and Ohio, and by 1819 nine new states had been added to the original thirteen. The mix of people in the West led to the creation of a new regional culture of a rootless, optimistic folk. Their interests soon diverged from their Eastern, urban oriented brethren, and the country began to divide along sectional lines.

Differences between different sections of the country were exacerbated by a financial panic which swept across the country in 1819. The lucrative trade that followed the War of 1812 slowed to a near halt, and people lost their jobs in urban areas. Banks failed, mortgages were foreclosed and farm prices took a precipitous drop. The financial problems were not limited to any one area of the country; they swept from the eastern cities to the western agricultural regions. Declining cotton prices hurt the South, and many people blamed the problems on the banks.

### **Regional Issues, 1815 to 1860**

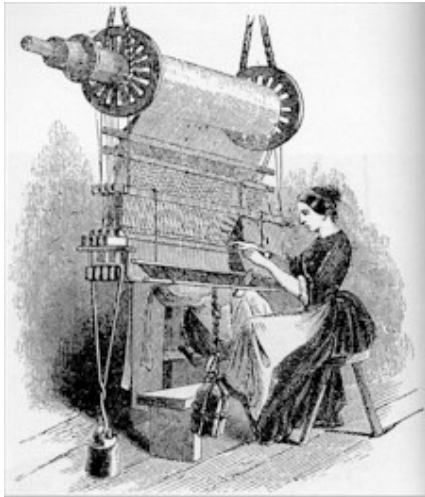
**The Tariff.** Tariffs are taxes assessed by the national government on imported goods, and they have two basic purposes. Revenue tariffs are relatively low import duties collected on all imports and are used to offset the expense of maintaining the necessary apparatus to control national ports and borders. Monitoring the inflow of people and goods into a nation can be expensive, and tariffs help offset the costs. Modest revenue tariffs are accepted as a necessary means of doing business internationally.

The second kind of tariff is the protective tariff, and it has a quite different purpose. Protective tariffs are duties laid on particular goods designed to help the manufacturers or producers of similar products in the host nation by artificially raising the price of foreign goods. Tariffs can be of a specified amount or *ad valorem* as a percentage of the product's value.

Obviously, goods that a nation does not produce in abundance will not be assigned protective duties. Products which foreign competition tends to render unprofitable are supposedly aided by high protective tariffs. The difficulty with protective tariffs is that they raise prices for domestic consumers. When levied on products that are produced regionally, they tend to

favor one part of the country over another. Furthermore, they tend to generate retaliatory measures by other nations.

Under the Constitution Congress has the sole power to levy tariffs, a change from the Articles of Confederation, under which the states had the right to do that on their own. Early tariffs were designed primarily for revenue, although there was some moderate protectionism attached to them.



The Tariff Act of 1816 was enacted to protect American manufacturing against British postwar textile imports and promote national economic self-sufficiency. The Panic of 1819 encouraged high tariffs in order to protect American jobs, a factor which also tends to make tariffs attractive to consumers. Commercial interests of New England, for whom trade was often reduced by high tariffs, were not always in favor of the duties because of retaliation by trading partners. Further, high tariffs tended to reduce imports, which hurt merchants. For the most part, however, heavier duties were supported in every section of the country. In time, however, the South and Southwest turned against protective tariffs, concluding that they increased the costs of manufactured goods and inhibited the export of southern cotton. Manufacturing in the South was inhibited by the South's concentration on growing cotton.

Tariffs continued to rise in the 1820s as duties on manufactures, woolen goods, cotton, iron, and finished products continued to move upward. Because of the economic importance of the New England textile industry, that region supported protective tariffs on goods produced in the New England mills. In 1828 the highest tariff in the pre-Civil War period was passed. In the South it became known as the Tariff of Abominations, which led to the nullification crisis of 1832 (discussed below.) Following that crisis tariffs were gradually lowered (with intermittent rises) until the time of the Civil War.

**Internal Improvements.** Internal improvements is the name given to what we today call infrastructure building. The southern and western parts of the United States needed roads, canals and harbor facilities to get their goods to market. Most of the older sections of the country, the east and northeast, had already built those facilities at their own expense. The issue was how much federal money should be put into building projects that did not cross state lines. The states that needed large capital investment to improve transportation facilities often lacked the funds to support them and sought federal assistance. Westerners, for example, were most enthusiastic for federally financed internal improvements such as the National Road, which would connect them with eastern markets.<sup>42</sup>

Those regions which had already invested capital in internal improvements did not want to spend money on what they already had. For most part, during the early 19th century the federal government stayed out of the construction of internal improvements. In 1817 President Madison believed that a Constitutional amendment would be needed for the U.S. to get into building of improved roads or canals. John C. Calhoun supported federal expenditures for transportation under the notion of the "general welfare" clause and for military neces-

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<sup>42</sup> The National Road was the first federally funded improved highway project in America. It eventually stretched from Baltimore to Vandalia, Illinois (where the funding ran out.)

sity. (Interestingly, President Eisenhower sold the idea of the interstate highway system in the 1950s on the basis of national security.) Although not a large issue, the question of internal improvements did sharpen regional differences.

**Land Policy.** The liberal land acts of 1800 and 1804 reduced the price of public land and the minimum size unit available for sale. Sales boomed, slumped during the War of 1812, then boomed again until 1818. Next agricultural prices fell as foreign markets shrank, and the Panic of 1819 destroyed many farms. The West strongly favored a cheap land policy while the North feared it would drain off cheap labor and provide less income for the federal government. The South worried about competition from cotton producers in the virgin lands of the Southwest.

Land was the most valuable asset that the federal government possessed, and selling it created a steady source of revenue. Liberal land policies also spurred development in the frontier regions and attracted immigrants. Understandably, people who wanted to go out west and settle favored cheap land that could be purchased on generous terms. Land speculators, who had no intention of settling on or developing the properties they owned, also wanted cheap land for selfish reasons. (There was no requirement for buyers to develop the land, as there would be in later land legislation.) Established interests, which tended to be concentrated in the East and Northeast, supported higher land prices to maximize profits for the government.

Despite the competing interests land sales boomed through much of the 19th century, and the income from land sales provided a major portion of the income needed to operate the federal government. For much of the 19th century the government operated very comfortably on the revenue from tariffs and land sales. In the later decades land sales and distribution would be used to finance the building of thousands of miles of railroads.

**The National Bank.** Most Americans today probably see banks as convenient places to save money and secure loans for automobiles, homes or new businesses; they probably don't think much about the relationship between banking policy and the overall economy.<sup>43</sup> What many Americans do pay attention to, however, is the cost of borrowing money. In other words, they pay attention to the interest rates that banks are charging for loans. The national banking system we have today is the Federal Reserve System, established in 1913. The Federal Reserve System with its twelve member banks controls the vast majority of the banks in the United States and determines basic interest rates. The interest rates that "the Fed" charges to member banks determine the interest rates that banks charge for home loans and so on.



Second National Bank, Philadelphia

The first Bank of the United States was created by Alexander Hamilton during the first Congress. It was chartered in 1791 for 20 years, but its charter was not renewed in 1811. Some who opposed the bank questioned its constitutionality; others opposed its competition with state banks and the fact that most of its stock was foreign owned. Absence of a national bank during the War of 1812, however, complicated war financing and lowered the value of bank notes. In response, Congress created a Second Bank of the United States in 1816, again chartered for 20 years. The new bank was badly ma-

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<sup>43</sup> The banking crisis of 2008 has substantially changed Americans' views of the financial sector.

naged at first and was associated with the Panic of 1819. New management and tighter credit policies saved the bank, but at the expense of public favor.

The national bank in the early 1800s did essentially the same thing that the Federal Reserve system does today: it determined the value of money. When there was no national bank, all banking was done by state banks. They issued paper banknotes based on their gold and silver deposits, which circulated as currency, and they made profits by loaning money. Absent strong controls on what the banks were allowed to do, many banks (sometimes known as "wildcat banks") loaned money indiscriminately in hopes of maximizing profits. They sometimes issued more paper banknotes than they could safely cover with their gold and silver reserves; for paper to have any value in that era, it had to be backed by hard money. (During the American Revolution, paper Continental dollars unbacked by specie were all but worthless.)

Speculators and people who wanted to buy land favored loose banking policies because money was easy to get. Since the value of money tended to go down as more and more notes were issued, the condition known as inflation, loans were relatively easy to repay. Furthermore, in an inflationary economy with rising prices, people who were obliged to borrow money in order to do business, such as farmers, favored inflation as it would drive up the prices they could get for their products and therefore their profits. Those competing interests tended to divide along sectional lines, as did the tariff and land policies.

Bankers, on the other hand, resisted inflation, for if they loaned money at 5% interest, but inflation proceeded at a 5% rate, the money they were paid back for loans was worth less than the money they had originally given to borrowers. The Bank of the United States controlled the value of currency by requiring state banks to redeem their own banknotes to the national bank in hard currency or specie when the national bank presented their notes for payment. Thus if speculators on the frontier borrowed money from a state bank, and used that money to pay the federal government for land, and that bank paper wound up in the possession of the national bank, then the national bank could demand payment in gold or silver.

That relationship between the National Bank and the state banks placed a brake on the propensity of state banks to lend beyond the capacity of their reserves to cover their paper, which in turn tended to hold down inflation. The presence of the national bank was therefore seen as a positive influence that helped maximize the profits of banking interests, while those who used banks for loans saw the national bank as harmful to their interests.

In 1815 President James Madison realized that the country was in a financial muddle; the United States had had to return \$7 million in gold to England in 1811. Banking policy was confused, and the competing interests of debtors and creditors kept the nation in financial turmoil. Madison said that if state banks could not control currency, a national bank was necessary. Treasury Secretary Dallas introduced a new bank bill, which passed in 1816.

The Second Bank of the United States lasted until Andrew Jackson vetoed the bill to recharter it in 1832. Although the Second National Bank did well under the leadership of Nicholas Biddle, Jackson was not friendly to banks.

### **The Divisive Issue Of Slavery**

While there were squabbles over the tariff, the bank, internal improvements and land policies, the most divisive sectional issue was slavery, although the issue generated surprisingly

little controversy from 1789 to 1819. As had been true at the time of the Constitutional Convention, many people believed that slavery would eventually die out. Indeed, although slavery existed in the North until into the 1840s, the numbers were small, and all northern states had provided for its eventual end.<sup>44</sup> Slave importations increased during the 1790s, but the slave trade was quietly abolished in 1808, when all the states except South Carolina had ceased to import slaves. The shift to less labor-intensive crops in states like Virginia meant that many regions had an excess of slaves and no need for imported slaves, which led to the internal slave trade that continued until the Civil War.

As mentioned above, some of the framers of the Constitution had felt, perhaps reasonably and sincerely, that slavery was diminishing in the United States. In fact Virginia had reduced its number of slaves substantially during the 1780s. Virtually all of the founding fathers looked with disfavor on slavery; Washington, Jefferson, Madison, John Adams, Alexander Hamilton, George Mason, and numerous others were more than a little uneasy about the institution in the country based upon the notion that “all men are created equal.”

A major factor in the evolution of slavery was the invention of the cotton gin, attributed to Eli Whitney, but probably invented by a slave. The cotton gin transformed the cotton industry and made it possible to produce more cotton of different varieties faster and more cheaply, thus allowing Southern cotton interests to make substantial profits. At the same time, the textile industry in England, which was at the forefront of the first industrial revolution, created a great need for supplies of cotton. The demand kept prices up, and merchants and traders in the Northeast profited from the traffic as well. Thus cotton—and slaves—continued to drive the engine that drove the Southern economy.

By 1819 free and slave states had entered the Union in equal numbers, and slave-produced cotton became king in the South. Southerners ardently defended slavery while most northerners were indifferent, believing that slavery was a local issue. Many westerners, especially native southerners, also supported slavery. The moral issue of slavery, always lurking in the background, was not prominent in the early 1800s. The first crisis over slavery since the Constitutional Convention occurred when Missouri sought to be admitted in 1819. (The Missouri compromise will be discussed below.)

Around 1830 the abolitionist movement began and opponents of slavery began to challenge the “peculiar institution” on moral, humanitarian, religious, and libertarian grounds. Jefferson's statement that, “we have the wolf by the ear, and we can neither hold him, nor safely let him go”<sup>45</sup> lost traction once the moral issue began to be raised. The issue of slavery was not always at the forefront of public debate, but as the years went on and the abolitionist movement grew in strength, the moral issue could no longer be ignored.

Many southerners who were opposed to slavery stuck with it because of large amounts of invested capital in land, cotton and slaves. Many Northerners who opposed slavery were also afraid of a flood of cheap labor into northern manufacturing if the slaves were freed. Southern non-slave owning farmers who could not afford slaves resented what they saw as unfair competition from slave labor. Most were small farmers; large farms could hardly operate without slaves. In 1819 the federal government offered a \$50 bounty to informers of illegal slave importers. The foreign slave trade was declared to be piracy, and the death pe-

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<sup>44</sup> By 1850 there were fewer than 300 slaves north of the Mason-Dixon line (not counting run-aways.)

<sup>45</sup> Thomas Jefferson ltr. to John Holmes, April 20, 1820.



penalty was authorized for American citizens engaged in the international slave trade. The controversy over slavery would continue until the Civil War broke out in 1861.

## The Monroe Doctrine

The Monroe Doctrine, a cornerstone of American foreign policy, was the result of events that began in Europe. Following the Napoleonic Wars, a Quadruple Alliance was created in 1815 among Great Britain, Prussia, Russia and Austria. France was admitted in 1818, making it the Quintuple Alliance. Its purpose was to restore the world to prewar status, which could have included the return of Spanish rule over colonies in Latin America. The British, who remained detached from the Alliance's continental moves, hoped to keep the former Latin American colonies free from Spanish control in order to advance their own commercial interests. British Foreign Secretary George Canning proposed a joint Anglo-American action to prevent intervention of the Alliance nations in the New World.

Although President Monroe's informal advisers, Jefferson and Madison, urged cooperation with the British, Secretary of State John Quincy Adams had other ideas. He was more concerned about Russia's claims in the Pacific Northwest and about potential French or Spanish intervention in South America. Russia owned Alaska and had ventured down the Pacific coast into California, where they built a fort. Arguing that the United States should not be following "in the wake of a British man of war," Adams recommended that the United States act unilaterally to establish policy with regard to the Western Hemisphere.<sup>46</sup> Adams and Monroe decided to use the president's annual message to Congress as a platform to announce the policy. Working with his secretary of state, President Monroe presented a draft to his cabinet on November 21. It included the ideas Adams had put forth in responding to Canning's proposal. (*See the Monroe Doctrine in the appendix.*)

The final document was delivered on December 2, 1823. It included the following points:

1. The American continents ... are henceforth not to be considered as subjects for future colonization by any European powers;
2. In the wars of the European powers ... we have never taken any part, nor does it comport with our policy to do so.
3. The political system of the allied [European] powers is essentially different ... from that of America.
4. The United States should consider any attempt on [the part of the European powers] to extend their system to any portion of this hemisphere, as dangerous to our peace and safety.
5. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere.
6. With the governments [in Central and South America] who have declared their independence, we could not view any interposition for the purpose of oppressing them, or controlling. . their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition towards the United States.

The European response to the Monroe Doctrine (not so called until after 1850) was one of ridicule and scorn; they called it "haughty," "arrogant," even "monstrous."<sup>47</sup> Europeans claimed that the doctrine had no standing in international law. Although the U.S. had

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<sup>46</sup> Thomas A. Bailey, *A Diplomatic History of the American People*, 8<sup>th</sup> ed., (New York: Appleton, 1969) 182.

<sup>47</sup> Bailey, 187.

shunned British overtures, the effectiveness of the Monroe Doctrine was nevertheless dependent on the Royal Navy. Yet the announcement of the Monroe Doctrine and the response underscored one significant result of the War of 1812: United States independence was no longer an issue. The most severe challenges to the Monroe Doctrine were to come later in American history as America assumed a protective stance toward its southern neighbors, which often created resentment in those nations.

The Hundred Years' Peace left the United States free to pursue its continental destiny essentially undisturbed by European affairs. Although Europe was by no means free from turmoil for the remainder of the century, there would not be another major war in the Western World until 1914. Americans felt detached enough from Europe that suggestions were sometimes advanced that the United States should abolish the State Department (or at least the diplomatic corps) on the grounds of irrelevance. While none of those suggestions were seriously considered, the fact that some people felt that way is an indication of American attitudes.

## Political Developments

As the years of international conflict waned, domestic affairs rose to the fore in the American political system. Economic issues, the further growth of democracy, the creation of new states, and the spread of American settlers into the Mississippi Valley were the focus of the political leaders of the 1820s and beyond. American political development was far from complete. The men who sought to develop and extend the American Republic faced challenges less daunting than those of their predecessors, perhaps, but they were still important. The American nation was growing and evolving, far more rapidly than men and women of the first generation had expected.

## The Second Generation of Political Leaders

The national leaders who followed in the footsteps of the founding generation were by many measures lesser men than the giants who had gone before. Many sought the presidency, but those elected to the nation's highest office were not always the best men for the job. Nevertheless, this second generation kept American democracy moving forward. They were still not able, however, to solve the nation's biggest problem, slavery.

Here are brief sketches of some of the leaders of the early 19<sup>th</sup> century.

### John Quincy Adams: Nationalist



As President James Monroe's secretary of state, John Quincy Adams, was the North's best known political leader in the 1820s. Originally a Federalist like his father, Adams converted to the Republican party after 1800. Adams was capable, ambitious, and intelligent, but he was inept in personal relationships and was a demanding perfectionist. He was a committed nationalist, open-minded toward tariff policy, and supportive of the bank and internal improvements. He is by consensus one of America's most brilliant diplomats and co-author with James Monroe of the Monroe Doctrine. He negotiated a number of treaties favorable to the United States.

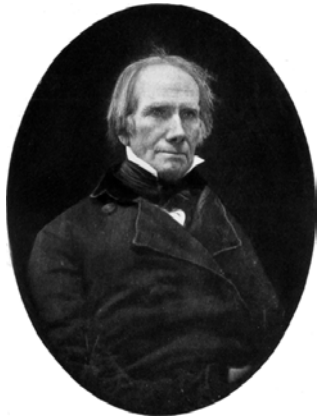
Adams served 18 years in the House of Representatives after being president, the only former president ever to do so. During his years in Congress he struggled mightily against the institution of slavery, which he abhorred. He ar-

gued for the freeing of slaves in the United States Supreme Court in the case of the slave ship, *La Amistad*, whose story is now well known from the Stephen Spielberg film *Amistad*. John Quincy Adams collapsed on the floor of the House in February, 1848, and died in the United States Capitol two days later.

### **Daniel Webster: Lawyer and Orator, the “Divine Daniel”**

Daniel Webster was a powerful congressional leader, a skillful constitutional lawyer and remarkable orator. Though a rhetorical nationalist, Webster was devoted to serving the business interests of New England. He opposed the War of 1812, protective tariffs, the bank, cheap land, internal improvements, and slavery. His most famous orations include his appeal to the Supreme Court in the *Dartmouth College* case, his famous “Union Address” of 1832, and his plea for the Union in the senatorial debates over the Compromise of 1850. He was also co-author of the Webster-Ashburton Treaty of 1842. His eloquence was such that when he was scheduled to deliver an address in the Senate, the gallery would be filled to capacity, and crowds would stand in the corridors outside to hear the great man speak.

### **Henry Clay: The Great Compromiser**



Henry Clay of Kentucky was one of the most charming political leaders of his generation. One of the original “war hawks,” he was elected to the House of Representatives in 1811 and was elected Speaker of the House on his first day in office. Clay used his charisma and skill at arranging compromises to carry him far in national politics. He was instrumental in creating the Missouri Compromise of 1820. (Discussed below.) He authored the American System of protective tariffs and internal improvements, canals, harbors, railroads, post offices and roads, to meld the interests of east and west. He supported the bank, and, a slave owner himself, he disliked but tolerated slavery. He ran for president four times, never successfully. A third party probably kept him from being elected president in 1844.

### **Martin Van Buren: The “Red Fox”—“Little Magician”—“Old Kinderhook”**

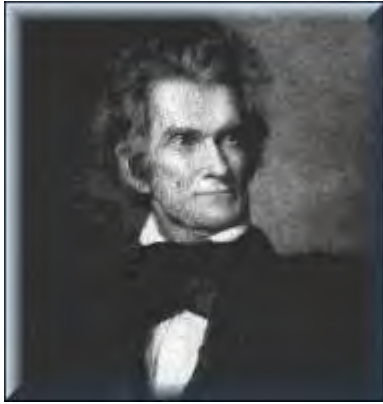
Martin Van Buren, the affable leader of New York’s “Albany Regency,” an early political machine, was the most masterful politician in the North. He seldom took a strong position on any key issues of the day; to him, issues were merely means of winning elections. When invited by Andrew Jackson to be secretary of state, he was reluctant to accept the position. Colleagues warned him against joining the rough and ready “Old Hickory.” He accepted, however, and later wrote that when he first looked into Jackson’s eyes, he knew he had made the right choice. Van Buren served Jackson loyally, and the president included him on the ballot as his vice-presidential candidate in 1832. He succeeded Jackson in the White House in 1837. Although indecisive on the slavery issue early in his career, he ran for president in 1848 on the Free Soil Party along with Charles Francis Adams, John Quincy’s son.

### **DeWitt Clinton: Governor of New York**

DeWitt Clinton was a political mover and shaker and the major force behind construction of the Erie Canal. As Governor of the Empire State, he was an early holder of that powerful position, often seen as a path to the White House. Five New Yorkers have been president, and at least twice that number have been significant players in presidential politics. Early in

his career he served as senator from New York and mayor of New York City. Opposed to machine politics, he promoted a number of political reforms in New York, including reduction of the term of governor from four to two years. He was one of New York's greatest governors, and his reputation spread far beyond his home state.

### **John C. Calhoun: Nationalist and Spokesman for the South**



John C. Calhoun of South Carolina possessed a powerful intelligence. He was a staunch nationalist during the era of the War of 1812 and in fact was one of the "war hawks." He was elected vice president twice under two different presidents but resigned the post over differences with Andrew Jackson. He served in both houses of Congress and held the positions of Secretary of War and Secretary of State.

To keep his home base in South Carolina solid, he had to move in the direction of states' rights, which made him the foremost spokesman of the southern cause, but less and less a viable candidate for president. His critics claimed that no human blood ran in his veins, but he could be powerfully persuasive in the Senate and in various offices which he held. A staunch defender of Southern interests, he argued eloquently for the rights of slave-owners, whom he saw as under attack from abolitionist groups in the North.

*Note: The careers of Calhoun, Clay and Webster were so intertwined that they became known as the "Great Triumvirate." All three men had great power and influence, though none became president.<sup>48</sup>*

Additional figures include **William H. Crawford** of Georgia, the great manipulator and states righter, whose stroke in 1824 took him out of the presidential race; **Thomas Hart Benton**, a colorful expansionist who supported homestead legislation and internal improvements, but who vehemently opposed all banks—he was the champion of small western farmers; **William Henry Harrison**, winner of the Battle of Tippecanoe; elected president in 1840 he served only 30 days as he died from complications from pneumonia, allegedly contracted during his inaugural speech (at two hours, the longest inaugural address ever); and **John Tyler** of Virginia, a one-time Democrat who broke with Jackson over states' rights and was the first vice president to succeed to the White House (on the death of Harrison.)

### **THE MARSHALL COURT and U.S. BUSINESS**

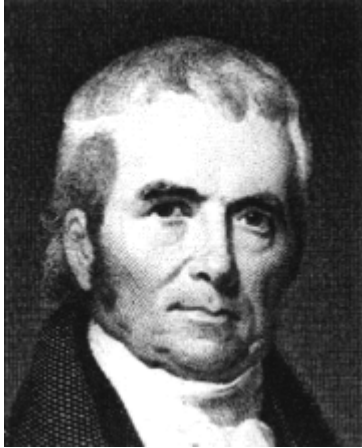
Chief Justice John Marshall was introduced when we discussed the cases of *Marbury v. Madison* and the trial of Aaron Burr. In his middle years on the court, Marshall decided a number of cases that bore on relations between the federal government and the states. Marshall was a strong nationalist who held a Hamiltonian view of the Constitution. His decisions constantly favored manufacturing and business interests, advanced economic development, and established the supremacy of national legislation over state laws, both generally and in

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<sup>48</sup> Merrill D. Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York: Oxford, 1987.)

ally and in the economic arena. He also affirmed the Constitution as “the Supreme Law of the Land.”

John Marshall's father, Thomas Marshall, a lawyer for George Washington, had trained his son in the law when John was still in his teens. Educated mostly at home, John Marshall had studied William Blackstone's *Commentaries on the Laws of England*, the most famous legal text of its time, and had learned by heart much of the poetry of Alexander Pope. He served in the Virginia militia early in the Revolution and was later on Washington's staff during the winter at Valley Forge.



Following his service in the American Revolution Marshall attended law lectures given by George Wythe at the College of William and Mary, and his license to practice in Virginia was signed by Governor Thomas Jefferson, ironic because of the bitterness that arose between the two men. He developed a successful law practice in Richmond and argued a case before the United States Supreme Court. Offered the position of Attorney General by George Washington, he was obliged to turn it down because of business demands. (At Washington's request he forwarded the letter to the next candidate in line—the process of appointing cabinet members was far less formal in those days.)

Marshall's nationalist decisions strengthened the power of the federal government, but his decisions were always written with a thorough explanation of constitutional principles. His clear definitions of obligations under legal contracts and jurisdictional matters regarding commerce provided the basis for the expansion of American capitalist enterprises.

Marshall's tenure on the Court established not only important legal precedents, but the great Chief Justice also instituted practices still followed by the court. For example, the justices all shake hands before entering the chambers to hear a case. The collegiality instituted by Marshall among the justices has persisted down to the present time. A colleague and friend of Marshall once remarked of the man, “He was more loved than he was respected, and he was very much respected.”

**The Marshall Court** set important precedents in its decisions, many of which established important building blocks of American jurisprudence. The Marshall Court:

- Upheld the sanctity of contracts, beginning with *Fletcher v. Peck*, the Yazoo Land Fraud case in 1810;
- Asserted the precedence of federal power over state authority, and in *McCulloch v. Maryland* (1819) the Court affirmed the constitutionality of the Second Bank of the United States, thereby legitimizing the doctrine of implied powers;
- Defined Interstate Commerce in *Gibbons v. Ogden* in 1824 and asserted the right of the Federal Government to exclusive control over that commerce, though later decisions granted the right of states to act where the Federal Government had not done so;
- Nationalized many issues, and can be said to have made the U.S. far more amenable to capitalism;
- Established a hierarchy of law: Constitution—Federal—State.

## **Marshall's Leading Decisions**

**1803 *Marbury vs. Madison*** [see above, p. 187]. Marshall claimed for the Court the right of judicial review—the power of the Supreme Court to nullify federal laws found to be in conflict with the Constitution. In so doing he made a large move in the direction of achieving co-equal status for the court, which until then had been anything but. (Jefferson would have preferred to keep it that way.)

### **1810 *Fletcher v. Peck***

*Fletcher* was the first case in which a state statute was held void under the United States Constitution. The case originated in a 1795 action of the Georgia legislature, which in 1795 was bribed into granting public lands to four groups of purchasers known collectively as the Yazoo Land Companies. That land comprised much of what are now the states of Alabama and Mississippi. Popular indignation forced the legislature in 1796 to rescind the grant, on the ground that it had been secured by fraud. By that time, however, some of the land had been purchased by innocent third parties in New England and other parts of the country. Those buyers contested the validity of the rescinding act, contending that the original grant could not be repealed without violating the Contract Clause in Article I, Section 10: *No State shall pass any Law impairing the Obligation of Contracts.*

Marshall's decision declared that a public land grant issued by a state qualified as a contract. According to the Constitution, that contract could not be abrogated without fair compensation to the buyers. Marshall's ruling meant that cancellation of the purchase agreement was an unconstitutional impairment of the obligations of contract.

The decision was important for the protection of the vested rights of private property and extended the purview of the Contract Clause to public as well as private contracts. The decision made the clause applicable to transactions to which the state itself was a party. Speaking for a unanimous Court, Marshall wrote: "Is a clause to be considered as inhibiting the State from impairing the obligation of contracts between two individuals, but as excluding from that inhibition contracts made with itself? The words themselves contain no such distinction. They are general, and are applicable to contracts of every description."

### **1819 *Dartmouth College v. Woodward***

The Dartmouth College case arose from a dispute between the legislature of New Hampshire and the Trustees of Dartmouth College. Dartmouth College was incorporated by a royal charter in 1769, which established a permanent Board of Trustees. In 1816 Republicans gained control of the legislature and changed the Dartmouth charter, increasing the number of trustees and placing the Board of Trustees under the control of the governor. The trustees sued, claiming that the United States Constitution contract clause rendered the state action invalid. When the college lost its case in the New Hampshire state courts, Daniel Webster brought the case to the Supreme Court. Webster's eloquent plea for the college brought tears even to the eyes of Justice Marshall.

John Marshall decided the case, however, solely on the issue of the contract clause. He declared that the charter which created a college was a contract that had created a corporation. In so doing he defined a corporation as "an artificial being, invisible, intangible, and existing only in contemplation of law." The corporation, he went on, possesses properties of "immortality, and, if the expression may be allowed, individuality; properties by which a perpetual succession of many persons are considered as the same, and may act as a single

individual." In other words, a corporation is a permanent legal creation which has essentially the same rights as an individual. Again citing Article I, Section 10 of the Constitution, he claimed that a contract was "beyond legislative control."

*The significance of the sanctity of contracts and the definition of a corporation for the furtherance of business enterprises cannot be overstated. Marshall's decision repeatedly strengthened the economic landscape for the development of capitalism.*

### **1819 McCulloch v. Maryland**

The case of *McCulloch v. Maryland* involved the Second Bank of the United States and addressed the issues of national supremacy and implied powers in the Constitution. Opponents of the Bank of the United States sought state support to oppose the bank, and the Maryland legislature passed a law placing an annual tax of \$15,000 on the bank. James McCulloch, the cashier of the Baltimore branch of the Bank, refused to pay the tax.

Marshall first attacked the question of whether or not the federal government had the right to create a national bank. Following the same line of argument as that used by Alexander Hamilton when the first bank was created, Marshall affirmed the right of the federal government to create a bank under the doctrine of implied powers. Marshall argued that the national government was "supreme within its sphere of action." He believed that the Constitution should not be read as a detailed blueprint, but a matter of general powers. Marshall wrote that although the word "bank" does not appear in the Constitution:

[W]e find great powers to lay and collect borrow money; to regulate commerce; to declare and conduct a war; and to raise Support armies and navies. ... But it may with great reason be contended that government, entrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation vitally depends, must also be entrusted with ample means for their execution. The power being given, it is the interest of the nation to facilitate its execution. It can never be their interest, and cannot be presumed to have been their intention, to clog and embarrass its execution by withholding the most appropriate means.

Common sense required that necessary had to be understood in the sense of "convenient" or "conducive" to the business of government, rather than absolutely necessary. Once concluding that the federal government had the right to pass a law creating a corporation, namely, the National Bank, Marshall stated what to him was obvious: the power to tax is the power to destroy. If the state of Maryland could pass a law that could tax the National Bank, it could tax it out of existence. The net effect would be to nullify a federal law. But, said Marshall, federal law overrules state law and thus the Maryland law was unconstitutional. He wrote:

That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one government a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions not to be denied. ...

That the power of taxing [the bank] by the states, may be exercised so as to destroy it is too obvious to be denied.

## 1824 *Gibbons vs. Ogden*

*Gibbons v. Ogden* is the steamboat case. New York state had awarded to Aaron Ogden a monopoly right to operate a steamboat ferry between New York and New Jersey. Thomas



**Marshall**

Gibbons operated a rival steamboat line and claimed the New York did not have the power to give Ogden an exclusive right. Examining the language of the Constitutional commerce clause Marshall argued that steamboats fell under the idea of commerce and that the federal government had the exclusive right to regulate interstate commerce. New York's granting of a monopoly conflicted with federal powers.

The net result of the aforementioned cases is that Marshall established firmly that the Constitution was the supreme law of the land. All federal laws must conform to the Constitution or they shall be declared null and void. Likewise, state laws must conform to the Constitution. If state laws could nullify federal laws, then federal laws would be form without substance; state laws must not conflict with or contradict federal laws. In addition, where the Constitution gives powers over certain enterprises to the federal government, states may not usurp that power. In the struggle over states' rights that eventually led to secession, that principle would be challenged again and again, but Marshall's view eventually prevailed.<sup>49</sup>

In subsequent cases such as *Sturges v. Crowninshield* and *Cohens v. Virginia* Marshall continued to argue that state laws absolving debtors of their obligations were an impairment of contractual obligations. He also determined state court decisions were subject to review by the Supreme Court when constitutional issues were involved. In all, John Marshall wrote well over 500 decisions during his tenure, and the great majority were unanimous.

## The Missouri Compromise: Slavery Creates a Crisis

The Panic of 1819 worsened tension between the sections, and growing sectionalism repeatedly influenced the politics of the 1820s. The most sharply divisive event was the Missouri Crisis of 1819-1820. Many of Missouri Territory's settlers were native southerners who owned slaves, and they petitioned for Missouri's admission as a slave state. But New York Congressman James Tallmadge's amendment to the admission bill called for the gradual abolition of slavery in the proposed new state. This was the first attempt to restrict the expansion of slavery since the Northwest Ordinance of 1787. The Tallmadge amendment was fiercely debated—it passed in the House but lost in the Senate.

The debate generated by the Tallmadge Amendment did not deal with the morality of slavery or the rights of blacks; what was at stake was political influence. Neither was it about the existence of slavery in the Southern states, but rather about it being further extended. At the time there were 11 slave states and 11 free states. Missouri's admission would give the slave states a majority, thus frightening northerners who already complained of the advantages the South gained from the Three-Fifths Compromise and who also feared having to compete with slave labor. Still, the free states had a 105-81 edge in the House of Representatives, as the North's population was growing more rapidly. Ironically, the North's more rapid growth was partially attributable to slavery, since immigrants did not want to go where they would have to compete with slave labor.

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<sup>49</sup> In the 1869 case of *Texas v. White*, the Supreme Court held secession to be unconstitutional.



The moral issue of slavery was not yet a serious question for open debate—that would come with the advent of the abolitionist movement about a decade later. Nevertheless, the Missouri crisis was serious and a significant harbinger of things to come. Henry Clay, known as the “great compromiser,” stepped in. Clay took advantage of the fact that Maine had applied for admission as the 23<sup>rd</sup> state, making it possible to strike a balance. The Missouri Compromise admitted Missouri as a slave state and Maine as a free state. The Thomas Amendment barred slavery north of the 36x30° latitude in the old Louisiana Purchase Territory. (The line runs along the southern boundary of Missouri.) Southerners accepted the terms since they believed the banned territory was environmentally hostile to slavery anyway, thinking it was part of the “great American desert.”

Clay also worked out the Second Missouri Compromise when the Missouri constitution contained a clause that banned free blacks from migrating the state. It stated that the General Assembly had the duty to pass laws “To prevent free negroes and mulattoes from coming to, and settling in, this state, under any pretext whatsoever.” Clay’s Second Compromise said that the exclusionary clause “shall never be construed to authorize the passage of any law ... by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States.”

*The second compromise was accepted, but it was really accomplished by smoke and mirrors—it said, in effect, that the Missouri Constitution did not mean what it said. But in the climate of the times, it was accepted with relief, and the country did not have to confront the slavery issue again until 1850, but by that time the abolitionist movement had thoroughly transformed the dynamics of the debate. It would be much harder next time.*

Reaction to the Missouri Compromise was mixed: it was seen as a temporary solution at best; strong feelings about the slavery would continue to smolder. To Thomas Jefferson, the issue sounded like a “fire bell in the night”<sup>50</sup>; he had previously written, as inscribed on the walls of the Jefferson Memorial:

God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just, that his justice cannot sleep forever. Commerce between master and slave is despotism. Nothing is more certainly written in the book of fate than that these people are to be free.

### **The Election of 1824: A “Corrupt Bargain”**

As James Monroe’s presidency moved through its second term, in the absence of any clearly defined party, five regional candidates emerged as contenders for the election of 1824: John C. Calhoun of South Carolina; John Quincy Adams, Monroe’s secretary of state; Andrew Jackson, the hero of New Orleans; Henry Clay of Kentucky, the “Great Compromiser”; and William H. Crawford of Georgia, former Minister to France and Monroe’s secretary of the treasury. An illness eliminated Crawford, and Calhoun, still a relatively young man, withdrew early in the game and ran for vice president under Adams and Jackson. He was elected both times.

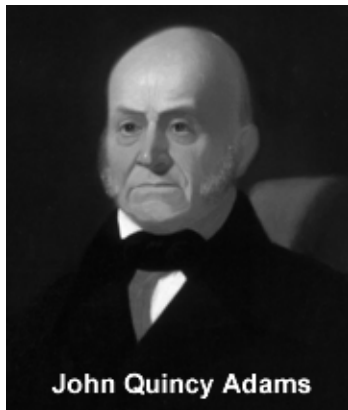
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<sup>50</sup> Thomas Jefferson ltr. to John Holmes, April 20, 1820.

With a divided vote, no candidate won a majority in the Electoral College; thus the election was moved into the House of Representatives, the last time that has occurred. In the actual election Jackson received about 151,000 popular votes and 99 electoral votes; Adams received over 110,000 popular votes and 84 electoral votes. Henry Clay came in a distant third in both categories. It is worth noting that the population of the United States at the time was about 12 million, which shows that in many states the people still did not vote for the presidential electors. State legislatures chose the presidential electors in those states.

With majorities in both electoral and popular votes, Andrew Jackson felt he was entitled to the presidency. But behind the closed doors of the House of Representatives the deliberations produced a different result. John Quincy Adams was elected president, and he soon named Henry Clay to be his secretary of state. Since every prior president except Washington and John Adams had served as Secretary of State, the office seemed to be a direct pipeline to the presidency. Thus charges were brought that Clay and Adams had struck a "corrupt bargain," allowing Adams to gain the presidency, although no corroborating evidence has ever been found. John Quincy Adams was known for his scrupulous honesty, but it is clear that Jackson and Clay had sharp political differences. In any case it is generally accepted that Clay's influence as speaker of the house was decisive.

### **John Quincy Adams as President.**



John Quincy Adams is one of a number of Americans who served as president and whose presidency was not his greatest achievement. Adams has been called by a number of historians America's greatest diplomat; he served in a number of important diplomatic posts and negotiated several treaties. In addition, his probable authorship of the Monroe Doctrine is generally seen as a credit. Following his presidency, John Quincy Adams was elected to the House of Representatives, where he served for 18 years, becoming a strong opponent of slavery and an outspoken critic of those who refused to debate the issue of slavery in the Congress. His argument before the United States Supreme Court in the famous *Amistad* case is held up as a brilliant exposition of the meaning of freedom in America.

Adams hoped to make his presidency a tribute to the idea of nationalism, but the boldness of his program exceeded his political ability to bring it about. He often appeared insensitive to public feelings, and he failed to use his power to build support for his programs. He refused patronage on honorable grounds and left civil servants in office unless they could be removed for cause. He favored the American System of Henry Clay (described above) and went far beyond what others had proposed, calling for federal initiatives in astronomy, education, the arts, agriculture, sciences, and so on. His nationalist approach aroused much states' rights opposition. Followers of Adams and Clay became National Republicans and later Whigs during the Jackson years. Jackson's men became Democratic Republicans and called themselves Democrats.

### **Broadening Of Democracy after 1815**

Many state Constitutions were liberalized 1816-1830, gradually eliminating property qualifications, taxpaying for voting, religious qualifications for office, etc. Electors were more and more elected by people, not legislatures. Although the nation's founders believed that "democracy" contained dangerous impulses, by the 1830s the term had become more accept-

able and applicable to American institutions. Alexis de Tocqueville noticed the decline of deference to leaders and the elevation of popular sovereignty in America—"self-made" men could now rise in stature: "If there is a country in the world where the doctrine of the sovereignty of the people can be fairly appreciated, where it can be studied in its application to the affairs of society, and where its dangers and its advantages may be judged, that country is assuredly America."<sup>51</sup> Each individual was closer to being given an equal start in life, but equality of opportunity did not mean equality of result. The American people were happy to accept a society of winners and losers.

As states eliminated property requirements for manhood suffrage, public involvement in politics swelled. A permanent two-party system became the standard forum for the exchange of political ideas. It became understood that a "loyal opposition" was essential to democratic government. Economic questions (prompted by the Panic of 1819) and the proper role of the federal government in business matters were major concerns that assisted the rise in popular political interest. Workingmen's parties and trade unions emerged as workers became convinced that the government should protect the rights of labor as well as those of the producers. Offices that had been appointive—such as judgeships or the electoral college—were made elective.

Abolitionists sought an end to slavery and supported civil rights for free African Americans and women. The major parties gave little thought to extending rights to anyone other than adult, white males; it was left to other, more radical, parties to argue the cause of African-Americans, women, and working people.

The greatest change took place in the style of politics. Professional politicians emerged, actively seeking votes and acting as servants of the people. Men such as Martin Van Buren in New York extolled the public benefits of a two-party system, and political machines began to develop on the state level. National parties eventually developed—the Democrats and the Whigs, many of whom who later evolved into Republicans. Although political parties often served special economic interests, it should be remembered that American politics always retained a strong republican ideology and that all parties sought to preserve equality of opportunity. The National Republicans and Democrats differed on whether this could be done best with or without active intervention by the national government.

Social equality was the dominant principle of the age. Special privilege and family connections could no longer be counted on to guarantee success. Industrialization, however, perpetuated inequality, not in the traditional sense of birth or privilege, but in terms of wealth and attainment. Despite persistent and growing economic inequality, Americans generally believed they had created an egalitarian society, and in many ways they had. Political equality for white males was a radical achievement, and Americans came to prefer the "self-made" man to one who had inherited wealth and refinement. The egalitarian spirit carried over into an attack on the licensed professions, and it was believed that any white male should have a chance to practice law or medicine, whether or not he was trained. A number of states, for example, repealed laws that made it illegal to practice law without a license.

### **American Economic Growth 1820-1860**

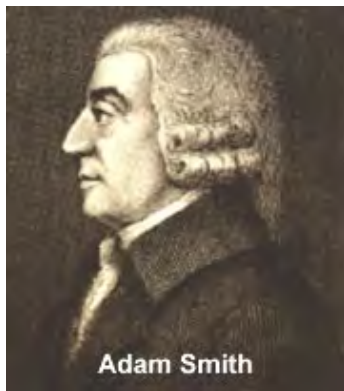
A person living in 1700 or 1500 or even earlier would not have been overwhelmed by the advances in daily living evident in 1800. But imagine Washington or Jefferson looking 100 years ahead to the automobile, light bulb, telephone, cross-country railroads (200,000 miles

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<sup>51</sup> Alexis de Tocqueville, *Democracy in America*, Volume I, Chapter IV.

by 1900), factories full of heavy machinery and hundreds of other advances. The rate of change in human society began to pick up in the early 1800s and has been accelerating ever since. Arguably, even the 20th century did not have such a profound impact on the way people live their lives as the 19th.

Historians have analyzed American economic history from various perspectives, sometimes arguing that economic issues dominated American political developments, even to the writing of the Constitution. Those kinds of claims, often made by historians influenced by various Marxist theories, have been to a large extent discredited. There can be no doubt, however, that the economic development of America is central to our overall evolution as a nation. Although the first steam engine, the first locomotive, and much of the earliest textile machinery first appeared in England, the development of technological advances on a grand scale occurred in America.



It is an interesting coincidence that Adam Smith's *The Wealth Of Nations*, the "bible" of laissez-faire capitalism, was published in 1776, for the United States, created in the same year, has clearly been the most successful capitalist nation in history. Historian Carl Degler has written that the American colonies were part of "the great age of capitalist expansion."<sup>52</sup> The Virginia colony was, after all, formed as an investment company, from which those who ventured their capital hoped to gain profits. It can scarcely be doubted that economic issues were the driving force behind events that brought about the American Revolution. Although the expansion of capitalism is not the whole American story, it certainly is an important part of it.

America was rather slow in starting to develop manufacturing and small industries. Around 1800 each family farm was, in effect, a small factory. Family members themselves created most of what they needed—from simple tools and nails to clothing and cooking utensils. More substantial items, such as plows, harnesses and so on, were either imported or manufactured locally. Jefferson's Embargo and the War of 1812 both demonstrated that the United States could not remain dependent on foreign imports. Yankee ingenuity soon led to economic progress. Nevertheless, economic growth in the United States before 1820 was built on agriculture and commerce. The success of the "carrying trades"—shipbuilding, for example—diverted investment from more risky manufacturing ventures. Yet some innovations, especially in the textile industry, did appear.

The Industrial Revolution, which began in the 1700s in Great Britain and continued through the 18th and 19th centuries, profoundly altered a social and economic structure that had been stable for centuries. As technology spread abroad from Great Britain, mechanical devices were used to aid manufacture. American workers reacted to the new machines with uncertainty, concerned that wages might fall and that their economic status might be negatively affected (a fear that was realized in the later, post-Civil War industrial era.) American shipping had enjoyed a period of prosperity between 1793 and 1805 but suffered when England and France restricted America's rights as a neutral nation. Thus alternative sources of economic development were needed.

### **The Birth of the Factory**

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<sup>52</sup> Carl N. Degler, *Out of Our Past: The Forces That Shaped Modern America* (New York: Harper, 1959) 41.

The growth of American industry required certain technological advances, including the factory system, interchangeable parts, steam power, and the cotton gin. The changing nature of economic life throughout the world meant that America had no choice but to keep up. Although early factories in America bore little resemblance to the large industrial plants of the late 19th century, American factories were profitable from the start. Various small manufacturing industries had begun around 1800, and the factory boom began to swing into high gear thereafter. Its social effects were significant and brought revolutionary changes to domestic and social institutions.

### **The New England Mills**

The early phases of the Industrial Revolution were dominated by developments in the textile industry, and America soon began to concentrate its energies in that field. Numerous flowing streams and rivers in New England provided the power necessary to run spinning machinery. English emigrant Samuel Slater left England with plans for Richard Arkwright's spinning frame that could produce stronger threads for yarns in his head (it was illegal to export written plans.) He also developed water-powered machinery for spinning and carding cotton. Slater built a mill on the Blackstone River in Rhode Island, and the New England textile industry began to move forward at a rapid pace.

In the 1820s Boston investors began to create a textile manufacturing center in Lowell, Massachusetts. The factories recruited women to operate the machines. The "mill girls," as



**Mill Girl**

they were known, became a feature of the textile industry. The mill girls lived in dormitories far from home and worked long hours at their machines. Although the female factory worker had been near the lowest end of the social spectrum in Europe, the American mill girls, whose labor turned out to be extremely valuable, received somewhat better treatment.

The age of the mill girls ranged from very young pre-teens to older women, but most were between the ages of 16 and 25. As there were few professions available to women outside the home at that time, jobs in the mills were relatively attractive. The Lowell system, as it became known, although it required long hours of work for modest pay, did offer the mill girls opportunities for education and recreation, and female overseers saw to it that girls attended religious services and avoided earthly temptations. Nevertheless, as competition within the industry became sharper, the benevolent treatment began to give way to harsher conditions, and wages dropped. In the 1830s some of the mill workers attempted to strike, but without significant success.

*It is interesting that two of the most famous strikes in American history were begun or supported by women in the mill towns of New England. The famous Lawrence strike of 1912 echoed the first mill workers' strike in 1836.*

### **The Northern Industrial Juggernaut & Yankee Ingenuity**

Industry grew most rapidly in the North, in large part because the Southern economy, with its investment in land, cotton, and slaves, was extremely profitable. Historians have estimated that the average yearly return to cotton plantation owners was approximately 10%, a nice return on one's investment in any environment. Therefore, relatively little Southern

capital was invested in manufacturing. But in the Northern parts of the country, profits made from trade and commerce were poured into new ventures.

Steam power was critical to the expansion of the factory system as well as to the transportation industry, and both areas were remarkably receptive to technological change. In America, individual freedom encouraged resourcefulness and experimentation, business growth encouraged new techniques, and the chronic labor shortage encouraged the substitution of machinery. Even the British admired American inventiveness.

*An example of Yankee inventiveness came in the ice industry. For generations people had been harvesting ice in the winter and trying to preserve it during the hot summer months. A couple of ingenious Yankees made a fortune by developing insulated containers to preserve ice that was harvested from lakes and ponds. They experimented with many different materials to find those with the best insulating properties. They also developed cutting machinery that could harvest ice in square blocks that would fit together tightly, making it easier to store for long periods. Their system was so effective that over 90% of stored ice, if untouched, would remain frozen over the summer. They even transported and sold ice in the Caribbean and in other hot climates as far away as Egypt and India.*

In this thriving industrial environment invention beget further invention. Development of such things as cans and containers became important for storage and transportation of products. Gail Borden invented a process for preserving condensed milk in tin cans. Charles Goodyear developed a process to make rubber more flexible and durable. John Deere and Cyrus McCormick invented new farm machinery that helped develop the agricultural industry in wheat, corn and other staples. Samuel F.B. Morse's invention of the telegraph led to creation of commercial networks that carried messages across the United States. The telegraph became an important adjunct to the railroad industry.

Eli Whitney's cotton gin was an early mechanical device that changed cotton production in the South, but many other inventions moved industrialization forward. In 1800 the United States patent office approved 41 patents; by 1860 that figure had risen to 4,357, a one hundred-fold increase. Americans were willing to try anything; they started by copying designs of others and then improved them through innovations of their own. Automated flour mills, nail making machines and other mechanical devices appeared. Elias Howe and Isaac Singer developed a sewing machine, an important adjunct to the textile industry. *The sewing machine actually retarded textile factories to some extent, as it made the production of garments in private homes more feasible.*

### **The Transportation Boom: Canals and Railroads**

Another important factor in American economic development was the vast land area which the country acquired as a result of Louisiana Purchase and the later Mexican Cession. The value of American land was dependent upon the transportation facilities available to capitalize on what the land could produce. The bays, inlets and rivers had provided ample transportation during the colonial period, but as settlers moved over the Appalachian Mountains, even though the Mississippi River Valley and its many tributaries provided a route to the sea, development of new means of transportation was critical.



In the early 1800s John Fitch and Robert Fulton developed the steamboat and made it commercially profitable. Soon steamboats began to ply America's waterways from the Mississippi eastward. By the late 1840s, steamships had

captured much of the Atlantic freight and passenger traffic. Those British-built vessels, stronger and larger than wooden sailing ships, challenged America's shipbuilding industry. Competition, subsidies, and new technology had reduced shipping rates, and bargain rates in steerage enabled tens of thousands of Europeans to immigrate to America.

Regular scheduled voyages across the Atlantic were soon part of the trade system. In 1816 the Black Ball Line commenced operation with twice monthly voyages between New York and Liverpool using small but efficient packet ships. Both steam and sailing vessels were still used as packets until after the Civil War, and the appearance of the slender 19-knot clipper ship dramatically reduced travel time across the Atlantic and from the east to the west coast of North America around Cape Horn. The clippers could not carry much cargo because of their sleek design, but they ruled the world of sailing ships for about 20 years. Although English iron ships were often superior to those made in America, the British soon recognized American enterprise and concentrated on trade routes aside from the North Atlantic run.

The result was that foreign commerce grew dramatically in the 1840s and 1850s. The United States exported mostly raw materials (cotton was the most valuable export), and it usually imported more (mostly manufactured goods) than it exported, in terms of cargo value. Great Britain was both the best customer of the United States and its leading supplier.

### **The Canal Boom**

America had extensive waterways, but they did not cover everything, and early in the 19th century individual states began canal building projects designed to connect different bodies of water. The most famous of all canals was the Erie Canal in New York, built under the



leadership of Governor DeWitt Clinton. Plans were drawn up and the project began in 1817. The Erie Canal reached from Albany to Buffalo and connected the Great Lakes with the Atlantic via the Hudson River, which is navigable to above Albany. The canal transformed New York City into the "Emporium of the Western World." The great metropolis became the center of American, and eventually world, commerce. The "Big Apple" remains a center of world finance and commerce to this day. The canal, which cost \$7 million, had branches constructed off the main canal. It is still in use.

The canal boom touched other states, mostly in the North and East. Many canals were built in Ohio, but not all of them made a profit. Even after the railroads began to compete, it was still cheaper to move bulk goods by canal than by any other means. Into the 1830s and beyond a network of canals spanned much of the eastern United States.

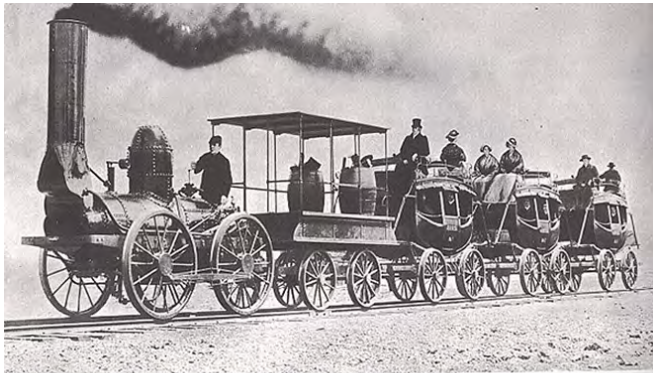
### **Railroads: Expanding Traffic**

It was inevitable that the steam engine, which transformed ocean transport, would also create a revolution in land travel. The first locomotives were built in England between 1815 and 1830, and soon several short railroads were operating in Great Britain. In 1827 the Baltimore & Ohio railroad was chartered, and the first train was powered by Peter Cooper's Tom Thumb, the first American-built steam locomotive to be operated on a common-carrier rail-

road. In 1830 the Baltimore and Ohio reached 13 miles west of the city and eventually connected Baltimore with Wheeling, Virginia.

By the 1840s United States had 3,500 miles of railroads, and by 1860 the figure had risen to 30,600 miles, most of which were built in the 1850s. Prior to the Civil War there was no real national network, but in the East several major rail lines existed, including the New York Central, the Pennsylvania, and the Baltimore and Ohio. The building of railroads stimulated other inventions, such as higher-quality iron and steel, which were needed for efficient operation. The first railroad brakes were operated by hand, and wood burning engines were hazardous both to passengers and the countryside through which the railroads passed. The engineering challenges were formidable, as it was necessary to create locomotives that would operate on curved tracks. Early rail travel was dangerous and uncomfortable; in addition to starting fires along the sides of the rights of way, the clothing of passengers occasionally caught fire from sparks as well. Brakes were weak and frequently failed on downgrades. Part of American lore includes many songs and stories about famous railroad crashes.

Railroads probably had the largest impact on the American economy of any development in the entire 19th-century. Railroads changed everything, even America's concept of time; in



The DeWitt Clinton pulls an early Train of Cars

fact, the four time zones were invented by the railroads. In order for trains to leave and depart on time the telegraph was necessary, for many of the longer lines were single track, and the arrival of trains at turnouts, or passing sections (lengths of double track laid side by side between stations), had to be coordinated. Accurate time keeping was important for the successful operation of the railroad. Railroads created a demand for more efficient manufacturing techniques and communications, and the eventual

handling of tickets, cargo manifests and so on created the first white-collar class in America. Railroads cut travel times between distant cities from weeks or months to days or hours.

### Financing the Systems

The building of railroads required enormous amounts of capital. Because of America's *laissez-faire* approach to private enterprise, the government would not finance railroads directly. However, the granting of large tracts of land by the federal and state governments helped to finance the building of lines. The government recouped its investment because the land which was subsequently sold in the vicinity of railroads commanded much higher prices than land which had no access to a transportation system. Federal and state governments gave hundreds of millions of acres of land to the railroads in 19th-century, yet the investment probably profited all concerned.

Private investors also contributed capital, particularly when their communities stood to profit from the railroad. Long east-west rail lines usually required some public funding—loans, investments, and tax exemptions. Railroads profoundly affected farmers by opening new areas and giving them access to world markets. Location of the lines helped determine what land could be profitably cultivated. Railroad companies created farms by selling their land grants as farm sites. Prices for farm goods were high, but farm labor was scarce. Machinery



appeared to ease the labor shortage. Steel plows and mechanical reapers reduced the labor and time required to plant and harvest.

Railroads also stimulated other kinds of economic activity. They influenced real estate values, spurred regional concentration of industry, increased the size of business units, and stimulated the growth of investment banking. Railroads also revolutionized business organization and management, and they sharply reduced freight and passenger rates. Finally, railroads revolutionized western agriculture; the center of wheat production moved westward.

### **Railroads and the Sectional Conflict**

By the time of the Civil War east-west railroad corridors had transformed political lines to an East-West axis. Together with the Erie Canal, the railroads joined the Northeastern cities with the agricultural centers of the upper Midwest. Because more capital was available in the North for railroad development, functional lines in the North soon outstripped in mileage those of the South. Rail lines in the South were short, and no coherent southern rail system could rival the New York Central, Pennsylvania or Baltimore and Ohio. Southerners were not industrial capitalists—they made excellent returns from cotton production.

The telegraph was an important contribution to economic progress; the railroads needed it, as well as businesses for negotiating deals and orders across distances. By 1860, 50,000 miles existed under the Western Union Telegraph Corp. Most lines ran northeast-northwest, as the South continued to fall behind in industrial development. By 1840 most people were wearing manufactured clothing, and by 1860 industrial progress resulted in 5,000,000 horsepower generated from inanimate sources.

### **The Role of Government in Business**

At the time of the American Revolution 45% of the nation's wealth existed in the top 10% of the population. In Boston in 1845 the top 4% owned 65% of the wealth. In Philadelphia in 1860 the top 1% owned over 50% of the wealth. In relative terms the gap between rich and poor was widening, but the booming economic growth meant that absolute standards were rising for all Americans.

The *laissez faire* idea was popular, but government did much to assist capitalism throughout American history. Federal and state governments provided what has been called "social overhead capital," which includes such things as internal improvements—canals, harbors, and so on. As wealth increased, prejudice against corporations broke down (a trend aided by the decisions of John Marshall), and most states passed general laws of incorporation rather than specific laws passed for individual businesses. Protective tariffs were designed to aid American manufacturers. The government also created markets by adding new territory such as the Louisiana Purchase and the Mexican Cession. America's open immigration policies provided a steady stream of cheap labor, which was used for such things as railroad building.

Development capital came from the Northeastern merchant class. By 1860, 1500 major banks existed with assets of \$1 billion. The insurance industry also boomed as insurance companies had to provide protection against risks. The American experiment in capitalism was on the move, and there seemed to be no limits to its possibilities.

## The Age of Jacksonian Democracy

Run the eye across the history of the world. You observe that there are certain cycles, or ages, or periods of time, which have their peculiar spirit, their ruling passion, their great, characterizing, distinctive movements. He, who embodies in its greatest fullness, the spirit of such an age, and enters with most earnestness into its movements, received the admiration of his contemporaries. . . And why? because they see in him their own image. Because, in him is concentrated the spirit that has burned in their own bosom. Because in him exists, in bodily form, in living flesh and blood, the spirit that gives them life and motion. The spirit of God descended upon the Saviour of the world in the form of a dove. The spirit of an age sometimes descends to future generations in the form of a man. . . in proportion as an individual concentrates within himself, the spirit which works through masses of men, and which moves, and should move them through the greatest cycles of time, in that proportion, he becomes entitled to their admiration and praise. . . Because his countrymen saw their image and spirit in Andrew Jackson, they bestowed their honor and admiration upon him.

Washington McCartney, "Eulogy—on the Death of Andrew Jackson"

### The Life of Andrew Jackson

Andrew Jackson's life is perhaps the most colorful of the lives of all American presidents, although Theodore Roosevelt would certainly have a claim to that title.

Jackson was born on the Carolina frontier, the son of parents who had emigrated from Northern Ireland. Thus he is the first real Irish-American United States President. (John F. Kennedy was the first Irish-Catholic American president.) Jackson's life can be described as rough-and-tumble from its earliest days. The Scots-Irish had no love for the British, so it was no surprise that as a teenager Jackson served in the American Revolution. Captured by the British, he was ordered by a British officer to polish his boots. When Jackson refused, the officer struck him with a sword, leaving a scar on his face and a deep hatred for the British. After the Revolution, following the death of his brother and mother, Jackson headed for the Tennessee frontier, where he became a successful lawyer and landowner in the frontier town of Nashville.

While living in a Nashville boarding house, Jackson met a woman name Rachel Donelson Robards, who happened to be unhappily married to a man who traveled a lot. Jackson's friendship with Rachel became a sore spot for Rachel's husband. After returning from a trip and sensing something going on between his wife and Jackson, he headed back to Virginia, telling Rachel he was divorcing her. The story of the subsequent marriage between Andrew Jackson and Rachel is murky, but what apparently happened is that they got married before Rachel's divorce was final, and when they discovered that fact, they got married again. When the story came out, they were tainted with the charge of having lived in an adulterous relationship while Rachel was still legally married. Jackson and Rachel adored each other, and any suggestion about Rachel's supposedly colorful past was sure to send Jackson into a rage.

In fact, Jackson was sensitive to anything he considered insulting, even as an attorney in the courtroom. He was involved in a number of brawls, but the most famous altercation involved Andrew Jackson and Charles Dickinson. Following a nasty argument over a bet on a

horse race, which escalated out of control, Jackson and Dickinson agreed to a duel. Since the practice was illegal in Tennessee, they headed for nearby Kentucky. Dickinson preceded Jackson to the dueling spot. Stopping along the way, he thrilled observers with his skill as a marksman by shooting bottles off of fences a distance equivalent to that of a duel.

On the morning of the duel Jackson was determined to dispatch his foe. Wearing loose clothing to hide the outlines of his slender torso, Jackson decided to let Dickinson have the first shot. He knew that Dickinson would probably strike him, and Jackson did not want to have his own aim thrown off by firing at the same time. Dickinson's bullet struck Jackson in the chest near his heart, breaking two ribs. Never even wincing, Jackson coolly raised his pistol and fired, hitting Dickinson in the groin, a wound from which he bled to death within a few minutes. Jackson's wound was severe, and it took weeks for him to recover. The charge of having murdered Dickinson followed him for the rest of his life, even though the duel was in theory a "fair fight." Pain from the wound inflicted by Dickinson also followed Jackson to his grave.

