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CONCEIVED
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VOLUME IV
THE REVOLUTIONARY WAR,
1775–1784

MURRAY N. ROTHBARD

MISES
INSTITUTE
AUBURN, ALABAMA

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*These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it **now**, deserves the love and thanks of man and woman. Tyranny, like Hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.*

Tom Paine

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Preface

What! Another American history book? The reader may be pardoned for wondering about the point of another addition to the seemingly inexhaustible flow of books and texts on American history. One problem, as pointed out in the bibliographical essay at the end of Volume I, is that the survey studies of American history have squeezed out the actual stuff of history, the narrative facts of the important events of the past. With the true data of history squeezed out, what we have left are compressed summaries and the historian's interpretations and judgments of the data. There is nothing wrong with the historian's having such judgments; indeed, without them, history would be a meaningless and giant almanac listing dates and events with no causal links. But, without the narrative facts, the reader is deprived of the data from which he can himself judge the historian's interpretations and evolve interpretations of his own. A major point of this and the other volumes is to put the historical narrative back into American history.

Facts, of course, must be selected and ordered in accordance with judgments of importance, and such judgments are necessarily tied into the historian's basic world outlook. My own basic perspective on the history of man, and *a fortiori* on the history of the United States, is to place central importance on the great conflict which is eternally waged between Liberty and Power, a conflict, by the way, which was seen with crystal clarity by the American revolutionaries of the eighteenth century. I see the liberty of the individual not only as a great moral good in itself (or, with Lord Acton, as the highest political good), but also as the necessary condition for the flowering of all the other goods that mankind cherishes: moral

virtue, civilization, the arts and sciences, economic prosperity. Out of liberty, then, stem the glories of civilized life. But liberty has always been threatened by the encroachments of power, power which seeks to suppress, control, cripple, tax, and exploit the fruits of liberty and production. Power, then, the enemy of liberty, is consequently the enemy of all the other goods and fruits of civilization that mankind holds dear. And power is almost always centered in and focused on that central repository of power and violence: the state. With Albert Jay Nock, the twentieth-century American political philosopher, I see history as centrally a race and conflict between “social power”—the productive consequence of voluntary interactions among men—and state power. In those eras of history when liberty—social power—has managed to race ahead of state power and control, the country and even mankind have flourished. In those eras when state power has managed to catch up with or surpass social power, mankind suffers and declines.

For decades, American historians have quarreled about “conflict” or “consensus” as the guiding *leitmotif* of the American past. Clearly, I belong in the “conflict” rather than the “consensus” camp, with the proviso that I see the central conflict as not between classes (social or economic), or between ideologies, but between Power and Liberty, State and Society. The social or ideological conflicts have been ancillary to the central one, which concerns: Who will control the state, and what power will the state exercise over the citizenry? To take a common example from American history, there are in my view no inherent conflicts between merchants and farmers in the free market. On the contrary, in the market, the sphere of liberty, the interests of merchants and farmers are harmonious, with each buying and selling the products of the other. Conflicts arise only through the attempts of various groups of merchants or farmers to seize control over the machinery of government and to use it to privilege themselves at the expense of the others. It is only through and by state action that “class” conflicts can ever arise.

This volume deals with the exciting events of the American Revolution, perhaps the most fateful years in American history. While the military history of the war necessarily takes first rank, it is not simply a recital of the battles; intertwined with the tactics and the strategy of the war were ideological conflicts over how the war should be fought, and what sort of government and society should emerge after the war was over. In particular, important light is shed on both the battles and the military strategy of the war by incorporating the latest historical researches applying what we now know about the importance of guerrilla vis-à-vis conventional interstate warfare for the waging of a revolutionary armed struggle. The military histories of the Revolution written before the 1960s are hopelessly

inadequate because they fail to grasp this vital dimension in explaining the course of the fighting.

In addition to the history of the warfare itself, this volume discusses the political history of the period, in particular the conflicts over the kinds of state governments to be constructed, and the drive of the Nationalists for a strong central government. This period culminates in the adoption of the Articles of Confederation and in the rise to power of Robert Morris. Also discussed are the oft-neglected financial history of the war, the ruinous inflation and price controls, and the political-financial manipulations of Morris and his associates. The book also deals with the Western lands question, which will take on fateful importance in the nineteenth century; it concludes by assessing the impact of the Revolution on America and Europe, and by asking the question: was the Revolution truly radical?

My intellectual debts for this volume are simply too numerous to mention, especially since an historian must bring to bear not only his own discipline but also his knowledge of economics, of political philosophy, and of mankind in general. Here I would just like to mention, for his methodology of history, Ludwig von Mises, especially his much neglected volume, *Theory and History*; and Lord Acton, for his emphasis on the grievously overlooked moral dimension. For his political philosophy and general outlook on American history, Albert Jay Nock, particularly his *Our Enemy the State*.

As for my personal debts, I am happy to be more specific. This series of volumes would never have been attempted, much less seen the light of day, without the inspiration, encouragement, and support provided by Kenneth S. Templeton, Jr., now of the Liberty Fund, Indianapolis, Indiana. I hope that he won't be overly disappointed with these volumes. I am grateful to the Foundation for Foreign Affairs, Chicago, for enabling me to work full time on the volumes, and to Dr. David S. Collier of the Foundation for his help and efficient administration. Others who have helped with ideas and aid in various stages of the manuscript are Charles G. Koch and George Pearson of Wichita, Kansas, and Robert D. Kephart of Kephart Communications, Inc., Alexandria, Virginia.

To my first mentor in the field of American history, Joseph Dorfman, now Professor Emeritus at Columbia University, I owe in particular the rigorous training that is typical of that keen and thorough scholar.

But my greatest debt is to Leonard P. Liggio, editor of *The Literature of Liberty*, San Francisco, whose truly phenomenal breadth of knowledge and insight into numerous fields and areas of history are an inspiration to all who know him.

Over the years in which this manuscript took shape, I was fortunate in having several congenial typists—in particular, Willette Murphy Klausner

of Los Angeles, and the now distinguished intellectual historian and social philosopher, Dr. Ronald Hamowy of the University of Alberta. I would particularly like to thank Louise Williams and Joanne Ebeling of New York City for their often heroic services in typing this manuscript.

The responsibility for the final product is, of course, wholly my own.

MURRAY N. ROTHBARD

November 1978

PART I

The War Begins

1

Spreading the News of Lexington and Concord

The news of the victorious battles of Lexington and Concord on April 19, 1775, hit the world like a thunderclap; they were truly a “shot heard round the world,” and it was the first order of the day for the Massachusetts radicals to make sure that the news spread—especially to the other colonies—in the right way. They needed to present a picture of events that would evoke sympathy and solidarity for the revolutionary cause. The basic outlines of the case were there in reality: proud British troops had invaded the countryside outside Boston; they had launched an armed conflict by shooting down a brave, heavily outnumbered troop at Lexington; and finally, they were smashed by a triumphant array of enthusiastic, individualistic, American farmers on the retreat from Concord. As historian Arthur Tourtellot has put it:

The British had marched out of Boston in force. . . . The British had fired to kill first. The British had destroyed property. There had been bloodshed and death. . . . All this established beyond any doubt that the Americans had been the victims. At the same time—and this was equally important—the Americans were also the victors. The half-believed argument . . . that the American colonists would never stand up to British regulars was thoroughly shattered.*

But the facts had to be dressed up for popular consumption, especially before the British could turn on *their* engines of propaganda. There was

*Arthur B. Tourtellot, *Lexington and Concord* (New York: W. W. Norton & Co., 1963), p. 211.

little need at first to whip up Massachusetts, whose armed farmers were on fire and beginning to pour in to aid the militia; but it was essential and much more difficult to try to command the support of the other colonies for the Revolution, colonies whose leadership had always been suspicious of the radicalism and individualism of the bay colony.

When John Hancock, John Adams, and Sam Adams departed for the crucial meeting of the Second Continental Congress scheduled for May 10, the leadership of radicalism in Massachusetts was left in the capable hands of Dr. Joseph Warren. A brilliant young man educated in liberty under Edward ("Guts") Holyoke at Harvard, Warren had been the only political leader to participate in the first line of fighting over the whole course of the flight from Concord. Now the toast of Massachusetts, Warren set up civil headquarters at Cambridge on the day after the Concord battle, and was made acting chairman of the Massachusetts Committee of Safety. Less than twenty-four hours after the end of the battle of Concord, he issued the first circular on the events of April 19. In the name of the Committee of Safety, Warren directed the circular to the prime immediate task: to raise an army of the Massachusetts militia. His circular therefore went to the Massachusetts towns and beat a drumfire of flaming warning against the British:

The barbarous murders committed upon our innocent brethren . . . have made it absolutely necessary, that we immediately raise an army to defend our wives and children from the butchering hands of an inhuman soldiery, who, . . . enraged at being repulsed from the field of slaughter, will, without the least doubt, take the first opportunity in their power, to ravage this devoted country with fire and sword. . . . Our all is at stake. Death and devastation are the certain consequences of delay. . . . An hour lost may deluge your country in blood, and entail perpetual slavery upon the few . . . who may survive the carnage.

He concluded by urging the speediest possible enlistment in a Massachusetts army.

The British troops had scurried from the Charlestown peninsula back to the safety of Boston across the river; and so the first task of the rebels was to raise an army to lay siege to Boston and contain the British forces within that city. That army sprang up literally overnight as, during April 20, militia from all over the province poured into Cambridge, where Artemas Ward and others, appointed as generals by the Massachusetts Provincial Congress, now made their headquarters. Militia also poured in rapidly from Connecticut and New Hampshire, and in a few days many thousands arrived from these two colonies. As a result, in an in-

credibly brief time 20,000 eager militiamen formed an army laying siege to Boston. The provincial army which the radicals had sought and which the provincial congress had failed to raise only a week before Concord was now in being. Although it had a leader, Artemas Ward, it was as yet a force of individualists, each coming and leaving on his own responsibility.

The Massachusetts Provincial Congress met quickly on April 22. Now that an army—albeit an individualistic army—could at least temporarily hem in the British force at Boston, Joseph Warren, the new president of the Congress, turned to the vital barrage of education and propaganda directed to the other American colonies. Warren and the radicals realized the vital importance of public support and enthusiasm—and hence of agitation and propaganda—in this new type of war. Here was not a usual war begun by one government against another; here was a people's war of revolution waged against the existing state apparatus, begun without benefit of governmental or even organized direction. To continue demanded public support throughout the colonies for the Massachusetts cause.

Virtually the first act of the Massachusetts congress, therefore, was to appoint two committees, one to investigate the facts of Lexington and Concord, the other to draw up a narrative of what had happened there. Interestingly enough, while the Committee of Inquiry was making a careful investigation of the facts, the Narrative Committee was already writing its rather distorted report, and with little reference to the inquiry. Its chairman was none other than Dr. Benjamin Church, later discovered to be a secret traitor and informer, who felt he had to go out of the way to proclaim his devotion to the revolutionary cause. Church's report, issued on April 26, revelled in fake atrocity stories—always an effective device for whipping up hatred of the enemy. Dr. Warren, when editing the report, added further touches to the manufactured atrocities in an appeal to the people of Boston.

Special teams of couriers swiftly carried the Church report throughout the colonies and the newspaper press hastened to publish the story, liberally adding further atrocity tales of their own. Many papers, refusing to wait for their weekly publication date, issued handbills as extra editions as soon as the news arrived. Often, the printed account was edged in heavy black borders, and headlines such as "Bloody News" and "Bloody Butchery by the British Troops" abounded. Isaiah Thomas, editor of the fiery, radical *Massachusetts Spy*, had moved his press from Boston to Worcester. From there he fired off a blast that was reprinted in newspapers throughout the colonies. Thomas called on Americans to "forever bear in mind the BATTLE OF LEXINGTON! where British Troops, unmolested and

unprovoked, wantonly . . . fired upon and killed a number of our countrymen." No piteous cries, thundered Thomas, could divert the British troops "from their DESIGN of MURDER and ROBBERY." And the radical *New York Journal* mocked bitterly that "the kind intentions of our good mother—our tender, indulgent mother—are at last revealed to all the world"; for this mother was "a vile imposter—an old, abandoned prostitute—crimsoned o'er with every abominable crime, shocking to humanity!"

The Tory press, in the face of the intensity of popular feeling, was extremely circumspect about the events at Lexington and Concord. In Boston it ceased publication altogether, and the papers in New York refused to carry the British side of the case.

2

The Response in Britain

So zealous and skillful were the American radicals at spreading their account of Lexington and Concord that, by a feat of seamanship and enterprise, the American version reached Britain two full weeks before the official dispatches of Gen. Thomas Gage! Dr. Warren dispatched the skillful young mariner Capt. John Derby to England from Salem. Derby reached London before the end of May, quickly placing the papers in the custody of the radical John Wilkes, by then lord mayor of London. The next day, the American version of the affair hit the English press with great impact. The Reverend John Horne, a leading radical of London, promptly issued an appeal for funds to aid the widows and orphans of Americans murdered at Lexington, funds to help “our beloved American fellow-subjects, who, faithful to the character of Englishmen, preferring death to slavery, were, for that reason only, inhumanly murdered by the King’s Troops. . . .” For sending the money thus raised to Benjamin Franklin, who had already sailed for America earlier that year, Horne was imprisoned by the crown. For its part, the British government, bereft of information for two critical weeks, could only deny that such battles had taken place—a denial that made it a laughingstock when Gage’s dispatches finally arrived.

The outbreak of war had a great and critical impact upon the liberal Whigs, many of whom were high-ranking officers in the British armed forces. Some refused outright to serve in war against the Americans, including Adm. Augustus Keppel and Lord Effingham. Rather than lead the war against the Americans, Effingham published his resignation from

the army in September, for which he received public thanks from London, Dublin, Newcastle, and other cities. The British army was hit by numerous other resignations of conscience-stricken Whigs. Lord Chatham publicly refused to allow his son, William Pitt the Younger, to fight against the Americans. A typical Whig defection among leading Englishmen was that of Granville Sharp, the man chiefly responsible three years earlier for the legal action that had outlawed slavery within England. When the American Revolution broke out, Sharp was assistant to the secretary of ordnance and was in charge of ordering the munitions for the British army in the colonies. By midsummer, he obtained extended leave from his duties, because "I cannot return to my ordnance duty whilst a bloody war is carried on, unjustly as I conceive, against my fellow-subjects." As the war dragged on, Sharp finally resigned his post, winning public applause for his courageous act.

Many merchants joined the Whig leaders in opposition to war against the Americans. The Common Council of London petitioned the king to end the harsh measures against the Americans, and the Livery Company of London declared that the Americans were dutybound to resist invasion of their rights. This American victory for the minds of the British people was never entirely erased by the government, especially since Warren had been careful to appeal to the English as "fellow-subjects" in natural alliance against the crown and its armed forces.

The crown, of course, in the manner of hardliners throughout history, refused to acknowledge that its policy of coercion had failed. Instead, so much the more did the Americans need to be suppressed, and the "rebels" and "villains" to be taught a lesson. For the moment six regiments from the Mediterranean were to be sent to Boston and more enlistments were hoped for—enlistments that failed to materialize. Neither was the North ministry at all apologetic about the failure to cow the Americans. Instead, blame was put on subversive Whigs who had put ideas of liberty and revolution into the heads of the Americans, and, more specifically, on the supposed incompetence of General Gage, who had, however, been essentially acting on crown orders.

3

Guerrilla or Conventional War

After their humiliating defeat at Concord, many leading British officers acknowledged their error in being contemptuous of American military prowess. But others accused the Americans of not fighting fairly, according to the rules of conventional warfare. Instead of marching out on the open field in an extended line to fire volleys at a similarly aligned enemy, the “cowardly” rascals persisted in hiding inside and behind houses, trees, and stone walls, picking off English soldiers with accurate individual rifle fire. To the European military mind of the day, such actions were sheer murder and therefore dishonorable.

Behind the almost blatant idiocy of such an attitude, there lay the hard core of an extremely important problem. For certainly here had been warfare that upset all the “rules” of organized European warfare, in which the armies of the various states were sent out to kill each other in formal massed array. The tactics employed by the Americans at Concord reflected a new type of war: revolutionary war by a people in arms, a war that would naturally take the course—unless deflected by conscious purpose—of guerrilla warfare, in which individuals among the masses, familiar with the terrain, employed their advantage of knowledge and mass support to achieve mobility and surprise against an army possessed of superior firepower.

The Americans, at the very outset, were therefore faced with a choice of extreme importance in conducting their revolution. Unfortunately, they saw their alternatives but dimly, although here and there leaders

could see the vital issues with piercing clarity. Their choice not only determined the outcome and duration of the war; it also determined the permanent complexion and structure of any independent America that might emerge.

The colonists might choose either alternative or various admixtures of both. On the one hand, they could fight the war in European fashion, gathering together a standard European army, organizing it according to European-style totalitarian discipline, conscripting men and vast supplies to feed and equip the army, and then meeting the British in formal open combat. On the other hand, they could run a new style of war, a radical people's war of national liberation, a guerrilla war resting on individual responsibility, mobility, and surprise. A guerrilla war would be enormously less expensive than an orthodox one. For one thing, the guerrillas would not be full-time soldiers, torn away from productive labor to require parasitic feeding from an already harassed and burdened population. They would not be hauled from place to place, region to region. Instead they would be part-time soldiers, remaining in production, not requiring taxes or inflation to impose burdens on the people as a whole; they would remain close to home, fighting with high morale for their own area and homes, and feeding off their own continuing production rather than off the rest of society. Moreover, whereas orthodox warfare would require taxation, conscription, hierarchy, discipline, and the creation of a vast unproductive and expensive state bureaucracy to direct and supply the armies while draining the production of society, a guerrilla war could be run individualistically, relying on the zeal of the individual guerrilla, and would entail virtually no central bureaucracy or centralized confiscation of property to finance the war.

In brief, a guerrilla war would be the libertarian way to fight a war fully consistent with the American revolutionary ideals of liberty and equality of rights, and, therefore, the only way to achieve the libertarian goals of the Revolution. A European-style, orthodox war would be heavily statist, and would inevitably lead to the resumption of the very statism—the taxes, the restrictions, the bureaucracy—which the colonists were waging the revolution to escape.

What is more, guerrilla war would be enormously more effective; for that is the way any subjugated people—not only libertarians—can best fight against a better-armed, but hated foe. The efficiency of guerrilla fighting as against European warfare had not only been demonstrated in the unbroken victories of Ethan Allen and the Green Mountain Boys in the Vermont revolution, but also in the victory at Concord, a guerrilla engagement so individualistic as to be almost completely leaderless. In

contrast stood the slaughter at Lexington, where the Americans had fought in fixed ranks in the open.

Both moral principle and utility therefore required the choice of a guerrilla war; but various factors, certainly including the novelty of the dilemma, dictated a different choice.

4

The Seizure of Fort Ticonderoga

Massachusetts, a few days after Concord, had little time to ponder its choices. Twenty thousand individualists were keeping the British penned in Boston; but the 20,000, seeing little or nothing for them to do, began to drift home. In truth, the taking of major cities is the final stage of a guerrilla war; if the Americans were not yet strong enough to crush the British force of 4,000 within Boston, there was little point in maintaining the huge besieging force. Besides, Boston's geography as a peninsula with a very narrow neck and General Gage's panicky evacuation of the Charlestown Peninsula immediately after Concord insured the immobility of the British army. Here Joseph Warren took a large step away from liberty by pressing for a formal army organization to replace the individual militiaman and by insisting on terms of enlistment to last until the end of the year, and so destroying the freedom of action of the individual soldier. Massachusetts radicalism was beginning to be tempered by conservatism, and Liberty diluted by Power.

On April 23, the Massachusetts Provincial Congress voted to raise over 13,000 men for the siege, and the other New England colonies offered to supply a quota of several thousand each. Although these quotas were never filled, in little over a month 15,000 men of an organized army surrounded Boston. Occupying the center at Cambridge with 9,000 men was Gen. Artemas Ward, in command of the Massachusetts army and acknowledged as commander by the forces of the other New England colonies. On the right, at Roxbury, in front of Boston, was Gen. John Thomas of Massachusetts, commanding 5,000 men; on the extreme left, at Chelsea and Charlestown Neck, were over a thousand New Hampshire

men, headed by Cols. John Stark and James Reed. The Americans had settled down to an expensive and unrewarding—and standard—“Sitzkrieg,” and collecting goods to continue to feed and supply this inert and continuing army soon began to prove difficult. Meanwhile, British reinforcements swelled Gage’s force to over 6,000 men, giving him a greater potential for mischief.

While the New England and British troops were thus stalemated, bolder souls began to dream of American irregulars taking the offensive and striking a vital blow against England. In particular, Ethan Allen had, at least as early as February, been stressing the importance of the American seizure of Fort Ticonderoga should hostilities break out with England. Ticonderoga, on the northern frontier of New York, and at the border of the New Hampshire Grant country, was the vital gateway to Canada—whether for offense or defense against any possible British attempt to march from Canada down the Hudson Valley, splitting the colonies in two. Furthermore, Ticonderoga was known to have by far the largest store of cannon and other heavy artillery in the colonies; if the Americans could possibly manage to transport the big guns to the heights around Boston, they could compel the British to evacuate.

Shortly after Lexington and Concord, Ethan Allen proposed to seize Fort Ticonderoga. The bulk of his force was to consist of his Green Mountain Boys, to which were to be added one troop from Connecticut and one from Pittsfield, Massachusetts. All in all, approximately sixty-five men from Connecticut and western Massachusetts joined a hundred Green Mountain Boys at Bennington (now in Vermont) on May 9, and the leaders unanimously chose Allen as their commander, with Seth Warner and James Easton as his lieutenants.

The same idea had also occurred to the outspoken and wealthy merchant of New Haven, Capt. Benedict Arnold; on hearing of the outbreak of fighting, Arnold, within a day, marched his militia company to Cambridge. On the way, Arnold met and convinced Connecticut’s Col. Samuel Parsons of the importance of capturing Ticonderoga. Parsons promptly set about organizing the expedition. At Cambridge, Arnold successfully threatened to seize the needed ammunition by force when the town authorities tried to block him from taking any. He also persuaded the Massachusetts Committee of Safety to grant him a colonelcy and authorize him to raise men and take Fort Ticonderoga. Hearing of the Allen-Easton expedition, he rushed to the Green Mountain country, and, with characteristic gall, brandished his Massachusetts commission and insisted on taking absolute command of the rebel force. Allen, of course, was not one to bow before any official commission, and neither were his soldiers. Finally, Arnold was allowed to march alongside Allen at the head of the expedition, but there was no doubt in anyone’s mind—except perhaps

Arnold's—that Ethan Allen was the undisputed leader.

On the morning of May 10, Allen and his intrepid band sailed across Lake Champlain to Ticonderoga. Before launching the surprise assault on the fort, Allen, true both to his libertarian beliefs and to the individualistic framework of guerrilla war, reminded his troops that no one, even at this late date, would be forced against his will to embark on the attack.

The blow was swift and sure; the surprise was complete. Mighty Fort Ticonderoga fell without a shot being fired. Here was eloquent testimony to the effectiveness of the guerrilla tactic, with its advantages of great mobility, superior knowledge, and high morale. The next day, the small British force at neighboring Crown Point fell to a detachment under Lt. Col. Seth Warner, also without a shot.

On the day of Ticonderoga's capture, the Second Continental Congress opened a monumentally important meeting at Philadelphia. The great task of the Massachusetts and New England radicals was to line up firm military support for and unity with the Massachusetts cause, a difficult task in the face of stubborn conservatism and middle-of-the-road confusion among their colleagues. The New England rebels found they were forced to temper their radicalism and individualism in order to appeal to the far more oligarchic leaders in the other colonies.

One of the early orders of business of the Congress was how to handle the news of Ticonderoga, and the dubious temper of the Congress was revealed in its reaction to the happy news. After Ticonderoga, on May 16, Arnold, reinforced by men from western Massachusetts, had raided and occupied Fort St. John's in Canada, north of Lake Champlain, and he was preparing to occupy Ticonderoga permanently. Moreover, both Arnold and Allen were proposing to help keep up the momentum by pressing onward to capture Montreal and even all of Canada from the British. Allen asserted that all they would need was more men, but instead of rejoicing at the news, let alone encouraging further victories, Congress was horrified at the entire exploit. In contrast to Lexington and Concord or even to the siege of Boston, here was a frankly *offensive* action against the British armed forces. To welcome Ticonderoga would be to acknowledge that America was fully in the throes of revolution, and Congress, beset by timidity and conservatism, was unwilling to do this. Accordingly, on hearing the news on May 18, Congress promptly ordered Arnold and Allen to abandon Fort Ticonderoga and retreat to the south end of Lake George. Congress' only slight acknowledgement of the victory was to concede that the Americans might take the guns and ammunition back with them; but an accurate account must be kept of them, "in order that they may be safely returned when the restoration of the former harmony between Great Britain and these colonies . . . shall render it prudent."

Arnold protested bitterly to the provincial congresses of New York and Massachusetts as well as to the Continental Congress. Allen, too, was willing to swallow his old hatred of New York and appeal to that colony for aid in keeping the forts and pressing onward to Canada. The New England colonies kept up a drumfire of protest and finally persuaded Congress to change its mind and keep the captured forts. Neither Allen nor Arnold were to gain congressional support for a conquest of Canada, however, despite the enthusiastic approval of Sam Adams. Instead, Ticonderoga and Crown Point were granted to Connecticut, and both Allen and Arnold were humiliated by being deprived of command in favor of Col. Benjamin Hinman of Connecticut, who was to occupy the forts with nearly 1,500 more troops from Connecticut. Understandably, Arnold was so disgusted that he resigned and went home. A scintillating guerilla conquest had lost its momentum and deteriorated into an orthodox, idle, and squabbling army of occupation at Ticonderoga.

5

The Response of the Continental Congress

The most important business before the Congress, however, was not Ticonderoga, but the problem of Boston and the army that Massachusetts and New England had hastily put up around it. What Congress decided to do about that army would determine what it would do about the entire Revolution. As soon as Congress opened, Dr. Warren of the Massachusetts Provincial Congress urged the Continental Congress to take responsibility for the army around Boston by appointing a commander-in-chief—thus committing the other colonies irrevocably to the Revolution. The Congress showed its temper by not even deigning to answer. Instead, as the Massachusetts radicals watched with dismay, it frittered away its time in evading responsibility for adopting the Revolution, merely sending elaborate proofs to London that the British troops had fired first at Lexington. It was clear that a considerable majority of the delegates, led by the now archconservative John Dickinson of Philadelphia, looked forward to reconciliation with Britain rather than to waging the Revolution with zest and vigor toward eventual independence. (Joseph Galloway and Isaac Low, heads of the ultraright in the first Congress, had by then, as outright Tories, moved outside the American dialogue as well as the Continental Congress, and were soon to slip behind British lines.) Seething inwardly, John Adams wrote to Joseph Warren from Philadelphia: “We find a great many bundles of weak nerves. . . . We are obliged to be as delicate and soft and modest and humble as possible.”

Not receiving any reply to its letter, the Massachusetts Provincial Congress developed a careful petition shrewdly designed to prod the Continental Congress into action by urging Congress to allow Massachusetts to

set up a permanent civil government. Such official authorization of the provincial congress and the network of town committees would push the Continental Congress closer to endorsing an open political break with England. Above all, Massachusetts petitioned Congress to appoint a commander-in-chief of the army at Cambridge. The Massachusetts petition was sent down via the informer Church as personal courier, and was presented to the Congress on June 2. Cautiously, Congress appointed a committee to mull over and report on this vital and controversial petition.

The first part of the Massachusetts petition was relatively easy. On June 7, Congress sanctioned Massachusetts' new civil government and approved the right of the people to set up their own government in the current circumstances, declaring, however, that this civil government would be only temporary, until reconciliation with Britain could restore the operation of the old, disrupted Massachusetts charter.

Meanwhile, the right-wing had been winning point after point in the Congress. An attempt to shift the site of the Congress northward to Connecticut, near the New England battlefield, had been quashed by the Dickinson group. So underdeveloped was the revolutionary timbre of this Congress that when New York asked what it should do if British troops were to land in New York City, Congress had generously urged the citizens not to resist and to give the soldiers proper quarters! Finally, while the hypocritical plan of British Prime Minister Lord North for conciliation was summarily rejected by the Congress, Dickinson and James Duane of New York infuriated the radicals by moving, at the end of May, to send "An Humble and Dutiful Petition" to the king, pleading for immediate negotiation and mutual accommodation. Infuriated, John Adams blasted such futile and humble petitioning. He argued that Congress should be making haste to defend the continent from the British, to take charge of the army at Cambridge, and even to warn that it was ready to make European alliances to aid its resistance. Adams was quickly backed by John Sullivan of New Hampshire, but Dickinson bitterly warned them that if New England didn't agree to "our pacific system, I, and a number of us, will break off from you in New England!"

The radicals, however, were prepared to accept the Dickinson "Olive Branch Petition," which they knew would be futile, provided that they won the crucial point—the second point in the Massachusetts petition—congressional assumption of responsibility for the revolutionary army in New England. The Congress took measured steps toward this goal during early June by voting to supply funds to furnish powder, first "for the Continental Army" and then frankly for "the American army before Boston."

The final step, however, was whether the Congress would actually take over direction of the army at Cambridge, directing the troops and furnish-

ing them with both supplies and a commander-in-chief. Here the Massachusetts radicals were in a cruel dilemma; any army under the Continental Congress would mean, in contrast to a guerrilla army, the inevitable buildup of a central state apparatus, and of a highly expensive and burdensome state army, which would inevitably saddle all Americans with heavy taxes, inflation, and debt. The Massachusetts radicals can hardly be blamed for their decision to press for a statist continental army; the theory of revolutionary guerrilla warfare had yet to be fully developed, and Massachusetts was understandably desperate to weld the other reluctant colonies firmly to the revolutionary cause.

On June 14, Congress took the fateful step of voting to organize an army of 15,000 men, and specifically to raise six (a little later, ten) companies of expert backwoods riflemen from Pennsylvania, Maryland, and Virginia to be sent to Boston. It was not lost upon the delegates that the crack-shooting frontier riflemen had been particularly effective in the victory at Concord. The crucial question now remaining was the identity of the commander-in-chief to be appointed by Congress.

On this vital issue, the Massachusetts radical leadership, traditionally united as one man, was grievously divided. Sam Adams, almost always instinctively libertarian, began with the most individualistic and democratic plan of all: appoint no commander-in-chief at all and permit the local militia soldiers themselves to elect all of their own officers, up to the rank of commander-in-chief. Whenever any plans for a continental army and commander were mentioned, Adams "was apt to murmur the word *Cromwell* and begin animadverting on the sacred, inalienable rights of the civilian."* Thomas Cushing, Robert Treat Paine, and other New Englanders wanted a New England general, the obvious choice being Artemas Ward, already in command before Boston. Ward, however, was a bit old for the job. The issue, of course, was not simply local pride, but the crucial one of keeping control of the army in the hands of individualistic and democratic New Englanders rather than subject to the aristocratic colonies. At this crossroads, John Adams, Elbridge Gerry, and Joseph Warren bent so far backward to achieve continental unity that they gravely compromised and sacrificed libertarian principle, storing up untold trouble for individualism in the future. In short, they decided to support for commander-in-chief that conservative scion of the Virginia landed oligarchy, George Washington. In doing so, incidentally, John Adams (though not Warren or Gerry) began a slow but steady political drift rightward out of the libertarian-radical camp.

Sam Adams, too, began to display an unsureness, a lack of confidence

*Catherine Drinker Bowen, *John Adams and the American Revolution* (New York: Grosset & Dunlap, 1950), p. 531.

that would periodically display itself on national issues and would also lead him, at least temporarily, rightward. Something seemed to be going forever from that once uncannily sure and self-confident planner and organizer of the Revolution, and he allowed himself to be persuaded by his cousin John to second the nomination of George Washington.

From a short-range, opportunistic point of view, the nomination of Washington appeared to the radicals to have merit. Not militarily, to be sure, for he had had little military experience, and that was a series of decisive losses in the French and Indian War. The attraction of Washington was that he was virtually the only man who could gain the votes of most radicals and conservatives alike. On the one hand, socially and politically, Washington was a deep-dyed conservative and could be depended upon to support the oligarchy and classical military tactics. On the other hand, in the fight with Britain, he—along with most of the Virginians—was close to the radical camp and could be depended upon to be militant in warring against Great Britain.*

Consequently, John Adams rose in Congress on June 14 to nominate Washington, and he was seconded by Sam Adams. In so doing, they permanently alienated the vain and flighty John Hancock, who fancied himself in the panoplied robes of commander-in-chief and expected his fellow Massachusetts delegates to nominate him. Already ensconced in the high-sounding but largely honorific post of president of the Continental Congress, his unfounded ambition was gravely wounded by their decision not to notify him in advance of what was being planned. The consequences of the Hancock-Adams split for future Massachusetts politics were enormous; for a start, from this point on Hancock hobnobbed with and was feted by the ultraconservatives of the Congress, men who were better able to satisfy his taste for finery than were the plain men of Massachusetts.

John Adams' plan met considerable resistance on June 14, especially from those backing Ward and the other candidates; but by the next day, resistance had melted away and Washington was approved unanimously. With their main points carried, the radicals supported the Dickinson Olive Branch Petition to England, which was passed by the Congress on July 5.

*Even such an admirer of Washington as Marcus Cunliffe admits that Washington's best role during the war was political and consultative rather than military: "Like General Eisenhower, he was a coalition general for a large part of the war . . . major strategic plans usually lay outside his scope. . . . If his charismatic symbols were those of the flag, the sword, the beautifully caparisoned horse —, his day-to-day responsibilities were more appropriately symbolized by the chairman's gavel . . . and the secretary's quill. It was his task, and his talent, to preside, to inform, to adjudicate, to advise, to soothe, to persuade, to anticipate, to collaborate." Marcus Cunliffe, "George Washington: George Washington's Generalship," in George Athan Billias, ed., *George Washington's Generals* (New York: William Morrow & Co., 1964), p. 16.

6

Charles Lee: Champion of Liberty and Guerrilla War

If the choice of commander-in-chief of the Continental Army had been made on the basis of ability, genius, military experience, erudition, ardor for the cause of liberty, or for a combination of these qualities, this crucial appointment would have gone not to Washington but to one Charles Lee. But political considerations ruled, and Lee, a native of Britain, had no political base. Mere merit was submerged, though some delegates did favor Lee for the job.

George Washington and Charles Lee: No greater contrast could be found in their confrontation, and no more fateful choice of appointment could have been made, a decision which would bear heavily on the future course of the history of the United States. Washington, a half-educated, blunt, practical man, a highly conservative landed oligarch of Virginia, orthodox in his military and political views, a loser in his few previous battles, longed to become the head of a regular state army on the conventional European model. Lee, a brilliant, articulate, learned, *déclassé*, English intellectual, an ardent, witty, pungent individualist, personally and politically dedicated to liberty and deeply influenced by libertarian thought, an authentic military genius, had seen a great deal of fighting on the European model and saw its deficiencies for the American scene. It was almost inevitable that two such deeply contrasting figures (Lee was chosen by Congress as third in command of the army, after Washington and Ward) would come to an irreparable clash. That clash came to pass, and since the seemingly inescapable verdict of history

was to give the victory to Washington, Lee sank into disgrace and oblivion from which historians are only now beginning to rescue him.*

Lee was that exceedingly rare combination: a brilliant soldier and a gifted intellectual. He was also the only general on the American side (with the exception of his old English-born friend Horatio Gates) to have had substantial military experience. A fluent linguist and learned in political and military theory as well as in classical and English literature, Lee had been influenced by the strongly pro-Whig history of England written by a French Huguenot, Paul de Rapin, and later by the writings of Rousseau. After serving as an officer in the French and Indian War (where he picked up the apt sobriquet "Boiling Water") Lee performed with brilliance in the British expedition against the Spaniards in Portugal. Despite his distinction, Lee was retired from the British army after the Seven-Years' War because his outspoken criticism of British political and military leaders and his increasingly radical Whig views had lost him favor with the crown.

In England, Lee was received with warmth in important Whig circles and became a friend of the liberal lords Thanet and Pembroke, of Charles Yorke, and especially of the ardent liberal Col. Isaac Barré. Thwarted in his military career at home, Lee became personal aide-de-camp to the rather liberal King Stanislaus of Poland. His letters from Poland reflected increasingly radical and libertarian views, denouncing the aggrandizement of George III, Granville, and the Tories, toying with the idea of a republic, and praising natural rights and the American resistance against the Stamp Act. He wrote: "May God prosper the Americans in their resolution, that there may be one asylum at least on the earth for men, who prefer their natural rights to the fantastical prerogatives of a foolish perverted head because it wears a crown."

Lee returned to England the following year, but his increasing radicalism again kept him from military preferment. Befriended by Gen. Sir Henry Conway, he became an ardent supporter of the Rockingham Whigs and of radical leader John Wilkes. By 1768 he was contemplating running for Commons, to effect a "glorious revolution" in Britain. He was also increasingly attracted to the American cause and habitually referred to

*On the bias of historians against Lee, see John W. Shy, "Charles Lee; the Soldier as Radical," in Billias, ed., *George Washington's Generals*. p. 23. The major event in the emerging historical rehabilitation of Lee is the work of John R. Alden, *Charles Lee: Traitor or Patriot?* (Baton Rouge, La.: Louisiana State University Press, 1951), the first sympathetic biography of Lee since the mid-nineteenth century. The Alden volume is indispensable. A growing appreciation of the value of guerrilla warfare has greatly aided in this reevaluation of Lee. See Shy, *op. cit.* and Don Higginbotham, "American Historians and the Military History of the American Revolution," *American Historical Review* (October, 1964), p. 32.

America as the last "asylum" of freedom. At this time, Lee, Horatio Gates, and other pro-American British officers began to gather periodically for an exchange of views.

In 1769 Lee was made an honorary major general in the army of the pro-Russian king of Poland. The same year, he joined the Russian army against Turkey and had the opportunity to observe guerrilla warfare by Turks and Polish rebel forces. Ill, and failing to be granted a command, Lee traveled widely through central and southern Europe, visiting such luminaries as Emperor Joseph II of Austria and growing ever more bitter in his correspondence against the Tory policies at home. He blasted the prime minister, the Duke of Grafton, as a man without conscience or honor and wrote that "if the axe is not applied to his neck, it is laid to the root of our liberties, national honor, and inheritance; there is no medium. . . ." More and more he spoke of being free in exile rather than submitting to the domination of George III. Excusing his lack of urbanity on the subject, for the Whig cause he ardently wished for "triumph over tyranny, corruption, Grafton, North, and the Devil. . . . My puny dagger shall contribute its mite of annoyance to the breast of despotism and wickedness." And he passionately conjured up "the spirits of Cato, Brutus, Hampden, and Sidney" for the cause of liberty. George III was "a reptile" and a "despicable . . . stupid . . . dolt," while Lords and Commons were "dens of thieves."

Returning to England in the spring of 1771, Lee published in the press, though more circumspectly, a criticism of King George III, and also composed a lengthy, though unfortunately unpublished and vanished, critique of David Hume's *History of England*. He was irked at Hume's Tory apologetics for the Stuart kings, and he projected a satirical whitewashing history of the emperors Claudius and Nero, which he bitingly dedicated to David Hume. In the introduction to this critique, which has survived, Lee again attacked the Tory policies of George III, the use of pecuniary influence by the crown, and the large standing army as instruments of oppression. Disapproving of capital punishment in general, he wished to preserve it for kings and their families, since the eradication of a royal house was surely preferable to the loss of a people's freedom. It is little wonder that the manuscript could not find an English publisher. In these final years in England, Lee became friendly with the great painter and ardent Whig, Sir Joshua Reynolds, with Whig leader Edmund Burke, and also with the great radical republican historian, Mrs. Catherine Macauley.

Finally, Charles Lee, a major general in the Polish army and a lieutenant colonel in the British, consummated the exile for which he had long been heading. Eager to help the burgeoning American cause, he arrived at New York in the fall of 1773, where both he and the Americans were ripe for a revolutionary situation. For over a year, he travelled extensively

throughout the colonies, making friends with all the revolutionary leaders, who were fascinated by his personality and by his military knowledge and ardor for liberty. In America he was no longer a maverick, but a leader in the American struggles with the British government. It was no coincidence that those particularly attracted to Lee were the radicals George Mason and Thomas Jefferson in Virginia, Alexander McDougall in New York, and Sam Adams and his followers in Massachusetts. He became an especially close friend of Virginia's Richard Henry Lee (no relation), who truly wrote of him: "A most true and worthy friend to the rights of human nature in general, and a warm spirited foe to American oppression."

Charles Lee lost no time in lauding Boston's resistance to the Tea Act and in urging energetic boycotts in reaction to the Coercive Acts of 1774. The crisis brought on by the Coercive Acts was obviously tailor-made for Lee's revolutionary temper. Taking up the pen as "Anglus Americanus" on behalf of active resistance, he urged a boycott and attacked moderation as "Submission to Britain." America was the "last asylum of liberty," and therefore its defense of liberty was also a defense for the people of Britain and for the rest of the world. This was published in the Philadelphia press, and a similar handbill was published in New York and widely reprinted in the New England papers.

By this time, Lee's old friend and fellow radical Horatio Gates, also forcibly retired from British army service after the Seven Years' War, had also emigrated to America and retired to a plantation in Virginia's Shenandoah Valley. Both men were clearly ready to take up arms for the American cause. Lee wrote to Gates that it was "incumbent on every man . . . to contribute his mite to the cause of mankind and of liberty, which is now attacked in her last and only asylum. . . ." And Gates, known as early as 1770 as a "red-hot republican," replied that he was "ready to risk my life to preserve the liberty of the western world."

When the First Continental Congress met at Philadelphia in September 1774, Lee was there, charming nearly everyone and, remarkably, writing the appeal which Congress sent to the Canadians for support in America's struggle. He also began in secret to draw up a plan for the organization of American battalions, a plan completed by the following February and which impressed many American leaders. Visiting Maryland in the fall of 1774, he induced the Maryland Provincial Congress to adopt his plan for organizing its battalions and even stayed to drill some of the troops. This plan of Lee's impressed Washington, who persuaded Fairfax County to urge a similar plan for Virginia militia and prevailed upon Patrick Henry to get the plan adopted by Virginia the following spring.

Lee published several essays on behalf of American freedom that winter, one of which pointed to King George's tyranny being exercised in Ireland and Minorca and warned of its advent in America. In an uncom-

leted essay, he praised the republican governments of Europe, citing contemporary policies of Geneva, Venice, and Switzerland, and in his letters, he began to advocate armed revolution.

Lee's most significant work, however, was one that called forth his military as well as his ideological abilities. The Tory Rev. Dr. Myles Cooper, Anglican president of King's College in New York City, had greatly disheartened the Americans with his pamphlet, *Friendly Address to All Reasonable Americans*. Cooper had counselled that resistance was useless against the mighty and thoroughly disciplined British regulars, who would be aided by large numbers of American Tories and German mercenaries. How could the undisciplined and untrained Americans even dream of opposing the British victors of the French and Indian War?

No one was more qualified to rebut Cooper's charge than Lee. He had seen the highly disciplined Prussian battalions—the envied model of all the regular armies of the day—at first hand, and was creative and individualistic enough to be unimpressed. Lee leapt into the fray, publishing his *Strictures Upon a "Friendly Address to All Reasonable Americans"* in Philadelphia in November 1774. He pointedly deprecated the British regulars. Their showy and much admired massed formation parade-ground tactics were of no military importance, and the British only won the French and Indian War after discarding this pattern. Moreover, he argued, the highly routed victories of Frederick the Great were largely won by the Prussian *militia* rather than by the formally trained regulars. The Americans had numbers, zeal, and knowledge of the terrain on their side—and did not the amateur militias of the parliamentary armies defeat the professionals of Charles I during the English Civil War?

Lee's pamphlet proved to be by far his most popular work; as the radical *Salem Essex Gazette* declared, it removed the terror the people had had of the British troops, and gave them the heart to resist. *Strictures* was reprinted five times during the winter of 1774–75—in Boston, New York, New London, and Newport—and was also republished in American newspapers. Alden has concluded that "the *Strictures* was probably one of the most influential pieces of propaganda in the revolutionary period."*

After selecting Washington over Lee and Ward as commander-in-chief, the Second Continental Congress had to select the other generals of the Continental Army. The next step was to choose the major general who would be second in command, and the battle was rather naturally between Lee and Ward. Thomas Mifflin of Pennsylvania enthusiastically backed Lee, but he was bitterly opposed by Thomas Johnson of Maryland and by almost all the highly conservative New York delegation. As New En-

*Alden, *Charles Lee*. p. 62.

gland's candidate, however, Ward was the inevitable choice for "first major general"; after Ward was chosen, the New England radicals, especially Sam Adams, fought ardently for Lee as second major general. Though Hancock and the more conservative delegates from Massachusetts opposed Lee, the backing of Washington, who had been impressed by Lee's military genius, carried the day. All in all Congress selected four major generals (the others were Philip Schuyler of New York's landed gentry and the veteran Israel Putnam of Connecticut) and eight brigadier generals, seven of whom were New Englanders. The preponderance of New England officers was natural, since the bulk of the troops then in the field came from that region. Chosen adjutant general, with the rank of brigadier, was Horatio Gates.

7

The Battle of Bunker Hill

While the Congress was in process of choosing the heads of the Continental Army, a pitched battle was being fought at Boston. The famous Battle of Bunker Hill, later touted as a great American victory, was neither a victory, nor did it take place at Bunker Hill.

At the end of May, the crown had sent a triumvirate of eminent generals to assist, and implicitly to pave the way for superseding, General Gage. These prestigious arrivals were Gen. Sir William Howe, an ardent Whig, who as a candidate for Parliament had pledged never to accept a command against the Americans; young Gen. Sir Henry Clinton; and the dashing Gen. John Burgoyne. Ordered by the crown to proclaim martial law in Massachusetts, General Gage allowed General Burgoyne to write the inflamantory proclamation, which, on June 12, denounced the Americans as rebels and traitors and offered pardon to all laying down their arms, except for the irredeemable Sam Adams and John Hancock. Stunned by the proclamation, the Americans yearned to retaliate; but this yearning grew far stronger when they learned the following day that the British had decided to seize and fortify unoccupied Dorchester Heights, a peninsula south of Boston.

The city of Boston was confronted on two sides by peninsulas with heights commanding the town: on the north, Charlestown Peninsula, on the south, Dorchester Heights. Sensing the folly of battling the British directly for the heights, the Massachusetts Committee of Safety, on June 15, urged the occupation and fortification of Bunker Hill on Charlestown Peninsula. The American council of war was split on the issue: the two best generals, Artemas Ward and Joseph Warren (who had been made a gen-

eral by the provincial congress), had long counselled against fortifying Bunker Hill, for the narrow neck of the peninsula endangered the entire force, especially should their scanty ammunition give out. Besides, without artillery the Americans could not use the position against Boston. However, the widely beloved though incompetent Gen. Israel Putnam, seconded by Gen. Seth Pomeroy and Col. William Prescott, carried the day for rashness over caution. Colonel Prescott was sent out on the night of June 16 to occupy the peninsula with 1,200 of the 10,000 available Americans.

Despite the agreed-upon plan, Prescott and Putnam decided to place their main entrenchments on Breed's Hill rather than on Bunker. This was a fateful decision. Bunker Hill was close to Charlestown Neck and guarded the only escape route off the peninsula. Breed's was much further out on the peninsula and in a dangerously exposed position.

It was inevitable that when the British saw what had happened they would attack the fortifications overlooking Boston. Quickly grasping the situation, General Clinton urged a swift and immediate landing behind the American lines at Charlestown Neck, cutting off the Americans from the rear and seizing the entire force with ease. But Gage would not accept such a sneaky and "unmilitary" tactic. General Howe, he insisted, would mount a frontal assault against the strongest American position; the rebels would panic and run at the sight of the advancing British regulars! Such a display of force would restore the British honor tarnished at Concord.

This typical contempt of the British military for the Americans led them into a disastrous blunder. Even the advantage of speed was scorned as the British made their leisurely way to the tip of the peninsula, allowing the Americans to complete their emplacements. A series of frontal assaults up Breed's Hill allowed the Americans to fight in their best manner: in quasi-guerrilla fashion, employing rifle fire from behind emplacements. The Americans were only partially at an advantage, however, for their precious mobility had been surrendered in favor of fixed positions. In addition, they were in short supply of ammunition and far from an escape route. As a result, repeated frontal assaults by the British finally succeeded. Breed's Hill was overrun and the Americans were routed out of the peninsula. Losses were enormous on both sides, the Americans suffering over four hundred casualties and the British over a thousand, amounting to over 40 percent of Howe's forces. Indeed, the "Battle of Bunker Hill" (actually of Breed's Hill, and sensibly known to contemporaries as the Battle of Charlestown) was the bloodiest single conflict on the American continent until 1815. The gravest single loss to the Americans was General Warren, who died in the rout. As for the British, perhaps the most fitting casualty at Bunker Hill was the killing of Maj. John Pitcairn by a Negro rebel, the same Pitcairn who had been sure that "if [he] drew [his]

sword but half out of the scabbard, the whole banditti of Massachusetts Bay would flee'' before him. Now the banditti had cut him down.*

The American defeat would have been yet far more severe if the advice of General Clinton had not once again been ignored. He urged swiftly seizing advantage of the rout by pressing forward to destroy the demoralized American forces and capture Cambridge. Had General Howe agreed, Clinton might have dealt the Revolution a devastating blow, which was precisely what the astute General Ward now feared. But Howe, beginning the rapid development of an unerring talent for making the wrong decision, chose instead to stop, dig in, and fortify Bunker Hill.

Thus the victory went to the British in that they had conquered the Charlestown Peninsula, but their preposterous tactics, born of overconfidence, had decimated their army. As in so many military engagements in history, the battle was a tragicomedy of errors on both sides, with Britain's technical victory bought at an enormous price. For their part, contemporary Americans did not have the temerity to claim the battle as a mighty victory, and the entire operation was rightly denounced as rash and unfortunate.

*On the role of British contempt in their performance in the war of the Revolution, see Eric Robson, *The American Revolution in Its Political and Military Aspects, 1763-1783* (New York: Oxford University Press, 1955), pp. 127ff.

8

Washington Transforms the Army

Washington's first task was to assume direct command of the Continental Army before Boston, which he did upon reaching his Cambridge headquarters on July 2. Although he took up his tasks energetically, Washington accomplished nothing militarily for the remainder of the year and more, nor did he try. His only campaign in 1775 was internal rather than external; it was directed against the *American army* as he found it, and was designed to extirpate the spirit of liberty pervading this unusually individualistic and democratic army of militiamen. In short, Washington set out to transform a people's army, uniquely suited for a libertarian revolution, into another orthodox and despotically ruled statist force after the familiar European model.

His primary aim was to crush the individualistic and democratic spirit of the American forces. For one thing, the officers of the militia were elected by their own men, and the discipline of repeated elections kept the officers from forming an aristocratic ruling caste typical of European armies of the period. The officers often drew little more pay than their men, and there were no hierarchical distinctions of rank imposed between officers and men. As a consequence, officers could not enforce their wills coercively on the soldiery. This New England equality horrified Washington's conservative and highly aristocratic soul.

To introduce a hierarchy of ruling caste, Washington insisted on distinctive decorations of dress in accordance with minute gradations of rank. As one observer phrased it: "New lords, new laws. . . . The strictest government is taking place, and great distinction is made between officers and

soldier. Everyone is made to know his place and keep it." Despite the great expense involved, he also tried to stamp out individuality in the army by forcing uniforms upon them; but the scarcity of cloth made this plan unfeasible.

At least as important as distinctions in decoration was the introduction of extensive inequality in pay. Led by Washington and the other aristocratic southern delegates, and over the objections of Massachusetts, the Congress insisted on fixing a pay scale for generals and other officers considerably higher than that of the rank and file.

In addition to imposing a web of hierarchy on the Continental Army, Washington crushed liberty within by replacing individual responsibility by iron despotism and coercion. Severe and brutal punishments were imposed upon those soldiers whose sense of altruism failed to override their instinct for self-preservation. Furloughs were curtailed and girl friends of soldiers were expelled from camp; above all, lengthy floggings were introduced for all practices which Washington considered esthetically or morally offensive. He even had the temerity to urge Congress to raise the maximum number of strikes of the lash from 39 to the enormous number of 500; fortunately, Congress refused.

In a few short months, Washington had succeeded in extirpating a zealous, happy, individualistic people's army, and transforming it into yet another statist army, filled with bored, resentful, and even mutinous soldiery. The only thing he could not do was force the troops to continue in camp after their terms of enlistment were up at the end of the year, and by now the soldiers were longing for home. In addition to all other factors, Americans were not geared—nor should they have been—for a lengthy conflict of position and attrition; they were not professional soldiers, and they were needed at their homes and jobs and on their farms. Had they been a frankly guerrilla army, there would have been no conflict between these roles.

As the end of 1775 drew near, then, Washington's main preoccupation was in forging a new army to replace the 17,000 men whose terms of enlistment were about to expire. His problems were aggravated by Congress' refusal to pay the bounties for enlistment New Englanders were used to receiving; instead caste distinctions were widened even further by raising officers' pay, while privates' pay remained the same. Only 3,500 of the old army agreed to reenlist; for the rest, very short-term enlistments of Massachusetts and New Hampshire men filled the gap until new enlistees finally swelled the total to about 10,000.

As might have been expected, the wealthy and aristocratic Washington, free from money worries, had little understanding of the economic plight of his soldiery. In contrast to the legends about his compassion, Washing-

ton railed about the defecting troops as being possessed of a "dirty mercenary spirit" and of "basely deserting the cause of their country."*

A particularly colorful addition to the New England troops in the Continental Army, during the summer of 1775, was a detachment of nine enlisted companies of expert riflemen from the back-country frontier of Pennsylvania, Maryland, and Virginia, five of them from Pennsylvania. There were over 1,400 of these riflemen in all. The bulk of them were hardy Ulster Scot frontiersmen, wearing hunting outfits bearing the motto Liberty or Death and employing the unique "Kentucky rifle," invented by Pennsylvania German gunsmiths. This long-barreled rifle was uniquely suited for guerrilla warfare. It shot more accurately and over a far longer range than the shorter musket in general use, but it did not reload rapidly, and hence was not useful for orthodox, open-field, positional or linear volley warfare.

It is not surprising that these backwoodsmen proved even more individualistic and less tolerant of coercion than the New Englanders. When they terrorized British sentries with their sniping, Washington forbade such seemingly disorganized practice which spent ammunition. Whenever a rifleman was imprisoned for infringing one of Washington's arbitrary but cherished rules, his comrades would break into the prison and set him free. On one occasion, virtually an entire Pennsylvania company mutinied to try to free one of their own, and several regiments were needed to disarm and convict the Pennsylvanians, whose penalty consisted of less than a week's pay. The riflemen, however, were not so much unfit for any military service as they were "by nature and by experience, totally unfitted for inactive life in camp." When the opportunity came for action for which they were suited, they were to serve admirably.**

Meanwhile, the British troops, reinforced in midsummer by up to 5,000 effectives, also dug in for a lengthy siege. As was inevitable, General Gage was made the scapegoat for Bunker Hill, and in mid-October he was recalled and replaced as commander-in-chief by the hardly less culpable General Howe.

*Willard M. Wallace, *Appeal to Arms: A Military History of the American Revolution* (Chicago: Quadrangle Books, 1951), pp. 54-55.

**Christopher Ward, *The War of the Revolution* (New York: Macmillan, 1952), I:108.

9

The Invasion of Canada

While Washington busied himself with crippling the morale of the American army before Boston, other American forces were not idle. We have seen that promptly upon seizing Fort Ticonderoga and Crown Point, Ethan Allen and Benedict Arnold both pressed upon Congress the urgency of seizing the northern British base in Canada. They realized the necessity of speed; the British commander in Canada, Gen. Guy Carleton, his troops depleted to aid General Gage in Boston, had only two foot regiments and two artillery companies to defend the entire region. Speed was also needed to take advantage of spring and summer weather. There were Americans who supported a prompt strike at the British base in Canada—for instance, one of the sparkplugs of the blow at Ticonderoga had been John Brown, a lawyer of Pittsfield, Massachusetts, who had been sent as early as February as a secret agent to the Canadians by the Boston Committee of Correspondence to whip up support for the colonial cause. But we have seen that the conservatives in the Congress timorously scuttled the plan and even tried to get the Americans to withdraw from Ticonderoga. They even went so far as to drive the bold and brilliant Arnold and Allen from command.

The discontented activist officers at Ticonderoga quickly reacted by sending Ethan Allen and Seth Warner of the Green Mountain Boys as emissaries to the Continental Congress. Apparently, Congress found Allen persuasive, for it promptly recommended to the New York Provincial Congress that it form the Green Mountain Boys into a ranger regiment with officers of their own choosing. Moreover, four days later, on June 27, Congress finally decided to authorize an invasion of Canada.

While the Americans essentially adopted Arnold's tactical plan of taking Montreal and then moving on to Quebec, Congress, of course, did not have the imagination or daring to place such brilliant military radicals as Arnold or Allen in charge of the expedition against Canada. Instead, command was given to the man already in charge of the "northern department" at New York, the timorous and conservative scion of the New York landed oligarchy, Philip Schuyler. At a time when speed was of the essence, Schuyler dithered for two precious months, preparing his army of 1,700 men to move north from Crown Point and Ticonderoga. Fortunately, Schuyler had as his second in command the highly competent Brig. Gen. Richard Montgomery, who recognized the need for speed in mounting the invasion. The British-born Montgomery had had almost as much military experience in Europe as his friend Charles Lee or Horatio Gates, and had resigned from the British army in 1772 to settle in New York and marry into the Livingston branch of the New York landed aristocracy. In vain did he press Schuyler to march north; finally, taking advantage of Schuyler's absence at a parley to secure the neutrality of the Iroquois, Montgomery took it upon himself to make the move against Canada at the end of August, a decision in which Schuyler, taken off the hook, readily concurred.

General Carleton decided to make his main stand at Fort St. John's on the Richelieu River, north of Lake Champlain. But Schuyler lingered defensively in front of St. John's for two weeks, and only his illness, forcing him to return south in mid-September, permitted Montgomery to surround and lay proper siege to the fort.

The great bulk of the American expeditionary force came from Connecticut; the conservative province of New York, as Connecticut's Colonel Hinman said sourly, "abounds with officers, but I have not had my curiosity gratified by the sight of one private." While this proved to be a slight exaggeration, the New Englanders were understandably aggrieved at seeing the New Yorkers fill the major posts and gain lucrative commissary contracts, while *they* furnished the fighting men. The New Hampshire Grant contribution, in the meanwhile, had been gravely crippled by an upheaval among the Green Mountain Boys. Acceding to Congress' request, the New York Provincial Congress, in early July, had agreed to raise a battalion of five hundred men from the grant lands, to be known as the Green Mountain Rangers. But when the Committee of Safety of the towns west of the Green Mountains assembled at Dorset at the end of July to elect officers of the new battalion, Allen was humiliatingly repudiated. Seth Warner was chosen to be commander and Allen was not even selected as one of the subordinate officers.

The brutal cashiering of the magnificent Allen had been accomplished not by his devoted Green Mountain Boys, but by the timorous town elders

of the grant lands, who hated the radical, brawling, zestful deist, and took this opportunity to scuttle him. The enraged young men of the grant lands thereupon refused to enlist, and Warner was not able to bring the battalion to more than half strength. Deprived of their leader and their enthusiasm, the Green Mountain men were no longer the superbly effective force they once had been.

Allen, however, swallowed his pride in his eagerness to aid the revolutionary cause, and went back to Ticonderoga in hope of a commission, but Schuyler scornfully allowed the hero of Ticonderoga to sign on only as a private. At the siege of St. John's, General Montgomery put Allen in charge of thirty Connecticut militiamen, and sent him off through the countryside between the Richelieu and Montreal to try to raise Canadian volunteers for the cause. John Brown, now a major, and Warner were also sent around the countryside on similar errands. Repeatedly urging Montgomery to seize St. John's without delay, Allen managed to raise about eighty Canadians.

On September 24, Allen encountered Brown near Longueuil across the St. Lawrence from Montreal. Brown's bold proposal to strike at Montreal with his force of 200 had been vetoed by Montgomery, so he joined with Allen in a daring plan for a joint surprise strike at that great Canadian port. They agreed upon an immediate coordinated attack: Brown to cross the river and approach the city from the north, and Allen, his force now grown to 150, to attack simultaneously from the south.

The plan was brilliantly conceived and rested on the mobility and surprise inherent in a guerrilla-style operation. But Brown unaccountably failed to cross the river as agreed. The abandoned Allen was left to face an open battle with a superior force of over thirty British regulars and two hundred Canadian volunteers. Furthermore, Allen's men were not trained and loyal Green Mountain Boys, and the Canadians on Allen's flanks fled as soon as the British force surged out of Montreal to do battle. Allen and the tiny remainder of his force were taken prisoner, with Allen placed in chains and transported to England. The Americans' greatest and most daring guerrilla fighter was removed from the scene. Washington, who was wont to defend and wet nurse his fellow oligarch, Schuyler, could only react with near satisfaction to the loss of Allen: "Colonel Allen's misfortune will, I hope, teach a lesson of prudence and subordination to others. . . ."

The population of Canada in 1775 numbered approximately 60,000, almost all of them French peasants, or *habitants*, oppressed alike by the British state-privileged *seigneurs* and by the state-privileged church. There were only several hundred English Canadians ("Old Subjects"), most of them bureaucrats, soldiers, and merchants engaged in the Montreal fur

trade. Naturally, as the Revolutionary War began, both the British and the Americans tried to woo the Canadians; equally naturally, the French Canadians, certain of English and American contempt for their religion and their ethnic origins, had little interest in either party and remained neutral and aloof. Had the Anglo-American record of racial and religious bigotry not prevented the French Canadians from joining the revolutionary cause, Canada (Quebec) would undoubtedly have become a fourteenth original state of the United States.

The capture of Ethan Allen had considerable influence in swaying the cautious Canadians and Canadian Indians toward what looked like the winning side; but Carleton quickly dissipated any goodwill among the *habitants* by trying to conscript them *en masse* into the army—a draft that the sturdy French refused to obey. Nine hundred new men thus conscripted swiftly deserted at a rate of nearly forty a day.

The weather was now turning cold; the many months of American delay were already beginning to take their toll. The heavy New England force was also irrepressibly asserting its individuality and was in a state near to total mutiny. Montgomery's orders were being blithely disregarded, and he perceptively testified to the libertarian spirit of his troops, complaining to Schuyler that it was impossible to command men "who carried the spirit of freedom into the field, and think for themselves." In short, "the privates are all generals."

Things had begun to look up for the American forces, however. Montgomery's kinsman, Col. James Livingston, managed to maneuver past St. John's and capture Fort Chambly, some miles to the north, on October 8. St. John's was now in grave peril and Carleton raised a rescue force of sixty regulars and over seven hundred allied Indians and set forth across the St. Lawrence. But Seth Warner and the Green Mountain Rangers had fortified the opposite bank at Longueuil; their fire beat back the British. The doomed Fort St. John's surrendered on November 2, and 500 regulars, the bulk of the British force in Canada, were taken prisoner.

The great victory at St. John's threw Montreal wide open to the American forces, and General Montgomery swiftly pressed his advantage. Carleton escaped with his 150 regulars down-river toward Quebec, the last British stronghold in Canada. On November 13, a citizens' committee surrendered Montreal to the American force.

At this point there occurred another of the near misses at victory that were to stud this campaign. Carleton's fleet, sailing down the St. Lawrence, reached American positions at Sorel, at the junction of the Richelieu and St. Lawrence rivers. Major John Brown managed to dupe the British into believing that great cannon were stationed at Sorel, thus convincing the British fleet to surrender on November 19. Canada could

have been conquered then and there, but the redoubtable Carleton slipped past the American lines, disguised in peasant costume, and managed to reach Quebec.

He reached Quebec just in time for the British cause. The Americans had decided to strike on two fronts; while Schuyler and Montgomery were to make for Montreal, another force was to march overland across an extremely rugged route through Maine following the Kennebec, Dead, and Chaudiere rivers to assault Quebec. The daring plan for the expedition had been drawn up by the restless Benedict Arnold, who, having won the support of General Gates, was selected by Washington to lead the expedition with the rank of colonel. The plan was a brilliant one, and Arnold was happily given a free hand. But time was growing short. The decision to go forward with the invasion was made in mid-August—and “General Winter” was near at hand.

There was no dearth of volunteers for the Arnold expedition from the bored and fretting troops in the army around Boston. The assembled force of over a thousand men consisted of ten companies of musketeers from New England and three companies of backwoods riflemen from Virginia and Pennsylvania. Working at breakneck speed, Arnold was able to assemble the troops at Cambridge on September 11. They set sail for the Kennebec from Newburyport, Massachusetts, on the nineteenth, reaching Gardiner on the twenty-second.

Arnold now organized his army into four divisions, the lead division of riflemen under the command of Capt. Daniel Morgan, head of the Virginia rifle company. It was Morgan’s task to clear a path for the army through the wilderness over the numerous carrying places. This giant, burly frontiersman, teamster, and veteran Indian fighter was to prove to be *the* great guerrilla fighter of the Revolutionary War. Overcoming incredible difficulties and hardships, Arnold and Morgan led their men to Quebec in one of the most famous marches in history, ranked by many with Xenophon’s. But tragically, Lt. Col. Roger Enos, in charge of the rear-guard division, decided to betray his post at the end of October and took his force back home, absconding also with the bulk of the scarce remaining food. Enos’ defection subtracted three hundred crucial men from the expedition, a loss that might well have spelled the difference between victory and defeat.

Still, Arnold and his gallant seven hundred might have taken Quebec. They arrived at Point Levis, across the St. Lawrence from Quebec, on November 9. The city was weakly defended, and a quick thrust across the river could have meant its capture. But high winds forced fatal delays in the crossing, allowing the highland Scot, Allan MacLean, who by sheer accident had learned of the Arnold expedition, to reach Quebec with one hundred men before Arnold could mount his attack. Finally crossing on

November 13, Arnold tried to provoke MacLean to leave the walls and fight, as Montcalm had done against the British over a dozen years before. MacLean sat tight, so Arnold, lacking men for a siege, went up-river to Pointe Aux Trembles to wait for Montgomery.

But the months of delay were now taking their toll, and the terms of enlistment of Montgomery's troops were about up. He was left with only 800 men, and after leaving garrisons at St. John's and Montreal, he could join Arnold with only 300, making a total American force of 1,000 before Quebec.

Montgomery and Arnold now found themselves besieging a city where 1,800 men had been mobilized, and with soldiers whose terms of service expired at the end of the year. The Americans were therefore forced to strike quickly. But the number of men was now too few, and the decision for coordinated surprise attack by the two leaders was betrayed to the enemy by deserters.

Two columns struck at Quebec on the night of December 30. Trying desperately to rally his column, the gallant Montgomery was cut down. The rest of the force promptly retreated in a rout, despite efforts of the brilliant young volunteer, Capt. Aaron Burr, son of the president of the College of New Jersey at Princeton, to rally the troops.

The collapse of the Montgomery column left the British free to concentrate on Colonel Arnold's force. Arnold was wounded in the attack, but Morgan, taking command, braved countless bullets and crashed the barrier. Morgan's every instinct was to strike while the iron was hot and the British were in panic, but unfortunately, he complied with the advice of his officers against any further advance. If not for this timorousness, which Arnold would certainly have overridden, Morgan might well have seized all of lower Quebec. The delay proved fatal.

Now surrounded by the British, the undaunted Morgan offered to personally cut a swath through the British troops to gain an escape route, but the other officers refused. Instead, they decided to surrender. Morgan, completely alone and personally surrounded, steadfastly refused to surrender until the very end.

The battle of Quebec had been absolutely disastrous for the Americans, and most of the finest leaders in the American army were put out of commission. Allen had been captured, the great Montgomery was dead, Morgan was captured, and Arnold was gravely wounded. The brave Kennebec marchers were wiped out, with one hundred casualties and four hundred taken prisoner. Even so, Arnold, now a brigadier general, issuing orders from a hospital bed, refused to give up, and his few hundred half-starved men lay futile siege to Quebec for the rest of the winter.

For his noble efforts, Arnold once again received mainly humiliation;

He had asked for Charles Lee or someone like him to take command and lead the assault, but when reinforcements came in early April 1776, he was replaced by craven commanders who abandoned the siege. Now he moved disconsolately behind the lines to take charge of the occupation of Montreal.

At this strategic moment, in early May 1776, Carleton surged forth from Quebec with nine hundred men to rout the American forces. In early June, New Hampshire's Gen. John Sullivan was appointed commander of the forces in Canada. Sullivan was as bold as Arnold and Montgomery but lacked their brains. Now that strategic retreat was called for, Sullivan, on June 7, rashly launched an attack against the town of Three Rivers on the St. Lawrence. The result was collapse. Two hundred Americans (including the leader of the actual attack, Gen. William Thompson, commander of one of the Pennsylvania rifle regiments) were taken prisoner. Faced with the crushing defeat at Three Rivers, Sullivan had had enough, and he proceeded to beat a hasty and ignominious retreat. Rushing back from Canada and abandoning all positions there, the American forces returned to Ticonderoga in early July 1776.

Thus ended the American push against Canada, a tragic and disastrous failure. Yet, few campaigns in military history have been so marked by so many hairline turning points: the delays of Congress and of Schuyler bringing on winter weather and the end of American enlistment terms; the failure of Brown to meet Allen; the melodramatic escape of the formidable General Carleton from capture by the Americans; the decimation of Montgomery's army by the end of enlistment terms; the desertion by Colonel Enos; the high winds delaying Arnold's crossing of the St. Lawrence; the accidental discovery by MacLean of Arnold's advance; the hasty attack on Quebec impelled by the end of enlistment terms; the killing of General Montgomery and the subsequent rout of his column; the wounding of Arnold and subsequent hobbling of Morgan's advance; and the replacement of Arnold the following spring. Some of the most daring and progressive leaders, those most sensitive to guerrilla-type warfare, had been lost: Allen, Morgan, Montgomery, Thompson. The inordinately expensive campaign had succeeded in losing 5,000 American troops to death and capture. And Canada was lost forever.

10

Paper Money Financing

Armies, especially European-style armies, have to be systematically financed, and it was up to the Continental Congress, which had assumed responsibility for the Continental Army, to decide on its financing. The financing of an activity by any organization may be either voluntary or compulsory; and the anarchically formed revolutionary bodies in the separate colonies, as well as the Congress, were now spontaneously constituted bodies, teetering on the edge of becoming governments. Whether they would become governments or not depended largely on how they would finance themselves, for the mark of government, the feature distinguishing it from all other organs in society, is that it finances itself by compulsory levy rather than by voluntary gift or purchase of service.

The Continental Congress, however, was in a bad spot. A purely guerilla force might well have been naturally financed by voluntary contributions—in money and in kind—on the spot. But to finance regular armies on a centralized basis from voluntary contributions was completely outside the ken of the world at the time. On the other hand, it was out of the question for either the Congress or the local revolutionary bodies to impose *taxation*, the usual method of financing governments. Much of the thrust of the Revolution after all was against taxation, and the spirit of liberty among the American people was too strong to succumb immediately to similar taxation at home. Americans were in the throes of an anarchic uprising against their “legally authorized” government and its taxation. They were not yet prepared to slip on a new tax yoke in the cause of breaking the grip of the old. Later this would occur, but not yet in 1775. Furthermore, Congress had no power to tax, no power to im-

pose its will on the separate colonies or the people therein.

One time-honored method of evading and postponing the point of coercion is to borrow the needed money—a method seemingly voluntary, but resting on the pledge of future coercion (taxes) to provide repayment. The Congress began tentatively in mid-June 1775 to move toward borrowing by appointing a committee to consider borrowing 6,000 pounds sterling for supply of powder, a loan which Congress would undertake to repay.

At this fateful crossroads Congress hit upon a device, coercive but seemingly painless, a device that the British colonies had pioneered in the western world, the issue of paper money. Paper issues fraudulently pretend to be equivalent to units of specie and are used by the issuer to bid away resources in society from the producers and consumers, in the process depreciating the money unit itself. Its nature and consequences are equivalent to the process of counterfeiting.

Historians who believe that paper money agitation is invariably the product of the lower classes or of impoverished farmers might well ponder the identity of the man who led the Continental Congress down the primrose path of paper money, a young scion of the New York landed aristocracy, Gouverneur Morris. The highly conservative Morris, grandson of Lewis Morris, royal governor of New Jersey, was delegate to the Congress from Westchester County.

Once paper money was decided upon, the next decision was whether each colony would be responsible for eventual redemption of its proportion of issues—for everyone recognized that paper money would only circulate if some sort of redemption were pledged for the future. This would mean that each colony would stand on its own bottom, and one of the advantages of Continental paper for the northern colonies was inducing the other colonies to take on some of the former's financial burden. Hence Massachusetts and New Hampshire, on the firing line, were understandably eager to foist their expenses onto the shoulders of the other colonies. Finally, on June 22, Congress decided to issue \$2 million in paper, or "bills of credit," a sum that was soon to be rapidly expanded. Each colony, it was decided, would be pledged in seven years to redeem a pro rata share of the common Continental issue, based upon its relative population; but significantly, all the colonies were pledged to redeem any default by a particular colony. Redemption was to begin at the end of 1779. The process, however, was not envisioned as genuine redemption in specie, but merely the levying of taxes in Continental paper itself, which would then be used to retire the paper. In short, the redemption charted by Congress would not give hard-money backing to the new paper dollars; the bills would not be redeemed but retired. The prospect was only of a massive tax burden in a few years, which would

be superimposed upon the previous "tax" burden imposed by paper inflation.

In short, the seemingly inexhaustible fount of new Continental money had begun, and an insistent clamor soon arose for ever greater shares in the new bonanza. As Edmund Burnett phrased it, "Such was the beginning of the 'federal trough', one of America's most imperishable institutions."*

From the very start, the Continentals followed the sociological law that, once turned on, the engines of paper inflation accelerate as the clamor mounts for shares in the new cornucopia. By the time the \$2 million were ready to emerge from the press in a few weeks, Congress had already concluded that the issue was insufficient. By the end of July, another \$1 million of new money was authorized. What, after all, was to be the criterion for halting the money engine? Before the end of 1775, a full \$6 million in three issues of new paper were issued or authorized. This issue for the year contrasted with a total money supply of approximately \$12 million at the beginning of the war—a 50 percent increase in the money supply in less than one year!

Congress had no power to make its notes "legal tender" (compulsory for creditors to receive in payment of debts), but Rhode Island in 1775 pioneered in making the Continental paper legal tender for all debts in the province. Furthermore, any person refusing to accept these notes as equivalent to real specie dollars was to be denounced as an enemy of his country who "should be debarred from all communication with good citizens."

The separate provinces themselves were not to be denied use of the new bonanza. Even before Congress acted, during May 1775, embattled Massachusetts, Connecticut, and Rhode Island voted their own paper issues. At the end of June, the Massachusetts Provincial Congress rashly made not only its own bills legal tender, but also those of all colonies. Anyone refusing to accept any of the notes at par with specie would be deemed an enemy of his country.

*Edmund Cody Burnett, *The Continental Congress* (New York: W. W. Norton, 1964), p. 83.

11

The New Postal System

If the colonies were to fight a war of any length or seriousness against Great Britain, they could obviously no longer rely upon the crown's monopoly postal service for transmission of their mail. When the final crisis began at the beginning of 1774, and Britain got word of the Boston Tea Party, Benjamin Franklin, already in hot water, was swiftly removed as the royally appointed deputy postmaster general for America. Franklin's unceremonious removal reminded the Americans that the postal authorities were empowered to open letters and block delivery of what they thought of as "objectionable matter." In addition to the threat of the royal post to the freedom of the press, they began to see that postal fees were equivalent to another tax levied on them without their consent.

Extension of the American boycott from British trade to the royal post was thought of first, but it was soon seen that a boycott of a tight monopoly could only be self-defeating, for then no mail would be carried. The solution was set forth by the eminent radical printer William Goddard, publisher of the *Maryland Journal* and the *Pennsylvania Chronicle*. In early February 1774, he proposed an illegal revolutionary "Constitutional Post," organized and financed by local private sources operating at cost. The post would be built from the ground up, with local officers and provincial postal committees electing a postmaster general. Under Goddard's leadership, the plan soon flourished, the radical Sam Adams and the Boston Committee of Correspondence being unsurprisingly enthusiastic about the venture. By the spring of 1775, the illegal, privately organized and financed Constitutional Post had a chain of successful post offices from Portsmouth, New Hampshire, to Williamsburg, Virginia, and the lan-

guishing royal post in New York and Boston was being forced to discharge postriders for lack of work.

When the Revolutionary War began, the New England and New York provincial congresses removed the onus of illegality from the new postal system. But the Continental Congress, took a little noted step from liberty back to centralized statism in this vital area. In doing this, Congress had been prodded by a committee headed by Franklin who, since his disgrace in England, had been forced to throw in his lot with the American cause. A voluntary, efficient, grassroots postal service had aided the Revolution and replaced the royal post; but at the end of July Congress decided to nationalize the Constitutional Post. It was also decided to expand the postal system southward to Savannah, Georgia, and northward to Falmouth, Maine. Not fortuitously, Goddard, an ardent rebel and founder of the Constitutional Post, was deposed and shunted aside in favor of the old opportunist Franklin, who was chosen to be postmaster general of the new American post, operated by a newly created Postal Department. A colonies-wide governmental post, all too reminiscent of the old centralized royal post, had now replaced the grassroots private postal system.

In any event, under pressure of the growing American competition and its own increasing unpopularity, and further handicapped by being prohibited by the Maryland Provincial Convention, the royal post closed its American doors in December 1775, never to return.

12

New York Fumbles in the Crisis

The major weapon of American pressure on Great Britain at the time of Lexington and Concord had been the Continental Association, and after the shooting started, this boycott weapon continued its work with redoubled force. In mid-May 1775, Congress resolved on an absolute boycott of trade with those English colonies that had not joined the association: Quebec, Nova Scotia, Newfoundland, St. John's Island, the Floridas, and Georgia—with the exception of radical St. John's Parish, which sent Dr. Lyman Hall as an accredited delegate to the Second Continental Congress. The boycott succeeding in injuring Nova Scotia, Newfoundland, and the Floridas, but British exports soon made up the gap.

The news of Lexington and Concord sparked the local governments into circulating "defense associations," a more radical extension of the Continental Association. In New York and New Jersey signers of these mass statements agreed to support any measures of the Continental Congress and the provincial conventions; in more radical Maryland and South Carolina they pledged their lives and fortunes to the rebel cause. Generally, the grassroots associations were soon adopted by the provincial conventions, which circulated the mass oaths to all adult males, taking the precaution of publicizing the names of any who refused to sign—especially in Connecticut, New York, New Jersey, Maryland, and South Carolina. The new, more radical defense associations understandably superseded the Continental Association in the support of the public.

The New York associations responded to the electric news of Lexington and Concord on April 23 by immediately putting leadership into the

hands of the leaders of the radical forces, Isaac Sears and John Lamb. Organizing parades in the towns, Sears and Lamb called on the people of New York to arm themselves in defense of their "injured rights and liberties." Shipments of provisions for General Gage's forces in Boston were quickly stripped by a mob led by Sears, Lamb, and Peter Livingston. Sears and Lamb also broke into the City Hall Arsenal and seized and distributed the muskets and gunpowder inside. Armed citizens patrolled the streets, and Sears and Lamb hastily drilled their followers.

Revolutionary popular rule prevailed. Hated Tory printer James Livingston was forced to flee to the safety of a British warship; the Reverend Myles Cooper and other Tory Anglican clergymen of New York went into hiding; and an armed mob, led by Sears, forced the collector of customs to surrender the keys to the customs house, which was promptly shut down. Sears ordered no ships to be cleared for Halifax or British-occupied Boston, and even went so far as to close the Port of New York.

The old, predominantly radical Committee of Sixty, after failing in its bid to run the city, organized a citywide election for a "Committee of One Hundred" as the city's government. Elections were also called for a provincial congress to unify the whole province. In the election of April 29, two slates contested for the twenty city delegate positions and for the Committee of One Hundred: Sears, Lamb, the artisans, and the Sons of Liberty on the one hand, and a conservative group on the other.

The election was a victory for the conservative Whigs of Robert R. Livingston's wing of the landed oligarchy and a blow to the Sears-Lamb radicals, who had been weakened by the growing conservatization of the third member of the once great radical triumvirate, Alexander McDougall. The conservatives swiftly moved to tame and bowdlerize the revolutionary movement in New York City. At a conservative-run mass meeting immediately following the election, headed by Isaac Low and Robert Livingston, a defense association drafted by the highly conservative James Duane, John Jay, and Peter Van Schaack pledged to carry out the measures of the Continental and provincial congresses. This was a seemingly bold and sturdy step, but actually, it channeled the revolutionary movement in New York into passive, legal measures and shunted aside the extralegal activities of Sears and Lamb.*

The newly elected Committee of One Hundred quickly resolved to offer this defense association to every citizen of the city and to record the names of those refusing to sign. Within a month, 1,800 citizens of New York City had signed. The Committee of One Hundred also mobilized and drilled the militia of the city, and sale of arms to Tories was prohib-

*Cf. Roger J. Champagne, "New York's Radicals and the Coming of Independence," *Journal of American History* (June 1964), p. 24.

ited. The swift military mobilization performed two functions, one revolutionary, the other repressive. On the one hand, the militia prepared against an expected British invasion of New York City; on the other, its actual concrete function was the centrist one of keeping the Sears-Lamb radicals under wraps.

The meeting of the first New York Provincial Congress on May 22 marked the first highly significant expansion of the revolutionary movement from the city to the whole province, which had until then been conspicuously lacking in revolutionary fervor. The congress expanded the defense association of April 29 to the entire province, and county committees were selected to offer the association to every inhabitant. Although no penalties except public obloquy were attached to nonsigners, by September the patience of the Provincial Congress had worn thin. It resolved on September 1 that "although this Congress have a tender regard for freedom of speech, the rights of conscience, and personal liberty," the public safety required a stern crackdown upon those withholding allegiance not only from the provincial and Continental congresses, but even from county and district committees, all of which were extralegal and spontaneously created bodies. In two weeks the Provincial Committee of Safety, the Provincial Congress' executive arm, pressed further to force the disarming of all nonsigners of the association, who were presumed to be ipso facto rejectors of the authority of the revolutionary bodies. While this step was too radical for the Congress that autumn, the following spring it agreed to the forced disarming of all nonsigners, who were then jailed at their own expense.

Whig rule in New York was beset by many problems not encountered so virulently elsewhere. Most important was the highly conservative tinge of New York opinion; a growing and active minority of Tories faced a Whig majority shot through with conservative, neo-Tory sentiment, thereby playing into Tory hands. Outright Tory were the DeLancey wing of the landed oligarchy, the Anglicans (concentrated in New York City), and oppressed tenants whose landlords were Whigs (e.g., Livingston) and who hoped to gain by opposing their masters. Thus the inner contradictions of New York's drive for liberty that acquiesced in oppression of tenants arose to plague the revolutionary cause.

When the association was circulated throughout New York, it was found that Tories were in a majority on Long Island, overwhelmingly so in Queens and Richmond counties, where they prevented the election of deputies, and very strong in parts of Westchester, Albany, and Dutchess counties, and in New York City. The military effort of New York was thereby gravely crippled, and few men or supplies, and no money, could be furnished by New York for the crucially important invasion of Canada.

While outright Tories were unusually strong in New York, even the dominant conservative Livingston Whigs were eager for reconciliation with England. Only in New York was it credible that as late as the end of May 1775, the Provincial Congress should adopt the reconciliation report of the highly conservative Gouverneur Morris. Morris' principles, obsolete elsewhere in the colonies, approved Britain's right to regulate American foreign commerce but not domestic affairs and moved along the lines of Galloway's old defeated plan of union with Great Britain.

So timorous were the Livingston Whigs, that at the end of August when Lamb, under Provincial Congress authority, attempted to strip the Battery port of royal authority and a British ship opened fire, the Whigs totally succumbed to Gov. William Tryon's demand and left the cannon alone, even continuing to supply the British ships. When the Continental Congress recommended jailing all persons inimical to the American cause, and especially royal officials, the Whig rulers of New York City hastened to assure Royal Governor Tryon of his permanent safety. Further, in early November, when the Continental Congress urged New York to seize all British military stores in the city, the Whigs flatly refused. What sort of a revolutionary war was this? New York was clearly a pesthole for revolutionary activities.

Rendered desperate by the dead hand of the ruling Whigs, the New York radicals decided they had to carry on the Revolution by themselves. In early June, before Montgomery and Schuyler marched for Montreal, Marinus Willett defied the Provincial Congress and raided the baggage train of the royal governor embarking for England. An ordnance warehouse was looted and a royal barge burned. Sears, backed by Montgomery, decided to seize Tryon and take him to Connecticut in the summer of 1775, but he was overruled by the oligarchs, Schuyler and Washington. Finally, the defiance by New York of the Continental Congress on seizing crown military stores and royal officials was too much for Sears; it was obvious to him that he could not fight a revolution in New York, and he left for Connecticut in early November.

As for the other radical leader, John Lamb, he joined the army and participated in the invasion of Canada, falling wounded and captured, like so many other American leaders, at the battle of Quebec. Meanwhile, the third radical triumvir, Alexander McDougall, the last remaining in New York, continued to shift ever more steadily rightward into the Livingston camp. Thus, with their great leaders gone or recreant, New York radicalism and the Sons of Liberty were dealt a staggering and decisive blow, a blow which such new leaders as Daniel Dunscomb and William Goforth could not hope to repair. New York was now deprived of a Left; and remained only with a strong Tory Right and a conservative, fainthearted, Livingston Center-Right.

PART II

Suppressing Tories

13

The Suppression of Tories Begins

Throughout the rebellious colonies developed the pattern of governmental authority, largely devoted to fighting the war of the Revolution and exercised by illegal representative bodies, provincial congresses, or conventions. Realizing that the executive function should be inherently subordinate to the lawmaking function, the rebels created a highly democratic system: making committees of safety—operating committees of the legislature—the major executive arms of the provinces, which could function when the legislatures were not in session. On the local level, the old committees of inspection, observation, and correspondence, which had enforced the Continental Association, naturally evolved into new city and rural committees to run the war, specifically to raise and operate the militia and especially to crush dissenting Tories.

The Americans had had no chance to hear present-day opinion that they were merely fighting a conservative and moderate revolution; hence they went at the Tories with a zeal that went beyond the bounds of libertarian principle. The concept of “enemy of American liberty” was quickly extended from violators of the continental boycott to anyone critical of the Revolution. Known and suspected Tories were hauled before the local committees, and as Professor Miller puts it, “If the committees failed to persuade, the mob took over. Thus was created a police system, secret, efficient, and all-powerful.”*

Letters, especially to England, were seized at the post offices and carefully examined; spies eagerly took on the task of keeping watch on sus-

*John C. Miller, *Triumph of Freedom, 1775–1783* (Boston: Little, Brown, 1948), p. 40.

pected Tories. And in contrast to enforcement of the Continental Association, committees did not try to confine punishment of Tories to voluntary boycott and ostracism; instead, fines, imprisonment, confiscation, and banishment came increasingly into play. Persons were hauled before local committees for criticizing the Continental Congress, belittling the Massachusetts Army, criticizing Presbyterian prominence in the Revolution, and a host of other "errors of opinion." The new extralegal Massachusetts General Court urged Harvard College to dismiss all faculty members having Tory views. Individual Tories were not only boycotted and forced to recant their heresies; stronger methods of punishment were adopted as soon as the rebel committees became the effective authorities in their areas. As early as May 1775, the Massachusetts Provincial Congress recommended to local selectmen and committees that they confiscate the arms of all unfriendly to the rebel cause and forbid anyone to leave the province without special permission of the local committee or the Congress. The following month, the provincial congress *directed* the town committees and selectmen to confiscate and take charge of the property of all Tories who had fled behind the British lines at Boston or elsewhere. In New Hampshire, the provincial congress, as the supreme judicial body of the province, sentenced Tory Col. John Fenton to indefinite imprisonment as "an enemy to the liberties of America." In September, the New York Provincial Congress created a hierarchy of penalties for Tories, including fines, disarming, prison, and banishment. And in November, the Rhode Island General Assembly passed a law decreeing death and forfeit of property to anyone assisting the British army with information or supplies.

One of the critical litmus tests used by the local committees to smoke out Tories was a public oath of loyalty to a defense association succeeding the old Continental Association. As historian Alexander C. Flick concluded, the association

became the first decisive test of the politics of individuals. . . . It stamped the individual as a Whig or Tory in the eyes of his neighbors, and treatment was meted out to him accordingly. . . . Hesitation [to sign] involved suspicion; refusal, guilt. The Loyalist who was true to his convictions, creed, and king was detested, reviled and if prominent, ruined in business, tarred and feathered, mobbed, ostracized, or imprisoned; and all this at the will of a committee, self-constituted and responsible to no one.*

*Alexander C. Flick, *Loyalism in New York During the American Revolution* (New York: Columbia University, 1901), pp. 47–48. Also see Harold M. Hyman, *To Try Men's Souls* (Berkeley: University of California Press, 1960), pp. 70ff.

Thus, a Revolution and revolutionaries dedicated to the cause of liberty moved to suppress crucial liberties of their opposition—an ironic but not unsurprising illustration of the inherent contradiction between Liberty and Power, a conflict that can all too readily come into play even when Power is employed on behalf of Liberty.

Hesitant to take any steps that might lead irrevocably to independence, the Continental Congress refused to do anything about hunting and combatting Tories, leaving the task to the separate towns and provinces—this despite the requests from Massachusetts and Maryland for a general congressional test oath for all the colonies. In October 1775, however, Congress learned that Dr. Benjamin Church, one of the top revolutionary leaders of Massachusetts and chief surgeon of the Continental Army, was a traitor in the pay of the British. This grave shock led Congress to urge the various local committees to crack down on everyone who might “endanger the safety of the colony or liberties of America.” The committees redoubled their efforts in rounding up suspects, imposing test oaths and punishing recalcitrants with disfranchisement or prison. The Continental Army was also authorized to aid in suppressing Tories. Even as conservative a man as George Washington wondered why the Tories, “abominable pests of society . . . who are preying upon the vitals of their country [should] be suffered to stalk at large, whilst we know that they will do us every mischief in their power.”

In their grave concern with the American Tories, the American revolutionaries were not striking at phantoms. While the idea that Tory and rebel sentiment among the people was equally matched is a historical misreading of John Adams, it remains true that the Tories constituted a real and substantial threat to the Revolution.* About one-third of politically interested Americans were Tories, or “Loyalists,” while the Revolution held the allegiance of the other two-thirds.**

The population of the rebelling colonies at the time of outbreak totalled approximately 2.5 million. Of these, about half a million were Negro slaves, who certainly were potential rebels against the revolutionaries and

*A letter by John Adams has been traditionally interpreted by historians as judging that one-third of the Americans supported the Revolution, one-third were opposed, and one-third were neutral. In fact, Adams was referring to American attitudes toward the later *French*, not the American, revolution. In another letter, Adams estimated that the American Revolution was supported by two-thirds of those taking sides one way or the other. For the facts of the Adams letter, see John R. Alden, *The American Revolution, 1775–1783* (New York: Harper & Row, 1954), p. 87.

**Also neglected is what the Tories *did* during the Revolutionary War. For even the historians concentrating on the Tories have been so sympathetic to them as to highlight their status as refugees and to play down their considerable role as armed and militant warriors of counter-revolution. See Albert T. Klyberg, “The Armed Loyalists as Seen by American Historians,” *Proceedings of the New Jersey Historical Society* (1964), pp. 101–108.

hence potential aids to the British. If we consider one-third of the whites to have been politically apathetic, then we have a mighty reservoir of another half million pro-British inhabitants. Such a huge reservoir of active or potential defectors inexorably turned the American Revolution into a civil war as well.

Who were the Tories? This question has suffered from insufficient research; too many historians, in their eternal search for an American "consensus" of sweetness and light, have preferred to forget about the hard knot of American Tories and what was done to them during the Revolutionary War.*

The first thing to be said is that the Tories were not at all uniformly distributed geographically. For example, the two major centers of population, New England and Virginia, were relatively Tory-free. The few thousand Virginia Tories were concentrated among Ulster Scots on the frontier in western Virginia, settlers on the Eastern Shore (the Chesapeake Peninsula), and native Scottish merchants and factors concentrated on the coast near Norfolk. New England Tories were to be found in scattered pockets: many in Newport, in the coastal towns of the Maine region, New Hampshire, Cape Cod, parts of western Massachusetts. Western Connecticut, near the New York border, was the only one of these regions where Tories approached a majority, even though the bulk of Connecticut was overwhelmingly rebel. All in all, New England Tories barely reached one-tenth of the population.

There were more Tories in the other colonies of the South than in Virginia, and these were mainly concentrated in the back country of the Carolinas—the pockets of Highland Scots near Wilmington and Cape Fear in North Carolina and the city of Charleston—and in royal-bureaucrat-ridden and subsidized Georgia. However, in none of the major population areas of the South did the Tories constitute a majority, and all in all, they totalled about 30 percent of southerners.

The most ominous and threatening center of Tory strength lay in the middle colonies, which were almost evenly divided between Whig and Tory. This equal strength was particularly true of New York, the greatest Tory stronghold outside of Georgia. In such areas as western Long Island, upstate, and the lower Hudson valley, Tory adherence was almost overwhelming. New Jersey, in Bergen County and in the south, was almost as fertile Tory ground. Toryism was particularly strong in Philadelphia and the surrounding counties, especially among the Quakers. Tories were also strong in Delaware and on Maryland's Eastern Shore.

Ethnic and religious minorities within a region tended to oppose the dominant majority and hence to side with Great Britain. Thus, while

*Cf., William H. Nelson, *The American Tory* (Oxford: Clarendon Press, 1961), p. 92.

Anglicans in the low-church Anglican South were solidly revolutionary, the minority of Anglicans in the North, far more high church and attached to Britain, were predominantly Tory. Also in the North, many Baptists and the budding Methodist movement were restive and Tory. Most Dutch in New York and New Jersey, and Quakers in southern New Jersey and eastern Pennsylvania, and many native-born Scots tended to be Tories. The Ulster Scots, however, at least in the South, were rather evenly divided.

Had the British acted early and energetically to mobilize the Tories, to organize their scattered centers of strength, and to exploit the potential conflicts within American society, they might have been able to deal the Revolution a crippling blow. The Negro slaves, as we have pointed out, were a huge potential reservoir of discontent to mobilize against the Revolution. And New York, a fertile field, lay available for exploitation. The Revolution split the landed oligarchy of the province, with the Anglican DeLanceys of New York City and the lower Hudson valley turning Tory, while the Presbyterian Livingstons of the northern Hudson valley supported the break with England, though only meekly. As a result, the disgruntled tenants of the Livingstons and their fellow Whig landlords naturally gave their support to the Tory cause. And many Ulstermen of the back-country Carolinas, long unhappy about underrepresentation and governmental discrimination against them, were Tories or lukewarm to a revolution made by the planters of the lowlands.*

The Tories, as we have seen, ranged, through all social classes and occupations, from the aristocratic DeLanceys of New York to the lowly tenants of the Whig landlords and the back-country settlers of the Carolinas. Neither were they dominantly concentrated within any broad social class. It is therefore impermissible to identify them with any particular economic or social group. However, neither can we discard social-class analysis altogether. While most of the wealthy were rebels and the Tories ranged through all social classes, it is also true that the proportion of the upper class was greater among the Tories than among the rebels, and a far greater proportion of Tories was concentrated among such well-to-do groups as royal bureaucrats and officials, British factors in the South, and Georgia planters. Thus, almost two-thirds of the councillors—members of the royally appointed upper houses of the colonial assemblies—became Tories.

*However, the long-held view of historians that the old rebel Regulators of the Carolinas later became Tories has been refuted by the recent researches of Johnson, Barnwell, and Brown. The former Regulators of both North and South Carolina were predominantly Whig revolutionaries; indeed, it was only the old South Carolina *Moderators* who became largely Tory. See Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge: Belknap Press, 1963), pp. 123–26, 213–14.

For the British to have organized and welded together all the disparate threads of Tory and anti-Whig potential would have required energy and ability that the British did not have. For one thing, the British, like all counter-revolutionaries always and everywhere, scoffed at the Revolution as being a movement of a small fanatical minority rather than a majority, and as a movement of a weak and inferior breed of men. All counter-revolutionaries tend to gravely underestimate their enemies by treating rebellion as the work of a small subversive band of dogmatic and fanatical ideologues. The vast majority, these archconservatives typically feel, are deeply loyal to the constituted government. Therefore, the British confidently believed that no intensive coordination of the Tories was necessary. Surely, they need only call, or land, and the great majority of loyal folk would rise up and help their rulers smite the traitors!

A second cause of chronic British optimism, as we have seen, was the chauvinist contempt for the Americans as a people and for their martial abilities—a contempt redoubled by the British devotion to orthodox military prescriptions and ignorance of guerrilla forms of warfare. The defeat of the Revolution also required an indomitable will, but General Howe, the commander-in-chief of the British armies after the removal of the disgraced Gage, in October 1775, was an ardent Whig opposed to the war. These inner convictions kept him valiantly trying for a compromise political peace rather than a repressive military solution to the conflict, thereby substantially weakening the resolve of the counter-revolution.*

*Howe's leniency toward the rebels was considerably strengthened by the arrival in the summer of 1776 of his Whig brother, Richard Lord Howe, as commander of the British fleet in North America. See Ira D. Gruber, "Richard Lord Howe: Admiral As Peacemaker," in George A. Billias, ed., *George Washington's Opponents: British Generals and Admirals in the American Revolution* (New York: William Morrow, 1969), pp. 235–41.

14

Suppressing Tories in Rhode Island and Connecticut

While the Tories stood disunited and lacking firm British leadership, the revolutionaries in colony after colony struck with keen efficiency and dispatch to disarm the actual and potential traitors in their midst. In Massachusetts, support for the Revolution was so ardent and widespread that there was little organized Tory opposition, and the local revolutionary committees could work their will on individual Tories, unchecked. Most Massachusetts Tories were concentrated in the west, in the towns of the upper Connecticut River valley, including Amherst, Hatfield, and especially Deerfield. Other concentrations were to be found in the town of Worcester (which was, however, predominantly revolutionary) and among the Baptists of the town of Ashfield. Tories were particularly numerous among the royal judges and bureaucrats, and it has been estimated that fully half the lawyers in western Massachusetts were Tories. However, no special measures had to be taken against the Massachusetts Tories since they were few in number relative to the total population.

Toryism was much more threatening in Rhode Island, where Newport abounded in Loyalists. Particularly embarrassing was Rhode Island's Gov. Joseph Wanton, who became an active Tory and urged the Rhode Island Assembly to seek a separate peace with England. In June 1775, the powerful assembly, moving toward deposing Wanton, quickly forbade the oath of office from being administered to him, and commissioned militia officers without his signature. In November, it deposed Wanton as governor and replaced him with the radical Nicholas Cooke of Samuel Ward's old faction.

Throughout 1775, Rhode Island, particularly Newport, suffered from

the plunder of a fleet of British warships in lower Narragansett Bay commanded by Capt. James Wallace. Wallace disrupted and plundered Rhode Island's foreign trade and shipping and continually threatened Newport with fire and destruction if the citizens did not furnish food and supplies to the British army and fleet. Wallace finally did shell the defenseless town of Bristol and thoroughly plundered and partially burned Jamestown in 1775.

Eventually, the months of British terror and imposed starvation took their toll; the people of Newport began to flee the city. By early November, nearly half of its citizens—largely women and children—had fled northward from the city. Most of these were rebels, so the revolutionary morale of Newport—never high at best—was weakened still further. With the consent of the Rhode Island government and the Continental Congress, Newport agreed in the autumn of 1775 to supply the British fleet with provisions and to withdraw the colony's militia from the town.

In the meanwhile, however, the Rhode Island Assembly intensified its ardor to take stern measures against the Tories; thus it decreed the punishment of death and confiscation of property for anyone betraying the cause to the enemy or providing him with supplies—the Newport agreement, of course, excepted. In December, Rhode Island authorities, alarmed at growing Tory power in Newport and fearful of a British attack from Boston, begged Washington for help. Washington sent down his best man, General Lee, with a handful of troops. Lee heartened the rebels and thoroughly frightened the Tories, enforcing upon them a public oath in support of the Continental Congress and arresting three Tories who refused to take it. His energetic activities at the end of the year, including arrests of Tory leaders and issuance of mass loyalty oaths, succeeded in closing the Loyalists in Newport.

Tory opposition to the Revolution in New England centered in southwestern Connecticut, in sharp contrast to the fierce revolutionary fervor of the bulk of that colony. Indeed, at the end of 1775, Connecticut became the first colony to enact a systematic body of law against Tories, including such severe punishment as forfeiture of all property and three years' imprisonment. For the first time in America, serving the king was officially branded a crime to be severely punished. Connecticut's fervor was such that it was the best place to imprison Tories from neighboring provinces. One of the principal prison sites in the colonies was the dank, abandoned copper mine at Simsbury. The New Haven Town Meeting opposed taking up arms against Britain, and the meetings of Litchfield and Danbury condemned the Continental Congress. In Reading and New Milford, the majority of the inhabitants went so far as to swear to Loyalist oaths. The most acute Tory threat to Connecticut appeared in May 1775, when the bulk of the Waterbury militia, officers and enlisted men alike, declared

their refusal to follow the policy advised by the Continental Congress. This threat was swiftly and efficiently countered by a secretly conducted night raid upon southwestern Connecticut by several hundred Whig militiamen from revolutionary eastern Connecticut. The Tories of the entire area were disarmed by the raiders, and a dozen Tory leaders were taken prisoner.

15

Suppressing Tories in New York

New York, as we have indicated, was a hotbed of Toryism, and even the Whigs were dominated by highly conservative oligarchs. The colony was therefore held in understandable suspicion by the other colonies, and Isaac Sears, the leading New York radical who had left in disgust for Connecticut, was one of the first to realize that any radical action in New York would have to be accomplished from outside its borders. In late November, Sears, appointed a military commander by the Connecticut Assembly, collected 100 men from Connecticut and conducted a daring raid into New York City, smashing the Tory print shops. They seized three leading Westchester Tories, including the Reverend Samuel Seabury, and hauled them back to New Haven.

