

Chapter 4

Tyranny Is Tyranny

Around 1776, certain important people in the English colonies made a discovery that would prove enormously useful for the next two hundred years. They found that by creating a nation, a symbol, a legal unity called the United States, they could take over land, profits, and political power from favorites of the British Empire. In the process, they could hold back a number of potential rebellions and create a consensus of popular support for the rule of a new, privileged leadership.

When we look at the American Revolution this way, it was a work of genius, and the Founding Fathers deserve the awe and tribute they have received over the centuries. They created the most effective system of national control devised in modern times and showed future generations of leaders the advantages of combining paternalism with command.

Starting with Bacon's Rebellion in Virginia, by 1760 there had been eighteen uprisings aimed at overthrowing colonial governments. There had also been six black rebellions, from South Carolina to New York, and forty riots of various origins.

By this time also, there emerged, according to Jack Greene, "stable, coherent, effective and acknowledged local political and social elites." And by the 1760s, this local leadership saw the possibility of directing much of the rebellious energy against England and her local officials. It was not a conscious conspiracy, but an accumulation of tactical responses.

After 1763, with England victorious in the Seven Years' War (known in America as the French and Indian War), expelling France from North

America, ambitious colonial leaders were no longer threatened by the French. They now had only two rivals left: the English and the Indians. The British, wooing the Indians, had declared Indian lands beyond the Appalachians out of bounds to whites (the Proclamation of 1763). Perhaps, once the British were out of the way, the Indians could be dealt with. Again, not a conscious, forethought strategy by the colonial elite, but a growing awareness as events developed.

With the French defeated, the British government could turn its attention to tightening control over the colonies. It needed revenues to pay for the war and looked to the colonies for that. Also, the colonial trade had become more and more important to the British economy, and more profitable: it had amounted to about 500,000 pounds in 1700 but by 1770 was worth 2,800,000 pounds.

So, the American leadership was less desirous of English rule, the English more in need of the colonists' wealth. The elements for conflict were there.

The war with France had brought glory to the generals, death to the private, wealth for the merchants, unemployment for the poor. There were twenty-five thousand people living in New York (there had been seven thousand in 1720) when the war ended. A newspaper editor wrote about the growing "Number of Beggars and wandering Poor" in the streets of the city. Letters in the papers questioned the distribution of wealth: "How often have our Streets been covered with Thousands of Barrels of Flour for trade, while our near Neighbors can hardly procure enough to make a Dumplin to satisfy hunger?"

Gary Nash's study of city tax lists shows that by the early 1770s, the top 5 percent of Boston's taxpayers controlled 49 percent of the city's taxable assets. In Philadelphia and New York, too, wealth was more and more concentrated. Court-recorded wills show that by 1750 the wealthiest people in the cities were leaving twenty thousand pounds (equivalent to about \$2.5 million today).

In Boston, the lower classes began to use the town meeting to vent their grievances. The governor of Massachusetts had written that in these town meetings "the meanest Inhabitants...by their constant Attendance there generally are the majority and outvoted the Gentlemen, Merchants, Substantial Traders and all the better part of the Inhabitants."

What seems to have happened in Boston is that certain lawyers, editors, and merchants of the upper classes, but excluded from the ruling circles close to England—men like James Otis and Samuel Adams—

organized a "Boston Caucus" and through their oratory and their writing "molded laboring-class opinion, called the 'mob' into action, and shaped its behaviour." This is Gary Nash's description of Otis, who, he says, "keenly aware of the declining fortunes and the resentment of ordinary townspeople, was mirroring as well as molding popular opinion."

We have here a forecast of the long history of American politics, the mobilization of lower-class energy by upper-class politicians, for their own purposes. This was not purely deception; it involved, in part, a genuine recognition of lower-class grievances, which helps to account for its effectiveness as a tactic over the centuries.

In 1762, Otis, speaking against the conservative rulers of the Massachusetts colony represented by Thomas Hutchinson, gave an example of the kind of rhetoric that a lawyer could use in mobilizing city mechanics and artisans:

I am forced to get my living by the labour of my hand; and the sweat of my brow, as most of you are and obliged to go thro' good report and evil report, for bitter bread, earned under the frowns of some who have no natural or divine right to be above me, and entirely owe their grandeur and honor to grinding the faces of the poor....

Boston seems to have been full of class anger in those days. In 1763, in the *Boston Gazette*, someone wrote that "a few persons in power" were promoting political projects "for keeping the people poor in order to make them humble."

This accumulated sense of grievance against the rich in Boston may account for the explosiveness of mob action after the Stamp Act of 1765. Through this act, the British were taxing the colonial population to pay for the French war, in which colonists had suffered to expand the British Empire. That summer, a shoemaker named Ebenezer MacIntosh led a mob in destroying the house of a rich Boston merchant named Andrew Oliver. Two weeks later, the crowd turned to the home of Thomas Hutchinson, symbol of the rich elite who ruled the colonies in the name of England. They smashed up his house with axes, drank the wine in his wine cellar, and looted the house of its furniture and other objects. A report by colony officials to England said that this was part of a larger scheme in which the houses of fifteen rich people were to be destroyed, as part of "a War of Plunder, of general levelling and taking away the Distinction of rich and poor."

It was one of those moments in which fury against the rich went further than leaders like Otis wanted. Could class hatred be focused against

the pro-British elite, and deflected from the nationalist elite? In New York, that same year of the Boston house attacks, someone wrote to the *New York Gazette*, "Is it equitable that 99, rather 999, should suffer for the Extravagance or Grandeur of one, especially when it is considered that men frequently owe their Wealth to the impoverishment of their Neighbors?" The leaders of the Revolution would worry about keeping such sentiments within limits.

Mechanics were demanding political democracy in the colonial cities: open meetings of representative assemblies, public galleries in the legislative halls, and the publishing of roll-call votes, so that constituents could check on representatives. They wanted open-air meetings where the population could participate in making policy, more equitable taxes, price controls, and the election of mechanics and other ordinary people to government posts.

During elections for the 1776 convention to frame a constitution for Pennsylvania, a Privates Committee urged voters to oppose "great and overgrown rich men... they will be too apt to be framing distinctions in society." The Privates Committee drew up a bill of rights for the convention, including the statement that "an enormous proportion of property vested in a few individuals is dangerous to the rights, and destructive of the common happiness of mankind; and therefore every free state hath a right by its laws to discourage the possession of such property."

In the countryside, where most people lived, there was a similar conflict of poor against rich—which political leaders would use to mobilize the population against England, granting some benefits for the rebellious poor, and many more for themselves in the process. The tenant riots in New Jersey in the 1740s, the New York tenant uprisings of the 1750s and 1760s in the Hudson Valley, and the rebellion in northeastern New York that led to the carving of Vermont out of New York State were all more than sporadic rioting. They were long-lasting social movements, highly organized, involving the creation of countergovernments.

