

# WALKING THE WALK: THE COLONIES FIGHT FOR THEIR FREEDOM

Welcome, My Friends, To The Show That Never Ends: US History ala Scalia.

Best Served with a Notebook, Hi Liters, and an Open Mind

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Ya know, the idea of independence is really nice. It's warm and fuzzy, friendly. Solves a lot of problems, but also creates more. Problem is, independence rhetoric gives us all goose-bumps; its noble and inspiring. However, actually acquiring independence is, well, another monster all together, a dynamic our cuddly little colonies will soon discover. Like the old Ringo Starr song, "It Don't Come Easy."<sup>1</sup>

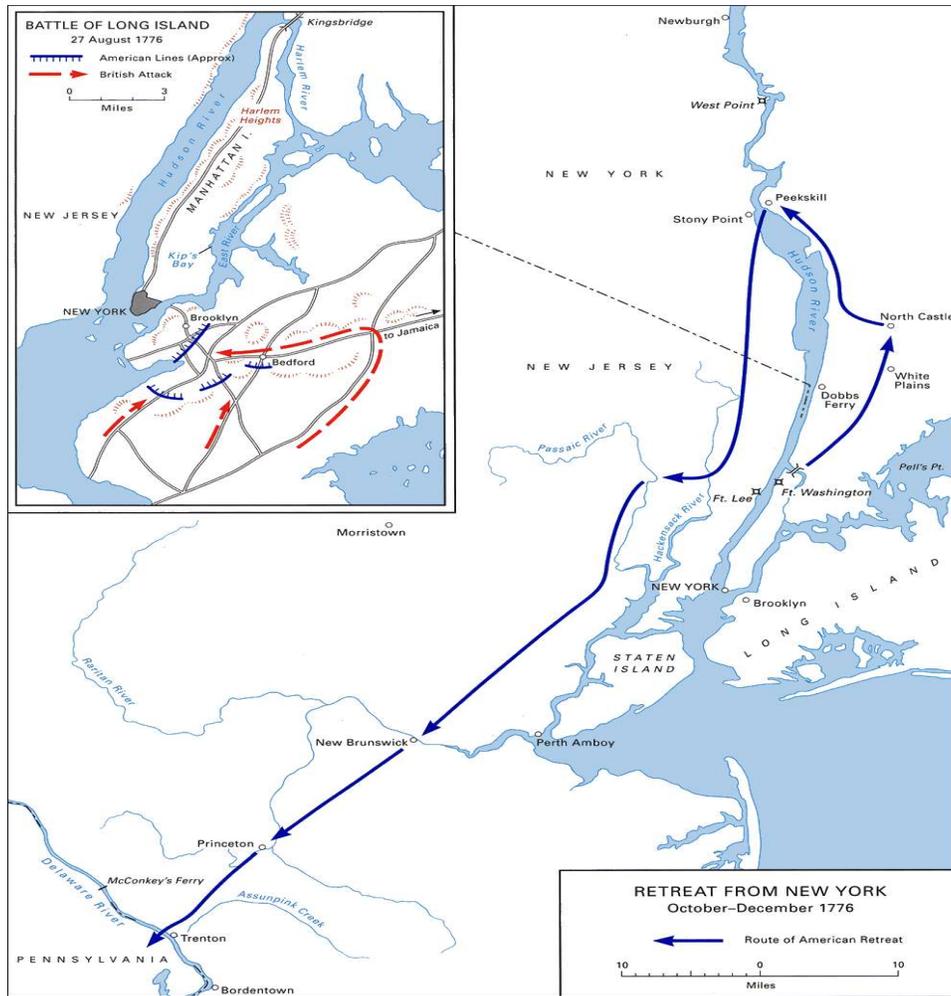
The colonists knew violence was in their future. However, their previous combative experience was a bit convoluted. I mean, Lexington and Concord were not much more than a hit and rum skirmish, and Bunker Hill pretty much a chaotic mish mash of folks slinging bullets at each other, a skirmish on steroids which the colonists had no realistic chance of winning. Don't get me wrong . . . the American Minutemen kicked some serious Brit butt on the British retreat from Concord to Boston, and they darned sure preserved their dignity in the blood bath at Bunker Hill, but both actions were strategically not much more than moral victories, which are typically superficial, they never last long and aren't worth squat in a strategic sense. In July 1776, once the Continental Congress declared that the colonies were heretofore free and independent states, the entire colonial dilemma took on a multidimensional dynamic. It's not just a political family squabble anymore; once George III declared the colonies in revolt all mercy was jerked from the table. British pride and the sanctity of her colonial empire was at stake, and the colonies provided the perfect example with which the British could solidify her control over an increasing uneasy colonial mercantile system.<sup>2</sup>

The first British military move was designed to be the *last* British move, as in it was designed to end the madness once and for all in one fatal swoop. In August 1776 a fleet of 130 British ships anchored off the coast of Long Island in New York, poised to land its 20,000 troops in an all-out invasion of New York, defended by George Washington's 10,000 ill-equipped and poorly-trained Continental Army. We're talkin' major mismatch here, and it didn't disappoint.<sup>3</sup> Washington's men were routed from their positions all the way from Long Island to Brooklyn Heights, resulting in Washington's ordering a massive retreat for the sole purpose of saving his army. Washington retreated north to Peekskill, across the Hudson River, south through New Jersey all the way to Pennsylvania, crossing the Delaware River at Trenton (see map below).

<sup>1</sup> Ringo was the Beatles' drummer. His job was to play the drums. Period. After they broke up, he decided to try and sing. Mistake. Big mistake. "It Don't Come Easy" is one of his songs, and it is self-descriptive: listening to it "don't come easy."

<sup>2</sup> Britain's other colonies were keeping a close eye on the American situation, especially Ireland. Britain's resolution of the North American situation, for better or worse, would set a precedent for the future of the Empire.

<sup>3</sup> The Americans suffered 2,000 casualties, the British 388.



