

The image features four portraits of prominent American Founding Fathers arranged in a 2x2 grid. The top-left portrait is John Jay, the top-right is James Madison, the bottom-left is John Adams, and the bottom-right is Thomas Jefferson. They are all depicted in 18th-century attire, including powdered hair and cravats.

The Quartet

ORCHESTRATING THE SECOND
AMERICAN REVOLUTION,
1783 — 1789

JOSEPH J. ELLIS

PULITZER PRIZE-WINNING AUTHOR OF
FOUNDING BROTHERS



Revolutionary Summer: The Birth of American Independence

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American Creation: Triumphs and Tragedies at the Founding of the Republic

His Excellency: George Washington

Founding Brothers: The Revolutionary Generation

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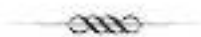
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The New England Mind in Translation

THE QUARTET



*Orchestrating the
Second American Revolution.*

1783-1789



JOSEPH J. ELLIS



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PREFACE



The idea for this book first came to me while listening to twenty-eight middle school boys recite the Gettysburg Address from memory in front of their classmates and proud parents. My son Scott was teaching science at the Greenwood School in Putney, Vermont, and had invited me to judge the annual oratorical contest. I don't remember exactly when it happened, but at some point during the strenuous if repetitious effort to get Lincoln's words right, it dawned on me that the first clause in the first sentence of Lincoln's famous speech was historically incorrect.

Lincoln began as follows: "Four score and seven years ago our fathers brought forth on this Continent a new Nation." No, not really. In 1776 thirteen American colonies declared themselves independent states that came together temporarily to win the war, then would go their separate ways. The government they created in 1781, called the Articles of Confederation, was not really much of a government at all and was never intended to be. It was, instead, what one historian has called a "Peace Pact" among sovereign states that regarded themselves as mini-nations of their own, that came together voluntarily for mutual security in a domestic version of a League of Nations.¹

And once you started thinking along these lines, there were reasons as self-evident as Jefferson's famous truths why no such thing as a coherent American nation could possibly have emerged after independence was won. Politically, a state-based framework followed naturally from the argument that the colonies had been hurling at the British ministry for over a decade, which denied Parliament the right to tax them because that authority resided within the respective colonial legislatures, which represented their constituents in a more direct and proximate fashion than those distant members of Parliament could ever do. The resolution declaring independence, approved on July 2, 1776, clearly states that the former colonies were leaving the British Empire not as a single collective but rather as "Free and Independent States."²

Distance also made a huge difference. The vast majority of Americans were born, lived out their lives, and died within a thirty-mile geographic radius. It took three weeks for a letter to get from Boston to Philadelphia. Political horizons and allegiances, therefore, were limited—obviously no such things as radios, cell phones, or the Internet existed to solve the distance problem—so the ideal political unit was the town or county government, where representatives could be trusted to defend your interests because they shared them as your neighbors.³

Indeed, it was presumed that any faraway national government would represent a domestic version of Parliament, too removed from the interests and experiences of the American citizenry to be trusted. And distrusting such distant sources of political power had become a core ideological impulse of the movement for independence, often assuming quasi-paranoid hostility toward any projection of power from London and Whitehall, which was described as inherently arbitrary, imperious, and corrupt. And so creating a national government was the last thing on the minds of American revolutionaries, since such a distant source of political power embodied all the tyrannical tendencies that patriotic Americans believed they were rebelling against.⁴

In 1863 Lincoln had some compelling reasons for bending the arc of American history in a national direction, since he was then waging a civil war on behalf of a union that he claimed predated the existence of the states. This was a fundamental distortion of how history happened, though we may wish to forgive Lincoln, since it was the only way for him to claim the political authority to end

slavery.

Truth be known, nationhood was never a goal of the war for independence, and all the political institutions necessary for a viable American nation-state were thoroughly stigmatized in the most heartfelt convictions of revolutionary ideology. The only thing holding the American colonies together until 1776 was their membership in the British Empire. The only thing holding them together after 1776 was their common resolve to leave that empire. Once the war was won, that cord was cut and the states began to float into their own at best regional orbits. Any historically informed prophet who was straddling that postwar moment could have safely predicted that North America was destined to become a western version of Europe, a constellation of rival political camps and countries, all jockeying for primacy. That, at least, was the clear direction in which American history was headed.⁵

To say that “something happened” to change that direction is obviously inadequate. The beauty of the Lincoln version of the story is its presumption that a national ethos was already embedded in the political equation, albeit latently or implicitly, so that what we might call the second revolution of 1787–88 followed naturally from the first in 1776. But for all the political, ideological, and demographic reasons already noted, the transition from the Declaration of Independence to the Constitution cannot be described as natural. Quite the contrary, it represented a dramatic change in direction and in scale, in effect from a confederation of sovereign states to a nation-size republic, indeed the largest republic ever established.

So how do we explain such a seismic shift in the gravitational field of American political history? Well, the kind of bottom-up explanation that works so well to convey popular opposition to British imperial policy in the 1760s and 1770s will not work in the 1780s. Mobs did not appear, urging the creation of a fully empowered American nation. Quite the opposite: the dominant historical forces in the 1780s were centrifugal rather than centripetal, meaning that the vast majority of citizens had no interest in American nationhood; indeed, they regarded the very idea of a national government as irrelevant to their local lives and ominously reminiscent of the British leviathan they had recently vanquished. There was no popular insurgency for a national government because such a thing was not popular.