Only Suffolk County in eastern Long Island, part of Ulster County, and New York City were largely revolutionary, but even in those places the action meted out to the local Tories was negligible. Indeed, of 104 merchant members of the Chamber of Commerce of New York City, no fewer than 78 were Tories. Westchester County was largely Tory, and Dutchess County predominantly so. Indeed, in Dutchess, the Loyalists armed themselves openly, condemned the Continental Congress, interfered with the regular militia, and openly enlisted men for the British armed forces. Leading the Tories were the rivermen, who used their boats to convey enlistees to the British forces and threatened to carry the leading rebels off as well. During October 1775, many Tories of the lower Hudson valley were planning to join the British forces. Some, in the Peekskill area, tried to rise up in arms, but were quickly disarmed by the local militia.

The heavily Tory Staten Island sent no delegates to the provincial

Congress and was embargoed by the adjoining area of New Jersey for its "unfriendly disposition toward the liberties of America." But the staunchest Tory region in New York was Queens County, covering most of western Long Island. The Queens towns not only refused to send delegates to the provincial congress, but passed Loyalist resolutions in defiance of the Revolution. In the November 1775 elections to the provincial congress, the freeholders of Queens County voted by three and a half to one against sending a delegate. The following month, the bulk of the county's voters declared their neutrality in the war and decided to arm in their own defense. The British fleet proved more than willing to supply them with arms. Rising Tory activity in Queens so alarmed even such conservatives as Jay and McDougall that the latter held it imperative to disarm the Tories of the county. Even the conservative provincial congress recommended embargoing those counties that continued to refuse to send any delegates. However, the congress refused to agree to the urgings of its Committee of Safety to disarm all the province's Tories.

The Continental Congress, however, angrily resolved to smash this resistance movement, and declared the virtual outlawry of Queens County, denouncing its citizens as "incapable of resolving to live and die free men." It declared that the Queens Tories should be disarmed, the dangerous ones imprisoned, and the names of all be published throughout the country. No inhabitant of Queens was to be allowed to leave the county without a passport issued by the New York Committee of Safety. It was clear, however, that any chastening of Queens Tories would have to be accomplished from outside the province. Under the Continental Congress' direction, Nathaniel Hurd of New Jersey was sent into New York with 1,200 men in late January 1776. Hurd succeeded in disarming 600 armed but disorganized Queens Tories without a fight. Seventeen Tory ringleaders were marched off to prison in Philadelphia.

Succeeding Hurd was that great scourge of Tories and Toryism, Gen. Charles Lee, increasingly in use as a radical military trouble-shooter. With the Canadian campaign heading toward defeat and the siege of Boston moving towards victory, it was becoming ever more clear that the next problem was the expected transfer of the British army from Boston to some more congenial spot on the Atlantic seaboard. Probably they would pick New York City. From there they might, in a combined pincers movement with forces in Canada, try to split the colonies in two, and riddled with Tories and neo-Tories as it was, New York might prove a hospitable haven for the British troops. Lee was among the first to press for more radical and vigorous measures against the British and the Tories. By the summer of 1775 he was advocating the independence of America and wondered "why in the name of Satan" New York's Governor Tryon had not been seized. During the autumn, Lee urged McDougall to seize

Tryon and to inform the British naval captain in New York harbor that, if he bombarded the city, "the first house he sets on fire shall be the funeral pile of his Excellency [Tryon]." In short, Tryon should be held as hostage for British good behavior. In October 1775, Lee pioneered in proposing two radical steps: that the war be partly financed by the confiscation of Tory property, and that American ports be thrown open to all European commerce, defiantly shedding the last American allegiance to the British laws of trade.

In early January 1776, deeply worried about New York, Lee urged Washington to allow him to raise a body of Connecticut volunteers and Jersey militia in order to cleanse New York City of Tories and to fortify it. Washington hesitated for political reasons, but finally agreed when John Adams approved the plan. Lee promptly went to Connecticut and there collected 1,200 men recruited by Isaac Sears, whom Lee hailed and picked as his assistant for the expedition with the rank of lieutenant colonel.

Approaching the border, Lee was met by hysterical pleas not to cross into the city, lest the British navy bombard it. He characteristically replied that, if they did, "the first house set in flames by their guns shall be the funeral pile of some of their best friends." His arrival in New York in early February coincided with the arrival of British Gen. Sir Henry Clinton in the harbor with several hundred troops. Lee took command and successfully threatened the British that opening fire on the town would mean the death of 100 Tories. He also cut off the supplies that the New Yorkers had been generously furnishing the British.

The New York Provincial Congress protested with particular bitterness at the hard treatment Lee was meting out to the Tories. It is curious that the congress took time out in the midst of a dire revolutionary crisis and a fight for survival to complain about the fact that the Tory Samuel Gale had been imprisoned by Lee in Connecticut and his property invaded. Or perhaps it is not so curious, when we reflect that Gale was an English surveyor, allied to the landed New York oligarch and highly conservative Whig, James Duane. Lee paid no attention to the carping. Instead, he sent out the eager Isaac Sears to tame the Tories of Queens County. Sears swept through Queens denouncing the New York Congress and forcing a strong public oath of allegiance upon everyone. All noncompliers were arrested and sent to Connecticut. Lee was soon called elsewhere, but his activities did have the effect of shoring up the Patriots and chastening the Tories. An indigenous New York Left could not be restored, however, and the raid provoked such a storm of conservative New York protest that the Continental Congress and army weakly withdrew from suppressing Tories.

New York was where the British first tried to exploit another contradiction within American society: the disaffected Indians on the frontier. In any conflict between English and Americans, the tendency of the Indians would be to side with Britain, for it was the land-grabbing American settlers who constituted their supreme enemy, whereas the British had played a relatively mollifying role with the Indians, for example, in decreeing the Proclamation Line of 1763. The most that the Americans could hope for, therefore, was Indian neutrality in the war; it was that promise that General Schuyler had gained from the Iroquois in the summer of 1775.

Fortunately for the American cause, Sir William Johnson, Indian trader, superintendent of Indian affairs at Albany, and uncrowned king of the Iroquois, had died in 1774. But Johnson's nephew and son-in-law, Col. Guy Johnson, succeeded him, and William's son, Sir John Johnson, ruled an enormous estate in up-country Tryon County with the aid of a fierce private army of his tenant Highland Scots. Furthermore, Tryon County, covering most of up-country New York, was predominantly Tory, and rumors persisted of a plan for the Johnson Highlanders to join pro-British Iroquois and march down the Hudson valley, raising Tories as they came. But the ardor of the several thousand pro-British Iroquois was dampened by the British themselves in the spring of 1775, when General Carleton, fearful of provoking an American invasion of Canada, advised them to lie low for the time being. And in January 1776, General Schuyler took several thousand militiamen into Tryon County in a surprise attack, thoroughly disarming Johnson's Scots and shipping six of their leaders to prison in Philadelphia. Thus, by early 1776, the rebels, with the use of surprise and skilled organization, had managed to disarm the Tories in the areas of their greatest support.

Many of the Highland Scots, along with most of the other Tories of upper New York, fled to Canada, there to work for vengeance and return. Back home, their property was confiscated, and the Tories who remained behind were imprisoned, flogged, and sometimes executed. Sir John Johnson managed to hold Fort Stanwix, at the extreme western point of the Mohawk River, until late spring of 1776, when he was forced to abandon his properties and flee to Canada.

16

Suppressing Tories in the Middle Colonies

New Jersey had nearly as great a proportion of Loyalists as New York, and southern New Jersey was notoriously loyal to Great Britain. Its royal governor, William Franklin, illegitimate son of Benjamin, was particularly active in the British cause. In the spring of 1775, he tried to persuade the New Jersey Assembly to negotiate a separate peace with Britain. Failing this, he continued to organize Tory sentiment. Prodded by a series of petitions organized by him, the assembly vehemently instructed its delegates to the Continental Congress against any attempt at independence. Indeed, Franklin was almost able to induce the assembly to beg the king for peace, and only lengthy harangues by moderate delegates from the Continental Congress were able to dissuade New Jersey from such separate action. It was only in June 1776 that Franklin was finally arrested by the New Jersey Assembly and sent to prison in the recesses of Connecticut.

Apart from Franklin's political activity, by the spring of 1776 the province was plagued with imminent insurrections in Monmouth, Hunterdon, and Bergen counties. Negroes were reported arming themselves to join the British cause and later to be intriguing with British prisoners of war.

In conservative Pennsylvania, the Tory cause had been crippled by Joseph Galloway's decision not to run for the Second Continental Congress and his withdrawal from political life. The bulk of the Tories continued to be the Quakers in the Philadelphia area. The Philadelphia Meeting sent dispatches to Quakers throughout the middle colonies urging them to abstain from all forms of rebellion and to remember that it was their religious duty to "honor the King." From their old anarchic individualism, the Quakers had now evolved into a nonviolent bulwark

of state and crown; it was not their business, the meeting warned, "to plot and contrive the ruin or overturn of any" government. The Toryism of the Quakers remained passive, however, and there was no worry about their taking up arms against the Revolution.

In Maryland, a sharp geographical split prevailed, with the tobacco-growing regions on the western shore of Chesapeake Bay being staunchly revolutionary, while the maritime Eastern Shore was predominantly Tory. In heavily Tory Worcester County on the Atlantic Coast, the Loyalists, led by a Hugh Kelly, obtained arms during the fall of 1775 from a vessel of Lord Dunmore, royal governor of Virginia. Meeting in secret and signing a joint oath, 1,900 Tories formed an association, met for military drill, declared themselves for the king and "against Boston," and pledged themselves to resist any conscription into the Continental Army. They also managed to seize some local Whigs and hustle them aboard Dunmore's ship in a futile quest for recruits.

In adjoining Somerset County, one Isaac Atkinson led over half the local militia into a counter-revolutionary force for the king, and he threatened one day to "fight it out." He also denounced the Revolution as a Presbyterian plot. Several companies of militia in Caroline and Dorchester counties on the Eastern Shore laid down their arms in defiance of the revolutionary cause.

The colony of Delaware, almost wholly on the Chesapeake Peninsula, was riddled with Tory sentiment; by the spring of 1776, 1,000 Tories were under arms in Sussex County in the south; and in northern New Castle County, British ships on the Delaware River were regularly furnished supplies by the inhabitants.

17

Virginia Battles Lord Dunmore

Virginia had only a few thousand Tories at most, but they were concentrated in a few strategic areas. Aided by Lord Dunmore, the highly energetic royal governor, they gave the American rebels a good deal of trouble. Apart from the Tory predominance on the Eastern Shore, the Loyalists were concentrated among the Scottish merchants in Virginia's commercial city of Norfolk and on the extreme northwestern frontier around Pittsburgh. After the rejection by the Virginia Assembly of Lord North's conciliation scheme in June 1775, Dunmore fled with over a hundred British regulars to a British ship in the harbor of congenial Norfolk.

Toryism was strong though not predominant on the American frontiers, undoubtedly in part because of a suspicion that the American governments might not be able or eager to supply armed forces to push back the Indians. Toryism on the Virginia frontier was concentrated around Pittsburgh (now in Pennsylvania), near where Fort Pitt had been dismantled three years before. Under Dunmore, Virginia, during 1773 and 1774, had aggressively expanded its territory. Dunmore had seized control of the Pittsburgh region, arresting and expelling Pennsylvania officials and creating a new West Augusta County there for Virginia. Furthermore, in "Dunmore's War," the governor had defied the Proclamation Line of 1763 and had driven the Shawnee Indians out of Kentucky.

When the Revolutionary War began, John Connolly, a physician, Tory militia official, and faithful ally of Dunmore and Britain, conceived an audacious plan. Visiting Dunmore on his ship during August 1775, Connolly brought with him a pledge of loyalty to Dunmore and the crown

from several hundred inhabitants of West Augusta County, including the Indian traders Alexander McKee and Simon Girty. More important, Dunmore and Connolly agreed to the latter's scheme (the "Connolly Plot"), in which Dunmore would raise a troop of Tories in the east, while Connolly, made a lieutenant colonel, would winter at the British fort of Detroit. There Connolly would form a regiment of British regulars and Tory militia into the Royal Foresters, after which he and McKee, with a troop of Indians, would march up the Ohio and seize Pittsburgh. Dunmore would march west, and Connolly east, perhaps enlisting oppressed indentured servants as he went, to meet at Alexandria in northern Virginia, cutting the American colonies in two. In early October a peace conference at Pittsburgh between Indians and representatives of Virginia and Pennsylvania had resulted in an agreement that provided for Indian neutrality in exchange for an American pledge to maintain the Proclamation Line of 1763 as the limit of western settlement. This agreement defied the fact that the line had already been rendered *de facto* obsolete by the white victory of Dunmore's War over the Shawnees and by the subsequent beginning of the settlement of Kentucky. McKee and Connolly were agreeable to this arrangement as a short-term tactic until their proposed campaign could begin.

It was an ambitious and undeniably unworkable scheme; but at any rate, it never had a chance, as Connolly and two aides were arrested shortly afterward by alert militia at Frederick, Maryland. Connolly was brought before the Continental Congress for trial and promptly imprisoned. As for McKee, he was soon confined to Pittsburgh by the local Committee of Correspondence, headed by George Croghan, for corresponding with an official of the British army.

The collapse of the Connolly Plot left Lord Dunmore with his forces based upon the sea. For the first time in the war, the British now found themselves a small armed force facing a large, unorganized, hostile population. Except for the initial shock at Concord, the British forces had encountered regular American armies (as at Boston) or fought in friendly or neutral territory (in Canada), but now Lord Dunmore was facing the essence of counter-revolutionary warfare. Since it is waged by relatively small though heavily armed forces of the government or its supporters against the mass of the civilian population, counter-revolutionary warfare must needs be mobile, swift, and devoted to hit-and-run raiding. Even so, it is a grave mistake, made by many analysts and historians, to confuse this kind of raiding with true guerrilla warfare.

Guerrilla warfare must rest on the active support of the bulk of the populace; the guerrilla troop is the armed spearhead of the revolutionary masses. Its fire is directed in pinpoint fashion against government troops and installations, and sometimes against their relatively few allies and

sympathizers. Its aim is to dislodge the rulers from the backs of the people. Its long-run chances of victory are excellent. But counter-revolutionary raiding is necessarily conducted in wild and haphazard fashion, by an armed minority *against* the bulk of the people. Its aim is not simply to dislodge a ruling group, but to spread terror among the people, to injure, harass, and disrupt the economy. Its long-run chances of victory are slight. The strategies proper to the two types of warfare reinforce these differences. The more scrupulously the guerrillas refrain from harming the civilian population, the more solemnly and securely the populace will support them, while the more vigorous the counter-revolutionary terror raids, the more bitterly hostile will the populace become. Short-term successes for guerrillas therefore promote victory in the long run; short-term gains for counter-revolutionary bands anger the people still further and insure long-run defeat.

It was this sort of harassing force that Lord Dunmore established on the Virginia coast. Dunmore began in June 1775 with 100 regulars and a few ships anchored off Norfolk, where he was kept supplied by the preponderantly Tory town, dominated by Scots merchants and their factors and clerks. When in early October Dunmore was angered by rebel newspapers in Norfolk, he sent a detachment of soldiers ashore to seize the press and paper as well as the persons of two of the printers. The local militia was called out to stop the outrage, but the apathetic militiamen failed to lift a finger to protect the printers. The mayor and aldermen of Norfolk sent the governor a feeble *pro forma* protest; so mild, indeed, was Norfolk's indignation, that shortly afterward a Town Meeting invited Dunmore to occupy the town.

The Virginia rebels decided to take action against renegade Norfolk, and soon 300 local militia of adjoining Norfolk and Princess Anne counties met at Kempsville, in Princess Anne. Dunmore, adding some Negroes and Scottish clerks to his forces, marched against the rebels. The Americans skillfully trapped him in an ambush, but they fled in panic at the sight of the British. Greatly emboldened by his victory, Dunmore proclaimed martial law on November 7 and set up the king's standard for the colony. In a few days, 300 citizens took an oath of allegiance to the crown at Kempsville, as did 500 more at Norfolk. Soon, 3,000 took the oath in Princess Anne, Norfolk, and Nansemand counties, the inhabitants of Princess Anne pledging themselves to support Dunmore and the crown to the last drop of their blood.

On November 17, with imagination and daring lacking in his fellow British commanders, Lord Dunmore decided to exacerbate the contradictions in American society by offering freedom to any Negro slaves who would join his armed forces, thereby permanently enraging the conservative slave-holding Virginia planters who would probably not have sup-

ported the British in any case. Soon he was able to organize two regiments of Tory militia, the Queen's Own Loyal Virginia Regiment and the Ethiopian Regiment, composed of runaway slaves. The conservative Committee of Safety leading the rebel cause at Williamsburg was now finally forced to act, sending two regiments of militia against Norfolk with the aid of a regiment of North Carolina militia. The rebels, over 900 men led by Col. William Woodford, faced Dunmore's 500 at Great Bridge, near Norfolk, on December 11, 1775. Dunmore, in the foolish European manner exemplified by Howe at Bunker Hill, chose to make a direct, massed, frontal assault on the entrenched rebel positions. Rebel musket and rifle fire thoroughly smashed the British as they came forward, and the British suffered sixty casualties, while only one rebel was wounded. Dunmore, decisively defeated, fell back to his ships, and Norfolk was recaptured by the rebel forces.

The Virginia army, on occupying the Norfolk area, recommended that the entire population of the region be forcibly removed to the interior, to prevent any trade or intercourse with Dunmore's ships. While this recommendation was never really put into effect, a reign of terror was launched against the Tories in the area. Their homes destroyed and plantations seized, the bulk of them fled the colony. Some went to Scotland, others to England and the West Indies. Many joined the British army in Boston.

The Tories were angered at being so callously abandoned by Lord Dunmore, who paid little attention to them and treated even those who fled to his ship with scant consideration. The case of the Sprowle family is a particularly poignant one. One of the wealthiest men in Virginia and for several decades president of the Court of Virginia Merchants, the ardently Tory Andrew Sprowle fled to Dunmore's ship as the rebels entered Norfolk. The revolutionaries destroyed his urban properties and confiscated his plantation. This was too much for old Sprowle, who died soon after. His wife Katherine, also on Dunmore's ship, obtained permission from Dunmore to visit her son, imprisoned as a Tory in a North Carolina jail. When she landed, the Williamsburg Committee of Safety refused to allow her the visit and sent her back, but now Dunmore cruelly refused to let her board the vessel. Booted back and forth between the two sides, and not allowed a resting place, she was finally able to obtain passage to Scotland. She was placed on a modest British pension list, but was arbitrarily cut off by Lord Dunmore, while her Virginia plantations were sequestered and sold by the Virginia government.

On New Year's Day, Dunmore received well over a hundred regulars and much arms from Boston and St. Augustine. Emboldened by the reinforcements, he promptly shelled Norfolk, deliberately firing warehouses on the docks used for cover by the rebel forces. The revolution-

aries used this incident as a convenient cover for brutally putting a large portion of Tory Norfolk to the torch. It is estimated that Dunmore's naval fire that day destroyed fifty houses valued at over 3,600 pounds sterling, but that the rebels deliberately destroyed nearly nine hundred houses valued at over 110,000 pounds sterling. In February, the ruling Virginia Convention made it official; at its order, the rest of Norfolk—over four hundred houses—was deliberately and savagely burned to prevent Dunmore from ever again using it as a base. Thus did these "moderate" revolutionaries in a "consensus" America pass a harsh collective sentence upon the people of Norfolk. Yet, in the propaganda war, the rebels were able to lay the blame for the burning of the city upon Dunmore, who, the previous October, had desperately but unsuccessfully tried to burn the coastal town of Hampton as punishment for the people's burning of a grounded British warship.

Outside of Norfolk, the Virginia rebels tended to be more lenient, and in December 1775 the Virginia assembly offered pardon from arrest and confiscation if the Tories would take an oath of allegiance to the new Virginia government. However, enforcement often differed in accordance with race. Thus, in May 1776, thirteen whites and twelve Negroes were arrested for Tory activity and sent to Williamsburg for trial. The Virginia Convention tried the cases in June; the Negroes were sent to forced labor in Virginia's lead mines, while the whites were either freed or given parole.

Ousted from his Norfolk base and failing to rouse the west, Dunmore intensified his plunder and terror raids up and down Chesapeake Bay and along the Virginia coast. He ardently intercepted shipping, seized tobacco, and burned plantations, and many Negroes seized the opportunity to supply the British and to join Dunmore's forces, naturally enraging still further even the most conservative planters. All in all, nearly two thousand Negroes ran away to join his fleet, even though only the Negro soldiers, and not their families, had been offered freedom. The slave exodus from coastal Warwick and Northampton counties was particularly heavy, but a severe smallpox epidemic decimated their ranks and ruined their potential effectiveness.

His troops thus ravaged and his supplies running low, Dunmore decided in the summer of 1776 to give up and join the British fleet in the north. Several hundred of the healthiest remaining Negroes were taken north with the fleet, but Dunmore perfidiously shipped many others into slavery in Florida and the West Indies.

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Battling Tories in the South

North Carolina confronted concentrations of Tories among Highland Scots in the Wilmington-Fayetteville area, who owed their land to the crown's largesse and who included a number of retired British army officers. There were also strong but not dominant clusters of Tories in the back country. Perhaps fully half of the North Carolina population was Tory or at least lukewarm to the rebel cause. Furthermore, fear of Negro uprisings aiding the British led the North Carolina Provincial Congress in the spring of 1776 to urge all slave owners on the south side of the Cape Fear River to remove far into the interior all slaves capable of bearing arms for the British. In Wilmington, Negroes began to escape in droves into the woods, and whites enforced a nine o'clock curfew on them.

In January 1776, Josiah Martin, the royal governor of North Carolina, who had fled to a British warship, decided to mobilize the Tories of the province. Overoptimistically expecting 9,000 Tories to rise in arms, Martin urged the Highlanders and all other Tories to rally in arms for the king and march to the sea to join him and expected reinforcements from Great Britain.

Soon, 1,600 Tories gathered under the veteran British general Donald MacDonald at Cross Creek (now Fayetteville). The Tory response was weakened, however, by the failure of Governor Martin to sail his ship past enemy fire to arrive at the Cross Creek rendezvous. Reaching Moore's Creek Bridge near Wilmington on February 27, the Tories encountered a smaller force of 1,000 militiamen under Cols. Richard Caswell and John Lillington. The Americans held strongly entrenched positions, but in the absence of the ailing MacDonald, the new commander, the young and

reckless Col. Donald McLeod, was able to override the advice of older officers. Once again, as in Virginia, the Tories hurled themselves heedlessly but in orthodox fashion against entrenched rebel positions and were crushed even more effectively than at Great Bridge. The Tories suffered thirty casualties, whereas the revolutionaries enjoyed the incredible casualty rate of none killed and only two slightly wounded.

The surviving Tories fled inland, pursued by relentless bands of American rebels, who captured no fewer than 850 of the enemy. Among the killed were Colonel McLeod, and among the captured, General MacDonald and the political leader of the Highland Scots, Maj. Allan MacDonald. Armed Toryism in North Carolina had suffered a crippling blow.

After commiserating with their families and pledging them its protection, the North Carolina Provincial Congress decided to disperse the hundreds of captured Tories to all the provinces, so as to guard against their "pernicious influence." The rank-and-file prisoners were shipped to Maryland and Virginia, the leaders to remote Philadelphia. The people of North Carolina were solemnly warned that the treatment meted out to the prisoners would largely depend on the good behavior of the remaining Tories of the province.

The year before, during the summer and fall of 1775, the English government had worked out a plausible plan: British troops would invade the South from the sea, and the charismatic presence of the redcoats would inspire Tory risings by the Highland Scots and other Loyalists, to follow their royal governors, Dunmore and Martin. British troops were to embark from Ireland to be led by General Clinton, who would join the expedition at Boston. However, bureaucratic bumbling and adverse weather delayed the expedition until April 1776, by which time Dunmore had been routed off the continent and Martin's premature Tory uprising crushed. When Clinton arrived near the Cape Fear River in mid-April, he was forced to abandon his projected invasion of the South.

Tory disaffection was even stronger in South Carolina than in its northern neighbor, for there both British support and neutralism abounded among low-country merchants and planters as well as the back-country frontiersmen. The revolutionist low-country planters were in constant fear of pro-British insurrections by the numerous Negro slaves, and a Negro named Jerry was executed in the summer of 1775 for saying he would help pilot British warships into Charleston. Furthermore, John Stuart, the British Indian agent in the South, was plotting to raise the powerful Cherokee tribe in attack against the frontier settlements. This buildup was originally part of General Gage's plan for a concerted Indian attack on the entire American frontier, but the arrest of Connolly in Virginia and McKee in

Pittsburgh in October 1775 and the disarming of Johnson in New York in January 1776 wrecked that plan. Even so, Stuart and the Cherokees were still all too dangerous.

Despite the great potential of Tory strength in South Carolina, lack of intelligent organization crippled its impact. In particular, the royal governor, Lord Campbell, instead of going to the back country to rouse his supporters, chose to conduct operations from British warships in Charleston Harbor. Seizing the opportunity presented by Campbell's caution, the rebels of Charleston sent their leader, William Henry Drayton, and the Reverend William Tennent, Charleston's leading Presbyterian minister, to the back country in August 1775 to organize the rebel forces there. By September, two large contending back-country forces had gathered at Ninety-Six, 1,000 rebel militiamen under Drayton confronting a larger Tory force under Col. Thomas Fletchall. Remarkably, Drayton and Tennent managed to sweet-talk Fletchall into signing a "Treaty of Neutrality" and to disband. The treaty pledged the neutrality of Fletchall and his men and even partially acknowledged the authority of the South Carolina Provincial Congress.

Soon, however, the Tories rose again, led this time by Robert Cunningham. Over 1,800 of them gathered at Ninety-Six, where in mid-November they unsuccessfully attacked a fort manned by one-third their number.

In the meanwhile, the South Carolina Council of Safety, the arm of the provincial congress entrusted with executive powers, decided to crush the Tories posthaste, and sent Col. Richard Richardson to do the job. Richardson sped westward, collecting revolutionary militia from both North and South Carolina as he went. By late November, he had amassed over 4,000 men. Richardson's force crushed all Tory resistance before it, and hundreds of Tories were disarmed and compelled to pledge peaceful behavior in the future. An amnesty the following March completed the rout of the South Carolina Loyalists. South Carolina, any more than its sister province to the north, could not now lend Tory assistance to an invasion by General Clinton.

In Georgia, which had been the colony least enthusiastic for the opposition to Great Britain, armed Tory resistance was at first avoided by the very mildness of the Whig response to the Revolution. Indeed, only the rebel enclave of St. John's sent a delegate to the Second Continental Congress. The opening of hostilities at Lexington and Concord, however, coupled with the angry boycott of Georgia by the other colonies, could only push Georgian opinion into a more active course. The development also advanced the fortunes of the Liberty Boys, who, on hearing the news, broke into the public powder magazine. Realizing that Gov. James

Wright's power could only be nullified and eliminated by force, the Liberty Boys organized an effective "Savannah Mob," headed by young Joseph Habersham, son of the president of the Georgia Council. This spearhead of the liberty militants in the province consisted of a cross section of the town's activists: aristocrats, laborers, and town rowdies alike. The blows of the mob soon wrecked the authority and morale of the royal government, and Governor Wright soon saw that his cause was lost; this was no longer his snug Tory Georgia. This campaign was capped in early July 1775 by Habersham and others openly and boldly carrying off the government's store of munitions.

On June 13, several hundred Liberty Boys assembled at Savannah, put up a Liberty Tree, established a Savannah committee to enforce the Continental Association, which Georgia had never joined, and called a provincial congress for the following month. This congress, meeting on July 4, ratified the program and circulated a defense association around Savannah. The congress became the de facto legislature of the colony and a council of safety its chosen executive; the joining of the other American colonies in revolt was particularly symbolized by Georgia's finally choosing a full slate of delegates to the Continental Congress. Soon the provincial congress took over rule of the militia and the courts in Georgia. Thus the Georgia rebels were fully occupied during 1775 with catching up to the other American colonies.

In mid-January, British warships appeared at the mouth of the Savannah River to aid Governor Wright, who had been shorn of all authority by the rebel provincial congress. The Council of Safety promptly decided to seize Wright and other officials to prevent them from rallying the Georgia Tories. He was arrested by Habersham, but a few weeks later he escaped to flee to a British warship. Georgia Toryism, like its counterparts in the other southern provinces, had been outmaneuvered and effectively suppressed.

PART III

The War in the First Half of 1776

19

The British Assault on Charleston

Bereft of hope for Loyalist aid in the South, and ordered to return north in a short while, General Clinton still had his powerful expeditionary force, and there was no point in not using it. He decided, not unexpectedly, to attack and seize the key southern port of Charleston, or at least Fort Sullivan in its harbor, which the British could then use as a firm base for invasion of the entire southland. Aided by Gen. Charles Lord Cornwallis, over three thousand regulars, and a strong fleet of over fifty warships under Commodore Sir Peter Parker, Clinton sailed against Charleston to assault it by land and by sea.

The American leadership knew that Gen. Charles Lee was perhaps the only man who could save Charleston. Indeed, Lee was in urgent demand everywhere, as John Adams wrote to him: "We want you at New York—we want you at Cambridge—we want you in Virginia. . . ." George Washington wanted him in New York to counter the expected transfer there of the main British force from Boston. As Washington, later to be Lee's mortal enemy, wrote to his brother at the time: "He [Lee] is the first officer in military knowledge and experience we have in the whole army." If he could have been spared, Lee probably would have been chosen to lead the ill-starred campaign against Canada. As it was, both the dashing Gen. Richard Montgomery (an old friend of Lee's) and, after Montgomery's death, Benedict Arnold repeatedly urged that Lee be placed in supreme command over them. Now, in mid-February 1776, Congress unanimously decided to send him to Canada to save the campaign—and such leaders as John Adams, and Franklin, and the unpredictable Hancock sent him glowing and optimistic letters of congratulation. But no sooner

had he accepted the post, and asked as his assistants for either Gen. John Sullivan or the able young Gen. Nathanael Greene, an admirer of Lee who had served under him at Boston, than Congress changed its mind. The southern leaders were now beginning to dread a British attack on the South, so at the end of February, the southern members persuaded Congress to name Lee head of a newly established Southern Military Department, covering Virginia, the Carolinas, and Georgia.

Lee hastily left New York, where he had been cowing the Tories and strengthening defenses, to assume his southern military post, virtually independent of Washington. (Indeed, with the imminent retirement of aging Artemas Ward, Lee was soon to be the second-ranking general in the Continental Army.) Taking up his post at Williamsburg at the end of March, Lee—inveterate scourge of the Tories—was horrified to find Maryland's royal governor Robert Eden basking unmolested in wide personal popularity. Learning from captured dispatches that Eden intended to help a British invasion of the South, Lee urged Maryland to arrest him. When Maryland's newly constituted rebel authorities refused, Lee, with the support of the Virginia Council of Safety, boldly went over their heads to appeal for Eden's arrest to Samuel Purviance, chairman of the Baltimore Committee of Safety. Purviance and the Baltimore committee readily agreed and sent a small troop to the capital at Annapolis to arrest Eden. The angry conservatives of the Maryland Council of Safety at Annapolis prevented Purviance and his men from fulfilling their task, and issued condemnations of the actions of the Baltimore committee. The Council of Safety would do no more than place Eden on parole, and even an order of the Continental Congress could not persuade the council to place him under arrest. Instead, in June, the Maryland convention peacefully suggested that Eden leave for England, allowing him to depart unsearched and unseized.

Soon after his arrival, Lee learned of Clinton's projected invasion of North Carolina from captured documents and swiftly organized defenses and armed forces in the South. The Tories having been crushed in North Carolina, it was clear to him that Clinton would soon strike in force, either at South Carolina or Virginia. When Clinton appeared off North Carolina in early May, Lee moved his 1,300 Virginia troops south to New Bern—slowly, so as not to be committed erroneously to a South Carolina theater of war while neglecting Virginia. By the beginning of June, Lee had learned that the British were probably sailing to Charleston, and he rushed down to the defense of that city in a battle that would decide the fate of the South for several years at the least. Both the Americans and the British fleet arrived at Charleston in early June 1776.

Lee found the defenses at Charleston hopelessly inadequate. President John Rutledge of South Carolina's rebel government, in charge of the

South Carolina militia, refused to abandon Fort Sullivan on Sullivan's Island in Charleston Harbor, which Lee found to be in an exposed and unsound position. Fortunately, however, bad weather and harbor conditions delayed the British attack for several weeks, allowing Lee to shore up the defenses of the fort and Charleston Harbor with great energy. On June 28, the British fleet attacked, but clumsy piloting ran several of their frigates aground. The gallant band at the fort under Col. William Moultrie were almost miraculously able to outgun and batter the vaunted British fleet, even though they were badly short of ammunition, and there were very few American casualties. After a few weeks of hesitation, the British abandoned their plans and sailed north. Lee, Moultrie, and their heroic men at Fort Sullivan had saved Charleston, and with it much of the South.*

*Paul Smith, in opposition to other historians, makes a quite unconvincing case for deprecating the importance of the Battle of Sullivan's Island. Paul H. Smith, *Loyalists and Redcoats: A Study in British Revolutionary Policy* (Chapel Hill, N.C.: University of North Carolina Press, 1964), pp. 18-31.

20

Forcing the British Out of Boston

The securing of the South was not the only decisive military victory gained by the American revolutionaries in first half of 1776; another was the forced evacuation of Boston by the British. It is true that the British were contemplating an eventual shift of their base from Boston to New York, where Tories and provisions would be plentiful and the inner parts of the colonies accessible to attack. But the British were driven out much sooner than they had planned.

The idle siege army in front of Boston had its troubles, and the end of 1775 saw a huge turnover, as enlistment terms were up and new enlistments were secured. It was clear to the Americans that Boston could only be taken if the great guns that had been captured at Ticonderoga could be brought to bear. But how to transport them overland across the ice and the steep New England hills?

The answer was supplied by a young Boston bookseller and amateur student of military engineering, Col. Henry Knox, head of the American army artillery. Asking Washington to be sent to transport the guns, Knox arrived at Ticonderoga in early December. He conceived a fantastically ambitious plan of dragging sixteen big cannon, howitzers, and mortars, weighing over one hundred and twenty tons in all, on forty-three sledges over three hundred miles of snow and ice. The sledges had to be constructed and then dragged by eight yoke of oxen, slowly driven by whips. Whenever a big cannon broke through and sank beneath the ice, it was laboriously hauled up again. Knox finally completed the journey of his wondrous caravan in early February. It was a remarkable

achievement, "a feat at which soldiers and engineers still marvel."*

Now that the Continental Army had the guns, Washington, ever eager for military glory in the classical European manner, and drastically underestimating the number of British troops, proposed a direct frontal assault upon Boston. On three previous occasions—without the guns—he had impatiently urged such an attack, and each time had been opposed by a unanimous war council of his generals. The council of war again demurred, and General Ward sagely proposed to place the guns upon the unaccountably still-unoccupied Dorchester Heights commanding Boston to the south, just as Breed's Hill and Bunker Hill commanded it to the north. Washington grudgingly accepted the plan, which was agreed to by all the generals. The American army, given something sensible to do for the first time since Bunker Hill, worked with renewed enthusiasm.

The operation began on the night of March 2, 1776, with three nights of cannonading from the northwest, diverting British attention from Dorchester Heights. On the night of March 4, under cover of the bombardment, Gen. John Thomas took 2,000 men and 360 carts, and with splendid efficiency constructed two forts on Dorchester Heights. The Americans could perform this remarkable feat of constructing the entire works in one night by using a novel plan suggested by Col. Rufus Putnam, employing frames on top of the ground that required little digging in the frozen earth.

The British awoke on the morning of March 5 to look up in amazement at the American heavy guns on the heights. General Howe sadly remarked that "the rebels have done more in one night than my whole army could do in months." As at Bunker, he decided on March 7 to give up and evacuate, for it was not safe for the British fleet to remain in the harbor under the guns of Dorchester. He had planned to move at his own will to New York, but was now forced to move to Halifax, a military base unquestionably safe for the British, to await the arrival of supplies.

The understandably fearful citizens of Boston soon obtained a promise from Howe that he would not burn the city if the Americans would allow his troops to embark in peace and without bombardment. Washington took no official notice of the promise when it was conveyed to him, but he abided by its terms, and Boston was spared much devastation and bloodshed. Finally, Howe and the British troops, carrying with them no fewer than one thousand Tories in flight, embarked on March 17 in a mighty armada of over one hundred and seventy ships, soon setting sail for Halifax.

*North Callahan, "Henry Knox: American Artillerist," in Billias, ed., *George Washington's Generals*, p. 241.

It was truly a great victory; Boston, the spearhead of the Revolution, the focal point of British military oppression, had at last been liberated. And in their hasty flight, the British had been forced to leave behind them an enormous amount of supplies and military equipment. As the Duke of Manchester was soon to declare in the House of Lords: "Let this transaction be dressed in what garb you please, the fact remains that the army which was sent to reduce the province of Massachusetts Bay has been driven from the capital, and . . . the standard of the provincial army now waves in triumph over the walls of Boston."

21

Privateering and the War at Sea

It was clear to all that, militarily, the Americans were most vulnerable at sea, where Britain ruled the waves and no American population lived to support armed operations. We have seen how Lord Dunmore was able to use the ocean with impunity as his base from which to raid and plunder the American coast, and the entire coastline lay open to raids of this sort. Soon after the outbreak of war, the separate colonies began to try to defend themselves at sea. The first to react was Rhode Island, which chartered two vessels in June 1775 to try to save Newport and the coast from the depredations of the British fleet. Massachusetts and Connecticut soon followed with two ships each; and in mid-July, Congress correctly but not very hopefully urged each colony to defend its coastal areas.

It soon became evident that American ships might accomplish more by taking the offensive, particularly in harassing the British supply lines to the army at Boston. At the end of June Rhode Island again took the lead; its radical governor, Nicholas Cooke, urged just one swift armed ship to seize arms and supplies. Washington took the hint, and despite lack of congressional authorization, appointed shipmaster Nicholas Broughton a captain in the "army," and presented him with a schooner for that purpose. Broughton's successes led to more of the same, and soon Congress began to give its tentative support. By the end of October, the Continental fleet consisted of six schooners, which acquitted themselves ably against the British. Particularly successful was Capt. John Manley, of the *Lee*, who cheered the Americans greatly by capturing several military ships filled with supplies and ammunition. In addition to the schooners, the Americans around Boston organized a fleet of 300 private whaleboats, which

conducted guerrilla-type night raids on the British lighthouses and other installations in Boston harbor.

Nettled by his utter inability to cope with the American schooners and night raiders, Adm. Samuel Graves, commander of the British fleet at Boston, decided to punish the Americans collectively in their ports and harbors. In early October 1775, Graves sent out Capt. Henry Mowat with two schooners and nearly two hundred men on a savage terror raid of the coast north of Boston. He was ordered to "burn, destroy, and lay waste" every seaport town north to Maine, and to destroy all the shipping at their harbors. Specifically, he was to concentrate on burning to the ground the two port towns of Gloucester and Falmouth (now Portland, Maine), whose people, according to Admiral Lord Howe, were distinguished for their "opposition to government." Finding it impractical to destroy Gloucester, Mowat entered Falmouth on the October 16. Giving the townspeople one day to evacuate, he shelled and fired the town until its over two hundred houses, eleven ships, and wharves and warehouses were completely burned.

The wanton destruction of Falmouth spurred Congress into action. By December, prodded by John Adams, it was ready to create officially a small marine corps and a continental fleet of four vessels, to name its officers, and to establish for its supervision what would become the Marine Committee. As commodore and commander of the little fleet, Congress selected the veteran general Ezek Hopkins, until then head of the armed forces of Rhode Island. By the following spring the Continental Navy was ready for offensive exploits in the British West Indies. Commodore Hopkins' first operation was to raid Nassau on March 3, 1776, and to seize large stores of British gunpowder. Bermuda also proved a good source of enemy powder.

Such large-scale raids were exceptions, however, and usually the tiny Continental Navy was confined to forays by individual ships. As we have seen in the case of the whaleboats around Boston, the great many privateers were far more important than the governmental fleet. As their name implies, these ships were wholly private in ownership and operation. An old tradition of private armed merchantmen preying on enemy shipping during wars, privateering had reached a peak during the eighteenth century, and in America particularly during the Seven Years' War. As the Revolutionary War began, many hundreds of ships took to seizing supplies and arms by capturing British vessels. New England (particularly Massachusetts), its fishing and carrying trades ruined by the war and by British control of the northern fishing banks, was an especially successful center of privateering, as were Philadelphia and Baltimore. The inlet of Little Egg Harbor on the New Jersey coast was a particularly attractive haven for privateer vessels. Privateering flourished especially during 1775

and 1776, and it has been estimated that as many as two thousand ships sailed against the British. During 1776 half the Jamaica fleet was captured by American privateers, along with large quantities of ammunition and military supplies. In that year, the British lost several hundred vessels to privateers, with ships and cargo worth over one million pounds sterling—a figure exclusive of government transports and store ships.

Privateering was not only a very effective means of naval warfare; it was a far less costly—and a far more libertarian—a method than building a government navy. Reliance on privateers saved enormous sums and the time necessary to build new ships, since existing merchant ships were used; Moreover, it saved the taxpayers (including “inflation-payers”) the expense of construction and operation. As in all private operations, the costs were borne only by those who assumed the risks, and their rewards were strictly proportionate to their successes. And the war effort also benefitted *pari passu* with the successes of the privateers. Even Washington saw this, and when he created his small fleet in the autumn of 1775, he tried to approximate privateering conditions by granting to the seamen on each ship one-third to one-half of the proceeds from the vessels they captured—about the same incentive pay received by the crews of privateers. Not the least important advantage of privateers was the fact that they automatically disappear with the arrival of peace, and convert to peaceful uses; the public would not then be saddled with the burdens, bureaucracy, potential tyranny, and the nuclei for the fomenting of future wars that are inherent in a governmental navy.

Where in all this was the vaunted British navy? Fortunately for the American cause the overconfident British did not bother to launch a serious naval effort against the rebels, and no attempt was made to blockade the American coast. In these critical first years of the war, only a few British warships were stationed in American waters, and the British did not bother to provide armed convoys to their merchant shipping on the Atlantic.*

During 1775, the privateers proceeded happily, even though unauthorized by the governmental authority. In November, Massachusetts authorized the issue of official letters of marque and reprisal to privateers, and other colonies followed suit. The harsh British Prohibitory Act of late December 1775, denouncing the Americans as traitors and rebels, prohibiting all ships from trading with any part of the thirteen colonies, and subjecting all American and foreign ships trading with them to seizure and

*On Admiral Howe's failure to establish an effective blockade of the Americans after 1776, despite orders to do so, see Gruber, “Richard Lord Howe,” in Billias, ed., *George Washington's Opponents*, pp. 235–43.

confiscation, became known to the Americans by the end of February 1776. The Prohibitory Act spurred the Continental Congress to take further bold measures against Great Britain. In March, Congress officially authorized privateers, providing them with continental letters of marque and reprisal.

22

Commodities, Manufacturing, and Foreign Trade

Before the war, Great Britain had been the principal exporter to, and importer from, the American colonies. America had been particularly dependent upon Britain for supplies of high-grade manufactured goods, including textiles and ammunition. Now the outbreak of war suddenly cut off these supplies, necessary for the American economy and more acutely for the American army. The total imports from England to the American colonies were 2.6 million pounds sterling in 1774, plummeting to less than 200,000 pounds sterling in 1775, and 50,000 pounds sterling the following year. Apart from privateering, the Americans would have to make up the gap by shifting to other sources of trade.

The major obstacle to this vital shift in trade patterns faced by the Americans was paradoxically enough self-imposed. The Continental Association, an intelligent method of putting pressure on England before Lexington and Concord, was now simply a destructive, self-imposed barrier on importing supplies. The pressure policy had failed, war had begun, and now the desideratum was to obtain supplies. Already in July 1775, John Adams, Richard Henry Lee, and other radical delegates to the Congress had recommended that American ports be thrown open to all countries except Great Britain. Throwing American ports open to imports from all other nations, however, would mean open and outright defiance of the time-honored Navigation Acts, and hence a long step toward outright proclamation of independence from Britain, a step which the conservative and timorous in the colonies were not yet prepared to take.

Despite the drastic change of conditions, the American rebels, suffering from a "cultural lag," continued to enforce even the nonimportation

provisions of the Continental Association, and Congress, in effect, reaffirmed the association in May and July of 1775. By mid-July, rationality began to break through, and Congress authorized, for a period of nine months, the importation of munitions from anywhere in exchange for American produce, the Continental Association notwithstanding; merchants were specially licensed by the Congress to receive these imports. So shamefaced were the delegates about this arrangement, that it was not revealed to the public until late October.

American foreign trade had been further gravely crippled by the approach of the date set by the Continental Association for nonexportation (September 10) and by its zealous enforcement by the local committees of safety. At the end of October, further breaches were made by Congress' recommendation to the provincial governments—and to its own newly created Secret Committee—to license ships to export produce to the West Indies in exchange for munitions. Moreover, export of food to Bermuda in exchange for salt and munitions was now officially allowed.

It also began to dawn on some colonists that Britain's exemption of four of the less revolutionary colonies (New York, Delaware, North Carolina, Georgia) after April 1775 was now a boon rather than a bane. The conservative Whig, Thomas Willing of Pennsylvania, a merchant and shipowner, argued in October that it was absurd to "act like the dog in the manger—not suffer [the four colonies] to export because we can't. We may get salt and ammunition by those ports." But on November 1, Congress decided not to allow this major breach, and by the end of 1775 this particular matter had become academic as a result of Britain's anathematizing all American trade with the Prohibitory Act.

November 1, indeed, was a black day for rationality as well as for the Revolutionary War effort, for Congress staunchly reaffirmed the nonimportation pact, with the exception of the specifically licensed shipments for munitions. Those aptly called "fools" by Adams in July had prevailed then, and they tightened their grip in November.

Nonexportation would expire on March 1, 1776, and this fact, as well as the increasing strangulation of foreign trade, reopened the debate on open or closed ports at the beginning of that year. This time Willing, eager enough to import goods into American ports, was hardly eager to throw open American importation to the ships of all nations. Typically, the conservative faction in Congress chose to place protection of the state-granted privileges above success for the Revolutionary War effort. Thomas Johnson of Maryland wailed that the merchants and shipbuilders would suffer if foreign nations enjoyed the carrying trade to America. Samuel Chase of Maryland and John Joachim Zubly of Georgia opined that opening of the ports smacked too much of American independence.

Spearheading the fight for free trade with the rest of the world were the

radicals: Richard Henry Lee and George Wythe of Virginia, Christopher Gadsden of South Carolina, and John and Sam Adams of Massachusetts. They pointed to the growing scarcity of goods and the consequent distresses of the poor. They also shrewdly noted that admitting the ships of foreign nations would be likely to bring in its wake foreign warships to protect the merchant vessels, thus aiding in the American struggle against the British navy. The Virginia Provincial Convention urged Congress to open the ports, as did the Philadelphia Committee of Inspection.

The British Prohibitory Act proved to be the decisive means of radicalizing Congress on this issue, and on April 6, they provided that imports and exports of all goods to and from all parts of the world, except Great Britain and her possessions, would henceforth be free. The onerous Acts of Trade and Navigation were at last no more, and Sam Adams exulted that we have "torn into shivers their Acts of Trade, by allowing commerce subject to regulation to be made by *ourselves* with the people of all countries. . . ." Here was a momentous step indeed toward American independence from Great Britain.

Although the restrictions of the Continental Association on trade with Britain remained, the freeing of all other trade greatly reduced their crippling impact, and they were soon relaxed still further. One of the most onerous provisions of the association, in effect since March 1, 1775, imposed total nonconsumption of tea. Zealous enforcement by local radical committees understandably alienated many citizens from the radical cause. Also understandably, merchants put pressure on Congress to relax what had now become absurd as well as tyrannical regulation. Despite the opposition of Benjamin Franklin, Thomas Lynch of South Carolina, and Richard Henry Lee, Congress agreed on April 13, 1776, to permit at least the sale and consumption of all tea imported before December 1, 1774, when the nonimportation clauses of the Continental Association had gone into effect. Since it was difficult to distinguish between tea imported before and after that date, this measure proved another advance toward freedom of trade.

Still another important advance toward free trade was the liquidation of the economically absurd provisions of the Continental Association for fixing the prices of imported goods at their previous levels. Since the association and then the war were bound to make these goods far more scarce and therefore raise their prices, enforcement of such provisions could only lead to drastic shortages of the goods and dislocation of the economy, shortages and dislocation later aggravated by the still higher prices necessarily brought about by the paper-money inflation financing the war effort.

In the North, the price regulations caused a great deal of trouble from the beginning of the nonimportation, particularly in New York and Phila-

delphia and their tributary markets. Most foodstuffs were grown in America rather than imported, and hence remained abundant during the war; the important exceptions were salt, tea, and the West Indies products sugar and molasses. The dearth and consequent high prices of previously abundant West Indies commodities (in contrast to the more stable prices of home products) were the particular irritants in the North and hence were the special objects of zeal in enforcement by the radical local committees. During the winter of 1775-76, the Philadelphia committee continually harassed the merchants. In December 1775 the committee fixed detailed wholesale and retail prices for oil, following this up on March 6 with a comprehensive schedule of fixed prices for such West Indian trade products as salt, molasses, rum, coffee, cocoa, and sugar. Violators would be advertised as "sordid vultures who are preying on the vitals of their country in a time of general distress." This petulant deed was quickly imitated by the New York committee, which had previously harassed merchants for alleged overcharging in the price of pins. The Newark committee followed with similar schedules for West Indian commodities on March 15, and other imitators were the joint Committees of Inspection of the towns of New London County, and the joint committees of Hartford County, Connecticut. The New Hampshire Provincial Congress and the Providence, Rhode Island, committee also issued frequent warnings and outcries against the rise of prices.

In the south, the major scarce imported commodity was salt. Salt was essential for the preservation of meat and fish, and the bulk of colonial supplies of salt had come from Turks Island in the British West Indies, now closed to American shipping. Local committees in the south, particularly in Virginia and Maryland, tried desperately and unavailingly to stop the rise in the price of salt, efforts which could only aggravate the shortage. People in the Virginia uplands went so far as to join in looting raids against the salt stocks of tidewater merchants, raids which only intensified the shortage still more.

Congress was finally moved at the end of December 1775 to relieve the salt shortage by opening Maryland, Virginia, and North Carolina to the import of salt from any foreign country and to the export of any produce in exchange. Thus salt, at least in the upper south, won free trade before other commodities.

Having watched the colonies struggle unavailingly against price increases for scarce commodities, Congress decided to complete its great free trade program of April 1776 by completely scrapping the price-control provisions of the Continental Association. Wisely asserting that merchants should be encouraged to import from abroad by a prospect of profits proportionate to the risks incurred, Congress resolved on April 30 to end the powers of committees of observation and inspection to "regu-

late the prices of goods." Domestic trade immediately flourished again with the sweeping away of the restrictions, and the merchants happily ignored the exemption the Congress had tried to make for green tea.

The breaking of this logjam of course allowed prices to rise to their free-market levels, thereby clearing supply and demand. Unfortunately, Congress soon partially backtracked on its free-market policy and on May 30 it advised the local committees once again to fix the price of salt. Most of the provinces and local committees were quick to adopt this advice, thereby perpetuating a salt shortage. The New Jersey Committee of Safety, on the other hand, displayed better sense. When, in various sections of the province, angry mobs formed to coerce merchants into lowering their prices, the New Jersey Committee warned the people that any forced reduction of prices would merely discourage importation and end by injuring the mass of the poor.

The gravest commodity shortage for the American war effort was ammunition, especially gunpowder, the great bulk of which had formerly been imported from England. Without ammunition, of course, the war would be over promptly. The Americans made determined efforts to encourage and subsidize domestic manufacturing of powder, but with little success. America, after all, was not a manufacturing country, and there was no reason why it should have been. Agriculture was its *metier*, and over 90 percent of the population lived on farms (including plantations). Cities were far more important as centers for commerce—trading in and for American agricultural products—than for manufacturing. What manufacturing took place was on a small scale indeed; there were artisans in urban centers and the more prevalent household manufacturers (e.g., of the family's chief clothing) in the rural areas. The exception to the paucity of manufacturing for the market was Philadelphia, the largest city in British America. Wood from nearby forests and hides from neighboring farms provided raw material for numerous types of manufacturing, and local iron, zinc, and copper mines supplied the material for manufacture of arms.

Seeing that the powder shortage was critical, the Continental Congress as early as June 10, 1775, urged the provincial governments to subsidize or engage themselves in the manufacture of gunpowder. In Philadelphia and environs, with its tradition of manufacturing, six powder mills were soon producing several thousand pounds of powder a week. The Virginia convention also passed a bill subsidizing powder mills, but with little success. Many Virginians attempted powder manufacture, but they soon found that the heavy capital requirements and costly operations forced them to abandon the field. As the powder shortage accelerated throughout the colonies, and subsidized private manufacture proved hopelessly

uneconomic, Virginia turned in January 1776 to consider the establishment of public powder mills at government expense. But despite the active support of the powerful John Page, the attempt was blocked by a majority of the Virginia Committee of Safety and especially by the president of the convention, Edmund Pendleton.

At any rate, it was rapidly becoming clear that domestic powder production could supply only a negligible amount of the needs of the American forces; even Philadelphia's contribution could only be a drop in the bucket and was inferior in quality to European powder besides. In short, the great bulk of American powder still had to be imported. The obvious source was the West Indies, and this meant that tobacco, the great staple demanded in Europe, would be the main source of funds to pay for the imported powder. And tobacco meant Virginia, the great center of tobacco production and export.

The first attempt to expand the import of powder came in Virginia during 1775 when the merchant and planter John Goodrich was sent by the Committee of Safety to negotiate the purchase of powder in the West Indies. Goodrich, however, through no fault of his own, was soon in trouble on all sides. The British discovered his mission and arrested him, and after his release, Virginians, led by the Isle of Wight Committee of Safety, denounced him for daring to consider buying ammunition from the *British* West Indies. Few Americans, indeed, seemed to realize that purchase of war supplies from the British would be a boon, not a living shame, for the American war effort. After all, there was no mystical taint attached to *British* ammunition. Goodrich, in understandable disgust at his persecution, abandoned the struggle and joined the British cause.

A more successful effort to import powder came in April 1776 after the American seizure of Dorchester Heights and the British evacuation of Boston. French and Dutch merchants became far more optimistic about rebel chances, and promptly began to sell a steady and abundant flow of powder to the Americans, using the entrepôts of St. Eustatius (Dutch West Indies) and Martinique (French West Indies) to exchange European gunpowder for Virginia and Maryland tobacco. Large, though necessarily sporadic, shipments of arms and ammunition also came from Spain to the back country of Virginia by way of Havana and the port of New Orleans in Spanish Louisiana. So abundant was the flow of imports after April 1776 that the colonies had no further worries about a shortage of gunpowder.

For other types of arms and ammunition, American domestic sources were far superior. Particularly important was the rapidly growing iron industry of Pennsylvania. From producing only one-seventieth of the world's crude iron (bar and pig iron) in 1700, the American colonies produced 30,000 tons in 1775—one-seventh of the world's output and exceeding the iron production of England. Pennsylvania, with its abun-

dance of iron ore, timber for fuel, and access to nearby markets, was preeminent in iron output. Southeastern Pennsylvania had no fewer than seventy-three iron furnaces and forges, the largest and most numerous being in Berks County, north of the Schuylkill River. Hence, during the winter of 1775–76, Pennsylvania manufactured over four thousand stand of arms. Other major centers of iron manufacture were in northwestern New Jersey, around Lake Hopatcong, northwestern Connecticut, around Salisbury, northeastern Maryland, and—after 1775—in various parts of Virginia, and together they produced another four thousand stand of arms.

In contrast to the production of crude iron, the manufacture of finished iron had been restricted—though only slightly in practice—by the British Iron Act of 1750. The stimulus of war contracts, however, quickly spurred the construction of iron foundries in Massachusetts, New Jersey, Maryland, and especially in Pennsylvania, and village blacksmiths and other artisans were fully competent to turn their attention to finished iron for the war effort. The Americans also benefited from zinc deposits in northwestern New Jersey and copper mines in New Jersey, Pennsylvania, and Maryland. As a consequence, the army suffered no shortages of iron, rifles, muskets, or ammunition. American cannon, however, proved far inferior to European, and the rebels quickly placed their reliance on cannon, whether iron or brass, imported from France or captured from the British.

There was one vital ingredient of ammunition, however, that *was* short during the war: lead. So scarce was lead that as early as June 1775 the Continental Congress pleaded with the provinces to open up governmental lead mines. Several colonies tried this desperate experiment, but, as might be expected, the results were failures: yieldless mines, as in New York, or marginal mines, as in middle Connecticut. This should have been expected, for any useful lead mines would have been discovered and exploited by private enterprise. The only workable lead mines were operating in southwestern Virginia (near what is now Austinville). By the summer of 1776, the Americans were stripping lead from clocks and windows to provide the Continental Army.

Of the food products, we have seen that the major item in short supply was salt. While some salt could be imported from the West Indies, the Americans also constructed makeshift factories along the coast to make salt from evaporated sea water. This was a basically uneconomic process to be sure, but was made temporarily profitable by the high price of salt caused by the scarcity of supply. Thus when market prices were permitted to rise, the wartime shortage of salt created its own partial corrective.

Also cut off by the war was a very large amount of textiles for clothing imported from Great Britain, but this drastic cut was nearly compensated by large increases in household manufactures of homespun cloth, as well

as by seizures by privateers. In New England and the middle provinces, farmers with ready flexibility increased their household production of woolen and linen cloth. In the South, farmers and planters increased their output of homespun linens, cottons, and linsey-woolsey. And many back-country settlers simply wore their deerskin clothing as before.

23

Getting Aid from France

To open the ports of America to trade for munitions and with the West Indies the Americans were required to take a step toward independence almost as momentous as throwing open the ports in defiance of the navigation acts: they had to negotiate as a separate country with the European countries supplying the munitions, especially with the major supplier, France.

As early as July 1775 the Continental Congress began its first diplomatic efforts by sidestepping the British government and speaking directly to their fellow subjects. An address stating its wish for equal liberty was sent to the City of London. Appeals to the people of Canada and Jamaica to join in the colonial cause, and a particularly noteworthy address sent to the people of Ireland, were the first attempts to export the revolution overseas. Congress noted the grievances of the Irish under British rule, and suggested that both peoples should engage in a common struggle for liberty, albeit within the framework of the British Empire. The subservient Irish Parliament, however, merely moved to endorse the British war of suppression against the colonies.

At the same time Congress was moving toward liberty and independence, however, it was taking some steps at home toward oligarchic rule. Of necessity, it had already begun to function through various standing committees to discharge its vital responsibilities for the war effort. Generally these functioned under the strict control of Congress itself and were always open to its guidance and supervision. But in late 1775 Congress created two "secret committees," and as their name implies, they acted in

secret and on their own initiative, without checking with Congress. Instead, Congress only had the power (largely unexercised) to ask for their records at its discretion. A great deal of working power was thereby put into the hands of a few men who dealt, furthermore, in the particularly sensitive area of foreign affairs. On September 18 Congress created the nine-man Secret Committee to handle the deals with foreign countries for munitions; on November 29 it created the five- (later six-) man Committee of Secret Correspondence, to correspond "with our friends" abroad. An omen for the future was the highly conservative complexion of the Committee of Secret Correspondence, consisting of John Jay, John Dickinson, Benjamin Harrison, and Thomas Johnson, who were archconservatives, and Benjamin Franklin, a thoroughgoing opportunist with highly conservative instincts. The establishment of this committee came as a response to the prodding by John Adams, Patrick Henry, and Samuel Chase of Maryland to open full diplomatic relations with France.

Soon the two secret committees were able to work very closely and cozily together. This close working relationship was embodied in the person of the young Philadelphia merchant Robert Morris, destined to become the great Mephistophelean figure of the revolutionary era. At the turn of the year, he became a member of both committees; he virtually ran the Committee of Secret Correspondence himself throughout 1776 and quickly became the leading figure in the Secret Committee. He was, in fact, to serve as the second chairman of the latter committee, succeeding his friend and partner, Thomas Willing of the firm of Willing and Morris. Thus catapulted to the very seat of power in the American colonies, the highly conservative Morris was able to make himself the center of a veritable plunderbund, which unabashedly and systematically looted the public purse for their private profit.

One of the first deeds of the Secret Committee was to substitute for regular market purchases a system of contracting—the ancestor of modern "cost-plus" government contracts. Under this system some favored firms were selected by the government to purchase (or to produce) certain goods, which the government pledges to buy at a rate that will give the merchants a guaranteed margin of profit, a lucrative special privilege eagerly fought for by business then and since. The Secret Committee established a handsome rate of profit on such mercantile purchases and often advanced the merchants the initial capital to buy the supplies. Moreover, Congress had thoughtfully allowed only merchants specifically to purchase supplies abroad, and as we have seen, this condition obtained until April 1776. This authorization came from the Secret Committee, and it was soon clear enough that control of this committee was the open sesame to special privilege and high guaranteed fortunes to be made out of the revolutionary effort.

Control of the committee Morris and Willing had, and they lost no time in exploiting their position. One of the first acts of the committee was to grant heavy contracts to the firm of Willing and Morris. These commission contracts were not the only form of subsidy the company enjoyed. The committee now quickly granted it a startling contract for supplying gunpowder, guaranteeing a high flat price of fourteen dollars a barrel, *whether or not* the powder reached American stores safely! This assured Willing and Morris a clear profit of \$60,000 without even a fleeting risk of loss.

Other members of the Secret Committee also came in for their share of the loot. John Langdon of New Hampshire provided contracts to his own firm; Philip J. Livingston routed contracts to Livingston and Turnbull of New York; Silas Deane of Connecticut furnished commissions to his brother Barnabas. But heading the associates in plunder were Willing and Morris. All in all, the Secret Committee paid out over \$2 million in war contracts from 1775 to 1777, and of these nearly \$500,000, or one-fourth of all disbursements, went directly to the firm of Willing and Morris. Morris also directly shared with fellow members of the committee the largesse of nearly \$300,000 in other contracts. Morris and Willing soon established a far-flung network of agents and followers, including leading merchants Benjamin Harrison (a member of the Committee of Secret Correspondence) and Carter Braxton, both of whom consequently received handsome contracts from the Secret Committee. Two particularly important committee agents were soon to double as congressional envoys to the French, William Bingham of Philadelphia, and Silas Deane of Westfield, Connecticut.

Deane was a prototype of the young lawyer with a keen eye to the main chance. He had launched his career by marrying the widow of a wealthy merchant, then capped that by divorcing her and marrying a member of the powerful Saltonstall family, thus getting himself profitably launched in Connecticut politics. Hardly had he latched onto a good thing in the operations of the Secret Committee, however, when the ungrateful voters of Connecticut unceremoniously turned him out of Congress in the elections of October 1775. But the lame-duck congressman continued to stay in Philadelphia, knowing that he would soon be taken care of. His expectations were not to be disappointed.

Great Britain, by its aggressive expansion of over two centuries, culminating in the conquest and arrogant seizure of shipping during the Seven Years' War, had gravely alienated the other powers of Europe. Particularly bitter at England was France, crushed by the Pittite war and the peace of 1763. France, of course, especially welcomed the American Revolution and its prospects of trouble and even loss of the colonies for Great Britain. A reduction in British power would benefit France and the

other countries of Europe, and would guard France against any possible resumption of a Carthaginian War against her by a united Anglo-American Empire under another Chatham ministry.

During the summer of 1775, the dashing young dramatist Caron de Beaumarchais, an agent of the French government in London, was able to make contact with many British and American radicals. On the basis of his information, he predicted turbulence in Britain and urged some understanding between France and the American revolutionaries. The shrewd French foreign minister Comte de Vergennes thereupon sent to the American colonies a secret agent, Achard de Bonvouloir. Without making any definite commitments of French aid, Bonvouloir was to assure the Americans that France had no designs for reconquest of Canada, had nothing but admiration for the American revolutionary efforts, and would welcome American commerce in French ports.

The Committee of Secret Correspondence had been recently established by Congress, and Bonvouloir met privately with it to convey the French assurances to the rebels. In its turn, the committee was eager to convince the French that Congress was moving toward independence, and thus spur French aid to the revolutionary cause. In early March, despite the absence of a declaration of independence, the committee decided to send a secret agent to France as its envoy to bid for French aid. This envoy was Silas Deane, who arrived at Paris in early July 1776 in the guise of a private merchant. He was able to use his crucial position in the procurement of munitions to serve also as an agent of the firm of Willing and Morris. There Deane was able to draw many influential French financiers and officials into the Morris-Willing network. Deane and Morris employed the network to plunder public activities systematically for their private profit. In addition to granting themselves contracts, public ships and wagons were freely and abundantly used to convey their private cargoes without charge. Accounts were scarcely kept and remained virtually unsupervised, and thus Deane and Morris were able to engage in large-scale outright speculation of American funds. In 1776, on one contract alone, the government advanced Morris the large sum of \$80,000 to buy goods abroad. Even though the goods were never delivered, Morris never returned the money. Furthermore, purchases on public account were given a back seat by Morris and his group in preference to their strictly private transactions.

Before the dispatch of Deane, the Committee of Secret Correspondence was able to engage secret agents living abroad. The separate colonies had employed six agents in London; of these two were members of Parliament and hence effectively ineligible for further work, one became a Tory actively serving the British cause, one resigned, and one (Franklin) had been forced to return home. This left the learned Massachusetts radical

Arthur Lee, Richard Henry Lee's brother, who became a secret agent of the Committee of Secret Correspondence in mid-December. The committee also engaged an old friend of Franklin's living at The Hague, Charles W. F. Dumas, to work for it in Holland.

Meanwhile, Beaumarchais was strengthened in his purpose by frequent conferences with Arthur Lee, who had the verve and vision to ask for French aid on his own initiative. Beaumarchais pressed upon King Louis XVI a policy not only of permitting and encouraging private shipment of munitions to America by selling these munitions to French merchants, but of going beyond this to positive aid by the French government itself. This aid was to be secret, through a dummy private firm, so as not to provide Great Britain with a *casus belli*. Bonvouloir's optimistic report on American plans for independence persuaded Vergennes to recommend, and the king to adopt, the Beaumarchais plan. On May 2, 1776, the king ordered the government to supply as a virtual gift to the Americans, one million livres worth of munitions through Beaumarchais, who emerged as a supposed merchant representing the fictitious firm of Roderigue Hortalez et Cie. As part of the active new policy, the king also moved to strengthen France's army and navy. This gift was promptly matched by another one million livres supplied to Beaumarchais by Charles III of Spain, eager to join his ally in weakening their ancient foe.

King Louis envisioned French governmental aid as an outright gift to the Americans in the guise of a loan. But when Beaumarchais saw that Deane had come prepared to *purchase* the munitions, he saw an opportunity for a huge future windfall for himself. He drew up an agreement with Congress to supply munitions on credit, to be repaid in money or in tobacco at an indefinite later date. He also advanced government credit to French ships to carry the war supplies to America. Indeed, Beaumarchais was to send to America on credit many times the initial Franco-Spanish subsidy; by mid-October 1776, he had shipped over five and a half million livres of supplies furnished by the government (of which Spain refused to pay more than the initial one million), including powder, guns, cannon, cannon balls, and clothing for soldiers. After the war, Beaumarchais had the nerve to demand 3.6 million livres from the United States in payment for the supplies, but the perceptive Arthur Lee had early realized that Beaumarchais was simply a cover agent intended by the French government to give munitions in secret to the Americans. Congress properly paid Beaumarchais nothing.*

As the Americans had foreseen, France quickly followed its encourage-

*In 1835, however, the United States government paid 800,000 francs (livres) to the heirs of Beaumarchais as a deduction monies paid to the U.S. by the French government under the Treaty of 1831.

ment of private as well as its own secret trade with America by using its navy to protect that trade. France informed Britain in June that it would insist on full rights as a neutral under international law: to open its ports to American merchant shipping; to have its ships free from British search in French territorial waters (e.g., the French West Indies, especially Martinique and Cap François in Haiti, the entrepôts for the new trade); and to keep its trade with its own colonies inviolate from British interference. The French could then keep their shipments within their empire, and therefore inviolate until they reached the West Indies, thus protecting them most of the way to America. Furthermore, France greatly aided American privateers by secretly permitting them to fit out in French ports; British complaints were either ignored or the privateers would be seized officially and then allowed to escape without loss.

24

Polarization in England and the German Response to Renting “Hessians”

During 1775 and early 1776, as we have seen, the American conflict escalated and intensified step by step: as the military clashes widened on land and at sea; as the British cracked down bitterly on the revolutionaries; as militant measures were taken against Americans loyal to Britain; and as the Continental Congress opened diplomatic relations, organized the war effort, and opened the ports to foreign trade and supplies in defiance of the time-honored British laws of trade.

As the conflict got underway and for many months thereafter, most of the American leaders had conservative aims and goals. They aimed not at all at independence, but at intensifying the old pressure of the boycott to bring Britain to her senses and to abandon her recent policy of aggressive imperial domination. Others at least realized that Britain would adopt a hard-line policy of crushing the rebellion, inexorably pushing the Americans into greater conflict, but only a handful of the most radical and prescient leaders fought eagerly for the maximum goal: independence. They realized that France would only be interested in aiding an American movement that would aim for independence and not for eventual reconciliation and strengthening of the British Empire. Moreover, they saw that in the difficult war ahead only American independence would provide the necessary inspiration for waging the struggle. The radicals realized, as Curtis Nettels has written, that

the Americans had arrived at a crossroads of history. Backward the road led to monarchy, serfdom, oppression. Ahead was visible the trace of a new path leading to emancipation, freedom and self-government. . . . Should [Con-

gress] take the road backward to the oppressions of the old world or build a new road to the summit discernible in the distance . . . ?

It was independence that “offered an inspiring prospect—nothing less than the creation of a new nation, a great republic, dedicated to rights of man.”*

New England, the center of liberalism and democracy, with its traditions of virtual independence, had little difficulty in visualizing American independence. But as long as Massachusetts was the focal point of conflict with Britain, it and the rest of New England had to tread warily in Congress. “Levelling” New England was under enough suspicion as it was from the other colonies, and it would have been suicidal for it to take the lead in advocating independence—a most unpopular concept in 1775. Massachusetts and its chief radicals, the Adamses, had to lie low, waiting for the lead for militancy and eventual independence to be taken by Virginia, the foremost—and the most radical—colony in the South. This was a further consideration in the decision to give George Washington command of the Continental Army: he was an uncommon blend of impeccable conservative on social and political matters and yet a militant in the fight against Britain.

Yet the radicals had a difficult row to hoe indeed, for Congress began firmly in the hands of conservatives who would not consider independence: such leaders as John Jay, James Duane, John Alsop, Philip Schuyler, and Philip and Robert Livingston of New York; John Dickinson, James Wilson, and Robert Morris of Pennsylvania; Thomas Johnson of Maryland; Benjamin Harrison of Virginia; Thomas Lynch and the Rutledges of South Carolina; and Dr. John Zubly of Georgia. Even New England had conservative delegates: Silas Deane of Connecticut, and Thomas Cushing and the waffling and petulant John Hancock of Massachusetts. Against such a formidable array the Adamses, Patrick Henry, and Richard Henry Lee could only fume in private and await the passage of time that they firmly believed would be on their side.

The superior insight of the radicals was partly due to their superior information on political conditions in Great Britain and on the formidable strength of the Tory forces. The prime source of this information was Arthur Lee, who was functioning as a one-man committee of correspondence from London from the late 1760s, sending his news and evaluations to the Adamses and other radical leaders. Lee and his other brother William, a merchant settled in London who had become important in London politics, reported clearly the feebleness and decline of the Whigs

*Curtis P. Nettels, *George Washington and American Independence* (Boston: Little, Brown, 1951), p. 107.

and radicals, as well as the triumphal successes of the imperialists and Tories and the subservience of a corrupt Parliament.

The American radicals soon saw this estimate of the temper of the British government confirmed as the king brusquely refused even to receive Dickinson's Olive Branch Petition and issued the staunchly hard-line Proclamation of Rebellion on August 23, 1775. The proclamation absurdly denounced the Americans as rebels and traitors who had now brought long-laid designs and "traitorous conspiracies" to open rebellion and war. The king announced that "he would bring traitors to justice . . . [and] condign punishment." This was quickly followed by a royal order to seize the ships of Americans or all those trading with America, and the royal authorities expressed their determination to proceed against the Americans as "open and announced enemies of the State."

In England the Whig and liberal cause had fallen to low estate. No mass protests of merchants or populace arose to block the determination of the North ministry to crush the Americans. Many English merchants were beguiled by the temporary expansion of markets in Europe, aided by the recent peace between Russia and Turkey, and by the lure of government war contracts. The mass of the people were seduced by a wave of patriotism as well as the desire to force the Americans to pay part of their tax burden. The aristocratic Whig leadership, always inclined to luxurious indolence, decided against the efforts of Edmund Burke to arouse them, and instead to give up and absent themselves from Parliament. Burke did his best to work for peace on his own and roused peace petitions from London and his constituency in Bristol, but all in vain; indeed, more people in Bristol addressed their support of the government on the American war.

Burke's persistent appeals to the Marquis of Rockingham and the Whigs to oppose the war vigorously was not simple impetuosity; it was based on profound insight into the proper strategy for a party truly in opposition to the existing regime. Vigorous opposition, though in a weak minority at the time, would not be at all futile. On the contrary, local opposition would inform people of the available alternative to which they might turn in anger when present policy became bankrupt. But for such an angry turn toward a radical change of the system, there must be skilled leadership and direction. There must be a vanguard. As Burke wrote: "To bring the people to a feeling . . . as tends to amendment or alteration of system, there must be plan and management. All direction of public humor and opinion must originate in a few." He vainly urged on the Whigs a large and powerful nationwide petition movement, which would remain permanently in operation as a network of local committees of correspondence to serve as the lever of dynamic political change.

The eloquent young Charles James Fox, a son of Henry Fox and close

to the Whig party, also argued against the Britain's war against the Americans. The Pittites opposed the war, too, but were enfeebled by the chronic illness of Lord Chatham. Leading individual Whigs did make their mark by refusing to serve in the armed forces against the Americans; and these came to include Lord Effingham, an army officer, and the great Adm. Augustus Keppel.

Meanwhile, the radical movement in Britain had fallen into rapid decline. John Wilkes' triumphal entry into Parliament in 1774, as well as into London politics, marked the beginning not of new triumphs for the Wilkite movement, but of its collapse. In any age of Tory ascendance, Wilkes proved to have been a far better radical leader in disgrace than in positions of power or influence; in fact, "having realized his civic and Parliamentary ambitions, it seemed that he no longer sought or depended on the acclaim of the 'lower orders' of citizens."* He was still a liberal opposed to the war, however, and he warned that victory would be hollow, since the Americans could not be kept permanently in subjection, even by large forces of occupation. Soon to abandon the radical position, Wilkes was to remain for a while an undistinguished liberal member of Parliament; but he began to follow the classic ever-rightward path of the renegade radical, until, after two decades, he died "in the odour and sanctity of the new Toryism."** The radical cause in 1776 had become moribund in Britain, a state aggravated by Parliament's recent reimposition of a high tax on newspapers, crippling the cheap and popular press that had served as a vehicle for gaining support of the cause from the masses.

Of the radicals only the doughty Reverend John Horne managed to remain active: he took up a collection in London in June 1775 for widows and orphans of the Americans "murdered" at Lexington by the British troops. He was promptly sent to prison for his audacity. It is significant of the decline of British radicalism that his arrest evoked none of the popular agitation generated by the imprisonment of John Wilkes in 1763.

In their desperate state, the various liberal and opposition groups began to draw hesitantly together and to become increasingly radicalized by the American crisis. They soon realized that their only hope lay in a drastic British defeat at the hands of the Americans. Openly favoring the American cause, they grew more radical in their proffered solutions. Burke, who habitually dealt in terms of utility and expediency, or else tradition, now acknowledged in part the validity of the Americans' stress on their *rights*. Yet he was gradually being outflanked on his left. The Earl of Shelburne and the other Chathamites, along with the London radicals, called for

*George Rudé, *Wilkes and Liberty* (Oxford: Clarendon Press, 1962), p. 192.

***Ibid.*, p. 192.

repeal of the Declaratory Acts asserting full parliamentary sovereignty over America, including the right of taxation; and Charles James Fox was calling for repeal of every British measure toward America passed since 1763.

With the liberal and radical movements weak and in disarray, the field was wide open for the hard-line apostles of force and suppression. Bunker Hill was characteristically taken, not as a signal to stop and think, but as a stain to Britain's honor to be avenged as quickly and forcefully as possible. Only Lord Dartmouth, the colonial secretary, stood out against the war policy of the cabinet, but with no success. So widespread was British support for suppression that the manufacturing centers of Manchester, Lancaster, Liverpool, and Bristol presented progovernment addresses. Driven on by the king and by the war party in control of the rest of the cabinet and of popular opinion, the equivocal prime minister, Lord North, was forced to press the war with vigor. He raised troops, relieved General Gage and Vice Admiral Samuel Graves, who were considered dilatory by the war party, and sent five Irish regiments to America. In the autumn of 1775, moreover, the two cabinet moderates lost their posts: the Whig Duke of Grafton went into opposition in bitter protest against the war, and Lord Dartmouth lost the key post of colonial secretary to hard-line Lord George Germain, a man bitterly opposed to appeasement of the colonies.

Strengthening hard-line dominance over public opinion was a pamphlet published in 1775 by the eminent Tory literary critic Samuel Johnson. With his accustomed perceptiveness, Johnson, in *Taxation No Tyranny*, warned that the logical conclusion of the "libertine" and American hostility to taxation, was no taxation at all, or anarchy.

Prowar petitions, inspired by the government, denounced the "sophistical arguments and seditious correspondence" of "a few disappointed men" who were responsible for "deluding" the Americans into rebellion. The ministry propounded a similar line. Indeed, more serious than the imprisonment of John Horne was the arrest on a charge of treason of the radical alderman and leading London banker Stephen Sayre, whom Burke and other Whigs were refused permission to visit in prison. Similar treatment for the Whig leaders was hinted to be in the offing, though Sayre was eventually able to sue successfully for false arrest.

Having agreed to prosecute the war vigorously, North attempted to offer peace terms to the Americans. After a great deal of wrangling with Germain and the war party, he won an agreement in May 1776 to send as peace commissioners to America, Gen. Sir William Howe and his brother the Whig Adm. Richard Lord Howe, the newly appointed commander of the fleet in American waters. This wrangling was a waste of time, for the peace terms merely amounted to a demand for American

submission in exchange for instituting North's rejected Plan of Conciliation and a plan to consider American grievances. There was not the ghost of a chance that the Americans would submit. As Professor Ritcheson comments: "The terms thus held out were those a victorious and reasonably benevolent mother country might have granted to discouraged and chastised rebels."* But the Americans, of course, were neither beaten nor discouraged.

Lord North's first task in prosecuting the war was to raise 20,000 men to send to the American colonies. Rather than annoy the British people by raising the troops at home, he determined to use Britain's vast wealth to hire mercenary troops from other governments. He turned first to Russia, which had been substantially helped by Britain to defeat Turkey in the Russo-Turkish War of 1768-74. Russia had installed King Stanislaus as its puppet ruler in Poland, and in 1768 the liberal Polish country party, or Confederation of Bar, led by Counts Joseph and Casimir Pulaski, rose in rebellion against the king. By 1772, the Polish rebellion was crushed, and Poland suffered the loss of one-third of its territory and half of its population in the First Partition by Russia and Prussia. Turkey had decided to aid the Polish rebels, earning the belligerent attention of Russia. But Russia's gratitude to Britain for its aid in the war had cooled. The German-born empress Catherine the Great had come strongly under the influence of Prussia, and Frederick the Great of Prussia was peeved at Britain for what he considered unsatisfactory peace terms after the Seven Years' War. After much backing and filling and seeming agreement, Catherine finally refused Britain's request.

North turned next to the Dutch. Ever since the accession to the English throne of William of Orange in 1688, the Dutch House of Orange had been subservient to Great Britain. They had been governed during the first half of the eighteenth century by the libertarian Republican party, which pursued a policy of thoroughgoing decentralization, minimal government, and profitable neutrality in Europe's wars. During the War of Austrian Succession, Britain had engineered a coup by the House of Orange; the Republic was overthrown, and William IV of Orange was installed as *Stadholder* of the Dutch provinces. Now Great Britain asked the Dutch to supply the needed troops, specifically the "Scotch Brigade." (This brigade originally consisted of Scotsmen, but was now largely comprised of Walloons from the southern Netherlands). The House of Orange was, of course, willing to agree; but the Prince of Orange was by no means the autocratic ruler of Holland, and the republican-led assem-

*Charles R. Ritcheson, *British Politics and the American Revolution* (Norman, Okla.: University of Oklahoma Press, 1954), p. 207.

blies of most of the provinces vetoed the scheme. Eloquent opposition to providing the troops was expressed by John Derk, who, citing English depredations upon the sea and upon Dutch commerce, declared that the Americans were contending for their liberty just as the Dutch themselves had fought for their independence as rebels against Spain in the late sixteenth century.

Leading the successful opposition to troop-aid to Britain in the interior Dutch province of Overijssel was a man destined to become one of the most important figures in the international revolutionary movement in the near future: the nobleman J. D. van der Capellen tot de Pol, who broke precedent by making public his views in the secret discussion within the provincial estates. Van der Capellen, who also led the movement to abolish *corvée* servitude by the peasants of the province, was in contact with British radicals and was soon to correspond with the revolutionary governors of Connecticut and New Jersey.

The substantial number of republican merchants in the Dutch provinces also expressed their opposition to British dictation by happily engaging in "illicit" trade with the rebellious Americans and with the French, St. Eustatius in the Dutch West Indies serving as a crucial entrepôt in the American trade.

Twice rebuffed in their search for mercenary troops, the British now turned to some of the petty princes of western and southern Germany who were always eager to augment their incomes by renting out their troops. In January 1776, Britain received into its service 30,000 German mercenaries from six principalities, including Hesse and Brunswick, of which three-fifths came from Hesse-Kassel.* While some of these German troops were mere hired killers or soldiers of fortune, many were imbued with deep sympathy for the American cause, proving to be reluctant fighters at best and often deserting outright to the American ranks.

In their discontent the German troops at least partially reflected a wave of enthusiasm for the revolutionary cause that was sweeping the intellectuals of Germany. The Enlightenment had deeply penetrated into German thought, and Rousseau and Voltaire were read as widely in Germany as in America. The rights of man were keenly admired, and the German intellectuals saw with enthusiasm that here was a new type of war, a war for liberty, a revolutionary war for an ideal very different from the familiar European war of mercantilistic and dynastic plunder.

The rental of the troops to counter-revolutionary England ignited a torrent of protest in Germany. The German poets were in the forefront of the protest, including the young poets Goethe and Schiller. The poets

*Of the 30,000 troops, 7,500 were to perish during the war, either in battle or of disease; of the remaining 22,500, 5,000 were to desert to settle in the United States.

were moved to use the American struggle for liberty to protest directly or obliquely against their own petty despotisms. The poet Johann Voss called courageously for Germans to “drain the cup of tyrant’s blood to triumph.” Leading the campaign was the romantic poet and newspaper editor of Württemberg, Christian F. D. Schubart, who had recently founded a lively paper to help launch Germany’s political press. Also avidly enthusiastic for the American Revolution was the poet Johann Georg Jacobi, who hailed the Americans as really battling against despotism in *all* countries; an editor of a sentimental women’s magazine, Jacobi rhapsodized over revolutionary activities by the women of Pennsylvania. Another prominent romantic libertarian poet of the revolution was Christopher M. Wieland, former jurist and professor of philosophy, who founded *Der Teutsche Merkur*, the most lively and popular—and most politically oriented—paper in Germany.

Schubart and Jacobi were soon suppressed by their respective princes, but Wieland carried on, and he was joined in advocating the American cause by more sober thinkers. These writings included a constitutional defense of the American case and of American smuggling, and an attack on the Navigation Acts by Jakob Mauvillon, professor of military science at Kassel. Mauvillon was greatly influenced by the first modern economists, the French physiocrats, who had evolved a rigorous libertarian theory that included a commitment to a strictly laissez-faire economy and to the natural rights of man. Mauvillon declared the lesson of the American revolution to be that, to avoid revolution, the German states must abolish the statist repressions at home, including “religious intolerance, monopolies, guilds, taxes on agriculture, and . . . economic burdens on trade and commerce.” Mauvillon’s physiocracy, in turn, influenced his colleague, the statesman and economist Christian von Dohm, who became the political commentator for Wieland’s *Merkur*. Von Dohm criticized the vicious trade monopoly of the British mercantilist system, and pointed out that American independence would be a great boon to the world if only because it would smash this monopoly. He thereby summed up the German—indeed the European—radical hopes for the American Revolution: its success would “create new routes for trade, new types of industry, new connections between nations in various parts of the world. . . . It can give wider circles of influence to the Enlightenment, new keenness to popular thought, new life to the spirit of freedom.”*

*Quoted in the important article by Elisha P. Douglass, “German Intellectuals and the American Revolution,” *William and Mary Quarterly* (April 1960), p. 216.

PART IV

America Declares Independence

25

America Polarizes

English Whigs and radicals put up a gallant fight in Parliament in early 1776 against the hiring of mercenaries, but to no avail; as a result, sentiment in America for independence increased greatly. To the Americans the hiring of the German mercenaries—generally called “Hessians”—was proof that Britain would treat them as aliens and foreigners.

From observing British reactions, General Lee and the other radical leaders in the Continental Army had already been convinced of the necessity of independence. Lee began to pepper congressmen with urgings of greater militancy. In early October 1775 he wrote to the receptive John Adams: “Now is the time to show your firmness. If the least timidity is displayed we are all ruined. . . . You ought to begin by confiscating . . . the estates of all the notorious enemies to American liberty. . . . Afterward you should invite all the maritime powers of the world into your ports.” Thus he gave the call for open ports and the confiscation of Tory property, which, before long, became the key planks in the radical platform. In another letter, he put his finger on the main stumbling-block to American independence: despite the general willingness to denounce Parliament or the royal advisors, Americans had been reluctant to break with the symbol of the king himself. Now he could write that people “begin to suspect that the king is as bad as the worst of his ministry. To have advanced such a proposition last year would have been thought treason and impiety. Next year [he added prophetically]—if you will have patience—king and tyrant will be a synonymous term.”

Similarly, Gen. John Sullivan of New Hampshire asked why Congress did not have the courage to declare independence. Did they believe that

such a declaration would lead 'the British to "throw their shot and shells with more force than at present?" Sullivan insistently urged John Adams "to destroy that spirit of moderation which . . . if not speedily rooted out, will prove the final overthrow of America." General Nathanael Greene wrote to a receptive fellow Rhode Islander, delegate Samuel Ward, on behalf of independence. And Gen. Horatio Gates was preaching independence so openly and enthusiastically as to astonish even Charles Lee.

Despite the fact that the inner logic of the accelerating conflict called for American independence, Congress was by no means ready to take such a radical step. Congressional foot-dragging on the subject was in a large sense a function of opinions on independence in the respective colonies, for Congress itself was a creature of the individual provinces; even if it wanted to, it could not declare American independence unless the respective provinces desired to do so. Each of the provinces, it is true, had rapidly and spontaneously developed a network of revolutionary bodies which took over the functions of local and provincial government. In each case the royal executive and the royal governor had been quickly swept away so that only three royal governors remained in their provinces by the spring of 1776, and these had no political power whatsoever. By far the most dangerous of the three, William Franklin of New Jersey, was placed under house arrest in March 1776 and shipped to a Connecticut prison. The popular and quiescent Robert Eden of Maryland was shipped home during the same month, and John Penn, of Pennsylvania and Delaware, the last proprietary governor in the colonies, was sympathetic to the rebel cause and remained in Pennsylvania as a private citizen.

In each province, the colonial assembly, which was part of the old royal structure, was abandoned, replaced by elected provincial congresses, or conventions. These provincial legislatures retained the supreme legislative power of the colonial assembly as well as the supreme judicial power that had belonged to the assembly and to the executive. Of particular importance was the automatic liquidation during this process of the old bureaucratic executive that had been removed from all popular or democratic check. Replacing this ruling oligarchy were the legislatures themselves, which now appointed their own committees of safety, or "councils of safety," which were totally subordinated to the elected legislatures. Philosophically, after all, the executive function is merely that of a hired hand to enforce the laws, so total subordination of the executive to the legislative power seemed the rational course. This conclusion was redoubled by the threat of oligarchic rule, cut off from direct popular check, a threat inherent in any independent executive power.

The separation of the executive and the legislature in England and other countries of the day was not the result of a competing philosophical view

of government, but of the history of these institutions. The executive power had been vested as a result of previous conquests in the oligarchic rule of a monarch and his aides, a rule which the monarch always strove to be as absolute and unchecked as the "traffic" could bear. In Great Britain, Parliament became the legislature as a result of an effort by part of the public to exercise a checkrein upon the king. Contrary to mythmakers on the English constitution, the democratic wing of royal government was not the embodiment of reasoned philosophic principle, of "checks and balances" or "separation of powers"; the democratic wing established itself in a pragmatic struggle to limit the power of the royal government. Originally, democracy was not so much a *means* of governmental rule as it was a means for the popular *checking* of government. Parliament did not begin as a way to rule; it began as a means of telling the king that if he did not redress grievances and lower his exactions and demands, the representatives of the public would not consent to paying taxes to the crown. Democracy, in short, originated as a libertarian weapon against the State rather than as itself a form of state. Later it became a form of government, but the former function still prevailed in eighteenth century England, for even though Parliament shared part of the governmental rule, it also tried at times to check its old nemesis, the crown.

In the eighteenth century, however, it was America that had taken over the original libertarian role of democratic representation once played by the early institution of Parliament. The main function of the colonial assemblies was to check as much as possible the power of the royal bureaucracy. The assemblies were the arm of the public that combatted and kept vigilance over the growth of royal executive power. One effective means to this end was keeping control of executive salaries firmly and day to day in an assembly's hands. Then when royal government was swept away, the spontaneous local and provincial revolutionary bodies, freely and frequently elected and thereby subject to popular check, took over governmental functions, deposing the old oligarchy. As was true of so many aspects of the American Revolution, this was truly a revolutionary act for liberty and democracy, and at one unspectacular stroke it profoundly changed American political institutions. Not only was royal rule liquidated, but so too for the time being was the bureaucratic oligarchy.

Not only was the executive oligarchy swept away by the act of revolution, but so too were the councils, the royally appointed upper houses of the legislatures which had also served as executive aids to the royal governors. The representative part of the legislature automatically came to the fore as provincial congresses or assemblies, and equally naturally as unicameral legislative bodies. The glorification of separation of powers and bicameral legislatures by such Tory-minded theorists as Montesquieu was

a method of keeping democracy in severely narrow bounds and preserving the dominance of arbitrary oligarchic rule.

In recent years, neoconservative writers have sharply contrasted liberty and democracy, and have loudly protested any identification between them. Their case rests on two broad grounds: *philosophically*, because liberty refers to *what* government *should* do, while democracy refers to *who* should rule in the government; and empirically, because the main threat to liberty has allegedly been "totalitarian democracy." But historically, for the late eighteenth and for earlier centuries (waiving later centuries at this point) democracy and liberty were conjoined; democracy was precisely the major instrument by which the libertarian revolution exerted pressure upon the tyranny of the ruling castes. The threat—or rather the reality—of continuing invasion of liberty came from the state apparatus and its privileged ruling castes. The popular democratic upsurge against this prevailing "old order" was the concrete form necessarily taken by the libertarian idea; the preeminent libertarian task was to end the dictation to and exploitation of the people by the rulers of the State apparatus. In England, as everywhere, the State began in conquest, and a democratic upsurge was the clearly indicated path by which the people could pursue libertarian goals.

In addition to these historical reasons for democracy and liberty to go hand in hand, there is the further philosophic point that any direct *popular* thrust for tyranny is bound to be fleeting and episodic. Even as ugly a happening as the democratic lynch-mob is necessarily erratic and short-lived. For one thing, the mass of the people generally have neither the time nor the interest to engage in continuing organized expressions of power or plunder. The average man is too busy at the tasks of everyday life to be even concerned about, much less active in, such matters. Hence the much deplored phenomenon of political "apathy." Only in revolutions does such mass interest in political affairs arise, and this is one of the main reasons why revolutions—disturbing as they are to regular routine—are so difficult to launch. Threats to liberty, therefore, will tend to come not from the formless and remote masses, but from "professionals," people directly and fully concerned day in and day out in political affairs—from an oligarchy, either government bureaucrats or those who can persuade or manipulate those bureaucrats to grant them special privilege and pelf, the "ruling classes."

The natural though not perfectly invariant conjunction of liberty and democracy was well understood by the radical wing—the "Left"—of the American revolutionaries, and hence their continuing concern to maintain governmental forms as close to popular democracy as possible. Hence too their constant vigilance against any recrudescence of executive oligarchy

after the royal forms were swept away at the beginning of the Revolution.

Each American province, then, quickly found itself after Lexington and Concord with a new revolutionary governmental structure, consisting of a provincial unicameral legislature and town and county governments and committees of safety. To adopt a formal constitutional frame would be an important step toward proclaimed independence.

As spontaneous creatures of local committees of rebels, the new revolutionary assemblies were remarkably democratic in the sense of participation by the great bulk of the non-Tory population. Every one of the thirteen colonies had had freehold (landed) or personal property qualifications for voting in provincial and town elections, although five colonies allowed a minimum of personal property as an alternative, and in New York and Virginia long-term tenants were included as freeholders. Historians formerly believed that this colonial suffrage was severely undemocratic, disenfranchising most of the adult male population. Recent researches reveal the fallacy of this gloomy view, indicating that the average proportion of eligible adult males in the colonies ranged from 50 to 75 percent.* It should be recognized, however, that this situation was far from idyllic, and that one-quarter to one-half of white adult males of the American colonies were disfranchised; including the slaves drags down the percentage of eligible voters still further, and even the few free Negroes were barred from voting in the four southern colonies. At the end of the colonial period, eligible voters constituted 90 percent of adult white males in New Hampshire (higher in local town elections); approximately 75–80 percent in Massachusetts, Rhode Island, and Connecticut; over 80 percent in North and South Carolina; and generally over 70 percent in Georgia. In contrast to these high percentages, eligibility in New York and New Jersey ranged from 50 to 75 percent. In the lowest strata were Virginia, whose eligibility was approximately 50 percent, and Pennsylvania and Maryland, where it ranged from 35 to over 50 percent.

*For the most balanced and judicious presentation of this suffrage revisionism see Chilton Williamson, *American Suffrage from Property to Democracy, 1760–1860* (Princeton: Princeton University Press, 1960), chapters 1–6.

26

Forming New Governments: New Hampshire

After Lexington and Concord the separate provincial bodies faced two broad sets of decisions. One was external—whether or not to push for American independence from Great Britain. The other was internal—whether to keep the highly democratic nature of the new revolutionary bodies or to revert to an oligarchic regime resembling the colonial era. The problem of adopting a formal constitution was both internal and highly relevant to the question of American independence.

New England, in the forefront of American radical sentiment, pioneered the first self-made provincial constitution. Massachusetts asked the Continental Congress' advice on what sort of governmental form to adopt, and on June 9, 1775, Congress simply told Massachusetts to aim at preserving the old pre-Coercive Act Massachusetts Charter.

A few months later, in mid-October, New Hampshire asked for advice on a new government. The powerful Governor Wentworth and other royally favored oligarchs had fled, and New Hampshire was being ruled by a makeshift committee of safety and by local town committees. While New Hampshire was asking for advice, the British burning of Falmouth, Maine, on October 16, enraged the colonists, and Congress advised New Hampshire on November 3 to establish a new government to operate for the duration of the conflict. This change of advice was the reflection of a change in composition of the congressional committee answering the request; archconservatives Thomas Johnson, John Jay, and James Wilson had been replaced by radicals John Adams, Samuel Ward, and Roger Sherman. (Despite the radical advice to New Hampshire to form a new government, however, reconciliation with Britain and resumption of the

precrisis status quo were still held up as the ultimate ideal.)

In eager response, New Hampshire called a constitutional convention, which met at Exeter in December to form a new government. Violently objecting to this revolutionary step were freeholders from the ports of Dover and Portsmouth, who denounced the new constitution as a virtual declaration of independence from Britain. The Exeter convention followed on the heels of November elections that had swept away all freehold qualifications for voting and decreed that all resident taxpayers might vote. This important step toward democracy was not gained without a struggle, however, as at first the New Hampshire Provincial Congress had decided only to lower freehold qualifications for voting from ownership of property valued at fifty pounds to ownership of property worth twenty. It was forced to reconsider and abandon freehold restrictions by strong public pressure. Thus New Hampshire became the first province to put into practice one of the leading suffrage goals of the radical forces: voting rights for all taxpayers with no property restrictions, and admission of all militiamen and soldiers into the ranks of eligible voters.

A somewhat more important step taken by the Provincial Congress was to reform representation in its lower house, the assembly. New Hampshire apportionment was plagued not only by the inherent obsolescence of democratic representation; it had been further hobbled by the deliberate policy of the crown and the royal governor to repress the voice of the western frontier towns. Only 36 of the 155 towns in New Hampshire had been allowed to send delegates to the assembly; and even among these larger towns, delegate allocation was way out of balance. Thus, such of the larger westerly towns as Concord, Issping, and Londonderry had no representation. In calling the late 1775 elections, the provincial congress rearranged the representation, but amidst the corrections were numerous new inequities and *over* representations of the new towns in the century-old manner of Massachusetts.

The new New Hampshire constitution was adopted by the congress on January 5, making it the first constitution enacted in and by an American colony. The major political power in the colony was thenceforth to be wielded by the elected House of Representatives; there was also to be an upper house, or Council, which was to be elected in such proportions as to weight it in favor of the eastern seaboard towns. The constitution was vague, but implied no property qualifications for voting, although there were property requirements for election to the legislature.

The new constitution fully satisfied few New Hampshiremen. It was attacked from the right by those who objected to any form of government that made reconciliation with Britain unlikely. It was attacked from the left by those who complained of the patently insufficient degree of democracy. Thus, sixteen far-western towns protested to the House, demanding better

representation and the abolition of property qualifications for holding political office and the Council's veto on actions of the House of Representatives. They also urged a bill of rights to guarantee the rights of the individual. The powers of the upper house did have a sinister aspect, since they resembled all too closely the powers of the old royal executive. Thus the town of Chesterfield, in extreme western New Hampshire, charged that the new government threatened "to settle down upon the dregs of monarchical and aristocratical tyranny, in imitation of their late British oppressor." Or, as the sixteen far-western towns trenchantly put it: "It is a thousand pities, that when we are engaged in a bloody contest, merely to oppose arbitrary power without us, we should have occasion to contend against the same within ourselves. . . . We are determined not to spend our blood and treasure, in defending against the chains and fetters . . . abroad, in order to purchase . . . the like kind of our own manufacturing. . . ." The western towns repeatedly stressed the revolutionary fact that they were at that point in a state of nature, and that by their natural right, they should form a constitutional convention.

Leading the popular agitation in the west was Hanover, in extreme northwest Grafton County, the seat of newly established Dartmouth College, the only institution of higher learning in the province. Dartmouth had been founded and Grafton County settled by New Light Congregationalists from revolutionary eastern Connecticut. Fresh from "separatist" struggles against established churches, the men from Connecticut were acutely alive to infringements upon their liberties or rights. Dartmouth College and its president, the Reverend Eleazer Wheelock, led the protest movement, which was popularly dubbed the "College Party." In fact, the protest of the far-western towns had been adopted at Dartmouth College Hall, and authorship of the protest was attributed to the son-in-law of Wheelock, Dartmouth's Professor Bezaleel Woodward.

The town of Hanover and other far western towns soon determined to make their protests effective by refusing to send delegates to the legislature and by refusing to vote for candidates for seats in such an abhorrent institution as the Council. Several of the towns pressed on and refused to pay taxes to New Hampshire altogether, preferring to conduct their affairs on their own.

New England Ready for Independence

In a sense, the situation of Connecticut and Rhode Island was the most clear-cut in the colonies, for these two colonies had been uniquely free of any royal governor or royal arm of government at home. Virtually independent while colonies, they needed no political or constitutional change to equip them for the struggle with Great Britain or for possible independence. Hence, with the exception of the ouster of the Tory Governor Wanton by the Rhode Island Assembly, there was no need for confrontations or political upheaval. Since Wanton was closely associated with the Hopkins faction, however, his overthrow meant the eclipse of the Hopkinsites and the taking of complete power by the more radical Ward faction. The new governor, Nicholas Cooke, was a leading Wardite, as was brilliant young Continental Army General Nathanael Greene, scion of one of the first families of Rhode Island.

Rhode Island was galvanized in early November by the burning of Falmouth to denounce the British and to declare it high treason to correspond with, supply, or aid the British forces, a virtual commitment by Rhode Island to American independence. Indeed, in that same month Samuel Ward, leader of the Ward party and one of the colony's delegates to the Continental Congress, openly opted for American independence, working tirelessly for that cause from then on.

Thus by the end of 1775 Rhode Island and Connecticut were essentially ready for independence. But the key to New England, of course, was Massachusetts, and if that great spearhead of radicalism would not take the lead for independence, the cause would be lost. While Massachusetts had lost none of its fervor for measures against Britain, its delegation to the

Continental Congress was grievously hobbled throughout 1775. Voting in Congress was by province, and hence an elementary requisite for Massachusetts' leading a move toward independence was the ability to command the vote of its own delegation. And yet, this the Massachusetts radicals could not do. The Adamses were of course two of the brightest stars of the radical firmament, but the conservatives Thomas Cushing and Robert Treat Paine opposed any drive toward independence. The fifth, or "swing," member of the delegation was the vain and flighty John Hancock, who clung to his largely honorific post of president of the Continental Congress. He never forgave the Adamses for nominating Washington for army commander-in-chief instead of himself, and bearing that grudge, he broke with the radicals and veered sharply rightward. Allowing himself to be feted by the Dickinsons and Duanes, the luxury-loving Hancock acquired the derisive sobriquet of "King Hancock" among the radicals. This meant an effective vote of three to two against independence, and thus Massachusetts radicalism was stymied. Sam Adams and the frustrated radicals began to threaten openly a separate independent New England unshackled by the dilatoriness of the other colonies.