Jackson's victory over the British at the Battle of New Orleans during the War of 1812 was the highlight of the conflict for Americans and one of the most one-sided battlefield triumphs in American military history. The popularity of "Old Hickory" lasted and carried him to the White House in 1828. Although Jackson was a wealthy landowner, slave owner, attorney, businessman and successful general, he had common origins, and was thought by many to be a crude individual. He certainly had a volatile personality and led anything but a calm and quiet existence. Yet based on his heroic defense of New Orleans in 1815, he was a popular hero of the highest order, the second in a series of successful military men who rose to high political office.<sup>53</sup>

### **The Emergence of a More Democratic Republic**

Today we accept the notion that democracy means that every citizen has a vote, with certain reasonable restrictions such as age, registration requirements and so on. In the early 1800s it was generally accepted that in order to vote, a person needed to have a legal stake in the system, which meant property ownership or some economic equivalent. When government under the Constitution began, the people did not vote for presidential electors; United States senators were elected by state legislatures until 1913. Even eligibility to vote for members of the House of Representatives was left to the individual states. Women, Indians and Blacks (whether slave or free) were restricted from voting almost everywhere. When Sam Houston was elected governor of Tennessee in 1828, his friends had to make him a gift of 500 acres of land, which was one requirement for holding that office.

In the decades surrounding the presidency of Andrew Jackson democracy broadened. Many states rewrote their constitutions, gradually eliminating property qualifications, taxpaying for voting, religious qualifications for office, etc. Presidential electors were more and more elected by the people, not the state legislatures; in most areas the electoral franchise was extended to all free white males. European visitors such as Alexis de Tocqueville noticed the spirit of equality that pervaded the United States, unlike anything known in the Old World. By the late 1830s, the United States had become a full democracy for adult white males, but inequalities still existed: poor people were still poor, and while wealth may not have

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<sup>53</sup> See H.W. Brands, *Andrew Jackson: His Life and Times* (New York: Doubleday, 2005), and also Robert V. Remini, *The Life of Andrew Jackson* (Newtown, CT: American Political Biography Press, 2003), a condensation of his more detailed three-volume biography.

bought votes directly, it certainly was a prerequisite for any kind of real power. What was different about America was not that the gap between rich and poor had narrowed—indeed, the opposite was probably true—but that there were few systemic barriers (except for slavery) that prevented people from gaining wealth and power. However limited, the idea of America as a land of unprecedented opportunity was not inaccurate in the context of the times.

The other major change in the Jacksonian era was the emergence of a solid two-party system. The modern Democratic Party was founded under Jackson, and an opposition party—the Whigs—eventually evolved. When that party disappeared in the early 1850s, it was soon replaced by the Republican Party, giving the U.S. the basic political structure that survives to this day. Although many issues have changed since the 1800s, present-day Republicans and Democrats have much in common with their ancestors.

### **The Emergence of the Professional Politician**

Another development in the Age of Jackson was that the idea of political service as a sort of *noblesse oblige*—as Washington and Jefferson had viewed it—was gone. Many men pursued politics as a career because they wanted to, not because they thought they ought to. What rewards they sought are no easier to establish for that time than they are today—recognition, a sense of power, perhaps financial gain and other factors were no doubt present in those who sought office or government related jobs. In any case it became possible to think in terms of the profession of politics.

John Quincy Adams was probably the man who personified that transition, having served in a variety of public offices for most of his life during a career that went back to his father's time, but in the election of 1828 he was criticized for that fact: the notion of a professional politician still did not sit well with many. Still, many leading public figures of the early nineteenth century—Martin Van Buren, Henry Clay, Daniel Webster, John C. Calhoun and others—were hardly ever out of office, and their careers were devoted to activities that advanced their political fortunes.

There were no professional politicians in the 1700s. Madison, Jefferson, Hamilton, and John Adams could be political, but they were not politicians in our sense of the term. They did not derive an appreciable part of their income from public office, nor did they spend much time campaigning for votes. Unlike Jefferson or Washington, who suffered financially from serving in government, successful public officials in the later period tended to leave office richer than when they had entered.

The growing federal and state bureaucracies made it possible for ambitious young men to make politics or government service a career. By the 1830s, Democrats were rewarding their workers with civil service jobs. In return, these bureaucrats “kicked back” a part of their income to the party, which used the funds to finance other campaigns. At the center of each political party was a corps of professionals, usually living off the public payroll, whose careers were inextricably tied to the success of the party. Eventually the phenomenon would become known as “machine politics.” Martin van Buren’s “Albany Regency” was an early example. As one New York politician confessed, he would vote for a dog if his party nominated one.

Coincident with this development was the disappearance of fundamental political issues—the actual nature of republican government—from American politics. In the 1790s, politics was intensely ideological, partly because of the influence of the French Revolution and partly because party leaders were intellectuals. The second party system emerged in a nation

where it seemed as if that white, Protestant, small farmer and his family made up the soul of society and that only their interests should be protected and advanced. There were differences of opinion about how this was to be done, but those were disputes about means rather than ends.

Because politicians must campaign on something that resembles an issue in order to distinguish themselves from their opponents, they created issues. The ideal issue was one that everyone agreed on so that endorsing it would not lose votes. Yet politicians have to take stands, and issues such as those discussed above—land, internal improvements, tariffs, the Bank—were the focus of political battles. The second best issue was one that was too complicated for the average person to understand. The tariff fit that qualification.

In his autobiography, Van Buren recorded an instance of how artfully he used the complexity of the tariff question to befuddle an audience. After his speech on the subject, he mingled with the audience and overheard the following conversation:

“Mr. Knowler! that was a very able speech!”

“Yes, very able,” was the reply.

“Mr. Knowler! on which side of the Tariff question was it?”

It would be years before the appearance of “political science” would make the study of government a formal academic discipline. But when we think of professional politicians today, we think not only of elected officers, but also of lobbyists, lawyers, huge professional Congressional staffs, millions of government employees, pollsters, and even components of the media who focus exclusively on the political arena. Like most of American life, the profession of politics has grown and evolved enormously. Many of its roots can be found in the age of Jackson.

## **Jackson’s Presidency**

*When Jackson died, an observer said, “If Andy Jackson decides on heaven, that’s where he’ll go!”*

The contrast between the presidencies of John Quincy Adams and Andrew Jackson is stark. Adams was well educated, worldly, highly articulate and experienced in international affairs. In demeanor he was subtle, diplomatic—if sometimes stuffy or pedantic—and he was perhaps the most intelligent and (for his time) best educated president in American history. As a Harvard graduate and son of a former president, his beginnings were anything but humble.

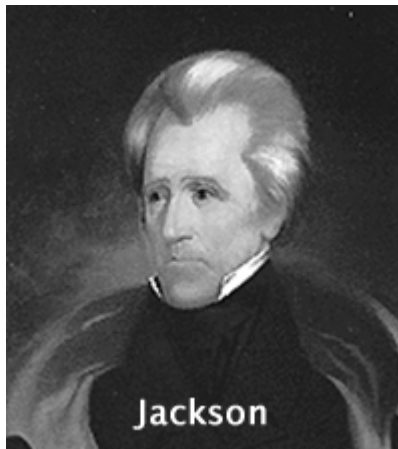
Jackson’s popularity was based on his skills as an Indian fighter and war hero. The Battle of New Orleans was seen as a victory for the American farmer, affirmed the value of “undisciplined” fighters as opposed to the British regulars, and was thus seen as a triumph of “Americanism.” When elected president, Jackson was a wealthy man of property and a slave owner, but his origins were humble. Jackson was a symbol of the new age of democracy—the “age of the common man”—both an average and ideal American who was able to draw support from every section and social class. Jackson could be charming, and he was generally honest; there was never any doubt about his courage, either physical or moral. However, he was anything but a thoughtful, subtle intellectual. (He had resigned from his first tour in the Senate because he found the endless deliberations too boring.)

Jackson, a true Westerner at heart and a slave holder, resented the North and East. On the other hand, he did not buy into the states' rights philosophy that was growing stronger in that era. He had reputation as a hotheaded brawler who never forgave enemies. He was not above using that reputation to make an impression on people. (In a famous incident in the White House, he apparently lost his temper and fumed at some unwelcome guests, who fled in horror. When they had gone, he turned to an aide, grinned and said, "They thought I was mad, didn't they?")

Jackson grew in office of president and made that office more democratic. He did not attempt to remain above politics; he was a political infighter who saw his role as protecting the people from the excesses of Congress. His presidency was one piece of a long struggle over the nature of governmental power and authority: at which end of Pennsylvania Avenue does the real power reside, in Congress or the White House? Jackson saw the office of President as a protection against the power usurpers of the House, the Senate and the Supreme Court.

### **The Election of 1828**

The election of 1828 was more of a "revolution" than that of 1800. Andrew Jackson won by 647,000 votes to Adams's 507,000, 178-83 in electoral college. Far more people voted for president than in 1824, as the states were beginning to let the people select presidential electors. The age of Jackson was indeed a major democratic revolution and the election of that year was testimony to that fact.



The 1828 campaign was one of the dirtiest in American history, a series of mudslinging attacks on personalities. John Quincy Adams was accused of "feeding at the public trough," because of his long years of public service. He was called a "pimp" for providing an American girl as "gift" for the Czar of Russia. When he installed a billiard table in the White House, he was charged with turning it into a "gambling den." Contrary to those charges, John Quincy, like his father, was an extremely moral man descended from good old Puritan stock. Meanwhile, Jackson was portrayed during the campaign as a "drunk," a brawler and an adulterer because Rachel's divorce had not been final when they first got married. His famous duel with Charles Dickinson also led to the charge that he was a murderer.

A new two-party system emerged from the election of 1828. From then on, parties ran their candidates for President and Vice-president together as a ticket. John C. Calhoun was the last man to run for Vice President independently. (He was elected twice, under both Adams and Jackson.)

Several significant political issues divided the people at the time, among them the National Bank and the protective tariff. Jackson managed to avoid taking firm positions on any issues and in fact managed to get on both sides of the tariff question, depending on what part of the country his people were in. This was done by a bill to create a tariff that was supposedly so high that it would never pass. It did pass, however, and became known as the "Tariff of Abominations," which raised a storm of protest in the South led by John C. Calhoun.

When Jackson won the election, he invited his supporters to Washington to celebrate with him, and they came in numbers. Jackson's inauguration is famous for the riotous behavior

of his followers. Wanting to get a glimpse of their hero, they stormed the White House for the post-inaugural reception. They tracked onto the carpets and even stood on tables in muddy boots to get a better glimpse of their hero. The locals complained that “barbarians” had invaded the White House, and the stewards finally saved the day by taking the punch bowls outside while the crowd followed. If Jackson’s election was a victory for the common man, that man was all too common for some.

Jackson saw himself as President of All the People—defender of the “Common Man.” A prevailing view since the writing of the Constitution had been an assumption of the natural supremacy of the legislature. Jackson vigorously challenged that assumption. He saw himself as the direct representative of all the people and willingly used his authority on their behalf. He vetoed more bills than all his predecessors combined, challenging the view that the only legitimate ground for a presidential veto was a bill’s constitutionality. He expanded the power of his office, but did not favor unlimited power for the national government.

### **Jackson’s Kitchen Cabinet**

Realizing that the appointment of cabinet members required respect for regional preferences, Jackson nevertheless desired to keep a cadre of close personal advisors at hand since Washington, despite Jackson’s experience, was still somewhat alien territory for the Westerner. Besides, he was not a strong administrator, had little respect for experts—political or otherwise—and often made unwise choices. Yet as a strong and popular leader he knew how to get things done if those close to him kept him on track. He assembled what became known as his kitchen cabinet, since they were said to hold meetings in the White House kitchen. In contrast to the official “parlor cabinet,” these close advisers would assist the president in formulating policy. Members of this informal group included Duff Green, editor of *U.S. Telegraph*; Frank Blair of *The Globe*; and Amos Kendall, known as Jackson’s alter ego. It is well to recall that newspaper men in those times generally operated in the service of their political favorites. Secretary of State Martin Van Buren was also a member of the group, the only “regular” cabinet member to be so privileged. Jackson’s official cabinet was undistinguished, except for Van Buren, and even he had been a political appointment to satisfy northern interests.

Jackson quickly adopted a system for replacing federal officeholders with his own supporters, a system his supporters referred to as “rotation in office.” Opponents derisively dubbed Jackson’s process “the **spoils system**.”<sup>54</sup> Yet Jackson saw the process as beneficial for a democracy, as it was intended to inhibit the development of an entrenched bureaucracy and to allow more citizens to participate in the routine tasks of government. Although the concept was not calculated to produce efficiency in governmental operations, Jackson felt that the average man was perfectly capable of doing government work. In fact, most of Jackson’s appointees to government positions were not common man but rather were drawn from the social and intellectual elites of the time.

Because Jackson viewed himself as a protector of the people’s rights against the power of the federal Congress, political relationships in Washington during the Jackson years were stormy. Jackson repeatedly challenged leaders in Congress, and leading senators and congressmen in turn saw Jackson as arbitrary and overbearing. Clashes between Jackson and the Congress over issues such as the bank, tariffs, internal improvements and other issues were sharp and deep. Jackson’s liberal use of the presidential veto disturbed some elements

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<sup>54</sup> New York Senator William Marcy is quoted as saying during a Congressional debate in 1831, “To the victor belong the spoils,” in defense of Andrew Jackson’s appointments.

in Congress, and his opponents began to refer to him as "King Andrew." Eventually that opposition cohered into a new political party, the Whigs.

### **The Peggy Eaton Affair**

During Jackson's first term his troubles were exacerbated by a scandal involving a woman. Needless to say, it would not be the last time in American history that such occurred.



*Peggy Eaton*

Margaret O'Neale Timberlake Eaton was not the focus of the first sexual scandal in American history, but she was at the center of one of the most interesting ones. Daughter of the keeper of a popular Washington tavern and boarding house, where she often charmed the clientele, Peggy was an attractive, vivacious young woman. She captured the attention of some of the most powerful men in America, including Senator John Eaton, a close friend of Andrew Jackson.

As a young woman Peggy had married John Timberlake, a Navy purser who spent considerable time at sea. It was said that his untimely death in a foreign port was a suicide brought about by Peggy's infidelity, a charge never proven. Whether true or not, Peggy got married again, this time to John Eaton, whom she had met in her father's establishment and who soon became a Secretary of War in Andrew Jackson's cabinet. Jackson had in fact urged Eaton to marry Peggy to quiet wagging tongues.

Soon after Jackson's inauguration it became apparent that the wives of the other cabinet members did not approve of Mrs. Eaton's allegedly lurid past. She was snubbed at White House receptions, and Washington political society refused to accept or return social visits from Mrs. Eaton; they pronounced themselves scandalized that Mrs. Eaton was even invited to participate in polite Washington company.

Jackson had known Peggy Eaton for some time and liked her. Perhaps more important, Jackson felt tenderly the loss of his wife, Rachel, just months before his inauguration, and he blamed her death in part on what he saw as slanderous attacks on his own marriage (the old charge that Rachel and Andrew Jackson had been living in sin.) Always one to take offense at an attack on his own personal honor, Jackson naturally sided with Peggy and John Eaton and became furious with the allegations. He fumed: "I did not come here to make a cabinet for the ladies of this place, but for the nation!"

The situation deteriorated to the point where it even became difficult for Jackson's cabinet to conduct its regular business, so preoccupied were the members with the Eaton affair. Martin Van Buren, Jackson's Secretary of State, was a widower and therefore safe from wifely criticism of Mrs. Eaton. Van Buren could therefore afford to be kind to Peggy, which gratified Jackson. Finally, as a way out of the "Eaton malaria," Van Buren offered to resign and suggested that the rest of the cabinet do so also. Jackson gratefully accepted his offer and promised to aid Van Buren, which he did, naming him Ambassador to Great Britain.

There was more to this story, however. The attack on Mrs. Eaton had been led by Floride Calhoun, wife of Vice President John C. Calhoun. Calhoun had been elected vice president both in 1824 and 1828 and had run separately from Jackson. Old animosities between Jackson and Calhoun dating back to Calhoun's tenure as Secretary of War under President James Monroe resurfaced. Secretary Eaton discovered evidence in War Department files that were critical of Jackson when he was chasing Indians in Florida. Van Buren's appointment to the Court of St. James had to be approved by the Senate, and because of growing opposition to Jackson's policies in the Senate, the vote for approval turned out to be a tie.



Vice President Calhoun, presiding over the Senate, was thus able to cast the deciding vote against Van Buren. Henry Clay, a savvy politician himself, remarked to Calhoun that he had destroyed an ambassador but created a Vice President.

And so it was. In 1832 Andrew Jackson asked Van Buren to join him on the Democratic Party ticket as his running mate and candidate for vice president. Jackson and Van Buren were elected, and Van Buren succeeded President Jackson in the election of 1836. Thus the Peggy Eaton affair, rather than remaining a low-level scandal, altered the course of American political history, not the first time nor the last in which a woman would play that role.

*Peggy's colorful life did not end there. Some years later John Eaton died, leaving his widow a small fortune. But she was not destined to live a quiet retirement—at age 61 she married twenty-one year old Antonio Buchignani, her granddaughter's dancing teacher and deeded all her belongings to him. Less than a year later he eloped to Italy with Peggy's young granddaughter, and Peggy was forced to work as a dressmaker to support herself. She died in 1879 and is buried in Oak Hill Cemetery in a grave next to that of John Eaton, whose name she reclaimed. At her funeral a large floral piece of white roses sent by President and Mrs. Rutherford B. Hayes was placed on Peggy's grave.*

*In her own autobiography Peggy Eaton wrote, "My likes and dislikes are not small. The fact is I do not believe I ever did exactly like or dislike anybody. I think they always hated everybody I did not love and always loved everybody I did not hate."*

The literature on Margaret O'Neale Timberlake Eaton Buchignani Eaton is considerable.

### **States' Rights versus Union: Daniel Webster's Union Address**

The issue of "Union" does not resonate with Americans today because we take it for granted. During the early 19<sup>th</sup> century, the idea of Union was for many Americans very much like our current feelings of patriotism, what many Americans feel on the 4<sup>th</sup> of July, or when they chant "U.S.A." at an international sports event, or when the nation is successful in some significant endeavor. But the idea of "America," was not universally shared in those times, as regional loyalties often outweighed national feelings. Robert E. Lee famously refused command of the federal armies at the outset of the Civil War, saying he could not raise his sword against his "country"—Virginia.

Yet people like John Marshall felt strongly about the meaning of the Union. When reflecting on his service during the American Revolution, he recalled it as an experience "where I was confirmed in the habit of considering America as my country and Congress as my government." Nathan Hale's famous dying declaration, "I only regret that I have but one life to lose for my country," expresses the same sentiment. During the Civil War President Lincoln thanked soldiers for offering their lives in the service of "this dear Union of ours."

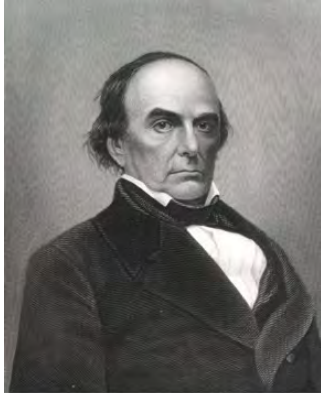
The idea of Union was very strong among Americans, especially in the North. In 1861 thousands of young northern men and boys went off to fight for the concept of the Union. Prior to the Civil War, the prime articulator of that idea was Daniel Webster.

In 1830, when South Carolina was contemplating nullification of the "Tariff of Abominations" and perhaps even secession, a debate arose in the United States Senate over the use of public lands. Westerners were arguing essentially a state sovereignty position with regard to federal lands, and South Carolina Senator Robert Hayne entered the debate on the side of the West, hoping to gain an ally for South Carolina's states' rights position.

Calling himself a Unionist, Daniel Webster deftly turned the debate from one over western lands and the tariff to an argument on states' rights versus national sovereignty. Rejecting the charge that the eastern states, including his native New England, had attacked Southern

or Western interests, Webster also rejected Haynes's claim that a state had the right to interpose itself between the federal government and its own citizens and expounded upon the meaning of the United States Constitution. Asking rhetorically whose Constitution it was, Webster Stated:

It is, sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition or dispute their authority.



Daniel Webster

Rising to the full height of his oratorical power, Webster claimed at the conclusion of his lengthy address that he could not contemplate life without the Union. Referring to the American flag, "the gorgeous ensign of the republic, now known and honored throughout the earth, he rejected notions of "Liberty first and Union afterwards," but staked his claim firmly upon, "that other sentiment, dear to every true American heart,—Liberty *and* Union, now and for ever, one and inseparable!" It was said that ladies fainted and strong men wept at the power of the Divine Daniel's words.<sup>55</sup>

*A young Whig politician in Illinois no doubt read Webster's famous oration. Abraham Lincoln later incorporated the concept of "government of the people, by the people, for the people" into his Gettysburg Address.*

## Jackson and Calhoun

Although Jackson was a Democrat and Daniel Webster a National Republican and later a Whig, they did agree on the idea of Union. Standing poles apart from both was Vice President John C. Calhoun. Secretary of State Martin Van Buren and Calhoun began in a clash over who was to be the heir apparent to Jackson, a position Van Buren easily attained as Calhoun moved farther and farther to the states' right position. Calhoun needed that position to keep strength in South Carolina, while Van Buren had a comfortable political base in New York. Jackson was not totally unsympathetic to states' rights issues, but felt Calhoun and South Carolina went far too far afield in nullification of the tariff in 1832. The fact that Florida Calhoun, John C.'s wife, had been one of the leaders of the assaults on Peggy Eaton did not help Calhoun's position in the least.

In the midst of the controversy over state's rights, Jackson and Calhoun both attended an annual Jefferson Day dinner on April 15, 1830. When the time came for offering toasts, Jackson raised a glass and looked directly at the South Carolina delegation and proclaimed, "Our Union, it must be preserved!" Apparently riled by Jackson's pointed jibe (Martin van Buren claimed that Calhoun spilled his wine as he arose) Calhoun glared back at the Presi-

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<sup>55</sup> Robert Vincent Remini, *Daniel Webster: The Man And His Time* (New York: Norton, 1978.)

dent and declared, "The Union, next to our liberty most dear! May we all remember that it can only be preserved by respecting the rights of the states and distributing equally the benefit and burden of the Union!"

Thereafter John C. Calhoun became the leading spokesman for the Southern states rights position. As such, his hopes for ever gaining the White House virtually disappeared. When Secretary of War John Eaton uncovered records in the war Department revealing that Calhoun had been critical of Jackson during the latter's foray in Florida in 1818, the rift between Calhoun and Jackson became permanent. Martin Van Buren replaced Calhoun as vice president during Jackson's second term.

### **Jackson and the Bank**

Under President Nicholas Biddle the Second Bank of the United States recovered from its problems associated with the Panic of 1819. It was well-managed and acted as a central bank. It monitored the lending policies of state banks which, if left unregulated, were likely to cause inflation and exaggerate business cycle swings. The Bank's stabilizing policies had strong support, especially among eastern hard-money advocates who feared paper money, but it did have opponents; state banks generally disliked its regulating authority. To some the National Bank smacked of special privilege because it held a monopoly of public funds, yet was governed by a handful of rich investors.

Jackson came into office suspicious of the Bank of the United States and made vague threats against it. With the backing of supporters in Congress, Bank President Biddle asked Congress to re-charter the Bank in 1832, four years before the old charter was due to expire. Henry Clay took up the Bank's cause as a political tactic, hoping that congressional approval of the Bank would embarrass Jackson. Jackson's opponents and Bank supporters thought that if Jackson vetoed the bank bill it would cost him the election. If Jackson's veto were overridden, the Bank would be guaranteed additional life.

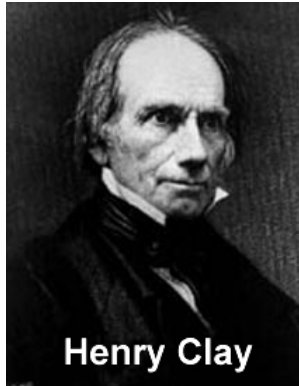
Jackson was no fool: he declared war on the "monster" corporation, which he was convinced violated the fundamental principles of a democratic society. He vetoed the Bank recharter bill on the grounds that the Bank was unconstitutional, despite Marshall's Supreme Court decision to the contrary, and called on the people for support. Jackson also claimed he vetoed the Bank charter because it violated equality of opportunity, and Congress upheld the veto. Clay and Jackson took their argument to the public in the election of 1832 where Jackson's victory spelled doom for the Bank.

The Bank supporters and Jackson opponents badly misjudged both Jackson and people's attitudes toward the Bank. After the election Jackson said, "The Bank tried to kill me, but I will kill it!" He showed his opponents no mercy. He proceeded to destroy the Bank by withdrawing all federal deposits from the National Bank and depositing it into selected state banks (called "pet banks"). Biddle retaliated by calling in outstanding loans, which he hoped would precipitate a crisis that would be blamed on Jackson. That ploy failed, but Jackson's destruction of the Bank cost him support in Congress, especially in the Senate, where fears of a dictatorship began to emerge.

Jackson, like Jefferson, was very hostile to banks. He once told Biddle, "It's not this bank I don't like, it's all banks." He didn't understand that the purpose of the National Bank was to prevent the very thing he was concerned about—speculation of the kind that had led to the infamous "South Sea Bubble," which ruined many investors. Banks made money by manipulation, Jackson thought. There had been early attempts to politicize the bank, and Jackson believed the pro-bank people were his political enemies.

## The Election of 1832

For the first time in American history, national conventions were held to nominate candidates for president and vice president in 1832. The election pitted Andrew Jackson against National Republican Henry Clay. (The Whig party would form from the remnants of the old National Republican Party during Jackson's second term.) Jackson named Martin van Buren as his vice presidential running mate. John Sergeant of Pennsylvania ran with Clay. Two minor parties also put up candidates.



The chief issue of the election was the National Bank, discussed above. Jackson's opponents who sought to use the bank as an issue to unseat him found that their plan backfired. A secondary issue was Jackson's veto of the Maysville Road Bill in 1830. The bill would have provided federal funds to construct a road from Maysville to Lexington, Kentucky. Jackson's veto message, drafted by Secretary of State Martin van Buren, stated that federal funds could properly be used only for projects "of a general, not local, national, not State," character. He also took issue with providing funds to a private corporation:

A course of policy destined to witness events like these cannot be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must of necessity be very limited.

Congressional opponents of the bill had included future president James K. Polk of Tennessee, a staunch Jackson support later known as "Young Hickory."

The outcome of the election was a huge victory for Jackson, the people's man. He won despite charges that he saw himself as "King Andrew" who could veto anything he did not like. The election also spelled the end of Henry Clay's National-Republican Party. Jackson and van Buren got 688,242 popular and 219 electoral votes to Clay's 530,189 popular and 49 electoral votes. Minor parties took some anti-Jackson votes away from Clay.

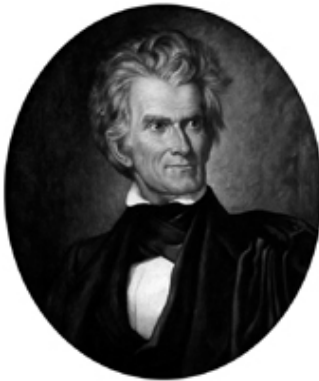
## Jackson and the Tariff: The Nullification Controversy

The nullification controversy of 1832 was a major milestone in the national debate over federal versus state authority. Coming at a time when agitation over slavery and other issues that tended to divide the country along sectional lines was growing, the nullification controversy brought the states' rights debate into sharp focus.

The root of the problem of protective tariffs is that they are almost by definition designed to assist certain segments of the economy. In the era in question, the country was distinctly divided along economic lines. Because a large percentage of Southern capital was put into land, cotton, and slaves, less capital was available for investment in manufacturing enterprises. During that volatile period in history, investing in industrial projects was far riskier than putting money in cotton, the prime mover of the booming textile industry. Economists have determined that a reasonable expectation for return on investment in cotton was 10% per annum, an excellent return at any time. But because the cotton South did not produce much in the way of farm equipment, tools or other manufactured goods, they were dependent upon manufactured goods produced mostly in the north or in foreign countries.

High protective tariffs on manufactured goods, designed to aid American manufacturing, had the effect of raising prices on goods purchased throughout the country, but they were needed most heavily in South. Support for manufacturing interests was strong in the North, where the population had grown faster, meaning that there were more members in the House of Representatives from the North than from the South. Thus high protective tariffs were regularly passed.

In 1828 Andrew Jackson's supporters proposed a very high tariff bill that would allow Jackson to look friendly toward manufacturing in the North, while in the South his supporters could claim that the proposed tariff was so high that it would never pass, and that they therefore had nothing to worry about. But then the tariff did pass after all. Vice President John C. Calhoun (left) of South Carolina anonymously wrote an "Exposition and Protest" of the Tariff of 1828, which became known as the "Tariff of Abominations." When a tariff bill passed again in 1832, the State of South Carolina decided to nullify it because it was still too high to suit the needs of Southern agricultural interests. They took their action very deliberately, calling a special convention and passing an Ordinance of Nullification that claimed not only that the tariff was not enforceable in South Carolina, but that any attempt to enforce it by state or federal officials would not be permitted within South Carolina.<sup>56</sup>



John C. Calhoun

The Ordinance stated that the tariffs of 1828 and 1832

are null, void, and no law, nor binding upon this state, its officers, or citizens; and all promises, contracts, and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by said acts, and all judicial proceedings which shall be hereafter had in affirmation thereof, are and shall be held utterly null and void.

South Carolina's ordinance placed the state on a collision course with President Andrew Jackson. Although Jackson was from Tennessee, and thus a Southerner (and slave owner), he was still much more a nationalist than an advocate of states' rights. To Jackson, the notion that a state could nullify a federal law, and that it could furthermore prevent him from exercising his constitutional duty to "see to it that the laws are faithfully executed," was too much. Jackson issued his own Proclamation to the People of South Carolina in which he called their nullification ordinance an "impracticable absurdity." He said:

I consider, then, the power to annul a law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.

Congress supported Jackson by passing a Force Bill which explicitly authorized him to use whatever force was necessary to enforce the law in South Carolina. (The Force Bill was more symbolic than real, as Jackson already had authority to enforce the law under the Constitution.) Meanwhile, Henry Clay set about getting a compromise tariff through Congress. South Carolina, realizing that support for its position was weak, and not willing to

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<sup>56</sup> Irving H. Bartlett, *John C. Calhoun* (New York: Norton, 1994)

push the fight any further, relented and repealed its Ordinance of Nullification. But then as slap in the face to President Jackson, it nullified the Force Bill, which was of no consequence since the bill had become moot upon South Carolina's repeal of the Ordinance of Nullification.

**Larger Meaning of the Nullification Crisis.** The nullification controversy is important because of its focus on the issue of states' rights. Most historians believe that behind South Carolina's nullification of the tariff was a deeper concern over the slavery question. The abolitionist movement was gathering steam, and there was fear throughout the South that somehow the federal government might move to abolish slavery. Nullification of the tariff then was seen by some as a test case as to whether or not nullification was viable. President Jackson's reaction and the support from Congress suggested that nullification could not be sustained. Thus the next logical step in opposing federal authority within a state was the act of secession. Indeed, the Ordinance of Nullification had concluded by stating that if force were used against South Carolina, "the people of this state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other states and will forthwith proceed to organize a separate government, and to do all other acts and things which sovereign and independent states may of right do." South Carolina exercised that option almost 30 years later as the first state to secede from the Union following Abraham Lincoln's election in 1860.

It is worth reading South Carolina's Ordinance of Nullification and Andrew Jackson's proclamation to understand the depth of the arguments on both sides. Jackson's argument carried the day, but for many Southerners the issue of states' rights was still an open question. (See Appendix)

### **Cherokee Indian Removal**

Without doubt the ugliest event in the Jackson years was the removal of the Cherokee Indians from Georgia to reservations located west of the Mississippi River. Andrew Jackson had built much of his reputation as an Indian fighter during the Creek Wars, but historians have not called him an Indian hater. He respected Indians as worthy enemies, but when the state of Georgia clashed with the Cherokee, there was little doubt that Jackson would come down on the side of Georgia.

The Cherokee had previously been recognized as a nation with laws and customs of their own. They had done much to try to accommodate themselves to the white culture, even translating the New Testament into the Cherokee language. But an 1828 Georgia law declared that the state had jurisdiction over Indian Territory. When gold was discovered on Indian land, and Indians sought legal relief to hold onto their property, and the issue came to the Supreme Court in *Worcester v. Georgia*. The Supreme Court said that Georgia laws had no force on Cherokee land, but sent no marshals to Georgia to enforce their decision.<sup>57</sup> Jackson defied the court, saying that "the decision of the supreme court has fell still born."

Still trying to hold onto their land the Cherokee again sought legal relief and brought the case of *Cherokee Nation vs. Georgia* to the Supreme Court. Chief Justice Marshall clearly sympathized with the Cherokee position:

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<sup>57</sup> Under the Judiciary Act of 1789 United States Marshals were given authority to support the federal courts and to carry out all lawful orders issued by judges, Congress, or the president.

If courts were permitted to indulge their sympathies, a case better calculated to excite them can scarcely be imagined. A people once numerous, powerful, and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts, and our arms, have yielded their lands by successive treaties, each of which contains a solemn guarantee of the residue, until they retain no more of their formerly extensive territory than is deemed necessary to their comfortable subsistence. To preserve this remnant the present application is made.

Unfortunately, Marshall took an uncharacteristically strict view of the Constitution and claimed that the Cherokee did not have the legal right to sue in the United States Supreme Court:

If it be true that the Cherokee Nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future.

Since there was no other court save the deaf ear of public opinion and humanity to which the Cherokee could turn, they were eventually forced to leave Georgia and settle in Indian country, now the state of Oklahoma. Jackson felt that the Indians would be better off “out of the way” and settled his policy on “voluntary emigration west of the Mississippi.” Although the removals conducted under the control of the United States Army were generally peaceful, thousands of Cherokee were removed along the “Trail of Tears” to the West. Provisions for the Indians en route were scant, and weather conditions including frozen rivers led to the death of many along the way. Some of the tribes resisted, and fighting occurred from time to time, but the majority of the Cherokee and other tribes were settled, much against their will, in the trans-Mississippi territory.

### Rise of the Whigs—all those opposed to “King Andrew”



President Jackson continued to spar with opponents in Congress throughout his second term. In 1833 he felt that he had a mandate to deal with the bank as a result of his reelection in 1832. Jackson ordered the secretary of the treasury to announce that public funds would no longer be deposited in the Bank of the United States. By the end of 1833, 23 state banks had been designated as depositories of federal funds, and the first funds had been transferred to a bank in Philadelphia. When the Senate called for the papers dealing with Jackson's decision on the bank, Jackson refused to submit them. Instead he claimed “executive privilege,”—the notion that Congress has no right to demand that he account for his private dealings with his Cabinet. (*The issue of executive privilege has been tested repeatedly in modern times, the best known case being that involving President Nixon and the Watergate affair.*)

In 1836 a specie circular was issued directing that only gold, silver and a limited amount of paper would be accepted for the payment of purchases of public lands. The specie circular put pressure on the state banks, known as “pet” banks. Jackson's bank policies eventually contributed to the panic of 1837.

**Foreign Affairs under Jackson.** Foreign affairs were not a high priority in Jackson's administration. Through a series of negotiations Jackson had improved trade relations with Great Britain during his first term. Jackson then began to pursue negotiations regarding claims against France left over from the period before the War of 1812. In 1831 the French government agreed to pay 25 million francs against those claims. When the French government failed to make good on those payments, however, Jackson threatened reprisals against French property. Jackson's blustery language offended the French, and for a time it appeared that war might result. Through British mediation, however, France was mollified and the issue passed.

Events in Texas (which will be covered in a later chapter) also got the attention of Jackson's administration. One of Jackson's early priorities was the acquisition of Texas, but the minister he sent to Mexico with vague instructions bungled the negotiations. When the newly independent Republic of Texas made overtures about joining the United States, Jackson wisely demurred, fearing war with Mexico. (The war with Mexico came in 1846.)

### **The Election of 1836**

By 1836 Jackson's leadership had produced a generally united Democratic party. The party nominated Martin Van Buren as successor to Jackson who promised to "tread generally in the footsteps of President Jackson." Although the party had no formal platform it did agree on some general political positions. It tended to be skeptical of businesses and anything perceived as special privilege, and it generally conformed to Thomas Jefferson's positions, including equal opportunity, limited national government, and political freedom, to which Jackson's Democrats added the concepts of social equality and faith in the common man. In addition, Democrats were in favor of the Jeffersonian concept of free public education, an idea that was spreading across the nation, far ahead of most of the rest of the world.

Jackson's opponents had coalesced into the Whig party, generally united against whom they saw as "King Andrew." When the Whigs could not agree on a single candidate, they decided to run multiple candidates in the hope of throwing the election into the House of Representatives, where the Whigs would be able to determine the outcome. The leading candidate was Daniel Webster of Massachusetts, and the Whigs also nominated William Henry Harrison as the candidate to run in the West and Hugh L. White to run as a states' rights candidate in the South. The Whigs' "favorite son" nominating tactic failed, however, and Martin Van Buren succeeded Jackson to the presidency.

### **Martin Van Buren as President**

Martin Van Buren was the first of several presidents and presidential candidates from New York, and the first of Dutch descent. He had the misfortune to be inaugurated just as a financial crisis loomed on the horizon. Within weeks of van Buren's inauguration, prices rose, financial firms began to fail, and by May 1837 panic had set in. Problems had begun with the decrease in land sales brought about by the specie circular, and real estate troubles were followed by problems with stocks and commodity prices, especially cotton in the South. An acute banking crisis, also resulting from policies of the Jackson administration, caused bank failures and other economic problems. Protests broke out over inflationary prices, and Van Buren's measures failed to halt the economic downturn. As generally happens in times of economic depression, the incumbent party was assigned the blame, whether properly or not. It was the worst financial crisis in American history until 1929.<sup>58</sup>

The Panic of 1837 was the result of a period of rampant speculation in railroads, land, manufacturing ventures and other enterprises. By 1835 New York City had become the sec-

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<sup>58</sup> See Ted Widmer, *Martin van Buren* (New York: Holt, 2005), Chapter 5, "Panic."



ond most important financial center in the world after London. Americans acted as though the economy would keep rising indefinitely and spent accordingly. Many new banks had opened to process the expanding commerce, some of the built on shaky foundations. In the spring of 1837 the economic bubble burst. Bankruptcies and unemployment caused untold suffering and hardship. Confidence was difficult to restore, and the nation foundered.

President van Buren called Congress into special session and presented them with a far-reaching plan for recovery. The plan, designed to help banks and forestall lawsuits, sailed through Congress, and by late 1838 the situation had begun to improve. Nevertheless, van Buren was blamed for the economic disaster, which provided a rallying point for the Whigs. Although the panic was not van Buren's fault, it undermined his chance for reelection in 1840.

**The Abolition Movement.** Abolitionist sentiment had begun around 1830 and was getting stronger by the time Van Buren became president. As debates in Congress grew increasingly bitter, Congress eventually adopted a gag rule:

*"Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."*<sup>59</sup>

Former President John Quincy Adams, now a congressman from Massachusetts, argued repeatedly for the right of petition and earned the title "Old Man Eloquent." (Adams's speech before the Supreme Court in the *Amistad* case was another famous example of his eloquence.)

The presidential campaign of 1840 was one of the more colorful in American history and became known as the "Log cabin and Hard Cider" campaign. Although Clay was still a powerful figure, the Whig convention nominated William Henry Harrison and John Tyler as its candidates. Their chief unifying position was still opposition to the Democrats, and Harrison's popularity was based upon his winning the Battle of Tippecanoe. (Thus the slogan, "Tippecanoe and Tyler Too!") Newspaper ads, parades, rallies and other symbols of the sort which soon became popular in presidential campaigns, were all part of the scene in 1840, so there was little discussion of hard issues. The campaign soon degenerated into a mudslinging contest in which wild charges were flung in all directions. The only mature element of the campaign was the fact that two organized political parties were vying against each other.

Harrison's popular vote margin was about 150,000 out of 2½ million votes cast, but his majority in the electoral College was 234 to 60. Harrison's presidency became the shortest in history, lasting just over 30 days as he became ill from delivering his inaugural address during nasty weather and died. Vice President John Tyler succeeded to the presidency, the first vice president to move up to the White House upon the death of a president.

### **Alexis de Tocqueville's "Democracy in America"**

Alexis de Tocqueville was the scion of a French noble family that had suffered significantly during the French Revolution. Born in 1805, Tocqueville studied philosophy and law before becoming a member of the French court of law at Versailles. As he learned more about law and the impact of the French Revolution on French society, he developed a liberal political philosophy and became curious about democracy. He saw America as an ongoing experiment in democracy and decided to visit America to observe democracy in action.

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<sup>59</sup> The House of Representatives adopted this resolution by a vote of 117-68 on May 26, 1836.

Tocqueville received permission from the French government to travel to the United States to study American prisons, but his real purpose was to analyze American democracy. Tocqueville, who was only 25 at the time, arrived in America along with his friend Gustave de Beaumont in May, 1831, and for the next nine months they toured America. They started in New England, and spent considerable time in Boston, New York and Philadelphia where they conversed with many of the most influential thinkers in America. Many of these prominent men went out of their way to assist the two travelers, even going so far as to provide them with essays and written descriptions of American life.

The two Frenchmen traveled west as far as Green Bay, Wisconsin, down the Mississippi to New Orleans, back to Washington, where they met President Andrew Jackson, and eventually back to France. Along with other famous Americans, they met Charles Carroll of Carrollton, Maryland, the sole surviving signer of the Declaration of Independence.

Back in France Tocqueville consulted his voluminous notes and set about writing down his observations in his "Democracy in America," perhaps the most famous book ever written about America. Tocqueville was most impressed by the condition of equality he found in America. He certainly recognized the iniquity of slavery, and discussed racism in America, but as he was considered an honored guest wherever he went, he met and spent far less time with working-class or poor people than he did with those who were well off. Nevertheless, his observations about America have rung true ever since the book was written.

Although Tocqueville admired much that he saw in America, his work is by no means uncritical. Furthermore, it contains insights that can only be considered remarkable in terms of his predictions about where America might be heading. For example, he predicted that the world would eventually become polarized between two nations which were only emerging at that time: the United States and Russia.

By merely perusing the table of contents of Tocqueville's two volumes, one can see the detail with which he examined and described American life. He discussed education, morals, religion, the roles of women, the Constitution, the government, the judicial system, political parties, the press, public opinion, what he called the "tyranny of democracy," and virtually all other aspects of American public life. Tocqueville's book was well received not only in United States but throughout Europe. It remains one of the great books of all time.

## Historic Documents 1800-1840

### Thomas Jefferson's First Inaugural Address, 1801

*Jefferson no doubt gave considerable thought to his address on this momentous occasion, as he himself called his election in 1800 a "revolution." Jefferson's actual deeds as a founding father are less than remarkable; what he left for posterity are his ideas, a genuine expression of the ideal of republican government and the hopes of the Enlightenment. Jefferson's eloquent exposition of the meaning of liberty resonates into modern times, as political thinkers and operators of all sorts call upon his wisdom for guidance. This first inaugural address encapsulates much of Jefferson's thought.*

FRIENDS AND FELLOW CITIZENS:—Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye—when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair did not the presence of many whom I here see remind me that in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue, and of zeal on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things.

And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and less by others, and should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of

opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government can not be strong, that this Government is not strong enough; but would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm on the theoretic and visionary fear that this Government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest Government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man can not be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter—with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens—a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its Administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burthened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion; freedom of the press, and freedom of person under the protection of the habeas corpus, and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to

their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose preeminent services had entitled him to the first place in his country's love and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past, and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

## Jefferson's Embargo Act, 1807

### The Embargo Act:

*Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled,* that an embargo be, and hereby is laid on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels under the immediate direction of the President of the United States; and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect; *provided,* that nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, either in ballast or with the goods, wares, and merchandise on board of such foreign ship or vessel. . . .

Section 2. *And be it further enacted,* that during the continuance of this act, no registered or sea letter vessel, having on board goods, wares, and merchandise, shall be allowed to depart from one port of the United States to any other within the same, unless the master, owner, consignee, or factor of such vessel shall first give bond, with one or more sureties to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise shall be re-landed in some port of the United States, dangers of the seas excepted, which bond, and also a certificate from the collector where the same may be re-landed, shall by the collector respectively be transmitted to the secretary of the treasury. All armed vessels possessing public commissions from any foreign power are not to be considered as liable to the embargo laid by this act.

## James Madison, War Message To Congress June 14, 1812

*James Madison's war message to Congress reviews the issues leading up to the conflict, and Madison, like most presidents who followed him, was careful to construct a case that would not only be sufficient for Congress to declare war, but to serve posterity. It is interesting to compare Madison's message with those of later presidents, especially that of Woodrow Wilson in 1917. The two Princeton men faced many of the same issues as leaders of one of the most powerful neutral nations in a time of great European war.*

... British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it, not in the exercise of a belligerent right founded on the law of nations against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of nations and the laws of the country to which the vessels belong, and a self-redress is assumed which, if British subjects were wrongfully detained and alone concerned, is that substitution of force for a resort to the responsible sovereign which falls within the definition of war. .

The practice, hence, is so far from affecting British subjects alone that, under the pretext of searching for these, thousands of American citizens ... have been torn from their country and from everything dear to them; have been dragged on board ships of war of a foreign nation and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity ... the United States have in vain exhausted remonstrances and expostulations. ... The communication passed without effect.

British cruisers have been in the practice also of violating the rights and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless Proceedings in our very harbors, and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. .

Under pretended blockades, without the presence of an adequate force and sometimes without the practicability of applying one, our commerce has been plundered in every sea, the great staples of our country have been cut off from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests. .

It has become, indeed, sufficiently certain that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain; not as supplying the wants of her enemies, which she herself supplies; but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend that she may the better carry on a commerce with an enemy ...

[O]ur attention is necessarily drawn to the warfare just renewed by the savages on one of our extensive frontiers--warfare which is known to spare neither age nor sex and to be distinguished by features peculiarly shocking to humanity.

Such is the spectacle of injuries and indignities which have been heaped on our country, and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. .

Our moderation and conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence, committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts no longer the organs of public law but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets. .

We behold, *in fine*, on the side of Great Britain a state of war against the United States, and on the side of the United States a state of peace toward Great Britain.

Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to force in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of Events, avoiding all connections which might entangle it in the contest or views of other powers, and preserving a constant readiness to concur in an honorable reestablishment of peace and friendship, is a solemn question which the Constitution wisely confides to the legislative department of the Government. In recommending it to their early deliberations I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation. .



## President James Monroe: The Monroe Doctrine

### From President Monroe's 7th annual message to Congress, December 2, 1823

*Secretary of State John Quincy Adams worked closely with President Monroe in crafting this doctrine, which remains a cornerstone of American foreign policy.*

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the Minister of the United States at St. Petersburg to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal has been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. .

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal, to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked, that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly, in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different, in this respect, from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgement of the competent authorities of this government, shall make a corresponding change, on the part of the United States, indispensable to their security.

The late events in Spain and Portugal, shew that Europe is still unsettled. Of this important fact, no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question, to which all independent powers, whose governments differ from theirs, are interested; even those most remote, and surely none more so than the United States. Our policy, in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every power; submitting to injuries from none. But, in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent, without endangering our peace and happiness: nor can any one believe that our Southern Brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

## Excerpts from John Marshall's Greatest Decisions

*John Marshall placed the Supreme Court in a position of co-equal status with the two other branches of government. He also defined the fundamental constitutional relationships between different echelons of government (what we called in class a "hierarchy of laws") and solidified the government's rights in regulating commerce. It may be said that he "made the nation safe for capitalism" in his economic decisions; he certainly strengthened the hand of the federal government in dealing with economic issues, a fact which raised objections among people like Jefferson and his fellow republicans who leaned towards states' rights as opposed to federal power. Marshall served until his death in 1835, making him one of the most influential men in shaping the course of the new nation under the Constitution.*

*As you read the selections below, keep in mind the fact that his decisions were lengthy—and these are but brief excerpts. If you are interested in more detail you can read longer excerpts on the Academic American web site, as well as the full decisions and many others in their entirety through links from the web site to the Cornell University Law School.*

### **Marbury v. Madison**

*Before leaving office President John Adams appointed a number of Federalists to newly created judicial positions. One of John Marshall's last tasks as Secretary was to deliver a warrant to one William Marbury, whom Adams appointed justice of the peace for the District of Columbia, which through oversight he failed to do. When Jefferson arrived in the White House, he ordered Secretary of State James Madison to withhold warrants not yet given. Under a clause of the Judiciary Act of 1789, Marbury sued for his warrant in the Supreme Court. Thus Marshall was faced with a difficult decision—if he ordered the warrant delivered and Jefferson refused, there was little he could do, and the court would be weakened. Instead, Marshall found the portion of the Judiciary Act under which Marbury was acting to be unconstitutional, thus claiming for the court the right of "judicial review," the power of the court to rule laws passed by Congress unconstitutional. The first of Marshall's great decisions is one of those that made him "the man who made the Court Supreme."*

*Marshall ruled that Marbury was entitled to his warrant, but the question was, could he sue for it in the Supreme Court?*

... Mr. Marbury, then, since his commission was signed by the President and sealed by the secretary of state, was appointed; and as the law creating the office gave the officer a right to hold for five years, independent of the executive, the appointment was not revocable, but vested in the officer legal rights, which are protected by the laws of his country.

To withhold his commission, therefore, is an act deemed by the Court not warranted by law ... This, then, is a plain case for a mandamus, either to deliver the commission or a copy of it from the record; and it only remains to be inquired whether it can issue from this Court. ...

In the distribution of [judicial power ... the Constitution declares] that "the Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party. In all other cases, the Supreme Court shall have appellate jurisdiction." ...

The Constitution vests the whole judicial power of the United States in one Supreme Court and such inferior courts as Congress shall, from time to time, ordain and establish. This power is expressly extended to all cases arising under the laws of the United States and, consequently, in some form, may be exercised over the present case because the right claimed is given by a law of the United States. ...

... The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts and, like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable. .

**It is, emphatically, the province and duty of the Judicial Department to say what the law is.** Those who apply the rule to particular cases must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.

It is also not entirely unworthy of observation that, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution have that rank.

Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that law repugnant to the Constitution is void and that courts, as well as other departments, are bound by that instrument.

### ***McCullough v. Maryland***

*McCulloch is the case that pitted opponents of the Bank of the United States against supporters. The State of Maryland was engaged by opponents to tax the bank as a means of weakening its authority. When bank treasurer McCullough refused to pay the tax imposed by the State of Maryland, the case made its way to the Supreme Court. Chief Justice Marshall decided the case.*

The first question made in the cause is—Has Congress power to incorporate a bank? ...

This government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge. ...

If any one proposition could command the universal assent of mankind, we might expect it would be this—that the government of the Union though limited in its powers is supreme within its sphere of action. This would seem to result necessarily from its nature. It is the government of all; its powers are delegated by all; it represents all; and acts for all. ...

The government of the United States, then, though limited in its powers, is supreme; and its laws, when made in pursuance of the constitution, form the supreme law of the land, “anything in the constitution or laws of any State, to the contrary, notwithstanding.”

... A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would par-

take of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would, probably, never be understood by the public. Its nature, therefore, requires, that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves. . . .

Although, among the enumerated powers of government, we do not find the word "bank" or "incorporation," we find great powers to lay and collect borrow money; to regulate commerce; to declare and conduct a war; and to raise Support armies and navies. ... But it may with great reason be contended that government, entrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation vitally depends, must also be entrusted with ample means for their execution. ... But the Constitution of the United States has not left the right of Congress to employ the necessary means for the execution of the powers conferred on the government to general reasoning. To its enumeration of powers is added that of making "All laws, which shall be necessary and proper, for carrying into execution the foregoing powers, and all other powers vested by this Constitution, in the government of the United States, or in any department thereof." ...

It being the opinion of the Court that the act incorporating the bank is constitutional; and that the power of establishing it branch in the State of Maryland might be properly exercised by the bank itself, we proceed to inquire whether the State of Maryland may, without violating the Constitution, tax that branch.

...There is no express provision for the case, but the claim has been sustained on a principle which so entirely pervades the Constitution, is so intermixed with the materials which compose it, so interwoven with its web, so blended with its Texture as to be incapable of being separated from it without reading it into shreds.

This great principle is that the Constitution and the laws made in pursuance thereof are supreme; that they control the constitution and laws of the respective states, and cannot be controlled by them. From this, which may be almost termed an axiom, other propositions are deduced as corollaries, on the truth or error of which, and on their application to this case, the close has been supposed to depend. These are (1) that a power to create implies a power to preserve; (2) that a power to destroy, if wielded by a different hand, is hostile to, and incompatible with these powers to create and to preserve; (3) that where this repugnancy exists, that authority which is supreme must control, not yield to, that over which it is supreme. ...

The power of Congress to create, and of course to continue, the bank, was the subject of the preceding part of this opinion; and is no longer to be considered as questionable. ...

That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one government a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions not to be denied. ...

The question is, in truth, a question supremacy; and if the right of the states to tax the means employed by the general government be conceded, the declaration that the Constitution, and the laws made in pursuance thereof, shall be the supreme law of the land is empty and unmeaning declamation. ...

The Court has bestowed on this subject its most deliberate consideration. The result is a conviction that the states have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared.

We are unanimously of opinion, that the law passed by the legislature of Maryland, imposing a tax on the Bank of the United States, is unconstitutional and void.

This opinion does not deprive the states of any resources which they originally possessed. It does not extend to a tax paid by the real property the bank, in common with the other real property within the state, nor to a tax imposed on the interest which the citizens of Maryland may hold in this institution, in common with other property of the same description throughout the state. But this is a tax on the operations of the bank, and is consequently a tax on the operation of an instrument employed by the government of the Union to carry its powers into execution. Such a tax must be unconstitutional.

### ***Dartmouth College v. Woodward***

*Daniel Webster's famous speech before the Supreme Court in Dartmouth College v. Woodward is said to have brought tears to the eyes of Chief Justice John Marshall. Marshall's majority opinion in favor of the college was not based on sentiment but rather on his strong views concerning the contract clause in the Constitution. He had previously set forth the principle in Fletcher v. Peck that contracts could not be impaired by state rulings. In the Dartmouth case he extended this principle to corporations such as the one at hand. This new doctrine was to be a turning point in constitutional law. Since business corporations were now free from state interference, investors were more willing to support such enterprises. Thus, the whole field of business was encouraged to expand, with far-reaching effects on the American economy. Half a century later, Justice Miller remarked that "it may be doubted whether any decision ever delivered by any court has had such a pervading operation and influence in controlling legislation as this.*

...The American people have said, in the constitution of the United States, that "no state shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." In the same instrument, they have also said, "that the judicial power shall extend to all cases in law and equity arising under the constitution." On the judges of this court, then, is imposed the high and solemn duty of protecting, from even legislative violation, those contracts which the constitution of our country has placed beyond legislative control; and, however irksome the task may be, this is a duty from which we dare not shrink.

The title of the plaintiffs originates in a charter dated the 13<sup>th</sup> day of December, in the year 1769, incorporating twelve persons therein mentioned, by the name of "The Trustees of Dartmouth College," granting to them and their successors the usual corporate privileges and powers, and authorizing the trustees, who are to govern the college, to fill up all vacancies which may be created in their own body . .

It can require no argument to prove that the circumstances of this case constitute a contract. ... [T]he state legislatures were forbidden "to pass any law impairing the obligation of contracts," ...

A corporation is an artificial being, invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as incidental to its very existence. These are such as are supposed best calculated to effect the object for which it was created. Among the most important are immortality, and ... individuality; properties by which a perpetual

succession of many persons are considered as the same, and may act as a single individual. They enable a corporation to manage its own affairs and to hold property without the perplexing intricacies, the hazardous and endless necessity of perpetual conveyances for the purpose of transmitting it from hand to hand. It is chiefly for the purpose of clothing bodies of men, in succession, with these qualities and capacities that corporations were invented and are in use.

By these means, a perpetual succession of individuals are capable of acting for the promotion of the particular object, like one immortal being. ...

From the fact, then, that a charter of incorporation has been granted, nothing can be inferred which changes the character of the institution or transfers to the government any new power over it. The character of civil institutions does not grow out of their incorporation but out of the manner in which they are formed and the objects for which they are created. ...

From this review of the charter, it appears that Dartmouth College is an eleemosynary institution, incorporated for the purpose of perpetuating the application of the bounty of the donors to the specified objects of that bounty; that its trustees or governors were originally named by the founder and invested with the power of perpetuating themselves; ...

... This is plainly a contract to which the donors, the trustees, and the Crown (to whose rights and obligations New Hampshire succeeds) were the original parties. It is a contract made on a valuable consideration. It is a contract for the security and disposition of property. It is a contract on the faith of which real and personal estate has been conveyed to the corporation. It is then a contract within the letter of the Constitution, and within its spirit also, ...

... Almost all eleemosynary corporations, those which are created for the promotion of religion, of charity, or of education, are of the same character. ...

The opinion of the Court, after mature deliberation, is that this is a contract, the obligation of which cannot be impaired without violating the Constitution of the United States. This opinion appears to us to be equally supported by reason and by the former decisions of this Court.

... It has been already stated that the act "to amend the charter, and enlarge and improve the corporation of Dartmouth College" increases the number of trustees to twenty-one, gives the appointment of the additional members to the executive of the state, and creates a board of overseers to consist of twenty-five persons, of whom twenty-one are also appointed by the executive of New Hampshire, who have power to inspect and control the most important acts of the trustees. ...

The whole power of governing the college is transferred from trustees, appointed according to the will of the founder, expressed in the charter, to the executive of New Hampshire. ...

This is not an immaterial change. The founders of the college contracted, not merely for the perpetual application of the funds which they gave to the objects for which those funds were given; they contracted, also, to secure that application by the constitution of the corporation. They contracted for a system, which should, as far as human foresight can provide,

retain forever the government of the literary institution they had formed in the hands of persons approved by themselves.

This system is totally changed. The charter of 1769 exists no longer. It is reorganized; and reorganized in such a manner as to convert a literary institution, molded according to the will of its founders and placed under the control of private literary men, into a machine entirely subservient to the will of government.

... It results from this opinion that the acts of the legislature of New Hampshire, which are stated in the special verdict found in this cause, are repugnant to the Constitution of the United States; and that the judgment on this special verdict ought to have been for the plaintiffs. The judgment of the state court must therefore be reversed.

### ***Gibbons v. Ogden***

*Robert Fulton and Robert Livingston had been granted a license by the State of New York giving them an exclusive right to operate steamboats in its waters between New Jersey and New York. License was extended to Aaron Ogden to operate steamboats between New Jersey and New York. Thomas Gibbons, who had obtained a federal license under the Coasting Act of 1793 (in which Congress provided for the licensing of "vessels employed in the coasting trade"), deliberately violated the state-granted monopoly by operating two steamboats between New Jersey and New York City. Gibbons was ordered by a New York Court to cease his operations, and he appealed the decision to the United States Supreme Court.*

[The Constitution] contains an enumeration of powers expressly granted by the people to their government. It has been said, that these powers ought to be construed strictly. ...

The words are, "congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." The subject to be regulated is commerce; and our constitution being, as was aptly said at the bar, *one of enumeration, and not of definition*, to ascertain the extent of the power, it becomes necessary to settle the meaning of the word. ... Commerce, undoubtedly, is traffic, but it something more—it is intercourse. It describes the commercial intercourse between nations, and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse. The mind can scarcely conceive a system for regulating commerce between nations, which shall exclude all laws concerning navigation, which shall be silent on the admission of the vessels of the one nation into the parts of the other, and be confined to prescribing rules for the conduct of individuals, of in the actual employment of buying and selling, or of barter. ...

To what commerce does this power extend? The constitution informs us, to commerce "with foreign nations, and among the several states ... " [These] these words comprehend every species of commercial intercourse between the United States and foreign nations. ...

If this be the admitted meaning of the word, in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit, unless there be some plain intelligible cause which alters it. The subject to which the power is next applied, is to commerce, "among the several states." Commerce among the states, cannot stop at the external boundary line of each state, but may be introduced into the interior. . . . The genius and character of the whole government seem to be, that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the states generally; but not to those which are completely within a particular state, which do not affect



other states, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the government. The completely internal commerce of a state, then, may be considered as reserved for the state itself.

We are now arrived at the inquiry—what is the power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the constitution.

In [any] case, the acts of New York must yield to the law of congress; and the decision sustaining the privilege they confer, against a right given by a law of the Union, must be erroneous. ... The nullity of any act, inconsistent with the constitution is produced by the declaration, that the constitution is the supreme law. The appropriate application of that part of the clause which confers the same supremacy on laws and treaties, is to such acts of the state legislatures do not transcend their powers, by though enacted in the execution of acknowledged state powers, interfere with, or are contrary to the laws of congress, made in pursuance of the constitution, or some treaty made under the authority of the United States. In every such case the acts of congress, or the treaty, is supreme) and the law of the state, though enacted in the exercise of powers not controverted, must yield to it. .

**MR. JUSTICE JOHNSON, concurring.**

The judgment entered by the court in this cause, has my entire approbation; but having adopted my conclusions on views of the subject materially different from those of my brethren, I feel it incumbent on me to exhibit those views. .

In attempts to construe the constitution, I have never found much benefit resulting from the inquiry, whether the whole; or any part of it, is to be construed strictly or liberally. The simple, classical, precise, yet comprehensive language in which it is couched, leaves, at most, but very little latitude for construction; and when its intent and meaning are discovered, nothing remains but to execute the will of those who made it, in the best manner to effect the purposes intended. The great and paramount purpose was, to unite this mass of wealth and power, for the protection of the humblest individual; his rights, civil and political, his interests and prosperity, are the sole end; the rest are nothing but the means. .

The history of the times will . . sustain the opinion, that the grant of power over commerce, if intended to be commensurate with the evils existing, and the purpose of remedying those evils, could be only commensurate with the power of the states over the subject. .

. . But what was that power? The states were, unquestionably, supremely and each possessed that power over commerce, which is acknowledged to reside in every sovereign state. . The power of a sovereign state over commerce, therefore, amounts to nothing more than a power to limit and restrain it at pleasure. And since the power to prescribe the limits to its freedom, necessarily implies the power to determine what shall remain unrestrained, it follows, that the power must be exclusive: it can reside but in one potentate; and hence, the grant of this power carries with it the whole subject, leaving nothing for the state to act upon.