The obvious alternative explanation is top-down. All democratic cultures find such explanations offensive because they violate the hallowed conviction that, at least in the long run, popular majorities can best decide the direction that history should take. However true that conviction might be over the full span of American history—and the claim is contestable—it does not work for the 1780s, which is just might be the most conspicuous and consequential example of the way in which a small group of prominent leaders, in disregard of popular opinion, carried the American story in a new direction.

There is an ironic precedent for this argument. During the first half of the twentieth century Charles Beard and his disciples, chiefly Merrill Jensen, created a school of thought, called the Progressive School, that dominated our understanding of the revolutionary era. While much of their work has not aged well, chiefly its claim that the founders were driven primarily by economic motives, two features of their story line remain abidingly relevant: first, that the founders must not be regarded as demigods with unique access to supernatural wisdom; and second, that the transition from the Articles of Confederation to the Constitution was orchestrated by a political elite that collaborated—to say “conspired” seems sinister, but it is what the Progressives meant—to replace a state-based confederation with a federal government that claimed to speak for the American people as a collective.

whole.⁶

In virtually every other respect, the narrative offered in the pages that follow veers in a different direction from the Progressive interpretation. My sense is that the most prominent leaders of the founding elite were driven by motives that were more political than economic, chiefly the desire to expand the meaning of the American Revolution so that it could function on a larger, indeed national scale. The great conflict, as I see it, was not between “aristocracy” and “democracy,” whatever those elusive categories might mean, but rather between “nationalists” and “confederationists,” which is shorthand for those who believed that the principles of the American Revolution could flourish in a much larger political theater and those who did not. Finally, my version of the story regards the successful collaboration of this small cadre not as a betrayal of the core convictions of the American Revolution, but rather as a quite brilliant rescue.⁷

My argument is that four men made the transition from confederation to nation happen. They are George Washington, Alexander Hamilton, John Jay, and James Madison. If they are the stars of the story, the supporting cast consists of Robert Morris, Gouverneur Morris (no relation), and Thomas Jefferson. Readers can and should decide for themselves, but my contention is that this political quartet diagnosed the systemic dysfunctions under the Articles, manipulated the political process to force a calling of the Constitutional Convention, collaborated to set the agenda in Philadelphia, attempted somewhat successfully to orchestrate the debates in the state ratifying conventions, they drafted the Bill of Rights as an insurance policy to ensure state compliance with the constitution at settlement. If I am right, this was arguably the most creative and consequential act of political leadership in American history.

It made a huge difference that all four of the political collaborators identified here possessed impeccable revolutionary credentials. (The posture of Progressive historians has always seemed somewhat odd on this score, since the men they accused of hijacking the American Revolution were all central players in making the victory over Great Britain happen.) If the overarching issue at stake was what direction the American Revolution should take after independence was won, no one could accuse them of failing to grasp the almost mystical meaning of “The Cause.” And since Washington was the one-man embodiment of all the semi-sacred reverberations that term conveyed, his endorsement of the national agenda provided a crucial veneer of legitimacy for their bold and slightly illegal project. It also helped that all four of them had served in the Continental Army or the Continental (then Confederation) Congress, which meant that they had experienced the war for independence from a higher perch than most of their contemporaries. They were accustomed, as Hamilton put it, to “think continentally” at a time when the allegiances and perspectives of most Americans were confined within local and state borders. Indeed, the very term *American Revolution* implies a national ethos that in fact did not exist in the population at large.

Perhaps the best way to understand the term *American Revolution* is to realize that it describes a two-tiered political process. The first American Revolution achieved independence. It was a mere, or perhaps not so mere, colonial rebellion. It also created a series of mini-republics in the form of colonies, now states, but it did so in ways that were inherently incompatible with any national political agenda.

The second American Revolution modified the republican framework existent in the states in order to create a nation-size republic. The overly succinct way to put it is that the American Revolution did not become a full-fledged revolution until it became more expansively American. Or even more succinctly, the first phase of the American Revolution was about the rejection of political power; the

second phase was about controlling it. More practically, the United States could not become the dominant model for the liberal state in the modern world until the second American Revolution of 1787–88.