The critical turning point in this unhappy situation came on December 20, when the Massachusetts Provincial Congress turned Thomas Cushing out as delegate and replaced him with the brilliant young radical and follower of Sam Adams, Elbridge Gerry, of Marblehead. This gave the radicals a majority in the Massachusetts delegation, effective the following February when Gerry was to take his seat. Soon afterward, in mid-January, the Massachusetts Congress authorized the delegates to do whatever they thought necessary "to establish the right and liberty of the American colonies on a base permanent and secure." Here was a virtual endorsement of American independence.

The Sudden Emergence of Tom Paine

At the beginning of 1776, New England was ready for independence. So were such leading radicals as Richard Henry Lee and Patrick Henry of Virginia, Christopher Gadsden of South Carolina, and army leaders such as George Washington and Charles Lee. But the bulk of the colonies and the Continental Congress were not. One of the main stumbling blocks to a commitment to independence was personal loyalty to the British crown. There has always been a political taboo of almost mystical force against attacking the head of state, and always the convenient though emasculating custom of attributing his sins to his evil or incompetent advisers. Such long-standing habits impeded a rational analysis of the deeds of King George III. Furthermore, the old and obsolete Whig ideal of virtual independence under a figurehead king of both Britain and America could only be shattered if the king were to be attacked personally.

To rupture this taboo, to smash the icon, and so to liberate America from its thrall required a special type of man, a man fearless, courageous, and radical, an intellectual with a gift for dramatic and exciting rhetoric and unfettered by the many ties that bind a man to the existing system. At this strategic hour America found just such a man: Thomas Paine.

Unlike most of the other eminent leaders of his day, there was nothing in the least aristocratic in the background of Tom Paine. The son of a poor English corset maker, he was forced to educate himself for lack of schooling. After serving a checkered career as corset maker, sailor, and petty bureaucrat, he finally rose to the status of a minor English tax collector. He was soon characteristically in trouble with the authorities. Chosen by

his fellow excise collectors in 1772 to petition Parliament for higher wages, he was curtly dismissed from the service by the authorities. Unemployed, bankrupt, the unhappy Paine began his life again at the age of thirty-seven by emigrating to America, armed only with a letter of introduction he had managed to obtain from Benjamin Franklin in London.

Landing in Philadelphia toward the end of 1774, he got a job with a Philadelphia printer and soon rose to the editorship of the printer's insignificant *Pennsylvania Magazine*. He quickly proved himself an outstanding writer and publicist and quickly made his reputation as a libertarian by publishing a blistering attack on the institution of slavery. In "African Slavery in America," written shortly after his arrival and published in early March 1775, Paine pointed out that the African natives were often peaceful and industrious farmers brought into slavery either by European man-theft or by outsiders inducing the African chieftains to war on each other and to sell their prisoners into slavery. He also riddled the common excuse that purchase and ownership of existing slaves was somehow moral, in contrast to the wickedness of the original enslavement: "Such men may as well join with a known band of robbers, buy their ill-got goods, and help on the trade; ignorance is no more pleadable in one case than the other . . . and as the true owner has the right to reclaim his goods that were stolen, and sold; so the slave, who is proper owner of his freedom, has a right to reclaim it, however often sold." The slaves, being human, have not lost their natural right to their freedom, and therefore, concluded Paine, "the governments . . . should in justice set them free, and punish those who hold them in slavery."

Shortly after this article was published, the first abolitionist society—The Society for the Promotion of the Abolition of Slavery—was established at Philadelphia. Largely Quaker, it included the deist Paine as one of its members.

Lexington and Concord moved Paine to turn his talents to the radical revolutionary cause. In July he urged upon the Quakers the justice of taking up arms in defense of liberty so long as disarmament is not universal. He denounced the British government as highwaymen setting forth to plunder American property; therefore, in self defense, "arms like laws discourage and keep the invader and plunderer in awe." For the British, "nothing but arms or miracles can reduce them to reason and moderation." And in October he combined his antislavery and proindependence views to castigate Great Britain for trafficking in human flesh, and he looked forward to an independence that would end the slave trade and, ultimately, all of slavery.

All this culminated in Paine's tremendous blow for American independence. His fiery and brilliant pamphlet *Common Sense*, off the press in early

January 1776, spread like wildfire throughout the colonies. A phenomenal 120,000 copies were sold in the space of three months. Passages were reprinted in newspapers all over America. All this meant that nearly every literate home was familiar with the pamphlet. Tom Paine had, at a single blow, become the voice of the American Revolution and the greatest single force in propelling it to completion and independence. Charles Lee wrote jubilantly and prophetically to Washington that "I never saw such a masterly, irresistible performance. It will . . . in concurrence with the transcendent folly and wickedness of the ministry, give the *coup de grace* to Great Britain." And Washington himself endorsed "the sound doctrine and unanswerable reasoning" of *Common Sense*.

Common Sense called squarely and openly for American independence, and pointed to the choice for Americans as essentially between independence and slavery. But what was more, Paine boldly smashed the icon, directing his most devastating fire at King George himself. For the first time, the king, "the Royal Brute of Great Britain," was pinpointed as the major enemy—the king himself, not just his wicked advisers (the king's advisers were attacked as being in thrall to him). Paine had quashed the taboo, and Americans flocked to imbibe his liberating message.

Not stopping at indicting George III, Paine pressed on to a comprehensive attack on the very principle of monarchy. The ancient Jews had prospered without kings and had suffered under them, he wrote, following the great English tradition of Milton and Sidney; and Holland flourished as a republic. But more important, the division between kings and subjects is unnatural, and bears no relation to the natural distinction between rich and poor on the market. How, indeed, had the natural equality of men before the law become transposed into subjection to a monarch? "We should find the first of them [kings] nothing better than the principal ruffian of some restless gang; whose savage manners or pre-eminence in subtilty obtained him the title of chief among plunderers; and who by increasing in power and extending his depredations, overawed the quiet and defenseless. . . ." And now the kings were but "crowned ruffians."

In this way, Paine not only laid bare the roots of monarchy, but provided a brilliant insight into the nature and origins of the State itself. He had made a crucial advance in libertarian theory upon the social-contract doctrine of the origin of the State. While he followed Locke in holding that the State *should* be confined to the protection of man's natural rights, he saw clearly that actual states had not originated in this way or for this purpose. Instead, they had been born in naked conquest and plunder.

Another vital contribution of *Common Sense* to libertarian thought was Paine's sharp quasi-anarchistic distinction between "society" and "government." Indeed, Paine opened his pamphlet with these words:

Some writers have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants and governed by our wickedness. . . . The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher.

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 . . . 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.

In addition to limning brilliantly the nature and origins of monarchy and the State, calling boldly for independence, and attacking George III, Paine set forth the proper foreign policy for an independent America. Here he argued that the connection with Great Britain entailed upon Americans burdens rather than rewards. The Americans should not be tempted by the prospect of Anglo-American domination of the world; on the contrary, America would vastly benefit from throwing open its trade and ports freely to all nations. Further, the alliance with Britain "tends directly to involve this continent in European wars and quarrels, and set us at variance with nations . . . 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 can never do while "she is made the make-weight in the scale of British politics." Thus, Paine adumbrated for America what was later to be called a foreign policy of "isolationism," but which might also be called neutrality or neutralism. Whatever it is called, it is essentially the libertarian policy of free trade and peaceful coexistence with all nations; it is an America that acts as a moral beacon for mankind rather than as judge or policeman.

In addition to all these achievements, Paine managed to outline in this brief pamphlet the internal political program of the libertarian wing of the American Revolution: the new democratic system naturally created by the Revolution. This consisted of rule by democratically elected legislatures established by proportionate representation and responsible to checks upon them by the people. The aim of such government was simply to protect every man's natural rights of liberty and property: "Securing freedom and property to all men, and above all things, the free exercise of religion. . . ." He saw that the superficially plausible lucubrations of such Tory writers as Montesquieu and Blackstone, with their talk of mixed constitutions and checks and balances, masked the repression and hob-

bling of the democratic element by unchecked aristocracy and oligarchy. Human reason, he implied, must be brought to bear on the myths and accretions of government itself. The much-vaunted British constitution was a tangle of complexities, and hence vague and devoid of a focus of responsibility. In effect, he charged, the so-called checks and balances have led to the aggrandizement of monarchical tyranny over the other branches of government. Indeed, at any given time, for government to act at all, one of the branches must predominate and outweigh the checks and balances. This argument is reminiscent of Edmund Burke's blast against the idea of mixed and balanced government in his anarchistic first work, *The Vindication of Natural Society*.

Paine concluded the bulk of his magnificent pamphlet with these stirring lines: "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. . . . O! Receive the fugitive, and prepare in time an asylum for mankind." Sounding the clarion call for the democratic-libertarian cause as the party of hope, the party of progress, in short, the party of a secular, rational messianism, he eloquently hailed the impending future: "We have it in our power to begin the world over again. . . . The birthday of a new world is at hand. . . ."

The explosive success of *Common Sense* emboldened the radicals to follow with pamphlets and articles extolling the goal of independence, excoriating King George as "a full-blooded Nero," and anticipating the great benefits of free trade with all the world that would flow from an independent status.

That the Tories, and quasi Tories, and conservatives who opposed independence should abominate *Common Sense* was, of course, to be expected, reviling it as that "artful, insidious and pernicious" work of sedition and "phrenzy." Several Tories hastened to publish pamphlets of rebuttal, warning of the "ruin, horror, and desolation" that would stem from abandoning the happy and peaceful status of a colony to pursue the romantic chimera of independence. Independence was roundly denounced as absurdly impractical and "Utopian," a project of "ambitious innovators" who "are attempting to hurry . . . into a scene of anarchy; their scheme of independence is visionary. . . ."* Conservative landed oligarchs such as Landon Carter and Henry Laurens considered the Paine pamphlet

*It is true that Paine wanted the polity to approximate as closely as possible the libertarian "state of nature." In that sense, as Halevy pointed out, "the principle of the natural identity of interests, when applied to the solution of the problem of politics, seems logically to lead to the anarchistic thesis." Elie Halevy, *The Growth of Philosophic Radicalism* (Boston: Beacon Press, 1955), p. 130.

as “indecent,” “rascally,” and “dangerous.” But the Tories and conservatives soon found that their attacks on independence were in vain, that “there is a fascination belonging to the word *Liberty* that beguiles the minds of the vulgar. . . .”

29

Massachusetts Turns Conservative

By far the most influential rebuttal to *Common Sense*, however, came not from the fading Tories, but from a rapidly emerging right wing *within* the independence movement. Until 1775, virtually the sole focus of political conflict in the colonies was the anti-British resistance movement, on what side to take and how fast to travel. But after Lexington and Concord, another great problem confronted the Americans: the structure of the internal polity within each colony. And as independence drew nearer, the *internal* problem—the problem of “who should rule at home,” in the famous phrase of Carl Becker—came increasingly to the fore, as compared to the older problem of “home rule.” Of course, this separation can be overdrawn, and clearly British rule had created and propped up an “internal” domestic oligarchy. But, essentially, the internal problem had naturally been submerged by the struggle against Britain until the war began and the choice of forms of government had to be faced.

Before Lexington and Concord, then, the radical-conservative “Left”-“Right” conflict centered around the struggle with Great Britain. After that point, a new set of conflicts emerged. Historians have long quarreled about the existence of internal conflicts and about the possible continuity of the various ideological factions over the years. The first thing that can be flatly asserted is that the conservatives on the British question became archconservatives on the domestic scene. Believers in strong central oligarchic government from abroad also desired strong, central oligarchic government at home. Some of the conservatives became outright Tories and thereby put themselves outside the American dialogue; others, as we shall see below, opposed independence up to the last moment and finally

opted for the rebel cause in deep resignation in order to guide it in a conservative direction. In short, they were more flexible and adaptable than their outright Tory brethren. These conservatives particularly predominated in the quasi-Tory provinces of New York and Pennsylvania. Among conservatives, then, continuity prevailed before and after 1775: the Ultraright before was the Ultraright afterward. There were no cases of quasi Tories later shifting to become radical on domestic issues.

The same continuity did not apply, however, to the pre-1775 Left, to those who had led the radical fight against Great Britain. Out of this increasingly victorious group there began to emerge a cohesive faction who were radical on independence and yet highly conservative on domestic affairs. In one sense, this lack of continuity is understandable, for as the unifying British question began to give way to consideration of domestic matters, temporarily suspended differences among the radicals inevitably came to the fore. Every revolution, after all, splits as it advances from one stage to the next and former advocates fail to adhere to its inner logic and go over into opposition. But in this case the split was particularly poignant, for those who remained radical on domestic questions simply wanted to fulfill at home the grand rhetoric of liberty and democracy which both wings had effectively employed in the fight for America against Great Britain.

In the case of the powerful center of the Virginia oligarchy, this split was to be expected. It was clear from the beginning, for example, that Washington was a radical on Britain and independence and yet a staunch conservative domestically; this rare centrist quality was one of the main reasons for his selection as army commander-in-chief. But the real shocker was Massachusetts. Massachusetts had always been the home of radicalism, the spearhead and vanguard of the American Left. Now it was Massachusetts that was to turn almost *en masse* to deep-dyed conservatism on domestic issues. Certainly one great reason for this was a lack of opposition on which to hone one's edge; in contrast to Pennsylvania or New York, for example, where conservatism had always been dominant and radicalism precarious, Toryism had always been inherently feeble in Massachusetts. With little opposition on which to develop a cutting edge, the tendency for Massachusetts radicalism was to grow lax and conservative on domestic affairs.

A second problem was a crisis of leadership. John Hancock, as we have seen, turned sharply rightward largely out of pique. More serious was the collapse of the great Massachusetts leaders, the Adamses. The brilliant young John Adams not only turned sharply rightward on domestic matters; he was quickly to stamp himself as the major theoretician of a conservative American polity—a polity that would eventually end up as British rule without Great Britain. And Sam Adams, now that the domestic scene

was inevitably growing in importance, lost his former marvelous sureness of step; uncertain, adrift in unfamiliar waters, he was from then on to drift and veer erratically leftward and rightward, his basically radical instincts at war with the influence of his brilliant cousin John. And with the Adamses shifting, the faithful followers of the Massachusetts Left shifted with them.

The basic issue in internal affairs was simply: Would the American governments remain as they had emerged at the outset of the Revolution: spontaneous, libertarian, democratic, and responsive to the checks of the people? Or would they revert to something very like oligarchic British rule: strong government, with an executive and upper legislative house far removed from the people and only partially checked by them? Would oligarchic power be resumed by a new set of Tory lords in another guise? This is what the internal struggle in the years after Lexington and Concord was basically all about. And this is why the separation of home rule from rule at home can be highly artificial; for in a profound sense, those who remained radical on the domestic front were carrying to completion the meaning of the struggle against Britain. After all, their objection was not only to a certain set of Tory and monarchical rulers; their objection was also directed to governmental power itself—to executive oligarchy, to taxes and restrictions, and to big government. They did not propose to overthrow one set of masters in order to raise up another.

If Tom Paine became the ideological spokesman of the new Left, John Adams was the theoretician of the new Right. This new Right was, of course, of inestimable value to the conservative cause. The New York and Philadelphia aristocrats, for example, who had to be dragged into independence, would have never been accepted as leaders of a new independent America. But John Adams and the Massachusetts men, impeccably in the forefront of the Revolution? Their presence in the conservative camp could not but lend that camp the color of patriotic respectability which it so desperately needed after independence.

In contrast to most believers in independence, Adams was angered rather than exhilarated by *Common Sense*. A vain and petulant man, he was patently envious of the popular success of one whom he considered a Johnny-come-lately in the independence movement. More than that, the democratic-libertarian sentiments went against his grain. Already, he had set forth his views on the proper government to fellow congressional delegates from other provinces who had sought his valued advice. Now, to counteract Paine's influence, Adams hastened to publish these views in his *Thoughts on Government*, a highly influential work that would prove to be a virtual political manifesto of American conservatism.

Adams' aim was frankly the counter-revolutionary one of restoring as nearly as possible the status quo ante: the prerevolutionary form of gov-

ernment, especially a powerful executive and judiciary separate from the popular assembly and independent of it. His political system, akin to that of Blackstone and Montesquieu, rested on a separation of powers, especially a separation from the checks of democratic procedure. In order to limit and overcome the democratic arm, an independent executive power wielded by a new governor and council was to be added to the popularly elected revolutionary committees, this executive to have an absolute veto over the legislature. Within the legislature, an upper house removed from the people was to be created, supposedly as an aristocratic element in the polity, and Adams looked forward happily to the two houses being in perpetual conflict. Each house was to have an absolute veto over the other, and to make sure that the executive officials were to have little dependence upon the public, he proposed that the lower house choose the upper house and that they would together select the governor. Even this hedged-in and ringed-about democratic assembly was to be chosen only by property-owning voters. Furthermore, in contrast to the royal system of judges strictly under the control of the executive and the crown, Adams urged an independent judiciary holding life terms—a patent device to remove the judges completely from checks by the populace.

The judiciary in America had never been in the least *independent*. The colonial assemblies had always had judicial functions, and in the seventeenth century the Maryland, Virginia, and New England assemblies were the highest courts of appeal in their respective colonies. By the eighteenth century, however, the judiciary was appointed by the crown and became an organ of the executive. Life, or “good behavior,” judicial appointments were originally advanced as a means of removing judges holding their offices at the king’s pleasure, of curbing the absolute control of the crown. But with the royal power gone, life tenure of judges would be a backward step away from popular control.

The emergence of John Adams as the primary theoretician of domestic conservatism was paralleled by a conservative course of the colony and of leaders who had formerly led the radical vanguard. Of all the colonies, Massachusetts in particular faced an easy political path—and quickly took it. The British Coercive Acts, after all, had been directed against the Massachusetts Charter; what more apt—and more safely conservative—course than simply to reassert the charter of the *status quo ante*?² And this is precisely what the Massachusetts Provincial Congress did when the Continental Congress, in early June, mildly advised it to do so. Of course, no governor could yet be found; but the General Court (legislature) was reconstituted in elections, and the Council was selected, as before, by the elected House, now to take on temporarily the entire executive power. The General Court resumed in mid-July 1775 for a very long session.

The leaders of Massachusetts were highly contented with their scarcely

visible and conservative glide back to the pre-Coercive Act charter, achieving Adams' frankly stated aim: "to contrive some method for the colonies to glide insensibly from under the old government into peaceable and contented submission to new ones," in short, "veneration for persons in authority of every rank." The former radical James Warren quickly concurred. Nor were the Congregational clergy, especially in the seacoast towns, slow to inculcate such supposed virtues in their congregations. In his important election sermon before the General Court in 1776, the Reverend Samuel West of the town of Dartmouth, a close friend of Hancock, urged everyone "to be subject to principalities and powers, to obey magistrates. . . ." With the newfound veneration of power came also its perquisites, and the less scrupulous of the Whig leaders made full use of their new appointment powers; Thomas Cushing, for example, managed to obtain five important judicial posts from the Council for himself.

But not all the old radicals were content to celebrate the status quo, and a relatively small band of new radicals emerged who fought for further libertarian changes in Massachusetts government. Many radicals were unhappy at the continuation of the established Congregational Church in Massachusetts. Isaac Backus, the leading Baptist of New England, presented a strong plea to the General Court for disestablishment and religious liberty, but his petition was quietly buried. Also prominent in the vain fight in the General Court for disestablishment was Joseph Hawley, an eminent lawyer of Northampton and leader of the radicals in western Massachusetts. And a writer in a Boston paper, denouncing "such glaring instances of religious tyranny as the establishment" of the Congregational Church, asked if they were "contending for liberty that we might have it in our power to trample on the rights of others?" The plural officeholding engaged in by Cushing and others was widely protested in the press. A writer in the (Boston) *Massachusetts Spy* charged that "the members of the Assembly have divided among themselves and their particular friends, all the civil and military offices in the colony." Another decrier of the new oligarchy warned that they might be fighting against a "foreign slavery" only to "suffer a domestic one to spring up in our country."

The center of the rapidly emerging new radical movement, however, was the farthest western county of Berkshire. The Berkshire towns had been radically anti-British for several years, led by college graduates (generally from Yale) who had entered law, politics, or the ministry. Also strongly Whig in western Massachusetts had been physicians, merchants, and storekeepers. Most of the lawyers in the west, heavily dependent on royal patronage, had been Tory, but the substantial number of Whig lawyers were led by the veteran Joseph Hawley. The Congregational ministry in the west had been strongly radical, led by the young Reverend

Thomas Allen of Pittsfield in Berkshire County and the Reverend Joseph Lyman of Hatfield. Now that the war had begun and the focus of radicalism was shifting to internal liberty, Berkshire took the lead of the new Left. There are two factors that in part account for the activity in Berkshire: the relative youth of the Berkshire leadership, due to its status as a newly settled frontier county, and the indefatigable leadership of the Reverend Thomas Allen, who stumped the county organizing the new opposition to the status quo. Allen's friend, Joseph Hawley of Northampton much further east, would have been a natural leader of the movement, but chronic illness allowed him to be effective only sporadically.

Having travelled throughout the West calling for a new and more libertarian constitution, Allen became known as the leader of the Berkshire Constitutionalist Movement. In mid-December 1775 he called a Berkshire County convention of town committees of correspondence to meet at Stockbridge in the southern part of the county, an area much less devoted to the radical cause than was the north. The resolves of the Stockbridge Convention were simple and straightforward: the people of Berkshire should at least be able to nominate men for county offices from which the Massachusetts Council could select its choices. From this simple and almost innocuous request the delegates from eight towns in southern Berkshire issued an angry protest. The right-wing dissenters bitterly attacked the Stockbridge resolution, charging that the leaders of the convention were men whose principles would "tend to dissolve all government, and introduce dissension, anarchy . . . and disorder." Five of the prominent conservative dissenters were, not coincidentally, recent Council appointees to the very county posts in contention, and hence had a vested interest in the defeat of the Constitutionalist Movement. Of these, three were understandably under particular popular suspicion: John Ashley of Stockbridge, one of the hated "17" Tory rescinders of the Massachusetts Circular Letter of 1768, and Mark Hopkins of Sheffield and Jahleel Woodbridge of Richmond, formerly justices of the peace by royal appointment.

Stung by the conservative dissent, Allen drew up a remonstrance of the town of Pittsfield to the General Court, setting forth his and other Constitutionalist views systematically and at great length. It turned out that the conservatives from south Berkshire had not been far wrong in analyzing the ultimate position of Allen and his supporters. For many months the towns and counties of Massachusetts had nullified the royal appointments and therefore closed the local courts; they had all been living in "a state of nature," a state close to anarchy, and they enjoyed the experience. As Allen's petition strongly put it, "Since the suspension of government we have lived in peace, love, safety, liberty and happiness. . . ." The only governmental power was the local committees and these were largely devoted to crushing Tories. But now the men of Pittsfield saw with dismay

that assumption by the General Court of the old executive power to appoint county judges and officials would shortly end this libertarian idyl. "We find ourselves in danger of [returning] to our former state and of undergoing a yoke of oppression which we are no longer able to bear," a yoke of "unlimited passive obedience and non-resistance" to governmental power.

For their practical demands, Allen and the town of Pittsfield insisted on the right to annul the central appointive power by electing or at least nominating all of their local county officials.

Heedless of the radical opposition, the General Court tried to establish a county court in Berkshire. The local Committee of Inspection forcibly prevented the court from opening, and Allen repeatedly denounced the Charter government of Massachusetts as "oppressive, defective and rotten to the very core," which "ought not by any means to be submitted to." Significantly, he was supposed to have based his argument in part on Paine's *Common Sense*, which had just been published.

To the east, neighboring Hampshire County, in a convention of delegates from its towns on March 11, decided by a narrow majority to close its county courts. This court-closing movement was led by Joseph Hawley and by the leaders of Chesterfield and other towns of far western and northern Hampshire. The resolution was opposed by the older trading centers of the county on the Connecticut River: Springfield, Hatfield, and Northampton.

Allen's subversive discourses were reported in great detail to the General Court by John Ashley and his fellow Berkshire conservatives, and Allen was denounced as an incendiary and sower of anarchy. He was reputed to have declared that "it was the duty of the people to oppose" the "rotten" Charter government, "and that [he] would rather be without any form of government than to submit to this constitution." And again: "The people of this province had lived in peace and good order for more than a year, without government. . . ." He also trenchantly informed the people that they were not simply fighting Great Britain but all tyranny; if the Congress abused its power, it should be opposed in the same manner as the king and Parliament. He cautioned, "Whilst we are fighting against oppression from the King and Parliament [we must] not suffer usurpers rising up amongst ourselves."

Worried by the criticism relayed to the General Court, Allen and the town of Pittsfield sent another remonstrance to the legislature in May 1776, elaborating and also bowdlerizing their position. They took hasty pains to assure the General Court of their belief in the "absolute necessity of legal government to prevent anarchy and confusion," and to deny false charges that they were a mere mob of debtors eager to close the courts so as to avoid payment of their debts. They assured the legislature of their

belief that legal government is a "great blessing." In this petition, they warned of the potential of domestic tyranny rising up to replace the old; a particular complaint was the practice of the county judges of handing out licenses to innkeepers at a fee of six shillings and more and then dividing the fees among themselves. Allen then set forth their political theory: that "the people are the fountain of power," that since the dissolution of British power "these colonies have fallen into a state of nature," and that the first step toward the restoration of civil government would be to form a "fundamental constitution as the basis and groundwork of legislation" and to check "the strong bias of human nature to tyranny and despotism" by a "wanton exercise of power." Furthermore, a new constitution, being above the legislature, could not be made by the legislature itself; it must be effected by a true "compact" among the majority of the people.

The Massachusetts General Court responded to this pressure by reducing all court fees in the province, but this was hardly enough to satisfy the Berkshire demand,* and the courts in Berkshire and Hampshire counties remained closed.

The one writer cited by Allen as a "most respectable" authority for these views was James Burgh and his work *Political Disquisitions*. Burgh, an elderly Scottish schoolmaster, published the *Disquisitions* in England in 1774; it was reprinted in Philadelphia the following year and soon became a highly influential bestseller throughout the colonies. It was eagerly read by the leaders and the common people alike. Burgh had turned his searchlight on the tyranny and corruption of the English Parliament of his day. Slashing away at the tightly controlled oligarchy constituting Parliament, the radical-liberal Burgh called for thoroughgoing political reform: corrected representation, annual parliaments, secret ballots by the public, open debates in Parliament, and universal manhood suffrage except for men on relief. Government pensioners and placemen should be abolished, he wrote, thus ending the economic dependence of members of Parliament on the crown. To effect these aims, he saw that mere pleas to the extant Parliament would hardly suffice. Instead, the people of each parish and county in the land should band together in a great association to put severe pressure upon the government and even (implicitly) serve as the potential nucleus of revolution if other means should fail. The failure of reform would lead the people to prefer the temporary evils of revolution to the "permanent evil" of tyranny, "distressing and debasing the human species from generation to generation, and deluging the world in a never-ebbing sea of blood." Not only did he thereby anticipate the English

*For documentation of this controversy see Robert J. Taylor, ed., *Massachusetts: Colony to Commonwealth: Documents on the Foundation of Its Constitution* (Chapel Hill, N.C.: University of North Carolina Press, 1961.)

association movement, but he also gave implicit backing to the burgeoning association movement in America, which fulfilled these very concepts. Burgh also hailed Algernon Sidney's justification of rebellion, as well as the writings of Trenchard and Gordon, and attacked the practice of hiring mercenary troops. On specifically colonial problems, Burgh bitterly attacked taxation without representation and the oppressive measures against America.*

If the Reverend Thomas Allen was the political leader of the Massachusetts Left, the anonymous author of the brief pamphlet, *The People the Best Governors or, A Plan of Government Founded on the Just Principles of Natural Freedom*, was, in a sense, its intellectual leader. This trenchant libertarian writer declared that the people "best know their wants and necessities and therefore are best able to govern themselves." He attacked upper houses armed with veto power and not directly responsible to the people as engines of oppression. A small council chosen by the assembly might be admirable for the sake of efficiency, but it should merely prepare material for the assembly and have no veto power over it. This writer not only wanted representation proportionate to the population, he called boldly for universal manhood suffrage shorn of any property qualifications, which would lead to tyranny over the poor by the rich. He would have a judiciary and perhaps an executive elected annually by the people, but interestingly, the executive would be denied any veto over the legislature. Thus he sensibly opposed not so much a judiciary independent of the legislature as a judiciary independent of the people. He also suggested that in each colony a house of representatives armed with some judicial power be the supreme court of appeals in the province—especially since, as he perceived, judges' decisions are often a camouflaged form of legislation.

The author of *The People the Best Governors* grounded his program squarely on natural rights and natural law: "God gave mankind freedom by nature, made every man equal to his neighbor, and has virtually enjoined them to govern themselves by their own laws. . . . [Everyone's] right to freedom is the same." This identical right to freedom for all men is evidently what the author meant by "equality." Any property qualification for voting, or oligarchic organs of government would deny this natural equal freedom and "make an inequality among the people and set up a number of lords over the rest."

*The Handlins' attempt to downgrade the radical content and influence of Burgh's *Disquisitions* is unconvincing. Oscar and Mary Handlin, "James Burgh and American Revolutionary Theory," *Proceedings of the Massachusetts Historical Society* (1961), pp. 38–57. But see Caroline Robbins, *The Eighteenth Century Commonwealthman* (Cambridge, Mass.: Harvard University Press, 1959), pp. 364–68.

30

The Drive Toward Independence

As we have already learned, although New England was ready for independence from Great Britain, torpor reigned in the Continental Congress through February. Cushing retained his seat until February so that the Massachusetts delegation was not yet under control of the pro-independence faction. And Virginia, the great mainstay of radicalism outside New England, was torn with dissension on this issue; furthermore, the radical leaders, Richard Henry Lee and Thomas Jefferson, were temporarily back home, and the other independence stalwarts, George Washington and Patrick Henry, were serving in the armed forces, so that the majority of the Virginia delegation remaining in Philadelphia were arch-conservatives.

In late February 1776, opinion in the Continental Congress shifted sharply leftward toward independence. The shift was spurred by news of the British Prohibitory Act as well as the Proclamation of Rebellion and the impact of *Common Sense*, and was quickened by the arrival in Philadelphia of Elbridge Gerry—an arrival which swung the opportunistic Hancock back to the radical line. Furthermore, Lee returned to his seat at Philadelphia to lead the Virginia radicals, and the conservative Virginia oligarch, Benjamin Harrison, shifted into the radicals' camp, thus giving them the vital majority of their delegation. The Continental Congress then had a probable majority for independence, a majority intensified by the good news of the British evacuation of Boston. On March 20, Congress urged Canada to set up a new government and join the "united colonies," and significantly, there was no mention of eventual reconciliation. This was a move hinting strongly of independence. The hint became stronger

still in the great April decisions, including winning French aid and throwing open American ports to all countries, all of which did everything up to the brink of a declaration of independence itself. Beyond this Congress could not go, for it could not bind the separate colonies to independence. Indeed, some of the provincial delegations were instructed against independence by their constituencies. The final push for independence had first to be taken by the separate colonies themselves.

After New England, the next region where independence came to the fore was the south. Paradoxically, the first virtual authorization came from Georgia, once the most laggard of all the colonies. Reacting to Lexington and Concord against its former indifference, Georgia had established a revolutionary provincial congress and a subordinate council of safety. Urged by the Continental Congress in November to step up military resistance to royal arms, the merchants and artisans of Savannah led the Georgia rebels to establish more formal government by the end of January 1776. The government fulfilled the crucial radical requirements: a unicameral elected legislature to which the executive Council of Safety, the courts, and the militia were strictly subordinate, and the legislature was selected by universal taxpayer suffrage. The president of the Council of Safety, in turn, was strictly subordinate to the council and could not act without its consent. The stalwart militant Archibald Bullock was chosen for this position, and five radicals were soon selected as delegates to the Continental Congress. In April, the Georgia rebels adopted a temporary constitution formalizing this regime, and on April 5 the provincial congress authorized its delegates to vote in whatever way they wished on independence. Thus, Georgia was the first colony to explicitly authorize its delegates to vote for independence, and considering the composition of its delegation, this itself was tantamount to an affirmative vote. By April there were no worries about Georgia's readiness for independence.

Georgia, however, was very small and one of the least significant colonies. Far more important was North Carolina. As was the case in most of the other provinces in 1775, North Carolina was run by a spontaneous network of county committees capped by a provincial congress. Several factors served to embolden North Carolina opinion in the spring of 1776. One was the rebel triumph of the Battle of Moore's Creek Bridge on February 27, where the Tories of the province were crushed. Another was the threat of invasion by Gen. Sir Henry Clinton's fleet off Cape Fear and the inspiration provided by Gen. Charles Lee. Lee's assumption of an independent southern command that March had a vital military as well as political impact; this scourge of the Tories was as well versed and radical in political warfare as he was in military matters. His arrest of Maryland's royal governor, the popular Robert Eden, galvanized the struggle; and

this was followed by his sending an aide, Gen. Robert Howe, to a convention of North Carolina radicals meeting in Halifax in early April. Chaired by the ordinarily cautious and conservative Samuel Johnston, the political leader of the colony, and influenced by General Howe, the convention took a noteworthy and climactic step: sending positive instructions on April 12 to its congressional delegation to vote for independence and for any necessary foreign alliances. Here was the first frank instruction for independence in America, albeit the instruction was to *concur* in independence rather than take the initiative. Lee warmly congratulated North Carolina on this promising step.

While the North Carolina instruction for independence passed without difficulty, the April convention for writing a constitution rent the province in bitter ideological conflict. The first local resolution for independence had been made as early as May 31, 1775, in Mecklenburg County in the far western frontier of North Carolina. The Mecklenburg Resolution had declared all British laws and commissions as well as the royal government of the province to be null and void and coupled this early call for independence with the establishment of a county-wide court as the local government elected by universal manhood suffrage. The following August, Mecklenburg County spelled out its comprehensive domestic radicalism in its instructions to its representatives at the provincial congress. They called for suffrage by all free men, the abolition of property qualifications for members of the assembly, and the correction of apportionment in the assembly in accordance with population. Plural officeholding was to be prohibited and local officials elected by the people, and there was to be no oligarchical veto over the decisions of the elected legislature. True to its democratic-liberal position, the county urged disestablishment of the Anglican Church, but they were able to go only so far in their libertarianism, and "pagan or papal" religions were decried as "false" and could not be tolerated in the province.

At the constitutional convention in April 1776, the proindependence forces split sharply on the issue of domestic democracy versus conservatism. A furious struggle ensued over bicameralism, popular election of local judges, and suffrage restrictions, with Samuel Johnston, his brother-in-law James Iredell, and William Hooper leading the conservative forces. A deadlock between the two factions forced postponement of the attempt to write a constitution for North Carolina.

The road to independence was not nearly so smooth in the neighboring colony of South Carolina. Throughout 1775, this province had a formidable bloc of conservatives deeply opposed to any hint of independence. (Even the provincial council of safety, dominated by conservatives, rejected the plea of the radicals to fortify Charleston Harbor against the expected British attack that finally came in June 1776.) In early Novem-

ber, the Continental Congress suggested that South Carolina establish a new government for the duration of the conflict, a suggestion that it had also made to New Hampshire. At the February meeting of the South Carolina Provincial Congress, the conservatives and radicals battled furiously; the right wing, led by the influential planter Rawlins Lowndes, even objected to *any* new government as a possible step toward independence. Battling for a formal government for that very reason were William Henry Drayton and the great veteran radical leader Christopher Gadsden, who characteristically called for independence publicly. The new government was finally adopted at the end of March, spurred by news of the hard-line British Proclamation of Rebellion and the Prohibitory Act. Even then, the South Carolinians took pains to dissociate this step from independence, and the irrepressible Gadsden was rebuked by the bulk of the provincial congress when he read passages from *Common Sense* to the assemblage.

The South Carolina constitution of March 1776, was, unsurprisingly, a highly conservative instrument. The representative assembly was to choose an upper house, and both houses would in turn select a third body, the Privy Council, to exert administrative and judicial authority in place of the old Royal Council. Both houses would also choose a president, who would have veto power over the legislature. Before the Revolution, South Carolina had had perhaps the most badly apportioned representation in the colonies: three-quarters of the white population of the province, living in the back country, were unrepresented in the assembly. The new constitution allowed the back country 40 representatives out of 184, but while a considerable improvement, this representation was still weighted outrageously on behalf of the lowland areas. This constitution was severely criticized by the democratic forces for its hasty adoption without explicit approval by the people, for the presidential veto which smacked strongly of the royal prerogative, and for the oligarchic upper house.

The outlook for independence in South Carolina was not bright, but the radical actions of the Continental Congress, the news of the victory at Boston, and the bold move of North Carolina for independence strongly influenced the province. As chief justice of the new government, William Henry Drayton selected a new judicial structure free of royal authority and, at the end of April, he took it upon himself in a charge to a Charleston grand jury to proclaim South Carolina's independence of Great Britain. He declared that the colony was pursuing its right to revolution against a tyrannical government. Treating the temporary constitution of South Carolina as an act of permanent separation, he defended it as a reflection of the laws of "nature and reason." South Carolina's president, John Rutledge, who had shifted to the side of independence along with other moderate conservatives, officially sent Drayton's printed statement to the

Continental Congress. This act was properly received as tantamount to a call for independence by the province itself.

The southern accession to the cause of independence meant little, of course, without the adherence of Virginia, the preeminent province of the South. This province, despite its leadership in the resistance movement to Great Britain, would not be an easy mark. While it had been eager to resist Great Britain and had thrown itself into battle against Lord Dunmore's raids, its revolutionary bodies were in the hands of thoroughgoing conservative oligarchs who balked strongly at independence, especially Edmund Pendleton, president of the Virginia Committee of Safety, and Robert Carter Nicholas, the committee's treasurer.

Patrick Henry, leader of the radical forces, was repeatedly humiliated by the Committee of Safety in his post as commander-in-chief of the Virginia militia, and, embittered, he temporarily retired to private life at the end of February 1776. One of the reasons for this treatment of Henry was his belief in an individualistic and democratic army; the conservative Committee of Safety realized in dismay that he "did not seem too conscious of the importance of strict discipline in the army, but regarded his soldiers as so many gentlemen who had met to defend their country, and exacted from them little more than the courtesy that was proper among equals."*

The attitude of the Virginia conservatives toward independence may be gauged by their vituperative reaction to *Common Sense*. The eminent planter Landon Carter was at no loss for words to vent his spleen: it was "dangerous," "absurd," "scandalous," "rascally," "nonsensical," and "brutish." Like so many archconservatives since, he raised a "social" argument against Paine's individualism. Realizing that Paine grounded his doctrine on an individualistic theory of natural law, he wrote: "This man writes for independency, and is under the necessity of stating an independence in man at his creation, when it is evident he must be a social being. . . ."

In early 1776, Pendleton, Nicholas, and the conservative forces of Virginia managed to send as a delegate to the Continental Congress the extremely wealthy planter and merchant, Carter Braxton, of the Carter family, who was the Virginia associate in Robert Morris' rapidly burgeoning financial empire. Braxton's mission was to block independence, and this he set out to achieve with great diligence.

During April, however, sentiment in Virginia veered ever more toward independence: the news of the victory at Boston, the bold moves of the

*Quoted in Moses Coit Tyler, *Patrick Henry* (Ithaca, N.Y.: Cornell University Press, 1962), p. 187.

Continental Congress, and the decisions for independence by the rest of the south all played their part. Added to this were pressures for independence by Richard Henry Lee and by George Washington through his brother John, the fact of Washington's being a Virginian being highly important in attracting the patriotism of fellow Virginians. Finally, at the end of March, Charles Lee took up his post at Williamsburg as head of the Southern Military Department and added his determined and fiery personality to the pressure upon the Virginians. Indeed, Lee stayed at Williamsburg largely to rouse the inhabitants and press for independence. His presence was especially needed for the crucial April elections for the critical meeting of the Provincial Convention starting on May 6, elections that hinged on the issue of independence. So overwhelming was the sentiment of the new convention for independence that, on May 15, Virginia unanimously instructed its delegates to urge the Continental Congress to "declare the United Colonies free and independent states, absolved from all allegiance to, or dependence upon, the Crown or Parliament of Great Britain." Here, significantly, was not simply an agreement, as in most of the other provinces, to concur in any congressional resolution for independence; here was an instruction for actually proposing the final break with Great Britain. Congress was also urged to form whatever foreign alliances or confederation of the erstwhile colonies that might be necessary. The conservatives of the convention bent easily with the wind and endorsed the resolution.

Having opted for independence, the Virginians believed they had to settle on a constitution for the province, and upon its nature furious battles ensued. The internal struggle was not, however, as it was in such provinces as Massachusetts, between Paine-type democrats on the Left and Adams-like adherents to mixed government on the Right. So conservative were all the leaders of Virginia that the debate shifted sharply rightward. The Virginia Left held views similar to the Massachusetts Right. Of its leaders, Patrick Henry hailed *Thoughts on Government* as fully expressing his own views, and Thomas Jefferson's doctrines were quite similar. Other leaders of the Virginia moderates were Richard Henry Lee and the eminent lawyer George Mason.

Bitterly opposing these moderate forces were the ultraconservatives, headed by Pendleton, Nicholas, and their chief theoretician, Carter Braxton. Braxton quickly published an *Address to the Convention of . . . Virginia*, specifically designed as a reactionary rebuttal to Adams' *Thoughts on Government*. The pamphlet brusquely hailed the current British constitution as ideal and urged on Virginia a similar government. Braxton insisted that the popularly elected assembly choose a governor and members of an upper house of the legislature, both of these to hold their positions for life, "that they might possess all the weight, stability, and dignity due to the

importance of their office." In this way, both the governor and the upper house would be totally independent of the people and hence avoid the evils, the "tumult and riot," of democracy. Braxton was here simply taking the concept of Adams, Jefferson, and Mason of some independent governing bodies, and pushing it to its logical conclusion: life terms for everyone outside the lower house. The Virginia moderates, however, did not see the connection between Braxton's plan and theirs, and they dismissed his pamphlet as "silly" and "contemptible."

Patrick Henry, leading the moderates of the committee appointed to draft a Virginia constitution, despaired for a time of triumphing over the "great bias to aristocracy" among "most of our opulent families." When he poured out his worries to his friend John Adams, Adams answered with an eloquent and thundering denunciation of Virginia's ultraconservative and highly aristocratic "nabobs":

The dons, the bashaws, the grandees, the patricians, the sachems, the nabobs, . . . curse, but all in vain. The decree is gone forth, and it cannot be recalled, that a more equal liberty than has prevailed in other parts of the earth, must be established in America. That exuberance of pride which has produced an insolent domination in . . . a very few, opulent, monopolizing families, will be brought down nearer to the confines of reason and moderation. . . .

Dominating the committee drafting the Virginia constitution was Henry's right-hand man in leading the Virginia moderates, George Mason. Mason, who had drafted the Fairfax Resolves put through the Fairfax County meeting by Washington, had played an important role in leading the revolutionary forces in Virginia. The constitution, as submitted by the committee and adopted unanimously on June 29, signalled a victory for the moderates: An elected lower house would consist, inequitably, as in colonial days, of two members from each county; an upper house, or Senate, would also be elected annually by the people; a governor would be elected annually by joint ballot of both houses of the legislature, as would a privy council, or Council of State, to assist the governor. To check entrenchment of an executive in power, no more than three terms in succession were allowed a governor, and he could not act without the consent of the Privy Council. Superior judges were to be elected by both houses, but county judges and other officials were to be appointed by the governor and were to hold office on "good behavior," i.e., virtually for life. Both the gubernatorial appointment and the life terms were holdovers from colonial rule.

The proportion of two members from each county was palpably weighted in favor of the planter oligarchy of the Tidewater counties, which had larger plantations and fewer eligible voters than the pied-

mont and valley areas. Thus, tiny Warwick County in the Tidewater, with a few hundred voters, had a delegation in the lower house equal to large western counties containing a few thousand voters each. As time went on and emigration continued westward, this disproportion would grow still greater. Virginia's restrictive qualifications for voting were retained intact, despite proposals by Mason and Jefferson to broaden the suffrage.*

Due to a determined fight by the Henry forces, the power of the governor was set as subordinate to the legislature, only the House could originate legislation, and the Senate could not amend an appropriations bill. In selecting the governor, the moderates put up Patrick Henry, while the archconservatives selected the virtually outright Tory, Thomas Nelson. Henry was elected by a vote of sixty to forty-five; the Council of State chosen to aid him was dominated by the conservatives.

As a preamble to the constitution, the provincial convention inserted a list of bitter charges against the person of King George III, sent by Jefferson from his post in the Continental Congress. On the basis of these charges levelled squarely and boldly against the king, Virginia repeated its assertion of independence and declared its connection with the British Crown totally dissolved.

If the Virginia Left was middle-of-the-road on the structure of government, the same caution and moderation were not shown on another critical struggle waged in the provincial convention. In one of the monumental libertarian advances of political history, the Virginia Left decided

*In their desire to demonstrate that (a) colonial Virginia was thoroughly democratic except for the impositions of Great Britain, and (b) that the American Revolution was in no sense an internal social revolution, Robert E. and B. Katherine Brown become mired in a grave inner contradiction. If, for example, representation was only undemocratic because of British coercion, then how is it that this imposition was cheerfully continued in the new constitution by the supposedly democratic Virginia leadership? One cannot pin the responsibility for aristocracy in colonial Virginia upon Great Britain, insist (with some justice) that there was no internal revolution in Virginia, and then conclude that Virginia was democratic before *and* after the revolution!

In his brilliant review of the Browns' work, Stephen Saunders Webb writes that they "insist that the prevalence of appointive office in Virginia was owing to 'imperial' control rather than to aristocratic dominance. They fail to consider that the appointive system was not significantly altered by the Revolution, which eliminated imperial control." As for the absence of an internal revolution in Virginia, this is "a fact which they attribute to a general acceptance of democracy. It is at least as logical (and more consistent with the fact that almost every revolutionary leader in Virginia was an aristocrat) to conclude that this remarkable quietude was the result of a continuing aristocratic hegemony. . . ." He justly adds that to take such quietude and lack of widespread public protest as a sign of democracy would mean that "Louis XIV's France was not undemocratic either." See Stephen Saunders Webb, "Review of the Browns' *Virginia: 1705-86*," *Wisconsin Magazine of History* (Autumn 1964), pp. 63-64; Robert E. and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy?* (East Lansing, Mich.: Michigan State University Press, 1964).

to enact a Declaration of Rights committing themselves, at least in theory, to protect and not to invade the natural rights of each individual. Thus was born the monumental concept of a bill of rights designed to prevent government from invading the rights of the individual. On this issue the Virginia Left proved to be radical indeed.

The convention had assigned to the committee with the job of drawing up a declaration of rights the man best suited to the task, George Mason, who threw himself into the work with a will, aided by Thomas Ludwell Lee. In an effort to prepare the climate for the declaration, numerous county petitions were circulated, vaguely calling for democratic and liberal measures.

Drafted almost completely by Mason, the Declaration of Rights was introduced by the committee and modified by the convention. Some of the changes strengthened the declaration, but the central struggle grew out of the determined attempt by the archconservatives led by Nicholas to weaken or block it altogether. Patrick Henry's disquieting defection on forbidding *ex post facto* laws and bills of attainder cut these clauses from the declaration, but the major battle was waged over its magnificent first clause. Mason had there written "that all men are created equally free and independent, and have certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and attaining happiness and safety." Here, in a scintillating and compact form, was the essential statement of the radical libertarian theory of natural rights.

The conservatives, possessed of the clarity given to them by their vested interests, saw immediately the main danger of this clause. If *every person* has a natural right to be equally free and independent, what happens to the institution of slavery on which rested the power and pelf of the Virginia planter aristocracy? Undoubtedly, Mason knew what he was about, for as early as 1765 he had criticized the institution of slavery on moral and economic grounds. Nicholas and his "set of aristocrats" and "masters" (in the words of Thomas Ludwell Lee) fought the clause fiercely. To declare all men created free and independent would invite a slave revolt, they argued. The conservatives were able to force modification of the clause: "natural" was excised from "inherent . . . rights," and "God and Nature" was excised from another important clause. "Namely" was substituted for "among which are" to restrict the scope of individual rights. But most important, the clause "when they enter into a state of society" was inserted between "of which" and "they cannot." This made it possible for the conservatives to rest content with interpreting natural rights as belonging only to those men who had "entered into a state of

society.” Clearly, the slaves had never been given a chance to make this entrance.*

Despite these modifications, the Virginia Declaration of Rights, unanimously adopted by the convention on June 12, 1776, is one of the great documents in American history. It set the pattern for all future state and national—and foreign—bills of rights, and stamped the libertarian doctrine of natural rights, at least in theory, upon the American Republic. The preamble of the declaration stated that the representatives of the people of Virginia assert a body of rights which “do pertain to them, and their posterity, as the basis and foundation of government.” Following the first clause, the declaration included democracy (“that all power is [originally, ‘by God and Nature’] vested in, and consequently derived from, the people; that magistrates are their trustees, and servants, and at all times answerable to them”); the right of revolution (when government fails to secure or violates proper aims, “a majority of the people hath an indubitable, inalienable, and indefeasible right, to reform, alter, or abolish it. . . .”); no right of special or hereditary privileges; separation of the judiciary from the other functions of government; rotation of office in the legislative and executive branches; free and frequent elections; no taxation without representation; the traditional rights of a defendant to know the nature of the charges against him, to confront his accusers, to have a speedy trial by jury which must be unanimous to convict him of a crime, not to be forced to give evidence against himself, and to be free of excessive bail and cruel or unusual punishments; the prohibition of general warrants (searches and seizures by government must be named in advance in special warrants and supported by advance evidence); freedom of the press (“one of the great bulwarks of liberty”); no standing armies (which are “in time of peace . . . dangerous to liberty”); a people’s militia as the proper form of defense; “strict subordination” of the military to the civil power; and freedom of religion (religion “can be directed only by reason and conviction, not by force and violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience. . . .”). On this last point, the phrase “free exercise of religion” had been substituted for a far weaker stress on religious *toleration* at the suggestion of Mason’s young colleague on the drafting committee, James Madison.

Emboldened by the march of southern opinion and action as well as by its own deeds of the preceding months, the Continental Congress in mid-May took the penultimate steps toward a final state of independence.

*See Robert A. Rutland, *George Mason* (Williamsburg, Va.: Colonial Williamsburg, 1961), pp. 53ff.

On May 10, led by John Adams and Richard Henry Lee, it resolved to recommend to those legislatures of the "United Colonies" which had not done so to adopt suitable new governments of their own. No phrases hinting at eventual reconciliation with Great Britain appeared in this resolution, as in the advice to New Hampshire six months before, but it was still sufficiently bland to win the support of the conservatives in Congress.

The big battle was waged immediately afterward, over the preamble to the resolution. Drawn up by John Adams and backed by Richard Henry Lee, the preamble began with a list of grievances against Great Britain directed against the king as well as Parliament, and then concluded with this crucial and devastating passage:

It appears absolutely irreconcilable to reason and good conscience . . . now to take the oath . . . necessary for the support of any government under the crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted, under the authority of the people of the colonies. . . .

Here the gauntlet was hurled at Great Britain; this preamble, attached to a call for new government, was nothing less than a de facto declaration of independence. Opposition to the preamble was led by James Duane of New York, Carter Braxton, and the brilliant young James Wilson. Wilson warned prophetically that passage of the preamble would put his province of Pennsylvania into an anarchic "state of nature" and dissolve its existing proprietary government.

Congress, however, overrode the objections of the conservatives and adopted the preamble on May 15. The vote has been reported as six or seven to four, and assumedly among the four colonies in the negative were Pennsylvania, New York, and Maryland. Adams was understandably jubilant, writing that Congress had passed "the most important resolution that ever was taken in America," one that was "total absolute independence," "independence itself."

31

The Struggle in Pennsylvania and Delaware

Congress' May resolutions spurred independence sentiment throughout the colonies, and John Adams soon exulted that "every post and every day rolls in upon us Independence like a torrent. . . ." Virginia had struck for independence, and the Massachusetts House primed support in the grassroots by asking the towns their views on independence. Through May and June the Massachusetts towns, as might be expected, answered that they would support the measure "with their lives and fortunes." Rhode Island, too, was stimulated to instruct its delegates to sign any necessary treaties with foreign states; it had opted for independence as early as May 4 when the legislature had renounced all allegiance to King George and assailed "his debasing and detestable tyranny."

Adams' jubilation was decidedly premature. America could not proclaim its independence without the middle colonies, and the middle colonies still stood obdurately outside, or opposed to, the independence movement. The powerful landed oligarchs of New York and the highly conservative Philadelphia financiers stood foursquare against independence. Their brilliant leaders—the Morrises, the Jays, the Livingstons, the Dickinsons, the Willings et al.—not only thoroughly dominated their provinces; they were shrewd enough not to turn outright Tory and thus lose any hope of ruling their respective populaces. Independence could not be assumed while these two great colonies remained adamant in opposition. The Pennsylvania Assembly had, in November, specifically directed its delegates to oppose any plan for independence; and the instructions of New York, Maryland, and Delaware had clearly emphasized American ties with Great Britain. Even as late as the May 1776 assembly

election, the conservatives carried Philadelphia. On May 15 when Virginia and the Continental Congress were taking such rapid strides towards independence, the Maryland Convention, in a burst of reaction, was resolving unanimously that "a reunion with Great Britain on constitutional principles" would best secure the rights, liberty, and happiness of the whole empire.

The radicals readily concluded that Pennsylvania was the key to their problem. If that great ultraconservative province should capitulate to the radicals and independence, the other colonies would have to swing into line. Maryland and Delaware, caught between Pennsylvania and the South, could not hold out, and neither could a New York isolated from all of her sister colonies. But to accomplish such a drastic change would require something on the order of a veritable internal revolution.

The key to Pennsylvania politics was its almost unique status as a proprietary colony—a status it shared only with Maryland and Delaware, the latter being associated with it in the proprietorship of the Penn family. Directly under a sympathetic proprietary rather than the crown, Pennsylvania did not have to confront the royal tyranny directly or have its assembly dissolved or humbled by Great Britain. In contrast to the other colonies, therefore, Pennsylvania was not propelled into a "state of nature" and thence to a rule by spontaneously formed local committees and provincial congresses. Instead, throughout 1775, its colonial government continued complacently unaltered. Continuing in power were Pennsylvania's thoroughly undemocratic and malapportioned assembly as well as its executive and judiciary appointed by the proprietary. Controlling the assembly with an iron hand was archconservative John Dickinson along with the Quaker and financial oligarchy of Philadelphia and eastern Pennsylvania, all strongly opposed to independence. The Quakers and the proprietary party, formerly enemies, were now united in opposition to independence and in favor of the existing political structure. In Pennsylvania there was no confusion between internal and external issues among the radical and conservative camps; the conservatives were opposed to independence and domestic reform, and the radicals were squarely on the side of both. Indeed, the issues were conjoined, as neither aim could be achieved without the other.

One vital factor aiding the Pennsylvania Left was the presence of the Continental Congress in Philadelphia; heavily committed to independence, the Congress, especially since its resolution of May 15, 1776, exerted continual pressure on behalf of the Pennsylvania radicals. Over a month of agitation led by Joseph Reed, Washington's former aide, brought the assembly to enlarge its membership in mid-March, but this was a mild reform, and Dickinson, Robert Morris, and their conservative allies were still in comfortable control.

While local committees had not assumed power in Pennsylvania, they were in existence and a growing force in the province. They were a vital part of the protest movement against Great Britain; and a provincial convention of these committees during January 1775, while effectively hobbled by Dickinson and the conservative leaders, had marked the beginning of influence by the spontaneous organs of public sentiment. After Lexington and Concord, county committees formed voluntary militia units called "associations." While the county associations were governed by the assembly, friction developed as the radicals, eager to get on with the Revolution, demanded either conscription or special taxation upon the numerous conscientious objectors in the province. And in September 1775 the Philadelphia committee declared outright that free speech had to end when used for "counteracting . . . virtuous exertions against injury and oppression." In such cases the human and divine laws "justify the punishment of such licentiousness." William Nelson rightly adds that the "committee thereupon adopted the tyrant's usual plea of necessity: 'no person has a right to the protection of a community or society he wishes to destroy.' "* Thus Pennsylvania pacifists as well as Tories were subjected to invasions of their liberty—in the name of liberty.

The restiveness of the associations was seen in the bitter attack by the association of Lancaster County upon the pacifism of the Mennonites, demanding taxation of the Mennonites for military measures. Indeed, the living example of pacifism proved catching, and the Philadelphia association refused to serve as minutemen after contemplating the total exemption of the Quakers from the war machine. The leaders of the Philadelphia association also demanded a tax on conscientious objectors and a transformation of the libertarian institution of voluntary military association into the more familiar compulsory provincial militia. The assembly partially bowed to the pressure by levying a heavy tax of over two and a half pounds upon all nonassociators.

More important for the political structure of Pennsylvania was the radicalizing experience of belonging to the military associations, which were especially prominent in the west. For the masses began to wonder why they should risk their lives for the revolutionary cause and yet not—in the words of the Committee of Privates headed by Dr. James Cannon at the end of February—"be admitted to the enjoyment of all of the rights and privileges of a citizen of that county which they have defended and protected." The assembly's brusque treatment of the committee's petition, as well as its presuming to appoint their military officers, led the Committee of Privates to the revolutionary repudiation of the authority of the constituted Pennsylvania government. Furthermore, the committee was

*William H. Nelson, *The American Tory* (Oxford: Clarendon Press, 1961), p. 129.

perceptive enough to apply the argument of taxation without representation to affairs at home; since they were not represented proportionately in the assembly, the authority of the government need not be recognized. Moreover, they moved to elect their officers and in many cases to make their military decisions by majority will of the particular military company. It is not surprising that the associators were noted for their individualistic spirit and their failure to abide by orthodox military rules of hierarchy and submission.

That internal liberal democracy and independence were two sides of the same Pennsylvania coin was fully recognized by the Pennsylvania Right. During the spring of 1776, John Dickinson declared retention of the British royal power "indispensable" to protecting the colonies from civil war and democracy, and his views were echoed more circumspectly by James Wilson. The looming threat of independence and internal reform propelled many ultraconservatives into a quasi-Tory position, and many of them wrote pamphlets and articles denouncing independence. Thus, the Anglican clergyman William Smith cited Montesquieu in praise of the English form of government as the best guarantee of "liberty." And "Civis" railed against a republicanism that would lead to a government by a "set of men whom nobody knows," by apprentices and immigrants. George Chalmers, the young author of the pamphlet *Plain Truth*, an attack on *Common Sense*, also cited Montesquieu and attacked Paine for not resigning himself to the necessary imperfections of mankind's state, especially man's laws.

A particularly interesting statement of the right-wing position in Pennsylvania was that of the Tory Anglican priest, Charles Inglis. His pamphlet, *The True Interest of America Impartially Stated*, was specifically designed as a rebuttal to *Common Sense*. Since its entire first printing was destroyed by a radical mob, it did not have any influence on the struggle over independence. Nonetheless, Inglis' arguments provide important insights into the thinking of the conservatives. He began with a statement of fundamental opposition to Paine's allegedly utopian individualism. Man was not born free in a state of nature, he maintained, but born necessarily into society, and therefore supposedly born under innate social obligations. Inglis saw that Locke's and even Hobbes' ultimate individualism had to be repudiated in order to uphold the Tory cause. He maintained that man could not exist without society, society could not exist without law, and that law could not exist without government. After employing this string of non sequiturs to imply that government was anterior to man, he naturally concluded that government was not a "necessary evil" but a necessary good. He further adopted the classical Tory equation of government with human civilization. Thus the clash of Paine and Inglis posed critical questions of political philosophy, among which were: Is the individual logically

anterior to society? Is society or civilization to be equated with or clearly distinguished from the State apparatus? Inglis, of course, deduced from his thesis that Americans were naturally and inherently part of English society and government, and therefore must not assert their independence; moreover, he turned to Montesquieu to support the need for monarchy and aristocracy as well as to eulogize British institutions.

One assiduous radical writer perceptively charged that when the conservatives talked of their preference for the "mild and wise laws of Great Britain" as contrasted to the "tyranny of the many," they were really protesting at the prospect of losing their own special privileges, at being "governed by any laws that will effectually secure the liberty and property of the people from their ravenous clutches."* To this end, one radical, "Elector" (who may have been the radical theoretician Dr. Thomas Young), went beyond his fellows to advocate suffrage for all adult members of military associations in Pennsylvania.

The Pennsylvania radicals were handicapped by a lack of eminent leadership; the well-known and well-born were almost completely on the Right. Even Joseph Reed was not a radical and was not really ardent about independence. But this lack of "status" was one of the main reasons for the unique intensity of Pennsylvania radicalism. Its leaders came from outside the Pennsylvania power structure; these were new independent men, free from vested interest in the status quo. The leadership of the revolutionary Left included two mathematicians, the eminent astronomer David Rittenhouse and Prof. James Cannon of Philadelphia College; the roistering Philadelphia mechanic and retailer Timothy Matlack; Col. Daniel Roberdeau; and two great theoreticians of the radical libertarian movement, Dr. Thomas Young, the former Massachusetts mentor of Ethan Allen in liberalism and deism, and, of course, Thomas Paine. Virtually the only radical leader who had been prominent in the movement against Britain before the war was the Philadelphia merchant George Bryan. Cannon, writing as "Cassandra," came to the defense of *Common Sense* against its enemies, and other radical pamphleteers called for extensive widening of the suffrage.

Paine was a host unto himself, and in the "Forester's Letters," published in April 1776, he counterattacked his critics and elaborated his libertarian doctrine. In his third letter, he answered the common conservative contention that the evil inherent in human nature requires a strong State to repress it: "If all human nature be corrupt, it is needless to strengthen the corruption by establishing a succession of kings, who be they ever so base, are still to be obeyed. . . ." Furthermore, he argued, it is far more consistent for freemen to choose their governors than to be ruled by mere

*See Nelson, *American Tory*, pp. 128-30.

birth. Certainly, it is both folly and tyranny to give any one man power over all: "No man since the fall hath ever been equal to the trust. . . ." As to whether America could be happy under its own government, Paine sensibly replied: "As happy as she pleases; she hath a blank sheet to write upon. . . ." Let America make what it will out of this *tabula rasa*.

Paine also stressed in this letter the libertarian importance of trial by jury as the *people's* way to completely circumvent the government in making judgments: "Here the power of kings is short cut. No royal negative can enter the court. The jury . . . is a *republic*, a body of *judges chosen from among the people*." He pointed out that, typically, the Magna Carta that secured this liberty had not been granted by the largesse of the crown, but had been forced out of the king by irresistible pressure from below.

Paine also emphasized the goal of an isolationist foreign policy for the new republic that he envisioned on the horizon. America, he urged, will make peace with Britain as with an enemy; then, independent, it will live in peace "remote from all the wrangling world . . . bounded by the ocean, and backed by the wilderness, who has she to fear but her God?"

During May, the Pennsylvania Left was reinforced by the news of the hiring of Hessian mercenaries, followed by Virginia's electrifying decision for independence, and it stepped up its demand for a democratic provincial convention elected by all the freemen of Pennsylvania. But the major impetus to the radicals was the Continental Congress' resolutions of May 10 and 15, denouncing all allegiance to the enemy George III and calling on all colonies to form their own governments independent of Great Britain. The main resolutions were implicitly directed against Pennsylvania, the only province, along with its associated Delaware, that was still dominated by its old British-directed government.

The Congressional resolutions acted as a mighty signal (perhaps pre-arranged) to the Pennsylvania Left. The radical leaders, urged on by John and Sam Adams, now saw that they could put together the long-sought radical alliance of Philadelphia mechanics and artisans and western frontiersmen. Swiftly, on the night of May 15, the radical Philadelphia Committee, of which James Cannon was secretary, met to consider the formation of a new government. The opportunistic Delaware lawyer Thomas McKean was in the chair at the meeting, but the power resided in a steering committee that included Cannon, Young, and Paine. In presumed obedience to congressional advice, the committee called for a provincial conference of county committees to demand a vote for independence, and a constitutional convention—outside the stultifying structure of the assembly—to form a new and democratic revolutionary government for Pennsylvania. A mass meeting of nearly five thousand people, whipped up by Paine and others, gathered on May 20 at the behest of the

Philadelphia Committee, with Colonel Roberdeau in the chair. The meeting denounced the assembly as holding its authority from the king and for being based on a narrow electorate; it also called for a constitutional convention for Pennsylvania. A provincial conference of committees was set for June 18 to organize a constitutional convention, and associations throughout the province enthusiastically endorsed the lead of the Philadelphia Committee.

The conservatives of Philadelphia were able to organize a mass meeting of their own on May 21, as well as a remonstrance of 6,000 people to preserve the old government. This meeting was led by John Dickinson, Charles Thomson, and even Joseph Reed. Other conservative protests against the May 20 meeting came from the Committee of Inspection of Philadelphia County and from Chester County in eastern Pennsylvania. On the other hand, the York County committee soon demonstrated its power by forcing the York assemblyman James Rankin into a public recantation of the "bad tendency of my past conduct" in advocating the old Pennsylvania government. Citizens of Reading in Berks County burnt the conservative remonstrance as treasonable, and hundreds of Philadelphia signers shifted and withdrew their signatures. The numerous and powerful associations throughout Pennsylvania, superbly organized by Professor Cannon, joined the call for a new government and a constitutional convention. The tide of radical opinion was indeed swift; not even repeated concessions by the assembly could stem its flow.

The Pennsylvania Assembly, bewildered at seeing its public support rapidly dwindling, decided to wither away and allow Pennsylvania's great internal revolution to be bloodless. In this resolve, it was aided by Assemblyman Joseph Reed; on June 8 the assembly withdrew its November instructions to the delegates to the Continental Congress to oppose independence. The delegates were now authorized to adopt any measures they deemed necessary. To block any attempt by moderates to preserve the moribund assembly by taking charge of the forthcoming convention, radical members boycotted assembly meetings after June 13, thus preventing the gathering of a quorum. The Pennsylvania Assembly drifted into hopeless adjournment on June 14.

On June 18, the government of Pennsylvania changed hands in a peaceful but impressive revolution. The provincial conference met on that date, with delegates selected by the radical county committees. The conference itself dramatized the thorough transformation of political power. None of the old conservative or moderate Whig leaders were present: no Dickinson, no Thomson, no Mifflin, no Wilson, no Reed, no Morris. Fully half the delegates were leaders in their local military associations. The conference looked to the vanguard Philadelphia Committee for leadership, and here the only old-line Whig in prominence was Thomas McKean, who was

chosen president of the conference. That venerable opportunist, Benjamin Franklin, never one to be in any minority, had seen the way the wind was blowing and allowed himself to be included temporarily among the Left. He nominally headed the Philadelphia delegation to the conference, but never attended meetings. Apart from McKean, the leading delegates from the Philadelphia Committee were Committee President Christopher Marshall, Dr. Benjamin Rush, and Col. Timothy Matlack, with Cannon, Paine, and Rittenhouse active in the background.

The provincial conference began its work quickly; The assembly was declared abolished and a constitutional convention summoned for a new government based on the people of Pennsylvania. The suffrage for the convention was to be widened to all adult taxpaying associators. (Unreconstructed Tories were denied the privilege.) A more serious blow to liberty was the conference's decision to require an oath of Christian belief for all those elected as deputies to the constitutional convention. This oath—an effort to disfranchise the Quakers—opened a bitter debate between the elderly Christopher Marshall and the other, far younger, leaders of the radical camp. Marshall strongly supported the religious test oath against the vigorous opposition of Rush and especially Cannon, who privately denounced the supporters of the oath as “fools, blockheads, self-righteous, and zealous bigots.”

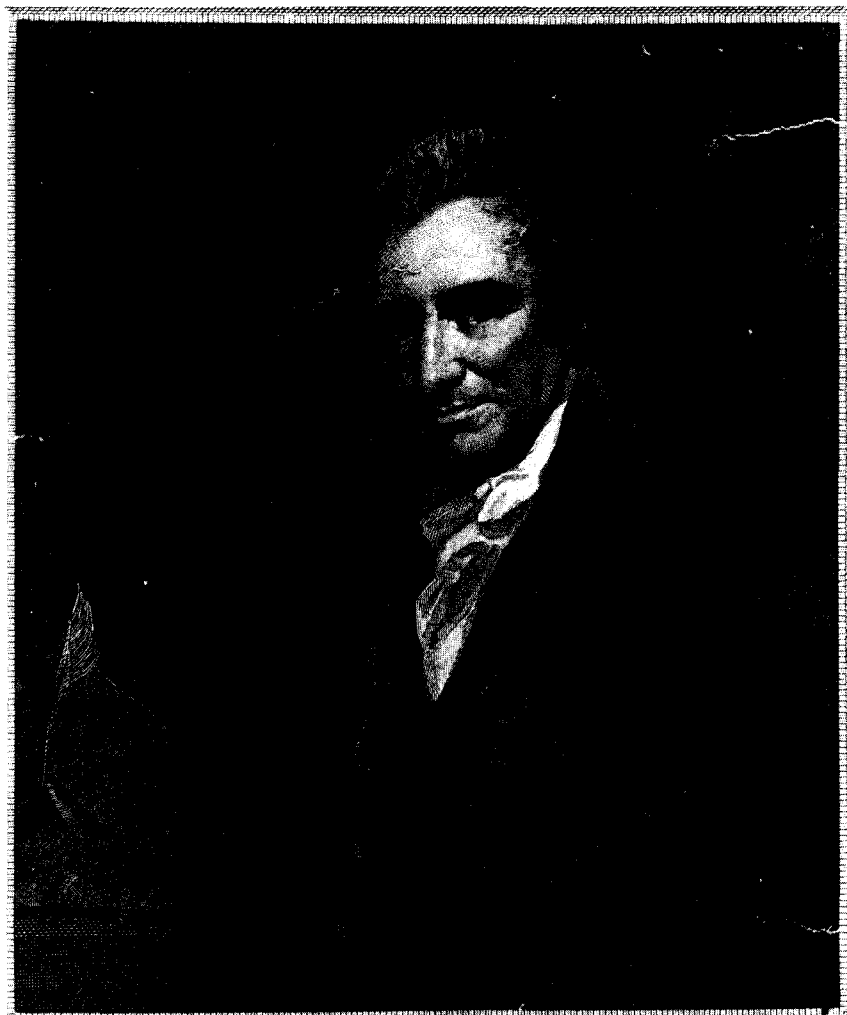
Representation at the convention was not allocated proportionately and democratically; understandably, exhilarating vengeance against the old overweighting of the east led to an even greater overweighting on behalf of the west. Each county was given eight delegates to the constitutional convention, so that sparsely settled western counties enjoyed almost the same representation as Philadelphia.

On June 24, the provincial conference surprised no one by declaring that George III had forfeited American allegiance and voting to concur in any declaration of independence. By late June, Pennsylvania was firmly in the camp of the proindependence radicals; indeed, the outcome had been clear since the beginning of June.

As for Gov. John Penn, of the proprietary family, he was generally sympathetic to the American cause and gave little trouble about his disappearance from the political scene. Indeed, he was content to remain a private citizen of the new commonwealth of Pennsylvania.

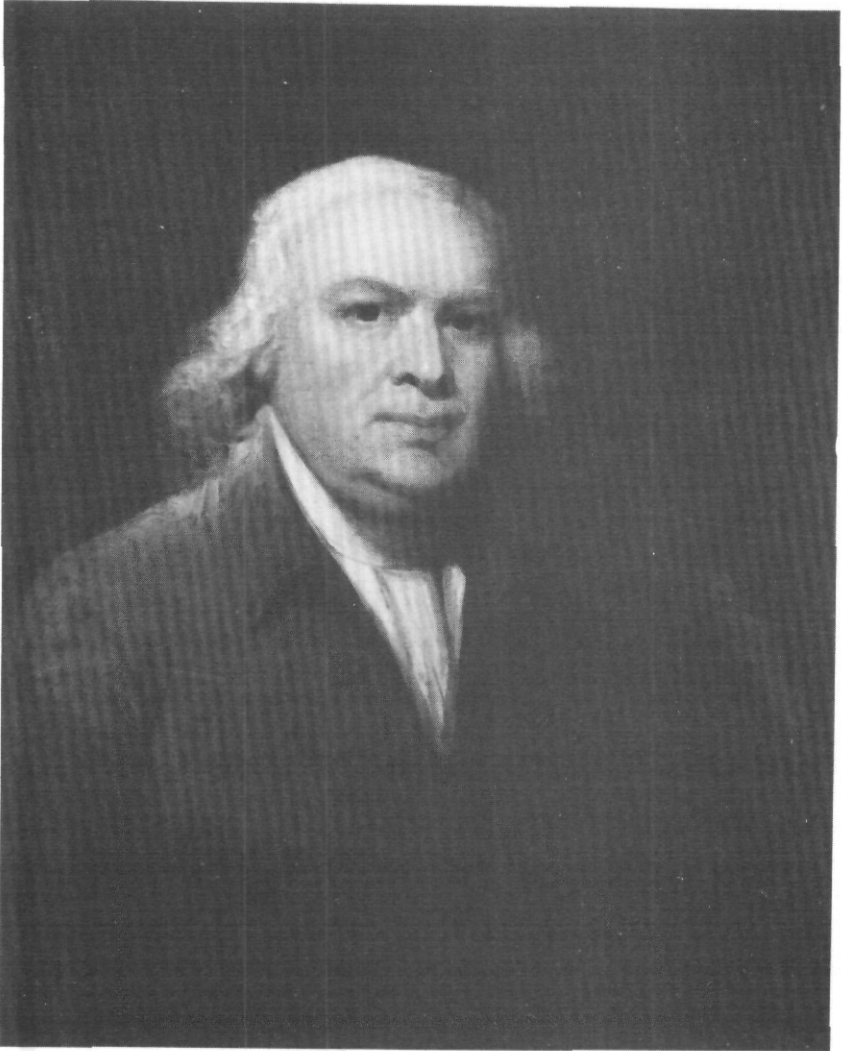
Where Pennsylvania went, little Delaware could not be far behind. The two were almost one province, having the same proprietary governor. Delaware, too, had retained its old assembly and governmental structure after Lexington and Concord. Its three delegates to the Continental Congress were Thomas McKean, a radical; George Read, an archconservative; and Ceasar Rodney, a centrist. By the end of 1775, Rodney had shifted

leftward, winning the delegation for the American cause. Pennsylvania's opting for independence quickly convinced Delaware. On June 14, McKean presented to the Delaware Assembly the May 15 resolution of Congress along with the recent resolutions of Pennsylvania. On June 15, Delaware removed the restrictions that prohibited its delegates from voting for independence, which had been in force since March 1775, when the delegates were instructed to aim for reconciliation with the mother country. Now, in imitation of the Pennsylvania Assembly's resolve of June 8, the Delaware Assembly ordered its delegates to concur with other delegates in favoring whatever measures may be necessary for the interest of America. The way was clear for the Delaware delegation to vote for independence.



Courtesy of the New-York Historical Society, New York City.

Tom Paine



Courtesy of the New-York Historical Society, New York City.

Robert Morris



Courtesy of the New-York Historical Society, New York City.

Nathanael Greene



Courtesy of the New-York Historical Society, New York City.

General Howe Evacuating Boston, March 1776



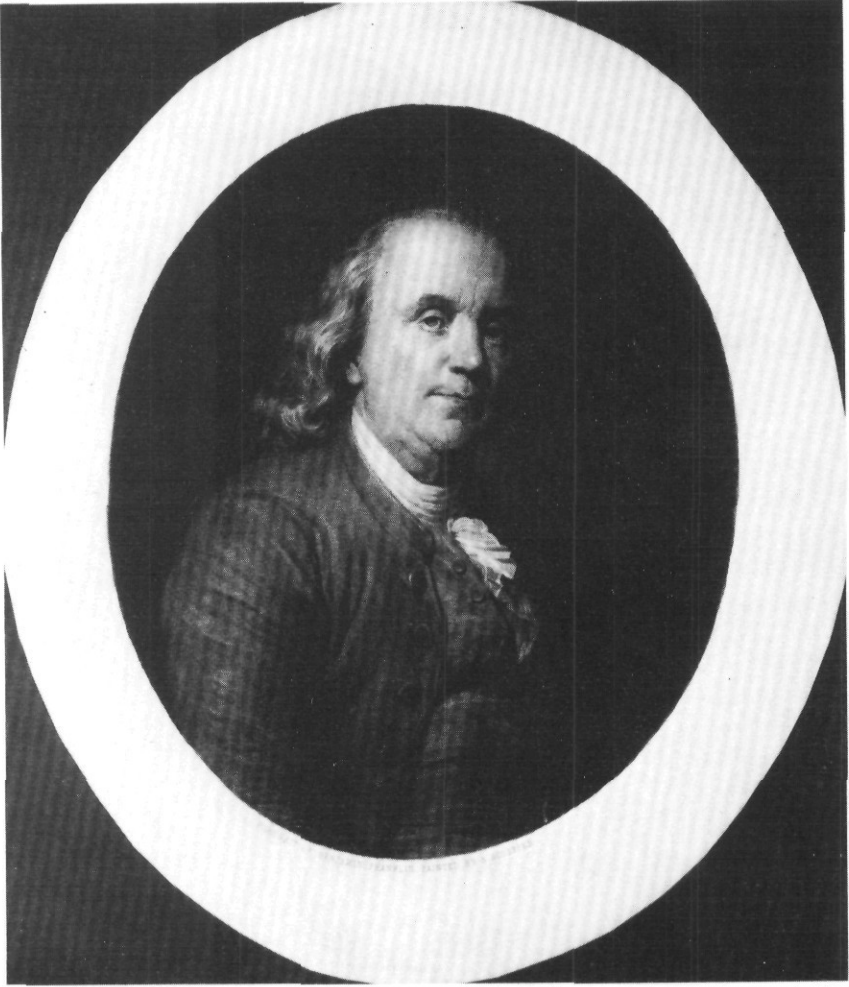
Courtesy of the New-York Historical Society, New York City.

Charles Lee



Courtesy of the New-York Historical Society, New York City.

Sir Richard Howe



Courtesy of the New-York Historical Society, New York City.

Benjamin Franklin



Courtesy of the New-York Historical Society, New York City.

Horatio Gates



Courtesy of the New-York Historical Society, New York City.

1781 Caricature: The State Watchman Discovered by the Genius Britain Studying Plans for the Reduction of America



Courtesy of the New-York Historical Society, New York City.

Washington's Retreat at Long Island, August 1776

New Jersey and Maryland Follow

New Jersey, a scene of conflict between Rebel and Tory, had felt understandably diffident about antagonizing its two powerful and archconservative neighbors, New York and Pennsylvania. Lexington and Concord galvanized New Jersey as it did the other colonies, and a provincial convention in Trenton was formed in the spring of 1775 out of a general provincial conference of county committeemen. But while favoring military measures, the convention had continued to protest its loyalty to the king. By early 1776, the New Jersey revolutionaries had established a provincial congress, with a committee of safety as its executive arm. Even so, the Tories remained strong in New Jersey, and Royal Gov. William Franklin continued to be active in political affairs, as we have seen. Leading the radically militant forces in New Jersey was the distinguished president of Princeton College, the Scottish-born Rev. Dr. John Witherspoon. An early advocate of independence, he had seen his students fill the ranks of the Sons of Liberty, and he was prominent enough in the Revolution that he was one of the three Americans burned in effigy by the British and Tories when General Howe captured Staten Island in July 1776.

By early June, an internal drive for militancy, combined with the transformation of Pennsylvania, easily swung New Jersey into the independence camp. The elections to the June meeting of the provincial congress at Burlington produced a clear radical victory; two conservative delegates to Philadelphia were immediately recalled, and on June 21 the New Jersey congress selected an entirely new delegation, all of whom staunchly favored independence. The new delegation included Witherspoon. The

provincial congress also ordered the arrest of Governor Franklin, sent him to prison in Connecticut, and authorized the delegates to Philadelphia to concur in a declaration of independence.

After completing this drive for independence, the provincial congress promptly decided to write a constitution for the virtually independent province. The new constitution, on which Dr. Witherspoon was the main influence, was approved at the beginning of July. It was moderately conservative, establishing a bicameral legislature; but also, by a vote of five counties to four, abolishing the old freehold qualifications for voting. Suffrage was broadened to all inhabitants with assets, personal or real, valued at fifty or more pounds. Perhaps through careless wording, the unintended effect of the legislation, after a time, was to give the vote to widows inheriting property worth at least fifty pounds—an initial breakthrough for women's suffrage.

New Jersey's swift adhesion to the cause of independence left only Maryland and New York unconverted. Maryland was a proprietary colony of the Baltimore family, and for a century its politics had been expressed in terms of pro- and antiproprietary parties. The "Court Party" was the party of the allies and receivers of special privilege from the proprietary. It defended the quitrents and other exactions imposed by the Baltimores. It naturally controlled appointed officialdom, the governor, the council, the established Anglican clergy, and the body of the petty bureaucracy. In opposition was the "Country Party," dominating the elected lower house of the legislature. Added to the disfranchisement of the sizeable minority of Roman Catholic voters, the property qualifications for voting proved high enough to disfranchise proportionately more citizens in Maryland than in any other province; probably little more than two-fifths of the white adult males of Maryland were eligible to vote. Furthermore, as elsewhere in the south, apportionment for the assembly was weighted heavily in favor of the older eastern counties, containing large slave-holding plantations and fewer white citizens than the western counties. Every county, regardless of population, had equal representation in the assembly.

The exactions of the proprietary upon the land of the inhabitants were not merely academic; they included quitrents, caution money from land purchasers, rents from proprietary manors, and alienation fines on those who transferred their land. From these sources as well as fines and fees and tonnage and export duties on Maryland's staple, tobacco, the proprietary derived a net annual income in the decade before the Revolution of 12,500 pounds. In addition to this substantial sum, the people of Maryland were forced to pay 12,000 pounds in taxes per year to support the proprietary officials who enforced these exactions upon them, as well as 8,000

pounds to support the established Anglican clergy. Thus, over 32,000 pounds were extracted from the Marylanders to support the proprietary and a hundred-odd appointed bureaucrats and ministers; in contrast, the entire government of Maryland, including provincial, county, and local operations, cost Maryland only 18,500 pounds per year. It is easy to see that saddled with perhaps the most expensive state in the colonies, the grievances of the Country Party were real indeed. Both court and country parties were dominated by the social and economic leaders of the province, the wealthy planter oligarchs, their wealth based on slave cultivation of tobacco.

The continuing attack by the Country Party on the place and privileges of the Court Party led naturally to their leading the wider opposition to British exactions in Maryland. In the course of the revolutionary movement, the Country Party established periodic extralegal provincial conventions, with a council of safety appointed to operate in the interior. The provincial convention functioned as a supreme court and appointed county committees.

No American colony labored under such tight control of a small interlocking clique as Maryland under the Country Party. Virtually complete control was exercised by a very few men. First and foremost was the very wealthy Matthew Tilghman, head of a very prominent and powerful planter family on Maryland's Eastern Shore. Tilghman presided over all the provincial conventions, was usually president of the Council of Safety, and, later, was president of Maryland's constitutional convention. Also prominent was Edward Lloyd, first cousin of Tilghman and an extremely wealthy member of another leading Eastern Shore family. Lloyd was one of the largest slaveowners in Maryland and one of the biggest wheat growers in all the colonies.

Another important figure in the province was Charles Carroll of Carrollton. A resident of the capital city of Annapolis, Carroll had the largest slaveholdings in Maryland and was not only the wealthiest man in the province, but one of the wealthiest in America. A delegate to the Continental Congress, he achieved political prominence despite being a Roman Catholic. Almost equally important was another Charles Carroll of Annapolis, a distant relation to Carroll of Carrollton. Yet another Charles Carroll was the son-in-law of Carroll of Carrollton; he, too, was one of the wealthiest people in Maryland.

Three prominent Annapolis lawyers, once partners, rounded out the Country Party leadership. William Paca, a delegate to the Continental Congress, made his fortune by marrying into the Lloyd family and became a leading planter and slaveowner. Thomas Johnson, another congressional delegate, specialized in acquiring land grants in unoccupied western Maryland. (Before the Revolution, having put on enough pressure to gain

himself the land, Johnson had joined with George Washington to try to persuade the Maryland and Virginia legislatures to open a vast Potomac navigation system to raise the value of their lands enormously.) The third of these lawyers, Samuel Chase, was also a delegate to the Continental Congress.

Under this sort of control, it is not surprising that Maryland's revolutionary movement was staunchly conservative and opposed the radical drive for independence, and as we have seen, Robert Eden was courteously allowed to remain as nominal governor, though he retained no power. As late as May 15, 1776, the Maryland Provincial Convention reconfirmed its aim of reconciliation with Britain and its corollary instructions to the delegates at Philadelphia. The American radicals almost despaired of Maryland, but its very tight control afforded a chance of radical change through conversion of a few of the inner circle. The break came with the ardent adoption of the independence cause by two of the top oligarchs, Samuel Chase and Charles Carroll of Carrollton. To gain sufficient support and pressure for independence, they were forced to stump the western country, raising demands for independence among the Maryland masses, thus taking the risk of arousing domestic radicalism as well. In fact, along with a host of local committee resolutions for independence in western Maryland, many of the local groups were stimulated to agitate for domestic reform. Committees in western Frederick County, seeing the link between independence and domestic change, attacked the "tyranny" and discriminatory representation in the Assembly as part of an effort to develop political organs that would agree to independence. Military participation heightened pressure for reform, as soldiers in the fight against Britain felt with a special keenness their disfranchisement and handicaps in representation. They pressed for broadening the highly restrictive Maryland suffrage, and demands arose for allowing all adult arms-bearing taxpayers the right to vote. Clearly, mass democratic pressure was beginning to push against the tight aristocratic control of the province.

Chase's campaign and western mass pressure effected a remarkable change in Maryland's position, a shift aided by Maryland's sudden unwelcome isolation among the colonies and General Lee's agitation from Williamsburg. Moreover, Maryland was sternly confronted by the request of the Continental Congress for military aid, and this presented the stark choice of conforming or standing alone. Finally, on June 28, the Maryland convention revoked its instructions against independence and authorized its delegates to join in a declaration of independence. Governor Eden was gracefully permitted to leave for Britain on a British warship. The convention also decided to draft a state constitution on August 1. Property qualifications for the constitutional convention were to remain the same, but representation was partially corrected by splitting Frederick County

into three parts and adding more delegates from the major cities of Baltimore and Annapolis.

Thus, by the end of June, all the colonies but one stood foursquare for independence, and almost all had either formally adopted a new government or were in the process of doing so. But one—New York—powerful and firmly in archconservative hands, still stood in the way of American independence.

33

Independence Declared

On June 7, in happy obedience to the instructions resolved by Virginia on May 15, Richard Henry Lee submitted to the Continental Congress a momentous resolution for the independence of the United Colonies. His resolution embodied three historic affirmations. First was a declaration of independence: "that these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved." One of the great virtues as well as a corollary of independence would be the ability to form alliances with France and other countries in support of the war; so Lee's second resolve affirmed the utility of forming such alliances. Finally, if the colonies were now to be separate and independent states, it was clear that no war, especially no war with a regular army, could be waged unless the states were in some way united; and it was believed that a formal compact of unity was needed to bolster the standing of the Continental Congress, just as formal government was supposedly needed by each state to replace spontaneous and anarchic rule by organized networks of local committees. Therefore, Lee's third resolution instructed that a "plan of confederation" be drawn up and submitted to the separate states.

The conservatives had no objection to confederation per se; indeed, a strong central government over the colonies had long been a dream of many archconservatives. Neither did the prospect of alliances frighten them; after all, war was being waged, and the more help the better. The sticking point was independence, and this issue polarized opinion and was

bitterly fought in the Congress. Leading the battle against independence were Robert R. Livingston of New York, James Wilson and John Dickinson of Pennsylvania, and Edward Rutledge of South Carolina, who privately blasted the resolution as madness. Ranged in favor of independence were New England, Virginia, and Georgia, respectively, led by John Adams, George Whyte, and Richard Henry Lee. Adams was exultant, writing to a friend that "we are in the very midst of a revolution, the most complete, unexpected, and remarkable of any in the history of nations."

The opposition to Lee's resolution pretended to favor independence in principle and placed its hopes in postponement, arguing cogently that it would be more sensible to wait for a short while until the middle colonies had swung into line. The radicals came to see the validity of this particular argument, and so Congress agreed to postpone the consideration of independence until July 1. Still, the radicals lost little time overall, for they were able to carry the appointment of a committee to draft a declaration of independence to embody Lee's first resolution. The committee to draft the declaration, appointed on June 11, had an overwhelming radical majority: John Adams, Benjamin Franklin, Thomas Jefferson, Roger Sherman. It also included one conservative, Robert R. Livingston. Committees were similarly appointed on confederation and on a plan for foreign treaties.

The latter part of June did, as we have seen, bring the middle colonies into the fold, even though Maryland had first pleaded unsuccessfully for postponement of the discussion date beyond July 1. In addition, loose ends were wrapped up in those New England colonies that had not bothered to issue formal support for independence. By June 14, Connecticut flatly ordered its delegates to propose independence for the American states; the next day, the New Hampshire legislature pledged support for independence. Furthermore, Congress itself drove ever closer to independence; on June 24 it declared that any American adhering to the enemy king or levying war on his behalf was guilty of treason. In accordance with the resolve, Thomas Hickey, a private in the Continental Army, was hanged by that army for mutiny.

The momentous day of July 1 brought with it the news of Maryland's affirmation of independence. New York's delegates, having received no firm reply to a request for instruction from the provincial congress, decided that they had best abstain from the vote on independence.

Those radicals who really believed that conservative objections to independence had been met by the events of June were in for a rude shock. After a fierce debate on the Lee resolution in the committee of the whole, a vote was taken in which Pennsylvania and South Carolina voted against independence, while the two Delaware members present split on the issue. Clearly, the delegates from Pennsylvania and South Carolina were

voting their own reactionary wishes in defiance of the will of their constituents. Here was a stunning setback to the radical cause.

The next day, July 2, the independence resolution came to the floor of Congress. How was unanimity to be achieved in one day? Delaware achieved it by sheer energy: Thomas McKean sent for Ceasar Rodney in a hurried call, and Rodney (who had been leading militiamen against Tories in southern Delaware) rode all night in a thunderstorm from Dover to Philadelphia to cast Delaware's tie-breaking vote for independence. South Carolina's Edward Rutledge, a leader of the fight against independence, announced his decision to take his delegation into the camp of independence for the sake of intercolonial unity. That left Pennsylvania, and new delegates were not to be chosen by the radicals in the provincial conference until the end of July. On July 1, the Pennsylvania delegation had voted four to three against independence, with Benjamin Franklin, John Morton, and (surprisingly) James Wilson for, and John Dickinson, Charles Humphreys, Robert Morris, and Thomas Willing opposed. The next day, Dickinson and Morris deliberately absented themselves, and Pennsylvania's precarious three-to-two vote for independence made the congressional vote unanimous. The deed was done. The colonies were now separate, free, and independent states; and, as the "United Colonies," were now at last informally united states.

John Adams was understandably enraptured at having achieved the goal of years of labor and devotion. A greater issue, he wrote blissfully, "perhaps never was nor will be decided among men. . . . The second day of July, 1776, will be the most memorable epocha in the history of America. . . . I am well aware of the toil and bloodshed and treasure that it will cost us to maintain this Declaration. . . . Yet through all the gloom I can see the rays of ravishing light and glory."

The colonies had announced their independence; but only the bare assertion had been made. The republic of the united states needed a justification, a philosophical explanation and groundwork for the unprecedented act which could inform and inspire the citizenry and the world at large. Heading the committee to frame such a declaration, at the age of thirty-three one of the youngest members of Congress but already renowned for his brilliant pen, was Thomas Jefferson. The committee presented his draft to Congress on June 28, and debate ensued in the committee of the whole after the approval of Lee's resolution. An amended declaration was approved by Congress on July 4 by the same vote as that two days before, and this noble and immortal summation of the philosophy and motivation of the American Revolution was first proclaimed to the public in Philadelphia by local associators on July 8.

Jefferson's aim in drawing up the Declaration of Independence was not

originality of principle but the framing of a succinct “expression of the American mind,” of the “sentiments of the day” on the “common sense of the subject.” The document was indeed a superb epitome of the libertarian natural-rights philosophy propelling the Revolution as well as the specific grievances that had roused the American people. Jefferson began with a brief explanation of the decision for composing the document:

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

The natural right to independence and self-government was in turn grounded on a fundamental structure of the natural rights of man. Nowhere has this philosophy been better put into brief compass than in the succeeding paragraph of the Declaration:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable 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. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Here was the quintessence of John Locke and of the eighteenth century libertarian creed: it is axiomatic that all men are endowed by nature with inalienable rights; the proper aim of government, as derived from the consent of the governed, is to secure those rights. Nothing other than this function justifies government’s existence; hence the right of the people to revolt against any government destructive of those aims. Jefferson went on to recognize the habit of mankind to suffer evil government rather than “right themselves by abolishing the forms to which they are accustomed.” But a “long train of abuses and usurpations” tending toward despotism confronts the people with the duty, let alone the right, to revolt and abolish such government.

He then proceeded to list the long train of usurpations, trenchantly summing up the history of the revolutionary struggle since the Seven Years’ War; and, as he had done in the preamble to the Virginia Constitution, he pinned the responsibility squarely on the ultimate head and governing symbol: the king himself.

In the concluding paragraph of the Declaration, “the Representatives of the United States of America in General Congress assembled” declared the status of the colonies as “Free and Independent States” and repeated the text of the Lee resolution passed two days before. For the support of the Declaration, they mutually pledged to each other: “our lives, our fortunes, and our sacred honor.”

Clearly, the formulation of Jefferson’s philosophical paragraph owed much to George Mason’s Virginia Declaration of Rights. Jefferson’s draft asserted, as had Mason, that men are endowed with “inherent” and inalienable rights. It should also be evident from the context that when Jefferson wrote that “all men are created equal,” he did not assert everyone’s right to an equal income and he did not intend the absurdity that everyone is equal in capacity or natural endowments. He meant, in the words of Mason, “that all men are by nature equally free and independent.” In his original draft, he had written that “all men are created equal and independent.” In short, man’s equality lies in his equal right to liberty. Neither is any profound significance to be read into Jefferson’s use of the phrase “pursuit of happiness” rather than the more usual “property.” Mason’s original draft of the Virginia declaration had said that among man’s inherent natural rights “are the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” Jefferson, compressing Mason’s statement, originally wrote: “among which [rights] are the preservation of life, liberty, and the pursuit of happiness.” In short, the right to pursue happiness includes and implies the right to acquire and possess property. Jefferson knew as well as Mason or the other natural-rights theorists of the day that the individual has no natural right to any quantum of property; rather, his natural right is the equal liberty to *acquire* and keep property. The Declaration’s formulation, therefore, was in no sense a repudiation or weakening of the right of private property.

Some paragraphs in Jefferson’s draft were excised by the Congress, and historians have been decidedly unfair to Jefferson in ascribing his chagrin at these changes to mere personal pique and undue pride of authorship. High principle was often involved, and it was not personal pique that led his fellow committee member John Adams to fight tooth and nail against any changes in Jefferson’s draft. One critical paragraph condemned King George in the severest terms for establishing slavery in America. This paragraph boldly, clearly, and specifically applied the general doctrine of the inalienable rights of life and liberty to the Negro slaves:

He [George III] has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another

hemisphere, or to incur a miserable death in their transportation thither. . . . Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce.

This paragraph, however, was excised at the insistence of the delegates from ardently proslavery Georgia and South Carolina, as well as by some northern reluctance to condemn a trade largely in the hands of northern merchants. Already a libertarian Left was beginning to emerge in America—Jefferson, Paine, Mason—highly critical of the institution of slavery. Even with the attack on slavery removed, however, Jefferson's biographer is correct in saying that

Jefferson's words [in the Declaration] should make tyranny tremble in any age.

They have alarmed conservative minds in his own land in every generation, and some compatriots of his have regretted that the new Republic was dedicated to such radical doctrines at its birth.*

With the Declaration of Independence, the United States of America made their final shift from arguing on the basis of historic British rights and privileges to the necessary grounding of their Revolution on the universal principles of the natural rights of man. Revolution and independence necessarily went beyond the narrow bounds of an intra-British argument; now the Revolution must justify itself at the bar of the world, and must therefore do so on principles universally applicable. In doing so, this philosophy brought the separate states closer together by providing a common revolutionary ideology. The Declaration was the embodiment of this break with the past. Professor Arieli sums up this development:

The revolutionary separation from the mother country involved a radical break with [the] past, the transformation of English subjects into American citizens and of the rights of Englishmen into the rights of nature. The very strongly developed consciousness of English national traditions and rights . . . had to be reinterpreted . . . by concepts taken from the natural rights philosophy. The fact that the American nation was created by a revolutionary separation from the mother country brought about the adoption of rationalistic values and norms. . . .**

*Dumas Malone, *Jefferson the Virginian* (Boston: Little, Brown, 1948), p. 227.

**Yehoshua Arieli, *Individualism and Nationalism in American Ideology* (Cambridge, Mass.: Harvard University Press, 1964), pp. 25–26.

34

New York Succumbs to Independence

The Declaration of Independence had been proclaimed and the colonies were now united states. But New York had not yet signed! Surely it would not hold out against all the other American colonies; and yet, its ruling landed oligarchy—the Livingstons, Jays, Duanes, Schuylers et al.—were set against independence. The New York Left had been effectively silenced, and as late as April 1776 archconservatives, a large bloc of whom strongly opposed independence, swept the New York elections, defeating radicals selected by the New York Committee of Mechanics.

The revolutionary cause was fortunate in having the Continental Army stationed in New York from mid-April on to defend New York City from the expected British attack. In the course of his stay, Washington was able to cow the province's Tories and to pressure the Central Committee of Safety into prohibiting supplies to British ships.

Congress's antiking resolution of May 15 made little impression on New York. However, in early June the New York Provincial Congress approved Congress' plan for an enlarged army to fight the war and pledged its support to Washington. The provincial congress also appointed the Committee of Seven to investigate, prosecute, convict, and imprison suspected Tories aiding the enemy. This committee was eminently conservative, including as it did Philip J. Livingston, John Jay, and Gouverneur Morris, but the very imminence of the British military threat necessarily drove them to more radical anti-Tory measures. New York was faced with the specter of a mighty British invasion fleet carrying nearly 35,000 troops, which appeared off New York in mid-June. And on June 22 David Mathews, the royally appointed mayor of New York City, was arrested for being

secretly in league with Governor Tryon, recruiting Tories for enlisting in British arms, and plotting to kidnap Washington. The action against the Tory Mathews implied recognition of American independence. Furthermore, New York collaborated with Washington in arresting Tories in Ulster, in suppressing armed Tories on Long Island, in raising a patriot militia to cow the Tories of Dutchess County, and in billeting 500 troops on the numerous Tories of Queens County.

Even so, an outright move for independence was extremely difficult for most of the New York aristocracy. Their Whig peers, however, displayed here, as on later occasions, a shrewd ability to compromise with the spirit of the times in order to keep control of affairs at home; by the end of May, Jay, Morris, Livingston, and John Morin Scott were beginning to move cautiously toward independence.

On the other hand, the New York Committee of Mechanics was ardently for independence from Great Britain. On May 27, the provincial congress began cautiously by decreeing the dissolution of the old royal government in New York. Still the Congress dallied, refusing to hurry its instructions to their delegates on the burning issue of independence. New province-wide elections at the end of June secured a large majority of supporters of independence, and on July 9, the Fourth New York Provincial Congress, meeting at White Plains, sedately voted unanimously to join the Continental Declaration of Independence. New York's acceptance was read to the Continental Congress on July 15 and occasioned the angry resignation of New York's John Alsop, an arch-conservative, irreconcilable to the last.

In the course of providing for June elections to the Fourth Provincial Congress, the conservatives in control of the third congress had made sure that any new constitution written by the new congress would not have to be ratified by the people, but would go automatically into force. This decision provoked a heated protest from the New York Committee of Mechanics, which pioneered in America in asserting the right of the people to vote on any constitution in a referendum; such a referendum was "the only characteristic of the true lawfulness" of government, a requirement that derived from a God-given right of all men.

If New York moved in measured steps toward independence, affairs were not nearly so placid in New York's proclaimed northeast, the New Hampshire Grant Lands that were to become Vermont. The first flush of common enthusiasm for the war against Britain could not long obscure the basic conflict between New York land monopolists and Vermont settlers. New York continued to claim the Vermonters' land, and the presence of Duane, Livingston, and other New Hampshire grantees in the Continental Congress did nothing to allay Vermont's suspicions. On January 16,

1776, representatives of westside Vermont towns met at a convention in Dorset; the meeting agreed to petition the Continental Congress to agree that their loyalty to the American cause did not include fealty to New York as well. The westsiders asked Congress to tell New York to refrain for the duration of the war from imposing its authority on the New Hampshire Grant Lands. The petition was presented to the Congress in early May by Capt. Heman Allen, brother of Ethan. The congressional answer was to counsel the Grant region to submit loyally to New York rule until the end of the war, with all land quarrels to remain meanwhile in abeyance. This recommendation greatly alarmed Allen, for he and his brother Ira had already quietly conceived a grand design for preserving the settlers' property intact against depredations: the creation of a free and independent republic of the Grant Lands. To advance this goal, the Grants must not acknowledge New York rule; agilely Allen withdrew his petition on the suddenly invented ground that he had neglected to bring various vital documents. Thanks to this stratagem, the Vermonters retained freedom of action.