### Washington's Retreat from New York October-December 1776

This retreat had a multiplicity of effects. First of all, the British regarded Washington's fleeing Continental Army as a bunch of inept dolts; surely these weren't the same troops that had fought so valiantly at Bunker Hill. Second, well, soldiers aren't stupid. Nothing is more humiliating to a soldier than a retreat, especially one in which they don't have a chance to stand and fight back at their pursuers every once in a while. The endless retreat caused Continental soldiers to lose faith in Washington and their own ability to stand and fight the seemingly-invincible British Army. Consequently, they simply deserted and went home to their families. By Christmas 1776, as Washington's army and the British force straddled the Delaware River at Trenton, both forces went into winter quarters.<sup>4</sup> The best that could be said for the Continental Army was that it was in horrific shape. I mean *really bad shape*; so bad that propagandist Thomas Paine distributed a tract throughout the troops, entitled *The American Crisis*, to try and both inspire and guilt the remaining troops to stay the course:

“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 by 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. What we obtain too cheap, we esteem too lightly: it is dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods;

<sup>4</sup> Most 18<sup>th</sup> and 19<sup>th</sup> century armies avoided winter campaigns due to the massive drain on men and supplies. Therefore, it was established tradition to take a 3-month time out, setting up winter quarters and waiting out the cold until spring.

and it would be strange indeed if so celestial an article as FREEDOM should not be highly rated.”<sup>5</sup>

Despite Paine’s efforts, Washington needed much more than words to maintain his army . . . he needed a victory . . . and quickly. Consequently, on Christmas Eve 1776, Washington crammed his tired, hungry, and freezing troops onto boats and bumped his way through the ice flows on the Delaware under the cover of darkness. Early Christmas morning, Washington attacked the drunk and hung-over Hessian soldiers which constituted the British force in Trenton, gaining complete surprise and earning a total victory.<sup>6</sup> The Battle of Trenton held no strategic importance, but then again it wasn’t supposed to. It was what it was: a morale-building victory to instill a sense of hope, and it served its purpose well . . . for the time being.



**Gottlieb Leutze’s Famous Painting of Washington Crossing the Delaware.**

**Nothing personal, George, but everyone hates the moron who won’t sit down in the boat.**

**The Battle of Saratoga.** By the fall of 1777, after numerous skirmishes with the Continental Army, the British were having trouble tying Washington down, much less dealing the Continentals a fatal blow. Consequently, they devised a plan in which they would sever New England, the hotbed of the revolt, from the rest of the colonies. Three British armies . . . one under William Howe from the south, one under Barry St. Leger from the west, and one under John Burgoyne from the north . . . would converge on and seize the Hudson River. Well, St. Leger’s force was met and defeated at Fort Stanwix at Oriskany on 6 August, and once Howe discovered that Burgoyne, whom Howe personally despised,<sup>7</sup> was commanding the northern force, he refused to leave New York. That left Burgoyne, unaware that he would have no help from the other two armies, on his own. He met

<sup>5</sup> Thomas Paine, *The American Crisis*, December 1776.

<sup>6</sup> Hessians were German mercenary soldiers hired by the British to embellish troop levels in the colonies so that regular British troops were freed for service elsewhere throughout the Empire. Obviously, these Germans are going to celebrate Christmas, a fact that played a major role in Washington’s planning, and further proof that alcohol abuse leads to no good end.

<sup>7</sup> “Gentleman Johnny” Burgoyne was considered an embarrassment to veteran British officers due to his habit of campaigning with extra wagons filled with fine wines, china, silverware, food, none of which was shared with his fellow officers or men . . . and wanton women not his wife. He was a bit of an arrogant hoot.

the Continental Army, commanded not by Washington, but by Horatio Gates, at the New York village of Saratoga, and was soundly defeated.



**Saratoga constituted the turning point of the Revolution** for more than the obvious victory. Since early in the year, Benjamin Franklin had been in Paris in an attempt to gain French support for the American cause. The French had been covertly smuggling arms and supplies to the Americans throughout the war, but Franklin sought an official economic and military alliance that would give the Americans a puncher's chance. France, of course, was the obvious choice for an American ally: they were still *le pissed* from having to vacate North America as a result of their loss in the French and Indian War. However, this didn't really matter much; we all know that the French absolutely despised the British, and the sentiment was reciprocal. Obtaining French support against the British was like shooting fish in a barrel, but the French wanted to see a solid American victory before committing. The victory at Saratoga gave them all the proof they needed.

On 8 February 1778 Franklin finalized the **Treaty of Amity and Commerce** with the French. This is a biggy folks. It guaranteed French military assistance against the British, plus gave the young American nation a guaranteed trading partner once the war was (hopefully) won.<sup>8</sup> However, there was a small caveat: the French demanded that the Americans sign no separate treaty with the British that would end American involvement in the war. Why? Because, young padoins, they are *the French*, and as such had their own selfish reasons. France wanted to extend the American Revolution into a global affair, in which they would (a) have American help to drive the British from North America, and (b) ally with Spain to defeat the British in Europe. As long as France had a guarantee that no separate peace would be signed between the Americans and Britain, they could extend the war indefinitely by having the Americans tie down the British army in North America. Now, Franklin's not stupid; he knew what the French were planning, and he knew that, on the surface, should the colonist win, the

<sup>8</sup> Remember: If the colonies win, there goes that mercantilism guaranteed market provision on which many colonial merchants relied. Playing with fire, folks.

Treaty was a disastrous deal for the future of the young United States. So . . . why the heck did he sign such a loaded agreement?



**The 1778 Franco-American Treaty of Amity and Commerce**

Answer? Well, what choice did he have? Without French help the colonies had zilch chance of winning. Even with French help it was a long shot, most likely a losing hand. Desperation can be a major turd at times, and the French alliance was a bad deal for the Americans because it drug the colonies into the French/British conflict . . . possibly for years. Not the way to start a new country. Still . . . Franklin had no choice . . .but, this is Ben Franklin we're talking about here. He ALWAYS had something up his sleeve. Stay tuned.

