THE BIRTH OF THE REPUBLIC, 1763–89

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FOURTH EDITION
WITH A NEW FOREWORD BY
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Preface to the Second Edition

In the twenty years since the first edition of this book appeared, historians studying the American Revolution have turned up so many new facts and suggested so many new interpretations of familiar facts that it seemed high time to make revisions and additions to this survey of the subject. The theme of the book remains as it was, the search by Americans of the Revolutionary period for principles on which they could take a common stand. The discovery of their willingness to coalesce around the principle of human equality still seems to me the most exciting thing about the Revolution. I hope that, from the work of other scholars as well as from my own continuing studies, I have achieved a richer understanding of how it happened. And I hope that the resulting changes in the text will enhance whatever contribution it may make to those who read it. To that end I have also added an Appendix containing the basic documents in which the Revolutionists embodied the ideas that brought them together.

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E.S.M.

Lexington Green

The men had been waiting since a little after midnight. Revere arrived about that time with his warning, and they tumbled out of bed and gathered on the common, where they shivered in the cold, clear April night for an hour or more. Now some had gone home and the rest were in the tavern, waiting nervously as candles flickered lower, for the roll of drums that would call them out again.

No one was quite sure what they were supposed to do. No word had come from Concord or Boston to tell them. They must assemble. They must be ready. But for what? It was not suggested that they dispute the passage of the royal troops to Concord. No, they would simply stand there on the common, drawn up in military array, displaying by their formal presence the invincible dislike of Americans for what the British were up to.

By the time the first streaks of dawn appeared, it began to seem that nothing was going to happen after all. It was several hours since Revere brought his message and still no sign of the force he described. There must have been that tinge of disappointment we all feel despite our relief when some expected and exciting danger fails to materialize. Then Thaddeus Bowman was galloping up. They were coming! They were almost here! Grabbing of muskets, roll of drums, shouts of alarm, and Captain John Parker leads
seventy men to the green in time to see the first columns of redcoats swing into view.

There is no need for the British to cross the green. The road to Concord runs along the left side of it, and Captain Parker has no intention of putting his men on that road. He will keep them on the green where they will be visible, perhaps audible, but out of the British line of march. Suddenly a British officer, in the uniform of a major of marines, is cantering across the grass, calling upon him and his men to disperse and lay down their arms. The regulars have broken into a run; they are pouring onto the green, cheering wildly as they come. Parker, alarmed, gives the order to disperse, and the Americans, who have scarcely formed ranks yet, start to fall back, a few standing fast, refusing to budge. On both sides the men are out of control, and before anyone knows what has happened firing begins.

Pitcairn, the major of marines, signals frantically but vainly to stop it. The Americans, vastly outnumbered and already scattering, are driven from the field, leaving eight dead and ten wounded. The British officers, disgruntled and embarrassed, recover control, allow their men a formal cheer, and then hurry them on toward Concord.

Thus inauspiciously began the war which produced the United States. One can scarcely imagine a more confused or futile gesture than that of the militiamen who stood on Lexington Green on that nineteenth of April in 1775. But we will make a bad mistake if we take their confusion to be a sign of irresolution or uncertainty or even of mere foolishness. No war had begun when they hurried out of the tavern to take their places on the green. They did not think they were rushing into battle but simply into a posture of righteousness.

Lexington, in fact, was not really a battle. It was a moment of transition between thought and action, between peace and war. For

eleven years before it Americans had been thinking and talking about their rights, issuing resolutions and petitions and declarations, enunciating the principles of government that they thought would preserve their freedom. The men who stood on Lexington Green stood there to testify to those principles. When they were attacked, they may have been surprised and momentarily confused, but they did not need to be told that the time had now come to fight. In the afternoon when the troops came back from Concord, it was the Lexington men who attacked, along with the militia from other nearby towns, and the British who showed confusion as they fled in disorder toward Boston.

The history of the American Revolution is in part the history of the years of action that followed after Lexington, but much more it is the history of the Americans’ search for principles. That search brought them to Lexington and war in 1775, but it did not end there. Throughout the years of fighting it continued and finally culminated in the adoption of the federal Constitution. It was a noble search, a daring search, and by almost any standards a successful search. The ensuing pages describe some of the difficulties overcome, some of the dangers encountered, and some of the discoveries made in the course of it.
The Americans and the Empire

The people who undertook the search seemed to their contemporaries—and even to themselves—as unlikely a group as could be found to join in any common enterprise. The American colonists were reputed to be a quarrelsome, litigious, divisive lot, and historical evidence bears out this reputation. The records of the local courts in every colony are cluttered with such a host of small lawsuits that one receives from them the impression of a people who sued each other almost as regularly as they ate or slept. Their newspapers bristle with indignant letters to the editor about matters that now seem trifling. Ministers kept the presses busy with pamphlets denouncing each other's doctrines.

Within every colony there were quarrels between different sections. Eastern Connecticut despaired western Connecticut. Newport, Rhode Island, was at odds with Providence, and the rest of New England looked upon the whole of Rhode Island with undisguised contempt. Western North Carolina was so irritated by eastern North Carolina that civil war broke out in 1771. Not only did the different sections of every colony quarrel with each other, but every colony engaged in perennial boundary disputes with its neighbors. Even when faced with Indian uprisings, neighboring colonies could seldom be brought to assist each other. When New York was
CHAPTER 1

attacked, Massachusetts found that her budget would not allow her to send aid. When Massachusetts was attacked, the New Yorkers in turn twiddled their thumbs.

So notorious was the hostility which every American seemed to feel for every other American that James Otis, one of the early leaders in the search we are about to examine, averred in 1765 that "were these colonies left to themselves tomorrow, America would be a mere shambles of blood and confusion." And an English traveler who toured the colonies in 1759 and 1760 came to precisely the same conclusion: "Were they left to themselves, there would soon be civil war from one end of the continent to the other." Twenty years later these same people united to create a government that has had a longer continuous existence than that of any other Western country except England.

How they were able to do it must always remain a source of wonder, but with the benefit of hindsight we may see that in spite of their divisions they did have much in common. For one thing they were mainly of English descent—and proud of it. There were two large exceptions: the first a wedge of Scotch-Irish and Germans in the back country from Pennsylvania southward, the second a half-million African slaves scattered throughout the colonies but with the greatest numbers on the tobacco and rice plantations of the South. The Africans were the great exception to everything that can be said about colonial Americans. Though they did much of the work, they enjoyed few of the privileges and benefits of life in America.

For the great majority of Americans who still spoke of England as "home," even though they had never been there, being English meant having a history that stretched back continuously into a golden age of Anglo-Saxon purity and freedom. The past as it existed in their minds may have borne little resemblance to what actually happened. It was a past in which freedom, born among the Anglo-Saxons, was submerged by the Norman Conquest and only gradually recovered, the final triumph occurring in the Glorious Revolution of 1688. It was more myth than reality, but the myth served to give to the forester in New Hampshire and the cattle drover in North Carolina a pride in a common heritage. Even those parts of English history that had occurred since the founding of the colonies were cheerfully appropriated, and in the ensuing years of strife with the mother country there was no repudiation of the heritage. Throughout the war and after, Americans maintained that they were preserving the true tradition of English history, a tradition that had been upset by forces of darkness and corruption in England itself.