Several ongoing editorial projects have made it possible to recover the thoughts, doubts, fears, and anxieties of the founding generation more fully than ever before, to include the four men featured in these pages. Though Jay is somewhat of an exception, the most prominent founders are the focus of massive multivolume collections over the last half century that provide the fullest documentation of any political elite in recorded history. The recently published correspondence of the delegates of the Continental and the Confederation Congress has provided an equally exhaustive account of the inherent disarray within that flimsy framework called the Articles of Confederation. It now seems abundantly clear, more so than ever before, that by 1787 the confederation was on the verge of dissolution. And the full record of all the debates in the state ratifying conventions, which has been proceeding at a stately pace and is nearing completion, offers a level of documentation on the ratification process that almost defies comprehension in its state-by-state specificity.⁸

My immersion in this extraordinarily rich body of primary evidence has made me even more aware that the second American Revolution occurred in a chronological place that must be recovered on its own terms before it can be evaluated by ours. In effect, we must be prepared to perform an exercise in anthropology over time rather than space. The residents of late-eighteenth-century America lacked access to many of our modern values, meaning that they lived in a premodern world that is forever lost to us. That world was predemocratic, pre-Darwin, pre-Freud, pre-Einstein, pre-Keynes, and pre-Martin Luther King, Jr. The distinctive mentality of that world makes it dangerous to solicit their advice or wisdom in response to our current controversies (i.e.: What would George Washington say about our invasion and occupation of Iraq?). Such efforts resemble the futile attempt to plant corn flowers. But the same interpretive problem also flows in the opposite direction. Viewing and judging the founding generation through the lens of our own values is inherently presumptive and presentist, much like evaluating the child-rearing practices of indigenous tribes in Samoa by the standards of Dr. Spock.

There are two especially salient danger zones where our modern presumptions can most easily lead us astray. The first is our creedal conviction that democracy is the political gold standard against which all responsible governments must be measured. The second is our political certainty, in truth recently arrived at, that racial equality is morally superior to any race-based alternative. Neither of those modern assumptions would have been either comprehensible or credible to the founding generation.

The term *democracy* remained an epithet until the third decade of the nineteenth century. It meant mob rule, the manipulation of majority opinion by demagogues, and shortsighted political initiatives on behalf of the putative “people” that ran counter to the long-term interests of the “public.” In the 1780s *democracy* meant the refusal to pay taxes to reduce the federal debt incurred in the war, the preference for an inflated currency that privileged debtors over creditors, the illegal confiscation of loyalist estates, and the repudiation of any political authority that subordinated local interests to some larger, national agenda.

It is true that the first American Revolution gave newfound credence to egalitarian assumptions that fed the democratic ethos and eventually undermined the hierarchical assumptions of colonial

America. But it took fifty years for democratic values to become hegemonic, and the second American Revolution predated that development. The democratic society that Alexis de Tocqueville described in the 1830s was still aborning in the 1780s. The operative word for the revolutionary generation was *republic* rather than *democracy*. And therefore we should expect to see them searching for a way to harness the primal energies of popular opinion within a multitiered political architecture that filtered the swoonish swings “of the people” through layers of deliberation controlled by what Jefferson called “the natural aristocracy.” That filtration process was what the Constitution was all about, which does not make that seminal document antidemocratic so much as predemocratic.⁹

Race and slavery present even more daunting interpretive challenges. There is no way to finesse the fact that slavery was built into the American founding, just as it was built into the economy of all the states south of the Potomac. Historians who prefer to downplay that awkward reality thereby obscure the most consequential and tragic choice the founders were forced to make. Although most of the prominent founders, and all the men featured here, fully recognized that slavery was incompatible with the values of the American Revolution, they consciously subordinated the moral to the political agenda, permitting the continuance and expansion of slavery as the price to pay for nationhood. That decision meant that tragedy was also built into the American founding, and the only question we can ask is whether it was a Greek tragedy, meaning inevitable and unavoidable, or a Shakespearean tragedy, meaning that it could have gone the other way, and the failure was a function of the racial prejudices the founders harbored in their heads and hearts.¹⁰

There is little doubt that the lost world of the founding was a more explicitly racist world than our own. The founders were truly remarkable for their ability to imagine a nation-size republic and a political framework that insisted on the separation of church and state, both of which were unprecedented social experiments that succeeded. But neither they nor the vast majority of white Americans were capable of imagining a biracial society. (Neither, for that matter, was such a staunch opponent of slavery as Harriet Beecher Stowe, who provided an appendix at the end of *Uncle Tom's Cabin* that described her plan for deporting all the freed slaves back to Africa.) We need to remind ourselves that racial integration in the United States was a mid-twentieth-century idea that few if any of the founders could have comprehended. Imposing our racial agenda on them is politically correct but historically irresponsible.

Given the parameters of the possible within which the founders were working, the republic they created has rather remarkably stood the test of time, indeed has lasted longer than any of them expected. To end where we began, with Lincoln, the operative question that all the European pundits were asking back then was whether “any nation so conceived and so dedicated can long endure.” After more than two centuries, the answer is abundantly clear. And now for how it happened.



THE ARTICLES AND THE VISION



Certain I am that unless Congress speaks in a more decisive tone; unless they are vested with powers by the several states competent to the great purposes of War..., that our cause is lost.... I see one head gradually changing into thirteen.