## THE WAR GOES SOUTH

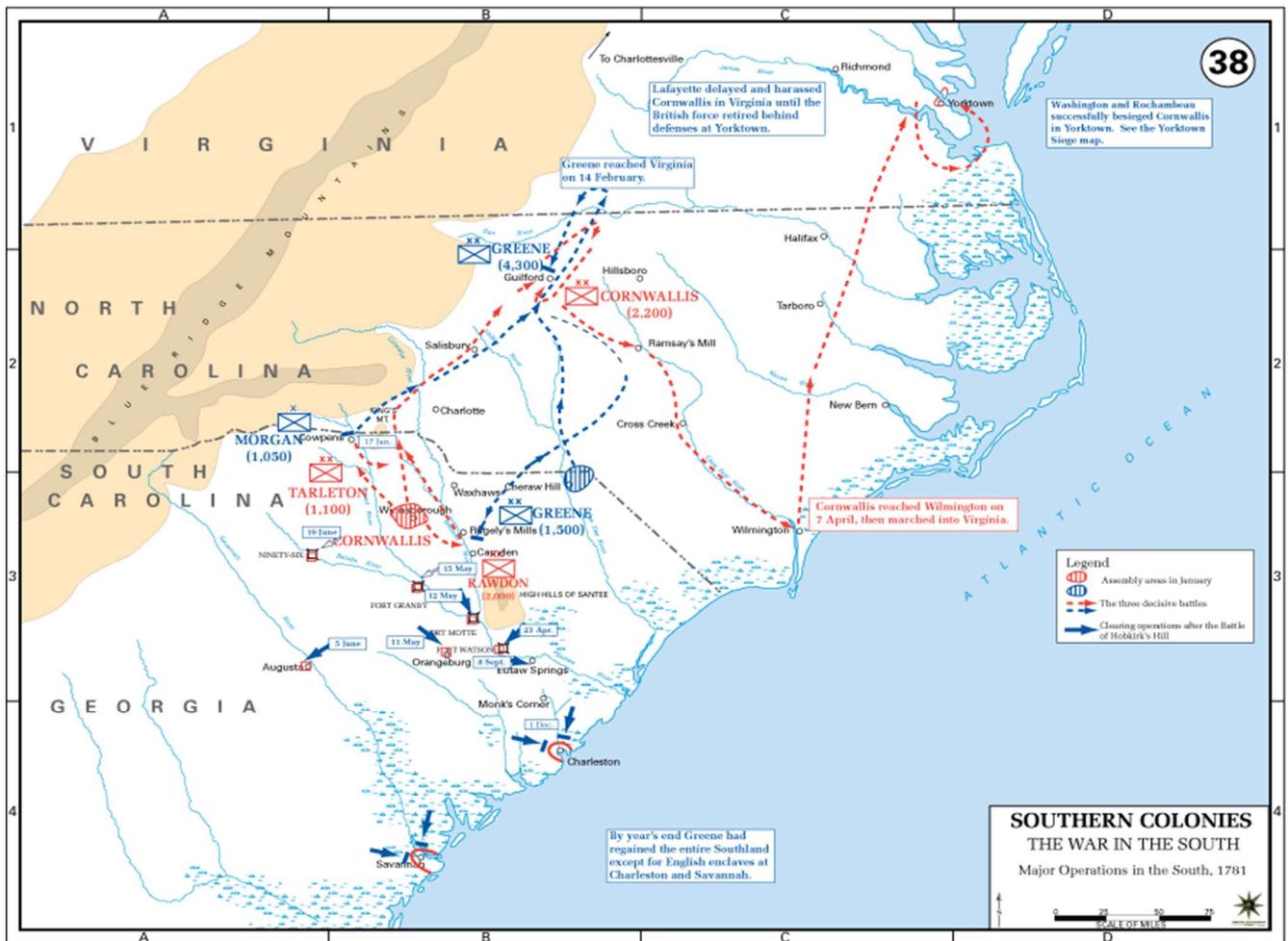
Saratoga forced the war in the north into a virtual stalemate, with neither side gaining much of anything. The British, therefore, took stock of the fact that the majority of colonists still loyal to the Crown, known as Tories, resided in the South. Consequently, the British decided to let the north stew awhile while launching a new southern offensive designed to remove the influence of the Carolinas and Virginia from the war.

The southern war was an absolute mess. In many respects it resembled a civil war, with families and neighbors pitted against each other. The Patriot colonists invoked their inner Indian and resorted to guerilla warfare, which drove the British nuts to the point where they began retaliating by targeting civilians. In one infamous incident, British cavalry Major Banastre Tarleton ordered an entire town crammed inside a South Carolina church, locked the doors, and burned it to the ground . . . people and all. In another incident the Earl of Dunmore, military governor of the Carolinas, issued a decree stating that any slave which joined and fought with the British would gain their freedom. This instigated a series of slave rebellions throughout the Carolinas and Virginia; the victims were scarcely soldiers.

Charleston, South Carolina, fell to the British on 12 May 1780, and quickly became the center of British operations in the South. A new British general, Lord Charles Cornwallis, arrived to direct the drive north into

Virginia. Cornwallis' troops were dogged by Patriot guerilla attacks led by Francis Marion and Thomas Sumter. Cornwallis was able to engage American troops in battles at Guilford Court House, Cowpens and King's Mountain, but the American leadership of Daniel Morgan and Nathaniel Greene offset British numbers, as the Patriots eventually drove Cornwallis out of the Carolinas and into Virginia.

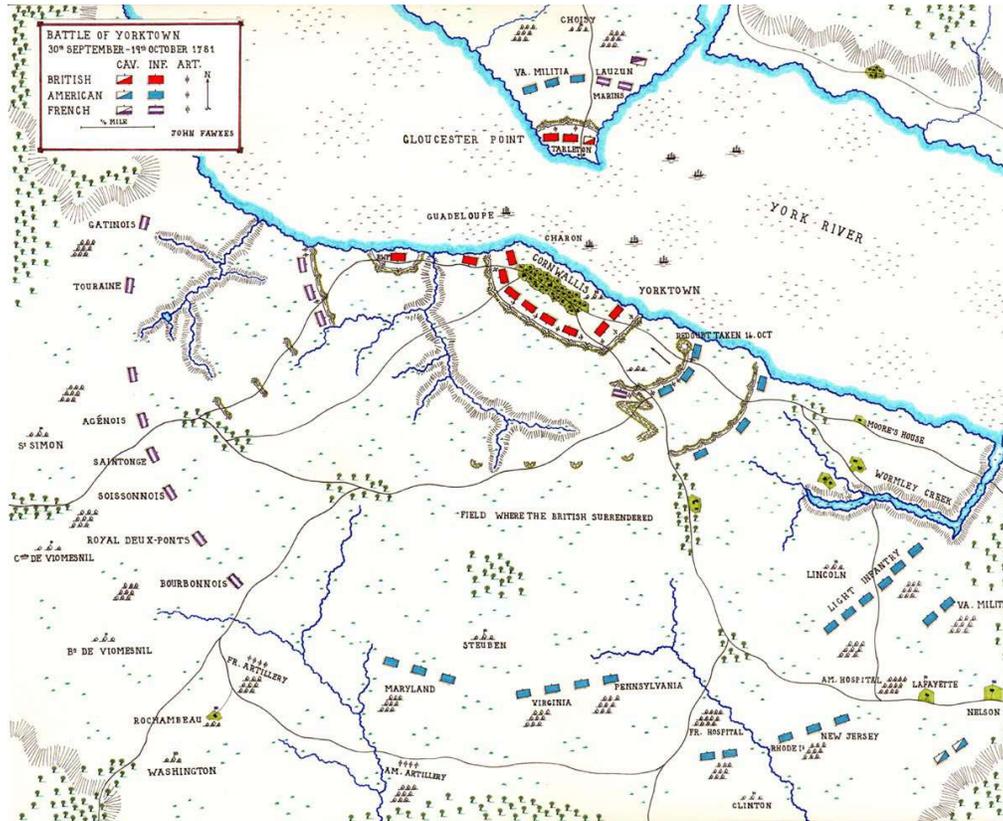
After the long drive through the Carolinas Cornwallis' army was weakened by hunger, fatigue, and disease. Consequently, rather than moving north towards the Virginia capital at Charlottesville, he marched south to Wilmington, North Carolina, for supplies. Finding the city under Patriot control, he opted to gain supplies and reinforcements by marching north to Virginia and setting up a fortification on the Yorktown peninsula, a strip of land saddled between the York and James Rivers that reached out into Chesapeake Bay. British ships had sortied out of New York with men and supplies to revitalize Cornwallis' army, all the British general had to do was hold out against a growing American/French siege army.