That such a defection should have occurred came as no surprise to the colonists, because they shared a distinctly bearish view of human nature. As they were for the most part English, so they were even more overwhelmingly Protestant. Maryland was the only colony with a substantial minority of Catholics. And except for a handful of German Lutherans, the Protestants were predominantly of Calvinist origin. Among the more sophisticated, especially in the cities and large towns, it was the fashion to take a somewhat happier view of human nature than Calvin had endorsed, but even those who thought man good enough to win heaven by his own efforts seem to have been skeptical about the likelihood of kings and statesmen making the grade. It was an outright infidel, Thomas Paine, who declared that government, like dress, is the badge of lost innocence. This common assumption, that men and especially men in power are prone to corruption, was to prove a potent force in keeping Americans traveling together in the same direction.

Still another common denominator lay in the fact that most of the inhabitants of every colony made their living from the soil.
CHAPTER 1

There were four or five large cities—Charleston, Philadelphia, New York, Newport, Boston—and several more good-sized towns where merchants and tradesmen flourished, but most people north and south lived on land they cultivated. And probably most of them (research has not revealed the exact proportion), especially in the North, owned their land.

This widespread ownership of property is perhaps the most important single fact about the Americans of the Revolutionary period. It meant that they were not divided so widely between rich and poor as the people of the Old World. Most of the men and women who settled the colonies had come with expectations of a better life for themselves and their children, and most had achieved it. Though there was an espoused belief in social equality, though in every colony there were aristocrats, marked by the fine houses they lived in and the fine clothes they wore, there were no peasants for them to lord it over—except always the slaves. Apart from the slaves the people were much of a piece and did not know what it meant to bow and scrape to a titled nobility.

Ownership of property gave not only economic independence but also political independence to the average American. In every colony that was to join in the Revolution there was a representative assembly, elected by property-holders, which made the laws and levied the taxes. Historians once assumed that the property qualification confined the suffrage to a small segment of the population. But if most men owned property, as now seems probable, then most men could vote.

They enjoyed also a common privilege the meaning of which was more difficult to determine: they were all subjects of Great Britain. This privilege—and they counted it as such—they shared not only with each other but with people in Canada, Florida, the West Indies, and the East Indies. They were part of the largest empire

the Western world had ever known, an empire that in 1763 had just finished defeating its most serious rival, France, in the long and bloody Seven Years' War.

For Americans the great thing about this empire, apart from the sheer pride of belonging to it, was that it let you alone. The average colonist might go through the year, might even go through a lifetime, without seeing an officer of the empire. The colonies had not been founded under imperial direction but by private enterprise operating under what amounted to a license from the King of England. In most colonies the King appointed the governor and gave him directions, but it was one thing to give directions and another to have them carried out.

On paper the governor's powers seemed large, larger even than those that the king enjoyed in the English government. The royal governor of a colony had the right to summon or dismiss his representative assembly at will, and he had a veto power over its every act. But in practice the governor proved a paper tiger. He had virtually no funds to run the government except what he could wheedle from the assembly. He could not do without the yearly taxes it voted, nor could he afford to antagonize the members who did the voting by disallowing legislation they favored. In practice, therefore, he could exercise his seeming powers only cautiously and sparingly; otherwise he might bring his government to a standstill. And though the king could still veto a colonial law that the governor had unwillingly allowed, the assemblies generally managed to get their way in the end. Their control over taxation was a weapon that even their distant monarch was obliged to respect.

Apart from the royal governors, the only imperial officers normally encountered in the colonies were those charged with enforcing the Navigation Acts. These were acts passed by the British Parliament to regulate colonial trade so that raw materials were produced
CHAPTER 1

for the mother country and manufactured goods were purchased there. The acts required that certain products of the colonies, such as tobacco, rice, indigo, and furs, when exported should be taken only to England or to another English colony; they required that the colonies purchase European manufactures only through England; and they required that all colonial trade be carried in English or colonial shipping. The acts also charged duties to discourage the colonists from importing certain foreign items, granted bounties to encourage them in supplying specific raw products, and prohibited them from some kinds of manufacturing. For example, a bounty was granted on the production of raw iron, but the production of finished iron goods was forbidden (except in those mills already operating when the prohibition was established in 1750).

The purpose of the acts was to promote the economic welfare of the empire in general and of the mother country in particular. The restrictions placed on the colonies to make them serve English interests did not seriously hamper them, because the acts required the same kind of activities that the free play of economic forces would probably have produced anyhow. In America natural resources, especially land, were cheap, while labor (and consequently manufacturing) was dear. In the Old World the situation was reversed. Under these circumstances it was advantageous for the colonists to sell raw materials and buy manufactures. Though they had to buy from England, England was the most advanced industrial country in the world and could generally offer the best prices.

The only Navigation Act that could have caused real hardship was one passed in 1733, placing a duty of sixpence per gallon on molasses imported into the colonies from outside the British Empire. If it had been enforced, the Molasses Act might have crippled the New England rum trade and distilling industry: the duty on foreign molasses was prohibitively high, and the sugar plantations

THE AMERICANS AND THE EMPIRE

in the British West Indies, for the benefit of which the act was passed, did not produce enough molasses to satisfy the thirst of colonial tipplers or of the other rum drinkers from the fishing banks of Newfoundland to the coasts of Africa. But the act was not enforced. The customs officers who were supposed to collect the duty were a venal lot; and the New Englanders were able to arrange a standard bribe, varying from a half-penny to a penny and a half per gallon, in return for which the officers looked the other way whenever a cargo of French molasses arrived.

Doubtless the collectors were persuaded by similar methods to overlook occasional cargoes of French or Dutch textiles. But if the colonists felt aggrieved by the Navigation Acts, other than the Molasses Act, they did not say so. They did not even complain that the acts were passed by a British Parliament in which they had no representative. It has often been suggested that their contentment was the result of the ineffectiveness of imperial administration, and it must be admitted that the empire was run in a strangely listless manner.

The government of Great Britain had not been designed to cover half the globe, and when Englishmen were not busy extending their possessions still farther, they were apt to regard the problem of turnpikes in Yorkshire as vastly more important than the enforcement of the Navigation Acts in New York. Administration of the colonies was left to the King, who turned it over to his Secretary of State for the Southern Department (whose principal business was England's relations with southern Europe). The Secretary left it pretty much to the Board of Trade and Plantations, a sort of Chamber of Commerce with purely advisory powers. The Board of Trade told the Secretary what to do; he told the royal governors; the governors told the colonists; and the colonists did what they pleased.
CHAPTER 1

This system, or lack of system, had at least one virtue: it did no harm, a fact evidenced by the rolling prosperity of mother country and colonies alike. The British Empire, however inefficient its management, was very much a going concern, and wise men on both sides of the Atlantic believed that its success was intimately connected with the bumbling way in which it was run. They saw both the prosperity and the inefficiency of the empire as results of the freedom that prevailed in it. Freedom, inefficiency, and prosperity are not infrequently found together, and it is seldom easy to distinguish between the first two. The British Empire was inefficient, but its inhabitants were prosperous, and they were free.

It was this real and present freedom even more than the long and honorable heritage of it that the colonists cherished. They never tired of praising the government that made it possible, and in doing so they were by no means unique. The English too thought of freedom as the special virtue of their constitution, and the fashionable French philosophers agreed. The peculiarity of English government responsible for this happy result was thought to be the combination of monarchy, aristocracy, and democracy embodied in the King, House of Lords, and House of Commons. During the years since the first American colony was founded, the balance in the combination had altered. The effect of the Civil War of the 1640s and of the Revolution of 1688 had been to reduce the authority of the King and to establish the predominance of Parliament, particularly the House of Commons. In the eighteenth century it had come to be accepted that English liberty depended upon this predominance, and George III, the conscientious farmer who ascended the throne in 1760, never failed to acknowledge the supremacy of his Parliament.