In North Carolina, a "Regulator Movement" of white farmers was organized against wealthy and corrupt officials in the period from 1766 to 1771, exactly those years when, in the cities of the Northeast, agitation was growing against the British, crowding out class issues. The Regulators referred to themselves as "poor Industrious peasants," as "labourers," "the wretched poor," "oppressed" by "rich and powerful... designing Monsters." They resented the tax system, which was especially burdensome on the poor, and the combination of merchants and lawyers who

worked in the courts to collect debts from the harassed farmers. The Regulators did not represent servants or slaves, but they did speak for small owners, squatters, and tenants.

In Orange County, North Carolina, in the 1760s, the Regulators organized to prevent the collection of taxes and the confiscation of the property of tax delinquents. Officials said "an absolute Insurrection of a dangerous tendency has broke out in Orange County," and made military plans to suppress it. At one point seven hundred armed farmers forced the release of two arrested Regulator leaders. In another county, Anson, a local militia colonel complained of "the unparalleled tumults, Insurrections, and Commotions which at present distract this County." At one point a hundred men broke up the proceedings at a county court.

The result of all this was that the assembly passed some mild reform legislation, but also an act "to prevent riots and tumults," and the governor prepared to crush them militarily. In May of 1771 there was a decisive battle in which several thousand Regulators were defeated by a disciplined army using cannon. Six Regulators were hanged.

One consequence of this bitter conflict is that only a minority of the people in the Regulator counties seem to have participated as patriots in the Revolutionary War. Most of them probably remained neutral.

Fortunately for the Revolutionary movement, the key battles were being fought in the North, and here, in the cities, the colonial leaders had a divided white population; they could win over the mechanics, who were a kind of middle class, who had a stake in the fight against England, facing competition from English manufacturers. The biggest problem was to keep the propertyless people, who were unemployed and hungry in the crisis following the French war, under control.

In Boston, the economic grievances of the lowest classes mingled with anger against the British and exploded in mob violence. The leaders of the Independence movement wanted to use that mob energy against England, but also to contain it so that it would not demand too much from them.

A political group in Boston called the Loyal Nine—merchants, distillers, shipowners, and master craftsmen who opposed the Stamp Act—organized a procession in August 1765 to protest it. They put fifty master craftsmen at the head, but needed to mobilize shipworkers from the North End and mechanics and apprentices from the South End. Two or three thousand were in the procession (Negroes were excluded). They marched to the home of the stampmaster and burned his effigy. But after the "gen-

tlemen" who organized the demonstration left, the crowd went further and destroyed some of the stampmaster's property.

Now a town meeting was called and the same leaders who had planned the demonstration denounced the violence and disavowed the actions of the crowd. And when the Stamp Act was repealed, due to overwhelming resistance, the conservative leaders severed their connections with the rioters. They held annual celebrations of the first anti-Stamp Act demonstration, to which they invited, according to Dirk Hoerder, not the rioters but "mainly upper and middle-class Bostonians, who traveled in coaches and carriages to Roxbury or Dorchester for opulent feasts."

When the British Parliament turned to its next attempt to tax the colonies, this time by a set of taxes which it hoped would not excite as much opposition, the colonial leaders organized boycotts. But, they stressed, "No Mobs or Tumults, let the Persons and Properties of your most inveterate Enemies be safe." Samuel Adams advised: "No Mobs—No Confusions—No Tumult." And James Otis said that "no possible circumstances, though ever so oppressive, could be supposed sufficient to justify private tumults and disorders...."

The quartering of troops by the British was directly hurtful to the sailors and other working people. After 1768, two thousand soldiers were quartered in Boston, and friction grew between the crowds and the soldiers. The soldiers began to take the jobs of working people when jobs were scarce, and on March 5, 1770, grievances of ropemakers against British soldiers taking their jobs led to a fight.

A crowd gathered in front of the customhouse and began provoking the soldiers, who fired and killed first Crispus Attucks, a mulatto worker, then others. This became known as the Boston Massacre. Feelings against the British mounted quickly at the acquittal of six of the British soldiers (two were punished by having their thumbs branded and were discharged from the army). The crowd at the massacre was described by John Adams, defense attorney for the British soldiers, as "a motley rabble of saucy boys, negroes, and molattoes, Irish teagues and outlandish jack tarrs." Perhaps ten thousand people marched in the funeral procession for the victims of the massacre, out of a total Boston population of sixteen thousand. This led England to remove the troops from Boston and try to quiet the situation.

Impressment—drafting colonists into military service—was the background of the massacre. There had been impressment riots through the 1760s in New York and in Newport, Rhode Island, where five hundred

seamen, boys, and Negroes rioted. Six weeks before the Boston Massacre, there was a battle in New York of seamen against British soldiers taking their jobs, and one seaman was killed.

In the Boston Tea Party of December 1773 tea was seized from ships and dumped into Boston Harbor. The Boston Committee of Correspondence, formed a year before to organize anti-British actions, "controlled crowd action against the tea from the start," Dirk Hoerder says. The Tea Party led to the Coercive Acts by Parliament, virtually establishing martial law in Massachusetts, dissolving the colonial government, closing the port in Boston, and sending in troops. Mass meetings rose in opposition.

Pauline Maier, who studied the development of opposition to Britain in the decade before 1776 in her book *From Resistance to Revolution*, emphasizes the moderation of the leadership and, despite their desire for resistance, their "emphasis on order and restraint." She notes: "The officers and committee members of the Sons of Liberty were drawn almost entirely from the middle and upper classes of colonial society." Their aim, however, was to broaden their organization, to develop a mass base of wage earners.

In Virginia, it seemed clear to the educated gentry that something needed to be done to persuade the lower orders to join the revolutionary cause, to deflect their anger against England.

It was a problem for which the rhetorical talents of Patrick Henry were superbly fitted. He found language inspiring to all classes, specific enough in its listing of grievances to charge people with anger against the British, vague enough to avoid class conflict among the rebels, and stirring enough to build patriotic feeling for the resistance movement.

Tom Paine's *Common Sense*, which appeared in early 1776 and became the most popular pamphlet in the American colonies, did this. It made the first bold argument for independence, in words that any fairly literate person could understand: "Society in every state is a blessing, but Government even in its best state is but a necessary evil...."

Paine disposed of the idea of the divine right of kings by a pungent history of the British monarchy, going back to the Norman conquest of 1066, when William the Conqueror came over from France to set himself on the British throne: "A French bastard landing with an armed Banditti and establishing himself king of England against the consent of the natives, is in plain terms a very paltry rascally original. It certainly hath no divinity in it."