Meanwhile, the Vermont eastsiders were also growing restive, and a meeting of eastside committees of safety at Westminster at the end of June hinted that they might prefer shifting their allegiance from New York to Massachusetts. A westside convention received news of the Declaration of Independence at the end of July with great interest. The Declaration, coming after Congress' resolution of May 15, was so clearly applicable to the Vermonters' own conditions that they could not fail to get the idea. Led by Ira and Heman Allen, Dr. Jonas Fay, and the canny farmer Col. Thomas Chittenden, the Dorset meeting moved slowly toward independence by pledging loyalty to the new United States, but also expressing its distinct lack of enthusiasm for association with New York. The meeting then proclaimed the Grant area a "separate district." These sentiments were embodied in the articles of association which were sent to all the towns of the Grant district for endorsement.

It was now unanimous; all the states were united on independence. The Declaration of Independence was proclaimed throughout the land; toasts rang out to liberty and to the union of states, to freedom and independence; the royal arms were everywhere stripped and burned. An effigy of the king was paraded through Baltimore, and a lead statue of King George in New York City was happily toppled and melted down into bullets.

Predictably, the Declaration of Independence gladdened libertarians in Europe and deeply angered the conservatives. The French government warmly approved of the fact of independence, but the French people were enthusiastic over the libertarian philosophy as well. The great French

liberal Marquis de Condorcet put the case well. Here was theory put into practice: it is not enough that the rights of man "be written in the books of philosophers and in the hearts of virtuous men; it is necessary that . . . men should read them in the example of a great people—America has given us this example. The act which declares its independence is a simple and sublime exposition of those rights so sacred and so long forgotten."*

English reaction to the Declaration was predictably hostile; although the brilliant young liberal Charles James Fox declared that the Americans "had done no more than the English had done against James II." The virtually official reply to the Declaration was written by the barrister John Lind, who largely devoted himself to refuting the "calumnies" against the king. As for the philosophy of the Declaration, Lind thought it sufficient to make the penetrating observation that these doctrines "put the axe to the root of all government," since every existing or conceivable government alienates some of these supposedly inalienable rights—in short, that the logical conclusion of the natural rights philosophy was anarchism.

*See Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Vintage Books, 1958), pp. 230–31. Sir George Otto Trevelyan wrote of the reaction of the European masses to the Declaration: "The depressed and underprivileged classes in a feudal society . . . hailed with delight from across the ocean that audacious proclamation of their own silent hopes and lurking sympathies." George Otto Trevelyan, *The American Revolution* (New York: McKay), p. 301.

PART V

The Military History of the Revolution, 1776–1778

The Invasion of New York

The decision of the colonies for independence came at the beginning of a severe military crisis. Until then, there had been no organized or regularized fighting on the soil of the thirteen states other than the siege of Boston. By the end of June, Lee and the army of the Southern Department had beaten off the invasion of Charleston by General Clinton; but in July the main British army was ready to invade New York. The long-range British strategy was to invade friendly New York City and then conquer the Hudson Valley in a two-pronged thrust from Canada and the city, isolating radical New England from the softer and more pliable middle colonies. This strategy posed a formidable threat to the American cause.

The mighty British invasion force began to assemble off New York City in late June 1776. It was headed by the Howe brothers, Gen. Sir William Howe in charge of land forces and his brother Admiral Richard Lord Howe, newly appointed overall commander-in-chief of the American theater. By the end of June, 130 British ships were stationed in New York Bay, and General Howe quickly seized an undefended and strongly pro-Tory Staten Island to use as his base of operations. By mid-August, a truly formidable force of over 32,000 regular soldiers, including 8,000 Hessians, was poised on Staten Island; it was the greatest expeditionary force that the world's strongest military power, Great Britain, had ever mounted. The army was supported by a fleet of thirty warships and hundreds of transports, manned by more than 10,000 seamen. Floating the expedition had cost the British treasury the vast sum of 850,000 pounds.

To oppose this vast force, Washington had a largely untrained army of

19,000 men. Surely the prime necessity for the American force was to pursue guerrilla war and avoid open contact with the British. Yet Washington decided on conventional resistance from fixed positions and elected to hold a city that Charles Lee had correctly warned could not be defended. First to urge Washington to abandon New York—and to irritate him in the process—was the brilliant young Maj. Aaron Burr, aide-de-camp to General Putnam.

Compounding his blunders, Washington chose to divide his forces between Manhattan and the southwestern tip of Long Island. The idea was to fortify Brooklyn Heights, commanding the city from the East River, but both Long Island and Manhattan were death traps. The mighty British fleet need only have sailed up the East River to cut off the force on Long Island, and up the Hudson to land troops in northern Manhattan to surround and annihilate the American force there.

If the British commanders had applied even moderate intelligence or devotion to their task, they could probably have wiped out Washington's army then and there and perhaps have won the war on the spot. The British, including General Howe, realized that to win on land they would have to mobilize their superior armed forces quickly and destroy the American army in one blow. Speed was of the essence; the strike had to come before the Americans had a chance to mobilize their resources and before France and Spain could send full-scale aid. Furthermore, the Howes and their commanders realized that the key, especially in conducting counter-revolutionary warfare against a hostile populace, was not so much to gain territory, which could turn out to be futile, but to destroy the enemy army. Washington's absurd decision to dig in at New York provided the Howes a golden opportunity for a smashing victory.

Yet they failed notably to take up this opportunity to crush the American forces. This and later failures were so enormous as not to be put down as mere blunders. Historians have generally recognized that a deliberate policy must have been involved, and have concluded it was based upon a general British desire to avoid annihilating the American forces so as not to preclude a peaceful political reconciliation. Yet it should be clear that the government—especially King George and Lord Germain, the colonial secretary—were out to crush the Americans militarily, and as quickly as possible. They put no stock in peaceful negotiations or a political solution.

The deliberate policy, it appears, was the choice, not of Great Britain, but of the Howe brothers themselves. Both ardent Whigs, and both strongly opposed to the war with America, the Howes took it upon themselves, in a move tantamount to treason, to avoid crushing the Americans and to hold out the olive branch of peace. Admiral Howe apparently convinced his brother of this policy upon his arrival off New York in mid-July, and from then on General Howe pursued continuous acquisition

and possession of territory rather than decisive blows against the Continental Army. Happily, Washington's stupidity was partially offset by the Howes' virtual treason to the British counter-revolution.*

On arriving off New York, Lord Howe delayed military action while offering peace terms to Washington, even though he was authorized by the Crown only to accept surrender by the rebels. For over a month, he tried to negotiate with the rebels, but the Americans, happy in their independence, were long past conciliatory terms.

General Howe was finally ready to launch his attack against New York in late August. But the important failure by the Howes was not the delay, which was used to build up British forces, but the strategy employed in the attack itself. General Sir Henry Clinton sensibly urged a landing in northern Manhattan to cut off nearly the entire American army; yet Clinton's suggestion was ignored. Instead, General Howe virtually refused to entrap and decimate the American troops, electing only to push them out of New York City. On August 22, Howe and a force of 20,000 landed on Long Island across the Narrows from Staten Island. Their landing was unopposed, the Americans sensibly taking their stand behind a ridge, the Heights of Guan, defending the approaches to the fortifications at Brooklyn Heights on the East River. The only competent American general in the area, Nathanael Greene, had fallen ill and could not command the 8,000 or so troops stationed on Long Island. Washington had replaced Greene with Gen. John Sullivan, who by his rashness had turned the retreat from Canada into a virtual rout. As the British landed, Washington had second thoughts and flightily replaced Sullivan with the still more incompetent General Putnam, leaving Sullivan in command of the American center. The confusion was compounded by Washington's failure to clearly allocate command authority between Putnam and Sullivan. Major Aaron Burr again only succeeded in irritating Washington by having the temerity and wisdom to urge that the troops be pulled out of Brooklyn while there was still time.

Among the three of them, Washington, Sullivan, and Putnam managed to leave the Jamaica Pass and the left wing of the ridge undefended—an arrangement that had passed muster with Washington. Learning of this gap in the American lines, Howe executed a brilliant tactical maneuver; while the center and left of the British forces frontally attacked the ridge, Howe, guided by Tories, moved through the Jamaica Pass in a flanking maneuver during the night of August 26 and surprised, encircled, and fell upon Sullivan's forces. Washington could easily have learned of this flank-

*See the excellent article on the Howes' disloyalty by Ira D. Gruber, "Lord Howe and Lord George Germain: British Politics and the Winning of American Independence," *William and Mary Quarterly* (April 1965), pp. 225-43.

ing maneuver in one of two ways: by recognizing the significance of a previous shift of British troops toward the eastern flank or by employing cavalry in his patrols. But he did neither. Furthermore, old Putnam, after learning of the penetration of the Jamaica Pass, failed to notify his commanders. Consequently, Sullivan's division was smashed and Sullivan himself captured, as was General Stirling, commander of the American right wing. Nearly 2,000 Americans were killed, wounded, or captured in the Battle of Long Island, while the British lost only 300 men. Instead of pulling out his forces as quickly as possible, Washington compounded his series of blunders by rushing six more regiments into Long Island and assuming personal command.* By pressing his advantage, General Howe could have annihilated Washington's army then and there; but again, against the pleas of his commanders, he failed to move, allowing the Americans to regroup on Brooklyn Heights. For three days, he stalled and failed to mount an attack which could easily have overrun the entrapped American army. And neither did his brother's fleet ships shell the Americans into submission.

On the night of the twenty-ninth, Washington at last decided to move, mounting a mass evacuation of his army from Brooklyn. The evacuation proceeded successfully in a fleet of small boats. He has been extravagantly praised for a heroic retreat, but it could never have taken place had Admiral Howe bothered to station his ships in the East River. Furthermore, instead of moving his troops to the mainland, Washington sailed into another potential deathtrap: Manhattan Island. The fleet of fishermen from Salem and Marblehead, however, assuredly performed a heroic job of shuttling the entire force of 9,500 men and their equipment across the river in a night of poor weather.

The morale of the Americans was in great disrepair as a result of the defeat on Long Island. Entire regiments deserted and left for home. Respect for Washington's military acumen among his officers had plummeted; one of his most brilliant officers, Col. John Haslet of the Delaware Regiment, wrote, "Would to Heaven General Lee were here is the language of officers and men."

Once again, Washington remained where he could be encircled and smashed, and once more Howe dawdled and did nothing; his brother opened another round of futile peace talks with the Americans, releasing the sympathetic General Sullivan to convey terms to the Continental Congress, terms which the Americans, now committed to independence, predictably spurned.

General Greene, Col. Joseph Reed, Washington's adjutant, and other

*On Washington's almost fatal errors in this campaign, see Ward, *The War of the Revolution*, 1:227-30.

officers strongly urged a speedy evacuation of New York, and even the burning of that largely Tory city to the ground. Congress vetoed the idea of destroying New York, but Washington refused to evacuate, instead, as a supposed compromise, ineffectually stringing his men out across Manhattan Island. Once again, he was courting potential disaster by splitting his none-too-strong forces. Putnam's division was stationed in New York City at the southern tip of Manhattan Island; Gen. William Heath's forces were put on the northern tip of Manhattan; and a small force under Greene, over his strenuous protest, was placed in the middle of south-central Manhattan, at the East River, near what is now Thirty-fourth Street.

Characteristically, Gen. Howe did not land in northern Manhattan and trap the Americans; rather he waited until Washington was beginning to move his forces that direction and then landed in the southerly part at Kip's Bay and Turtle Bay on September 15. Again, he was terribly sluggish and failed to march across Manhattan to cut off Putnam's retreat. Even so, the energetic but bumbling Putnam would not have escaped were it not for Burr, who conducted the troops up a little-known road near the Hudson River on the west side of the island. The properly wild flight north by Greene's small force of militia was unsuccessfully impeded by the explosive rage of Washington, who himself was almost captured during a foolish attempt to rally them for a stand in the south. The next day, however, American troops, in an open skirmish in front of Harlem Heights, fought well, giving a boost to drooping American morale.

Again General Howe failed to pursue his advantage, allowing Washington to fortify Harlem Heights and Fort Washington in northern Manhattan. Almost incredibly, Howe spent another month erecting defensive fortifications in New York City! As Professor Alden puts it, "Howe . . . allowed day after day of good campaigning weather to pass while he threw up defenses against a weak and retreating enemy."* Of course, instead of fortifying Manhattan, Washington should have taken the opportunity to flee north to the mainland, but in all fairness, it must be noted that in making this decision he was bowing to the wish of Congress to hold New York and its environs.

Again, he foolishly split his forces, now numbering 16,000, to hold indefensible fixed positions. Greene was sent off with a rather small force to hold Fort Constitution on New Jersey's shore opposite Fort Washington. The rest of the army was divided between Fort Washington and Kingsbridge, across the Harlem River from the northernmost tip of the island, guarding the exit route to the mainland. Meanwhile, supplies grew increasingly short and soldiers were deserting in droves.

*Alden, *The American Revolution*, p. 102.

On September 22, while Howe was dithering in New York City, the British executed Capt. Nathan Hale, a twenty-one-year-old school teacher from Connecticut who had volunteered to spy behind enemy lines. He had been betrayed by a Tory relative and was hanged without even the formality of a trial or benefit of clergy; his last-minute letters to his family and fiancée were torn up in front of his eyes. Before dying, the gallant young Hale uttered his famous words: "I only regret that I have but one life to lose for my country."

When Howe finally moved on October 12, he blundered once again. He landed nearly his entire force on the mainland to the east of Kingsbridge to outflank and encircle the American troops. However, he landed in what is now the Bronx, at Throg's Neck, a virtual island linked to the mainland by a narrow causeway controlled by American troops. Washington was about to decide to fight off this flanking action (rather than to retreat) when, on October 14, Charles Lee, rushing up from South Carolina, reached the army to the undisguised joy of the American officers and men. He was immediately placed in charge of the hot spot on the American left flank, facing Howe's army. He began a strong and vigorous denunciation of Washington's decision to stay and fight on Harlem Heights, a decision that most of Washington's generals had supported. He urged the "absolute necessity" of quickly getting off Manhattan—where the Americans were in imminent danger of being surrounded by the British—and moving on to defensible ground. His pressure forced an American council of war on October 16, and Washington and the council were finally persuaded of this view. Lee's wisdom and determination here proved momentous, for the troops were thereby enabled to leave Manhattan in the nick of time, saving the American cause and probably the American republic. This high judgment of Lee's last-minute achievement was voiced by many contemporaries, including Joseph Reed and Washington's close friend and admirer the Marquis de Lafayette.

But Washington seems to have been incapable of making a completely correct military decision—even after pressure and lengthy reconsideration of his initial blunders. Agreeing to retreat, he yet overruled Lee in one of the most disastrous decisions of the war: he left 2,000 men at Fort Mifflin. Totally isolated and soon to be surrounded by the formidable British force, the 2,000 were doomed to certain capture.

Meanwhile, after stumbling around in an impossible position at Throg's Neck and losing six precious days, Howe withdrew his entire force on October 18 to Pell's Point, three miles to the northeast—where he should have landed originally—and slogged north past Yonkers toward White Plains. On the same day Washington's army left Manhattan. Howe could easily have sliced west and dispatched the long line of them; instead, he lingered at New Rochelle in Mamaroneck on the east coast of Westchester

for an entire week, thoughtfully allowing Washington to gather and entrench his entire army on the hills overlooking White Plains. Howe's intended flanking movement could now never materialize. As the English historian Trevelyan acidly put it, "The sun had set and risen more than forty times, since General Howe broke up his summer cantonments on Staten Island. In seven weeks—with an irresistible army and a fleet which there was nothing to resist—he had traversed, from point to point, a distance of exactly thirty-five miles."

On October 28, the British finally attacked Chatterton's Hill, on the right wing of the American position at White Plains. The British won the hill after several hundred casualties on both sides, but failed to pursue the routed Americans. More egregious was Howe's failure to launch a simultaneous attack on the main positions of the Americans with the bulk of his forces. Instead, the Americans were allowed to rest and regroup, and, at Lee's urging, to fall back to more defensible positions on North Castle Heights, five miles to the north. After never having engaged the full body of his forces, Howe decided on November 5 not to attack the Americans and to withdraw southwestward to Dobbs Ferry on the Hudson. The Continental Army was safe at last.

While Howe was graciously saving the American army from Washington's repeated blunders, the Americans were confronting another grave threat in the north. The American forces had retreated from Canada in complete disarray in the spring, settling at the southern tip of Lake Champlain. In mid-June, Congress had ordered Washington to place the command of the forces in the north under Gen. Horatio Gates, probably second only to his friend Lee as the best general in the American army. Congress did not have the courage of its convictions, however, and retained the less competent General Schuyler in overall command in the north. After Gates arrived in the north in early July, he and Schuyler, over Washington's and Putnam's objections, decided to withdraw southward from the crumbling fortifications at Crown Point to Fort Ticonderoga. Schuyler took overall command at Albany, while Gates remained in charge of the troops at Ticonderoga. A buildup of militia raised the number of American effectives at or near Ticonderoga to nearly 6,500.

In the meanwhile, General Carleton was gathering 10,000 redcoats at the northern end of Lake Champlain, preparatory to a strike southward to join General Howe and cut New York in two. While Carleton was building a fleet to sail down Lake Champlain, Gates brilliantly prepared the American defenses, combatting smallpox in the camp, greatly raising troop morale, and swiftly constructing a defensive fleet, which he placed under the command of Benedict Arnold.

Gates had ordered Arnold to deploy his Champlain fleet defensively

and to avoid engaging the more powerful British fleet, but from October 11 to October 13 the rash and headstrong Arnold foolishly got his force into a slugging match off Valcour Island, in the northern part of the lake, and Carleton's fleet smashed the Americans, sinking eleven of sixteen ships. Arnold himself only managed to escape capture by miraculously slipping through British naval and allied Indian lines.

Carleton pressed his advantage by swooping down to capture Crown Point. He then appeared before Ticonderoga, but Gates had built the fortifications too well, and winter was fast setting in. Confronted by these formidable obstacles, Carleton turned back to Canada about the same time Howe withdrew from White Plains. The British menace from the north was over for another year, and, as it turned out, the delay was fatal to the British cause.

Benedict Arnold, sharply and properly criticized by his contemporaries for his overwhelming losses on Lake Champlain, has nonetheless been extravagantly praised by historians for delaying Carleton until he was forced to turn back north. But if he had used his fleet defensively in harrying raids, he would have delayed Carleton even longer and avoided the destruction of his own fleet. The real credit for forcing the delay on Carleton belongs to Gates: it was he who ordered the construction of the fleet, which forced Carleton to construct his, and he who had fortified Ticonderoga. Gates, not Arnold, was the true hero of the repulse of the British in the north.*

*George A. Billias, "Horatio Gates: Professional Soldier," in Billias, ed., *George Washington's Generals*. pp. 86-89.

36

The Campaigns in New Jersey

Washington's army was now safe. It was clear that Howe would turn back to capture the force left at Fort Washington, yet, despite the urging of Charles Lee, no decision was made to evacuate that isolated and indefensible position. General Greene, in overall command of both forts at Fort Constitution (renamed Fort Lee in honor of Charles Lee) made his worst blunder of the war by maintaining that Fort Washington could be held. He was supported in this by the bumbling General Putnam and by Col. Robert Morgan, commander of Fort Washington. The dithering Washington left the decision to Greene and himself took most of his forces into New Jersey on November 12 to counter an expected British thrust there. Lee was left behind at North Castle, and Heath at Peekskill, to guard against any British move north. When Greene decided to reinforce Fort Washington with almost 1,000 more men rather than evacuate, Lee lamented, "Then we are undone."

A British force of 10,000 began the attack on the fort on November 14, surrounded it, and secured its inevitable surrender. The Americans lost over 150 men in casualties and more than 2,800 captured, a staggering total loss of nearly 3,000 men. Three days later, the British crossed the Hudson and took Fort Lee, which Greene had to evacuate hastily without securing or destroying its provisions. At the two forts the British seized several thousand guns and muskets, large amounts of ammunition and flour, and hundreds of tents.

Typically, Washington allowed Greene to bear the brunt of criticism for the defeat, without acknowledging his own grave responsibility. To Lee, the disaster at Fort Washington was the last straw; the incompe-

tence of Washington could be brooked no longer. It was clear to him—and to many other Americans as well—that he would do far better as commander-in-chief, and that, at the least, Washington's superior rank must not be allowed to impose fatal blunders upon Lee.

Washington had encamped at Hackensack, New Jersey, northwest of Fort Lee, and Greene's forces joined him there after almost being cut off and encircled by General Cornwallis at Fort Lee. The American forces, totalling 14,000 effectives, were now split into three parts; Washington and Greene in Hackensack with 5,400 men, Heath at Peekskill with 3,200, and Lee at North Castle with 5,500. Hackensack, on a flat plain, was not defensible, and Washington, with only 3,000 men, retreated southwest toward Newark; this was the beginning of his full-scale retreat across New Jersey. To him and to his discouraged and broken army, it seemed that destruction was imminent, and he contemplated a retreat all the way to Virginia and even west beyond the Alleghenies. As he retreated, rapidly losing militia whose terms of enlistment had expired, Cornwallis followed hard on his heels; Washington fled toward Pennsylvania to safety on the other side of the Delaware River. Cornwallis was on the point of catching and destroying the American army at New Brunswick in early December, but at the crucial moment, Howe ordered him to halt at the Raritan River for four days, to wait for him to come up with his army. Washington was thereby allowed to escape to the Delaware. At the same time, in a useless and wasteful move, Howe dispatched Clinton with 6,000 men to seize Rhode Island, where the British were to linger around Newport for several years. Washington thereby escaped to Trenton, on the Delaware. When he got there, however, he uncertainly and with no clear goal or purpose turned back. When he learned that Howe had reached Cornwallis and that the two were again pushing forward, he fled across the Delaware on December 6. The British posted their men at Trenton and in the surrounding area and dug in contentedly for the winter.

Meanwhile, Washington was repeatedly and frantically urging Lee to join him in New Jersey, but Lee refused; he carefully waited to clear upper Westchester of Tories and to call up more Connecticut and Massachusetts militia to guard against any invasion of New England. Crossing the Hudson in early December, Lee decided that it would be better to remain in the western hills of New Jersey. Stationing his army at Morristown on December 8, he quickly realized, as Washington did not, that Howe was not about to fall on Philadelphia that winter; therefore, he would be better employed in harassing and disrupting the British communication and supply lines from New York to Trenton.

Lee was forming a new and brilliant conception of the proper mode of waging revolutionary warfare. Washington, interested first and foremost

in keeping his army intact, was willing to abandon New Jersey to the British—with the result that Tories began to sprout and multiply, and Tory militia to emerge and round up rebels. Lee saw that a revolution depends above all on the support and enthusiasm of the populace; the army is, in a sense, the superstructure of mass support. He saw that the people's militia was the last line of local defense and that this militia must remain active if the entire population were not to succumb to collaboration with the enemy. But the fragmented and untrained militia would only fight, especially in the early stages, if supported by Continental troops nearby. While Washington was denouncing short-term militia and calling for long-service volunteers, Lee urged increased emphasis on local militia, which would create "zones of resistance that could deny General Howe the fruits of his recent victories."* Lee, in short, had set out to "reconquer . . . the Jerseys" and he wrote Washington that "the militia in this part of the provinces seem sanguine. If they could be assured of an army remaining amongst them, I believe they would raise a considerable number."

Lee was increasingly acting independently of Washington; indeed, the New York Council of Safety tried to persuade Gates, who was leading a column from upstate New York to aid Washington, to disobey orders and join Lee instead. Gates, less of a military rebel than Lee, refused the plea. Furthermore, the New York militia under General George Clinton was getting ready to join Lee's army. Against his better judgment, Lee finally yielded to Washington's pleas and marched slowly southwestward. On December 13, a chance British raiding party captured Lee and spirited him to the British lines. Americans everywhere, from the ladies of Boston to Washington and Greene to Robert Morris, Hancock, and the Adamses lamented the sudden grievous blow. They had lost their "palladin of American liberty," as Lee was widely called. The British, on the other hand, rejoiced wildly, from the redcoated soldiery to General Howe and the officers to the public houses in England. Lieutenant Colonel William Harcourt, head of the raiding party, rejoiced at the imminent end of the war and received the personal thanks of King George for his exploit.

Never had American morale been lower. Ill, barely clothed or sheltered, Washington's 5,000 men on the west bank of the Delaware could have been crushed by a determined British attack and Philadelphia easily captured. But the Howes were still primarily concerned with making peace, and they issued a proclamation of a full and general pardon to all Americans who would take an oath of allegiance to the crown. Conservative New Jersey responded with enthusiasm, 5,000 quickly taking the oath; citizens fled the exposed capital city of Philadelphia in droves. The eminent and wealthy Allen brothers, of the old Proprietary Party of

*John Shy, "Charles Lee: The Soldier as Radical," in *Ibid.*, pp. 37-38.

Philadelphia, fled to join the British at Trenton, as did Joseph Galloway. Congress hastily turned over all military direction to Washington, and on December 12 adjourned to Baltimore amid the jeers of Philadelphia's Tories.

With his brilliant sense of timing, Tom Paine now published his pamphlet *The Crisis*. Paine had joined Greene's forces at Fort Lee as a humble volunteer, and shared the lot of Washington's soldiers. *The Crisis* was a stirring call for a redoubling of hope and effort. It opened:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it *now*, deserves the love and thanks of man and woman. Tyranny, like Hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.

The Crisis spread like wildfire through all the towns of America, and among the soldiers in the Continental Army. Everywhere morale was raised, even in New Jersey, where widespread and indiscriminate rapine and plunder by British and Hessian troops in the north alienated many Tories. But the biggest boost to morale was Howe's decision, over the objections of his officers, *not* to cut through Washington's forces and take Philadelphia, but instead to withdraw his army to winter quarters in New York. Philadelphia and the Continental Army were now safe. Heartened by this disastrous British decision, Washington began to take on, for a while, the accoutrements of a guerrilla leader. With the British tied down, somnolent, passive, and withdrawing, why not a swift attack across the Delaware? In this aim, Washington was reinforced by Lee's second in command, General Sullivan, who arrived across the Delaware with 2,000 troops; and Gates came from the north with another 500. All in all, Washington had 6,000 effectives by Christmas of 1776.

In this situation, he happily decided on a swift strike across the river. On late Christmas night, through a driving snow, Washington ferried 2,400 men across the ice-laden waters of the Delaware. Most remarkable was the feat of Col. Henry Knox in transporting across the river eighteen field cannon, a proportion of cannon to foot soldiers about three times the usual amount in the eighteenth century. The cannon were particularly useful on a snowy night, for the muskets of that day could not fire unless completely dry. In a perfectly executed maneuver, Washington and his men were able to surround the brigade of Hessians stationed at Trenton; they took them, sodden with the celebrating of Christmas, completely by surprise. Washington's troops had read *The Crisis* before embarking on the raid, and now they fell upon the Hessians crying, "This is the time to

try men's souls!" In an hour, the overconfident Hessian commander, Gen. Johann Rall, had been killed and the Hessians had surrendered. The Hessians suffered 30 casualties and over 900 men had been taken prisoner. In contrast, the Americans suffered only three casualties. George Washington had won his first real military victory, and it was indeed a brilliant one. It was also the first battle he conducted in a quasi-guerrilla manner. With the confusion engendered in the enemy troops, Greene and other officers urged Washington to press his advantage and attack the Hessian units stationed to the south in Burlington, but he lacked the imagination to grasp the dimensions of his own victory, and he cautiously withdrew back across the Delaware.

He indecisively waited several days to become aggressive once more, and the delay almost proved fatal. He plunged back across the icy Delaware on December 31 with 5,000 men and reoccupied Trenton. By this time, however, Lord Cornwallis, who had been about to set sail for England, had rushed back to Jersey and was advancing upon Trenton with 6,000 troops. Retreating just southward as Cornwallis entered Trenton on January 2, Washington was in grave peril, for the British were too close to allow the Americans to recross the river. Knox's guns held off the British advance in the Second Battle of Trenton and Cornwallis, against the advice of Gen. Sir William Erskine, overconfidently decided to wait until morning to deliver the *coup de grâce*. Perhaps at the suggestion of Brig. Gen. Arthur St. Clair, Washington silently moved east during the night, taking a neglected old road to slip around Cornwallis' lines and move north. At Princeton in the morning, Washington encountered a British brigade under Col. Charles Mawhood, and after a furious battle sustained by Knox's guns, the Americans routed the British force. If the American troops had been fresh, they might have sped on to capture New Brunswick and isolate Cornwallis in southern New Jersey. Instead, Washington promptly took his exhausted but happy men northwest to winter quarters in Morristown. The angry British were obliged to evacuate all of New Jersey except New Brunswick and Perth Amboy on the Raritan River.

Washington's victories at Trenton and Princeton served to bolster and restore American morale. As one young Englishman noted about the Americans: "A few days ago they had given up the cause for lost. Their late successes have turned the scale and now they are all liberty mad again. . . ." This turnabout of morale was eminently justified. Professor Alden estimates, with good reason, that Trenton, and not the victory at Saratoga the following year, was the true turning point of the Revolution.* Cer-

*Alden, *The American Revolution*, p. 116.

tainly, American fortunes were at their lowest ebb on the Jersey retreat in November and December; by the 1777 campaign, American forces were stronger and the British never as confident again.

As optimism returned, the Continental Congress moved back to Philadelphia. Despite difficulties in obtaining food, clothing, and recruits to replace deserters and short-term enlistees, by spring new continental regiments arrived at Morristown. Washington used dictatorial powers that had been granted him by Congress to commandeer food from the inhabitants of New Jersey, but the ravages and depredations of the British and Hessians had transformed the previously lukewarm Jersey populace into ardent patriots. As a result, the 14,000 British troops stationed at Perth Amboy and New Brunswick were virtually under siege; any British foraging parties were subjected to devastating attacks by Washington's forces or by Jersey militia, all aided by the intelligence work of the Jersey citizenry.

37

Planning in the Winter of 1777

Howe's next objective was Philadelphia; but instead of taking it as he could at any time, he dawdled in New York through winter and early spring, while Washington's army grew stronger. Several sporadic forays took place during the spring. In March, the British burned the American port at Peekskill. The following month, they sent New York Governor Tryon with 2,000 men to burn and destroy the large quantity of American military stores at Danbury, Connecticut. After successfully accomplishing their mission unopposed, the British were neatly harried on the way back by impromptu militia led by Gen. Benedict Arnold. Arnold had been at home in Connecticut, all but resigned from the army. The fiery Arnold had made many enemies, and had been passed over by Congress for promotion, in favor of a brace of inferior generals. After his exploit near Danbury, Congress gave Arnold a belated promotion, and he was persuaded to rejoin the northern army.

British planning for the campaign of 1777 was in the hands of three men: Lord George Germain in London, General Howe, and Gen. John Burgoyne. All three of them were to share responsibility for the British disaster of that year, but the greatest share must fall upon the bizarre strategy and tactics of Howe. Burgoyne had been put in charge of the British army in Canada, replacing General Carleton; Carleton was one of the best of the British generals, but he had become personally repugnant to the colonial secretary. Burgoyne's idea was that he would descend from Canada down Lake Champlain, a smaller force would cut through Fort Oswego and the Mohawk Valley eastward, and General Howe would bring his massive army up the Hudson Valley—the three to meet trium-

phantly in Albany. The colonies would be cut in two, and the combined British forces could proceed to capture New England, and then to turn upon the South. Given the rising American strength in 1777 and the nature of popular revolutionary warfare, the British might well not have succeeded in securing territory they had militarily captured, but at least such a plan had a good prospect of success. A greater emphasis on Howe's strike north than on a move southward from Canada would have been an improvement, however, for the terrain of Canada and northern New York was not well suited for an unpopular invading army.

Howe, however, confused the situation completely by submitting three completely different strategic plans in succession—each one worse than the one before. To begin with, he no longer saw any prospect of winning the war in 1777, neither, as Gruber puts it, "did his subsequent performance endanger the fulfillment of his prediction."*

His first plan, made while Washington was in the flood of retreat across Jersey, was sound and similar to Burgoyne's. The key was that Howe would take 10,000 troops up the Hudson to join Burgoyne in Albany; Rhode Island would then be used as a base to strike at New England; and then they would march southward to victory. Soon after, even before Trenton when the military situation had not yet changed, he submitted a radically different and much poorer plan: to take the bulk of his army to capture Philadelphia. Only 3,000 troops would be stationed in the lower Hudson Valley to assist Burgoyne. Philadelphia, at this stage, was a needless diversion and distraction, accomplishing little, disastrously splitting the British forces, and putting virtually the entire burden on Burgoyne's Canadian force. Apart from his political views (which were probably treasonable), Howe was bemused by the chimera of innumerable Pennsylvania Tories arriving to greet him—a chimera fostered in all good faith by Galloway, the Allens, and the other eager Tory emigrés in the British camp. In April, he submitted a third and even worse plan; now there would not even be 3,000 men to assist Burgoyne. Moreover, Howe would put his army to sea to invade Philadelphia by the circuitous route of the Chesapeake Bay. In this plan, his troops would be completely cut off from the possibility of helping Burgoyne in case of trouble. He did promise to raise 3,000 Tories under Governor Tryon to operate out of New York City and up the Hudson, but he never bothered to do so.

If Howe made the principal errors of strategy, Germain erred in not cracking down on Howe, while "Gentleman Johnny" Burgoyne, a wit and *poseur* full of fustian, was supremely overconfident. Hence, neither Germain nor Burgoyne realized the disaster that Howe's strategy would open up for the British.

*Ira D. Gruber, "Lord Howe and Lord George Germain," p. 241.

In addition to Sir William's plans for 1777, the Howes' true outlook may be gauged by Lord Howe's disobeying the crown's orders to blockade the coast of the United States. Instead, he directed his captains to allow subsistence fishing, to "cultivate . . . [the] good will and confidence of the Americans," and to "grant them every other indulgence" legally possible. The aim was to conciliate the "friendly dispositions" of the Americans. Moreover, the British sea captains were prohibited from raiding the American coast and the American ports. Howe persisted in this course despite the vigorous objections of his superiors in England, and Germain bitterly charged that, as a result of Howe's indulgence, the waters of Great Britain were teeming with American privateers.

At the end of May, Washington had moved his camp southward to Middlebrook, in the hills above New Brunswick. General Howe made no attempt to seize Philadelphia quickly and then return to aid Burgoyne, but instead, he spent most of June trying to lure him down in to open combat, once almost succeeding. Finally giving up, Howe evacuated New Jersey altogether at the end of June and moved his men to New York. The astute General Clinton as well as most of the other top British officers, pleaded with him to change his mind and adopt the sound first plan to march north up the Hudson, but he proved adamant. On July 23, his armada of over 260 ships, carrying 15,000 troops, set sail from New York toward Philadelphia. The enraged Clinton was left in New York City with 7,000 men, of whom half were American Tories, a force barely large enough to defend the city, let alone move north to aid Burgoyne's army in the north. Burgoyne was left to fend for himself.

38

Rebellion at Livingston Manor

While Burgoyne was preparing his fateful expedition, the oppressed tenants of Livingston Manor, in upstate New York, decided to take a hand in the struggle. To the downtrodden victims of the New York landed oligarchy, the issues of the war seemed remote; the important issue was gaining ownership of the land they had tilled and brought into productive use. If their landlords happened to be Whigs—as were the Livingstons, leaders of the conservative rebel faction—then the tenants naturally and understandably became Tories. For them, only victory of British arms might bring the ownership of their lands. Certainly there was no hope for them in a Livingston victory.

Livingston Manor occupied the east bank of the Hudson, south of Albany (now Columbia County). From the outbreak of the Revolution, tenant unrest, which had erupted during the general tenants' rebellion of 1766, was renewed throughout the 160,000 acres of Livingston Manor. As leaders of revolutionary New York, the Livingstons kept a tight control over the Manor Committee of Safety; like parish vestries in the south, the manor committee was a self-perpetuating oligarchy, despite formal adherence to democratic regulations such as annual elections by the inhabitants of the manor. By the fall of 1776, unrest on the manor was becoming grave, and was being aggravated by conscription into militia preparing to fight in their landlord's battles against Burgoyne. Indeed, Henry Livingston, commander of the regiment of manor militia, refused to march north against Burgoyne; for most of the men would simply refuse to march, and the order would probably provoke an uprising against the manor committee. Many tenants were reported hiding in the woods; and one magnifi-

cently independent tenant, Jury Wheeler, warned the manor committee "that if [he had] to go to the army, the first person he would shoot would be his captain."

By October 1776, a number of discontented tenants had gathered in the southeast corner of Livingston Manor, and several signed a "King's Book," pledging that they would fight for King George. Tenants were also restive on other estates of Whig landed monopolists. In the late autumn of 1776, 400 tenants rose in arms against the lord of Rensselaerwyck. By April of 1777, a great increase of Toryism around Albany led to massive desertions of militia, and an attack on the Albany jail by 700 men to free captured deserters.

The intelligent path for the rebellious tenants would have been to hold off any uprising until Burgoyne had reached the area of Albany, i.e. until the fall of 1777. If they had waited, they might well have turned the tide. But in those days information was particularly faulty. They acted in May 1777 on the false belief that British troops were already in the vicinity. Consequently, the tenants made two fatal mistakes: They rose much too early, and once having risen they failed to bring their full force to bear, expecting as they did British help at any moment. In addition, in their spontaneous action they lacked the leadership necessary to guide and give intelligent direction to their uprising.

Even so, the underground tenant organization was skilled and elaborate. Almost every tenant was included in the conspiracy, which was centered in the eastern part of the manor. Active in the rebellion were 400 tenants of Livingston Manor, 60 tenants of the Lower Manor (to the south) and 50 nontenant farmers and militiamen of the manor. Their goal was ownership of the land, which they believed rightfully theirs. Their arms were either homemade and improvised, or stolen from patriot stores or Livingston mill.

The Livingston tenant rebellion, taking place during the first week of May, was precipitated by the arrival of outside militia escorting tenant prisoners. A series of tenant skirmishes ensued. Several hundred militiamen from outside, headed by landed oligarchs John P. Livingston and Robert Van Rensselaer, were brought in to suppress the tenants and viciously ordered to "fire upon every man fleeing before them." On May 5, the hapless tenants, facing superior arms, offered to surrender in exchange for a guarantee against retribution. The offer was brusquely spurned, and the tenant uprising ruthlessly suppressed. Six tenants were killed in the fighting, and perhaps a dozen tenants were executed for their part in the rising. Over 300 tenant prisoners were dispersed outside the manor. A few were held hostage, while the suitably penitent were set free after swearing a loyalty oath to the Revolution. This uncharacteristically gentle treatment of the rebels was due to shock and bewilderment among

the Livingstons, who were afraid of further uprisings, especially with Burgoyne drawing near.

There were, it is true, no further uprisings among the tenantry; but their sullen Toryism (or rather, anti-Whiggery) continued. By the fall, the tenants were already repudiating the oaths of loyalty they had been forced to take in May, and nearly seventy Livingston tenants left to join Burgoyne's army. Even after Burgoyne's defeat, widespread desertions and draft-dodging continued on Livingston Manor. The tenants were not able to win their land, but they did accomplish one thing by their uprising: never again would they be treated like cattle by their landlords, and never would their votes be simply taken for granted.*

*For the story of this until recently forgotten uprising, see Staughton Lynd, "The Tenant Rising at Livingston Manor, May 1777," *The New York Historical Society Quarterly* (April 1964), pp. 163-77.

39

The Burgoyne Disaster

General Burgoyne arrived back in Quebec from England on May 6; by mid-June he had assembled a force of 9,500, including 7,200 British and German regulars, and Tory and Indian auxiliaries, and a mighty fleet to sail down the Richelieu River and Lake Champlain. On June 14, he set sail from Fort St. John's in Canada. At the same time, Col. Barry St. Leger set off for Fort Oswego and the Mohawk Valley to Albany with a force of 1,700, including 1,000 Indians under the brilliant Mohawk war chief, Joseph Brant. Burgoyne accompanied his launching with a flamboyant and preposterous proclamation to the Americans and his Indian allies, denouncing the Americans and proclaiming that Britain was fighting for the "general privileges of mankind." Even in an age accustomed to high-flown rhetoric, this bombast was a ready subject for satire and ridicule. Numerous parodies appeared, and in England, Lord North laughed heartily at Burgoyne's rodomontade. Burke ridiculed it, and the Whig writer Horace Walpole denounced "the vaporing Burgoyne," that "Pomposo" and "Hurllothrumbo."

Burgoyne overran Crown Point on June 27 and then advanced upon Fort Ticonderoga, that "American Gibraltar," where the American army was supposed to make its decisive stand. The condition of the American army at Ticonderoga had deteriorated considerably from the previous autumn. Not only had the northern army dwindled away during the winter to only 5,000 men, of whom half were militia; but the problem of command was acute. Gates and Schuyler had both lobbied in Congress for the post of commander of the army, and Congress had taken the worst course by vacillating between the two of them. In March 1777, overall

command was given by Congress to Gates, but was handed back to Schuyler in May. The quarrel between the two exacerbated the friction between New England and New York soldiers in the northern army, the radical Yankees admiring Gates and hating Schuyler, and the Yorkers loyal to their leader. When Burgoyne appeared before Ticonderoga on June 30, 1777, the northern American army was split in two. In command of the Fort was Brig. Gen. Arthur St. Clair with 3,200 men, while Schuyler maintained a force of 2,000 to the south.

Ticonderoga was surrounded by three steep hills, and St. Clair's troops were not sufficiently numerous to garrison them. The major American error was to leave Mt. Defiance, southwest of the fort, unfortified. Gates, seeing the danger of the peak's falling to the British, had repeatedly urged its fortification during 1776, but Schuyler paid no heed. During his two months' tenure in command in 1777, Gates and the brilliant Polish engineer, Col. Thaddeus Kosciuszko, who had come to America to fight for the revolutionary cause, prepared to fortify Mt. Defiance. But Gates was replaced in May before he could get the project under way. Even after May, he continued to pepper Schuyler with warnings, but Schuyler again paid no attention. Seeing the possibilities, the British seized two of the three hills at once, and by July 5, British Gen. William Phillips had transported several cannon to the top of Mt. Defiance.

Now directly under the big guns, St. Clair decided on immediate withdrawal; and in dead of night, the Americans sped out of the fort, fleeing down the opposite shore. In pursuit, the British seized, in rapid succession: Ticonderoga and its hills, Hubbardton and Castleton across the lake in Vermont, Skenesboro (near Whitehall, New York), and Fort Anne. Colonel Seth Warner and a rear guard carelessly dawdled, and the British caught up to them on July 7, resulting in a slashing defeat and about 400 casualties for the American forces. The British also suffered heavy casualties, totalling 200. Warner, leader of the American rearguard, fled with the rest of his men to the Vermont mountains; the rest of the American army met and regrouped at Fort Edward, on the east bank of the Hudson River. Meanwhile, Burgoyne's navy had destroyed and captured over 200 boats on Lake Champlain, and he had seized an enormous supply of arms and ammunition, including powder and more than 100 cannon, which the fleeing Americans had left behind at Ticonderoga. To Americans and British alike, it seemed that a complete victory for Burgoyne was inevitable; Albany was only seventy miles away. King George exclaimed: "I have beat the Americans," and John Adams talked angrily of making an example of a general leaving his post by having him shot. Actually, this was unfair to St. Clair, who did well considering the position he was in; his retreat was skillfully executed and saved his army. The common soldiers were better at pinning the blame where it truly belonged, and desertions

multiplied as many men refused any longer to serve under General Schuyler.

On the brink of victory once again, the British stopped to rest at Skenesboro instead of pressing their advantage to a swift conclusion. In drawing up his plans for the campaign, Burgoyne had specifically rejected the route from Skenesboro to Fort Edward because it led through dense forests and marshlands. Instead, he planned to return to Ticonderoga and sail to Fort Edward down Lake George, even though that route, including the captured Fort George, was now used only for transportation of supplies. His enormous blunder in finally choosing the land route was made at the advice of the Tory Maj. Philip Skene. Skene had obtained an arbitrary grant of over 30,000 acres in this region, and was the owner of the Skenesboro colony on that land. Now he was eager to have Burgoyne cut a road from Skenesboro to the Hudson, as this would greatly raise the value of his property after the war. By going to Ft. Edward by land (through the Skenesboro-Ft. Anne area), instead of sailing down Lake George, and by dragging over fifty guns with him on the march, Burgoyne greatly slowed his own advance. Schuyler astutely delayed him further by diverting creek water with boulders and by sending axemen to fell thousands of trees across the line of march. Burgoyne took twenty days to traverse 20 miles to Ft. Edward which he captured on July 29, the Americans retreating before him. He proceeded another seven miles down the east bank of the Hudson, stopping at Fort Miller at the Batten Kill. Schuyler established American positions at Stillwater, twenty-five miles to the south on the Hudson River.

As Schuyler retreated, the American army began to gain strength. Six hundred Continentals joined the army from Peekskill, and masses of New England militia slowly marched west to guard America from the British threat. General Arnold and Gen. Benjamin Lincoln joined the force, and Daniel Morgan, released in an exchange of prisoners the previous summer, had been given a handpicked corps of 500 riflemen by Washington and sent north. Morgan's men came from the frontier areas of Maryland, Pennsylvania, and Virginia, and included such noted frontier fighters as the celebrated Timothy Murphy.

One army that was not sent north but which should have been was Washington's. As General Howe's mighty fleet sailed out of New York Bay on July 23, Washington, understandably, could not bring himself to believe that he would really desert Burgoyne and sail south. He naturally expected the British fleet to sail up the Hudson to join Burgoyne. Howe's interminable delays and dithering on the voyage sent Washington into an agony of indecision, and he marched up and down New Jersey, and from New York to Pennsylvania, trying to see if Howe was engaged in an elaborate feint and would yet sail up the Hudson. But while Washington's

tactics were understandable, the strategy was abysmal. Instead of trying to counter Howe wherever he went, Washington should have abandoned Philadelphia to Howe (which Howe was to conquer in any case), to swing north to join the northern army and crush Burgoyne. The combined victorious forces could then have swung down to meet Howe; in any case, Washington's considerable force would not have been wasted hanging around Howe's much larger and more powerful army.

Stopping at Fort Miller and suffering from overextended supply lines, Burgoyne decided, upon the urging of the Hessian commander, Maj. Gen. Baron von Riedesel, to detach a mixed force of only 700, under Lt. Col. Friedrich Baum, another Hessian, on a raid to the southeast on Bennington, Vermont, which he knew to be richly stocked with food, ammunition, oxen, and horses, and therefore the answer to his supply problems. Reaching Bennington on August 14 and picking up eager bands of Tories on the way, Baum accidentally encountered a body of 2,000 American militia, under Gen. John Stark. Stark had served brilliantly in the Continental Army, from Bunker Hill to Canada to Princeton, but he, like Arnold, had been passed over for promotion, and he had left the army. The New Hampshire legislature, the previous month, had voted to raise a brigade of militia to defend against the advancing enemy, and he was able to raise an enormous force of 1,500 New Hampshire men, no less than 10 percent of the enrolled voters of that state. This force was joined at Bennington by 500 Massachusetts and Vermont militia. Generals Schuyler and Lincoln had ordered him to join Schuyler's main army, but Stark flatly disobeyed, declaring that he was responsible only to the New Hampshire General Court; instead, he decided to harry Burgoyne's lines of communication.

Baum saw that, being heavily outnumbered, he should not attack; but he did not have the wit to retreat quickly. Instead, he asked for reinforcements and Burgoyne imprudently sent German Lt. Col. Henrich von Breymann with nearly 650 men. On the morning of August 16, Stark struck at the British, aided by a ruse in which the Americans encircled the Germans in shirtsleeves, pretending to be Tories. The ensuing battle was extremely bitter, the Germans fighting desperately despite the flight of the Indians and Tories; finally, Baum was killed and over 350 Germans captured. Too late, Breymann's force appeared, having absurdly plodded along at one mile an hour in parade-ground formation. At the same time Seth Warner arrived with nearly 400 men, and the combined American force sent Breymann fleeing back to Burgoyne with well over 200 casualties. Not only did Burgoyne not get his supplies, but he had lost the huge chunk of nearly 1,000 men at the Battle of Bennington. Since he had been forced to leave a large garrison to guard Fort Ticonderoga, he now had only 6,300 men in his main army. Before him were gathering an ever

larger patriot army, and to the east American militia were forming and threatening to cut his supply lines. In this revolutionary war, the British were learning the great lesson to be absorbed by all counter-revolutionaries; the formal army of the rebels is not the full extent of their might. Behind them lay the people, and now the people were rising up in arms all around Burgoyne to crush him.

Neither could Burgoyne expect any help from St. Leger slicing east across the Mohawk. St. Leger, with about 700 British Tories and over 800 Indians, sailed down the St. Lawrence and reached Fort Oswego, on Lake Ontario, in mid-July, where he was joined by battalions of Tories and Iroquois. This particular fight was also part of a struggle for the soul of Tryon County, the vast, thinly populated frontier county of New York west of Schenectady. Tories were powerful in this frontier domain; Sir William Johnson, the wealthiest landowner in the county, had been the British agent to the Indians, and he was regarded as a hero by the Iroquois nations. In the spring of 1776, his son Sir John Johnson had been forced to flee to Canada, with his faithful Highlanders and other active Tories of the region; the remaining Tories had their property confiscated, and were imprisoned, flogged, tarred and feathered, and even shot and hanged, often at drumhead courts-martial. Families and relatives of suspected Tories were seized by the Americans and taken as hostages. Zeal for battle was intense on both sides, and now Sir John led the Tory contingent under St. Leger.

The leading Indian ally of the British was the brilliant young Joseph Brant, war chief of the Mohawk nation. Brant had been raised as a member of the Johnson family, and his sister was Sir William's wife. Brant had been restless to attack the settlers since 1775; but Carleton discouraged Indian raids on the Americans. On the one hand, this lost him a golden opportunity to terrorize the American frontier. On the other, the American invasion of Canada had cut off the St. Lawrence—and hence possible supplies—from the Indians. The arrival of Burgoyne changed all this: now the Indians were to be encouraged to aid the British in fighting the Americans. Brant and the Iroquois rushed to join St. Leger for the fray.

Marching east from Oswego, St. Leger reached Fort Stanwix on the Mohawk River, the gateway to the Mohawk Valley on August 3. Stationed at Stanwix was the main American force in the west, about 700 men ably commanded by two young Dutch-American colonels, Peter Gansevoort and Marinus Willett, a radical. St. Leger laid siege to the fort. General Nicholas Herkimer, a German-American who commanded the Tryon militia, marched west along the Mohawk with nearly 800 militiamen eager to defend their homes against the Indian menace. Reaching Oriskany Creek, eight miles short of Stanwix, he realized that he could not attack St. Leger's overwhelmingly larger force on his own. When he failed to

make contact with the besieged fort, he refused to go on. But his restive officers denounced him, not only for cowardice but also for treason, a charge to which Herkimer, with several Tory relatives in St. Leger's army, was understandably sensitive. On August 6 he was finally goaded into pressing on a few miles west, where Brant, commanding 400 Indians and over a hundred Tories, had set a cunning ambush. It seemed at first that Herkimer's surrounded troops would be decimated, and the Indians eagerly pressed their advantage in one of the bloodiest engagements in the war. Despite the mortal wounding of Herkimer, the untrained farmers almost miraculously banded together to survive in bitter close fighting with Indians and Tories. They retreated hastily in deep and fearful conviction that they had lost the battle and that the worst was at hand. It is true the Americans suffered a staggering total of 400 casualties out of their 800-man force, but the Indian and Tory force had suffered almost as greatly. The Battle of Oriskany had also succeeded in breaking the morale of the Indians; they were not used to heavy losses, and these they had suffered. Furthermore, Colonel Willett had seized the opportunity of the battle to lead 250 men on a successful raid on the Indian camp. These setbacks were coupled with Indian rancor at bearing the brunt of the battle and the losses. Despite Brant's urging, they began to desert and drift away by the score. St. Leger was losing a major portion of his force.

No longer the happy warrior, confident of an imminent march into Albany, he redoubled his siege of Stanwix, but now Schuyler detached 1,000 Continentals under Benedict Arnold to go to the relief of Fort Stanwix. Reaching Fort Dayton, east of Oriskany, on August 21, Arnold was able to deceive St. Leger and particularly his Indians about the size of his force. The approach of the renowned Arnold was the last straw for the Indians, who now fled *en masse*. Deprived of a large part of his troops, St. Leger was forced to abandon the fort on August 23, and he staggered back to Oswego and thence to Canada. Arnold's force, victorious without firing a shot, sped back to rejoin the main American army. The St. Leger threat was over and Burgoyne was now completely alone. Burgoyne's misfortunes, moreover, were now aggravated by desertions of over 400 of his original 500 Indians, disgruntled at British restrictions on their terror tactics and adept at gauging the changing tides of the fortunes of war.

Increasingly isolated and in worsening straits, Burgoyne should now have hightailed it back to Ticonderoga and abandoned the Albany campaign. But rather than retreat and abandon his exuberant plans for military renown, he crossed the Hudson to the west bank at Saratoga (now Schuylersville) in mid-September to launch a march to Albany. By this bold step, Burgoyne cut off any chance of retreat, and came into position to attack

the American force, now stationed southward on the same bank at the mouth of the Mohawk. It was to be all or nothing for Burgoyne in a final confrontation with the enemy.

In the meanwhile, the loss of Ticonderoga had disgusted Congress with General Schuyler, and in early August it replaced Schuyler with his old competitor Gates. Gates reached the American camp on August 19; the Americans' most able general was now on hand to wage their most decisive battle.

His arrival had an electrifying effect on the morale of the American troops. A week before he came, one officer despaired of the "miserable state of despondency and terror" among the men. "Would to God Gates would arrive," he exclaimed. Soon after, he exulted that from that woeful state, "Gates' arrival raised us, as if by magic. We began to hope, and then to act." He uplifted the American forces not only by his superior ability in battle, but also by his administration and respect for the New England soldiers who formed the bulk of his army, an outlook Schuyler did not share. Close to his men, and sharing the rigors and dangers of his troops, Gates had great confidence in the ordinary nonprofessional soldier, and he understood his needs and problems. His announced policy, for example, was never to call up the militia until virtually the very moment that they were needed. And as soon as they finished their short terms of duty, he did not berate them (as did Washington and others) for "traitorously" not reenlisting; instead, he thanked them courteously and sent them quickly and punctiliously home. In short, he understood that this was essentially a people's war, a popular revolution which depended for its success on mass uprising and mass support, not on European training and the European military system. Hence, the flocking by the militia of all New England to Gates' side for the forthcoming battle. A British officer reported, "The farmers left their ploughs, the smith his anvil, cobbler and tailor followed . . . the militia came marching from all the provinces of New England."* By the final battle, indeed, the American militia outnumbered the regular troops.

On assuming command, Gates moved the American army north from the mouth of the Mohawk, where Schuyler had stationed it, and where the American force would be subject to defeat in European-style warfare on an open plain. Gates marched the army north and stationed it on Bemis Heights—a strategic bottleneck to Albany, just south of Burgoyne at Saratoga—which Gates proceeded to have well fortified by Colonel Kosciuszko. As Burgoyne advanced south upon the Americans, Daniel Morgan's picked regiment of riflemen did a brilliant guerrilla job of preventing the British from sending out any advance scouts to discover enemy

*Billias, "Horatio Gates," pp. 90-93.

positions. Even though deprived of knowledge of the terrain and of American positions, Burgoyne nevertheless decided to attack.

As Burgoyne's column advanced down through the woods on Gates' left on the morning of September 19, Gates sent Morgan's riflemen to meet them. They were joined by a crack group of 300 musketeers, also under Morgan's command. The two forces collided with Burgoyne near Freeman's Farm. Morgan's men, long skilled at forest fighting, used mobile guerrilla tactics in thin, shifting skirmish lines, from which they could cut down the orthodox, bulky, and plodding linear formations of the British. At the clearing on Freeman's Farm, reinforcements came up on both sides, and Arnold, commander of the left wing, sent several Continental regiments to join Morgan. The heavy fire drove the British out of the clearing, but Arnold's Continentals were themselves driven out of the clearing by a British bayonet charge. Morgan's riflemen, unable to wield bayonets, continued to stay hidden in the woods, subjecting the British to devastating fire. Furthermore, Morgan instructed his sharpshooters to concentrate their fire on the weakest links in the British chain: the officers, the skilled artillerymen, and the Tory auxiliaries. Tory morale was far lower than that among British regulars; the officers and artillerymen were, of course, key figures in the army's structure. Morgan was criticized for his "ungentlemanly tactics" of centering fire on the military elite, for in traditional European warfare it was the custom to send out the common soldiery to slaughter in bulky linear formation on the open field. A tacit gentleman's agreement usually spared the officers on both sides. Open field fighting, however, would not have been so attractive to the military elite if their own lives had been placed in jeopardy, and Morgan's sharpshooters began driving this lesson home.

At the end of the day, Gates pulled back the American force from the furious battle, and thus ended the Battle of Freeman's Farm, or the First Battle of Saratoga. Burgoyne contented himself with a claim of technical victory, since the British force held the field; but the de facto victory belonged to the Americans. Burgoyne's losses were extremely severe, especially those suffered at the hands of Morgan: 600 casualties as compared to 300 for the American force. The American losses were caused primarily by Arnold's reckless insistence on open frontal attack upon the enemy lines. Arnold had urged Gates to abandon his protected positions and sally forth to attack the enemy, a move that would have been ruinous to the American cause. While Gates allowed Morgan's force to fire upon the enemy in guerrilla style, he compromised by allowing Arnold his futile attack on the clearing at Freeman's Farm. Even so, Arnold was furious because he had not been given more men.

Burgoyne was now bogged down and surrounded by an American force that grew rapidly larger as more and more New York and New England

militiamen poured into the camp. For more than two weeks, Daniel Morgan's riflemen harassed the British unmercifully, as night-raiding parties attacked and attacked on the flanks, and snipers picked off any British emerging into sight. Again, scouts could not be sent out to provide vitally needed information. Furthermore, Burgoyne learned of a successful raid on Mounts Independence and Defiance by Colonels John Brown and Seth Warner, which captured 300 men and a score of boats. But even as supplies began to run out, as the morale of his men rapidly deteriorated and desertions multiplied, and as chilly weather heralded the onset of winter and the importance of reaching winter quarters at Albany, Burgoyne decided to attack in a desperate gamble for victory. Meanwhile, Washington, engaged in unproductive battles with Howe around Philadelphia, asked Gates to send him Morgan's regiment—the crucial American unit at Saratoga. Gates declined the request, and thus thwarted a possible disastrous loss that might well have been inflicted on the American cause.

On October 4, Burgoyne held a council of war. General Clinton had proposed to come up from New York in an attempt to relieve Burgoyne, but nothing had been heard from him. Burgoyne's generals urged him to retreat, but he regarded this as dishonorable, and instead determined on a probing attack on the American left wing, to be followed, if successful, by a general assault the next day.

On October 7, Burgoyne, still ignorant of the terrain and of American dispositions, led his probing attack with 2,100 troops on the American left at Bemis Heights, leaving fewer than 3,500 behind in his entrenched position. Gates again sent out Morgan, and pursued his shrewd, guerrilla-type strategy of keeping his main force deep behind fortifications. Denying the British the opportunity of a pitched battle, he continued to wear down Burgoyne's forces. The tactics of the battle were devised by Morgan, who suggested simultaneous flanking attacks on Burgoyne.

Arnold had meanwhile been relieved of his command by Gates for insubordination after a violent quarrel; he did not think Gates had given him sufficient credit for the engagement at Freeman's Farm. Sulking in his tent, Arnold saw that the Battle of Bemis Heights was still indecisive and inconclusive toward the end of the day; restless at the stalemate, he rushed forth without authorization to help Morgan, and assumed the lead of his exhilarated and cheering Connecticut Brigade. Shouting, "Now, come on boys, if the day is long enough, we'll have them in hell before night!" Arnold led frontal assault after frontal assault on the British lines with the Connecticut and other brigades, without success. Finally, he led the Connecticut Brigade, Morgan's men, and two other regiments that had been supporting Morgan, in a furious attack against Breyman's Hessian redoubt guarding Burgoyne's right flank. This attack succeeded, Arnold

falling wounded and permanently crippled at the moment of victory. One of the important ingredients of this victory was the deliberate mortal shooting of Gen. Simon Fraser, singlehandedly rallying the British lines, by Morgan's brilliant rifleman Timothy Murphy. Burgoyne was forced to withdraw from the field and, his main position now indefensible, he retreated his army northward. The decisive battle of Bemis Heights, the Second Battle of Saratoga, was over. The Americans suffered only 150 casualties, the British nearly 700.

Arnold has generally received the credit for Burgoyne's defeat, but his charge, while dramatic and romantic, was reckless and could well have lost the battle. The victory really belonged to Gates, whose patient strategy would inevitably have worn Burgoyne down, without the needless chances taken and extra blood shed in Arnold's charge. Compared to the roles of Gates and Morgan, Arnold's contribution to Burgoyne's defeat, while real, was flashy and superficial.

Burgoyne's retreat was slow. When he took up strong entrenched positions at Saratoga on October 9, he hoped that Gates would be rash enough to launch a frontal attack. Instead, Gates wisely sent out militiamen to encircle and entrap the British army, and also to seize their boats. Burgoyne knew that Clinton had begun to move north, but he was still too far away to influence results. By October 12, he finally agreed to Baron von Riedesel's urging to flee northward, but he delayed another day, and by then it was too late: his once splendid army was a ragged force of 5,000 men, and surrounded by a force that had swollen to three times that number.

Gates demanded unconditional surrender; Burgoyne refused and held out for an agreement whereby the British force would be permitted to sail for England, provided that they would not fight again in America. Learning that Clinton's force of 3,000 men had broken through Putnam's defenses in the highlands and had reached Esopus (now Kingston) on October 15, Gates agreed to accept Burgoyne's offer, or "convention." On October 17, Burgoyne surrendered.

The repercussions of the Saratoga surrender would prove to be momentous; the move to split New York had failed and one-fifth of the British forces in America had surrendered in one fell swoop. The entire British strategy was shattered. And, as will be seen, France was to be led by the heartening victory to recognize American independence and to enter the war openly on the American side.

The surrender terms were violated immediately. The Americans, realizing that the British troops sent home would simply release other troops to serve in the war, refused to allow the prisoners to embark. Instead, they sent them to Virginia where they deserted in droves. There being little they could do in their isolated state, the British forces in New York

withdrew to Canada from Ticonderoga, now useless to them. As for Clinton, excessive caution had prevented him from racing up the Hudson to Albany after his breakthrough in the highlands, and also from taking with him the 2,000 soldiers uselessly stationed in Rhode Island. Apart from the losing Charleston expedition the year before, this was his first campaign as head of his own army, and it was certainly unsatisfactory.

The British might still have salvaged their fortunes, however, if Clinton had been allowed to keep control of the highland forts, cutting American communications and supply lines across the lower Hudson. But General Howe, apparently over his objections, ordered him to evacuate Fort Clinton and to send reinforcements to Philadelphia; Clinton was thereby forced to abandon the Hudson Valley and withdraw quickly to New York City.

Removed from his command and unfairly in disgrace, General Schuyler apparently toyed with treason and secretly told the British that he was ready to rejoin the British Empire if Britain would abandon its taxation of America. There is also some evidence that he was partially motivated by his hatred of the rebellious Vermonters and that he may have had St. Clair abandon Ticonderoga to smoke out the Vermont forces; their ardent fighting for the Americans may have led him to consider siding with Great Britain. Thus, the general American suspicion of Schuyler's loyalty after Ticonderoga was not entirely without foundation.

Howe's Expedition in Pennsylvania

While Gates was greatly helping to win the war in the north, Washington and Howe were seemingly competing with each other to see who could best lose the war further south. Howe had finally embarked with his huge armada on July 23. The voyage was a slow and lackadaisical one; apparently he had no intention of finishing his business at Philadelphia quickly and then racing back to New York to help Burgoyne. He first sailed up the Delaware River on July 29, this being the shortest route to Philadelphia, where he could land just south of the city. But then, worried about Washington's nonexistent river forts near Wilmington, he turned around, sailed all the way around the peninsula and up Chesapeake Bay, to land, finally, fifty miles from Philadelphia at Head of Elk, Maryland, on August 25. A full month had been consumed in this short voyage, and, after all this time and the suffering of men and horses aboard from heat, rough seas, confinement, and shortage of supplies, the British forces found themselves considerably further from that city than they had been in New Jersey!

Washington stationed himself at Wilmington and when Howe landed, he decided to abandon the uncongenial role of guerrilla chieftain for that of orthodox general. He chose open frontal battle with a far superior British army in order to defend Philadelphia—at all costs. His best strategy would have been to abandon Philadelphia to Howe, speed north to crush Burgoyne, and then lead the victorious army southward. In any event, he should not have courted terrible defeats by trying to keep Howe from a city which would do the British little good anyway.

With 15,000 men to Washington's 11,000, Howe's army was superior

in both firepower and manpower when the two forces met along Brandywine Creek, at Chad's Ford, in Pennsylvania near the Delaware border. Howe attacked on September 11, sending Cornwallis with half the troops in a deft and silent flanking maneuver—reminiscent of Long Island—to the left to cross the stream and come behind the American right wing. General Sullivan, commanding the right wing, turned almost at the last minute to meet the assault. Cornwallis had almost broken through Sullivan, but Nathanael Greene brought two brigades from the center and raced four miles in forty-five minutes to save the American right from utter rout, and perhaps the entire army from destruction. In the meantime, Gen. Wilhelm von Knyphausen, commanding the center at Chad's Ford, was able to crash through the American center, and Washington was forced to retreat north to Chester, where Greene brought back his brigades to join him. The American defeat had been severe indeed; Washington had lost over 1,000 casualties, while the British had lost 500. Again Howe failed to press ahead quickly and destroy the demoralized American troops, but this time there was perhaps the good excuse that the British forces were too weary.

Washington's generalship had rarely been worse than at Brandywine. Apart from the strategic error of confronting the British in open battle, he failed to anticipate Howe's favorite flanking maneuver with less excuse than at Long Island, and he failed to use his cavalry as scouts to find out what the British were up to. In his report on the battle to Congress, he displayed a severe lack of graciousness toward his best subordinates that was rapidly becoming characteristic, and he completely failed to mention the feat of Greene and his men in saving the American army.

Despite the severe defeat, Washington continued to be optimistic about massive encounters with the enemy. He tried a frontal attack again on September 16 at Warren Tavern west of Philadelphia, but a heavy storm halted the battle after fighting had begun.

On the night of September 20, young Gen. Anthony Wayne's division, left behind at Paoli when Washington recrossed the Schuylkill to harass the enemy flanks, was surprised by a force under Gen. Charles Grey. The British bayonet charge, always effective against the Americans, routed Wayne's forces and inflicted nearly 400 casualties at the expense of virtually none. In this nighttime attack, the British were aided by Wayne's having formed his defense lines between the attacking Grey and their own campfires, the American silhouettes providing easy targets. Free of harassment, the British pushed north on September 22. In a clever maneuver, Howe seemed to be trying to trap Washington's forces, to outflank him on the right, or to go westward to seize American stores at Warwick. In response, Washington moved north, falling for the ruse. With Washington

lured to the northward, Howe quickly turned southeast, crossed the Schuylkill unopposed, and marched easily toward Philadelphia. On September 26, Cornwallis and his column took occupation of Philadelphia, while the main British army camped north of the city at Germantown.

The easy taking of Philadelphia, coming after his string of victories, caused Howe to grow overconfident. He scornfully refused to build entrenchments at his camp at Germantown, and split his army by stationing considerable troops in Philadelphia and across the river in New Jersey to capture the fort at Billingsport. This left only 9,000 men in Howe's force at Germantown; in response, the Americans decided to attack from their positions to the north.

In emulation of such ancient strategists as Hannibal and Scipio, Washington launched a concerted multipronged surprise bayonet attack on the night of October 3. But, in contrast to Hannibal and Scipio, Washington made several grievous tactical mistakes. He placed the bulk of his army in the center and weak militia columns on the flanks, while his ancient models had placed their strongest forces on the sides; he failed to realize there was a lack of communications between the four widely separated forces launching the simultaneous attack; and he ignored the roughness of the terrain, which was not conducive to bayonet charges.

Despite these errors, however, the Americans almost won. Sullivan's column at right center was the first to engage the enemy on the morning of October 4. Greene took his force, including two-thirds of the army at left center, swiftly south and southwest to join Sullivan. Together the two, aided by the bayonet charge of Col. Peter Muhlenberg, broke through British lines and were on the point of victory. But fog was thickening rapidly, and soon the divisions could not see what was going on. A series of tragicomic errors ensued. Colonel Henry Knox, inspired by classical military lore, persuaded Washington to waste precious time trying—unsuccessfully—to level Justice Benjamin Chew's house on the battlefield (several British companies were using it as a fortress) instead of pressing his advantage in the battle. Moreover, Gen. Adam Stephen detached himself from Greene's column to bombard the house, gravely weakening Greene's forces. As the fog thickened, Wayne got the idea that Sullivan, at his rear, was in trouble, and he abandoned the spearhead of the advance to effect a "rescue." The two American divisions (Wayne and Stephen) thereupon fired upon each other, and both fled. Sullivan's troops, remaining in right center, began to run short of ammunition, and fearing imminent encirclement, they too broke and ran. As for the American forces on the wings, Maj. John Armstrong's column on the extreme right was repulsed, and Gen. William Smallwood's force arrived on the scene after the battle was over. Neither man pursued his task very energetically.

Greene had been left to fight the British all alone, and he was trapped.

Muhlenberg's bayonet brigade was already far ahead of him, but they wheeled back, charged, and joined him. In the course of this, an entire regiment was captured. Greene's troops retreated and soon the entire American army was in a rout. In this Battle of Germantown—the final pitched battle of the Philadelphia campaign—the British had lost over 500 casualties; but the Americans had suffered the staggering total of almost 1,200 men. In the three battles, Washington's forces had lost over 2,200 men.

The most astute comment on the Battle of Germantown—indeed it could well apply to the entire two years of campaigning between Howe and Washington—appeared in a London newspaper: “Any other general in the world than General Howe should have beaten General Washington, and any other general in the world than General Washington would have beaten General Howe.”

To hold Philadelphia, the British had to be able to supply it by sea, and now at last Admiral Howe sailed up the Delaware to reduce the forts above Chester in American hands. The fort at Billingsport fell quickly, but Fort Mercer, at Red Bank on the Jersey shore, repulsed a massive Hessian assault on October 22, inflicting nearly 400 losses. But when the Americans foolishly tried to hold the indefensible Fort Mifflin, on Hog Island in the Delaware, fierce British bombardment reduced it to rubble, killing or wounding 250 of the American garrison in the process. The British took the fort on November 15, and from there were able to go back and capture Mercer. The Delaware was now clear and in British hands.

Meanwhile, Washington wandered around aimlessly, moving his camp to and fro without purpose. Howe withdrew from Germantown to Philadelphia and constructed fortifications. Washington toyed with the totally disastrous idea of a frontal assault on fortified Philadelphia, and was supported in this by General Wayne, but the leading officers, including Greene, Knox, and Sullivan, rejected the scheme. Howe tried once again to bring on a final battle with Washington, and marched out in dead of night on December 4 against Washington's camp at Whitemarsh. But Washington was well prepared, and the brilliant American partisan leader Capt. Allen McLane charged and harassed the British line. Apart from a few skirmishes on December 7, nothing else could be done, and Howe returned to Philadelphia.

41

Winter at Valley Forge

Washington now sensibly prepared to take his battered and half-fed men into winter quarters, rather than endure the rigors of another winter campaign as they had done the previous year. He favored quarters at Wilmington, where supplies would be plentiful and the weather mild. Furthermore, Delaware and Maryland could be guarded, and American boats could harass British shipping on the Delaware. The officers favored this plan; but in deference to Pennsylvania's howls against letting the British army ravage the countryside, and at the suggestion of Wayne, Washington weakly and unfortunately decided to winter on the icy slopes of Valley Forge, to the west of Philadelphia. Few worse locations for obtaining supplies could have been selected than this ravaged area. Generals James Varnum and "Baron" deKalb were particularly vehement at "wintering in this desert."

On December 19, Washington's army, short of food and water, poorly sheltered, and terribly short of shoes and other clothing, staggered into the ill-conceived camp at Valley Forge. In these conditions, disease spread like wildfire through the camp. To obtain food, both the American and British forces sent foraging parties to confiscate cattle and other supplies from the hapless citizens. By the spring of 1778, massive desertions had reduced Washington's army to five or six thousand men. Greene was appointed quartermaster general in the emergency, and he was able to scrape up and confiscate enough provisions to last the army through the winter.

During the campaigns of 1777 a suspicion began to well up among many Americans that Gates was an excellent general and Washington a

miserable one, and that maybe something should be done about it. In Congress, forced to meet in the small town of York, Pennsylvania, it was the men of the American left that were restive, notably Joseph Lovell and Sam Adams of Massachusetts. Dr. Benjamin Rush, a leading Pennsylvania liberal and chief physician in Washington's army, urged his replacement by "a Gates, Lee, or Conway," Thomas Conway being a capable Irish-born French general recently commissioned in the Continental Army. In November 1777, Congress advanced a step toward erecting a professional bureaucracy by creating a five-man Board of War, not composed of members of Congress, to supervise the army. As chairman of the board, Congress appointed the hero Gates, who was then too ill for field command. This apparent attempt to downgrade Washington and elevate Gates never got underway, in fact never reached the stature of an organized campaign. Indeed, no one in Congress ever proposed the replacement of Washington or even the curtailing of his powers.

Two major factors contributed to the crushing of any murmurs of dissent against the commander-in-chief. One was Washington's ruthless use of an indiscretion he discovered—a letter critical of him sent by Gates to Conway. Washington and his influential friends immediately conjured up a nonexistent widespread "plot," the mythical "Conway Cabal," supposedly designed to scuttle Washington. Both Rush and Conway were soon forced out of the army by the vindictive Washington.

Conway's fall (and subsequent emigration) and Gates's decline were also spurred by a madcap plan Gates had for another expedition to invade Canada and possibly take Montreal. This proposed expedition was to be independent of Washington's command, and was to be headed by the vain young French Catholic volunteer, the Marquis de Lafayette, in a rather farfetched scheme to appeal to the French Canadian masses. But Lafayette, ever-worshipful of his patron Washington, refused to be independent of his commander-in-chief, and bitterly denounced the supposed conspirator Conway as responsible for an intrigue against Washington. When the proposed expedition fell through in March 1778, the failure hastened the demise of all incipient opposition to Washington. The Board of War fell into a decline, and Gates, in virtual disgrace, and subject to Washington's continuing vengeance, was assigned a tiny and innocuous command on the Hudson highlands.

Thus, history had dealt in high irony with the victors at Saratoga. Gates, after the winter of 1777–78, was relegated out of the action, to a minor command; Arnold, seriously wounded and crippled at Bemis Heights, was never again to bear arms for the United States; and Schuyler, who, for all his faults, had after all harried and delayed Burgoyne in his march from Skenesboro, was in disgrace, suspected—with some justice—of treason. He too was never again to serve in the army; though eventually acquitted

at court-martial for his actions at Ticonderoga, he left the army shortly after. Of the main victors over Burgoyne, only Morgan was to continue in action—and even he was soon to be treated shabbily by George Washington. Meanwhile, Washington, the architect of defeat, surmounted a flurry of opposition and continued more firmly in command than ever.

As if the ragged soldiers at Valley Forge did not have enough troubles, they were to be further plagued by the arrival, in February, of a mendacious Prussian braggart and soldier of fortune calling himself “Baron von Steuben.” Actually, Captain Steuben was neither a baron nor, as he claimed, a Prussian general; but he managed quickly to be elevated to the post of inspector general of the Continental Army. Steuben set about to Prussianize the American army, and so now the hapless soldiery suffered the infliction of the whole structure of petty and meaningless routine designed to stamp out individuality and transform the free and responsible soldier into an automaton subject to the will of his rulers. Ever since he had embarked on the Philadelphia campaign, Washington had grown ever further away from the guerrilla tactics that had won him victory at Trenton (and had defeated Burgoyne). Washington had no desire to become a guerrilla chieftain; to his aristocratic temper the only path to glory was through open, frontal combat as practiced by the great states of Europe. Washington had tried this formula, and lost dismally at Brandywine and at Germantown, but this experience taught him no real lessons. He was delighted to have Steuben continue the process he himself had begun in the first year of war of imposing petty enslavement upon a body of free men. Until recently, historians have rhapsodized uncritically over the benefits of Steuben’s training, of the enormous difference in the army’s performance. But Washington’s and his army’s performance was equally undistinguished before and after Steuben; any differences were scarcely visible.

In the midst of this Prussianizing of the American army, Charles Lee was released in a prisoner exchange in early April. While Washington and Steuben were taking the army in an ever more European direction, Lee in captivity was moving the other way—pursuing his insights into a full-fledged and elaborated proposal for guerrilla warfare. He presented his plan to Congress, as a “Plan for the Formation of the American Army.” Bitterly attacking Steuben’s training of the army according to the “European Plan,” Lee charged that fighting British regulars on their own terms was madness and courted crushing defeat: “If the Americans are servilely kept to the European Plan, they will . . . be laugh’d at as a bad army by their enemy, and defeated in every [encounter]. . . . [The idea] that a decisive action in fair ground may be risqued is talking nonsense.” Instead, he declared that “a plan of defense, harassing and impeding can

alone succeed," particularly if based on the rough terrain west of the Susquehanna River in Pennsylvania. He also urged the use of cavalry and of light infantry (in the manner of Dan Morgan), both forces highly mobile and eminently suitable for the guerrilla strategy.

This strategic plan was ignored both by Congress and by Washington, all eagerly attuned to the new fashion of Prussianizing and to the attractions of a "real" army. Lee made himself further disliked by expressing yearnings for a negotiated peace, with full autonomy for America within the British empire. During his year in captivity, it seems he had partially reverted to the position of the English Whigs. He did not realize that the United States was now totally committed to independence, and that peace terms that would have been satisfactory three years earlier would no longer do. Too much should not be made of this, however; General Sullivan, in his earlier term of captivity, had also been temporarily persuaded of similar views.

On reaching camp in late May, Lee soon embittered Washington by scorning Washington's abilities, and praising Gates' in a letter to his friend Benjamin Rush. He did succeed, however, in having Steuben's powers curtailed. He also increased his unpopularity by objecting to—though reluctantly taking—a loyalty oath of allegiance to the U.S. and repudiating Great Britain, an oath forced upon every officer in the army. The old scourge of the Tories, the coercer of loyalty oaths, seemed to be growing soft.

During the winter of 1777–78, Howe lost his last opportunity to crush Washington's army. Only twenty miles away, and drilling for open combat, it would have been easy prey. But Howe and his troops remained in Philadelphia: while the Americans froze, starved, and drilled, they revelled and partied, luxuriously enjoying the victuals, wine, and women of Philadelphia. On May 18, Washington, chafing at the inactivity, sent out a force of 2,200 men—one-third of his army—for a reconaissance in force against the British. He placed in command of this pointless foray the Marquis de Lafayette, who was apparently being rewarded for his assiduous flattery of the commander-in-chief. Now he could have his own command and end his pouting; but 2,200 men seems an extravagant price for soothing Washington's protégé. Lafayette advanced to Barren Hill, only two miles north of the British lines, and settled down to wait. He did not have to wait long. Howe, about to be replaced by Clinton as commander-in-chief, was determined to end his term on a triumphal note by capturing the young Frenchman. But Lafayette, nearly surrounded, managed to elude the enemy with his troops and to speed back home without fighting a major battle.

Upon the collapse of Burgoyne, General Howe—joined by his brother—submitted his resignation. After furious objections by Howe's well-

placed friends and relatives, Germain replaced him with General Clinton, who assumed command in mid-May. With the end of Howe's term, the last chance for a quick crushing of the American forces had gone, for France was entering the war on the American side. For Britain, the character of the war had now unpleasantly changed; from trying to teach a lesson to revolutionaries, Britain now faced an international, trans-Atlantic, even a worldwide conflict. The first thing to do was end the occupation of Philadelphia, which at best had been a waste of time. Howe had thought of Philadelphia as equivalent to a European capital: the hub and nerve center of administrative, commercial, political, and military life. But in a decentralized people's war such as the Americans were waging, there was no fixed nerve center; indeed, there was scarcely any central government at all. All this gave the Americans a flexibility and an ability to absorb invading armies in a manner highly stultified Europe could not understand.

42

The Battle of Monmouth and the Ouster of Lee

With a powerful French fleet sailing westward, Britain could no longer afford the luxury of being open to entrapment between French and American forces. Clinton had to disperse a large part of his troops quickly to fight against the French in the West Indies and to Florida as a base for southerly operations. He was ordered to evacuate Philadelphia immediately and repair to the main British base in New York City.

Clinton evacuated Philadelphia from June 8 to 18; by sea, his ships transported 3,000 terrified Philadelphia Tories to New York; the army would have to march across New Jersey. His 10,000 men were soon vulnerably strung out and loaded down with baggage as they trudged slowly northeast across the New Jersey plain toward South Amboy and New York City.

Washington's army was now in good condition, thanks to General Greene's supply efforts, and had swelled to 11,000, supplemented by militia in New Jersey. Before leaving Valley Forge, Washington asked advice of his council of war. The reckless General Wayne urged a full-scale frontal attack on the British in New Jersey, but the other generals agreed with Lee in arguing strenuously against an open attack. Far better to enjoy the victory implicit in the British retreat, and to bid Clinton good riddance to New York.

Washington appeared to accept this sober advice, and followed Clinton's army, harassing them along the flanks, and outracing them to Cranbury in central New Jersey. Reaching Allentown, east of Trenton, Clinton feared a possible attack crossing the Raritan River, possibly combined with a move southward by Gates; he veered east from the New Brunswick-

Amboy road to take his army to Sandy Hook on the Atlantic Ocean, there to evacuate his men to New York by ship. Washington was anxious to reverse the council's decision for limited harrying operations, and at another council of war on June 24 he suggested a general open attack on Clinton's army. Washington was seconded by Wayne, Lafayette, and by his aide and theoretician, Col. Alexander Hamilton. Lee, on the other hand, argued trenchantly that it would be "criminal" to risk a general engagement against Clinton's professionally trained and equipped troops, and that it would be far better strategically to "build a bridge of gold" to speed Clinton on his way to the strategically valueless nest in New York. Other generals, however, wanted to have their cake and eat it too, calling for a partial attack that would not risk the entire American army. In a typically muddled compromise, the council decided to keep the main army in reserve, while 1,500 men attacked the British flank and rear. This partial attack would accomplish little, and, at worst, as Lee cogently warned, it would rapidly escalate into the very general frontal engagement that most of the generals were trying to avoid. Greene's naively optimistic view that "I think we can make a partial attack without suffering them to bring us to a general action" was linked with his psychological argument for having the action at all: "People expect something from us." On the other hand, Lafayette and Wayne wrote letters protesting what they regarded as too soft a decision; Hamilton wrote bitterly that the council's decision did "honor to the most honorable body of midwives and to them only."

Lee angrily refused to lead the 1,500 attackers, and the command was given to Lafayette, itching to get into action. He was ordered eastward, to harass or strike at the enemy as he saw fit. But when Washington decided to escalate the partiality of the attack, and to commit 5,000 men—fully half of his army—to the engagement against Clinton, Lee changed his mind and insisted on assuming command of the front-line forces, the possibility of defeat now being far more grave. Lee camped at English-town, and the British lay at Monmouth Courthouse, five miles to the east.

On June 27, Washington ordered Lee to attack Clinton's rearguard the following day to prevent Clinton from reaching Sandy Hook, even though neither Washington nor Lee had had time to reconnoiter the terrain. Before this attack, Lee was to send out a skirmish force of 600, which, joined with Morgan's 600 men on the British right flank, were to harass and scout the British force when it began to march northeast. Morgan's men, however, were too outnumbered to do any good. As the harassment began the following morning, Washington ordered Lee to advance to Monmouth with the rest of his men, and to attack the British rearguard "if possible" and "as soon as possible." Washington was to remain at English-town in support of Lee, but because the terrain between English-

town and Monmouth Courthouse could only be traversed across three morasses, or "ravines," any support he gave Lee would not be effective. Lee halted upon receiving contradictory information about Clinton's movements, then pressed on to Monmouth, not knowing that Clinton had anticipated the American attack and stood behind Cornwallis' rearguard of over 1,500 men with a crack force of more than 4,000.

After some indecisive skirmishing, Lee saw that Clinton's large force stood right behind the rearguard. He ordered Lafayette to defend the right flank against assault, but instead Lafayette retreated, without authorization, followed first by his fellow blowhard Anthony Wayne and then by Gen. Charles Scott. Lee had no choice but to retreat back toward English-town, and he managed to do so in good order, and he later admitted that Lafayette had done the proper thing by retreating. Lee's estimate of the futility of a large-scale attack had been vindicated against Washington's rashness and poor judgment.

When Washington, making his advance, met Lee's force retreating, he gave him no chance to explain the retreat. He cursed Lee publicly in a vile manner, halted the retreat, and roused the soldiers to a demagogic pitch. After an attack by the British and furious fighting, the British withdrew from the attack, leaving approximately 350 casualties on either side. The Battle of Monmouth ended in a futile draw, with Clinton satisfied that he had conducted a model rearguard action; that night he slipped away, and was soon at Sandy Hook, and, on July 5, in New York.

The long march across Jersey, the pursuit of Clinton, and especially the Battle of Monmouth accomplished nothing but the loss of lives. The order for attack at Monmouth, over poor terrain, was Washington's responsibility and his alone. Lee was correct in opposing the campaign, and especially the attack at Monmouth; his retreat was required by the circumstances. Washington's public outburst against Lee was typical of his habit of passing the blame for his own defeats and blunders onto his hapless subordinates. Unluckily for Lee, he was not the man to stand for this sort of despicable treatment. He quickly wrote an angry letter to Washington accusing him of "an act of cruel injustice" and demanding "some reparation." The letter led to a court-martial which, subservient to Washington, found Lee guilty of not attacking according to orders, unnecessarily retreating, and being disrespectful of his superior officer in his letters of complaint. It was characteristic that the major force in prosecuting Lee was the reactionary Hamilton, who had exploded at Lee on the field at Monmouth and had accused him of treason. The court-martial suspended Lee from command for one year.

Congress's approval of this unjust verdict led Lee to denounce Congress itself, and he was discharged from the army altogether. Yet both votes in

Congress—for approving the verdict of the court-martial and for dismissing Lee from the service—were close, surprisingly so since the campaign against Lee in Congress was largely made a test of confidence in Washington. The Left, led by Sam Adams, James Lovell and especially Richard Henry Lee, lobbied vigorously for Charles Lee; Dr. Benjamin Rush wrote angrily that the congressmen were beginning to “talk of *state necessity* and of making justice yield . . . to policy.” Lee placed equal responsibility for his fall on Washington and his aide Hamilton. Also participating in the savaging of Lee were Lafayette, Wayne, Steuben, Scott, and Washington’s aristocratic South Carolinian aide, Col. John Laurens. Defending Lee among the high officers (in addition to his legal aides) were Horatio Gates, Henry Knox, who had distinguished himself at Monmouth, Gen. Alexander McDougall, Gen. Benjamin Lincoln, who had been wounded and crippled at Saratoga, and Col. Aaron Burr, who had also fought at Monmouth. Even Nathanael Greene, staunch supporter of Washington and personally estranged from Lee, acknowledged the grave injustice of Lee’s treatment. Indeed, most officers acknowledged privately that Lee was right, but sided opportunistically with their commander-in-chief in public. Even General Clinton, certainly no friend of Lee’s, thought the treatment of him grossly unjust, and agreed that Lee’s able retreat had saved the American army from a smashing blow by his forces.

When Charles Lee heard the verdict of Congress, he turned to one of his beloved dogs and exclaimed, “Oh, that I was that animal! That I might not call man my brother.” Despite his being deeply hurt by the decision, he gamely fought on for vindication, publishing effective defenses in the press. In this, he pointed to Washington’s series of severe military defeats, and keenly raised the point of the similar treatment of General Conway by Washington. Finally, isolated and embittered, he retired to a Virginia farm; as he had wittily written to Aaron Burr, he would “learn to hoe tobacco, which I find is the best school to form a consummate general.” There he was to die impoverished before the end of the war, consoled only by a few friends such as the young Virginian James Monroe, who rallied round. Even in death, Lee shocked the respectables, as his will revealed him to be a confirmed deist. His final estimate of Washington was apt: a man whose stern and composed visage masked an impoverished intellect and a vindictive cunning that destroyed every man who aroused his envy or injured his pride. His only military victory in an innumerable stream of defeats was in “one successful surprise of a drunken Hessian.”

Monmouth was the last major battle of the war to be fought in the North. From that point on, the strategy of the war was to undergo a sharp change; it was now an international war, and the British government’s aim

for a quick knockout in the North had to be abandoned. From then on, only minor skirmishes and forays were waged in the North, with the bulk of the British Army concentrated in New York City; the scene of major conflict would now shift to the hitherto unscarred South.

43

Response in Britain and France

The great aim of American diplomacy during the 1776–78 period was to induce France to expand her role from that of staunch but covert supporter to open ally at war with England. Pressures played upon the French Government: the masses, and the political opposition led by former Foreign Minister Comte Etienne François Choiseul were eager for war; but Foreign Minister Comte Charles Gravier de Vergennes, though deeply sympathetic to the new republic, cautiously drew back from open war, especially after American reverses in the summer of 1776 and in 1777. France and Spain had been about to go to war with England when Washington's ignominious defeat at the Battle of Long Island changed Vergennes' mind; and France again drew back from the break after Burgoyne's capture of Ticonderoga. Finally, Britain tried to intimidate France by threatening war if she did not cease her aid, while the Americans responded with subtle blackmail and threats of a separate peace with Britain—threats that conjured up to the French the fearsome vision of old Pitt heading a unified Anglo-American war to crush France.

Negotiations for the fledgling United States with France were first handled by Silas Deane, who arrived in France in early July 1776. He was succeeded by a three-man commission appointed by Congress to negotiate treaties and agreements in Europe, consisting of Deane, Benjamin Franklin and Arthur Lee. The commission arrived in Paris at the end of December 1776. The wily old tactician Franklin proved to be a master at the intricacies of lying, bamboozling, and intriguing that form the warp and woof of diplomacy. Moreover, the old rogue was a huge hit with the

French, who saw him as the embodiment of reason, the natural man, and *bonhomme*.

This three-man commission was guided by a model set of treaties, the "Plan of 1776," drawn up while Deane was still on his own in France by a committee of independence. The committee submitted its model in mid-July 1776 and Congress adopted it in mid-September. The plan, which furnished the model for all the eighteenth century treaties of the United States, did not propose a formal political alliance with France, for John Adams had led Congress in adopting Tom Paine's "isolationist" view that America must be self-reliant, abstain from entangling alliances in the unremitting wars of Europe, and avoid possible domination by any of the powers. Instead, the Plan proposed French recognition of the independence of the United States, and a perpetual treaty of commerce and friendship resting on the great international law principles safeguarding the rights of neutral nations: free ships make free goods; carefully restricted lists of contraband that could be seized by belligerents; and freedom of neutral shipping between belligerent ports. All of these emerging libertarian principles went totally against the practice of Great Britain, the world's dominant and aggressive naval power. The American model also proposed total freedom of trade and reciprocity between France and the United States. As Professor Gilbert puts it: "Whereas usually commercial conventions were sources of friction and instruments of power politics reinforcing political alliances by commercial preferences, the Americans wanted to establish a commercial system of freedom and equality which would eliminate all cause for tension and political conflicts."*

In other terms of the plan, no separate peace with Britain would be made by either party in case France should be involved in the war, and the United States was to pledge not to interfere with Spanish possessions in South America. France, in turn, was to give up any claims it might have to territory on the North American continent.

In the Plan of 1776, as Felix Gilbert points out, the infant United States set forth a shining new libertarian conception of how nation-states should deal with one another: political isolationism coupled with cultural and economic internationalism. There was to be no political meddling by governments, but rather full freedom for peaceful and productive relationships between individuals and peoples. This conception put into practice the foreign policy views that were being developed by the French *philosophes*. The *philosophes* recognized that the expansion of international

*Felix Gilbert, *To the Farewell Address: Ideas of Early American Foreign Policy* (Princeton: Princeton University Press, 1961), p. 52.

commerce was rapidly creating one interdependent economic world, a true family of nations welded together through trade for mutual benefit. The task of governments, then, including their foreign policy, is to get out of the way of this natural social intercourse. Militarism, the chimera of the "balance of power," treaties and alliances, the frauds of diplomacy, all were denounced as old-fashioned and incompatible with the new international order of peace and freedom and reason, the only order compatible with the rapid emergence of one economic world. Or, as the French physiocrat and libertarian Nicolas Baudeau put it, in 1767: "The essence of power politics consists of divergence of interests; that of economic policy of unity of interests—the one leads to war, frustrations, destruction, the other to social integration, cooperation, and free and peaceful sharing of the fruits of work."* The "old policy" of aggression and restriction was to be replaced by the "economic policy" of unrestricted freedom of trade, mutual benefit, and harmony among nations. In brief, in the world to come, "foreign policy" per se would disappear; in a free and rational world, foreign policy and diplomacy, "a typical phenomenon of the ancien regime . . . would become unnecessary."

From the very beginning of the new republic, John Adams, Tom Paine and the other American leaders set forth as the objectives of American foreign policy peace, full neutral rights in international law, political isolationism, and unrestricted freedom of trade. "Relations between nations would become purely commercial contacts, and the need for a political diplomacy with alliances and balance of power would disappear from the international scene."**

By the autumn of 1777, Britain had intimidated France into stopping the loading of vessels for America, and in ousting the American privateers from hospitable French ports. But the startling news of Burgoyne's defeat at Saratoga coming in early December altered matters completely. Now Vergennes knew that America could win; in addition, the danger of an Anglo-American reconciliation suddenly emerged as Lord North's government moved from a policy of hard coercion to the offer of conciliatory peace terms. Both these factors moved the French toward open war.

From Lexington to Saratoga, Britain had been united in patriotic fervor in a war to crush the Americans. Only the gallant and seemingly discredited minority Whigs, led by Burke and especially by Charles James Fox, the London radicals to the left, and the Chathamites on their right, persisted in opposing the war. The Whigs and the radicals realized that their salvation could only come with a resounding British defeat in America,

*See Gilbert, *Farewell Address*, p. 63.

***Ibid.*, pp. 65–66, 69.

and on such defeat they centered all their hopes. In April 1777, in his *Letter to the Sheriff of Bristol*, Edmund Burke finally came around to Fox's position of advocating repeal of all acts upon America passed since 1763—even the Declaratory Act, which had been an integral part of the short-lived Rockingham ministry. Burke also went so far as to hint that he preferred American independence to continuing the war.

Burgoyne's defeat galvanized the British and the French. The British cabinet tried desperately to conciliate the Americans and avoid French entry, and was now prepared to offer the old Whig terms of going back to the status quo before 1763. The British secretly conveyed these terms to the American commissioners at Paris; but it was all too little and too late; Americans, after three years of bitter conflict, were not disposed to abandon their independence. As would happen again and again in history, an imperialist power, bogged down in an exhausting colonial war which it could not win, desperately tried to find a way to extricate itself; and the revolutionaries coolly pointed to the simple solution: cease-fire and evacuation of all forces as preconditions to negotiations leading to recognition of independence. But the British persisted in holding "face" to be a more important objective. The Americans, however, used these offers to pressure France into immediate entry into the war.

As early as mid-December, the French hastened to promise recognition of the independence of the United States; on January 8, even after failing to obtain Spain's agreement, Vergennes informed the Americans that France was willing to sign a treaty of friendship and alliance with the new republic. Finally, on February 6, 1778, France and the United States signed two vital treaties. The treaty of amity and commerce was a revised version of Adams's Model Plan of 1776; neutrals' rights were guaranteed, but instead of unrestricted free trade between the two countries, they adopted a convenient "most favored nation" clause. The treaty of "conditional and defensive alliance" pledged a military alliance whenever war should ensue between France and Great Britain. The aim of the alliance was declared to be the protection of the absolute independence of the United States. France pledged itself never to claim territory in North America previously held by the British. The two parties pledged themselves never to conclude a separate peace with Britain, nor "to lay down their arms, until the independence of the United States shall have been . . . assured." Each of the two countries also rather rashly mutually extended guarantees to the other's territory, and agreed not to seek compensation from one another for wartime actions. The treaties were a great diplomatic success, and contained virtually everything for which the Americans could have hoped, with no compromise whatever of American independence.

The English Whigs were radicalized enough by these events to come

forth now as open champions of American independence. They and the radicals put up a vigorous and gallant fight to stop the war, led by the Duke of Richmond's motion in early April for evacuation of the United States and recognition of its independence. The British masses, however, showed little sign of recognizing the folly of pursuing the imperialist war; on the contrary, they began to clamor for war with the ancient enemy France, and since war with France always conjured up William Pitt, it is possible that a united opposition behind Pitt could have toppled the North regime. For Pitt, however, Britain's imperial role came first and foremost, and he insured the failure of the justly embittered Whigs by roundly attacking the very concept of independence for the colonies; furthermore, he refused any sort of cooperation with such antiempire men as the Whigs. In virtually the last act of his life, William Pitt, Earl of Chatham, staggered into the House of Lords to register bitter opposition to Lord Richmond's notion. Croaking, "If we must fall, let us fall like men," the dying Pitt collapsed, as Burke acidly put it, "after he had spat his last venom." Pitt had performed his last betrayal, his last obfuscation, of the liberal cause. But his banner was taken up by his disciple the Earl of Shelburne, and the Richmond resolution was defeated in the House of Lords by a vote of 50 to 33.

In Commons, the American cause was led by Fox, who showed himself the equal of Burke as a political strategist. Instinctively, Fox realized that political ideas remain isolated and quixotic until they become rooted in a social class. He began, then, to reach beyond the narrow circle of Whig aristocrats toward the mass of country gentry, who, while traditionally Tory, were instinctively and inarticulately libertarian; their main concern was in keeping tax rates, and therefore government expenditures, as low as possible. He linked up in their minds the American war to the aggrandizement of ministers and their favorite placemen at home. A successful American war would rivet the power of the executive and of the Crown upon Parliament and the British people. In this session, Fox was able to make a serious bid for gentry support, and succeeded on several issues.

While reviving and unifying opposition to the war with America, however, the British liberal movement was beginning to undergo a deep-seated philosophical rift. Elaborating a conservative-liberal position was Edmund Burke. Much of Burke's *Letter to Bristol* was a bitter attack on the nascent radical libertarian wing of the opposition. Burke violently denounced systematic reasoning in political philosophy, as well as the belief in "abstract" natural rights. As against reason and logical consistency, he held up the "instinctive wisdom" of the past, compromise, and ad hoc prudence in political affairs.

Burke was nothing if not provocative, and his *Letter to Bristol* immediately provoked a pamphlet in reply by the ardent Whig peer, the Earl of

Abingdon, who championed the natural rights philosophy. Abingdon, however, was not the intellectual leader of the new libertarian movement. That honor belonged rather to the Dissenting minister, the Reverend Richard Price. Price's magnum opus, widely and enormously influential in England and America, was his *Observations on the Nature of Civil Liberty* (1776). Correctly observing that the Americans were risking all on behalf of liberty as a natural and inalienable right, he set out to examine both the nature of liberty and the controversy with America. Weighing the relative danger to liberty from a despotic government as against a popular mob, Price saw why a settled government is far more dangerous: a mob is by its nature transitory and short-lived, while "despotism wearing the form of government and being armed with its force, is an evil not to be conquered without dreadful struggles. . . ." While representation is a vital check against a king, Parliament's delegated power, too, must be kept subordinate and limited, for true sovereignty must lie in the people themselves.

The true purpose of government, Price argued, was to protect and confirm liberty and the natural rights of men, and not to infringe them. But power must be continually watched, and particular dangers to liberty are an extravagant budget and a standing army. Parliaments must be subject to frequent elections and be free of corruption. He went on as well to denounce England's war against America and its claim to tax the colonies; he also trenchantly defended revolution in phrases very similar to the Declaration of Independence which would appear six months later:

Mankind are naturally disposed to continue in subjection to that mode of government . . . under which they have been born and educated. Nothing raises them to resistance but gross abuses, or some particular oppressions out of the roads to which they have been used . . . there has been generally been more reason to complain that they have been too patient than that they have been turbulent and rebellious.

In setting forth his theory of liberty, Price came close to a stand for anarchism. The polar opposites in political regimes were slavery on the one hand, and self-government on the other, and self-government or self-direction was the key to liberty, not government by law, since laws can be and are made by one person or set of persons to bind others. To Price, "the mark of the free state was that in it every man was his own legislator, all taxes were free gifts, all laws were established by common consent, all magistrates were trustees." In short, the essentials of a system of individualist anarchism. In such a society, moreover, there would be no artificial equality of income or position; the equality would be in individual independence and liberty: "Equality is the independence of each on every

other. No man could be ruled without his consent, or taxed, or abridged of his liberty.’’*

Price’s pamphlet quickly went into over a dozen printings, and was rapidly reprinted in Scotland, Ireland, and throughout the United States in pamphlet form and in the weekly press.

Emerging as leader of the London radicals in this period was Maj. John Cartwright. One of the first open advocates of American independence, Major Cartwright refused to serve in the fighting against the Revolution. In contrast to the Whigs, he and other radicals realized that liberty could never become the guiding principle of the British state until the ruling oligarchy was at least curbed. Hence, in his highly popular *Take Your Choice!* (1776), Cartwright urged democratic reform of Parliament to bring about a liberal government. He boldly called for democracy to check and limit the oligarchic power of Parliament; specifically, he urged strictly uniform representation, voting by secret ballot, annually elected Parliaments, and universal manhood suffrage. He even advocated the gathering of a great extragovernmental convention which could reform the British Constitution.

While the liberals were becoming increasingly radicalized on the American question, the harried Lord North, restrained by the king from resigning his post as prime minister, slowly pressed forward the former American policy of the Whigs. Overriding the dismay of the Tory extremists, North pushed through Parliament in mid-March the repeal of all the interfering acts since 1763, including the Tea, Coercive, and Prohibitory acts, as well as abandoning any Parliamentary taxation for revenue upon the colonies. Parliament also created a commission under the Earl of Carlisle to go to America and offer peace terms on the basis of home rule. The British concessions, however, made little impact on the United States, which branded anyone who might come to terms with the Carlisle Commission an enemy of the country. Further, the Americans used this offer, as we have seen, to pressure France into entering the war.