## South Carolina's Protest Against the Tariff of 1828

by John C. Calhoun (Anonymously)

*Protective tariffs, as discussed in the text, are designed to protect American economic interests against foreign competition. In the early decades of the country it was manufacturing that needed protection, but duties on imported manufactured goods affected areas of the country that relied on manufactured goods from other regions. Since the Southern economy was centered around the export of cotton, protective tariffs affected that region disproportionately. The high tariff passed in 1828 was called the "tariff of abominations" by South Carolina. Although they took no action, they did issue a formal protest written anonymously by Vice President Calhoun. When the tariff was lowered in 1832, it did not satisfy South Carolina, and they then issued an ordinance of nullification declaring that the tariff would not be valid within their state. The three documents excerpted in this portion include South Carolina's Exposition and Protest of 1828, the South Carolina Ordinance of Nullification of 1832, and President Jackson's Proclamation to the People of South Carolina.*

... [T]hose who claim to exercise power under the Constitution, are bound to show that it is expressly granted, or that it is necessary and proper as a means of the granted powers. The advocates of the Tariff have offered no such proof. It is true that the third section of the first article of the Constitution authorizes Congress to lay and collect an impost duty, but it is granted as a tax power for the sole purpose of revenue, a power in its nature essentially different from that of imposing protective or prohibitory duties.

....The Constitution grants to Congress the power of imposing a duty on imports for revenue, which power is abused by being converted into an instrument of rearing up the industry of one section of the country on the ruins of another. The violation, then, consists in using a power granted for one object to advance another, and that by the sacrifice of the original object.

... So partial are the effects of the system, that its burdens are exclusively on one side and its benefits on the other. It imposes on the agricultural interest of the South, including the Southwest, and that portion of the country particularly engaged in commerce and navigation, the burden not only of sustaining the system itself, but that also of the Government. . . .

....The assertion, that the encouragement of the industry of the manufacturing States is, in fact, discouragement to ours, was not made without due deliberation. It is susceptible of the clearest proof. ...

Our system, then, consists of two distinct and independent Governments. The general powers, expressly delegated to the General Government, are subject to its sole and separate control; and the States cannot, without violating the constitutional compact, interpose their authority to check, or in any manner to counteract its movements, so long as they are confined to the proper sphere. So, also, the peculiar and local powers reserved to the States are subject to their exclusive control; nor can the General Government interfere, in any manner, with them, without violating the Constitution.

With these views the committee are solemnly of the impression, if the present usurpations and the professed doctrines of the existing system be persevered in, after due forbearance on the part of the State, that it will be her sacred duty to interpose duty to herself, to the Union, to the present, and to future generations, and to the cause of liberty over the world, to arrest the progress of a usurpation which, if not arrested, must, in its consequences, corrupt the public morals and destroy the liberty of the country.

## South Carolina Ordinance of Nullification

*John C. Calhoun states in his 1828 protest that if Congress enacted legislation that went beyond the powers assigned to it by the Constitution, states could declare such legislation null and void. The origin of this doctrine lies in the general skepticism with which the Constitution was met (by people like Patrick Henry) and which was further developed in the Kentucky and Virginia Resolves of 1798. The Ordinance below was passed in a special convention on November 24, 1832.*

*Whereas, the Congress of the United States, by various acts purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures ... has exceeded its just powers under the Constitution ... and has violated the true meaning and intent of the Constitution, which provides for equality in imposing the burdens of taxation upon the several states and portions of the confederacy; ...*

*We, therefore, the people of the state Of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the [tariff acts of 1828 and 1832] are unauthorized by the Constitution of the United States and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this state, its officers, or citizens; and all promises, contracts, and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.*

*And it is further ordained that it shall not be lawful for any of the constituted authorities, whether of this state or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this state; ...*

*And it is further ordained that all persons now holding any office of honor, profit, or trust, civil or military, under this state (members of the legislature excepted), shall, within such time and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance, ... And no person hereafter elected to any office of honor, profit, or trust, civil or military (members of the legislature excepted), shall, until the legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath. ...*

*And we, the people of South Carolina ... do further declare, that we will not submit to the application of force on the part of the federal government to reduce this state to obedience; but that we will consider the passage by Congress of any act authorizing the employment of a military or naval force against the state of South Carolina, her constituted authorities or citizens, or any act abolishing or closing the ports of this state, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union.*

*And that the people of this state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other states and will forthwith proceed to organize a separate government, and to do all other acts and things which sovereign and independent states may of right do.*

## **ANDREW JACKSON: Proclamation to the People of South Carolina**

*Andrew Jackson regarded the South Carolina Ordinance as a clear threat to the federal union and to national authority. He reacted by submitting to Congress a Force Bill authorizing the use of federal troops in South Carolina, and by asking Secretary of State Edward Livingston to draw up the following "Proclamation to the People of South Carolina." Jackson's proclamation, delivered December 10, 1832, evoked a defiant response from South Carolina in the resolutions of December 20 that appear below. But support from other Southern states was not forthcoming, and that fact, coupled with Jackson's determination to employ military force if necessary, ultimately forced South Carolina to retreat. With the help of Henry Clay, a moderate tariff bill more acceptable to South Carolina was passed in 1833. However, the episode had established a strategy the South would employ on the slavery issue, under weaker presidents, until the outbreak of the Civil War. In the last paragraphs of this excerpt, Jackson replies to South Carolina's threat of secession, an argument followed by the Supreme Court in the 1869 case of Texas v. White in which the Court declared secession unconstitutional.*

*Whereas*, a convention assembled in the state of South Carolina have passed an ordinance by which they declare [that the tariff acts of 1828 and 1832] and are null and void and no law, nor binding on the citizens of that state or its officers; and by the said ordinance it is further declared to be unlawful for any of the constituted authorities of the state or of the United States to enforce the payment of the duties imposed by the said acts within the same state, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance; and

*Whereas*, by the said ordinance it is further ordained that in no case of law or equity decided in the courts of said state wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, ....; and, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard, and that they will consider the passage of any act by Congress ... to enforce the said acts, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union, and that the people of the said state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other states, and will forthwith proceed to organize a separate government and do all other acts and things which sovereign and independent states may of right do; and

*Whereas*, the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the destruction of the Union ... to preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, stating my views of the Constitution and laws applicable to the measures adopted by the convention of South Carolina and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention. ...

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured but on the strange position that any one state may not only declare an act of Congress void but prohibit its execution; that they may do this consistently with the Constitution; that the true construction of that instrument per-

mits a state to retain its place in the Union and yet be bound by no other of its laws than those it may choose to consider as constitutional. ...

Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port; and no revenue could be collected anywhere, for all imposts must be equal. ...

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and nonintercourse law in the Eastern states, the carriage tax in Virginia were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those states discovered that they had the right now claimed by South Carolina. ...

If the doctrine of a state veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our government. ....

[Our Constitution] was formed for important objects that are announced in the Preamble, made in the name and by the authority of the people of the United States, whose delegates framed and whose conventions approved it. The most important among these objects—that which is placed first in rank, on which all the others rest—is *“to form a more perfect union.”*

Now, is it possible that even if there were no express provision giving supremacy to the Constitution and laws of the United States over those of the states, can it be conceived that an instrument made for the purpose of *“forming a more perfect union”* than that of the Confederation could be so constructed by the assembled wisdom of our country as to substitute for that Confederation a form of government dependent for its existence on the local interest, the party spirit of a state or of a prevailing faction in a state? Even man of plain, unsophisticated understanding who hears the question will give such an answer as will preserve the Union. . . .

**I consider, then, the power to annul a law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed. ...**

Our Constitution does not contain the absurdity of giving power to make laws and another to resist them. The sages whose memory will always be revered have given us a practical and, as they hoped, a permanent constitutional compact. The father of his country did not affix his revered name to so palpable an absurdity. ...

No; we have not erred. The Constitution is still the object of our reverence, the bond of our Union, our defense in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interests, of state prejudices, of personal animosities that were made to bring it into existence will again be patriotically offered for its support.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single state. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings the ordinance grounds not only an assertion of the right to annul the laws of which it complains but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign states who have preserved their whole sovereignty and therefore are subject to no superior; that because they made the compact they can break it when in their opinion it has been departed from by the other states. Fallacious as this course of reasoning is, it enlists state pride and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests. ...

The Constitution of the United States, then, forms a *government*, not a league; and whether it be formed by compact between the states or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the states; they retained all the power they did not grant. But each state, having expressly parted with so many powers as to constitute, jointly with the other states, a single nation, cannot, from that period, possess any right to secede, because such secession does not break a league but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact but it is an offense against the whole Union.

To say that any state may at pleasure secede from the Union is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error or to deceive those who are willing to assert a right, but would pause before they made a revolution or incur the penalties consequent on a failure.

Because the Union was formed by a compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. ... An attempt by force of arms to destroy a government is an offense, by whatever means the constitutional compact may have been formed; and such government has the right by the law of self-defense to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

Disunion by armed force is *treason*. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences; on their heads be the dishonor, but on yours may fall the punishment. On your unhappy state will inevitably fall all the evils of the conflict you force upon the government of your country. It cannot accede to the mad project of disunion, of which you would be the first victims. Its first magistrate cannot, if he would, avoid the performance of his duty. ...

## Daniel Webster: Union Address

January 26, 1830

*In the period known as the "Era of Good Feelings" following the War of 1812, it seemed to some as if the nation were on such a harmonious path following the years of turmoil caused in part by the French Revolution, that any differences between regions, groups or "factions"-in Madison's term from Federalist #10-could be resolved without undue rancor, let alone bloodshed. Such hopes were called into doubt during the Missouri Compromise, and surfaced again over such issues as tariffs, land sales, the national bank, internal improvements, and so on. Much of the debate, as it had in the 1790s, turned on the issue of the relative power of state and federal governments. When the tariff issue arose over the "Tariff of Abominations" in 1828, states objecting to the high tariff began to argue the doctrine of nullification-the right of a state, in effect, to defy or refuse to obey a federal law. Senator Robert Y. Hayne of South Carolina raised this point during his famous debate with Daniel Webster (and others) in 1830. A portion of Webster's reply is shown here. It was probably the most famous speech given in the first half of the 19<sup>th</sup> century. (Compare this Address with Jackson's Proclamation to the People of South Carolina.)*

THERE YET REMAINS to be performed, Mr. President, by far the most grave and important duty which I feel to be devolved on me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain, that it is a right of the state legislatures to interfere whenever, in their judgment, this government transcends its constitutional limits and to arrest the operation of its laws.

I understand him to maintain this right as a right existing under the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the states, thus to interfere for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the states may lawfully decide for themselves, and each state for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist that if the exigency of the case, in the opinion of any state government, require it, such state government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional. . . .

What he contends for is that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law of the states, in virtue of their sovereign capacity. The inherent

right in the people to reform their government I do not deny; and they have another right, and that is to resist unconstitutional laws without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is—Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges.

The proposition that, in case of a supposed violation of the Constitution by Congress, the states have a constitutional right to interfere and annul the law of Congress is the proposition of the gentleman. I do not admit it. ...

I say, the right of a state to annul a law of Congress cannot be maintained but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit that, under the Constitution and in conformity with it, there is any mode in which a state government, as a member of the Union, can interfere and stop the progress of the general government, by force of her own laws, under any circumstance whatever.

This leads us to inquire into the origin of this government and the source of its power. Whose agent is it? Is it the creature of the state legislatures, or the creature of the people? If the government of the United States be the agent of the state governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this general government is the creature of the states, or that it is the creature of each of the states severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all.

This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. **It is, sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition or dispute their authority. The states are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the state legislatures, as political bodies, however sovereign, are yet not sovereign over the people.** So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people and not of the state governments. We are all agents of the same supreme power, the people. The general government and the state governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The national government possesses those powers, which it can be shown the people have conferred on it, and no more. All the rest belongs to the state governments, or to the people themselves. So far as the people have restrained state sovereignty, by the expression of their will, in the Constitution of the United States, so far, it must be admitted, state sovereignty is effectually controlled.

We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the state governments. ...



... This government, sir, is the independent offspring of the popular will. It is not the creature of state legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it for the very purpose, among others, of imposing certain salutary restraints on state sovereignties. The states cannot now make war; they cannot contract alliances they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, Sir, be the creature of state legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. ...

... Let it be remembered that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the state governments and the general government, they can alter that distribution at will. ...

I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country— ...

I have not allowed myself, sir, to look beyond the Union, to see what might be hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counselor in the affairs in this government whose thoughts should be mainly bent on considering, not how the Union may be best preserved but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil.

**God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterwards"; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and Union, now and forever, one and inseparable!**

## Andrew Jackson's Bank Veto

*The Bank of the United States (BUS) was a hot political issue from its first conception by Alexander Hamilton in 1791. The first BUS was chartered at the time, and following the War of 1812 the Second BUS was chartered for 20 years. You have heard both his and Jefferson's arguments pro and con and by now should have read Marshall's McCullough v. Maryland on the same topic. In 1832 the managers and supporters of the bank decided to use the renewal as a tool to attack Andrew Jackson in the presidential election of that year. They reasoned that since the bank was popular, they could either get him to go along with renewal, or, if he vetoed it, defeat him in the election. With luck, perhaps they could achieve both. Jackson's response was "The bank tried to kill me—but I shall kill it!" He did. Here is his veto message from the renewal bill of 1832. Nicholas Biddle, President of the Bank, called the veto "a manifesto of anarchy."*

THE BILL "TO MODIFY AND CONTINUE" the act entitled "An act to incorporate the subscribers to the Bank of the United States" was presented to me on the 4<sup>th</sup> July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the states, and dangerous to the liberties of the people, I felt it my duty at an early period of my administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

The present corporate body, denominated the president, directors, and company of the Bank of the United States, will have existed at the time this act is intended to take effect twenty years. It enjoys an exclusive privilege of banking under the authority of the general government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

... More than \$8 million of the stock of this bank are held by foreigners. By this act the American republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners and to some of our own opulent citizens the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

... Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country? The president of the bank has told us that most of the state banks exist by its forbearance. Should its influence become concentrated, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its

powers or prevent a renewal of its privileges, it cannot be doubted that he would be made to feel its influence. ...

It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I cannot assent. Mere precedent is a dangerous source of authority and should not be regarded as deciding questions of constitutional power except where the acquiescence of the people and the states can be considered as well settled. .... If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this government. The Congress, the executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve. ...

... The government is the only "proper" judge where its agents should reside and keep their offices, because it best knows where their presence will be "necessary." It cannot, therefore, be "necessary" or "proper" to authorize the bank to locate branches where it pleases to perform the public service, without consulting the government and contrary to its will. The principle laid down by the Supreme Court concedes that Congress cannot establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the general government. By the same principle a branch bank cannot constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any state, without the injunction or request of the government and for other than public purposes, is not "necessary" to the due execution of the powers delegated to Congress.

...

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth cannot be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society - the farmers, mechanics, and laborers - who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.

## Excerpts from Alexis de Tocqueville's "Democracy in America"

### Author's Introduction

AMONG the novel objects that attracted my attention during my stay in the United States, nothing struck me more forcibly than the general equality of condition among the people. I readily discovered the prodigious influence that this primary fact exercises on the whole course of society; it gives a peculiar direction to public opinion and a peculiar tenor to the laws; it imparts new maxims to the governing authorities and peculiar habits to the governed.

I soon perceived that the influence of this fact extends far beyond the political character and the laws of the country, and that it has no less effect on civil society than on the government; it creates opinions, gives birth to new sentiments, founds novel customs, and modifies whatever it does not produce. The more I advanced in the study of American society, the more I perceived that this equality of condition is the fundamental fact from which all others seem to be derived and the central point at which all my observations constantly terminated.

I then turned my thoughts to our own hemisphere, and thought that I discerned there something analogous to the spectacle which the New World presented to me. I observed that equality of condition, though it has not there reached the extreme limit which it seems to have attained in the United States, is constantly approaching it; and that the democracy which governs the American communities appears to be rapidly rising into power in Europe.

Hence I conceived the idea of the book that is now before the reader.

It is evident to all alike that a great democratic revolution is going on among us, but all do not look at it in the same light. To some it appears to be novel but accidental, and, as such, they hope it may still be checked; to others it seems irresistible, because it is the most uniform, the most ancient, and the most permanent tendency that is to be found in history. ...

There is one country in the world where the great social revolution that I am speaking of seems to have nearly reached its natural limits. It has been effected with ease and simplicity; say rather that this country is reaping the fruits of the democratic revolution which we are undergoing, without having had the revolution itself.

The emigrants who colonized the shores of America in the beginning of the seventeenth century somehow separated the democratic principle from all the principles that it had to contend with in the old communities of Europe, and transplanted it alone to the New World. It has there been able to spread in perfect freedom and peaceably to determine the character of the laws by influencing the manners of the country. . It appears to me beyond a doubt that, sooner or later, we shall arrive, like the Americans, at an almost complete equality of condition. But I do not conclude from this that we shall ever be necessarily led to draw the same political consequences which the Americans have derived from a similar social organization. I am far from supposing that they have chosen the only form of government which a democracy may adopt; but as the generating cause of laws and manners in the two countries is the same, it is of immense interest for us to know what it has produced in each of them.

It is not, then, merely to satisfy a curiosity, however legitimate, that I have examined America; my wish has been to find there instruction by which we may ourselves profit. Whoever should imagine that I have intended to write a panegyric would be strangely mistaken, and on reading this book he will perceive that such was not my design; nor has it been my object to advocate any form of government in particular, for I am of the opinion that absolute perfection is rarely to be found in any system of laws. I have not even pretended to judge whether the social revolution, which I believe to be irresistible, is advantageous or prejudicial to mankind. I have acknowledged this revolution as a fact already accomplished, or on the eve of its accomplishment; and I have selected the nation, from among those which have undergone it, in which its development has been the most peaceful and the most complete, in order to discern its natural consequences and to find out, if possible, the means of rendering it profitable to mankind. I confess that in America I saw more than America; I sought there the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or to hope from its progress.

In the first part of this work I have attempted to show the distinction that democracy, dedicated to its inclinations and tendencies and abandoned almost without restraint to its instincts, gave to the laws the course it impressed on the government, and in general the control which it exercised over affairs of state. I have sought to discover the evils and the advantages which it brings. I have examined the safeguards used by the Americans to direct it, as well as those that they have not adopted, and I have undertaken to point out the factors which enable it to govern society.

My object was to portray, in a second part, the influence which the equality of conditions and democratic government in America exercised on civil society, on habits, ideas, and customs; but I grew less enthusiastic about carrying out this plan. Before I could have completed the task which I set for myself, my work would have become purposeless. Someone else would before long set forth to the public the principal traits of the American character and, delicately cloaking a serious picture, lend to the truth a charm which I should not have been able to equal.<sup>1</sup>

I do not know whether I have succeeded in making known what I saw in America, but I am certain that such has been my sincere desire, and that I have never, knowingly, molded facts to ideas, instead of ideas to facts.

Whenever a point could be established by the aid of written documents, I have had recourse to the original text, and to the most authentic and reputable works. I have cited my authorities in the notes, and anyone may verify them. Whenever opinions political customs, or remarks on the manners of the country were concerned, I have endeavored to consult the most informed men I met with. If the point in question was important or doubtful, I was not satisfied with one witness, but I formed my opinion on the evidence of several witnesses. Here the reader must necessarily rely upon my word. I could frequently have cited names which either are known to him or deserve to be so in support of my assertions; but I have carefully abstained from this practice. A stranger frequently hears important truths at the fireside .

## **The Principle of the Sovereignty of the People in America**

*It dominates the whole of American society. How the Americans applied this principle even before their Revolution. Its growth as a result of the Revolution. Gradual and irresistible lowering of voting qualifications.*

Any discussion of the political laws of the United States must always begin with the dogma of the sovereignty of the people.

The principle of the sovereignty of the people, which is always to be found, more or less, at the bottom of almost all human institutions, usually remains buried there. It is obeyed without being recognized, or if for one moment it is brought out into the daylight, it is hastily thrust back into the gloom of the sanctuary.

"The will of the nation!" is one of the phrases most generally abused by intriguers and despots of every age. Some have seen the expression of it in the bought votes of a few agents of authority, others in the votes of an interested or frightened minority, and some have even discovered it in a people's silence, thinking that the *fact* of obedience justified the *right* to command.

But in America the sovereignty of the people is neither hidden nor sterile as with some other nations; mores recognize it, and the laws proclaim it; it spreads with freedom and attains unimpeded its ultimate consequences.

If there is one country in the world where one can hope to appreciate the true value of the dogma of the sovereignty of the people, study its application to the business of society, and judge both its dangers and its advantages, that country is America.

I have already said that from the beginning the principle of the sovereignty of the people was the creative principle of most of the English colonies in America. But it was far from dominating the government of society then as it does now.

Two obstacles, one external and the other internal, checked its encroachments.

It could not be ostensibly proclaimed in the laws, as the colonies were then still bound to obey the motherland; it had therefore to lie hidden in the provincial assemblies, especially that of the township. There it spread secretly.

American society at that time was by no means ready to sweep it with all its consequences. In New England, education, and south of the Hudson, wealth, as mentioned in the last chapter, long exercised a sort of aristocratic influence which tended to keep the exercise of social power in a few hands. It was far from being the case that all public officials were elected and all citizens electors. Everywhere voting rights were restricted within certain limits and subject to some property qualification. That qualification was very low in the North but quite considerable in the South.

The American Revolution broke out. The dogma of the sovereignty of the people came out from the township and took possession of the government; every class enlisted in its cause; the war was fought and victory obtained in its name; it became the law of laws.

A change almost as rapid took place within society. The law of inheritance succeeded in breaking down local influences.

Just when all could see this effect of the laws and the Revolution, democracy's victory had already been irrevocably pronounced. Circumstances put power into its hands. It was not even permissible to struggle against it any longer. So the upper classes submitted without complaint or resistance to an evil which had by then become inevitable. They suffered the usual fate of fallen powers; each followed his own selfish interests; as there was no longer a

chance of snatching power from the people's hands, and as they did not detest them enough to take pleasure in flaunting that their only thought was to gain their goodwill at any price. Consequently the most democratic laws were voted by the very men whose interests they impaired. In this way the upper classes aroused no popular passions against themselves, but they themselves hastened the triumph of the new order. This had the singular result that the impulse toward The state of Maryland, which had been founded by great lords, was the first to proclaim universal suffrage and introduced the most democratic procedures throughout its government.

Once a people begins to interfere with the voting qualification, one can be sure that sooner or later it will abolish it altogether. That is one of the most invariable rules of social behavior. The further the limit of voting rights is extended, the stronger is the need felt to spread them still wider; for after each new concession the forces of democracy are strengthened, and its demands increase with its augmented power. The ambition of those left below the qualifying limit increases in proportion to the number of those above it. Finally the exception becomes the rule; concessions follow one another without interruption, and there is no halting place until universal suffrage has been attained.

In the United States in our day the principle of the sovereignty of the people has been adopted in practice in every way that imagination could suggest. It has been detached from all fictions in which it has elsewhere been carefully wrapped; it takes on every possible form that the exigencies of the case require. Sometimes the body of the people makes the laws, as at Athens; sometimes deputies, elected by universal suffrage, represent it and act in its name under its almost immediate supervision.

There are countries in which some authority, in a sense outside the body social, influences it and forces it to progress in a certain direction.

There are others in which power is divided, being at the same time within the society and outside it. Nothing like that is to be seen in the United States; their society acts by and for itself. There are no authorities except within itself; one can hardly meet anybody who would dare to conceive, much less to suggest, seeking power elsewhere. The people take part in the making of the laws by choosing the lawgivers, and they share in their application by electing the agents of the executive power; one might say that they govern themselves, so feeble and restricted is the part left to the administration, so vividly is that administration aware of its popular origin, and so obedient is it to the fount of power. The people reign over the American political world as God rules over the universe. It is the cause and the end of all things; everything rises out of it and is absorbed back into it. ...

## **Tyranny of the Majority**

*How the principle of the sovereignty of the people should be understood. Impossibility of conceiving a mixed government. Sovereign power must be placed somewhere. Precautions which one should take to moderate its action. These precautions have not been taken in the United States. Result thereof.*

I regard it as an impious and detestable maxim that in matters of government the majority of a people has the right to do everything, and nevertheless I place the origin of all powers in the will of the majority. Am I in contradiction with myself?

There is one law which has been made, or at least adopted, not by the majority of this or that people, but by the majority of all men. That law is justice.

Justice therefore forms the boundary to each peoples right.

A nation is like a jury entrusted to represent universal society and to apply the justice which is its law. Should the jury representing society have greater power than that very society whose laws it applies?

Consequently, when I refuse to obey an unjust law, I by no means deny the majority's right to give orders; I only appeal from the sovereignty of the people to the sovereignty of the human race.

There are those not afraid to say that in matters which only concern itself a nation cannot go completely beyond the bounds of justice and reason and that there is therefore no need to fear giving total power to the majority representing it. But that is the language of a slave.

What is a majority, in its collective capacity, if not an individual with opinions, and usually with interests, contrary to those of another individual, called the minority?. Now, if you admit that a man vested with omnipotence can abuse it against his adversaries, why not admit the same concerning a majority?. Have men, by joining together, changed their character?. By becoming stronger, have they become more patient of obstacles?. For my part, I cannot believe that, and I will never grant to several that power to do everything which I refuse to a single man.

It is not that I think that in order to preserve liberty one can mix several principles within the same government in such a way that they will be really opposed to one another. I have always considered what is called a mixed government to be a chimera. There is in truth no such thing as a mixed government (in the sense usually given to the words), since in any society one finds in the end some principle of action that dominates all the others. Eighteenth-century England, which has been especially cited as an example of this type of government, was an essentially aristocratic state, although it contained within itself great elements of democracy, for laws and mores were so designed that the aristocracy could always prevail in the long run and manage public affairs as it wished.

The mistake is due to those who, constantly seeing the interests of the great in conflict with those of the people, have thought only about the struggle and have not paid attention to the result thereof, which was more important. When a society really does have a mixed government, that is to say, one equally shared between contrary principles, either a revolution breaks out or that society breaks up.

I therefore think it always necessary to place somewhere one social power superior to all others, but I believe that freedom is in danger when that finds no obstacles that can restrain its course and give it time to moderate itself.

Omnipotence in itself seems a bad and dangerous thing. I think that its exercise is beyond man's strength, whoever he be, and that only God can be omnipotent without danger because His wisdom and justice are always equal to His power. So there is no power on earth in itself so worthy of respect or vested with such a sacred right that I would wish to let it act without control and dominate without obstacles. So when I see the right and capacity to do all given to any authority whatsoever, whether it be called people or king, democracy or aristocracy, and whether the scene of the action is a monarchy or a republic, I say: the germ of tyranny is there, and I will go look for other laws under which to live.

My greatest complaint against democratic government as organized in the United States is not, as many Europeans make out, its weakness, but rather its irresistible strength. What I



find most repulsive in America is not the extreme freedom reigning there but the shortage of guarantees against tyranny.

When a man or a party suffers an injustice in the United States, to whom can he turn?. To public opinion?. That is what forms the majority. To the legislative body?. It represents the majority and obeys it blindly. To the legislative power?. It is appointed by the majority and serves as its passive instrument. To the police?. They are nothing but the majority under arms. A jury?. The jury is the majority vested with the right to pronounce judgment; even the judges in certain states are elected by the majority. So, however iniquitous or unreasonable the measure which hurts you, you must submit.

But suppose you were to have a legislative body so composed that it represented the majority without being necessarily the slave of its passions, an executive power having a strength of its own, and a judicial power Independent of the other two authorities; then you would still have a democratic government, but there would be hardly any remaining risk of tyranny.

I am not asserting that at the present time in America there are frequent acts of tyranny. I do say that one can find no guarantee against it there and that the reasons for the government's gentleness must be sought in circumstances and in mores rather than in the laws.

## **Part 4: Expansion and War: The United States 1840-1865**

### **Introduction and Overview**

This part of American history, known as the ante-bellum (before war) era, begins with expansion and the great migration across the continent west of the Mississippi. The idea of manifest destiny—that the United States was destined to occupy the entire North American Hemisphere—came of age in the 1840s. It began with the annexation of Texas, which led to the Mexican-American War and the resulting great land cession. It was also the time of “Oregon Fever” as wagon trains took pioneers over the Rocky Mountains to the Willamette and Columbia River valleys.

The addition of these new territories, which eventually became new states, reopened the debate over the expansion of slavery. Until this time the issue had been more or less settled by the Missouri Compromise of 1820. That debate dominated the decade of the 1850s as the nation drifted inexorably toward separation and the Civil War, sometimes called the “War Between the States,” or the “Second American Revolution.”

Those years were also marked by significant social changes resulting from a number of factors. The discovery of gold in California spurred a huge migration across the continent (or around Cape Horn) as well as immigration from Central and South America and Asia. A new wave of immigration from Europe centered on immigrants from Ireland who sought opportunities unavailable at home, and spurred in the 1840s by the potato famine that devastated the Irish homeland.

At the same time, a new religious revival was “burning over” much of Middle America. The Second Great Awakening and the rise of new religions—such as the Church of Jesus Christ of Latter Day Saints, or Mormon Church—characterized the period. Religious motives helped drive many reforms forward; a women's movement was beginning, temperance lecturers railed against the evils of strong drink, and prison and insane asylum reforms were in the making. In keeping with Jeffersonian ideals, a number of states adopted public education as a mandate; hundreds of thousands of American children received a free basic education in primary schools. Secondary schools and private academies led students into new colleges and universities that offered advanced education to more young people, including women in some of the more progressive institutions. The Romantic Era in literature seemed to fit the mood of America. The first group of great American writers told the American story in poetry, fiction and essays. America was finding its voice.

In keeping with the spirit of reform, the abolition movement gained traction during the 1840s, spurred by both internal and external events. The British Empire had finally shut down slavery in all its possessions, and many religious groups saw slavery as unchristian, though not in the American South. Thus after a period of relative calm following the Missouri Compromise, more and more Americans noted with considerable discomfort that the slavery issue was still present and becoming ever more heated. Exercising their constitutional right to petition the government, northerners began submitting anti-slavery petitions to Congress. Pro-slavery members introduced “gag orders” that automatically tabled such resolutions so that they would not have to be discussed. Personal liberty laws passed in Northern states challenged federal authority to recapture fugitive slaves, abolitionists thundered that slavery was a sin, and Southern plantation owners began calling slavery a “positive good,” a notion probably unthinkable before 1800 but deemed necessary to counter abolitionist

charges. By 1850 talk of secession and war was common both inside and outside Congress, and every election from 1844 through 1860 had the “peculiar institution” as a backdrop. It was only a matter of time until something blew up.

Tension continued to rise throughout the decade of the 1850s, starting with passage of the 1850 Compromise laws. They were followed by the publication of *Uncle Tom's Cabin*, which in turn was followed by violent protests in Northern cities as slave trackers attempted to capture runaways and take them back to the South. Passage of the Kansas-Nebraska Act in 1854 led to violence in the Kansas Territory, and the Dred Scott decision both clarified and exacerbated the slavery issue. Lincoln's famous debates with Senator Stephen Douglas during the 1858 Senate race in Illinois, John Brown's raid on Harpers Ferry and subsequent trial and death by hanging kept the issue burning. Finally, the divisive election of 1860 led to the secession of South Carolina. Ten additional states eventually joined South Carolina to form the Confederate States of America.

The second generation of American leadership was dying. By 1852 Calhoun, Clay and Webster were all gone. The party system took firmer hold as the two major parties—the Democrats and Whigs—vied for the presidency and 1840, 1848 and 1852. The Whig Party broke up following the election of 1852, partly because of disagreements of slavery, but then another party arose: The Republican Party was founded in Ripon, Wisconsin, in 1854. Democrat Stephen Arnold Douglas of Illinois became the most powerful public figure of the early 1850s, and Jefferson Davis gradually assumed the mantle of John Calhoun as spokesman for the South. Although Abraham Lincoln had served in Congress from 1847 to 1849, he was all but unknown outside Illinois, even while unsuccessfully pursuing higher office. He arrived as a national figure in 1858 on the strength of his debates with Douglas, although he lost that race. His eloquent speeches during those debates, widely published, brought him to the presidency in 1861.

The Civil War is the central event of the American past. In a real sense it divides American history into two major segments: before and after that great conflict, which was also the deadliest war in American history. It is generally understood that the Civil War brought the end of slavery, but it did much more. The war between the states changed the relationship between the federal government and the states forever. It provided a backdrop for the beginning of the civil rights movement for African-Americans, a movement which is still being played out. (The election of Barack Obama in 2008 is the most significant recent milestone in that movement.)

Early American history has a plot; it has a beginning, a middle, and an end. The beginning was the period of colonization and colonial development when Europeans flocked to America's shores and built a new society. The middle section of the story was the era of the American Revolution, the creation of a new and democratic republic unlike anything the world had seen before. But in the latter decades of that long middle period of American growth, the beginning of the end of the early part of American history began to loom, as secession and the possibility of war welled up across the American landscape. By the end of this period of American history the nation stretched from coast to coast. The states of California and Oregon had joined the Union, and the territory which eventually became the “lower 48”—the area between Mexico and Canada—was intact. Although much of the western territory remained sparsely populated, the outlines of the trans-continental nation had been formed. The Civil War was the last act in the first part of American history.

## The John Tyler Administration: A President Without a Party

John Tyler was the first vice president to succeed to the office of president on the death of his predecessor. William Henry Harrison's inaugural address was the longest in history. The weather conditions were bad on the day of his address, cold and rainy with sleet. As a result, Harrison contracted pneumonia and died one month later. The Constitution was somewhat ambiguous on the subject of succession in such cases until the 25<sup>th</sup> Amendment was passed. Article II, Section 1 stated: "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 or Removal, Death, Resignation or Inability ... "

The precedent Tyler set—he moved into the White House and assumed the title and role of president—carried through until the 1960s. The United States has had the good fortune not to have the office of president vacated when there was no vice president, though there were numerous opportunities for that to happen.

John Quincy Adams was not pleased with the transition; he wrote in his diary:

At thirty minutes past midnight, this morning of Palm Sunday, the 4<sup>th</sup> of April, 1841, died William Henry Harrison, precisely one calendar month president of the United States after his inauguration. ...

The influence of this event upon the condition and history of the country can scarcely be seen. It makes the Vice-President of the United States, John Tyler of Virginia, Acting President of the Union for four years less one month. Tyler is a political sectarian, of the slave-driving, Virginian, Jeffersonian school, principled against all improvement, with all the interests and passions and vices of slavery rooted in his moral and political constitution—with talents not above mediocrity, and a spirit incapable of expansion to the dimensions of the station upon which he has been cast by the hand of Providence, unseen through the apparent agency of chance. To that benign and healing hand of Providence I trust, in humble hope of the good which it always brings forth out of evil. In upwards of half a century, this is the first instance of a Vice-President's being called to act as President of the United States. ...

Others in Congress besides John Quincy Adams were likewise unhappy with Tyler's bold, preemptive act in simply taking over the office of president. In the long run it was probably better, however, that Tyler behaved as he did; otherwise, the selection of a vice president could have become messy indeed.

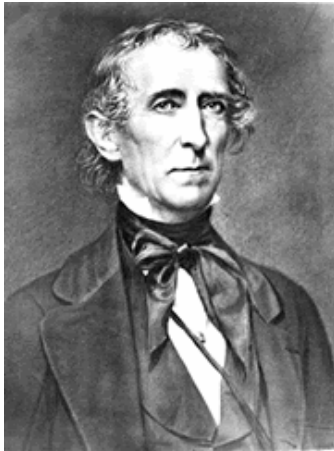
*(Six more presidents died in office after Harrison before the 25th Amendment went into effect: Lincoln, Garfield, McKinley, Harding, Roosevelt and Kennedy. In each case the vice president took over without any sort of rancor beyond the shock of the incumbent's death.)*

In any case Tyler was probably better qualified than Harrison, having been governor of Virginia, chancellor of the College of William and Mary and a United States Senator. But Tyler was an "Old Republican." As a "nominal" Whig only, he had broken with President Jackson over the issue of nullification. As a states' righter, Tyler was bound to disagree with Henry Clay, leader of the Whig Party. Clay was miffed at having been denied the nomination for president and was in no mood to bow to the wishes of the new president.

Clay, who was now in the Senate, reintroduced his "American System" program shortly after Tyler took over. It called for repeal of the independent treasury, recreation of the Bank

of the United States, distribution of profits from land sales and raising tariffs, which he hoped the West would back in return for roads, canals and other "internal improvements." He also favored allowing squatters to occupy and buy public land under a "Preemption Act."

Tyler signed several of Clay's bills, but he vetoed Clay's bank bill, and the Senate failed to override the veto. When Tyler vetoed a second bank bill, all his cabinet members resigned except for Secretary of State Daniel Webster, who was occupied with foreign problems. Tyler called bills containing amendments on other issues "wholly incongruous" and had no hesitation to use the presidential veto on other than constitutional grounds.



President John Tyler

Anticipating a fight with Clay's Whigs, Tyler quickly appointed new cabinet members, and Clay tried to hold up Senate approval, but Tyler threatened to suspend government services until the Senate acted. In the end, all his appointments were approved. Whigs also introduced an impeachment resolution over the issue of Tyler's "legislation usurpation" based on the belief, despite Jackson's legacy, that the president may veto bills only on constitutional grounds. The argument was rooted in Article I, Section 1 of the Constitution: "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The Covode (Impeachment) Resolution failed in the House of Representatives by a vote of 127-84, meaning that if only 22 votes had gone the other way, Tyler would have been impeached. He would probably not have been convicted by the Senate, however, since that requires a two-thirds majority.

In the 1842 congressional elections, the Whigs lost power to the Democrats, and Tyler felt vindicated in his resistance to the Whig program. He was, however, a president without a party and had no chance of being reelected in 1844. Henry Clay resigned from the Senate to prepare for the presidential campaign of 1844, when he became the nominee of the Whig party.

**Dorr's Rebellion.** The movement for more democratic government led to serious problems in the state of Rhode Island in 1842. From colonial times, only property owners had been eligible to vote in Rhode Island, and by 1840, that meant that less than half of the adult male population could vote. A committee of disfranchised voters held a meeting and passed a "People's Constitution" providing for full white manhood suffrage in December 1841. The state legislature then called a convention to revise the state constitution but failed to extend the franchise, siding with the landowners, who were opposed to extending the vote to non-landowners. The two separate groups held their own elections in the spring of 1842, which for a short time resulted in two governments within the state.

Supporters of extending the franchise elected Thomas W. Dorr as governor and controlled the northern part of the state. Samuel W. King was inaugurated at Newport in the Southern part of the state and declared the Dorr party to be in a state of insurrection. Both sides appealed to President Tyler for assistance, but he announced that he would intervene only if necessary to enforce Article IV, Section 4, of the Constitution, which requires the United States to guarantee every state a republican form of government. Dorr's followers failed in an attempt to take the Rhode Island State Arsenal. After fleeing the state, Dorr later returned, was tried and sentenced to life imprisonment. He was granted amnesty in 1845. In 1843 the state adopted a new constitution with more liberal voting requirements: Any adult male of any race could vote upon payment of a one dollar poll tax.

## American Foreign Relations in the Tyler Years

America has always had the luxury of not having to worry overmuch about defending its borders. The oceans provide a virtually impenetrable barrier against hostile landings, and the vast expanse of ocean makes even a concentration of sea power against U.S. shores highly difficult. Consequently, America has been able to neglect its armed forces and yet pursue a blustery foreign policy without much fear of war. After the War of 1812, no foreign power placed a hostile soldier on American soil, with the exception of a few raids across the Mexican-American border. For most of the 19th century, Americans thought little about foreign policy except as it affected trade and commerce.

Fortunately for the United States, Europe was preoccupied with internal matters from 1815 through 1860 and paid little attention to events in the New World. Great Britain tacitly supported the Monroe Doctrine, and no significant threats to America arose from European quarters until the 1830s. Relations between the United States and Great Britain were, however, strained by animosity left over from the Revolution and the War of 1812. As the old pro-British Federalist Party was gone, Jacksonian Democrats, who tended to be anti-British, created an atmosphere in which tension between the two nations gradually rose.

Northern Americans had always hoped for Canadian independence, partly out sympathy for a smoldering desire for independence among some Canadians, but mostly out of land greed. Occasional small rebellions in Canada were crushed by British forces, and the long, unguarded boundary made it easy for Americans to intervene in Canadian affairs. Another issue which irritated the British was the lack of copyright laws in America, which deprived British authors their rights. American publishers sent buyers to Great Britain to bring back copies of popular works, which they then published in the United States without paying royalties to the authors. British writers petitioned Congress in 1836 without result, and some writers, including Charles Dickens, came to America to publish their works in order to protect their rights. The situation was not rectified until 1891.

As a noted and popular author, Charles Dickens was fêted in America, but then had the temerity to return home and write unkindly about what he had found on this side of the Atlantic. Other visitors found almost every aspect of American life despicable, including slave auctions, lynchings, and a general lack of law and order. English visitors saw the United States as "dirty, uncomfortable and crude," with pigs running loose in the streets of New York City; they found fault with American habits of tobacco chewing, gambling, dueling, brawling, holding religious revivals, and other social misbehavior.<sup>60</sup>

American states and territories had substantial debts in England that had arisen from heavy borrowing to finance internal improvements. When Americans defaulted on those debts during the 1837 depression, the British press, already angry over copyright matters, called Americans a nation of swindlers. The British *Punch* declared the American eagle "an unclean bird of the vulture tribe." Troublemakers in America stirred the pot, showing sympathy for Canadian rebels and running weapons over the border. They called the British "bloated bondsmen." When comments of that sort were published in British and American newspapers, they made their way across the Atlantic, and it was soon said that the United States and Great Britain were "two countries separated by a common language"; each side could readily read the other's insults.<sup>61</sup>

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<sup>60</sup> Thomas A. Bailey, *A Diplomatic History of the American People* (8th ed., New York: Appleton, 1969) 204-6.

<sup>61</sup> *Ibid.*

## The Caroline Affair

In 1837 a rebellion against British rule in Canada was led by a small group of malcontents. Given that it was a bad year for America economically, many unemployed Americans—not always the most upstanding citizens—headed for the border to volunteer, perhaps in hope of a reward in land. Americans had sympathy for the Canadian rebels, but were also fueled by greed (the old 1812 land hunger.) They turned weapons over to the insurrectionists. A Canadian rebel leader named MacKenzie established headquarters on Navy Island on the Canadian side of the Niagara River near the Falls to recruit Americans. The *Caroline*, a small steamer, carried supplies from the New York side across to Canada.

On December 12, 1837, a British raiding party sank and burned the *Caroline*, sending the carcass of the ship over the falls. The British Officer-in-Charge was knighted for his actions, which outraged the Americans. The *Caroline* was clearly un-neutral, but the British acted hastily. In making no attempt to go through U.S. authorities, they violated U.S. sovereignty. The *Caroline* action was insignificant, but one American was killed (on American soil), and several others were wounded.

The American Press, always quick to defend American honor, called for the “wanton act” to be avenged by blood. President Van Buren responded calmly, but forcefully; he asked Americans to quit the rebellion and sent General Winfield Scott to the border area to mediate the crisis. The New York and Vermont militia were called into service to keep order. Protests went back and forth, but the British government in London was unresponsive. The issue rankled but was unresolved.

In 1838 the Free Canada movement started up again, and several bands of “liberators” invaded Canada. Americans burned the *Sir Robert Peel*—a steamboat for a steamboat—shouting “Remember the *Caroline*!” The British authorities captured many of the interfering individuals, and some were sent to the penal colony of Australia.

President Van Buren was criticized on both sides, but he handled the crisis wisely. He published a strong proclamation to Americans to obey neutrality laws. Some U.S. insurrectionists were tried and punished, most of whom were pardoned after the 1840 election (which Van Buren lost.) General Scott personally patrolled the border, putting out little fires here and there. In any case no one in the U.S. or Great Britain really wanted war. (Some Britons, in fact, wondered whether it might be time to dump Canada.)

The issue refused to die, however. In 1840 a Canadian sheriff named McLeod was arrested over the *Caroline* business. He claimed to have killed the American in the *Caroline* raid. He was arrested and tried for arson and murder in a New York State court over strong British protests. The federal government explained that New York State had sole jurisdiction, something incomprehensible to the British, who did not understand the American federal system. Washington attempted to intervene, but New York authorities stubbornly went ahead with the trial.

Lord Palmerston, British Prime Minister, admitted that the ship was destroyed under orders to stop American “pirates.” He said that the conviction of McLeod “would produce war, war immediate and frightful in its character because it would be a war of retaliation and vengeance.”<sup>62</sup> The Canadian press grew quite belligerent—“If war must come, let it come at

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<sup>62</sup> Bailey, 209.

once."<sup>63</sup> The trial, however, was conducted without incident. Secretary of State Webster sent a message to prevent a lynching or there would be "war within ten days." The jury, however, acquitted McLeod in twenty minutes; he had been drunk and merely boasting.

In 1842 Congress passed the Remedial Justice Act, which gave jurisdiction in international disputes to federal courts. But the states were still able to embarrass the federal government when dealing with aliens. For example, there was trouble with the Italian government over prosecutions of mafia members in New Orleans about 50 years later.

Another sore spot was the Maine-Canada boundary. The so-called "Aroostook War" broke out in 1839 from a dispute over the location of the boundary line along the Aroostook River. The exact location of the boundary had been unsettled since 1783. The British were building a road through the disputed territory to connect the frozen St. Lawrence with the sea when they ran into some "Mainiacs" who challenged their right to impinge upon United States property. A few shots were fired, war fever erupted briefly, and war appropriations were made. Winfield Scott was again sent to the scene and arranged a truce.

In 1841 the *Creole* affair added new tension. The British were fighting the slave trade, and captured an American ship, the *Creole*, that was in hands of slave mutineers; one white passenger had been killed. The mutineers took the ship to Nassau in the Bahamas, where the British punished the murderers. However, the British granted asylum to the 130 Virginia slaves, refusing to return them to their owners in Virginia. Secretary of State Webster protested to the British and demanded return of the slaves as American property, but the British took no steps to honor Webster's demands.

### The Webster-Ashburton Treaty

By 1841 tensions were still high from the *Caroline* affair and other issues, but in September 1841 the new British Foreign Minister, Lord Aberdeen, sent Lord Ashburton to Washington to negotiate differences. Ashburton was a good choice. He had many American social and commercial ties, as well as an American wife. Americans saw this special mission as a "gracious" act. The English in turn liked Webster, the only Harrison cabinet member to stay on under President Tyler. Webster had been in England three years earlier and had made friends in the British government, including Lord Ashburton.



Secretary of State Webster

The major issue to be resolved was the Maine-Canada border dispute, which eventually became known as the "Battle of the Maps": conflicting maps were produced on both sides, including one drawn by Benjamin Franklin, and one step of the process involved scrapping the boundaries of the Treaty of Paris of 1783. Although the United States in the initial agreement received something over half of the disputed territory, the Senate balked at the loss of land in Maine. However, historian Jared Sparks had found a map in the French archives which showed the Canada-Maine boundary marked in red. Webster had an older map which showed the same thing. The maps were used to gain consent from the senators from Maine and Massachusetts, who were in on the talks, as was President Tyler at one point.

The four-sided negotiations (Secretary Webster, Minister Ashburton, and the Senators from Massachusetts and Maine, which had been part of Massachusetts until 1820) puzzled Ashburton, who

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<sup>63</sup> Bailey, 210.



did not see why he could not settle the matter with Webster alone; he had become frustrated with the August heat in Washington. Webster explained that when the treaty was negotiated by him and Ashburton, it would still have to be approved by the Senate in order to become effective. Webster felt that having the senators most directly concerned in on the proceedings would iron out difficulties of ratification in advance.

The British were not particularly happy with the initial agreement either, but another map suggested that Americans might have a right to the entire area. On the other hand, an earlier map could have been used to make the case that the British had a rightful claim to the entire area. In any case, the “battle of the maps” resulted in the division of the disputed territory. The four Senators helped with ratification, and the Webster-Ashburton Treaty was approved by a Senate vote of 39-9. The United States government sweetened the pill by paying Massachusetts and Maine \$150,000. Lord Ashburton also drafted a formal explanation that in effect apologized for the *Caroline* affair and closed that matter once and for all.

*Note: The Webster-Ashburton Treaty contains a lesson for future Presidents like Woodrow Wilson. His goals for establishing world peace following World War I were thwarted to some extent by the fact that he failed to take any senators or Republicans with him on his mission to negotiate the Versailles Treaty and create the League of Nations. The Senate never did ratify the treaty nor approve United States membership in the League.*

Another issue under dispute concerned the exact location of the New York-Vermont boundary with Canada. Americans had been constructing a fort in the area, and the British claimed it was being built on Canadian soil. That issue was settled by use of a 1774 map and left the fort in American territory. The remaining boundary between the United States and Canada was resolved out to the area of the Lake of the Woods in northern Minnesota and thence along the 49th parallel to the Rocky Mountains. The Oregon territory was left under dual occupancy. In the end the United States lost 5,000 square miles in Maine but gained 6,500 square miles in Minnesota, including the rich Mesabi iron ore deposits.

Considerable disagreement also existed between the two countries over the slave trade; the British wanted the right to “visit” ships to inspect for slaves. Finally both sides agreed to keep squadrons off the African coast to enforce their own laws. This “joint police force” never worked in practice. (*The film Amistad, mentioned in the previous section, also portrays some of the tensions regarding the international slave trade.*)

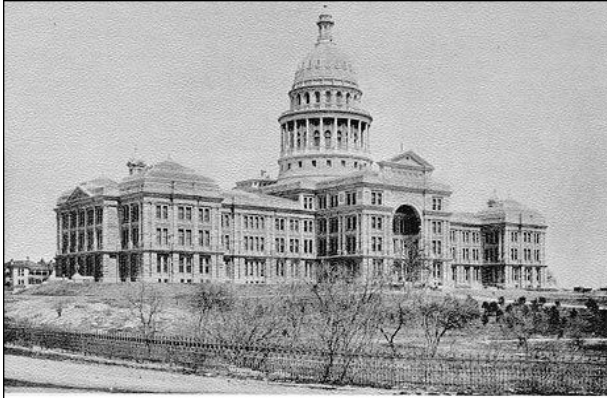
Although the Webster-Ashburton Treaty left the Oregon boundary question open, the agreement helped pave the way for peaceful settlement of the issue in 1846. The two nations would have occasional disagreements in later years, but no real threat to peaceable relations between the former colonies and the mother country ever arose thereafter.

## **Texas and the Mexican War**

The history of Texas is among the most colorful histories of all American states and territories. With its diverse population of Mexican, Mexican-American, Native American and Anglo-Saxon inhabitants, its culture is rich and varied. Spain first arrived in Mexico in 1519, and Nueva Mexico was part the vast territory known as New Spain. Spanish rule in Central and South America was very different from that of British rule in North America. Where the British saw each colony as a separate political entity to be governed more or less independently, Spain tended to govern its entire empire from the center. That tradition was passed on to the Mexican government once the Mexican revolution against Spain was complete, and virtually all of Mexico was governed from Mexico City. The individual provinces of Mexico, including the province of Coahuila, of which Tejas—Texas—was a part, had very little

self-determination. That situation was challenged by the arrival of Americans who immigrated to Texas in order to obtain land grants being generously offered by the Mexican government.

Following the Louisiana Purchase of 1803, Americans began to look hungrily at the land just across their Southwest border. The Mexican government, following the lead of Spanish authorities,



*The Texas Capitol not long after its completion in 1888*

granted colonization rights to the American Moses Austin. In so doing they hoped to create a buffer territory against encroachment by land-hungry Americans. The Mexican government, in other words, decided to fight fire with fire. By allowing a limited number of American immigrants into Mexico under certain restrictions, they could prevent more Americans from simply seizing the territory.

Moses Austin died before his colonization project became a reality, but the mission was taken over by his son, Stephen F. Austin. In 1821 Stephen Austin brought

300 families across Sabine River to the region along the Brazos River, where the first American colony in Texas was established. In exchange for generous land grants, the Mexican government attached certain conditions to those grants. Each settler had to agree to become a Mexican citizen, to adopt the Roman Catholic religion, and to give up the practice of slavery.

Since the Texas colony was governed loosely, much as the early American colonies had been controlled by Great Britain, the Mexican government turned a blind eye to violations of the agreements. The status of Mexican citizenship changed very little in terms of the loyalties of the American settlers; they were Americans first, Mexicans second. As far as the Catholic religion was concerned, there were no Catholic priests in the province, and therefore attendance at confession and mass could not be demanded nor controlled in any way. As to slavery, the Mexican government was willing to accept a compromise in authorizing the practice of lifetime indentured servitude. The difference between that status and slavery was, of course, only technical, but it satisfied both sides. The Texans were also obliged to pay taxes to the Mexican government, but there were no tax collectors in the Texas province, so that point was also moot.

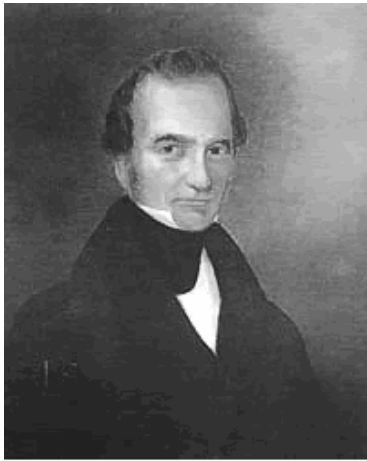
In other words, the situation of the Americans in Texas was similar to that of the American colonists on the east coast of North America in 1760. They were treated with benign neglect, and the Texans possessed a *de facto* sense of self rule if not outright independence. The men and women who came to Texas tended to be a rough and ready lot. Many who emigrated were of Scots-Irish descent from the Shenandoah and other regions west of the Appalachians. Adventurous American women learned that if they came to Mexico and married a Mexican citizen, they could gain very generous land grants and have significant rights to the titles. Thus a complex society emerged, a mixture of Mexican and American along with Comanche, Apache, Kiowa and other Indian tribes on the edges of the Texas colony. They developed a small but robust society.

President John Quincy Adams tried in 1825 to purchase as much of Texas as he could get from Mexico, without success. Henry Clay also worked on the issue while Secretary of State under Adams. President Jackson appointed Colonel Anthony Butler to continue negotiations

with Mexico in 1829. Jackson's minister, Anthony Butler, tried to bribe the Mexican government. Jackson called Butler a "scamp" but left him there. Mexico was insulted by American overtures, and the negotiations went nowhere.

### **Stephen F. Austin: A True Statesman**

Under Stephen Austin the Texas community thrived. Austin spoke fluent Spanish, played by the rules, and developed good relations with the central government in Mexico City. He insisted that the Americans who came to Mexico understand and abide by the rules under which they were granted land. Between 1824 and 1835 the Texas population grew from 2,000 to 35,000 settlers. Some of the immigrants were renegades, "one step ahead of the sheriff," with various legal difficulties. Some were men like Jim Bowie, a fighter and gambler whose brother invented the Bowie knife. It was not surprising that the Mexican government eventually came to consider the Texans, as they were called at the time, "a horde of infamous bandits," although the majority were decent citizens.<sup>64</sup>



**Stephen F. Austin**

Texas was, however, subject to the political affairs of greater Mexico. Mexico had adopted a constitution in 1824 under which the Texans believed that their rights were more or less assured. As long as they were left alone, they were free to create a society according to their own designs. When revolution began in Mexico, however, things began to change for the Texans. In 1830 the Mexican government reversed itself and prohibited further immigration into Texas. Mexican dictator Antônio Lopez de Santa Anna, somewhat after the fashion of his counterpart, King George III, decided that it was time to make the Texans toe the line. What happened in Texas is typical of situations in which people get used to doing things their own way and are suddenly forced to obey the dictates of others. The Texans rebelled; Santa Anna vowed to make them behave.

As mentioned above, Texas was something of a refuge for Americans who had reason to leave home. One such emigrant was Sam Houston, a colorful figure who could be considered the most significant figure in American history between 1840 and 1860. A close friend of Andrew Jackson, he had fought with the general during the War of 1812. Houston was elected governor of Tennessee in 1828. He married Eliza Allen, a member of a prominent Tennessee family, but the marriage ended quickly and badly. Details have remained murky, but the Allen family apparently pressured Houston to leave the state. In any case, Houston resigned his governorship and left Tennessee.

For a time Houston dwelt among the Cherokee Indians, who adopted him as a son. He was known as "the Raven" because of his jet black hair. He married a Cherokee woman and represented Cherokee interests with the United States government. It was that business that eventually took Houston to Texas. The Cherokee were also aware of Houston's fondness for alcohol—some of them had another Indian name for him: Big Drunk. (He once bet a friend on New Year's Day that he could quit drinking for a year, and he almost made it to February.)

As a natural leader, Sam Houston quickly rose to prominence in the rough-edged territory. He married his third wife, who helped him overcome his drinking problem. The rebellious Texans declared independence from Mexico in 1836 and, recognizing Houston's military ex-

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<sup>64</sup> Bailey, 239.

perience, named him Major General of the Army of Texas. They also created the rudiments of a national government, using the American Declaration of Independence and Constitution as models.

The Texans' task was as difficult as that of the patriots of 1776, and they had fewer resources. But they were willing to fight. After a few brief skirmishes, Mexican dictator Santa Anna personally led an army of several thousand well trained troops into Texas to put down the insurrection. The Texas army, which never numbered more than 800 and had little experience in war, faced a daunting task. Santa Anna, however, unwittingly aided the Texan cause by branding the revolutionaries as outlaws and criminals and treating them as such. While the Texans were deciding on their Declaration of Independence and considering the political future of Texas, Santa Anna was slaughtering Texans and giving them no quarter.

**The Alamo.** The most famous clash took place at an old Spanish mission at San Antonio de Bexar known as the Alamo early in 1836, the last year of the administration of Andrew



The Alamo in San Antonio

Jackson. At the Alamo fewer than 200 Texans under Lieutenant Colonel William Travis held off about 3,000 Mexicans for 13 days, inflicting heavy casualties on the attackers. The Mexican army eventually overpowered the fortress, and all the Texan defenders died, including Travis, Jim Bowie, and former Congressman Davy Crockett. Santa Anna then had their bodies burned rather than giving them a Christian burial. Weeks later, at Goliad, 400 Texans surrendered to one of Santa Anna's subordinate generals, and on Santa Anna's order, 300 of them were murdered. The Texans' war cry became "Remember the Alamo!" and "Remember Goliad!"

In the 2004 film, *The Alamo*, with Dennis Quaid and Billy Bob Thornton, a lot of verbal sparring preceded and followed the standoff at the Alamo itself. Some critics would have preferred to see less talk and more action, but the political machinations going on off the battlefield were in many ways just as important as what happened at the Alamo, if not more so. The situation between Texas and Mexico was in certain respects more complex than that of the American colonies; for the inhabitants of Texas, the Americans, had voluntarily sworn allegiance to Mexico, and had moved into Mexican territory to make their homes.



Santa Anna's overconfidence and arrogance led him to carelessness. Sam Houston was sharply criticized for failing to go to the relief of the Alamo or to attack the Mexican Army. He bided his time, waited for the opportunity, and when it came, he struck with startling swiftness. Houston's Texans caught up with Santa Anna on the San Jacinto River, near the present-day city of Houston, found the Mexicans unprepared. The Texans swept over the Mexican army and won a stunning victory in 18 minutes, suffering few casualties themselves. With their anger over the Alamo and Goliad very much still present, the Texans inflicted severe casualties on the Mexicans.

Santa Anna escaped during the battle but was captured and brought to Houston. Many Texans wanted to execute him on the

spot for his crimes against prisoners at Goliad. Instead, Houston forced Santa Anna, under considerable duress, to grant Texas independence. Santa Anna, fearing for his life, signed a treaty and ordered the remainder of the Mexican army out of Texas. The Mexican Congress later repudiated the treaty and declared that Santa Anna was no longer president. The general eventually returned to Mexico, but after various political intrigues, he was exiled to Cuba in 1845. A year later he was allowed to return when the war with the United States began in 1846.



**Sam Houston**

The United States soon recognized Texas independence, and the Lone Star Republic was born. Sam Houston was elected as its first president, with Stephen Austin as Secretary of State. At that juncture the future of Texas turned on the issue of whether or not Texas would be annexed to the United States. Given America's propensity to gather up land whenever and wherever it was available, the outcome seemed to a certain extent foreordained. But Presidents Jackson, Van Buren and Tyler wanted to avoid war with Mexico. It was likely that if Texas were annexed, war would be the result. The issue of slavery in Texas was also a factor. Nevertheless, Texas pursued her goal of annexation, actually using a veiled threat to perhaps join Great Britain or France if the United States continued to spurn her approaches. Frustrated Sam Houston wrote a letter to Jackson:

Now my venerated friend, you will perceive that Texas is presented to the union as a bride adorned for her espousal. But, if, now so confident of the union, she should be rejected, her mortification would be indescribable. She has sought the United States, and this is the third time she has consented. Were she now to be spurned it would forever terminate expectation on her part, and it would then not only be left for the United States to expect that she would seek some other friend, but all Christendom would justify her course dictated by necessity and sanctioned by wisdom.

The Lone Star Republic lasted ten years and gained a further identity, so that when Texas finally did join the union, it came in with a history of its own. Texans have held that history in high regard ever since. The Alamo remains a Texas shrine, as does the San Jacinto battlefield. The capital is named for Stephen Austin, the largest city for Sam Houston, and other places in Texas also recall the names of heroes of the Texas Revolution. As feared, however, the annexation of Texas led more or less directly to war with Mexico in 1846.

Sam Houston's colorful career would continue through the beginning of the Civil War. He had served as governor of two states, Tennessee and Texas, as President of the Republic of Texas, which remained independent for about ten years, and at one point during his interesting life he served as Cherokee Indian Ambassador to the United States. His political career finally came to an end when, as governor of Texas, he refused to support secession. He was ousted from office and burned in effigy in 1863. (Having worked hard to get Texas into the Union, he was not about to lead it out.) Nevertheless he remains an American and Texan hero.<sup>65</sup>

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<sup>65</sup> An excellent account of the history of Texas through 1865 is H.W. Brands, *Lone Star Nation*, (New York: Doubleday, 2004.) See also T.R. Fehrenbach, *Lone Star: A History of Texas and the Texans* (New York: Macmillan, 1968.)