Paine dealt with the practical advantages of sticking to England or being separated:

I challenge the warmest advocate for reconciliation to show a single advantage that this continent can reap by being connected with Great Britain. I repeat the challenge; not a single advantage is derived. Our corn will fetch its price in any market in Europe, and our imported goods must be paid for by them where we will....

As for the bad effects of the connection with England, Paine appealed to the colonists' memory of all the wars in which England had involved them, wars costly in lives and money. He built slowly to an emotional pitch: "Everything that is right or reasonable pleads for separation. The blood of the slain, the weeping voice of nature cries, 'TIS TIME TO PART'."

Common Sense went through twenty-five editions in 1776 and sold hundreds of thousands of copies. It is probable that almost every literate colonist either read it or knew about its content. Pamphleteering had become by this time the chief theater of debate about relations with England. From 1750 to 1776 four hundred pamphlets had appeared arguing one or another side of the Stamp Act or the Boston Massacre or the Tea Party or the general questions of disobedience to law, loyalty to government, rights and obligations.

Paine's pamphlet appealed to a wide range of colonial opinion angered by England. But it caused some tremors in aristocrats like John Adams, who were with the patriot cause but wanted to make sure it didn't go too far in the direction of democracy. Popular assemblies needed to be checked, Adams thought, because they were "productive of hasty results and absurd judgements."

Paine himself came out of "the lower orders" of England—a stay-maker, tax official, teacher, poor emigrant to America. But once the Revolution was under way, Paine more and more made it clear that he was not for the crowd action of lower-class people—like those militia who in 1779 attacked the house of James Wilson. Wilson was a Revolutionary leader who opposed price controls and wanted a more conservative government than was given by the Pennsylvania Constitution of 1776. Paine became an associate of one of the wealthiest men in Pennsylvania, Robert Morris, and a supporter of Morris's creation, the Bank of North America.

Later, during the controversy over adopting the Constitution, Paine would once again represent urban artisans, who favored a strong central government. He seemed to believe that such a government could represent some great common interest. In this sense, he lent himself perfectly to

the myth of the Revolution—that it was on behalf of a united people. The Declaration of Independence brought that myth to its peak of eloquence. Each harsher measure of British control—the Proclamation of 1763, which forbade colonists to settle beyond the Appalachians, the Stamp Tax, the Townshend taxes, including the one on tea, the stationing of troops and the Boston Massacre, the closing of the port of Boston and the dissolution of the Massachusetts legislature—escalated colonial rebellion to the point of revolution. The colonists had responded with the Stamp Act Congress, the Sons of Liberty, the Committees of Correspondence, the Boston Tea Party, and finally, in 1774, the setting up of a Continental Congress—an illegal body, forerunner of a future independent government.

It was after the military clash at Lexington and Concord in April 1775, between colonial minutemen and British troops, that the Continental Congress decided on separation. They organized a small committee to draw up the Declaration of Independence, which Thomas Jefferson wrote. It was adopted by the Congress on July 2, and officially proclaimed July 4, 1776.

By this time there was already a powerful sentiment for independence. Resolutions adopted in North Carolina in May of 1776, and sent to the Continental Congress, declared independence of England, asserted that all British law was null and void, and urged military preparations. About the same time, the town of Malden, Massachusetts, responding to a request from the Massachusetts House of Representatives that all towns in the state declare their views on independence, had met in town meeting and unanimously called for independence: "... we therefore renounce with disdain our connexion with a kingdom of slaves; we bid a final adieu to Britain."

"When in the Course of human events, it becomes necessary for one people to dissolve the political bands... they should declare the causes..." This was the opening of the Declaration of Independence. Then, in its second paragraph, came a powerful philosophical statement:

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....

It then went on to list grievances against the king, "a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States." The list accused the king of dissolving colonial governments, controlling judges, sending "swarms of Officers to harass our people," sending in armies of occupation, cutting off colonial trade with other parts of the world, taxing the colonists without their consent, and waging war against them, "transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny."

All this, the language of popular control over governments, the right of rebellion and revolution, indignation at political tyranny, economic burdens, and military attacks, was language well suited to unite large numbers of colonists and persuade even those who had grievances against one another to turn against England.

Some Americans were clearly omitted from this circle of united interest drawn by the Declaration of Independence: Indians, black slaves, women. Indeed, one paragraph of the Declaration charged the king with inciting slave rebellions and Indian attacks:

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

Twenty years before the Declaration, a proclamation of the legislature of Massachusetts of November 3, 1755, declared the Penobscot Indians "rebels, enemies and traitors" and provided a bounty: "For every scalp of a male Indian brought in...forty pounds. For every scalp of such female Indian or male Indian under the age of twelve years that shall be killed...twenty pounds...."

Thomas Jefferson had written a paragraph of the Declaration accusing the king of transporting slaves from Africa to the colonies and "suppressing every legislative attempt to prohibit or to restrain this execrable commerce." This seemed to express moral indignation against slavery and the slave trade (Jefferson's personal distaste for slavery must be put alongside the fact that he owned hundreds of slaves to the day he died). Behind it was the growing fear among Virginians and some other southerners about the growing number of black slaves in the colonies (20 percent of the total population) and the threat of slave revolts as the number of slaves increased.

Jefferson's paragraph was removed by the Continental Congress because slaveholders themselves disagreed about the desirability of end-

ing the slave trade. So even that gesture toward the black slave was omitted from the American Revolution's great manifesto of freedom.

The use of the phrase "all men are created equal" was probably not a deliberate attempt to make a statement about women. It was just that women were beyond consideration as worthy of inclusion. They were politically invisible. Though practical needs gave women a certain authority in the home, on the farm, or in occupations such as midwifery, they were simply overlooked in any consideration of political rights, any notions of civic equality.

To say that the Declaration of Independence, even by its own language, was limited to life, liberty, and happiness for white males is not to denounce the makers and signers of the Declaration for holding the ideas expected of privileged males of the eighteenth century. Reformers and radicals, looking discontentedly at history, are often accused of expecting too much from a past political epoch—and sometimes they do. But the point of noting those outside the arc of human rights in the Declaration is not, centuries late and pointlessly, to denounce the moral failures of that time. It is to try to understand the way in which the Declaration functioned to mobilize certain groups of Americans, ignoring others. Surely, inspirational language to create a secure consensus is still used, in our time, to cover up serious conflicts of interest in that consensus, and to cover up, also, the omission of large parts of the human race.