### The British Southern Campaign: Cornwallis' March Charleston to Yorktown

The British plan failed miserably. American troops under Washington joined with French forces under the Marquis de Lafayette to bottle up Cornwallis behind his fortified walls. Meanwhile, French admiral de Grasse engaged and defeated the British reinforcement fleet in the battle of the Virginia Capes. With no supplies or relief, and with nowhere to run, Cornwallis did the only thing he could do: on 28 September 1781, he surrendered his army to Washington. The capitulation of Cornwallis' army, added to the mounting costs of waging a foreign war, proved too much for the British public to swallow. After a meeting of Parliament, British

military forces in the colonies were ordered to stand down. Against any imaginable odds, the colonies had won their freedom.



**The Siege of Yorktown 30 September-19 October 1781: Game, Set, Match America.**

How they heck did they pull it off? Several reasons, but the most important was the fact that although **Washington** won relatively few battles (in fact, he lost more than he won), he **kept his army in the field**, tattered though it was. **As long as there was a smidgen of Patriot resistance, the war could not end . . .** unless the British quit. Consequently, Washington virtually bled the British dry of men, material, and patience . . . in other words, a war of attrition.<sup>9</sup> It is also imperative to remember that the Americans would not have won without French aid, a factoid of which some doofus French will STILL remind you (regardless of how many times we pulled their *derrières* out of *le fire* when the Germans decided to drop in for a visit. *Sacre bleu!*). The biggest factor worth remembering: the Americans and French did not actually win the war by traditional measurement: in terms of battles won, numbers killed and territories gained, the British far outpaced the Americans. The British people ultimately judged that the colonies were not worth the expense, paid through their taxes, to retain. With popular opinion against them, the government had no choice.

The ensuing **Peace of Paris 1783** is an interesting little tidbit. Remember the part of the Treaty of Amity and Commerce that forbade the Americans from entering into a separate peace with the British? Well, when the British approached the Americans with a peace proposal, who in their right mind is gonna say no??!! No one in the new United States of America was going to allow a promise to the French stand in the way of their freedom.

<sup>9</sup> **A war of attrition** relegates military strength to a secondary tactical position, placing primary focus on tying down an enemy force and bleeding it of its resources. The peripheral target of such a war is the enemy's civilian population, who have to both bear the brunt of casualties while simultaneously paying for the war through increased taxation. This is how a weak combatant can defeat a more powerful enemy. Remember this, it will return to American history.

Jeez, do ya blame them? Remember I told you that Franklin always had something up his sleeve? Well, extremely cognizant that the continuing French-English war in Europe was going really bad for the French, Franklin and other US ministers secretly signed the treaty with Britain, but withheld public announcement until after a climactic European sea battle between French and British warships off of Gibraltar, which the British won. Using the probability of a French defeat in the European war, Franklin claimed that an American/French joint peace with Britain was not possible (why would the victorious—in Europe--British entertain such a motion?), consequently the American separate peace was legal. France, as you might expect, did not agree, and it would not be long before they remind the US of its duplicity (which, when you are dealing with the French, is a classic example of the pot calling the kettle black).

**In the treaty, the US, of course, gained its independence, as well as all of that gorgeous land between the Appalachian Mountains and Mississippi River. Britain did allow the US to fish the rich fishing area off of Nova Scotia known as the Grand Banks, but forbade US trade with any of its Caribbean islands** (gonna have to wait a while to vacation in Antigua).

So, the long hard road from Jamestown had finally reached its terminus. After winning the “unwinnable” war, you’d think Americans were a bunch of happy campers. Well . . . you’d be wrong. They were dysfunctional before the war, and they went right back to being dysfunctional. Consequently, the next big question for the infant nation will be “Now What?”