## Manifest Destiny and Mexico

After rejecting the annexation of Texas in the 1830s, the United States stood by as the people of the Republic of Texas sought to create favorable foreign relations on their own. Texas signed treaties with France, the Netherlands, Belgium, and Great Britain and was able to secure loans for commercial development. Mexico continued to threaten the Lone Star Republic, and in 1843 President Santa Anna declared that any attempt to annex Texas to the United States would be considered an "equivalent to a declaration of war against the Mexican Republic." Despite its good relations and favorable treatment from Great Britain, Houston still desired annexation, but only on the condition that the United States would provide military protection in case of a Mexican attack. President Tyler submitted an annexation Treaty to the Senate, but it was rejected; President Tyler nevertheless kept his promise to provide protection and sent ships to the Gulf of Mexico and troops to the Texas border.

Congressmen John Quincy Adams, by now an open advocate of the abolition of slavery, and others maintained that no one had the power to annex a foreign nation to the United States. The issue was slavery—a free Texas would hem in slavery in the South and prevent expansion to territories west of Texas; a slave Texas would expand the scope of slavery enormously because of the size of the state. There was even talk of dividing Texas into several slave states. Great Britain was interested in Texas and was considering an offer to buy out all the slaves in exchange for other concessions.

**The 1844 Election.** The presidential campaign of 1844 turned on the issue of expansion, both in Texas and in the Oregon territory. The Whigs nominated Henry Clay for president and the Democrats James K. Polk of Tennessee along with George M. Dallas of Pennsylvania as the vice presidential candidate. A third party, the Liberty Party, whose chief issue was anti-slavery, nominated James Birney. Henry Clay took a stance against the annexation of Texas, and his anti-expansion position cost him the election, although it was very close. In fact, the outcome in the electoral college turned on the results in New York State, where Birney took enough votes away from Clay to throw the election to James K. Polk, Tennessee's "Young Hickory."

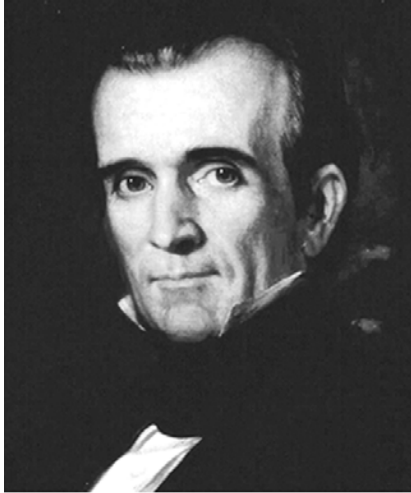
With the election results clearly favoring the annexation of Texas, President Tyler recommended that Texas be annexed to the United States by a joint resolution of Congress. He cited the election results as one reason and possible intervention by Great Britain as an additional justification. The joint resolution was used to get around the necessity of a two-thirds vote in the Senate required for treaty ratification, a ploy which was later used in other similar cases.<sup>66</sup> The resolution was eventually passed. It provided that Texas would immediately become a state, bypassing territorial status, as soon as its boundary was officially settled and its constitution submitted to the President of the United States. The act also provided that the new state might be divided into as many as four additional states and that all its defense works and property be transferred to the United States.

**President Polk and Mexico.** When Congress passed a joint resolution for the annexation of Texas, Mexico severed diplomatic relations with the United States. Furthermore, Mexico claimed the legitimate boundary between Texas and Mexico was at the Nueces River, over one hundred miles north of the Rio Grande. In May 1845 President Polk ordered the commander of United States forces in the Southwest, General Zachary Taylor, known as "Old Rough and Ready," to move his troops into Texas and position himself "on or near the Rio Grande River." General Taylor initially positioned himself just south of the Nueces River near

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<sup>66</sup> Hawaii was annexed by a joint resolution in 1898 when an annexation treaty could not achieve a two-thirds vote.

Corpus Christi. In early 1846 he built Fort Texas across the Rio Grande from the Mexican city of Matamoros and blockaded the river.



James K. Polk--"Young Hickory"

President Polk had a goal upon taking office of the acquisition of California and New Mexico. He sent John Slidell on a secret mission to Mexico with an offer to purchase the territories. Polk was prepared to offer up to \$50 million for the area. Although the Mexican government had initially agreed to meet with Slidell, when they found out that his mission was not only about the Texas boundary but also about the western territories, the Mexican government refused to receive him.<sup>67</sup>

By April 1846 a Mexican force had positioned itself opposite Taylor's troops on the Rio Grande. General Mariano Arista, who had several thousand troops in Matamoros, sent a cavalry force across the Rio Grande upriver from Matamoros. This move precipitated a clash with American troops, resulting in eleven American deaths. President Polk then sent a message to Congress, stating that the United States had a "strong desire to establish peace with Mexico on liberal and honorable terms." He added, "Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil." After reviewing the events leading to the crisis, including the rejection of the Slidell mission, he stated:

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed, and solemn treaties pledging her public faith for this redress have been disregarded. A government either unable or unwilling to enforce the execution of such treaties fails to perform one of its plainest duties.

Abolitionists claimed that Polk's provocative action in sending Taylor to the Rio Grande was in itself an act of war; an anti-war movement grew, especially in the Northeast. Henry David Thoreau wrote an essay on "Civil Disobedience" and refused to pay his taxes, and Congressman John Quincy Adams opposed the war in the House of Representatives. The new Whig Congressman from Illinois, Abraham Lincoln, introduced a set of "Spot Resolutions," demanding that the president reveal the exact spot on which blood had been shed, meaning on Mexican or American soil. This very unpopular war became known as "Mr. Polk's War" primarily because of the fear of the extension of slavery. The vote for war was 174-14 in the House and 40-2 in the Senate, but antiwar sentiment ran deep, especially among Northern Whigs and abolitionists. Once President Polk put soldiers in harm's way, it was difficult for opponents to muster votes against the war.

### **The Wilmot Proviso**

As soon as the United States declared war against Mexico in 1846, anti-slavery groups wanted to make sure that slavery would not expand in the case of an American victory. Congressman David Wilmot opened the debate by introducing a bill in Congress, the "Wilmot Proviso," that would have banned all African-Americans, slave or free, from whatever

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<sup>67</sup> Robert W. Merry, *A Country of Vast Designs: James K. Polk, the Mexican War and the Conquest of the American Continent* (New York: Simon & Schuster; 2009)

land the United States took from Mexico, thus preserving the area for white small farmers. It passed the House, but failed in the Senate. John C. Calhoun argued that Congress had no right to bar slavery from any territory, an issue that would surface again after the war. Others tried to find grounds for compromise between Wilmot and Calhoun.

President Polk suggested extending the 36-30 line of the Missouri Compromise to the Pacific coast. In 1848 Lewis Cass proposed to settle the issue by “popular sovereignty”—organizing the territories without mention of slavery and letting local settlers decide whether their territory would be slave or free. It seemed a democratic way to solve the problem and it got Congress off the hook. This blend of racism and antislavery won great support in the North, and although the Wilmot Proviso was debated frequently, it never passed. The battle over the Proviso foreshadowed an even more urgent controversy once the peace treaty with Mexico was signed. It would be debated again in the years ahead.

### **The Mexican-American War**

President Polk had additional political problems with the war besides Mr. Wilmot’s proposal. Both senior generals—Zachary Taylor and Winfield Scott—were Whigs, and the nation had already shown a propensity to raise successful generals to high office. But the demands of war outweighed the political issue, and both generals led American troops in the conflict. As mentioned above, opposition to and support for the war tended to divide along political lines, and the conduct of the war had strong political overtones.

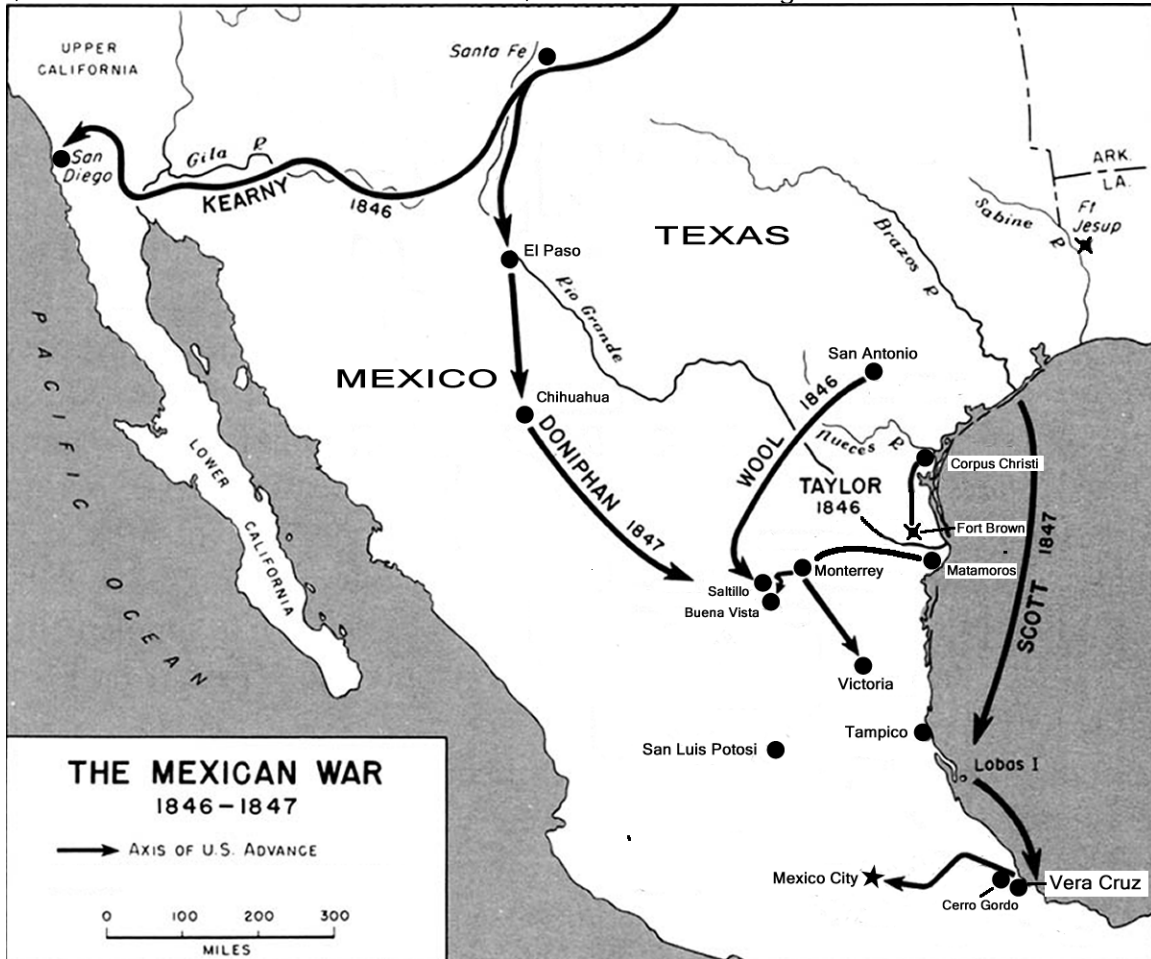
**Campaigns in Northern Mexico.** After war was declared, General Taylor moved to relieve the besieged Americans at Fort Texas, which had been renamed Fort Brown in honor of its fallen commander. Along the way he fought two successful battles against numerically superior Mexican forces at Palo Alto and Resaca de la Palma. He then crossed the Rio Grande and occupied Matamoros, where he undertook to train several thousand volunteers who had recently joined his army. Meanwhile, General John Wool set out from San Antonio toward the Mexican town of Chihuahua, farther to the west. A third force under Colonel Stephen Kearny set out from Fort Leavenworth, Kansas, for California. A portion of Kearny’s command under Colonel Alexander Doniphan was detached and sent across the Rio Grande at El Paso toward Chihuahua, where they defeated a force of Mexican militia. General Wool’s force eventually joined Taylor’s command.

With his army increased by volunteers, Taylor moved up the Rio Grande on the Mexican side and established a base for a march on the city of Monterrey. The city was well fortified on the north by a strong citadel. Taylor divided his army, sent troops to cut off the city from the rear and attacked from several directions while using artillery and mortars to attack the citadel. Fighting within the city was heavy, but following a four day-siege, the enemy surrendered. Although Taylor had been successful since the beginning of his campaign, he was still a long way from Mexico City. He proceeded to advance further into Mexico in the direction of San Luis Potosi, where General Antonio Lopez de Santa Anna was assembling a large army. Santa Anna had been released from exile by President Polk in the hope that the general would be willing to negotiate a truce. Santa Anna, however, accused of having betrayed his country to the Americans, chose to fight.

Santa Anna advanced northward with the intention of driving Taylor out of Mexico. Taylor wisely withdrew to a strong defensive position near Buena Vista. With his force of less than 5,000 men, he awaited the attack of Santa Anna’s 15,000 soldiers. Santa Anna ordered an unconditional surrender, but Taylor refused. Though outnumbered, Taylor’s army withstood repeated Mexican attacks, inflicting heavy casualties on their enemies, and on February 23,

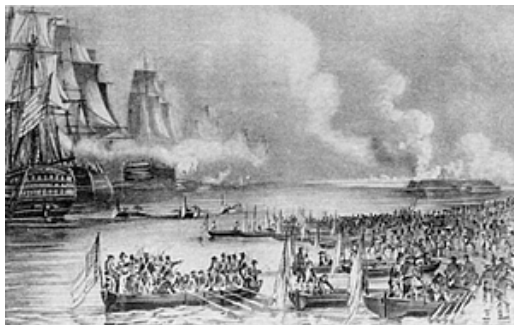


1847, Santa Anna began to withdraw toward Mexico City. The hardest battle of the war was won, the war in northern Mexico was over, and the area along the Rio Grande was secure.



Meanwhile, The U.S. Navy had captured the port of Tampico. General Winfield Scott was authorized to conduct a landing at Vera Cruz in anticipation of a march on Mexico City. Scott arrived in Mexico in December 1846 and detached several thousand of Taylor's troops and ordered them to march to Tampico to take part in the Vera Cruz operation. Taylor was outraged; he believed that Scott's plan was politically motivated. As Scott was the senior general, with service dated back to the War of 1812, Taylor had to follow his orders.

**General Scott's Vera Cruz Campaign.** In February 1847 General Scott landed his force of about 10,000 men at a position south of Vera Cruz in a landing that was essentially unopposed.



General Winfield Scott landing at VeraCruz

Assisted by naval batteries that shelled the city, Scott's army achieved the surrender of Vera Cruz with only light American losses. On April 8 Scott set off along the National Road toward Mexico City. Santa Anna had assembled a force of about 13,000 to block Scott's advance at Cerro Gordo. Using the skillful reconnaissance information gained by Captains Robert E. Lee and George B. McClellan, Scott flanked the Mexican force and routed Santa Anna. By May 15<sup>th</sup> Scott was 80 miles from Mexico

City, where he paused, awaiting fresh troops. Once reinforced, Scott continued his well-organized advance and defeated the Mexican army once more at the battles of Contreras and Churubusco, driving to within 5 miles of the capital.

President Polk, meanwhile, had sent Nicholas Trist, the chief clerk of the State Department, to accompany Scott's army with authorization to negotiate peace terms with the Mexican government. Scott was not especially welcoming to Trist, feeling that as commander on the ground, he himself was responsible for negotiations. Nevertheless, after some discussion, Trist was allowed by Scott to negotiate an armistice with the Mexican government. When the offer was rejected, Scott proceeded to march on the capital.

In their final assault on Mexico City, Scott's soldiers and Marines attacked the fortress of Chapultepec and eventually scaled the rocky walls and arrived at the summit. The Americans moved into the city, raised their flag over the National Palace, and a battalion of Marines occupied the "Halls of Montezuma."

### **Victory in Mexico: The Superiority of American Arms.**

The Regular U.S. Army numbered only about 5,000 officers and men at the outbreak—one fourth the size of the Mexican Army. American volunteers from the West were a raunchy crew—ill disciplined and dirty—but they fought well. Mexico was also poorly prepared. Their artillery was so outdated that American soldiers were able to dodge Mexican cannon balls that often fell short and bounced along the ground.

The war was also a training ground for future Civil War generals: U.S. Grant, Robert E. Lee, William T. Sherman, George G. Meade, George B. McClellan, Thomas J. Jackson, James Longstreet, Braxton Bragg, Joseph Johnston, and many others got their first taste of war in Mexico. *Note: Friendships formed, and knowledge of their compatriots' military skills as well as shortcomings, played a part in the Civil War, 1861-1865.*

Winfield Scott's Campaign against the Mexican capital was one of the most brilliant in American history. He avoided direct assaults and used engineers and reconnaissance to flank defended positions. At the outset of the campaign, the Duke of Wellington, victor over Napoleon at Waterloo, made a dire prediction: "Scott is lost." For once, the Iron Duke was wrong.

Controversy over the Mexican-American War did not subside with the cessation of hostilities. Many claimed that the treaty was forced on Mexico and that \$15 million was a small price to pay for half a million square miles. By contrast the United States later paid Texas \$10 million for eastern New Mexico. On the other hand, the U.S. could have taken any or all of Mexico without payment, but chose not to.

Among those who criticized the Mexican-American War was Captain Ulysses Grant. He saw the war as a political move, though he acknowledged that war and politics often went hand in hand. In his *Memoirs* the future U.S. president wrote:

For myself, I was bitterly opposed to the [annexation of Texas], and to this day regard the war, which resulted, as one of the most unjust ever waged by a stronger against a weaker nation. ... The occupation, separation and annexation were, from the inception of the movement to its final consummation, a conspiracy to acquire territory out of which slave states might be formed for the American Union. ...

It is to the credit of the American nation, however, that after conquering Mexico, and while practically holding the country in our possession, so that we could have retained the whole of it, or made any terms we chose, we paid a round sum for the additional territory taken; more than it was worth, or was likely to be, to Mexico.<sup>68</sup>

**The California Campaigns.** While Generals Taylor and Scott were busy in Mexico, the situation in California was one of confusion. Americans had begun to settle in California in the 1840s, though the population remained heavily Mexican and Native American. In that age of faulty communication, an American naval officer landed a force in Monterey in 1842 and raised the American flag. President Tyler disowned the action and apologized to the Mexican government.



In 1846 Captain John C. Frémont led an expedition into Northern California. He found himself in the midst of a controversy involving Mexican authorities in California that stemmed from the Revolution in Mexico. American settlers in California attacked a Mexican detachment and proclaimed the "Bear Flag Republic," declaring the American settlements in California to be independent. Frémont joined the rebellion, and the rebels were soon joined by

another force under Navy Commodore John D. Sloat. Sloat raised the flag over Monterey and proclaimed that California was part of the United States.

Mexican citizens rebelled against the American authorities, and Americans were driven out of Southern California. Meanwhile, the expedition led by Colonel Stephen W. Kearny left Fort Leavenworth, Kansas, marched to New Mexico, where he proclaimed the region to be part of the United States, and proceeded on to California. Once in California Kearny joined forces with Commodore Robert Stockton, who had replaced the ailing Commodore Sloat. The combined American units soon defeated the remaining Mexican forces in California.

When the fighting ceased, a complicated quarrel erupted among Kearny, Frémont and Stockton over the establishment of a government. Frémont was eventually court-martialed and found guilty of failing to obey the orders of Colonel Kearny, but president Polk ordered him restored to duty. Frémont resigned from the Army and his case was taken up by his father-in-law, Senator Thomas Hart Benton. Frémont's career was far from over: He would become the first Republican Party candidate for president in 1856.

The victory settlement made California part of the United States. The discovery of gold in Sutter's mill in 1848 would soon lead to the well-known gold rush, which by 1850 would make California ready for statehood. The final treaty signed between Frémont and the Mexican leaders granted generous terms to all Mexicans living in California.

**The Treaty of Guadalupe Hidalgo.** Following the occupation of Mexico City, Santa Anna retreated to the suburb of Guadalupe Hidalgo and stepped down from the presidency. An interim government notified Nicholas Trist that it was prepared to negotiate a peace settlement. Although Trist had received orders for his recall from President Polk, he took Scott's advice and decided that since he was on the spot, he would go ahead and negotiate a settlement. Scott, meanwhile, had asked to be relieved, feeling his authority had been undercut by the Trist mission. The president was furious with both Trist and General Scott for vio-

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<sup>68</sup> U.S. Grant. *Personal Memoirs of Ulysses S. Grant*. Various Editions. First published in 1885.

lating his instructions. "Polk was prepared to oblige the general while also placing him before a court-martial—and tossing out Trist for good measure."<sup>69</sup>

Although Trist was acting contradictory to Polk's instructions, he nevertheless settled on excellent terms. Mexico gave up all claims to Texas above the Rio Grande and ceded New Mexico and California, which included parts of Arizona, Nevada, Utah, Colorado, and Wyoming to the United States. The United States agreed to pay \$15 million to the Mexican government and assume over \$3 million of American citizens' claims against Mexico. The Rio Grande was settled as the boundary of Texas and then westward to the Pacific.

Polk and was reluctant to submit the treaty to the Senate. Nevertheless, he wanted to avoid what was becoming known as the "all Mexico" movement, the notion that the United States should take over the entire Mexican nation. Amendments to that effect were never passed, however, and the Senate finally ratified the treaty by a vote of 38 to 14. The Mexican War was over. The territory which eventually comprised the lower 48 states of the United States was complete except for a small strip along the southern border of New Mexico and Arizona, which was purchased on behalf of the United States by James Gadsden in 1853. (The area was considered a favorable route for a transcontinental railroad from New Orleans to Southern California.)

**Legacy of the Conflict.** The cost of the Mexican-American War to America was \$100 million. In the course of the fighting, 1,721 soldiers were killed in action, 4,102 were wounded in action, and 11,500 died of disease. The Mexican Cession brought in over 500,000 square miles of land, and with Texas, well over one million square miles. The idea of "manifest destiny" was partially realized, and the military victories brought the two Whig generals into public favor. Zachary Taylor was elected president in 1848, and Winfield Scott was defeated by Franklin Pierce in 1852. Scott was the last Whig to run for high public office as the party disintegrated and was soon replaced by the Republicans.

### The Oregon Boundary Dispute

The Oregon Territory was located in the region west of the continental divide in the Rocky Mountains. It lay between the 42nd parallel, the northern boundary of California, and the 54°-40' line, the southern boundary of Alaska, including all or parts of future states of Washington, Oregon, Idaho, Wyoming and Montana and the Canadian province of British Columbia. Both sides had long-standing claims, the claims of the United States having originated with the Lewis and Clark expedition.



Wagons on the Oregon Trail

In 1841 Congress considered a bill for construction of forts along the Oregon Trail, and for generous land grants. British Foreign Secretary Lord Palmerston declared in Parliament that passage of the bill "would be a declaration of war." Secretary of State John Calhoun urged restraint, arguing that the settlers moving into the territory of their own free will would solve the problem.<sup>70</sup> The bill did not pass. Webster and Ashburton avoided issue while arriving at their treaty in 1842, feeling that other issues were more pressing. About that time "Oregon fever" set in, a result of the panic of 1837 and the attractiveness of rich farmland that could be cultivated year-round. Slavery had not penetrated the Oregon area, which Northeasterners also found appealing. As California still belonged to Mexico, the only outlet for Americans on the west coast was Oregon, which had

<sup>69</sup> Merry, *A Country of Vast Designs*, 371.

<sup>70</sup> Bailey, *A Diplomatic History of the American People*, 224.

been occupied jointly with the British since 1818. The area in dispute in the early 1840s lay between the Columbia River and the 49th parallel.

Most Easterners didn't care about the land west of the Rockies, at least until the 1849 gold rush, but some saw it as a gateway to the Orient and trade. One campaign slogan among expansionists in 1844 election had been "54-40 or fight," meaning that America wanted the entire Oregon territory for itself. The coming of the Mexican War made it clear that President Polk was in no position to fight Great Britain. At the same time Great Britain did not

want war with the United States over a remote area with little British population.



In 1845 the Oregon issue was also tied to Texas as part of the regional balance over slavery. Then President Polk asserted the U.S. claim in his inaugural address, irritating the British further. Polk offered to settle the dispute along the 49th parallel, but the British refused. Polk thereupon reverted to demanding the 54°-40' line, but he was probably bluffing. Meanwhile, internal British political upheavals caused a reevaluation, and the 49th parallel was again offered and agreed upon. President Polk referred the matter to the Senate, which recommended acceptance. The treaty passed 41-14, a reasonable solution—with no bloodshed.

**James Polk's Legacy.** James K. Polk had emerged as a dark horse for the nomination of the Democratic Party for President in 1844. Although he had been Speaker of the House and governor of Tennessee, he was relatively unknown. He had four major goals for his administration to accomplish: to lower the protective tariff; to resolve the Oregon boundary dispute; to restore the independent treasury; and to acquire New Mexico and California. He achieved all those goals, thus becoming a very successful president in terms of his own intentions. He also prosecuted the Mexican War successfully, despite considerable domestic opposition, setting aside political considerations regarding his military commanders. Yet the Whig party was still strong, and there was much discontent in parts of the country over Texas, the Mexican Cession, and other issues. Polk had promised to serve only one term, and he was exhausted after his four years in office. His retirement lasted only three months; he died in June 1849.

**The 1848 Election.** As the slavery issue still rankled, the Democratic Party threatened to split apart along North-South lines. The North rejected the extension of the Missouri Compromise line as too beneficial to Southern interests. President Polk kept his promise not to run for an additional term, even though his record was solid. (His turbulent four years in the White House had exhausted "Young Hickory"; he died three months after leaving office.) The Democrats sought a new candidate and finally nominated Lewis Cass of Michigan, who had coined the phrase "squatter sovereignty" or "popular sovereignty," an idea that avoided a direct confrontation over the issue of slavery in the territories by leaving it up to the settlers themselves to decide. For all but the abolitionists, there was considerable support for popular sovereignty.

The Barnburners—Democrats discontented over the slavery issue—walked out and formed the Free-Soil Party, which nominated Martin Van Buren, who favored the Wilmot Proviso, and Charles Francis Adams, son of John Quincy Adams. The old Liberty Party of 1844 joined the Free-Soilers. Popular sovereignty found support among anti-slavery forces, who assumed that the territorial settlers would have a chance to prohibit slavery before it could get established. It was unacceptable, however, to those who wanted definite limits placed on the expansion of slavery.



Taylor-Fillmore Poster

Daniel Webster was the natural choice of the Whigs, but a military hero was too appealing—it had worked for the Whigs in 1840 with Benjamin Harrison. The Whigs, who had no platform, nominated “Old Rough and Ready,” General Zachary Taylor, who had no discernible political positions on almost any public issue. He had never held elective office. Born in Virginia and raised in Kentucky, Taylor was a relative of both James Madison and Robert E. Lee. His running mate was Millard Fillmore of New York, selected to balance the ticket since he came from a non-slave state. Taylor promised that there would be no executive interference with any proposed congressional legislation.

With the discontented Democrats, now Free-Soilers, again taking votes in key states, General Taylor won the election, thus realizing President Polk's fears of a Whig general winning the White House with a minority of the popular vote.

### The California Gold Rush

When gold was discovered at Sutter's Mill in 1848, thousands of Americans began flocking to California's gold fields in 1849, creating demand for a territorial government. There were few slaves in California, though more than in New Mexico and Utah combined. Although California passed “sojourner” laws that allowed slaveholders to bring slaves and keep them for a time, slavery was not an admission issue. With slavery recognized and protected in the Constitution, the issue of slavery in states where it already existed was, for all but staunch abolitionists, not a serious issue. The issue of slavery in territories not yet states was a very big issue, however. When Californians submitted an antislavery constitution with their request for admission, Southerners were outraged because the admission of California would give the free states majority control of the Senate.



President Zachary Taylor proposed to settle the controversy by admitting California and New Mexico as states without the prior organization of a territorial government, even though New Mexico had too few people to be a state. The South reacted angrily and called for a convention of the slave holding states to meet at Nashville. Their purpose was to discuss the issue of slavery, with some more radical elements prepared to consider secession. Because only the radical “fire eaters” were prepared to go that far, only nine states sent representatives to the meetings, which took place in 1850. Since what became known as the 1850 Compromise was already being debated in Congress, nothing was formally decided; yet the



## Social and Cultural Issues in the Antebellum Period

### Literature: The Romantic Age.

The spreading of democracy in the time of Andrew Jackson had an impact not only on the political life of the American people, but also on the feelings Americans had about themselves. In his *Democracy in America* Alexis de Tocqueville recognized the connections between an emergent in American culture and the growth of American democracy. Rapid expansion of economic opportunities brought about by the creation of factories and the broad expansion of transportation networks helped to create a feeling of connectedness among the American people. Those links in many ways overrode regional differences. The period between the age of Jackson and the outbreak of the Civil War was a time of enormous literary growth in America. Giants such as Emerson, Hawthorne, Poe, Whitman, Melville and other lesser lights began to create a truly American literature that reflected America's cultural maturity.

The blossoming of American literature coincided with the growth of what in the greater literary world is called the Romantic Movement. Romanticism was a reaction to the classicism that characterized the age of the enlightenment, when a common belief existed that the path to truth was that of reason. Romanticism argued that reason, or intellect, could not explain emotional responses to phenomena such as the viewing of a gorgeous sunset, the birth of a child, or the sound of a beautiful melody. The inability to recognize the importance of emotional response to God's creation made for a sterile existence. Since the emotional or subjective reactions to the world that surround us must necessarily be individualistic, the individual being—the individual—formed much of the focus of the Romantic era.

With American political and legal ethics centered on the rights of the individual, the romantic notion of individualism aptly described what might be called the American consciousness in its pre-Civil War incarnation. Romantics understood that complete fulfillment of the human experience came from emotional responses to the world; they also recognized the pain and agony that came when individuals encountered the world's harsher realities. Just as the classic writers sought to define the world in terms of rationality and order, the Romantics sought to define the world in terms of beauty and all that the human spirit might obtain through imagination. At the core of much of this romantic philosophy was the idea of transcendentalism, a quest to discover a higher truth than can be obtained by mere observation of the world through consciousness.

Ralph Waldo Emerson, the best-known of the transcendental writers of the antebellum period, expressed many romantic ideals in his essays on nature and self-reliance. In *The American Scholar* Emerson emphasized the interaction between the historical development of a nation and its habits of thought; he wrote in that essay:

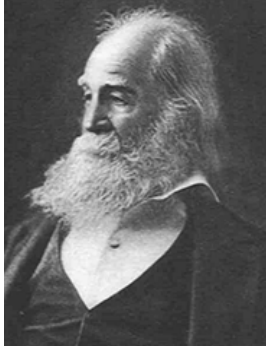
The office of the scholar is to cheer, to raise, and to guide men by showing them facts amidst appearances. He plies the slow, unhonored, and unpaid task of observation. ...

He is the one who raises himself from private considerations and breathes and lives on public and illustrious thoughts. He is the world's eye. He is the world's heart. He is to resist the vulgar prosperity that retrogrades ever to barbarism, by preserving and communicating heroic sentiments, noble biographies, melodious verse, and the conclusions of history.



Just as the literature of the Revolution, such as Thomas Paine's *Common Sense*, provided a framework for the development of a mature political ideology, romantic literature sought to create a broader framework within which men and women could live more fulfilling lives.

The connection between Romanticism and American patriotism also extended itself to the arts. Romantic, often melodramatic fiction was part of the written word that proliferated in America in the anti-bellum age. And rather than being employed to depict portraits of the wealthy aristocracy, as English painters had done, American artists painted scenes of American life and the beauties of nature.



Walt Whitman

Walt Whitman was a poet who expressed America's democratic ideals as well as any writer before or since. He dedicated one of his most famous works, *Leaves of Grass*, to the "advanced, composite, electric, *Democratic* nationality." Although much of his poetry was centered on himself—"I celebrate myself, and sing myself"—he held himself to be a representative of every American, for he said, "every atom belonging to me as good but longs to you." His compelling images of America in all its complexity reach across all elements of society; he wrote, "I am of old and young, of the foolish as much of the wise." Whitman's Civil War poetry reflected the anguish and pain of that conflict, and his poetic eulogy, "Oh Captain, My Captain," on the death of Abraham Lincoln reflected the greatness of the man and the tragedy of his dying. His poem has been called "a remarkable fusion of public events and private response" and recalls Whitman's years working in hospitals during the Civil War.

## An Age of Reform

From time to time America has gone through periods during which various movements were underway to improve aspects of American culture. Many of those reform movements were centered on associations or organizations created for just that purpose. One of those was the temperance movement, an effort that grew out of the fact that Americans were prodigious consumers of alcohol. Thousands of distilleries produced millions of gallons of various alcoholic beverages, including whiskey, beer, wine, hard cider, and other consumables. The average consumption of alcohol among Americans was several ounces of alcohol per day, a rather startling figure when one considers that the young, old and many women consumed very little alcohol. Those who did drink drank a great deal, sometimes with serious consequences for themselves and their families. In 1833 the American Temperance Union was formed to try to promote responsible drinking.

Some of those reformers took a hard line and insisted on absolute abstinence from alcohol. More moderate temperance reformers merely urged people not to drink to excess, something which people addicted to alcohol could handle only with difficulty. In various regions experiments were made with closing taverns or cutting off sales of alcohol under various conditions, and many towns went dry during the 1830s and 40s. Although efforts to control drinking were less than completely successful, the per-capita consumption of alcohol was reduced between 1830 and 1860. Following the Civil War, the softer temperance movement evolved into the more severe prohibition movement, which finally achieved victory with the 18th amendment passed in 1919.

*It is interesting to note that one of the first public speeches given by young Illinois politician Abraham Lincoln was on the subject of temperance.*

The temperance movement was but one effort to create something approaching a utopian society. Often driven by religious fervor, groups of Americans began to form various utopian communities, some of which were short lived, others of which persisted into the 20th century. One such religious group were the Mennonites of Pennsylvania, who based their community upon literal interpretation of the Bible and who sought to prepare themselves for what they believed was the coming millennium. Another religious society which grew up in New York state were a group that believed in the second coming of Christ and whose enthusiastic dances lead them to be called Shakers. Shaker communities spread throughout the Northeast, and that group reached its peak membership between 1830 and 1860.

Other utopian groups included the Oneida community, which started in Vermont; the New Harmony community which grew up in Indiana; and Brook Farm, best-known of all utopian communities because illustrious figures such as Ralph Waldo Emerson and Margaret Fuller supported it as it grew in New England in the 1840s.

**The Second Great Awakening.** The utopian communities, often driven by religion, rarely lasted more than a few decades, but the religious spirit of the age had more lasting effects. The religious intensity of the American people grew into what became known as the Second Great Awakening. The religious spirit found fertile ground among people moved by the romantic notion of America's special place in the world. Many Americans came to believe that America was destined, perhaps by God, to be an example to the rest of the world, much like the old Puritan idea of New England as a "city upon a hill." The Unitarian movement that centered on Boston was one manifestation of newer forms of religion.

Much of the Second Great Awakening took place in the frontier regions of America. Pioneers who settled the frontiers often found themselves removed from their fellow settlers. They were hungry for social and spiritual interaction with others. Various Protestant denominations, such as Congregationalists, Presbyterians, Baptists, Methodists, and others followed evangelistic impulses and called for a revival of religious feeling. Many of the frontier meetings took place in what were known as camp meetings, assemblies of people who came from considerable distances and camped in wagons or tents. Many of the religious celebrations were exuberant to the point of strangeness, as people spoke in tongues, barked like dogs or expressed themselves in other bizarre ways. Such was the enthusiasm in western New York that a large area in that part of the state became known as the "burned over district," centered around a fiery preacher named Charles Grandison Finney. Thousands of people converted themselves to the Christian faith from his preaching.



Brigham Young

The most prominent group to emerge out of the burned over district of New York was the Church of Jesus Christ of Latter-Day Saints, known as the Mormons. The Mormon faith was founded by Joseph Smith, who claimed that an angel had directed him to some buried golden tablets, which he translated into what became known as the book of Mormon. The Mormons attracted thousands of converts who were promised a pure community centered around Christ in America.

The Mormons were a very close-knit community and professed their righteousness in ways that caused friction with their "Gentile" neighbors. They moved from New York to Ohio, different areas in Missouri, and finally settled in Nauvoo, Illinois, where they remained for five years. Because some members of the Mormon Church practiced polygamy, violent resistance to the group arose, and Joseph Smith was killed by a mob. Smith's successor was Brigham Young, a strong, intelligent and forceful man who led the Mormons on their final trek to the Great Salt Lake basin in Utah. Although

Young believed that God would guide his flock, he was a careful organizer and prepared the way for his followers to make the journey by setting up way stations along the trail. The first Mormons arrived in the Salt Lake area in 1847 and found what appeared a desolate wilderness. But soon they created irrigation systems, and through cooperation and industry they brought the desert into bloom.

The Mormons organized their own state called Deseret, planning to establish perhaps a separate nation, which might stretch to the Pacific. Congress, however, created the Utah territory, and with Brigham Young as governor, the Mormons established control of the entire territory. Mormons are still the dominant culture in Utah and areas that border their state.

**Education Reform.** Partly because of the belief that good Christians should be able to read the Bible, education took hold early in colonial America. Spurred by Jefferson's belief in the value of education for a self-governing people, movements to provide free public education for all young people spread across the nation. Although America already had what was probably the highest literacy rate in the Western world, most education was conducted at home, in church or by private tutors. By 1830 state-wide school systems had not yet been developed. An early adopter, New York City had established a Public School Society in 1805, and by 1850 New York City schools had educated some 600,000 youngsters.

It was easier to establish schools in the more densely populated regions of the country; thus education tended to be centered more in the Northeast and in the areas of the cities than on the Southern and Western frontiers. In Massachusetts Horace Mann led the movement for statewide education systems and fathered many reforms, including "normal schools" for the education and training of teachers. Mann and other reformers preached the value of education for its democratizing effect and persuaded citizens that it was in their best interest to pay taxes for the support of schools. By 1860 the public school movement had spread to parts of the South, but literacy remained highest in the band from New England across New York, Pennsylvania and Ohio.

At the time of the Revolution nine colleges had been founded in the United States. Following the Revolutionary period, some 50 additional institutions of higher education were created, although not many survived. By 1840, however, over 70 colleges and universities existed, many of them as church related schools. Following the example of Jefferson's University of Virginia and the United States Military Academy at West Point, which had been founded in 1802, more practical and technical college curricula were developed to replace the theologically oriented programs of study established at the religious-based colleges. Among the earliest state colleges established were agricultural and mechanical colleges which eventually became Michigan State and Pennsylvania State universities.

Most colleges limited their enrollment to males. Women such as Emma Willard, however, began to create female seminaries which often had curricula that devolved into increasingly practical courses of study. Oberlin College in Ohio provided both biracial and coeducational opportunities for learning, though female students were not accepted on an equal basis. Side by side with the development of colleges and secondary schools were various associations and institutes that offered free education to the general public. Some of them offered evening classes for working people, and traveling lecturers and experts spoke on a variety of topics, including mathematics, geography, literature, and other fields. At about the same time, a movement to create public libraries surfaced to satisfy Americans' apparently unquenchable thirst for knowledge. (Benjamin Franklin invented the first lending library, The Library Company of Philadelphia, in 1731.)

## The Women's Movement: Seneca Falls.

In 1848 a group of women gathered at Seneca Falls, New York, to take a stand for the rights of American women. Elizabeth Cady Stanton had attended a world anti-slavery conference in London in 1840 and was frustrated because women were not allowed to speak.

Lucretia Mott, a Quaker, was very active in the abolitionist movement but was also concerned about women's rights—or lack of them. At a social gathering of the two women and others near Stanton's home in Seneca Falls a group of Quaker women—Stanton being the only one who was not a Quaker—began discussing women's rights. They decided to hold a conference about a week later.



Elizabeth Cady Stanton

They placed a notice in a local newspaper, and a gathering of about 300 attended the meeting in a Methodist church. Stanton had drawn up a declaration of sentiments and a list of resolutions to be considered. Although this meeting and other ones were met with ridicule from the male population, the declaration and resolutions were published in a New York newspaper and thus received considerable publicity. Although many of their goals would be

decades in coming, the conference was a milestone in the progress of rights for women. The National Women's Hall of Fame is now located in Seneca Falls, New York.

Stanton based her declaration on Jefferson's great Declaration of Independence. She began:

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. (See Appendix for full text.)

The meeting in Seneca Falls led to creation of the National Woman's Rights Convention, a series of annual meetings organized to promote women's rights. In May 1850 some of the women who had been at Seneca Falls and who were attending the first World's Anti-Slavery Convention in Worcester, Massachusetts, decided to take advantage of the gathering. They invited those interested in discussing women's rights to stay on in Worcester. Paulina Kellogg Wright Davis, Lucy Stone and others spent the summer planning the convention. Approximately 1,000 people attended, and Paulina Davis was elected president. In her keynote address she said:

The reformation which we purpose, in its utmost scope, is radical and universal. It is not the mere perfecting of a progress already in motion, a detail of some established plan, but it is an epochal movement—the emancipation of a class, the redemption of half the world, and a conforming re-organization of all social, political, and industrial interests and institutions. Moreover, it is a movement without example among the enterprises of associated reformations, for it has no purpose of arming the oppressed against the oppressor, or of separating the parties, or of setting up independence, or of severing the relations of either. ...

...

Men are not in fact, and to all intents, equal among themselves, but their theoretical equality for all the purposes of justice is more easily seen and allowed than what we are here to claim for women. ... [T]he maxims upon which men distribute justice to each other have been battle-cries for ages, while the doctrine of woman's true relations in life is a new science, the revelation of an advanced age,—perhaps, indeed, the very last grand movement of humanity towards its highest destiny, —too new to be yet fully understood, too grand to grow out of the broad and coarse generalities which the infancy and barbarism of society could comprehend.

The conference was favorably reviewed in the New York and Boston press. Subsequent meetings were held in Syracuse, Cleveland, Philadelphia, New York and elsewhere. In the 1860s, Elizabeth Cady Stanton and Susan B. Anthony began the work for women's suffrage. It was finally achieved in 1919, although several territories and states had already given women the right to vote—as early as 1869 in Wyoming. The women's movement has continued into the 21<sup>st</sup> century. Although women have made enormous strides, many would argue that fully equality has not yet been achieved.

## **Immigration**

As the 19<sup>th</sup> century progressed from the age of the Napoleonic wars, many events throughout the world began changing age old social and cultural patterns in ways that affected not only the United States, but every country on every continent. The general movement, especially in Europe, toward more liberal or democratic forms of government and improvements in communications and transportation tended to mobilize populations. Prior to the 19<sup>th</sup> century the great mass of people could expect to live their lives within a very small radius around their birthplace. But by 1850 populations had begun to move in number, and the results of that movement began to change the face of America.

Industrial expansion in America created jobs that attracted thousands of immigrants to the New World. The most conspicuous of the groups that changed the social makeup of America were the Irish Catholics, who arrived by the thousands in the 1830s, 40s, and 50s. Thus began a pattern that would repeat itself throughout the course of American history: A wave of immigrants from a part of the world that had not brought people to America's shores before began to accelerate. In the period before the Civil War, that wave included Irish and German Catholics; in the period between the Civil War and 1900, more people came from southern and eastern Europe—Italy, Greece, Poland, Russia, Armenia—as well as Asia. In the decades following World War II, the Hispanic population in America began to grow; and the late 20<sup>th</sup> and early 21<sup>st</sup> centuries brought populations from the Middle East, West and Southwest and Asia to America. Every one of those immigration shifts brought out the phenomenon known as "Nativism," an understandable but generally unfortunate development that tends to lead to discrimination, hostility, and calls for tightening borders and immigration policy. In the beginning of the 21<sup>st</sup> century the focus is on illegal immigrants in this country, but the pattern is similar to what happened in previous times.

**The Irish.** The first immigrants from Ireland came mostly from the area known as Ulster, or Northern Ireland, during the 1700s. They were for the most part Protestants, heavily Presbyterian, and not particularly well disposed toward the English, to say the least. Andrew Jackson is the most famous descendent of those early Irish immigrants. Once their Catholic brethren from the South began to arrive, they began to refer to themselves as Scots-Irish in order to distinguish themselves as a separate group.

Because the Celtic Irish, or Irish Catholics, have become so fully assimilated into American society, it is difficult for us to imagine that the reaction of older Americans to the first wave

of Irish was as hostile as anything ever seen in this country. One can understand the full history of the Irish in America only by delving into the history of Ireland itself, a history marked by centuries of struggle against what the Irish saw as their British oppressors. English prejudice toward the Irish is centuries old. Cambridge historian Charles Kingsley referred to the Irish as "human chimpanzees" with "skins ... as white as ours." Although tensions between England and Ireland have subsided in the past decade, prejudice against the Irish persists in some quarters.

Most of the immigrants from Ireland between 1830 and 1860 were poor, and many of them spoke Irish, a Gaelic tongue, rather than English. The well-known potato famine of the 1840s drove many Irish to America's shores. Because many were weak and suffering from various diseases, they often died en route; thus the ships that brought them became known as "coffin ships." As the Irish population became depleted because of emigrants to the New World, a practice known as the "American wake" began to be part of the process of leaving. As family members prepared to depart, rituals similar to those accompanying a death would be carried out, for the families who remained behind expected never to see their loved ones again.

Some two million Irish emigrated to America in the decades before the Civil War. Because American ports often rejected ships inbound from Ireland (generally via Liverpool), many immigrants made their way to Canada and from there into the United States. Because the immigrants were poor, they were bound to remain close to the ports where they arrived in order to find quick work; thus large concentrations of Irish began to appear in Boston, New York, Philadelphia, and Baltimore. As the numbers of Irish increased, so did the level of discrimination and violence directed against them. Anti-Catholic prejudice, which was nothing new in Protestant Europe or America, fueled the fires of anti-Irish discrimination.

When they first began to arrive in America, many Irish felt themselves akin to African-Americans because of what they saw as a common experience of having been enslaved. But because they initially shared the lowest rung on the social order with Blacks, the Irish began to distance themselves from African-Americans. During the Civil War, the Emancipation Proclamation helped lead to one of the worst race riots in American history in New York City in 1863. Although the draft was a factor in the riots, many poor people felt that releasing blacks from slavery would hurt their economic welfare, and working-class Irish were heavily represented among those who rioted against blacks.<sup>72</sup>

The intense discrimination manifested itself in various ways. "Dogs and Irish keep out" signs are said to have appeared on public establishments, as well as ads for employment saying, "No Irish need apply." (A difference of opinion exists regarding the prevalence and intensity of the signage, but there is no doubt that the discrimination against Irish was real.) Catholic churches were stoned, and a Catholic orphanage in Philadelphia was burned to the ground. As oppressive as the conditions could be, however, the Irish worked hard and eventually prospered. By the turn of the century in 1900, the Irish dominated the Catholic hierarchy in America. In the latter part of the 19<sup>th</sup> century the Irish were one of the groups that helped construct the earliest transcontinental railroads. Many Irish worked in the coal mines and oil fields of Pennsylvania, and the Irish began to dominate institutions such as metropolitan police and fire departments and urban politics.<sup>73</sup>

Prejudice against members of the Catholic faith continued well into the 20<sup>th</sup> century. The overwhelming defeat of New York Governor Al Smith in 1928 was related in part to his being an Irish Catholic. Thus the election in 1960 of the first Irish Catholic American president,

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<sup>72</sup> Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 2008), offers a sharp perspective on the history of American racism.

<sup>73</sup> The term "paddy wagon" comes from Irish dominance of police forces.

John F. Kennedy, was a political event of significant proportions. Throughout the campaign Kennedy had to respond to charges that his presidency would be subject to pressure from the Vatican. Anti-Catholic prejudice is still alive in some parts of America, though it is not as obvious nor pronounced as it once was.

**The Nativist Reaction.** Nativism, an attitude driven by xenophobia<sup>74</sup> or unfriendliness toward people of a different ethnicity or religious persuasion from one's own, led to the development of what became known as the Native American Party. Concentrated heavily in the Northeast, the Party achieved some political success, electing officials to local and state governments and sending a few members to Congress. Even those who were not actual members of the American Party often sympathized with nativist attitudes and goals. It should be clear to anyone who follows the news that nativism is not dead in America. The American Party, or "Know Nothings," will be discussed further below.

**Working Class People.** As was true even in colonial times, America was seen as a land of opportunity where people willing to work might have an opportunity to raise their standard of living. But the immigrant population generally had to start on the bottom rung of the ladder, arriving as they did with few resources and often mediocre skills. The union movement had not yet taken hold in the 1830s and 40s, and working-class families were obliged to send all members, including children, into the workplace. The economic swings often brought hard times, as in the depression of the late 1830s. By 1850 some states had begun passing laws that attempted to regulate fundamental conditions at the workplace, limiting the work day to 10 hours and controlling child labor.

The socialist movement that progressed in Europe in the mid-19th century did not take hold in America. The abundance of land, the relatively high value placed on labor as railroads were constructed and factories expanded, and the business-friendly Republican attitudes in America impeded the development of a permanent working-class. There was no rigid class structure in America that prevented those who were hard-working—and lucky—from improving their station in life. Cheap land existed in the West for those with the skills to try their hand at farming. Although the distance between the top and bottom echelons of the economic structure remained wide, relatively few workers felt themselves trapped by a system that did not offer them the means to rise in society.

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<sup>74</sup> An irrational fear of foreigners or strangers.

## The Ante-Bellum South: Life on the Plantation

“For in a warm climate, no man will labour for himself who can make another labour for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labor. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever . . . .”

—Thomas Jefferson, Notes on the State of Virginia

The story of life on the slave plantation in the antebellum South has been told, retold, and told yet again as historians have struggled to wrestle the truth out of a reality that was difficult to understand even in its own time. While a great deal has been written about the history of the “peculiar institution,” uncovering the details of life among the slave population has proved to be elusive, for various reasons.

First, the history of slavery in the American South was often portrayed inaccurately both by those familiar with the institution and those opposed to it. The strongest defenders of slavery saw it as a positive good and in keeping with God’s order of things. Those who sought to abolish slavery condemned it as an unmitigated evil. From both ends of that spectrum, exaggerated descriptions of slavery were likely to occur. In fact, there is no single description of slavery that suits every situation or every region of the South. Slavery in the border states of Maryland, Virginia and Kentucky, for example, was not likely to be as harsh as slavery in the deep South, farther from free territory, in areas where larger plantations existed.

To complicate the matter further, interpretations and reinterpretations of the history of slavery have been driven by scholarly and social trends, with the result that descriptions of the institution have often been biased in favor of the point of view of the writer. In addition, while voluminous records of life in the South exist, those records are incomplete or under-representative of certain aspects of slavery. For example, the large majority of slave owners owned relatively small farms and few slaves. The average number of slaves per plantation was about ten, but that number must be reckoned against a substantial number of plantations on which a hundred or more slave laborers existed. On smaller plantations there was a high likelihood that the plantation owner might be less than fully literate or too busy to keep detailed records. The small slave-owner’s relationship with his slaves was likely to be less harsh than on farms where larger numbers of slaves were supervised by overseers responsible to the master. Furthermore, records of mistreatment of slaves, beatings of slaves of both sexes, the rape of slave women and other abuses were unlikely to be recorded in detail, if at all.

In the years both before and after the Civil War, a mythology grew up around the institution of slavery in the South. The image portrayed in the famous 1939 film *Gone with the Wind*, with the kind “Massa” looking after his “contented darkies,” surrounded by gallant young men and radiant Southern belles, each attended by a loving black “Mammy,” persisted for generations. A passive slave culture persisted in the minds of many, but the reality was that slavery was almost always harsh and cruel under the best of circumstances.

Another image of the antebellum South was of the poorest whites, often called “crackers” or “poor white trash,” who lived in ignorance and degeneracy in a system that depended upon slavery. Many of those poor whites lived in the hill country away from the cotton areas.



Their existence was affected by poor nutrition and resulting bad health. Although they had no stake in the slave system, they nevertheless supported racial division because despite their lowly status, they were still able to look down on blacks.

A reasonably prosperous middle-class of white farmers and businessmen also contented themselves with the labor system of the South, as many of them hoped to move into the slave-owning planter class when they became prosperous enough.

Because the bulk of Southern capital was invested in land, cotton and slaves, the Southern economy had distinct features that centered around life on the plantation. Both black and white women had considerable responsibilities in running the plantation. The image of a leisurely life for wives of prosperous plantation owners belongs to the mythology of the Southern culture. Because slaves were valuable property, the white women on the plantation family were obliged to devote their time to the care of their slaves, often administering basic medical treatment and assisting with the births of slave children. The irony of the reality that children born to slave women often had white fathers, who might be husbands or sons of the plantation mistress, was generally suppressed; such wives generally suffered in silence.

What evidence we have of life among slaves comes to us from reporters both black and white who were articulate enough to make records of slavery as they saw it. One of the



**Fanny Kemble**

most famous eyewitness records was that of Frances Anne "Fanny" Kemble, an English Shakespearean actress who met and married the wealthy Philadelphian, Pierce Butler, while on tour. Butler's wealth derived from a large family slave plantation in Georgia, and when Fanny Kemble first visited the plantation with her husband, she was shocked and dismayed by what she saw. She wrote voluminous letters to friends and kept a journal which was suppressed for some years and finally published in 1863.<sup>75</sup> Once in print, Mrs. Butler's journal provided a vivid and sympathetic picture of slave life; her descriptions vary between horror at the treatment of slaves, especially slave women who were often required to work long hours even while pregnant or shortly after childbirth, and her frustration with the miserable deportment of the slaves she encountered. Her inability to accept her husband's role in the practices of slave-owners contributed to the reasons for their divorce.

Frederick Douglass and Booker T. Washington have also provided well-known accounts of their lives in slavery. Many slave narratives, often transcribed by literate blacks or sympathetic whites, have also been published.

As part of the civil rights movement of the 1960s, historians took a fresh look at African-American history and at the institution of slavery. They attempted to filter out the mythology and error in order to arrive at a semblance of truth. Attempts to right past wrongs, either of historiography or of actual historical situations, often caused the pendulum to swing past center. That is not to say that deliberate distortions were frequent, only that the most extreme conditions of slavery were often described in the greatest detail. The result of what some saw as excessive reinterpretation was that yet another round of defenses of the institution of slavery made their appearance.

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<sup>75</sup> Frances Anne Kemble. *Journal of a Residence on a Georgia Plantation in 1838-1839*. Athens, GA, 1984.

Perhaps the best way to arrive at a satisfactory understanding of the institution of slavery is to acknowledge that it was for many slaves, in the words of Fanny Kemble, a "huge misery." Although slavery in some form had been part of human societies from the earliest times, by the mid-19th century the very idea of owning another human being as a piece of property had lost legitimacy. Even a society as backward as that of Russia had ended chattel slavery by 1861. And while it is undoubtedly true that many human beings existed in horrible economic straits, in conditions that were in certain ways just as cruel as those of slavery, one's permanent status in that condition was hardly institutionalized.

It is also true that within the slave culture of the American South, the full span of human relationships was undoubtedly present. There were slave owners and families who treated their slaves, or "servants," as they were euphemistically called, with at least a modicum of decency. Slave women often nursed white babies and lived in the master's house, where they enjoyed a comfortable existence. Although forced sexual relations between white slave owners and female slaves occurred with discomfiting regularity, sometimes relations between blacks and whites were in fact loving relationships. Such relationships, however, were always condemned, and although the number of slave children with white fathers formed a significant portion of each generation, the treatment of those children of mixed heritage was uneven. Sometimes they were banished, sold off to rid the owner of evidence of his dalliance; sometimes those offspring were treated with kindness and affection, educated, and set free.

None of those factors, however, truly go to mitigate the reality of slavery. On too many plantations regular beatings were routinely administered to slaves who failed to toe the line. The sexual abuse of slave women occurred not only by the forced intimacy of white men, but also by the forced marriages with slave men. Slave women were often required to accept husbands not of their own choosing for breeding purposes. Although the brutal treatment of slaves occasionally reached inhuman levels, barely any evidence exists whatsoever that those who beat slaves unmercifully, even to the point of crippling or to death, were ever punished for their crimes.

It is distressing to note that even in the early 21<sup>st</sup> century there are those who would make the case that in its time slavery wasn't all that bad. And while it is true that people of African descent in America were not the only ones to suffer under the yoke of slavery, it must be said that in a nation founded on the principle that all men are created equal, and on Christian principles, the notion that slavery was a positive good is unsustainable.

It is also important to note that defenses of slavery, just as criticisms of slavery, were often determined by external factors that had little to do with the institution itself. It cannot be claimed, for example, that anything existed inherently in the Southern character that made slavery acceptable to people of the South. Had the economics of slavery, which drove plantation life in the slave states, existed in the northern parts of the country, one must acknowledge that slavery could have taken root there just as firmly. And as abolitionists often pointed out, Northern economic interests were perfectly willing to profit from the institution in various ways, just as Northern political interests were content to live under a government that tolerated slavery and protected it in its founding document.

*No one put this dilemma better than Thomas Jefferson when he said, "We have the wolf by the ear, and we can neither hold him, nor safely let him go."*

Economic historian Robert Fogel has written extensively about the institution of slavery, including the economics of slavery. In *Without Consent or Contract*,<sup>76</sup> Fogel details in an “afterword” what he describes as the moral problem of slavery. Acknowledging that attempts to understand slavery has created “agonizing dilemmas and paradoxes,” Fogel recounts that when he first became interested in the history of slavery, he and a colleague produced a work on the economics of slavery that was attacked on the grounds that it presented slavery in too sympathetic a light. In response to his critics he wrote what he calls a modern indictment of slavery.

In addressing the moral issue of slavery, Fogel believes an indictment should turn on four counts. The first count is that “slavery permitted one group of people to exercise unrestrained personal domination over another group of people.” This charge calls to mind the often quoted dictum of British historian Lord Acton that “Power tends to corrupt, and absolute power corrupts absolutely.” In a country founded on the principle that all men are created equal, and with religious overtones suggesting that all people are equal in the eyes of God, such domination had to be seen as a terrible offense on all grounds.



Richmond, Virginia Slave Market

The second count of Fogel's indictment of slavery is the denial of economic opportunity. When Jefferson wrote that one inalienable right was the pursuit of happiness, what he meant was the right to make a decent living by any legal and ethical means. Economic rights of individuals imply that every human being should have the right to make his or her own best deal based on the talents with which he or she is born and the industry with which that person hones those talents. Many slaves constrained to working in the agricultural sector might well have prospered in other environments. In any case, the opportunity

for economic advancement for slaves was virtually nonexistent, even on plantations or under conditions where slaves were allowed to earn modest sums to be used for their own purposes.

Denial of citizenship for those bound in slavery is the third count of the indictment. Fogel is referring here to more than just the right to vote and other assumed privileges of citizens. What he really means is that the slave was denied his day in court, that he or she had no legal recourse for the redress of grievances arising from offenses against his or her person. Even those who were denied the right to vote in other societies at that time still had the right to organize, to form organizations and to publicly plead for reform. Citizenship implies all of the rights incorporated in the first ten amendments to our Constitution, and slaves were denied all of those. As the court ruled in the Dred Scott decision of 1857, slaves and their dependents possessed no rights which white people were bound to respect.

The last count of Fogel's indictment is the denial of cultural self identification. Although slaves were able to retain some of the customs brought by their ancestors from Africa, they dared not openly exhibit full expression of their heritage. Slaves could not create a culture of their own; family life for slaves was often fractured by the sale of family members, espe-

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<sup>76</sup> Robert W. Fogel, *Without Consent or Contract: The Rise and Fall of American Slavery* (New York: Norton, 1994.)

cially children, and marriages between slaves were generally permitted only with the indulgence of the slave owner. As mentioned above, slave marriages were often forced upon slaves for the purpose of producing slave children, which would accrue to the economic benefit of the master.

In the 21st century, it should be unnecessary to argue that slavery was wrong, even though there are people of apparent goodwill who believe that in its time slavery was certainly an acceptable condition. Certainly it is true that every human being on this planet probably has both slaves and slave owners somewhere in his or her ancestry. As historian John Hope Franklin has said, slavery was old when Moses was young.

## **THE ECONOMY OF THE SOUTH**

Although cotton was clearly king in the South, it was not the only agricultural product cultivated. Tobacco, rice, indigo, and sugar were also profitable crops which depended on an abundant supply of labor, but the market for cotton produced as much wealth as all the other products combined. The South also produced large quantities of corn, wheat, and other consumables alongside forage for livestock, which the South cultivated in abundance. Although agricultural reforms were attempted in order to counter the depletion of soil brought by the growing of tobacco and other staples, the abundance of virgin land in the more western areas of the South kept many farmers and their slaves on the move.

As the cotton culture spread westward, slavery strengthened its hold on the South. The demand for slaves was greatest in the Deep South, and the Upper South sold its slaves "down the river" at ever higher prices. Slave trading was a lucrative business, but it sometimes led to the breakup of slave families. As the price of slaves increased, only wealthy Southerners could afford to buy them, so by 1860 only one-quarter of Southern families owned slaves. Slavery was profitable, but it kept Southern capital from being invested in trade and manufacturing. Thus development of transportation systems and manufacturing in the South lagged far behind the North by 1850. Furthermore, much of the wealth generated by the cotton economy flowed northward as Northern merchants, bankers, ship-owners and manufacturers derived substantial income from crops produced by slaves that otherwise might have remained in the South. Southern critics of the slave system repeatedly emphasized that fact.

Hinton R. Helper, one such Southern critic of slavery, recognizing the realities of the slave system, wrote in 1857:<sup>77</sup>

In one way or another we are more or less subservient to the North every day of our lives. In infancy we are swaddled in Northern muslin; in childhood we are humored with Northern gewgaws; in youth we are instructed out of Northern books; at the age of maturity we sow our "wild oats" on Northern soil; in middle-life we exhaust our wealth, energies and talents ... giving aid and succor to every department of Northern power; in the decline of life we remedy our eye-sight with Northern spectacles, and support our infirmities with Northern canes; in old age we are drugged with Northern physic; and, finally, when we die, our inanimate bodies, shrouded in Northern cambric, are stretched upon the bier, borne to the grave in a Northern carriage, entombed with a Northern spade, and memorized with a Northern slab!

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<sup>77</sup> Hinton Rowan Helper. *The Impending Crisis of the South: How to Meet It*. University of North Carolina Press, 2001. Pp. 22,3.