The colonists joined in the applause for Parliament. Though they had not participated directly in its past triumphs, they had enjoyed an analogous experience which they identified, in a way they might not have been able to define, with that of their English cousins. For while Parliament was winning control in England, the colonial assemblies were winning it overseas and had tamed the royal governors almost as effectively as Parliament tamed the King. When Parliament got rid of James II in the Revolution of 1688, New England and New York threw off the new government James had established over them and restored the assemblies he had temporarily suspended. The supremacy of Parliament had thus become associated in the colonial mind with the supremacy of the assemblies. Both stood for English liberty, for laws made by consent of the people. Both meant that the English were freer than all the rest of the world.

The relations of mother country and colony had not been seriously affected by the shifts of power in England. Apart from trade regulations the laws the Americans lived by were made, as always, by their own representatives. Whatever directions came to them from England came, as always, from the King through the royal governors.

What the colonists did not understand was that the King, because of the supremacy of Parliament, did not speak merely for himself when he sent them orders. The orders were in effect Parliament's as much as his. As long as they were sent through the governors, there would be no trouble: the colonial assemblies had learned over the years to deal with governors. But what would happen if King and Parliament tired of the independent, not to say truculent, behavior of the assemblies? What if the supremacy of the assemblies were matched, not against the royal governors, but against the corresponding and overruling supremacy of Parliament?
CHAPTER 1

Suppose Parliament should decide to carry out its own orders by legislating directly for the colonists as it had admittedly, if rarely, done in the past?

When that happened Americans would have to think again about Parliamentary supremacy and ask themselves whether British freedom really resided there.

Sugar and Stamps, 1764–66

No one likes to pay taxes, and the English in 1763 thought they had too many. Though they were the most powerful nation in the world and the most prosperous, their government was costing too much. They had just completed the very expensive Seven Years' War against France, doubling the national debt. The war had also left them with a huge new territory to administer: Canada and the eastern Mississippi Valley. Many of them thought the whole of it not worth keeping; and when they heard that the government was going to assign ten thousand troops to defend and pacify it, they could only think of how much that many men would eat and drink in a year and how many uniforms they would wear out and how much they would have to be paid.

The idea of relieving their own burdens by taxing the colonies had often been suggested to the English, but hitherto they had not thought it wise to take the step. Sir Robert Walpole, who was admired and hated as the most astute politician of the preceding generation, was said to have dismissed such a proposal with a smile, saying, "I will leave that for some of my successors, who may have more courage than I have."

George Grenville in 1763 was ready to tread where Walpole had feared to. Grenville, a wily and humorless statesman with a head
CHAPTER 2

for figures, became Chancellor of the Exchequer in 1763 and discovered from the treasury books that the American customs service was costing more to operate than it was bringing in. He began his pursuit of the American dollar by tightening up the service to prevent smuggling. The Americans in a series of remonstrances at once pointed out that the sixpence duty on foreign molasses was prohibitive and if enforced would ruin an important branch of the colonial economy. They urged that it be discontinued. Grenville had no desire to destroy the New England rum industry but merely to make it furnish a revenue to England. He accordingly decided to continue the duty but cut it in half. Knowing that the colonial merchants were paying up to a penny and a half per gallon in bribes, he reasoned that they could afford to pay threepence in an honest tax.

By early 1764 he had ready a bill, which Parliament quickly turned into an act, effecting not only this change but many others, all designed to produce revenue by means of customs duties. Hitherto customs duties had been levied simply for the purpose of directing trade so as to favor the mother country. Now they would also bring in a substantial income to help defray the cost of maintaining troops in America. To put teeth in the act, the whole system of enforcement was overhauled, with an elaborate series of papers to be filled out by shippers for every cargo, and violations to be tried in admiralty courts, which operated without juries (colonial juries were notoriously easy on smugglers). And since he thought the Americans could afford to pay still more, Grenville announced his intention of introducing in the following year a bill for extending to the colonies the kind of stamp duties that the English paid on legal documents, certificates, and other paper items.

The Americans were thus confronted with the first great challenge of the Revolutionary period. The new act, usually called the

SUGAR AND STAMPS, 1764–66

Sugar Act, was in form a revision of the old customs laws; but its purpose was novel, to raise money, and this purpose was frankly stated in the preamble. The colonists had long since learned the importance of the power to tax, from the struggle of their own assemblies with the royal governors and from Parliament’s struggle with the King. For them as for their English counterparts, Parliament’s exclusive power to tax was the most important feature of its supremacy over the King, the most important guarantee of English liberty. It was for this principle that John Hampden had gone to prison when he refused to pay a tax demanded by the King alone; it was this principle that Parliament had secured when it gave the throne of James Stuart to William of Orange in 1688; and it was this principle that John Locke, the philosopher, had insisted upon in justifying that revolution: property must not be taken from the owners without consent, given either in person or by their representatives. For the colonists, as for the rest of the English, property was not merely a possession to be hoarded and admired; it was rather the source of life and liberty. If one had property, if one had land, one had one’s own source of food and could be independent of all other men, including kings and lords. Where property was concentrated in the hands of a king and aristocracy, only the king and the aristocracy would be free, while the rest of the population would be little better than slaves, victims of the eternal efforts of rulers to exploit subjects. Without property, people could be starved into submission. Hence liberty rested on property, and whatever threatened the security of property threatened liberty.

Security for their property was what the English had won in the course of a long history. Parliament was a representative body, and as such it enjoyed the sole authority to grant the property of the English in taxes. But when it presumed on this authority to grant the property of the colonial English, who were not represented in
it, then surely something had gone awry, then surely it ceased to be the great protector of popular liberty and became a threat to the freedom of the Americans whose property it demanded.

The Americans were quick to see the threat, but they were not altogether sure what to do about it. Some favored an immediate denial of Parliament's authority to tax them. Others thought it best not to raise this question but simply request with all due humility the repeal of the new duties. In Massachusetts, for example, the assembly drew up a spirited protest in which they stated plainly "that we look upon those Duties as a tax, and which we humbly apprehend ought not to be laid without the Representatives of the People affected by them." The new act, they said, deprived the people of "the most essential Rights of Britons." But before the assembly could send this message, Lieutenant-Governor Hutchinson persuaded them to abandon it in favor of a much milder request for the continuation of the "privileges" formerly enjoyed. The New York Assembly, on the other hand, got off an eloquent series of petitions in which they claimed a complete exemption from Parliamentary taxation, and affirmed their disvain "of claiming that Exemption as a Privilege—They found it on a Basis more honourable, solid and stable; they challenge it, and glory in it as their Right."

It was their right not only because they were English but because they were human beings: "An Exemption from the Burthen of ungranted, involuntary Taxes, must be the grand Principle of every free State.—Without such a Right vested in themselves, exclusive of all others, there can be no Libery, no Happiness, no Security; it is inseparable from the very idea of Property, for who can call that his own, which may be taken away at the Pleasure of another?" And lest the members of Parliament think that customs duties used for revenue were less objectionable than other taxes, the New Yorkers took care to point out that "all Impositions, whether they be internal Taxes, or Duties paid, for what we consume, equally diminish the Estates upon which they are charged... The whole Wealth of a Country may be as effectually drawn off, by the Exaction of Duties, as by any other Tax upon their Estates."

James Otis, the popular leader of the Massachusetts Assembly, made this same point in a pamphlet published during the summer of 1764. He had evidently heard that some in England thought an "external" tax on trade more permissible than an "internal" or direct tax. He therefore specifically stated, "There is no foundation for the distinction some make in England, between an internal and an external tax on the colonies." And though the Massachusetts Assembly had been willing to tone down its own official protest, it endorsed Otis's pamphlet by formal vote and shipped copies of it off to London.