George Washington to Joseph Jones

MAY 31, 1780

On March 1, 1781, three and a half years after they were endorsed by the Continental Congress, the Articles of Confederation were officially ratified when the last state, Maryland, gave its approval. The unseemly delay could be explained by the conspicuous fact that a war was going on which inevitably deflected attention from all other business, but the specific reason was that the landless states, like Maryland, refused to ratify until all the states with extensive western claims—Virginia most prominently—agreed to cede their claims to Congress. The president of the Continental Congress, Samuel Huntington, declared the creation of a new political entity, called the Confederation Congress, which established “a perpetual Union between the thirteen United States.” To mark the occasion, thirteen cannons were fired on the hill overlooking the Philadelphia harbor, and that salvo was answered by thirteen cannons from the frigate *John Paul Jones*. In the evening “a grand exhibition of fireworks was staged at the State House, and all the Vessels in the Harbor were decorated and illuminated.”¹

At almost the same time that Americans were celebrating their newly declared union, a pamphleteer in London, Josiah Tucker, predicted that any vision of an emergent American nation-state would prove to be a mirage, “one of the idlest, and most visionary Notions, that ever was conceived by the Writers of Romance.” Tucker spoke for all those English and European pundits who regarded the very term *United States* as a comical oxymoron. The diversity of climates, competing regional interests, and long-standing political disagreements made it impossible to imagine that Americans could ever, as he put it, “be united into one compact Empire, under any species of Government whatsoever.” What had brought them together in the summer of 1776 was their common desire to secede from that empire. When they failed in that effort—and the issue in the spring of 1781 remained uncertain—Americans would revert back to their identity as British subjects. If they succeeded, they would dissolve into a political stew of local, state, and regional principalities likely to end up fighting one another. “Their Fate,” predicted Tucker, “seems to be—A DISUNITED PEOPLE, till the End of Time.”²

A closer look at the recently ratified document that promoted all those salvos and illumination reveals that Tucker’s skepticism about any emergent American nation-state was not that far off the mark. For the Articles of Confederation were not, and were not intended to be, a political framework for a national government. Indeed, the Articles were not designed to establish any kind of government at all. As its name suggests, the Articles created a confederation of thirteen sovereign states that were nations themselves, entering, as Article III put it, “into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare.” It was less a constitution than a diplomatic treaty among sovereign powers.³

The key provision was Article II: “Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.” Those powers, jurisdictions, and rights were quite few, chiefly to resolve border disputes between states, establish standard weights and measures and a common currency (though the states were not prohibited from printing their own money), and create “a common treasury” from funds raised by taxes on the states to pay for the war. Whether the states were legally obliged to pay the tax levies was left ambiguous. Article VIII vested authority in the state legislatures to comply “within the time agreed upon by the United States in Congress assembled.” For three years the vast majority of states had failed to pay their share of taxes to support the Continental

Army, leaving a legacy of confusion about where the power of the purse ultimately resided. In the absence of a clear resolution in the Articles, it effectively resided in the states.⁴

In at least two other aspects, it was clear that the political framework created by the Articles was not designed to function as a national government. First, the proper model for a republican government had been established in the state constitutions, almost all of which followed the guidelines proposed by John Adams in his *Thoughts on Government* (1776). The central ingredients of the Adams political recipe were a bicameral legislature, an elected or appointed governor, and an independent judiciary, an early version of the separation-of-powers doctrine later embodied in the federal Constitution. The structure of the Articles—a single-house legislature and an appointed but powerless president—dispensed with all the political wisdom that had accumulated in the states about a properly balanced republican government, because, in truth, that is not what the Articles were intended to be.⁵

Second, there was no way the Confederation Congress could claim to be a representative body. Article V put it succinctly: “In determining questions in the United States in Congress assembled, each State shall have one vote.” This meant, in effect, that Rhode Island, the smallest state, had the same political power as Virginia. The one-state-one-vote principle represented a continuation of the practice followed in the Continental Congress, which had come into existence in 1774, before the debates over state constitutions occurred and before the commitment to proportional representation in the state legislatures had become an accepted, indeed essential, constitutional feature. By rejecting proportional representation, the architects of the Articles were making a clear statement that they did not intend the Confederation Congress to function as a national government once the war was won. The closest approximation in our own time is the European Union.⁶



It was not always so. During the first fifteen months of the war, from the outbreak of hostilities at Lexington and Concord in April 1775 to the Declaration of Independence in July 1776, the Continental Congress had functioned as a provisional national government, exercising control over military strategy, diplomacy, and economic policy much in the manner of a fully empowered federal government. To be sure, these were heady times, when the all-consuming character of the political and military crisis literally forced the delegates in Congress to assume emergency powers, and to do so in a political environment so saturated with patriotism that dissent was tantamount to treason. In that exuberant moment, when all political disagreements were enveloped within the protective canopy of “The Cause,” it became possible to believe that the wartime alliance was symptomatic of something much larger and more permanent. The Philadelphia physician and revolutionary gadfly Benjamin Rush said it out loud: “We are now a new Nation...dependent on each other—not totally independent states.” The war for American independence had also become, at least in some minds, a war for American nationhood.⁷

But Rush’s national vision proved to be a temporary infatuation. Until independence was officially declared on July 2, 1776, then announced to the world two days later, there was enormous pressure to sustain a united front. The cracks and fissures in that front appeared for all to see in late July and early August, when the delegates put themselves in a committee-of-the-whole format to debate the character and shape of the new government for the recently created United States. That debate proved to be a preview of coming attractions, exposing the latent sectional and ideological differences that would haunt the American experiment well into the next century.