The reality behind the words of the Declaration of Independence was that a rising class of important people needed to enlist on their side enough Americans to defeat England, without disturbing too much the relations of wealth and power that had developed over 150 years of colonial history. Indeed, 69 percent of the signers of the Declaration of Independence had held colonial office under England.

When the Declaration of Independence was read, with all its flaming radical language, from the town hall balcony in Boston, it was read by Thomas Crafts, a member of the Loyal Nine group, conservatives who had opposed militant action against the British. Four days after the reading, the Boston Committee of Correspondence ordered the townsmen to show up on the common for a military draft. The rich, it turned out, could avoid the draft by paying for substitutes; the poor had to serve. This led to rioting and shouting: "Tyranny is Tyranny let it come from whom it may."

A Kind of Revolution

The American victory over the British army was made possible by the existence of an already-armed people. Just about every white male had a gun and could shoot. The Revolutionary leadership distrusted the mobs of poor. But they knew the Revolution had no appeal to slaves and Indians. They would have to woo the armed white population.

This was not easy. Yes, mechanics and sailors and some others were incensed against the British. But general enthusiasm for the war was not strong. John Shy, in his study of the Revolutionary army (*A People Numerous and Armed*), estimates that perhaps a fifth of the population was actively treasonous. John Adams had estimated a third opposed, a third in support, a third neutral.

The men who first joined the colonial militia were generally "hall-marks of respectability or at least of full citizenship" in their communities, Shy says. Excluded from the militia were friendly Indians, free Negroes, white servants, and free white men who had no stable home. But desperation led to the recruiting of the less respectable whites. Massachusetts and Virginia provided for drafting "strollers" (vagrants) into the militia. In fact, the military became a place of promise for the poor, who might rise in rank, acquire some money, and change their social status.

Here was the traditional device by which those in charge of any social order mobilize and discipline a recalcitrant population—offering the adventure and rewards of military service to get poor people to fight for a cause they may not see clearly as their own. A wounded American lieutenant at Bunker Hill, John Scott, told how he had joined the rebel forces:

Vietnam?

A Kind of Revolution

I was a Shoemaker, & got my living by my Labor. When this Rebellion came on, I saw some of my Neighbors got into Commission, who were no better than myself. I was very ambitious, & did not like to see those Men above me. I was asked to enlist, as a private Soldier... I offered to enlist upon having a Lieutenants Commission; which was granted. I imagined myself now in a way of Promotion.

Scott was one of many Revolutionary fighters, usually of lower military ranks, from poor and obscure backgrounds. Shy's study of the Peterborough contingent shows that the prominent and substantial citizens of the town had served only briefly in the war. Other American towns show the same pattern. As Shy puts it: "Revolutionary America may have been a middle-class society, happier and more prosperous than any other in its time, but it contained a large and growing number of fairly poor people, and many of them did much of the actual fighting and suffering between 1775 and 1783: A very old story."

The military conflict itself, by dominating everything in its time, diminished other issues, made people choose sides in the one contest that was publicly important, forced people onto the side of the Revolution whose interest in independence was not at all obvious. War was making the ruling elite more secure against internal trouble.

Here, in the war for liberty, was conscription, as usual, cognizant of wealth. With the impressment riots against the British still remembered, impressment of seamen by the American navy was taking place by 1779. A Pennsylvania official said: "We cannot help observing how similar this Conduct is to that of the British Officers during our Subjection to Great Britain and are persuaded it will have the same unhappy effects viz. an estrangement of the Affections of the People from... Authority... which by an easy Progression will proceed to open Opposition... and bloodshed."

The Americans lost the first battles of the war: Bunker Hill, Brooklyn Heights, Harlem Heights, the Deep South; they won small battles at Trenton and Princeton, and then, in a turning point, a big battle at Saratoga, New York, in 1777. Washington's frozen army hung on at Valley Forge, Pennsylvania, while Benjamin Franklin negotiated an alliance with the French monarchy, which was anxious for revenge on England. The war turned to the South, where the British won victory after victory, until the Americans, aided by a large French army, with the French navy blocking off the British from supplies and reinforcements, won the final victory of the war at Yorktown, Virginia, in 1781.

Through all this, the suppressed conflicts between rich and poor among

A People's History of the United States

the Americans kept reappearing. The war, Eric Foner says, was "a time of immense profits for some colonists and terrible hardships for others."

In May 1779, the First Company of Philadelphia Artillery petitioned the Assembly about the troubles of "the midling and poor" and threatened violence against "those who are avariciously intent upon amassing wealth by the destruction of the more virtuous part of the community." In October came the "Fort Wilson riot," in which a militia group marched into the city and to the house of James Wilson, a wealthy lawyer and Revolutionary official who had opposed price controls and the democratic constitution adopted in Pennsylvania in 1776. The militia were driven away by a "silk stocking brigade" of well-off Philadelphia citizens.

The Continental Congress, which governed the colonies through the war, was dominated by rich men, linked together in factions and compacts by business and family connections. For instance, Richard Henry Lee of Virginia was connected with the Adamses of Massachusetts and the Shippens of Pennsylvania.

The Congress voted half-pay for life for those officers who snuck to the end. This ignored the common soldier, who was not getting paid, who was suffering in the cold, dying of sickness, watching the civilian profiteers get rich. On New Year's Day, 1781, the Pennsylvania troops near Morristown, New Jersey, perhaps emboldened by rum, dispersed their officers, killed one captain, wounded others, and were marching, fully armed, with cannon, toward the Continental Congress at Philadelphia.

George Washington handled it cautiously. A peace was negotiated, in which half the men were discharged; the other half got furloughs.

Shortly after this, a smaller mutiny took place in the New Jersey Line, involving two hundred men who defied their officers and started out for the state capital at Trenton. Now Washington was ready. Six hundred men, who themselves had been well fed and clothed, marched on the mutineers and surrounded and disarmed them. Three ringleaders were put on trial immediately, in the field. One was pardoned, and two were shot by firing squads made up of their friends, who wept as they pulled the triggers. It was "an example," Washington said.

Two years later, there was another mutiny in the Pennsylvania Line. The war was over and the army had disbanded, but eighty soldiers, demanding their pay, invaded the Continental Congress headquarters in Philadelphia and forced the members to flee across the river to Princeton—"ignominiously turned out of doors," as one historian sorrowfully wrote (John Fiske, *The Critical Period*), "by a handful of drunken mutineers."

What soldiers in the Revolution could do only rarely, rebel against their authorities, civilians could do much more easily. Ronald Hoffman says: "The Revolution plunged the states of Delaware, Maryland, North Carolina, South Carolina, Georgia, and, to a much lesser degree, Virginia into divisive civil conflicts that persisted during the entire period of struggle." The southern lower classes resisted being mobilized for the revolution. They saw themselves under the rule of a political elite, win or lose against the British.