In London, Grenville was not to be disheartened by these and other colonial objections to his measure. He had one of his subordinates, Thomas Whately, write an answering pamphlet, in which it was acknowledged that English liberty forbade taxation without consent. Whately in fact went even further and denied that any laws whatever could be imposed on British subjects without their consent. But, he insisted, no such thing was involved in the Sugar Act or any other act of Parliament affecting the colonies; for though they were not actually represented in the House of Commons, though they could not vote for any member, neither could most British subjects at home. Most of them (at least three-quarters of the adult males) were disqualified from voting by not owning enough property, or by living in towns not entitled to send members, or by archaic local regulations in the towns that did send members. These people, Whately assured the colonists, were not really unrepresented. They and the colonists, without voting for anyone, enjoyed a virtual representation. Every member of Parlia-
ment, according to Whately, was there to represent the whole empire and not merely the few electors who happened to choose him.

This specious nonsense was designed to justify not only the Sugar Act but also Grenville's proposed stamp tax, for the colonists in their protests and petitions had objected to both. Grenville went through the motions of suggesting that they tax themselves in lieu of a Parliamentary tax, but the suggestion was never formally communicated and seems to have been only a rhetorical gesture, since he never made known how much he wished each colony to raise. Instead, he commissioned Whately to gather the necessary information and prepare the bill for a stamp tax. This was ready for presentation to Parliament in February 1765, and in March it became a law.

The Americans had had a year's warning that the act was coming, and the act itself gave them half a year more to think and prepare, for it was not to take effect until November. Though someone in London forgot for several months to send official notice or even a copy of the act to the royal governors and to the officers appointed to collect the duties, the American newspapers carried all the lengthy details early in May of 1765. Almost anything formally written or printed would have to be on special stamped paper which would be shipped from the central stamp office in London and dispensed in America by local agents on payment of specified taxes. The colonists could see that they would have to pay stamp fees at every stage of a lawsuit, that diplomas and deeds, almanacs and advertisements, bills and bonds, customs papers and newspapers, even dice and cards, would all be charged. But there was not much interest in the details: every duty, however large or small, was felt to be an attack on the security of property because it was levied without consent. If Parliament succeeded in collecting the stamp tax, there was no telling how much would be demanded in the future; for America's loss would be England's gain: every penny collected in America would be a penny saved to the constituents of the Parliament that levied the tax.

The colonists therefore did not argue about the details. Instead, they moved against the act itself, to secure repeal if possible, to prevent enforcement whether they got repeal or not. The Sugar Act of the previous year had set in motion an attempt to bring pressure on England by reducing colonial imports of her manufactures. Letters to the editor in various newspapers urged the virtues of home-spun and home brew; a society was formed in New York to encourage local manufacturing; and volunteer firemen, who often seem more interested in politics than in fires, announced in the newspapers that they would increase the American supply of wool by not eating lamb. With passage of the Stamp Act the boycott method of bringing Parliament to terms was taken up seriously by the merchants of the cities. Led by those of New York, they agreed to cease importing all British goods unless the Stamp Act were repealed.

Without waiting for such measures to take effect, the colonists also took steps to see that the Stamp Act should be a dead letter before it began. Grenville had hoped to appease the opposition by selecting native Americans for stamp distributors. Since the men he chose were all men of means, owners of substantial houses, a way of inducing them to reject the office was not hard to discover. Boston showed the way in August 1765 when a mob stoned and pillaged the house of Andrew Oliver. The following day Oliver was visited by a number of gentlemen who suggested that to avoid further damage and danger he ought to resign the office Grenville had given him, an office which did not promise under the circumstances to be very lucrative anyhow. Poor Oliver knew of his ap-
CHAPTER 2

appointment only as his neighbors knew of it, through the newspapers. He had therefore nothing to resign, but he obliged by declaring publicly that he would abandon the office as soon as possible and would do nothing toward executing the act. Some months later when his commission did arrive, the mob made him repeat the performance with a full resignation.

Meanwhile, Bostonians found mobbing so effective a weapon that they used it gratuitously on Lieutenant-Governor Hutchinson, whom they wrongly suspected of advocating the Stamp Act, on the Comptroller of Customs, and on one of the officers of the admiralty court. The other colonies took up the example, and by November 1, 1765, no one in America was prepared to distribute the stamped paper, which was safely stowed away in forts and warships. When that date arrived, there was a pause in business in most colonies as people made up their minds which way to nullify the act: by doing nothing that required the use of stamps or by proceeding without them. Once the latter course was chosen by determined groups of citizens, they found it easy, by the mere threat of mob action, to coerce recalcitrant dissenters including the royally appointed customs officers. Within a few months the ports were open for business as usual with no sign of a stamp (though because of the boycott, cargoes from England were few). The courts too were open, and unstamped newspapers appeared weekly, full of messages encouraging the people to stand firm.

As they went about the work of defying the most powerful government in the world, the Americans had need of encouragement. When word reached England of what they were doing, there was a great deal of talk about putting them in their places. “These yellow shadows of men,” cried one frantic London newspaper, “are by no means fit for a Conflict with our Troops: Nor will ever such romantic Adventures of Chivalry enter into their trembling Hearts.”

SUGAR AND STAMPS, 1764–66

Other Englishmen knew better and said so. Some were sympathetic with the Americans but felt that defiance must be suppressed before mercy could safely be shown.

As for the Americans, they knew that the full weight of the British Army and Navy might soon descend upon them, but they were ready to fight rather than submit. In towns and villages everywhere they formed themselves into associations which they called “Sons of Liberty” and declared their intention to resist the Stamp Act, as they usually put it, “to the last extremity.” They were ready, in other words, to risk their lives and fortunes in rebellion rather than allow their property to be taken by a Parliament in which they had no representative.

It is of course easier to say you will fight than it is to fight, but the assurance with which the colonists proceeded in their whole nullification of the Stamp Act argues an extraordinary conviction among them that Parliament had no business doing what it was trying to do. Though there had hitherto been little occasion for the expression of such a conviction, it emerged full grown as soon as the Stamp Act was passed. When the Virginia House of Burgesses, sparked by Patrick Henry, adopted a set of resolutions denouncing Parliamentary taxation, other colonial assemblies followed with a speed that showed how wide and how spontaneous was the agreement on this subject. Though Americans could not agree on boundary lines and Indian wars, they could agree without argument on opposition to taxes. At the invitation of Massachusetts nine colonies even sent delegates to a congress in New York in October 1765, where they formally joined in another set of resolutions and petitions denying the authority of Parliament to tax them.

The resolutions and the actual resistance to the Stamp Act both bespeak a long-standing belief that was merely awaiting utterance; but the utterance was itself an event of the first importance in
inaugurating the American search for principles. The problem of putting into words the dimensions of an authority hitherto unmeasured was an experience that set minds roaming along new and unexplored paths. The English frequently spoke of Parliamentary supremacy in absolute terms; the Americans were certain that it had limits short of the right to tax them. But where? Soon after news of the Stamp Act arrived, a widely circulated newspaper article observed: "No Parliament can alter the Nature of Things, or make that good which is really evil. . . . There is certainly some Bounds to their Power, and 'tis Pity they were not more certainly known."

In drafting their resolutions and declarations, the Americans were obliged to survey the bounds and map out, in however crude and tentative a fashion, the area of human freedom.

In making their surveys the leaders of the search found it easy to state the one thing they were certain Parliament could not do: tax people who were not represented in it. The resolutions all state this limitation clearly and without qualification. Now, as in the previous year’s protests against the Sugar Act, there was no evidence of the distinction between internal and external taxes which, as we shall see, was later imputed to the colonists. Parliament, they said, had no authority to tax them at all. That authority was reserved exclusively to assemblies of their own elected representatives.