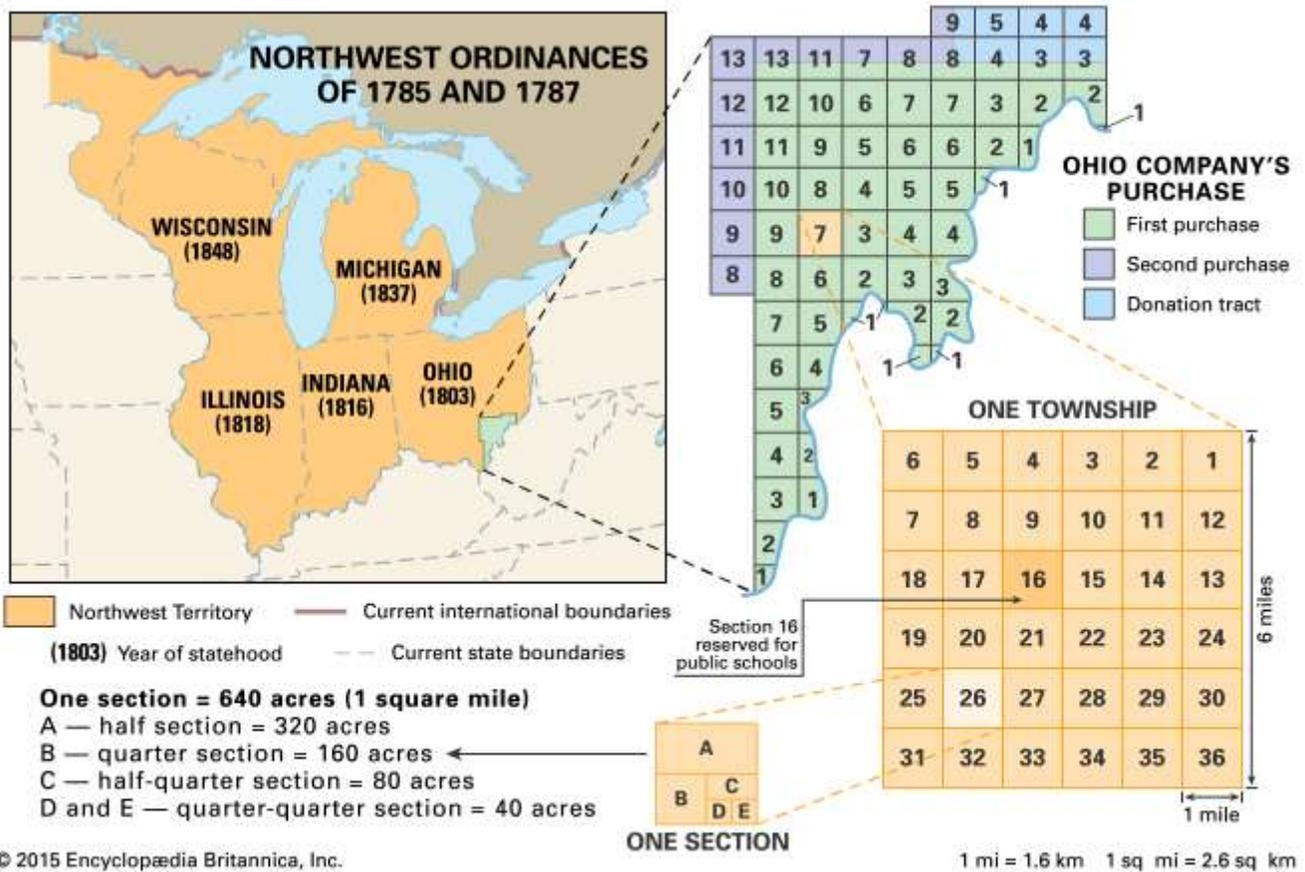
## THE GREAT AMERICAN POST-WAR QUESTION:

### WHAT DO WE DO NOW?

WHAT A MESS! Post war America was a jumble of people who had no conception of what an American was supposed to be. Think of day one for freshmen at KHS; they aren’t even sure what “human” means, much less being a KHS Mustang. The former colonies? Check it out: they had always been Virginians, Marylanders, Carolinians, and Georgians, but outside of the solidarity brought by the British assault on salutary neglect, that was about the extent of their solidarity. The Jeffersons, Washingtons, Adams, Madisons . . . all those Founder-type dudes . . . realized that some sort of union was necessary; I mean, did anyone really trust the British to stay away, and did anyone really ever trust the French? Ever? At anything? Anyway, the first order of American business was the creation of a new constitution from which to create a new nation . . . or at least a semblance of one. Everyone agreed with that, but as to how to accomplish that feat was, uh, let’s say problematic.

The one thing everyone knew: after years of British control, no one was going to stand for any government which held too much central power. The former colonies, now states, still demanded their sovereignty, which they had held since their founding. Consequently, the first constitution for the United States, a wartime document known as the **Articles of Confederation**, featured a **weak, practically nonexistent central government which allowed the majority of governing power to the states. The Articles allowed no chief executive, a one-house legislative body (Congress) that featured one representative from each state. Any legislative action must have unanimous approval to pass, which means that any one state exercised veto power over any bill.** Do ya think anything got done here? **The biggest weakness of the Articles government was the fact that it had no authority to tax, and without funding it could raise no army for defense or create any improvements, such as roads, bridges, etc, for the development of an economy.** Anything the national government tried was subject to veto by the states, and you *know* how well the states got along with each other. In a word, the Articles sucked.

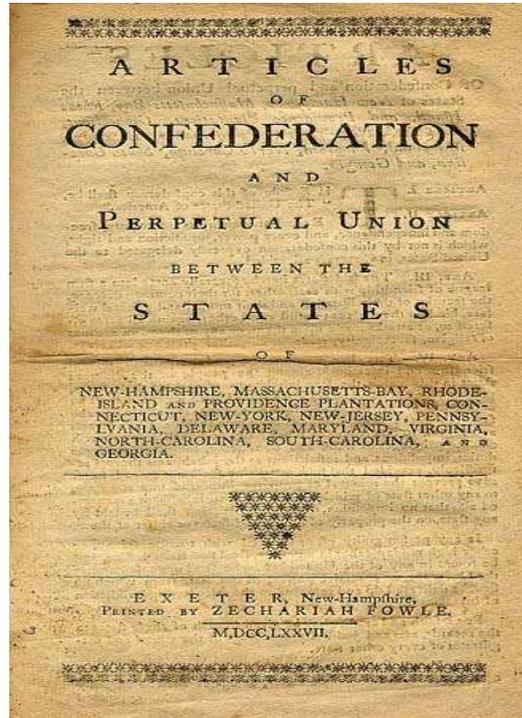
The Articles government, however, did have one success that is of note. If you are a citizen of the new United States of America, just think about it: ya win the war, ya beat those stinkin' Brits, and best of all, ya get their goodies . . . by which I mean, their land. Everything from the Atlantic coast to the Mississippi River was now American. Now, what do you do with it? Well, if you consider that the young nation has no means by which to make money, the answer is clear: you sell it! Makes sense, except in order to sell land, you have to be able to designate which and how much land is for sale. Accordingly, Congress passed two land ordinances to allow for the disposition of the new western lands. The first, the **Land Ordinance of 1785, called for a survey of all western land (all land gained from the British was known as the Northwest Territory) so that it could be sectioned off and sold.** All future land in the US will be surveyed according to the provisions of this ordinance.