Shortly afterward, Congress received news of the French treaties, which were ratified unanimously on May 4 after only two days of deliberation. The Carlisle Commission arrived in Philadelphia in early June 1778, only to find General Clinton evacuating the city, hardly a strong position from which to bargain with the Americans! The commission’s repeated requests for peace talks were met firmly by Congress’ unanimous rebuff of June 17: there would be no negotiations unless they followed the withdrawal of British troops and recognition of the independence of the United States.

*Robbins, *The Eighteenth Century Commonwealthman*. pp. 337, 340.

It was now only a question of time when hostilities between Britain and France would officially begin—and the clash came at a naval skirmish off Ushant near Brittany on June 17. The two fleets battled to a standoff, and thus furnished an unpleasant reminder to the English that the French fleet was a formidable foe.

With the entry of France into the war, Britain was forced to adopt a defensive strategy in America to permit the waging of a general war. Naval strategy became dominant. Indeed, had French Adm. Charles Hector D'Estaing not dawdled in crossing the Atlantic, he could have intercepted Lord Howe's inferior fleet engaged in the evacuation from Philadelphia. When he arrived in American waters in July, he and Washington blockaded New York City; D'Estaing considered attacking the inferior British fleet in New York Harbor, but the lack of maneuverability for his heavier ships forced him to desist. From there he and General Sullivan moved toward a land-sea siege of the British base at Newport, but stout resistance and stormy waters beat off the French-American attack and both land and sea forces withdrew. D'Estaing, refusing to aid further in attacking Newport, withdrew his fleet to West Indian waters in November.

British strategy for America in the midst of the wider international war was temporarily to emphasize naval conflict, concentrating its land force in a few coastal bases, such as New York City, Newport, and Halifax, from which to wage blockades and raids on American trade and shipping and on coastal centers. Even Lord Germain agreed that the British war on America must be principally naval. But between the French navy and American privateers, now fully and openly cooperating, British naval affairs were in parlous shape. Before French intervention, British blockades and an efficient convoy system had considerably reduced the effectiveness of American privateers. But now, while North delayed in pushing naval construction, American privateers could raid British shipping from France and boldly strike at coastal areas of England and Ireland. Of the single ships of the tiny Continental Navy, the most prominent exploit was that of Capt. John Paul Jones; in the sloop *Ranger*, and operating out of Brest in Brittany, Jones raided and fought successfully during April up and down the coasts of England, Scotland, and Ireland.

The British had decided to center their operations in 1778 on an amphibious expedition of 5,000 of Clinton's men against St. Lucia in the West Indies. The arrival of D'Estaing's fleet forestalled this attack, Clinton was not authorized to take offensive action on land, and so the 1778 campaign was frittered away.

PART VI

The Political History of the United States, 1776–1778

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The Drive for Confederation

The most important political fact of the years after independence was the movement toward a formal confederation by the revolutionary states of America. The radicals were scarcely enthusiastic about creating any sort of permanent central government; but their innate distrust of all government, especially large central government necessarily removed from checks by the people, was partially neutralized by their overriding desire to win the Revolutionary War. The myth abounded that formal confederation was necessary to win the war, although the war would be virtually won by the time confederation was finally achieved. The war was fought and won by the states informally but effectively united in a Continental Congress; fundamental decisions, such as independence, had to be ratified by every state. There was no particular need for the formal trappings and permanent investing of a centralized government, even for victory in war. Ironically, the radicals were reluctantly pulled into an arrangement which they believed would wither away at the end of the war, and thereby helped to forge an instrument which would be riveted upon the people only in time of peace, an instrument that proved to be a halfway house to that archenemy of the radical cause, the Constitution of the United States.

The conservatives, on the other hand, suffered from no such hesitation. Those flexible conservatives who went along reluctantly with independence rather than becoming outright Tories, saw in a strong new central government the reconstitution of a powerful State—a British imperium without Britain. Here, they hoped, would be a strong central State which they could expect to control—a State which could bring back mercantilism

and monopoly privilege with even greater benefits to themselves. As Merrill Jensen puts it:

The conservatives who had opposed the Revolution and who went along with it only when they saw no alternatives, as well as many who were not opposed to independence, wanted supreme political authority placed in a central government which could exercise a coercive power over the states and their citizens. . . . They valued the British connection for the very definite advantages it gave the ruling classes of the colonies. When faced with the fact of independence, they demanded the creation of a government which would in some way function as a bulwark of conservative interests: in other words, as a substitute for the British government.*

The radicals, of course, were engaged in fighting a war against centralized government, its taxation, restrictions and privileges, and were not about to favor establishing an equivalent at home to what they were fighting to eject from American shores.

And what of the revolutionary radical principle of locating sovereignty in the people themselves rather than in the "legitimate" government? Would not this be an insuperable barrier to the aims of the Right? But here the able conservatives proved shrewd indeed; they managed to drop quickly the belief in the sovereignty of the crown, and demagogically to incorporate the radical doctrine of popular sovereignty for their own ends. Indeed, they cynically appeared to be *more* democratic than the radicals; for they argued that only a strong national government could *really* represent all the people. This contrasted to the radicals' distrust of central power and their doctrine that the central government should only be a limited federation of sovereign states. In the name of the "people," the conservatives called for the crushing of the powers of the separate states and the aggrandizement of national governmental power. Thus, for the first time on the American scene—but by no means the last time—the Right found the ability to use the language of popular democracy to befuddle the masses, to win their allegiance to strong central government, mercantilism, and monopoly, and away from individual freedom.

The drive for a national State came primarily from the financial oligarchs of the Middle States, and especially from Robert Morris and his Pennsylvania satellites and the allied oligarchs of New York. There were two major reasons for the greater zeal for national aggrandizement by these men than among the conservatives of the South. First, was the former's far shakier rule at home, especially in New York and Pennsyl-

*Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774-1781*. (Madison, Wisc.: University of Wisconsin Press, 1962), p. 163.

vania; and second, was the greater economic and financial stake in the central government than that among the planters of the South. For example, Morris and his cohorts had already made millions from the centralized war effort alone.

Until a formal governmental structure should be achieved, the conservatives tried their best to aggrandize the power of the existing Continental Congress at the expense of the citizens of the several states. Leading in this attempt was James Wilson of Pennsylvania, Robert Morris' ally and chief theoretician. Scorning the history of Congress, Wilson boldly declared, as early as August 1776, that Congress "really" represented all the American people and was thus superior to the states; indeed the states, declared Wilson, had really been dissolved into one large state. But though Pennsylvania's Benjamin Franklin, Dr. Benjamin Rush—a centrist shifting steadily rightward—and the now conservative John Adams argued similarly, their repeated efforts at centralization were all unsuccessful. Thus, in early 1777, Wilson argued that Congress had to oppose a convention of New England states that had met the previous December to discuss plans to prosecute the war. Adams, Rush, and he asserted that an unauthorized meeting would virtually usurp the alleged powers of Congress. But the radicals fought back powerfully. Sam Adams acidly pointed out that only tyrants opposed the right of the people to assemble; and Richard Henry Lee insisted that there was no confederation, and therefore there could be no infringement of law. Congress finally agreed that it had no power to prohibit or punish such regional meetings.

Another fierce struggle about enhancing congressional power over people came in early 1777; it was waged over a measure authorizing Congress to empower local officials to arrest deserters without participation by the state governments. Led by James Wilson, Congress at first passed this law, but it was later forced to rescind. Just arrived in Congress, one Dr. Thomas Burke of North Carolina, an Irish-born physician, quickly assumed the leadership of the radical libertarian forces. He charged that this assumption of power by Congress would "thereby endanger the personal liberty of every man in America." He pointed out that such measures would give Congress "a power to act coercively . . . against the subject of . . . every state" and dissolve state institutions. It would have "power unlimited over the lives and liberties of all men in America." At the same time, Burke and Lee also managed to block an attempt by Wilson and John Adams to vote on a return of Congress to Philadelphia by vote of individual congressmen, rather than by states—another attempt to fuse the states into "one common mass," as Adams had revealingly phrased it. If Congress were thus allowed to change its own rules—of voting by states—Burke declared, it would then be "bound by no rule at all and only governed by . . . an arbitrary tyrannical discretion." Burke's threat to withdraw

should Congress thus change its rules forced the conservatives to retreat once again.

In a letter to North Carolina Gov. Richard Caswell, Dr. Burke penned a magnificent and prophetic analysis of the drive for power on the part of the conservatives, as well as other members of Congress:

The more experience I acquire, the stronger is my conviction that *unlimited power cannot be safely trusted* to any man or set of men on earth. No men have undertaken to exercise authority with intentions more generous and disinterested than the Congress. . . . [How] could individuals blessed with peaceable domestic affluence . . . endeavor at increasing the power with which they are invested, when their tenure of it must be exceedingly dangerous and precarious . . . ? This is a question I believe cannot be answered but by a plain declaration that power of all kinds has an irresistible propensity to increase desire for itself. It gives the passion of ambition a velocity which increases in its progress, and this is a passion which grows in proportion as it is gratified.

. . .

These and many other considerations make me earnestly wish that the power of Congress was accurately defined and that there were adequate check provided to prevent any excess. . . .

Even thus early men so eminent as members of Congress are willing to explain away any power that stands in the way of their particular purposes. What may we not expect some time hence when the seat of power shall become firm by habit and men will be accustomed to obedience, and perhaps forgetful of the original principles which gave rise thereto. I believe, Sir, the root of the evil is deep in human nature. Its growth may be kept down but it cannot be entirely extirpated. Power will some time or other be abused unless men are well watched, and checked by something they cannot remove when they please.

The main thrust of the conservatives for greater power was not to be through the existing Congress, but through the formal creation of a far stronger one. In a kind of two-pronged attack, efforts were made in this regard at the same time as the push was on to centralize power in Congress. Thus, when Richard Henry Lee, in June 1776, introduced a resolution for confederation as a corollary to his resolve for independence, the conservatives were able to obtain overwhelming superiority in the Congressional committee of thirteen to draw up a plan for confederation. Chairman of the committee was the archconservative John Dickinson, who submitted a draft of "Articles of Confederation and Perpetual Union," on July 12. Dickinson's draft was heavily influenced by a plan of confederation that Franklin had prematurely circulated in the previous year. A veteran pioneer of the idea of a strong central government over the American colonies, Franklin now outlined a similar plan with the British

imperium left out. The crucial consideration was the locating of sovereign power in the national Congress; delegates would vote individually and be chosen by population, and Congress would have unchecked power over war, peace, and foreign affairs, and would seize control over the untapped and promising lands west of the Appalachians. Moreover, Congress would have all law-making powers "necessary to the general welfare," and that indefinable phrase gave *carte blanche* to legislative whim. Franklin provided for a permanent executive council, chosen by Congress but its powers were not to be violable by that body. Only one vitally important power essential to sovereignty was omitted: the taxing power, against which, after all, the Americans were in direct revolt.

During 1775, the colonies had not yet been ready for independence or for federation, but now Dickinson drew heavily on Franklin's draft for federation. Dickinson, too, provided for the national sovereignty in Congress, its powers to be sweeping, and for a permanent executive council, but his draft was a bit less permissive than Franklin's. He set forth specifically the powers that could be wielded by Congress, not leaving them limitless. He also provided that each state, as in the existing Congress, have one vote, thus granting an important concession to the states. Furthermore, whereas Franklin would have had all matters decided by simple majority vote, Dickinson conceded that certain fundamental issues, including war, coinage, and apportionment of revenue, would require the vote of nine states. Although a concession to radicalism, it was still a far cry from the unanimity that had been needed for independence.

The powers left to the states in the Dickinson draft were negligible. Treaties specifically overrode state tariffs, and the Articles of Confederation overrode state internal police power. Furthermore, the draft strongly implied that all powers but the overridable internal police power were granted to Congress, rather than to the states. Congress would also have the power to settle disputes between states. The one vital restriction remaining upon Congressional power was that it would not be allowed to levy taxes; these would be levied by the states, and the revenue supplied by them to Congress.

Three specific clauses of the Dickinson draft proved to be the focal points of raging controversy within the Congress; all involved the central problem of the conservative drive for a unitary national state and strong central government. One struggle was an attack from the right, from those who wanted to restore the Franklin idea of voting by individuals elected proportionately to population rather than by states. The conservatives were bolstered by the delegates from the large states, who, of course, tended to back an amalgam by population in which they would exert far more influence than in equal voting by states. The attack from the right was led by Franklin, aided by John Adams and Benjamin Rush. Leading

the small state radicals was the Reverend John Witherspoon, president of Princeton College, who insisted that the confederation should not be a national State but a federal union of sovereign states. Finally, after a furious battle, equal voting by states prevailed over the stubborn objections of the majority of the Virginia delegation, John Adams, and Arthur Middleton of South Carolina.

If voting in Congress were to be equal by states, how would the expenses of the central government be apportioned among the states, which would undertake to supply the revenue? The sensible solution of the Dickinson draft was to requisition funds according to the population of each state. Here again, the attack was from the right, specifically from the slave states of the South wishing to keep their slaves untaxed. They proposed requisition on the basis of the property value of lands and improvements. This was a cunning attempt to foist the burden of revenue upon the liberal and relatively slaveless New England states, where land was intensively cultivated and improved, and therefore of a relatively higher value than in the other states. While the original draft prevailed during 1776, the final vote in late 1777 was a victory for the southern view. The unanimous vote against lands and improvements as the basis for calculating revenue cast by the four New England states was overcome by a solid phalanx of five votes from Maryland, Virginia, the Carolinas and New Jersey. (Pennsylvania and New York's two delegates were evenly split.)

The most bitter of the three controversies around the Dickinson draft was over its proposal to nationalize all the western lands: to vest all the lands beyond the boundaries of the thirteen states in the ownership of Congress. The alternative was to allow them to remain in the hands of Virginia, which had vague charter claims to all land westward to the Mississippi.

The radicals opposed the Dickinson draft in reaction to the imposed jurisdiction of a remote central government in which the public had no direct participation. More important, they realized that the drive for nationalization of the western lands came from long-associated groups of highly influential land speculators, whose grandiose claims to western territory had already been spurned by Virginia, and who counted on the national government to grant them their demands. If Congress ultimately would not do so, they had nothing to lose. Many historians have treated this conflict as being between the "landless" states favoring nationalization, against the landed in favor of keeping their claims; yet two of the six "landless"—New Hampshire and Rhode Island—showed no interest whatever in nationalization. It was from Maryland, Pennsylvania, Delaware, and New Jersey, home of the key groups of speculators in western land, from which all the pressure came. Before the Revolution, the land speculators had looked to the British government to establish their

monopolistic claims; now they turned equally naturally to the Continental Congress.

It is not at all coincidental that John Dickinson hailed from Pennsylvania; that Franklin, whose plan had envisioned Congressional control of the western lands, was both a Pennsylvanian and a land speculator; and that the chief defenders of the land nationalization clause in Congress were Samuel Chase of Maryland, a member of the Illinois-Wabash Co. of western-land speculators, and James Wilson of Philadelphia, the president of the same company.

The speculators were driven to the Dickinson draft by Virginia's actions during late June 1776. The Virginia Convention had formally asserted her jurisdiction to all her grandiose charter claims to western land; it had condemned all unauthorized purchases of land from the Indians; and finally, upon petition of the settlers, it guaranteed to the actual settlers the right to preemption of their land. This resolution of May 14 was the first legislation in American history to assert the rights of the settler. It was this Virginia claim, and the guarantee to the settlers, that led the land speculators to try for nationalization of the western lands.

The Dickinson draft, completed less than a month after Virginia's action, granted to the land speculators more or less all of their goals of nationalization. Congress was given the sole power to decide state boundaries and to purchase lands beyond these boundaries from the Indians, thus implying the existence of American lands outside the bounds of any state. It was also specifically given sole and exclusive power to limit the bounds of state claims to western lands.

The Virginians reacted to the Dickinson draft with understandable bitterness; after all, one of the grievances against Great Britain had been its meddling and authority over the western lands. Richard Henry Lee and Thomas Jefferson led the attack, while Samuel Chase and Thomas Johnson of Maryland and James Wilson led the nationalizers. Wilson even tried to specify and strengthen the Congressional powers over the lands, but each of the proposals was roundly defeated. Finally, by October 1777, the landed states had triumphed. Lee successfully moved to insert in the Articles a clause to the effect "that no state shall be deprived of territory for the benefit of the United States."

For his part, Thomas Jefferson was quite clear that his resistance to land nationalization was founded not on the territorial claims of Virginia but on his deep-seated belief in justice to the settlers. As his biographer puts it:

In his [Jefferson's] mind this was not primarily a question of rivalry between one state and another. . . . His major concern was not for the land but for the people who settled on it; and at this time he believed that the interests

of the pioneers could be better safeguarded by states than by Congress, which seemed more susceptible to the pressure of speculative land companies. He was deeply sympathetic with squatters, but had little patience with absentee groups who came seeking special favors. What he most relied on for protection of individuals was local self-government, . . . favoring the early development of it in Virginia's outlying lands, but until he could be reassured about the attitudes of Congress toward the small landholders, he preferred to depend on the states to protect them. . . .*

Leading the drive for land nationalization were three large and international companies of land speculators: the Indiana Company, which claimed an enormous tract south of the Ohio, virtually consisting of what is now West Virginia; and the Illinois and Wabash companies, claiming a still vaster region, including much of present day Indiana and Illinois. All these enormous tracts were in Virginia-claimed territory. Heavily and prominently involved in the Indiana Company were: Robert Morris; the Wharton brothers, Philadelphia merchants and financiers; William Trent, brother-in-law of George Croghan; the Franks and Gratz families, international Jewish merchants, based in Lancaster, Pennsylvania and Philadelphia; Benjamin Franklin, his son William, and Benjamin's son-in-law Richard Bache; and the Tory, Joseph Galloway. Archconservative and nationalist James Wilson was in the pay of the Indiana Company, and Thomas Wharton was selected by the speculators to distribute shares of their stock in bribes to members of Congress. The huge Illinois Company grant included virtually the same crew: Trent, the Franklins, the Whartons, Croghan, and Galloway. Patrick Henry, who later broke angrily with the land speculators, was at the time either in the pay of the Illinois Company or a direct participant in it, and accordingly favored the nationalization plan. The Wabash Company, claiming nearby lands, included the Gratz-Franks group and the entire top leadership of the Maryland oligarchy: Samuel Chase, Governor Thomas Johnson, former Governor William Paca (the brother-in-law of Robert Morris), and Charles Carroll of Carrollton. No wonder that Maryland fought fiercely for nationalizing the western lands! In late 1778, after the American forces had wrested the Illinois country from the British, the Illinois and Wabash companies merged their interests into one powerful force, which would then include Silas Deane and Conrad Gérard, French minister to the United States.

At about the same time, 1774–76, Virginia won a successful three-cornered conflict of its own with settlers and with speculative land companies. Its most important land struggle involved pioneers who had trekked across the Appalachian Mountains to settle on lands claimed by Virginia

*Dumas Malone, *Jefferson the Virginian*, p. 244.

south of the Ohio River in what is now Kentucky. In 1774, Lord Dunmore's royal Virginia troops had driven the Shawnee Indians out of the Kentucky region ("Dunmore's War"), and settlement across the mountains promptly ensued. At first, the settlers simply regarded themselves as the extreme western end of Virginia's Fincastle County. Very quickly, the new settlers began to imbibe the very ideas of self-government for occupiers of new land that the Americans in general were using against Great Britain. The arguments were clearly applicable to the Kentucky settlers as against the remote government of Virginia.

Into this potentially explosive situation stepped an ambitious group of land speculators headed by Judge Richard Henderson of North Carolina. They formed the Transylvania Company in January 1775, and soon bribed the Cherokee tribe to come together and cede the company the large land area southwest of the Kentucky River and north of the Cumberland. Since the Cherokees, ensconced in the mountains to the south, made no use of this land anyway and didn't really own it, they were happy to consent to this "sale" at the "Treaty of Sycamore Shoals" in mid-March. To head company operations in the Kentucky lands, Henderson hired the celebrated frontiersman Daniel Boone, who hacked a trail (the Wilderness Road) westward across the Cumberland Gap in the mountains.

In the next step of his ambitious scheme, Henderson persuaded the fewer than 200 settlers in Kentucky to send eighteen delegates to a convention at Boonesborough, on the Kentucky River, at the end of May 1775. Demagogically playing on ideas of independence and self-government, he eloquently proclaimed "that all power is originally in the people," and the delegates unanimously decided to establish Transylvania as an independent colony, free of all eastern ties. The convention established new courts, militia, and scales of punishment for the new Transylvania, and established freedom of religion. Congress was petitioned to recognize the new region as a separate colony.

But Transylvania was not destined to remain an idyl for very long. Henderson quickly began to use its new-found independence to mulct the settlers unmercifully. He raised the price of land he charged to settlers and imposed quitrents as stiff as those charged in Virginia. The unfortunate settlers soon came to regard Henderson's Transylvania scheme as a far worse threat than Virginia. Actually, the Kentucky settlers would have preferred to be independent and truly free of both Transylvania and Virginia. But for remote settlers facing an Indian threat, this was not a very realistic hope. Led by the citizens of Harrodsburg, the settlers turned to the idea of reincorporation into Virginia. In a convention held at Harrodsburg on June 6, 1776, the delegates selected the young frontiersman George Rogers Clark and a young attorney, John Gabriel Jones, to be

their delegates to apply for representation in the Virginia assembly as a new western county.

Their trip to the Virginia governmental seat at Williamsburg was a truly heroic one, for they ran into the newly erupted Cherokee War. In early July 1776, the prowar wing of the Cherokees, led by the fiery young chief Dragging Canoe, erupted to attack frontier settlements from southern Virginia to northern Georgia. Their timing was remarkably bad, for the Tory risings in the South, as well as the British attack upon Charleston, had already been defeated, and the militia of four southern states, especially of the Carolinas, were able to devote full attention to the Cherokees. Spurred on by handsome government payments for every Indian scalp, they had brutally and systematically burned and devastated every inch of Cherokee-cultivated land and property by August. Had the Cherokees waited another year to coordinate with Iroquois attacks, or to unite with other Indians, their war might have been far more successful. As it was, Dragging Canoe's militant policy proved to be merely adventurist. In addition, his braves did not always bother to make a distinction between Tory and Whig settlers, and only succeeded in deeply alienating many southern Tories from the British cause with which the Cherokees were allied.

Finally reaching Williamsburg after their travail, Clark and Jones presented their case to the Virginia assembly in early October. There they argued against Henderson, who was aided by those apathetic to the west country and by Fincastle County, which stood to lose its claimed jurisdiction over Kentucky. But Kentucky was backed by Gov. Patrick Henry, George Mason, and Thomas Jefferson, who was always an eloquent friend of the settler. Finally, on December 7, 1776, Virginia voted to grant Kentucky admission as its westernmost county. The Henderson land clique had been totally foiled.

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The Articles of Confederation

We have just seen that in the three most important specific controversies waged in Congress in framing the Articles of Confederation, the Dickinson draft was in one instance altered leftward (preventing Congress from seizing control of the western lands), in another, rightward (changing the basis of taxation from total population to property values), and in another, remained unchanged (rejecting a rightward shift from equal voting by state to voting by individual Congressmen representing population). Generally, however, the radicals were not awakened to the revolutionary (or rather, counter-revolutionary) significance of the centralizing Dickinson draft until Dr. Thomas Burke arrived to assume the radical leadership of Congress in the spring of 1777. Burke realized the sweeping centralization implicit in the Dickinson draft, and he saw that the third article, by reserving to each state the power of internal police, "consequently resigned every other power" to the central government. To block this, he proposed as a substitute a crucial amendment, which, as Article Two of the completed Articles of Confederation, formed the bulwark of state sovereignty against the pretensions of centralized power. In its final form, this Article read: "Each state retains its sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled." This amendment shifted sovereignty and reserved powers from Congress and the central government to the states. Fighting hard for his amendment against the opposition of James Wilson and, surprisingly, Richard Henry Lee, Burke overcame initial reluctance and was finally able to swing eleven states to his support, leaving only Virginia in opposition.

Furthermore, the Dickinson draft had created a council of state, functioning as a permanent executive body with irreducible powers. This provision for a virtually independent executive was excised from the Articles, and replaced by a "Committee of the States," an arm of Congress which would have no substantial power. Indeed, the completed Articles, vigilant of any buildup of executive tyranny, expressly forbade Congress from vesting in the committee any power to make war or peace, to regulate money or coinage, or any of the other fundamental Congressional powers.

The Dickinson draft had prohibited the states from levying any duties or tariffs contradicting the provisions of any treaties made by Congress. This was amended on the floor of Congress, however, to provide that no treaty could impair the power of any state to prohibit imports or exports, or to impose its own tariffs or duties, provided that foreigners and its own citizens were subject to them equally.*

The Articles of Confederation were completed by Congress on November 15, 1777, and submitted to the several states for the required unanimous ratification. While the radicals had succeeded in pulling much of the centralist teeth, the Articles were still a momentous step from the loose but effective unity of the original Continental Congress to the creation of a powerful new central government. To that extent, they were an important victory for conservatism and centralization, and proved to be a half-way house on the road to the Constitution.

The first few articles of the "Articles of Confederation and Perpetual Union" were sensible agreements among the several states, rather than the erection of a central government. Thus, apart from Article Two's declaration of state sovereignty and reserved powers to the states, the states pledged mutual defense, mutual privileges and immunities among the citizens of the respective states, and full faith and credit to the acts and judicial proceedings of the other states. Thereafter central power began to assert itself. While the prohibition on any state's engaging in its own foreign diplomacy, treaty or war seemed sensible, the prohibition against any state's having an army or navy not approved by Congress was an important seizure of the power of force by Congress. So too was the compulsion on each state to maintain a militia, and the requirement that

*Jensen expresses surprise that such centralist leaders as Robert Morris, James Duane, and William Duer supported this "states' rights" amendment. Rather than lamely trying to explain this vote as a concession to New York and Pennsylvania radicals, however, it should be clear that these archconservatives did not at this point wish to give up the power of the states to levy tariffs. Contrary to Jensen's implicit assumption here, "merchants" are not inveterate opponents of protective tariffs. The Philadelphia and New York oligarchs desired a nationwide tariff, and there was no reason at this particular point—certainly none deriving from formal nationalist principles—for them to abandon the power of state tariffs as well. Cf. Jensen, *Articles of Confederation*, p. 178.

each state supply revenue to Congress in proportion to its land values. (Congress, however, had to rely on the states to meet these requisitions.) So also was the power vested in Congress to be the final court of appeal on all boundary or jurisdictional disputes between states or land grant disputes involving two or more states. Moreover, Congress acquired the sole power to regulate the alloy and weight of all coins, whether minted by itself or the states; to establish post offices and exact postage; and to appoint all naval officers and all army officers over the rank of colonel, and to direct their forces. Congress also had the power to requisition soldiers from the states in proportion to the number of their *white* inhabitants (thus privileging slave states, who did not have to supply soldiers in proportion to their slaves), and to borrow money or emit bills of credit (i.e., paper money).

A key clause, Article Twelve, provided that all previous debts and bills of credit emitted by Congress would be deemed payable by the new government, thus setting a precedent for a compulsory visiting of the debts of the past upon future generations. The union, too, was made compulsorily perpetual, with *unanimity* of every state legislature, as well as approval by Congress, required for any alteration of the Articles of Confederation.

For such fundamental decisions as declarations of war, issue of letters of marque (also reserved solely to Congress), making treaties, coining or regulating money, voting common expenses, issuing bills, borrowing money, or raising armed forces, the vote of nine states, voting equally by states was required. This provision completely abandoned the requirement of unanimity which had been needed to declare independence or to ratify the Articles themselves. Unanimity would now only be needed to change the Articles.

Each delegate to Congress was to be elected annually by the state legislatures. The democratic and libertarian belief in rotation in office as a vital check upon the building up of entrenched political power was represented in the prohibition, in the Articles, against any Congressional delegate serving for more than three years out of any six. Moreover, he was prohibited from holding any central government office while serving as delegate.

The Articles were not exactly received with huzzahs; rather, they were greeted quietly and dutifully, as a needed part of the war effort against Britain. One of the keenest critiques of the Articles, as might be expected, came from Thomas Burke, who warned that, under cover of the war emergency, eager power-seekers were trying to impose a central government upon the states. He urged the North Carolina legislature not to ratify: not only no confederation, but no Congress, would be necessary after the war; and, in any case, each state must have the right to control

all the soldiers within its own territory. In response, the North Carolina legislature, controlled by radicals, expressed strong criticism of the excessive central power over the states and ratified only part of the Articles; it was only at the end of April 1778 that North Carolina consented to ratify in toto.

In the South Carolina Assembly the drive against the Articles was led by the radical leader, William Henry Drayton. He warned that the central government would seize effective sovereignty under the Articles, and attacked their vagueness and ambiguity. He also warned that constitutional precision was vital, for otherwise a consideration of "the spirit of the laws" would provide a ready route for Congressional assumption of power in the future. He effectively quoted the great Italian jurist Beccaria to the effect that the "spirit" of the law would be found in the necessarily fluctuating and subjective interpretations, and in the whims and crochets and interests of the Congressmen and other concerned people at the time. He also attacked the abandonment of unanimity, and proposed a vote of at least eleven states to be needed for fundamental decisions. South Carolina's ratification included numerous amendments restricting central power, including denial of Congressional jurisdiction over interstate disputes. However, South Carolina, too, finally ratified the Articles in early 1778.

In New Hampshire also, the Articles were under heavy fire from the left. Town meetings considered the proposal throughout the state, and there was general dissatisfaction at real estate values as the basis of taxation. Some towns also urged that a declaration of war be required to be unanimous among the states. However, the New Hampshire legislature passively ratified the Articles in March 1778. Massachusetts followed a similar procedure. The towns suggested many valuable changes restricting central power, among them a required vote of eleven states for important decisions, and requiring that decisions on war and peace be left to the people of the states rather than to Congress. And yet the Massachusetts General Court meekly ratified the proposed Articles of Confederation.

Connecticut offered an amendment to the Articles prohibiting any standing army under Congress in time of peace, and New Jersey partly agreed. But again, these states soon fell into line.

But while all other states soon ratified (New Jersey and Delaware at the turn of 1778), Maryland, run by a tightly knit little oligarchy of land speculators, persisted in holding out against ratification unless the western lands were nationalized. As a consequence, the Articles of Confederation were not to be ratified and go into effect until 1781, when the Revolutionary War would be all but over.

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Radicalism Triumphs in Pennsylvania

Certainly the most exciting political event in the years after the Declaration of Independence was the triumph of the radicals in the Pennsylvania Constitution of 1776. Pennsylvania's proprietary status had allowed its colonial assembly to retain its dominance even after war began; its conservative opposition to independence then forced the independence movement to polarize into a truly radical opposition. In the provincial conference of June 1776, this opposition had created a dual government in scornful defiance of the moribund assembly, and had declared independence. The conference organized a provincial convention to frame a new constitution for Pennsylvania, and this convention was weighted heavily in favor of representation from the west, in contrast to the previous weighting in favor of the east. It also greatly broadened the suffrage, giving the vote to all taxpaying adult military associators who would take a loyalty oath to the rebel cause.

The Pennsylvania convention which met on July 17, 1776, was heavily dominated by the radicals from Philadelphia and from the west. Benjamin Franklin was named president of the convention, but he was well content to serve as figurehead and took no interest in state politics at the time, preferring to work with the conservatives on the national scene. The major drafters of the Pennsylvania Constitution were the libertarian Prof. James Cannon of Philadelphia College, his fellow Philadelphia mathematician, David Rittenhouse, and the leader of the Philadelphia mechanics, Timothy Matlack. Not delegates to the convention but highly influential behind the scenes were Dr. Thomas Young, formerly of Massachusetts and ideological mentor of Ethan Allen, and Philadelphia merchant and

jurist George Bryan. The mass of the delegates were far more broadly based than American legislators had ever been; instead of dutifully electing their betters to office, the masses from among farmers and artisans had risen up to elect delegates of their own.

In the Pennsylvania constitution, the radical leadership and their new mass base created a remarkably democratic instrument which quickly became the object of hate and alarm among conservatives of every stamp throughout the country. Its essence was the radicals' realization that the inevitable thrust of despotism comes from entrenched oligarchy, and that therefore liberty is best assured by checking and scotching that oligarchy before it has a chance to grow. Conservative urgings of bicameralism were swept aside, and a single-house legislature created with no oligarchical upper house allowed. Executive tyranny was checked in advance by creating a plural executive, a council elected in rotation and removable at any time by the elected assembly. The president of this council, elected by joint vote of council and assembly, was only the presiding officer of the council with no real executive power. Furthermore, the council itself was strictly subordinate to the assembly and had no veto power over legislation. Plural officeholding was totally forbidden. Judicial despotism was prevented by making the Supreme Court judges *not* life judges guaranteed tenure on good behavior, but elected by the council for seven-year terms and removable by the assembly at any time for misbehavior. Military despotism was checked by allowing the state militia to select its own officers of colonel and below, higher officers to be selected by the assembly. Cannon and his Philadelphia Committee of Privates lost their fight, however, to make *all* militia officers electable by their men.

Contrary to many interpretations of the Pennsylvania constitution, the aim of the framers was *not* to erect unchecked rule by the one-house legislature. On the contrary, its power was also to be severely checked in advance. Thus, state government tyranny over local affairs was prevented by making all local officials elected by their local community. And no bill was to become law unless passed by *two* successive assemblies, so as to test the popular will before any measure could be finally passed. To insure rotation in office as a check upon entrenched power, representatives in the assembly could not serve more than four years out of every seven. An especially interesting check upon the legislature was to be a council of censors, whose job would be to meet every seven years to examine whether any part of government had exceeded its constitutional power (i.e., to function perhaps as a kind of judicial review), and to call a new constitutional convention to amend the old.

The constitutional suffrage continued along lines similar to the voting for the convention itself. Suffrage was broadened by extending it to all patriotic taxpayers and sons of freeholders. While overrepresentation of

the west was to continue for two years, the constitution recognized that representation in proportion to the number of voters (in this case taxables) "is the only principle which . . . can secure liberty" and thus dared to undercut the radical voting base itself on behalf of radical principle, establishing such proportional representation by 1778. One undemocratic feature confined to the freeholders the nomination of two choices for each post of justice of the peace, sheriff and coroner, one of whom would be chosen by the state council. The constitution-makers inserted, again over Cannon's objections, a Christian oath for holding office—an oath that unusually allowed Roman Catholics to accept office. Two particularly libertarian clauses in the constitution were the abolition of imprisonment for debt (except in cases of fraud) and the allowing of the right to vote to all foreigners resident more than a year in the state, which served to enfranchise many German immigrants. "Excessive" bail was prohibited, and punishments were to be reduced to become more proportionate to the crimes. In addition, jails were to be made places of forced labor where the criminals could be made to work, partially to repair the injuries they had committed. Perpetual entails of estates—an ancient feudal abuse of property—were prohibited, and a free press guaranteed to everyone.

The Pennsylvania constitution also included a comprehensive "declaration" or bill of rights. This included the bulk of the model Virginia Bill of Rights, for example, natural rights, power in the people, right of abolition of government, right of jury trial, liberty except by process of law, prohibition of general warrants, and prohibition of standing armies. To these, Pennsylvania added many other highly libertarian clauses. One held "that all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences," and that therefore there must be no compulsory religious establishment or abridgement of rights on account of religion—in short, full freedom of religion. A second stated "that the people have a right to freedom of speech, and of writing, and publishing their sentiments; therefore, the freedom of press ought not to be restrained." A third clause asserted the "natural inherent right" of all men to emigrate to a state that will receive them, or to form a new state on vacant lands. Another article upheld the right of the people to assemble and to petition for redress of grievances.

A potentially sweeping libertarian clause held "that every member of society hath a right to be protected in the enjoyment of life, liberty, and property," but inconsistently drew from that the qualifying non sequitur that he "therefore is bound to contribute his proportion toward the expense of that protection." The bill of rights also upheld, in this state with a long-time pacifist tradition, the right of conscientious objection to bearing arms upon payment of compensation. Some of the members of the convention toyed with the idea of a vague clause criticizing concentration

of property in the hands of a few, but this egalitarian clause was stricken from the final draft.*

The highly liberal and democratic Pennsylvania constitution, promulgated on September 28, 1776, proved to be a beacon and inspiration to libertarians and a scourge to the conservatives throughout America. The absence of an upper house greatly angered John Adams and Benjamin Rush, who was pushed rightward by the constitution. Most resistant was the bulk of the wealthy and the well-born, reluctant to give up their old privileges. As one contemporary opponent of the constitution frankly put it: "Must gentlemen, who have ruled society for a century past, be trampled down to the level of common mechanics in an instant and be obliged to consult their humors . . .?"** Dr. William Shippen, a member of one of Philadelphia's leading families, wryly wrote of the frenzied opposition:

I don't wonder to see more of our friends offended and full of resentment upon the change who have been heretofore at the head of affairs, in short have in many instances behaved as though they thought they had a sort of fee simple in them and might dispose of all places of honor and profit as pleased them best, now to be ousted or at least brought down to a level with their fellow citizens.

The main point of attack seized upon by the conservatives—and by historians since—was the convention's insistence upon prescribing a test oath of loyalty to the constitution and the new government by all Pennsylvania voters. The convention also raised revenue by levying fines on nonassociators, and decreed that justices of the peace could seize and hold indefinitely without trial or habeas corpus anyone speaking or writing against measures of the United States. While pointing to invasions of liberty by liberty's proclaimed champions was certainly a neat debater's trick, it was superficial and actually proved little. In the first place, the point was cynically demagogic, as the conservatives cared precious little for liberty. But more than this, it must be emphasized that invasions of liberty, particularly the liberty of Tories, were growing apace throughout the country. The Pennsylvania test oath was part of this nationwide crackdown, a crackdown here occurring in a state riddled with Tories and Tory sympathizers. While the oath was certainly deplorable and inconsistent with liberty, it is impermissible to equate mechanically the systematic invasions of liberty by a despotic regime with the sporadic excesses grow-

*Professor Douglass, in his illuminating work on political controversies in the Revolutionary period, lays stress on this clause as evidence of a certain "New Deal" orientation in the assembly. But surely the important point is that this admittedly radical-dominated convention rejected this clause in the constitution. Cf. Elisha P. Douglass, *Rebels and Democrats* (Chapel Hill, N.C.: University of North Carolina Press, 1955), p. 266.

***Ibid.*, p. 274.

ing out of a radical revolution's desperate attempt to install a liberal regime against the opposition of its mortal enemies.

The wealthy and therefore the educated men of Pennsylvania and, hence, the bulk of the lawyers, opposed the constitution, which was defended by the radical theoreticians and supported by the mass of western farmers and by many urban artisans. The right, unwilling to accept defeat, rapidly formed an "Anti-Constitutionalist" party dedicated to framing a new constitution, while the radical defenders of the new regime became the "Constitutionalists." The Anti-Constitutionalists organized a large meeting in Philadelphia in mid-October, which passed numerous resolutions against the constitution. These critics of libertarians tipped their philosophical hand by calling for the separation of powers as taught by the reactionary Baron de Montesquieu, and also for a more stringent religious test for voting. A large Philadelphia mass meeting a few days later "ratified" these resolves, over the opposition of Young, Matlack, and Cannon.

But the Philadelphia dissenters found their way totally blocked in the hinterland; the committees of Cumberland and Chester counties rejected the Philadelphia resolves, and no county meeting unqualifiedly endorsed them. The November elections, while electing Anti-Constitutionalists from the city and county of Philadelphia, placed the Constitutionalists in firm control of the assembly. But the Anti-Constitutionalists, led by John Dickinson, tried to wreck the assembly by staying away from the sessions and preventing a quorum. The radicals, however, simply and effectively held new elections for the posts of the absent members, and by March 1777, growing Constitutionalist strength gave them a quorum. The assembly under the Pennsylvania constitution was firmly in radical hands.

The conservatives, however, refused to relax their fight; in county after county, they would not serve in public office, and, as in Bedford County, conservative county clerks refused to surrender official records to their successors. Lawyers would not practice in the courts. Rightists rioted in Lancaster and other counties. Increasingly, rightist agitation was being led by James Wilson from Philadelphia. To counter the agitation, the Philadelphia radicals, led by the young artist Charles Willson Peale, formed a Whig Society and a committee of correspondence consisting of Peale, Young, Cannon, Rittenhouse, and Thomas Paine, who brought his powerful pen to the defense of the constitution. Amidst the war crisis, Congress presumed to step in and grant power to Pennsylvania's executive officials, and the right mounted a crescendo of propaganda for a new constitutional convention. This plan was foiled by the crisis precipitated by General Howe's advance on Philadelphia in July 1777, when all constitutional questions were postponed. The thwarting of the rightist plans by the British advance was in a sense poetic justice; for this campaign by the right

against the constitution played into the hands of the numerous Pennsylvania Tories and greatly weakened the state's role in the Revolutionary War. To try and throw off the stigma of Toryism, the Anti-Constitutionalist party began to call themselves "Republicans."

In contrast to the conservatives, the radicals in control of the assembly showed themselves paragons of magnanimity reaching the point of mad-cap generosity. Thus, their archenemies Robert Morris and James Wilson were retained as delegates to Congress, and they chose the now determined conservative Joseph Reed as first chief justice of the state, only to have him refuse brusquely as part of the withdrawal drive to scrap the constitution. After Reed declined, the post was offered to the Anti-Constitutionalist Thomas McKean, who was opportunistic enough to accept it. Finally, the radicals chose the moderate conservative, Thomas Wharton of the Indiana Company, to be the first president of the Pennsylvania council. When Wharton died in the spring of 1778, moreover, the radicals offered this important post to Reed. This offer finally pricked his opportunism and persuaded him to desert the bitter-end opponents of the constitution.

Struggles Over Other State Governments

If radicalism was to have its greatest triumph in Pennsylvania, this was not to be matched in Massachusetts, the birthplace of American radicalism. As we have seen, Massachusetts had taken a considerable turn rightward after the Revolutionary War began. For one thing, it could, for a while, fall back on its old charter rather than have to precipitate a bitter internal struggle to dislodge a Britain-oriented assembly, as happened in Pennsylvania. For another, its major radical leaders had either shifted sharply rightward (John Adams and Hancock) or else lost their sharpness of purpose (Sam Adams). But even so, the Adamses remained the bulwark and focus of the decentralist and left faction in the Continental Congress. Only the Berkshire Constitutionalists in far western Massachusetts had developed a domestic radicalism comparable to the dominant Pennsylvania left. In some respects, the Berkshire Constitutionalists surpassed them.

As Berkshire and Hampshire counties in western Massachusetts continued to live in a state of quasi anarchy, however, pressure began to erupt throughout the state in the fall of 1776 for a regularized constitution—especially after independence had been declared. The old existing charter was now an anachronistic reminder of British rule. Massachusetts radicalism began to emerge again as Concord, Boston, and numerous Worcester towns joined to urge a constitutional convention unmistakably separate from the regular legislature. Many towns also pioneered in another vital democratic innovation: the right of the people themselves to vote in a referendum on any constitution that the legislature or a special convention might adopt.

The Massachusetts General Court, however, backed by the majority of the towns, turned down a move to allow the people to elect a constitutional convention, and formed itself into a convention to write a constitution for the new state. In the considerable newspaper discussion in the summer of 1777 regarding the form that the new constitution should take, two different points of view were taken by "Clitus" and by "Faithful Friend."*

On the left, "Clitus" urged a government that "is easy, simple, and cheap," and thus elective in all branches, having a unicameral legislature, and based on universal manhood suffrage. He attacked the conservative tendency to reintroduce the British political system without Great Britain:

We debase ourselves in reintroducing the worst parts of British rule. The plain question is, are we fighting and lavishing our blood and treasure to establish the freest and best government on earth, or are we about to set up a formidable court interest? . . . The origin and essence of government is in the people. Therefore, let us keep the staff in our own hands.

"Faithful Friend," in frank rebuttal, took up the traditional conservative theme of total distrust of the people and of the justice or the capacity of individuals to run their own lives. Instead, such power must be surrendered into the hands of a ruling oligarchy, who apparently suffer from no such incapacity, and who would presumably be checked sufficiently by periodic elections. Thus:

The stuff of power never was, nor never can be, in the nature of things, in the people's hands. As a people we have no power in our hands we can safely exercise, but of choosing our guardians once a year. . . . We are not fighting for this or that form of government, but to be free from arbitrary power and the Iron Rod of Oppression on one hand, and from popular licentiousness and anarchy and confusion on the other.

The constitution reported by the General Court in the spring of 1778, after a sharp struggle, was shaped by such conservatives as Robert Treat Paine, Thomas Cushing, and John Adams. It was a highly conservative document, and was angrily rejected by the towns of Massachusetts, voting under universal manhood suffrage, by an overwhelming majority of five to one. Boston rejected the constitution by a similar majority. The towns of Lexington, Concord, and Beverly demanded a special constitutional convention, and Lexington, Westminister, Brookline, Lenox, and other towns made it clear that they would reject any constitution that did not have a bill of rights.

*Douglass, *Rebels and Democrats*. pp. 171-73.

The town of Mendon, in Worcester County in the interior of the state, was typical in its libertarian objections to the constitution. It attacked the heavy property qualification for voting for governor or upper house, the veto power of the small upper house over the lower, the absolute power of the governor to command the militia, and the continuation of the Congregational establishment in the state. The nearby town of Sutton also attacked the absence of provisions against legislative corruption and the absence of any provision for abolishing slavery. Sutton also urged a popular referendum voting on all legislation and extending the vote to Negroes.

As might be expected, the most radically libertarian rebuffs to the proposed constitution of 1778 came from Berkshire and Hampshire counties. Thus, the town meeting of Greenwich (Hampshire) rejected the constitution because it replaced popular rule by oligarchy. It

entirely divests the good people of this state of many of the privileges which God and Nature has given them, and which has been so much contended for, and giv[es] away that Power to a few individuals which ought forever to remain with the people inviolate. . . .

Specifically, Greenwich denounced the powers of the governor and the upper house, and called for a unicameral, annually elected assembly, the election of the civil and military officers by the people, and the annual election of all judges and officers of each town and county by the voters of the respective areas.

When the constitution of 1778 was thus overwhelmingly rejected, the conservatives were content to peg along on the old charter, but the Berkshire Constitutionalists persisted in refusing to recognize this regime, and in keeping the county courts closed until a constitution should be established. They even threatened to secede from Massachusetts. When the General Court tried to reopen the Berkshire courts itself in the spring of 1779, a determined crowd prevented the judges from holding court, successfully defying the state of Massachusetts.

Thus, by 1779, conservatives and radicals in Massachusetts were still locked in an inconclusive struggle. Neither had yet triumphed, and a state constitution had not yet been adopted.

The radical principles of the Pennsylvania constitution proved to be far more influential in Vermont—a state precariously and uniquely emerging in rebellion against conservative New York, one of the United States of America. At the westside town of Dorset at the end of July 1776, articles of association had been approved, declaring loyalty to the newly proclaimed United States, but indicating that the Grant lands were a separate

district unenthusiastic about being incorporated into New York. The articles were approved by the separate Grant towns east and west of the Green Mountains, and the New York State Convention resumed New York's old harassment of the Grant settlers, insisting on rent payments to the New York land grantees. In response to this renewed threat, delegates from forty-four towns, eastside *and* westside, met together for the first time at Dorset on September 25. They boldly declared the Grants a separate district, abolished any New York laws still in effect, and organized a militia under this Grant land convention; The Grant lands were to be a separate state! A committee was appointed to ask Congress for admission to the Confederation. At the same time, a covenant was proposed to be signed by all adult males in Vermont, reciting the grievances against New York and pledging loyalty to this convention.

Approval and endorsement of the covenant by westsiders was almost unanimous; on the eastside a majority of the citizens had approved. Hence, another meeting of the Vermont Convention in mid-January 1777 proclaimed the Grant lands "a new and separate state" named New Connecticut. The convention drew up a declaration of independence modeled after that of the United States—except that New York State, rather than King George, was the major target. It also proclaimed the vital principle that unorganized territories be permitted to form their own governments.

Protests against independence emerged from the leaders of the long-time pro-New York towns in the southeast corner of New Connecticut. But even Brattleboro, the center of the protest, found that its pro-New York committee of safety could not muster a quorum and was falling into disuse, and that proindependence insurgents had seized the town jail and forced the New York-appointed sheriff to resign. New York further alienated Vermonters by reconfirming all royal land grants in its new state constitution.

At this point, Dr. Thomas Young, one of the authors of the Pennsylvania constitution, began to bombard the grateful New Connecticut leaders with letters and suggestions for a constitution. In particular, he sent them as a model a copy of the Pennsylvania constitution. He even persuaded them to change the name of the new state to Vermont, in commemoration of the Green Mountains. In the summer of 1777, undaunted by Congress' refusal to recognize its independence, Vermont adopted a constitution modeled after that of Pennsylvania. As might be expected from this highly democratic and individualistic state lacking the incubus of a landed or financial oligarchy, the constitution was far more radical than even its model. It included two great milestones. In its bill of rights was contained the outright abolition of slavery—the first such state action—as well as the abolition of all adult bondage, including indentured service. The other breakthrough was the establishment of universal man-

hood suffrage, another first. On the other hand, the most illiberal feature of the Vermont constitution was its insistence on a Protestant test oath for holding public office.

Boldly but precariously, Vermont, not recognized or admitted by Congress, was now an independent republic. Menaced by Burgoyne's army and by New York covetousness, little Vermont soon was rent from within. The turbulent eastside towns were split into five brawling factions: the Vermont group, loyal to the new state; the York party of the extreme southeast, agitating for acquisition by New York; the New Hampshire party, encouraged by New Hampshire President Meshech Weare; a pro-Massachusetts group, headed by Charles Phelps of Marlboro; and the imaginative College Party, which owed ideological allegiance to Dartmouth College radicals John Wheelock and Bezaleel Woodward. The Dartmouth group urged a split of eastern Vermont and western New Hampshire from their respective states, and their union into a new state centering on the upper Connecticut River. Actually, this was quite a sensible plan, as eastside Vermont had geographically more in common with western New Hampshire than it had with westside Vermont.

Soon, the New Hampshire and College parties formed an alliance—a coalition precipitated by a petition from sixteen western New Hampshire towns rebelling against taxes and conscription directed from Portsmouth and the eastern towns. They asked to be included in Vermont, and the eastside towns greeted their request with enthusiasm, threatening to secede from Vermont and form the new "College" state if Vermont refused admission to these western New Hampshire towns. The westside leaders, fearing a loss of their power and the enmity of New Hampshire, managed to stall the Vermont assembly's acceptance. By June 1778, however, the several Vermont towns voted overwhelmingly to admit the New Hampshire petitioners, and to the plaudits of a jubilant eastside, the sixteen river towns were admitted to Vermont. At the same time, a convention at Brattleboro of southeastern Vermont towns compounded the new republic's problems by proclaiming their refusal to obey Vermont law and their adherence to New York.

New Hampshire now threatened war, and immediately petitioned Congress to take action against Vermont and her own seceding towns. Justice was certainly on the side of allowing the western New Hampshire river towns to join Vermont, but the big battalions were on the side of the New Hampshire State. Colonel Ethan Allen, newly released from an English prison, was quickly sent to Congress and persuaded it to delay judgment. The great confrontation on this issue came at the October 1778 meeting of the Vermont General Assembly. A furious struggle ensued between the westside leadership, which warned that the entire United States would crush Vermont unless the New Hampshire towns were relinquished, and

the eastsiders and the towns themselves, which bravely clung to the union of both banks of the Connecticut River. The westsiders won at the last minute, ejecting the river towns from Vermont, at which the great bulk of the eastsiders walked out and threatened secession to form the "College" state.

Radicalism was also triumphant in Georgia, where it was led by artisans and others in the Liberty Society of Savannah, by back country farmers, and by such wealthy planters as Button Gwinnett, one of the signers of the Declaration of Independence. The temporary constitution of April 1776 was succeeded by a similar permanent constitution the following year. The legislature was unicameral, and any hint of executive or oligarchic judicial rule was systematically checked in advance. A governor and council were chosen by the legislature for brief terms and had no veto power and negligible executive power. The judges were to be chosen by the legislature and were removable at any time. Court fees were strictly limited. An important libertarian and democratic feature of the Georgia constitution was the elevation of the power of juries: special jurors were to be judges of law as well as of fact, and were to exercise judicial review on interpreting the constitution. In this way, judicial oligarchies would be kept strictly subordinate to the cross section of the people embodied in the juries. Entail and primogeniture—those hallmarks of feudalism—were abolished, and nearly all local officials were to be elected by the local communities themselves.

Here was a radical constitution to rank with Pennsylvania and Vermont. A conservative element was the restoration of a property qualification for voting amounting to a valuation of ten pounds, with higher qualifications for representatives. With respect to religion, voting was limited to Protestants, the Anglican church was disestablished, and clergymen were barred from being members of the legislature. Voting was established by secret ballot and legislative representation was to be by population; no longer would Savannah and the coast be allowed to dominate the back country.

During the winter of 1776–77, the conservative South Carolina legislature, apparently eager to scotch Georgian radicalism, proposed merger between the two states, but the Georgians angrily refused.

South Carolina came under an ultraconservative constitution of March 1776 under the aegis of the large planter aristocracy. The conservative Rutledges and Henry Laurens were the effective rulers of the new state. The radicals, led by Christopher Gadsden and William Henry Drayton, led a drive for reform and a new constitution culminating in March 1778, when a new charter was accepted by the assembly. This new constitution was considerably more liberal: the president lost his veto power, the upper

house was now elective, and suffrage was extended to those owning property equivalent in value to 50 acres of land. However, property qualifications for officeholding remained enormous, and apportionment still weighed heavily in favor of the low-country planters. In an important liberal step, the Anglican church was disestablished, and all sects declared equal before the law; but, on the other hand, Protestantism in general was declared the official religion of the state and churches were subject to state control.

The ultraconservative President John Rutledge tried to veto the new constitution, but he was forced to retire from his post. The radicals were unexpectedly deprived of political victory when Gadsden abandoned the radical camp in exchange for the vice presidency, and later the lieutenant governorship, of the state, allowing Rutledge to return in late 1778 to be the first governor under the new constitution. Gadsden's split with his mass base became apparent when he extended the deadline for taking the mass test oath of loyalty to the American cause. The radical mechanics of Charleston had zealously been imposing the oath and causing the departure of many Tories into English territory. The radical mechanics rioted against him in early June 1778, and from then on, the spokesmen for radicalism were the leaders of the June riot: Dr. John Budd, the lawyer Henry Peronneau, and the lawyer and merchant Joshua Ward.

In North Carolina, a furious struggle in April 1776 between radicals and conservatives over a constitution had resulted in deadlock. The elections of October were fought furiously and riots abounded in the back country. The best known leaders of the state, such as Gabriel Johnston and William Hooper, were firmly in the conservative camp. John Adams' ultraconservative *Thoughts on Government* was widely circulated in the state, and became the handbook of the conservative cause. Hooper attacked democracy and called for the "near perfection" of the British constitution, under which the "selected few" could rule. Hooper was livid about the Pennsylvania constitution and the danger of a similar document emerging in North Carolina.

Typical expressions of radical sentiment were the instructions to the convention delegates by Mecklenburg and Orange counties, widely separated back-country districts. The Mecklenburg instructions were written by John M. Alexander and Waightstill Avery, drafters of the seminal Mecklenburg resolves of 1775; the Orange instructions were drafted by Thomas Burke. These instructions made clear that supreme power belongs to the people, and that any representatives have only strictly subordinate and inferior power. Mecklenburg asked its representatives to be as democratic and antiaristocratic as possible.

The radical program favored separation of powers, but not the Adamsian "separation" of creating agencies unaccountable to the electorate. The radical means were such devices as the abolition of plural officeholding, frequent elections, unicameralism or popular election of any upper house, local election of county officials, etc. In short, the checks and separations were to be exercised by the people themselves, not by a newly created autarchic organ of government.

Other prominent radical leaders were Thomas Person, a wealthy landowner and former Regulator leader of Granville County in the interior, John Penn, also of Granville County, and Willie Jones of Halifax County, one of the wealthiest men in the state. On the other hand, Willie's brother Allen, also a wealthy landowner, was one of the leaders of the right wing.

The newly elected Provincial Congress of North Carolina finally passed a constitution on December 18, 1776, that embodied a compromise between right and left forces. The legislature was to be bicameral, but both houses and the governor were to be elected by the people. The executive, furthermore, had little power. County court judges were to be elected by the people of the counties themselves. All taxpayers could vote for the Assembly (and all householders paid poll taxes); qualifications for the Senate were a bit more restrictive (fifty-acre freeholders) but not substantially so. Plural officeholding was abolished, insuring a democratic separation of power, and entails and imprisonment for debt were abolished. And even though only Protestants could hold public office, the Anglican Church was disestablished and no other put in its place.

On the other hand, property qualifications for becoming representatives or senators were substantial, and quite large for the office of governor. Representation continued to discriminate against populous towns and counties, i.e., largely against the Piedmont in favor of the Tidewater areas. Justices of the peace—the keystone of despotic local oligarchies in the South—continued to be appointed by the governor and were exempt from the laws against plural officeholding; also appointed by the state were local sheriffs, coroners, and constables, so the local courthouse rings continued in business.

The radicals, headed by Willie Jones and Person, soon proved able, for the most part, to control the new North Carolina legislature, and Thomas Person continually urged lower taxes and a lower salary for the governor.

The tightly knit Maryland oligarchy passed a highly conservative state constitution in November 1776, but with some concessions to the radicals in the western part of the state. The high property qualifications were made very slightly lower than before. Property requirements for the top officeholders were, of course, much higher than that. The Anglican church was disestablished, although room was left for a general tax

for support of all Protestant sects. Other liberal provisions were strong prohibitions against plural officeholding by members of the legislature, election of sheriffs by the people of the counties themselves, rotation in office, and an end to poll taxes. A new and extremely conservative way of selecting the Senate, however, was instigated by Charles Carroll of Carrollton: the members were to be chosen for five-year terms by an elected electoral college, who would choose fifteen senators from among themselves; interim vacancies would be filled by the Senate itself! Thus, the Senate was to be virtually unchecked by popular control. This reactionary measure drew the later praise of such presumably moderate conservatives as Jefferson and Madison, as well as from such ultraconservatives as Alexander Hamilton. It influenced the U.S. Constitution in the indirect election of senators and perhaps in the presidential electoral college as well.

Agitation from the western counties and from Anne Arundel County near Baltimore for liberalized suffrage (the latter for votes to all native-born freemen) was beaten back, insuring unshaken control of the state by the oligarchy. Moves for local election of militia officers by their men, and for local elections of justices of the peace and county clerks, were also defeated.

Neighboring Delaware also came under the control of the conservative forces, although its constitution, passed in September 1776, was moderately conservative and undistinctive. Independence advocate Caesar Rodney, the man who saved the day for Delaware's vote on independence, was defeated as delegate to the constitutional convention, at which the lead was taken by the opponent of independence George Read. The constitution established a powerful council as upper house, with the right to veto legislation; a privy council was to be elected by the legislature to advise the similarly elected president of the state. A Christian test oath was required of all legislators, but any religious establishment was forbidden and clergymen were barred from civil office. The further importation of slaves was also forbidden. The most distinctive feature of Delaware's constitution was its formulation by a special constitutional convention separate from the ordinary legislature; Delaware was the first state to adopt this procedure of making constitutions.

In New Hampshire, the radicals, predominant in the western towns, objected bitterly to the conservative temporary constitution of early 1776 and agitated for a new constitution. The abolition of property qualifications and of the upper house veto, and provision for a fair proportionate representation, lower taxation, and a bill of rights, were some of their demands. We have seen that these western towns decided to secede and

join Vermont, only to be finally rebuffed. Radical polity in New Hampshire was seen in the unique provision of election of delegates to the Continental Congress by the voters themselves rather than by the legislature. Finally, in 1778, a convention was called and a constitution proposed the following year, but the provision that three-fourths of the voters had to ratify the new constitution insured its defeat.

The Rise and Decline of Conservatism in New York

If Pennsylvania provided the paradigm in the revolutionary period of a radical constitution, New York provided the model of a highly conservative one. The provincial congress, or convention, meeting in July 1776, appointed a committee to draft a constitution for New York. The major drafters on the committee proved to be three archconservative oligarchs: John Jay, the young son-in-law of William Livingston, Gouverneur Morris, the young lord of Morrisania Manor, and Robert R. Livingston. The drafting was delayed by New York's military troubles and the occupation of New York City, but by March the draft was ready. The conservative drafters proved to be heavily influenced by John Adams' *Thoughts on Government*.

The conservatives had to consider mass opinion in New York, and were divided on how many concessions to make. Gouverneur Morris led an ultraright assault on the committee draft on the floor of the convention, and succeeded in restoring property requirements which the draft had eliminated. The property qualifications for voting for the assembly were, it is true, lower than in colonial times, and at Jay's instigation this part of the suffrage was amended to include all freemen of Albany and New York City. This was not a momentous concession, however, since only a small fraction of the urban adult populace were freemen. But New York provided a unique example of a conservative schema in splitting property qualifications for voting, setting far higher property requirements—over twice the amount of the colonial freehold provision—for voting for governor and for senators than for other officeholders. This presumably was to insure an aristocratic executive and upper house. Morris succeeded in

striking from the draft the provision for a secret ballot, but his usual ally Jay led a drive that succeeded in obtaining at least a constitutional endorsement for it.

The New York constitution established a bicameral legislature, and, after a struggle, an electoral college for the election of senators was replaced by direct election of senators every four years. Property qualifications for most officeholders were low, but were high for senators. The judiciary was made an oligarchy independent of the electorate by providing indefinite terms on good behavior, i.e., virtually for life. A particularly important conservative provision was the constitution's validation of all royal land grants, thus fastening the quasi-feudal land system in the Hudson Valley upon the tenants of the state. Jay and Morris could not persuade the convention to provide for the abolition of slavery in New York.

The most important and pioneering conservative provision, however, was the aggrandizement of executive power. Morris pressed for massive power in the elected governor (who was to have a long term of three years) but his veto power was diluted into a plural executive consisting of the governor, chancellor, and the three supreme court judges in a council of revision. The council had veto power over legislation, which could only be overridden by a vote of two-thirds of *both* houses. This governor was to be commander of the state's armed forces, and was empowered to convene and dissolve the legislature, and even to recommend legislation. Patronage of executive appointments was vested in a council of appointments that included the governor and four senators. New York's unique executive veto powers, so redolent of the power of royal governors, provided inspiration for the executive veto power later inserted in the U.S. Constitution.

The constitution provided for full religious freedom, and clergymen were not eligible for office; but this provision was only secured by the deist Morris over the objections of John Jay, who fought for the virtual outlawry of the practice of Roman Catholicism in New York state. Ulster, Orange, and Tryon counties upstate supported Jay, but the more sophisticated and populated counties of Albany, New York, and Dutchess backed Morris. Apart from religion and provision of trial by jury, a bill of rights for the individual was conspicuously absent in the New York constitution.

This constitution was finally adopted on April 20, 1777, with only Peter R. Livingston dissenting to it as dangerously radical. The convention appointed the top executive officials in the state, and the right wing triumphed as Jay was chosen chief justice of the supreme court and Robert R. Livingston chancellor, both by a close vote over the erratic John Morin Scott, who had again veered to the leadership of the radical forces.

For the June elections for governor, the conservatives nominated one of their least attractive leaders, Gen. Philip Schuyler. Scott was the candi-

date of the left, and in the left-center, there arose a war hero and veteran leader of upstate prewar radicalism: the blunt Gen. George Clinton, yeoman and lawyer from Ulster County. The election results were of momentous import, for Clinton's victory meant that for the first time in a century the landed oligarchy was no longer in control of New York state. Now, with the mighty financial oligarchies of Pennsylvania and New York suddenly out of control of their states, these oligarchs became committed to a drive for a powerful national government, which they hoped to control and exploit.

Ironically, Schuyler's defeat may be attributed to the defection of the tenants of Livingston Manor. Their revolt crushed the previous month, they demonstrated that no longer could their votes be taken for granted. The tenants certainly had no use for either Clinton or Scott, both their long-time enemies. But on election day they abstained *en masse* and Schuyler attributed his defeat to the low vote in his supposed stronghold of Albany County.

With the monumental victory of Clinton, there came to the fore throughout the state a resurgent new left, a radical movement considerably to the left of the governor. In landlord-ridden Dutchess County, for example, more polling places and a secret ballot helped carry Clinton to an unexpected and large victory over Schuyler; it also led to a social and political revolution *within* Dutchess County. Since the beginning of the 1770s, the top posts in the county had gone, by appointment of the royal governor, to the right: sheriff had been Philip J. Livingston, and chief justice of the county, Beverly Robinson of Virginia, one of the leading landlords in south Dutchess County, who quickly became a Tory. These were ousted in the 1777 elections and replaced by Melancton Smith and the Reverend Ephraim Paine, leaders of the embattled left in Dutchess County. In contrast to their predecessors, young Smith had begun life as a retail clerk, and Paine was a self-educated son of a farmer and blacksmith. No one can deny that this was a true internal social upheaval. Moreover, these two cases were not exceptions. For eleven years after, not a single member of the old landlord ruling class either sought or held an appointed or elective office in Dutchess County.

Also typical of the new men of the left emerging with the Clinton revolution of 1777 was Abraham Yates of the city of Albany. A typical radical of the middle class, this lawyer saw himself as a spokesman of the independent yeomen as well as of the town burghers. His becoming chairman of the Albany committee and member of the New York Senate challenged the dominion of the landed oligarchs of Albany County, appropriately headed by Philip Schuyler who sneered at him as an "old booby" and a mere "cobbler." Yates was a highly articulate intellectual of this internal revolution in New York. In an unpublished paper, he squarely

demonstrated how the patroon and later land grants had stolen the land of the Albany settlers, and he saw "a similarity in the revolutions of 1688 and that of 1776. . . ."*

An historian of the Revolution, Yates maintained that the democratic features of the New York constitution of 1777 were forced upon the convention by mass pressure; had it not been for that pressure, the constitution would have been far more conservative. Much of the pressure came from the great disaffection of the New York militia. This was particularly true of the feudal tenant militia of south Dutchess and of Livingston Manor. While militia colonels earned a salary of \$75 a month, privates received less than \$7. This wage amounted to little more than slave labor, with the greatest hardships being suffered by the poor. Heavy desertions ensued, forcing the draft rate to be cut in 1777 and concessions to be made to the masses in the constitution.

The characteristic form of right and left in New York State was now taking shape; the conservative forces were wealthy, influential, educated and articulate, cohesive, interrelated, and tightly knit—all of which made for influence and effectiveness far beyond their number. The more numerous radicals, on the other hand, were far less wealthy, and locally based; while strong and well organized within each county, there was no real organization or cohesion between the counties or regions. That was their chief disadvantage, which would be exploited in later years.

*On the internal revolution of 1777 in New York, see the illuminating works of Staughton Lynd: "The Revolution and the Common Man" (Unpublished Ph.D. dissertation, Columbia University, 1962), Part I; *Anti-Federalism in Dutchess County. New York: A Study of Democracy and Class Conflict in the Revolutionary Era* (Chicago: Loyola University Press, 1962); "The Tenant Rising at Livingston Manor," *op. cit.*

PART VII

The Military History of the Revolution, 1778–1781

The End of the War in the North

After the Battle of Saratoga and French entry into the war, British war strategy changed. No longer was a quick victory looked for. Instead, Clinton was to base himself at New York City and nearby areas; from there, he and the navy were to conduct a war of harassment and terror raids, blockading, burning, raiding. An open and direct confrontation with Washington's army was to be sought, but not counted upon. In the West, the British were to lead Indian terror raids on the frontier and try to capture the land west of the Appalachians. But the main theatre of war was to shift to the South. Lightly populated and filled with Tories and restive slaves, the South was now seen as the Achilles heel of the United States. Starting with southernmost Georgia, the plan was to roll north, attracting new governments by resurgent Tories as they went. New England and other northern states would thereby be isolated, cut off from the great export staples of the South, blockaded, starved out, and forced into surrender or at least subordination to Great Britain. As in the earlier years of the war, the plan relied on an overestimation of Tory strength and effectiveness, but with this difference: whereas Britain had previously overlooked the need to organize Tories because of overconfidence, now they relied excessively on Tory forces as against their own. In doing this, the British found that since the masses support the Revolution, as in other battles against revolution, that counter-revolution must reduce to sporadic raids against the people and rely increasingly on naked terror against their persons and property.

The remainder of the Revolutionary War in the north followed essentially this pattern of indecisive skirmishes and sorties. The most important

thrust occurred after a cessation of fighting of almost two years. Clinton moved up the Hudson with 6,000 men at the end of May 1779 to capture forts at Stony Point and Verplanck's Point. Washington was stationed in a ring around New York City, and Clinton tried to draw him into a general action or else into leaving his camp exposed. He sent expeditions on terror raids into Connecticut to burn the coastal towns, specifically New Haven, East Haven, Fairfield, Greens Farms, and Norwalk. Particularly exuberant in inflicting terror and devastation was the former New York Royal Governor William Tryon. But in all this Washington was not lured into coming to Connecticut's defense. Instead, he cleverly decided upon a surprise attack to retake Stony Point. Washington sent on the expedition a newly formed elite corps of riflemen and light infantry, the American Light Infantry. Headed by General "Mad Anthony" Wayne, these 1,200 men boldly and successfully stormed Stony Point on July 15. Although Wayne had to withdraw from Stony Point when Clinton approached, Clinton soon had to conserve men by evacuating the two forts.

Giving the command of the light infantry unit to Wayne was eloquent evidence of the shabby way in which Washington treated his best officers. Lee, broken, court-martialled, disgraced; Gates, the victor of Saratoga, vindictively given petty assignments and sent into virtual retirement after 1778; Arnold, confined during 1778 to the inactivity and petty administrative duties of military commandant of reoccupied Philadelphia; even the inferior Schuyler thrown to the wolves for his conduct of the campaign against Burgoyne and forced out of the army. And now the guerrilla fighter, Dan Morgan. The obvious choice for commander of the light infantry, he was deliberately passed over by Washington for the post he wanted so much. Despite his enormous services to the Revolution, Morgan, too, was forced into virtual retirement during 1779 when Washington summarily removed him from the Continental Army and sent him down to the mere colonelcy of a Virginia infantry regiment.

No important military battles took place in the North after Monmouth, even the Stony Point fracas being a minor skirmish of little importance. The British captured and held the port of Castine, Maine; Newport changed hands when Clinton evacuated the town in late 1779 to release more men for the southern campaign. The French under Comte de Rochambeau occupied Newport in July 1780; Washington hoped to unite with him in an assault upon New York, but the superior British fleet bottled up the French at Newport indefinitely.

More important were the British terror raids, such as the burning and destruction of the Connecticut towns, the burning of New Bedford, Massachusetts, and the murder of unarmed men in a night raid on Little Egg Harbor in New Jersey. The main effect of these raids was to embitter the Americans further and stiffen their resolve for victory.

Actually, the worst problem facing the American cause in the North was the progressive disintegration of Washington's Continental Army. The Americans, as a nation of revolutionaries, were not equipped to linger on for years like a conventional army in enforced idleness, yet this was what Washington was demanding. But the main source of the soldiers' distress was the mammoth and increasingly runaway inflation caused by the indiscriminate printing of Continental paper money. This cascade of new money caused the paper to depreciate at an accelerated pace against specie, engendering cries of a "scarcity of money" and pressure for even greater use of the printing press. Since the Continental soldiers were paid in Continentals, they were being paid in increasingly worthless paper. Their hardships were greatly aggravated, furthermore, by the attempts of the states to enforce maximum price controls to check the runaway rise in prices. By attacking the symptoms (prices) rather than the cause (the money supply) the governments did not halt the inflation, but only disrupted market supplies more by shutting off the flow of supplies to areas where maximum control was enforced. This was particularly true in an economy where farmers and artisan-manufacturers could easily consume their own produce or engage in local barter when price controls discouraged them from participating in the market economy at all. This combination of inflation, depreciation, price controls, and continued idleness caused a massive and increasing hardship, resentment, and a diminishing of the Continental Army.

Thus the winter camp of 1779–80 at Morristown, New Jersey, far surpassed the winter at Valley Forge for misery and adversity among the American soldiers. In mid-December, an empty commissary led Washington to despair of a total breakup of the army within a fortnight. The soldiers were forced to loot local farmyards, and supplies were increasingly confiscated from the populace. Their problem was not a shortage of food in the area, but rather that the New Jersey farmers were understandably reluctant to sell their produce for near-worthless Continental currency.

Angry over lack of food, clothing, and arrears in salary that would be paid in worthless paper, two Connecticut regiments mutinied at the end of May 1780, demanding food or permission to go home. They were only subdued with the arrest of the ringleaders by a veteran Pennsylvania brigade.

Washington's army had now been reduced from 27,000 the previous autumn to 10,000 men, of whom fewer than 4,000 were fit for duty—and these chronically hungry, cold, and embittered. Into this disintegration on June 6, Clinton sent Gen. Wilhelm von Knyphausen with 5,000 men from Staten Island to Elizabethtown in New Jersey. Here the British showed that they still failed to comprehend that revolutionary warfare is waged

by a people in arms. They could not understand that the real power of the American force lay not in the visible nucleus of the Continental Army, which was truly in bad straits, but rather in the "invisible" hordes of the armed American people, the "rabble in arms." Resorting to brutal terror on the New Jersey march, the burning and plundering of villages ordered by General Tryon, only served to harden the American resolve. Even as Burgoyne, in his march, found himself eventually surrounded by erupting and rapidly gathering militia, so Knyphausen was soon confronted by large bodies of suddenly materializing militia which forced him to turn back at Springfield.

Later in June, Knyphausen again tried to march toward Springfield. But the highly able Nathanael Greene, with fewer than 2,000 men, stopped him cold at Springfield. Realizing that "every mile of his future march . . . would be no less obstinately resisted," Knyphausen withdrew from New Jersey, pausing only to burn Springfield to the ground. This was the end of New Jersey operations by the British.

Greene's victory at Springfield marked the return to the field of yet another brilliant commander whose talents had been wasted for two years in the post of quartermaster general. Throughout the year 1779, the Americans had been deprived by Washington's mismanagement and personal pique of the services of their best military officers, and Greene was one of them. Moreover, Greene was now returned to his quartermaster post from which he resigned but was reinstated in a dispute with the Continental Congress.

An understandably severe blow to the morale of the American troops was the discovery of the treason of Benedict Arnold in the fall of 1780. Soon after taking up his post as military commandant of Philadelphia in 1779, the embittered Arnold married the aristocratic Tory belle, Peggy Shippen. Finding it difficult amid the pleasures of Philadelphia to support a way of life to which he and his bride were becoming accustomed, and encouraged by her, Arnold decided to make a deal with the British. Maneuvering to obtain the command of the fort at West Point, Arnold agreed to sell its surrender to the British for the munificent sum of 10,000 pounds. However, the British liaison with Arnold, Maj. John André, a friend of Peggy Arnold's, was captured with incriminating documents on September 23. Arnold himself was barely able to escape to New York City, where he was handsomely rewarded by the British and made a general on the British side. So shocking a blow was this to the Americans that "Benedict Arnold" became a veritable synonym for "traitor." For his part, Major André was hanged by Washington as a spy.

Disliked and distrusted by the British, Arnold ironically found the same complaint in their ranks he had suffered at home: he did not receive a

command at all worthy of his military talents. Although he was permitted to launch only a few raids he was nevertheless fated to conduct the last engagement of the war in the North—and against his old birthplace in southeastern Connecticut. In early September 1781, Arnold organized a large terror raid against the port of New London, Connecticut, a base for privateers that contained a large quantity of military stores. On capturing the garrison, his men slaughtered almost the entire body of 150 prisoners and systematically burned the towns of Groton and New London.

Conditions in Washington's winter camp of 1780–81 were as bad, and for basically the same reasons, as the previous winter. Most aggrieved were the Pennsylvania soldiers. The three years of duty for which they had enlisted were now up, and yet the military authorities insisted that they must stay until the end of the war. Especially outraged was the brigade of Pennsylvanians stationed near Morristown under the command of General Wayne. On the night of January 1, 1781, the men of the Pennsylvania Line mutinied, killed one officer and wounded two others and captured the artillery. The men were now determined to run their own lives, and unlike the Connecticut mutineers of the year before, they refused to be awed by higher authority. Led by Sgt. William Bonzar, six full regiments of Pennsylvanians demanded discharges for all who had served for their three years, as well as payment of the wages in arrears. They set out to march on Congress in Philadelphia to present their grievances there, thus placing justice and their liberty higher than the fetish of military subordination and obedience.

Congress was wiser than to try to treat these men as traitors and mutineers. A committee headed by Pennsylvanian Joseph Reed, now president of the Congress, was sent to Princeton to negotiate with the mutineers. There an agreement was hammered out by the end of January that yielded to the demands of the Pennsylvania Line. Congress agreed to discharge all those who had served for three years and to pay the arrears of wages, with an allowance made for the inflationary loss in value of the paper dollar.

While negotiations were in progress, General Clinton saw an opportunity to profit from this discord and sent two Tory emissaries to Princeton to offer back pay and full pardon if the mutineers would join the British cause. The incensed mutineers seized the messengers and turned them over to General Wayne, who promptly hanged them as spies. Remarkably, when Wayne offered the mutineers a reward in gold for their fidelity, Sergeant Bonzar nobly spoke for his men in declining the offer; the men, he argued, were "not entitled to any other reward but the love of our country."

Pennsylvania's example inspired the New Jersey regiments of the Continental Army, stationed at Pompton, New Jersey, to do the same thing. On January 20, parts of three New Jersey regiments began to march toward Trenton. But this time, Washington, who had wanted to crush the Pennsylvanians but was wary of fighting eight regiments, treated the men as his authoritarian instincts commanded. General Robert Howe was sent with a unit of New England Continentals to surround and disarm the New Jersey units; he selected mutinous leaders from each of the regiments, tried several at court-martial, and had two shot by a firing squad made up of other rebel leaders. As Washington snarled: "Unless this dangerous spirit can be suppressed by force, there is an end to all subordination in the Army. . . ."

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The War at Sea

The entrance of France into the war at first redressed the balance of forces at sea by bringing a great naval power into the fray, and depriving the British of their accustomed absolute command of the waters. Now that the war was worldwide, moreover, the British were forced to scatter their fleet to the West Indies, to reinforce Gibraltar, to protect Britain itself from possible invasion, and to battle in the Indies. American privateers had had a hard time during 1777 from British coastal blockades and convoys of merchantmen across the Atlantic. Now they reentered the fray, and soon 10,000 Americans were engaged in privateering. Over 400 privateering ships emerged, and they severely damaged British trade and shipping. By the end of the war, American privateers had captured 2,000 British ships and 12,000 British sailors, as well as \$18 million in ships and goods. The small American navy was properly allowed to dwindle to only two ships by the end of the war; privateers were cheaper and more effective, and they placed no burden upon the taxpayer. The feats of the American captain John Paul Jones in capturing two British ships in the fall of 1779 and Capt. John Barry in seizing four British warships the following spring were spectacular, but of little intrinsic importance.

By the end of 1778, however, the French fleet sailed away from United States waters to the Caribbean, and there they stayed for over two years; thus, by 1779, the British were again in control of American coastal waters, and were even able to bottle up the French forces at Newport. Furthermore, American shipping and ports suffered almost as much as the British—from the Royal Navy and from British privateers, as well as from terror raids on the coast conducted by superior naval might.

American troubles caused by British naval operations redoubled when the British suddenly seized the Dutch island of St. Eustatius in the West Indies. Especially since the French entry into the war, the neutral Dutch moneylenders to the world had become highly important suppliers and financiers of imports to America, and St. Eustatius had become the great entrepôt for European trade with the United States—not only for the substantial amount of Dutch shipping to America, but also for the other countries as well, for the Dutch shrewdly made St. Eustatius a free port open to all nations. Even British traders happily, though illegally, sold goods to American importers here, and the Americans were happy to purchase, though illegally, the British goods. Much respectable opinion realized that trading with the enemy benefited both parties—and both countries—and was therefore valuable. Benjamin Franklin had demonstrated in 1774 that trade benefits both countries, even with a wartime enemy, and now Congressman Joseph Jones pointed out that if the southern states could sell their surplus agricultural output, even to the enemy, it would greatly relieve economic distress in the United States.*

This happy and prosperous idyl of St. Eustatius, however, was not destined to last. Great Britain decided to declare war on the Dutch, who were neutral and prosperous but lacking in warships for defense, and to pounce upon St. Eustatius. For this coup, King George selected Admiral Sir George Rodney, a dashing sea captain of unquestioned Tory views, but a bankrupt at cards who had fled England to escape his creditors. Brought back from exile by the king in 1779, Rodney had quickly relieved Gibraltar from siege and checked the superior French fleet in the West Indies. In early February 1781, St. Eustatius did not yet even know that the two countries were at war. Capturing the island by a ruse, Rodney fell upon it without mercy, “to savage” the merchants “for their perfidy.” Seizing nearly 50 Dutch ships, he sacked them as well as all the warehouses and property on the island. Millions of pounds of loot were seized, and Rodney settled down to enjoy his new-found bonanza of plunder—a plunder that he insisted was his personal prize. So thoroughly was St. Eustatius devastated that its usefulness to the Americans or Dutch was over. Benjamin Franklin’s comment on Britain’s making war upon the Dutch was apt: “The English have got another war . . . upon their hands. They are making large strides towards becoming what pirates are said to be, enemies to all mankind.”

Rodney’s predation was condemned by the British liberals and mer-

*See Joseph Dorfman, *The Economic Mind in American Civilization* (New York: Viking Press, 1946), I:194, 210.

chants; Horace Walpole condemned the plunder as setting a “savage and dangerous precedent,” and the West Indies planters and merchants protested that the seizure “injured several contracts, which are founded on the law of nature, and which form the most sacred bond of society.”*

*See Piers Mackesy, *The War for America, 1775–1783* (Cambridge: Harvard University Press, 1964), p. 417.

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The War in the West

The war in the West, as in the North, largely consisted of a series of terror raids. But here the essence of the war was not a series of raids by heavily armed counter-revolutionary forces at war with the populace itself; here the main pro-British forces were the Indians, understandably deeply hostile to the settlers who had pushed back their territory. Indian raids were proportionately more massive; and warfare in the West was a guerilla war on *both* sides, a genocidal war between two hostile peoples. Of course, another difference in the western war was the vast amounts of unoccupied land and the scarcity of inhabitants, that made the war in the West relatively unimportant and overlooked in the scale of the war as a whole. Its ultimate and long-range importance, however, was considerable, for the ultimate disposition of the vast western territory was at stake.

The region north of the Ohio and east of the Mississippi, captured by the British from the French in the Seven Years' War, was virtually unoccupied. This region, as well as what is now northern and western New York, was controlled during the Revolution by the British. The two strong British forts commanding the region, Detroit on Lake Michigan and Niagara in western New York, were the hub of operations for British regulars, Tory bands, and Indians against the frontier. The mutual devastation, especially in more populated upstate New York, was enormous.

The story of the Revolutionary War in the West is essentially the story of the brilliant young Virginia frontiersman George Rogers Clark. It has already been shown that Clark played a large part, in the early phases of the war, in saving the Kentucky settlers from the domination of the Transylvania Company. He had also been appointed as a major in the Virginia militia and the head of its forces in Kentucky.

Clark conceived a truly daring scheme: with his handful of Kentuckians he would strike, secretly and swiftly, at the French towns in what is now southern Illinois, towns that could serve as sources of attack upon the Kentuckians by Illinois Indians. The complacent British had left these French towns virtually undefended. Approving of Clark's plan, Gov. Patrick Henry made him a lieutenant colonel and authorized him to proceed. By the time Clark reached the last lap of his expedition—the departure from the Falls of the Ohio on June 26, 1778—his force had dwindled to considerably fewer than 200, and he had estimated 500 men as his minimum need! His command would be outnumbered five to one by the resident militia of the French towns and more than that by the Indians of the region. Nevertheless, he characteristically paid little attention to the odds: "The more I reflected on my weakness the more I was pleased with the enterprise." Sailing down the Ohio to the mouth of the Tennessee River by June 30, Clark marched up quietly through the Illinois country. On the night of July 4, the hungry little band reached and captured the French town of Kaskaskia without firing a shot; the surprise had been complete.

Clark shrewdly spared the people of Kaskaskia from any military reprisals or plunder, and also told them of the French entry into the war. Led by Father Pierre Gibault, the French now hailed the American forces as liberators. The nearby towns of Cahokia and Prairie du Rocher fell as painlessly.

It was clear that to safeguard the newly captured towns, the next objective would have to be Vincennes, another French town 180 miles to the east. Vincennes, on the Wabash River, was a key town commanding the great portage and river route from the St. Lawrence, the Great Lakes, and Detroit, down to the Wabash and thence to the Ohio River. Vincennes, too, was left in the hands of French militia and undefended by British troops. Father Gibault rushed to Vincennes and persuaded the French population to change sides, and the people of Vincennes readily agreed. A single American platoon was enough to occupy the town. Clark's meager force, now dwindled to 100, was scattered among the four French towns and was kept supplied from Spanish-held New Orleans. Through bravery and bluff, Clark's charismatic personality and his ability to appear out of the blue deeply impressed the powerful Indian tribes of the region, and he was not only able to occupy the four towns of the Illinois-Indiana region, but also to neutralize the massive Indian power on which the British had counted to move against the American frontier.

At this point, British Lieutenant Governor Henry Hamilton, commandant of Detroit, embarked upon the reconquest of the Illinois-Indiana region. Ultimately he hoped to join with British agent John Stuart and

southern Indians to sweep away all traces of Americans west of the Appalachians. Setting out in early October 1778, Hamilton expected to attract thousands of Indians along his march. He reached Vincennes on December 17 with 600 men, and marched in and took the town without opposition. The French militia, seeing on which side their bread was now buttered, had quickly shifted back to the English side.

The winter weather was extremely bad, and so Hamilton decided to wait until spring to rendezvous with Stuart's southern Indians on the Tennessee River. Clark, of whom Hamilton had just heard for the first time, and the town of Kaskaskia could be attended to in due course. Confidently, Hamilton sent home most of his force to winter more comfortably in Detroit, and sent out his Indians on various raids; he remained at the Vincennes fort with 80 men, awaiting the great assembly and advance the following spring.

An ordinary American commander would have taken advantage of this respite to hightail it out of the Illinois area, but Clark was no ordinary commander. To Clark the situation was clear. In the spring, Hamilton would be able to assemble enough men at Vincennes not only to capture Illinois, but Kentucky and perhaps Pittsburgh, able, indeed, to sweep the Americans out of the West. Now Hamilton was weak, and the only course for the Americans was an immediate surprise attack against an overconfident British force, who would never expect an American attack in the midst of the vile midwinter weather.

Clark decided on a joint attack by land and by water, the latter consisting of one warship which proved unable to reach Vincennes in time for the fray. To supplement his fewer than ninety Americans, Clark attracted about eighty Frenchmen to the cause by a display of enormous confidence and assurance. He launched his seemingly quixotic expedition on February 5. Slogging through intense rains and rising floods, his little band was able to reach Vincennes undetected by the enemy by February 23.

Replacing surprise by bluff, Clark won over the opportunistic French townspeople, none of whom ever dared to inform the British garrison in the fort of the arrival of the Americans. He swiftly occupied the town, added eager French militia to his force, and laid siege to the British fort. He continued to employ daring and braggadoccio to cripple the morale of the British forces, so impressing the French half of the garrison that they were ready to surrender. The gamble had succeeded with hardly the loss of a single man. Stunned at the sudden reversal of his fortunes, the intimidated Hamilton was induced to surrender on February 25. Universally hated by the frontiersmen for buying American scalps from the Indians, he was almost killed several times *en route* to his prison, where he was treated very badly for nearly two years by his Virginia captor, the usually humane Gov. Thomas Jefferson.

At this point Clark's remarkable and intuitive daring temporarily deserted him; it was now, with the British demoralized and the French population of Detroit on the verge of rebellion, that Clark could have taken his 200 men and struck at the heart of British power in the West: Detroit. But he allowed himself to be guided by more conventional military considerations, and waited for expected reinforcements, most of which never arrived. By June, the opportunity to seize Detroit was lost.

Even so, his achievement was still monumental, for he had stopped in its tracks the mammoth British invasion southward that would have conquered the West. By early spring of 1779, five British expeditions, picking up hundreds of French and Indians *en route*, were on the way to meet Hamilton in Illinois. Two expeditions left southwestward from Lake Erie, and three set forth from Mackinac, at the head of Lake Michigan. The electrifying news of Hamilton's capture totally demoralized the French and Indians, who deserted *en masse*. All the columns were forced to return home, and the British timetable for conquest in the West was completely disrupted. The 1779 campaign was finished. In addition, thousands of frontiersmen and settlers were so buoyed by Clark's victory as to pour into Kentucky and add to its defenses. Others erected completely new settlements at the bend of the Tennessee River.

To the northeast, on the New York frontier, the density of the population of American settlers and of Indian villages led to a more genocidal form of warfare than on the sparsely populated frontier of the Ohio Valley region. With the failure of the Burgoyne and St. Leger expeditions of 1777, it was clear that the brunt of fighting on the New York frontier thereafter would have to be borne by the Iroquois and by the Tories. Taking charge of the Indian effort was the brilliant, well-educated, and fiercely pro-British Mohawk chieftain, young Joseph Brant; the Tory forces were led by Butler's Rangers, organized by Sir John Johnson's old deputy Indian agent, Col. John Butler. In the late spring of 1778, the two agreed that Butler would launch an attack on the Wyoming Valley, while Brant would launch a series of covering raids further north in New York. The lush and isolated Wyoming Valley, in northeastern Pennsylvania on the Susquehanna River, had been populated by settlers from Connecticut who, with some logic, claimed it on behalf of their home state. But Pennsylvania's bitter hostility to the settlers and to Connecticut's claims weakened the defense of the valley and gave Butler and his Tories an easy target for mayhem and plunder.

In late June (about the same time Clark left Kentucky for Illinois) Butler set forth from his camp at Unadilla, from which he could strike north and east at New York or south at Pennsylvania. With 200 Tory rangers and 500 Indians, he marched down the valley, forcing two stockades to surren-

der. He then trapped the main American defense force in a clever ambush on July 3 and massacred the fleeing defenders. With several hundred Americans slaughtered in the battle, and only three losses to the Tory-Indian force, the remainder of the garrison and settler families surrendered at the main stockade of Forty Fort. The terms of the surrender called for their being disarmed and then released unharmed in return for their promise that they would not fight any further in the American cause. Butler and his Indians were surprisingly scrupulous in keeping the agreement, even though the valley's homes, mills and livestock were burned, plundered, and destroyed. But in their hysteria, the Wyoming refugees confused the disastrous battle with the later surrender, and convinced everyone, even the British, that Butler and the Indians had conducted a horrible massacre in the Wyoming Valley. Such was the power of atrocity propaganda that the Wyoming campaign became well known as the Wyoming Valley Massacre. Actually, the breaking of agreements cut the other way, for most of the survivors promptly broke their promise, unhappily for Americans captured in later campaigns.

Butler's successful devastation of the Wyoming Valley had strategic significance. Congress had just authorized Gen. Lachlan McIntosh, commandant at Pittsburgh, to march westward to capture the critical British base of Detroit. But Butler's strike near home ended that expedition, and this relief of pressure enabled Hamilton to embark on his autumn campaign against Vincennes and the Shawnee Indians to attack settlements in Kentucky.

In the meantime, beginning at the end of May 1778, Joseph Brant conducted a spectacular series of covering raids in the Mohawk Valley on the New York frontier. Fighting with him were some 300 Indians, plus a floating number of eager Tories of whatever neighborhood he happened to be in. Employing mobile and elusive guerrilla tactics, he marched back and forth for two months among the villages and farmlands of the Mohawk, the Susquehanna, and the Delaware watersheds, burning, plundering, destroying, terrorizing American patriots (especially the leaders), and rescuing and recruiting Tories. But while Brant systematically destroyed American property, depriving Washington's army of the important Mohawk Valley source of wheat and meat, he took care not to murder indiscriminately. There were no complaints, in an age when such protests readily arose, of his killing or mistreating American civilians; the only Americans he killed were armed men in the heat of battle. Most prisoners were released after Brant lectured them on their wickedness as rebels against King George.

Aided by the Butler Rangers, Brant went on to strike a devastating blow in mid-September to the most fertile part of the Mohawk Valley, the German Flats district in the west valley. While the citizens of the commu-

nity huddled safely but helplessly in Forts Herkimer and Dayton, the 500 Indians and Tories thoroughly and methodically burned and destroyed all the homes and property of that region.

The American military authorities decided that counter-raids of vengeance and collective punishment upon the Indian communities were in order. The most important of these took place in early October, when Col. William Butler led four companies of Continental riflemen upon Indian towns on the upper Susquehanna River. Only defenseless women and children were to be found in these villages, and the Americans added mass rape of the captured Indian women to the usual plundering and devastation of property on both sides. This gratuitous sexual brutality greatly shocked the Indians and led to escalating counter-brutalities in subsequent Indian attacks upon New York. All that Butler and the other American raiders had accomplished was to goad the Indians into greater and more destructive attacks.

By late 1778, the year's campaign was supposed to be over. The New York and Pennsylvania frontiers had suffered devastating losses, including the destruction of potential supplies for the American army. Sporadic Indian raids had also been severe on the southern frontier. But for the energetic young Tory Walter Butler, who had replaced his ailing father John as head of Butler's Rangers, the year's work was *not* over. He persuaded Brant and the Indians, infuriated by the barbarities of the American raids, to join him in a winter march on strategic Fort Alden in the New York Cherry Valley. Butler failed to keep his advance a complete surprise, but this did not matter. Colonel Ichabod Alden, commandant of the fort, not only refused to heed warnings of the Tory-Indian approach, but also refused to allow anyone to take refuge inside the walls of his command. He and his top officers heedlessly lived outside the fort, and paid for this carelessness with their lives when Butler swept down to attack on November 11, 1778.

Butler, however, at once lost control of his Indian troops, especially the Seneca and the Cayuga, who preferred to attack the defenseless residents of Cherry Valley rather than the armed fort. The defenders, meanwhile, remained in the safety of their garrison. This time it truly was a massacre, as lives were no longer spared in the general devastation. Even the Wells family, old friends of Brant and Butler, were slaughtered by the rampaging Indians without their commanders' knowledge. Only when the British forces reassembled did Butler and Brant prevail over the bitter objections of the Indians, and set free the prisoners taken at Cherry Valley.

The Cherry Valley massacre, occurring so close to the center of population and late and isolated in the winter campaign, also found an important

place in the public consciousness, and in American propaganda against the British—and with more justice than the Wyoming incident.

The next year, 1779, Congress decided upon total retaliation against the Iroquois. Washington placed in command of this massive expedition Gen. John Sullivan. The plan was to devastate the Indian country on the New York–Pennsylvania frontier by sending in three divisions of troops. The main body of three brigades under Sullivan was to advance north from Easton, Pennsylvania, through the Wyoming Valley and up the Susquehanna River to Tioga. Gen. James Clinton was to take another brigade southwest from the Mohawk and down the Unadilla River to join Sullivan at Tioga. In the meantime, Col. Daniel Brodhead was to march northeast from Pittsburgh up the Allegheny toward Tioga.

The campaign began inauspiciously as Clinton sent a force of nearly 600 to attack and devastate the Onondaga country. A swift surprise force in late April dutifully burned three Onondaga towns. The difficulty here was that the Onondaga had been the least warlike of the Iroquois tribes, and had yearned for peace; now they resolved to fight the Americans. By late June, Clinton had assembled 1,600 troops at Lake Otsego, and was ready to go. But Sullivan was having his troubles. Not only was Pennsylvania still reluctant to defend the Connecticut settlers of the Wyoming Valley, but his long unpaid New Jersey troops began to mutiny. Furthermore, he kept insisting upon ever more troops and supplies for the campaign. Sullivan was not ready to march until the end of July.

The British and allied forces knew of the developing American plans and for their part the Iroquois, always oriented to New York rather than to the west, were undaunted by the news of Clark's capture of Hamilton at Vincennes. Brant and Butler tried flank attacks on New York settlements, but Sullivan refused to be lured into defending the frontier areas; only aggression, not mere defense, he argued, could eliminate the Indian menace for good and all. He joined forces with Clinton at Tioga and, on August 26, they marched west with a huge force of 4,000 veteran Continental troops intent on totally devastating the Indian villages and farms. Guarding against surprise attack were veteran frontiersmen, Oneida scouts, and Morgan's former rifle unit. His force, numbering only 750, Butler was obviously no match for this massive troop and he assumed a defensive position at the Indian village of Newtown. He counted on surprise, however, and surprise he did not have. He and Brant were smashed at the Battle of Newtown on August 29, and were forced to flee posthaste westward to the Genessee. The bodies of the Indian fallen were savagely mutilated by the American forces. The entire heartland of the powerful Iroquois Nation lay open to total destruction, to which Sullivan applied himself with a will. It was to be so devastating as to eliminate any capacity of the Iroquois to make war or even to subsist in their homeland.

Towns, substantial wooden and stone houses with windows, cornfields, gardens, orchards, livestock, storehouses—all were burned to the ground. There were few prisoners or hostages taken and few Indian lives lost, as the despairing Indians fled before Sullivan's advance. Meanwhile, during late August and early September, Brodhead's force of over 600 devastated Seneca and Mingo towns on the Allegheny, burning eleven towns and returning to Pittsburgh without losing a single man.

Sullivan reached the Genessee on September 15 and levelled the Great Seneca Castle, the mighty stronghold of the Seneca tribe. Lacking supplies to press on to Niagara, he turned back to finish off those towns and farmlands overlooked in the previous devastation; no captives were taken despite Washington's desire for hostages. They did manage to burn alive a very aged squaw and a crippled Indian child, whom they had taken prisoner.

Returning, he was hailed throughout the country for his achievements. His policy of brutal devastation of Indian houses and property, his sweeping attacks on Indian villages, seemed to have reaped great fruits and to have justified the risk of employing a large chunk of Washington's Continental Army. The Tory-Iroquois military force had been routed: forty-one Iroquois towns and surrounding farms had been mercilessly burned to the ground, leaving only one town left standing in the entire Iroquois region. Thousands of distraught Indian men, women, and children were homeless and starving. The Indians were surely impressed by the invincibility of the American forces. And all this achieved with the loss of only forty Americans dead! The end of 1779 thus saw the Americans victorious on the two frontier fronts, New York and the Ohio Valley, and seemingly in command of both frontier regions. (For his efforts, Sullivan was rewarded by Congress by what was fast becoming an American tradition: he was forced into retirement. In Sullivan's case, however, it was because of his chronic complaining.)

There was a fatal flaw, however, in these seemingly coldly realistic calculations which ignored the fate of innocent Indian women and children. The Indians' property was devastated, but they were still alive, thirsting for vengeance. Now based at the English stronghold at Niagara, they were utterly dependent on English supplies, both food and munitions. The Americans their absolute and total enemy, they were irrevocably wedded to the English war effort. The aggrieved Iroquois could—and did—strike back. The victories of 1779 turned out to be mere delaying actions, delays forming a prelude to mighty British offensives of 1780.

The resurgence in 1780 of Indian attacks on the New York frontier rapidly demonstrated the ultimate pragmatic failure of the Sullivan campaign. As early as April, Joseph Brant was back, wreaking havoc up and down the frontier. The pro-American Oneida were severely punished by

his forces and he took particular satisfaction in the destruction of his old birthplace of Canajoharie. This town had had to be evacuated by the Mohawks at the outbreak of the war, when their places were taken by white settlers who received their comeuppance when Brant emulated Sullivan by burning their grain fields as well as their horses and livestock. In the meantime, Sir John Johnson, taking over from Butler as head of the Tory rangers, burst down from Crown Point to capture his old home town of Johnstown, and used this as his headquarters for pillaging and burning the lower Mohawk Valley and killing many of its inhabitants. By the time Governor Clinton had gathered enough militia to march against him, Johnson had burned Johnstown to the ground before abandoning it to return safely to Crown Point and thence to Canada.

George Washington, who had spared a huge force the previous year for Sullivan's brutal and ultimately inconclusive offensive, now felt that he could spare no one for the worthier task of defending the frontier settlements. Though worried about diminishing supplies, he made no attempt to save the principal sources of his provisions.

The next series of incursions on the New York frontier was a more organized and systematic effort. In a miniature of the two-pronged attack of 1777, Maj. Guy Carleton, nephew of the former Canadian governor, advanced down Lake Champlain in October 1780 with 800 men, including 600 British regulars; at the same time, Johnson and Brant burst upon the frontier with 1,200 men further south near the headwaters of the Schoharie River. This was supposed to coincide with a thrust by Gen. Sir Henry Clinton up the Hudson from New York City, upon the delivery of West Point by Benedict Arnold. Carleton managed to capture Forts Ann and George, but was forced to turn back after capturing Ballston, near Saratoga. Johnson and Brant laid waste the Schoharie River region, but turned west from Albany and, avoiding American forts, devastated the Mohawk Valley and crushed several militia units. Johnson was finally defeated on October 19 at Klock's Field by 1,500 Hudson Valley militia under Gen. Robert Van Rensselaer. Pursued only briefly by the sluggish Van Rensselaer, who thereby gave up the chance of a smashing victory, Johnson's forces fled westward to return to Oswego on Lake Ontario and thence to Canada. The revived English threat of capturing Albany and uniting on the Hudson had been easily thwarted; but at the end of 1780 the whole New York frontier west of Schenectady was a smoking desert for whites and Indians alike.

One amusing incident of the Johnson-Brant foray was the singlehanded saving of the Middle Fort by Morgan's crack rifleman, Timothy Murphy, the same man who had shot General Fraser at the Battle of Bemis Heights. When Johnson demanded that the fort surrender, the cowardly Major Melancthon Woolsey was quickly ready to comply; he was prevented

several times by Murphy, who threatened to kill anyone, including Woolsey, who attempted to carry out such a surrender. Murphy was backed in this courageous mutiny by the militia, and the Tory-Indian units moved on.