The "virtual" representation that Whately claimed for Parliament was roundly rejected. The Virginia Resolves, for example, spelled out the importance of actual representation by stating "That the Taxation of the People by themselves, or by Persons chosen by themselves to represent them, who can only know what Taxes the People are able to bear, or the easiest Method of raising them, must themselves be affected by every Tax laid upon the People, is the only Security against a burthensome Taxation, and the Distinguishing Characteristic of British Freedom." Pennsylvania declared

"That the only legal Representatives of the Inhabitants of this Province are the Persons they annually elect to serve as Members of Assembly." Maryland answered Whately and Grenville directly by stating "That it cannot, with any Truth or Propriety, be said, That the Freemen of this Province of Maryland, are Represented in the British Parliament." Similar denials came from other colonies and from the Stamp Act Congress in New York. Behind them lay a chain of argument that demolished Whately's. Daniel Dulany, a Maryland lawyer, had developed it at length in the best-selling pamphlet of 1765 (Considerations on the Propriety of Imposing Taxes in the British Colonies), showing that virtual representation could not be applied to the whole empire but only to Great Britain, where the people who had no right to vote had interests otherwise similar to those of the people who did vote. The interests of Americans, especially in taxation, were apt to be the opposite of Englishmen's and wholly incapable of expression through virtual representation.

Neither Dulany nor the assemblymen who adopted the same reasoning were arguing that Parliament ought to be expanded by the admission of American members. A few Americans, notably James Otis, had suggested this possibility, but others perceived that the suggestion was impracticable. The American representatives would be a small minority, unable to affect the outcome of any issue in which British interests were opposed to American. Their presence would merely justify the kind of oppression the colonists now feared. The Stamp Act Congress therefore expressed the feeling of the great majority when it stated "That the People of these Colonies are not, and from their local Circumstances cannot be, Represented in the House of Commons in Great-Britain."

With the rejection of both virtual and actual representation in Parliament, the road lay open to a radical conclusion, namely, that the colonies were wholly beyond the control of Parliament.
CHAPTER 2

bold and anonymous souls took hesitant steps along this road. For example, a writer in the Providence Gazette of May 11, 1765, who signed himself “A Plain Yeoman” denied any connection between Great Britain and the colonies except “that we are all the common subjects of the same King.” Another newspaper article, signed “Phileleutherus,” asserted that the members of Parliament had “no more Legislative Authority over us than those that lived before the Flood.” But no responsible American statesman was ready as yet to explore such strange territory.

The Stamp Act Congress which convened in New York in October 1765 acknowledged in its first resolution “all due Subordination” to Parliament, and though the members found it difficult to state exactly what subordination was due, they did raise the question, in their petition to the House of Commons, “whether there be not a material Distinction in Reason and sound Policy, at least, between the necessary Exercise of Parliamentary Jurisdiction in general Acts, for the Amendment of the Common Law, and the Regulation of Trade and Commerce through the whole Empire, and the Exercise of that Jurisdiction, by imposing Taxes on the Colonies.” There was a distinction, in other words, between taxation and legislation, and the right to legislate did not necessarily include the right to tax. Taxes were a gift, given by the people through their representatives, and consequently only a representative body could grant them. Legislation, however, might be permissible to a government regardless of its composition. Parliament, because of the representative character of the House of Commons, had powers of taxation as well as legislation for Great Britain, but for the rest of the Empire, which was not represented in the House of Commons, Parliament had legislative powers only.

The colonies found confirmation for this distinction in the fact that the procedure of Parliament in granting taxes was unique: ordinary legislation could originate in either the House of Commons or the House of Lords, but a tax was given and granted to the King by the Commons who alone could initiate it. It was their gift. And for the Commons of Great Britain to give away the property of the King’s subjects in America seemed absurd. Thus the Connecticut Assembly declared that “an act for raising money by duties or taxes differs from other acts of legislation, in that it is always considered as a free gift of the people made by their legal and elected representatives; and that we cannot conceive that the people of Great Britain, or their representatives, have right to dispose of our property.”

Here then was the boundary of Parliament’s authority in America. It could legislate, but it could not tax.

"Legislation" is a big word, and the colonists probably did not intend to attribute unlimited lawmaking power to Parliament. They certainly did not approve legislation curtailing the right of trial by jury, for they condemned as unconstitutional the extension of admiralty jurisdiction over the Navigation Acts. They also stated in the Virginia Resolves and the other resolves modeled on Virginia’s that Parliament could not alter the “internal policy” of the colonies, by which they meant the form of government. But the big issue of 1765 was taxation. It would be time enough to place clearer limits on legislation if the need should arise.

This political position was the first stopping point in the American journey. Perhaps it might better be called the starting point, for it was essentially a description of the imperial constitution as Americans thought it had been before George Grenville appeared. Parliament, exercising the powers of legislation, supervised and regulated the trade of the empire but otherwise let the colonists alone and in particular did not tax them. If England had been
CHAPTER 2

willing, the colonists would have been happy to settle down again on this position and search no further. They wanted, as yet, no more freedom than they had enjoyed in the past. But they wanted no less, either, and were willing to fight for it.

In 1766 they did not have to fight, because in February of that year England repealed the Stamp Act, and for a time it looked as though the old state of things would be restored.

Peace without Honor, 1766–68

When the members of the world’s most powerful legislative body repealed the act they had passed less than a year before, it was not because the Sons of Liberty across the water had spread terror among them. Nor was it because colonial assemblymen and pamphleteers had convinced them they were wrong. Insofar as they were moved at all by colonial arguments, they were moved to exasperation, and repeal was engineered only by concealing from them the full extent of the divergence between colonial and British views. How this was done, is worth examining, for the misunderstanding begun at this time was never entirely overcome.

There were in Parliament two groups who favored repeal. One was headed by William Pitt, an eccentric and domineering genius who enjoyed a tremendous popularity in both England and America for his successful prosecution of the recent war against France. Pitt was the kind of man everyone turns to in a crisis, and for a time the members of Parliament had allowed him to order them about like a drill sergeant. But once the crisis was over, they tired of his dictatorship, and though he remained the great popular hero, his influence within Parliament was reduced to a handful of devoted followers. He and his friends favored repeal of the Stamp Act but would have coated the pill for their fellow-members with gall
instead of sugar. Pitt argued in the House of Commons for the distinction between legislation and taxation that the Americans were demanding. He told the members that "taxation is no part of the governing or legislative power." He rejoiced that the Americans had resisted. He demanded not only that Parliament repeal the act but also admit that "it was founded on an erroneous principle."

Pitt's urging that Parliament cast crow made more difficult the task of the other group that was working for repeal. These men, who appropriated to themselves the name of Old Whigs (though virtually all English statesmen, including the King, claimed the name of Whig), were headed by the Marquis of Rockingham. Rockingham was a frail figure of a man, diffident and fumbling as a leader, but he was supported by a larger following than Pitt enjoyed. He was also supported, for the moment, by the King. The King could still exercise some freedom in the selection of his first minister, and in the summer of 1765 he withdrew his support from Grenville and gave it to Rockingham. Rockingham and his friends were known to be opposed to the Stamp Act, but for that matter they were apt to be opposed to anything Grenville sponsored, and the shift in the King's favor had nothing to do with the Stamp Act. Grenville had displeased the King by introducing a regency bill that excluded the King's mother from the government (in case the King should become incapacitated by ill health), and George III was very sensitive about his mother.