At bottom, slavery was a stagnant and inefficient labor system that wasted talent and energy. Since there was no incentive for slaves to work any harder than they had to, they required constant supervision. Tools often broke “accidentally” and thus had to be stronger. Many forms of passive resistance made slave labor far from free. Economic historians have argued over the comparative economic benefits of the Southern slave system and free labor systems.<sup>78</sup>

## **The Abolitionist Movement**

Slaves have existed in almost every society known to man in one form or another. Ancient Semitic tribes had slaves, the Egyptians had slaves, as did the Romans, Greeks, Spartans and most Western European nations, well into and past the Middle Ages. Slavery was not invented in modern times, but was inherited as a practice that had always existed. The first African slaves who arrived in North America came to Virginia in 1619, and they were treated more or less like indentured servants. It was only when the enormous demand for labor, especially on the Southern plantations, became apparent that the lucrative African slave trade found its way to America's shores

By the late 1600s the practice of permanent, lifetime slavery was well established by law in Virginia and elsewhere. Early colonial statutes gave virtual life-and-death authority over their property to the owners of slaves. Even though slavery is almost as old as civilization itself, by the beginning of the modern age a number of forces had begun to mitigate against continuation of the ancient practice. Although organized resistance to slavery was slow in coming, modest steps were taken in that direction. For example, in 1688 Quaker church took a stand against the practice of human bondage, the first such declaration in colonial America.

It had become apparent to many Americans by the time of the American Revolution that slavery was inconsistent with the ideals that Jefferson elucidated in the Declaration of Independence. Yet the winning of freedom from Great Britain and solving the problem of slavery at the same time were more than the founding fathers were prepared to tackle. Slavery actually began to wane during and after the Revolution, and many people quite honestly believed that it would gradually wither and die. In any case, in most Northern states, the immediate or gradual abolition of slavery started before 1800.

Slavery was a significant issue discussed during the Constitutional Convention of 1787. The 3/5 Compromise, later seen by some as a pact with the devil, was a temporary means of addressing the problem so as to make ratification by a majority of the states possible. Few of the founding fathers admired the institution of slavery, and many of them worried about its future impact in the United States. Some of those like Washington and Jefferson were slave owners themselves; others, like Alexander Hamilton and John Adams, had no use for slavery at all. The clearest condemnation of slavery at the Constitutional Convention came from George Mason, a slave owner. On August 22, 1787, he said:

Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next

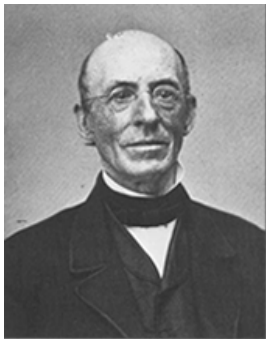
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<sup>78</sup> See for example Stanley L. Engerman and Robert William Fogel, *Time on the Cross: The Economics of American Slavery* (New York: Norton, 1995) and Alfred H. Conrad and John R. Meyer, “The Economics of Slavery in the Ante Bellum South,” *The Journal of Political Economy*, Vol. 66, No. 2 (Apr., 1958), 95-130.

world they must be in this. By an inevitable chain of causes & effects providence punishes national sins, by national calamities.

The Civil War was indeed a calamity. Had it not been for the invention of the cotton gin and the booming cotton economy that began to take over the South around 1800, perhaps the desire to continue the practice of slavery would have waned over time. But by 1820 the plantation system and the production of cotton had come to dominate the broad region of the South known as the cotton belt.

The slavery issue reared its head in 1819 over the admission of the state of Missouri. Because there had been agitation in the North against slavery for some time, Southern states were concerned that they might lose their grip on Congress, and slavery might be jeopardized. The Missouri Compromise was a way of keeping the number of slave states and free states even, so that in the Senate the Southern states could block any legislation interfering with what became known as the "peculiar institution." The Missouri Compromise lasted over 30 years, but it did not resolve the issue of slavery.



William Lloyd Garrison

By 1830 the abolitionist movement had begun to take hold in the North, especially in New England. William Lloyd Garrison, who became the most outspoken opponent of slavery, gave his first famous speech against the institution on July 4, 1829. As the movement grew and spread, its advocates included many who sought reforms in other areas, such as the treatment of the mentally ill, temperance in alcohol consumption, and greater rights for women. Religious organizations were at the forefront of the abolitionist movement, and the pulpit became a place from which antislavery arguments frequently emanated.

The agitation over slavery was a contentious issue in Congress. The gag orders (mentioned above) were put in place to prevent endless bickering on the floor of the Senate and House. Congressmen such as John Quincy Adams fought against the silencing of the debate over slavery. But since slavery was protected by the Constitution, and since three quarters of the states would have had to ratify any amendment ending slavery, practically speaking, there was little hope of dealing with the institution at the federal level. When the issue finally led to secession, in fact, it was not over attempts to abolish slavery, but only over attempts on the part of anti-slavery forces to prevent its spread. Abraham Lincoln's election on a platform to that effect led directly to the secession movement.

Although one cannot fault the abolitionists for their desire to see slavery ended, it has been claimed that their agitation did have a negative effect on the overall circumstances of slavery. By declaring that slave owners were unchristian sinners, if not downright devils, they placed the Southern slave owners in a difficult position. They either had to agree with the charges and give up their slaves, which a few did, or they had to come to the defense of slavery in a way that had until then not been necessary. In 1800 there were few Southerners who would have claimed that slavery was a good thing. But by 1850, after decades of agitation, the South had begun to argue that the institution as a positive good.

It has been widely claimed that the agitation on the part of the abolitionists, well meant and morally unassailable, nevertheless in the short term made the problem more acute. According to that logic, it is not a stretch to say that the abolitionists helped create the Civil War. Such claims have been refuted, however: "Despite such unanimity of testimony, the assertion that the pro-slavery argument was an answer to Abolitionism will not stand the light of

examination."<sup>79</sup> The full story of the abolitionist movement is still being told, and their actions have been defended as morally justifiable.

**Slavery Divides the Nation.** All the other issues that divided the North and South, such as tariffs, land sales policy, internal improvements, and even the Bank of the United States, were connected in certain ways with the institution of slavery. For example, manufacturing in the South had been approximately equal to manufacturing in the north in 1800. But by 1850, a vast majority of the manufacturing had moved to the North since most Southern capital had been invested in plantations, slaves and cotton. It must be said that the North also profited from slavery because those who financed loans to Southern landowners and those who marketed and traded in cotton were very often Northern merchants or ship owners. Protests against protective tariffs in states like South Carolina were rooted in the fact that the South was reliant on Northern manufacturing for many products.

In 1850 with new land accessions from the Mexican War, the issue of slavery was opened once again. The 1850 Compromise temporarily resolved the issue. Almost immediately afterward, the new, tougher Fugitive Slave Act of 1850, brought the problems of slavery to the North more vividly than ever. The Underground Railroad, which had enabled slaves to escape to the northern states and often on to Canada, was seen by Southerners as a conspiracy to rob them of their economic well-being; thus the Fugitive Slave Act and its strong provisions led to many slave catchers invading the North in search of what they deemed lost property. Very often attempts to bring slaves back to the South were met with resistance. Violence broke out in many Northern areas where freed slaves were being apprehended. Abolitionists sometimes purchased freedom for slaves rather than allowing them to be taken back South. In some ways that fueled the fires more, as Southerners saw that as a means of getting reimbursed for recalcitrant slaves who were known as runners and were therefore undesirable in the first place.

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<sup>79</sup> W. B. Hesseltine, "Some New Aspects of the Pro-Slavery Argument." *The Journal of Negro History*, Vol. 21, No. 1 (Jan., 1936), 1-14.

## **America in the 1850s Slavery, States' Rights & Popular Sovereignty The Approach to Civil War**

**The Politics of Slavery in the 1850s.** Since the United States Constitution recognized and even protected the institution of slavery, it was clear to everyone at the time that to abolish slavery at the national level would require a Constitutional amendment. To obtain the necessary three-quarters majority of the states to ratify an anti-slavery amendment would have been virtually impossible. Dealing with the issue of slavery therefore had to be carried out in the context of what the Constitution said on the subject.

Article IV, section 2, of the Constitution stated:

"No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due."

At first no federal law was invoked to enforce that article, since it was assumed that the states could handle any problems arising from it. In 1793, however, a dispute between Virginia and Pennsylvania regarding a runaway slave led to passage of the Fugitive Slave Act of 1793. The Act stated in part:

Sec. 3. *And be it also enacted*, That when a person held to labour in any of the United States ... shall escape into any other of the said states or territory, the person to whom such labour or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labour, and to take him or her before any judge of the circuit or district courts of the United States, ... and upon proof to the satisfaction of such judge or magistrate ... that the person so seized or arrested, doth, ... owe service or labour to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate ... which shall be sufficient warrant for removing the said fugitive from labour, to the state or territory from which he or she fled.

Sec. 4. *And be it further enacted*, That any person who shall knowingly and willingly obstruct or hinder such claimant, ... or shall rescue such fugitive from such claimant, ... shall, for either of the said offences, forfeit and pay the sum of five hundred dollars.

In 1808, in accordance with the Constitution, Congress banned the further importation of slaves to the United States. Slave trading within the United States, however, remained legal. In 1787 the Northwest Ordinance had prohibited slavery in areas covered by the act, but the restriction was not extended to other territories.<sup>80</sup> In 1820, however, the acquisition of Louisiana from France precipitated a crisis. The subject of slavery in that territory came to a head over the issue of the admission of the state of Missouri. The Missouri Compromise allowed the extension of slavery into certain areas and prevented it in others, which resolved the issue temporarily. The act merely postponed the crisis, however, as Jefferson and many others recognized at the time.

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<sup>80</sup> The Ordinance applied to the present-day states of Ohio, Indiana, Illinois, Michigan and Wisconsin.



Although a powerful abolitionist movement began around 1830, it is doubtful that the abolitionist cause ever reached majority proportions throughout the northern states. (Neither, of course, was pro-slavery feeling in the South anywhere near unanimous.) When, as a result of the Mexican-American War, the United States added some 500,000 square miles of new territory in 1848 (over 1,000,000 counting Texas), the nation once again had to decide whether slavery was to be allowed in the new territories of the United States. Both opponents and supporters of slavery recognized that the battle over slavery was to be fought in the territories, where the results would affect the balance in the Senate and House of Representatives. Indeed, that was where it was fought.

The reemergence of the issue in the 1848 election foreshadowed the crisis which evolved and grew in the 1850s. During that election campaign the doctrine of "popular sovereignty" appeared, the idea that people in each territory ought to have the liberty to decide for themselves whether to be slave or free territory. The problem with that idea was that absent laws (such as the Northwest Ordinance) prohibiting slavery, nothing prevented slave owners from taking their "property" into the new territories. Thus, when the population became large enough for the territory to begin thinking of statehood, slavery had to be considered when the people in the territories wrote their constitutions and applied to Congress for admission.

Since approval of those state constitutions was an essential step on the road to statehood, Congress had some control over the process. So the issue became a national one and not one of states' (or territorial) rights. The issue might have been resolved by extending the Missouri Compromise to the Pacific to cover the new territory. However, since the movement to prohibit slavery in the territories was much stronger in 1850 than it had been in 1820, politicians were not able to deal with it as readily as before.

The idea of popular sovereignty, introduced during the 1848 election, seemed a reasonable solution. After all, it was basically democratic: Why not let the people in each new territory decide for themselves whether or not they want slavery? (Of course participation in that decision was never extended to the slave population.) Second, it seemed acceptable to Americans for whom "states' rights" was the basis for their attitude toward the federal government. The two major problems with the doctrine were, first, that slaves and free blacks were excluded from the decision-making process, and second, that it ignored the concerns of Americans who hoped, as Abraham Lincoln and others did, that slavery was on its way out. If slavery was allowed to go into the territories, then the life of slavery would surely be extended.

In the end, whether it was a wise idea or not, popular sovereignty only made things worse. Some believed that you could allow slavery into the territories but prevent it "de facto" by failing to pass the legislation necessary to support it. In fact, what happened was great turmoil in places like Kansas, where the local population actually got into a civil war over slavery. But that came later. In 1850, when California was ready for admission, slavery was a federal issue. For a short time, it seemed to have been handled reasonably, when after months of debate, the 1850 Compromise was passed.

### **The Compromise of 1850—Trying to Save the Union**

As he had so often done in the past, Henry Clay rose to offer a compromise bill. He submitted a resolution proposing that California be admitted as a free state and that the remainder of the Mexican Cession territory to be organized without mention of slavery. The issue of the Texas-New Mexico boundary, which had created a controversy, would be settled in New Mexico's favor, but Texas would be compensated with a federal assumption of its state debt.

The slave trade (but not slavery) would be abolished in Washington, D.C., and a more stringent fugitive slave law replacing the 1793 fugitive slave act would be enacted and vigorously enforced. Other minor related issues were also included.

In the weeks of Senatorial debate which preceded the enactment of the Compromise of 1850, a range of attitudes was expressed. Clay took the lead early in speaking for the resolutions he had introduced. The Great Compromiser advised the North against insisting on the terms of the Wilmot Proviso and the South against thinking seriously of disunion. South Carolina's John Calhoun, who was dying, asked Senator James M. Mason of Virginia to read his gloomy speech for him. After explaining why the bonds of sentiment between North and South had been progressively weakened, Calhoun went on, in the section printed below, to say how he thought the Union could be saved. Three days later, he was followed by Daniel Webster, who agreed with Clay that there could be no peaceable secession. Webster's attempt to restrain Northern extremists brought him abuse from anti-slavery men in his own section, where formerly he had been so admired. Extreme views were expressed on both sides, but the passage of the compromise measures showed that the moderate spirit of Clay and Webster was still dominant.

Here are excerpts from the **1850 Compromise debates**. As much as any political debates in the nation's history, they define the positions held by various parties to the conflict:

#### **HENRY CLAY, February 5 and 6.**

... Sir, I must take occasion here to say that in my opinion there is no right on the part of any one or more of the States to secede from the Union. War and dissolution of the Union are identical and inevitable, in my opinion. There can be a dissolution of the Union only by consent or by war. Consent no one can anticipate, from any existing state of things, is likely to be given; and war is the only alternative by which a dissolution could be accomplished. If consent were given—if it were possible that we were to be separated by one great line—in less than sixty days after such consent was given war would break out between the slaveholding and non-slaveholding portions of this Union—between the two independent parts into which it would be erected in virtue of the act of separation. In less than sixty days, I believe, our slaves from Kentucky, flocking over in numbers to the other side of the river, would be pursued by their owners. Our hot and ardent spirits would be restrained by no sense of the right which appertains to the independence of the other side of the river, should that be the line of separation. They would pursue their slaves into the adjacent free States; they would be repelled; and the consequence would be that, in less than sixty days, war would, be blazing in every part of this now happy and peaceful land.

And, sir, how are you going to separate the states of this confederacy? In my humble opinion, Mr. President, we should begin with at least three separate confederacies. There would be a confederacy of the North, a confederacy of the Southern Atlantic slaveholding States, and a confederacy of the valley of the Mississippi. ... Such, I believe, would be the consequences of a dissolution of the Union, immediately ensuing; but other confederacies would spring up from time to time, as dissatisfaction and discontent were disseminated throughout the country—the confederacy of the lakes, perhaps the confederacy of New England, or of the middle States. Ah, sir, the veil which covers these sad and disastrous events that lie beyond it, is too thick to be penetrated or lifted by any mortal eye or hand. ....

Mr. President, I have said, what I solemnly believe, that dissolution of the Union and war are identical and inevitable; and they are convertible terms; and such a war as it would be, following a dissolution of the Union! Sir, we may search the pages of history, and none so ferocious, so bloody, so implacable, so exterminating—not even the wars of Greece, including those of the Commoners of England and the revolutions of France—none, none of them all would rage with such violence, or be characterized with such bloodshed and enormities as would the war which must succeed, if that ever happens, the dissolution of the Union.

#### **John C. Calhoun, March 4.**

The first question is: What is it that has endangered the Union? . . .

One of the causes is, undoubtedly, to be traced to the long continued agitation of the slave question on the part of the North and the many aggressions which they have made on the rights of the South . . .

There is another lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. That is to be found in the fact that the equilibrium between the two sections in the government, as it stood when the Constitution was ratified and the government put into action, has been destroyed. ... I propose ... that it is owing to the action of this government that the equilibrium between the two sections has been destroyed and the whole powers of the system centered in a sectional majority.

The next [cause] is the system of revenue and disbursements which has been adopted by the government. It is well known that the government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting states, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue because . . . the subject has on so many occasions been fully discussed. ...

It is a great mistake to suppose that disunion can be effected by a single blow. ...Disunion must be the work of time. It is only through a long process, and successively, that the cords can be snapped, until the whole fabric falls asunder. Already the agitation of the slavery question has snapped some of the most important and has greatly weakened all the others. . . .

Having now, senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the question again recurs: How can the Union be saved? To this I answer there is but one way by which it can be; and that is by adopting such measures as will satisfy the states belonging to the Southern section that they can remain in the Union consistently with their honor and their safety. ... But, before I undertake to answer this question, I propose to show by what the Union cannot be saved.

It cannot, then be saved by eulogies on the Union, however splendid or numerous. The cry of "Union, union, the glorious Union!" can no more prevent

disunion than the cry of "Health, health, glorious health!" on the part of the physician can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character, by not much more than a majority of the States, it will be in vain to attempt to conciliate them by pronouncing eulogies upon it.

The plan of the administration cannot save the Union, because it can have no effect whatever toward satisfying the states composing the Southern section of the Union that they can, consistently with safety and honor, remain in the Union. ...

Having now shown what cannot save the Union, I return to the question with which I commenced: How can the Union be saved? There is but one way by which it can with any certainty, and that is by a full and final settlement on the principle of justice of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil and remove all cause of discontent by satisfying the South that she could remain honorably and safely in the Union; and thereby restore the harmony and fraternal feelings between the sections which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the questions at issue, terminate agitation, and save the Union.

**Daniel Webster, March 7.**

MR. PRESIDENT, I WISH TO SPEAK TODAY, not as a Massachusetts man, nor as a Northern man, but as an American and a member of the Senate of the United States. . . . I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole and the preservation of the whole; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear or shall not appear, for many days. I speak today for the preservation of the Union. "Hear me for my cause." I speak today out of a solicitous and anxious heart for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich and so dear to us all. . . .

I put it to all the sober and sound minds at the North as a question of morals and a question of conscience: What right have they, in all their legislative capacity, or any other, to endeavor to get round this Constitution, to embarrass the free exercise of the rights secured by the Constitution, to the persons whose slaves escape from them? None at all—none at all. Neither in the forum of conscience nor before the face of the Constitution are they justified in any opinion. Of course, it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seemed to be the current of thought and of motives as the occasion arose, and neglected to investigate fully the real question, and to consider their constitutional obligations, as I am sure, if they did consider, they would fulfill them with alacrity.

Therefore, I repeat, sir, that here is a ground of complaint against the North, well founded, which ought to be removed;...

... Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see any such thing? Sir, he who sees these states, now revolving in harmony around a common center, and expects to see them quit their places and fly off without convulsion may look the next hour to see the heavenly bodies rush from their spheres and jostle against each other in the realms of space without producing the crush of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility.

Is the great Constitution under which we live here—covering this whole country—is it to be thawed and melted away by secession as the snows on the mountain melt under the influence of a vernal sun—disappear almost unobserved and die off? No, sir! No, sir! I will not state what might produce the disruption of the states; but, sir, I see it as plainly as I see the sun in heaven—I see that disruption must produce such a war as I will not describe, in its twofold characters.

Peaceable secession! Peaceable secession! The concurrent agreement of all the members of this great republic to separate! A voluntary separation, with alimony on one side and on the other. Why, what would be the result? Where is the line to be drawn? What states are to secede? What is to remain American? What am I to be? An American no longer? Where is the flag of the republic to remain? Where is the eagle still to tower? Or is he to cower, and shrink, and fall to the ground? Why, sit, our ancestors—our fathers, and our grandfathers, those of them that are yet living among us with prolonged lives—would rebuke and reproach us; and our children and our grandchildren would cry out, Shame upon us! if we of this generation should dishonor these ensigns of the power of the government and the harmony of the Union, which is every day felt among us with so much joy and gratitude. ... And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh air of liberty and union...

### **William H. Seward: A Higher Law than the Constitution. March 11.**

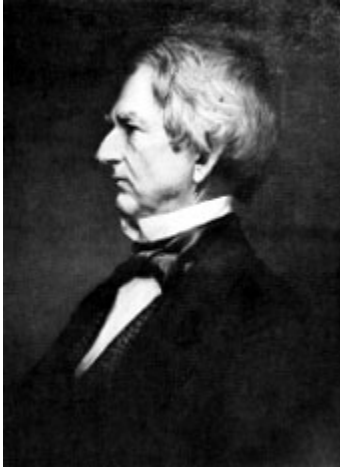
*Senator William H. Seward of New York represented the more radical anti-slavery position that made him the favorite of abolitionists. Although his views would help prevent him from gaining the Republican nomination for president in 1860, he did become Abraham Lincoln's Secretary of State, a position he held through the administration of Andrew Johnson following Lincoln's assassination.<sup>81</sup> Seward argued:*

...It is insisted that the admission of California shall be attended by a compromise of questions which have arisen out of slavery. I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS

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<sup>81</sup> William Seward is perhaps best known for the purchase of Alaska from Russia in 1867, known at the time as "Seward's folly."

BEEN PROPOSED, because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises radically wrong and essentially vicious. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct, and separate times, with the indispensable advantages it affords for ascertaining truth. They involve a relinquishment of the right to reconsider in future the decisions of the present on questions prematurely anticipated; and they are a usurpation as to future questions of the province of future legislators. ...



... There is another aspect of the principle of compromise which deserves consideration. It assumes that slavery, if not the only institution in a slave state, is at least a ruling institution, and that this characteristic is recognized by the Constitution. But slavery is only one of many institutions there - freedom is equally an institution there. Slavery is only a temporary, accidental, partial, and incongruous one; freedom, on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. The slaveholder himself stands under the protection of the latter, in common with all the free citizens of the state; but it is, moreover, an indispensable institution.

You may separate slavery from South Carolina, and the state will still remain; but if you subvert freedom there, the state will cease to exist.

But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed either in common or by partition by the citizens of the old states. It is true, in deed, that the national domain is ours; it is true, it was acquired by the valor and with the wealth of the whole nation; but we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defense, to welfare, and to liberty.

But there is a higher law than the Constitution which regulates our authority over the domain and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are His stewards and must so discharge our trust as to secure, in the highest attainable degree, their happiness. . . .

... And now the simple, bold, and even awful question which presents itself to us is this: Shall we, who are founding institutions, social and political, for countless millions—shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust shall we establish human bondage, or permit it, by our sufferance, to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it.

There is not only no free state which would now establish it but there is no slave state which, if it had had the free alternative as we now have, would have founded slavery. ... I confess that the most alarming evidence of our degeneracy which has yet been given is found in the fact that we even debate such a question.

Sir, there is no Christian nation, thus free to choose as we are, which would establish slavery. I speak on due consideration, because Britain, France, and Mexico have abolished slavery, and all other European states are preparing to abolish it as speedily as they can. We cannot establish slavery, because there are certain elements of the security, welfare, and greatness of nations, which we all admit, or ought to admit, and recognize as essential; and these are the security of natural rights, the diffusion of knowledge, and the freedom of industry. Slavery is incompatible with all of these, and just in proportion to the extent that it prevails and controls in any republican state, just to that extent it subverts the principle of democracy and converts the state into an aristocracy or a despotism. ...

*(See longer excerpts from the 1850 Compromise debates in the Appendix.)*

The debate in Congress was long and tortured, and for a time the cause seemed hopeless. Those 1850 debates were the last great Calhoun, Clay and Webster show, though all three were past their prime and not far from death. John C. Calhoun died in March, 1850. Upon President Taylor's death, Daniel Webster was called by President Fillmore to return to the post of Secretary of State. Henry Clay and Senator Stephen A. Douglas of Illinois sought to break the impasse. They divided the compromise into separate bills, which allowed members to vote for what they liked and against what they did not like. By so doing, Clay and Douglas brought the seven-month-long debate to a successful conclusion. Congress adopted each of Clay's major proposals as separate measures with only minor alterations.

The Compromise admitted California as a free state, organized the territories of New Mexico and Utah on the basis of popular sovereignty, and retracted the Texas border with New Mexico in return for federal assumption of the Texas debt. It also abolished the slave trade in the District of Columbia. The most controversial provision created a strong Fugitive Slave Law to replace the 1793 act. The act denied suspected runaways the right of self-defense, and required Northerners, in effect, to help enforce slavery. The South accepted the Compromise of 1850 as conclusive and backed away from threats of secession. In the North, the Democratic Party gained popularity by taking credit for the compromise, and the Whigs found it necessary to cease their criticism of it.

For the moment, the Compromise of 1850 preserved the Union, and passage of the compromise led to euphoric celebrations of fireworks and bell-ringing throughout the North, but the victory did not last long. Instead of being a "final solution"—to all except northern radical abolitionists—the so-called compromise was never fully accepted by either party; people on both sides of the Mason-Dixon line opposed at least part of it.

Trouble with the compromise centered on the 1850 Fugitive Slave Law, which struck fear in the hearts of northern blacks and encouraged more Southerners to try to recover escaped slaves. Northern abolitionists often interfered with the enforcement of the law, and such efforts exacerbated sectional feelings. The sight of blacks being carried off to slavery outraged Northerners, and Southerners resented the Northerners' refusal to obey the law. Ironically, the traditional position of states' rights attributed to Southerners now cut the other way, as it was Northern states that sought to nullify a federal statute. Some states passed personal

liberty laws to protect free blacks, but the Fugitive Slave Law forced many Northerners to experience the heartlessness of slavery first hand. In a number of instances, resistance to the law led to violence.

Christiana, Pennsylvania, lies about 20 miles north of the Mason-Dixon line. In September, 1851, Edward Gorsuch, a Maryland slave owner, obtained warrants under the new law to search for four escaped slaves who had run away to Pennsylvania. They were being sheltered by William Parker, a free black farmer who lived in Christiana and belonged to a group known for protecting runaway slaves. When Gorsuch and his search party arrived at the Parker farm, they met with resistance. Arguments broke out and shots were fired. Gorsuch was killed and others were wounded. News of the event, which became known as the Christiana riot, spread far and wide, and Christiana became known as the place where the Civil War began.<sup>82</sup>

**Significance of the 1850 Compromise.** The compromise marked the transition from the second generation of great political leaders to those who would guide the nation as the Civil War approached. Henry Clay, back in the Senate, helped negotiate the settlement. The dying John Calhoun foresaw the eventual breakup of the Union, as did Daniel Webster. John Mason of Virginia, who delivered Calhoun's speech, was the grandson of George Mason. The slavery issue became focused on its extension into new territories. Senator William Seward represents the abolitionist view of a "higher law" than that Constitution, which bound him to oppose slavery's expansion. Senator Douglas's division of the issue into five separate bills allowed everybody to vote against part of it. Each part passes, including the Fugitive Slave Act that compelled Northerners to cooperate in the identification, capture, and return of runaway slaves. The Compromise of 1850 preserved the Union once more, but practically as soon as the ink was dry, the troubles began again.

**The Rise of Stephen Douglas.** On the grounds of the Illinois State Capitol in Springfield stand three statues: Abraham Lincoln, Stephen Douglas, and Everett Dirksen. Abraham Lincoln needs no further introduction—after all, his likeness is on Mount Rushmore as well. Senator Everett McKinley Dirksen served in the House and Senate from 1932 until his death in 1969. A Republican, he was nevertheless a strong supporter of Democrat Lyndon Johnson and worked for civil rights legislation.



Stephen Arnold Douglas, less well known today, was the dominant political figure of the 1850s. Known throughout his life as Judge Douglas because of a service on the Illinois Supreme Court, he was a powerful leader in United States Senate from 1847 to 1861. As noted above, he became prominent in 1850 for engineering passage of the 1850 Compromise. Henry Clay, John C. Calhoun, Daniel Webster and William Seward had debated the issues for months, but the compromise bills were not passed until Douglas took over management of the legislation.

As chairman of the powerful Senate transportation committee, Douglas worked hard to settle territorial issues so that the first transcontinental road could be built. Hoping to have the eastern terminus in his home state of Illinois, he engineered the Kansas-Nebraska Act of 1854, which turned out to be an extremely controversial piece of legislation. Douglas had a strong ambition to become president of the United States. In what he saw as a step in that direction, he defeated Abraham Lincoln for

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<sup>82</sup> Thomas P. Slaughter. *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North*. New York, 1991.



the Illinois Senate in 1858. The contest included the seven Lincoln-Douglas debates, the most famous political debates in American history. He was also the Democratic nominee for president in 1860. (See below.)

### **Political Upheaval, 1852–1856**

Because of the publicity surrounding the 1850 Compromise debates and the subsequent attempts to retrieve runaway slaves, politics of the 1850s became dominated by the slavery issue. In the 1852 election the Whigs nominated General Winfield Scott, a fine soldier whose



**General Winfield Scott**

service went back to the War of 1812. Although victorious in Mexico, he was a poor political candidate. As the Whigs were divided over slavery in any case, Scott's loss to dark horse Democratic candidate Franklin Pierce doomed the party to extinction. It ceased to exist as a political force after 1852.

Many of the old Whigs formed the nucleus of the new Republican Party, which emerged in 1854. A strong free-soil movement (people opposed to slavery in the territories) still existed. They would eventually migrate to the Republicans, who would endorse their basic premise in the elections of 1856 and 1860. (More about the Republican Party below.)

The South divided into several different political camps. The most radical of the groups were the secessionists, a pro-slavery faction who feared that the abolitionist cause might eventually lead to the overthrow of the institution. Through the 1850s and leading up to the beginning of the Civil War, the radicals tended to dominate Southern politics. At the opposite end of the spectrum were the "Ultra-Unionists," who

opposed secession under any circumstances. In the center were the "conditional Unionists," or moderates, who were disposed to remain with the Union but not at all costs. Because of what became known as the "slave power conspiracy," the secessionists ultimately triumphed in 1861.

Democrat Franklin Pierce, was a colorless, uninteresting president known as a "doughface," a Northerner who was sympathetic to Southern positions on such things as states' rights and slavery. In his inaugural address, while extolling the virtues of the Union, he also pledged to support the rights of the Southern states:

If the Federal Government will confine itself to the exercise of powers clearly granted by the Constitution, it can hardly happen that its action upon any question should endanger the institutions of the States or interfere with their right to manage matters strictly domestic according to the will of their own people.

### **An Appeal to Nativism<sup>83</sup>: The Know-Nothing Episode**

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<sup>83</sup> Nativism refers to an attitude of antipathy toward newcomers. During the 1800s, Nativist feelings were directed toward Irish and German immigrants. Later in the century, other ethnic groups were met with similar hostility. Today, much Nativist sentiment is focused on illegal immigrants, generally of Hispanic origin.

As the Whigs collapsed, a new party, the Know-Nothings, or American Party, gained in popularity. (The name came from the fact that members of the party, a semi-secret organization, were told to respond to queries about their activities with "I know nothing.") Originally known as the Native American Party, the Know-Nothing party especially appealed to evangelical Protestants, who objected to the millions of Catholics immigrating to America. By the 1850s, the Know-Nothings also picked up support from former Whigs and Democrats disgusted with "politics as usual." In 1854, the American party suddenly took political control of Massachusetts and spread rapidly across the nation. In less than two years, the Know-Nothings collapsed for reasons that are still obscure. Inexperienced leaders, a lack of cohesion, and a failure to address the nation's major problems certainly contributed to their demise. Most probably, Northerners worried less about immigration as it slowed down, and turned their attention to the slavery issue.

### The "Young America" Spirit

Foreign affairs offered a distraction from the growing sectional hostility. In 1848 a series of revolutions swept across Europe, and informed Americans saw it as another manifestation of the revolutionary spirit that had begun in America in 1776. Americans sympathized with European attempts to overthrow autocratic governments, and some felt that the United States ought to extend itself further into new territories in the Western Hemisphere—the idea of manifest destiny was alive and well. A movement within the Democratic Party became known as "Young America." Its adherents supported the idea of worldwide republican revolutions based on the American model. They also believed that focusing on foreign matters might draw attention away from the controversy over slavery, a vain hope as it turned out.

In 1854 the American minister in Spain, Pierre Soulé, offered to purchase Cuba but was rebuffed by the Spanish government. Soulé was instructed to meet in Ostend, Belgium, with two other American ambassadors, James Buchanan, the U.S. Minister to Great Britain and John Y. Mason, Ambassador to France. The resulting "Ostend Manifesto" was a statement of intent to wrest Cuba from Spain by whatever means were necessary. This move aroused opposition both in the North, where it was viewed as an attempt to expand the slave territory into the Caribbean, and in Spain. James Buchanan's support for the manifesto gained him favor in the South and helped him get elected president in 1856.



Commodore Perry Meets the Emperor of Japan

The new territory on the West Coast renewed enthusiasm for improving communications with the Far East and passage between the Atlantic and Pacific Oceans. In 1850 the United States signed the Clayton Bulwer Treaty with Great Britain concerning rights to build a canal across the narrow isthmus between Central and South America. The British had been interested in the same region for some time. To ensure the neutrality of the canal and to keep it open to both nations on an equal basis, the two nations agreed in the treaty not to claim exclusive control over a canal between the Atlantic and Pacific, nor to fortify it.

The United States sought to further trade relations with Asia by sending an expedition commanded by Commodore Matthew C. Perry to

Japan in 1854. The ostensible purpose was to deal with the issue of shipwrecked American sailors who were detained in Japan. President Fillmore sent a message to the Japanese emperor and presented gifts to Japanese authorities. The result was the Treaty of Amity and Commerce, which opened ports to American ships and addressed the issue of American seamen. Additional ports were opened by later treaties, and at about the same time new agreements were reached to enhance American trade opportunities in China. America's complex relationships with Asian nations were advancing.

### **The Fugitive Slave Act and *Uncle Tom's Cabin***

The Fugitive Slave Act of 1850 led, among other things, to the writing of what can be called the most influential work of fiction in American history: Harriet Beecher Stowe's novel *Uncle Tom's Cabin*. The novel's power comes from its portrayal of slaves as human beings. Even though Stowe had spent practically no time in the South, she had frequent contact with former slaves through her friendship with members of the abolitionist movement, of which her father, Lyman Beecher, was an important leader. She also had in her household an African-American woman who had been a slave.

Even though the book's characters—Tom, Eliza, Cassy, Little Eva, Augustine St. Clare, Simon Legree and the others—do not come across as completely realistic, (this was the Romantic era, after all) they have sufficient human qualities and are drawn richly enough that they present the full range of human emotions. The emotions felt by the players can easily be understood. Though the book is not always accurate on slavery in its details, the impact of the work in the north was immediate and strong; the reaction in the South was predictably negative, and publication of the book heightened national tension. By 1857 the work had sold an astounding two million copies and was translated into many languages. It was praised by Russian novelist Leo Tolstoy.

Regardless of its romanticism, the novel presented the evils of slavery—its corrupting effect on whites and the pain it brought to African-Americans. Most noteworthy is that fact that as a white woman, Stowe nevertheless depicted the slaves as people. Her female characters were also strongly drawn, a fact noted by later feminist critics. Legends arose around her: when President Abraham Lincoln met Mrs. Stowe, he is supposed to have said, "So you're the little lady who wrote the book that started this big war." Whether true or not, the remark reflects the huge impact the book had on the slavery debate.

*(The Showtime Film Uncle Tom's Cabin with Avery Brooks, Bruce Dern, Felicia Rashad, Samuel L. Jackson and Edward Woodward is worth seeing—a brief but faithful rendition of Mrs. Stowe's novel.)*

### **The Kansas-Nebraska Act of 1854: A Giant Step on the Road to War**

Democratic Senator Stephen A. Douglas hoped to become president of the United States. Toward that end, from his powerful position as chairman of the Senate transportation committee he decided to begin to organize the territory to the west of Missouri so as to enable the building of the first transcontinental railroad. He wanted the eastern terminus to be in Illinois in the hope that the benefits to commerce would have the same kind of effect on Chicago that the Erie Canal had on New York. In 1854 he brought forth an act organizing the territories of Kansas and Nebraska on the basis of popular sovereignty.

As a Democrat Douglas was aware that to have any chance of winning the White House, he would need Southern support. Southerners were unhappy with the proposed legislation. They wanted a Southern route for the railroad, and because the Nebraska Territory was

north of the Missouri Compromise line, it was off-limits to slavery. Douglas proposed to solve that issue by organizing the territory on the basis of popular sovereignty, so he inserted into the act a provision for the specific repeal of the Missouri Compromise.

When the bill passed, many in the North were outraged by repeal of what was regarded as a sacred pledge—the prohibition of slavery north of the Missouri Compromise line. Passage of the act contributed to the final demise of the Whig party as its members disagreed on whether or not to support the Kansas-Nebraska Act. Many Northern Democrats also left the party because of the Nebraska bill. Some of those anti-Nebraska Democrats migrated to the new Republican Party which formed in 1854. In the congressional elections of that year the Democrats lost heavily in the North and became virtually the only political party in the South.

Although the 1850 Compromise might have delayed the inevitable slide towards secession and war, Douglas's Kansas-Nebraska Act of 1854 very likely speeded up the process. Douglas's biographers point out that although he was personally opposed to the institution of slavery, as an ambitious politician he was obliged to avoid any action which might alienate him from the South. Thus he adopted the doctrine of "popular sovereignty," hoping to attract the South without alienating the North. In other words, Douglas tried to have it both ways by taking a stance that would alienate neither side. In the end, that strategy failed him, as the breakup of the Democratic Party in 1860 helped elect Abraham Lincoln.

The repeal of the Compromise of 1820 soon led to the "Appeal of the Independent Democrats":

We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region immigrants from the Old World and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves.

**"Bleeding Kansas."** It has been claimed that the Kansas-Nebraska act was the greatest single step on the road to the Civil War. That claim is borne out by what occurred in Kansas once the act went into effect. Settlers moving into Kansas, especially anti-slavery settlers from the Northeast, were often threatened with violence. Travelers were met at the border by rifle-toting Missourians who suggested that Kansas might not be "safe" territory and strongly urged them to turn around. When word got back to abolitionist leaders in New England, they responded in kind. Pro-abolitionist northerners armed with rifles—"Beecher's Bibles"—began to clash with "border ruffians" from Missouri.

Before long a mini-Civil War had broken out, where competing governments, one "legal" and one legitimate, vied for control. John Brown and his followers carried out what became known as the "Pottawatomie Massacre," in which five slave owners were murdered. The Governor received federal troops, but many were killed and much property was destroyed. In Congress Massachusetts Senator Charles Sumner's "Crime Against Kansas" speech led to his being severely beaten by a Southern Congressman, Preston Brooks, on the grounds that Southern honor had been offended. Brooks resigned but was later reelected to Congress. Sumner was incapacitated for months.

### **Kansas and the Rise of the Republicans**

Formed in protest of the Kansas-Nebraska Act, the Republican party took root in Ripon, Wisconsin, in February, 1854. Emerging as a coalition of former Whigs, Know-Nothings,

Free-Soilers, and disenchanted Democrats, the party adopted a firm position opposing any further extension of slavery. They rejected further compromise with slavery, emphasized the sectional struggle and appealed to northern voters. The party found its identity in 1856 with the nomination of John Frémont as its candidate for president. Election fraud and violence in Kansas discredited the principle of popular sovereignty and strengthened Republican appeal in the North.

Events in Kansas helped the Republicans. Abolitionists and pro-slavery forces raced into the territory to gain control of the territorial legislature. Proslavery forces won and passed laws that made it illegal even to criticize the institution of slavery. Very soon, however, those who favored free soil became the majority and set up a rival government. President Pierce recognized the proslavery legislature, while the Republicans attacked it as the tyrannical instrument of a minority. The fighting that broke out helped Republicans win more Northern voters.

Republican Party Positions on National Issues:

- Reform: Attack corruption in government at all levels;
- Anti-slavery: Prevent the expansion of slavery into the territories;
- Pro-Protestant and, to an extent, anti-Catholic;
- Support dynamic, expanding capitalism and modernization;
- Support public-school education;
- Support Temperance, moderation in the use of alcohol;
- Expand rights for free African Americans.

Opponents called party members “Black Republicans,” “Puritans” (interfering meddlers) etc., and believed them to be acquisitive, given to “sharp practice” (shady business dealings), and hypocritical.

### **The Election of 1856**

The election of 1856 was the first election in which the Republican Party fielded a candidate, John C. Frémont, known as “the Pathfinder” because of his explorations in the West. Composed heavily of former “Conscience Whigs,” anti-Nebraska Democrats and old Free Soil party members, the party adopted a motto of “free speech, free soil, free labor, free men, Frémont.” They criticized repeal of the Missouri Compromise and opposed extension of slavery into the territories.

The Democratic candidate, James Buchanan of Pennsylvania, was nominated in part because he had been out of the country during the Kansas-Nebraska episode and thus had not taken a position on it. Republicans labeled Buchanan a “doughface”—a northerner with Southern principles like Franklin Pierce, and Buchanan in turn portrayed the Republican Party as a sectional party opposed to many of the positions taken by Southerners. The Democrats supported the Kansas-Nebraska act and affirmed the 1850 Compromise. Their vice presidential candidate was John C. Breckenridge.

The American Party, whose primary position was that of anti-immigration, nominated former President Millard Fillmore, who won a significant percentage of the vote.

James Buchanan won the election, and national harmony was temporarily maintained. Southern attacks on Frémont were vicious, even though Frémont had been born in Savannah. Southern firebrands threatened secession if Frémont were elected. The young Republican Party showed surprising strength, however, carrying many states in the North, which looked promising for its future. With the addition of as few as two more states in the North,

they saw themselves possible victors in 1860. Although Buchanan was sympathetic to Southern causes, as the country drifted further towards disunion, he became more of a Unionist himself.

### **The House Dividing, 1857-1860: The Rise of Abraham Lincoln**



**Young Abe Lincoln**

The rise of Abraham Lincoln reflects one of the myths of American history: that it is possible for a person to rise from the humblest of origins to the highest office in the land. That myth is rooted in considerable truth, for a number of American presidents have come from very modest backgrounds. On the other hand, that Lincoln would become president of the United States was somewhat unlikely in that in addition to his humble beginnings, Lincoln also suffered numerous failures in the course of his political life. He managed to overcome them, however, for which the nation can be grateful.

Despite the negative influences that might have prevented Abraham Lincoln from succeeding in life, he possessed many qualities that were bound to lead him upwards. Lincoln was a humble man who always understood his place in the scheme of things. He had a brilliant mind—he was a fine constitutional lawyer, an eloquent speaker, a more than competent historian, and a sensitive man who seldom held grudges or wished ill to others, even when they might have deserved it. He was a working man—the “rail splitter” who was not afraid to pick up a shovel or an axe when there was work to be done. He could be tough when necessary, but was never petty or mean. He was a kind and gentle man, a good husband and father, and on top of everything else he had a well-developed if somewhat earthy sense of humor.

Lincoln arrived on the national political scene in 1846, when he was elected to Congress. A political Whig, he opposed Democratic president James K. Polk’s Mexican-American War. Polk’s justification for his incursion into Mexico was his claim that American blood had been shed on American soil. Lincoln introduced what were known as his “spot resolutions,” demanding to know from the president the exact spot on which blood had been shed; for American blood being shed on American soil was one thing, but American blood being shed on Mexican soil was something else. In the end the Mexican War was seen as a success, and Lincoln retired to Illinois with no chance of reelection.

### **Lincoln and Nebraska**

The Nebraska Act, discussed above, was a major turning point in the evolution toward civil war, and it provided an opportunity for Abraham Lincoln to advance against his fellow politician from Illinois, Stephen A. Douglas.

As the remnants of the old Whig party sought to find a home, they were joined by disaffected Democrats upset by the implications of Kansas-Nebraska. The feature of the act that distressed them most highly was the repeal of the Missouri Compromise, which many saw as a “gross violation of the sacred pledge.” Anti-Nebraska Democrats, as they became known, along with “conscience” Whigs and former supporters of the Liberty and Free Soil Parties joined together in 1854 to form the Republican Party.

As a Whig, Abraham Lincoln migrated naturally to the Republican Party and soon became recognized as one of its leaders. Although he was unsuccessful in his attempts to gain a Senate seat in 1854 or the vice presidential nomination in 1856, he nevertheless made friends

friends within the party and positioned himself to challenge Stephen Douglas in the senatorial election in Illinois in 1848. Because Kansas-Nebraska caused so much discontent among Americans concerned about the extension of slavery into the territories, it propelled Abraham Lincoln's career forward.

In 1858, in one of the most famous senatorial races ever, Lincoln debated the powerful Senator Stephen A. Douglas in seven lengthy meetings, only to lose the election. Since the debates were published in newspapers throughout the country, however, Lincoln became known far beyond the borders of Illinois and earned the nomination for president in 1860.

Lincoln's political philosophy can best be understood from his own life experiences and writings. As a young man he traveled down the Mississippi on a raft with a friend, and all along the way he observed the institution of slavery along the river banks where he rested on his trip to New Orleans. He soon came to see slavery as wrong, and fragments from his writings indicate that his opposition to slavery came early. Like most Americans of his time, however, Lincoln did not believe in full racial equality. As he said in his debates with Judge Douglas, he believed that every man had the right to work in freedom.

As a lawyer familiar with the Constitution, Lincoln fully understood the difficulties in trying to end slavery where it already existed, but he vigorously opposed its expansion beyond the existing slave states. He argued against the Kansas-Nebraska Act, he argued against the Supreme Court's decision in the *Dred Scott* case (see below), and he argued that the government had the full right to prevent the spread of slavery into the territories. In his famous speech at the Cooper Union in New York in 1860 he laid out his position and attitudes toward slavery in great detail, even as he revealed his deep understanding of the situation created when slavery was recognized in the Constitution.

Lincoln assumed office during the worst crisis in American history. He was, in some ways, unprepared for the job; for example, he knew little of military strategy or tactics, and he had no experience in foreign policy, save his brief involvement with the causes of the Mexican War while he was in Congress. Lincoln was a quick study, however, and he was humble enough to recognize his shortcomings and to work to overcome them. He weighed and took advice from any source he found credible. He was a brilliant politician who did not hesitate to surround himself with powerful men who sometimes opposed his policies. He also proved to be a brilliant leader and manager even as he modestly refrained from asserting his authority just for the sake of showing that he had it. He knew when to pick a fight and when to back down. Above all, he was willing to do whatever it might take to save the Union he loved so dearly, even though the cost was immense.

### **The *Dred Scott* Decision: The Court Takes a Stand**

In the late 1840s a slave named Dred Scott who had been passed from a former owner to relatives upon the owner's death, was beaten by his new master. Scott tried to have the man arrested for assault, on the grounds that he (Scott) was no longer a slave since he had lived in free territory. The case became famous—for some infamous—and the Supreme Court ruled that Dred Scott was still a slave and that African Americans (whether slave or free) had no rights as citizens under the Constitution.

It is the opinion of this historian that while the decision in *Dred Scott v. Sanford* is offensive to our sensibilities, the real problem lay in the Constitution. What the court said was that a document which purported to extend civil rights to citizens, but which at the same time acknowledged the enslavement of a segment of the population, could not possibly have intended for those rights to be extended to those who were enslaved. It can be argued that

when you protect slavery in the Constitution, you are just asking for trouble down the road, as George Mason and others predicted at the time. Since Dred Scott was not a citizen, he could not sue, and there was no case before the court. The Court would have done well to shut up at that point, but it went further, declaring that the Missouri Compromise had been unconstitutional and denying that Congress had any power to prohibit slavery in the territories. In fact, however, the Court helped clarify the issue by pointing out, (as Lincoln said a year later) that “a house divided against itself cannot stand.” Dred Scott highlighted the difficulty of allowing slavery and freedom to co-exist under the same Constitution.

The Dred Scott Case posed three questions:

- Was Scott free by virtue having lived in free areas? (Answer: No)
- Was Scott a citizen who could sue in Federal courts? (Answer: No)
- Was the Missouri Compromise constitutional? (Answer: No!)

The decision was clearly a Southern victory; Northern abolitionists charged that there was a “slave power conspiracy,” and rekindled their efforts to oppose slavery. The case clearly made things worse, but again, only hastened a crisis that was bound to blow up anyway. The Republican fallback position was that since the Court said that Scott was not a citizen, no case had legally been before the court. Therefore, all but that part of the decision was irrelevant and had no force; thus the case accomplished nothing.

In fact, what the Court really said was that since a person could not be deprived of property without due process of law, and crossing a state boundary did not constitute due process by any means, that a slave owner could take his slaves anywhere in the country without fear of losing them. For all practical purposes, then, the decision made slavery legal everywhere.

### **1857 Lecompton Constitution**

Troubles in Kansas persisted into Buchanan’s term. The territory had two governments, one legal but fraudulent, the other one representative but illegal. Governor Geary, appointed by President Pierce, tried to steer nonpartisan course but was unable to govern effectively. He was succeeded by President Buchanan’s appointee, Robert J. Walker of Mississippi. A pro-slavery convention met in Lecompton to write a constitution for the territory, but the meeting was unrepresentative of territorial residents. The proposed constitution was submitted to the people for a vote. But since they could only vote for the constitution “with or without slavery,” they did not have the option to reject it altogether. The “with” vote won, and President Buchanan submitted the Lecompton Constitution to Congress and recommended that Kansas come in as slave state. Stephen Douglas revolted against the President, calling the questionable constitutional vote a violation of popular sovereignty. Although the Senate voted to admit Kansas under the Lecompton Constitution, it was later put to the voters again. They rejected it by a wide margin, and thus Kansas remained a territory. Violence continued into 1858. In 1861 Kansas entered the Union as a free state under the Wyandotte Constitution as the “most Republican state in the Union.”

Douglas’s opposition shattered the Democratic Party when he broke with Buchanan over the issue. He also made himself unpopular in the South by doing so, further undermining his chance for the presidency.

### **Lincoln and Douglas: Debating the Morality Of Slavery**

On June 16, 1858, Abraham Lincoln accepted the Republican nomination for Senate from Illinois. Having failed to get reelected to Congress in 1848, the nomination for the United



States Senate in 1854 or the nomination for vice president in 1856, it might well have appeared that Lincoln's political career was over. In fact, it was just beginning, although he lost this race as well. In his acceptance speech for the nomination he said:

'A house divided against itself cannot stand.' I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved; but I do expect it will cease to be divided. It will become all one thing, or all the other.

Lincoln was in effect reflecting at least one idea of the Dred Scott decision, that if slavery existed anywhere, in effect it existed everywhere. The debates between the two men were lengthy—each lasting a matter of hours. Both men opposed the expansion of slavery, and neither was an abolitionist. Both believed slavery was a wasteful labor system, and both believed blacks were inferior to whites. But they differed sharply on the details.

Douglas began the debates with a sharp attack on Lincoln on the issue of slavery. Indeed, although other issues were mentioned during the seven debates, the issue of slavery occupied the vast majority of the time in which they spoke. Asserting that slaves could never be the equal of whites even if freed, Douglas said,

I believe this Government was made on the white basis. I believe it was made by white men for the benefit of white men and their posterity forever, and I am in favor of confining citizenship to white men, men of European birth and descent, instead of conferring it upon negroes, Indians, and other inferior races.

He claimed that Lincoln's desire was to remove slavery and eventually allow equality among the races.

Lincoln responded quickly and directly:

I will say here, while upon this subject, that I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position. I have never said anything to the contrary, but I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty, and the pursuit of happiness. [Loud cheers.] I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, *he is my equal and the equal of Judge Douglas, and the equal of every living man.* [Great applause.]

Thus Lincoln is thus revealed as a racist, and his position would be absolutely unacceptable to us in the 21<sup>st</sup> century. But Lincoln did not live in the 21<sup>st</sup> century, and at the time in which he was living, it is safe to say, the vast majority of Americans, at least those residing

in Illinois, would have agreed with him. But he made his position on slavery clear, and would reiterate that position on a number of occasions in the coming months and years, including his inaugural address as president in 1861.

During the second debate in Freeport, Illinois, Douglas announced what became known as his "Freeport Doctrine." He said:

... that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations. Those police regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst.

In other words, Douglas suggested that the territories could discourage slaveholders from moving in by failing to provide the legislation necessary for slavery to exist. Coupled with his stand against the Lecompton constitution, Douglas's Freeport Doctrine guaranteed loss of Southern support for his presidential bid.

The two men went at each other five more times before the October elections to the state legislature, in which the most important issue was whom the legislature would elect as Senator from Illinois. Douglas made points against Lincoln's "house divided" by asserting that the nation had survived quite well since the Revolution although divided, and in the end he won the Senatorial contest. But the wide dissemination of the debates, which were published practically verbatim in newspapers across the country, made Lincoln a national instead of a local figure, which set up his nomination for president in 1860.

*(See further excerpts from the debates in Appendix. Links to sites with all seven debates may be found on the web site.)*

**The Court speaks again.** In 1859 the issue of the Fugitive Slave Act of 1850 came before the Supreme Court in the case of *Abelman v. Booth*. The Wisconsin Supreme Court had freed an abolitionist convicted of violating the federal law and the case was appealed. The essence of the issue was states' rights, and the court unanimously decided that federal law overrode state law, a principle first established by John Marshall. A number of northern states had passed, on moral grounds, personal liberty laws whose purpose was to nullify the Fugitive Slave Act. The court ruled such laws unconstitutional.

**John Brown's Raid.** John Brown was an American abolitionist who was in Kansas during the tumultuous first years following passage of the Kansas-Nebraska Act, along with several of his sons and other relatives. As the violence escalated between pro- and anti-slavery people, Brown and his men killed five pro-slavery settlers in a brutal nighttime attack that became known as the Pottawatomie Massacre. Although Brown's actual actions have been debated, he was present and approved of the killings.

Several years later, in 1859, Brown organized a raid on the federal arsenal in Harpers Ferry, Virginia, apparently intending to foment a slave rebellion. Although Brown got little if any support from abolitionist groups, he nevertheless proceeded with his plan. Although the arsenal was located in Virginia, state authorities preferred to have the federal government deal with the matter.<sup>84</sup> At Army headquarters Colonel Robert E. Lee, home on leave from his post in Texas, was directed to proceed to Harpers Ferry, along with Marines from the Wash-

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<sup>84</sup> The western portion of Virginia broke from the rest of the state in 1863. Harpers Ferry is now in West Virginia.

ington barracks. Hearing of the operation, Lt. Jeb Stuart volunteered to accompany Lee and the Marines. Stuart was directed to deliver an ultimatum to Brown to surrender. When he saw Brown's face, Stuart recognized him, as he had been in Kansas at the time of the Pottawatomie Massacre. When Brown refused to accept terms, Marines stormed the arsenal and Brown was captured.

Tried for treason, Brown was quickly found guilty. When asked if he had any final comments, Brown made a very moving speech in which he defended his actions even while acknowledging that justice had been served. Claiming that the Bible urged him to align himself with "God's despised poor," he declared his actions right, not wrong. As to his imminent execution he said, "I submit; so let it be done!"

In the South, Brown's actions, like the 1851 events in Christiana, Pennsylvania, were held up as an example of the lengths to which abolitionists would go to interfere with their right to own slaves. In the North, John Brown was portrayed as a martyr for freedom and justice, a response which further infuriated the South.<sup>85</sup> Coming when it did on the eve of the election of 1860, the John Brown Harpers Ferry episode pushed the division between North and South to the breaking point. (*John Brown's final speech to the court is contained in the Appendix.*)

### **The Election of 1860 and the Secession Crisis**

When the Democrats convened to nominate their candidate in 1860, Stephen Douglas was a clear favorite among Northern men, but he had alienated the Southern wing of the party by refusing to vigorously support slavery. At their first convention in Charleston, South Carolina, some Southerners walked out over a platform dispute, and the convention could not agree on a nominee. Meeting later for a second time in Baltimore, Southerners again bolted and the convention nominated Stephen Douglas.

In 1860, as a Democrat, Douglas found himself in a difficult place. The Democratic Party dominated the South, and Douglas had alienated many Southern Democratic slaveholders. In their opinion he was not a strong enough advocate of the extension of slavery into the territories, a move which Abraham Lincoln strongly opposed. Thus in 1860 the Democratic Party split, with the Northern Democrats nominating Douglas for president, and the Southern component of the party nominating John C. Breckenridge. Abraham Lincoln, of course, was the Republican candidate.

The Southern wing reconvened and nominated John C. Breckenridge and demanded federal protection for the ownership of slaves in the territories. A fourth party, the Constitutional Union party, nominated John Bell of Tennessee.

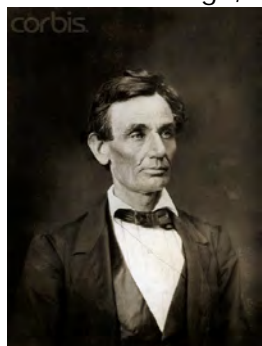
The Republican Party, meeting in Chicago, nominated Abraham Lincoln on a free-soil position and a broad economic platform. The nominating process centered on several strong candidates. New York Governor William Seward, the pre-convention favorite, was too radical—too close to being an out-and-out abolitionist. As a senator and governor of New York, he had had time to make enemies. Salmon P. Chase of Ohio was also considered too radical. Edward Bates of Missouri was too weak on the slavery issue. Senator Simon Cameron of Pennsylvania had little support outside his own state.

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<sup>85</sup> An early version of what became "The Battle Hymn of the Republic" included the lines: "John Brown's body lies a-mouldering in the grave, but his soul is marching on." And "He's gone to be a soldier in the army of the Lord, but his soul is marching on."

Lincoln men worked to get him in the position of being “everybody’s second choice.” He won the nomination on the third ballot on the strength of his clear but moderate views, as he had laid them out in his famous debates with Douglas. It helped that Lincoln was from Illinois, home to the convention, and that he was not as controversial as other Republican leaders. Lincoln’s chief rivals, Seward, Chase, Bates and Cameron all eventually became members of Lincoln’s cabinet. (See the 1860 Republican Platform, Appendix. Also, *for a fascinating account of the Republican Convention and the workings of Lincoln’s administration, see Team of Rivals: The Political Genius of Abraham Lincoln* by Doris Kearns Goodwin, New York, 2006.)

**The Election divides the Union.** The campaign was fought out in the South between Bell and Breckinridge, although neither had much chance of victory, as the majority of electoral



votes were in the North.<sup>86</sup> Lincoln and Douglas fought it out in the North. Although Lincoln won only 40 percent of the total popular vote, he swept the North for a majority (180 out of 303) of the electoral votes and election as president. He received no Southern votes in the electoral college, and in some Southern counties, he did not receive a single vote. He was not even on the ballot in ten Southern states. Breckinridge came in second with 72 electoral votes; Douglas gained only 12. Douglas realized early in the race that he had no chance to win. Nevertheless he campaigned courageously throughout the South. His message to the Southern people was a plea not to destroy the Union over the results of a presidential election. In that effort he failed,

of course, as the election of Lincoln immediately led to the secession of seven Southern states. Stephen Douglas died in 1861.

### **The Secession Crisis: A Constitutional No-Man's Land**

As predicted, the outcome of the election led to crisis. Immediately upon learning of the election results, the state of South Carolina, which had been in the forefront of the agitation on the slavery question, called a special convention to consider the issue of secession. The secessionists staked their case on fears that the institution of slavery would be attacked by the “Black Republicans,” and that their wives and daughters would not be safe if the slaves were freed. The Charleston convention unanimously adopted an ordinance which, having reviewed the issues confronting the slave states, and claiming that the free states had not upheld their contractual obligations under the Constitution, declared:

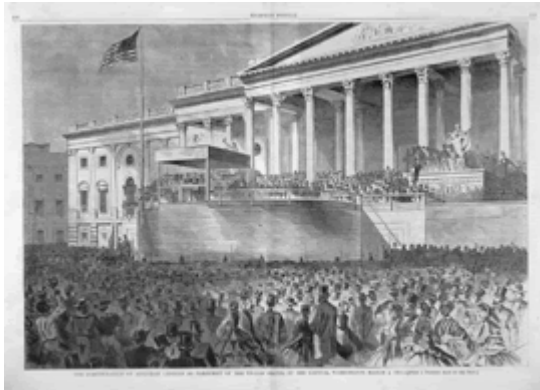
We, therefore, the people of South Carolina, by our delegates in convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this state and the other states of North America is dissolved; and that the state of South Carolina has resumed her position among the nations of the world. (*See the entire Ordinance in the Appendix.*)

Thus, on December 20, 1860, South Carolina left the Union. By February 1861 the six other states around the edge of the South—Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas—had also seceded. President Buchanan, feeling with some justification that he had not created the situation, saw no immediate way to resolve it. Congress attempted to find possibilities for compromise, including the introduction of the 13th amendment to the Constitution which would have guaranteed permanent existence of slavery in states where it

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<sup>86</sup> The 15 Southern states had 120 out of 303 electoral votes; 152 were needed to win.

already existed. Given the decades of angry confrontation between the North and South, it was very unlikely that a compromise had any real possibility of being accepted by either side. Some historians have offered the opinion that if the votes on secession had been thrown open to the entire Southern people, it might not have passed in some of the states that did leave the Union. But in the seven states that seceded before Lincoln's inauguration, the vote for secession probably reflected popular opinion.<sup>87</sup> (Four slave states—Missouri, Kentucky, Maryland and Delaware—did not secede in any case.)



President Lincoln's Inauguration, 1861

On March 4, 1861, Abraham Lincoln was inaugurated as president. Armed soldiers were positioned on rooftops between the White House and the Capitol as Lincoln rode in an open carriage with outgoing President James Buchanan.

In his inaugural address, he reiterated his position that, "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." He asserted his belief that the Constitution

was perpetual and that secession was therefore illegal. Declaring that the Union would continue and all federal services would continue to operate, he claimed that he offered no threat to the Southern, seceded states. His address was, however, seen by many in the South as a direct threat to their sovereignty.

In his closing words, Lincoln appealed to his countrymen to be patient:

In *your* hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The Government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to "preserve, protect, and defend it."

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

Sadly, it was too late for reconciliation.

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<sup>87</sup> McPherson, *Battle Cry of Freedom*, 235.