With black slaves 20 percent of the population (and in some counties 50 percent), fear of slave revolts grew. George Washington had turned down the requests of blacks, seeking freedom, to fight in the Revolutionary army. So when the British military commander in Virginia, Lord Dunmore, promised freedom to Virginia slaves who joined his forces, this created consternation.

Even more unsettling was white rioting in Maryland against leading families supporting the Revolution, who were suspected of hoarding needed commodities. Despite this, Maryland authorities retained control. They made concessions, taxing land and slaves more heavily, letting debtors pay in paper money. It was a sacrifice by the upper class to maintain power, and it worked.

In the lower South, however, the general mood was to take no part in a war that seemed to have nothing for them. Washington's military commander there, Nathanael Greene, dealt with disloyalty by a policy of concessions to some, brutality to others. In a letter to Thomas Jefferson he described a raid by his troops on Loyalists. "They made a dreadful carnage of them, upwards of one hundred were killed and most of the rest cut to pieces. It has had a very happy effect on those disaffected persons of which there were too many in this country." In general, throughout the states, concessions were kept to a minimum. The new constitutions that were drawn up in all states from 1776 to 1780 were not much different from the old ones. Only Pennsylvania abolished property qualifications for voting and holding office.

One would look, in examining the Revolution's effect on class relations, at what happened to land confiscated from fleeing Loyalists. It was distributed in such a way as to give a double opportunity to the Revolutionary leaders: to enrich themselves and their friends, and to parcel out some land to small farmers to create a broad base of support for the new government. Indeed, this became characteristic of the new nation: finding itself possessed of enormous wealth, it could create the richest ruling class

in history and still have enough for the middle classes to act as a buffer between the rich and the dispossessed.

Edmund Morgan sums up the class nature of the Revolution this way: "The fact that the lower ranks were involved in the contest should not obscure the fact that the contest itself was generally a struggle for office and power between members of an upper class: the new against the established."

Carl Degler says (*Out of Our Past*): "No new social class came to power through the door of the American revolution. The men who engineered the revolt were largely members of the colonial ruling class." George Washington was the richest man in America. John Hancock was a prosperous Boston merchant. Benjamin Franklin was a wealthy printer. And so on.

On the other hand, town mechanics, laborers, and seamen, as well as small farmers, were swept into "the people" by the rhetoric of the Revolution, by the camaraderie of military service, by the distribution of some land. This was created a substantial body of support, a national consensus, something that, even with the exclusion of ignored and oppressed people, could be called "America."

Staughton Lynd's close study of Dutchess County, New York, in the Revolutionary period corroborates this. There were tenant risings in 1766 against the huge feudal estates in New York. The Rensselaerwyck holding was a million acres. Tenants, claiming some of this land for themselves, unable to get satisfaction in the courts, turned to violence. In Poughkeepsie, seventeen hundred armed tenants closed the courts and broke open the jails. But the uprising was crushed.

Tenants became a threatening force in the midst of the war. Many stopped paying rent. The legislature, worried, passed a bill to confiscate Loyalist land and add four hundred new freeholders to the eighteen hundred already in the county. The new freeholders found that they had stopped being tenants, but were now mortgagees, paying back loans from banks instead of rent to landlords.

It seems that the rebellion against British rule allowed a certain group of the colonial elite to replace those loyal to England, give some benefits to small landholders, and leave poor white working people and tenant farmers in very much their old situation.

What did the Revolution mean to the native Americans, the Indians? They had been ignored by the fine words of the Declaration, had not been considered equal, certainly not in choosing those who would govern the

American territories in which they lived, nor in being able to pursue happiness as they had pursued it for centuries before the white Europeans arrived. Now, with the British out of the way, the Americans could begin the inexorable process of pushing the Indians off their lands, killing them if they resisted. In short, as Francis Jennings puts it, the white Americans were fighting against British imperial control in the East, and for their own imperialism in the West.

In New York, through intricate swindling, eight hundred thousand acres of Mohawk land were taken, ending the period of friendship between the Mohawks and the state. Chief Hendrick of the Mohawks is recorded speaking his bitterness to Gov. George Clinton and the provincial council of New York in 1753:

Brother when we came here to relate our Grievances about our Lands, we expected to have something done for us, and we have told you that the Covenant Chain of our Forefathers was like to be broken, and brother you tell us that we shall be redressed at Albany, but we know them so well, we will not trust to them, for they [the Albany merchants] are no people but Devils so... as soon as we come home we will send up a Belt of Wampum to our Brothers the other 5 Nations to acquaint them the Covenant Chain is broken between you and us. So brother you are not to expect to hear of me any more, and Brother we desire to hear no more of you.

When the British fought the French for North America in the Seven Years' War, the Indians fought on the side of the French. The French were traders but not occupiers of Indian lands, while the British clearly covered their hunting grounds and living space.

When that war ended in 1763, the French, ignoring their old allies, ceded to the British lands west of the Appalachians. The Indians therefore united to make war on the British western forts; this is called "Pontiac's Conspiracy" by the British, but "a liberation war for independence" in the words used by Francis Jennings. Under orders from the British general Jeffrey Amherst, the commander of Fort Pitts gave the attacking Indian chiefs, with whom he was negotiating, blankets from the smallpox hospital. It was a pioneering effort at what is now called biological warfare. An epidemic soon spread among the Indians.

Despite the burning of villages, the British could not destroy the will of the Indians, who continued guerrilla war. A peace was made, with the British agreeing to establish a line at the Appalachians, beyond which settlements would not encroach on Indian territory. This was the Royal

Proclamation of 1763, and it angered Americans (the original Virginia charter said its land went westward to the ocean). It helps to explain why most of the Indians fought for England during the Revolution. With their French allies, then their English allies, gone, the Indians faced a new land-coveting nation—alone.

With the eastern elite controlling the lands on the seaboard, the poor, seeking land, were forced to go West. They became a useful bulwark for the rich, because it was the frontiers people who were the first targets of the Indians.

The situation of black slaves as a result of the American Revolution was more complex. Thousands of blacks fought with the British. Five thousand were with the Revolutionaries.

In the northern states, the combination of blacks in the military, the lack of powerful economic need for slaves, and the rhetoric of Revolution led to the end of slavery—but very slowly. As late as 1810, thirty thousand blacks, one-fourth of the black population of the North, remained slaves. In 1840 there were still a thousand slaves in the North. In the upper South, there were more free Negroes than before, leading to more control legislation. In the lower South, slavery expanded with the growth of rice and cotton plantations.