Rockingham thus found himself entrusted with the administration of an act he had not approved and that promised to be the devil's own job to enforce. He wished to get out from under it as rapidly as possible, and he was encouraged in this feeling by the British merchants and manufacturers with whom the Old Whigs were closely allied. Though the English economy was in the midst of a long-term expansion, a postwar recession was at this time closing factories, throwing angry and unruly workmen into the streets, alarming merchants and manufacturers alike. Fortunately for the Americans, the recession coincided with their boycott of English goods and produced a frantic demand for repeal.

Rockingham, by taking advantage of this demand, was able to have Parliament deluged with petitions from strictly British sources, appealing for relief from the disastrous consequences of the Stamp Act. The members were much readier to listen to appeals phrased in these terms than they were to the challenging declarations issuing from colonial assemblies. The problem, in fact, was to soft-pedal the turbulent American pronouncements and to keep Parliamentary hackles from rising. For this purpose Rockingham found it convenient to table the petitions of the Stamp Act Congress and treat the members to the soothing personal charm of Benjamin Franklin.

Standing before the House of Commons on February 13, 1766, Franklin gracefully answered the questions put to him, including a large number of carefully planted ones, and succeeded in conveying the impression that the Americans were a parcel of devoted children much oppressed by the Stamp Act and much less radical in their demands than they actually were. Seizing upon the distinction between internal and external taxes which some Englishmen evidently thought valid, Franklin asserted that it was this distinction the Americans were making, that they objected only to internal taxes, not to taxes on trade. Most members of Parliament believed him, though they might have known better had they bothered to read the declarations and petitions sent by the colonial assemblies and the Stamp Act Congress. Franklin's testimony was a dangerous piece of deception with unfortunate aftereffects, but it did help to secure the immediate end in view.

Even with Franklin's assistance Rockingham could not bring about repeal until he had first arranged for a "Declaratory Act,"
CHAPTER 3

affirming Parliament’s authority. Here too it was necessary to exercise a certain amount of deception. Pitt was the first to suggest such an act. In denying Parliament’s right to tax America and demanding repeal of the Stamp Act, he had also proposed that Parliament assert its sovereignty over the colonies in “every point of legislation whatsoever.” When Rockingham drafted such an assertion in the form of an act, some of his advisers suggested that it be made to state specifically Parliament’s right to tax. But Rockingham preferred to leave this point comfortably vague by merely affirming Parliament’s right to make laws and statutes binding the colonists “in all cases whatsoever.” By this general phraseology he hoped to pacify the majority of members, who thought the power to legislate included the right to tax anyhow, and yet not offend Pitt and his followers who took the opposite view. As it turned out, the majority were satisfied, but not Pitt. Since he knew that other members of Parliament interpreted the phrase “in all cases whatsoever” to include taxes, he argued for its deletion, and when he could not prevail, he and his friends voted against the declaration which he himself had suggested in almost identical wording.

Repeal of the Stamp Act was thus secured by persuading Parliament that the Americans objected only to internal taxes; and repeal was accompanied by a declaration of Parliament’s authority which the members interpreted to include the right to tax but which did not specifically state such a right.

The Americans were overjoyed at repeal, for it seemed to mean the restoration of their old freedom, but they were puzzled by the accompanying Declaratory Act. Was it made on the assumption for which they had been contending, that taxation is not included in the legislative power? In that case it was a full admission of their rights. But if “all cases whatsoever” included taxation, then they were worse off than before. Grenville had rested Parliament’s right to tax, and its right to legislate too, on its representative character. The Declaratory Act said nothing about representation but affirmed the naked authority of Parliament without offering any reason. In Boston John Adams wondered “whether they will lay a tax in consequence of that resolution.” He did not have to wonder long.

The candles that burned in celebration of repeal had scarcely stopped smoking when the colonists found themselves in a new quarrel with the mother country. The trouble this time arose from another act passed during the Grenville administration, a billeting act that required the colonial assemblies to furnish food and shelter to soldiers stationed within their respective provincial boundaries. This was not a direct Parliamentary tax but an order to the colonial assemblies requiring them, in effect, to tax themselves. Unless they had the right to refuse the order or to comply only in so far as they pleased, the act could be regarded as a form of tax imposed without consent. The assemblies therefore took care to limit their compliance by not extending the full amount of supplies demanded or by offering them as a free gift of their own. The most conspicuous offender was New York, which had the largest number of troops to support.

When word of this new defiance got back to England in the summer of 1766, the Americans lost many of the friends who had stood by them in the Stamp Act crisis. The Rockingham government had gone the way of the Grenville government, and the new ministry was headed by none other than William Pitt, to whom Americans were erecting statues because of his part in repeal. But Pitt was a better friend to America in opposition than he was at the helm. He was feeble in health and feebler still in political “horse sense.” To have given him direction to his administration, composed of a coalition of factions, would have required a vigor he no longer possessed. During his continued absence at the health
resort of Bath, the members went their own ways, and the most energetic of them, the vain and volatile Charles Townshend, dissented openly from the views of his nominal chief.

As Chancellor of the Exchequer, Townshend courted popularity in the House of Commons by hinting that he knew a painless way to get money out of America. Taking him at his word, the House in an irresponsible mood decided to do itself and its constituents a favor by reducing the English land tax, thereby cutting some £400,000 annually from the government's revenue. Townshend was thus challenged to tap the golden spring which the members were sure must lie somewhere among their quarrelsome subjects in America. If Townshend could also teach the Americans proper manners, that would be so much the better. Even Pitt himself, now elevated to the peerage as Lord Chatham, was known to be annoyed at the colonial refusal to feed his troops properly.

Townshend revealed his magic formula on May 13, 1767, and on that day the Americans reaped the harvest sown in February 1766, when Benjamin Franklin persuaded the House of Commons that the colonists objected only to internal taxes. Townshend had already told the House that he thought the distinction between internal and external taxes absurd. He obviously did not know, nor did most of the other members, that the Americans thought it absurd too, for he proposed that out of deference to this supposed American absurdity the colonists be saddled with a full measure of external taxes. Let them pay duties on the items they imported from England (and were obliged by the Navigation Acts to import only from England): glass, lead, paper, paint, tea. And let the duties be collected in America. In order to insure collection let the American customs service be reorganized. Instead of operating by remote control from England, it should be supervised by a separate Board of Customs Commissioners, located at the center of trouble in Boston. And as for the New York Assembly, which still refused to comply fully with the billeting requirements, let the governor be instructed to veto the assembly's every act until it knuckled under. The substance of these proposals was embodied in three bills which Parliament promptly enacted into law.

Americans reacted to Townshend as they had to Grenville. They saw now what Parliament had intended by the Declaratory Act. Since the issue had not been settled by repeal of the Stamp Act, it would be necessary to fight it out all over again, and this they prepared to do. Led by Boston, the people of various towns reaffirmed their fondness for homespun and their detestation of foreign luxuries, particularly tea. The merchants of the various seaports, some enthusiastically and some reluctantly, agreed not to import British goods until the obnoxious duties were repealed. The newspapers were filled with optimistic reports of the progress of American manufactures. And the right of Parliament to tax the colonies was vigorously denied on every hand.

There was no intercolonial congress this time to draft common objections to Parliamentary taxation, but there seemed to be no need for one. The Townshend duties presented the same kind of challenge as the Stamp Act, and the colonial objections had not changed. There was a new popular spokesman for the American view, John Dickinson of Philadelphia. His Letters from a Farmer were widely circulated and enjoyed the same popularity that Daniel Dulany's Considerations had won during the Stamp Act crisis. But Dickinson added nothing to Dulany's arguments. He merely reiterated with a fresh vigor the propositions that Americans had insisted upon before. He himself as a leading member of the Stamp Act Congress had taken a large hand in formulating those propositions. He was therefore able to give the lie direct to the claim upon which Townshend justified his duties, that the Americans distinguished
between internal and external taxes and admitted the constitutionality of the latter. Dickinson quoted the resolves of the Stamp Act Congress and then stated flatly, "Here is no distinction made between internal and external taxes." Dickinson, like Dulany and other writers at the time of the Stamp Act, admitted Parliament's right to use duties, from which an incidental revenue might arise, to regulate trade. What he denied—as they had denied—was the right to levy duties for the purpose of revenue.