The debate focused on a document written by a committee of twelve delegates in June, prior to the vote on independence, and chaired by John Dickinson, the leader of the moderate faction in Congress. Called the Dickinson Draft, it is an elusive text that has caused several generations of historians to throw up their hands in frustration, because Dickinson attempted to synthesize the competing convictions of a large committee that harbored fundamentally different ideas about what the emerging American republic should look like. The Dickinson Draft is, in truth, one of the most revealing documents of the revolutionary era, not in spite of but because of its intellectual incoherence. For what Dickinson attempted to achieve was a political compromise between those who wanted a state-based confederation and those who wanted a federal government with enumerated powers over the states. In other words, Dickinson tried and failed to do in the summer of 1776 what James Madison and his Federalist colleagues succeeded in doing in the summer of 1787.⁸

No official record of the debate exists because none was kept. Fortunately, both John Adams and Thomas Jefferson kept extensive notes on the deliberations, which occurred between July 22 and August 20. This meant that they coincided with the looming British invasion of Long Island. Despite that distraction, the political issues at stake got the attention of the most prominent delegates, including John Adams and Benjamin Franklin. Ironically, Dickinson himself was absent, having gone to command his militia unit in New Jersey in anticipation of the British attack in New York.⁹

The debate exposed three fundamental disagreements: first, a sectional split between northern and southern states over slavery; second, a division between large and small states over representation; and third, a more general argument between proponents for a confederation of sovereign states and advocates for a more consolidated national union. There was considerable overlap between the second and third arguments, since defenders of the one-state-one-vote principle were implicitly rejecting the viability of a nation-size republic.

Slavery was too volatile a subject to be addressed directly; indeed, there was an unspoken policy of silence surrounding the topic based on the broadly shared sense that it, more than any other issue, possessed the potential to destroy the political consensus that had formed around independence. But slavery was too embedded in the economy of the southern states to avoid altogether, and it came up, albeit obliquely, during debate over Article XII of the Dickinson Draft, which proposed that “the expenses for the war and the general welfare shall be defrayed out of a Common Treasury, which shall be supplied by the several colonies in proportion to the Number of Inhabitants of every Age, Sex and Quality, except Indians.” An argument then ensued over how to count “Inhabitants,” which soon became an argument over slaves: Were they persons or property?¹⁰

The delegates from the southern states insisted that slaves were property, like horses and sheep, and therefore should not be counted as “Inhabitants.” Franklin countered this claim with an edgy joke, observing that slaves, the last time he looked, did not behave like sheep: “Sheep will never make an insurrection.” The South Carolina delegation, which did not find this funny, then issued the ultimate threat. If the northern states insisted on this point, “there is an End of the Confederation.”

In response to this threat of a southern secessionist movement, Samuel Chase of Maryland urged the delegates to calm down, then proposed to insert “white” before “Inhabitants” in order to appease his southern brethren. But the northern delegates, led by Adams, objected strenuously to this change, accusing South Carolina of attempting to avoid its fair share of the tax burden to finance the war. In a thoroughly sectional vote, Chase’s amendment was defeated.¹¹

In the long view, which is to say looking down the road another eight decades or so, this debate

proved prophetic. It was the first occasion when the intractable dilemma posed by slavery found its way into the public record. And in 1861 South Carolina acted on the same secessionist threat it first made in the summer of 1776. More immediately, both northern and southern delegates recognized the need to deflect the “Inhabitants” question, and they revised the Dickinson Draft so that each state would be billed “in proportion to the value of all land within each state,” thereby skirting the slavery question but in the process producing a criterion for taxation that proved inherently immeasurable and infinitely manipulable by the state legislatures.

If the debate over slavery had enormous long-term implications, the debate over representation posed more pressing problems that defined the shape of the political settlement for the next decade. Here the argument was not sectional but rather between large and small states. Article XVIII of the Dickinson Draft proposed a continuation of the one-vote-per-state principle. Delegates from Massachusetts, Virginia, and Pennsylvania found that principle preposterous, indeed a recipe for chaos and endless bickering, because the disproportionate political power of the small states defied the economic realities: “Let the small colonies give equal Money and Men,” Franklin argued momentarily forgetting that the colonies were now states, “and then have an equal vote.” Adams chimed in that the only sensible basis for representation was population, because any stable republican government needed to reflect the will of its citizenry.¹²

Both Franklin and Adams were thinking of a new government that was more potent and unified than a mere confederation. The most ardent advocate for such a vision was Rush, who projected a national picture of Americans as “a single people,” no longer Virginians or Rhode Islanders, and the term *United States* as a singular rather than plural noun. The debate over representation had thus exposed the first serious split between nationalists and confederationists.