What the Revolution did was to create space and opportunity for blacks to begin making demands of white society. Sometimes these demands came from the new, small black elites in Baltimore, Philadelphia, Richmond, and Savannah, sometimes from articulate and bold slaves. Pointing to the Declaration of Independence, blacks petitioned Congress and the state legislatures to abolish slavery, to give blacks equal rights. In 1780, seven blacks in Dartmouth, Massachusetts, petitioned the legislature for the right to vote, linking taxation to representation:

...we apprehend ourselves to be Aggrieved, in that while we are not allowed the Privilege of freemen of the State having no vote or Influence in the Election of those that Tax us yet many of our Colour (as is well known) have cheerfully Entered the field of Battle in the defense of the Common Cause and that (as we conceive) against a similar Exertion of Power (in Regard to taxation) too well known to need a recital in this place....

A black man, Benjamin Banneker, who taught himself mathematics and astronomy, accurately predicted a solar eclipse, and was appointed to plan the new city of Washington, wrote to Thomas Jefferson:

I suppose it is a truth too well attested to you, to need a proof here, that we are a race of beings, who have long labored under the abuse and curse of the world; that we have long been looked upon with an eye of contempt; and that we have long been considered rather as brutish than human, and scarcely capable of mental endowments.... I apprehend you will embrace every opportunity to eradicate that train of absurd and false ideas and opinions, which so generally prevails with respect to us; and that your sentiments are concurrent with mine, which are, that one universal Father hath given being to us all; and that he hath not only made us all of one flesh, but that he hath also, without partiality, afforded us all the same sensations and endowed us all with the same facilities....

Banneker asked Jefferson "to wean yourselves from those narrow prejudices which you have imbibed."

Jefferson tried his best, as an enlightened, thoughtful individual might. But the structure of American society, the power of the cotton plantation, the slave trade, the politics of unity between northern and southern elites, and the established culture of race prejudice in the colonies, as well as his own weaknesses—that combination of practical need and ideological fixation—kept Jefferson a slaveowner throughout his life.

The inferior position of blacks, the exclusion of Indians from the new society, the establishment of supremacy for the rich and powerful in the new nation—all this was already settled in the colonies by the time of the Revolution. With the English out of the way, it could now be put on paper, solidified, regularized, made legitimate, by the Constitution of the United States, drafted at a convention of Revolutionary leaders in Philadelphia.

To many Americans over the years, the Constitution drawn up in 1787 has seemed a work of genius put together by wise, humane men who created a legal framework for democracy and equality.

Another view of the Constitution was put forward early in the twentieth century by the historian Charles Beard (arousing anger and indignation, including a denunciatory editorial in the *New York Times*). In his book *An Economic Interpretation of the Constitution*, Beard studied the economic backgrounds and political ideas of the fifty-five men who gathered in Philadelphia in 1787 to draw up the Constitution. He found that a majority of them were lawyers by profession, that most of them were men of wealth, in land, slaves, manufacturing, or shipping, that half of them had money loaned out at interest, and that forty of the fifty-five held government bonds, according to the records of the Treasury Department.

Thus, Beard found that most of the makers of the Constitution had some direct economic interest in establishing a strong federal government:

Constitution

Beard

the manufacturers needed protective tariffs; the moneylenders wanted to stop the use of paper money to pay off debts; the land speculators wanted protection as they invaded Indian lands; slaveowners needed federal security against slave revolts and runaways; bondholders wanted a government able to raise money by nationwide taxation, to pay off those bonds.

Four groups, Beard noted, were not represented in the Constitutional Convention: slaves, indentured servants, women, and men without property. And so the Constitution did not reflect the interests of those groups.

He wanted to make it clear that he did not think the Constitution was written merely to benefit the Founding Fathers personally. Rather, it was to benefit the groups the founders represented, the "economic interests they understood and felt in concrete, definite form through their own personal experience."

By 1787 there was not only a positive need for strong central government to protect the large economic interests, but also immediate fear of rebellion by discontented farmers. The chief event causing this fear was an uprising in the summer of 1786 in western Massachusetts, known as Shays's Rebellion.

In the western towns of Massachusetts there was resentment against the legislature in Boston. The new constitution of 1780 had raised the property qualifications for voting. No one could hold state office without being quite wealthy. Furthermore, the legislature was refusing to issue paper money, as had been done in some other states, such as Rhode Island, to make it easier for debt-ridden farmers to pay off their creditors.

Illegal conventions began to assemble in some of the western counties to organize opposition to the legislature. At one of these, a man named Plough Jagger spoke his mind:

I have been greatly abused, have been obliged to do more than my part in the war; been loaded with class rates, town rates, province rates, Continental rates and all rates...been pulled and hauled by sheriffs, constables and collectors, and had my cattle sold for less than they were worth....

...The great men are going to get all we have and I think it is time for us to rise and put a stop to it, and have no more courts, nor sheriffs, nor collectors nor lawyers....

There were going to be court proceedings in Hampshire County, in the towns of Northampton and Springfield, to seize the cattle of farmers who hadn't paid their debts, to take away their land, now full of grain and ready for harvest. And so, veterans of the Continental army, also aggrieved because they had been treated poorly on discharge—given cer-

tificates for future redemption instead of immediate cash—began to organize the farmers into squads and companies. One of these veterans was Luke Day, who arrived the morning of court with a fife-and-drum corps, still angry with the memory of being locked up in debtors' prison in the heat of the previous summer.

The sheriff looked to the local militia to defend the court against these armed farmers. But most of the militia was with Luke Day. The sheriff did manage to gather five hundred men, and the judges put on their black silk robes, waiting for the sheriff to protect their trip to the courthouse. But there at the courthouse steps, Luke Day stood with a petition, asserting the people's constitutional right to protest the unconstitutional acts of the General Court, asking the judges to adjourn until the General Court could act on behalf of the farmers. Standing with Luke Day were fifteen hundred armed farmers. The judges adjourned.

Shortly after, at courthouses in Worcester and Athol, farmers with guns prevented the courts from meeting to take away their property, and the militia were too sympathetic to the farmers, or too outnumbered, to act. In Concord, a fifty-year-old veteran of two wars, Job Shattuck, led a caravan of carts, wagons, horses, and oxen onto the town green, while a message was sent to the judges: "The voice of the People of this county is such that the court shall not enter this courthouse until such time as the People shall have redress of the grievances they labor under at the present." A county convention then suggested the judges adjourn, which they did.

At Great Barrington, a militia of a thousand faced a square crowded with armed men and boys. But the militia was split in its opinion, most favoring the crowd, which, after obtaining the chief justice's promise to adjourn his court until the General Court met, went back to the square, broke open the county jail, and set the debtors free. The chief justice, a country doctor, said: "I have never heard anybody point out a better way to have their grievances redressed than the people have taken."