**The Land Ordinances of 1785 And Northwest Ordinance of 1787.**

Under the 1785 Land Ordinance, each territory was divided into ranges, which were subdivided into 13 linear townships; each township was further subdivided into 36 sections (the revenue gained from section 16 in any range was reserved to support and fund education). Each section was divided into acres as needed. **The Northwest Ordinance of 1787** called for the formation of five new states, according to criteria set in the ordinance. **First, the territory must have at least 60,000 people in residence; at this point the people elect representatives to devise a territorial constitution. When the national Congress approves the constitution, the territory becomes a state. Another, extremely important part of the Northwest ordinance: slavery was prohibited in any new territory north of the Ohio River.** It was the first prohibition against slavery in American history. These land ordinances, as vital as they were for the disposition of western lands, constituted the sole success of the Articles government. Yep, it was that bad.

**The fatal flaw of the Articles government was its inability to provide national security.** The military force of the United States was a pathetic collection of state militias that, marksmanship-wise, couldn't hit water if they fell out of a freakin' boat. The veterans of the war had returned to their farms, and a bunch of freshman-level amateurs were all that stood between the US and all those baddies out there who thirsted for all that land (lookin' at you, Britain, France, and Spain).



**The Articles of Confederation.**

**Just like single-ply toilet tissue, its functionality was far outweighed by its impracticality.**

Ya know, people will ignore the obvious until it rises up and bites them in the butt. Sometimes it takes a crisis to wake people up and make them actually do something, and that's exactly what happened in Massachusetts when a revolutionary war veteran named Daniel Shays discovered that, upon returning from the war, his farm had been taken from his family.

Shays, along with many veterans, returned home to discover that their farms were in the process of being seized for failure to pay taxes. Now, let's look at this: it's a tad difficult to pay property taxes when you are fighting a war and aren't getting paid squat (Revolutionary War paper money, known as **Continental**s, was worthless). Still, Shays and his followers were willing to come to an accommodation to retain their farms. They countered that they would pay if they could use the only thing they had of value, namely crops, or the depleted paper Continentals. When the Massachusetts legislature refused, **Shay's Rebellion**, the latest in our long line of popular revolts, was on. Shay's Rebellion in and of itself was a bit of a non-issue; the site of thousands of furious veterans converging on the capital at Springfield was enough to convince the legislature to find a solution, which they did. However, **the specter of any mass rising of the yeoman class brought back cavalier horrors of yeoman revolt, and along with the realization that the Articles government could not protect them, many decided that "providing for the common defense" was enough of a reason to trash the Articles.**

In requiem, the Articles were the first attempt to bind a nation together in which the constituent pieces, namely the states, had no interest in being bound. **The Articles, which were first implemented in 1777 as a wartime constitution, actually fulfilled its primary mission to win the war. That, along with the land ordinances, were its only noteworthy achievements.** However, with all of its weaknesses, its insistence on state primacy over a central government was its armor, and Shay's Rebellion or not, many states will not surrender that protection. Consequently, the Articles won't go gently into that good night . . . not without a fight.

## FOR BETTER OR WORSE, AMERICA FINDS ITS SOUL: THE US CONSTITUTION

### Or, The Alexander Hamilton They Didn't Tell You About on Broadway

Let's face it: American history is full of folks who can be accurately described as absolute pains in the butt . . . now THAT'S American exceptionalism. Some of our most notable and venerated icons were absolute jackasses; which, of course, means they were absolutely human. Jeez, it seems that the bigger the issue, the bigger the jerk. And it doesn't get much bigger than the conception and construction of the great American blueprint: The Constitution.

The biggest push for a reassessment of the Articles came from a former aide de camp for George Washington who had distinguished himself with a valiant, albeit reckless, infantry charge at Yorktown. This overly-ambitious nut violated orders and unnecessarily risked the lives of his men for no perceptible reason. Washington was rightly incensed at the insubordination, but his personal affection for the young major overrode his duty to discipline the offense. This dynamic . . . Washington's protection and abject recklessness . . . would typify the career of the prime motivator for trashing the Articles: Alexander Hamilton.

Hamilton was an advocate for a strong central government and an unapologetic admirer of England to the point of being labelled a monarchist by his critics, of whom there were many. His desire for a strong national government, to which the states would subservient, led him to concoct a plan that would result in an abandonment, not reassessment, of the Articles. He was extremely intelligent. He was undoubtedly an economic genius. He was deviously conniving. He was indeed a sneaky little turd.

In September 1786 Hamilton called for a **conference to be held in Annapolis**, Maryland, to discuss matters of interstate commerce, a topic of dire concern due to the tendency of states fighting each other over goods crossing their borders.<sup>10</sup> Only five states sent delegates; so obviously there wasn't enough interest to move forward on any solution to the interstate commerce problem. It was this outcome, however, upon which Hamilton had counted. Hamilton announced that the lack of interest was obviously due to the assumption that no solution would be forthcoming, consequently he called for another conference to be held in Philadelphia that would arrive at a definitive solution for the states, whether they attended or not. Because no state would put the future of their commerce in the hands of the other states, attendance at Hamilton's Philadelphia convention was guaranteed. The caveat? Hamilton had no intention of addressing issues of interstate commerce; he fully intended to use the convention to rid the country of the Articles and created a new constitution.

The official invitations to Philadelphia called for a *review* of the Articles government with the intent of *revising* the Articles. As such, all **the delegates to the convention were instructed by their states that their duty was to revise the Articles, and nothing more.** Before they left Philly, they would all violate their mandate.

<sup>10</sup> The different states had different laws concerning taxes on loads carried within their borders, in addition to having their own currency, which never carried the same value from state to state. Obviously, mud was slung and fur definitely flew.

**The Constitutional Convention.** The men at Philadelphia constituted an anomaly to traditional revolutionaries, both before and since. The overall demographic featured wealthy young men who were typically farmers or lawyers. There were no poor, oppressed persons; after all the American Revolution was not of the Marxist variety.<sup>11</sup> No single individual wrote the Constitution, but the work was coordinated and guided by Virginian James Madison. Overall, there were four primary issues with which the delegates wrestled:

1. **Representation.** This was the source of the most controversy: upon what criteria would each state be represented in a national legislature? The overall agreement was that the primary criteria must be population, but with such a diverse and uneven distribution of population . . . Virginia and New York were the most populous, Delaware and New Jersey the least . . . how would each state, both large and small, be fairly represented?