Delegates from the small states found Rush’s national vision a political nightmare that merely exchanged the despotic power of Parliament for a domestic version of the same leviathan. Roger Sherman of Connecticut led the small-state delegation with a warning that his constituents would never surrender their liberties to some distant government that did not share their values. He could testify that Connecticut would passionately embrace “The Cause,” but once the war was won, his country was Connecticut, and any loyalty that extended beyond the borders of his state defied the local and at most regional orientation of his constituents, which was “as far as we are prepared to go.”¹³

This was a revealing way to put it. Beneath the argument between large and small states over representation lurked a more fundamental disagreement about distance and scale. The vast majority of Americans lived and died locally. Representative government as they experienced it was a face-to-face affair. So that above and beyond—or rather beneath and beyond—questions of political architecture lay a residual psychological reality that was severely circumscribed and that imposed geographic limits on the political imaginations of the vast bulk of ordinary Americans. Feeding into the small-scale perspective were all the political arguments that colonists had thrown at the British ministry from 1765 to 1775, stigmatizing parliamentary power as illegitimate because it was distant and disconnected from their local and state interests. The greater the distance, in effect, the greater the distrust. The geographic boundaries of a state, as Sherman had so nicely put it, were as far as they were prepared to go. A decade later, this apprehension about governments beyond immediate surveillance became the primal source of Antifederalist opposition to the Constitution, and it was unquestionably the perspective of most American citizens.

Almost as an appendix to the debate between nationalists and confederationists was the debate over the ill-defined western borders of states, like Virginia, with claims that reached to the Mississippi c

even more preposterously, to the Pacific. There was a consensus in the Congress that these extravagant claims were based on colonial charters that had been drafted before anyone realized the size of the North American continent. (One map put the Alleghenies within one hundred miles of the Pacific.) Admission to the Articles of Confederation required a state to cede its territorial claims to western lands, but left ambiguous how that cession would occur and whether the state could determine its own borders. This alienated the “landless” states, which worried that large states like Virginia, Pennsylvania, and New York would become even larger upon arrival. In an effort to assure his colleagues from Maryland that the Old Dominion would behave responsibly, Thomas Jefferson insisted that “no Virginian intended to go to the South Seas,” an apparent reference to the Pacific. But only Virginians found this assurance convincing.¹⁴

Knowing as we do that these huge political and constitutional questions over sovereignty, slavery, and size would define the history of the emerging American republic well into the next century, the belief that these problems could be solved in a few weeks of earnest effort during the summer of 1776 seems unrealistic in the extreme. Looking back from the edge of the grave over forty years later, Adams recalled that it was “a standing miracle” that the delegates could agree on anything:

The colonies had grown up under conditions so different, there was so great a variety of religions, they were composed of so many different nations, their customs, manners, habits had so little resemblance, and their intercourse had been so rare, and their knowledge of each other so imperfect, that to unite them in the same principles in theory and the same system of action, was certainly a difficult enterprise.¹⁵

But that was not how he felt in the crucible of the moment. Adams was especially distraught to discover that the near-unanimous consensus on American independence was followed by almost total disagreement over how an independent American republic should be configured. “Thus we are sowing the Seeds of Ignorance, Corruption, and Injustice,” he lamented, “in the fairest Field of Liberty ever appeared on Earth, even in the first attempts to cultivate it.” It was distressing to realize that, beyond independence, there was no consensus on what being an American meant, or whether there was such a thing at all. For Adams it was especially distressing to witness such conspicuous failure “in the formation of Government erected by the People themselves on their own Authority, without the poisonous Interposition of Kings and Priests.” There was, to be sure, such a thing as “The Cause,” but the glorious potency of that concept did not translate to “The People of the United States.”¹⁶

The debate over the Dickinson Draft was simultaneously revealing and inconclusive, the former because it exposed the severe limits that would be imposed on any robust expression of federal power, the latter because final resolutions on all the controversial questions had to be deferred. The delegates in the Continental Congress could not afford to sustain focus on the unresolved political issues because in late August and early September the Continental Army suffered a series of devastating defeats on Long Island and Manhattan that put its very survival at risk. It made no sense to debate the future shape of the American government if the Continental Army was annihilated, rendering any independent American future highly problematic.

Over the course of the next year, from the fall of 1776 to the fall of 1777, the primary focus of the Continental Congress, again for understandable reasons, remained the war. With the exception of

George Washington's splendid victories at Trenton and Princeton, General William Howe and the British army dominated the battlefield, producing victories at Brandywine and Germantown that led to the capture and occupation of Philadelphia, which prompted the flight of the Continental Congress (Adams put it, "like a covey of pigeons") to York, Pennsylvania. Revisions of the Dickinson Draft had to take a backseat to the pressing imperative of sustaining the Continental Army and not losing the war.

But despite those rather essential distractions, revisions of the Dickinson Draft proceeded apace. And all the revisions reduced the prospective power of any central government. Article XIX of the Dickinson Draft, for example, had contained language that might be interpreted to give the Confederation Congress authority over foreign policy. It was dropped. The Dickinson Draft gave the Congress ultimate authority in resolving questions about western borders. This was blurred. And the inherent ambiguity of the Dickinson Draft on the question of state versus federal sovereignty was clarified in an amendment by Thomas Burke of South Carolina: "Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled."¹⁷

The final draft of the Articles of Confederation that was sent to the states in November 1777, though, had been cleansed of any language that envisioned the existence of an American nation-state after the war. To be sure, the Dickinson Draft had always been a tortured document that leaned toward a state-based confederation. And it was always clear that the vast majority of Americans did not regard the war for independence as a movement for American nationhood, to the extent they gave the matter any thought at all. The final draft of the Articles of Confederation, then, merely confirmed and institutionalized that conviction.