So aroused were the Americans by the challenge of Parliamentary taxation that they saw not only the act which levied duties but all the Townshend Acts as measures designed to tax them. They had already identified as a tax the earlier law which required them to provide supplies for imperial troops. The act suspending the New York Assembly for failure to comply confirmed the interpretation. It showed that Parliament was ready to destroy their legislative assemblies in order to carry the point.

The act creating a new Board of Customs Commissioners was obnoxious for the same reason. Americans genuinely, if perhaps unreasonably, felt that there was no need for the additional officers; and as the English worried about the cost of standing armies, Americans worried about the cost of these new customs officers. Their salaries would be paid from the duties they were sent to collect. They would be leeches fastening on the blood of industrious Americans, and if they found enough to feed them, who could tell how they would multiply and how many new taxes would be thought of to satisfy their hunger? It was a plausible line of thought.

The colonists do not seem to have recognized at first that the Townshend Acts presented an even greater threat to their freedom than that of direct or indirect taxation. The full extent of the danger did not become apparent until the customs commissioners set to work at Boston.

PEACE WITHOUT HONOR, 1766–68

It was not that the colonists objected to a more efficient enforcement of the Navigation Acts. In 1768, as we have seen, they were still ready to admit Parliament's right to regulate their trade for the benefit of the mother country; and while they would scarcely welcome anyone who interfered with smuggling, they would not deny that England had a right to interfere. But the new commission was not there simply to enforce the old Navigation Acts. It was there to collect the revenue which Townshend had promised Parliament from America. If the men chosen for this purpose had been saints, they would still have been unpopular in New England. Unfortunately the commissioners who descended on Boston in November 1767, bore no resemblance to saints. They were a rapacious band of bureaucrats who brought to their task an irrepressible greed and a vindictive malice that could not fail to aggravate the antagonism not only against themselves but also against the Parliament that sent them.

Customs officers in America had always been a bad lot. For thirty years they accepted bribes to overlook illegal cargoes of molasses. After the passage of the Sugar Act it would still have been possible for the officers to look the other way and pocket a modest fee when contraband goods were landed or loaded. But in 1766, as a part of Rockingham's general attempt to pacify the colonies, the duties levied on molasses were reduced from three pence a gallon to a penny. This was no more than the standard bribe, and consequently the collectors could no longer levy a private toll on this item. There lay open to them, however, a new and more lucrative kind of graft, in which they would enjoy the full protection of the law.

Violations of the Sugar Act were punished by seizure of the offending vessel and cargo. Both would be sold and the proceeds divided: a third to the English treasury, a third to the governor of the colony, and a third to the customs officers responsible for the
seizure. To an enterprising officer bent on amassing a fortune the prospect of making as many seizures as possible was an inviting one, but before the arrival of the customs commissioners the officers failed to make the most of the opportunity.

To the new commissioners, all of them old hands in the service, belonged the dubious distinction of exploiting the possibilities to their utmost. In the complicated provisions of the Sugar Act it was easy to find technicalities on the basis of which a ship could be seized. The commissioners used these technicalities in a deliberately capricious manner to trap colonial merchants. Their favorite method was to follow a lax procedure for a time and then, suddenly shifting to a strict one, seize all vessels that were following the practice hitherto allowed. By playing fast and loose with the law in this way they could catch the merchants unawares and bring in fabulous sums.

There was very little risk involved for the officers, because the Sugar Act provided that they were to be free from any damage suits if they could show "probable cause" for a mistaken seizure, and the juryless admiralty courts in which cases were tried would generally certify such a probable cause. A merchant, on the other hand, was almost certain to suffer financially no matter how the case came out. Even if he got his vessel back, he would usually have to pay costs of court, and these were frequently so high as to be more than the vessel was worth.

Big merchants and small retailers suffered alike from the rapacity of the officers. Though the Sugar Act was not supposed to apply to movement of vessels within a colony, the small boats that carried firewood and provisions to market were frequently stopped and seized for not having the proper papers. As a result their owners found it necessary to attend at the custom house for every trifling passage, at a cost in fees that hurt them badly and yet added nothing to the King's revenue—the officers were entitled to keep all fees (charges for making out documents) themselves. Even common seamen suffered, for whatever they had in their private chests was now counted as part of the ship's cargo, and they were no longer able to make a little profit on a voyage by bringing back small items for sale.

Americans have never been a patient people, particularly toward governmental officers, and the people of Boston and the other seaports quickly developed an open hatred for the racketeers whom Parliament had sent among them. But the commissioners had ready a remedy for any victims who might fight back. If the colonists should resort to mobbing, they would simply yell for help from the troops so conveniently stationed in America. In fact the commissioners began to yell before they were hit. They had scarcely set up headquarters at Boston when they began writing archly to the English treasury office about their helplessness. The town, they claimed, was in the hands of the mob; without bayonets behind them they would be unable to collect the King's revenue.

In spite of their alleged helplessness the commissioners did not hesitate to undertake what amounted to a vendetta against John Hancock, a well-do-do merchant who showed an open contempt for them from the day of their arrival. They first made a try for him when his ship "Lydia" arrived from London and a zealous minor customs official (a "tidesman") went snooping below decks for smuggled goods. That was a mistake, because tidesmen had no legal right below decks, and Hancock had his sailors pick the man up and dump him unceremoniously on deck. The customs commissioners attempted to file a criminal action against Hancock for this, but the Attorney General of the colony refused to bring the suit, saying that Hancock had acted entirely within his rights.

A month later the commissioners got another chance. On May
CHAPTER 3

9, 1768, Hancock’s sloop “Liberty” entered Boston from Madeira, declared a cargo of twenty-five casks of wine, and paid the duty on it. The commissioners were suspicious, because twenty-five casks was below the “Liberty’s” capacity, but their own officers found nothing amiss. A month later, however, one of them changed his mind and swore that he had been held captive while large quantities of wine were landed. The story seemed trumped up, because the only other officer on duty could not corroborate it, having been either drunk or asleep at the time. The commissioners nevertheless proceeded to seize the “Liberty.”

The result was a genuine riot, in which a mob pelted customs officers with rocks. The commissioners themselves were not present, but they decided to put a safer distance between themselves and the Bostonians. Retiring to Castle William, the fortress in the harbor, they informed the ministry that Boston was in a state of insurrection and that they dared not go ashore. At the same time, not content with seizing the “Liberty,” they prepared to bring suit against Hancock and five other merchants for a total of £54,000 in fines for smuggling an alleged £3,000 worth of wine. The charge was so shaky, the only witness so suspicious, that the case was finally dropped, but not before it had given American merchants an idea of what sort of treatment they might expect from the customs commissioners.

The activities of the commissioners looked much different when seen from Westminster than they did at closer range. While the Americans saw their trade and their profits disappearing under the claws of a band of harpies, English statesmen saw an unruly crowd of smugglers fighting against the imposition of law and order. The current political leaders in England were not malicious or stupid, but they were men of small caliber. Pitt, Though still first minister, continued to doze at Bath. Charles Townshend had died at the age of forty-one in September 1767, and his place as Chancellor of the Exchequer was taken by Lord North, a plodding, stubborn man who was prepared to defend the dignity of Parliament against colonial ruffians at any cost. In January 1768, the King had created a new office, a Secretariat of State to deal exclusively with colonial affairs, and had given the post to Lord Hillsborough, a pompous, irritable man even more devoted than Lord North to the supremacy of Parliament over the colonies. These two shared with their supporters a belief that the Americans were aiming at total independence from the mother country, that repeal of the Stamp Act had furthered that tendency, and that Parliament must act firmly now or lose the colonies forever. This conviction motivated them in the coming years, and by acting upon it they eventually made it come true.