## The Civil War, 1861-1865

### Background: Causes of the Civil War: Myth and Reality

Although the causes of the Civil War are still debated, it is difficult to imagine the Civil War occurring without recognizing the impact slavery had on the difficulties between the North and the South. For a time the tariff and other issues divided North and South, but there is practically no mention of any of them in the secession documents or in the great debates of the 1850s. Some argue that it was an issue of states' rights, but none of the secession documents argue their case on those grounds. Indeed, in the South Carolina Ordinance of Secession, the first to be adopted and a model for later ones, part of South Carolina's justification for secession is that Northern states had attempted to annul the Fugitive Slave Act of 1850. Those northern states were, in effect, exercising their states' rights, but South Carolina did not approve.

Many Americans nevertheless believe that the Civil War was only incidentally connected with slavery. That view is difficult to reconcile with the known facts based upon existing documents from the Civil War era. Virtually every major political issue of a controversial nature between 1850 and 1860 deals with the issue of slavery. Furthermore, the issue had been contentious since before the American Revolution.

During the Constitutional Convention of 1787, there was much discussion of slavery that resulted in the so-called 3/5 Compromise. Since the institution of slavery was dying out in parts of the country during the Revolutionary era, it is understandable that the framers of the Constitution hoped that slavery would die a natural death. Slave owners such as Washington, Jefferson and George Mason all understood the dangers involved in the continuation of slavery in the nation. Indeed, during the Constitutional Convention, on August 22, 1787, George Mason made a speech in which he, in effect, predicted the Civil War because of slavery. As James Madison's notes recorded, Mason argued as follows during the debate on the slave trade:

The present question concerns not the importing States alone but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the Enemy, they would have proved dangerous instruments in their hands. ... Maryland and Virginia he said had already prohibited the importation of slaves expressly. North Carolina had done the same in substance. All this would be in vain if South Carolina and Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands, and will fill that Country with slaves if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of Whites, who really enrich and strengthen a Country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next world they must be in this. *By an inevitable chain of causes and effects providence punishes national sins, by national calamities.* He lamented that some of our Eastern brethren had from a lust of gain embarked in this nefarious traffic. As to the States being in possession of the Right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view that the General Government should have power to prevent the increase of slavery. [Emphasis added]

Because the creation of the Constitution was a supreme challenge, the founding fathers were not prepared to deal with the slavery issue more directly. The invention of the cotton gin and the booming Southern cotton industry which followed, further negated hopes for a gradual diminution of slavery in America. The Constitution did, however, permit Congress to ban the importation of slaves 20 years after adoption of the Constitution. That measure was carried out in 1808.

Although the Constitution gave the federal government the right to abolish the international slave trade, the government had no power to regulate or destroy the institution of slavery where it already existed. Nonetheless, Congress prevented the extension of slavery to certain territories in the Northwest Ordinance (which carried over to the period after the Constitution) and the Missouri Compromise of 1820. So long as both North and South had opportunities for expansion, compromise had been possible. Traditionally, slavery, where it existed, had been kept out of American politics. The result was that no practical program could be devised for its elimination in the Southern states. Until the 1850s, however, Congress was understood to have the power to set conditions under which territories could become states and to forbid slavery in new states.

The issue of the admission of Missouri to the Union in 1820 drew the attention of Congress to slavery again. Although attempts to eliminate slavery in the state failed, the Missouri Compromise allowed Missouri to come in as a slave state, with Maine entering as a free state at the same time, thus maintaining the balance between free states and slave states in the Senate. Slavery was prohibited north of the southern boundary of Missouri from that time forward. The restriction was agreeable to the South in part because the area north of Missouri was still known as the "great American desert."

The abolition movement brought new attention to slavery beginning about 1830. When the moral issue of slavery was raised by men like William Lloyd Garrison and Frederick Douglass, further compromise became more difficult. Documents began to appear describing the brutal conditions of slavery. Nevertheless, abolitionism never achieved majority political status in the non-slave states. Since most Americans accepted the existence of slavery where it was legal (and constitutionally protected), the controversy between North and South focused on the issue of slavery in the territories.

The issue might have been resolved by extending the Missouri Compromise to the Pacific Ocean to cover the new territory added in the Mexican Cession. However, since the movement to prohibit slavery in the territories was stronger in 1850 than it had been in 1820, the political forces were unable to handle it as smoothly as in 1820. Thus another sort of compromise was needed, one that shifted responsibility from the national government to the territories themselves. That novel concept was known as "**popular sovereignty**"—letting the people in the new territories decide for themselves whether to have slavery.

The idea of popular sovereignty had two things going for it. First, it seemed democratic. Why not let the people decide for themselves whether or not they want slavery? (Of course participation in that decision was never extended to the slave population.) Second, it was compatible with the notion of "states' rights." The doctrine contained a major flaw, however; it ignored the concerns of those who tolerated slavery only on the assumption, as Lincoln and others put it, that slavery "was in the course of ultimate extinction." As the abolition and free soil advocates saw it, allowing slavery to go into the territories was certain to postpone that day.

The net result of the popular sovereignty approach was that the federal government, in attempting to evade responsibility by shifting it to the people of the territories themselves,

merely heightened the crisis. By 1850 slavery had become a "federal case," and despite the best efforts of compromisers like Henry Clay and Stephen Douglas, the tactic of popular sovereignty backfired. The country drifted closer to war.

During the debate over the Mexican-American War, Congressman David Wilmot of Pennsylvania offered a resolution that would have barred slavery from any territory gained as a result of the war. But the Wilmot Proviso never passed. Since the conclusion of the war added most of the southwestern territory to the United States, the issue of slavery in the territories would have to be revisited.

The 1850 Compromise seemed to settle the issue once again, but the abolition movement deepened emotions on both sides of the issue. The new, tough Fugitive Slave Act that was part of the 1850 Compromise resulted, among other things, in the widespread popularity of Harriet Beecher Stowe's novel, *Uncle Tom's Cabin*. Attempts to capture runaway slaves in various Northern cities and towns raised tensions further and led to violence in places like Christiana, Pennsylvania.

Some historians have considered the greatest step on the road to the Civil War to be the controversial Kansas-Nebraska Act of 1854, passed under the aegis of Senator Stephen A. Douglas. Douglas's motives have been examined above, but the crucial part of the Act that disturbed many in the North was the repeal of the Missouri Compromise. The "Nebraska Act," as it was called, and other issues led to the creation of the Republican Party in 1854. Although not an abolitionist party per se, it was the party most connected with those opposed to slavery. As it was clear that amending the Constitution to remove slavery from the states wherever it already existed was not feasible, the issue turned on the extension of slavery in the territories. Republican presidential candidate John C. Frémont in 1856 ran on a platform of "free soil, free labor, free men, Frémont." Frémont lost to James Buchanan, but the issue did not die.

In 1857 the Supreme Court case of *Dred Scott v. Sanford* once again stirred emotions on both sides. Chief Justice Roger Taney's decision claimed that blacks had no rights which white men were bound to respect, and that the Missouri Compromise had been unconstitutional. Meanwhile, the situation in Kansas had grown violent and attempts to bring Kansas into the Union as a state failed. In 1858 the famous Lincoln-Douglas debates once again took up the issue of slavery. Lincoln argued that the government had the right to prohibit the extension of slavery into the territories while Douglas tried to paint Lincoln as a man in favor of full social and political equality for blacks.

Douglas won that election, but Lincoln's stand on slavery enabled him to get the Republican nomination for president in 1860. The last major event before that election was John Brown's raid on the federal arsenal in Harpers Ferry, Virginia, which resulted in his trial, conviction and hanging. The celebration of John Brown as a martyr to the anti-slavery cause further infuriated the South and set the tone for the divide that erupted upon Abraham Lincoln's election in 1860.

Ample evidence exists of the centrality of the slavery issue in other documents, such as the speeches and communications made by the secession commissioners from the first seven seceded states to the other slave states which had not yet followed them. One such letter addressed from an Alabama legislator to the North Carolina legislature claims that the federal government "proposes to impair the value of slave property in the States by unfriendly legislation [and] to prevent the further spread of slavery by surrounding us with free States." In a speech to the Virginia Secession Convention a Georgia representative ex-



pressed his fear that soon “the black race will be in a large majority, and then we will have black governors, black legislatures, black juries, black everything.”<sup>88</sup>

Alexander Stephens, Vice President of the Confederate States, said this to the Virginia Convention:

As a race, the African is inferior to the white man. Subordination to the white man is his normal condition. He is not his equal by nature, and cannot be made so by human laws or human institutions. Our system, therefore, so far as regards this inferior race, rests upon this great immutable law of nature. It is founded not upon wrong or injustice, but upon the eternal fitness of things. Hence, its harmonious working for the benefit and advantage of both. ... The great truth, I repeat, upon which our system rests, is the inferiority of the African. The enemies of our institutions ignore this truth. They set out with the assumption that the races are equal; that the negro is equal to the white man.<sup>89</sup>

If slavery was not the root cause of the Civil War, a study of documents from the period before 1861 provides little evidence of any other cause. As to claims that secession may have been caused by slavery but the Civil War was not, it is difficult to separate the two.

That is not to say that all the brave men who went off to fight for the Confederacy were fighting for slavery. Nor did Union soldiers enlist in order to end slavery, though some on both sides were no doubt motivated by the slavery issue. As we shall see, however, as the war progressed, the slavery issue rose to the fore over and over. Indeed, after President Lincoln issued the Emancipation Proclamation in 1863, some Northerners were heartened that the Union was to be preserved without slavery. Others were angered and refused to fight “to free the slaves.” Ironically, by the end of the war, the Southern position had less to do with slavery than with gaining independence. In March, 1865, Confederate Secretary of State Judah Benjamin proclaimed that slaves who would fight for the South would be freed. By then, however, the war was all but over.

Here are some points to review as we enter the Civil War:

- The issue of slavery was emotionally charged and thus difficult to resolve.
- Many people in the North did not understand what slavery was really like.
- Many in the South saw slavery as a positive good.
- Slavery was the main issue that had to be resolved during debate over the Compromise of 1850.
- The controversy over slavery was political, economic, moral and religious.
- Once it was recognized and protected by the Constitution, slavery would be hard to eliminate.

### **1861: Rebellion in the South**

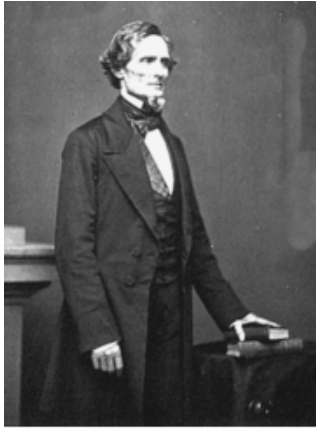
By February of 1861 the Confederate States of America had been organized with their capital at Montgomery, Alabama, though it would later be moved to the larger city of Richmond. Jefferson Davis of Mississippi was sworn in as provisional first president. A cabinet was

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<sup>88</sup> Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville: University Press of Virginia, 2001.)

<sup>89</sup> Alexander Stephens to the Virginia Convention, April 23, 1861.

formed and the new government began to function within three months of the election of Abraham Lincoln as president, the event that precipitated the action.



Jefferson Davis as Senator

The Constitution of the Confederate States of America was adopted on March 11, 1861. As much of it was taken directly from the United States Constitution, the process of creating it required far less time than had been needed in Philadelphia in 1787. The Preamble announced the creation of sovereign and independent states that would form a “permanent federal government,” thus incorporating the states’ right doctrine from the outset. The structure of the Confederate government was essentially the same as that of the United States, with the exception that the president was limited to one six-year term. The rights guaranteed in the Bill of Rights were enumerated in the basic document. A section of that article stated that “No ... law denying or impairing the right of property in negro slaves shall be passed.” The Confederate Constitution also extended the right of slave ownership to any territories that might join the Confederacy in the future.

All those events occurred before Abraham Lincoln left Illinois. President Buchanan did his best to hold things together, but obviously a crisis was at hand, and the new president would have to deal with it. As Lincoln made his way slowly from Springfield to Washington via New York State, he was met by well-wishers along the way—including a little girl who had urged him to grow beard to hide his ugliness. He eventually was smuggled into Washington in the middle of the night, since the city found itself in the midst of Confederate sympathizers.

President Lincoln took office facing an unprecedented crisis—and the Constitution offered no guidance on how to confront the situation. Lincoln put together a balanced cabinet, headed by Secretary of State William Seward, who hoped to conciliate the South. Secretary of the Treasury Salmon Chase, who had also sought the Republican nomination in 1860, was a spokesman for abolitionists. His first Secretary of War was Simon Cameron of Pennsylvania, but he was soon replaced by Edwin Stanton. Edward Bates of Missouri became Lincoln’s Attorney General.<sup>90</sup>

The president’s problem was how to enforce the Constitution, the Supreme Law of the Land, without being accused of starting a war. His dilemma lay in the fact that if he ignored Southern occupation of Federal territory, he would be, in effect, recognizing Southern independence. On the other hand, the Confederacy also faced a dilemma: If it allowed President Lincoln to treat what they considered former Federal property as still belonging to the United States, then they would be acknowledging that they were not sovereign over such territory. Lincoln decided to place the burden of resolving the issue on the South.

Since South Carolina was the first state to secede, President Lincoln focused his attention on **Fort Sumter** in Charleston Harbor. Lincoln’s decision to re-supply the fort with an unarmed vessel shifted the dilemma to the Confederacy. If the Confederate government allowed a Union vessel to enter the harbor and re-supply the fort, it would be acknowledging that it lacked full sovereignty over its own territory. If, on the other hand, the South were to use force to prevent the fort from being re-supplied by firing on an unarmed ship, then they

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<sup>90</sup> For details of Lincoln’s presidency, see Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln*, New York, 1995. A fine full biography is David Herbert Donald’s *Lincoln*, New York, 1996.

would be held guilty of firing the shot that started the war. In the end the Confederacy took the second option.



Bombardment of Fort Sumter

Lincoln's decision to send a ship full of provisions but without armament to supply the hungry garrison led the Confederate government to decide that it could not allow what it deemed a foreign country to enter its territory without permission. Thus General P.G.T. Beauregard was ordered not to allow the resupply to take place, and to fire on Fort Sumter. Lincoln positioned the Confederacy in such a way that they were obliged to fire the first shot on the American flag, which occurred in April 12, 1861.

The Confederates shelled Fort Sumter for several hours, causing much damage but no serious casualties. The Commander, Major Anderson, surrendered the fort the next day. Lincoln then called for 75,000 3-month volunteers to end the "Insurrection." This caused four upper South slave states to secede: North Carolina, Virginia, Tennessee and Arkansas. Southerners considered Lincoln's call an act of aggression that denied them their right to self-determination. In Lincoln's view secession was undemocratic because it challenged the results of a freely held election.<sup>91</sup> In 1861, Northerners were committed to saving the Union, not to freeing the slaves. The fact that the South had fired on the United States flag was enough to send thousands of young men to volunteer to fight for the Union.

Both sides expected a short war—neither was prepared for a drawn-out conflict. Both Yankees and Confederates expected it to be over in a matter of weeks. One Southerner held up a handkerchief and declared he would be able to soak up all the blood that would be shed with that single piece of cloth.

### **The Blue and the Gray<sup>92</sup>**

Historians have argued for years about possible outcomes of the Civil War. A consensus has been reached among many historians that because of the substantial difference in resources available to the North and the South, the North was bound to win. The North's larger population, its wealth and industrial power, and the fact that the Union government already had relations with other nations all seemed to make the outcome a foregone conclusion. Relative to the North, however, the Confederacy had far more resources available than the Patriots had possessed in 1775.

In addition it should be noted that the North and South had different objectives: the North had to pursue an aggressive strategy; it could not force the Confederate states back into the Union without invading the South and winning a decisive victory. The South, on the other hand, did not really need a total victory—a draw would suffice. It just needed to keep the war going until the North ran out of patience and resources. (*The outcomes of the American Revolution and the Vietnam War both suggest that victory can be achieved in this ways; the*

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<sup>91</sup> In the 1869 case of *Texas v. White*, the United States Supreme Court ruled that secession was unconstitutional on the grounds that the Union of states was meant to be permanent.

<sup>92</sup> The body of literature on the Civil War is huge. Two excellent works are James M. McPherson, *Battle Cry of Freedom: The Civil War Era*, New York, 1988; and Shelby Foote, *The Civil War: A Narrative* (3 vols.), New York, 1958. See additional titles at the end of this section.

*ways; the British were not driven out of North America, nor were the Americans driven out of Vietnam.)*

The **Union strategy** initially conceived by General Winfield Scott sought to divide and conquer the South. He envisioned a complete blockade of the South by hemming the Confederate states in on both land and sea. He then planned to force them to a position where surrender was the only option. The main points of Scott's strategy included a blockade of the Confederate coastline. They would control the Mississippi and cut off Southern use of the waterway, seizing the capital of Richmond. As the war progressed, Union forces would divide the Confederacy along a line through Georgia. The Northern press derided Scott's plan and dubbed it the "Anaconda Plan." The press and other critics called for an "On to Richmond!" approach, thinking that a swift attack would bring quick victory.

In addition to directing the conduct of the war as Commander-in-Chief, President Lincoln was also concerned with keeping other nations out of the conflict and keeping the remaining border states, especially Kentucky and Maryland, in the Union. (Lincoln no doubt recalled that without French assistance, the American Revolution might have ended differently.)

The **Confederate strategy**, as initially mapped out and to some extent put into practice, though not successfully, was to take Washington and advance into Maryland and Pennsylvania, cutting the Northeast off from the rest of the nation. The South also sought to defend its homeland with aggressive tactics, which eventually proved very costly. The primary goal of Confederate foreign policy was to gain recognition of their independence and to gain assistance through intervention in the conflict on their behalf. The South attempted to gain foreign assistance, especially from Great Britain. They believed that cotton was "king," and that British dependence on Southern cotton would cause her to intervene and assist the South. For a variety of reasons Great Britain did not follow that course, not wanting, among other things, to cut herself off from Northern grain supplies. Alternative sources of cotton (Egypt and India) were also a factor.

Northern advantages were fairly obvious: a larger population, greater industrial capacity, better railroad system, control of the Navy, an established government with diplomatic ties to other nations, and a mature political organization. Northern disadvantages included the fact that the United States Army was small and mostly confined to the Western theaters. President Lincoln knew little of warfare or foreign affairs, though he was a quick study.

Southern advantages were perhaps less obvious but nonetheless real: The South had interior lines, meaning they could shift forces more rapidly than the Union; Northern business interests were tied to the South; the South had outstanding military leaders, including President Jefferson Davis, who had served as U.S. secretary of war; the South could take advantage of their defensive position, and they had a more homogenous population. Southern disadvantages included the fact that the states' rights philosophy tended to hamper unity. Furthermore, President Davis was politically handicapped by a one-party system which did not provide for a "loyal opposition."

**The Balance:** Southern problems included the fact that the Confederate government had to be created—they had plenty of experienced leaders, but the basic machinery had to be established. Post offices and such continued to function, but government offices, clerks, etc., needed to be organized. All things considered, the outcome could have gone either way.

The war was fought in two theaters, East and West, but the Washington-Richmond line became the main line of concern. There was also significant action on lesser fronts such as the trans-Mississippi area, the Southern coasts and on the high seas. The naval war was fought

by cruisers, raiders, and blockade runners, and by gunboats and transports in operations along inland waterways. Although Scott's "Anaconda Plan" was scorned, it eventually won the war.

**April 19 Blockade.** One of Lincoln's first acts was to proclaim a blockade of the Southern coastline. He faced a legal dilemma, however, which was how to avoid recognizing the South as a belligerent power. Lincoln was concerned over possible British responses and did not want to influence her position away from that of neutrality. Lincoln's hope was that because Great Britain was the world's leading naval power and relied on blockades as a war measure, she would recognize the Union blockade. Lincoln and Seward were concerned about other international responses, but it was likely that most nations would follow Great Britain's lead. Lincoln's overriding diplomatic challenge was to keep the South isolated. As the war progressed, amphibious operations carried out by Union forces brought much of the Southern coastline and many Southern ports under Federal control.

**Early Actions.** Once the shots were fired on Fort Sumter, both sides knew that war had begun. The tension that had been mounting for more than a decade was broken, and for a brief period, many felt a sense of relief. In the South, however, the mood soon turned to one of grim determination, a deep-seated belief that the North would at last pay for its arrogance in trying to dictate to the South. The steady drumbeat of abolitionist sentiment had infuriated many in the South, and the prospect of disruption of the Southern way of life was more than many could bear. Southerners whose feelings of loyalty to the Union remained intact learned quickly to keep silent—to challenge the cause of the South was tantamount to treason. For some Southerners who realized the power that lay in Northern industry and numbers, the future looked grim and foreboding. Yet thousands of young men in the South were more than prepared to fight for what they saw as their rights.

To understand the mood in the North, one needs to recall Daniel Webster's Union address of 1831 as well as his speech in the 1850 Compromise debates. The idea of the Union was powerful. When Beauregard ordered his batteries to fire on the American flag, thousands in the North were outraged. They flocked to the enlistment offices in numbers far greater than could be processed. American flags appeared in thousands of windows, and a well-known New York diarist wrote, GOD SAVE THE UNION, AND CONFOUND ITS ENEMIES! AMEN!<sup>93</sup>

As both sides organize themselves for war, skirmishes broke out along the border areas between the Union and the Confederacy. In western Virginia, citizens met and decided that the 50 counties west of the Appalachians where slavery was scarce would carry out their own act of secession. They voted to leave the state of Virginia and create a new state. West Virginia was admitted to the Union in 1863.

The West Virginia region was also the scene of the heaviest fighting before the real war began. General George McClellan, who would eventually lead the Union Army of the Potomac, oversaw the fighting in the region. He won a small-scale victory at the Battle of Philippi, which cleared the Confederates out of the Kanawha River Valley. McClellan sent dispatches to Washington claiming credit for his actions, though much of the success was the work of his subordinates, especially General William S. Rosecrans. McClellan's flaw as a general, which ultimately doomed his career, was his willingness to take full credit for everything that happened within his command, while quickly blaming others for his failures.

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<sup>93</sup> *The Diary of George Templeton Strong 1835-1875* was published in 1952 in 4 volumes.

## **First Battle of Bull Run/Manassas. July 21, 1861.**

The first relatively large battle was fought less than 25 miles from Washington. The opening weeks of the war were unsettling for President Lincoln, as significant numbers of troops were slow to arrive in Washington. Part of the difficulty lay in the fact that Maryland was a slave state and several units had to actually fight their way through Baltimore in order to get to the nation's capital. Alternative routes were eventually established, and by June a number of regiments had begun to assemble.

The Union commander, Major General Irvin McDowell, realizing that his troops had had little training, was reluctant to take them into battle. President Lincoln pointed out, however, that the Southern troops had no more training than the Union men, and he urged McDowell



to begin to move. On July 21, McDowell's 30,000 men advanced towards the Confederate positions along Bull Run Creek near Manassas, Virginia. The march out from Washington revealed that federal troops were poorly trained. They lacked water discipline, draining their canteens early in the march, which caused them to break ranks in search of fresh supplies. In similar fashion they showed that they were not a highly trained military organization. The Confederates, wait-

ing in defensive positions, were perhaps better prepared, as they had time to establish their defenses, although they were also less than fully trained.

The realities of war had not yet sunk in on either population—spectators from both Washington and Richmond traveled to the battle site in carriages and other conveyances in order to observe the action, as if it were some sort of sporting event. They soon discovered that war was not a game.

The Confederates waiting for the Yankees were under the command of General P.G.T. Beauregard, who had fired the first shot at Fort Sumter. General McDowell's battle plan was reasonable, but it depended upon Confederate reinforcements being blocked and other secondary actions that failed. The fighting started fairly early and for much of the day, the Union troops fought well. But as the day wore on and the heat intensified and casualties mounted, the resolve of the Federal soldiers finally broke. As individual fighting men began to scurry from the battlefield, they were pursued by officers on horseback and shouting at them to return.

The actions by those inexperienced officers were misinterpreted by other soldiers within view; they thought a general retreat had been ordered. The result was that more men joined the hasty, ill-organized retreat until the entire Union force was heading back for Washington, discarding weapons and equipment along the way. Meanwhile, the spectators who had come out in carriages with spy-glasses and picnic lunches to observe and the day's activities joined the panicky retreat, as wagon masters and swearing teamsters added to the din and confusion. The scene was later vividly described in detail by British journalist William Howard Russell, who was thereafter known as "Bull Run Russell."

The Confederate rebel yell had supposedly unnerved the Union troops, but when President Jefferson Davis urged his commanders to pursue the fleeing Yankees, it was discovered that they were just as disorganized as the Union troops and did not follow up on their action. The battle was clearly a defeat for the Union, but it was far from being decisive.

In the end, the importance of the Battle of Bull Run is that it generated a considerable amount of confidence in the Confederate soldiers. They came to believe that their fierce re-

bel yell and their undaunted courage would carry the day in any battle against even a superior sized Union force. That overconfidence was to cost the Confederates dearly over the next few years. On the Union side, those who had been predicting and hoping for a quick, decisive victory quickly became disillusioned. Union leaders from President Lincoln on down began to realize that they needed to dig in for the long haul and prepare for a lengthy contest. Thus the Battle of Bull Run was a wake-up call for the Union which, at the same time, bred a dangerous sense of overconfidence in the Confederates.

General McDowell was relieved of his command and was replaced by perhaps the most controversial Union General of the war, **General George B. McClellan**. McClellan achieved moderate success in western Virginia with a force of 20,000 troops and had won a several minor engagements. Much of McClellan's success, however, had been attributable to his subordinates; "Little Mac," who was his own press secretary, sent glowing reports of his achievements to Washington. President Lincoln, beginning what would be a long and frustrating search to find a competent general to lead his eastern armies, gave command of the army in Washington to McClellan, who soon became known as the "Young Napoleon."

As McClellan busied himself reorganizing the Union Army of the Potomac, the Union suffered another defeat at the Battle of Ball's Bluff above Washington. A former U.S. Senator, Col. Edward D. Baker, made several tactical blunders which led to the decimation of Union forces. Repercussions included the forming of a congressional Committee on the Conduct of the War.

As the two sides continued to organize their armies and train enlistees who flocked to the Union and Confederate colors, little major action occurred on land for the remainder of 1861. In November federal naval forces captured Port Royal, South Carolina, as part of the effort to establish a blockade around the Confederacy. In that regard relations with England were to become the most critical; the Union blockade during the opening months of the war was mostly a paper blockade. In order for a naval blockade to be legal under international law, it had to be enforced with naval vessels on the scene. Early in the war the Union Navy lacked sufficient vessels and sailors to achieve that end. The Union advantage in this matter was that Great Britain, as a maritime nation, had depended heavily on blockades in the past and would likely continue to do so into the future. Thus Great Britain tended to overlook the minor violation of international law resulting from the weakness of the Union blockade.

**The Trent Affair.** Relations between the two nations took a sour turn, however, when information was obtained that two Confederate agents, James Mason and John Slidell, had been embarked in a British ship, *H.M.S. Trent*, on a diplomatic mission to establish Confederate relations in Europe. Captain Charles Wilkes of the *U.S.S. San Jacinto* stopped the *Trent* and removed the Confederate agents and their secretaries over the protests of the captain of the *Trent*. The British government lodged immediate protests, and an embarrassed President Lincoln was obliged to release Mason and Slidell and eventually issue a formal apology. British Canada, feeling threatened by a disturbance with its southern neighbor, doubled the size of its militia from 50,000 to 100,000. Despite enthusiastic support in the North for Captain Wilkes's actions, the British accepted President Lincoln's apology, and the affair died.

One of the unsung heroes of the Civil War for the Union was the U.S. Ambassador to Great Britain, **Charles Francis Adams**, son of John Quincy Adams. Inheriting the diplomatic skill of his father, Adams performed brilliantly, as he was sometimes obliged to sidestep the heavy-handed diplomatic efforts of Secretary of State Seward. During the *Trent* affair, as well as during subsequent diplomatic crises, Adams performed an extremely valuable ser-

vice in helping to keep Great Britain out of the war, a condition that was vital for Union victory.

Raising again the point about the inevitability of the outcome of the war, it seems clear that if Great Britain or France had entered the war on the Confederate side, a Southern victory might well have been assured. Lincoln's major diplomatic challenge was to fight the war in such a way so as not to irritate Great Britain, whose lead would be followed by the French. Gauging British sympathies was not easy; some elements in Great Britain were sympathetic to the Southern position, while others, correctly perceiving that slavery was an underlying cause of the war, were well disposed toward Lincoln and the Union.

On November 1 General McClellan was appointed General in Chief upon the retirement of General Winfield Scott, whom McClellan rather ungraciously helped usher out the



General George McClellan

door. McClellan was a superb organizer, and he soon began an excellent regimen of training to bring the growing Union Army up to fighting trim. He replaced incompetent officers with more capable men and began to build up the Army of the Potomac, which, when well led, could stand against any army in the world. The problem with General McClellan was that he was reluctant to lead it into battle; a series of parades and reviews thrilled Congress and the Washington community but left Lincoln frustrated and unimpressed. When illness forced McClellan to his bed for what seemed to Lincoln an overlong recuperation, Lincoln sent a note to McClellan suggesting that if the General had no immediate plans for using his army, the president might like to borrow it. McClellan did not respond well to such jibes and accused Lincoln of being a meddler.

In November Major General Henry W. Halleck, known as "Old Brains" for his authoritative writings on warfare, made some replacements in the western commands, but the Union forces in the Mississippi and Ohio valleys were still divided. Gen. Don Carlos Buell commanded forces in central and eastern Kentucky, while **Brigadier General Ulysses Grant** and others commanded other western areas. Grant, who had left the Army in 1854 under something of a cloud because of his alleged drinking habits, had to talk his way into an officer's commission at the outbreak of the war. He had, however, quickly demonstrated his natural military skills. He won a small battle at Belmont in November, 1861, but in those early days of fighting a small victory was noticed. Grant was gradually given more responsibility.

**Summary of 1861:** Both sides began uncertainly. Young men flocked to colors for "Union" (North) and "Liberty" (South), each feeling it was upholding the "principles of 1776." President Lincoln, less experienced in military matters than President Davis, began to educate himself in the ways of war. He was a quick study. Davis, more experienced, had difficulties arising from his political situation; the South had a single party political system. Thus criticism of the Confederate president took on a personal flavor, a condition exacerbated by Davis's prickly personality.

### **1862: The Military Conflict Expands**

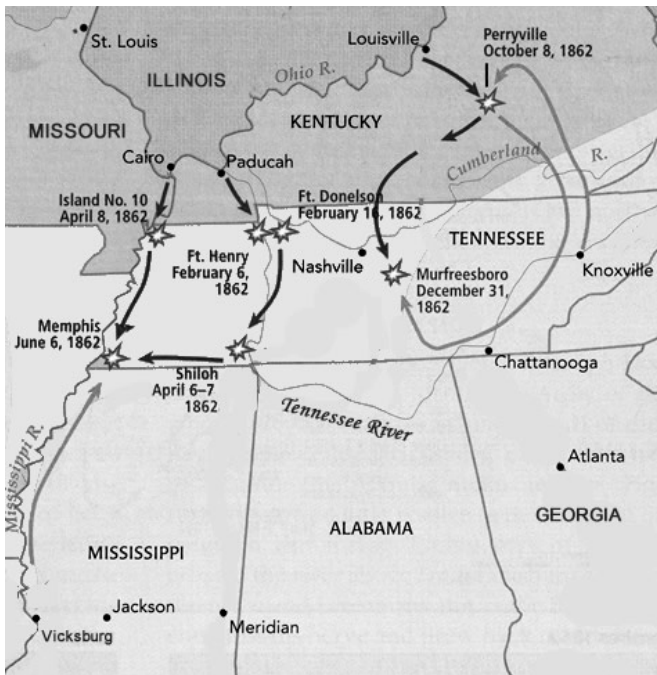
On January 15, 1862, President Lincoln replaced the inefficient Secretary of War Simon Cameron with Edwin M. Stanton. Stanton, a skilled lawyer, had been attorney general under President Buchanan and had adamantly opposed to secession, although President Buchanan was at first willing to tolerate it. As a Democrat, he opposed Lincoln during the 1860 cam-



paign, but agreed to work as legal assistant to Secretary Cameron. At first he was very critical of Lincoln's abilities, but within a few months of close working with the president, who spent much of his time in the War Department, Stanton began to appreciate Lincoln's honesty and dedication to the Union cause. He eventually became a Republican and one of Abraham Lincoln's most trusted and loyal advisers.

In January General George H. Thomas defeated a Confederate force at Mill Springs, Kentucky, and then teamed up with General Grant to begin moving into Tennessee. Grant engaged Flag Officer Andrew H. Foote to work with his ground troops in attacking Fort Henry, which lay on the Tennessee River in northwest Tennessee. Foote sent his gunboats up the river to bombard the fort, and Grant placed his troops ashore on either side. The Confederate commander, however, decided to abandon the fort and sent his soldiers to Fort Donelson, which lay 10 miles to the east on the Cumberland River. When Fort Henry surrendered, Union armies had use of the Tennessee River all away to Alabama.

Following the fall of Fort Henry, Grant sent Foote's gunboats down the Tennessee, up the Ohio and thence up the Cumberland River toward Fort Donelson. Meanwhile he marched his army overland and surrounded the fort. The Confederate commanders attempted to break



out but were unable to penetrate Grant's lines. Two Confederate generals departed through Union lines under a white flag, leaving General Simon Bolivar Buckner in charge. Although Fort Donelson artillery drove off Flag Officer Foote's gunboats, Grant had a firm hold on the fort. When Buckner asked Grant for terms, Grant responded that no terms except "unconditional surrender" could be accepted. He added, "I propose to move immediately upon your works." Thereafter Gen. Ulysses S. Grant became known as "unconditional surrender" Grant.

Buckner, an old friend of Grant from pre-war days, told the victor, "Sam, if I'd been in charge the whole time, you never would have gotten away with it." Grant supposedly responded, "Buckner, if you had been in charge, I never would have tried." Whether true or not, the anecdote

illustrates a factor that played itself out numerous times in the Civil War; often the opposing commanders knew each other. Many had served together in the Mexican war and elsewhere, and they often gauged their tactics according to their knowledge of what their opponents would be likely to do.

**Shiloh.** The victory at Fort Donelson was a major success, and the Union celebrated its first hero. Combined with the Union victories at Middle Creek, Kentucky, under Colonel (and future president) James Garfield and General George Thomas's victory at Mill Springs, Kentucky, the Confederates were driven out of Kentucky, and Union forces controlled the Tennessee and Cumberland Rivers as well all the railroads in western Tennessee. General Grant had established himself as an effective commander and continued moving further into Tennessee. Grant moved his Army up the Tennessee River to a point known as Pittsburg Landing, about 15 miles northwest of the Alabama, Mississippi, Tennessee intersection, where he

was waiting to combine forces with General Don Carlos Buell. Although the area was lightly settled, a church in the vicinity named Shiloh gave its name to the battle, which was fought on April 6 and 7, 1862.

General Albert Sidney Johnston, reputed to be the finest officer in the Confederate army, decided to attack before Grant could be reinforced, and he launched an assault early on April 6. Not realizing that the Confederates were so close, Grant had neglected to fortify his position and instead was drilling his troops. Grant was not even on the scene when his troops were caught off guard by Johnston's Confederates, but although they were hard-pressed, the Union Army managed to hang on during a long day of fierce fighting, taking a stand at a sunken road that became known as the "hornet's nest." Johnston was mortally wounded during the first day's fighting, and command was turned over to General P.G.T. Beauregard. During the night General Buell's troops arrived and crossed the Tennessee River to join Grant's men. Early on the morning of April 7, the fighting resumed, and Beauregard, having suffered heavy casualties, retired from the field and took his army back to Corinth, Mississippi. A pursuit led by General William T. Sherman on April 8 was unsuccessful, but the victory had been substantial.

Casualties at Shiloh numbered over 23,000, with the Union having suffered more losses. The Confederates lost a larger percentage of their troops, however. The total casualties exceeded all of America's previous wars put together, yet it was by no means the costliest battle of the Civil War. Despite his successes, rumors about Grant's former drinking problems and other political machinations brought criticism of him in Washington. President Lincoln said, however, "I can't spare this man: He fights."

Part of the reason for President Lincoln's response to the criticism of Grant was that his general in the East, George B. McClellan, was moving so slowly that even his impressive reviews had begun to lose their luster. The administration and Congress wanted victories, not parades. McClellan initially planned a direct assault on Richmond, but when he advanced across the Potomac, he discovered that the Confederates had withdrawn southward, so he conceived a new battle plan.<sup>94</sup> He decided to take the entire Army of the Potomac down the river for which it was named and land it on the peninsula between the York and James Rivers. As a superb organizer and logistician, McClellan moved his army efficiently; the problems began when it was time to fight.

**The Monitor and the Merrimack.** While McClellan was preparing his campaign during early March, a famous naval battle took place in Hampton Roads, Virginia. The Confederate Navy had captured the former U.S.S. *Merrimack*, rebuilt it with heavy iron plating and renamed it C.S.S. *Virginia*. The ironclad Confederate ship had maneuvered out of the harbor and easily destroyed several Union warships, as cannonballs bounced off her heavy metal plates. During the night after the first day of fighting, a strange-looking Union craft arrived, the U.S.S. *Monitor*. The *Monitor*, the invention of John Ericsson, possessed but a single gun, but it was mounted inside a revolving turret, and its iron plating made it impervious to shells. On March 9 the *Monitor* and the *Virginia (Merrimack)* fought it out in Hampton Roads, and the small "cheese box on a raft" neutralized the Confederate threat, which might have disrupted the Union blockading fleet. It was the first "battle of ironclads," and although it was more or less indecisive, it provided a glimpse of future naval warfare.

At the outbreak of the war the Union Navy had been nothing but a motley collection of ships, few of them formidable. But the U.S. government purchased ships of all kinds for use

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<sup>94</sup> After the Confederates departed, it was discovered that much of the "artillery" trained on Washington was actually logs painted black. The press dubbed them "Quaker cannon."

in the blockade, and began a building program in August, 1861. Within a year the number of ships sailing in and out of Southern ports had been substantially reduced, and as Union forces captured various ports and islands along the Southern coast, the blockade gradually grew tighter. Early in the war, the odds of successfully running the blockade were approximately nine in ten; as the Union blockade tightened, the chances of a blockade runner getting through dropped to about one in three.

**McClellan's Peninsular Campaign.** After months of preparation, General McClellan began his Peninsula Campaign on March 17, moving the Army of the Potomac by ship to a location east-southeast of the Confederate capital of Richmond. McClellan's plan was to invade Richmond by advancing up the peninsula formed by the York and James Rivers. McClellan failed to grasp the nature of modern warfare—he thought it uncivilized to consider crushing the South and destroying carefully trained military units. He was an unsurpassed military administrator and planner, but he did not like to risk damage to his well prepared army. Thus McClellan conducted his Peninsula Campaign with too much caution.

On April 5 he began a siege of Yorktown, which led to occupation of the city. If Yorktown had been a strategically significant, fortified city, a siege—which involves intricate engineering maneuvers—might have made sense. But as one Confederate officer said in derision, "Only McClellan would besiege an undefended city."

As had happened with Grant at Fort Donelson, familiarity with the mindset of one's opponent arose in this campaign. Being aware of McClellan's "over-cautiousness" (as Lincoln put it), Confederate commanders went out of their way to befuddle their slow-moving opponent. Confederate General John McGruder, known from his West Point days as "Prince John" because of his acting ability, marched troops back and forth behind his lines to create the illusion of a larger force than he actually possessed. McClellan engaged the well known detective Allan Pinkerton as his intelligence adviser. Pinkerton, demonstrating what is sometimes a propensity among intelligence officers to play it safe by overestimating enemy strength, played right into McClellan's fears. During the campaign McClellan's forces were assisted by Union gunboats, another measure of the effectiveness of the Union "river navy," sometimes undervalued by Civil War historians in retrospect.

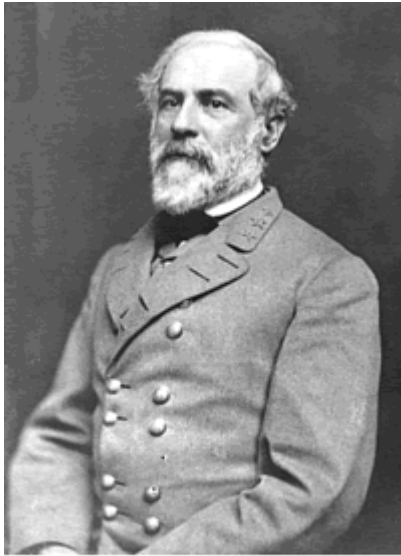


General Joseph Johnston

As McClellan moved closer to Richmond against light Confederate resistance, he constantly misjudged the strength of the Southern army and repeatedly called on Washington for additional forces. As The Union army was advancing toward Richmond, General Thomas J. ("Stonewall") Jackson was operating in the Shenandoah Valley with an army of troops who moved so fast they were known as "foot cavalry." His campaign lasted from late March until early June and kept some 40,000 Union troops under Union Generals Banks and Frémont constantly occupied. Concerned about the security of the national capital, President Lincoln was held in a state of worry, partially due to McClellan's repeated requests for reinforcements.

McClellan eventually advanced so close to Richmond that his troops could see the church spires in the city and hear their bells ringing on Sunday morning. With McClellan's troops stretched on either side of the Chickahominy River, General Joseph Johnston decided to take the battle to his enemy. On May 31 and June 1 the two armies clashed in the battle of Seven Pines (Fair Oaks), with high casualties on both sides. The outcome was a tactical draw, but General Johnston was wounded and was soon replaced by Robert E. Lee.

Lee had earned a reputation for cautiousness himself during the early days of the war. After losing a small battle in western Virginia, he was placed in charge of organizing defensive emplacements along the Southern coast. President Davis then brought him to Richmond and put him in charge of defense of the capital, where he earned the nickname of “King of Spades” for digging extensive trenches around the capital. His reputation was soon to change, however.



General Robert E. Lee

As McClellan sat idly by, Lee extended his lines and reorganized his troops, now designated the Army of Northern Virginia. Joined by Jackson’s men who had moved into the Richmond area from their Valley campaign, Lee once again took on the Union Army of the Potomac. This clash became known as the Seven Days’ Battles: Mechanicsville, Gaines Mill, and Malvern Hill. Lee was an excellent tactician, and unlike McClellan, he had a bold and masterful plan for the Seven Days’ battle, which again placed McClellan on the defensive. Unfortunately for Lee, his plan may have been too sophisticated, and the Confederate generals had difficulty carrying it out. Even Jackson’s Corps was not up to the level it had achieved during his Valley campaign; his movements were uncharacteristically slow.

During the fighting east of Richmond, Major General Jeb Stuart, Lee’s cavalry commander, made a bold ride completely around the Union Army, attacking supply trains and disrupting communications. As fine a commander as Stuart was, however, his daring cavalry tactics sometimes failed to produce decisive results. During that early stage of the conflict, Confederate cavalry was superior to the Union’s horse soldiers, but that important factor was also destined to change.

Once again, the loss of life during the Seven Days was appalling. At the last battle at Malvern Hill, Union artillery demonstrated its skill and value on the battlefield by repeatedly



Artist's Depiction of Union Artillery at Malvern Hill

breaking up Confederate attacks. Half of the Confederate casualties were caused by Union artillery. Following the battle Confederate General D.H. Hill said that what had occurred “was not war—it was murder.”<sup>95</sup> Despite the impressive performance by McClellan’s troops in combat, the Peninsular Campaign itself was a strategic failure. Total casualties numbered some 36,000 on both sides. McClellan withdrew his battered army, and Lincoln ordered it back to Washington. Lee’s men licked their wounds and prepared to move northward again on the Richmond-Washington axis.

**Second Battle of Bull Run.** While McClellan was moving his army back to disembarkation points in Alexandria, General John Pope, who had won a small but notable victory at Island #10 on the Mississippi River north of Memphis, took command of the troops in and around Washington. His command was called the Army of Virginia. Pope got off to a bad start by suggesting in a speech to his men that Western soldiers were better than those in the East.

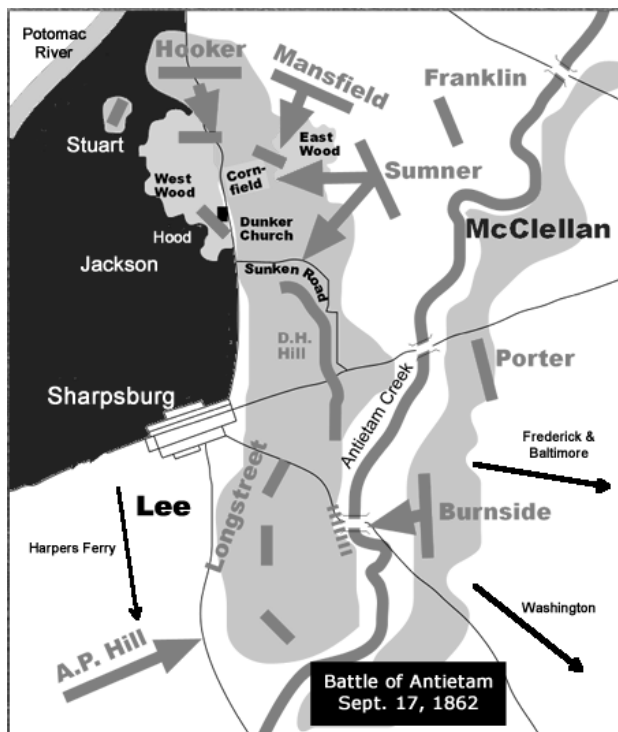
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<sup>95</sup> James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: McGraw-Hill, 1992) 246.

Pope planned to move South on Richmond while Lee was still defending the eastern approaches to the capital. But Lee dispatched Stonewall Jackson's corps to block Pope's advance. Pope met Jackson, who was soon reinforced by the rest of Lee's army, on August 29 and 30 at the Second Battle of Manassas, or Bull Run. Jackson's men, soon reinforced by Longstreet's corps, trapped Pope's army, which had left a flank exposed. Two days of fighting left the Union Army battered. As McClellan had done nothing to assist Pope, bitter recriminations followed on the northern side, including charges that Union General Fitz-John Porter had been reluctant in battle. As often happens in times of military disappointment, the hunt for scapegoats was on. The stage was now set for the first major battle in the North as Lee prepared to invade into Maryland in order to relieve pressure on Virginia.

### Antietam: The First Turning Point

As Lee's Army of Northern Virginia was moving north toward the Maryland border, Lincoln faced a dilemma. General John Pope had not proved to be the leader Lincoln was looking for. McClellan's peninsular campaign had been a strategic failure, and he had not assisted Pope as he had been directed to do. Criticism of "Little Mac" grew in Congress, and Lincoln was loath to place him back in command of the Army of the Potomac. But he knew McClellan was a good organizer and that he was well liked by his troops, so he kept him in command. Pope's Army of Virginia was absorbed by McClellan's Army of the Potomac. McClellan set out to block Lee as the Confederate Army of Northern Virginia crossed the Potomac into Maryland.



Lee hoped to be able to recruit successfully in areas theoretically sympathetic to the South, but slavery in Maryland was mostly located on the peninsula, not in the more western mountainous areas. He also hoped that a dramatic blow on northern soil would unnerve the Northern public, who would then demand a negotiated peace. He also wanted to relieve pressure on Virginia and procure badly needed supplies in what he assumed would be the friendly Maryland countryside.

Part of Lee's army moved into Harpers Ferry and captured that important city while the rest of the Army of Northern Virginia moved in the direction of Hagerstown. McClellan, meanwhile, was moving north from Rockville towards Frederick, Maryland, on a more or less parallel path with Lee. While the movement was under way, two of McClellan's scouts found an interesting looking piece of paper wrapped around some cigars in an

abandoned Confederate camp. It seemed to be a battle order, and indeed it was. It showed the general disposition of Lee's army, indicating that Lee had sent portions of his army in different directions. The knowledge that Lee's forces were divided gave McClellan an extraordinary advantage. McClellan, however, failed to exploit the intelligence windfall, despite his boast that this time he would "lick Bobby Lee."

On September 14 the Battle of South Mountain, between Frederick and Hagerstown in Maryland, delayed the Union advance while Lee concentrated his army at the little village of Sharpsburg along Antietam Creek. By the time McClellan caught up, most of Lee's army was reunited.

On the morning of September 17 McClellan attacked. Lee's back was to the Potomac, and his outnumbered army faced possible destruction. But rather than attacking broadly and decisively, McClellan advanced his army in piecemeal fashion, giving Lee time to regroup and reposition his men. The fighting started in a large cornfield which was soon bathed in red. Lee's men pulled back to a sunken road as the attack continued; by late afternoon the fighting was taking place along Antietam Creek in a position that came to be known as Burnside's Bridge.

The intense fighting made the Battle of Antietam the bloodiest single day of combat in all of American history; over 20,000 casualties on both sides were inflicted. Military historians have concluded that had McClellan attacked aggressively and used all of his forces—one entire Union Corps of 30,000 men never saw action—the result might have been a decisive defeat for the Army of Northern Virginia, with dire consequences for the Confederacy.<sup>96</sup>

The bloody battle turned out to be a tactical draw. It was, however, a strategic defeat for Lee, who had to withdraw back into Virginia. McClellan failed to pursue Lee and instead decided to rest and recuperate his army at the scene of the battle; another opportunity had been lost. Frustrated, Lincoln wrote to McClellan, "I have read your dispatch about ... fatigued horses. Will you pardon me for asking what the horses of your army have done since the battle of Antietam that fatigues anything?"

The Battle of Antietam, despite Lincoln's disappointment, did have two important consequences: Lincoln's release of his preliminary Emancipation Proclamation, and a crucial British cabinet meeting to discuss possible recognition of Confederate independence was canceled.

**Emancipation.** President Lincoln had thought long and hard about the relationship between slavery and the Civil War from the very beginning of the conflict. Horace Greeley, the prominent abolitionist newspaper editor, challenged the president in an open letter to state his intentions regarding slavery in the summer of 1862. Lincoln responded by saying that if he thought he could save the Union by freeing all the slaves, he would do so. He also stated that if he thought he could save the Union by freeing none of the slaves he would do that, then added that if he felt he could save the Union by freeing some of the slaves and leaving others in bondage, that he would do that as well. In the end, that is what he did.

Several Union generals had jumped the gun by declaring slaves contraband and freeing them. Lincoln had to countermand their orders because he was still worried about losing the border states of Kentucky and Missouri. But an idea took shape in Lincoln's mind. He decided to issue an Emancipation Proclamation. However, he did not want to do so when Union military fortunes looked bleak, lest it seem like a desperation move. Although Antietam was not a decisive victory, it was close enough for Lincoln's purpose, since Lee had retreated back to Virginia. Thus President Lincoln issued his preliminary Emancipation Proclamation five days after the battle of Antietam. The declaration announced that as of January 1, 1863, slaves in territory controlled by the Confederacy were to be forever free. He did

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<sup>96</sup> It is worth noting that if McClellan had defeated Lee decisively, forcing the Confederacy to surrender, the war would have ended with slavery still intact. That fact would no doubt have boded ill for the future.

not free all the slaves because he felt he did not have the constitutional authority to do so. Instead, he used the Confederacy's own position regarding slaves against them: he counted them as property, property that had value in time of war and was therefore subject to being confiscated as contraband. (See Emancipation Proclamation, Appendix.)

Thus the Battle of Antietam was a turning point because it demonstrated that Lee could not sustain an offensive on Union soil. Although the battle was the costliest in American history, the losses were approximately equal. But the North could tolerate them far better than the Confederacy because it had a much larger manpower pool on which to draw. In that sense Antietam was significant for the war, if not a turning point in the military sense.

Although it is widely believed that the Emancipation Proclamation initially freed no slaves, in fact there were thousands who immediately took advantage of it. The Emancipation Proclamation fundamentally altered the goals of the conflict for both sides. Lincoln's first concern was to save the Union; although Lincoln abhorred slavery, ending the "peculiar institution" was secondary to him. (Those who believe that Lincoln cared more about saving the Union than about ending slavery miss the point: If the Confederacy had won the war and become independent, Lincoln could have done nothing about the status of slavery in North America. It is also clear from the Confederate Constitution and the prewar political rhetoric that slavery would have continued for a long time after the end of the conflict, perhaps even into the 20th century.)

Once the Emancipation Proclamation was issued, it was fairly certain that if the Union prevailed, it would be a Union in which slavery would no longer exist. So from merely saving the Union, the goal for the North became to save the Union without the institution of slavery. It is interesting to note that by the end of the war in late 1864-early 1865, the Confederacy had apparently changed its goal in the war as well, which had been to preserve Southern society with slavery intact. Instead their goal became to gain independence, even if they had to give up slavery in order to get it.

In December 1864 Confederate Secretary of State Judah P. Benjamin sent a secret delegation to Great Britain to plead one last time for their assistance in becoming independent. In exchange for Britain's help, the Confederacy would voluntarily end the institution of slavery. It was too late for Great Britain to intervene, however, and the Confederacy decided to arm the slaves anyway in order to help them become independent. Had that occurred, it almost certainly would have tended to undermine status of slavery in the South. Before that happened, the war ended, the Confederacy lost its bid for independence, and slavery ended with ratification of the Thirteenth Amendment in 1865.

The Battle of Antietam had an additional important result besides giving Lincoln the opportunity to issue the Emancipation Proclamation. As mentioned above, a major goal of the Confederacy was to gain recognition of their independence by a major power, and the most likely nation to do that was Great Britain. Had Great Britain recognized the Confederacy and offered support, it is probable that the Confederate States of America would have become independent.

Not long before the Battle of Antietam it began to look as though intervention by the British might come to pass. In the opening days of the conflict the Union had suffered a diplomatic humiliation over the *Trent* affair. At about the same time as the *Trent* affair, Secretary of State William Seward suggested that the president might want to provoke Spain and perhaps France into a conflict in order to reunify the country, a suggestion which Lincoln wisely

ignored.<sup>97</sup> The British were quite dependent upon Southern cotton to supply their mills, and other factors supported friendly relationships between Great Britain and the Confederacy. Thus, recognition and intervention on the part of Great Britain was no far-fetched idea.

On the other hand, it was apparent that the British people and government did not want to provoke the United States into war. Nevertheless, as the early lack of Union success on the battlefields opened the possibility of an eventual Confederate victory, Great Britain began to move in the direction of recognition of the South and perhaps further involvement in the war on the Confederate side. Chancellor of the Exchequer William Gladstone made a speech about that time stating that Jefferson Davis and other Southern leaders had not only made an army and a navy, "they have made what is more than either, they have made a nation."<sup>98</sup>

Prime Minister Palmerston had discussed the possibility of recognition of the Confederacy with the Lord Russell at the Foreign Office. Palmerston, aware of the "great conflict" taking place near Washington, counseled caution. He wrote to Russell, "If the Federals sustain a grave defeat, they may be at once ready for mediation, and iron should be struck while it is hot. If, on the other hand, they should have the best of it, we may wait a while and see what may follow."<sup>99</sup> Similarly, during the American Revolution, the French, after secretly aiding the colonies, had waited for an indication that the Americans might be able to win on the battlefield. Having seen that occur at Saratoga in 1777, France recognized American independence and formed a military alliance with the new nation. In 1862 British leaders began to believe that a victory on Union soil might be what they were looking for. But although Lee's intrepid Army of Northern Virginia held its own against the superior Union force, Lee was forced to retreat, and the tactical draw certainly did not equate to a strategic victory. The British hesitated, Lincoln acted, and the moment for recognition quickly passed.

**McClellan Dismissed.** Following the battle President Lincoln visited McClellan at Antietam and listened patiently while the general reviewed the outcome of the fighting. President Lincoln congratulated the Union troops and commiserated with wounded Confederate soldiers. In a private conversation with McClellan, the president apparently chastised his general for failing to move in pursuit of Lee. (He had said to an aide that McClellan had "the slows.") When McClellan did not take Lincoln's suggestion, he was finally relieved of command. He did not again participate in the war, but he ran for president as a Democrat against Lincoln in 1864 and later served as Governor of New Jersey.

**Fredericksburg.** Lincoln turned command of the Army of the Potomac over to General Ambrose Burnside, who had commanded a corps at Antietam. Lee had retreated to the vicinity of Fredericksburg and had taken a position along some elevated ground known as Marye's Heights. The Rappahannock River lay between Lee's troops and the advancing Union Army. Burnside devised an elaborate plan to cross the river with pontoon bridges and attack Lee on the other side. Construction of the bridges was made difficult by Confederate sharpshooters harassing engineers building the bridges. Union artillery, meanwhile, shelled the city of Fredericksburg, leaving damage whose remnants are still visible in some buildings.

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<sup>97</sup> James M. McPherson, *Battle Cry of Freedom*, 270-71. Seward initially doubted Lincoln's competence and assumed that he would be the real power in the administration, taking several brash actions on his own. Quickly recognizing his mistake in judgment, Seward became one of Lincoln's most effective and loyal supporters.

<sup>98</sup> Thomas A. Bailey, *A Diplomatic History of the American People* (8<sup>th</sup> ed, New York: Appleton 1970) 337.

<sup>99</sup> *Ibid.*



On December 13 Burnside's men finally crossed the river and assaulted the Confederate troops, who were protected by a stone wall and a sunken road at the base of Marye's Heights. Although part of Burnside's plan worked fairly well, the slaughter in front of Marye's Heights was one of the worst of the war; Union troops were mowed down and fell on top of dead or wounded comrades. Colonel Joshua Chamberlain, whose eloquent descriptions of his war experiences are unsurpassed, recalled surveying the battlefield during the night following the action. He spoke of the "weird, unearthly, terrible" sounds made by wounded and dying men, who called out in the darkness, "some begging for a drop of water, some calling on God for pity; and some on friendly hands to finish what the enemy had so horribly begun."<sup>100</sup>

The North was shocked by the magnitude of the defeat, and Lincoln was in the depths of despair. He said to an associate, "If there is a worse place than Hell, I am in it."<sup>101</sup> The battered army moved back north to a position west of Fredericksburg. General Burnside would soon be replaced at his own request, and Lincoln's search for a winning general to command the Army of the Potomac continued.

On December 31 Union General William S. Rosecrans and the Army of the Cumberland engaged a Confederate force under General Braxton Bragg, commanding the Army of Tennessee. Rosecrans had pursued Bragg from Kentucky following Bragg's loss at Perryville. Bragg's men began the attack on the morning of December 31, but after some initial gains the Union established a strong defensive line. After a pause on New Year's Day, the two armies again clashed on January 2 and 3. On January 4 Bragg took his army from the field and retreated deeper into Tennessee. In three days of fierce fighting Union artillery had again proved decisive. A relieved President Lincoln sent a congratulatory telegram to General Rosecrans, thanking him for the victory that had lifted the president and the country out of the depressing state that had set in following the disaster at Fredericksburg.

**Summary of 1862.** The Union had made little progress in the East; even with the heavy losses they had suffered, the Federals were no closer to Richmond. Lincoln and much of the North remained in despair—historian James McPherson has called it the "winter of Northern discontent." The picture in the West was substantially brighter for the Union. General Grant had fought well, and Southern commanders seemed unable to prevent the Union armies from moving deeper into Southern territory. Union forces controlled much of the Tennessee and Cumberland Rivers as well as the Ohio as far as Memphis. Benjamin Butler had captured New Orleans in early 1862, and the Union armies in the West were ready to converge on the last great stronghold of Vicksburg.

Confederate forces had fared quite well in the East, turning back McClellan's Peninsular campaign and routing Pope at Manassas. But Lee's invasion of the North was costly; they had suffered heavy losses and did not appear to be exhausting federal resources, despite victories at Fredericksburg and elsewhere.

### **1863: The Year of Decision**

There was little fighting early in 1863 as both sides sought to shore up their forces from the heavy losses of the previous year. Lincoln's Emancipation Proclamation went into effect on

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<sup>100</sup> Henry Steele Commager, ed., *The Blue and the Gray: The Story of the Civil War as Told by Participants* (New York, 1950) 247.

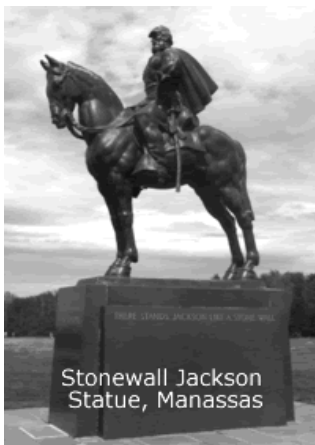
<sup>101</sup> McPherson, *Ordeal by Fire*, 305.

January 1 but had no immediate impact on the progress of the war. Ironically, the Emancipation Proclamation technically freed no slaves at all—only those under control of the Confederacy, although those who were able took advantage of Lincoln's declaration. But the proclamation eventually started a flood of runaways that led to thousands of former slaves joining the Union armies starting in 1863.

On March 3 the Union put into effect the first national Conscription Act. Men between the ages of 20 and 45 were eligible for the draft, but any male who could hire a substitute or pay a \$300 fee could be exempted. That provision angered many in the North, especially working-class people, who now saw the conflict as a "rich man's war and a poor man's fight." The draft would lead to trouble later in the year.

Following the Battle of Fredericksburg Lincoln appointed General Joseph Hooker to command the Army of the Potomac. Hooker, like McClellan, had many good qualities. Some of his innovations, such as distinctive unit patches of the kind soldiers still wear on their sleeves, were created to increase unit cohesion and morale. But Hooker, known as "Fighting Joe," was something of a blowhard. Officers, including Confederates, who had played poker with him in the old days, suspected that Hooker could be bluffed when all the chips were on the table. An excellent corps commander, Hooker proved inadequate to the demands of top command of the Army of the Potomac.

**Chancellorsville.** On May 2-4 the Battle of Chancellorsville turned out to be what is known as Lee's "greatest victory." Lee was in Fredericksburg, and Hooker decided to move against him, but then lost his nerve and retreated across the Rappahannock River. Lee attacked. He had divided his army in the face of his numerically superior opponent, but the speed of Jackson's advance caught Hooker's army by surprise. The Confederates rolled up the Federal flank. General Hooker, stunned by a cannonball that struck near him, became confused and pulled his army back, leaving the field to Lee. While the victory was indeed one of Lee's greatest achievements, it was an extremely costly victory. His most trusted commander, General Stonewall Jackson, was accidentally shot by his own men and died a few days later. Lee, devastated, said, "I have lost my right arm." Historians who have examined the battle place substantial blame for the loss on Hooker while still giving well-deserved credit to Lee. But it may be noted that Chancellorsville was Lee's last victory. Stonewall Jackson could not be replaced.



parts.