When the Articles were sent to the states, the letter accompanying the document urged ratification more as a wartime measure than as any commitment to a future American union. Failure to ratify, the letter warned, would send a signal of weakness to the British government, which would then redouble its military effort, thereby forcing America "to bid adieu to independence, to liberty, to safety." Even the states that swiftly ratified submitted amendments, nearly a hundred, most designed to protect local and state interests from federal encroachment. The Congress simply ignored them, but they constituted another sign that whatever pretensions for a national union might have existed in the early months of the war had wholly evaporated as the conflict drew to a close.¹⁸



Then there was the matter of the army, along with the Continental Congress the other institutional projection of collective commitment with national implications. As the war dragged on, the same centrifugal forces that moved political power from the Congress to the states also undermined popular support for the Continental Army. Over two hundred years later, when painting films, and histories remind us of the deplorable conditions endured by ordinary men to win American independence—and most of the images and words are utterly accurate—it is difficult to recover the combination of abuse and neglect directed at the Continental Army by most of the American citizenry at the time.¹⁹

There are two enormous and overlapping ironies at work here, which taken together represent the central paradox of the American Revolution: namely, the two institutions that made victory in the war for independence possible, the Continental Congress and the Continental Army, represented the consolidated kind of political and military power that defied the republican principles on which the

American Revolution was purportedly founded. If we wished to push this line of argument to its logical limit, we would say that the ideological and emotional hostility to any conspicuous and centralized expression of political authority rendered a viable American nation inherently incompatible with the goals of the American Revolution.

The military side of this story had its origins in the fall of 1776. The American debacle on Long Island and Manhattan prompted a conference among Washington, his staff, and a delegation from the Congress. It was now clear for all to see that the Continental Army, as currently configured, was no match for the combined force of the British army and navy. Washington insisted, and the civilian delegates agreed, that there needed to be a “New Establishment,” consisting of an American army three times larger than the current fifteen-thousand-man force, with enlistments to last three years or better yet, “for the duration.” Given the overall size of the American population, Washington argued that he was asking for only a fraction of what was demographically possible, meaning that the number of American males available for military service was several times larger than what was needed to overwhelm the British army. If provided with such a large, enduringly dedicated force, Washington and his staff believed they could end the war in a year.²⁰

In October 1776 Congress approved all the requests. But when President John Hancock sent the troop quotas to the respective state legislatures, they were regarded as requests, and none of the states complied. What was militarily necessary was clear, but what was politically impossible was clearer. The states, after all, needed to protect their own people, best done with militia, often paid at a higher rate than soldiers in the Continental Army. As for the creation of a cadre of Continentals committed to service “for the duration,” that smelled distinctly like a “standing army” in the British mode, which the American Revolution was designed to destroy. The hard core of the Continental Army was eventually comprised of misfits—indentured servants, recently arrived immigrants, emancipated slaves, unemployed artisans. The vast majority of “the soldiery,” as Washington called them, were one-year enlistees who came and went like transients, an army of amateurs.

Washington’s reports from the field became a litany of lamentations: bemoaning the lack of food, clothing, shoes, ammunition; warning that the one-year enlistments put the very survival of the army at risk on an annual basis; urging the necessity of a larger army of veteran troops who could assume the offensive instead of fighting a purely defensive war. But the unspoken and unattractive truth was that the marginal status of the Continental Army was reassuring for the vast majority of Americans since a robust and professional army on the British model contradicted the very values it was supposedly fighting for. It had to be just strong enough to win the war, or perhaps more accurately not to lose it, but not so strong as to threaten the republican goals the war was ultimately about.²¹

Beginning in 1780, Washington went on the offensive, claiming that the lack of support for the Continental Army was a direct consequence of the failure of the Continental Congress to impose its will on the states. “Certain I am,” he warned, “that unless Congress speaks in a more decisive tone unless they are vested with powers by the several states competent to the great purpose of War..., the our Cause is lost.... I see one head gradually changing into thirteen.” Over and over he repeated the refrain that a confederation of sovereign states, almost by definition, lacked the unity of purpose necessary to win the war: “In a word, our measures are not under the influence and direction of one council, but thirteen, each of which is actuated by local views and politics.” As a result, “we have become a many-headed Monster, a heterogeneous Mass, that never will Nor can steer to the same point.” Though his own personal honor was obviously invested in the eventual triumph of American independence, he wanted it placed in the record that “if we fail for want of proper exertions in any

the State Governments, I trust the responsibility will fall where it ought, and that I shall stand justified to the Congress, to my Country, and to the World.” If a potent Congress and powerful army were, in fact, incompatible with the principles on which the American Revolution was based, then everyone needed to realize that the war could not be won, and all those principles would prove meaningless.²²

Despite his own personal preference for political unity vested in the Continental Congress, in 1776 Washington started writing a series of “Circular Letters to the States.” It had become obvious that the power of the purse now resided in the state governments, and if he wanted to lobby for long enlistments and money to give his troops shirts and shoes, the governors and legislatures of the states were the proper place to direct his attention. Doing so was itself a statement about the increasingly diffuse political realities that the protracted conflict had created. The survival of the Continental Army was now dependent on persuading thirteen provinces, each of them divided into multiple counties and towns, to act together.²³

If there was any doubt in Washington’s mind whether the center was going to hold—and there was—there was no doubt in anyone’s mind about who was the one-man centerpiece of the American Revolution. Even before independence was declared, Washington had become the chief symbol of resistance to British rule.