The governor and the political leaders of Massachusetts became alarmed. Samuel Adams, once looked on as a radical leader in Boston, now insisted people act within the law. He said "British emissaries" were stirring up the farmers. People in the town of Greenwich responded: You in Boston have the money, and we don't. And didn't you act illegally yourselves in the Revolution? The insurgents were now being called Regulators. Their emblem was a spring of hemlock.

The problem went beyond Massachusetts. In Rhode Island, the debtors had taken over the legislature and were issuing paper money. In

debtors

New Hampshire, several hundred men, in September of 1786, surrounded the legislature in Exeter, asking that taxes be returned and paper money issued; they dispersed only when military action was threatened.

Daniel Shays entered the scene in western Massachusetts. A poor farm hand when the Revolution broke out, he joined the Continental army, fought at Lexington, Bunker Hill, and Saratoga, and was wounded in action. In 1780, not being paid, he resigned from the army, went home, and soon found himself in court for nonpayment of debts. He also saw what was happening to others: a sick woman, unable to pay, had her bed taken from under her.

What brought Shays fully into the situation was that on September 19, the Supreme Judicial Court of Massachusetts indicted eleven leaders of the rebellion, including three of his friends, as "disorderly, riotous and seditious persons." Shays organized seven hundred armed farmers, most of them veterans of the war, and led them to Springfield. As they marched, their ranks grew. Some of the militia joined, and reinforcements began coming in from the countryside. The judges postponed hearings for a day, then adjourned the court.

Now the General Court, meeting in Boston, was told by Governor James Bowdoin to "vindicate the insulted dignity of government." The recent rebels against England, secure in office, were calling for law and order. Sam Adams helped draw up a riot act and a resolution suspending habeas corpus, to allow the authorities to keep people in jail without trial. At the same time, the legislature moved to make some concessions to the angry farmers, saying certain old taxes could now be paid in goods instead of money.

This didn't help. Confrontations between farmers and militia now multiplied. But the winter snows began to interfere with the farmers' trips to the courthouses. When Shays began marching a thousand men into Boston, a blizzard forced them back, and one of his men froze to death.

An army came into the field, led by Gen. Benjamin Lincoln, on money raised by Boston merchants. The rebels were outnumbered and on the run. Shays took refuge in Vermont, and his followers began to surrender. There were a few more deaths in battle, and then sporadic, disorganized, desperate acts of violence against authority: the burning of barns, the slaughter of a general's horses. One government soldier was killed in an eerie nighttime collision of two sleighs.

Captured rebels were put on trial in Northampton and six were sentenced to death. A note was left at the door of the high sheriff of Pittsfield:

"I understand that there is a number of my countrymen condemned to die because they fought for justice.... Prepare for death with speed, for your life or mine is short."

Thirty-three more rebels were put on trial and six more condemned to death. General Lincoln urged mercy and a Commission of Clemency, but Samuel Adams said: "In monarchy the crime of treason may admit of being pardoned or lightly punished, but the man who dares rebel against the laws of a republic ought to suffer death." Several hangings followed; some of the condemned were pardoned. Shays, in Vermont, was pardoned in 1788 and returned to Massachusetts, where he died, poor and obscure, in 1825.

It was Thomas Jefferson, in France as ambassador at the time of Shays's Rebellion, who spoke of such uprisings as healthy for society. In a letter to a friend he wrote: "I hold it that a little rebellion now and then is a good thing.... It is a medicine necessary for the sound health of government.... God forbid that we should ever be twenty years without such a rebellion.... The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

But Jefferson was far from the scene. The political and economic elite of the country were not so tolerant. They worried that the example might spread. A veteran of Washington's army, Gen. Henry Knox, founded an organization of army veterans, "The Order of the Cincinnati." Knox wrote to Washington in late 1786 about Shays's Rebellion, and in doing so expressed the thoughts of many of the wealthy and powerful leaders of the country: "The people who are the insurgents feel at once their own poverty, compared with the opulent.... Their creed is 'That the property of the United States has been protected from the confiscations of Britain by the joint exertions of all, and therefore ought to be the common property of all.'"

Alexander Hamilton, an aide to Washington during the war, was one of the most forceful and astute leaders of the new aristocracy. He voiced his political philosophy:

All communities divide themselves into the few and the many. The first are the rich and well-born, the other the mass of the people.... The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first class a distinct permanent share in the government.... Nothing but a permanent body can check the imprudence of democracy....

At the Constitutional Convention, Hamilton suggested a president and Senate chosen for life. The Convention did not take his suggestion.

But neither did it provide for popular elections, except in the case of the House of Representatives, where the qualifications were set by the state legislatures (which required property holding for voting in almost every state), and excluded women, Indians, and slaves. The Constitution provided for senators to be elected by the state legislatures, for the president to be elected by electors chosen by the state legislatures, and for the Supreme Court to be appointed by the president.

The problem of democracy in the post-Revolutionary society was not, however, the Constitutional limitations on voting. It lay deeper, beyond the Constitution, in the division of society into rich and poor. For if some people had great wealth and great influence; if they had the land, the money, the newspapers, the church, the educational system—how could voting, however broad, cut into such power? There was still another problem: wasn't it the nature of representative government, even when most broadly based, to be conservative, to prevent tumultuous change?

It came time to ratify the Constitution, to submit to a vote in state conventions, with approval of nine of the thirteen required to ratify it. In New York, where debate over ratification was intense, a series of newspaper articles appeared, anonymously, and they tell us much about the nature of the Constitution. These articles, favoring adoption of the Constitution, were written by James Madison, Alexander Hamilton, and John Jay, and came to be known as the *Federalist Papers* (opponents of the Constitution became known as anti-Federalists).

In *Federalist Paper #10*, James Madison argued that representative government was needed to maintain peace in a society ridden by factional disputes. These disputes came from "the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society." The problem, he said, was how to control the factional struggles that came from inequalities in wealth. Minority factions could be controlled, he said, by the principle that decisions would be by vote of the majority.

So the real problem, according to Madison, was a majority faction, and here the solution was offered by the Constitution, to have "an extensive republic," that is, a large nation ranging over thirteen states, for then "it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other...."

As part of his argument for a large republic to keep the peace, James Madison tells quite clearly, in *Federalist #10*, whose peace he wants to keep:

"A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it."

When economic interest is seen behind the political clauses of the Constitution, then the document becomes not simply the work of wise men trying to establish a decent and orderly society, but the work of certain groups trying to maintain their privileges, while giving just enough rights and liberties to enough of the people to ensure popular support.