Madison of Virginia proposed a **Large State, or Virginia, Plan** in which representation would be proportional to a states' population. Of course, the smaller states screamed bloody murder at this suggestion; they knew they would always be at the mercy of larger states under such a plan. Delegates from New Jersey countered with a **Small State, or New Jersey, Plan**, in which each state would receive equal representation, regardless of population. Large states screamed that in any military draft or national taxation, they, not the small states, would bear the brunt of responsibility. Well, they whined and bitched and carried on for days, like politicians are wont to do, when Roger Sherman of Connecticut recognized the obvious: why not do both?

Sherman's suggestion resulted in **The Great Compromise**, the basis for what we refer to today as Congress. The large state preference for proportional representation is seen in a lower (or popular) chamber, **The House of Representatives**, while the small states demand for equality is apparent in the upper (or aristocratic) chamber, known as **the Senate**. Notice how the demographics of each house reflects the old cavalier (Senate)/yeoman (House) demographic? It's not by accident, compadres. It behooves (man, I never get to use that word; it's a bit of an odd duck) me to include this little gem. Remember, this whole shindig is a Hamilton production, so any final document will be thoroughly infested with his influence. Hamilton was the ultimate cavalier; I mean Cavalier Maximus. No one feared and hated the yeoman class, which he labelled "the mob," more than Hamilton, and he took pains to ensure that his baby, the Constitution, would allow the yeomen class no extraneous privileges, particularly choosing the chief executive. To combat the natural majority held by the working classes, Hamilton supported the addition of an **Electoral College**, in which a group of electors would select the president, rather than popular vote. The number of electors allotted each state would be dependent on its total number of Congressmen.

**It is vital to remember this:** The more population a state has, the more representation it will have in the House of Representatives. As such, a state can pack its influence in the House by adding more people. The more people, the more representatives; the more representatives, the more electors come election day. Get it? Might be a good idea to remember this little tidbit.

2. **Division of Power.** I've always thought it interesting that although these dudes, a brotherhood of some of the finest legal minds in history we call the Founding Fathers, were cobbling together a constitution for their new nation, they still didn't trust each other. No one was willing to allow any one part of the new government to have an ounce of power over the other because, well, you know: power corrupts, and absolute power corrupts absolutely. Consequently, they divided the constitution into Articles, each of which outlined the duties and responsibilities of each specific branch. Article I outlines the legislative

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<sup>11</sup> Many revolutions feature the oppressed working class majority overthrowing the ruling aristocracy. Because this dynamic was encouraged by German sociologist Karl Marx in 1848, it falls under the socio-political umbrella of Marxism . . .which is, of course, the pre cursor to communism.

branch, the House of Representatives and Senate inclusive; Article II defines the Executive, or Presidency; Article III covers the Judiciary, or Supreme Court. Each branch also has a series of checks on the power of the other two branches (such as the presidential veto over laws passed by Congress and judicial review over the same, Congress' right to override a Presidential veto).

3. **The Role of the Federal Government Versus State Sovereignty.** The spirit of the Articles was not dead; in the face of a powerful, growing central government by virtue of Hamilton's constitution, the states, particularly the Southern states, demanded protection of their colonial legacy of self-government and sovereignty. This dilemma was satisfied by the adoption of a **federal governmental system, in which governing power is shared by the states and national government**. If this seems problematic, well. You're right. You guys know how difficult it is to share anything with someone/something you don't trust, and the states were entirely suspicious of Hamilton and his federal scheme. Still, they accepted it, although it will constitute a running controversy that still exists today. Why? Well, consider this: If the two governmental agencies, state and national, share power . . . what powers, and how much power, does each have? If there is an argument over this situation, who makes the decision? We're still tryin' to answer that one.
4. **Slavery.** Try as they might, no one could ignore the 800-pound elephant in the room. Increasingly, the northern states (except for New York) regarded the institution as a moral anomaly to the democratic principles of the Revolution; the Southern states depended upon the venerable tradition for their economic survival. At issue was the nation itself, as the Southern states made sure everyone realized that unless they could keep their slaves and protect the institution, they would never ratify the Constitution. So here's your dilemma: what do you want more, Mr/Ms Delegate: one country whose independence was paid for in blood and sacrifice, united under the Constitution . . . or two, permanently separated by economic division?

Look, troopers, this is heavy stuff we're talking about here. No matter what you choose, someone's gonna be dissatisfied: if you let the South go their separate way, you rob the North of its economic power (the Southern economy far outdistanced that of the North in sheer numbers and worth); if you compromise the situation you doom millions of innocent people to a life of deprivation and horror. I do not envy these guys at all.

Ultimately, the Founders opted to preserve a single nation at the expense of accepting slavery as an American institution. This decision will result in a series of compromises, all of which are incredibly important to know.

- a) **The 3/5 Compromise**. You have probably heard of this one. **The issue was representation in Congress.** If you will hopefully recall, the more population a state has, the more representatives it has in the House. Southerners realized that the North had a significant population, and consequently political, advantage, so they demanded that their slaves be counted as population for the purpose of representation . . . a demand to which the North obviously refused. Southerners complained that without some accommodation, they would always be at the mercy of the more-populous North, which was gaining population by virtue of immigration. When the smoke cleared, **they comprised that for every five slaves in a states' Congressional district, three would be counted for representation purposes.**<sup>12</sup> This is the most important of the slavery compromises, it would be wise to burn this into your brain. You'll see it later . . . and I mean you'll be seeing a lot.

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<sup>12</sup> Why is this important? Well, it ties Southern political representation to a consistent increase in the slave population. Due to the after effects of the headright system, the Southern population would be static due to the immense land holdings of a relatively few cavalier planters. There will be no immigration here, so the only way the South can gain and maintain representation equality in the House is an increase in their slave population. Guys, THIS IS MAJOR!