It helped that he looked the part. Biographers do not agree about his height.* But all concur that he was a full head taller than the average male of his time, a physical specimen at just over two hundred pounds, who was also reputed to be the finest horseman in Virginia. In his youth he had earned fame during the French and Indian War for surviving the massacre at the Monongahela in 1755, when the British army under General Edward Braddock was ambushed outside modern-day Pittsburgh and Washington lived to tell the tale, despite bullet holes in his coat and hat and two horses shot out from under him. He then parlayed his military reputation into marriage with Martha Custis, the wealthiest widow in Virginia, which propelled him into the upper ranks of the Tidewater aristocracy.

He was a literate but not well-read man. Adams had gone to Harvard, Jefferson to William and Mary, but Washington had gone to war, meaning that his education possessed a more primal quality that aligned itself nicely with his commanding physical presence. He was not well versed in the constitutional arguments about Parliament’s limited authority over the American colonies, often deferring to his neighbor George Mason on such questions. His own encounter with British imperialism had been more personal and palpable, based on his experience with the London mercantile house Cary & Company, which he believed was bleeding him to death by charging extravagant fees for its services. For Washington, the imperious face of the British Empire was not Parliament but Robert Cary and his band of London merchants, whose profits were driving the entire planter class of Virginia into bankruptcy. Washington’s towering ego could not stand the realization that his very fate was in the hands of British creditors an ocean away, who were manipulating interest rates—or so he believed—in a massive imperial swindle.

His hostility to British authority, then, had a personal edge. While he understood and endorsed the political arguments about American rights, such arguments struck him as abstractions. His grievances were more palpably economic and even emotional. He was similarly indisposed toward proposals by moderates in the Continental Congress to make plaintive appeals to the presumed generosity of George III, which struck him as deferential confessions of inferiority, a self-defeating tactic that did not accord with his own sense of superiority.

Not the kind of man to suffer fools gladly, he ran his plantation at Mount Vernon imperiously and assiduously, always on the lookout for laziness among his overseers; he was not someone you would want to work for. He had once applied for a commission in the British army and been turned down—imagine the course of American history if the British had accepted him—but he interpreted his rejection not as a measure of his worth but as a statement of British stupidity. Both physically and psychologically, he was a formidable figure, and at forty-three years he was at the peak of his powers.²⁴

When he set out from his beloved Mount Vernon in May 1775 to attend the Continental Congress he had no way of knowing that he would be appointed commander in chief of the Continental Army (Or did he? Why else did he wear his military uniform, the only delegate to do so?) What he did know beyond much doubt was that the ten-year constitutional conflict with Great Britain was about to become a war; indeed, it had already started a month earlier at Lexington and Concord. While a majority of delegates in the Continental Congress continued to grope for a political solution to the crisis, Washington knew in his bones that none would be found. He left instructions with his plantation manager to remove his books and his wife, Martha (presumably not in that order), when British frigates came up the Potomac to burn Mount Vernon to the ground. Washington recognized from the start that he was risking everything he held dear by committing to American independence, and this over a year before Jefferson wrote the words that memorialized the patriotic pledge of “our lives, our fortunes, and our sacred honor.”²⁵

And honor, in a way that is difficult for our modern minds to fully appreciate, animated his every thought and feeling. When he accepted the appointment as head of what soon would be called the Continental Army on June 16, 1775, he gave a speech making two points: he did not believe himself qualified for the position; and he would serve without pay. That evening he wrote his brother-in-law in the same vein:

I am now embarked on a tempestuous Ocean from whence, perhaps no friendly harbor is to be found.... It is an honor I wished to avoid.... I can answer but for three things, a firm belief in the justice of our Cause—close attention to the prosecution of it—and the strictest integrity—If these cannot supply the places of Ability and Experience the cause will suffer & more than probably my character along with it, as reputation derives its principal support from success.²⁶

He demonstrated the same pattern of postured reticence on two subsequent occasions: when he agreed to chair the Constitutional Convention and when he accepted the office of president. This pattern suggests that he had a problem acknowledging his own ambitions, always insisting that the summons to serve originated outside his own soul. But the decision to head the American army was especially poignant, because he knew that the British army and navy, taken together, was the most formidable military power on the planet, and the prospects for American success were dubious at best. There was no question in his mind about the moral supremacy of the American cause, but he was at the core a rock-ribbed realist who realized that a fervent belief in the worthiness of a cause was no guarantee of its ultimate triumph. He was lashing his life and, even more psychologically important to him, his honor to a vessel that was sailing into uncharted and troubled waters.

From the beginning, then, the war for Washington was an all-or-nothing wager. There were, to be sure, enormous political considerations at stake. He announced from the start that he regarded the

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