With two large and significant victories behind him, Lee once again decided to invade the North through Maryland in hope of bringing the war to a conclusion. Before they set off, however, General Jeb Stuart requested a review to show off the skill and flash of his cavalry. For most of the early part of the war Confederate cavalry had been unquestionably superior to the Union horsemen. But following Stuart's impressive review, the largest cavalry battle of the war was fought at Brandy Station, with a disappointing outcome. On June 9 at 4:30 a.m. Union Major General Alfred Pleasanton attacked Stuart's cavalry. The battle lasted ten hours, and Stuart's cavalry was fought to a draw by Pleasanton's horse soldiers. Stuart was saved from an embarrassing defeat by the actions of Brigadier General W.H.F. "Rooney" Lee. For the remainder of the war, Union cavalry more than held its own against their Confederate counter-

Late in June Lee crossed into Maryland and was nearing the Pennsylvania border. Lee was being tracked by the new commander of the Army of the Potomac, General George Gordon

Meade. Part of Lee's army was heading in the direction of Harrisburg, while the bulk of his forces were west of the little town of Gettysburg. Lee had sent Jeb Stuart out to keep an eye on the Union Army, giving his cavalry commander what might have seemed to be ambiguous orders. Stuart, wishing to redeem himself from his embarrassing performance at Brandy Station, traveled across the Potomac toward Rockville, Maryland. There he harassed Union support units. He seized a number of Union supply wagons, thinking the captured material would be welcomed by General Lee. What his commander needed, however, was not so much extra supplies as knowledge of the Union Army's whereabouts. Union cavalry under the command of General John Buford was, by contrast, keeping a much closer eye on Lee's movements and reporting information back to Union commanders.

## **Gettysburg: The Second Turning Point, July 1-3, 1863**

### **The Battle: Day 1, July 1**

The Battle of Gettysburg occurred more or less by accident. Neither General Lee nor General Meade, who replaced Hooker in command only a few days before the battle, had planned to fight there. General Ewell, now commanding Jackson's corps, was headed toward Harrisburg. But some of Lee's troops commanded by A.P. Hill, always on the lookout for provisions, sent a detachment toward Gettysburg. The town was small, but a dozen roads crisscrossed the landscape, and a railroad was under construction.

Ever since Stuart had departed days earlier, Lee had been without his eyes and ears. Thus Lee did not know exactly where the Federals were. He was unaware that the Union 1<sup>st</sup> Corps under General John Reynolds was approaching Gettysburg from the southeast direction. The Army of the Potomac and the Army of Northern Virginia were about to clash in the largest battle ever fought in America. When a scout reported that the Union army had crossed the Potomac, Lee began concentrating his army.

Union cavalry in the capable hands of General Buford was reconnoitering Southern Pennsylvania in advance of the Union Army, which was making its way along the Baltimore Turnpike. On the morning of July 1 the troopers were passing through Gettysburg when Buford discovered a division of A. P. Hill's Corps under the command of Henry Heth just west of the town. He sent word back to Reynolds of the enemy approach. Buford judged that the high ground around Gettysburg would be good ground on which to fight and decided to take Heth's men under attack. Heavily outnumbered, Buford sent word back to Reynolds, urging him to hurry his corps forward.

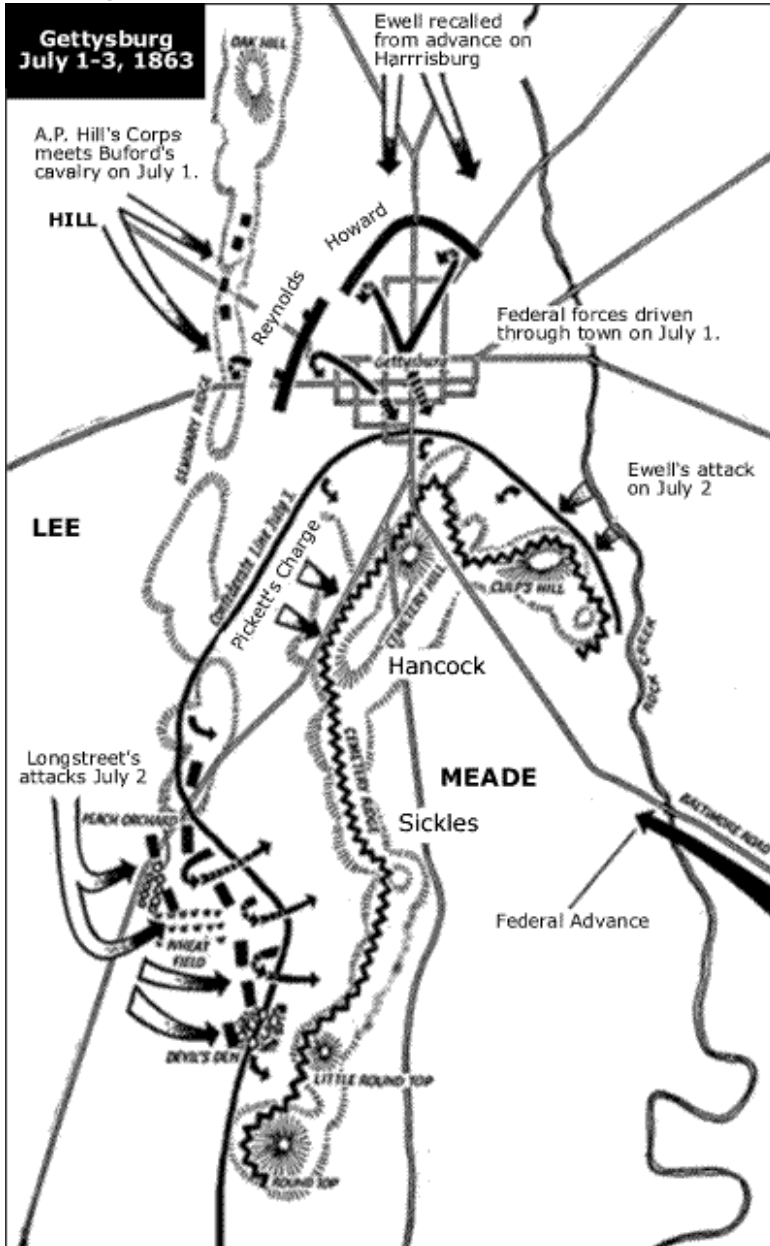
Reynolds's 1<sup>st</sup> Corps and Hill's Corps soon clashed on the northwestern outskirts of the village, while General Ewell was called from his advance towards Harrisburg to join the action at Gettysburg. The arrival of Union General Oliver O. Howard's 11<sup>th</sup> Corps helped to shift the balance toward the Union, which was outnumbered for much of the day. (The Confederate Corps were larger than those of the Union.) The Union men were driven back through the town of Gettysburg and onto some high ground to the south and east of the town—Culp's Hill and Cemetery Ridge. That's where the fighting ended the first day. For the time being Lee appeared to have the upper hand. The battle, however, was far from over.

### **Day 2: July 2**

Neither General Lee nor General Meade had been present when the fighting began on the first day at Gettysburg. Lee was drawn to the action by the sounds of fire from Heth's division and quickly sent officers forward to determine what was going on. Not having contemplated a full engagement while his army was still divided, Lee nevertheless realized the he

was too heavily engaged to break off the action, so he urged his remaining divisions forward. By the end of the day he had established himself on Seminary Ridge, a strip of high ground backed by woods on the southwest side of the town of Gettysburg. General Ewell's Corps, which had joined the action during the first day, was deployed around to the northeast side of Gettysburg facing Culp's Hill. Part of Hill's II Corps was arrayed along the northernmost segment of Seminary Ridge, and that component of Longstreet's Corps which was already on the battlefield was south of Hill's men. (See Map)

General Meade had arrived late in the evening of the first day of fighting and called his officers together in to assess the situation. With parts of his army and supplies advancing along



the Baltimore Pike from the southeast direction, Meade understood that defending his position on Culp's Hill was crucial. By the next morning General Slocum's XII Corps was entrenched on Culp's Hill, with Howard's XI Corps on his left flank and Winfield Scott Hancock's II Corps extending to the South along Cemetery Ridge. On Hancock's left Flank was Daniel Sickles' III Corps.

Having been successful with a double envelopment at Chancellorsville, Lee decided to again attack the flanks of the Union Army. But Gettysburg was a different place, and leadership in the Union army had been shaken up in the month since that last battle. Perhaps more important, Stonewall Jackson was no longer Lee's top lieutenant. Lee's instructions to General Ewell were to take Culp's Hill "if practicable," the sort of command Jackson would have taken as leaving no room for doubt. Ewell threatened the Culp's Hill position, coming within yards of the Union supply train, but he never broke through.

On the south end of the battlefield, General Longstreet was directed to advance on the left flank of the Union line on the

southern portion of Cemetery Ridge. A crucial piece of ground, Little Round Top, was unoccupied for most of the day, but Longstreet felt that a move around to the rear of the Union line behind Round Top and Little Round Top would be more effective. The details of the fighting on the second day are readily available from multiple sources. Suffice it to say that

neither Ewell nor Longstreet accomplished what General Lee had in mind. Most critical for the outcome of the battle, a Union officer had discovered that the high ground on Little Round Top was uncovered, and quickly dispatched Union troops to protect it. The famous 20<sup>th</sup> Maine regiment under Colonel Joshua Chamberlain held off attacks from three Alabama regiments. At the end of the day the Union line stretched from Culp's hill to Little Round Top, with its seven corps arrayed in the famous fishhook formation. The three Corps of Lee's army were arrayed from the northwest facing Culp's Hill to the south along Seminary Ridge facing the Union line across a mile or so of open ground.

### **The Third Day: July 3**

The third day of Gettysburg was the turning point of the war in the East. Jeb Stuart had arrived late in the evening of the second day, pleased to report that he had captured a train of Union supplies. General Lee was not impressed: Union supplies were of little use to him at that point. Because the inevitable confrontation between Lee and Stuart took place in private, it is not known exactly what was said. What is known is that Lee, despite the feelings of some of his generals that Stuart should be court-martialed, knew that his bold cavalry commander was too valuable to lose.

Perhaps realizing that so far he had committed much and gained little in this campaign, and that Confederate forces were beginning to run out of resources, Lee decided to gamble on one great, bold stroke. He would attack directly into the center of the Union line, using George Pickett's fresh division supported by a division from Ewell's corps. General Meade, a thoughtful if not in brilliant general, concluded that Lee, having tried the flanks unsuccessfully, would attack the center. With Winfield Scott Hancock's II Corps in the center of the Union line, Meade was confident.



Lee Statue, Gettysburg

Shortly after noon on July 3<sup>rd</sup> General Lee's artillery opened up a furious barrage designed to weaken the Union defenses along Cemetery Ridge. Thus began the greatest artillery duel ever conducted in the Western Hemisphere. It is reported that as the wind shifted during the afternoon, the rumbling of the cannon could be heard as far away as both Pittsburgh and Philadelphia. Whether that is true or not, the smoke, fire and noise that erupted were never forgotten by the troops who were present that day. Because of the smoke raised, it was difficult for the gunners to determine the effectiveness of their artillery fire upon the enemy. Thus Lee's artillerymen were unaware that much of their shot was passing over the Union lines and landing in the rear, where it did considerable damage to supplies and other rear echelon elements, but had little impact on the troops who were preparing to defend against the assault. Union artillery, meanwhile, ceased firing to replace round shot with canister, turning their artillery pieces into what might be called overgrown shotguns in anticipation of the infantry charge.

When the smoke finally cleared General Pickett's division, some 15,000 strong, marched out of the woods to the music of regimental bands, with bayonets glistening, and arrayed themselves in an impressive line stretching along the front edge of Seminary Ridge. Union troops on Cemetery Hill were awed by the spectacle, but they were determined to redeem their losses at Fredericksburg and Chancellorsville. The men of the Army of the Potomac were not

intimidated. Union artillery, stocked with canister, moved their guns into position to fire directly into the advancing troops.

The objective of Pickett's men was a copse of trees, still very prominent on the Gettysburg battlefield to this day. As his troops began to march, converging on that objective, they passed through a relatively low area, across a road and a wooden fence and then advanced up the slope toward the Union lines. When they were within range, Union riflemen and artillery let loose a furious volley of shot that tore great holes in the Confederate line. Nevertheless, the courageous Southern soldiers pressed forward until a small group of them, perhaps a few hundred, reached a stone wall at the front of the Union line. Scrambling over the wall, they engaged the Yankees hand-to-hand, using rifle butts, bayonets, fists—anything that might bring an enemy down—in a few minutes of furious combat. But the damage had been too great, and the Confederate soldiers inside the Union lines who were not killed or wounded were soon captured. The remnants of Pickett's division stumbled back toward Seminary Ridge. It is reported that General Lee rode out on his horse and confronted General Pickett, feeling that his division commander should try to organize an orderly retreat. "General Pickett," he is supposed to have said, "you must see to your division." The shattered General Pickett replied, "General Lee, I have no division."

Thus ended three days of fighting that produced over 50,000 casualties on both sides. There was no fighting on July 4; both sides needed to recover. Lee began a painful evacuation back to Virginia with wagon trains of wounded soldiers moaning in their pain. President Lincoln, feeling that another opportunity had been lost to crush Lee's army once and for all, wrote an angry note to General Meade deploring his failure to pursue Lee. Rather than sending the note, however, the president held it and later concluded, "How can I criticize a man who has done so much for doing too little?"

There was no more major fighting in eastern sector in 1863. The destiny of the South was still being played out in Tennessee.

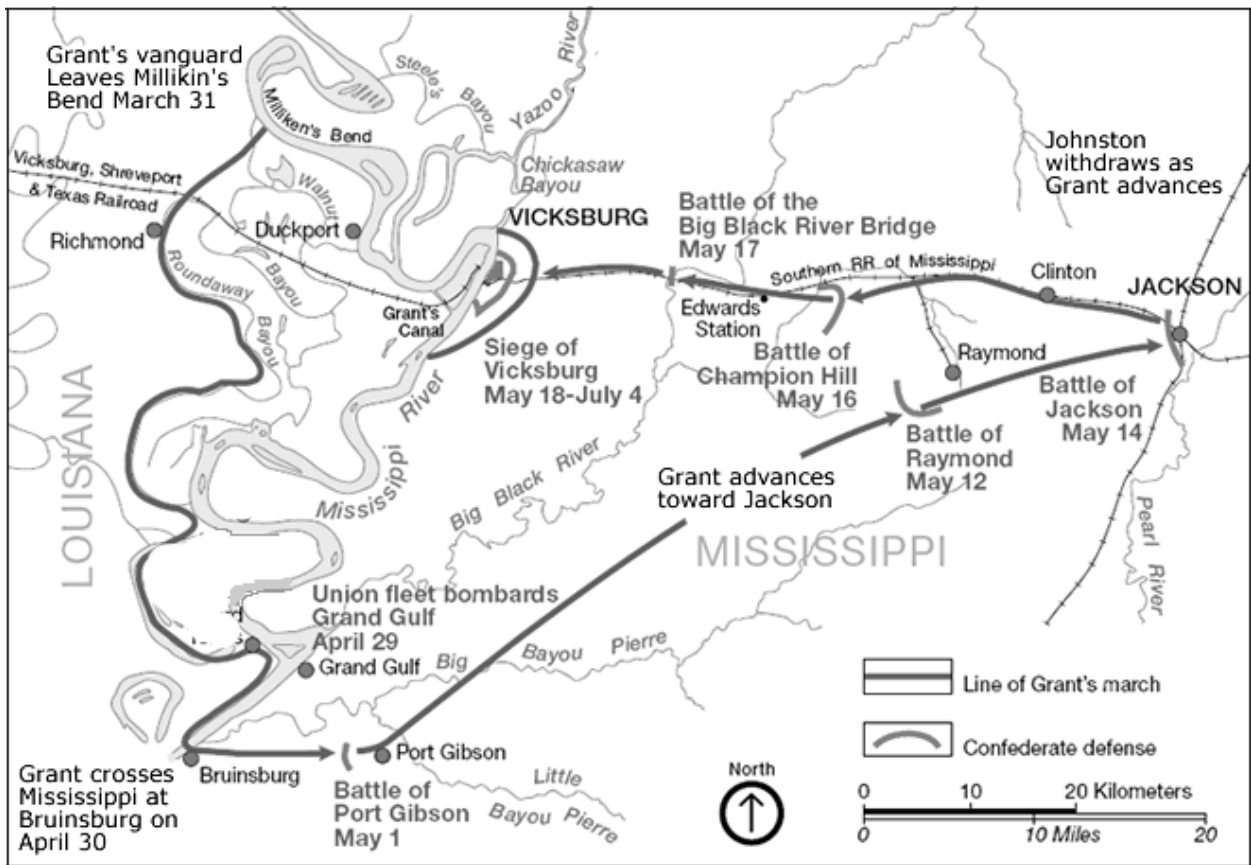
### **Vicksburg: The Decisive Turning Point**

The City of Vicksburg occupies a steep bluff overlooking the Mississippi River. In 1863 the city was well fortified by state-of-the-art fortifications and heavy cannon. Sometimes known as fortress Vicksburg, the city stood across the Mississippi from the terminus of a railroad line that brought Texas beef and other supplies as well as military equipment smuggled into Texas from Mexico. Mexican ports were not affected by the American blockade. Another railroad line left Vicksburg and stretched through Jackson, Mississippi, and back to the Eastern theater. The Vicksburg fortifications kept the Mississippi essentially closed to Union traffic north and south of the city.

The Vicksburg garrison numbered about 35,000 men under the command of Confederate General John C. Pemberton, a Pennsylvanian who was married to a woman from Virginia. To the north of the city stood Chickasaw bluffs, a steep, wooded approach that could be accessed only by going through the messy Chickasaw Bayou. To the south were more steep cliffs, also well protected. Approaching the city from the river side would have been well nigh impossible.

Starting in the fall of 1862, Grant began trying various strategies to capture Vicksburg. From his base in Memphis Grant set out to approach Vicksburg by an inland route through a supply base which he established at Holly Springs in northern Mississippi. But cavalry raids by Nathan Bedford Forrest and Earl Van Dorn repeatedly disrupted Grant's supply lines, and he was forced to withdraw. Grant then tried sending gunboats and transports through the

swamps and bayous on both sides of the Mississippi, but often found the waterways thick with overhanging branches and channeled through swampy ground. Progress was slow, and Confederate sharpshooters could easily harass attempts to cut a path through the natural barriers. In early 1863 Grant even had General Sherman's men try to reroute the Mississippi River though "Grant's canal," a ditch across a neck of land in a bend in the Mississippi opposite Vicksburg. None of those approaches worked, and Grant knew he had to find a way to get at the fortress city from the eastern land side.



The result of Grant's planning was what Civil War historians have accurately called the most brilliant campaign of the Civil War. Grant had Flag Officer Foote float his gunboats and transports down the Mississippi without power during a dark night; most of them made it.



General U.S. Grant

Then Grant marched his entire army South along the west bank of the Mississippi past Vicksburg, crossed the river at Bruinsburg, and set out for Jackson, about 40 miles to the east. Grant commandeered all the wagons he could find and took his supplies with him, cutting off communication with the river (and with Washington) as he headed northeast.

In the meantime Grant had directed Colonel Benjamin Grierson to take a cavalry force from Holly Springs through the area around Jackson and down to Baton Rouge. Grierson led three regiments of cavalry, about 1,700 troops, 600 miles in a little over two weeks. They tore up railroad tracks, cut

telegraph wires, destroyed bridges, warehouses and railroad equipment and generally raised hell, occasionally making feints to distract Confederate pursuers. (A few of the more adventurous of Grierson's men also "liberated" a quantity of Southern whiskey while en route; some of them had to be tied onto their saddles.)

Grant fought his way to Jackson, rolling over outnumbered defenders, as Pemberton could not send the entire Vicksburg garrison in pursuit of Grant. Securing his rear at Jackson, Grant then turned toward Vicksburg's defenders, who had come out to meet him. After winning a battle at Champion's Hill, he drove the Confederates relentlessly back into the city. His attempts to storm the garrison, however, failed, and Grant settled into a siege which lasted 45 days. When Pemberton found his men, as well as the inhabitants of the city, desperately short of supplies and under constant bombardment from Grant's artillery, he had no choice but to surrender. Pemberton turned over the city and its garrison on July 4, 1863, one day after Lee's troops were turned back in Pickett's charge at Gettysburg.

President Lincoln, who had grown up in the Mississippi Valley and understood the significance of the capture of Vicksburg, sent a telegram of congratulations to Grant. He is said to have remarked, "Once again the father of waters flows unvexed to the sea." The double blow of Gettysburg and Vicksburg crippled the South and set the stage for the final phase of the war.

**The New York City Draft Riots.** Despite the victories at Vicksburg and Gettysburg President Lincoln could not rest easy throughout the summer and fall of 1863. The combination of the Emancipation Proclamation and the draft system, which placed the burden of the continued fighting mostly on working-class men, led to discontent, especially among the Irish working-class people in New York City. Fearing that liberated slaves might threaten their economic well-being, and disgruntled over the implications of the draft, workers fomented a riot in New York City to show their discontent with the war and emancipation.

Rampaging through black neighborhoods they set fires and beat or terrorized African-Americans. Eleven men were murdered by lynch mobs, and the riots were only quelled when federal troops were sent from Pennsylvania to the city. Although the naval bombardment depicted in the recent film *Gangs of New York* did not occur, federal troops used artillery against the rioters, who numbered in the thousands.

**The Copperheads.** Lincoln's problems did not end with the suppression of the New York race riot. Political opposition to Lincoln's wartime policies was headed by a group of disgruntled Democrats, called Copperheads by their Republican opponents. Although members of the movement did not have a unified agenda, they were opposed to the war, and many of them thought it was being fought to free the slaves and destroy the South. Some of the same motives that propelled the New York rioters were present among the Copperheads, who were politically very active. Lincoln did not hesitate to deal forcefully with dissenters whom he felt were hurting the Union cause. He suspended *habeas corpus* and had thousands of dissenters jailed under martial law. He placed saving the Union above scrupulous adherence to constitutionally guaranteed liberties, an act for which he has been criticized.

The most famous copperhead was Clement L. Vallandigham, an Ohio politician who made speeches openly critical of Lincoln and his policies. Accused of disloyalty in time of war, Vallandigham was court-martialed, convicted and eventually given free passage through Confederate lines to Canada, whence he ran for governor of Ohio. He was defeated in a pro-war landslide, but his Democratic supporters managed to get a Copperhead platform accepted during the 1864 presidential election. General George B. McClellan, the Democratic nominee for president, did not accept the Copperhead agenda and was pro-war, though



Lincoln feared the ultimate result if McClellan were elected, as the Copperhead movement was a serious threat to the Union cause.

**Chickamauga.** In September 1863 the battleground shifted to southeast Tennessee and northwestern Georgia. General Longstreet, whose Corps had been detached from Lee's army, joined forces with General Bragg and attacked Union forces south of Chattanooga along Chickamauga Creek. The Union Army was spared a disastrous defeat by the bravery of General George H. Thomas and his brigade, who stood their ground long enough to allow the Union Army to make an orderly retreat into Chattanooga. For his performance Thomas became known as the "Rock of Chickamauga," and his brave soldiers the Chickamauga brigade.<sup>102</sup>

Since the Federal troops in Chattanooga suffered from supply shortages and poor morale, General Grant was directed to proceed to Chattanooga to take charge. Grant arrived inauspiciously, purchased a horse from a local stable, and rode out to the Union headquarters. Calling the commanders together, he asked each to outline for him the disposition and condition of his troops. He sat listening quietly and when he had heard enough, he began writing out orders for each commander on a notepad. Distributing the written instructions, he told his officers that they had their orders and sent them on their way. Within two days supply lines had been opened and troop morale began to return.

**Chattanooga.** In November 1863 the last major battle of that decisive year was fought at Chattanooga. Grant's corps commanders, Generals Hooker, Sherman and Thomas, engaged Bragg's troops while Longstreet was carrying out a siege of Knoxville. Once again a corps commander, General Hooker took his men to the heights of Lookout Mountain which overlooks the city of Chattanooga and the Tennessee Valley. In an action that became known as the "battle above the clouds," Hooker drove the Confederates off the mountain. He then raised the national flag at the summit, encouraging the troops below.<sup>103</sup>

Although Grant had ordered that there be no frontal assaults against well-defended Confederate positions, troops under Sherman and Thomas approaching Confederate defenses along Missionary Ridge took it upon themselves to assault the Confederate lines, feeling that they were vulnerable in the position they held at the base of the ridge. The assault was successful, and the battle resulted in Chattanooga, the "gateway to the South," being fully in Union hands. One of the two major Confederate armies still in operation had been routed.

**Summary of 1863.** The three great Union victories at Gettysburg, Vicksburg, and Chattanooga shifted the tide dramatically in favor of the Union, but the South was not yet defeated nor ready to surrender; soldiers on both sides prepared for another year of warfare. President Lincoln weathered political storms but was concerned about his reelection if the war did not become settled by the fall. Most important, Lincoln now knew he had a general who could fight, and he would soon appoint Grant to overall command of the Union armies. While Confederate General Lee still commanded great respect, dissension was rising among other top Confederate commanders.

## 1864

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<sup>102</sup> A statue of General Thomas is located on the circle bearing his name in Northwest Washington, DC.

<sup>103</sup> The cable car that takes visitors to the top of Lookout Mountain is the steepest in the world. The view from the summit is spectacular, especially when clouds lie in the valley and only the mountaintops are visible.

As the third full year of fighting dawned, questions abounded. Grant had captured two Confederate armies numbering over 40,000 men. Lee's Army of Northern Virginia had suffered huge casualties, not only at Antietam and Gettysburg but also in their victorious engagements. If the outcome of the Civil War was inevitable, one might ask, how was the South able to carry on in the face of such losses? At the same time one might ask how the men of the Union, and their women at home, remained willing to accept such sacrifice in the face of an enemy that seemed determined to continue the slaughter at all costs.

In his classic history of the Army of the Potomac, historian Bruce Catton, discussing the reasons why thousands of veterans whose three-year enlistments had expired in the early 1864 were willing to sign up for further service wrote that, "the dominant motive, finally, seems to have been a simple desire to see the job through."<sup>104</sup> The same sort of motivation drove Confederates to continue the struggle in the face of difficult odds. Both sides had invested an enormous amount of blood and treasure in the conflict, and it was difficult to cast aside such a costly investment and give up the fight. So the fight went on.

President Lincoln, finally realizing that he had found a general who could finish what others had started, brought Grant east to take command of all the Union armies. Lincoln awarded him the rank of lieutenant general, the first officer since George Washington to have been given that honor. Although Grant was warmly received in Washington, he did not take well to the political environment of the city and quickly made his way to the Army of the Potomac headquarters where he conferred with General Meade, who officially remained the Army's commanding general. Grant went back to Washington for conferences, but when he returned two weeks later, the Army of the Potomac was for all practical purposes now Grant's army. Waiting to take the measure of their new opponent were Robert E. Lee and the Army of Northern Virginia. The war was about to enter its final stage.

As commander of all Union forces, Grant was now able to devise a strategy that would take advantage of the North's superior numbers and the South's dwindling resources. General William T. Sherman had taken over command of the Army of the Tennessee and was prepared to move into Georgia. Grant's strategy was to have his Army of the Potomac capture Richmond while Sherman captured Atlanta, then the two armies would execute a pincer movement on Lee's army in Virginia. Grant assigned additional missions to other officers, Generals Butler and Sigel, but the focus of the final year of fighting was on Grant and Sherman.

### **Sherman's Campaign in Georgia and the Carolinas, 1864-1865**

On May 7, 1864, Sherman set out from Chattanooga with armies commanded by Generals Thomas, Schofield, and McPherson. Remembered for his famous march through Georgia, Sherman's reputation suggests that he was cold-blooded and ruthless. In fact Sherman was a very skillful commander who did not spill blood, neither his or the enemy's, carelessly. In his movement from Chattanooga to Atlanta, Sherman avoided direct attacks on heavily defended positions and instead used flanking movements to advance in a less costly manner. Sherman surrounded the city of Atlanta and accepted its surrender on September 2. He ordered the city evacuated, and in a famous letter to the mayor and city council, he gave his reasons why he would not honor their request to rescind the order. Realizing that his demand for evacuation of the citizens was harsh, he nevertheless promised to "make their

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<sup>104</sup> Bruce Catton, *A Stillness at Appomattox* (New York: Doubleday, 1954) 35. Volume 3 of Catton's history of the Army of the Potomac. See also *Mr. Lincoln's Army* and *Glory Road*. Catton's *This Hallowed Ground* (New York: Doubleday, 1956) covers the entire war from the Union side.

exodus in any direction as easy and comfortable as possible." His response is regarded as a clear definition of what modern total warfare had become. He was sympathetic but blunt in his purpose: "You cannot qualify war in harsher terms than I will. War is cruelty, and you cannot refine it; and those who brought war into our country deserve all the curses and maledictions a people can pour out." (See full letter in Appendix.)



General William T. Sherman

Sherman spent two months in Atlanta preparing for his "March to the Sea." Keeping his promise to make Georgia howl, Sherman's men cut a path across Georgia destroying everything of possible military value and much that was probably not. Although Sherman cautioned his men against unnecessary violence to civilians, the march was nonetheless harsh and brutal. Arriving outside Savannah shortly before Christmas, Sherman allowed a weak defending force to escape rather than fight what would surely be a losing battle.

Sherman and his staff moved into the city, but the Army bivouacked outside and Savannah was left for the most part untouched. Several weeks later Sherman's army crossed the Savannah River into the state which his men knew had been the source of all the rumpus, the first-to-secede state of South Carolina. Sherman's march through Carolina was more fierce and brutal than his march through Georgia, but by that time Lee was in serious trouble in Virginia and was

unable to help. Sherman captured the capital of Columbia in February 1865 and proceeded northward, planning to link up with Grant.

**The Election of 1864.** President Lincoln may have had reason to worry about being re-elected, though his concern was less for his own political future than for the outcome of the war. He feared that if the Democrats won with their candidate, General McClellan, the Confederacy might be allowed to go its way with the Union permanently severed. All the sacrifices made to that point would then have been for naught. Lincoln rejected suggestions that the election ought to be postponed or canceled on the grounds that he was fighting to save a democratic society. Denying people the vote would controvert the purpose for which he was fighting.

Lincoln did, however, decide not to run as a Republican but rather on a National Union Party ticket. (The Republican Party changed its name for the election.) He replaced Vice President Hannibal Hamlin with Andrew Johnson of Tennessee, a Southern Democratic senator who had remained loyal to the Union. Lincoln instructed that all soldiers who could be spared should be allowed to return home to cast their votes. Some states allowed their soldiers to cast their votes in the field. Those who were able to do so voted overwhelmingly for the president over the general who had formerly commanded many of them. The same sentiment that had propelled many soldiers to extend their service also worked for Lincoln—his fighting men wanted it to see the job done.

As late as August, 1864, the election may well have been in doubt, for Grant's Virginia campaign was proving to be extremely costly. But Sherman's capture of Atlanta, a major Southern city, in September gave renewed hope for a successful conclusion to the conflict to the northern people, and they reelected Lincoln by a comfortable margin. He won 55% of the popular vote and captured the electoral college by 212 to 21.

### **From the Wilderness to Appomattox Court House**

About the time that Sherman was beginning his march into Georgia, Grant attacked Lee west of Fredericksburg in the Battle of the Wilderness. The thick foliage caused confusion, and soldiers had difficulty distinguishing friend from enemy in the smoking undergrowth. After a few days of indecisive but bloody combat, the veteran Union troops expected to return to bivouac once again and wait for the next assault. But Grant had other plans; he wired back to Washington that he intended "to fight it out on this line if it takes all summer." Grant's army engaged Lee in a series of frustrating and costly flanking movements that took the two armies from the Wilderness to Cold Harbor, a position east of Richmond. Grant's army suffered 60,000 casualties in one month, earning him the epithet of "butcher." But Grant knew that he could eventually win the series of battles by grinding down Lee's depleted forces with his own superior numbers and resources.

Grant directed to some of his subordinate commanders to advance on Petersburg, hoping to take the city and prevent Lee from using it as a base. The Federals failed to take Petersburg, however, in four days of fighting, and a nine month siege began. Lee's army was now bottled up in Richmond and Petersburg, and Union attempts to breach the Confederate lines failed. The conclusion would have to wait for the spring of 1865.

**Last-Ditch Diplomacy.** There can be little doubt that the initial cause of secession was slavery and that to a certain extent the war was being fought on that account. Yet, the three years of bitter fighting had shifted Southern sentiments, and the goal of the Confederacy by late 1864 was getting out of the Union at any cost. It was conceivable to many that gaining independence might even require abandoning the institution of slavery. Although the idea of emancipating or arming the slaves alarmed many in the South, a number of officers and politicians thought the idea worthy of consideration.

In December 1864 Confederate Secretary of State Judah P. Benjamin and President Jefferson Davis authorized a mission to Great Britain and France with a proposition to offer abolition of slavery in return for recognition of Southern independence and assistance. Although the mission was unsuccessful, the potential value of freeing slaves to fight was powerful. In February 1865, the Confederate House of Representatives authorized President Davis to enlist black soldiers from the Southern states. Although Southern newspapers and politicians acknowledged that slavery had been a cause of the war, many argued that it was time to give it up in order to achieve independence. The movement came too late; by that time the Confederacy was lost.

In November and December 1864 Confederate armies under the command of General Hood moved into Tennessee in one last desperate offensive assault. The first action took place at Franklin, some 15 miles south of Nashville. The federals were forced to retreat, but Hood had suffered large heavy casualties. On December 15 and 16 General Thomas attacked the advancing Confederates and drove Hood's men out of Tennessee all the way to Mississippi. The last Confederate offensive action of the war ended in a crushing defeat.

On March 4, 1865, Abraham Lincoln was sworn in for his second term as president and gave a brief inaugural address. Considered by many his finest address, it is inscribed on one wall of the Lincoln Memorial in Washington. Acknowledging that slavery was the cause of the war, he said:

If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South, this terrible war, as the woe due to those by whom the

offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope fervently do we pray that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be stink, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

He ended on a conciliatory note, urging for the entire nation to bind up its wounds "With malice toward none; with charity, for all" to ensure a "just, and a lasting peace, among ourselves, and with all nations." (See entire address in Appendix.)

**The Final Campaign.** During the course of the winter, Grant's Union army had been fighting their way around to the western side of Petersburg in order to cut off the last roads and the last railroad into the city. Although Sherman was rapidly approaching Lee's rear, Grant was determined to finish the business himself. He sent cavalry under Philip Sheridan and the V Corps of the Army of the Potomac around to the west of Petersburg to attack Lee's right. Lee's depleted Army could not stave off the Yankee assault as Grant ordered an advance all along the line.

On a Sunday morning in April, while at St. Paul's Church in Richmond for services, President Davis received a telegram from General Lee indicating that the city must be abandoned. The Confederate government packed records and the treasury's remaining gold on the last trains and headed out of the city. They set fire to everything of military value in Richmond, and with the departure of the army and the government, frustrated Southerners joined in the destruction of their capital. Union soldiers entered the city the next morning and their first business was to put out the fires and restore order.

As Lee was attempting to escape to the West, President Lincoln visited Richmond, where he was surrounded by blacks shouting "Glory to God!" and "God bless Father Abraham!" Lincoln was overcome with emotion as he told one black man kneeling in front of him to get up again, that he did not have to kneel before anybody except God.

Lee's desperate attempt to escape Grant's army was doomed to failure. Now outnumbered by the Union army by about four to one, Lee's famished men tried to reach a supply train near Danville, but they were cut off by Sheridan's cavalry and the Union's V Corps, whose 1<sup>st</sup> Brigade was commanded by Brigadier General Joshua Chamberlain. Two more corps were closing in on Lee. He reluctantly concluded that the only course left of him was to request a meeting with General Grant. On April 9 Lee formally surrendered the Army of Northern Virginia at Appomattox Courthouse. For all practical purposes, the Civil War was over.<sup>105</sup>

## **President Lincoln Assassinated**

Feeling that his four-year nightmare had come to an end, President Lincoln was able to relax for the first time since his inauguration. On April 14 he and his wife attended a play at

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<sup>105</sup> For a moving account of the last days of the war and the surrender of Lee's army, see Joshua L. Chamberlain, *The Passing of Armies: An Account of The Final Campaign of the Army of the Potomac* (New York: Bantam, 1992) Major General Chamberlain accepted the surrender on behalf of General Grant. Chamberlain had been badly wounded at Cold Harbor, and his death was erroneously reported in Maine newspapers.

Ford's Theatre in Washington. John Wilkes Booth, an actor who was familiar to the staff of the theater, made his way to the president's box and shot him in the back of the head. Mortally wounded, Lincoln died the next morning, which was Good Friday. While many in the South were cheered by the death of the man they considered to be a tyrant, the North mourned its fallen leader. Thousands lined the tracks as Lincoln's funeral train made its way back to Springfield, Illinois. As even some Southerners recognized, Abraham Lincoln would certainly have presided over a generous Reconstruction era, but that was not to be. Winston Churchill wrote in his *History of the English Speaking Peoples*, "The assassin's bullet had wrought more evil to the United States than all the Confederate cannonade." He added:

Thus ended the great American Civil War, which must upon the whole be considered the noblest and least avoidable of all the great mass-conflicts of which till then there was record.<sup>106</sup>

Within a few weeks of Lee's surrender the remaining Confederate military units surrendered. President Jefferson Davis was captured in Georgia by a Union cavalry force that had traveled at will through the South. There were no settlements or negotiations; the Union had never recognized the independence of the Confederacy, so there was no need for any sort of treaty. The only issue was how to restore the former Confederate States of America to their proper place within the United States.

The impact of the terrible war on both the North and South was barely calculable. The fighting had produced approximately one million casualties, including over 600,000 deaths from all causes. The impact on the Southern economy had been devastating; shortages produced by the blockade and the printing of paper currency had led to drastic inflation in the Confederacy. The South also faced a badly deteriorating railroad network and shortages in labor, capital, and technology. Millions of dollars of value in property, including that of slaves, had simply evaporated; the economic recovery of the South would be a struggle for both the black and white population for decades to come.

**Women in the Civil War.** As was true in the American Revolution, women on both sides assumed responsibilities that had once been the province of their departed husbands, fathers, sons and brothers. They managed farms, plantations and businesses, and in the North women took jobs in industry and government. Women were especially valuable in areas such as textiles and shoemaking, helping to provide millions of articles needed by the soldiers. Many northern women enlisted in the Army Medical Corps, and the profession of nursing was advanced markedly through the efforts of women such as Clara Barton and Dorothea Dix. Florence Nightingale had become the British "angel of the battlefield" during the Crimean War, and her example spurred American nurses to carry their skills into areas formerly the sole province of men.

As has been true in other American wars, women were expected to do their part in keeping up the morale of the troops on the front line. Thousands of letters written from soldiers to their families, both North and South, as well as the families' responses, have been collected and published. Historian James McPherson and others have done extensive research in collections of letters in order to better understand issues surrounding the war. Although difficult to measure, the impact of attitudes of the people at home certainly affected behavior on the battlefield. In the South, especially in the last year of the war, frustrations raised in places where Yankee armies had stormed through the country more or less unopposed were

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<sup>106</sup> Winston S. Churchill, *History of the English Speaking Peoples: The Great Democracies* (New York: Dodd, Mead, 1966) 263.

transmitted to soldiers directly; lonely and frightened women sometimes encouraged their husbands to desert and come home and take care of them.

An unknown number of women also fought in the Civil War on both sides. Since they had to disguise themselves and keep their sexual identity secret, records of female participation on the battlefield are virtually nonexistent. What information we have is mostly anecdotal, but it is nevertheless interesting. A woman who served with Grant at Vicksburg has become something of an icon for feminist historians. She fought as Private Albert D.J. Cashier, but had been born Jennie Hodges in Ireland. Wanted to keep her secret, she lived out the rest of her life as a man, and her true identity was discovered only when she was near death in an old soldiers' home in Illinois.

Many women kept journals and diaries during the war, and those writings and the letters they wrote to soldiers and to friends tell us much about conditions in the North and South during the war. The last line of John Milton's poem "On His Blindness," is often cited to underscore roles of women in wartime: "They also serve who only stand and wait." Yet in the Civil War, as in virtually all of America's, many women did far more than stand and wait.

**Financing the War.** Generally speaking, the North handled wartime finances reasonably well, despite much corruption and waste. The Federal government raised taxes, sold bonds and printed "greenbacks"—paper money not backed by gold or silver that was supported by a "legal tender" act, meaning that the government paper currency had to be accepted for all debts public and private. The new taxes included the first federal income tax, higher tariffs, and taxes on almost every known commodity. The North did suffer a modest inflation during the course of the war, and widespread fraud occurred in the procurement of equipment, supplies and food for Union armies, a phenomenon that seems to recur in wartime with regularity. Yet, except for a brief period of financial panic before Congress took action in 1861 and 1862, the federal economy remained remarkably stable.

In the South, because financial resources were depleted more rapidly than in the North, Confederate paper currency soon became devalued, and rampant inflation a hundred fold greater than in the North ruined the Southern economy and hampered the war effort. The South managed to procure much in the way of vital supplies through blockade runners, though owners of those ships often tried to maximize profits by smuggling in luxury items such as perfume along with gunpowder and rifles. At the end of the war, when Confederate money and bonds were invalidated, millions of dollars of paper wealth evaporated.

**Wartime Politics.** The Copperhead movement in the North, mentioned above, threatened Lincoln's management of the war and weakened the armies by encouraging men to desert. But the absence of a strong Democratic Party in Congress gave the Republicans an opportunity to pass legislation that might otherwise have stalled. The result was one of the most prolific periods of legislation in American history; the Republican pro-growth, pro-business Congress paved the way for postwar capitalist expansion.

Two laws passed in 1862 would have an enormous impact when the war ended by encouraging development of the West. The Homestead Act of May 1862 granted any family head over 21 years of age 160 acres of public land, the major requirement being that the owner would have to live on the land for five years and develop it. Additional land could be obtained at very low prices. In order to improve transportation in those vast unsettled areas, Congress passed a series of Pacific Railway acts beginning in 1862. The acts provided for huge land grants along proposed rights of way and loans for railroads which could be repaid at a comfortable interest rate. In the end, railroad companies received over 200 million

acres of land from both federal and state land grants, enabling construction of the first transcontinental railroad to continue.

Another 1862 act, the Morrill Act, provided thousands of acres of land to the states for construction of colleges and universities for the furtherance of the agricultural and mechanical arts. At the same time Congress created the Department of Agriculture. The result of the Morrill act was the creation of many first-class universities across the nation, including some whose names, such as Texas A&M, reflected the purpose of the act. The impact of this significant legislation would, of course, not be realized until the fighting had ended, but the impact of these laws would carry well into the 20th century.

Jefferson Davis also faced political strife, but it played out differently for him than for Abraham Lincoln. With a vigorous two-party system still alive in the North, Lincoln was able to take criticism of his government and policies by his political opponents as traditional responses of the "loyal opposition" even when that opposition was not necessarily loyal. With the Southern one-party system, however, Davis tended to take criticism personally. He was less skillful in absorbing the barbs than Lincoln, whose patience sometimes tried even his most loyal supporters. Davis was further hampered by the states rights philosophy of the South, which occasionally produced a sort of knee-jerk reaction to Confederate federal policies.

**Wartime Diplomacy.** For some historians, it is virtually a given that if Great Britain or France had recognized Confederate independence and entered the war, Southern victory would have been assured. Lincoln was well aware of that fact when he apologized to the British over the *Trent* affair, recognizing that British involvement could only bode ill for the Union. Two factors worked in Lincoln's favor regarding British involvement. Alternative sources of cotton in Egypt and India made British reliance on Southern cotton for her textiles factories less urgent. And British working class objection to Southern slavery gave pause to the government, especially following the Emancipation Proclamation, when British support for the South would seem to some like support for slavery.

The service of the U.S. Ambassador to Great Britain, Charles Francis Adams (son of John Quincy), cannot be overlooked. His skillful diplomacy kept his government well informed of possible British actions, and effectively neutralized potential conflicts that might have changed the British position vis-à-vis recognition of the South. The tension between the Lincoln government and the British came to a head in the summer of 1863 over the Laird Rams controversy.

James Bulloch was a Confederate agent and an experienced naval officer who made his way to Great Britain in 1861 and began to contract for the building of warships for use by the Confederacy. Two of those, the C.S.S. *Alabama* and C.S.S. *Florida*, became famous commerce raiders and did substantial damage to Union merchant shipping. When Bulloch negotiated with the Laird shipbuilding company for construction of a number of ironclad rams designed to break up the Union blockade fleet, Adams lodged repeated protests with the British foreign office. In one note he suggested to the British foreign secretary Russell, "It would be superfluous in me to point out to your Lordship that this is war." The British government had already decided to back down, but the successful outcome of the confrontation nevertheless made Adams a hero. (*Incidentally, James Bulloch's sister, Martha (Mittie) Bulloch was Theodore Roosevelt's mother.*)

Despite some initial blundering, as when he suggested to President Lincoln that the United States might restore the Union by starting a foreign war (a suggestion which the wiser president simply ignored), William Seward proved to be an effective Secretary of State. When



When the government of Napoleon III began an imperial adventure in Mexico, the United States government refused to recognize his authority and sent troops to the Mexican border as a warning. Napoleon's folly was soon undone as his appointed emperor of Mexico, Archduke Maximilian, was quickly deposed.

In the end, the hope for recognition of Southern independence which might mirror French recognition of American independence in 1778 never came to be. Just as it can be claimed that had the French not intervened, the outcome of the American Revolution would likely have been very different. Thus it may be asserted that any such recognition on behalf of the Confederacy certainly might have changed the outcome of the Civil War. In that regard, the value of the service of Ambassador Adams cannot be overstated.

**The Legacy of the War.** The American Civil War, or war between the states, remains at the center of American history. The loss of over 600,000 lives and the destruction of untold millions of dollars in property was felt for generations. While the end of slavery was the most visible change on the face of America, numerous other transformations made the United States a very different nation in 1865 from what she had been in 1860.

On the negative side, the bitterness and hatred that would last for generations was an unsurprising outcome of the terrible conflict. In the North, smoldering resentment over the concept of the rich man's war and the poor man's fight would erupt in what became known as the war between capital and labor in the decades before 1900. Workingmen would prove to be just as willing to shoot a company hired guard or strike-breaker as they had been to shoot a rebel or a Yankee. Labor violence would continue well into the 20th century.

In the South, where the bitterness was understandably far greater than in the North, the former slaves were predictably made scapegoats for the war and its outcome. Random violence against Freedmen began almost as soon as the war was over and continued with the rise of the Ku Klux Klan and other white supremacy organizations. The Civil War and its immediate aftermath, the Reconstruction Era, were huge milestones in the progress toward America's goal of "liberty and justice for all." Nor was all the bitterness directed against blacks; whites who had openly opposed secession, or who had failed to support the Confederate cause with sufficient enthusiasm, were often targets of ostracism and even violence during the postwar years. In addition, Northerners who came South after the war for various reasons, some of them good, were labeled "carpetbaggers"<sup>107</sup> and were often abused.

A measure of the bitterness generated in the South can be seen in the words of a woman of Richmond, who wrote in her diary, "When the Yankees raised the American flag over the capitol, tears ran down my face, for I could remember a time when I loved that flag, and now I hated the very sight of it." On hearing news of President Lincoln's assassination, a woman in Texas exulted over the fact that the most bloodthirsty tyrant who ever walked the face of the earth was gone, and she hoped he would "burn in hell" all through eternity. Bitter Southerners vowed to continue to hate Northerners and to raise their children to hate Northerners.<sup>108</sup> One of my students, a Northerner, once claimed that when she married a Southern man, it took her twenty years to figure out that "damn Yankee" was two words. Recent struggles over the displaying of the Confederate flag and other racially motivated disturbances suggest that the legacy of the Civil War, though perhaps fading in the 21st century, is still alive.

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<sup>107</sup> The term "carpetbagger" came from the fact that cheap suitcases were made out of carpet stitched together. The term was applied to any outsider perceived to be exploiting conditions in the South for his own benefit.

<sup>108</sup> McPherson, *Ordeal by Fire*, 492-3.

## THE AMERICAN CIVIL WAR: ADDITIONAL READING

Someone once cracked that the real winner of the Civil War was the American Booksellers Association. There is no doubt that the wealth of material published on the Civil War (well over 100,000 items) makes it impossible to offer a definitive bibliography of the conflict. A search for "Civil War" on amazon.com yields several hundred thousand entries. For the year 2009, 727 new titles are listed.

Following are but a few works that discuss different aspects of the war. Additional citations may be found in the bibliographies of texts as James McPherson's *Battle Cry of Freedom* and *Ordeal by Fire: The Civil War and Reconstruction*.

### General

**Bruce Catton** is one of the finest writers about the Civil War. His works include: *The Army of the Potomac*, 3 volumes: *Mr. Lincoln's Army*, *Glory Road* and *A Stillness at Appomattox*; *The Centennial History of the Civil War*, 3 volumes: *The Coming Fury*, *Terrible Swift Sword* and *Never Call Retreat*; *This Hallowed Ground*; *Reflections on the Civil War*.

**Allan Nevins** is another of the deans of Civil War historians. His eight volume work, consisting of *The Ordeal of the Union* and *The War for the Union*, covers the background of the conflict through the end of the fighting.

**Shelby Foote** became famous for his commentary during the PBS series on the Civil War by Ken Burns. Always the Southern gentleman, Mr. Foote tells the history of the war as a story that is eminently readable in his very popular *The Civil War: A Narrative*, 3 volumes, *Ft. Sumter to Perryville*, *Fredericksburg to Meridian* and *Red River to Appomattox*.

**Page Smith.** *Trial by Fire: A People's History of the Civil War and Reconstruction* is volume V of his 8-volume history of the United States.

**James M. McPherson** teaches history at Princeton and has consulted on everything from the PBS Civil War series to the movie *Glory*. *Battle Cry of Freedom* was a bestseller, and his *Ordeal by Fire: The Civil War and Reconstruction* is a widely used as a textbook. *This Mighty Scourge: Perspectives on the Civil War* is McPherson's perceptive analysis of the Civil War.

**Gary W. Gallagher, Margaret E. Wagner, Paul Finkelman, editors.** *The Library of Congress Civil War Desk Reference* is a detailed work by many contributors covering all aspects of the Civil War. Foreword by James McPherson.

**Edwin C. Bearss.** *Fields of Honor: Pivotal Battles of the Civil War*. Bearss has conducted very popular battlefield tours for many years.

### Biographies

**David Herbert Donald.** *Lincoln* was highly regarded and won a Pulitzer Prize.

**Stephen B. Oates.** *With Malice Toward None* is an excellent one-volume biography of Lincoln from boyhood to death.

**James M. McPherson.** Abraham Lincoln. Another fine work by the Civil War historian.

**Douglas Southall Freeman** is best known for *Robert E. Lee* (4 volumes) and *Lee's Lieutenants* (3 volumes.) Some historians believe the latter is more accurate than the former as it was written later and corrects some errors in the first work.

**Robert E. Lee** never got around to writing his memoirs, but historians compiled a collection of Lee's letters and papers under the title of *Memoirs*.

**Emory M. Thomas.** *Robert E. Lee: A Biography*.

**Jean Edward Smith.** *Grant*. Smith has also written excellent biographies of John Marshall and Franklin Roosevelt.

**Ulysses S. Grant.** *The Personal Memoirs of U.S. Grant* are considered by many to be the best ever written by any U.S. President.

**William S. McFeely.** *Grant: A Biography* presents a complete picture of the soldier-president in all his triumphs and flaws.

**Horace Porter** was one of a General Grant's top aides and wrote about his experiences in *Campaigning with Grant*.

**Gene Smith** presents two contrasting lives side by side in *Lee and Grant*.

**Stephen W. Sears.** *George B. McClellan: The Young Napoleon* uses McClellan's own writings extensively and reveals McClellan's fatal flaws.

**Earl Schenck Miers.** *The General Who Marched to Hell: Sherman and the Southern Campaign*.

**Alice Rains Trulock.** *In the Hands of Providence: Joshua L. Chamberlain and the Civil War* is a biography of the general who accepted the surrender of Lee's Army of Northern Virginia.

**T. Harry Williams.** *Lincoln and His Generals* is an excellent one-volume account of the President's problems in finding a general who could lead the Union armies to victory.

**Abraham Lincoln.** Lincoln's letters, speeches and official documents provide great insight into the man. The Library of America collected his most important works in two volumes.

**William Tecumseh Sherman.** Sherman told his own story in his 2-volume *Memoirs*. Unlike his partner Grant, he does have a case to make and defends his actions vigorously.

**James I. Robertson Jr.** Robertson teaches the Civil War at Virginia Tech. His best known works include *Robert E. Lee: Virginian Soldier, American Citizen*; *General A.P. Hill: The Story of a Confederate Warrior*; and *Standing Like a Stone Wall: The Life of General Thomas J. Jackson*.

**Jeffrey D. Wert.** *Cavalryman of the Lost Cause: A Biography of J. E. B. Stuart and General James Longstreet: The Confederacy's Most Controversial Soldier*

**Robert Gould Shaw.** *Blue-Eyed Child of Fortune: The Civil War Letters of Colonel Robert Gould Shaw*. edited by Russell Duncan and William S. McFeely. Shaw commanded the 54<sup>th</sup> Massachusetts Regiment portrayed in the film *Glory*.

**William C. Davis.** *Jefferson Davis: The Man and His Hour*. Portrait of the Confederate President.

## Diaries

**Mary Chesnut** and C. Vann Woodward. *Mary Chesnut's Civil War* is her diary.

**Sarah Morgan.** *Sarah Morgan's Civil War Diary* is less well known than Mary Chesnut's, but it tells vividly of her life in Louisiana.

## Unit Histories

Hundreds of regimental, brigade, division and higher unit histories exist. I have selected two as examples, one Union and one Confederate.

**Richard Moe.** *Last Full Measure: The Life and Death of the First Minnesota Volunteers*

**Terry L. Jones.** *Lee's Tigers: The Louisiana Infantry in the Army of Northern Virginia.*

## Special Topics

**Mary Elizabeth Massey and Jean V. Berlin.** *Women in the Civil War.* One of many titles on virtually every aspect of the civil war, such as medicine, nursing, finance, railroads, music, weapons, food, clothing and just about anything else you can imagine.

## Fiction

**Michael Shaara.** *The Killer Angels* is considered by many to be the finest work of fiction on the Civil War. It was the basis for the movie, *Gettysburg*.

**MacKinley Kantor.** *Andersonville* is a story about the infamous Andersonville prison.

**Charles Frazier.** *Cold Mountain.* Also became a film with Nicole Kidman and Jude Law.

**Stephen Crane.** *The Red Badge of Courage.* An all-time classic published in 1895.

# Historic Documents 1840-1865

## Texas Independence

*Like their American ancestors of the 1776 generation, the Texans went through a period of resistance, started fighting for their rights and finally decided on independence in 1836. The two documents below represent two important steps in that process. The first declares their cause for taking up arms in 1835, the second their absolute independence from Mexico in 1836. It is interesting to note the similarities between the Texas declaration and Jefferson's famous document of 1776.*

### **Declaration of the People of Texas**

November 7, 1835

WHEREAS General Antonio Lopez de Santa Anna and other Military Chieftains have, by force of arms, overthrown the Federal Institutions of Mexico, and dissolved the Social Compact which existed between Texas and the other Members of the Mexican Confederacy—Now, the good People of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE

1<sup>st</sup>. That they have taken up arms in defense of their Rights and Liberties, which were threatened by the encroachments of military despots, and in defense of the Republican Principles of the Federal Constitution of Mexico of eighteen hundred and twenty-four.

2d. That Texas is no longer, morally or civilly, bound by the compact of Union; yet, stimulated by the generosity and sympathy common to a free people they offer their support and assistance to such of the Mexicans of the Mexican Confederacy as will take up arms against their military despotism.

3d. That they do not acknowledge, that the present authorities of the nominal Mexican Republic have the right to govern within the limits of Texas.

4<sup>th</sup>. That they will not cease to carry on war against the said authorities, whilst their troops are within the limits of Texas.

5<sup>th</sup>. That they hold it to be their right, during the disorganization of the Federal System and the reign of despotism, to withdraw from the Union, to establish an independent Government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican Government so long as that nation is governed by the Constitution and Laws that were formed for the government of the Political Association.

6<sup>th</sup>. That Texas is responsible for the expenses of their Armies now in the field.

7<sup>th</sup>. That the public faith of Texas is pledged for the payment of any debts contracted by her Agents.

8<sup>th</sup>. That she will reward by donations in Land, all who volunteer their services in her present struggle, and receive them as Citizens.

These DECLARATIONS we solemnly avow to the world, and call GOD to witness their truth and sincerity; and invoke defeat and disgrace upon our heads should we prove guilty of duplicity.

## **The Unanimous Declaration of Independence**

made by the  
Delegates of the People of Texas  
in General Convention  
at the town of Washington  
on the 2<sup>nd</sup> day of March 1836.

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression.

When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever-ready minions of power, and the usual instruments of tyrants.

When, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to force a new government upon them at the point of the bayonet.

When, in consequence of such acts of malfeasance and abdication on the part of the government, anarchy prevails, and civil society is dissolved into its original elements. In such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable rights of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who having overturned the constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue, and this too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general Congress a republican constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution, and the establishment of a state government.

It has failed and refused to secure, on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain,) and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizens, and rendering the military superior to the civil power. It has dissolved, by force of arms, the state Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the Interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defense, the rightful property of freemen, and formidable only to tyrannical governments.

It has invaded our country both by sea and by land, with intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing, to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defense of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior.

We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefore of a military government; that they are unfit to be free, and incapable of self government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates with plenary powers of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare, that our political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a free, Sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme arbiter of the destinies of nations.

Richard Ellis, President  
of the Convention and Delegate  
from Red River.

[Signed by over 50 additional delegates]



## President Polk's War Message, 1846

*With the possible exception of the Second World War, every war in American history has been opposed by a substantial portion of the population. Loyalists in the American Revolution, anti-imperialists in the Spanish-American war, working class people in World War I and the youthful protesters of the Vietnam war were just some of the groups that oppose foreign wars. "Mr. Polk's War" was no exception, as many felt that the war would result in a further extension of slavery. The following are excerpts from President Polk's war message or his justification for engaging in the conflict.*

The existing state of the relations between the United States and Mexico renders it proper that I should bring the subject to the consideration of Congress. In my message at the commencement of your present session the ... causes which led to the suspension of diplomatic intercourse between the two countries, and the ... wrongs and injuries committed by the Mexican Government on citizens of the United States in their persons and property were briefly set forth.

The strong desire to establish peace with Mexico ... induced me in September last to seek the reopening of diplomatic relations between the two countries.... An envoy of the United States repaired to Mexico with full powers to adjust every existing difference. But though present on the Mexican soil by agreement between the two Governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican Government not only refused to receive him or listen to his propositions, but after a long-continued series of menaces have at last invaded our territory and shed the blood of our fellow-citizens on our own soil. ...

Mr. Slidell arrived at Vera Cruz on the 30th of November, and was courteously received by the authorities of that city. But the Government of General Herrera was then tottering to its fall. The revolutionary party had seized upon the Texas question to effect or hasten its overthrow. Its determination to restore friendly relations with the United States, and to receive our minister to negotiate for the settlement of this question, was violently assailed, and was made the great theme of denunciation against it. ...

Thus the Government of Mexico, though solemnly pledged by official acts in October last to receive and accredit an American envoy, violated their plighted faith and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy who came because they had bound themselves to receive him. ...

In my message at the commencement of the present session I informed you that upon the earnest appeal both of the Congress and convention of Texas I had ordered an efficient military force to take a position "between the Nueces and the Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. ...

Meantime Texas, by the final action of our Congress, had become an integral part of our Union. ...

The movement of the troops to the Del Norte was made by the commanding general under positive instructions to abstain from all aggressive acts toward Mexico or Mexican citizens and to regard the relations between that Republic and the United States as peaceful unless she should declare war or commit acts of hostility indicative of a state of war. He was specially directed to protect private property and respect personal rights.

The Mexican forces at Matamoras assumed a belligerent attitude, and on the 12<sup>th</sup> of April General Ampudia, then in command, notified General Taylor to break up his camp within twenty-four hours and to retire beyond the Nueces River, and in the event of his failure to comply with these demands announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24<sup>th</sup> of April. On that day General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that "he considered hostilities commenced and should prosecute them." A party of dragoons of 63 men and officers were on the same day dispatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed or were preparing to cross the river, "became engaged with a large body of these troops, and after a short affair, in which some 16 were killed and wounded, appear to have been surrounded and compelled to surrender."

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed, and solemn treaties pledging her public faith for this redress have been disregarded. A government either unable or unwilling to enforce the execution of such treaties fails to perform one of its plainest duties.

... As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country.

... In further vindication of our rights and defense of our territory, I involve the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers to serve for not less than six or twelve months unless sooner discharged. A volunteer force is beyond question more efficient than any other description of citizen soldiers, and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force and furnishing it with supplies and munitions of war. ...

James K. Polk

## Abolitionist William Lloyd Garrison

*Along with Frederick Douglass, William Lloyd Garrison was probably the most influential leader of the abolitionist movement. As you recall from the speech read in class, he began his campaign on July 4, 1829, by claiming that even on that day of national celebration, he was, in view of slavery, "ashamed of my country." Garrison felt that the North was just as guilty for slavery as the South, since they had ratified a Constitution that protected the institution. He and other abolitionists came to think of the Constitution, therefore, as a "pact with the devil." Here is his famous first editorial from The Liberator.*

During my recent tour for the purpose of exciting the minds of the people by a series of discourses on the subject of slavery, every place that I visited gave fresh evidence of the fact, that a greater revolution in public sentiment was to be effected in the free states—and particularly in New England—than at the south. I found contempt more bitter, opposition more active, detraction more relentless, prejudice more stubborn, and apathy more frozen, than among slave owners themselves. Of course, there were individual exceptions to the contrary. This state of things afflicted, but did not dishearten me. I determined, at every hazard, to lift up the standard of emancipation in the eyes of the nation, within sight of Bunker Hill and, in the birth place of liberty. That standard is now unfurled; and long may it float, unhurt by the spoliations of time or the missiles of a desperate foe—yea, till every chain be broken, and every bondman set free! Let Southern oppressors tremble—let their secret abettors tremble—let their Northern apologists tremble let all the enemies of the persecuted blacks tremble. ...