In the West, the British launched an attack southward in 1780 similar to the invasion of the year before. Again the proximate goal was to conquer Illinois and Kentucky; the ultimate goal, to capture the entire West. Spain had entered the war against Britain in 1779, and this time the British hoped to use their base at Pensacola in West Florida to sweep the Spanish out of Louisiana, the land west of the Mississippi.

It was, this time, a three-pronged invasion of armies of Indians stiffened by Tories, French-American militia, and a few English regulars. One force of nearly a thousand, commanded by Capt. Emanuel Hesse, set forth from Mackinac, then down the Wisconsin and the Mississippi. A second and smaller force, commanded by Capt. Charles Langlade, sailed down Lake Michigan from Mackinac and thence down the Illinois to meet Hesse at the Mississippi. Langlade's force was to serve as a distraction from the main Hesse column. The third and largest English troop of over a thousand men marched south from Detroit under Capt. Henry Bird, south down the Miami River Valley and into Kentucky. The Bird force carried with it two huge cannon to breach American fortifications. This three-pronged blow at the American West got smoothly under way in early May of 1780.

The defense against this formidable threat devolved again upon George Rogers Clark, whose already small force had been decimated by the staggering depreciation of the inflated paper dollar. His supply system from Spanish New Orleans was undone by Virginia's refusing to honor his requisitions, a pattern that was to be set for the remainder of his life. He was now virtually reduced to the local militia of the scattered towns of the Illinois and Kentucky areas.

In late May, Clark was suddenly informed of Hesse's march down the Mississippi and its grave threat to Cahokia and to the Spanish town of St. Louis on the other side of the Mississippi River. Rushing up north his few men from Fort Jefferson, which Clark was constructing near the mouth of the Ohio, Clark happily reached Cahokia on May 25, the day before Hesse's assault. The British confidently launched twin attacks on Cahokia and St. Louis; Clark repulsed the assault on Cahokia, while Spanish soldiers and French natives managed to repulse the major action against St. Louis. As usual when facing any rebuff, Hesse's Indians became intensely discouraged and began to melt away, unhappy in any event because of the military despotism enforced in the British army. Hesse was forced to retreat rapidly, pursued eagerly by a Franco-Spanish-American volunteer

force organized by Clark. He was chased as far as the Rock River, while Langlade's force, its Indian support also crumbling, was pursued back to Lake Michigan.

Clark had to deny himself the pleasure of leading the pursuit, for he had to race eastward to save Kentucky from Bird's army. To evade capture by Chickasaw Indians besieging Fort Jefferson, Clark and two companions disguised themselves as Chickasaws and rushed 300 miles through the wilderness to reach Harrodsburg in time to organize Kentucky against the coming invasion.

In late June, Bird struck directly at populous central Kentucky, quickly storming the stockade at Ruddle's Station by devastating use of his big cannon. Bird personally guaranteed the safety of the surrendered Americans, but as the gate opened the Indians ignored their commander and rushed in to massacre and mutilate most of the helpless prisoners, including women and children. Next, the smaller stockade at Martin's Station quickly fell to the British. But the Indians were getting out of hand, and were increasingly restive at Bird's attempts to save the lives of his prisoners. Moreover, their range-of-the-moment attitude toward food supply (e.g., immediate slaughter of all captured cattle) caused food shortages in Bird's army. The final straw came when the Indians learned that George Rogers Clark, of whom they were already in great awe, had miraculously turned up to lead the Kentucky defense. They began to melt away and the disillusioned Bird had no option but to leave Kentucky as fast as he could, dismiss the remaining Indians, and return hastily to Detroit. The great English invasion of the West in 1780 had been repulsed and driven back—virtually the singlehanded achievement of George Rogers Clark.

But Clark was not finished with the year's work. In retaliation, he swiftly raised a force of 1,000 Kentucky volunteers, who assembled on the Ohio River on August 1 with a captured cannon. He took his men up the Miami to punish the Shawnee, the Indian tribe most hated by the Kentuckians. Slashing swiftly upriver, Clark captured Chillicothe, a leading Shawnee town, and burned it and its adjacent cornfields to the ground. At the next town, Piqua, the heavily outnumbered Shawnee made a stand, but were routed by Clark and his cannon. The Americans then burned Piqua and its cornfields.

Despite the accelerating collapse of the paper dollar and subsequent economic chaos and shortage of supplies created by reversion to barter in the West, the emboldened Clark attempted to strike at the heart of the enemy and capture Detroit itself. Despite Virginia's increasing military distress, he left for Pittsburgh in late January 1781. He had planned to assemble 2,000 militia at Pittsburgh, move down the Falls of Ohio, and northward to Detroit. But this year, the British decided to avoid the failing strategy of relying on massive Indian invasions and to rely instead

on a lengthy series of violent raids on the frontier. The Americans' troubles were aggravated by the previously neutral Delaware Indians' coming down on the British side. Finally, the Americans were forced to pull back from Kaskaskia, from Vincennes, and from Fort Jefferson.

To cap these problems, Clark found it impossible to recruit the necessary troops for his projected march. Thus, Daniel Brodhead refused to join Clark and instead struck westward from Pittsburgh to punish the Delawares for entering the war. With a force of nearly 300, Brodhead swiftly seized and burned Coshocton and murdered a batch of Delaware prisoners. The major effect of this brutality was to intensify the Delawares' anti-American resolve, and they burned nine Kentucky prisoners in reprisal. Pennsylvania, moreover, was distrustful of Virginia's lead in the projected Clark expedition, and sent no troops to support it. Finally, Clark's potential recruits from the valley of Virginia refused to join his force; instead, they sprang to counter the British invasion of eastern Virginia and heeded Virginia's decision to call off the expedition. Clark could only rely on local Kentucky and Ohio Valley settlers.

He finally assembled 400 volunteers at Wheeling; inauspiciously, the continuing mass desertions from his army forced him to start down the Ohio. Luck continued to fail him when the force of over 100 Pennsylvanians under Col. Archibald Lockry, marching to join Clark, was wiped out in late August in a sudden slashing attack by a slightly smaller force led by none other than Joseph Brant. At Louisville, a series of councils in early September had to decide Kentucky's course. While Clark's faithful Illinois officers argued for his plan to attack Detroit, the majority of the Kentucky councils realized that the force was too small for such a campaign. They decided there would be no American offensive, and a discouraged Clark lamented that "I have lost the object that was one of the principal inducements to my fatigues and transactions for several years past—my chain appears to have run out. I find myself enclosed with few troops, in a trifling fort. . . ."

Brant had been shifted to the West in the early summer of 1781 to help check the expected drive by Clark against Detroit. Now, after the destruction of Lockry's force, he proposed to move swiftly upon Clark at Louisville with his full force of Tories and Indians, while the Americans were still demoralized. But, once again, the Indians themselves were as fully demoralized by victory as by defeat, and learning of Kentucky's abandonment of the Detroit invasion plan, they no longer feared destruction at the hands of an invading American force. They deserted *en masse*, as did the Tory Rangers, reducing a sizeable force to a mere troop of 200 men. The projected attack on Clark had necessarily become a surging terror raid of killing and plundering in the Kentucky settlements, at which point Brant was forced by the Indians' satisfaction with their loot to turn back across

the Ohio. Because he could not conquer Kentucky, Brant finished out the war disgruntled like his counterpart Clark. Seventeen eighty-one ended with Kentucky still in the hands of American settlers and with the British back in control of the land north of the Ohio—roughly the status quo at the outset of the Revolutionary War.

In contrast to these mixed conditions, the New York frontier was in virtually a hopeless state during 1781. Brant and the Indians were emphatically in control of western New York. Indian terror raids began as early as January, and the American settlers were permanently confined to two dozen stockades, from which they dared emerge only to plant their fields under armed guard. Moreover, the redoubtable Fort Stanwix, the westernmost American stronghold in the Mohawk Valley, had to be abandoned under siege, and the western bastion fell back to Fort Herkimer. Raiding parties roamed and destroyed the New York frontier almost at will, and the two major upstate towns of Albany and Schenectady feared imminent attack. Left to defend the New York region was the radical young Col. Marinus Willett, who conducted guerrilla warfare on his own by using Canajoharie as his base from which to attack Indian raiding parties. But these were only last-ditch actions, and once again Washington felt that he could spare no men to assist in the grievous burden of defense.

One gauge of the terrible American losses on the frontier during the war was the depopulation of frontier Tryon County. At the start of the war, the county had 2,500 enrolled in its militia; by 1781 fewer than 800 were eligible. One contemporary estimate held that, of the mammoth reduction, one-third were casualties, one-third had joined the Tories, and one-third had fled eastward.

The final British thrust on the New York frontier came in the autumn of 1781, as Washington's move south to Yorktown emboldened the British to try, for the third time, a three-pronged offensive to cut New York in two. The American force had dwindled to only 2,000 men under Gen. William Heath in the Hudson Highlands, and this seemed to provide a golden opportunity. Driving down Lake Champlain to Ticonderoga, St. Leger became embroiled in negotiations with the independent state of Vermont, and never proceeded further. Gen. Sir Henry Clinton, commanding 16,000 idle men in New York City, failed with his typical indolence to make any move northward to attack Heath. Only Maj. John Ross moved from Oswego on October 10, falling upon the lower Schoharie. But Brant's absence in the West deprived Ross of the bulk of the expected Iroquois allies, and his own force of nearly 500 was not sufficient to penetrate further than the outskirts of Schenectady. His withdrawal was harried by Willett, who had quickly assembled hundreds of militia. The engagements in the pursuit were inconclusive, but the settlers were im-

measurably cheered by the news that fallen in battle was perhaps the most hated man on the New York frontier, Walter Butler. As Van Every puts it: "There was more rejoicing in Tryon County over his death than over the coincidental news from Yorktown."*

Spain was willing to aid the American cause, but when it entered the war against Great Britain in 1779 it was to recapture her territory and weaken her old enemy Great Britain, not to aid republican revolutionaries. When Clark won his great victories in Illinois in 1778, and James Willing, brother of the partner of Robert Morris, headed a band early that year to plunder unmercifully the planters of Natchez in West Florida, Spain realized that the aggressive Americans, in the long run, posed a greater threat to her holdings and ambitions in the West than did Britain's bases there. The only thing that Willing's plunder accomplished for the American cause was to make confirmed Tories of the Natchez planters, and to lead Britain to construct a series of forts on the lower Mississippi that effectively blocked American navigation.

As soon as Spain went to war openly in 1779, she moved swiftly to recapture the coveted territory Britain had seized from her in the peace of 1763. Louisiana's young governor, Bernardo de Gálvez, with remarkable swiftness, attacked and overwhelmed every English post on the lower Mississippi before the defenders had had a chance to learn that Spain was in the war. Fort Manchac, Baton Rouge, Fort Panmure, and Natchez all fell to de Gálvez in September, and Spanish ships defeated the British to gain control of Lake Ponchartrain, north of New Orleans. In a few weeks, de Gálvez had captured over 1,100 English troops and eight English ships. The following March, he captured Mobile, gaining control of the entire lower Mississippi Valley.

To forestall American settlers, Spanish commanders crossed the Mississippi further north in the winter of 1780–81 to assert Spanish claims to the formerly English east bank of the Mississippi. The Spanish flag was even hoisted in early 1781 over St. Joseph (now in southern Michigan), which had been captured by Capt. Eugene Pourre in a march from St. Louis. Spain's final spoils of war was de Gálvez' capture, in May 1781, of mighty Pensacola, the major English base in the south, a capture which included the final surrender by Britain of all of West Florida. Once in control of West Florida, the Spanish proved extremely lenient rulers, even to British rebels who had temporarily seized Fort Panmure.

*Dale Van Every, *A Company of Heroes: The American Frontier, 1775–1783* (New York: Mentor Books, 1963), p. 283.

The Southern Strategy

The main theatre of war, however, the theatre that decided victory or defeat, was not the North or the West. The South's great travail had begun.

As John Shy has shown in a brilliant essay on British strategy during the Revolutionary War, that strategy proceeded in three successive stages.* The first stage, from the Coercive Acts in early 1774 until the end of 1776, was seen by the British as a quick police action, or punishment operation, against the main rebel center of Boston, after which the other colonies and even rural Massachusetts would quickly come to heel. But this strategy proved counterproductive, and the rebellion spread throughout the American colonies.

After the outbreak of the war, and with their troops bottled up in Boston, the British proceeded to the second stage of their strategy: a conventional inter-State war against the rebel Continental Army. When this strategy collapsed at Saratoga, they withdrew to bases at New York and Newport, and reconsidered their strategy. By late 1778, they had decided on seizing the nettle of new large-scale revolutionary war by conducting a full-scale campaign of counter-revolutionary and counter-guerrilla "pacification." The idea now was that, instead of going from north to south as before, they would start in the deep south, and slowly move north, not moving until their rear had been thoroughly pacified by

*John Shy, "The American Revolution: The Military Conflict Considered as a Revolutionary War," in S. Kurtz and J. Hutson, eds., *Essays on the American Revolution* (Chapel Hill, N.C.: University of North Carolina Press, 1973), pp. 129-45.

Tory self-defense units and Tory instruments of government. This strategy depended upon the characteristic British overestimation of the extent of Tory sentiment among the American populace, especially in the South. It was a typical failure of imperialists in deluding themselves that the colonized masses are loyal, and that revolutions are only made by a malevolent minority of fanatics.

As Shy sums up the new strategy: "The basic concept was to regain complete military control of some one major colony, restore full civil government, and then expand both control and government in a step-by-step operation conducted behind a slowly advancing screen of British regulars. From a police operation, and then a classical military confrontation, British strategy had finally become a comprehensive plan of pacification directed against a revolutionary war."*

In this strategy, the first task was to capture Georgia, the weakest and least populous of the southern states, and also the one which could be readily attacked from the great British East Florida base St. Augustine. Georgia could also be approached readily by sea, where the British were dominant, and could then be used to supply the embattled British islands in the West Indies. The British plan was to drive northward, rolling up one state after another, depriving the northern and middle states of the benefits of the southern export trade, and blockading the North into submission. The southern Tories, protected from rebel fanatics by the presence of British troops, would then surely be able to resume stable government in their states. The British evidently did not learn from their disillusioning experiences with Tory strength in the North. As Alden writes: "Spokesmen for the Loyalists, insistent throughout the War of Independence that they formed the bulk of the population of the 13 states, were staunch in asserting their eagerness to pick up arms for Britain in areas as yet untouched by British troops. When the redcoats were in Boston, they were told they would be welcomed with open arms in New York; on Manhattan, they were informed that the Tories in New Jersey and Pennsylvania would rise as soon as they appeared; in Philadelphia, it was said that the supporters of the Crown in Maryland and Delaware needed only minimal assistance to throw off the yoke imposed upon them by their patriot neighbors . . . [; but] as [the British commanders] moved into the American interior they had found themselves surrounded by hostile militia rather than throngs of allies. In England, however, it was easier to accept Loyalist assertions at face value."**

While the proportion of Tories in Georgia and the Carolinas was certainly higher than the average in the North, it was scarcely as high as the

*Shy, "The Military Conflict," p. 140.

**Alden, *The American Revolution 1775-1783*. p. 227.

British liked to believe. More than overconfidence, however, was involved in the reliance upon the Tories and the consequent strategy they stubbornly insisted upon. Domestic political opposition in Britain revived and swelled after Saratoga, and the balance of power in Parliament was held by the country gentry. These nominally Tory, but instinctively libertarian, gentry were most deeply impressed with the tax burden upon themselves. Larger and wider war meant higher taxes on them, and there was the danger to the crown that they would let their aversion for taxation overcome their naive patriotism and join the opposition. Their main enthusiasm for the war had lain in the prospect of placing part of the imperial tax burden upon the Americans, but this was shattered by Lord North's abandonment of the plan to tax America in early 1778.

The southern strategy, however, was calculated to appeal to the budget-conscious gentry. It meant that the war in America could be carried on and supposedly won with the absolute minimum of additional expense to Great Britain: the American Tories themselves would supply the manpower! Bemused also by the overestimate of Tory strength, and influenced by the sentimental argument that Britain had the duty to come to the support of its suffering loyal subjects overseas, the gentry agreed to continue supporting the war effort, thereby irrevocably committing the crown to a strategy heavily reliant on Tory contributions to the war. This commitment itself reinforced and propelled the British tendency to overrate the Tories. As Professor Paul Smith concludes:

Consequently, the administration became dangerously dependent upon the American Loyalists. The weakness of Britain's reliance upon the southern Loyalists was that [it] . . . unwisely combined political and military considerations. It was one matter to base a single operation on the expectation that widespread civilian support would appear; if that operation failed, another maneuver could be tried. It was quite a different matter to use this argument to secure Parliamentary support for the War; if the anticipated civilian support failed to materialize at any time, the same dubious strategy would have to be repeated endlessly in other areas for no other reason than to maintain the necessary political support.

As Britain came to depend increasingly upon the Loyalists to justify continuance of the War against the colonies . . . it became impossible for officials in the ministry to formulate a grand strategy independently of their image of conditions in the colonies. In order to maintain a Parliamentary majority, the administration tethered its strategy to the chimera of Loyalist support. Moreover, . . . it fell victim to every unfounded report that American resistance was crumbling.**

*Paul H. Smith, *Loyalists and Redcoats* (Chapel Hill, N.C: University of North Carolina Press, 1964), p. 98.

The opposition attacks in Parliament reached a peak in the spring of 1779, increasing emphasis on American Tories and on the southern strategy. By early 1779, the British government had expended hundreds of lives and millions of pounds on the American war, and it was certainly no nearer to success than at the outset. Naval and army losses had been severe during 1778, the year when the war had become worldwide. Only the iron determination of George III to carry on despite all opposition and all setbacks prevented the North ministry from toppling.

The Whig General Howe tried to salvage his reputation by opening up the entire question of the wisdom of the war to subdue America.* At the inquiry voted by Parliament, Gen. Charles Grey effectively told the country that the goal of crushing the American Revolution was completely impractical without a huge increase of public expenses—an increase that would not be tolerated by the country gentry. The administration rebutted with Gen. James Robertson, their most important witness. Grey had correctly maintained that the great bulk of the American people supported the Revolution, but Robertson countered with the thesis that “more than two-thirds” of the American people were against, or at least would not actively support, the Revolution. He argued, in effect, that the bulk of its American subjects were really docile and happy under the benign rule of their imperial masters; only a small minority of fanatical zealots (“outside agitators” had not yet been invented) tyrannized the bulk of the people. Therefore, all that would be necessary to win would be to land a “British presence” in the country to relieve the people of the pressure exerted by the league of fanatics, and the public would flock to the imperial banner; the British needed only to arm the American people “in their own defense.” He concluded that “the object of the war was to enable the loyal subjects of America to get free from the tyranny of the rebels, and to let the country follow its inclination, by returning to the King’s government.”

It was Robertson’s testimony that enabled the government to turn back the opposition’s challenge, but this line of argument committed the government even more heavily to the American Tory–southern strategy, and made it ever more dependent upon victories in the South.

To meet any British threat to the South, Washington had sent there, as head of the Southern Department, Maj. Gen. Benjamin Lincoln, who arrived at Charleston in December 1778. Lincoln was amiable, mild-mannered to the point of insipidity, and widely beloved, but as an officer he was undistinguished. Before being raised to this post, he had never

*Cf. Smith, *Loyalists and Redcoats*, pp. 115ff.

won a single battle. Posing no threat to the commander in chief's office or prestige, this good-natured mediocrity was picked for a vital command while Washington's vindictiveness and jealousy were forcing America's best generals into semi-retirement or out of the service altogether.

The Invasion of Georgia

The British ignited the war in the South on December 23, 1778, landing an invasion force of 3,500 men under the command of Col. Archibald Campbell at the mouth of the Savannah River, just below Savannah, Georgia. Meanwhile, in a coordinated strike, General Augustine Prevost moved up by land from St. Augustine with 2,000 troops. Maj. Gen. Robert Howe, Lincoln's predecessor, not yet replaced in the field, was there to defend Savannah with fewer than 900 men, mostly South Carolina and Georgia militia. Howe split his small force, weakening it further, leaving part south of Savannah at Fort Sunbury to check Prevost, and absurdly preparing himself to defend Savannah frontally against overwhelmingly superior British arms. To cap his strategic error of accepting direct confrontation, he added the tactical one of not choosing a defensible site, and he allowed himself to be nearly surrounded. Campbell easily smashed him on December 29 and seized Savannah. Howe's folly led to more than 500 American casualties and losses, a staggering rate of well over 50 percent of the American force. British losses were almost nonexistent. Fort Sunbury was soon captured by Prevost, and 200 more men were lost to the American war effort. At the end of January, Prevost, now in command of the joint force, sent Campbell northwest up the Savannah River with 1,000 men to capture Augusta and erect garrisons throughout western Georgia.

In Augusta, Campbell administered the oath of allegiance to 1,400 citizens and formed them into twenty Tory militia companies. By February, all of Georgia was under British control. The first phase of the British campaign in the South had been a resounding success, and they rushed the

last royal governor, Sir James Wright, and the other loyal top officials back to Savannah to reestablish a British civil regime in Georgia. This regime was the only one during the war to convene a legislature under British authority. (Even in New York City the British never felt secure enough in their six continuous years of occupation to shift from military to civilian rule.) The old Tory proclivities of the Georgians quickly came to the fore; most of the people of Georgia were opportunists and they flocked to make their peace with the British restoration under guarantee of royal protection. Reliance on Tories seemed truly to be the key to conquest of the South.

The Savannah River became the line between the two main armies: General Lincoln took up his post with 3,600 men at Purysburg on the South Carolina side of the river, north of the town of Savannah, while Prevost was stationed at Ebenezer across the river with over 3,000 men. The river was too wide and swampy for a crossing in force by Prevost or the Americans; but Prevost used the Royal Navy to land a Major Gardiner and 220 men to seize Port Royal Island behind Purysburg. Lincoln quickly sent Gen. William Moultrie to the island to raise the militia, and he assembled over 300 men to occupy Beaufort, the island's major town. Moultrie's force fought off the British in a pitched, if necessarily small-scale, battle on February 3, and Gardiner withdrew with heavy losses. This battle stopped the British military momentum and for the time being halted any attempt to invade South Carolina.

Meanwhile, Colonel Campbell, encouraged by his reception by the Tories at Augusta, had sent 200 mounted Tories under the command of Col. John Hamilton, an aristocratic and highly influential Scots Highlander, to the Georgia back country to recruit more Tory militia. This stimulated Colonel Boyd, a leading Tory of North Carolina, to round up 700 Scottish Tories of that state and march to back-country Georgia to join Hamilton. By plundering happily as they marched, Boyd's men gained few adherents to the royal cause in the Carolina back country and alienated many. After easily driving off a small party of American militia under a Captain Anderson, Boyd and his party crossed the Savannah River into up-country Georgia. While they were relaxing at Kettle Creek, on the Georgia side of the river, a party of fewer than 300 South Carolina militia surrounded the camp on three sides and fell upon them in a surprise maneuver. The outcome was a total rout of the superior Tory militia; Boyd was killed, nearly 200 other casualties were suffered, and almost half the survivors fled back to their homes. Three hundred of the beaten men were able to scurry to join Campbell at Augusta. The patriot militia, in contrast, had only about 30 casualties. The 75 captured Tories were taken to South Carolina, where they were tried *en masse* on charges of high treason, and all were condemned to death. While seventy were pardoned, five leading

Tories were duly hanged for treason—a hanging that taught the back-country Tories an impressive lesson.

The triumph at Kettle Creek brought into prominence Col. Andrew Pickens of the South Carolina militia, commander of the victorious force. The dour young Pickens, a Presbyterian elder, was to prove to be one of the finest guerrilla leaders of the war.

The nearly simultaneous victories at Beaufort and Kettle Creek in early February 1779 not only greatly buoyed American hopes, but they also turned the tide of public opinion in back-country Georgia. The emboldened patriot militia flocked to Lincoln's camp and inspired him to try to retake Georgia. He sent two contingents to the up country, one a force of 1,500 North Carolina militia under Gen. John Ashe to Briar Creek, and another of 1,200 men under Gen. Andrew Williamson of Georgia to the east bank of the Savannah opposite Augusta. Seeing this formidable force coming upriver, Campbell decided to leave Augusta and march back to Savannah. This withdrawal disheartened the Tories of the back country, and their militia companies wilted away, leaving upper Georgia, including Augusta, open to the rebels. Furthermore, by spreading themselves too thin in Georgia and consequently being forced to contract again, Campbell disheartened Tory sentiment throughout the South.

As General Ashe, his forces swelled to nearly 1,700 men, eagerly pursued Campbell's retreating force down to Briar Creek, about halfway to Savannah, General Prevost devised a brilliant plan to defeat him. Prevost sent his younger brother, Col. Mark Prevost, with 900 men in a wide flanking movement around Ashe, to encircle the American force and attack it from the rear. Ashe learned of Prevost's advance, but took no steps whatever to meet or forestall it. As a result of this remarkable display of incompetence, he was attacked simultaneously from front and rear, and on March 3 his army was totally shattered. Nearly 200 Americans were killed in this Battle of Briar Creek, and almost another 200 were captured, along with seven cannon and almost all of Ashe's arms and ammunition. Of the rest of Ashe's large force, nearly two-thirds scattered to their homes. Approximately a third of the southern army had been lost. Georgia had been saved for the British, who had lost only a tiny handful of men.

Despite the heavy American losses, Lincoln's forces continued to swell with militia recruits, and he still determined to march into Georgia. Leaving only Moultrie's 1,000 men to guard the lower Savannah, Lincoln marched upriver with 4,000 men on April 23 to take Augusta. General Prevost saw that lower South Carolina was weakly defended, and anxious to draw Lincoln back to South Carolina, he crossed the river with over 2,500 men to take Purysburg on April 29. After successive rear guard skirmishes, his advance pushed Moultrie all the way back to Charleston,

the only major city of the three southernmost states and by far the leading port in the South. Prevost pursued the Americans, and reaching Charleston on May 12, he demanded that the city surrender. Even though 3,000 American troops were within the city's walls, the fainthearted, the opportunistic, and the conservatives tried to opt out of the war effort. President John Rutledge (who had been given almost dictatorial powers by the legislature) and his fellow conservatives in the upper house prevailed upon South Carolina to propose an agreement of neutrality for the state for the remainder of the war, an offer which Prevost scorned.

The South Carolinians were prevented from making further moves in the same direction by the return of Lincoln's large force. Prevost retreated to John's Island below Charleston and kept a fortified bridgehead on the mainland at Stono Ferry. From there he decided to extricate himself by sea to Savannah. He left behind a vastly outnumbered rear guard of 900 under Col. John Maitland. On June 19, Lincoln attacked Stono Ferry with only 1,200 of his 6,000 men against the fortified position. Moultrie, on James Island, failed to provide expected support, and Lincoln had to retreat after suffering heavy losses and a large number of desertions. Prevost completed his withdrawal to Savannah and left Maitland in occupation of Port Royal Island, which could be protected by British control of the sea. Prevost had gained little from his swift foray to Charleston except for intensive looting of the civilian population *en route*. The British found great numbers of slaves flocking to welcome and aid them, but their gratitude consisted of selling the thousands of Negroes back into slavery in the West Indies. Once again, they had failed to take the opportunity to split America, especially the South, by offering to liberate the slaves. But then, the British could scarcely have been expected to suppress a revolution by outdoing the Americans in so radical an act.

Fighting stopped for the summer months, and the British were in firm control only of Savannah and its environs. In the up country, the Tories had been demoralized and the British were subject to continuing raids by the rebels. They made Mark Prevost temporary lieutenant governor of Georgia to try to restore order in upper Georgia until Wright and the other royal officials could arrive.

The growing difficulties encountered in the southern campaign did nothing to nurture whatever enthusiasm General Clinton had had for the southern invasion. Much has been made in recent years of Clinton's alleged personality defects as the explanation for his ambivalence and indecision. In truth, however, there were plenty of objective considerations to cause him—or anyone else in his place—to be indecisive. For one thing, a great many factors that could tip the balance were beyond his control. Among these were the dispositions of the British and French fleets, the number of reinforcements he might obtain, the extent of Toryism that

would be revealed in the South, and the political and strategic considerations and decisions that would be weighed and concluded in London. Certain it is that Clinton was not an outstanding general, but mediocre generals abound and are well understood without dragging in psychological approaches of dubious value by armchair historical "psychoanalysts" two centuries later. Suffice it to say that what the British needed was a military genius and Clinton scarcely filled the bill; but, for this fact, no historical psychologizing is required.*

While it is true that Clinton lacked any comprehensive or sound strategic plan in the South, his superiors in London had nothing better, and his means were limited. Under Lord Germain's general instructions, he did carry out a quick thrust against the Virginia coast. In early May 1779, he had sent out Gen. George Matthews and Commodore Sir George Collier with 2,500 men to prevent reinforcements being concentrated on the Georgia front; in a resounding military success, they captured Portsmouth, Norfolk, and other southern supply centers on the coast, and destroyed numerous ships and enormous amounts of provisions, naval stores, and ammunition. The captured towns were sacked and plundered and the plantations looted, all without the loss of a single man. The American losses have been estimated at the huge figure of 2,000,000 pounds. The British then abandoned the coast, as planned, although Commodore Collier made a strong case for at least retaining Portsmouth and giving aid and shelter to the many Virginia Tories who had suddenly emerged joyously to greet the British, and who, abandoned and disillusioned, would be left to their fate.

Clinton also decided to reinforce the troops in Georgia for a drive northward. But twice, in the summer and fall of 1779, his plans were thwarted by the French fleet: first when Jamaica asked for reinforcements to defend against the French and second in the fall. Admiral D'Estaing, fresh from victories in the West Indies, appeared off the Georgia coast in early September with nearly 6,000 troops and forced Clinton's 3,000 troops to turn back and withdraw to New York.

The French fleet moved in to besiege Savannah, and the fall campaign of 1779 found the British on the defensive. Maitland waded through the swamps of Port Royal with 800 men to increase Prevost's defense force at Savannah to 4,000. Meanwhile, Lincoln arrived near Savannah with 1,400 men to strengthen the siege.

*This is apart from the distortions injected into historical accounts when only one general is "psychoanalyzed" while all others in the historical drama are treated by ordinary rational historical analysis without benefit of psychologizing. For a brief but much needed critique of the recent psychological treatment of Clinton, see Curtis P. Nettels, "Review of William B. Willcox, *Portrait of A General: Sir Henry Clinton and the War of Independence.*" *The Journal of American History* (June 1965), pp. 115-16.

D'Estaing should have assaulted Savannah immediately when he arrived in mid-September, to take advantage of surprise and take the city easily. Instead, the admiral confined himself to a siege, giving Prevost time to strengthen the city's defenses. Furthermore, winter was approaching, and a long naval siege was not feasible in winter months. Hence, after a further siege of a month, D'Estaing assaulted Savannah on October 9. But the frontal assault of 3,500 French and over 800 American troops on the well-trenched British positions failed ignominiously, and the French and Americans experienced heavy losses—over 800 casualties, a staggering proportion of the attacking force—and the British lost only 150. D'Estaing was wounded and the American Gen. Casimir Pulaski, a young revolutionary Polish count and cavalry officer who had enlisted in the American cause, was killed in the battle. Despite the pleas of Lincoln to continue the siege, D'Estaing and the French force hurried away to France. The British and the Tories were elated, and the Americans disheartened, by this defeat at Savannah. This was the third operation (the others had been at New York and Newport) that D'Estaing had conducted against the British on American shores, and each was a failure. Moreover, Georgia was again safe for the British, and they were now free to continue their campaign northward.

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The Capture of Charleston

When Clinton, in New York, learned of D'Estaing's defeat and withdrawal, on the other hand, he determined to seize Charleston and use it as the southern British base. With the French at sea, the British securely in charge of Savannah, and little aid being sent by Washington or Congress to the South, the time certainly seemed auspicious.

He left Knyphausen in charge of New York and sailed south on December 26, 1779, with 8,000 troops. After a stormy voyage he arrived off Charleston on February 1 and landed on John's Island, south of the city, on February 11. He moved with the excessive caution and timidity that had now become traditional in British operations in the Revolutionary War. He inched his way north, captured James Island, and finally, on March 29, crossed the Ashley River near Charleston. By early April, reinforcements had swelled the British troops to 10,000 men and 5,000 sailors, while Lincoln had only 5,000 men in the city. Instead of using Clinton's sloth to make good his escape, Lincoln absurdly concluded that Charleston could be successfully defended in an open confrontation with the British forces.

After crossing the Ashley, Clinton proceeded eastward to the Cooper River, virtually cutting off Charleston by land. Meanwhile, in early April 1780, the British fleet sailed into Charleston Harbor. Charleston was now completely surrounded, except for one escape route: across the Cooper River and up the Cooper to Monck's Corner where Gen. Isaac Huger was stationed with 500 men to guard the route. But Lincoln, despite his inferior numbers and encircled position, did not consider using this out, and the bombardment of hapless Charleston began on April 13. The resolute Gen. Lachlan McIntosh pleaded with Lincoln to withdraw and

save the American army in the south, but Lincoln allowed himself to be swayed by the pleas of the Charleston populace to remain and defend the town.

While Lincoln hesitated, the British Col. Banastre Tarleton, commanding the British Legion of mounted Tories, struck swiftly and suddenly at Huger's force in the middle of the night of April 14. The Americans were shattered and dispersed, suffering heavy losses of nearly 90 men, while the British lost virtually none. Tarleton marched south toward Charleston, totally cutting off Lincoln's path of retreat.

Lincoln finally began to consider withdrawing from his untenable situation, but now the South Carolina Council warned that if the troops tried to withdraw, the citizens would wreck the army's boats and open the gates to the enemy. Meanwhile, Clinton drew the net tighter, and a ferocious British bombardment on May 9 quickly broke the none too hardy spirit of the Charlestonians, who insisted on surrendering the city. This demand for surrender was quickly seconded by Lieutenant Governor Gadsden and the South Carolina Council, and the militia began to abandon their posts. Lincoln had now but one alternative—to surrender. And surrender he did on May 12. The Americans thereby lost not only the great port of Charleston, but also the entire southern army of nearly 5,500 men, along with many ships and huge amounts of stores and ammunition. This was to be the largest surrender of American forces until the Civil War.

The surrender at Charleston did indeed bring out Tory sentiment in Georgia and South Carolina. Clinton's pullout of most of the British troops from Savannah and Augusta had at first disheartened Georgia Tories, who were subject to rebel raids within a few miles of Savannah. But now all this was changed. Two hundred citizens of Charleston congratulated Clinton on his seizure of the city; the defeated militia quickly took an oath of allegiance to the king and happily marched off to their homes. News of the surrender caused one back-country militia regiment to mutiny, seize their officers, and march into Charleston to yield the officers to the British.

Hundreds of South Carolinians flocked to join Tory regiments, and some of the leading conservative members of the council found no difficulty in collaborating with the British. The dejected rebels seemed everywhere ready to yield to British rule, and those rebel leaders who had escaped now came in to surrender. Rumors that Washington would abandon the South added to the defeatism in that region.

In these circumstances the occupation and reduction of back-country South Carolina proved unexpectedly easy. General Cornwallis, in charge of this occupation, established a string of strongly held posts across northern South Carolina from Cheraw, in the east, through Camden and Rocky Mount to Ninety-Six, as well as fortifications on the seacoast from north-

ern South Carolina through Charleston, Beaufort, and Savannah. Camden was the major post, with 2,500 men under Lord Rawdon; units were also stationed at Augusta. All these British posts were established without opposition; the last remnants of organized armed groups quickly surrendered at Beaufort, Camden, and Ninety-Six, and the remaining militia dispersed quickly and scattered to their homes.

The last remaining American armed force in the lower South was a regiment of over 350 Virginia Continentals under Col. Abraham Buford. Buford had come as far south as the Santee to help out Charleston, but when the city surrendered he was ordered to retire as fast as possible to North Carolina. But the amazing Colonel Tarleton, marching fewer than 300 men over 150 miles in 54 hours, caught up with Buford on May 29 at Waxhaws, near the North Carolina border. Buford poorly deployed his men for a cavalry attack, placing them on an open plain instead of behind fortifications, and held his fire too long. Tarleton's cavalry charge smashed the American defenses, and when the Americans surrendered, his troops fell upon the disarmed and wounded Americans with bayonets. The prisoners thus slaughtered, from that time on "Tarleton's quarter" was a phrase that described any massacre of disarmed prisoners. Buford and a hundred men had escaped, but over 260 men were killed or badly wounded and over fifty taken prisoner. In contrast, Tarleton lost only a handful of men.

Georgia and South Carolina were now fully occupied and pacified by the British and the contented Clinton prepared to take a third of his troops back to New York, leaving Cornwallis and 8,300 men (approximately half British and half Tory) in charge of the South. Before leaving, Clinton tried to settle the administrative system to be imposed upon the conquered states. He rejected the advice of British Adm. Marriot Arbuthnot to reestablish the royal civilian regime immediately in South Carolina, and instead, the state remained under military rule for the remainder of the war. More fateful was Clinton's July 3 proclamation. He had issued decrees for the reconquered subjects, pledging full protection and support for all those faithful to the crown. This and his offer of a full and free pardon to all rebels who would take the oath of allegiance made a very good impression upon the people of South Carolina and moved them closer to support of Great Britain. The effect of these decisions was wholly offset, however, by his proclamation that all prisoners on parole would be released and restored to their full rights *except* that all who later failed to take an oath of allegiance to the crown would be considered in rebellion. This harsh edict forced those who had been happily neutral to take aggressively one side or the other. Deprived of the choice of neutrality, they tended to shift to the rebel cause. The stern proclamation of June 3 revived a revolutionary cause that had almost died in South Carolina.

The Emergence of Guerrilla Warfare in South Carolina

Clinton had no qualms about his June departure north. Georgia and South Carolina were pacified and that was that. North Carolina would be no problem either: Cornwallis could make a quick thrust into that state, and the British presence, heightened by the return of North Carolina's royal governor Josiah Martin, would inspire and activate the Tories. And so that state would be quickly pacified. From there, the British would move up to the Chesapeake, both British armies would unite in Virginia, and then go on to subdue the middle colonies. No qualms were felt about the hostile personal relations between Cornwallis and Clinton, nor about Clinton's failure the previous May to mount an invasion of Virginia simultaneously with the attack on Charleston—a failure caused by the activities of the French fleet. Instead, Clinton confidently set sail for New York on June 8.

Several factors, however, now began to change the military picture in the lower South. A French fleet again prevented the British seaborne invasion of Virginia off the Chesapeake; a severe shortage of supplies forced Cornwallis to postpone his march into North Carolina; and the southern Indians failed to take their expected part in the southern campaign. For one thing, the death of John Stuart, the esteemed British Indian agent in the South, deprived the British of much influence over the Indians. The Spanish entrance into the war also gave the Indians more tasks to perform, and a smallpox epidemic blighted the fighting spirit of the Cherokee. Most important, however, was the emergence in South Carolina of that form of warfare most suited to the conditions of revolutionary war: guerrilla warfare. In this case, small but compact and highly

mobile partisan bands of rebels organized to harass and trouble the British. The three most noted guerrilla leaders were Andrew Pickens, Thomas Sumter, and the aptly named "Swamp Fox," Francis Marion, all officers of the South Carolina militia.

Several engagements between units of rebel and Tory militia were soon fought in the northern back country of South Carolina. A party of Tories was defeated by rebels at Fishing Creek, and Col. William Bratton defeated a detachment of Tories near Winnsboro on May 29. To crush the pesky rebel bands, Col. George Turnbull, in charge of the substantial British camp at Rocky Mount, sent out Capt. Christian Houk and his Tory militia to plunder and destroy in the back country and to crush the rebel partisans. Camping northwest of Williamson's plantation, 400 of Houk's militia were attacked in a withering surprise thrust by 260 rebel militia under Colonel Bratton. Bratton was able to attack Houk on two sides, and to fire at the defenders from behind fences. The result was the killing of Houk and the crushing of his forces, which suffered almost 90 casualties while the rebels lost only one man. This victory had been achieved by a truly democratic people's army in which every action was decided upon by a vote of all the militia.

Sumter, too rash and too willing to engage in open confrontation to be a first-rate guerrilla fighter, felt emboldened enough by the victory at Williamson's plantation to launch a direct attack on Rocky Mount itself. Gathering perhaps 600 militia at Mecklenburg, North Carolina, near the South Carolina border, he struck directly at the well-fortified British post on July 30; several assaults failed, however, and he wisely withdrew before losses should become too heavy.

It should be noted that the roundup of Tory support in the Cheraw district was so spotty that Lord Rawdon was forced to evacuate that post, and that a Tory battalion under Col. John Lisle carrying Rawdon's sick men defected to Sumter *en masse*, with the sick becoming prisoners of the Americans.

The climactic battle in this series of skirmishes came on August 8 at Hanging Rock. Here Maj. John Carden held a strong position with 500 Tories. Sumter, with 800 South Carolina militia, decided to attack. A comedy of errors brought all of Sumter's men to attack the British left flank, and to good advantage. When Carden tried to outflank the Americans on *his* left, the rebel militia swiftly opened up a withering fire from behind trees; the British were completely routed, and the American militia plundered and looted, heedless of the remainder of the enemy. This general carelessness finally forced Sumter to withdraw, but he had achieved a notable victory, inflicting over 200 casualties upon the 500 defending Tories.

All in all, during July and early August, no fewer than twelve battles

were fought between Tory and rebel bands in the Carolina back country, and a string of rebel victories made the British position highly precarious in the interior. These American victories took place in frays between modest-sized forces, but they were a portent of a rising threat of rebel militia in the northern back country as well as a slip in the effectiveness of the British occupation.

While the British-led Tories were suffering these reverses, Toryism in the North Carolina back country received a severe setback. Restlessly failing to wait for Cornwallis' march, Col. John Moore of Ramsour's Mill, near the South Carolina border, gathered a formidable force of 1,300 Tories to join British forces in Camden. Nearby, Col. Francis Locke assembled 400 patriot militia and launched an attack upon Moore. Although lacking central command, each officer acting on his own as representative of his men, the numerically inferior American force managed to attack the Tories front and rear on June 20. A fierce hand-to-hand combat completely routed and scattered the Tories, even though American losses were proportionately higher. Once again, Toryism was crushed in back-country North Carolina before the British could arrive; and only thirty men reached Camden. This rout of North Carolina Tories was to deprive Cornwallis of a great deal of effective Tory support in that state.

All in all, the British attempt to rely on the raising of Tory troops in South Carolina proved not very successful. It is true that effective Tory militia units were organized in the strong Tory areas of Orangeburg and the Little Pee Dee River in the interior regions closer to the coast. And at Charleston, Cornwallis was able to form eleven Tory companies totaling 400 men for garrison duty. But in the Camden and Cheraw areas, the results were disappointing, and attempts to form two provincial battalions of South Carolina Tories were abject failures. Some of the obstacles to Tory recruitment were simple supply problems; there was a scarcity of both small arms for militiamen and horses for mobile cavalry to check rebel guerrilla raids on back-country Tories. More important in the failure was a shortage of qualified Tory officers; the great bulk of back-country officer material either had become rebels or had fled the state.

Above all these problems, however, stood the alienation of public opinion, generated by the widespread plundering and atrocities committed against the civilian population by the vengeful Tory troops, particularly those under Tarleton. This revolutionary war was, to an extent undreamed of by the British, a people's war in which public opinion provided the indispensable groundwork for a committed revolutionary effort. This and their careless assumption that the South Carolina back country was staunchly Tory ignored the dynamics of the situation. These people had been largely indifferent to the Revolution, or their support had been

lukewarm, and they therefore needed to be wooed by the British. Instead they suffered plundering and the exigencies of martial law. British and Tory actions thereby pushed these men of the back country into ardent support of the Revolution during the critical summer of 1780. As Smith concludes:

British officials no more comprehended the situation that confronted them in the South than they understood the extent of revolutionary sentiment in America. They failed to see that a permanent restoration of law and order in South Carolina rested not on the strength of the Loyalists, as they had originally calculated, but on pacification of the revolutionists. . . . Peace in the South depended upon reconciling rebels to British authority and upon rapidly organizing Loyalists to quell any minor rebel resurgence. Any major revolution against British control was not anticipated.*

The successful rise of rebel militia bands in the back country of the Carolinas, and even in Georgia, led Cornwallis to complain on August 6 that all of upper South Carolina was in "an absolute state of rebellion, every friend of Government has been carried off, and his plantation destroyed." All this only confirmed him in his belief that he must soon invade North Carolina, and with his main force reduce the back country of the Carolinas to British control. This belief was reinforced by the news that a new Continental American Army was moving southward, news that inspired and emboldened the rebels and disheartened the Tories of the back country. Only a successful Cornwallis presence in North Carolina, the checking of the new American army, and the reduction of the Carolinas could save the interior of all the southern states for the British. Cornwallis determined to take his main force to Camden preparatory to moving north, leaving detachments particularly at Charleston, Augusta, and Ninety-Six. On August 10, he left Charleston for Camden.

*Smith, *Loyalists and Redcoats*, p. 141.

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Gates Meets the Enemy

Into this more hopeful situation for the Americans now stepped a new Continental troop from Maryland and Delaware that Washington had sent southward under the German General de Kalb. Marching south on April 16 to the aid of Charleston from Morristown, New Jersey, de Kalb had reached North Carolina with 1,400 men when he learned that Charleston had been taken. Furthermore, difficulties mounted as North Carolina failed to cooperate in supplying de Kalb's force, which became increasingly short of food; even foraging and plundering of the inhabitants gained few supplies. With the capture of General Lincoln, Congress decided to call back, as commander of the Southern Department, Gen. Horatio Gates, the hero of Saratoga, to save the South. This was done, of course, over the strenuous objections of George Washington, who still did not trust Gates because of his part in the Conway Cabal.

Gates took command of the unhappy Continental force at Deep River in North Carolina on July 25, to the sardonic warning of his friend, Charles Lee: "Take care, lest your northern laurels turn to southern willows." The brief but most unhappy conduct of Gates' campaign has been subjected to a literally savage denigration by historians, even those who are always eager to put the best face on campaigns by all other American generals. The reason for this singular treatment seems clear: the great rift between Gates and Washington. Washington's actions are almost always painted in roseate colors, and devotion to his legend requires equal devotion to tearing down Gates' reputation.*

*For an almost hysterical attack on Gates by an otherwise judicious and highly competent

Gates soon found that the southern theater was very different from the north. For one thing, food was difficult to obtain, and distances were large between towns and farms. Secondly, Gates, familiar with the heroic deeds of the northern militia, did not realize that the longer distances, the wider area, and the lower population density of the southern theater meant that the southern militia were no longer fighting for their *own* homes and neighborhoods, thus giving up one of the major advantages of a people's militia war. But his most important error was to forget the main principle of the guerrillalike war that he had waged so successfully in the north: never to fight in open confrontation with a more heavily armed enemy well trained in conventional field tactics.

Gates' first decision, made almost upon his arrival, was to strike directly south into South Carolina to attack the British base at Camden. He has been very severely criticized for not taking de Kalb's advice to pursue a circuitous route westward to Camden through a country of prosperous farms, abundant food, and a populace loyal to the American cause. Instead, the shorter route Gates adopted led through desolate swamps peopled heavily by Tories. While Gates overestimated the health and morale of his troops, his decision was by no means absurd; his goal was to strike at Camden quickly before Cornwallis could reinforce it. Furthermore, his route allowed him to join with a force of North Carolina militia led by Gen. Richard Caswell, who had stubbornly refused to move to join de Kalb. By striking quickly at Camden, Gates believed he could set back any Cornwallis invasion of North Carolina. It was Gates' ill luck that Cornwallis would reach Camden just in time.

On his march, Gates was reinforced by 800 Virginia militia and Caswell's 1,200 North Carolina militia, thus raising his force to a formidable 3,000 men. But it was a force increasingly hungry, ill, exhausted, and discouraged. By August 13, Gates had encamped a few miles north of Camden; but unknown to him, Cornwallis had already arrived with his reinforcements. On August 15, Gates, with 3,000 men fit for duty out of a total of about 4,100, decided on a quick night strike at Camden. He was driven to this step by his growing lack of food; but the idea was not unsound in light of the fact that he did not know of Cornwallis' arrival. Furthermore, ill luck dogged Gates, for, in one of history's amazing coincidences, Cornwallis had also decided on that very night for a surprise attack on Gates.

The two armies blundered into each other at night at Saunders' Creek, north of Camden. Facing Gates' 3,000 men were Cornwallis and

military historian, see Ward, *The War of the Revolution*, II:717-30. More sober evaluations of Gates' southern campaign may be found in Billias, "Horatio Gates," pp. 99-104; Alden, *The American Revolution*, pp. 233-35; and Bernhard Knollenberg, *Washington and the Revolution: A Reappraisal* (New York: Macmillan, 1940), a pioneering work in Gates revisionism.

Rawdon with 2,200 men. But two-thirds of their force were highly trained regulars, while only one-third of the Americans were regulars and two-thirds militia—and regulars were far superior in massed confrontation on an open field. Cornwallis decided to wait until daylight to give battle; an error because it could have permitted Gates to slip away in the night. But here Gates decided to stay and fight on the open field, an error of his own which later allowed his traducers full sway. It should be emphasized that Gates called a council of war before making the decision and not one of his top officers called for a retreat or objected to giving battle.

A swift bayonet charge by the British regulars panicked the North Carolina and Virginia militiamen holding down the American left wing. Militia were never able to cope with the open-field bayonet fighting at which the British excelled, a fact Gates had overlooked when he formed the left wing out of militia alone. The militiamen simply broke and ran, most of them without firing a shot, and Gates, unable to rally them, was forced to flee to the rear to avoid capture. The American right wing, the Maryland and Delaware Continentals, more than held their own against the Tory troops, but once surrounded, they were smashed by Tarleton's ferocious cavalry charge. Tarleton then pursued the fleeing Americans for twenty miles northward, capturing great quantities of ammunition on the way. It was a devastating and crushing defeat: de Kalb was killed and the Americans lost 650 precious Continentals, while almost the entire force of the North Carolina and Virginia militia scattered and fled to their homes. In exchange, Cornwallis lost only 320 men.

Gates has been severely criticized and attacked for cowardice for speeding north from Camden 200 miles to Hillsboro in three days, stopping only for sleep. But no amount of cowardice would have required that great a distance of flight. Clearly, he sped to Hillsboro to begin forming a new army as quickly as possible, hoping to tap the resources of Virginia as well as North Carolina. He began with 700 men, the shattered remnants of the force routed at Camden. To this were soon added other military remnants, bringing the total force up to 2,000. He was joined in mid-September by Dan Morgan, who had also been neglected and in semi-retirement, and Gates managed to persuade Congress at long last to make Morgan a general.

At first, it seemed that Cornwallis's way north would be blocked by the South Carolina guerrilla troops. On August 15, two days after the victory at Saunders' Creek, Colonel Sumter and 700 men captured a British wagon train and took 100 British and Tory prisoners. But on August 18 at Fishing Creek, Tarleton, with only 160 men, was able to cut off Sumter's force from its arms and smash it completely, killing

150 and capturing over 300 with a loss of only a few men. Two days later, Col. Francis Marion, with only 16 men, fell upon some British and Tory troops and freed 160 American prisoners; but Sumter's blundering rout at Fishing Creek had left North Carolina open to the enemy.

The Battle of King's Mountain and the End of the 1780 Campaign

Historians, however, have greatly overinflated the importance of the routs at Camden and Fishing Creek; for the way that had been opened was quickly closed, and the British invasion of North Carolina decisively blocked. This blocking came not from the Continental troops, but from the really decisive forces of the American Revolution—the American public, the local militia, the people in arms.

Within two weeks after Camden, it was clear to Cornwallis that, instead of the Carolina back country flocking to his cause as the British had believed would happen once the Continentals were routed, the opposite was occurring. In South Carolina, guerrilla bands under Marion, Sumter, Pickens, and Col. William Davie were harassing Cornwallis' rear as he advanced northward. In North Carolina, the Tories had never recovered from the defeat at Ramsour's Mill, and the local militia and public sentiment mobilized against the British. In desperation, Cornwallis began to take drastic measures, hanging several men who had enrolled in the Tory militia and then had deserted to the rebels. By the end of August, he was insistently reminding Clinton of the need for a diversionary attack on the Chesapeake area of Virginia. The battles of Camden and Fishing Creek sank into insignificance in the face of the rising rebel voice of the people of the back country.

By the time Cornwallis began to march northward from Camden, the advance, harassed by guerrillas and with particular brilliance by Colonel William Davie, was far from triumphal, and proceeded rather in hopes that Charlotte would provide a happier and healthier base for the ailing British army. Charlotte, North Carolina, was finally reached on Septem-

ber 25; here Cornwallis called upon the people to deliver their arms and flock to accept the protection of the British army. But nobody flocked to the invaders here, in the heart of rebel sentiment; instead, Cornwallis could find little information about rebel movements, and British foraging parties were incessantly attacked. Cornwallis was therefore forced to pause once more to await supplies from Camden.

As Cornwallis marched northward to Charlotte, he ordered Major Patrick Ferguson, head of Tory recruiting, who had gathered and sent out over the countryside a formidable force of thousands of Tories at Ninety-Six, to march northward as well. Ferguson was to gather Tories and punish rebels to the west, and finally to join Cornwallis at Charlotte. Reaching Gilbert Town at the edge of the mountains in western North Carolina by late September, Ferguson, with 1100 men, began to turn south to help relieve Augusta, which had been besieged by rebels under Colonel Elijah Clark, and to help capture the rebels.

Ferguson had warned the "overmountain men" on the Watauga River in what would later be northeastern Tennessee that if they did not cease opposing the king, he would march over the mountains, hang their leaders, and lay waste to their country. Not taking kindly to this threat and tired of his depredations and plundering, the Watauga men decided to end the Ferguson menace once and for all, and became the center of a new rising. To them came Colonels Isaac Shelby, John Sevier, and William Campbell of Virginia, and Colonels Benjamin Cleveland and Charles Macdowell of North Carolina. By September 15 over 1,400 frontier riflemen knowledgeable of the terrain and eminently suited for guerrilla action gathered at the Watauga. This large force began to pursue Ferguson's troops, who turned eastward to take up fortified positions on top of King's Mountain, on the North Carolina-South Carolina border. Nine hundred of the best mounted riflemen were then detached to catch up to Ferguson and these arrived at the mountain on October 7.

Ferguson, with superior numbers, had assumed a well-fortified position on the mountain; but what he failed to realize was that the dense woods on all sides of the low mountain provided excellent cover for the deadly guerrilla force. Surrounding the mountain and climbing its sides, the riflemen climbed to the trees surrounding the plateau on the open mountaintop and cut down the bayonet-wielding troops with deadly individual rifle fire. As Ward puts it: "Everywhere the Tories were surrounded by men, not in solid bodies to be attacked with a bayonet and driven back, but fighting each man on his own behind the trees fringing the open plateau. From every side came a hail of bullets."*

The Tory force was hopelessly beaten, but the frenzied Ferguson de-

*Ward, *The War of the Revolution*, II:742.

clared that he would "never surrender to such banditti"; his reward for this was to be killed in the battle. The surrounded and helpless Tories were slaughtered by the vengeful rebels, who shouted, "Tarleton's quarter!" until their officers finally brought them under control. The battle had been a glorious one for the Americans. The entire Tory force of 1,000 men was either killed or captured, while rebel casualties totalled only 90. Great stores of arms and ammunition also fell to the Americans. The Tory prisoners were marched to Gilbert Town, and nine were convicted of aiding the British in raiding and hanged.

The Battle of King's Mountain was one of the turning points of the Revolutionary War. A people's victory, a guerrilla victory without any semblance of a Continental force or even of an overall commander, King's Mountain showed that so long as its spirit was high, the United States could absorb such devastating defeats of its regulars as at Camden and yet come back to crush the British and Tory forces.

Beaten at King's Mountain and increasingly worried about growing guerrilla bands throughout the Carolina back country, Cornwallis was forced to beat a hasty retreat from North Carolina. His troops, ill, exhausted, and increasingly short of provisions, were hammered every step of the way by American militia bands. They finally encamped for the winter at Winnsboro, between Camden and Ninety-Six in northern South Carolina. At Winnsboro, continually harassed by American bands, Cornwallis was properly chastened. The end of the 1780 campaign saw the British, despite the massive victories at Charleston and Camden, thoroughly beaten back from their attempt to invade North Carolina. Cornwallis realized that the failure of the North Carolina Tories to materialize spelled the collapse of the whole southern strategy. The end of the projected northern offensive seemed at hand.

Of the American guerrilla bands, the most active and successful were those of Sumter and Marion. Marion did yeoman work between the Pee Dee and the Santee rivers in northeastern South Carolina, arousing revolt, cutting supplies, and threatening key British communication lines between Charleston and Camden. Cornwallis sent Tarleton after Marion, but the Swamp Fox proved too elusive in the best guerrilla manner. In the meantime, north of Winnsboro, Sumter was beginning to display great improvement as a guerrilla leader. The British sent out Maj. James Wemyss to catch him; but at Fishdam Ford on December 9, Sumter was ready for the supposed surprise. Wemyss was captured and his unit repulsed with heavy losses.

Moving westward and escalating his operations, Sumter threatened the key British post at Ninety-Six. Alarmed, Cornwallis sent Tarleton with a formidable force in pursuit. Sumter turned northward and, on November 20, took up a strong position at Blackstock's on the south side of the

Tiger River. Sumter's 420 men now faced Tarleton's feared cavalry of 250. While Tarleton waited for his infantry to arrive, Sumter moved to cut them off; Tarleton's answering charges met concentrated guerrilla rifle fire from buildings nearby, forcing this British retreat. The widely feared and seemingly invincible Tarleton had been beaten, his force losing about a hundred men, while the Americans suffered virtually no casualties. This was a decisive blow to British prestige in the Carolinas. A piquant footnote to the battle is that Tarleton had the gall to claim "victory" because Sumter's force, in the classic manner of guerrilla fighters, later withdrew in the face of British reinforcements.

Cornwallis' natural optimism soon returned in December, when he found that Clinton had at last sent a diversionary force of 2,500 under Gen. Alexander Leslie to Portsmouth, Virginia. The harassed Cornwallis, however, now ordered Leslie to join him at Winnsboro; when Leslie complied in early January 1781, Cornwallis unwisely thought that his 4,000 men could now carry out the original British plan of the year before. He was further emboldened by the news that Benedict Arnold had been sent in December with 1,500 troops to raid Virginia in force.

Greene's Unorthodox Strategy

It was inevitable, however, that Gates would be removed from command in semi-disgrace, as he was in October. A chastened Congress entrusted the choice of his replacement to Washington and, fortunately, Washington chose the one highly able general whom he had not turned against, a man whose talents had been languishing for years in the post of quartermaster general: Nathanael Greene. Both Greene and Morgan were fully cognizant of the necessity for a guerrilla strategy in fighting the British. Greene arrived at Charlotte, where the American army was now stationed, in early December, taking over a force of fewer than 1,500 fit for duty, and these hungry and wretched.

It was clear to him that a move must be made right away, for the food supply of the entire Charlotte area had been stripped clear by the foraging and plundering of British troops. In addition, Cornwallis was about to begin his long-delayed and final invasion of North Carolina. At first, Greene proposed an immediate hit-and-run attack on Winnsboro, but he deferred to Morgan's judgment of its excessive risk. He then decided to march his army southeast for winter quarters to Cheraw Hill, 75 miles east of the British camp at Winnsboro. But so that this would not seem like a retreat from the British invasion route, he split his already inferior force in a daring and highly unorthodox maneuver. Accordingly, on December 16 Morgan quickly took 600 men to South Carolina north of Winnsboro, while Greene set out for Cheraw Hill on December 20 with 1,100 men, arriving there on December 26. Here was a brilliant piece of strategy in defiance of the sound classical injunction never to split an inferior force,

lest each in turn be attacked and destroyed. But this injunction rested on the assumption that frontal engagements would then be fought, and in Greene's strategy, it was the task of the American forces to be swift and mobile, and to avoid frontal battles.

In the face of this split, Cornwallis was in a bind. He could not chase Morgan or invade northward without leaving Charleston open to Greene's invasion, and he could not strike out for Cheraw without allowing Morgan to strike west at Ninety-Six or Augusta. Furthermore, if Cornwallis advanced, he could be hit on both flanks, and if he tried to return to Charleston, he could be harassed on both flanks also. At the same time, the various and effective guerrilla bands could continually harry the British wherever they might be. To counteract the multiple threats posed by the two forces, Cornwallis would also have to split his army—indeed, to split it into three parts. He sent Leslie east to Camden to defend against any possible attack by Greene; he sent the mobile Tarleton north to find and crush Morgan; and he moved himself slowly into western North Carolina to destroy the expected remnants of Morgan's force.

While Cornwallis was preparing his blow, American guerrilla action grew more and more menacing. Taking up his post at the Pacolet River and reinforced by over 300 North Carolina militia, Morgan threatened the British base at Ninety-Six: on December 27, he sent the mobile cavalry of Lt. Col. William Washington with over 200 men to the vicinity of Ninety-Six, where they crushed a Tory force at Faufort Creek. Nearly 200 of the 250 Tories were lost, while Washington lost nary a man. Meanwhile, to the east, the great cavalry unit of Col. "Light Horse Harry" Lee arrived from the north, and was sent east to assist Marion's guerrilla operations. Marion and Lee struck against the British base at Georgetown and nearly captured the post.

In this deteriorating situation, it was clearer than ever to Cornwallis that the guerrillas, and especially Morgan, must be crushed in a frontal engagement before the invasion northward could proceed. As Higginbotham notes:

His Lordship was not the only British military leader in the war to discover that rear areas could not be treated in the European sense—as free of enemy forces and simply as zones of communication. . . . Because of the activities of Morgan, Sumter, Pickens and others, [the] front-behind-the-front became a theater of operations in its own right. Hence, before Cornwallis could launch his long-planned invasion of North Carolina and the upper South, Morgan would have to be eliminated.*

*Don Higginbotham, "Daniel Morgan, Guerrilla Fighter," p. 306.

If anyone could catch up with Morgan, it was Tarleton; with more than 3,300 men, he gave chase to Morgan's force of now a little over 1,000—although it was soon to be raised to 1,100 when Colonel Pickens and his band joined him. In trained regulars, of course, Tarleton's force outnumbered Morgan's by over three to one. More militia had been expected to join Morgan, but Cornwallis had successfully roused the Indians to attack the frontier posts, and militia units had to remain in the West.

Hearing of Tarleton's advance, Morgan began to flee northward, properly trying to avoid open combat. But Tarleton was approaching with remarkable speed, and Morgan was forced to turn and fight on open ground at the plain of the Cowpens on the south side of the Broad River, a little bit south of the North Carolina border. On the highly unfavorable terrain, an open field with no protection on his flanks and no protection from Tarleton's famed horsemen, Morgan seemed doomed.*

If Morgan's terrain for making a stand could scarcely have been worse, his disposition of troops was novel and displayed his brilliance as a tactician. He decided to make use of the sharpshooting skills of his frontier militia without forcing them to stand for long in the front lines. He stationed a small body of 150 frontier riflemen in the front line, with Colonel Pickens' Carolina militia of 300 directly behind them. Behind these, on the crest of the slope behind the militia, were stationed Col. John Howard, in charge of the Continentals, and some militia totalling 450. Behind Howard, Colonel Washington commanded a force of over 100 cavalry as a reserve, stationed behind a rear hill. The plan was for the front line militia to fire a few volleys from behind trees, and then to retreat quickly to the second line militia, who, after further firing, would also retreat on their horses to Howard's forces and re-form behind them. With this plan, Morgan brilliantly incorporated the militia's propensity to flee under the fire of an open confrontation into a favorable aspect of the plan of battle itself.

Morgan knew that a successful militia war rested on the high morale of the troops, particularly if a complex plan were to succeed. He went to great pains to instill confidence and high morale, spending the whole night exhorting the troops by reminding them of British and Tory atrocities and of the great past successes of the American arms during the war, and promising them victory. In addition, he carefully explained his subtle battle plan to all his men. The popular and respected Morgan was thereby highly successful in inspiring, encouraging, and enlightening his troops.

The British launched the attack on the morning of January 17, 1781,

*Weigley contends that Morgan could have avoided the highly unfavorable position, but that an impetuous desire for a confrontation led him into what could have been a fatal error. Russell F. Weigley, *The Partisan War: The South Carolina Campaign of 1780-1782* (Columbia, S.C.: University of South Carolina Press, 1970), pp. 29-30.

with a charge by Tarleton's formidable cavalry. Thus there came face to face two of the most formidable military instruments developed during the Revolutionary War: Tarleton's cavalymen and Morgan's sharpshooting riflemen. A foreshadowing of the day's result came as the riflemen shattered and drove off the assault. The first line soon retreated to join the second line as prearranged. Tarleton threw his whole line forward against the Americans; again, the Americans coolly and skillfully took a heavy toll; and again the line withdrew to the rear as prearranged, with Colonel Washington's cavalry suddenly appearing from the rear and routing the dragoons. The British, understandably fooled into thinking that the withdrawal of the line was a full-scale retreat, rushed forward against Howard's main line, but were again met with cool and accurate fire. As Howard, due to a mixup in orders, began to retreat behind the hill, the British were sure that the Americans were now beaten and in rout; Tarleton's men rushed forward in wild disarray for the kill. Morgan, his American line seemingly in retreat, ordered Howard's line to wheel about *en masse* and fire four-square into the wildly onrushing British. Confusion and panic hit the British, and the Americans immediately followed with a bayonet charge, which for once was wielded by the American forces. In the meantime, the British right *and* left were simultaneously surrounded in a crushing double envelopment by Pickens and Washington. It was a great victory for Morgan and exhibited perhaps the most brilliant battle tactics of the war.

The American victory at Cowpens had been total and shattering. The British lost no fewer than 900 men killed and captured, nearly nine-tenths of their force, along with a large quantity of arms, supplies and ammunition. In contrast, the American casualties totalled only 70. Tarleton's force had been decisively smashed and the flower of the British forces in America had been destroyed. The victory was understandably cheered throughout the country.

The Race to the Dan

Morgan, however, was not yet safe, for Cornwallis was coming north with his main army to catch and crush him. Caught between two courses of action—abandonment of the North Carolina plan and a swift march north to King's Mountain to intercept Morgan (which Tarleton had urged)—Cornwallis did neither, and thus had fallen between two stools. His advance northward was slow, and he lost his chance to block Morgan's path of retreat. He was in his camp at Turtle Creek, 25 miles east of Cowpens when he heard of the disastrous results. He should have abandoned the entire North Carolina scheme as he had done after King's Mountain the previous year, but he was completely committed to the advance. He set after Morgan with 3,000 men, sending 700 under Lord Rawdon to Camden to assist Leslie against Greene. But delays and forays in the wrong direction lost precious time, and Cornwallis found, when he reached the anticipated point of interception at Ramsour's Mill, that Morgan, who had been marching away into North Carolina at remarkable speed, covering one hundred miles over difficult terrain in less than five days, was already two days' march away. Cornwallis, ever inclined to be rash and impetuous, now so embroiled himself in the task of invasion and of catching Morgan that he overlooked more strategic, long-run considerations: for the sake of speed in the race with Morgan, he jettisoned all of his stores and baggage. This desperate destruction led 250 Hessians to desert.

When Nathanael Greene, at Cheraw Hill, heard of Morgan's victory, he did not let his joy becloud his realization of the immediate danger to Morgan. He ordered General Huger to march his men north to and

beyond Salisbury, North Carolina, for a link-up with Morgan's force, while Greene himself raced heroically all the way to Morgan's camp on the Catawba River. Here the two generals disagreed over strategy. Morgan counselled a rapid retreat into the western mountains—certainly a prudent course which would have insured that Cornwallis could not follow. But Greene, a man of broader strategic visions, saw that Cornwallis' reckless destruction of his supplies could bring about his defeat. He therefore overruled Morgan, even though he failed to rouse rebel militia to his aid, and he ordered his force to march northeast through Salisbury and across the Yadkin River to join with Huger's troop marching northward.*

As he retreated, Greene kept just close enough to Cornwallis to keep him advancing in furious pursuit, meanwhile luring him ever further from his supply base and ever closer to Greene's own supply lines from Virginia and the North.

When Huger's army was held up by heavy rains and bad roads, Greene changed the junction point from Salisbury to Guilford Courthouse, in northern North Carolina directly north of Cheraw. It was now evident to both parties that the safe sanctuary for the American army would be north of the swollen Dan River, in Virginia, where supplies would be available to them. The Dan could be crossed either at the upper fords or in its lower stretches by boats. At Salisbury, Cornwallis, not knowing that Greene's foresight had arranged for sufficient boats on the lower Dan, abandoned hope of catching up with Morgan and Greene before their link-up with Huger, and instead swung north to intercept the united American army before it reached the upper fords. Greene and Morgan raced northeast and effected a junction with Huger's force at Guilford Courthouse on February 9. The American army of the South was once more united, and Cornwallis was twenty-five miles due west at Salem.

Greene was by no means committed to retreat behind the Dan; his cherished goal was to turn upon his supply-depleted pursuer and smash him decisively. He called for, and expected to receive, additional forces from Virginia and local militia; but no Virginia troops arrived and the militia were disappointing. His army totalled only 2,000 men against nearly 3,000 for Cornwallis. His council of war unanimously urged him to press on to the Dan on February 10. The race for the Dan, 70 miles away, had begun, but it had to begin without Morgan, whose ill health, perhaps aggravated by his opposition to what he considered a reckless course, led him to retire permanently from the fray.

*It must be noted that the Americans were greatly aided in all these maneuvers by Greene's precaution of assembling small boats in advance to help in crossing the swollen rivers.

Of America's top generals, only Greene was left in the field; but he would be enough. He detached 700 picked men under Col. Otho Williams to move west and then to the north to harass the British advance, and to fool the British into believing that the Americans were making for the upper fords. Cornwallis *was* fooled, and he began to race north toward the upper Dan. Both Cornwallis and Williams sped through wretched winter weather, sometimes covering thirty miles a day, with Williams' men getting little or no food or sleep. On February 13, Tarleton saw through Greene's plans, and at his urging, Cornwallis shifted east toward Greene, with Williams racing to keep ahead and following Greene's route to the crossing at Irwin's Ferry. Cornwallis followed in hot pursuit, but Colonel Washington's and Harry Lee's cavalry were more than a match for Tarleton's attempts to rush the Americans fording streams. Marching night and day, Williams was able to follow Greene across the Dan River on February 15, just in time to elude Cornwallis. The American army had reached sanctuary.

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The Battle of Guilford Courthouse

Lord Cornwallis now found himself in a position often faced by imperialist commanders fighting against guerrillas and a revolutionary people. By classical standards he was in an excellent position; he was the conqueror of Georgia and all of the Carolinas, and no real army was left to oppose him south of the Dan River. But, in fact, he had no boats and few supplies, and could not pursue Greene into Virginia. Furthermore, Greene's army would outnumber his when it was reinforced by the divisions of Continentals being raised in Virginia by General Steuben. Cornwallis, therefore, fell back on the fundamental axiom of British strategy: the rallying of the supposed majority of North Carolina Tories to form the solid support for a British occupation and regime. He withdrew to Hillsboro and eagerly issued a proclamation on February 20 inviting all loyal subjects to join his army in the reestablishment of legitimate government in the province.

Meanwhile, Greene was having his troubles across the Dan. His militia, their enlistments up, had largely left him, and neither the expected reinforcements from Steuben's Virginia Continentals nor Virginia militia had appeared. In addition the level of the Dan was falling, exposing him to a potential blow from Cornwallis. He therefore determined to cross the river back into North Carolina. He sent Williams and Lee across to join Pickens' guerrillas in harrying the British and suppressing armed Tories. On February 23, they found a company of 400 mounted Tory recruits at Haw River under the command of Col. John Pyle. Pickens and Lee duped, surprised, and virtually massacred the enemy. Most of the Tory force was killed or wounded; not a man in the American force was even injured.

Understandably, the massacre at Haw River dried up Tory recruiting in the state.

On the same day, Greene, finally reinforced by Virginia riflemen, recrossed the Dan and headed towards Hillsboro, his force now numbering 2,100. His plan was to harass Cornwallis, discourage Tory risings, and wait for reinforcements before engaging in any frontal action. Cornwallis found to his dismay that Greene's recrossing and the harassment by his light infantry under Williams were, like the rout of Pyle, effectively crushing the incipient flocking of North Carolina Tories to the British cause. At Hillsboro, Cornwallis found himself among more and more enemies and ever fewer friends, the increase of enemies aggravated by British plundering and requisitions of foodstuffs, which were growing increasingly scarce in the area. It was clear that he had to leave Hillsboro. On February 27, he marched southwest to the south side of the Alamance, where he would be in a strategic position to march west to Guilford or Salisbury, or southeast to Cross Creek or Wilmington on the Atlantic coast. Greene encamped on the north side and shifted his camp continually, keeping Cornwallis offbalance while awaiting reinforcements. On March 6, Cornwallis tried to attack Williams in a sudden surprise, but Williams' corps managed to escape. Finally, both armies rested. Greene received his long-awaited reinforcements of over 1,000 North Carolina militia, nearly 1,700 Virginia militia, and a few Virginia Continentals. By mid-March, he was at peak strength, over 4,500 men, greatly outnumbering the better-trained British force of about 1,900. Finding his food supplies running low, Greene decided to make his stand promptly at Guilford Courthouse. This decision to do battle was strategically sound; Greene's great numerical superiority insured that the worst would be a minor defeat and victory could well have led to the final rout of the British troops. For his part, Cornwallis could do nothing else; the entire long-run British strategy of occupying the South and calling forth the Tories rested on triumph over the American army in open battle.

Following Morgan's earlier advice, Greene arranged his army as Morgan had done with such success at Cowpens: a front and second line of militia, a third line of crack Continentals, and two cavalry units on the flanks under Washington and Lee. But while Greene was a brilliant strategist, he was far inferior to Morgan as a tactician, and he made the grave error of stationing his three lines much too far apart. Morgan had placed the lines 150 yards apart; Greene now placed them 300 and 400 yards apart, leaving the militia too great a distance before they could find cover. This also forced the cavalry to cover too much ground before it could come up to aid the front lines.

The British swung into battle on March 15; the first American line of North Carolina militia panicked at the British advance and fled from the

scene without bothering to re-form at the rear. The second line of Virginia militia fought well, however, and did great damage to the British troops with its withering rifle fire. The third line of Continentals was again very effective, but twice Greene failed to administer the *coup de grâce* to the British for fear of risking his army. Cornwallis finally managed to stop Washington's advance by firing his artillery indiscriminately into the fray. As the British re-formed and advanced, Greene withdrew from the battle—a technical defeat for the Americans, but actually a smashing victory, for at the Battle of Guilford Courthouse the British had lost no fewer than 530 men, more than one-fourth of their army. In contrast, Greene had suffered only 260 casualties.

After his severe mauling, Cornwallis retreated southeast to Cross Creek; but there he made a fateful decision that was to bring the war to a close: disregarding Clinton's instructions to safeguard Charleston and South Carolina above all, he abandoned the entire South below Virginia. Pushing on to Wilmington, on the coast of North Carolina, where he could obtain supplies by sea, he allowed Greene to turn into South Carolina, leaving the Tories of Cross Creek to their fate. Never a man to assume a strategic defensive, as a withdrawal into South Carolina would have been, Cornwallis decided on his own to march north into the "privileged sanctuary" of Virginia, the supply route for the Carolinas, where other British forces were already deployed. For this unilateral change in fundamental British strategy in abandoning the South and the southern Tories, Clinton sharply criticized Cornwallis.

As Cornwallis pushed northward into Virginia at the end of April 1781, Clinton and the British could only come up with a middle states variant of the now abandoned southern strategy: the plan now was to conduct a campaign in Maryland, Delaware, and lower Pennsylvania, where, again, Tories could supposedly be relied upon to organize and control the area after its conquest by British troops. Cornwallis, disgusted with the extent of Tory support, now scorned the Tory strategy and continued the offensive against Virginia, an offensive Clinton knew to be unworkable because, unlike the middle states, there were few Tories in that state to hold it after conquest. In this quarrel, each man was right in his criticisms of the other; on the one hand, Virginia ultimately could not be held; on the other hand, there were not sufficient Tories to implement Clinton's new project.

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The Liberation of South Carolina

Greene was far too expert a strategist to pursue Cornwallis; instead, he took the opportunity to wheel southwest and march against South Carolina, for which he was hailed by many American leaders. Shorn of the Virginia and North Carolina militia, whose terms were now up, Greene marched swiftly into northern South Carolina with about 1,700 men, and mobilized Sumter in the north and Pickens in the west to help him. Greene also sent Lee's crack legion to join Marion on the lower Pee Dee River. Lord Rawdon, in charge of the British troops after Cornwallis' abandonment, had over 8,000 men under his command, but these were scattered throughout Georgia and South Carolina, most of them at Savannah and Augusta in Georgia, in the forts ranging up the Santee River and its tributaries in central South Carolina (Watson, Motte, Granby, and Ninety-Six); and at Georgetown at the mouth of the Pee Dee. The main striking force of 1,500 was at Camden.

Lee and Marion, uniting forces on April 14, quickly laid siege to Fort Watson on the lower Santee River. After days of siege, Col. Hezekiah Maham, of Marion's South Carolina force, imaginatively thought of building a high wooden tower from which the riflemen could shoot down into the fort. Fort Watson was forced to surrender on April 23, the Americans taking over a hundred prisoners while losing but a few men. Rawdon had dangerously depleted 500 of his Tory troops, sending them under Col. John Watson to save the fort; as it was, they were lucky to escape Lee's and Marion's forces. In the meantime, Greene's main force, having begun to march southwest on April 5, arrived before Camden and encamped at Hobkirk's Hill. Rawdon had only 900 men against more than 1,400, and

he decided to attack Greene's force where they were stationed before Sumter, Lee, and Marion might unite with him. Actually, Sumter apparently had no intention of cooperating with Greene, and Lee and Marion were still chasing Watson's troops.

Rawdon attacked on April 25; the fighting was a fiercely waged tactical battle of wits, with Rawdon outmaneuvering Greene on the field. Greene tried to take advantage of Capt. Simon Morgan's advance on a narrow front by executing a double envelopment; but Rawdon quickly broadened his line and forestalled defeat. A break in the line of Maryland Continentals and subsequent defeat could have been more serious had not Washington's cavalry saved the American guns. The battle was an undoubted victory for the British, but once again a tactical victory was soon to turn to the ashes of a strategic defeat. For one thing, both armies had lost about 270 men, and Rawdon's force could scarcely afford this loss. For another, after finally being joined by Watson's force on May 7, he marched northwest to fight Greene once more, but was outfoxed and gave up the pursuit to return to Camden.

At this point, Greene could have surrounded and captured Rawdon at Camden if Sumter had joined him with his 1,000 South Carolina guerrillas, but Sumter simply refused to do this. The Virginia and North Carolina militia failed to assemble and reinforce Greene, and Congress did not send any aid. But Rawdon was in no position to take advantage of these weaknesses. Increasingly, guerrilla bands were cutting him off from food and supplies, while his Tories were threatening to mutiny because several Tory deserters had been hanged by the Americans after being taken prisoner at Hobkirk's Hill. Their exposed position now rendered the British decidedly uneasy. With food dwindling and his men restive, Rawdon evacuated Camden on May 10 to withdraw to lower South Carolina, where he finally stopped at Monck's Corner, 40 miles north of Charleston.

This withdrawal acted as the signal for widespread guerrilla attacks on the other British forts on the Santee chain. On May 11, Sumter easily seized Orangeburg, in the central part of the state without the loss of a man; the archers of Marion and Lee fired flaming arrows into Fort Motte and induced it to surrender on May 12. On May 15, Lee cleverly induced the strong Tory garrison at Fort Granby to surrender by promising that they could keep any private property in their possession. Only Georgetown, Ninety-Six, and Augusta remained to the British in the entire lower south, outside of the Charleston-Savannah coastal plain and the port of Wilmington.

Lee and Pickens, with a troop of Georgia and South Carolina militia, were sent west against Augusta, which they besieged on May 22. On the same day, Greene laid siege to Ninety-Six; Marion was sent to Charleston, but his attack did not begin until about a month later.

There were two British forts in Augusta; the smaller was first surrounded and captured, the Tory Colonel Grierson being shot after capture by one of the Georgia militia. The larger fort was a much tougher prey; even the erection of a "Maham Tower" could not hasten surrender. But finally, the 300-man Augusta garrison surrendered on June 5. Georgetown also proved to be no problem; Marion had hardly begun his attack when the British evacuated hurriedly by sea on June 20 and retreated to Charleston. After capturing Augusta, Lee and Pickens joined Greene at Ninety-Six. The fort had a strong Tory garrison of 550 crack troops under Col. John Cruger, and Greene tried everything in his arsenal against it—approaches built by Kosciuszko, Maham Tower, flaming arrows—all to no avail. Only cutting off the fort's water supply was taking any toll. Finally, Rawdon received reinforcements from overseas, and, with his 2,000 men, he marched swiftly from Charleston to relieve the garrison; Sumter failed to intercept and delay him, and the Americans were forced to retire from Ninety-Six on June 20. They had lost nearly 150 men to the enemy's 85. But once again a tactical defeat only delayed a strategic victory, for Rawdon pursued Greene's force northeastward in vain. The British prudently decided to abandon Ninety-Six on July 3 and fall back on the lower part of the state.

Both armies were now exhausted by the heat; Rawdon stationed his troops at Orangeburg, while Greene summered to the northeast on the cool and healthy plateau of the High Hills of Santee. During this rest period, Marion, Sumter, and Lee managed to force the British to evacuate Monck's Corner, while Rawdon, broken in health by the campaign, sailed for England, leaving Col. Alexander Stuart in charge of all British forces south of Virginia.

At the end of August, Greene, with 2,000 refreshed troops, was ready to attack. He was eager to crush Stuart to forestall any possible two-front war in case Cornwallis should decide to move south from Virginia. He was not able to cross the swollen rivers between him and the British troops directly, so he marched north to Camden, picked up Sumter, Marion, and Pickens to swell his force to 2,200, crossed the river, and marched southeast to Eutaw Springs in the lower part of the state, where Stuart had cautiously withdrawn with his 2,000 men. Paradoxically, Stuart's force consisted mostly of Tory regulars and deserters from the Continental Army, while many of Greene's Continentals had deserted from the British.

Greene's attack on Stuart at Eutaw Springs almost took the British by surprise, and they captured 150 members of a largely unarmed unit before the battle, nearly equalizing the numbers of the two forces. The Battle of Eutaw Springs, on September 8, 1781, was a fierce confrontation; the quality was high on both sides, each army consisting of crack troops. It

turned out to be Greene's last battle of the war and, characteristically, it was another tactical defeat and another strategic victory.

At first, Greene did very well; he placed his men in the Morgan manner, with militia in the front line and Continentals in the second. The first line fought well for a long time; when it began to give way, the British rushed forward in disorder and seeming triumph, only to meet a devastating volley and bayonet charge. The Americans routed the British, with only the cavalry and light infantry of Maj. John Marjoribanks on the British right flank holding firm. But, as luck would have it, on the point of a truly shattering victory, the rank and file of Virginia and Maryland Continentals abandoned pursuit and stopped to loot the food and liquor in the British camps. This lapse permitted the almost shattered British to re-form, and, while the battle was yet undecided, Greene prudently withdrew from the field. Stuart could only race back to Charleston, and reinforcements on the march prevented the Americans from falling upon his army. Losses were extremely heavy on both sides; but Greene's 520 casualties were more than matched by the nearly 870 men lost by the British—over 40 percent of their force. Once again, the British had a narrowly technical win, thanks to the sudden failure of American discipline; but the losses meant a smashing strategic defeat.

Eutaw Springs was the last major battle of the war in the lower South. The British now held only the ports of Charleston and Savannah (and Wilmington in North Carolina). All the rest of the Carolinas and Georgia were back in American hands, and the state governments there were quickly reestablished. Greene stayed in South Carolina to keep the British penned in at Charleston.

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The Final Battle

The previous two years had not been easy for Virginia, and she was ill-prepared for the part she now had to play, for Cornwallis' decision to march north in April 1781 meant that the main theatre of war now had shifted to her territory.

In May 1779, Gen. Edward Mathew and 1,800 men had landed unopposed at Portsmouth, in the southeastern corner of that state, and plundered and burned all the towns and plantations in the Portsmouth-Suffolk area, inflicting a property loss of 2 million pounds without the loss of a single man.

At the end of December 1780, Gen. Benedict Arnold was sent from New York with 1,600 men to destroy military supplies and provide a diversion for Cornwallis' operations. Arnold sailed up the James River, but Virginia, apathetic and its supplies exhausted by furnishing provisions for Greene, failed to assemble militia even in the face of the Arnold threat.

Virginia was indeed in desperate straits. The fault lay neither with the people of that state nor with its governor, Thomas Jefferson. All during 1780, as it became clear that the South was the major theatre of war, Jefferson had pleaded for supplies from the Continental Congress; yet, beginning in the spring of 1780, Congress refused and continued to send all of its men and munitions to the North where they were scarcely needed, George Washington having concurred in this ghastly decision. Congress, in fact, incredibly decreed that the whole burden of the war in the South had to be borne by the southern states themselves; and with the capture of Georgia and the Carolinas, this meant that upon the citizens of Virginia alone was placed the entire burden of supplying both the North

Carolina theatre and George Rogers Clark and the war in the West. All of Virginia's stock of ammunition was therefore poured forth to aid the Carolina campaign during 1780, and no entreaties could move either Washington or the Continental Congress. As a result, by the end of 1780 there were only 2,500 pounds of vital lead on hand in Virginia, and only a little over 50,000 pounds of essential gunpowder, and much of this was damaged.* It was no wonder that such Virginia leaders as Richard Henry Lee were bleakly pessimistic by the end of 1780.

Arnold sliced in to capture the capital, Richmond, on January 5, again without resistance from the demoralized Virginians, and burned it to the ground, including its stores and records. He also destroyed Virginia's only powder laboratory, at Westham, its only cannon foundry, and five or six tons of gunpowder. He then retired to Portsmouth for the winter. Jefferson is often criticized for being unprepared, but despite the exhaustion of the state's resources, he managed to save about fifteen tons of arms and ammunition at Westham.

Virginia was finding itself beset on every side. The speaker of the Virginia House, Benjamin Harrison, rushed to Philadelphia in mid-February to beg Congress for supplies, but Congress only agreed to send a mere four tons of powder. This in spite of the British capture of St. Eustatius that same month, cutting off Virginia's best source of foreign powder. Washington, despite his comfortable position at Morristown, New Jersey, had not sent a single Continental soldier to aid his home state. Instead, he hoarded supplies, refused to send aid, and led the denouncing of "lifeless and inactive Virginia." Greene and Steuben, detailed by Washington to recruit men and arms for the southern army, kept blaming Virginia for its troubles. (As a means of striking a blow against the Jefferson administration, Steuben even engineered the ouster of George Muter as head of the Committee of the War Office of Virginia, making him a scapegoat for the success of Arnold's raid.) And with the French fleet nowhere in sight, the British fleet harassed and blockaded the Virginia coast, their gunboats ranging up and down Virginia's rivers, plundering in hit-and-run raids.

Finally, in March 1781, the Virginia assembly unofficially drew up a blistering "Remonstrance" protesting their plight, and sent it privately to the state's delegates in Congress. This remonstrance pointed out that Virginia had gladly supplied Boston and the North when they were at stake; but now, after exhausting its resources, and with the South almost completely lost, the North sent no aid in return. Yet, despite these pleas and the intense shortage of lead and powder, no munitions aid was to be received from the North until September.

*See Donald E. Reynolds, "Ammunition Supply in Revolutionary Virginia," *Virginia Magazine of History and Biography* (January 1965), pp. 56-77.

Washington had decided to try to pen Arnold in at Portsmouth, Virginia, and had Lafayette set sail for Annapolis in early March 1781 with 1,200 of Washington's troops; at the same time, the French fleet and 1,200 soldiers embarked from their base at Newport also to sail against Portsmouth. But on March 16 Admiral Arbuthnot overtook the French at the mouth of the Chesapeake; the British defeated the French task force and forced it to return to Newport. At the same time, Arnold was superseded by Gen. William Phillips, who arrived at Portsmouth with 2,600 men. Then, in mid- and late April, the two raided Petersburg, Virginia, and burned a large amount of tobacco; they did the same at Manchester and Warwick, and burned and sank a host of ships that the Americans had been preparing at Osborne's below Richmond.

When Cornwallis began his march north from Wilmington on April 25, the situation in Virginia was clearly auspicious for the British. Cornwallis' and Phillips' armies joined at Petersburg on May 20. Now, with reinforcements sent by Clinton, Cornwallis had a large force of 7,200 under his command at Petersburg; he was ready to roll.

By this time, however, relations between Clinton and Cornwallis had deteriorated even further. Properly worried about the French fleet, Clinton abandoned his plans for a Chesapeake offensive temporarily, and withdrew the bulk of Cornwallis' forces to New York. From this base an attack on Philadelphia could again be launched, after which Clinton would return to the Chesapeake. The rest of Cornwallis' force was to take up its base on the Chesapeake. But Cornwallis was determined on a Virginia offensive, and he ignored Clinton's request. He saw the weaknesses of Clinton's plan, which overlooked the immediate danger of attack by the French fleet on the Chesapeake, as well as the long-range folly of relying upon Tories. But Cornwallis had no real plan either; once he was in Virginia, with the public against him, what could he do with it?

Facing him at Petersburg was an army of 3,000 militia and Continentals at Richmond under Lafayette, with 500 new Continental recruits under Steuben on the upper James River at Point of Fork. After dispatching a force to reoccupy Portsmouth, Cornwallis moved north against Lafayette. With his inferior force, Lafayette realized that the best he could do was to imitate Greene's guerrilla tactics in avoiding and harrying Cornwallis. But when Cornwallis advanced northward, Lafayette quickly retreated to the northwest; meanwhile, Cornwallis sent a unit against Point of Fork and Tarleton northwest against Charlottesville, to which Governor Jefferson and the Virginia legislature had retreated. They just managed to elude Tarleton and flee to the mountains, while Steuben fled southwest to the Staunton River. After some blundering, Cornwallis fell back toward Williamsburg near the coast. Meanwhile, to the north near Fredericksburg and then further south, Lafayette had received welcome reinforcements:

over 900 Continentals under Anthony Wayne, 600 mounted riflemen under Col. William Campbell, veteran of King's Mountain, and Steuben's force of 500, who had managed to elude the British. Swollen to 5,000 by mid-June, Lafayette's force was able to pressure Cornwallis toward Williamsburg and harass him as he went, Cornwallis finally arriving there on June 25.

Harried by Lafayette's excellent strategy and maneuvering (his military abilities had clearly matured over the course of the war), Cornwallis' high hopes for the Virginia campaign had taken but a month to sour. At Williamsburg began the tangled and hopeless quarrel about strategy between Clinton and Cornwallis. The outcome of Clinton's flurry of confused and contradictory directives was that Cornwallis should take up a defensive spot on the Chesapeake as a base for a future Chesapeake campaign, and Cornwallis moved his troops from Williamsburg to Portsmouth. During this march, Lafayette's tactics slipped and both he and Wayne were drawn into a sharp but minor engagement at Green Spring on July 6. In spite of this defeat for the Americans, the disgruntled Cornwallis failed to follow up his advantage to try to destroy Lafayette's army. Finally, pursuant to Clinton's orders about the Chesapeake, he transferred his army at the end of July by sea from Portsmouth to Yorktown, at the mouth of the York River. There he sat, on the defensive, his bold Virginia campaign a shambles around him. He was obviously a sitting duck for a properly organized American force.

The War of the Revolution was now entering its final phase. The last phase of a revolutionary guerrilla war—which the American war had been in its victorious campaigns (in the New York and southern campaigns, if not in Washington's series of disastrous pitched battles)—is always the most difficult. In this final phase, even though the war is going well, a final *coup de grâce* must be given to the cornered and dangerous enemy. Burgoyne's worn-down army in its final phase had been neatly surrounded in the woods and trapped by a rising and gathering local militia. That was easy. But if the enemy is in a city—especially if that city is near the sea and can be defended by naval forces—the guerrilla army must, to execute its final coup, become a conventional force and fight in frontal attack. And that is not so easy. New York City, for example, was never to be recaptured by the American forces. It was true that Cornwallis, obliged to hold the Chesapeake, did not have the advantage of being in a city; but he *was* in a port. The key to besieging and surrounding him, therefore, lay in control of the sea, or rather the lower Chesapeake Bay outside Yorktown.

Washington had never given up his reckless dream of a frontal assault on New York City. On May 21, Washington arranged a conference at Wethersfield, Connecticut, with the Comte de Rochambeau, the head of the formidable French force that had occupied Newport since mid-1780.

Washington managed to persuade him to join him in an attack on New York. Accordingly, the French marched westward and joined Washington at White Plains, north of New York, in early July. But it soon became clear even to Washington that the French fleet was required for the attack. Admiral de Grasse wrote that he was bringing the French fleet and 3,000 French troops from the West Indies. He would be sailing on August 13, but to the Chesapeake and not to New York. De Grasse had been slowly influenced by Rochambeau's reluctance about the New York scheme. It was now clear to everyone that Cornwallis at Yorktown should be the target of all the allied efforts, and Washington finally prepared to march the bulk of his force to Virginia.

There were only two ways Clinton could prevent the surrounding and finish of Cornwallis: he could follow Washington down and reinforce his colleague, or he could intercept and repulse de Grasse with the British fleet. De Grasse, with a firm grasp of the importance of the occasion, boldly decided to send his entire fleet to America, and to abandon the expected huge convoy from the West Indies to France. In contrast, the British admiral Rodney not only remained for months to plunder St. Eustatius at his leisure and so lost the precious opportunity to engage and cripple the French fleet, but also took several of his largest ships home to England. Instead of intercepting de Grasse, then, the British fleet was depleted, and sailed late to America.

As for Clinton, Washington fooled him until the very last moment; preparing to march with 5,000 of Rochambeau's men and 2,000 of his own to Virginia, he made it look as if his forces were basing themselves at Chatham, New Jersey, for an attack on Staten Island. Maneuvering in this way all during the last week of August, Washington struck swiftly southward on August 29, leaving only 2,500 men to guard the Hudson. Clinton's only hope of stopping Washington had been to race out and smash him in New Jersey, but he was completely duped and lost his last chance to save the day. In the meantime, de Grasse arrived at the mouth of the Chesapeake on August 30, landed his troops, and blockaded the mouths of the York and James rivers. The blockade of Yorktown had begun.

The British West Indies fleet had been left to Rear Adm. Sir Samuel Hood, but his depleted force could not now defeat de Grasse. The British still might have intercepted de Grasse, however, if Rear Adm. Thomas Graves, commanding the fleet at New York, had rushed south to join Hood and check the French. Instead, he had wandered ineffectually off Boston and waited passively for Hood to arrive at New York. Finally united, Hood and Graves came upon de Grasse at the entrance to the Chesapeake on September 5. The depleted British fleet had nineteen ships against de Grasse's twenty-four. The British desperately needed a smash-

ing naval victory, but the French needed only a draw to maintain control of Chesapeake Bay. Graves missed several signals and passed up two good opportunities for a quick victory, and the French got their draw. Hood urged a further attack on the Chesapeake, and had Graves agreed, Cornwallis might have been saved. It was still possible for French Admiral Barras to have been prevented from joining de Grasse out of Newport with his siege equipment and eleven ships. The British fleet might have helped Cornwallis to break out of the siege by land. Even more important than these considerations, however, was the possibility that the British ships, blockaded in the Chesapeake, might be surrounded and captured themselves. And *that* would have meant, not just the loss of the war against the Americans, but the loss of the broader war against the French as well. The British, after all, had a worldwide empire to protect. In light of this, Graves' decision to give up and return to New York was probably the prudent one, even though it doomed Cornwallis and the entire British effort in America.*

De Grasse, in the meantime, used the French fleet to move most of the Washington-Rochambeau army from the upper Chesapeake to the James River by water, and by late September Washington's army had joined Lafayette to besiege Yorktown. For his part, Clinton, having missed his chance at New Jersey, lacked the numbers to march to Virginia by land, and was prevented from relieving Cornwallis by the French fleet. Only the reinforced and refitted navy could go, but the navy was bogged down by poor morale and Graves' sloth and indecision. On October 19, after a month of desperate pleas from Cornwallis, Clinton, the fleet, and 7,000 troops at last began to sail south in an effort to relieve the army at Yorktown.

Admiral Barras joined de Grasse on September 10, and the siege of Yorktown by land and sea began on September 28. The Franco-American forces were enormous. The huge French fleet, nearly 7,800 French troops, and over 8,800 Americans, of whom nearly 3,200 were newly gathered Virginia militia—a force as the Americans had not gathered since the beginning of the war—was pitted against Cornwallis' army of only a little more than 7,000. Siege guns began their continual fire upon Yorktown on October 9, and the Franco-American forces were able to push Cornwallis inward and to move their own guns forward. Trying desperately to ferry his troops across the river to Gloucester on the night of October 16, Cornwallis was foiled by a storm. Finally his battered troops could take the bombardment no longer; Cornwallis proposed surrender terms on October 17, and surrendered his force two days later as the British band appropriately played "The World Turned Upside Down." The southern

*Cf. the thoughtful discussion by Mackesy in *The War for America*, p. 424.

strategy was irrevocably over, and it became clear to the stunned and discouraged British that they could not hope to defeat the American rebellion.

At the last, it had been the French siege guns and the American artillery, wielded and commanded by Gen. Henry Knox, that had proved to be the decisive tactical stroke in forcing surrender. Failing this bombardment, Cornwallis would have been able to hold on until Clinton's arrival, and it was at least possible that Clinton's army and navy could have relieved Cornwallis. As it was, he could only turn back to New York. In the larger sense, however, it is doubtful that even a successful relief of Cornwallis could have accomplished much for British hopes of crushing the rebellion. The southern strategy was finished, and Clinton's upper Chesapeake scheme was the only thing left to try. When it failed, Britain would have been left, albeit at some time later, as it was then: with only Charleston, Savannah, Wilmington, and New York City as outposts in the United States, and with no hope of advancing from them.

While the war, for all intents and purposes, was over after Yorktown, this was not known at the time, although everyone knew that the surrender was a staggering blow. For one thing, mopping-up operations were still needed in the lower South. After his strategic victory at Eutaw Springs, Greene had pushed the British into Charleston, but he was soon in heavy internal trouble. Encamped at the High Hills of the Santee, his militia departed, his hungry, unclothed, and unpaid Continentals began to threaten mutiny, and even to plot turning Greene over to the British. But with Cornwallis' capture, American reinforcements could arrive; and Gen. Arthur St. Clair and a force of 2,000 Continentals marched south from Yorktown, driving the British garrison out of Wilmington and into Charleston, and mopped up South Carolina. Bands under William Washington and Harry Lee, meanwhile, incessantly harassed and helped pen the British in at Charleston. Wayne was detached from St. Clair's force and moved into Georgia, mopping up Tory and Indian bands and penning the British in at Savannah. He continued pressing the British in Savannah while Greene did the same in Charleston, but the return of de Grasse's fleet to the West Indies meant that the British could not be immediately conquered in either of these two cities.

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After Yorktown in the West

Only in the remote western country did Yorktown have little softening impact. In early 1782, British and Indian raids on the frontier were resumed in full force: Brant and the Mohawks, in raids out of Oswego, intensified Creek sorties against the Georgia frontier and on the new Cumberland River (Tennessee) settlements. In response to the raids and the exposed western Pennsylvania frontier, the citizens of Washington County struck west from Pittsburgh against the Indians. In early March 1782, a hundred settlers marched against the Indian town of Gnadenhutten and nearby settlements on the Tuscarawas River in the Ohio Valley. There they came upon a group of Indians who had been converted to Christianity by Moravian missionaries, and who were well known to have been neutral and at peace in all conflicts since the French and Indian Wars. Assured of their unharmed removal to Pittsburgh, the friendly and unarmed Moravian Indians gathered in their chapel. Even though a tiny white minority pointed out that the Moravians had always been friendly, the overwhelming majority of whites urged that they be slaughtered on the spot, resting their case on the shameless frontier axiom, "The only good Indian is a dead Indian." The next morning, March 7, the whites took the Moravians, two or three at a time, to two designated "slaughter houses," in which the Indians were brutally killed. Ninety Moravian Indians, including 61 women and children, were butchered in cold blood, and their scalps were taken home as trophies by the proud frontiersmen. Before leaving, the three Moravian mission towns were burned to the ground and the houses looted.

To this exploit was added an attack by frontier militia on a small island

near Pittsburgh, where a dozen friendly Delaware Indians were stationed. Many of these had served the American militia faithfully for years; nevertheless they were captured and murdered on the spot.

The slaughter at Gnadenhutten was condemned by the Pennsylvania Assembly, which to its credit called it "an act disgraceful to humanity." But the frontiersmen were pleased. In all their massacres, the murderers had acted in the time-honored tradition of the frontier in dealing with Indians: when you can't successfully handle powerful Indian enemies on the frontier, fall upon and kill friendly or neutral Indians living nearby.

These exploits emboldened the frontiersmen to strike deeply westward at the focus of hostile Indian strength on the Sandusky River. The expedition set out on May 25, with nearly 500 mounted militiamen under Col. William Crawford. But the massiveness of his force and the slowness of the advance alerted the British, the Tories, and the Indians to the threat, and they gathered in force to meet the Americans near the Sandusky River. After an inconclusive skirmish, the British and Indian forces (including some Delawares) managed to encircle the Americans on June 6 and panic them into wild flight; the casualties probably amounted to over a hundred Americans, including the capture of Crawford and other leaders of the expedition. In retaliation for the massacre of the helpless Delawares and their Moravian kinsmen, the Delawares burned Crawford to death. The frontiersmen could not persuade the East to equip a retaliatory expedition.

Another important frontier raid was that of the Tory John Connolly, who struck from the British base at Niagara with 200 Seneca Indians. He attacked Hannastown, east of Pittsburgh, burned the town, killed or kidnapped 30 inhabitants, and devastated the surrounding area.