In the new government, Madison would belong to one party (the Democrat-Republicans) along with Jefferson and Monroe. Hamilton would belong to the rival party (the Federalists) along with Washington and Adams. But both agreed—one a slaveholder from Virginia, the other a merchant from New York—on the aims of this new government they were establishing. In this they anticipated the tradition of fundamental agreement between the two "opposing" political parties in the American system. Hamilton wrote elsewhere in the *Federalist Papers* that the new Union would be able "to repress domestic faction and insurrection." He referred directly to Shays's Rebellion: "The tempestuous situation from which Massachusetts has scarcely emerged evinces that dangers of this kind are not merely speculative."

It was either Madison or Hamilton (the authorship of the individual papers is not always known) who in *Federalist Paper* # 63 argued the necessity of a "well-constructed Senate" as "sometimes necessary as a defence to the people against their own temporary errors and delusions." And: "In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind?"

The Constitution was a compromise between slaveholding interests — of the South and moneyed interests of the North. For the purpose of uniting the thirteen states into one great market for commerce, the northern delegates wanted laws regulating interstate commerce and urged that such laws require only a majority of Congress to pass. The South agreed to this, in return for allowing the trade in slaves to continue for twenty years before being outlawed.

Charles Beard warned us that governments—including the government of the United States—are not neutral, that they represent the domi-

nant economic interests, and that their constitutions are intended to serve these interests.

True, there were many property owners. But some people had much more than others. A few people had great amounts of property; many people (roughly, one-third) had small amounts; others had none.

Still, one-third was a considerable number of people who felt they had something at stake in the stability of a new government. This was a larger base of support for government than anywhere in the world at the end of the eighteenth century. In addition, the city mechanics had an important interest in a government that would protect their work from foreign competition.

This was especially true in New York. When the ninth and tenth states had ratified the Constitution, four thousand New York City mechanics marched with floats and banners to celebrate. Bakers, blacksmiths, brewers, ship joiners and shipwrights, coopers, cartmen, and tailors all marched. They required a government that would protect them against the British hats and shoes and other goods that were pouring into the colonies after the Revolution. As a result, the mechanics often supported wealthy conservatives at the ballot box.

The Constitution, then, illustrates the complexity of the American system: that it serves the interests of a wealthy elite, but also does enough for small property owners, for middle-income workers and farmers, to build a broad base of support. The slightly prosperous people who make up this base of support are buffers against the blacks, the Indians, and the very poor whites. They enable the elite to keep control with a minimum of coercion, a maximum of law—all made palatable by the fanfare of patriotism and unity.

The Constitution became even more acceptable to the public at large after the first Congress, responding to criticism, passed a series of amendments known as the Bill of Rights. These amendments seemed to make the new government a guardian of people's liberties: to speak, to publish, to worship, to petition, to assemble, to be tried fairly, to be secure at home against official intrusion. It was, therefore, perfectly designed to build popular backing for the new government. What was not made clear—it was a time when the language of freedom was new and its reality untested—was the shakiness of anyone's liberty when entrusted to a government of the rich and powerful.

Indeed, the same problem existed for the other provisions of the Constitution, such as the clause forbidding states to "impair the obligation of

contract," or that giving Congress the power to tax the people and to appropriate money. They all sound benign and neutral until one asks: Tax whom, for what? Appropriate what, for whom?

To protect everyone's contracts seems like an act of fairness, of equal treatment, until one considers that contracts made between rich and poor, between employer and employee, landlord and tenant, creditor and debtor, generally favor the more powerful of the two parties. Thus, to protect these contracts is to put the great power of the government, its laws, courts, sheriffs, police, on the side of the privileged—and to do it not, as in premodern times, as an exercise of brute force against the weak but as a matter of law.

The First Amendment of the Bill of Rights shows that quality of interest hiding behind innocence. Passed in 1791 by Congress, it provided that "Congress shall make no law... abridging the freedom of speech, or of the press...." Yet, seven years after the First Amendment became part of the Constitution, Congress passed a law very clearly abridging the freedom of speech.

This was the Sedition Act of 1798, passed under John Adams's administration, at a time when Irishmen and Frenchmen in the United States were looked on as dangerous revolutionaries because of the recent French Revolution and the Irish rebellions. The Sedition Act made it a crime to say or write anything "false, scandalous and malicious" against the government, Congress, or the President, with intent to defame them, bring them into disrepute, or excite popular hatreds against them.

This act seemed to violate the First Amendment directly. Yet, it was enforced. Ten Americans were put in prison for utterances against the government, and every member of the Supreme Court between 1798 and 1800, sitting as an appellate judge, held it constitutional.

Despite the First Amendment, the British common law of "seditious libel" still ruled in America. This meant that while the government could not exercise "prior restraint"—that is, prevent an utterance or publication in advance—it could legally punish the speaker or writer afterward. Thus, Congress has a convenient legal basis for the laws it has enacted since that time, making certain kinds of speech a crime. And, since punishment after the fact is a strong deterrent to the exercise of free expression, the claim of "no prior restraint" itself is destroyed. This leaves the First Amendment much less than the stone wall of protection it seems at first glance.

Are the economic provisions in the Constitution enforced just as weakly? We have an instructive example almost immediately in Washing-

ton's first administration, when Congress's power to tax and appropriate money was immediately put to use by the secretary of the treasury, Alexander Hamilton.

Hamilton, believing that government must ally itself with the richest elements of society to make itself strong, proposed to Congress a series of laws, which it enacted, expressing this philosophy. The Bank of the United States was set up as a partnership between the government and certain banking interests. A tariff was passed to help the manufacturers. It was agreed to pay bondholders—most of the war bonds were now concentrated among a small group of wealthy people—the full value of their bonds. Tax laws were passed to raise money for this bond redemption.

One of these tax laws was the Whiskey Tax, which especially hurt small farmers who raised grain that they converted into whiskey and then sold. In 1794 the farmers of western Pennsylvania took up arms and rebelled against the collection of this tax. Secretary of the Treasury Hamilton led the troops to put them down. We see then, in the first years of the Constitution, that some of its provisions—even those paraded most flamboyantly (like the First Amendment)—might be treated lightly. Others (like the power to tax) would be powerfully enforced.

Still, the mythology around the Founding Fathers persists. Were they wise and just men trying to achieve a balance of power? In fact, they did not want a balance, except one which kept things as they were, a balance among the dominant forces at that time. They certainly did not want an equal balance between slaves and masters, propertyless and property holders, Indians and white.

As many as half the people were not even considered by the Founding Fathers. They were not mentioned in the Declaration of Independence, they were absent in the Constitution, they were invisible in the new political democracy. They were the women of early America.

Exercises

[REDACTED]

[REDACTED]