- b) **The Slave Trade Compromise.** In return for their compliance with the 3/5 Compromise, northern delegates demanded an end to the Atlantic Slave Trade. It is instructive that the primary revulsion these people held against slavery was not slavery as an institution per se, but against the slave trade. In other words, it was the expansion of slavery through importation that rankled northerners; they knew what an increased slave population meant (see footnote 12). Consequently, the compromise states that the Atlantic trade in slaves would be discontinued in the year 1808 in an attempt to cut off the Southern supply of slaves. Any additional slave population after that date would have to come from domestic sources, which opens yet another barrel of evil. Stay tuned . . .
- c) **The Fugitive Slave Law.** This law was enacted to placate Southerners whose slaves ran away and sought refuge in the North. The law simply stated that any “person of service” who had run away from its “source of service” was to be returned to the “owner of said service.” This is a masterpiece of political double-talk, as it peripherally provides constitutional protection to slavery without actually saying it directly. The legal insinuation was that these “people of service,” whomever they may be (it could include indentured servants) were rendered the same as any piece of property, a condition known as “**chattel**.” It is instructive to notice that the word “slavery” appeared nowhere in the Constitution until 1866, when the 13<sup>th</sup> Amendment abolished it.

### **FOR YOUR CONSIDERATION**

Why didn't the Founders try to do something to put a limit on the future of the institution itself, not merely the importation of slaves? This is an interesting question, because in 1789, slavery as an institution was a dying concern. Slavery was expensive, and the return on an investment in slaves simply didn't pay off due to the inherent inefficiency of manual labor on a large scale agricultural plantation. Think about it: how much cotton could a slave pick when the majority of his/her time would be picking seeds out of the cotton, which was labor and time intensive? For example, the week slaves spent de-seeding already-picked cotton bolls resulted in hundreds of acres of non-picked cotton rotting in the fields. Without automation, the planter would lose more cotton in the field than a slave could clean. Consequently, slavery as a labor system was on a slippery slope by virtue of simple economics. So . . . why didn't the Founders do something?

Historian Joseph Ellis has an interesting take on this question. In his book *Founding Brothers* Ellis states the obvious: rather than deal with the hassle of northern and southern harangues (loud non-stop whining and bitching; ie you guys when I announce an essay) in the face of trying to cobble together a country, the Founders simply decided to ignore it, delegating responsibility to future generations. Tragically, that is exactly what happened: to solve the problem that future generation sacrificed over 700,000 of its people; one in four of American citizens in 1866 were crippled by virtue of having to solve the problem. The Founders decision to ignore slavery gave us the Civil War.



**The Philadelphia Delegates Approve the Constitution.**  
**George Washington Presides as President of the Constitutional Convention**

SCENE AT THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES



- |                                     |  |                               |                                 |
|-------------------------------------|--|-------------------------------|---------------------------------|
| 1. Washington, George, Va.          | 11. Butler, Pierce, S.C.               | 21. King, Rufus, Mass.        | 31. Mifflin, Thomas, Pa.        |
| 2. Franklin, Benjamin, Pa.          | 12. Sherman, Roger, Conn.              | 22. Gorham, Nathaniel, Mass.  | 32. Clymer, George, Pa.         |
| 3. Madison, James, Va.              | 13. Johnson, William Samuel, Conn.     | 23. Dayton, Jonathan, N.J.    | 33. FitzSimons, Thomas, Pa.     |
| 4. Hamilton, Alexander, N.Y.        | 14. McHenry, James, Md.                | 24. Carroll, Daniel, Md.      | 34. Ingersoll, Jared, Pa.       |
| 5. Morris, Gouverneur, Pa.          | 15. Read, George, Del.                 | 25. Few, William, Ga.         | 35. Bedford, Gunning, Jr., Del. |
| 6. Morris, Robert, Pa.              | 16. Bassett, Richard, Del.             | 26. Baldwin, Abraham, Ga.     | 36. Brearley, David, N.J.       |
| 7. Wilson, James, Pa.               | 17. Spaight, Richard Dobbs, N.C.       | 27. Langdon, John, N.H.       | 37. Dickinson, John, Del.       |
| 8. Pinckney, Chas. Cotesworth, S.C. | 18. Blount, William, N.C.              | 28. Gilman, Nicholas, N.H.    | 38. Blair, John, Va.            |
| 9. Pinckney, Chas, S.C.             | 19. Williamson, Hugh, N.C.             | 29. Livingston, William, N.J. | 39. Broom, Jacob, Del.          |
| 10. Rutledge, John, S.C.            | 20. Jenifer, Daniel of St. Thomas, Md. | 30. Paterson, William, N.J.   | 40. Jackson, William, Secretary |

**Notice Someone Missing? Where's Thomas Jefferson, Author of the Declaration?  
 Inquiring Minds Want to Know**

## CONCLUSION

OK . . . war won, Constitution adopted, George Washington elected first president. What can go wrong? I mean, to Americans Washington resided on Olympus, an American God for the ages. Well, we'll talk about just what can . . . and did . . . go wrong in class when we examine one of the most ingenious works of socio-political philosophy: the most significant James Madison's addition to the Federalist Papers, Federalist Number 10. We'll see what happens when the two biggest icons (other than Washington) of the era . . . Alexander Hamilton and Thomas Jefferson . . . morph their personal distaste for each other into political philosophy . . . we're still paying the price for this. We'll look at poor old John Adams, whose jealousy of Hamilton, Jefferson, Madison, Washington . . . oh heck, *everybody*, darned near drove him crazy . . . probably shouldn't elected such a clown president, huh?<sup>13</sup>

One more item: after the war, with all of its pro-freedom, democratic rhetoric, what happened to all of those socially-displaced Americans . . . Indians, women, slaves? Turns out that those cherished precepts of the revolution were a bit selective, as in, white males. We'll talk about the plight of Indians and slaves, but women present an interesting situation. Before the war, colonial women were expected to keep the house clean, cook, and bear and raise younguns' . . . pretty much be the 18<sup>th</sup> century version of what Eve as to Adam. However, after the Revolution, women were now allotted a new status: that of the **Republican Mother**, whose job was to provide an environment in which to raise virtuous republican<sup>14</sup> young men who would perpetuate the deals of the Revolution.

Well, that's it for this episode.

Stay tuned as the journey continues with "What The Heck is Going On Here?"

See ya!



<sup>13</sup> Adams was egoistic, vain, pompous, and a total pain in the butt to practically everyone. The only person who could reign in his abrasive personality was his brilliant wife Abigail, who probably should have elected in his place. Outside of Mrs. Scalia (she's watching me write this, by the way), in my feeble mind Abigail Adams is the most impressive and substantial woman in American history.

<sup>14</sup> "Republican" does not refer to the political party. A republican government is one in which the people choose persons to represent and govern them. Because the future of the country depended on people, women were expected to raise citizens that would keep the republican spirit of America alive.