News of Yorktown finally filtered into Detroit in early April, and led to a great all-Indian congress of the western Indians at Wapatomica in late June. Seeing that the Revolutionary War was almost over, the Indians cogently decided on one last climactic effort to smash and obliterate the American frontier in the West. They resolved to burn all prisoners and to stop at no means to achieve their goal. Advancing with British Indian agents Alexander McKee and the Tory William Caldwell, 1,250 Indians and Tories approached Pennsylvania. False rumors of an approach against them by George Rogers Clark delayed the advance and caused half the Indian force to scatter. The massive invasion was transmuted into two large thrusts. One, under Capt. Andrew Bradt of the Tory rangers, besieged Fort Henry at Wheeling in mid-September, but he could not crack the defense and was soon forced to withdraw.

The other thrust, under McKee and Caldwell, moved to invade Kentucky, which now seemed a weakened target. In March, a small Wyandot raiding party against Estill's, deep in Kentucky, had surprised and worried

the frontiersmen by altering their usual pattern. Instead of fleeing from a unit of local militia, the Indians turned and fought against them and, what is more, defeated them. Furthermore, a lack of funds and a characteristic unwillingness of the militia to fight far from home prevented Clark from building defensive forts on the Ohio River. Now, in early August 1782, McKee and Caldwell, with 350 men, crossed the Ohio at the mouth of the Limestone and drove southwest to besiege the stockade at Bryan's Station. The forty-odd defenders stoutly held their stockade, but they lost their livestock and crops to the plundering and burning of the British forces. Militia gathered all over Kentucky, and began to pursue the Caldwell column, which had retreated to Blue Licks, on the Licking River. There, with fewer than 200 men, the Americans attacked them on August 19 without waiting for reinforcements, and were completely routed by the unexpected close-quarter charge of the Indian line. Over 40 percent of the Kentuckians were killed trying to flee back across the river, after which the satisfied Indian-Tory force withdrew across the Ohio.

The Kentucky frontiersmen, who had been convinced that Indians could not fight successfully man-to-man at close quarters (an American analog to the British attitude toward the Americans), were severely shaken by the battle of Blue Licks. This blow was soon reinforced by the Indian capture of the stockade at Kincheloe's Station.

The frontier was nevertheless able to recover toward the end of the year, a recoupage greatly aided by the British decision to call off the western Indians when the war drew to a close. In September, Virginia's Col. John Sevier and 250 Holston River (in what is now northeastern Tennessee) horsemen invaded Chickamauga and Cherokee country and destroyed and burned many towns. And in November, Clark took more than a thousand mounted Kentucky riflemen north to destroy all of the main towns and most of the food supply of the Shawnee Indians in the Ohio country.

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The Response in Britain

Yorktown was surely “the surrender heard round the world.” Rejoicing abounded throughout the United States and France, while in stunned Great Britain Lord North exclaimed: “Oh, God! it’s all over.” To aggravate the intense dismay in England, the surrender came at a time when Britain was suffering other great losses in the worldwide war against France and Spain: the losses of West Florida, Minorca, Tobago and St. Eustatius in the West Indies, defeats in India, and naval threats in the British channel. It became shatteringly clear to the British that the war against America could not be won; an agonizing reappraisal was evidently in order.

The British opposition to the war had begun to intensify during 1780, and opponents made effective use among the country gentry of the swelling taxes and national debt incurred by the war. By late 1780, the opposition was able to use Cornwallis’ reversals, especially the one at King’s Mountain, as an effective argument; the government replied again with sentimental appeals concerning the supposed mass of American Tories who would be left in the lurch by a British withdrawal. It also played upon the common fear of gains by France. But now the country gentry and other independent members of Parliament recognized the collapse of both the southern strategy and the Tory myth, and the enormous government expense that would be needed to carry on the war was apparent to all. Furthermore, the argument about France now cut the other way, for unless peace were made with America, more imperial territory might yet be lost to France—and to Spain.

The impact of Yorktown upon Great Britain was all the more shocking

for the vaunting optimism that Lord George Germain, the war leader and ultrahardliner, had displayed throughout 1781. Throughout that year, he had insisted that the Americans were about to collapse at any moment. Even many of his opponents believed him; was he not the most knowledgeable person in Britain about the American war? But with Yorktown this myth was shattered.

King George, of course, was indomitable; still he babbled the hard line: "The prosecution of the war can alone preserve us from a most ignominious peace." At his side was Benedict Arnold, whose career would be shattered by Britain's making peace with the United States. Arnold repeated the discredited opinion about imminent victory and the Tory masses in America, but this time nobody listened. One by one the Tories soon began to resign from the cabinet—and the prosecution of the war. The lord advocate, Henry Dundas, who had earned the nickname "Starvation" by his zeal to starve out Boston in 1774, now despaired of the war and resigned from the cabinet, as did Richard Rigby. In contrast, the Whigs exulted in the defeat at Yorktown; Horace Walpole declared, "Whatever puts an end to the American war will save the lives of thousands—millions of money too." Lord Derby even began to talk exuberantly of "scaffolds" for the king and his ministers.

By Christmas of 1781, most of the country gentry opposed continuing the war. The end of the British war effort now seemed inevitable; within the cabinet, the great stumbling block to peace remained Lord Germain, who evolved his own domino theory: the loss of America would lead inexorably to the loss of the West Indies, the American trade and the West Indies trade; ultimately, peace would mean "that we can never continue to exist as a great or powerful nation after we have lost or renounced the sovereignty of America." It was clear, however, that if the king wished to save the North ministry from collapse, Germain would have to go, and many weeks were spent at the king's insistence on continuing Germain's policy through his successors, if not with the man himself. In private, North was pessimistic about the war. In December, he asked Parliament to do nothing that would hinder peace negotiations, and jettisoning Germain was to be part of this phased retreat. Germain was finally ousted in early February 1782, to be replaced by the veteran technician Welbore Ellis.

With King George stubbornly refusing either to abandon the war or to allow the North ministry to fall, the administration fought a delaying action against the opposition. But as soon as Germain was ousted, Charles James Fox launched a campaign in Parliament for removal of the Earl of Sandwich from the Admiralty. The prolonged and futile defense of Sandwich mobilized the opposition, until Fox was able to push through Parliament the crucial resolution of February 27, which declared against further

prosecution of the war. On this vote, many of the king's friends deserted him. Finally, on May 4, the House declared sternly that all who wished to prosecute or even advise the prosecution of any further offensive operations in America were to be considered enemies of their country. The war policy was finished.

From this victory the opposition proceeded to the ultimate step in ending the war effort: smashing the remains of the North ministry. With the government's shaky Parliamentary majority dwindling daily and the country gentry rapidly deserting, Lord Rockingham insisted that he would not enter any coalition. He would take the prime ministry only if granted full power to name his own ministers, to enact economic reform in cutting the budget, and to grant independence to America. He had wisely absorbed the lesson of his party theoretician, Edmund Burke, that it was necessary to have a clear-cut and firm program for the party as well as sole responsibility of the ministry for carrying it out. The king wildly muttered about abdication, but North in despair finally prevailed upon the king to accept his resignation on March 20. In abject surrender, King George was forced to replace him with his worst enemy, Lord Rockingham, one week later. The military phase of the American conflict was over; the conclusion of the war was now in the hands of the diplomats.

The triumph of Rockingham was the triumph of the Burke principle of party: the importance of remaining true to party principles and not accepting coalitions with groups of Tories. By remaining true to a program of "economical reform" and peace with an independent United States, Rockingham forced the king to turn to him to provide an alternative regime when the policy of war and high spending broke down. The only exception was Earl Shelburne and his followers. Under Rockingham, Whigs poured into government; the leader of the old Chathamite forces, Shelburne was the Whigs' only—and fatal—concession to the concept of coalition. The accession of Rockingham marked the definitive turn in Britain from the rule of the king and his friends to the rule of Parliament, as well as the corollary turn from the mere factional rule of personal cliques to a government of definite and demarcated political parties.

The Rockingham ministry swiftly abolished the post of secretary of state for the American department and two critically important figures took their places under Prime Minister Rockingham: Fox as foreign secretary, and Shelburne in charge of home, Irish, and colonial affairs as secretary of state for the southern department. As commander-in-chief for America, the new ministry confirmed North's decision to replace the discredited Clinton with Sir Guy Carleton, the old hero of the Canadian campaign.

The entire new cabinet was united in deciding on military strategy. While peace was being negotiated, the British army was to be completely evacuated from the United States and transferred to Halifax or the West

Indies. Shortages and inefficiencies in handling supplies and transports, however, delayed the evacuation. Savannah was evacuated on July 11, 1782, and its force moved to Charleston; the latter was evacuated on December 14, 300 British ships carrying out of the harbor a multitude consisting of the British army, about 4,000 Tories, and about 5,000 of their Negro slaves. By the time peace was declared, only New York City was left in British hands.

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Making Peace

As peace negotiations got under way, it became clear that the diplomatic interests of the powers were drawing apart. France and Spain were less than enchanted about a potentially powerful United States that might eventually ally itself with England; and Spain understandably wished to keep its conquests in the American Southwest. For its part, England, already reconciled to American independence, began to see that a peace settlement favorable to the United States would weaken the dangerous Franco-American alliance and secure a well-disposed country instead of an embittered ex-colony.

After much effort by France, Spain, despite its antipathy to the Revolution, had been induced to enter the war against Britain in the spring of 1779 by the lure of recapturing Gibraltar. The Secret Treaty of Aranjuez between France and Spain in April 1779 had provided for Spain to enter the war, but violated France's terms of alliance with the United States by not insisting on American independence as a condition of peace. Furthermore, Spain flatly refused to recognize the independence of the United States, although it did send an envoy to the States who masqueraded as an "observer." And, as we have seen, Spain provided aid and supplies to the American cause.

The most advanced doctrines of international law, set forth most recently in the American plan of 1776 and the Franco-American treaty of 1778, made neutral shipping in wartime free from seizure except for contraband, which was strictly limited to munitions. England, however, insisted on a far more restricted view of neutrals' rights, and especially on the inclusion of naval stores (e.g., timber) in the category of contraband. Goaded beyond

endurance, the major European neutral powers banded together in a League of Armed Neutrality. The league began on February 28, 1780, when the mercurial Empress Catherine II of Russia, after urging by France, issued a declaration setting forth the most advanced principles of neutrals' rights and promising the use of the Russian navy to defend Russian rights. Even more important, Catherine invited other European neutrals to enter into conventions with her to enforce this code. Denmark and Sweden accepted by August 1780, and their bilateral conventions were forged into a tripartite alliance for protection of their common rights—rights, incidentally, which Spain but not England promptly pledged to accept. The Netherlands joined the Armed Neutrality in early January 1781. Britain, already enraged at the lucrative Dutch shipping and financial dealings with the United States, fell upon the Dutch at the end of 1780 in retaliation before Russian and other league ships could begin to protect the Dutch trade with America. At war, the Dutch were ironically deprived of the benefits of membership in the League of Armed Neutrality. Other powers joining the league later in the war were Prussia, Austria, Portugal, and the Two Sicilies. While the league did not exert armed weight against Britain, its very existence served as a useful deterrent to British depredations of their shipping, and it served to isolate and weaken Britain's position in Europe and the world.

In July 1780, John Adams was appointed negotiator with the Netherlands, where he was able, in April 1782, to win Dutch recognition of the independence of the United States. Now minister to the Netherlands, Adams was able to negotiate a sizable loan from Amsterdam bankers, and, in October, a treaty of amity and commerce between the Netherlands and the United States. This agreement was modelled on the French treaty, and affirmed the libertarian principles of neutrals' rights declared in the previous treaty and in many other recent documents (including the Declaration of Armed Neutrality).

Spain's entry into the war in 1779 promptly highlighted an important problem with the future peace negotiations: What would be the territory of the new United States of America? East of the Appalachians there was no problem; the Americans would be recognized as holding the territory of the thirteen states. But what of the large and scarcely occupied lands of the West? Would America be granted these? Spain, with its vast empire over Central and South America, its large territory of Louisiana, and an acquisitive eye on Florida and the Southwest, was keenly—and negatively—interested in the possibilities of westward expansion of the United States. Rational principles of justice would have dictated that U.S. territory encompass settler lands and only a little more. This would have given to the U.S. only the territory east of the Appalachians and the settlements in Kentucky. Surely there was no valid reason for giving the Americans

the territory north of the Ohio, which was sparsely settled by Frenchmen, militarily controlled by Britain, and peopled by Indians; and the area south of Kentucky was also populated by Indians and now militarily occupied by Spain.

The other issue with Spain was a corollary to the western land problem: navigation rights down the Mississippi. If the United States had received little or no land in the West, as was its just due, the Mississippi navigation problem would have been academic, since Spain, at New Orleans, controlled at the very least the mouth of the river and there would have been little American use of the Mississippi. Even at its most pressing, however, any demand by the U.S. for freedom to navigate the Mississippi would be highly presumptuous; freedom to trade or navigate is pleasant and beneficial, of course, but any such demand is aggressive behavior when made of one State by another.

America's first statement of its peace terms came in 1779 in response to a Spanish offer to mediate the conflict before she entered the war: an offer that failed because of the intransigence of George III. The urging of France to define peace terms brought the Congress to a spirited five-month debate (March-August 1779), at which Conrad Gérard, the French minister to the United States, used his considerable influence to try to induce the Americans to moderate their aggressive demands for the Mississippi as their western boundary and their old colonial right of access to the Newfoundland fisheries. Actually, the fishing rights spurred the most acrimonious debate, with New England and such radicals as Richard Henry Lee pressing an aggressive demand that war be pursued until the American right to the Newfoundland fisheries be guaranteed. France, of course, had no intention of fighting to the last for this arrogant claim, and neither did the southern delegates. Thomas Burke, himself a radical, spoke only common sense when he berated the New Englanders and announced his aim "to prevent any obstruction to peace but such as were unavoidable."

The split between radical and conservative factions in Congress had, indeed, been precipitated by the establishment of diplomatic relations with France the year before. Shortly after ratification of the Franco-American treaty in the spring of 1778, the French sent Conrad Gérard as full-fledged minister to the United States, where he arrived in mid-July. America had been represented in France by a three-man commission. The commission originally consisted of Benjamin Franklin, Silas Deane, and Arthur Lee, and there soon developed a bitter split: Connecticut's ultra-conservative (and eventually Tory) Silas Deane and the opportunistic hedonist Franklin on the one side, and the radical Arthur Lee on the other. Lee was particularly bitter at Deane's massive peculations at the public trough of war aid and war contracts. In particular, Lee insisted on telling

the truth that French aid through Beaumarchais was intended as a gift, whereas Deane and Franklin persisted in treating Beaumarchais as a legitimate merchant whom the Americans must repay. Lee cut to the heart of the matter in disclosing Deane's and Franklin's intimate business dealings with Beaumarchais, as part of their pattern of plunder of the American taxpayer.

When Deane was replaced by John Adams in 1778 and recalled to face Congressional inquiry, with minister Gérard ostentatiously siding with him, Congress rapidly split into two factions. The radical Adams-Lee "junto"—John and Sam Adams and Arthur and Richard Henry Lee—was pitted against Robert Morris and the conservatives. The major issue was whether Morris and his fellow oligarchs had the natural right to wax fat at the public trough, with little or no obligation to make an accounting to the public.

Gleefully entering the fray was Thomas Paine, who had been secretary to Congress' Committee of Foreign Affairs, which in turn had evolved out of the old Secret Committee of Correspondence in April 1777. Paine blasted the speculations and irregularities of accounts of Deane and, beyond him, of Morris, and also attacked the system of interlocking public-private finance and of public officials engaging in private trade that made the financial irregularities possible. He accurately termed these officials "monopolizers," and trenchantly added that

one monopolizer confederates with another, and defaulter with defaulter, . . . yet still these men will talk of justice. . . . That private vice should thus put on the mask of public good, and even imprudence in guilt assume the style of patriotism, are paradoxes. . . .

Joining Paine in a press war over the Deane affair were Henry Laurens, the Lees, and the Pennsylvania radicals Timothy Matlack, David Rittenhouse, and Charles Willson Peale, while Robert and Gouverneur Morris and William Duer defended Deane.

The result of this storm in Congress during 1778–79 was what all too often happens in such brawls: the decimation of the leaders of both sides. Grave irregularities being found in his accounts, Deane was implicitly repudiated by Congress and openly defected to the British side. Morris prudently left Congress and devoted himself solely to his commercial empire. Paine was forced to resign as secretary of the committee for disclosing state secrets in his zeal to expose the truth about Deane. France and Spain declared Arthur Lee *persona non grata*; His diplomatic career shattered, he became a congressman from Virginia and there led in the suspicion of France as an untrustworthy ally.

Characteristically, the one man who emerged from the fracas with lau-

rels was wily old Franklin. When Gérard was sent as the French minister to the U.S., America had to appoint its own minister to France. With Deane gone, the old opportunist was the favorite of the French court, and France put severe pressure upon Congress to appoint him. A wave of laudatory propaganda by France poured into Congress, and lavish loans were pointedly made by the French to the United States through Franklin. Richard Henry Lee slashingly and trenchantly announced his disgust at Franklin as a "wicked old man" who labored "under the idea of his being a philosopher."* Nevertheless, in mid-September 1778, Congress appointed him minister to France, but by a slender majority.

During the crucial 1779 session of Congress, the Adams-Lee radicals led the fight for maximum aggressiveness in peace demands and opposed Gérard's attempts to moderate these demands on behalf of French and Spanish interests. Finally, on August 14, after much squabbling among the factions, Congress agreed to the following peace terms as a *minimum*: independence, the Mississippi as the western boundary of the new nation, and the thirty-first parallel as the southern frontier of the American West. (It was assumed that Spain would demand East and West Florida, and the thirty-first parallel would grant the United States a large chunk of West Florida south of the mouth of the Yazoo River.) Gérard had been able to moderate the fishing and Mississippi navigation terms and the American drive to seize Canada and Nova Scotia to the status of conditional rather than absolute demands.

In return for moderating their aggressive demands, the radicals expected to be able to name the minister plenipotentiary who would have the power to negotiate a peace based upon these terms. The radicals wanted Arthur Lee, but his support was too slight, and they were forced to swing their strength to John Adams, whom they vastly preferred to his rival, conservative New York oligarch John Jay. Finally, on September 27, 1779, John Adams, an independent man strongly disliked by the French, was chosen by Congress as its negotiator for peace.

France now launched a quiet but effective campaign to pressure and suborn the American Congress, a campaign led in the United States by the wily new French minister, the Chevalier de La Luzerne. During early 1781, when the war news was gloomy for the allies, Vergennes quietly prepared to betray America by being willing to settle for a truce based on

*Precisely *how* wicked, even Lee did not know. Cecil Currey has recently discovered not only that Franklin was deeply involved in the Morris-Deane embezzlements, but also that he served throughout his wartime stay in Paris as a conscious secret agent of Great Britain (code number 72 in the British intelligence archives). During the peace negotiations, he shifted to a pro-French role, probably related to his own speculations in western lands. Cecil B. Currey, *Code Number 72/Ben Franklin: Patriot or Spy?* (Englewood Cliffs, N.J.: Prentice-Hall, 1972).

existing military lines. He was prepared to use an Austro-Russian offer of mediation in the conflict to put this scheme into effect, and his pressure and quiet bribery weakened Congress' stand. Much of his influence on Congress was exerted through the well-known Gen. John Sullivan of New Hampshire, who was on his secret payroll. La Luzerne's pressure and quiet bribery succeeded, by late 1781, in getting Congress to name his friend, the conservative New York oligarch Robert R. Livingston, to the vital new post of secretary of foreign affairs. After a studied campaign of calumny against John Adams, the French were able to induce Congress to replace him with a five-man commission to conduct the peace negotiations. In addition to Adams, the commission would consist of Franklin, John Jay, who had been negotiating in Spain, Henry Laurens, and Thomas Jefferson. But Jefferson was not able to leave for Europe in time, and Laurens was a prisoner in England, and so this left the conservatives Franklin and Jay as a majority on the commission.

La Luzerne's pressure also succeeded, on June 15, 1781, in drastically modifying the American stance on peace. Congress rescinded its 1779 peace terms, and only independence remained as the minimum demand for making peace. Apart from independence, the commission had absolute discretion to make whatever terms they wished, with the amazing proviso that no action could be taken without the "knowledge and concurrence" of the French, whose advice should be ultimately followed by the commission. It seemed that America was binding itself to French dictation, and the composition of the new commission, as well as the identity of the new foreign secretary, confirmed this view. The stunned congressman James Lovell wrote to John Adams of these new instructions: "Blush, blush America." After the Battle of Yorktown, Arthur Lee tried to get Congress to rescind these instructions, but it continued to cling heavily to an absolute trust that Vergennes would be ever vigilant in the pursuit of American interests!

Fortunately, the victory at Yorktown made Vergennes forget about betraying American independence. Peace negotiations began at the end of March 1782, as Shelburne sent the Scottish merchant and former Virginian Richard Oswald to France to confer with Franklin. Franklin secretly urged the sympathetic Oswald to cede Canada to the United States, a prospect France strongly opposed. But despite promises of immediate British recognition of their independence, the Americans steadfastly refused to betray their French ally by concluding a separate peace. Furthermore, Admiral Rodney's defeat of de Grasse's French fleet in West Indian waters in mid-April softened French demands and brought French and American goals closer into line.

On July 1, 1782, Lord Rockingham died. His natural successor as prime minister was the charismatic Charles James Fox, the new leader of the

Whig party. But King George, who could not abide the strongly liberal Fox, instead chose Shelburne, and Fox and the Whigs went into opposition. Shelburne and his emissary Oswald were now in full charge of peace negotiations.

Fox had urged the ministry to grant American independence as a preliminary to the body of negotiations. By thus recognizing the United States unequivocally, a split might be created in the Franco-American alliance. For similar reasons, the wily Vergennes tried to delay such an immediate recognition of American independence; and it was John Jay who realized this while Franklin was being bemused—to put it kindly—by France. Both Jay and Franklin, however, quickly caved in on their demand for advance recognition of independence before negotiations, a recognition that Shelburne had finally been prepared to grant by early September. Shelburne was even willing to accept the American terms for freedom of fishing in Newfoundland. Had Jay and Franklin held firm, independence would have been gained on the spot with none of the American concessions that were eventually imposed. John Adams, indeed, was so incensed at the retreat by Jay and Franklin on advance recognition that he thought seriously of resigning from the peace commission.

Serious divergences between the allies also arose over America's western boundary. Spain made clear to Jay its claim to the area of the Southwest east of the Mississippi, as well as its opposition to any American pretensions north of the Ohio, which it saw as more cogently in British or even Indian hands. France supported Spain's position, and, what is more, it privately advised the British that it did not agree to America's independent claims to the fisheries or to the lands around the Mississippi or north of the Ohio. It was these hints of French opposition that panicked Jay into abandoning the advance independence clause in order to launch peace negotiations rapidly. As a result, Jay and Franklin were naively content with Oswald's authorization of September 19 to treat with the commissioners of the "thirteen United States" and to accept independence as part of the treaty. But this was not ironclad recognition of American independence prior to and separate from the treaty. Moreover, Britain was further emboldened at the peace table by the relief of the French and allied siege of Gibraltar.

With Franklin's support, Jay submitted a preliminary draft treaty to the British, which included Franklin's previous conditions plus freedom of navigation on the Mississippi. The latter clause was tied to a reciprocal freedom of trade for American shipping and commerce throughout the British Empire. Furthermore, American boundaries were supposed to include the Toronto peninsula of Canada as well as the Southwest down to the thirty-first parallel. They had not relinquished claims to Canada in order to push for British acquiescence to America's attempt to grab the

lands in the West. For its part, Britain felt strengthened by the victory at Gibraltar, and raised the question of compensation of American Tories, as well as payment by the U.S. government of prewar private American debts to British creditors. Britain also let fall the idea of American trade obeying Britain's own navigation act.

At the end of October, a veritable flurry of negotiations took place, negotiations which Jay, Adams, and Franklin, in defiance of their Congressional instructions, conducted totally without consulting Vergennes, and indeed against his advice to moderate their presumptuous demands for territory and fishing rights.

The peace treaty between the United States and Great Britain—one highly favorable for the U.S.—was tentatively signed between the American and British negotiators on November 5, 1782. After some weakening of American fishing rights in Newfoundland, the final treaty was signed on November 30, and Franklin informed Vergennes of this *fait accompli*. The Frenchman's reaction was surprisingly mild, and he was placated by Franklin's reassurances that the French would have to conclude peace before the treaty could take effect. Probably Vergennes was relieved that America's signing a separate peace served to discourage Spain from trying to continue the war until she could recapture the now safely British Gibraltar. Collapsing finances also made France eager for peace, and parallel French peace negotiations were by now almost finished in any case.

Gibraltar was the final sticking point for the peace treaties with France and Spain. Shelburne was actually willing to concede Gibraltar, and a deal began to materialize for exchanging it for French-held Martinique, Guadeloupe, and Santa Lucia in the West Indies. But news of the American treaty as well as the tenacious defense of Gibraltar began to stir up a war fever among the British public, who were especially resistant to yielding Gibraltar. Finally, the Spanish ambassador to Paris, Pedro Aranda, decidedly unenthusiastic about a strong British presence in the West Indies, accepted a British offer of Minorca and East and West Florida; in turn, the Spanish sadly relinquished Gibraltar. All the obstacles to a general peace were now over, and both the Anglo-French and Anglo-Spanish preliminary peace treaties were signed on January 20, 1783. A general armistice was proclaimed which included the Netherlands, even though a peace treaty with the Dutch had not yet been signed.

In February, Fox formed a coalition with his old enemy, Lord North, who was also in opposition, and together they pulled down the Shelburne ministry. A Fox-North coalition ministry was formed in early April, with both men as secretaries of state while the Whig Duke of Portland was the front man as ineffectual prime minister. This maneuver to bring the Whigs back to power proved to be tactically shrewd, but it was strategically

disastrous to Fox and the Whigs. Fox was never able to explain this unprincipled left-right coalition to his followers, and his radical mass base was split grievously and ultimately crushed as a result. Fox tried to reopen peace negotiations by insisting on a permanent military alliance between Britain and the U.S., but the Americans countered with their own demands for free trade, the protection of neutrals' rights and other concessions. The peace treaty was conclusively signed between the United States, France and her allies, and Great Britain on September 3, 1783, with no change made from the 1782 Anglo-American draft.

This Treaty of Paris featured the following provisions: (1) U.S. independence was recognized; (2) hostilities were to cease and all British land and sea forces were to be evacuated "with all convenient speed"; (3) the United States was granted all the lands north of the Ohio River up to its present northern boundary, and the territory southward to thirty-one degrees south; (4) the Americans were given the right to fish, as they had during the colonial period, off Newfoundland and Nova Scotia, but the clause granting them the "liberty" to dry and cure the fish on the coast was ambiguous and proved a source of trouble for many decades; (5) Congress would recommend to the state legislatures to restore all the rights and confiscated estates of Tories—a clause having no binding effect on the states; (6) no future confiscation or other action would be taken against Tories, and imprisoned Tories were to be set free immediately; (7) all debts between citizens of either country were to meet "no lawful impediment" to repayment; and (8) the navigation of the Mississippi would be free to both countries (the U.S. and Great Britain)—a meaningless clause, since Spain effectively controlled that river.

Congress, knowing full well that the Tory clause could be violated with impunity and that France was already placated, easily ratified the preliminary treaty on April 15, and unanimously ratified the final treaty on January 14, 1784, final ratifications being exchanged on May 12. The United States of America had at last definitely won their revolutionary war: they were now a new nation.

On December 14, in accordance with the treaty, the British troops completed their evacuation of New York, taking with them 7,000 Tories, making a huge total of 100,000 Tories who had fled America for Europe or Canada. George Washington ceremonially entered New York City with Gov. George Clinton, took leave of his officers at Fraunces' Tavern, and resigned his commission as commander-in-chief before Congress on December 23.

England's cavalier cession to the United States of the entire unconquered western lands was part of her maneuvers against France and Spain and was, of course, a gross betrayal of England's Indian allies. The failure

of the United States to abide by the spirit of the Tory clause gave Great Britain the excuse to revoke, in effect, the cession of the Ohio lands, and to maintain its military garrisons intact. This appeased and strengthened Britain's Indian friends and preserved Indian control of the Ohio lands while Spain and its allied Indians threatened to contest the Southwest.

And so the revolutionary United States of America threw off the British yoke and won the first successful war of national liberation against western imperialism. Many factors entered into the victory, but the most important was the firm support for the war by the great majority of the American people. It was that support which harassed, enveloped, and finally destroyed the proud British armies come to conquer and occupy in the name of traditionally legitimate government. It was a revolution fueled by fervent belief in libertarian natural rights ideology and by a cumulative reaction to growing British infringement on those rights, political, constitutional, and economic. Its victory was essentially a people's victory, of guerrilla strategy in its broadest sense: not only of the small, mobile guerrilla bands of the Marions and the Sumters, but also of ephemeral and suddenly appearing militia who largely fought in their own neighborhoods and on their own terrain.

George Washington, the highly touted "Father of His Country," had a military impact that was negligible or even negative. Setting aside Yorktown—which Washington was slow to grasp and which was the siege of a finally routed army whose destruction had been prepared for months by Greene and Lafayette, and whose finish was more of a French affair—Washington won only a single victory among his many battles: Trenton-Princeton, and that was precisely the only battle where Washington deigned to stoop to guerrilla tactics. The rest of the time, before and after Trenton, Washington was far too much the orthodox military leader yearning for a Prussian-style State army and a conventional victory in frontal confrontation. Hence his string of defeats and disasters in the New York and the Pennsylvania campaigns. The military victories in the war belonged to others: to Gates, to Morgan, to Greene, all of whom won by basically guerrilla strategy and tactics, and most of whom were either disgraced or placed in limbo by the jealous Washington. Not only did Washington fail to understand the purely military aspects of a people's revolutionary war, but he also failed to grasp the importance of the free and inspired individual soldier in such a war, and hence he wrecked morale and brought about mutinies by his Prussian discipline. The war was actually won despite Washington rather than because of him. To a large extent, finally, it was the genius whom he broke and discredited—the almost forgotten Charles Lee—who discerned the true nature of a revolu-

tionary war and the way that it had to be won. The revolution was won because Lee's type of war was able to set aside the kind of war that Washington tried—but failed—to create. As Shy writes:

Intellectual that he was, Lee tried to see the Revolution as a consistent whole, with every aspect in rational harmony with every other. It was a fight by free men for their natural rights. Neither the fighters nor the cause were suited to the military techniques of despotism—the linear tactics, the rigid discipline, the long enlistments, the strict separation of the army from civic life that marked Frederick's Prussia. Lee envisioned a popular war of mass resistance. . . . He sought a war that would use the new light infantry tactics already in vogue among the military avant-garde in Europe, the same tactics the free men at Lexington and Concord had instinctively employed. Such men could not be successfully hammered into goose-stepping automatons and made to fire by platoons, but properly trained and employed, they could not be defeated.

Nathanael Greene's campaign in the South . . . [was] to confirm Lee's prophetic insight. But to Washington—a practical man not given to theorizing—this was all madness. He never seriously considered resorting to a war of guerrilla bands drawn from the militia. He would have recoiled with horror from such an idea.*

*Shy, "Charles Lee," p. 47.

PART VIII

The Political and Economic
History of the United States,
1778-1784

66

Land Claims and the Ratification of the Articles of Confederation

Unquestionably the most important political event of the latter years of the war was the final ratification of the Articles of Confederation. Like many other fateful political and economic changes made at the end of the war, this measure, put through as a wartime necessity, became effective only in time of peace. For American radicals, this represented a disastrous cultural lag between the social conditions that had arisen and the institutions that were established for very different times and purposes.

Maryland, under the firm political control of a tightly knit oligarchy of land speculators, blocked the required unanimity for accepting the Articles of Confederation, which had passed Congress in late 1777, by refusing to ratify unless Virginia's vast claims to the western lands were nationalized and placed under a Continental Congress that the speculators could hope to control. During 1778 and 1779 the Virginia Assembly directly repudiated the huge land claims of the Indiana, Illinois, and Wabash Companies, whose membership included the rulers of Maryland, overriding the Virginia conservatives, headed by Benjamin Harrison, Edmund Pendleton, and Carter Braxton, who had close commercial connections with the land speculators, especially the Philadelphia merchants Robert Morris, the Whartons, and the Gratz brothers.

The liberal forces in Virginia, led by Thomas Jefferson and George Mason, nevertheless faced a difficult struggle; they were, for example, blocked in their efforts to open up a land office for the western lands to throw them open for settlement and to end the speculator threat once and for all. The conservatives opposed this plan not only because of their connections with the land speculators, but also because widespread settle-

ment of the West would draw off population from the East, lowering the value of eastern property. The liberals, however, were aided by pressure from the western settlers led by Col. Arthur Campbell.

The defeat of the speculators seemed assured during 1778 and 1779, and a land-office bill was finally passed in June 1779. Mason's bill, however, gave firm preemption rights only to existing settlers, and failed to provide them for future settlers, who would naturally form the main body of the population of the West. An all-powerful Virginia commission was therefore able to sell the virgin lands at 40 pounds for 100 acres (in depreciated currency) to anyone who cared to buy. Jefferson's provision of granting only 50 acres to each settler was thus rejected, and no limitation was placed on the amount that could be purchased by any nonsettlers. The result was that within a few years the precious western lands fell into the hands of individual absentee land speculators, who paid in a still further depreciated currency. Robert Morris, for example, later came to own 1.5 million acres of western lands.

Their claims ended in Virginia by Mason's 1779 bill, the powerful land companies turned once again to Congress, and argued once more that Congress had plenary sovereignty over western lands, sovereignty which had "devolved" from Great Britain. Congress, they claimed, should keep Virginia from putting its land law into effect. Thus, Congress was asked to assert power over western lands which even the Articles would deny to it! But logic yielded to the aggrandizement of power, and, in early October 1779, Congress voted 6-5 to advance the land companies' proposals to a committee packed with their supporters. In mid-October, the committee reported a recommendation for Virginia and other states to suspend all sales and grants of their western lands until the end of the war. Congress voted for the resolution, with only Virginia and North Carolina opposed.

Virginia did not passively accede to this aggrandizement of central power, and led by George Mason, it quickly issued a strong remonstrance against the congressional invasion of its sovereignty on behalf of land speculators. New York, however, was scarcely as sturdy, and under the pressure of Congress, in mid-February 1780 it agreed to cede its dubious claims to the lands of the Iroquois, to make them the property of the Continental Congress. Congress agreed to this cession in September, urging other landed states to cede voluntarily their own claims for the sake of confederation, and even Virginia's delegates approved. Connecticut also ceded its claims to western lands in Congress in October 1780, reserving to itself a tract of three million acres in northern Ohio (the Western Reserve). Thus began the central government's fateful ownership and sovereignty over virgin lands. In this way, sovereignty, at least

over all territories not yet states, was placed solely in the hands of Congress—a vast accretion of central power that for the most part went unchallenged.

Virginia's turnabout was largely caused by the 1780 invasion of the South, prompting a panicky and irrational urge to ratify the Confederation and thus gain more effective northern support for the war effort—support which never materialized. The liberal administration of Virginia, headed by Jefferson as governor and by George Mason, was more interested in justice for the settlers than in power for Virginia. Hence, they overlooked future questions of central power and ceded the lands north of the Ohio to Congress. There were, however, certain conditions attached to their agreement, the most important being that the Indian land claims to the region (i.e., the claims of the land companies) be voided, and that Virginia be guaranteed the Kentucky lands. Congress refused to void the company land claims, and the land companies put up a furious barrage of propaganda, including subsidized pamphlets by Samuel Wharton, Benjamin Franklin, and Tom Paine, all of Philadelphia. Paine's hiring out to the Indiana Company to present its case in a pamphlet, *Public Good*, continued the practice of selling his pen and his principles for hire that he had begun the year before in his dealings with La Luzerne. (After the Deane-Lee affair, the impecunious Paine quietly allowed himself to join the paid ranks of the very French government that he had recently so strenuously opposed.) It goes without saying that the developing pattern of this sellout to the privileged interests dealt a grievous blow to the radical cause in America, for which Paine had been the most eloquent and popular champion.

In October 1780, Congress again agreed to all of Virginia's conditions except the crucial voiding of speculative land claims. The following January, the Virginia Assembly made the Mason offer official by voting to cede the lands north of the Ohio—the "Old Northwest"—provided that the Mason conditions were met.

In the meantime, Maryland's intransigence was also being undermined by the threat of British invasion or raids from the Chesapeake. Appealing for naval protection, Maryland was urged by La Luzerne, who was anxious for the war effort, to ratify the Confederation. Bludgeoned by this virtual blackmail, Maryland finally ratified the Confederation on February 2, 1781, after the Maryland Senate was convinced that their claims would still be pressed in Congress. Meanwhile, Virginia clung to control of the lands despite repeated attempts in Congress to dislodge it. Congress finally celebrated the enactment of the Articles of Confederation on March 1, 1781.

The struggle over the western lands raged for three more years within

the Confederation. Finally, driven by greed for revenue to be derived from the virgin public domain, Congress tacitly agreed to ignore land-company claims, with only New Jersey and Maryland objecting. Virginia's northwest lands were finally ceded to the suzerainty and total ownership of the Congress on March 1, 1784.

Inflationary Finance and Price Controls

Crucial to an understanding of the political history of the Revolutionary War era is a comprehension of the way that the war effort was financed. By the end of 1775, Congress had already increased the nation's money supply by 50 percent in less than a year, and state paper issues had already begun in New England. The Congressional Continental bills followed what was to become a sequence all too familiar in the western world: runaway inflation. As paper money issues flooded the market, the dilution of the value of each dollar caused prices in terms of paper money to increase; since this included the prices of gold, silver, and foreign currencies, the value of the paper money declined in comparison to them. As usual, rather than acknowledge the inevitability of this sequence, the partisans of inflationary policies urged further accelerated paper issues to overcome the higher prices and searched for scapegoats to blame for the price rise and depreciation. The favorite scapegoats were merchants and speculators who persisted in doing the only thing they ever do on the market: they followed the push and pull of supply and demand. In another familiar attempt to deal with the problems of inflationary intervention, they outlawed the depreciation of paper, or the rise of prices. Such attempts to hold back the inevitable results of inflation are invariably about as successful as King Canute's command to the tides; but the vital difference is that these controls create a great deal of havoc in their wake. Maximum price controls simply create grave shortages and "black markets" of the commodity. The inevitable response of this escalation of controls is ever more vigorous penalties against the merchants and speculators; and, aside from the oppression suffered by merchants, the

only result is to make the shortage even more severe. And so inflation tends to pursue its course until the paper money becomes worthless and controls eventually wither away.

Continental paper was issued by Congress at an accelerating rate: in 1775, \$6 million; 1776, \$19 million; 1777, \$13 million; 1778, \$64 million; 1779, \$135 million. This was a total issue of over \$235 million in five years superimposed upon a pre-existing money supply of \$12 million.

The state governments were supposed to collect taxes to retire the Continental notes, thus imposing a second burden upon the public after the "tax" of inflation had done its work. But opposition by Americans to taxation was too great, and most states levied no taxes at all until 1780. Instead, the states also turned to the printing press for their finances. Apart from Georgia and Delaware, they offered no security for the notes except a vague pledge of future tax revenues, which was no security at all, and so their notes depreciated, each at a different rate. The states tried to maintain their notes at par coercively with severe legal-tender laws. The states also tried to finance themselves by issuing interest-paying treasury notes. The total of state issues during the Revolution was nearly \$210 million. Virginia led in this inflation by issuing \$128 million, followed by the Carolinas, each with an issue of about \$33 million. Adding federal certificates and loan office certificates, this made a total of about a fiftyfold expansion of America's money supply in a few short years.

Depreciation of the paper money proceeded inexorably along with the frenzied increase in its quantity. Thus in December 1776, the Continentals were worth \$1-\$1.25 in specie on the market; in October 1777, the value had fallen to 3 to 1; in December 1778, to 6.8 to 1; and in December 1779, to the negligible 42 to 1. By April 1781, the Continentals were virtually worthless, exchanging on the market at 168 paper "dollars" to one dollar in coin.

This process of inflation and the subsequent attempts of government to thwart its consequences led both to the hardships and shortages of supplies suffered by the Continental Army, particularly at Valley Forge, and to the severe mutinies in the latter part of the war. In the first place, the soldiers were paid in Continentals, and were bewildered to find the value of their pay rapidly dwindling. Farmers understandably refused to accept paper money, preferring hard cash that would not depreciate before they could use it themselves. When the Continental Army moved to confiscate and seize supplies from them, they were embittered and often fled the area. The Continental Army often found that food and other vital supplies became woefully scarce, since the brutal power of the army to plunder could not extend to farmers remote from the military camp.

The several states—especially in New England and in the middle states

—also tried to help matters by imposing maximum price controls. State and local governments presumed to know what market prices of the various commodities should be, and laid down price regulations for them. Wage rates, transportation rates, and prices of domestic and imported goods were fixed by local authorities. Refusing to accept paper, accepting them for less than par, charging higher prices than allowed, were made criminal acts, and high penalties were set: they included fines, public exposure, confiscation of goods, tarring and feathering, and banishment from the locality. Merchants were prohibited from speculating, and thereby from bringing the needed scarce goods to the public. Enforcement was imposed by zealots in local and nearby committees, in a despotic version of the revolutionary tradition of government by local committees.

Price controls made matters far worse for everyone, especially the hapless Continental Army, since farmers were thereby doubly penalized: they were forced to sell supplies to the army at prices far below the market and they had to accept increasingly worthless Continentals in payment. Hence, they understandably sold their wares elsewhere; in many cases, they went “on strike” against the whole crazy-quilt system by retiring from the market altogether and raising only enough food to feed themselves and their own families. Others reverted to simple barter. Master artisans, forced by price control to sell at a loss, threatened to shut up shop. And, as always happens under price control, hidden price increases were achieved by lowering the quality of goods, again to the detriment of the consumers.

Efforts to enforce price controls during the Revolution were frenzied and futile attempts to thwart the laws of economics. Shortages of goods in localities or states where enforcement was harsh led to sporadic attempts to fix and coordinate uniform price codes throughout the United States. The first comprehensive statewide code was imposed by Connecticut in October 1776. In December, delegates from the four New England states met at Providence and fixed a detailed schedule of wages and prices, and each state government then enacted it into law. At the request of Congress, the middle and upper southern states then met at York, Pennsylvania, to draft a similar code, but it was voted down by three of the six states. In early August 1777, a convention of New England states and New York called by Massachusetts at Springfield resigned themselves to scrapping the whole apparatus of control. Congress, however, again called for a series of regional conventions to impose uniform price control in late 1777. As in the previous year, the deep South did not respond, but delegates from all the New England and middle states met at New Haven in January 1778, and recommended a new code. Only Connecticut, New York, New Jersey, and Pennsylvania passed it into law. When rebuked for not joining the effort, Massachusetts, no longer enthusiastic about price

controls, wryly announced that the Continental Army had informed it that the code would make it impossible for the army to buy supplies for its troops. This led Congress, in June 1778, to advise repeal of all controls; the four states that had passed the code soon followed the congressional advice.

The collapse of the state programs, however, failed to teach the local despots and vigilantes of the Pennsylvania, New York and New England towns their lesson. They tried to enforce local controls, and again all their efforts came to grief. In 1779, the towns and counties of Massachusetts (but not the state) tried again to frame joint codes at a statewide convention. In Philadelphia, the price-fixing committee was told by the town's artillery company that it would, if necessary, support the committee's decrees with force of arms. In late October 1779, delegates from New York and New England, meeting at Hartford, approved another comprehensive price code. Congress reversed itself again to endorse and recommend the new code in January 1780. Obediently, the states from New England to Virginia called a meeting at Philadelphia in early 1780 to establish a general uniform code of regulated prices. But delegations from New York and Virginia failed to appear, and the meeting adjourned in April to wait for these states. The meeting never reconvened.* The absurdity of price controls was being made ever clearer by the enormous depreciation of paper money, and the states finally abandoned their attempts at enforcement. Only the southern states had never succumbed to the price control mania.

(It goes without saying that each successive price code reluctantly allowed for far higher prices than the preceding scheme, a trend that should have given pause to the most fanatical of price controllers.**)

Attempts at enforcement of these controls and regulations were numerous and zealous, especially by local officials and committees. One example is the case of Peter Messier, a tea merchant from New York. In May 1777, Messier's home was invaded by a party led by two soldiers who refused to pay the price that he charged for tea; instead, they seized as much tea as they wished, leaving as compensation whatever amount *they* considered "fair," and this was not enough. Later, several other groups visited him, presuming to search his house in the name of the "Committee for Detecting Conspiracies." They assaulted Messier and his servants and committed personal acts of vandalism.*

*See Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976), pp. 178-79.

**The dismal saga of price controls during the Revolution may be found in Richard B. Morris, *Government and Labor in Early America* (New York: Columbia University Press, 1946), pp. 92-135. The author, by the way, is in sympathy with the price control program.

*Morris, *Government and Labor in Early America*, p. 125.

As usually happens during inflation and wage-price controls, wage rates lagged behind other prices and especially raw materials; this added an extra burden upon the wage-earners, the poorest strata of the population. Moreover, as ten entrepreneurial Philadelphia cordwainers pointed out in mid-July 1779, the price control over their product (shoes) not only impoverished them, but forced them to fire their journeymen employees. They added an impassioned plea for *laissez faire*:

It [the system of price controls] is absurd and contrary to every principle of trade. . . . It will destroy every spring of industry, and will make it the interest of every one to decline all business. . . . Trade should be free as air, uninterrupted as the tide, and though it will necessarily like this be sometimes high at one place and low at another, yet it will ever return of itself sufficiently near to a proper level if . . . injudicious attempts to regulate it, are not interposed. . . .

Contrary to a general impression, opinion for or against price controls was determined far more by the state of the person's economic understanding than by his social class, or, for that matter, by his generally conservative or radical views. It is simply not true that radicals favored price controls and conservatives opposed them; the pros and cons cut across both ideological as well as occupational lines. Thus, while the conservative James Wilson denounced price controls in Congress—"There are certain things, Sir, which absolute power cannot do"—the reactionary Samuel Chase defended controls on the ground of necessity. Pennsylvania provided the sharpest model of conservative-radical cleavage on this issue. Robert Morris joined Wilson in opposing controls, and the Pennsylvania radicals, in their hatred for these two, were driven to supporting controls. It must be noted, however, that the radical price control leaders included such wealthy and eminent merchants and lawyers as Gen. Daniel Roberdeau, William Bradford, and Owen Biddle. Furthermore, among the radical leaders, Tom Paine, seeing the ill effects of price controls, shifted sharply and permanently in late 1779 from supporting price controls to a strong opposition to them.*

Those radicals who favored price controls also justified this sharp deviation from their commitment to liberty and property rights by alleged wartime necessity, much as the Jacobins would do in France over a decade later. Thus, Gen. John Armstrong, a highly respected jurist and engineer and a leading Pennsylvania radical (though an early patron of James Wilson), was the most inveterate and zealous advocate of price controls in Congress. He pleaded that necessity required this exception to the *laissez faire* rule.

*Foner, *Tom Paine and Revolutionary America*, pp. 149-82.

In a sense, the proponents of price controls had no economic arguments. Their views were purely superficial and ad hoc: "Prices are going up, they shouldn't, ergo outlaw price rises," was the argument form. In contrast was the sophisticated economic understanding of the opposition. Leading the opponents of controls was the New Jersey libertarian theorist, the Reverend John Witherspoon. He accurately and prophetically warned Washington that the army's severe price and wage controls on the commodities and services it purchased would only aggravate the shortages and lead to starvation for the army. No man, declared Witherspoon, can be forced to supply goods in the market at prices he considered unreasonable; and his concept of what is reasonable is the price "proportioned to demand on the one side, and the plenty or scarcity of goods on the other." And this price that clears supply and demand can only be set on the market by the voluntary interactions of buyers and sellers, not by any outside politician or government official, it being impossible for any authority to know all the nuances and variations that enter into supply and demand and hence into price. Price control, in fact, could only hobble commerce and thereby make commodities scarce and more costly than ever. The prices of regulated goods, Witherspoon pointed out, had already risen faster than those of the nonregulated.

The moderate Dr. Benjamin Rush was an able student of political economy, and he pointed both to economic theory and to the lessons of economic history. Previous price control efforts had always failed because the true cause of the price rise was not, as the unthinking believed, the wickedness or Tory proclivities of the merchants, monopolizers, or speculators. The cause, he declared, "was the excessive quantity of our money." Only a decrease in the quantity of money, he pointed out, and a rise in the rate of interest, would end the disastrous price increases, and bring value back to the country's money. John Adams was also highly knowledgeable and forthright in monetary matters, and he too pointed to the historic failures of price controls. As early as 1777, he urged a radical and libertarian cure for the inflation: redeeming notes in gold and silver and ending paper money issue.

Also outstanding in opposing price controls was the Philadelphia merchant and economic essayist, Pelatiah Webster. Webster clearly discerned that the price increases were due to the quantities of paper money, and that they could not be stopped by the superficial scheme of price controls. He insisted that freedom of trade, or the "unrestrained liberty of the subject to hold or dispose of his property as he pleases," was essential to property at any time, whether in war or peace. On the free market, he pointed out, every seller will produce the greatest quantity of the best goods for the consumers, in order to maximize his income. The scarcest commodities will have the greatest demand and the highest prices, and this

will stimulate production in these fields as well as impel the most economic allocation of the scarce goods. Price controls are unworkable and impose great administrative burdens. He further pointed out that price controls could not alter the value of money, which is determined on the market by the relation between its quantity and the supply of goods offered in exchange. He concluded that "laws ought to conform to the natural course of things," and therefore that all fetters and restrictions on the market should be removed.

Even less than for price controls do the radical-conservative categories explain the differences of opinion on paper money, for support for paper was far more broadly based than for controls. The archconservative Gouverneur Morris originated the idea of using government paper to finance the Revolution; and, far from being ashamed of his creation, he trumpeted to the complaining Washington that paper money was a great engine that would mobilize the nation's resources for the war. He recognized that the paper would depreciate, but he looked forward to this as a tax; the obvious inequity of the tax's falling hardest on the lowest-paid and the most exploited group in the country, the soldiery, caused him only fleeting regret. These men would simply have to sacrifice their pay as well as their lives to the national effort. As might be expected from the old paper-money enthusiast, Benjamin Franklin hailed paper as a "wonderful machine" that would "pay itself off by depreciation," which he persuaded himself would fall equitably on the members of society. In 1779, another ultraconservative, John Jay, prepared an apologia for the depreciating Continental paper.

Characteristic was the specious argument offered by inflationists everywhere that "true" redemption of paper money rests not on gold or silver but on the industry, trade, and soil of the country. Even Pelatiah Webster defended the benefits of depreciated paper, although he opposed the state legal tender law. But despite the blithe acceptance by the more sophisticated inflationists of depreciation, the universal outcry over the depreciation and price rise and the frantic attempts to stop them are testimony enough that the vast bulk of the people could not assume so philosophical an attitude. The havoc wrought in the United States by the distortions, inequities, currency breakdowns, shortages, and depreciation caused by the central state, and local government policies of wild inflation and price control, was far greater than that imposed by the British troops during the war. This is to say nothing of the maleficent heritage of the public debt that remained for the future economic and political life of the country. On their own grounds, the cheap money and price control policies burdened rather than fostered the revolutionary effort.

By 1779, no amount of theorizing, however, could cloak the naked fact of runaway paper depreciation and currency breakdown. Clearly, some-

thing had to be done. The monetary engine was now seen to be a runaway source of ill rather than a panacea. Evidently, to preserve any value of the paper, the note issues had to be stopped. The simplest and least burdensome solution would have been to rescind the dubious retirement clause, which could only inflict tax burdens on society in order to retire the notes. This would have allowed the notes to find their own negligible level, while permitting the economy to return to gold and silver. But despite the fact that the states had scarcely paid in any of the requisitions with which to retire the paper notes, Congress failed to take this easy path; instead it searched desperately for a way to retire some of the notes. As early as April 1778, Congress contemplated forcing the conversion of \$20–45 million of paper into loan certificates, which were interest-paying certificates of indebtedness issued by Congress. Congress finally lacked the courage to do this.

On September 3, 1779, Congress brought itself, nearly unanimously, to set an absolute limit of \$200 million in paper issues outstanding, a sum that left a leeway of \$60 million that could still be issued. The spirit of this resolve was quickly violated as Congress hastened to issue the \$60 million, and Continentals continued to depreciate rapidly. Congress had absurdly believed that the mere stoppage, at this late date and after enormous issues, would reverse the depreciation and allow the government to retire all the notes at par. It was now disabused of this notion, but it still insisted on levying crippling taxes in order to retire the notes.

By a law of March 18, 1780, Congress decided to have the states tax \$15 million worth of notes per month and deliver them to Congress to retire the paper in thirteen months' time. As the retirement proceeded on its way, new bills totalling \$10 million were to be issued by the states; not only was this quantity to be considerably less than the old, but the states were to pay 5 percent interest in specie or European sterling bills to be totally redeemed in specie in six years. Of the new bills, 40 percent were to go to Congress as income and 60 percent to the states delivering taxes in the old bills. The old paper was sensibly revalued at 40 to 1, so that the Congressional debt was now worth \$5 million in specie instead of \$200 million—a sensible step of partial repudiation. Even at that, however, the paper was overvalued, since in March 1780 its market valuation was closer to 60 to 1.

For a while, Continental money stopped depreciating, and even improved in value. But the states found they could not levy the requisite taxes, and the burdensome plan collapsed. By the end of 1780, only \$2 million in old paper had been retired, and the market, seeing the retirement plan and the official pegging of value fail, lowered Continentals to 100 to 1 by January 1781, and 168 to 1 by April.

Meanwhile, the Congress, having stripped itself of its massive inflationary power, turned to another potential inflationary instrument, its loan certificates. Loan certificates, before March 1, 1778, had paid 6 percent interest in specie, and hence three \$7 million blocs of certificates were highly prized; but after March, the interest was paid in paper. After March 1778, these certificates were not genuine loans, but simply notes issued by the government in payment for supplies and accepted by the merchants because the government would not pay in anything else. Hence, the certificates became a form of currency, and they too depreciated. As early as the end of November 1779, they were selling at 24 to 1 in specie on the market. Of the post-March 1778 loan certificates, \$600 million were issued by the federal government during the war, of which \$530 million were issued after September 1779. Loan certificates were even issued to pay the interest on other loan certificates.

In late 1780, Congress tried to issue \$1 million in “specie certificates” which were supposed to be sold only for specie to raise some hard money for the government; but the new notes were simply issued, as were other notes, to pay for the federal deficits.

As the Continental currency collapsed, the Continental Army turned to simple impressment—seizures of goods—to supply itself, and thus scarcely endeared itself to the populace being confiscated. To “pay” for the impressments, the army quartermaster and commissary departments issued paper tickets, or “certificates,” which then flooded the country. State governments also turned increasingly to impressment of goods, and “paid” for the seizure with their own welter of certificates. The Yorktown campaign was financed almost solely by federal and state impressment certificates. Even apart from state issues, federal certificates issued during the war amounted to about \$200 million in themselves. The certificates, which didn’t even pay interest, rapidly depreciated to almost nothing.

Naturally, when the states tried to impose taxes in order to retire old Continental paper according to the scheme of March 1780, Americans balked. For if they had to pay taxes, surely they were entitled to pay in the virtually worthless state or federal certificates rather than in the less worthless Continentals? And as the people of the various states insisted on paying their taxes in certificates, the state governments found it impossible to retire the old Continentals. By June 1781, when all the Continentals were supposed to have been retired, only \$30 million had been taxed and delivered by the states, and only \$600,000 of new bills had been issued—and even these had already depreciated to 5 to 1 in specie. The scheme to prop up and retire Continental paper had proved an abject failure. Pennsylvania and New Jersey decided to fix the value of Continentals at their true market value, which soon collapsed completely. After April

1781, the Continentals began to pass out of circulation, and before long they could hardly be found. If they were used, they passed at less than 500 to 1 in specie dollars. It is no wonder that the popular motto arose: "Not worth a Continental." Despite the strenuous efforts of Congress and the states, they took their natural economic course and passed out of existence. Their rapid disappearance also relieved the public of a permanent legacy of crippling public debt.

When Congress agreed to accept certificates in payment of the requisitions, some of the worthless paper was drained off; the legal tender laws were also repealed. Congress never bothered to pay its promised interest on the small amount of new bills, and this helped depreciate them further. After August 1780, Congress issued new certificates payable in new bills and bearing interest until redeemed, and the old certificates were made redeemable in their negligible existing specie values.

Thus, Congress and the states jettisoned their worthless mass of currencies without burdening the present and future economy with a further debt. They were not bemused by the notion that these currencies had to be redeemed at par, or indeed had to be redeemed at all. As Ferguson explains:

Currency and certificates were the "common debt" of the Revolution, most of which at war's end had been sunk at its depreciated value. Public opinion did not view government contracts as sacred and tended to grade claims against the government according to their real validity. Paper money had the least status; the mode of its redemption was fixed by long usage. . . . In any case, the holder had no exemption from the general misfortune, and he was expected to abide by the ordinary process by which money was redeemed.*

Unfortunately, Congress did not display the same wisdom with the loan certificates. For these securities, or rather for the security holders, it showed far greater tenderness. In 1780, Congress decided to reduce the loan certificates to their specie value according to the depreciation of Continentals that had actually prevailed at the time of purchase. The actual scaling down, however, was much too limited; the loan certificates issued after March 1780, for example, were liquidated at a rate of 40 to 1 in specie when depreciation at the time approached 100 to 1. Furthermore, Congress continued to pay valuable bills of exchange for the interest on the pre-1778 loan certificates. Most important, it undertook to redeem the interest and principal on the loan certificates itself, in contrast to the paper currency which it had been glad to push off onto the states. The loan certificates were to become the substantial core and the beginnings of the

*E. James Ferguson, *The Power of the Purse: A History of American Public Finance, 1776-1790* (Chapel Hill, N.C.: University of North Carolina Press, 1961), p. 68.

permanent, peacetime federal public debt. Significantly, the bulk of this debt was held in the northern states; 90 percent of the original subscriptions were held in states north of Maryland, of which people in Massachusetts, Connecticut and Pennsylvania held two-thirds. Pennsylvania alone originally held one-third of the debt, and its share was expanded by later sales and transfers.

As for the states, they too insisted on retiring their worthless paper through tax receipts, but at least they agreed to redeem the paper at depreciated values, some at the greatly depreciated market value of the currency. In Virginia and Georgia, they were as low as 1,000 to 1 in specie. By the end of 1783, all the wartime state paper had been withdrawn from circulation.

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Conservative Counter-Revolution: Massachusetts and Pennsylvania in 1780

Ironically, just as the great havoc wreaked by the flood of paper money was fading away, with the money collapsing and passing out of circulation, the conservatives, especially those of New York and Pennsylvania, were preparing to use the paper emergency to put through a veritable counter-revolution in the American economy and society. These men had long yearned for the reestablishment in America of the British system without Great Britain: a strong, centralized government dictating to the people of the various states, centralizing and controlling the vital money power through a central system of taxation. Now that the financial oligarchy had unto itself so much of the federal public debt, it was newly inspired to found a strong central government so that its greatly depreciated securities might be redeemed in full, and so that they could establish a new form of paper inflation which *they* could control. Instead of Continental paper, which, after its emission, travelled haphazardly into the economy, they would found a commercial bank in America. This would be a private bank to function as a public monopoly central bank and insure that public operations could be skillfully employed for the oligarchs' private profit. This counter-revolution was also carried through to save the war effort—at a time when the war was almost over.

The way was paved for the triumph of conservatism in the latter years of the war by changes in two pivotal states, Massachusetts and Pennsylvania. In Massachusetts, the people in a referendum had overwhelmingly rejected the conservative constitution of 1778. Bowing to the inevitable, the conservatives realized that they would have to accede to the longstanding radical demand for a constitutional convention for the state separate

from the existing legislature, the General Court. The towns, for example, had urged a separate convention by a majority greater than two-to-one. In June 1779, therefore, the General Court called such a convention for early September, with voting for delegates by universal manhood suffrage. In another concession to radical demands, the various articles of any proposed constitution would have to be ratified by two-thirds vote at a popular referendum.

The constitution of 1780 was drafted, at the convention, by three people: the extremely wealthy conservative James Bowdoin and the two Adams cousins, with John Adams as the major author. Like its aborted predecessor, the constitution was a highly conservative document, a reflection of the willingness of Sam Adams to tag along with John, despite the former's radical instincts. A high property-value qualification for voting (60 pounds) was imposed for all state elections. This was substantially higher than that called for by either the old colonial charter or the rejected constitution of 1778. Furthermore, the sole qualification for officeholders was now to be in real estate, so that money or other personal property would not suffice to be eligible for holding office. A strong independent executive and upper house were imposed; and the governor could veto a legislative act which could be overridden only by a two-thirds vote.

A bill of rights was appended to the new constitution, but it was rather weak. Part of this "declaration of rights" authorized the legislature to *require* the towns to tax the public for church support, thus giving a constitutional mandate for a religious (i.e., a Congregational) establishment in Massachusetts.

The military was to be under the complete control of the governor, who could also appoint all judges. The governor was to be fully as powerful as in the New York constitution where he had a right of veto. Furthermore, judicial tenure was to be on good behavior (for all practical purposes for life), thus setting up an unchecked and long-lasting judicial oligarchy.

The heaviest opposition to the constitution came over the declaration of rights and its weakness in insuring freedom of speech or habeas corpus. Many towns opposed the property qualifications, as well as the appointive power of the executive and the oligarchy of independent judges. Also bitterly fought in the press and in the towns was the clause on establishment of religion. The conservatives insisted that a government religion was crucial to the government's own existence, as well as to the existence of religion. As one clergyman fulminated, "Let the restraints of religion once be broken down, as they infallibly would be by leaving the subject of public worship to the humor of the multitude, and we might well defy all human wisdom and power to support and preserve order in government and state." One rightist attributed much of the opposition to religious establishment to "profane and licentious deists" and "avaricious

worldlings." Even so, many towns rebuffed the religious establishment clause, including Boston, Bristol, Granville, and eight towns in Berkshire as well as seven in Middlesex County.

The towns objecting to the high property qualifications were concentrated in the West. They cogently raised the all too familiar issue of taxation without representation. Entering the lists once more for battle against the restricted suffrage of the new Constitution was Joseph Hawley, the only leading Massachusetts radical at the outbreak of the Revolution to keep firmly to the left path. He pointed out that the suffrage requirement was in direct contradiction to the constitution's professed devotion to the equal natural rights of all. The provision violated the principle of taxation only with representation.

Other demands by opposition towns were for election of local officials, a tight rein on the governor, a unicameral legislature, and a loosening of the highly restrictive provisions for amendment of the constitution.

Even though such articles as the bill of rights really failed to receive the required two-thirds ratification by the people, the Massachusetts Convention fraudulently declared the entire constitution ratified. On June 16, 1780, the precedent of popular ratification was thus continued, but with a heavy admixture of chicanery. The first American constitution formed and ratified by democratic processes was therefore a highly conservative one—more conservative, indeed, than the one it replaced. In part this reflected and foreshadowed the growing conservative sentiment in America beginning in 1780; in part, too, it reflected the absence of radical leadership in Massachusetts to give a statewide lead and cohesion to the opposition towns. Sam Adams' complete adherence to the conservative line of John is a case in point. Of the eminent leaders in the state, only the ailing Hawley could give even partial leadership to the radical cause. Even the town of Pittsfield, the Reverend Thomas Allen, and the Berkshire Constitutionalists, weary of their long struggle, yielded now and meekly submitted to the new constitution, eliminating their own *raison d'être*.

But old Hawley did his best. As his biographer states, "Unlike most of his old colleagues, he had not turned away from political liberalism."* Bitterly critical of the religious establishment and the constitution's requirement that all legislators take a church oath, he was not allowed to take his seat in the Massachusetts senate because he refused to take the oath. Hawley decried this as an infringement on free elections and on the rights of the individual.

The constitution of 1780 disoriented what remained of the Massachu-

*E. Francis Brown, *Joseph Hawley: Colonial Radical* (New York: Columbia University Press, 1931), p. 177.

setts left, and conservatism swept into power in the state. The opportunistic conservative John Hancock, personally very popular in the state as a charismatic symbol of the Revolution, was easily elected governor. His efforts to drive Sam Adams from political power culminated in Adams' ouster from the Continental Congress in 1782.

Conservatives also took control of the pivotal state of Pennsylvania during 1780. The high-water mark of radical control of Pennsylvania had come on October 4, 1779, when radical hatred of the leading conservative "Republicans" erupted in mob action. For some time before, the radicals had been planning to seize the families of all defecting Tories, and to deport them to British-occupied New York City. But at a Philadelphia militia meeting on October 4, their goal spontaneously changed to ousting the major conservative leaders from Philadelphia. This mob of militia seized three Tories and advanced upon the house of the hated James Wilson. Wilson, Gen. Thomas Mifflin, and other Republican leaders gathered there with arms, and a battle ensued at the Wilson home. The mob broke in and several persons were killed at this "Battle of Fort Wilson," but Pennsylvania President Joseph Reed managed to arrive with a "silk-stocking" troop of light horse militia, and they carried the day.

As the war dragged on, the radical leadership of Pennsylvania was inevitably saddled with all the errors and excesses of the war effort, including the Battle of Fort Wilson, but more particularly the economic chaos caused by inflation and price controls. Even so, the upheaval of the October 1780 elections in Pennsylvania came as a sudden surprise. Philadelphia, in particular, turned out its radical constitutionalist representatives and swept the conservatives into power by a three-to-one vote. With the overthrow within Pennsylvania as their base, the conservatives were able to change drastically the ideological complexion of that state's delegation in Congress. The stage was set for Robert Morris' accession to almost supreme power in the United States.

In Virginia, the moderate administration of Gov. Thomas Jefferson was discredited by the British invasion and by the defeats in the war. These led to his replacement by the ultraconservative Thomas Nelson, who had opposed independence. Thus Virginia, too, was ripe for a swing to conservatism. The old Adams-Lee radical junto was no more, Richard Henry Lee having abandoned Congress during 1781. As for the remainder of the South, invaded, war-torn, and battered, it was hardly in any position to play a leading role in national politics. And in New York, George Clinton's centrist administration permitted the conservative oligarchs plenty of room for maneuver, while at the same time its existence frightened the conservatives sufficiently to turn to national centralization as a refuge against political insecurity in New York.

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Robert Morris and the Conservative Counter-Revolution in National Politics, 1780–1782

During 1780, before their stirring successes in Massachusetts and Pennsylvania, the conservatives dreamed of a national military dictatorship. General Philip Schuyler raised the call for dictatorial powers to be given to George Washington in the spring of 1780, and such leading archconservatives as James Duane, Alexander Hamilton (soon to be the son-in-law of Schuyler), and Washington himself were receptive to the idea. A convention at Boston in August, representing Massachusetts, Connecticut, and New Hampshire, issued highly conservative resolves, including the payment of Continentals by taxation, the creation of executive boards in Congress, and a virtual executive dictatorship. The Boston meeting inspired the New York legislature, in mid-October, to call for great internal power to be given to Washington. In November, the New England convention met again at Hartford, and urged great power to Congress, including taxation to pay interest on the public debt, and far greater power for Washington.

In response to this rapid drift rightward, the left tried to counterattack by proposing a radical decentralization of political rule. Throughout New York, for example, local precinct and county committees arose, and Albany County delegates called upon everyone to “recommence acting by committees.” But these vague phrases quickly proved abortive.

Meanwhile, young Alexander Hamilton, who was emerging as the brilliant premier theoretician of the nationalist forces, adumbrated the long-range conservative nationalist program in a letter to James Duane. Ultimately, wrote Hamilton, a new constitutional convention must be called, to endow a central government with “complete sovereignty” over

the political, economic, and military life of the several states. And above all, this political power must be based on the coercive economic power of various forms of taxation, which power Congress conspicuously did not have under the Articles. In the meantime, Congress must build up executive power by establishing powerful executive departments under single heads; and the army must be permanently riveted upon public life to serve as a disciplined coercive arm of the central government. One means would be to grant handsome lifetime pensions to its officers.

The sharp political swing rightward from 1780 to 1781, however, meant that the conservative oligarchs could achieve their aims without having to turn toward a military dictatorship. It was more satisfactory to them to work within the existing democratic forms to achieve at least their short-run goals. By early 1781, for example, John Mathews was content to abandon his proposed military dictatorship, and instead called for dictatorial powers in Congress.

In control of Congress in the 1781 session, the conservatives moved swiftly and efficiently to fasten their counter-revolutionary program upon the country. Their first step, spearheaded by James Duane of New York, was to build up a powerful executive by creating executive departments, each in the charge of one man. This meant not only the erection of quasi-independent departments manned by nonelected bureaucrats, but also the centering of power in one man rather than in the democratic revolutionary institution of boards or committees. On January 10, Congress decided to create a department of foreign affairs, to be run by a noncongressman secretary; and on February 7, a similar decision was made to create departments and individual secretaries of war, marine, and finance. Since the linchpin of the conservative nationalist program was financial, the finance appointment was the crucial one, and it went inevitably to the eminent leader of the conservative oligarchs, Robert Morris. So strong was his political position, indeed, that he was able to dictate to Congress the terms of his acceptance of the post: (1) express advance sanction by Congress of any private business dealings that he might have while in office, thus forestalling anything like another ruinous Silas Deane affair, and (2) the absolute right, not only to hire officials in his own department, but also to fire anyone in *any other* branch of the government. By accepting these outrageous conditions, after a month of balking and grumbling, the supine Congress was well on its way to putting Morris on the road to being dictator of the United States.

Assuming his post on May 14, Morris quickly gathered all manner of power unto himself. By August, instead of Congress' selecting a secretary of the marine, the entire department was placed directly under "the Financier"; the various naval and admiralty boards were abolished and their functions also placed, incongruously but ominously, under the Office

of Finance. Those departments that he was not able to seize personally, Morris was able to place under the firm control of one of his friends or associates. At the War Department, Morris, seconded by Washington, tried to push Schuyler to be its head, but Schuyler's problems with Congress over his military rank and career precluded such a bald choice. At the end of October, Gen. Benjamin Lincoln was finally selected as the compromise choice. But until Lincoln assumed his duties in January 1782, Morris ran the War Department through his old friend Richard Peters, secretary of the board of war; and afterwards, Morris was easily able to dominate the weak Lincoln, to allocate the vital war contracts, and even to set policy in handling prisoners of war.

The biggest fight over appointment was over the secretaryship of foreign affairs. Morris' man was Robert R. Livingston, the New York oligarch and Morris' business associate; but here the left, headed by Sam Adams, made its last stand, fighting fiercely for the eminent radical, Arthur Lee of Virginia. After liberal doses of bribery were administered to Congress by the French ambassador, the Chevalier de La Luzerne, who was fiercely pro-right and anti-Adams-Lee, New Jersey and Pennsylvania changed sides and even Virginia was induced to desert Lee. Livingston was chosen foreign secretary on August 8.

Under Livingston's friendly aegis, most diplomatic functions were swiftly added to Morris' power, including corresponding with American ministers abroad, handling the proceeds of all foreign loans, and the power to import or export goods on the account of the U.S. government at his own personal discretion.

To cement his power further over all branches of the federal government, every Monday night Morris called together the major executive officers of government, including Assistant Financier Gouverneur Morris, the secretaries for war and foreign affairs, the commander-in-chief, and the secretary of Congress, in an informal but effective cabinet meeting.

Thus, in a few short months, Congress had surrendered much of its power to single executives, and this power was swiftly fused into the hands of Robert Morris. Before the end of 1781, observers were noting that virtually every function of government had been centralized in the hands of Morris, and that the business of government was thereby being highly "simplified."

Virtually Morris' first act in power was a bill submitted to Congress only three days after taking office: his bold plan to create what was at one and the same time the first commercial bank in the history of the United States, as well as its first central bank. Inspired by the model of the Bank of England, created at the end of the seventeenth century, his object was to institutionalize a permanent interpenetration of public and private business, in a profound sense to make permanent the interpenetration that

Morris had personally achieved during the Revolutionary War. In both its temporary and permanent forms, this was an interpenetration through which public funds, whether obtained through taxation or creation of paper, could be channeled into the private pockets of Morris and his colleagues. Taxing would be necessary to redeem at par that body of depreciated public debt which Morris and his friends so extensively held. This new "Bank of North America" would prevent the nation from lapsing into an economy based on hard money, and would be the device for returning to inflation. This time, however, it would be a more discreet inflation, controlled and managed for the benefit of Morris and company. The razzle-dazzle of complexities and mysteries of high finance—as well as the supposed needs of the vanishing war effort—would serve as the cloak for the hard realities of subsidy to a specially privileged few. Once again, revolutionary America was being pushed far in the direction of the reactionary British reality against which the new nation had struggled to come into existence, and the Bank of North America would have a vital role in this counter-revolution.

The idea of bringing to the United States a private central bank like that of England had been long in the air on the American right, and Alexander Hamilton, Gouverneur Morris, Pelatiah Webster, and the learned Pennsylvania lawyer William Barton had all outlined plans for such a bank.

Morris' bill incorporated a Bank of North America, which was to receive monopoly privileges from the central government in several ways. First, it would be able to issue bank notes payable on demand, which would be receivable in all duties and taxes to all state and federal governments, at a par equivalent to specie. In addition, at least temporarily, no other banks would be permitted to operate in the country. Although the bank was to begin modestly with a private capitalization of \$400,000 in specie, Morris envisioned its notes expanding to become the sole medium of exchange in the country. In short, the bank would have the monopoly license to inflate: in return for its privileges, it would graciously lend its newly created money to the federal government. In short, instead of inflating by simply printing new money, the government would only be able to issue new money by borrowing it from the privately organized Bank of North America.

The public debt holders were not to be forgotten in Morris' scheme. Congress would insure the payment of interest and principal on its debt, and it could be deposited in the Bank of North America, thus becoming backing for the bank's notes. Thus, the oligarchs were to benefit from issuing the new notes, and from being able to deposit their public securities as supposed backing for the notes.

Morris' far-reaching plan passed very quickly at the end of May, and over only minimal and scattered opposition. Only Massachusetts, led by

James Lovell and old Gen. Artemas Ward, voted against the plan, although the moderate nationalist from Virginia, James Madison, balked slightly at the extreme concentration of power, which went far beyond the power conferred by the Articles. As a concession to the powers of the states, however, Congress allowed that the bank could not operate within those states which might forbid it, and that it could merely recommend, not prescribe, that the states receive its notes for all dues and taxes.

Founding owners and directors of the newly created Bank of North America included, apart from Morris himself, his old partner Thomas Willing as president of the bank, and such old friends and business associates as John Swanwick, William Bingham, Cadwalader Morris, Gouverneur Morris, George Clymer, and Jeremiah Wadsworth.

Despite this impressive roster and all of Morris' power and cajolery, the financier was not able to raise anything like the modest legal minimum of \$400,000 in specie capital. All that he could raise was \$70,000, even with the aid of further financial juggling and subsidies to Morris and to his Pennsylvania friends. However, Morris was nothing if not resourceful in dealing with the funds of other people. When \$462,000 in specie arrived as a loan to the United States government from France, he simply appropriated \$254,000 of it to subscribe to his own Bank of North America on behalf of the federal government. This unauthorized act of virtual embezzlement went almost completely uncriticized. For the remainder of his needed "capital," he illegally secured pledges, and Congress incorporated the bank. It began operations on January 7, 1782.

No sooner did it open its doors than Morris borrowed heavily from it for government operations. It could only lend at short term, but its loans to the government during the Morris administration totalled over \$1.2 million. Since the government had to keep repaying loans, however, total notes outstanding at any time did not exceed \$420,000. Morris personally benefited in several ways from these varied operations. The bulk of the specie capital of his bank was supplied by Morris out of government funds; then a multiple of these funds was borrowed back by Morris as government financier for the pecuniary benefit of Morris as banker; and then he channeled the money largely into war contracts for his friends and associates.

Despite Morris' power and eminence, the market in its wisdom knew that it was confronting notes inflated, however limited the extent, beyond specie backing. There was therefore a persistent tendency for the bank notes to depreciate, especially as they travelled from the bank's home base in Philadelphia. Indeed, it was forced to hire men at critical times to persuade redeemers of its notes not to ruin everything by insisting upon specie—a tacit admission of the bank's unsoundness and inherent bank-

ruptcy as an issuer of demand notes beyond the specie available to redeem them.

Apparently Morris was not opposed to government-issued paper when he, personally, was the issuer; in addition to Bank of North America paper, Financier Morris issued his own notes, "Morris notes," signed by Morris or his cashier in the Office of Finance as well as his private business partner, John Swanwick. The Morris notes were payable in specie on demand.

A second form of Morris notes, better termed "Morris warrants," was payable at specified dates—usually in thirty to sixty days. Both forms of notes were receivable in dues and taxes and payable both by the government and then by Morris himself. He hoped that these notes would also help constitute the national currency medium. But Morris notes were even more inclined to depreciate, especially in New England, where they quickly fell by about 15 percent. Morris tried desperately to avoid depreciation, even threatening to force federal officers to make up the difference themselves if they should pay more than specie prices for purchases in Morris notes.

The confidence in Morris notes was never great, especially in New England, and hence these notes rather than specie were paid in taxes, and tax collectors presented them to the Office of Finance for payment. Total Morris notes and Morris warrants issued during 1782 amounted to approximately \$400,000; but by late August, Morris, disheartened by the reception of the notes, decided to stop issuing them and to retire them as they were received in taxes. Even this contraction could not stop the depreciation of the notes in Massachusetts.

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Robert Morris and the Public Debt

Even more important than Morris' monetary program was his fiscal policy—the key to which was taking the Revolutionary War public debt (loan certificates) which had been going the way of the Continentals, and making it a permanent burden upon the body politic. In Morris' phrase, he wanted to bind the national government to powerful "private interest," to the "interests of monied men."

In 1780, Congress had been forced by its financial difficulties to suspend payment of the interest on its debt payable on paper money: the loan certificates issued after March 1778. Morris frankly told Congress that the securing of adequate revenue to pay the interest and eventually the principal of the certificates would cause the highly depreciated market value of these securities to rise. This windfall at the taxpayers' expense would, according to Morris, cause wealth to flow "into those hands which could render it most productive."

Public debt and centralized government were mutually reinforcing. On the one hand, public creditors lobbied for a strong central government in order to raise the value of their securities; on the other, now that the war was about over, only the alleged sanctity of the public debt remained as an argument for strong central government by those who wanted such a government for many reasons of power and pelf.

If the Revolutionary War debt was to be "funded" (its ultimate redemption secured), there were two ways to go about doing it. One way was compatible with the decentralized system of the United States: to apportion the Congressional debt among the states, and to allow the states to

pay their quotas by raising their own taxes. The other way meant an upheaval of the existing system and the eagerly sought completion of the nationalist counter-revolution: keeping the debt national and giving to the central government the crucial power to tax. The conservatives had been able, during the Morris regime, to stretch the powers of Congress far beyond what had been envisioned by the framers of the Articles; but one crucial power of coercive sovereignty the Congress still lacked—the power of taxation. As yet it could only requisition: ask the states to supply funds with no power to enforce its request. To Morris and his cohorts, of course, state apportionment of the public debt was anathema—even though the debt could still have been paid—for then the seizure of the tax power, vital to their cherished principles of national aggrandizement, would have been lost.

Because of the vital political nature of the public debt, both the states and Congress began a seemingly ludicrous race to “liquidate” (formally assume at a certain specie value) a mass of undigested paper certificates as their official debt. The more public debt the states or Congress could accrue, the stronger each of their claims to be the source of taxation—and repayment. For their part, the states had already been asked by Congress (in 1780, before the conservative takeover) to assume all back pay debts to the Continental soldiers. This most of them did, and they also assumed the burden of army pay for the years 1781 and 1782. In order to make these payments, they issued interest-bearing “military certificates,” which became the largest item of state debts after the Revolution.*

The states also assumed the great bulk of Congress’ Quartermaster and Commissary debt. In 1780 they began to accept in taxes the very highly depreciated Quartermaster and Commissary certificates, absorbing about \$130 million in the nominal value of the currency in taxes. In addition, many of the states began to convert the remainder of these certificates into state debts. Generally, the state assumption of federal certificates arose from pressure by the people, who demanded that the states accept both federal and state certificates in taxes. As a result, many of the states at the end of the war “liquidated” (formally adjusted to specie value) these federal certificates as part of the state debt and gave the public state securities in exchange. These securities were soon absorbed in state taxes.

*Robert Morris’ zeal to pay government debts stopped short of paying the exploited Continental soldiery, and his refusal to pay them any salaries in 1781–82 impelled the states to continue assuming the burden. Morris proved far more interested in paying his administrative personnel in order to build up a loyal bureaucracy. He also displayed great interest in repaying, in specie, large sums due to his former business partners, William Bingham and John Rorss. In this, he presumed to pick and choose among all the various accumulated claims on the central government.

Thus, they not only assumed but quickly absorbed these federal debts in taxes, and left little or none as a permanent burden on the citizens. This process went furthest in the southern states. As a result of the almost complete liquidation of federal Quartermaster and Commissary certificates by the southern states, very few southern citizens came to hold the remaining federal certificates. By the mid-1780s, there was over \$3.7 million outstanding in federal Quartermaster and Commissary debt, of which only 7 percent was held by citizens of the states from Maryland southward; in contrast, the greatest concentration of the debt was in New York, New Jersey, and Pennsylvania, which held 83 percent of the debt. The result of this process of state assumption was therefore to increase the concentration of federal debt held in the northern, as opposed to the southern, states.

Meanwhile, Morris pushed Congress to assume all possible remaining public debt. In February 1782, Congress resolved to "liquidate" all existing "unliquidated" federal debt. Commissioners were appointed to travel around and verify all the extant Quartermaster and Commissary notes, to revalue them at their market value in specie, and to exchange them for "final settlement certificates" amounting to over \$3.7 million. The following year, Morris insisted on assuming all federal army debts (which the liberals wanted the states to assume), and \$11 million of final settlement certificates were issued to the soldiery. (The southern states, however, had assumed the Continental army debts within their borders.) The effect of all this was to raise the federal public debt from \$11 million (the specie value of the assumed loan certificates) in 1780 to over \$27 million at the end of the war in 1783. Of this total, the citizens of the South held only 16 percent, even though their proportion of the white population was well over twice that amount.

Robert Morris won his point also. Under the Articles, the procedure agreed upon was that authorized federal and state expenses during the war would be lumped together as "common charges," of which each state would pay its proper share according to the value of its land. In the final settlement, the war expenses of the various states would be reimbursed by the other states. Thus, states which had made heavy expenditures for the common war effort would be reimbursed by those that had made less. But Morris firmly established the federal debt, now greatly expanded, as payable by Congress alone and not by the separate states.

In the various and often fuzzy and confused state claims for repayment by the other states for their war expenditures, Morris saw another opportunity to aggrandize central government power. During the invasion in the latter years of the war, the southern states were forced to incur large military expenditures without observing the formal niceties of Congress-

sional authorization. Now the northern states balked at repaying the southerners in interstate settlements for their wartime burdens. With apparent generosity to the hardpressed southern states, Morris proposed in 1783 that all claims be admitted without cavil, but that the payment be made to them in newly issued federal securities. Furthermore, states which had incurred debts during the course of the war (including the debts for assuming the Quartermaster and Commissary warrants) could then eliminate the debt by simply paying their creditors in federal securities. In short, he was graciously willing to multiply the federal public debt still further, and to assume all state debts and expenses incurred during the war. His plan was premature at the time, but as the states continued to wrangle over the narrow technicalities versus the equity of the southern wartime expenditures, the way remained open for the seeming *deus ex machina* of a federal assumption of all the war-born debts of the states.

Until his cherished dream of a federal taxing power to pay for the public debt and for other purposes could be achieved, Morris did the best he could with the extant requisition system to build up a powerful federal bureaucracy. The states had been accustomed to collecting requisitions for Congress in paper money, and, in fact, to disbursing the money themselves in Congress' name. Congress' loan officers were state appointees, and hence the states could control the expenditures as well as the revenues they raised. As soon as Morris assumed office, he persuaded Congress to insist that all revenues must be paid either in specie or in Morris notes; even Quartermaster and Commissary certificates were no longer to be acceptable for the huge requisitions of \$8 million in 1781 and \$9 million in 1782. Furthermore, he very shrewdly relegated the state-appointed loan officers to clerical duties and appointed his own new staff of tax receivers, who took charge of all monies paid by the states to Congress. Appointed by and beholden to Morris, the tax receivers were usually not residents of the states in which they served, and they were also delegated as Morris' agents to lobby in the state legislatures. They were designed as the eager core awaiting the hoped-for federal taxing system.

Of the appointments as tax receiver, the most important was in the spring of 1782, that of 27-year-old Alexander Hamilton, who had already made his mark as the outstanding theoretician of the American Right. During 1781 and the first half of 1782, he had published *The Continentalist* essays, which called for stronger central government, especially for Congressional powers of taxation. Of all the conservative leaders, Hamilton was one of the first to realize fully the sharp conflict between their program and the liberal policy of *laissez faire* that was growing in adherents at home and abroad. Putting himself squarely on the side of tradition as against "speculative" ideas, Hamilton wrote that

there are some who maintain that trade will regulate itself, and is not to be benefited by the encouragements, or restraints, of government. Such persons will imagine, that there is no need of a common directing power. This is one of those wild speculative paradoxes which have grown into credit among us, contrary to the uniform practice and sense of the most enlightened nations.

Hamilton explicitly invoked the tradition of the supreme French mercantilist Colbert; and he declared that "to preserve the balance of trade in favor of a nation ought to be a leading aim of its policy," even to forcibly preventing individuals from thwarting this aim.

It should be noted that Hamilton considered the adoption of the Articles of Confederation as "a happy event" unless the people would be lulled into believing that the powers they gave to Congress would be enough. After his appointment as tax receiver for New York, in July 1782 Hamilton and his father-in-law, Philip Schuyler, the leader of the New York Senate, drove through the legislature a call for a national constitutional convention to strengthen the Articles, a call probably drafted by Hamilton and approved by Governor Clinton. Meanwhile, Morris suggested to the public creditors that they form an organization in the states to demand the resumption of interest payments on loan office certificates and to call for the establishment of federal taxation. Inspired by Morris, the Philadelphia public creditors met and urged these demands, but Morris privately dressed them down for intemperate remarks and for their obviously sole concern for their own vested economic interest. Instead, he urged a broader alliance with the Quartermaster, Commissary, and other public creditors. Hamilton also organized meetings of public creditors to pressure the federal government, and to enlarge their demands to call for stronger central government overall. In September 1782, Hamilton and Schuyler organized a meeting of New York public creditors at Albany that petitioned the state legislature and Congress and planned a statewide convention at Poughkeepsie to be followed by a national public creditor convention at Philadelphia. Thus they aimed at organizing the nation's public creditors as a vital pressure group for the nationalist program.

But Morris and his confreres soon found that pressure by public creditors could be a two-edged sword. While the creditors preferred the nationalist solution of federal assumption and payment, they also preferred state redemption to no payment at all. The Pennsylvania meeting of public creditors therefore also petitioned the legislature to join the southern states in assuming "unliquidated" federal obligations. The legislature, in response, protested to Congress at the stoppage of interest payment and then warned that it would assume the interest payments due to its own citizens. The following year, 1783, Pennsylvania carried out its threat and gave to the public creditors resident in the state new "certificates of

interest'' receivable in taxes. At the same time, Pennsylvania created new taxes payable half in the interest certificates and half in specie; thus, Pennsylvania created a new state paper money as well as assuming and funding part of the federal public debt. Worse yet for the nationalists, New Hampshire and New Jersey soon followed Pennsylvania's example.

The Drive for a Federal Tariff

Until a federal taxing system could be established by constitutional amendment, however, the conservatives had to confine themselves to establishing a federal taxing power within the Confederation framework. That power, after all, was the critical linchpin of the entire counter-revolutionary program. The haphazard requisition system, leaving power in the hands of the several states, could never supply the firm basis for centralized sovereignty.

In early 1781, they proposed a federal "impost," or import duty, of 5 percent on all goods imported into the U.S. The import revenue was to go to repay interest and principal on the federal debt contracted during the Revolution, both domestic and foreign. The impost power was to continue as long as there was a public debt, i.e., permanently. The states were asked to agree to this power as "vested" in Congress; implicit was to be the collection of this tax by federally appointed collectors. The impost would only yield about \$500,000 a year, no more than \$1,000,000 in peacetime, and this did not suffice to pay even the interest on the public debt that Morris had assumed before the end of the war. But Morris envisioned it as an entering wedge to be eagerly followed by taxes on polls, property, and commodities. Indeed, Morris considered this impost, proposed and adopted by Congress before his accession to office, the key to the success of his entire program. Referring to the impost, he declared, "The political existence of America depends on the accomplishment of this plan."

The impost concept had previously been proposed in Congress by Gouverneur Morris and by none other than Thomas Burke, who by 1780

had shifted drastically rightward; but the 1781 plan was basically steered through Congress by Robert R. Livingston and John Sullivan of New Hampshire. It passed Congress on February 3, 1781. Originally, some conservatives wanted to present the impost plan as a simple revenue measure which would become effective after ratification by the legislatures of nine states. But it was clear to the dullest that the creation of a federal taxing power was a fundamental amendment to the Articles and therefore had to be ratified by every state.

The Right, firmly in control of every state, was optimistic; and Morris threatened, bullied, and cajoled the state legislatures. He pulled out every stop. First, the tax was supposedly absolutely essential to obtain foreign loans, and therefore for winning the war. With the war over except for the formalities, his harangues reached the height of absurdity in early 1782 as he ranted that he “who opposes the grant of such revenue . . . labors to continue the war, and, of consequence, to shed more blood, to produce more devastation, and to extend and prolong the miseries of mankind.”* He was embarrassed by obtaining foreign loans without the tax, but he relieved his embarrassment simply by keeping information of the French loan from the states in order to keep up the pressure for the impost.

When the war argument had become nonsensical to everyone, he shifted his tune to bellow about the sacredness of the public debt and the payment of the creditors. He went so far as to refer to the existence of a large public debt as an “inestimable jewel.” So sacred did the cynical Morris regard the public debt contract that he deliberately stopped all interest payments on federal loan certificates in 1782 in order to prod the public creditors into the pressure campaign we have noted at the end of the last chapter. He exulted to Benjamin Franklin about his “well-grounded expectation that the claims of the public creditors would induce the states to adopt the impost.”

Cajolery, threats, pressure—including sending teams of congressmen to persuade state legislatures—joined to tight conservative control of the politics of the country, drove the impost through all the states except one by the autumn of 1782. Only Rhode Island remained, and it seemed inconceivable that this little state could refuse to ratify when all the others had agreed.** Furthermore, Rhode Island Congressman Gen. James M. Varnum was one of the leaders of the nationalists, and he and his fellow conservative, Congressman Daniel Mowry, had been in control of the politics of that state. Congress confidently demanded an immediate deci-

*See Ferguson, *The Power of the Purse*, p. 147.

**Georgia, too, had not yet agreed; but Georgia had been until recently occupied by the British. Under restored royal government, and unrepresented in Congress, it did not count.

sion from Rhode Island, and Morris declared that the impost "may be considered as being already granted."

The left was demoralized, fragmented, its leadership ousted or gone; there seemed to be no force in the entire country that could stop the Nationalist-conservative juggernaut. Even Tom Paine had already literally sold out radical principles by secretly hiring out his eloquent and renowned pen to conservative monied interests, first to the briber and master French intriguer La Luzerne, and then to the land speculators. Almost miraculously an unknown David to "slay" the Philistine Morris and his well-constructed Nationalist machine was somehow found: David Howell of Rhode Island.

A political upheaval in Rhode Island in the spring of 1782 had ousted General Varnum and his colleagues from the Continental Congress and replaced them by liberals allied with commercial interests in Providence. The war and British invasion had all but wrecked Newport and shifted its prosperity to Providence, now the center of Rhode Island trade; and for its prosperity this basically entrepôt commerce required freedom of trade unhobbled by a tariff. Furthermore, the merchants and liberals sensibly saw no reason why Rhode Island trade had to be penalized and crippled in order to pay public creditors from other states. David Howell, leader of the liberals, was a professor at Brown University and he was chosen for Congress along with his Providence colleagues, Dr. Jonathan Arnold and John Collins.*

Upon arriving at Philadelphia in early June, Howell began virtually a one-man campaign against the impost, and attacked other centralizing measures as well. Emboldened by his efforts, the Rhode Island legislature postponed considering the impost in early September, leading the Congress to make its peremptory demand for Rhode Island's acceptance. At that point, Howell and Arnold advised the state legislature to reject the impost which, if granted, would bring about a huge permanent federal machine, with ever larger expenditures and taxes. Bureaucrats would multiply—"a numerous train of officers concerned in the collection and after management of the revenue, the tribes of half-pay officers, pensioners and public creditors. . . ." This program, eloquently warned the two Rhode Island delegates, would indeed complete "the bond of Union," in the favorite phrase of Morris and his supporters. But "we will add the yoke of tyranny fixed on all the states, and the chains riveted." They reminded the Rhode Island legislature that the object of the seven years

*It is characteristic of a man such as Howell that he romantically signed his able anti-impost articles in the *Providence Gazette* in the spring of 1782, "A Farmer," and characteristic of all too many historians to be misled into thinking that the Rhode Island anti-tariff movement was basically "agrarian." See Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781-1788* (Chapel Hill, N.C.: University of North Carolina Press, 1961), p. 88.

of revolution “has been to preserve the liberties of the country, and not to assume into our own hands the power of governing tyrannically.”

To counter the Howell forces, Morris and his group organized a heavy pressure barrage upon Rhode Island. Thus, with only the knowledge of Livingston, Washington, and Gouverneur Morris, Robert Morris secretly hired Tom Paine to write articles attacking Rhode Island opposition to the impost. The conservatives organized a hysterical campaign of vilification of Howell, which led to his censure by Congress (unanimously but for Rhode Island) for disclosing important facts about the progress of foreign loans that Congress had deliberately kept secret in order to build up pressure for an impost.

Just as Congress prepared to send a commission to Rhode Island to put pressure upon it, it received the stunning news at the end of December that Virginia had repealed its ratification of the impost. The critical plank in the nationalist program—the federal impost—had failed. The repeal by the Virginia legislature occurred so quickly and quietly that such conservative leaders as Edmund Randolph and Gov. Benjamin Harrison could not understand what had happened. But with the English invasion of Virginia over, an impost passed as an emergency war measure had now been considered more soberly. As in the case of the public creditors, Morris' arguments had backfired, and Virginia balked at allowing federal tax officials levy a tax that could be retained permanently. The impost plan was dead, and the right-wing juggernaut had been stopped, almost at the last minute.

The Newburgh Conspiracy

The conservatives would not simply give up and abandon their dreams of centralized rule. If the peaceful road of passing an impost was blocked, then more drastic means would have to be found. Moreover, the right knew that it was pressed for time; soon the war would be over in all formality, and the cover of the war effort could no longer be used as a prop for centralizing government power. Thus, both Robert and Gouverneur Morris saw that peace would be fatal to their hopes of greatly expanding federal power. To the conservatives, it appeared to be now or never. One solution would have been a convention for a new constitution; and Hamilton and Schuyler had already pushed a recommendation for such a convention through the New York legislature in mid-1782. But there was scarcely time for such a drive.

The conservatives found their immediate opportunity in rising discontent among the officers of the Continental Army. Thanks to Washington's drive for a conventional, disciplined army, the radical principles of a democratic army were vitiated, and an officer caste, highly paid in relation to the common soldier, was established during the war. The officers longed for the standard European system of half-pay pensions for life after the war; and in the fall of 1780, the triumphant conservatives in Congress, eager to establish an officer caste and a permanent standing army as an integral part of their nationalist plans, promised half-pay for life to the officers. But the states, more influenced by the radical hostility to the military, began to balk, and Congress, too, showed no signs of carrying through its promise. Time was also getting short for the officer caste, for peace would bring demobilization, weakening the potential counter-revo-

lutionary pressure that the army might exert. It was now or never for the officers, and their aims now coincided with those of the right.

A delegation of three army officers, headed by Gen. Alexander McDougall, submitted the officers' petition to Congress in early January 1783. The officers demanded payment of arrears, and, above all, half-pay for life, actuarially commuted into a payment of six years' full salary. Otherwise, they warned, "fatal consequences" would follow. Congress, led by antimilitarist New England, rejected the proposal, but while in the capital the delegates conferred with the leaders of the Right: the Morrises, James Wilson, and Alexander Hamilton, now a member of Congress. These persuaded the officers to unite with the public creditors to try to obtain a centralized government with the power to tax and then to pay their claims. Robert Morris warned the officers that their demands—so useful to his schemes—must be made solely upon the federal government and *not* be referred back to the states. Generals McDougall and Knox, and Gouverneur Morris, spread the word of the new unity of the vested interests in federal government claims, and discreet hints began to circulate of an army coup, should Congress not capitulate. Arthur Lee, acutely worried, wrote to his fellow antimilitarist Samuel Adams that "the terror of a mutinying army is played off with considerable efficacy." He reported also that unwelcome memories were being awakened of Cromwell's counter-revolutionary coup during the English Revolution, when he and his army crushed Parliament for attempting to disband the army without meeting its demands for pay. Gouverneur Morris exulted to John Jay, "The army has swords in their hands. You know enough of the history of mankind to know much more than I have said. . . ." Or, as he explicitly and revealingly added, "You and I, my friend, know by experience, that when a few men of sense and spirit get together, and declare that they are the authority, such few as are of a different opinion may easily be convinced of their mistake by that powerful argument the halter."

With opinion in Philadelphia sufficiently alerted, it now became necessary to whip up the army. On March 8, Col. Walter Stewart, holder of a large amount of public securities and acting as an agent for Morris and his cohorts, arrived at Newburgh, where the Continental Army was stationed. Soon it was widely rumored that the army would refuse to disband, and, standing with the public creditors and aided by Morris, it would revolt against Congress. Asked by his close friend William Duer how the troops would be fed if they launched a coup against Congress, and in a sense against their country, Morris smugly answered, "I will feed them."

On March 10, 1783, the conspirators decided to move. John Armstrong, Jr., an aide to General Gates and the young son of a fiery Pennsylvania radical, circulated his explosive "Newburgh Address." In the address, he attacked the idea of moderation, and called for an officers'

meeting for March 11, to draw up a last remonstrance to Congress, a remonstrance which would be followed by an army revolt. And so the conservative conspirators began to put their plans for a military coup into effect.

To whipsaw Congress, Robert Morris had submitted his resignation at the end of January. This sudden and surprising move hit the Congress with the force of a thunderclap. It was an arrogant attempt at blackmail, for his resignation was to take effect at the end of May, *unless* Congress had by then established a system for the permanent funding of the public debt. He also took care to publish his resignation threat in the press, thus maximizing the pressure upon Congress from all sides. What Morris was demanding was that it *order* the states to pay a full schedule of federal taxes (internal as well as impost) if they did not pay their full quota of the federal debt within a year; this was to be an open assumption and seizure of an overriding tax power under the Confederation. The evident unconstitutionality of such dictation was swept aside. As Ferguson points out, "This ultimatum to Congress makes no sense except in the light of its timing to coincide with the army conspiracy."*

The final and critical link in the plan for a rightist coup was to persuade George Washington, a man of enormous if undeserved prestige as the victor of the Revolutionary War, to join in the scheme. Only the mighty Washington could successfully take the reins of a military coup d'état. Alexander Hamilton's main role, then, was to convince the commander-in-chief. He urged Washington to intervene, in conjunction with General Knox, to "bring order, perhaps even good . . . out of confusion." But Washington, while highly in sympathy with the conservatives' goals, staunchly refused to take the path of a military coup, a course that would be "productive of civil commotions and end in blood."

Stepping in to avert the plot, Washington ordered postponement of the officers' meeting until March 15, when the report of the delegates to Congress could be considered. Armstrong countered quickly with his second Newburgh Address, frantically calling upon the officers to turn their arms against the government, to seize the vital moment, and to "carry your appeal from the justice to the fears of government." Otherwise, the officers would only "wade through the vile mire of dependency" and "go, starve, and be forgotten." He also maintained that Washington was secretly in favor of his plan. But at the officers' meeting, Washington made a highly emotional speech in behalf of legal means, and he attacked the author of the addresses as perhaps an agent of the British, plotting disruption. In this climate, the conspirators could only suppress their bitter disappointment and vote unanimously to offer their loyalty to Congress

*Ferguson, *The Power of the Purse*, p. 161.

and to condemn the Armstrong addresses. In return, Washington sent an urgent message to Congress pressing it to meet the officers' demands. Hamilton, seeing the way the wind was blowing, hastened to assure Washington that he had not meant to urge illegal means.

While the Newburgh Conspiracy had collapsed upon the rebuff of Washington, Congress was still under the twin blackmail threats of the army and the resignation of the Financier. Congress did agree to grant the army officers five years' full pay in commutation of the promised pension. The pay would be in federal securities, thus adding the officers' committed pensions to the rest of the growing body of the public debt.

But the major nationalist demand, as before, was for a federal taxing program. Morris, Hamilton, and Wilson demanded a comprehensive federal taxing system collected and administered by federal officers. James Madison also led in the struggle for federal taxation. But various taxes met strong opposition. Richard Henry Lee was an effective opponent, and the hard core of the radicals, headed by his brother Arthur and the Rhode Island delegation, opposed any federal tax whatsoever. Furthermore, the clear restrictions of the Articles of Confederation helped the left greatly; as Arthur Lee declared, "The Confederation is a stumbling block to those who wish to introduce new and . . . arbitrary systems."

Rather than try to drive through a federal tax program, however, Congress finally fell back in April 1783 on a second request for an impost. This time the impost bill was modified: the grant of power to Congress for an impost was to be for twenty-five years instead of permanently, and the collectors would be appointed by the several states. However, for twenty-five years the federal government would also have the power to raise \$1.5 million a year in estate taxes.