Assenting to the "self-evident truth" maintained in the American Declaration of Independence, "that all men are created equal, and endowed by their Creator with certain inalienable rights—among which are life, liberty and the pursuit of happiness," I shall strenuously contend for the immediate enfranchisement of our slave population. In Park-Street Church, on the Fourth of July, 1829, in an address on slavery, I unreflectingly assented to the popular but pernicious doctrine of gradual abolition. I seize this opportunity to make a full and unequivocal recantation, and thus publicly to ask pardon of my God, of my country, and of my brethren the poor slaves, for having uttered a sentiment so full of timidity, injustice and absurdity. A similar recantation, from my pen, was published in the Genius of Universal Emancipation at Baltimore, in September, 1829. My conscience is now satisfied.

I am aware, that many object to the severity of my language; but is there not cause for severity? I will be as harsh as truth, and as uncompromising as justice. On this subject, I do not wish to think, or speak, or write, with moderation. No! No! Tell a man whose house is on fire, to give a moderate alarm; tell him to moderately rescue his wife from the hands of the ravisher; tell the mother to gradually extricate her babe from the fire into which it has fallen; but urge me not to use moderation in a cause like the present. I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—AND I WILL BE HEARD. The apathy of the people is enough to make every statue leap from its pedestal, and to hasten the resurrection of the dead.

It is pretended, that I am retarding the cause of emancipation by the coarseness of my invective, and the precipitancy of my measures. The charge is not true. On this question my influence,—humble as it is,—felt at this moment to a considerable extent and shall be felt in coming years—not perniciously, but beneficially—not as a curse, but as a blessing; and posterity will bear testimony that I was right. I desire to thank God that he enables me to disregard "the fear of man which bringeth a snare," and to speak his truth in its simplicity and power.

## Views of Slavery

*In contrast to the sentiment growing in the south that the institution of slavery was a "positive good," those who had an opportunity to witness slavery first hand came to different conclusions.*

### **Theodore Weld, from *Slavery As it Is*, 1839**

The slaves are obliged to work from daylight till dark, as long as they can see. When they have tasks assigned, which is often the case, a few of the strongest and most expert, sometimes finish them before sunset; others will be obliged to work till eight or nine o'clock in the evening. All must finish their tasks or take a flogging. The whip and gun, or pistol, are companions of the overseer; the former he uses very frequently upon the negroes, during their hours of labor, without regard to age or sex. Scarcely a day passed while I was on the plantation, in which some of the slaves were not whipped; I do not mean that they were struck a few blows merely, but had a set flogging. ...

Every Saturday night the slaves receive their allowance of provisions, which must last them till the next Saturday night. "Potato time," as it is called, begins about the middle of July. The slave may measure for himself, the overseer being present, half a bushel of sweet potatoes, and heap the measure as long as they will lie on; I have, however, seen the overseer, if he think the negro is getting too many, kick the measure; and if any fall off, tell him he has got his measure. No salt is furnished them to eat with their potatoes. When rice or corn is given, they give them a little salt; sometimes half a pint of molasses is given, but not often. The quantity of rice, which is of the small, broken, unsaleable kind, is one peck. When corn is given them, their allowance is the same, and if they get it ground, (Mr. Swan had a mill on his plantation,) they must give one quart for grinding, thus reducing their weekly allowance to seven quarts. When fish (mullet) were plenty, they were allowed, in addition, one fish. As to meat, they seldom had any. I do not think they had an allowance of meat oftener than once in two or three months, and then the quantity was very small. ...

In stating the foregoing facts, my object has been to show the practical workings of the system of slavery, and if possible to correct the misapprehension on this subject, so common at the north. In doing this I am not at war with slaveholders. No, my soul is moved for them as well as for the poor slaves. May God send them repentance to the acknowledgment of the truth!

Follow them next to their huts; some with and some without floors: -go at night, view their means of lodging, see them lying on benches, some on the floor or ground, some sitting on stools, dozing away the night—others, of younger age, with a bare blanket wrapped about them; and one or two lying in the ashes. These things I have often seen with my own eyes.

And after seeing all this, and hearing them tell of their sufferings, need I ask, is there any evil connected with their condition? and if so; upon whom is it to be charged? I answer for myself, and the reader can do the same. Our government stands first chargeable for allowing slavery to exist, under its own jurisdiction. Second, the states for enacting laws to secure their victim. Third, the slaveholder for carrying out such enactments, in horrid form enough to chill the blood. Fourth, every person who knows what slavery is, and does not raise his voice against this crying sin, but by silence gives consent to its continuance, is chargeable with guilt in the sight of God. "The blood of Zacharias who was slain between the temple and altar," says Christ "WILL I REQUIRE OF THIS GENERATION." ... Oh, let a cry be raised which shall awaken the conscience of this guilty nation, to demand for the slaves immediate and unconditional emancipation.

## From the Writings of Frances Anne (Fannie) Kemble

Dear E---,

... I shall furnish you with no details but those which come under my own immediate observation.

.. Oh, if you could imagine how this title "Missis," addressed to me and to my children, shocks all my feelings! Several times I have exclaimed: "For God's sake do not call me that!" and only been awakened by the stupid amazement of the poor creatures I was addressing to the perfect uselessness of my thus expostulating with them; once or twice, indeed, I have done more—I have explained to them, and they appeared to comprehend me well, that I had no ownership over them, for that I held such ownership sinful, and that, though I was the wife of the man who pretends to own them, I was, in truth, no more their mistress than they were mine.

But this [condition] does not prevent Southern women from hanging their infants at the breasts of Negresses, nor almost every planter's wife and daughter from having one or more little pet blacks sleeping like puppy dogs in their very bedchamber, nor almost every planter from admitting one or several of his female slaves to the still closer intimacy of his bed ...

... And here it may be well to inform you that the slaves on this plantation are divided into field hands and mechanics or artisans. ... There are here a gang (for that is the honorable term) of coopers, of blacksmiths, of bricklayers, of carpenters, all well acquainted with their peculiar trades. The latter constructed the wash-hand stands, clothespresses, sofas, tables, etc., with which our house is furnished, and they are very neat pieces of workmanship—neither veneered or polished indeed, nor of very costly materials, but of the white pinewood planed as smooth as marble—a species of furniture not very luxurious perhaps, but all the better adapted, therefore, to the house itself ...

In Louisiana and the new Southwestern slave states ... the condition of the poor human cattle is most deplorable. As you know, it was there that the humane calculation was not only made but openly and unhesitatingly avowed that the planters found it, upon the whole, their most profitable plan to work off (kill with labor) their whole number of slaves about once in seven years, and renew the whole stock. ...

Soon after this visit, I was summoned into the wooden porch, or piazza, of the house to see a poor woman who desired to speak to me. ... She was the mother of a very large family, and complained to me that, what with childbearing and hard field labor, her back was almost broken in two. ... With an almost savage vehemence of gesticulation, she suddenly tore up her scanty clothing and exhibited a spectacle with which I was inconceivably shocked and sickened. The facts, without any of her corroborating statements, bore tolerable witness to the hardships of her existence. I promised to attend to her ailments and give her proper remedies; but these are natural results, inevitable and irremediable ones, of improper treatment of the female frame; and, though there may be alleviation, there cannot be any cure when once the beautiful and wonderful structure has been thus made the victim of ignorance, folly, and wickedness.

I stood in the midst of [slaves in the hospital] perfectly unable to speak, the tears pouring from my eyes at this sad spectacle of their misery, myself and my emotion alike strange and incomprehensible to them. Here lay women expecting every hour the terrors and ago-

nies of childbirth; others who had just brought their doomed offspring into the world; others who were groaning over the anguish and bitter disappointment of miscarriages. Here lay some burning with fever; others chilled with cold and aching with rheumatism, upon the hard cold ground, the drafts and dampness of the atmosphere increasing their sufferings, and dirt, noise, and stench, and every aggravation of which sickness is capable, combined in their condition. Here they lay like brute beasts, absorbed in physical suffering; unvisited by any of those Divine influences which may ennoble the dispensations of pain and illness, forsaken, as it seemed to me, of all good; and yet, O God, Thou surely hadst not forsaken them! Now pray take notice that this is the hospital of an estate where the owners are supposed to be humane, the overseer efficient and kind, and the Negroes remarkably well-cared for and comfortable.

As soon as I recovered from my dismay, I addressed old Rose, the midwife, who had charge of this room, bidding her open the shutters of such windows as were glazed and let in the light. I next proceeded to make up the fire; but, upon my lifting a log for that purpose, there was one universal outcry of horror, and old Rose, attempting to snatch it from me, exclaimed: "Let alone, missis—let be; what for you lift wood? You have nigger enough, missis, to do it!" I hereupon had to explain to them my view of the purposes for which hands and arms were appended to our bodies, and forthwith began making Rose tidy up the miserable apartment ...

[The other rooms] were all in the same deplorable condition, the upper rooms being rather the more miserable inasmuch as none of the windows were glazed at all, and they had, therefore, only the alternative of utter darkness, or killing drafts of air from the unsheltered casements. In all, filth, disorder, and misery abounded; the floor was the only bed, and scanty begrimed rags of blankets the only covering. I left this refuge for Mr. ---'s sick dependents with my clothes covered with dust and full of vermin, and with a heart heavy enough, as you will well believe.

My morning's work had fatigued me not a little, and I was glad to return to the house, where I gave vent to my indignation and regret at the scene I had just witnessed to Mr. --- and his overseer, who, here, is a member of our family. The latter told me that the condition of the hospital had appeared to him, from his first entering upon his situation (only within the last year), to require a reform, and that he had proposed it to the former manager Mr. K---, and Mr. ---'s brother, who is part proprietor of the estate, but, receiving no encouragement from them, had supposed that it was a matter of indifference to the owners, and had left it in the condition in which he had found it, in which condition it has been for the last nineteen years and upward.

I forgot to tell you that in the hospital were several sick babies whose mothers were permitted to suspend their field labor in order to nurse them. Upon addressing some remonstrances to one of these, who, besides having a sick child was ill herself, about the horribly dirty condition of her baby, she assured me that it was impossible for them to keep their children clean; that they went out to work at daybreak and did not get their tasks done till evening, and that then they were too tired and worn out to do anything but throw themselves down and sleep. This statement of hers I mentioned on my return from the hospital, and the overseer appeared extremely annoyed by it, and assured me repeatedly that it was not true.

Good night; you are well to be free from centipedes-better to be free from slaves.

## United States Senate Debate on the Compromise of 1850

*Shortly after the Mexican-American War, it became apparent that the issue of slavery in the newly acquired territories was going to arise. The issue first became apparent during the presidential campaign of 1848 when the Free Soil Party under Martin Van Buren and Charles Francis Adams took votes away from Democrat Lewis Cass, throwing the election to Zachary Taylor. In the following year the California gold rush began, and by 1850 California was ready to be admitted as a state. Thus began the what may have been the most important debate in U.S. history. For months the Great Triumvirate of Henry Clay, John C. Calhoun and Daniel Webster wrestled with the problem, and issues of war and secession were very much in evidence. As the three great men faded, Stephen A. Douglas took over and shepherded the bills through. Although the Compromise of 1850 was celebrated as once again having "solved" the issue, the fact was that the time for solution was very late. Before long the country began its almost inevitable slide toward civil war. Following are excerpts from the 1850 Compromise debates of Henry Clay, John C. Calhoun, Daniel Webster and William Seward.*

### **HENRY CLAY, Feb. 5 and 6, 1850.**

Sir, I have said that I never could vote for it, and I repeat that I never can, and never will vote for it; and no earthly power shall ever make me vote to plant slavery where slavery does not exist. Still, if there be a majority-and there ought to be such a majority-for interdicting slavery north of the line, there ought to be an equal majority-if equality and justice be done to the South-to admit slavery south of the line. And if there be a majority ready to accomplish both of these, though I can not concur in the action, yet I would be one of the last to create any disturbance. I would be one of the first to acquiesce in such legislation, though it is contrary to my own judgment and my own conscience. I think, then, it would be better to keep the whole of these territories untouched by any legislation by Congress on the subject of slavery, leaving it open, undecided, without any action of Congress in relation to it; that it would be best for the South, and best for all the views which the South has, from time to time, disclosed to us as correspondent with her wishes. ...

And, sir, I must take occasion here to say that in my opinion there is no right on the part of any one or more of the States to secede from the Union. War and dissolution of the Union are identical and inevitable, in my opinion. There can be a dissolution of the Union only by consent or by war. Consent no one can anticipate, from any existing state of things, is likely to be given; and war is the only alternative by which a dissolution could be accomplished. If consent were given-if it were possible that we were to be separated by one great line-in less than sixty days after such consent was given war would break out between the slaveholding and non-slaveholding portions of this Union-between the two independent parts into which it would be erected in virtue of the act of separation. In less than sixty days, I believe, our slaves from Kentucky, flocking over in numbers to the other side of the river, would be pursued by their owners. Our hot and ardent spirits would be restrained by no sense of the right which appertains to the independence of the other side of the river, should that be the line of separation. They would pursue their slaves into the adjacent free States; they would be repelled; and the consequence would be that, in less than sixty days, war would, be blazing in every part of this now happy and peaceful land.

And, sir, how are you going to separate the states of this confederacy? In my humble opinion, Mr. President, we should begin with at least three separate confederacies. There would be a confederacy of the North, a confederacy of the Southern Atlantic slaveholding States, and a confederacy of the valley of the Mississippi. My life upon it, that the vast population which has already concentrated and will concentrate on the head-waters and the tributaries of the Mississippi will never give their consent that the mouth of that river shall be held subject to the power of any foreign State or community whatever. Such, I believe, would be the

consequences of a dissolution of the Union, immediately ensuing; but other confederacies would spring up from time to time, as dissatisfaction and discontent were disseminated throughout the country-the confederacy of the lakes, perhaps the confederacy of New England, or of the middle States. Ah, sir, the veil which covers these sad and disastrous events that lie beyond it, is too thick to be penetrated or lifted by any mortal eye or hand. ...

Mr. President, I have said, what I solemnly believe, that dissolution of the Union and war are identical and inevitable; and they are convertible terms; and such a war as it would be, following a dissolution of the Union! Sir, we may search the pages of history, and none so ferocious, so bloody, so implacable, so exterminating-not even the wars of Greece, including those of the Commoners of England and the revolutions of France-none, none of them all would rage with such violence, or be characterized with such bloodshed and enormities as would the war which must succeed, if that ever happens, the dissolution of the Union. And what would be its termination? Standing armies, and navies, to an extent stretching the revenues of each portion of the dissevered members, would take place. An exterminating war would follow-not sir, a war of two or three years' duration, but a war of interminable duration-and exterminating wars would ensue, until, after the struggles and exhaustion of both parties, some Philip or Alexander, some Caesar or Napoleon, would arise and cut the Gordian knot, and solve the problem of the capacity of man for self-government, and crush the liberties of both the severed portions of this common empire. Can you doubt it?

Sir, I implore gentlemen, to pause, solemnly to pause at the edge of the precipice, before the fearful and dangerous leap be taken into the yawning abyss below, from which none who ever take it shall return in safety.

Finally, Mr. President, and in conclusion, I implore, as the best thing Heaven can bestow upon me upon earth, that if the direful event of the dissolution of the Union is to happen, I shall not survive to behold the sad and heart-rending spectacle.

**JOHN C. CALHOUN** (*Calhoun was sick and near death. His speech was read by Senator James Mason of Virginia on March 4, 1850.*)

I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of each of the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration: How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge, it is impossible to pronounce, with any certainty, by what measure it can be saved. . . .

The first question, then . . . is: What is it that has endangered the Union? . . .

One of the causes is, undoubtedly, to be traced to the long continued agitation of the slave question on the part of the North and the many aggressions which they have made on the rights of the South during the time. ...



There is another lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. That is to be found in the fact that the equilibrium between the two sections in the government, as it stood when the Constitution was ratified and the government put into action, has been destroyed. At that time there was nearly a perfect equilibrium between the two which afforded ample means to each to protect itself against the aggression of the other; but, as it now stands, one section has the exclusive power of controlling the government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. ...

The result of the whole is to give the Northern section a predominance in every part of the government and thereby concentrate in it the two elements which constitute the federal government—a majority of states and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself possesses the control of the entire government.

But we are just at the close of the sixth decade and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives and in the electoral college. The prospect is also that a great increase will be added to its present preponderance in the Senate during the period of the decade by the addition of new states. Two territories, Oregon and Minnesota, are already in progress, and strenuous efforts are being made to bring in three additional states from the territory recently conquered from Mexico; which, if successful, will add three other states in a short time to the Northern section, making five states and increasing the present number of its states from fifteen to twenty, and of its senators from thirty to forty. On the contrary, there is not a single territory in progress in the Southern section and no certainty that any additional state will be added to it during the decade.

The prospect, then, is that the two sections in the Senate, should the efforts now made to exclude the South from the newly acquired territories succeed, will stand before the end of the decade twenty Northern states to twelve Southern (considering Delaware as neutral), and forty Northern senators to twenty-eight Southern. This great increase of senators, added to the great increase of members of the House of Representatives and electoral college on the part of the North, which must take place over the next decade, will effectually and irretrievably destroy the equilibrium which existed when the government commenced.

Had this destruction been the operation of time, without the interference of government, the South would have had no reason to complain; but such was not the fact. It was caused by the legislation of this government, which was appointed as the common agent of all and charged with the protection of the interests and security of all.

The legislation by which it has been effected may be classed under three heads. The first is that series of acts by which the South has been excluded from the common territory belonging to all of the states as the members of the federal Union, and which had the effect of extending vastly the portion allotted to the Northern section, and restricting within narrow limits the portion left the South. And the next consists in adopting a system of revenue and disbursements by which an undue proportion of the burden of taxation has been imposed upon the South and an undue proportion of its proceeds appropriated to the North. And the last is a system of political measures by which the original character of the government has been radically changed.

I propose to bestow upon each of these ... a few remarks with the view of showing that it is owing to the action of this government that the equilibrium between the two sections has been destroyed and the whole powers of the system centered in a sectional majority.

The first of the series of acts by which the South was deprived of its due share of the territories originated with the Confederacy which preceded the existence of this government. It is to be found in the provision of the Ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi rivers now embracing five states and one territory. The next of the series is the Missouri Compromise, which excluded the South from that large portion of Louisiana which lies north of 36-30', excepting what is included in the state of Missouri.

The last of the series excluded the South from the whole of the Oregon Territory. All these, in the slang of the day, were what are called slave territories and not free soil; that is, territories belonging to slaveholding powers and open to the emigration of masters with their slaves. By these several acts, the South was excluded from 1,238,025 square miles, an extent of country considerably exceeding the entire valley of the Mississippi.

... To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South if she should succeed in monopolizing the newly acquired territories, from about three-fourths of the whole, leaving to the South but about one-fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the government.

The next is the system of revenue and disbursements which has been adopted by the government. It is well known that the government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting states, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue because . . . the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North than its due share, and that the joint effect of these causes has been to transfer a vast amount from South to North, which, under an equal system of revenue and disbursement, would not have been lost to her.

The result of the whole of these causes combined is that the North has acquired a decided ascendancy over every department of this government, and through it a control over all the powers of the system. A single section, governed by the will of the numerical majority, has now in fact the control of the government and the entire powers of the system. What was once a constitutional federal republic is now converted, in reality, into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed.

I refer to the relation between the two races in the Southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile regard it a sin, and consider themselves under most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive they have power, they regard themselves as implicated in the sin and responsible for suppressing it by the use of all and every means. Those less opposed and hostile regard it as a crime—an offense against humanity, as they call it—and, although

not so fanatical, feel themselves bound to use all efforts to effect the same object; while those who are least opposed and hostile regard it as a blot and a stain on the character of what they call the nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the Southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity and the section to poverty, desolation, and wretchedness; and accordingly they feel bound by every consideration of interest and safety to defend it.

This hostile feeling on the part of the North toward the social organization of the South long lay dormant, but it only required some cause to act on those who felt most intensely that they were responsible for its continuance to call it into action. The increasing power of this government and of the control of the Northern section over all its departments furnished the cause. It was this which made an impression on the minds of many that there was little or no restraint to prevent the government from doing whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action for the purpose of destroying the existing relation between the two races in the South.

... What has since followed are but the natural consequences. With the success of their first movement, this small, fanatical party began to acquire strength; and, with that, to become an object of courtship to both the great parties. The necessary consequence was a further increase of power and a gradual tainting of the opinions of both of the other parties with their doctrines, until the infection has extended over both, and the great mass of the population of the North who, whatever may be their opinion of the original Abolition Party which still preserves its distinctive organization, hardly ever fail, when it comes to acting, to cooperate in carrying out their measures. . . .

Unless something decisive is done, I again ask what is to stop this agitation before the great and final object at which it aims—the abolition of slavery in the South—is consummated? Is it, then, not certain that if something decisive is not now done to arrest it, the South will be forced to choose between abolition and secession? Indeed, as events are now moving, it will not require the South to secede to dissolve the Union. Agitation will of itself effect it. ...

It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bind these states together in one common Union are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process, and successively, that the cords can be snapped, until the whole fabric falls asunder. Already the agitation of the slavery question has snapped some of the most important and has greatly weakened all the others. ...

If the agitation goes on, the same force, acting with increased intensity ... will snap every cord, when nothing will be left to hold the states together except force. But surely that can, with no propriety of language, be called a union, when the only means by which the weaker is held connected with the stronger portion is force. It may, indeed, keep them connected; but the connection will partake much more of the character of subjugation on the part of the weaker to the stronger than the union of free, independent, and sovereign states in one confederation, as they stood in the early stages of the government, and which only is worthy of the sacred name of Union.

**DANIEL WEBSTER, March 7, 1850**

MR. PRESIDENT, I WISH TO SPEAK TODAY, not as a Massachusetts man, nor as a Northern man, but as an American and a member of the Senate of the United States. . . . I have a

part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole and the preservation of the whole; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear or shall not appear, for many days. I speak today for the preservation of the Union. "Hear me for my cause." I speak today out of a solicitous and anxious heart for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich and so dear to us all. . . .

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and the South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, subdue the sense of fraternal connection and patriotic love and mutual regard. I shall bestow a little attention, sir, upon these various grievances produced on the one side and on the other.

I begin with the complaints of the South. I will not answer, further than I have, the general statements of the honorable senator from South Carolina that the North has grown upon the South in consequence of the manner of administering this government, in the collecting of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will state these complaints, especially one complaint of the South, which has in my opinion just foundation; and that is that there has been found at the North, among individuals and among the legislatures of the North, a disinclination to perform, fully, their constitutional duties in regard to the return of persons bound to service who have escaped into the free states. In that respect, it is my judgment that the South is right and the North is wrong.

Every member of every Northern legislature is bound by oath, like every other officer in the country, to support the Constitution of the United States; and this article of the Constitution which says to these states they shall deliver up fugitives from service is as binding in honor and conscience as any other article. No man fulfills his duty in any legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the Constitution addressed itself to the legislatures of the states themselves, or to the states themselves. It says that those persons escaping to other states shall be delivered up, and I confess I have always been of the opinion that it was an injunction upon the states themselves. When it is said that a person escaping into another state, and coming therefore within the jurisdiction of that state, shall be delivered up, it seems to me the import of the passage is that the state itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now.

But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up was a power to be exercised under the authority of this government. I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations and the solemnity of judicial decisions. But, as it now stands, the business of seeing that these fugitives are delivered up resides in the power of Congress and the national judicature, and my friend at the head of the Judiciary Committee has a bill on the subject, now before the Senate, with some amendments to it, which I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men in the North, of all men who are not carried away by any fanatical idea, or by any false idea whatever, to their constitutional obligations.

I put it to all the sober and sound minds at the North as a question of morals and a question of conscience: What right have they, in all their legislative capacity, or any other, to endeavor to get round this Constitution, to embarrass the free exercise of the rights secured by the Constitution, to the persons whose slaves escape from them? None at all—none at all. Neither in the forum of conscience nor before the face of the Constitution are they justified in any opinion. Of course, it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seemed to be the current of thought and of motives as the occasion arose, and neglected to investigate fully the real question, and to consider their constitutional obligations, as I am sure, if they did consider, they would fulfill them with alacrity.

Therefore, I repeat, sir, that here is a ground of complaint against the North, well founded, which ought to be removed; which it is now in the power of the different departments of this government to remove; which calls for the enactment of proper laws authorizing the judicature of this government in the several states to do all that is necessary for the recapture of fugitive slaves and for the restoration of them to those who claim them. Wherever I go and whenever I speak, I say that the South has been injured in this respect and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon it as a duty. ...

Mr. President, I should much prefer to have heard, from every member on this floor, declarations of opinion that this Union should never be dissolved than the declaration of opinion that in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word "secession," especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world for their political services.

Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see any such thing? Sir, he who sees these states, now revolving in harmony around a common center, and expects to see them quit their places and fly off without convulsion may look the next hour to see the heavenly bodies rush from their spheres and jostle against each other in the realms of space without producing the crush of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility.

Is the great Constitution under which we live here—covering this whole country—is it to be thawed and melted away by secession as the snows on the mountain melt under the influence of a vernal sun—disappear almost unobserved and die off? No, sir! No, sir! I will not state what might produce the disruption of the states; but, sir, I see it as plainly as I see the sun in heaven—I see that disruption must produce such a war as I will not describe, in its twofold characters.

Peaceable secession! Peaceable secession! The concurrent agreement of all the members of this great republic to separate! A voluntary separation, with alimony on one side and on the other. Why, what would be the result? Where is the line to be drawn? What states are to secede? What is to remain American? What am I to be? An American no longer? Where is the flag of the republic to remain? Where is the eagle still to tower? Or is he to cower, and shrink, and fall to the ground? Why, sir, our ancestors—our fathers, and our grandfathers, those of them that are yet living among us with prolonged lives—would rebuke and reproach us; and our children and our grandchildren would cry out, Shame upon us! if we of this gen-

eration should dishonor these ensigns of the power of the government and the harmony of the Union, which is every day felt among us with so much joy and gratitude. What is to become of the Army? What is to become of the Navy? What is to become of the public lands? How is each of the thirty states to defend itself?

I know, although the idea has not been stated distinctly, there is to be a Southern confederacy. I do not mean, when I allude to this statement, that anyone seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of in the wildest flights of human imagination. But the idea must be of a separation, including the slave states upon one side and the free states on the other. Sir, there is not-I may express myself too strongly perhaps-but some things, some moral things, are almost as impossible as other natural or physical things; and I hold the idea of a separation of these states-those that are free to form one government, and those that are slaveholding to form another-as a moral impossibility.

We could not separate the states by any such line if we were to draw it. We could not sit down here today and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break, if we would, and which we should not, if we could. Sir, nobody can look over the face of this country at the present moment-nobody can see where its population is the most dense and growing-without being ready to admit and compelled to admit that, ere long, America will be in the valley of the Mississippi. . . .

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh air of liberty and union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon US; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pygmies in a case that calls for men. Never did there devolve on any generation of men higher trusts than now devolve upon us for the preservation of this Constitution and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest, and the brightest link, in that golden chain which is destined, I fully believe, to grapple the people of all the states to this Constitution, for ages to come. It is a great, popular, constitutional government, guarded by legislation, by law, by judicature, and defended by the whole affections of the people.

### **WILLIAM H. SEWARD: A Higher Law than the Constitution, March 11, 1850**

TODAY, CALIFORNIA IS A STATE, more populous than the least and richer than several of the greatest of our thirty states. This same California, thus rich and populous, is here asking admission into the Union, and finds us debating the dissolution of the Union itself. ...

But it is insisted that the admission of California shall be attended by a compromise of questions which have arisen out of slavery. I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED, because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises radically wrong and essentially vicious. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct, and separate times, with the indispensable advantages it affords for ascertaining truth. They involve

a relinquishment of the right to reconsider in future the decisions of the present on questions prematurely anticipated; and they are a usurpation as to future questions of the province of future legislators.

Sir, it seems to me as if slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than its wont through my veins, when I endeavor to suppose that such a compromise has been effected, and my utterance forever is arrested upon all the great questions, social, moral, and political, arising out of a subject so important and as yet so incomprehensible. What am I to receive in this compromise? Freedom in California. It is well; it is a noble acquisition; it is worth a sacrifice. But what am I to give as an equivalent? A recognition of a claim to perpetuate slavery in the District of Columbia; forbearance toward more stringent laws concerning the arrest of persons suspected of being slaves found in the free states; forbearance from the proviso of freedom in the charters of new territories. None of the plans of compromise offered demands less than two, and most of them insist on all of these conditions. The equivalent then is some portion of liberty, some portion of human rights in one region for liberty in another region. But California brings gold and commerce as well as freedom. I am, then, to surrender some portion of human freedom in the District of Columbia, and in East California, and New Mexico for the mixed consideration of liberty, gold, and power on the Pacific coast. ...

There is another aspect of the principle of compromise which deserves consideration. It assumes that slavery, if not the only institution in a slave state, is at least a ruling institution, and that this characteristic is recognized by the Constitution. But slavery is only one of many institutions there—freedom is equally an institution there. Slavery is only a temporary, accidental, partial, and incongruous one; freedom, on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. The slaveholder himself stands under the protection of the latter, in common with all the free citizens of the state; but it is, moreover, an indispensable institution. You may separate slavery from South Carolina, and the state will still remain; but if you subvert freedom there, the state will cease to exist.

But the principle of this compromise gives complete ascendancy in the slave state, and in the Constitution of the United States, to the subordinate, accidental, and incongruous institution over its paramount antagonist. ...

But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed either in common or by partition by the citizens of the old states. It is true, in deed, that the national domain is ours; it is true, it was acquired by the valor and with the wealth of the whole nation; but we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defense, to welfare, and to liberty.

But there is a higher law than the Constitution which regulates our authority over the domain and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are His stewards and must so discharge our trust as to secure, in the highest attainable degree, their happiness. ...

This is a state, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes over those of any other "kingdom" or "estate" is due to the fortunate circumstance that our an-

cestors did not leave things to "take their chance," but that they "added amplitude and greatness" to our commonwealth "by introducing such ordinances, constitutions, and customs as were wise." We, in our turn, have succeeded to the same responsibilities; and we cannot approach the duty before us wisely or justly except we raise ourselves to the great consideration of how we can most certainly "sow greatness to our posterity and successors."

And now the simple, bold, and even awful question which presents itself to us is this: Shall we, who are founding institutions, social and political, for countless millions—shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust shall we establish human bondage, or permit it, by our sufferance, to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free state which would now establish it but there is no slave state which, if it had had the free alternative as we now have, would have founded slavery. Indeed, our revolutionary predecessors had precisely the same question before them in establishing an organic law, under which the states of Ohio, Michigan, Illinois, Wisconsin, and Iowa have since come into the Union; and they solemnly repudiated and excluded slavery from those states forever. ...

Sir, there is no Christian nation, thus free to choose as we are, which would establish slavery. I speak on due consideration, because Britain, France, and Mexico have abolished slavery, and all other European states are preparing to abolish it as speedily as they can. We cannot establish slavery, because there are certain elements of the security, welfare, and greatness of nations, which we all admit, or ought to admit, and recognize as essential; and these are the security of natural rights, the diffusion of knowledge, and the freedom of industry. Slavery is incompatible with all of these, and just in proportion to the extent that it prevails and controls in any republican state, just to that extent it subverts the principle of democracy and converts the state into an aristocracy or a despotism. ...

In any condition of society, no revolution without a cause, an adequate cause. What cause exists here? We are admitting a new state; but there is nothing new in that we have already admitted seventeen before. But it is said that the slave states are in danger of losing political power by the admission of the new state. Well, sir, is there anything new in that? The slave states have always been losing political power, and they always will be, while they have any to lose. At first, twelve of the thirteen states were slave states; now only fifteen out of the thirty are slave states. Moreover, the change is constitutionally made, and the government was constructed so as to permit changes of the balance of power in obedience to changes of the forces of the body politic. ...



## ***Dred Scott v. Sandford***

*Dred Scott v. Sandford was a complex case whose origins went back years before the case finally reached the Supreme Court. Dred Scott had been owned by an army officer who moved around the country, taking Scott with him. He had for a time lived in Minnesota, where slavery was illegal under the Missouri Compromise. Scott was later inherited after his owner's death by a member of the officer's family, and wound up Missouri, where he was treated far more harshly than previously. Attempting to get out from under the control of his new master, Scott originally sought to bring a case of assault against his master for beating him. Eventually the case made its way up to the Supreme Court on the question of whether or not Scott was a slave.*

In the Circuit Courts of the United States, the record must show that the case is one in which, by the Constitution and laws of the United States, the court had jurisdiction ...

A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a 'citizen' within the meaning of the Constitution of the United States.

When the Constitution was adopted, they were not regarded in any of the States as members of the community which constituted the State, and were not numbered among its 'people or citizens.' Consequently, the special rights and immunities guaranteed to citizens do not apply to them. And not being 'citizens' within the meaning of the Constitution, they are not entitled to sue in that character in a court of the United States, and the Circuit Court has not jurisdiction in such a suit.

The only two clauses in the Constitution which point to this race, treat them as persons whom it was morally lawful to deal in as articles of property and to hold as slaves.

A State, by its laws passed since the adoption of the Constitution, may put a foreigner or any other description of persons upon a footing with its own citizens, as to all the rights and privileges enjoyed by them within its dominion and by its laws. But that will not make him a citizen of the United States ...

The change in public opinion and feeling in relation to the African race, which has taken place since the adoption of the Constitution, cannot change its construction and meaning ...

Congress have no right to prohibit the citizens of any particular State or States from taking up their home there, while it permits citizens of other States to do so. Nor has it a right to give privileges to one class of citizens which it refuses to another. The territory is acquired for their equal and common benefit and if open to any, it must be open to all upon equal and the same terms.

Every citizen has a right to take with him into the Territory any article of property which the Constitution of the United States recognizes as property.

The Constitution of the United States recognizes slaves as property, and pledges the Federal Government to protect it. And Congress cannot exercise any more authority over property of that description than it may constitutionally exercise over property of any other kind.

The act of Congress, therefore, prohibiting a citizen of the United States from taking with him his slaves when he removes to the Territory in question to reside, is an exercise of authority over private property which is not warranted by the Constitution and the removal of the plaintiff, by his owner, to that Territory, gave him no title to freedom.

## From John Brown, Last Speech in Court, November 2, 1859

I have, may it please the Court, a few words to say.

In the first Place, I deny everything but what I have all along admitted—the design on my part to free the slaves. I intended certainly to have made a clean thing of that matter, as I did last winter, when I went into Missouri and there took slaves without the snapping of a gun on either side, moved them through the country, and finally left them in Canada. I designed to have done the same thing again, on a larger scale. That was all I intended. I never did intend murder, or treason, or the destruction of property, or to excite or incite slaves to rebellion, or to make insurrection.

I have another objection: and that is, it is unjust that I should suffer such a penalty. Had I interfered in the manner which I admit, and which I admit has been fairly proved (for I admire the truthfulness and candor of the greater portion of the witnesses who have testified in this case),—had I so interfered in behalf of the rich, the powerful, the intelligent, the so-called great, or in behalf of any of their friends, either father, mother, brother, sister, wife, or children, or any of that class,—and suffered and sacrificed what I have in this interference, it would have been all right; and every man in this court would have deemed it an act worthy of reward rather than punishment.

This court acknowledges, as I suppose, the validity of the law of God. I see a book kissed here which I suppose to be the Bible, or at least the New Testament. That teaches me that all things whatsoever I would that men should do to me, I should do even so to them. It teaches me, further, to 'remember them that are in bonds, as bound with them.' I endeavored to act up to that instruction. I say, I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done—as I have always freely admitted I have done—in behalf of His despised poor, was not wrong, but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the blood of my children and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments,—I submit; so let it be done!

Let me say one word further. I feel entirely satisfied with the treatment I have received on my trial. Considering all the circumstances, it has been more generous than I expected. But I feel no consciousness of guilt. I have stated from the first what was my intention, and what was not. I never had any design against the liberty of any person, nor any disposition to commit treason or incite slaves to rebel or make any general insurrection. I never encouraged any man to do so, but always discouraged any idea of that kind.

Let me say, also, in regard to the statements made by some of those who were connected with me, I hear it has been stated by some of them that I have induced them to join me. But the contrary is true. I do not say this to injure them, but as regretting their weakness. Not one but joined me of his own accord, and the greater part at his own expense. A number of them I never saw, and never had a word of conversation with, till the day they came to me, and that was for the purpose I have stated.

Now I have done.

## **Republican Party Platform** **Adopted at Chicago, May 1860**

*This is the platform on which Abraham Lincoln ran for president.*

**Resolved,** That we, the delegated representatives of the Republican electors of the United States, in Convention assembled, in discharge of the duty we owe to our constituents and our country, unite in the following declarations:

1. That the history of the nation, during the last four years, has fully established the propriety and necessity of the organization and perpetuation of the Republican party, ...
2. That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution, "That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed," is essential to the preservation of our Republican institutions; and that the Federal Constitution, the Rights of the States, and the Union of the States, must and shall be preserved.
3. That to the Union of the States this nation owes its unprecedented increase in population, its surprising development of material resources, its rapid augmentation of wealth, its happiness at home and its honor abroad; and we hold in abhorrence all schemes for Disunion, come from whatever source they may: ...
4. That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends; ... .
5. That the present Democratic Administration has far exceeded our worst apprehensions, ... as especially evinced in its desperate exertions to force the infamous Lecompton Constitution upon the protesting people of Kansas; ...
6. That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; ...
7. That the new dogma, that the Constitution, of its own force, carries Slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, ...
8. That the normal condition of all the territory of the United States is that of freedom; That as our Republican fathers, when they had abolished Slavery in all our national territory, ordained that "no person should be deprived of life, liberty, or property, without due process of law," it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a territorial legislature, or of any individuals, to give legal existence to Slavery in any Territory of the United States.
9. That we brand the recent re-opening of the African slave-trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity and a

burning shame to our country and age; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

10. That in the recent vetoes, by their Federal Governors, of the acts of the Legislatures of Kansas and Nebraska, prohibiting Slavery in those Territories, we find a practical illustration of the boasted Democratic principle of Non- Intervention and Popular Sovereignty, embodied in the Kansas-Nebraska bill, and a demonstration of the deception and fraud involved therein.

11. That Kansas should, of right, be immediately admitted as a State under the Constitution recently formed and adopted by her people, and accepted by the House of Representatives.

...

16. That a Railroad to the Pacific Ocean is imperatively demanded by the interest of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction; and that, as preliminary thereto, a daily Overland Mail should be promptly established.

17. Finally, having thus set forth our distinctive principles and views, we invite the cooperation of all citizens, however differing on other questions, who substantially agree with us in their affirmance and support.

## Southern Secession

*When Abraham Lincoln was elected in 1860 with no electoral votes at all from below the Mason Dixon Line, the South decided that time had come to break the links with the rest of the Union. The action was not shocking, as secession had been threatened for years, but the actual break must have sobered many who had never before faced the reality of separation. By February, 1861, seven states had seceded. Following the firing on Ft. Sumter, South Carolina and Lincoln's subsequent call for 75,000 volunteers to put down the rebellion, four more states left. Here are excerpts from the secession documents of three states, which clearly state their reasons for separation.*

### **Mississippi Resolutions, January, 1861**

Whereas, the constitutional Union was formed by the several states in their separate sovereign capacity for the purpose of mutual advantage and protection;

That the several states are distinct sovereignties, whose supremacy is limited so far only as the same has been delegated by voluntary compact to a federal government, and, when it fails to accomplish the ends for which it was established, the parties to the compact have the right to resume, each state for itself, such delegated powers;

That the institution of slavery existed prior to the formation of the federal Constitution, and is recognized by its letter, and all efforts to impair its value or lessen its duration by Congress, or any of the free states, is a violation of the compact of Union and is destructive of the ends for which it was ordained, but in defiance of the principles of the Union thus established, the people of the Northern states have assumed a revolutionary position toward the Southern states;

That they have set at defiance that provision of the Constitution which was intended to secure domestic tranquillity among the states and promote their general welfare, namely: "No person held to service or labor in one state, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due";

That they have by voluntary associations, individual agencies, and state legislation interfered with slavery as it prevails in the slaveholding states,

That they have enticed our slaves from us and, by state intervention, obstructed and prevented their rendition under the Fugitive Slave Law;

That they continue their system of agitation obviously for the purpose of encouraging other slaves to escape from service, to weaken the institution in the slaveholding states by rendering the holding of such property insecure, and as a consequence its ultimate abolition certain;

That they claim the right and demand its execution by Congress, to exclude slavery from the territories, but claim the right of protection for every species of property owned by themselves; ...

That they have sought to create domestic discord in the Southern states by incendiary publications;

## **South Carolina Declaration, December 1860**

THE PEOPLE of the state of South Carolina, in convention assembled, on the 2nd day of April, A.D. 1852, declared that the frequent violations of the Constitution of the United States by the federal government, and its encroachments upon the reserved rights of the states, fully justified this state in their withdrawal from the federal Union; but in deference to the opinions and wishes of the other slaveholding states, she forbore at that time to exercise this right. Since that time, these encroachments have continued to increase, and further forbearance ceases to be a virtue.

And, now, the state of South Carolina, having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.

...

... In 1787, deputies were appointed by the states to revise the Articles of Confederation; and on Sept. 17, 1787, these deputies recommended, for the adoption of the states, the Articles of Union, known as the Constitution of the United States.

The parties to whom this Constitution was submitted were the several sovereign states; they were to agree or disagree, and when nine of them agreed, the compact was to take effect among those concurring; and the general government, as the common agent, was then to be invested with their authority. ...

Thus was established, by compact between the states ...

The Constitution of the United States, in its 4<sup>th</sup> Article, provides as follows: "No person held to service or labor in one state, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

This stipulation was so material to the compact that without it that compact would not have been made. ... The states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin, and Iowa have enacted laws which either nullify the acts of Congress or render useless any attempt to execute them. ...

The ends for which this Constitution was framed are declared by itself to be "to form a more perfect union, to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." ...

We affirm that these ends for which this government was instituted have been defeated, and the government itself has been destructive of them by the action of the non-slaveholding states. Those states have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the states and recognized by the Constitution. They have denounced as sinful the institution of slavery; they have permitted the open establishment among them of societies, whose avowed object is to disturb the peace of and eloin the property of the citizens of other states. ... A geographical line has been drawn across the Union, and all the states north of that line have united in the election of a man to the high office of President of the United

States whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common government, because he has declared that that "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction. ...

On the 4th of March next this party will take possession of the government. It has announced that the South shall be excluded from the common territory, that the judicial tribunal shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guarantees of the Constitution will then no longer exist; the equal rights of the states will be lost. The slaveholding states will no longer have the power of self-government or self-protection, and the federal government will have become their enemy. ...

We, therefore, the people of South Carolina, by our delegates in convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this state and the other states of North America is dissolved; and that the state of South Carolina has resumed her position among the nations of the world, as [a] separate and independent state, with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

### **Virginia Ordinance of Secession, April 1861**

An ORDINANCE to repeal the ratification of the Constitution of the United States of America, by the State of Virginia, and to resume, all rights and powers granted under said Constitution.

The people of Virginia, in their ratification of the constitution of the United States of America, adopted by them in convention on the twenty-fifth day of June in the year of our Lord one thousand seven hundred and eighty-eight, having declared that the powers granted under the said constitution were derived from the people of the United States, and might be resumed whensoever the same should be perverted to their injury and oppression; and the federal government having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the southern, slaveholding states:

Now, therefore, we the people of Virginia do declare and ordain, that the ordinance adopted by the people of this state in convention on the twenty-fifth day of June in the year of our Lord one thousand seven hundred and eighty-eight, whereby the constitution of the United States of America was ratified, and all acts of the general assembly of this state ratifying or adopting amendments to said constitution, are hereby repealed and abrogated; that the union between Union between the state of Virginia and the other states under the constitution aforesaid is hereby dissolved, and that the state of Virginia is in the full possession and exercise of all the rights of sovereignty ...

And they do further declare, that said constitution of the United States of America is no longer, binding on any of the citizens of this state.

This ordinance shall take effect and be an act of this day, when ratified by a majority of the votes of the people of this state ...

## Abraham Lincoln First Inaugural Address

March 4, 1861

*Abraham Lincoln's first inaugural address, delivered in a gray and solemn capital city torn by dissension, was a detailed exposition of his objection to the legality of secession as well as a plea for patience and reconciliation.*

Fellow-Citizens of the United States:

In compliance with a custom as old as the Government itself, I appear before you to address you briefly and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President "before he enters on the execution of this office."

I do not consider it necessary at present for me to discuss those matters of administration about which there is no special anxiety or excitement.

Apprehension seems to exist among the people of the Southern States that by the accession of a Republican Administration their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that—

I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.

Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations and had never recanted them; and more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

Resolved, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter what pretext, as among the gravest of crimes.

I now reiterate these sentiments, and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible that the property, peace, and security of no section are to be in any wise endangered by the now incoming Administration.

...

I take the official oath to-day with no mental reservations and with no purpose to construe the Constitution or laws by any hypocritical rules; and while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed than to violate any of them trusting to find impunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration of a President under our National Constitution. During that period fifteen different and greatly distinguished citizens have in succession administered the executive branch of the Government. They have conducted it through



many perils, and generally with great success. Yet, with all this scope of precedent, I now enter upon the same task for the brief constitutional term of four years under great and peculiar difficulty. A disruption of the Federal Union, heretofore only menaced, is now formidably attempted.

I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself.

Again: If the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak—but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that in legal contemplation the Union is perpetual confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was “to form a more perfect Union.”

But if destruction of the Union by one or by a part only of the States be lawfully possible, the Union is less perfect than before the Constitution, having lost the vital element of perpetuity.

It follows from these views that no State upon its own mere motion can lawfully get out of the Union; ...

... Plainly the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it does of necessity fly to anarchy or to despotism. Unanimity is impossible. The rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism in some form is all that is left.

Physically speaking, we can not separate. We can not remove our respective sections from each other nor build an impassable wall between them. A husband and wife may be divorced and go out of the presence and beyond the reach of each other, but the different parts of our country can not do this. They can not but remain face to face, and intercourse, either amicable or hostile, must continue between them. ...

My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new Administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in the dispute, there still

is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty.

In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The Government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to "preserve, protect, and defend it."

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

## Constitution of the Confederate States of America

*The Confederate Constitution was patterned after the United States Constitution in most major areas. The excerpts below indicate areas in which the Confederate Constitution varied significantly from the United States Constitution.*

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity invoking the favor and guidance of Almighty God do ordain and establish this Constitution for the Confederate States of America.

### Article I

Section I. All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives. ...

... Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. ...

Sec. 8. The Congress shall have power— ... [similar to U.S. Constitution]

Sec. 9. The importation of negroes of the African race from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

No bill of attainder, ex post facto law, or law denying or impairing the right of property in negro slaves shall be passed.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances. [Freedoms guaranteed in the Bill of Rights were incorporated directly into the Confederate Constitution rather than being added as amendments.]

Section I. (I) The executive power shall be vested in a President of the Confederate States of America. He and the Vice President shall hold their offices for the term of six years; but the President shall not be re-eligible. ...

### Article IV

Section I. (I) Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Sec. 2. (I) The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

... (3) No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

Sec. 3. (I) Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

(3) The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

## ARTICLE VI

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution, as under the Provisional Government.

3. This Constitution, and the laws of the Confederate States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

## Speech of Confederate Vice President Alexander H. Stephens

*The following speech helps define what secession and Civil War were all about. It was delivered by Confederate Vice President Alexander H. Stephens in Savannah, Georgia, on March 21, 1861. Although Stephens did not provide a written version, this version was published in a newspaper at the time. The origin of this version (full) is the Encyclopedia of the Confederacy. It is generally referred to as the "Cornerstone Speech."*

Mr. Mayor, and Gentlemen of the Committee, and Fellow-Citizens: -For this reception you will please accept my most profound and sincere thanks. ...

... I very much regret that every one who desires cannot hear what I have to say. Not that I have any display to make, or any thing very entertaining to present, but such views as I have to give, I wish all, not only in this city, but in this State, and throughout our Confederate Republic, could hear, who have a desire to hear them. ...

This new constitution, or form of government, constitutes the subject to which your attention will be partly invited. In reference to it, I make this first general remark. It amply secures all our ancient rights, franchises, and liberties. All the great principles of Magna Charta are retained in it. No citizen is deprived of life, liberty, or property, but by the judgment of his peers under the laws of the land. The great principle of religious liberty, which was the honor and pride of the old constitution, is still maintained and secured. All the essentials of the old constitution, which have endeared it to the hearts of the American people, have been preserved and perpetuated. ...

But not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other—though last, not least. The new constitution has put at rest, forever, all the agitating questions relating to our peculiar institution—African slavery as it exists amongst us—the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson in his forecast, had anticipated this, as the “rock upon which the old Union would split.” He was right. What was conjecture with him, is now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands, may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that, somehow or other in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the constitution, was the prevailing idea at that time. The constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell when the “storm came and the wind blew.”

Our new government is founded upon exactly the opposite idea; its foundations are laid, its cornerstone rests upon the great truth, that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition. [Applause.] This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even

amongst us. Many who hear me, perhaps, can recollect well, that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North, who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind—from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises; so with the anti-slavery fanatics; their conclusions are right if their premises were. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man. If their premises were correct, their conclusions would be logical and just—but their premise being wrong, their whole argument fails.

I recollect once of having heard a gentleman from one of the northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled, ultimately, to yield upon this subject of slavery, that it was as impossible to war successfully against a principle in politics, as it was in physics or mechanics. That the principle would ultimately prevail. That we, in maintaining slavery as it exists with us, were warring against a principle, a principle founded in nature, the principle of the equality of men. The reply I made to him was, that upon his own grounds, we should, ultimately, succeed, and that he and his associates, in this crusade against our institutions, would ultimately fail. The truth announced, that it was as impossible to war successfully against a principle in politics as it was in physics and mechanics, I admitted; but told him that it was he, and those acting with him, who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

In the conflict thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted; and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world. ...

... [Ours] is the first government ever instituted upon the principles in strict conformity to nature, and the ordination of Providence, in furnishing the materials of human society. Many governments have been founded upon the principle of the subordination and serfdom of certain classes of the same race; such were and are in violation of the laws of nature. Our system commits no such violation of nature's laws. With us, all of the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro.

Subordination is his place. He, by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper material—the granite; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it, and by experience we know that it is best, not only for the superior, but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of his ordinances, or to question them. For his own purposes, he has made one race to differ from another, as he has made "one star to differ from another star in glory."

The great objects of humanity are best attained when there is conformity to his laws and decrees, in the formation of governments as well as in all things else. Our confederacy is founded upon principles in strict conformity with these laws. This stone which was rejected by the first builders "is become the chief of the corner"—the real "corner-stone"—in our new edifice. [Applause.]

## Preliminary Emancipation Proclamation

*Lincoln issued his preliminary Emancipation Proclamation on September 22, 1862. He announced that the final proclamation would be issued in January 1, 1863. He hoped, mainly as it turned out, that states might rejoin the union in order to avoid being subject to the final proclamation. Although some feared that it might drive the border states that had not seceded into the Confederacy, Lincoln asserted that he had made a covenant with God to issue the document.*

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

“That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.”

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth[]), and which excepted parts, are for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the Independence of the United States of America the eighty-seventh.

By the President: ABRAHAM LINCOLN  
WILLIAM H. SEWARD, Secretary of State.



## **The Emancipation Proclamation**

### **January 1, 1863**

*Lincoln's final Emancipation Proclamation went beyond his preliminary document. He clearly intended it to be a step on the road to permanent freedom for the slaves. Feeling that he was restricted by the Constitution from taking complete action against slavery, Lincoln justified his action on the basis of military necessity. Soon afterward, however, he urged Congress to pass an amendment to the Constitution abolishing slavery. The amendment was eventually passed and was ratified in December, 1865. Before that occurred, however, thousands of slaves had been freed, and almost 200,000 of them eventually served in the Union armies.*

By the President of the United States of America:

A Proclamation.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth[]), and

which excepted parts, are for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the Independence of the United States of America the eighty-seventh.

By the President: ABRAHAM LINCOLN  
WILLIAM H. SEWARD, Secretary of State.

## Abraham Lincoln, Second Inaugural Address

March 4, 1865

*Abraham Lincoln's second inaugural address is less well-known than his Gettysburg Address; both are inscribed on the walls of the Lincoln Memorial in Washington. In the judgment of some historians, the second inaugural was his most moving and important public statement. Many fine orders had extolled the virtues of democracy. But at a critical moment in the nation's history, when the end of the war was in sight, Lincoln's plea for reconciliation among all Americans was a call that had to be heard. When his voice was still one month later much of the hope of a peaceful reconciliation died with the fall of President.*

Fellow-Countrymen:

A this second appearing to take the oath of the Presidential office there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, urgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained.

Neither anticipated that the cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him?

Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

## **General William T. Sherman on War**

*Before his army entered the city of Atlanta in September, 1864, General Sherman sent a letter to the mayor directing that the city be evacuated; it would not be suitable for civilians once his troops took over. The Mayor and City Council responded with a request that he rescind his order on the grounds that many people—older citizens, young women who were pregnant or had small children, the infirm, etc. Sherman's response, below, is seen as the harbinger of modern "total" war, in which the entire nation becomes involved in the conflict. (Witness the bombings of cities during World War II.) From Atlanta Sherman set out a few weeks later to "make the South howl," which he did on his famous march to the sea. Everything Sherman did had the approval of his superiors, General U.S. Grant and President Lincoln. Military historians generally believe that Sherman's tactics broke the back of the South and hastened the end of the conflict, which came some seven months after Sherman entered Atlanta.*

### **HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI, IN THE FIELD, ATLANTA, GEORGIA**

September 12, 1864

JAMES M. CALHOUN, Mayor, E. E. PAWSON and S. C. WELLS, representing City Council of Atlanta.

GENTLEMEN: I have your letter of the 11th, in the nature of a petition to revoke my orders removing all the inhabitants from Atlanta. I have read it carefully, and give full credit to your statements of the distress that will be occasioned, and yet shall not revoke my orders, because they were not designed to meet the humanities of the case, but to prepare for the future struggles in which millions of good people outside of Atlanta have a deep interest. We must have peace, not only at Atlanta, but in all America. To secure this, we must stop the war that now desolates our once happy and favored country. To stop war, we must defeat the rebel armies which are arrayed against the laws and Constitution that all must respect and obey. To defeat those armies, we must prepare the way to reach them in their recesses, provided with the arms and instruments which enable us to accomplish our purpose.

Now, I know the vindictive nature of our enemy, that we may have many years of military operations from this quarter; and, therefore, deem it wise and prudent to prepare in time. The use of Atlanta for warlike purposes is inconsistent with its character as a home for families. There will be no manufactures, commerce, or agriculture here, for the maintenance of families, and sooner or later want will compel the inhabitants to go. Why not go now, when all the arrangements are completed for the transfer, instead of waiting till the plunging shot of contending armies will renew the scenes of the past month? Of course, I do not apprehend any such thing at this moment, but you do not suppose this army will be here until the war is over. I cannot discuss this subject with you fairly, because I cannot impart to you what we propose to do, but I assert that our military plans make it necessary for the inhabitants to go away, and I can only renew my offer of services to make their exodus in any direction as easy and comfortable as possible.

You cannot qualify war in harsher terms than I will. War is cruelty, and you cannot refine it; and those who brought war into our country deserve all the curses and maledictions a people can pour out. I know I had no hand in making this war, and I know I will make more sacrifices to-day than any of you to secure peace. But you cannot have peace and a division of our country. If the United States submits to a division now, it will not stop, but will go on until we reap the fate of Mexico, which is eternal war. The United States does and must as-

sert its authority, wherever it once had power; for, if it relaxes one bit to pressure, it is gone, and I believe that such is the national feeling. This feeling assumes various shapes, but always comes back to that of Union. Once admit the Union, once more acknowledge the authority of the national Government, and, instead of devoting your houses and streets and roads to the dread uses of war, I and this army become at once your protectors and supporters, shielding you from danger, let it come from what quarter it may. I know that a few individuals cannot resist a torrent of error and passion, such as swept the South into rebellion, but you can point out, so that we may know those who desire a government, and those who insist on war and its desolation.

You might as well appeal against the thunder-storm as against these terrible hardships of war. They are inevitable, and the only way the people of Atlanta can hope once more to live in peace and quiet at home, is to stop the war, which can only be done by admitting that it began in error and is perpetuated in pride.

We don't want your negroes, or your horses, or your houses, or your lands, or any thing you have, but we do want and will have a just obedience to the laws of the United States. That we will have, and, if it involves the destruction of your improvements, we cannot help it.

You have heretofore read public sentiment in your newspapers, that live by falsehood and excitement; and the quicker you seek for truth in other quarters, the better. I repeat then that, by the original compact of Government, the United States had certain rights in Georgia, which have never been relinquished and never will be; that the South began war by seizing forts, arsenals, mints, customhouses, etc., etc., long before Mr. Lincoln was installed, and before the South had one jot or tittle of provocation. I myself have seen in Missouri, Kentucky, Tennessee, and Mississippi, hundreds and thousands of women and children fleeing from your armies and desperadoes, hungry and with bleeding feet. In Memphis, Vicksburg, and Mississippi, we fed thousands upon thousands of the families of rebel soldiers left on our hands, and whom we could not see starve.

Now that war comes home to you, you feel very different. You deprecate its horrors, but did not feel them when you sent car-loads of soldiers and ammunition, and moulded shells and shot, to carry war into Kentucky and Tennessee, to desolate the homes of hundreds and thousands of good people who only asked to live in peace at their old homes, and under the Government of their inheritance. But these comparisons are idle. I want peace, and believe it can only be reached through union and war, and I will ever conduct war with a view to perfect and early success.

But, my dear sirs, when peace does come, you may call on me for any thing. Then will I share with you the last cracker, and watch with you to shield your homes and families against danger from every quarter.

Now you must go, and take with you the old and feeble, feed and nurse them, and build for them, in more quiet places, proper habitations to shield them against the weather until the mad passions of men cool down, and allow the Union and peace once more to settle over your old homes at Atlanta.

Yours in haste,

W. T. SHERMAN, Major-General commanding

## Letter of Sullivan Ballou to his Wife

*Major Sullivan Ballou of the Second Regiment, Rhode Island Volunteers, wrote what is perhaps the most famous letter ever written by a soldier to his wife. Having left a promising career as a lawyer to join the Union cause, Ballou was a strong supporter of President Lincoln and the Union. Anticipating that he would be soon ordered into combat, he expressed his most intimate thoughts to his wife. Part of the letter was read in the PBS Civil War series of Ken Burns. He did not mail the letter but left it with his belongings. It was later given to his widow. Sullivan Ballou was killed a week after writing this letter at the first Battle of Bull Run, July 21, 1861.*

July the 14th, 1861

Washington DC

My very dear Sarah:

The indications are very strong that we shall move in a few days -- perhaps tomorrow. Lest I should not be able to write you again, I feel impelled to write lines that may fall under your eye when I shall be no more.

Our movement may be one of a few days duration and full of pleasure -- and it may be one of severe conflict and death to me. Not my will, but thine O God, be done. If it is necessary that I should fall on the battlefield for my country, I am ready. I have no misgivings about, or lack of confidence in, the cause in which I am engaged, and my courage does not halt or falter. I know how strongly American Civilization now leans upon the triumph of the Government, and how great a debt we owe to those who went before us through the blood and suffering of the Revolution. And I am willing -- perfectly willing -- to lay down all my joys in this life, to help maintain this Government, and to pay that debt.

But, my dear wife, when I know that with my own joys I lay down nearly all of yours, and replace them in this life with cares and sorrows -- when, after having eaten for long years the bitter fruit of orphanage myself, I must offer it as their only sustenance to my dear little children -- is it weak or dishonorable, while the banner of my purpose floats calmly and proudly in the breeze, that my unbounded love for you, my darling wife and children, should struggle in fierce, though useless, contest with my love of country?

I cannot describe to you my feelings on this calm summer night, when two thousand men are sleeping around me, many of them enjoying the last, perhaps, before that of death -- and I, suspicious that Death is creeping behind me with his fatal dart, am communing with God, my country, and thee.

I have sought most closely and diligently, and often in my breast, for a wrong motive in thus hazarding the happiness of those I loved and I could not find one. A pure love of my country and of the principles I have often advocated before the people and "the name of honor that I love more than I fear death" have called upon me, and I have obeyed.

Sarah, my love for you is deathless, it seems to bind me to you with mighty cables that nothing but Omnipotence could break; and yet my love of Country comes over me like a strong wind and bears me irresistibly on with all these chains to the battlefield.

The memories of the blissful moments I have spent with you come creeping over me, and I feel most gratified to God and to you that I have enjoyed them so long. And hard it is for

me to give them up and burn to ashes the hopes of future years, when God willing, we might still have lived and loved together, and seen our sons grow up to honorable manhood around us. I have, I know, but few and small claims upon Divine Providence, but something whispers to me -- perhaps it is the wafted prayer of my little Edgar -- that I shall return to my loved ones unharmed. If I do not, my dear Sarah, never forget how much I love you, and when my last breath escapes me on the battlefield, it will whisper your name.

Forgive my many faults, and the many pains I have caused you. How thoughtless and foolish I have oftentimes been! How gladly would I wash out with my tears every little spot upon your happiness, and struggle with all the misfortune of this world, to shield you and my children from harm. But I cannot. I must watch you from the spirit land and hover near you, while you buffet the storms with your precious little freight, and wait with sad patience till we meet to part no more.

But, O Sarah! If the dead can come back to this earth and flit unseen around those they loved, I shall always be near you; in the garish day and in the darkest night -- amidst your happiest scenes and gloomiest hours -- always, always; and if there be a soft breeze upon your cheek, it shall be my breath; or the cool air fans your throbbing temple, it shall be my spirit passing by.

Sarah, do not mourn me dead; think I am gone and wait for thee, for we shall meet again.

As for my little boys, they will grow as I have done, and never know a father's love and care. Little Willie is too young to remember me long, and my blue-eyed Edgar will keep my frolics with him among the dimmest memories of his childhood. Sarah, I have unlimited confidence in your maternal care and your development of their characters. Tell my two mothers his and hers I call God's blessing upon them.

O Sarah, I wait for you there! Come to me, and lead thither my children.

Sullivan