Hamilton held out to the last, supporting the bill, but voting against it as a protest against the surrender of conservative goals, while Jonathan Arnold and John Collins voted against the impost, partly because the collectors would still be federal officers. Arnold, in fact, charged that the impost was a device to undo the Revolution. Morris, who had put his political career on the line, was also scornful of the compromise; and while he consented to stay in office until the end of 1784, his power rapidly melted away. For the nub of the conservatives' program—the federal taxing power—had been rebuffed, and now Congress' ratification of the peace treaty on April 15, 1783, meant that the pressure for centralization had passed away. Washington, highly critical of the Morrises for using the army's demands as a weapon in their drive for centralized power, remained as a bulwark against any coup. Furthermore, Congress' attempt to keep the army in being until Britain's final ratification failed, as soldiers, eager to get home, protested, mutinied, and insulted their officers. Soon, the entire army disintegrated under this pressure from below except for

Washington's own command. Congress authorized him to grant a wholesale furlough at the end of May, and within a month the Continental Army, its work obviously done, had virtually dissolved, ignoring the demands of its officer corps that it remain. Some of the departing soldiers were lucky enough to receive three months' pay in Morris notes, while the noncommissioned officers were thwarted in their demands for five years' pay. Unlike the officer caste, the soldiers did not pressure for grandiose terminal pay nor did they threaten a military coup or call for a permanent standing army.

The Fall of Morris and the Emergence of the Order of the Cincinnati

Robert Morris' last year in office was a far cry from his all-powerful role as war dictator. Rueing the failure of the nationalists' dreams, Morris found his power confined to administrative tasks in his own department and to redeeming Morris notes. Many leading nationalists quit federal office in disgust: Hamilton retiring from Congress to practice law in New York, Madison declining to serve out his term, Livingston resigning as secretary of foreign affairs to resume his old post as chancellor of New York. Gouverneur Morris resigned as Robert Morris' assistant. The rotation in office imposed by the Articles' injunction against more than three consecutive years in Congress insured the retirement of many of the ultranationalists. Furthermore, after being subjected to harassment by hundreds of mutinous Pennsylvania troops in late spring 1783 demanding the pay due them, Congress left Philadelphia, the home of Morris and the public creditors' pressure, and retired first to Princeton and then to Annapolis. This change of atmosphere helped considerably to shift Congressional opinion from right to left, ending what David Howell called the "poisonous influence" of the Pennsylvania metropolis. And the young Massachusetts liberal Samuel Osgood claimed that the removal from Philadelphia eliminated "systems which would finally have ended in absolute aristocracy."

Morris' Bank of North America was also eased out of its status as a central bank during 1783, to revert to the status of a private bank chartered by the state of Pennsylvania. By mid-1782, the bank had \$400,000 of loans outstanding to the U.S. government, and the government in turn owned five-eighths of the its capital. In December Morris, uneasy at the

close link between government and bank as his political power threatened to dwindle, began in December to systematically disengage the two institutions. By July 1783, all of the federal government's stock in the Bank of North America had been sold to private hands, chiefly to Dutch capitalists; and by the end of 1783, all the U.S. government debt to the bank had been repaid. The danger of a central bank was ended for the time being, although the bank continued to discount short-term notes for the government.

Morris once more came under congressional fire for the mixing of the public and his private interests; and it was revealed that by quietly giving special redemption status in specie to his own Morris notes, he was aiding his business partners who were speculating in these tickets. The grasping and once dictatorial Morris had become, in a brief period, a personal liability to the centralizing cause, a liability that stimulated liberalism in such Massachusetts delegates as the wealthy merchant Stephen Higginson. Higginson's major objection to the impost was that it was part of the scheme, the "web," of Morris and his middle state cohorts; much of the southern opposition was also inspired by hostility to the financier.

The nationalist forces had succeeded in some of their plans: executive departments had been established within the Confederation (itself a centralizing of power beyond the original Continental Congress); the northwestern lands were being nationalized into the hands of Congress; and a great deal of the Revolutionary War debt had been assumed by the federal authority. But in the main tasks, the perpetuation of control by Morris and the financial oligarchy, the establishment of a permanent federal taxing power and of a permanent national standing army, the reactionaries had failed. With the end of the war, nationalist power ebbed strongly and Morris was thoroughly discredited. But the brilliant, wealthy coterie of Nationalist leaders was not about to abandon its plans; instead, these men bided their time and waited for a period of popular discontent which they might be able to channel toward the creation of central national power. For his part, Hamilton brooded once more on a scheme for a new constitutional convention to give overriding power to a central government with taxing power, a funding of the public debt, a central bank, and a permanent standing army.

The right wing did, however, not brood and bide its time without an organization, a nucleus in being for future mischief. This especially held true of the old officer corps, which could form a mass base for the intrigues of the oligarchs. Hence, on May 10, 1783, shortly before the disbanding of the Continental Army, many of the officer corps formed the Order of the Cincinnati. Here was an organization that could keep up at least a modicum of military pressure for nationalist ends. It was fitting that the idea for the society came from its secretary, General Knox, and that its first

presiding officer was the Prussian "Baron von" Steuben. George Washington was, of course, selected as president-general, to be succeeded at his death by Alexander Hamilton. Branch societies were formed in each of the thirteen states, and even in France among the returning volunteers of the American Revolutionary War.

The society's membership was to be strictly hereditary, confined to eldest sons of members of the order, though some like-minded honorary members could be elected. This flagrantly aristocratic provision, combined with its obviously reactionary and militaristic complexion, played a large role in stimulating the radical cause by inspiring public opposition against the Order of the Cincinnati.

All over the country, indeed, opposition swelled against the blatantly militaristic Cincinnati. Even John Adams was severely critical, as were Benjamin Franklin and John Jay. But the man who galvanized the opposition was Judge Aedanus Burke of the Supreme Court of South Carolina. Burke's pamphlet of 1783, *Considerations on the Society or Order of Cincinnati*, blasted the order in no uncertain terms as planted "in a fiery hot ambition, and thirst for power; and its branches will end in tyranny by a hereditary aristocracy." Although New England had been the center of antimilitarism and opposition to commutation pay for officers, it took Judge Burke's pamphlet to arouse New Englanders to the menace of the Cincinnati. Connecticut had been the main center of opposition for the commutation pay for the officers; pamphlets and town meetings had condemned the settlement, as had the lower house of the legislature. The financial burdens of the scheme upon the taxpayers, the privileges to the officer caste, and the encroachment of Congress on the powers of the states in pledging payment, were the reasons for Connecticut's opposition to the Cincinnati. Now, Judge Burke's pamphlet was reprinted twice in Hartford and commended by a statewide anti-commutation-pay convention at Middletown.

The Middletown convention, which met three times during the winter of 1783-84, was the highwater mark of opposition to commutation pay in Connecticut. It appointed a standing committee headed by the veteran officer Capt. Hugh Ledlie of Hartford, formerly one of the Sons of Liberty at Windham. The revolutionary implications of the convention method aroused hostility in the press, as well as condemnation by the vacillating liberal Sam Adams, who refused even to support the movement.

Rhode Island's hostility to commutation pay was also quickly widened by a Newport edition of Burke's pamphlet to hatred of the Cincinnati. In the spring of 1784, Rhode Island even toyed with the idea of disfranchising members of the Cincinnati, and barring them from public office. Burke's pamphlet, reprinted in the *Boston Independent Chronicle*, also stirred great opposition to the Cincinnati in Massachusetts. Liberal leaders Sam Adams, Samuel Osgood, and Elbridge Gerry, denounced the Cincinnati

as leading toward a "hereditary military nobility." In late March 1784, the Massachusetts legislature condemned the Order of the Cincinnati, as "tending, if unrestrained, to *imperium in imperio*, and consequently to confusion and the subversion of public liberty." Hereditary distinctions could lead to a hereditary nobility. The legislature therefore concluded that the Cincinnati was "unjustifiable, and . . . may be dangerous to the peace, liberty and safety" of Massachusetts and of the United States. A Cambridge town meeting instructed its representatives to outlaw the order, and in North Carolina, a bill was introduced to bar any Cincinnati member from taking a seat in either house of the legislature.

Perhaps the most remarkable influence of Burke's pamphlet was in France. There, Franklin gave the pamphlet to the liberal leader Comte Honoré de Mirabeau, who was moved to expand it into a pamphlet of his own, *Considérations sur l'ordre de Cincinnatus*, which was quickly translated into English and German. Mirabeau's pamphlet, evidently written with the particular conditions of his own country in mind, included a bitter attack on the monarchy and aristocracy under which, in contrast to republics, men were not equal before the law. The Cincinnati, in opposition to republican principles, would introduce into America an "eternal race of aristocrats, who may soon usurp those insulting titles by which the European nobility crush the simple citizens, their equals and brothers."

Buffeted by the upsurge of hostility, Washington asked Thomas Jefferson, now in Congress, his opinion of the order, and this moderate liberal's view proved decisive in determining Washington's course. Jefferson wrote strongly that the society's very foundation violated both the natural equality of man and the spirit of such equality before the law upon which American institutions were built. At the first general meeting of the Cincinnati in May 1784, in response to this opinion, Washington once again smashed at a particularly cherished goal of his friends on the far right. He forced the meeting to abolish all inherited and honorary memberships, and to confine the organization to dispensing charity. But this time his well-meaning intervention had quite a different impact, for the national meeting's changes were null and void unless ratified by each of the constituent state societies, and this they refused to do. Yet public opinion took the shadow for the substance, and it was widely believed that the sweeping changes demanded by Washington had in fact been made. Criticism died down, and the Order of the Cincinnati remained as a reactionary canker upon the body politic.

The Western Lands and the Ordinance of 1784

As the Revolutionary War drew to a close, the settlement of the sovereignty over the lands of the Northwest became even more important. At the beginning of 1781, Virginia had ceded the lands north of the Ohio River to the Continental Congress, and Maryland was then persuaded to drop her objections to the Articles of Confederation. But the problem of the western lands was far from over, for Virginia had agreed to cession only if Congress voided the claims of the land speculators influencing middle states opinion. The speculative Indiana, Illinois and Wabash land companies fought back, urging Congress to refuse cession on those terms. The companies' powerful lobbyists included James Wilson, Benjamin Franklin, Samuel Wharton (Congressman from Delaware), and Bernard Gratz.

With the Virginians battling the land speculators, a lengthy stalemate developed in Congress. The western domain, however, looked attractive to Congress as a means of raising revenue by selling parcels of land; furthermore, it had promised land bounties to veteran officers, and these could only be extracted from the western lands. Congressional favor began to shift toward cession and against the land companies. Finally, a committee of Congress which included such pro-Virginians as John Rutledge and James Madison reported in early June 1783, implicitly accepting Virginia demands. Maryland and New Jersey delegates objected strenuously but were overruled. Virginia's cession was then finally accepted in mid-September and Virginia reaffirmed the cession of Northwest claims on modified terms at the end of the year, but had to be content with a tacit rather than an explicit acceptance of her proviso. The following March 1,

Congress officially ratified the confirmed Virginia cession, with only New Jersey (and presumably Maryland, if she had been represented in the chamber at the time) voting nay. New Jersey, it may be noted, had come so thoroughly under the spell of the land companies that George Morgan, agent of the Indiana Company, had also been appointed agent of the state by the New Jersey legislature.

The terms of Virginia's cession had not only worked to void the claims of the land speculators; they also pledged Congress eventually to carve several states out of the new territory, each to have the same rights as other states to "sovereignty, freedom, and independence." This provision was embodied in the Ordinance of 1784, adopted in late April and drafted and steered through Congress by Jefferson. This ordinance laid down the pattern for future American land policy, especially in the carving out of separate states. While the public domain was unfortunately nationalized and the settlers subjected to the domination of Congress, Virginia's proviso made sure that the new territories would eventually govern themselves, and not remain as permanent subjects of the original eastern states. But that tutelage period of congressional domination was long enough to make the Civil War inevitable—for it meant that the governing of new areas would have to be decided by a Congress which might contain within it irreconcilable sectional or ideological conflicts. Nationalizing the public domain meant also the nationalizing—the maximizing—of conflicts over its political and social systems. The broad impact of the Ordinance of 1784, furthermore, was heightened by the fact that it applied not only to the Northwest lands but also to any other lands that might be ceded to Congress by the individual states, a reflection of Jefferson's anticipating Virginia's ceding of the Kentucky lands into a separate state.

The specific form of government for all new territories under the ordinance was to create temporary territorial self-governments, followed by the formation of permanent states. Both would be subject to the Articles of Confederation. They would not be allowed to secede from the United States, they would be responsible for their share of the public debt, and they would be republican in form. Jefferson tried manfully to include the requirement that the western territories create no hereditary titles, nor allow any slaves or indentured servants after 1800. Given national control over western territories, only *one* proviso would have been consistent with liberty and justice *and* would have avoided the Civil War from the very beginning: Jefferson's plan for the early outlawing of slavery. Only nipping the slave question in the bud might have prevented the vast conflict and bloodshed that was to come. But the slavery proviso—which significantly applied to Southwest as well as Northwest lands—lost by a single vote: only six states agreed out of thirteen. The four New England states, New York, and Pennsylvania voted for the prohibition; but the illness of

New Jersey's John Beatty deprived the proviso of the seven affirmative votes required. The opposition to the slavery proviso was led by Richard Dobbs Spaight of North Carolina and Jacob Read of South Carolina. All of this points up the growing sectional North-South division over slavery in the United States, a division that had begun years before around the controversy over the basis of apportioning tax requisitions under the Articles. In the 1784 vote, the northern states were lined up against slavery, and the southern—with the exception of a few liberals such as Jefferson and his young Virginian disciple James Monroe—in favor.*

*In the controversy concerning the impost proposed by Congress in April 1783, the northern states had won a victory by projecting a change in the basis of requisitioning under the Articles. Instead of the value of ground land and improvements, the basis was proposed to be population—but this time a concession was made to the South in that only three-fifths of the slaves would be counted. This again points up the growing sectional disputes based upon slavery.

Following the work of Max Farrand at the beginning of the twentieth century, historians have, until very recently, almost completely deprecated the important role of sectional and slavery conflicts during the 1780s. For an analysis of this error, see Staughton Lynd, "The Abolitionist Critique of the United States Constitution," in Martin Duberman, ed., *The Anti-Slavery Vanguard* (Princeton: Princeton University Press, 1965), pp. 209–239. On the Ordinance of 1784, see *ibid.* pp. 221ff.

The Republic of Vermont

Still another territory of ambivalent status was Vermont. As late as 1778, Vermont, an independent republic, had not been recognized by the United States or accepted as a state. The acceptance of the western New Hampshire river towns as part of Vermont incurred the intense hostility of New Hampshire and of the United States, and the Westside Vermont towns succeeded in expelling their new acquisition, though at the price of threatened secession by the Eastside towns in union with their confreges on the other side of the Connecticut River. Soon the Eastside towns erupted against their tormentors in the West. In the spring of 1779, the bulk of the towns on both sides of the Connecticut River inconsistently called for the New Hampshire conquest of all Vermont. (Any stick with which to beat their Westside oppressors!) But the major war raged in the southeastern towns, which were generally loyal to New York. Vermont—not very consistently—was unwilling to allow its southeastern towns (Brattleboro, Guilford, and others) the self-determination that it claimed for itself. It began confiscating cows in lieu of compulsory military service in the southeast, and Yorker crowds led by Eleazer Patterson, colonel in the New York militia, began recapturing the cows and returning them to their original owners. The “Cow War” was on. Patterson kept pleading with Governor Clinton of New York to come to the aid of the suffering Yorkers against the Vermont invasion, but Clinton, beset by a large threat from the British, sent only promises and encouragement.

Unchecked by New York intervention, the petty despots of Vermont sent Ethan Allen and a hundred men to crush the lower Eastside rebellion. No resistance was offered to the formidable Allen, who arrested Patterson

and all the Yorker militia officers. The hapless militiamen were tried under a new law, ironically prohibiting the disregard of "constituted authority." But Vermont shrewdly let the insurgents off with light fines and granted amnesty to all political prisoners, thus taking all the steam from Congress' order, incited by New York, to release all such prisoners.

During the summer of 1779, the lower Eastsiders petitioned Congress for New York's claim and against Vermont's admission as a state, while New Hampshire voted to incorporate Vermont into her own territory. In the face of these conflicting threats, Vermont acted boldly, defying one and all, and subtly raised the spectre of a possible separate peace with Great Britain. This placed her existence in great peril, for all of her enemy states agreed to place the power of decision over her fate into the hands of Congress. Congress arranged to make the decision on February 1, 1780, meanwhile ominously ordering Vermont to cease granting land or selling confiscated Tory property. The death knell seemed at hand for the independent state of Vermont.

But under the leadership of the Allens, Vermont defied Congress. As a separate republic, she continued to make land sales and published several pamphlets by Ethan and Ira Allen for the Vermont cause. Under this shrewd defiance and the blows of the British invasion in the South, Congress sidestepped any real decision, and confined itself to strongly denouncing Vermont's behavior. Then, in mid-September, Vermont Governor Thomas Chittenden presented to Congress a flat and open threat. Since Congress had refused to admit Vermont as a state, Vermont would feel free to accept separate peace terms from Great Britain. Great Britain began secret negotiations with the little republic, and Vermont shrewdly used these to continue to stave off a British invasion from the north. A Congress frightened by this great show of determination postponed matters once more.

Meanwhile, all the disaffected men of the Eastside—the river towns as well as the Yorkers—decided to unite against their Vermont oppressors. Meeting at Charlestown, on the east bank of the Connecticut River, in mid-January 1781, delegates from 43 towns in eastern Vermont and western New Hampshire decided overwhelmingly to join the state of New Hampshire. But Ira Allen, wheeling and dealing, persuaded the convention to reverse itself and vote the Eastside towns back into Vermont. In return, he promised once again that Vermont would take the western New Hampshire towns back into the Vermont republic—an act that would mollify the towns on both sides of the Connecticut River.

Vermont's daring in the face of enemies on all sides was phenomenal. Dickering with Britain to stave off attack, defying New Hampshire by incorporating her western towns once again, it now moved to incorporate New York towns on her western boundary which were disgruntled by

New York's failure to protect them against Carleton and grateful for Vermont's truce with Great Britain which by design included them as well. The New York towns lying west of Vermont's border and east of the Hudson and Lake George responded to the invitation with enthusiasm, and met in mid-May at Cambridge to apply immediately for inclusion in Vermont. The June session of the Vermont legislature eagerly accepted the reentrance of the New York towns.

Vermont was now united internally, but at the expense of the implacable enmity of New Hampshire and New York. In response to Congress' demand to surrender the towns that had seceded from New Hampshire and New York, she sturdily informed it that she could not do so until admitted as a state. Yorktown finally eliminated the threat of British invasion, but again opened Vermont to attacks from its jealous neighbors. New York sent a troop of militia under Col. John van Rensselaer to try to recover the seceding New York areas, called "the West Union." But New York militiamen began to desert *en masse* and defect to the ranks of Vermont, and the New York force, worn down to 80 men, fled at the arrival of Ethan Allen and his 500 Vermonters. Trouble also sprang up in the "East Union," the former New Hampshire river towns, with Vermont and New Hampshire imprisoning each other's officials. An angry mob rescued a pro-Vermont official from a jail in Keene, and the furious New Hampshire legislature delivered an ultimatum to Vermont to get off the East Union territory in 40 days or suffer a full-scale invasion by 1,000 New Hampshire troops. And the southeast Yorkers sprang up once more to urge Vermont inclusion in the state of New York.

At this point, Vermont's bold determination and high resolve were dissolved as if by magic, by the advice of the now charismatic George Washington. In January 1782, Washington gravely advised Vermont to surrender the West and East Union towns to New York and New Hampshire respectively, after which Congress would surely admit Vermont promptly into the Union as the fourteenth state. Vermont rapidly divested itself of these acquisitions, even though this meant the betrayal of the hopes of the East and West Unioners. Perhaps symbolically, it did this on Washington's birthday. But with the territory removed from Vermont hands, Congress conveniently forgot its part of the bargain and tabled the whole issue, now that the British threat was over. New York and New Hampshire began to move in for the kill, and New York passed a law pardoning all citizens of Vermont and recognizing all grants of land made there by New Hampshire or by Vermont itself. The southeast towns redoubled their urgings to be incorporated into New York and the East-side towns did the same for New Hampshire.

At this point, rebellion and conflict broke out in the southeast, launched by a Yorker movement centering in Guilford. In this unstable situation,

Vermont felt it could play New Hampshire and New York against each other, since in any partition of Vermont the entire Eastside was scheduled to go to New Hampshire and not to New York. Neither state could then intervene in the fray. The second Cow War began once more over attempted conscription into Vermont's militia, leading to refusal, consequent confiscation and sale of the refusers' cows by Vermont. A Yorker mob reconfiscated Joel Bigelow's cow and the fracas had begun again. Now New York state finally and officially organized Cumberland County in the southeast, appointing sheriffs, judges, and militia officers.

In the face of a threatened Vermont invasion, the southeasterners were scarcely deterred by Vermont's passivity and mild treatment of the affair. Yorker prisoners were forcibly released, and Yorkers refused to pay taxes to the republic of Vermont. Finally, in mid-September, Vermont sent Ethan and Ira Allen and over 200 men into Cumberland, and they promptly rounded up the leading Yorker officials. The blustering threats of the highly feared Ethan Allen to lay waste to Guilford quelled that town's attempt at resistance. A Vermont court decreed permanent banishment from the republic for the five leading Yorker rebels and confiscation of their property. Many other Yorker officials were fined or banished, and Ethan Allen accurately taunted the Yorkers: "You have called on your god, Clinton, till you are tired. Call now on your god, Congress, and they will answer you as Clinton has done." But while no rescue came, the banished leaders were soon readmitted and resumed their rebellious activities, and were once more arrested and pardoned, and took up rebellion again, and so on in a seemingly endless cycle.

While Washington tried to soften Congress' newly aroused hostility to Vermont, Governor Clinton continued in implacable opposition. But as the war with Britain came to an end, both Clinton and Congress were finally getting increasingly weary of the whole Vermont problem—precisely what the Vermonters had been counting on. Mounting rebellion in the southeast finally led to a second invasion by 300 Vermont militia under Col. Stephen Bradley in mid-January 1784, and this invasion again quelled the southeast revolt. With the death of the leader of the rebellion, Charles Phelps of Marlboro, the seemingly interminable Yorker revolt came to an end. Vermont still stood as an independent republic, albeit shorn of its expanded East and West Union towns, its eventual admission to the Confederation apparently inevitable.

PART IX

The Impact of the Revolution

76

Oppressing the Tories

A myth has been promulgated by neoconservative historians that the American Revolution was a uniquely mild revolution, so mild as to be scarcely a revolution at all. In an America that now frowns strongly on the concept of revolution, this sort of mythologizing should not come as a surprise. The revolutionaries' treatment of its Tory minority, however, scarcely fits this myth. Civil war raged throughout the United States, and Tory terror bands abounded in North and South. An estimated 50,000 American Tories joined the British army during the course of the Revolution, and during the 1780–81 campaign 10,000 Loyalists were under arms. In this kind of ferocious civil conflict, in which the life of the Revolution itself was at stake, it is unreasonable to expect consistently libertarian methods of handling the Tories from even the most liberal supporters of the Revolution. The nineteenth century Canadian historian Egerton Ryerson was quite right in pointing out the inconsistency of the revolutionaries: "The Declaration of Independence had been made in the name of and for the professed purposes of liberty; but the very first acts under it were to deprive a large portion of the colonists not only of liberty of action, but liberty of thought and opinion. . . ."*

Everywhere Tories were deprived of civil rights and freedom of speech and press; they were especially taxed, and were arrested for the duration of the war on mere suspicion and without benefit of habeas corpus. They were herded together and shipped into prison camps far from the British lines, in which they were sometimes forced to work for the Revolution;

*Cited in North Callahan, *Royal Raiders* (Indianapolis: Bobbs Merrill, 1963), p. 8.

they were tarred and feathered, banished, and their lands and properties were confiscated by the State. Sometimes they were even executed. They were forced to take test oaths, they were disfranchised and barred from public office, and they were generally forbidden to practice as professional men. In many cases family punishment was imposed, and relatives of absent Tories were jailed for the behavior of their errant kinsmen and held as hostages. Local vigilante action kept watch on suspected Tories and imposed harsh penalties on them.

Banishment from the country—with little money allowed to be taken out—was a favorite punishment for Tories and suspected Tories. Thus, Massachusetts began its systematic policy of banishment in 1777, by providing for majorities at town meetings to name Tories and then to bring them to trial. Convicted Tories were to be deported at their own expense. The following year, Massachusetts imposed a test oath for which refusal to sign would bring banishment. Later that year, Massachusetts went further to bring into practice the hated and tyrannical act of attainder—a legislative declaration of guilt without benefit of trial. Two hundred and sixty suspected Tories were attainted, imprisoned, and banished.

How far even the liberals were inclined to go may be illustrated by Thomas Jefferson's action in the case of Josiah Phillips. Phillips had organized a Tory terror gang in Princess Anne County, Virginia. As a member of the Virginia Assembly, Jefferson pushed through a bill of attainder and outlawry declaring Phillips guilty of murder, plunder, and high treason and proclaiming Phillips and all of his unnamed associates to be outlaws whom any man could kill with impunity. Thus, Jefferson was willing to use a hated and despotic outlawry procedure rarely used in the American colonies and dying out even then in comparatively statist England.*

The Continental Congress, in October 1775, urged the imprisonment of anyone who might, in the opinion of the provincial committees of safety, "endanger the safety of the colony or the liberties of America"; and two years later it recommended confiscation of the property of all Tories, who had supposedly forfeited their "right of protection." But Congress could merely recommend; only the states and localities could take action against the Tories. One such state program of action against its Tories has been subjected to detailed study—that of New Jersey.**

As in the other states, enforcement was in the hands of the attorney general, in this case, William Patterson. The chief centers of legal prosecution were the thirteen county courts in New Jersey, composed of local

*See Leonard W. Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge, Mass.: Harvard University Press, 1963), pp. 33ff. Levy's work is indispensable for revision of the common over-inflation of the extent of Jefferson's libertarianism.

**Richard C. Haskett, "Prosecuting the Revolution," *American Historical Review* (April 1954), pp. 578-87.

justices of the peace sitting together. But the traditional legal machinery proved too cumbersome a weapon, and in early 1777, New Jersey set up a council of safety, chosen by the legislature and including the attorney general, armed with the power to jail any man even suspected of Toryism.

The council of safety traveled all over the state, whipping up the zeal of local officials, and often taking the administration of anti-Tory law into its own hands: hearing witnesses, ordering the seizure of suspects, and the imprisonment of alleged Tories. In one day in July 1777, the New Jersey Council of Safety arrested no fewer than 48 suspected Tories! Juridical safeguards were disregarded, and Patterson could, for example, indict as well as prosecute. In practice, in fact, Attorney General Patterson did most of the council's work.

Anyone making "seditious" remarks, however slight, or failing to turn out for militia duty, was apt to be suspected and denounced as a Tory and also to be forced to take a test oath swearing loyalty to the Revolution. The peak of Tory prosecution in New Jersey took place during 1777 and 1778, when almost all the cases were prosecuted. By October 1778, New Jersey was presumably cleansed of Tories, and the Council of Safety was dissolved.

As we have remarked, the Revolution did not spare its Tories the ultimate penalty, execution. Two were hanged in Philadelphia in 1778, and several were executed in North Carolina. Many active Tories were executed by state militia and guerrilla bands, and many armed Tory prisoners were executed in reprisal for British killings of rebels.

The eminent historian Robert R. Palmer has offered a critically important comparison of the degree of radicalism in the American and French revolutions: the number of émigrés who felt compelled to flee the country during the revolution. The French Revolution created 129,000 exiles out of a total population of about 25 million: an émigré ratio of 5 per 1,000. The American Tory émigrés amounted to what Palmer very conservatively sets at 60,000 in a population of about 2.5 million: 24 émigrés per 1,000. But at least half a million of the American population were slaves, who could hardly be considered to be in the same category as other inhabitants of colonies. A more likely estimate for Tory emigration in the Revolution is 100,000. At this corrected rate, 50 Americans out of every 1,000 were émigrés during the Revolution, a rate fully tenfold the exile rate in the supposedly more radical French Revolution. Furthermore, as Palmer reminds us:

An important nucleus of conservatism was permanently lost to the United States. The French émigrés returned to France. The émigrés from the American Revolution did not return; they peopled the Canadian wilderness [*e.g.*, New Brunswick]; only individuals, without political influence, drifted back

to the United States. Anyone who knows the significance for France of the return of the émigrés will ponder the importance, for the United States, of this fact which is so easily overlooked, because negative and invisible except in a comparative view. Americans have really forgotten the loyalists. . . . The sense in which there was no conflict in the American Revolution is the sense in which the loyalists are forgotten. The “American consensus” rests in some degree on the elimination from the national consciousness, as well as from the country, of a once important and relatively numerous element of dissent.*

As the Revolution wore on and finances became tight, confiscation of Tory land became an increasingly tempting method of financing the war—certainly a method of reparation more just than inflation. Confiscation began as a method employed by scattered private individuals, operating on what might be called “the homestead principle.” Individuals, nearby rebel soldiers, and local committees expropriated the treasures, livestock, timber, furniture, and clothing of Tory families. Private appropriation of the property of Tories was not prosecuted as theft by the authorities.

At this point, the states stepped in, deciding to stake out booty from Tories for their own privileged use. Tom Paine, in *Common Sense*, had advanced the idea of seizing Tory property to finance the Revolution, and the Congressional resolution of late 1777 spurred the states to follow this advice. Generally, the states first sequestered Tory-owned lands to themselves, and then later sold the lands at auction, the state pocketing the proceeds. In this way, Tory lands were redistributed throughout the country.

Every state carried out the confiscation of Tory property, although the specific procedures often varied from state to state. Generally, the states seized Tory property by attainder, with no provision for jury trial. In some cases, the regular executive officers conducted operations; in others, special commissions were appointed. Auction sales were often made on credit, to ease the burden on purchasers, and sometimes payment could be made in state treasurers’ certificates issued to public creditors in the state. No Tories were permitted to buy the estates, and this effectively prohibited collusive purchases by Tory friends of the expropriated.

It is instructive to note the moral justification that a largely liberal society gave for the blatantly uncompensated confiscation of the property of the American Tories. The Virginia House of Delegates declared, at the end of 1782, that the confiscation laws “were strongly dictated by that principle of common justice which demands that if virtuous citizens, in defense of their natural rights, risk their life, liberty and property on their success, vicious citizens, who side with tyranny and oppression, or cloak

*Robert R. Palmer, *The Age of the Democratic Revolution. I: The Challenge* (Princeton: Princeton University Press, 1959), pp. 189–90.

themselves under the mask of neutrality, should at least hazard their property and not enjoy the labors and dangers of those whose destruction they wished.”*

The result of this redistribution was a significantly more democratic and less concentrated ownership of land in the country, for many large Tory estates were broken up by the confiscation process. Indeed, state policy was to divide up the large estates and sell them in small tracts, to prevent “dangerous monopolies of land.” In North Carolina, there was considerable redistribution of land and at low prices that small farmers could afford; thus, the vast holdings of the noted Tory, Henry McCulloh, were confiscated by the state and sold to eighty separate families. Such large estates as those of Tories John Wentworth in New Hampshire, Sir William Pepperrell in Maine, and Sir James Wright in Georgia were confiscated and redistributed. And various proprietary lands—in Maryland, the Penn family’s in Pennsylvania, Lord Fairfax’s tract in the Northern Neck of Virginia, and Lord Granville’s in North Carolina—were swept away. Their quitrents abolished, they were confiscated by the state and resold to separate private owners. In this way, the Revolution swept away these important remnants of feudalism.**

Lord Granville’s estate, it should be remembered, constituted one-third of North Carolina, while Fairfax’s Northern Neck domain totalled over five million acres. Interestingly enough, Lord Fairfax had settled down in permanent residence in Virginia in the 1740s, and he was never a Tory. Virginia therefore graciously waited until his death to confiscate his estate—a sign that elimination of this feudal land monopoly was a concern of Virginians separate from the urge to punish Tories. Furthermore, land monopoly was significantly attacked by the confiscation, division, and sale of ungranted royal estates and timberlands in New Hampshire, New York, and the southern states.

Whenever the State has privileges to dispense, they will tend to be granted to the State officials themselves or their favorites, or to be sold to the highest bidder. Hence, inevitably, corruption and special privilege entered into the lucrative disposal of the confiscated lands. Haskett shows this process of privilege as it developed in New Jersey. Confiscations and dispositions were made by appointed county commissioners. These commissioners were therefore suppliers of special privileges. Accordingly, they generally failed to advertise the land sales, doctored the auditing of assets, and rigged the bidding so as to sell the land parcels to favored

*See C. H. Van Tyne, *The Loyalists in the American Revolution* (Gloucester, Mass.: Peter Smith, 1959, original edition, 1902), pp. 280–81.

**On the other hand, Penn’s private manors in Pennsylvania and their quitrents, totalling over 500,000 acres, were reconfirmed by the Pennsylvania legislature rather than confiscated!

buyers at bargain prices. Moreover, the county commissioners often kept the sale money, invested it for their personal accounts, and only paid the money into the government later, in highly depreciated currency. Indeed, one shrewd commissioner of Somerset County, Federick Frelinghuysen, ended up as owner of two of the seven confiscated estates he helped to sell. By 1781, New Jersey had only received \$28,000 from its sales of land.

Neither Attorney General Patterson nor the assembly ever acted to stop this wholesale corruption. Not surprisingly, since Patterson was an old friend of Frelinghuysen; indeed, both Patterson and his brother-in-law became owners of confiscated Somerset estates. In fact, Frelinghuysen, Patterson, and Patterson's family wound up as owners of over half the confiscated Tory estates in Somerset County.

Yet despite the widespread corruption, land distribution in New Jersey was still significantly broadened and made more democratic as a result of the Revolution. Over 500 Tory estates in the state were confiscated, parcelled out, and sold in New Jersey.

Tory Lands in New York

These conflicting tendencies are highly important in assessing the results of large-scale land confiscation in New York from which the state received \$3 million in proceeds. New York's land system was uniquely shot through with feudalistic land monopoly; huge manorial estates, derived from the land grants of the early eighteenth century, were still largely intact, and contained an oppressed and restive tenant "peasantry." Confiscation of large Tory quasi-feudal estates was therefore particularly significant in the much-needed democratizing of land ownership in New York. A particularly vital question for justice in land was the extent to which land ownership reverted to the tenants in this process, or instead went to land speculators privileged by the State.

New York feudalism was greatly weakened by the very fact of the breakup of the large Tory estates. This was the inevitable result of the confiscation and breakup of the huge estates of the Johnsons, Philipsburgh Manor of Philipse in Westchester, the Roger Morris and Beverly Robinson estates in Dutchess County (now Putnam), and the DeLancey estate in New York City; these last four accounted for nearly 90 percent of the tenantry of all Tory land holdings in New York. Thus, James DeLancey's estate in southern New York was broken up and sold to 275 different persons, and Roger Morris' to 250 persons.

New York's land confiscation policy came in two stages. The first policy was sequestration. In the spring of 1777, commissioners of sequestration were appointed for each county, and were authorized to seize all personal property of Tories in the county and to sell it immediately at public auction. Tory lands, on the other hand, were to be sequestered by the state

and held in trust, the state meanwhile taking over the role of landlord, exacting rents from the tenantry. Some leases were granted by private application rather than by public auction, and rebel refugees from southern New York were to be favored in granting leases, so favoritism was rife; numerous tenants were evicted to make room for favored émigrés from southern New York. The tenantry soon found to their dismay that government feudal landlords were just as oppressive as private landlords—just as tyrannical, just as cruel to squatters, and just as prone to compel eviction for nonpayment of rent.

Ferment by the disgruntled tenantry quickly took the form of pressing for outright confiscation and sale of the Tory estates. The greatest pressure occurred in south Dutchess County; on the one hand, this area was the frontier nearest British control, and filled with rebel refugees from Westchester. On the other hand, the landlords in the area were mainly Tory, and hence their tenants had a strong economic incentive to become ardent Whigs and press for outright confiscation and breakup of the estates. In October 1778, 448 citizens of Dutchess County petitioned the assembly for a confiscation bill. It is not surprising that the right wing was bitterly hostile to confiscation, and Livingston, Gouverneur Morris, and the Jays denounced the plan as a great “compound of folly, avarice and injustice”; the moderate centrist Governor Clinton strongly opposed the confiscation laws. The leader in the assembly for confiscation was the old antilandlord champion of the tenant struggles of the 1760s, the independent freeholder, Dirck Brinckerhoff of Dutchess County. The veteran John Morin Scott was also a leading advocate of confiscation.

The great confiscation laws of 1779–80, in fact, were driven through solely by mass pressure from below, pressure against both Clinton and the ultraright. Thus, a confiscation bill passed in February 1779, but was vetoed by the council of revision as unjust and an attainder. The veto precipitated a great crisis in New York politics. Radical victories swept the spring elections in 1779, elections which took place, in Orange and Ulster Counties, with proradical militia batteries ominously maneuvering near the polling booths. In the fall session of the 1779 Assembly, two-thirds of the delegates were new—and radical. It was this session that drove through the radical legislation of New York during the Revolution.

As the fall session opened in October, the New York legislature passed a tax law authorizing discriminatory assessments against suspected Tories. More important, on October 22 (the same month as the peak of Pennsylvania radical strength in the attack on “Fort Wilson”), it passed a law attainting for treason a long list of Tories, and confiscating their estates. Fifty-nine Tories were thus attainted for treason and expropriated. Once the lands were confiscated, the crucial question became: would these lands be divided and sold into private hands? If so, then land monopoly would

be dealt a tremendous blow, the lands would be divided and parcelled out, and irretrievably democratized. But if not, if the lands were rather kept by the state, then the land monopoly system would be retained, the tenants kept in their place, and perhaps the lands would even be returned to the large Tory owners. As a result, the conservatives in the legislature, led by the wily lawyer and longtime representative of the feudal landlords, Egbert Benson of Dutchess County, devoted themselves to trying to block the division and sale of the Tory lands.

Staughton Lynd has pointed out that this very question—the division and sale of confiscated feudal lands—proved to be a turning point in both the English and French revolutions. In England, a major factor in the Cromwellian counter-revolution was strong opposition by Presbyterians and London merchants to the sequestration and sale of royalist and bishop-owned lands; and in France, a crucial feature of the “Reign of Terror” was to be the Jacobin decision to sell off confiscated feudal lands in small lots, at low bargain prices, in order to get the land into the hands of the peasantry. In both revolutions, it was this decision to take the crucial step to smash feudalism and turn the lands over to the peasantry that alienated the middle-class land speculators and helped wreck the revolution. Fortunately, the United States did not suffer from that great weight of feudal land; hence the task of the revolution against feudalism was far easier (except in the case of slave-holding plantations), and the resistance far smaller.*

The radicals kept up a drumfire of pressure on the New York Assembly for sale of the lands throughout the 1779–80 session. Every county sent petitions for immediate sale. Finally, after a great deal of resistance by the Senate, the final step was taken in democratizing and liberalizing the land system: sale of the confiscated lands. The bill became law on March 11, 1780. To make things easier for the tenantry, the patriotic tenants were excused from all arrears in rent, and the lands leased to the émigrés were sold on the same terms as the rest.

We come now to a critical problem in judging the social effects of the confiscation of Tory land: how were the sales conducted? In the French Revolution, monied speculators instead of small peasants acquired the feudal lands; in the English, most confiscated land found its way back to the original owners. What of the New York lands?

Recent researchers have shown that the bulk of land sales did go to tenants rather than speculators, and that a significant leveling and democratizing of the feudalistic land structure in New York did take place. Staughton Lynd has found that in Dutchess County, some cases occurred of Whig relatives returning land to the original Tory owners, with more

*Staughton Lynd, “The Revolution and the Common Man,” pp. 76ff.

cases of middle-class land speculators acquiring one or two tracts to lease to the existing tenants.

Some tenants, unable to buy their farms in competition with the speculators, did demand that the government lease the land to them at low prices. But Lynd concludes that "the fact remains that the ledgers of the commissioners . . . bear out the older view that most of the confiscated land went to small farmers, and so contributed to the destruction of aristocracy in New York." This happy result was largely due to the sale law, which provided that confiscated land be sold in parcels of 500 acres or less—and the typical farm in Dutchess was 100–200 acres—and especially that existing tenants be given *first option* in acquiring their land. The tenants were allowed preemption for eight months to purchase the land at an appraised price. The appraisal was to be made by three men, one of them the tenant himself, another a commissioner, and the third selected jointly by the other two, so that the tenant had a large share in deciding how much he might have to pay.

During the 1780s, it is true, the law was altered by a more conservative assembly to the disadvantage of the tenants, including the weakening of tenant preemption rights. But time was sufficient for the tenants to reap the benefits of this liberal measure. Thus, in Dutchess County, 496 confiscated lots were sold, of which 471 belonged to four prominent Tories: Beverly Robinson, Roger Morris, Henry Clinton, and Charles Inglis, and 414 lots belonged to Robinson and Morris alone. These 414 lots in south Dutchess were sold to no fewer than 401 persons, and in very few cases did one person buy more than one lot. Almost all the lots were farms under the 500-acre limit, and the average price per lot was inexpensive, less than 100 pounds. A large proportion of these small, cheap, and widely shared lots, perhaps a majority, were bought by the actual pre-existing tenants.

For Westchester, democratizing took place where it was most needed: in the large, heavily tenanted estates. The land speculators made their main acquisitions in scattered urban or unoccupied land holdings.*

The majority of the purchasers were residents on their lands. The disposition of Westchester's largest Tory estate, Philipsburgh Manor, has recently been studied by Beatrice Reubens.** This huge estate composed one-fifth of present-day Westchester County, or 50,000 acres, centering

*Lynd points out that in Bergen County, New Jersey, where Tory landholdings were small farms rather than large estates, the confiscation policy led to no decrease in concentration of land; nor did it have to, since the real need for social change was precisely in the tenanted estates. Lynd, "Revolution and the Common Man," *passim*; cf. Ruth M. Keese, "Loyalism in Bergen County," *William and Mary Quarterly* (October 1961).

**Beatrice E. Reubens, "Preemptive Rights in the Disposition of a Confiscated Estate: Philipsburgh Manor, New York," *William and Mary Quarterly* (July 1965), pp. 435–56.

on Yonkers. At the outbreak of the Revolution, Philipsburgh, the domain of the Philipses, contained over 270 tenants on farms of about 200 acres each. The manor, moreover, contained no freeholds and the tenantry was theoretically on a highly insecure "at will" contract which also prevented them from voting in colonial elections and from holding major offices in later state elections.

Since Westchester was occupied by the British throughout the war, the confiscation law could not be applied to it until the war was over. The same was true of New York City and other occupied areas. Philipsburgh Manor was therefore disposed of under the 1784 confiscation law, which was not as liberal in granting preemption rights as the law of 1779. Yet the result of the disposition of Philipsburgh, first and foremost, was to replace one powerful landlord with more than 50,000 acres and 270 tenants by 287 independent farmers owning an average of 174 acres each. Moreover, more than two-thirds of the purchasers bought farms which they themselves had worked as tenants of the estate. Various heirs of tenants are not included in these figures, and many purchasers were really stand-ins who resold the land to tenants who had not been ready to preempt at the designated time. Furthermore, the commissioners were very lenient and helpful to the preempting tenants, extending their credit for payment beyond the letter of the law. The extent of liberalization of land tenure at Philipsburgh was therefore obviously enormous.

It is true that throughout the confiscated lands of New York, the tenants, not being granted their tracts outright, were often forced to buy the lands on mortgage and sometimes lost their lands to the mortgagor. But this was only a fly in the ointment of their newly found prosperity and status as owners of their land.

Elimination of Feudalism and the Beginnings of the Abolition of Slavery

The American Revolution brought about an important smashing of feudal elements in land ownership and their transformation into a far more liberal land structure. Land monopoly was transformed by the opening of free and virgin land in the West, Virginia's thwarting the designs of the speculative land companies, the liquidation of huge British proprietary estates and quitrents (in Pennsylvania, Maryland, Virginia, and North Carolina), and the confiscation and resale of Crown lands, and through the confiscation, subdivision, and resale—largely to tenants—of huge Tory estates, especially in southern New York. One other antifeudal measure came into prominence during the Revolution: the abolition of entail and primogeniture. The most prominent leader of the assault on these remnants of outright feudalism was Thomas Jefferson, who summarized his goals in this struggle with his customary eloquence:

In the earlier times of the colony . . . some provident individuals pursued large grants; and, desirous of founding great families, settled them on their descendants . . . so that they could not be alienated [entail]. The transmission of this property from generation to generation, in the same name, raised up a distinct set of families, who, being privileged by law in the perpetuation of their wealth, were thus transformed into a patrician order. . . . From this order, too, the king habitually selected his counsellors of state. . . .

To annul this privilege, and instead of an aristocracy of wealth, of more harm and danger than benefit, to society, to make an opening for the aristocracy of wealth and talent, which nature has wisely provided for the direction of the interests of society . . . was deemed essential to a well ordered republic.

While it is true, as recent historians have emphasized, that entails and primogeniture were not extensively employed in Virginia or the South, their abolition remains important as a principle. Furthermore, the arch-conservatives, led by Edmund Pendleton and Landon Carter, felt intensely enough about abolition that they fought it almost to a standstill. Carter, indeed, had the effrontery to call entail—a severe interference with an owner's right to control and dispose of his property—a basic component of the “right to do as we please with our own property.”

Entail was abolished in Virginia in 1776, and in South Carolina, Georgia, and Pennsylvania during the Revolution. North Carolina, Maryland, New Jersey, and New York followed in the years after the war. Primogeniture was slower to fall, but was abolished in Georgia in 1777 and in Virginia, Maryland, New York, New Jersey, Massachusetts, and the Carolinas during the 1780s. By the mid-1780s, all but two states had abolished entail, and all had eliminated primogeniture by the early 1790s.*

One critical element of coercion—and of land monopoly—remaining in American life after the Revolution was Negro slavery. The relatively cheap and coerced labor provided by slavery made large plantations for such products as tobacco and rice profitable which would not have been viable on the free market. This was true because the simplicity and easy supervision of field work on a single crop made slavery particularly adaptable to plantation labor. Furthermore, the concentration of slaves on plantations had already brought about fundamental sectional divisions in America, divisions that were, of course, exacerbated once the colonies became independent and united. While in the North, Negroes, some of whom were free, constituted less than 5 percent of the population, in the South (Maryland and below) they formed 40 percent of the population, virtually all of them slaves.

During the Revolution the northern states began to move against slavery within their borders. The first steps were taken against the slave trade—against the importation of slaves into the state—since existing slavery was considered by too many people as a “property right” (even though in human beings) that could not be violated. In 1776, the Delaware Constitution prohibited the importation into the state of slaves for sale, and Massachusetts outlawed the slave trade. John Adams, however, effectively killed a Massachusetts bill for emancipation in 1777, and it took the Massachusetts constitution of 1780 for slavery to be abolished there—or so the constitution was eloquently construed in the Massachusetts Su-

*On the abolition of entail and primogeniture, and on other radical libertarian consequences of the Revolution within America, see Robert A. Nisbet, *The Social Impact of the Revolution* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1974).

preme Court in 1781 in the notable case of *Commonwealth v. Jennison*. Chief Justice William Cushing decreed that the constitution's declaration that all men are born free and equal, and are entitled to liberty, clearly made slavery unconstitutional. In his construction, Cushing was undoubtedly influenced by the brief of the lawyer Levi Lincoln, later attorney general of the United States under Jefferson. To the opposing argument that slavery was sanctified by the "custom and usage of the country," Lincoln pungently replied that "custom and usage against reason and right" were void.

Vermont directly prohibited slavery in its constitution of 1777. A bill drafted by radical leaders Thomas Paine, George Bryan, and Charles Willson Peale gradually abolishing slavery passed the Pennsylvania legislature in 1780, but it freed only children of existing slaves upon reaching the age of 28. The New Hampshire constitution of 1784 prohibited slavery, and Connecticut and Rhode Island decreed its gradual abolition in 1784. The Rhode Island action came after years of prodding by the prominent Quaker merchant, Moses Brown.

New York, New Jersey, Delaware, and the southern states remained with slavery unchecked by the end of the Revolution. New York City delegates, headed by John Jay, had urged a gradual emancipation law in 1777, but lost by a close vote. In 1785, a gradual emancipation bill freeing all future Negro children was passed in the legislature. It was vetoed by the Council of Revision of New York, however, because it denied the freed Negroes the ballot and thus would create a group of half-citizens. The staunchest and most principled libertarian in the New York legislature was New York Assemblyman Aaron Burr, who not only argued persistently for the Negro's right to vote, to be a witness and juror, and to intermarry freely, but who also fought unsuccessfully for immediate and unconditional abolition of all slavery in New York. New York *did* liberate all the slaves of its Tories, and New Jersey liberated the slaves who had become state property by its confiscation of Tory properties.

But while slavery was being largely liquidated in the North, it was being cemented in the South, despite the staunch opposition of such men as Jefferson. Indeed, the states actively encouraged slavery: North Carolina passed a law in 1777 restricting the voluntary manumission of slaves, while South Carolina and Georgia paid out slaves as part of the salaries of soldiers and state officials. During the war, however, every state except Georgia and South Carolina either severely restricted the slave trade or prohibited it. This was not a particularly idealistic action by the upper South, however, since the value of domestic slaves would inevitably rise after prohibiting their further importation. And then Virginia and Maryland, where slave labor was becoming less profitable, could breed slaves to replace foreign imports as a source of new slaves to the lower South.

Fearful of slave defections to the British in the light of their wholesale flight to Lord Dunmore's forces early in the war, the southern states placed especially severe controls upon the slaves during the war. Slaves were herded to points far from British-occupied zones. Special patrols were set up to prevent escape, and executions of slaves attempting to flee were stepped up. And yet, despite the harsh treatment and the resale into slavery in the West Indies suffered by the Negroes in British hands, many tens of thousands of slaves escaped to the British lines. Thus 4,000 escaped Negroes sailed away when the British evacuated Savannah, and around 6,000 sailed with the British from Charleston; in 1782, nearly 3,000 sailed with the British from New York City. Probably as many as 100,000 slaves—or nearly one-fifth of the slave population—succeeded in escaping during the Revolutionary War.

Many slaves also became known as "maroons"—fugitives fighting in inaccessible areas and waging guerrilla war against slaveholders. Maroon activity abounded in Georgia and the Carolinas, and a slave named Bill was hanged in 1781 in Prince William County, Virginia, for leading other ex-slaves in attacks upon plantations. One group of 300 determined ex-slaves decided not to evacuate Savannah with the British; instead they stayed in the swamps at Bear Creek as self-styled "King of England's soldiers," engaging in guerrilla raids on Georgia plantations. It took four years and the combined militia of Georgia and South Carolina to finally rout this band.

Plots of slave revolts were diminished during the war by the opportunities to escape offered by the revolutionary conflict. Still, several plots were uncovered, the most important being a planned revolt of the slaves of Pitt, Craven, and Beaufort counties in coastal North Carolina. The plot was betrayed by two slaves on the eve of the uprising in July 1775, and scores of slaves were arrested throughout the counties. They were punished by numerous lashes and ear croppings. Slaves rebelled on Tybee Island, Georgia, in early 1776, and Negro restiveness was noted, starting at about the same time, in Albany, New York, in Elizabethtown in Somerset County, New Jersey, and in Bucks County, Pennsylvania. Restiveness among the nearly 4,000 slaves in Albany County continued for several years, including organized escapes and a plot to destroy the slaveowners and burn Albany to the ground. Virginia was beset by several slave revolts or threatened revolts during the war: in Botetourt, Halifax, and Accomack counties and Williamsburg, where in December 1781 the slaves set fire to governmental and other buildings in the town.

One other escape route for several thousand Negro slaves was enlistment in the Revolutionary armed forces; for in many cases where the states permitted, masters offered freedom to Negroes who enlisted. These enlistments could not begin until mid-1776, for until then, Negroes were

barred from the army. In Congress this prohibition was led by the Rutledges of Georgia, but the ban also prevailed in the separate state militias, including Massachusetts, the rest of New England, and all the middle states. Tightened war conditions, however, as well as Dunmore's call for Negroes to escape, reversed American policy and permitted slave enlistments. In early 1776, Congress reversed its previous decision to bar Negroes from the armed forces and the towns and states followed later on. The enthusiastic expectations of the enlisted Negroes were reflected in the surnames many of them now gave themselves including "Freeman," "Liberty," "Freedom," and "Free." South Carolina and Georgia, however, despite the ardent pressure of Henry and John Laurens and of William Henry Drayton, refused throughout the war to allow their Negroes to enlist, and made it clear that they preferred defeat in the war to allowing that sort of subversive license. The stubbornness of these two deep-south states prevented what might have been a severe blow to the entire structure of slavery in the South.

Most of the Negro soldiers served in the Continental Army rather than in the short-term state militia, and the bulk of them was furnished by the New England states, despite their relatively small Negro population. Negroes served in fully integrated units, but few were selected for the higher status service of cavalry or artillery. Most were infantry privates, often in menial service (servants, orderlies, waiters, cooks, teamsters, drummers) rather than in arms-bearing functions. Even so, Negroes, happy to be slaves no longer, generally enjoyed higher morale than the other soldiers who were eager to return to the freedom and higher living standards they had been used to in civilian life. In contrast to the army, the American navy—Continental, state and privateer—welcomed Negro sailors from the very beginning of the conflict, partly because Negro sailors were already familiar to colonial America: they were often used as pilots and even the South Carolina and Georgia navies used Negro sailors.

By no means all of the Negro soldiers and sailors of the Revolution received their freedom as a result; many were enlisted involuntarily by their masters. But the vast majority—several thousand Negroes—were set free by the enlistment process.

Disestablishment and Religious Freedom

Another important social impact of the Revolution was a great impetus toward religious freedom and the separation of church and state. In the first place, the southern colonies, on which Britain had imposed an Anglican establishment against the will and beliefs of the majority, moved quickly during the Revolution to disestablish the Anglican Church, which eventually became a harmless Protestant Episcopal Church. This disestablishment was almost an inevitable natural consequence of the Revolution against British imperialism. (In contrast, the propatriot Congregational establishment in New England could not be dislodged.) Thus, New York, Maryland, Virginia, the Carolinas, and Georgia eliminated their Anglican burden upon the state. Significant opposition to this important liberal change came only in Virginia, where almost half the citizens were Anglican; Jefferson and Madison did not succeed in driving through disestablishment until six years after the bill had been written and introduced by Jefferson in 1779. Even then it met strong opposition from, among others, George Washington, Patrick Henry, and the young lawyer, John Marshall, who urged the general establishment of all religion in the state. This Statute of Religious Freedom, which Jefferson rightly regarded as one of his noblest accomplishments, decreed absolute religious liberty:

No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or funds, or shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by

agreement to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

All men were to enjoy such freedom, which the law affirmed as one "of the natural rights of mankind."

Jefferson's philosophical preamble to the Statute of Religious Freedom was eloquently libertarian: he strongly condemned past rulers, "civil as well as ecclesiastical," who had presumptuously "assumed dominion over the faith of others." The human mind is by nature free and must operate uncoerced; truth, he affirmed, must be left to itself to prevail in the free and unfettered argument against error: "Errors ceasing to be dangerous where it is permitted freely to contradict them."

Some of Jefferson's ringing declarations on the supremacy of human reason were eliminated in a final pique led by such conservatives as Benjamin Harrison and John Page; while Madison and the young libertarian theorist, John Taylor of Caroline, fought to preserve the eloquent affirmations intact. The weakening was not very serious, however, and Jefferson, with due pride, printed and circulated the statute far and wide, and it made a deep impression in Europe.

Jefferson's statute was quickly translated into French and Italian, and inserted into the notable French *Encyclopédie*. As he eloquently wrote to Madison from France in late 1786: "It is comfortable to see the standard of reason at length erected, after so many ages during which the human mind has been held in vassalage by kings, priests, and nobles; and it is honorable for us to have produced the first legislature who had the courage to declare that the reason of man may be trusted with the formation of his own opinions."

Another significant development during the Revolution was the easing of the previously hysterical anti-Catholicism that had permeated the colonies, North and South. France, not long before a hated Roman Catholic enemy, was now a beloved and much appreciated ally and it was inevitable that France's religion would no longer be treated as a creature of the Antichrist. No fewer than eight states moved, during the Revolution, to allow Roman Catholics to hold public office.

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Was the American Revolution Radical?

Especially since the early 1950s, America has been concerned with opposing revolutions throughout the world; in the process, it has generated a historiography that denies its own revolutionary past. This neoconservative view of the American Revolution, echoing the reactionary writer in the pay of the Austrian and English governments of the early nineteenth century, Friedrich von Gentz, tries to isolate the American Revolution from all the revolutions in the western world that preceded it and followed it. The American Revolution, this view holds, was unique; it alone of all modern revolutions was not really revolutionary; instead, it was moderate, conservative, dedicated only to preserving existing institutions from British aggrandizement. Furthermore, like all else in America, it was marvelously harmonious and consensual. Unlike the wicked French and other revolutions in Europe, the American Revolution, then, did not upset or change anything. It was therefore not really a revolution at all; certainly, it was not radical.

Now this view, in the first place, displays an extreme naiveté on the nature of revolution. No revolution has ever sprung forth, fully blown and fully armed like Athena, from the brow of existing society; no revolution has ever emerged from a vacuum. No revolution has ever been born out of ideas alone, but only from a long chain of abuses and a long history of preparation, ideological and institutional. And no revolution, even the most radical, from the English Revolution of the seventeenth century to the many Third World revolutions of the twentieth, has ever come into being except in reaction to increased oppression by the existing State apparatus. All revolution is in that sense a reaction against worsening

oppression; and in that sense, all revolutions may be called “conservative”; but that would make hash out of the meaning of ideological concepts. If the French and Russian revolutions may be called “conservative” then so might the American. This same process was at work in Bacon’s Rebellion of the late seventeenth century and the American Revolution of the late eighteenth. As the Declaration of Independence (a good source for understanding the Revolution) rightly emphasized:

Prudence indeed will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations . . . evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government. . . .

It takes such a long train of abuses to persuade the mass of people to throw off their habitual customs and loyalties and to make revolution; hence the absurdity of singling out the American Revolution as “conservative” in that sense. Indeed, this very breakthrough against existing habits, the very act of revolution, is therefore ipso facto an extraordinarily radical act. All mass revolutions, indeed all revolutions as distinguished from mere coup d’états, by bringing the masses into violent action are therefore per se highly radical events. All revolutions are therefore radical.

But the deep-seated radicalism of the American Revolution goes far beyond this. It was inextricably linked both to the radical revolutions that went before and to the ones, particularly the French, that succeeded it. From the researches of Caroline Robbins and Bernard Bailyn, we have come to see the indispensable linkage of radical ideology in a straight line from the English republican revolutionaries of the seventeenth century through the commonwealthmen of the late seventeenth and eighteenth centuries, to the French and to the American revolutionaries. And this ideology of natural rights and individual liberty was to its very marrow revolutionary. As Lord Acton stressed of radical liberalism, in setting up “what ought to be” as a rigorous guidepost for judging “what is,” it virtually raised thereby a standard of revolution.

The Americans had always been intractable, rebellious, impatient of oppression, as witness the numerous rebellions of the late seventeenth century; they also had their own individualist and libertarian heritage, their Ann Hutchinsons and Rhode Island quasi anarchists, some directly linked with the left wing of the English Revolution. Now, strengthened and guided by the developed libertarian natural rights ideology of the eighteenth century, and reacting to aggrandizement of the British imperial

state in the economic, constitutional, and religious spheres, the Americans, in escalated and radicalized confrontations with Great Britain, had made and won their Revolution. By doing so, this revolution, based on the growing libertarian idea pervading enlightened opinion in Europe, itself gave immeasurable impetus to the liberal revolutionary movement throughout the Old World, for here was a living example of a liberal revolution that had taken its daring chance, against all odds and against the mightiest state in the world, and had actually succeeded. Here, indeed, was a beacon light to all the oppressed peoples of the world!

The American Revolution was radical in many other ways as well. It was the first successful war of national liberation against western imperialism. A people's war, waged by the majority of Americans having the courage and the zeal to rise up against constituted "legitimate" government, actually threw off their "sovereign." A revolutionary war led by "fanatics" and zealots rejected the siren calls of compromise and easy adjustment to the existing system. As a people's war, it was victorious to the extent that guerrilla strategy and tactics were employed against the far more heavily armed and better trained British army—a strategy and tactics of protracted conflict resting precisely on mass support. The tactics of harassment, mobility, surprise, and the wearing down and cutting off of supplies finally resulted in the encirclement of the enemy. Considering that the theory of guerrilla revolution had not yet been developed, it was remarkable that the Americans had the courage and initiative to employ it. As it was, all their victories were based on guerrilla-type concepts of revolutionary war, while all the American defeats came from stubborn insistence by such men as Washington on a conventional European type of open military confrontation.

Also, as in any people's war, the American Revolution did inevitably rend society in two. The Revolution was not a peaceful emanation of an American "consensus"; on the contrary, as we have seen, it was a civil war resulting in permanent expulsion of 100,000 Tories from the United States. Tories were hunted, persecuted, their property confiscated, and themselves sometimes killed; what could be more radical than that? Thus, the French Revolution was, as in so many other things, foreshadowed by the American. The inner contradiction of the goal of liberty and the struggle against the Tories during the Revolution showed that revolutions will be tempted to betray their own principles in the heat of battle. The American Revolution also prefigured the misguided use of paper money inflation, and of severe price and wage controls which proved equally unworkable in America and in France. And, as constituted government was either ignored or overthrown, Americans found recourse in new quasi-anarchistic forms of government: spontaneous local committees. Indeed, the new state and eventual federal governments often emerged out

of federations and alliances of local and county committees. Here again, "committees of inspection," "committees of public safety," etc., prefigured the French and other revolutionary paths. What this meant, as was most clearly illustrated in Pennsylvania, was the revolutionary innovation of *parallel institutions*, of dual power, that challenged and eventually simply replaced old and established governmental forms. Nothing in all of this picture of the American Revolution could have been more radical, more truly revolutionary.

But, it may be claimed, this was after all only an external revolution; even if the American Revolution was radical, it was only a radicalism directed against Great Britain. There was no radical upheaval at home, no "internal revolution." Again, this view betrays a highly naive concept of revolution and of wars of national liberation. While the focus of the upheaval was, of course, Great Britain, the inevitable indirect consequence was radical change within the United States. In the first and most obvious place, the success of the revolution meant inevitably the overturn and displacement of the Tory elites, particularly of those internal oligarchs and members of governors' councils who had been created and propped up by the British government. The freeing of trade and manufacture from British imperial shackles again meant a displacement of Tory favorites from positions of economic privilege. The confiscation of Tory estates, especially in feudalism-ridden New York state, had a sharply democratizing and liberalizing effect on the structure of land tenure in the United States. This process was also greatly advanced by the inevitable dispossession of the vast British proprietary landed estates in Pennsylvania, Maryland, Virginia, and North Carolina. The freakish acquisition of the territory west of the Appalachians by the peace treaty also opened vast quantities of virgin land to further liberalize the land structure, provided that the speculative land companies, as it increasingly appeared, would be kept at bay. Revolution also brought an inevitable upsurge of religious liberty with the freeing of many of the states, especially in the South, from the British-imposed Anglican establishment.

With these radical internal processes inevitably launched by the fact of revolution against Great Britain, it is also not surprising that this internal revolutionary course would go further. To the attack on feudalism was added a drive against the remnants of entail and primogeniture; from the ideology of individual liberty—and from British participation in the slave trade—came a general attack on that trade, and, in the North, a successful governmental drive against slavery itself.

Another inevitable corollary of the Revolution, and one easily overlooked, was that the very fact of revolution—aside from Connecticut and Rhode Island where no British government had existed before—necessarily dispossessed existing internal rule. Hence the sudden smashing of that

rule inevitably threw government back into a fragmented, local, quasi-anarchistic form. When we consider also that the Revolution was consciously and radically directed against taxes and against central government power, the inevitable thrust of the Revolution for a radical transformation toward liberty becomes crystal clear. It is then not surprising that the thirteen revolted colonies were separate and decentralized, and that for several years even the separate state governments could not dare to impose taxes upon the populace. Furthermore, since royal control in the colonies had meant executive, judicial, and upper house control by royal appointees, the libertarian thrust of the Revolution was inevitably against these instruments of oligarchy and in favor of democratic forms responsive to, and easily checked by, the people. It is not a coincidence that the states where this type of internal revolution against oligarchy proceeded the furthest were the ones where the oligarchy was most reluctant to break with Great Britain. Hence, in Pennsylvania, the radical drive for independence meant that the reluctant oligarchy had to be pushed aside, and the process of that pushing led to the most liberal and most democratic constitution of all the states. (A highly liberal and democratic constitution also resulted from Vermont's necessity for rebelling internally against New York and New Hampshire's imperialism over Vermont's land.) On the other hand, Rhode Island and Connecticut, where no internal British rule existed, experienced no such internal cataclysm. Internal revolution was therefore a derivative of the external, but it happened nevertheless. Because of these inevitable internal libertarian effects, the drive for restoration of central government through taxation and mercantilism had to be a conscious and determined project on the part of conservatives—a drive against the natural consequences of the Revolution.

Since the Revolution was a people's war, the extent of mass participation in the militia and committees led necessarily to a democratizing of suffrage in the new governments. Furthermore, the principle of "no taxation without representation" could readily be applied internally as could British restrictions upon the principle of one man, one vote. While recent researches have shown that colonial suffrage requirements were far more liberal than had been realized, it is still true that suffrage was significantly widened by the Revolution in half the states. This widening was helped everywhere by the depreciation of the monetary unit (and hence of existing property requirements) entailed by the inflation that helped finance the war. Chilton Williamson, the most thorough and judicious of recent historians of American suffrage, has concluded that

the Revolution probably operated to increase the size of that majority of adult males which had, generally speaking, been able to meet the old property and

freehold tests before 1776. . . . The increase in the number of voters was probably not so significant as the fact that the Revolution had made explicit the basic idea that voting had little or nothing to do with real property and that this idea should be reflected accurately in the law. . . . The changes in suffrage made during the Revolution were the most important in the entire history of American suffrage reform. In retrospect it is clear that they committed the country to a democratic suffrage.*

While many of the state constitutions, under the influence of conservative theorists, turned out to be conservative reactions against initial revolutionary conditions, the very act of making them was radical and revolutionary, for they meant that what the radical and Enlightenment thinkers had said was really true: men did not have to submit blindly to habit, to custom, to irrational "prescription." After violently throwing off their prescribed government, they could sit down and consciously make over their polity by the use of reason. Here was radicalism indeed. Furthermore, in the Bills of Rights, the framers added a significant and consciously libertarian attempt to prevent government from invading the natural rights of the individual, rights which they had learned about from the great English libertarian tradition of the past century.

For all these reasons, for its mass violence, and for its libertarian goals, the American Revolution was ineluctably radical. Not the least demonstration of its radicalism was the impact of this revolution in inspiring and generating the admittedly radical revolutions in Europe, an international impact that has been most thoroughly studied by Robert Palmer and Jacques Godechot. Palmer has eloquently summed up the meaning that the American Revolution had for Europe:

The American Revolution coincided with the climax of the Age of Enlightenment. It was itself, in some degree, the product of this age. There were many in Europe, as there were in America, who saw in the American Revolution a lesson and an encouragement for mankind. It proved that the liberal ideas of the Enlightenment might be put into practice. It showed, or was assumed to show, that ideas of the rights of man and the social contract, of liberty and equality, of responsible citizenship and popular sovereignty, of religious freedom, freedom of thought and speech, separation of powers and deliberately contrived written constitutions, need not remain in the realm of speculation, among the writers of books; but could be made the actual fabric of public life among real people, in this world, now.**

*Chilton Williamson, *American Suffrage*, pp. 111-12, 115-16.

**Palmer, *The Age of the Democratic Revolution I*, pp. 239-40.

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The Impact in Europe

Through a burgeoning press, book and periodical, reading clubs and the reports of foreign soldiers who had served in the American War, Europe was swept with fervor for the revolutionary cause. Indeed, a widely read political press and the formation of a “public opinion” really began in this era under the impact of the American Revolution. France, Germany, Ireland, and the Netherlands were particularly taken by the Revolution and its inspiring example for the rest of the world. Under its impact a political press developed in Germany and the Netherlands; in Ireland and the Netherlands, two countries with close personal and kinship ties to the American people, the revolutionary example of the Sons of Liberty and committees of correspondence inspired popular political clubs.

In the lands of America’s wartime allies France and Holland, revolutionary sentiment could grow in a particularly favorable climate. Future French revolutionary leaders from Lafayette to Brissot de Warville were deeply inspired by the American example. France (as well as Ireland and Holland) learned about constitutional conventions, committees of public safety, test oaths, confiscation of émigré property, paper money and price controls from the Americans. Ambassador Franklin was lionized in Paris, and an international intellectual debate was waged over the virtues of the various American constitutions by such leading liberals as John Adams and Jefferson in the United States, Turgot, Condorcet, Dupont de Nemours, Mirabeau, Abbé Mably, and Abbé Morellet in France, and Richard Price in England. In Holland, John Adams intrigued with the radical republicans to join the war against the wishes of the pro-British Orange regime.

Adams had close contact with the Dutch revolutionaries headed by J. D. van der Capellen tot der Pol, the Reverend van der Kemp, and the bankers of Amsterdam. The Belgian revolution of 1789 was greatly influenced by the American constitutions and state papers, and the Declaration of Independence by Flanders against Austrian rule in 1789 reproduced the language of the American Declaration. Moreover, the Act of Union of the United Belgian States in 1790 almost exactly reproduced the language as well as the spirit of the Articles of Confederation; the central legislative body of the union was even called "Congress."

The American Revolution, and the question of participating in the fight against England, led to the formation of a Dutch revolutionary Patriot party around Capellen. Capellen, in a notable pamphlet of 1781, *An Address to the Netherlands People*, denounced the pro-British Orange oligarchy and bureaucracy, pointed to the example of an American government elected by the people, and, most importantly, called for the arming of the people, after the examples of America and Ireland. He also urged the formation of spontaneous grassroots citizens' groups like the American committees and the English associations, to put pressure upon the government. To follow the American example, he wrote, was to be ready, "every man with his musket." Accordingly, the burghers of Utrecht and other towns began to arm, drill, organize free corps, and form national meetings and assemblies. The mass army and the pressure of the burghers polarized and split the Patriot movement, for the aristocratic and traditionally anti-Orange Dutch "regents," in control of the councils and provincial estates, began to be frightened at the democratic demands of the middle-class burghers. The burghers' free corps was led by the fiery Ondaatje, a student at the University of Utrecht, who became a focal point for both sides in the Patriot split. The Dutch masses rallied to Ondaatje and the Patriots, while some of the regents left to join the Orange party.

Free corps began forming in 1784, and the first National Assembly of Free Corps met at Utrecht at the end of that year. By 1786, the National Assembly of Free Corps and the liberal wing of the regents issued a joint declaration calling for a truly republican, democratic, and liberal regime. What is more, the Utrecht burghers deposed the old aristocratic town council, and chose a new council by general election; the following year civil war broke out with the troops of the Prince of Orange. The Dutch Revolution seemed to be sweeping all before it. But, as was later to occur in France, the forces of foreign armed counter-revolution intervened to crush the popular movement. While financially aided by France, the Patriots were overwhelmed by large-scale British bribery and intrigue, but especially by the intervention of 20,000 Prussian troops, who invaded the

Dutch provinces, occupied Utrecht and Amsterdam, and crushed the Dutch Patriot revolution. The intriguer British Ambassador Sir James Harris was close to tears of joy as he and the Prussians restored the rule of the House of Orange. Edmund Burke, in a prefiguration of his reactionary role in the French Revolution, also hailed the crushing of the rebellion. Harris' financial largesse controlled the restored regime, and the House of Orange instituted a veritable reign of terror, driving many thousands of Patriots into exile. Most of the refugees fled to France and the Austrian Netherlands, though van der Kemp emigrated to the United States. Britain and Prussia made so bold as to guarantee formally the rule of the Orange regime.*

The Belgian provinces, led by the province of Brabant and by the lawyer Jean François Vonck, successfully revolted against Austrian rule and declared their independence in 1789. After independence, the Vonckists determined to complete their revolution and democratize and liberalize the restrictive feudal and guild systems of Belgium. In provincial revolutionary committees and in elections of local officials, insurrectionary committees of middle-class citizens began to sweep Belgium. The Belgian aristocracy countered by forming an estates general and adopting an act of union modelled, in its decentralization, on the Articles of Confederation, and insisting that the American model was only a national, external revolution for independence. The liberals led by the moderate Vonck, however, countered by citing the importance of the American state constitutions and the consequent liberalizing of each state. Thus, both sides in the Belgian struggle relied on their varying interpretations of the true nature of the American Revolution. Finally, after various scuffles, the reactionary Estates party won out in the spring of 1790, and hundreds of liberal leaders were forced to flee to France. A rightist reign of terror, launched by the Catholic clergy and its reactionary theoretician Abbé Feller, broke out against the liberals, and one monk declared in a sermon that anyone meeting a Vonckist should kill him on sight. Masses of peasants, led by their priests, poured out into the towns to kill liberals. Hence, the return of Austrian rule in late 1790 was understandably greeted by the harassed Belgian liberals as "almost a deliverance" from the rule of the Belgian aristocracy; they then returned to Belgium bitterly anticlerical and looking wistfully to revolutionary and anticlerical France for their future model.

*Palmer rightly concludes that "the Dutch Republic first lost its independence not to the 'Jacobins' in 1795, but to the already well-developed forces of the European counterrevolution in 1787." Palmer, *Age of the Democratic Revolution*. I p. 340.

The first of the eighteenth century European revolutions had occurred in the city of Geneva. The burghers, with Rousseau as their philosopher, tried to break through the tightly knit rule of the local aristocracy in 1767–68, and gained a few concessions. In 1781, the burghers again tried to democratize rule in Geneva. The Geneva aristocrats appealed to the powers that had presumed to impose and guarantee a tight aristocratic rule in Geneva in the Act of 1738: the cantons of Bern and Zurich and the kingdom of France. Genevese aristocrat Micheli du Crest urged external intervention “in the cause of all legitimate governments and of all sovereigns,” to crush the “atrocious and unprovoked horrors of sedition.” France, Bern, and Zurich promptly sent in troops and laid siege to Geneva and finally stormed it. The foreign powers, consulting with the town aristocracy, not only reinforced the pre-1781 aristocratic rule, but they even revoked the minor concessions of 1768. The banker Étienne Clavière, a burgher leader, fled from Geneva to Paris and there formed with Brissot de Warville a Gallo-American society to perpetuate the ideals of the American Revolution. Clavière was later minister of finance in the revolutionary Girondin government of France.

Another particularly direct outgrowth of the American war was the upsurge of a revolutionary movement in Ireland. In response to John Paul Jones’ raid on Belfast in the spring of 1778, upper and middle-class Irishmen, almost all Protestants (the submerged bulk of Roman Catholic peasantry had no voice in Irish political life), formed armed companies throughout Ireland. Designed originally for defense against invasion, these armed companies, the Irish Volunteers, remained in being to emulate the Americans and press for greater liberty in Ireland. Legal because of their ostensible purpose of common defense, the Volunteers exchanged ideas and met in regional assemblies. Newspapers, pamphlets, grand juries and county meetings agitated for liberal reforms against England, especially for the relaxing of British imperial trade restrictions in order to ease the severe economic crises caused by the embargo of Irish exports (especially linens) to the United States. Politically, the Volunteers wanted home rule for the Irish Parliament and democratic reform of that aristocratic body itself. The pressure of the armed Volunteers forced substantial concessions from the British, permitting some exports of Irish goods to the colonies. Further pressure by a Volunteer movement grown to 80,000 armed men forced the British in 1782 to grant the Irish Parliament, led by the reformer Henry Grattan, home rule and equal status with the British Parliament under the Crown. Such infamous measures as Poyning’s Law were repealed. Exuberantly, the Irish admitted that it was America’s victory, joined to their own armed pressure, that had forced England

to grant home rule. "It was on the plains of America," wrote one Irishman, "that Ireland obtained her freedom."

But home rule proved disappointing, and trade restrictions and royal control continued in force; the Volunteers insisted on continuing in force to demand reform of the Irish Parliament itself. But they were weakened by a grave inner contradiction: their desire to democratize ran squarely against their commitment to keeping the body of Roman Catholics submerged. If the Roman Catholics were to be given the vote, the entire social system established by the English conquests, notably land monopoly and the established Protestant Church, would be cast into peril.

Discontent with the results of home rule swelled the ranks of the Volunteers, who even began to admit Catholics into their ranks. In consequence, Grattan and the Irish Whigs, whose victory for home rule had rested on the Volunteers, now denounced these peoples' troops as an anarchic menace. The Volunteers pressed on to hold their first "Grand National Convention"—the world's first national convention—in late 1783. Their reform plan having been rejected by Parliament, the Volunteer ranks grew further in the following year; Roman Catholics were increasingly welcomed, and the Irish radicals began to talk openly of revolution. In particular, the American example was increasingly held up as a model, and the reformers began to call for a national "Congress," in open imitation of revolutionary America. But the attorney general suppressed the radical press, and arrested the sympathetic sheriff of Dublin. The Volunteer movement soon faded away, largely because it never resolved its contradiction on Roman Catholic emancipation, and hence because it never had the courage to openly enlist the Roman Catholic masses on its side.

Edmund Burke, significantly enough, staunchly favored the conservative side, the side of prescriptive custom. At the same time he bitterly opposed English Parliamentary reform; there he went to the logical conclusion of conservatism that *any* sharp change in government was simply "anarchy." "For to discredit the only form of government which we either possess or can project, what is this but to destroy all government? And this is anarchy."

Thus, in four countries in western Europe, armed liberal mass movements arose during the 1780s, inspired by the success of the American Revolution. (In England a feebler association movement collapsed with the division of the reform forces between Pitt and Fox.) In three of these cases—Holland, Belgium, and Geneva—the movement proceeded to the point of revolution. But in each of them the revolution failed and was crushed by armed counter-revolution. By the end of the 1780s, the first liberal impetus had been crushed by a regnant counter-revolution

that, in most of these cases, relied on armed foreign aid to help crush the revolutionary forces; generally it was Great Britain to whom the reactionaries looked for succor. This was true of the Dutch, of the Irish magnates, and of the Belgian right; and, of course, it had also been true of the American Tories before their expulsion. Everywhere, England began to emerge as the home, the nucleus of international armed counter-revolution.

In reaction to England's role, the liberal and democratic forces in Europe—and, for that matter, in America—had begun to turn to France for aid and sustenance. France, England's ancient foe, played this role, interestingly enough, long before the French Revolution, aiding the left in America, Holland, and Ireland, and providing a haven for refugees of all of the lost revolutions. This was done not because of idealism (as its own role in crushing Genevan liberalism made evident), but to help even the score with Great Britain.

And so outside of America the wave of liberal revolutions had failed abysmally. They failed basically because they were bourgeois rebellions that did not tap support among the peasant masses by mounting a total assault on the feudal land system. By failing to be truly revolutionary, the middle classes could not command mass support and left themselves vulnerable to armed force. As Palmer explains:

The democratic movement failed everywhere, before 1789, except in America. . . . Moderate though it was, or seems in retrospect, it failed to obtain any concessions at all . . . all the efforts of English and Irish parliamentary reformers and of Dutch, Belgian and Genevese democrats, had come to absolutely nothing. Indeed, matters were if anything worse, for the fear and vindictiveness of threatened oligarchies had been aroused.

The democratic movement had failed for various reasons, in some places because the forces of the old order had successfully called upon foreign aid, and in all cases because the democratic interests, though important and enlightened, were a numerical minority in the country as a whole. They had no mass following. The "mass," outside London, Paris, or Amsterdam, really meant the rural population. Country people at lower income levels in the countries now being considered, were politically unaroused. . . . So far as the ruling aristocracies drew their incomes from land, or their influence from the good will of the tenantry, they had little to fear from disaffected lawyers or impudent pamphleteers; the one thing that would undermine them was wholesale defection on their own estates. This did not happen until it happened in France in the summer of 1789.

If these events prove anything, it is perhaps that no purely middle-class or "bourgeois" revolution could succeed. Lawyers, bankers, merchants, shopkeepers, students, and professors could not alone unseat the holders of political power. . . . Another reason for the democratic failure, applying at least

to Holland, Belgium and Geneva, was that these countries had the misfortune to be small, and hence easy objects of intervention. The attempt of conservative Europe to intervene in France in 1792, was to have a very different outcome.*

Above all it was necessary to engage the masses, as the American revolutionaries had done. But in Europe, ridden as America had not been by internal feudalism, still dominated by monarchy and by theocracy, mass upheaval would have had to rend and disrupt the entire social fabric. The stage was set for France to pick up the baton of the American Revolution. The seemingly far greater radicalism of the French Revolution was merely a function of the far greater built-in resistance to libertarian principles. As Palmer justly concludes:

The American and the French Revolutions "proceeded from the same principles." The difference is that these principles were much more deeply rooted in America, and that contrary or competing principles, monarchist or aristocratic or feudal or ecclesiastical, though not absent from America, were, in comparison to Europe, very weak. Assertion of the same principles therefore provoked less conflict in America than in France . . . it was the weakness of conservative forces in eighteenth century America, not their strength, that made the American Revolution as moderate as it was. . . . The difference lay in the fact that certain ideas of the Age of Enlightenment, found on both sides of the Atlantic—ideas of constitutionalism, individual liberty, or legal equality—were more fully incorporated and less disputed in America than in Europe. . . . For a century after the American Revolution, as is well known, partisans of the revolutionary or liberal movements in Europe looked upon the United States generally with approval, and European conservatives viewed it with hostility or downright contempt.**

The French, indeed the European liberals in general, had to face far more entrenched opposition than had the Americans, and Palmer brilliantly concludes that in France "the revolution was itself a reaction against an immovable conservatism already formed." Just as in America British aggrandizement radicalized public opinion, so the tendency of European counter-revolution to harden after suppression of the revolts of the 1780s radicalized French revolutionary opinion.

It should be noted that the European theorists of the old order did not take the current neoconservative tack of praising the American Revolution and reviling the French. These reactionary ideologues knew their enemy, and that most emphatically included the American Revolution, which was attacked with the same phrases later used to denounce the

*Palmer, *Age of Democratic Revolution*, I, pp. 368–69.

**Palmer, *Age of Democratic Revolution*, I, p. 189.

French. Similarly denounced were the Dutch, Genevan and Belgian revolutions of the 1780s. The Abbé Feller, theorist of the Belgian right, Mallet du Pan in France, and Schlozer and other historical jurists (as opposed to natural rights jurists) in Germany all became noted opponents of the French Revolution and were equally hostile to the American. Edmund Burke formed his defense of reaction in the cauldron of the moderate and liberal Dutch, Irish, and English reform agitations long before he attacked the alleged horrors of the French Revolution. The American Revolution, the European right realized, was a vital milestone in the advance and development of the western revolutionary tradition.*

*On the linkage of the American and French revolutions, see Louis Gottschalk, "The Place of the American Revolution in the Causal Pattern of the French Revolution," in H. Ausubel, ed., *The Making of Modern Europe* (New York: Holt, 1951), I:494-510; and Jacques Godechot, *La Grande Nation* (Paris, 1956), and Godechot, *France and the Atlantic Revolution of the Eighteenth Century, 1770-1799* (New York: Free Press, 1965).

Bibliographical Essay*

The material written on the American Revolution is almost limitless, and it would be folly to try to list all of it in a brief space. Indeed, the purpose of this as well as of the bibliographic essays in the companion volumes of *Conceived in Liberty* is not to cite an endless array of sources, but to highlight for the reader the most important works on the period, those to which it would be most fruitful for him to turn next. This essay is deliberately confined to secondary sources; primary sources from the period are cited in the secondary sources which we discuss below.

A concise, judicious, overall summary of the military, political, social, and economic history of the American Revolution is fortunately available in John R. Alden, *The American Revolution, 1775–1783* (1954). Alden supersedes the previous overall, one-volume history, John C. Miller, *Triumph of Freedom, 1775–1783* (1948), which tends to be unreliable.

The most important and dramatic change in interpreting the history of the American Revolutionary War has come about very recently: a realization that the Americans won because, and insofar as, they were conducting a massive guerrilla war, a “people’s war,” against the superior firepower and conventional military strategy and tactics of the British imperial power. With modern guerrilla war coming into focus since the late 1960s, recent historians have begun to apply its lessons to the American Revolution, not only to the tactical analysis of the individual battles, but also in basic strategic insights, for example, the realization that guerrilla war can only succeed if the guerrillas are backed by the great majority of the populace, a condition which obtained during the American Revolution. The valuable military histories of the Revolution, therefore, can be grouped into two

*Part of this essay appears, in altered form, in Murray N. Rothbard, “Modern Historians Confront the American Revolution,” *Literature of Liberty* (January/March 1978), pp. 16–41.

categories: those which antedate and those which incorporate modern insights into the nature and potential of guerrilla warfare.

Thus, the best detailed history of the military conflict, devoting keen analysis to each battle, is Christopher Ward, *The War of the Revolution* (2 vols., 1952). A useful and relatively brief one-volume military history is Willard M. Wallace, *Appeal to Arms: A Military History of the American Revolution* (1951). More specifically, the standard military history of the first year of the war, is Allen French, *The First Year of the American Revolution* (1934), and the initial battle of Lexington and Concord is described in Arthur B. Tourtellot, *Lexington and Concord* (1963).

None of these books, however, was written recently enough to incorporate modern insights on the importance of guerrilla as opposed to conventional war. An important one-volume military history that does so is Don Higginbotham, *The War of American Independence: Military Attitudes, Policies, and Practice, 1763-1789* (1971). Particularly important, both for guerrilla insights and for penetrating "revisionist" studies of particular generals and their strategies and tactics, is George Athan Billias, ed., *George Washington's Generals* (1964). Particularly important in this volume is George A. Billias, "Horatio Gates: Professional Soldier," about the general who used guerrilla strategy and tactics against Burgoyne, culminating at Saratoga; Don Higginbotham, "Daniel Morgan: Guerrilla Fighter," in which Higginbotham apologizes for the fact that his valuable biography of the war's greatest guerrilla tactician had been written before the advent of his own and other general interest in guerrilla warfare (Don Higginbotham, *Daniel Morgan: Revolutionary Rifleman* (1961)); and especially John W. Shy, "Charles Lee: The Soldier as Radical," in which Shy favorably rediscovers the outstanding military libertarian and guerrilla theorist, strategist, and general of the American Revolution. Lee, who had been drummed out of his number two post of command and court-martialled unfairly by Washington, is favorably reassessed in a biography by John R. Alden, *Charles Lee: Traitor or Patriot?* (1951). Gates has also been maltreated by historians, who tend to be sycophants of Washington, but see the reevaluation by Bernhard Knollenberg, *Washington and the Revolution: A Reappraisal* (1940).

Shy, who of all historians has the best grasp on the importance of guerrilla warfare in this period, trenchantly interprets the various phases of British strategy during the war (from police action to conventional war to counter-guerrilla attempts at "pacification" in the South) in "The American Revolution: The Military Conflict Considered as a Revolutionary War," in S. Kurtz and J. Hutson, eds., *Essays on the American Revolution* (1973). John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence* (1976) is a collection of his essays on military history, some of which contribute to a positive reevaluation of the importance of the militia in defensive warfare. R. Arthur Bowler, *Logistics and the Failure of the British Army in America, 1775-1783* (1975) shows that the hostility of the local populations contributed to the failure of food supplies. This hostility was compounded by British attempts to seize the food they could not purchase.

On militia and guerrilla warfare as against the conventional deployment of the Continental Army in a local area see Adrian C. Leiby, *The Revolutionary War in*

the Hackensack Valley: The Jersey Dutch and the Neutral Ground, 1775–1783 (1962). On the fierce guerrilla and counter-guerrilla conflicts in South Carolina during the last phase of the war, see Russell F. Weigley, *The Partisan War: The South Carolina Campaign of 1780–1782* (1970). Albert T. Klyberg, "The Armed Loyalists as Seen by American Historians," *Proceedings of the New Jersey Historical Society* (1964), stresses the Tories as armed combatants rather than merely as victims. North Callahan, *Royal Raiders* (1963) is episodic and noninterpretive.

Particularly important in George Billias, ed., *George Washington's Opponents: British Generals and Admirals in the American Revolution* (1969) is the essay by Ira D. Gruber, "Richard Lord Howe: Admiral as Peacemaker," which indicates clearly that one of the major reasons for the British failure to crush Washington's army in the first two years of the war was the Howe brothers' virtually treasonous opposition (as dedicated Whigs) to the British war effort against the Americans. For a fuller account, see Gruber, *The Howe Brothers and the American Revolution* (1972). Also see Gruber, "Lord Howe and Lord George Germain: British Politics and the Winning of American Independence," *William and Mary Quarterly* (April 1965), pp. 225–43. On the British view of the war, see Piers Mackesy, *The War for America, 1775–1783* (1964); for its direction by Germain, see Gerald S. Brown, *American Secretary: Colonial Policy of Lord George Germain* (1963). Eric Robson, *The American Revolution in its Political and Military Aspects, 1763–1783* (1955) is pro-British, but it reveals the crippling contempt which the British held for the Americans. William B. Willcox, *Portrait of a General: Sir Henry Clinton in the War of Independence* (1964) is a biography of the best of a rather poor lot of British generals; but see the review of the book by Curtis P. Nettels in the *Journal of American History* (June 1965) for a useful critique of the unfortunate tendency to psychoanalyze Clinton's personality.

On specific aspects of the fighting, Donald E. Reynolds, "Ammunition Supply in Revolutionary Virginia," *Virginia Magazine of History and Biography* (January 1965), pp. 56–77, treats the devastation in that state, while Dale Van Every, *A Company of Heroes: The American Frontier, 1775–1783* (1963) is a lively account of the war in the West and with the Indians. A previously unknown tenant rebellion in New York is discovered in Staughton Lynd, "The Tenant Rising at Livingston Manor, May 1777," *New York Historical Society Quarterly* (April 1964), pp. 163–77.

The most recent general history of the American Revolution, Page Smith, *A New Age Begins: A People's History of the American Revolution* (2 vols., 1976) incorporates many detailed insights about guerrilla warfare from primary sources.

On the political history of the American Revolution, Edmund Cody Burnett, *The Continental Congress* (1941, 1964) remains a thorough and definitive history of that national political institution; Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774–1781* (1948) is an excellent study of the struggles around the Articles and the attempt to carry nationalism even further. Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781–1788* (1961) studies the opponents of the nationalizing trend. Despite its age, Allan Nevins, *The American States During and After the Revolution, 1775–1789* (1924), remains by far the best, indeed the only satisfac-

tory, state-by-state political history of the revolutionary period. An unfortunate attempt to replace Nevins, Jackson Turner Main, *The Sovereign States, 1775–1783* (1973) is sketchy and overly schematic, while Main's *Political Parties Before the Constitution* (1973) is a tangled statistical web based on a fallacious and unenlightening division between alleged "localists" and "cosmopolitans."

Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (1922) is a well-written and still valuable study of the Declaration. Curtis P. Nettels, *George Washington and American Independence* (1951) demonstrates Washington's early devotion to independence. Eric Foner's *Tom Paine and Revolutionary America* (1976) is an excellent and sympathetic study of the great sparkplug of independence as a libertarian and laissez faire radical. None of the full-scale biographies of Paine do him justice; best is David Freeman Hawke, *Paine* (1974).

Elisha P. Douglass, *Rebels and Democrats: The Struggle for Equal Political Rights and Majority Rule During the American Revolution* (1955) is a valuable Beardian study of state politics during the Revolution. A thorough documentary history of the struggle over the Massachusetts state constitution during the war is presented in Robert J. Taylor, ed., *Massachusetts, Colony to Commonwealth: Documents on the Formation of Its Constitution, 1775–1789* (1961). The older view that confiscated Tory land in New York did not devolve upon the tenants of the feudal landlords is set forth in Harry B. Yoshpe, *The Disposition of Loyalist Estates in the Southern District of the State of New York* (1939), and is refuted in Staughton Lynd, *Anti-Federalism in Dutchess County, New York: A Study of Democracy and Class Conflict in the Revolutionary Era* (1962), and Beatrice G. Reubens, "Preemptive Rights in the Disposition of a Confiscated Estate: Philipsburgh Manor, New York," *William and Mary Quarterly* (July 1965), pp. 435–56. In contrast, Ruth M. Keesey, "Loyalism in Bergen County, New Jersey," *William and Mary Quarterly* (October 1961), pp. 558–76, shows that Tory lands in New Jersey tended to be small rather than feudal.

Pennsylvania, the most radically libertarian state during the war, is examined in Robert L. Brunhouse, *The Counter-Revolution in Pennsylvania, 1776–1790* (1942), and its radical constitution specifically in John P. Selsam, *The Pennsylvania Constitution of 1776* (1936). A valuable general work on western Pennsylvania politics in the revolutionary and postrevolutionary periods is Russell J. Ferguson, *Early Western Pennsylvania Politics* (1938). Maryland is studied in Philip A. Crowl, *Maryland During and After the Revolution* (1943).

On biographies of American revolutionary leaders, in addition to the ones mentioned above, the definitive of the numerous Jefferson biographies is the magisterial study by Dumas Malone, *Jefferson and His Time*, of which see volume one: *Jefferson the Virginian* (1948). There is no wholly satisfactory biography of the great George Mason, whose Virginia Declaration of Rights inspired both the Declaration of Independence and the later Bill of Rights, but Robert A. Rutland, *George Mason: Reluctant Statesman* (1961) is useful though brief. Also see George Mason, *Papers, 1725–1792*, R. Rutland, ed. (3 vols., 1970), and Helen Hill Miller, *George Mason: Gentleman Revolutionary* (1975). The radical Pennsylvania leader, the astronomer David Rittenhouse, is studied in Brooke Hindle, *David Rittenhouse* (1964). Of the Massachusetts leaders, there is no satisfactory biography

of Samuel Adams. John C. Miller's *Sam Adams: Pioneer in Propaganda* (1936) is hostile and vituperative. Of the numerous biographies and studies of John Adams, best for this period, though not always reliable, is Catherine Drinker Bowen, *John Adams and the American Revolution* (1950). The doughty and steadfast western Massachusetts radical, Joseph Hawley, receives a valuable biography in E. Francis Brown, *Joseph Hawley: Colonial Radical* (1931). And two leading New York conservative rebels receive biographies in Frank Monaghan, *John Jay* (1935), and the excellent George Dangerfield, *Chancellor Robert R. Livingston of New York, 1746–1831* (1960). General Nathanael Greene is studied in Theodore Thayer, *Nathanael Greene: Strategist of the American Revolution* (1960). A moderate Pennsylvania leader receives an important biography in Kenneth R. Roseman, *Thomas Mifflin and the Politics of the American Revolution* (1952). New York's wartime governor is studied in Ernest W. Spaulding, *His Excellency George Clinton (1739–1812): Critic of the Constitution* (1938).

On the economic and financial history of the war, E. James Ferguson, *The Power of the Purse: A History of American Public Finance, 1776–1790* (1961) is a superb account of the machinations of Robert Morris and the Nationalists during and after the war, including the expropriation of public funds for private purposes by Morris and his associates, and the drive for a strong central government to consolidate and extend those privileges and similar ones. This should be supplemented by Ferguson's study of the first nationalist drive, which, though it failed, prefigured the later push for the Constitution: E. James Ferguson, "The Nationalists of 1781–1783 and the Economic Interpretation of the Constitution," *Journal of American History* LVI (1969), pp. 241–61. A useful biography of Morris is Clarence L. Ver Steeg, *Robert Morris, Revolutionary Financier: With an Analysis of His Earlier Career* (1954). There is no overall study of inflation during the war, but Anne Bezanson, "Inflation and Controls, Pennsylvania, 1774–1779," *Journal of Economic History, Supplement VIII* (1948), pp. 1–20, is a careful statistical study. Richard B. Morris, *Government and Labor in Early America* (1946) reveals the dismal record of price controls during the war; the book is made all the more valuable by the author's sympathy with the control program.

Special groups in relation to the American Revolution are treated in Charles H. Metzger, *Catholics and the American Revolution: A Study in Religious Climate* (1962), and in the excellent work by Benjamin Quarles, *The Negro in the American Revolution* (1961). Jesse Lemisch's rather quixotic program for writing history "from the bottom up" works in a particular case where data are fortunately available, in his article, "Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America," *William and Mary Quarterly* XXV (July 1968), pp. 371–407.

There has been increased interest in recent years in the fate of Tories during the Revolution; of these the best works are William H. Nelson, *The American Tory* (1961), and Paul H. Smith, *Loyalists and Redcoats: A Study in British Revolutionary Policy* (1964). Also see Robert M. Calhoun, *The Loyalists in Revolutionary America, 1760–1781* (1973), and Mary Beth Norton, *The British-Americans: The Loyalist Exiles in England, 1774–1789* (1972). A single Tory is studied in Carol Berkin, *Jonathan Sewall: Odyssey of an American Loyalist* (1974). The oppression of Tories in two states receives detailed treatment in Leonard W. Levy, *Jefferson and Civil*

Liberties: The Darker Side (1963), and Richard C. Haskett, "Prosecuting the Revolution," *American Historical Review* (April 1954), pp. 578–87, for Virginia and New Jersey respectively. Harold M. Hyman's history of the imposition of loyalty oaths in America, *To Try Men's Souls* (1960), contains a chapter on the Tories in the Revolutionary War.

The classic work on the foreign policy of the American revolutionaries is Samuel Flagg Bemis, *The Diplomacy of the American Revolution* (1935). A far more revisionist work, treating the origins of the American Empire and focusing on internal and external policies of European states rather than on strictly diplomatic history, is Richard W. Van Alstyne, *Empire and Independence: The International History of the American Revolution* (1965). Felix Gilbert's *To the Farewell Address: Ideas of Early American Foreign Policy* (1961) is an excellent work which shows the isolationist inferences for foreign policy drawn from libertarian principles by Tom Paine and other American revolutionaries. The detailed work on the negotiations of the Peace of Paris is Richard B. Morris, *The Peacemakers: The Great Powers and American Independence* (1965). But a fascinating corrective is Cecil B. Currey, *Code Number 72/Ben Franklin: Patriot or Spy?* (1972). Currey not only demonstrates Franklin's participation in Robert Morris' peculations during his ministry in Paris, but he also offers newly discovered evidence of Franklin's probable role as a double agent on behalf of Great Britain. His shift to a pro-French role during the peace negotiations is also detailed, as well as the well-founded distrust of Franklin by Arthur Lee, John Adams, and John Jay.

There is no space here to deal with the numerous works on the nature and consequences of the American Revolution, or on the vitally important topic of the relationship between the Revolution and the Constitution. Here we may mention Gordon S. Wood's careful and important study of the way in which libertarian ideology was conservatized during and especially after the Revolution: Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (1969). Richard B. Morris has many judicious insights in his *The American Revolution Reconsidered* (1967), and treats the American Revolution more fully as the first war of national liberation and independence from European colonialism in *The Emerging Nations and the American Revolution* (1970).

Perhaps the most important controversy among historians in this period is on how radical, and how revolutionary, were the nature and the consequences of the American Revolution. The first volume of Robert R. Palmer's monumental two-volume work, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760–1800*, volume one: *The Challenge* (1959), weaves together a scintillating tapestry of trans-Atlantic history. Palmer demonstrates the radicalism of the Revolution by pointing out both its decisive inspirational effect on the succeeding European revolutions of the late eighteenth century, and the similarity of their goals and ideologies. Palmer also shows that, by one important criterion, the American Revolution was more radical than the French, since proportionately far more Tories were driven out of America than aristocrats from France, and far fewer returned. Also see Louis Gottschalk, "The Place of the American Revolution in the Causal Pattern of the French Revolution," in H. Ausubel, ed., *The Making of Modern Europe* (1951), vol. 1, and particularly Jacques Godechot, *France*

and the American Revolution of the Eighteenth Century, 1770–1799 (1965). Elisha P. Douglass traces the impact of the Revolution on German intellectuals in "German Intellectuals and the American Revolution," *William and Mary Quarterly* (April 1960), pp. 200–218. The best discussion of British politics in relation to the American scene is Charles R. Ritcheson, *British Politics in the American Revolution* (1954). The British radical movement, linked in many ways with the American cause, is studied in many works, including George Rudé, *Wilkes and Liberty* (1962).

The classic view defending the social radicalism of the American Revolution is J. Franklin Jameson, *The American Revolution Considered as a Social Movement* (1926). This thesis was attacked and seemingly refuted during the consensus period of American historiography in the 1950s, particularly by Frederick B. Tolles, "The American Revolution Considered as a Social Movement: A Re-evaluation," *American Historical Review* LX (1954–1955), pp. 1–12; and by Clarence Ver Steeg, "The American Revolution Considered as an Economic Movement," *Huntington Library Quarterly* XX (1957), pp. 361–72. But Robert A. Nisbet, in a brilliant article, has now rehabilitated the thesis of the American Revolution as having radical consequences, specifically in a libertarian direction. In his *The Social Impact of the Revolution* (1974), Nisbet shows that the Revolution had a radical libertarian impact on American society in abolishing feudal land tenure, in establishing religious freedom, and in beginning to abolish slavery. Thus, to the insight of Bernard Bailyn on the libertarian sources of the Revolution (whose works were cited in the bibliographic essay in volume three of this work) is added the Nisbet discussion of its libertarian consequences.

The impact of the Revolution on suffrage may be found in Chilton Williamson, *American Suffrage from Property to Democracy, 1760–1860* (1960). Staughton Lynd revives the neglected older view of the great importance of sectional conflicts over slavery as early as the 1780s, in Staughton Lynd, "The Abolitionist Critique of the United States Constitution," in M. Duberman, ed., *The Anti-Slavery Vanguard* (1965). Challenging insights are to be found in Staughton Lynd, "The Revolution and the Common Man," part one (unpublished Ph.D. dissertation, Columbia University, 1962).

Finally, for further bibliography on the Revolution, John Shy, comp. *The American Revolution* (1973) is indispensable for work published before 1972; unfortunately, as in the case of all the Goldentree series, the bibliography is not annotated.

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