When the customs commissioners at Boston appealed for troops, Hillsborough was only too ready to believe what they said. Boston, after all, had set off the rioting against the Stamp Act, the repeal of which now appeared to have been a mistake. Boston was where the Massachusetts Assembly met, and Hillsborough was still fuming over a circular letter which the assemblymen had sent in February 1768 to the other colonies. The letter seemed to Hillsborough an open challenge to the mother country, denying as it did the right of Parliament to tax America. His reaction had been a peremptory order to Massachusetts to rescind it and to the other assemblies to treat it “with the contempt it deserves.” But the Boston breed of mischief as usual proved contagious, and the only contempt shown was for him: the other assemblies formally approved the circular letter; the Massachusetts Assembly refused by a vote of ninety-two to seventeen to rescind it. Governor Bernard, on orders from Hillsborough, dissolved the assembly, but the colony continued defiant.
CHAPTER 3

In the face of such conduct the commissioners’ screams for help sounded urgent indeed. The members of Parliament were easily convinced that the time had come to teach the Americans a lesson, and for this particular lesson they thought the best qualified instructors would be the regular troops of the British Army. By September 1768, two regiments were on their way to Boston, with two more soon to follow.

Troops and Tea, 1768–74

For four years now the Americans had been affirming their loyalty to King and Parliament while denying Parliament’s right to tax them. They had developed an ingenious and plausible distinction between taxation and legislation, a distinction which described in terms of constitutional right the actual conditions existing before 1763. But in Parliament only William Pitt seems to have adopted their view. Whenever he attempted to explain it to the other members, they simply shook their heads in wonder. “If you understand the difference between representative and legislative capacity it is more than I do,” wrote one member to a friend, and his attitude was the prevailing one. An American visiting London heard Lord Hillsborough declare in Parliament that legislation and taxation would stand or fall together, that the notions of the Americans were a polytheism in politics, the most absurd that could be imagined, fatal to the constitution, never to be admitted.

The more the Americans insisted on the distinction, the more determined the members of Parliament became to teach them that they could not set limits on Parliament’s authority. It was useless for the royal governor of New Jersey to tell Lord Hillsborough that no force on earth was sufficient to make the Americans admit Parliament’s right to tax them. Parliament thought four regiments
Chapter 4

would be force enough, and indeed the colonists did learn something from the troops, though not quite what Parliament intended.

As the streets of Boston came alive with scarlet coats and the people grew familiar with the rhythm of marching feet, it came to Americans everywhere that a dreadful suspicion had been confirmed. They had thought it strange five years before when they heard that England would maintain ten thousand troops among them to protect them from foreign enemies. Hitherto for more than a hundred and fifty years, while hacking out their farms from a hostile wilderness, they had been left to defend themselves, not only against the Indians, but against the French and Spanish as well. Only in the recent Seven Years' War had they relied heavily on British troops, and those troops had succeeded in removing their gravest peril, the French menace in Canada. Why at precisely this moment, when the danger had departed, should England decide that they needed a standing army to protect them?

Some Americans thought they knew why, and the reason they suggested was a grim one: England was sending the army not to protect them but to hold them quiet while extracting their liberties. The suspicion was not wholly unfounded. Although the decision to keep troops in America seems to have been made without much forethought, it had occurred to some of the men involved that the Americans might need watching. Now that the French menace had been removed from their borders, they might feel less dependent on the mother country, might become more self-assertive, might even move toward independence. A few regiments of regulars would dampen the enthusiasm of would-be rebels.

To Englishmen who thought this way the colonial reaction to the Stamp Act was sufficient proof that they were right, that the troops were needed. And to Americans who suspected that the troops were there for sinister reasons the very passage of the Stamp

TROOPS AND TEA, 1768–74

Act was sufficient proof that what they were needed for was to suppress American liberties. Everything that followed seemed to confirm suspicions on both sides. Repeal of the Stamp Act momentarily lulled the colonists' fears, but the Townshend Acts renewed them, and the colonists' antagonism to the acts fanned English suspicion of a colonial drive toward independence. Every move by either side seemed to bring the prophecies of the other side closer to fulfillment.

In Boston, even before the soldiers landed, farsighted individuals began to see that the time had come for a reassessment of the colonial position: the distinction between legislation and taxation would not be a sufficient guarantee of liberty against a government that could legislate into existence a horde of rapacious bureaucrats and then support them with bayonets. It might be necessary to look beyond Parliament's right to tax and inquire into the limits of its right to legislate too. On September 13, 1768, with the troops about to arrive, the people of Boston gathered in town meeting and declared their belief that the keeping of a standing army amongst them "without their consent in Person or by Representatives of their own free Election, would be an infringement of their natural, constitutional and Charter Rights; and the employing such Army for the enforcing of Laws made without the consent of the People, in Person, or by their Representatives would be a Grievance." Not content with this challenge to Parliament's legislative authority, some Bostonians wished to back words with weapons if the troops should attempt to land.

To effect a united opposition throughout the colony, Boston called upon the other towns to send delegates to a convention on September 22, 1768. The convention did meet and by so doing demonstrated that the people could not be prevented from expressing themselves through representatives, even though England had
dissolved their regular assembly. But the delegates were not yet ready to carry the opposition as far as Boston had done. Disclaiming any official standing, they merely commended their assembly’s previous protests against Parliamentary taxation and repeated that “as Englishmen they have an Aversion to an unnecessary Standing Army, which they look upon as dangerous to their Civil Liberty.” With this mild declaration the convention adjourned, and on the same day troops came ashore from a fleet of ships which had guns trained on the town. There was no resistance and no disorder.

It would be only a matter of time, however, until the rest of the colony and the other colonies too should see what Boston had begun to see. Throughout America, in coffee houses and taverns, in mansions and farmhouses, the news from Boston was the big news. What was happening there? What was going to happen? The Bostonians, by restraining their anger and offering no open affront to the troops, were able to win universal sympathy and to make the whole policy of employing troops against them seem as ridiculous as it was odious. Ostensibly the soldiers were there to protect the officers of the crown, to quell the mob that was supposed to be endangering law and order. But the mob was conspicuous by its absence. Governor Bernard could read denunciations of himself and the customs commissioners as often as the newspapers appeared. The soldiers could read the hostility of the inhabitants on every face. But no one would oblige with a demonstration of the horrid lawlessness that the troops were supposed to suppress. Bernard could find no pretext for declaring martial law, and even the customs commissioners were unable to stir up a visible danger from which their new guardians might rescue them. In fact, such an embarrassing calm prevailed that no real use could be found for the troops at all—yet no one quite dared take the responsibility for sending them away.

Not until the summer of 1769 did the home government order two of the regiments back to Halifax, and even then two remained behind. As a result it was hard for any American to escape the conclusion that the troops were in Boston not to protect law and order but to oversee the citizens of Massachusetts and prevent them from asserting their natural and constitutional rights while corrupt customs officers plundered their shipping.

The conclusion became all the more reasonable after the soldiers and the customs commissioners allowed themselves to be provoked into the street brawl that became known as the Boston Massacre. Though the Bostonians kept themselves under close discipline, they found many ways of harassing the troops who had come to harass them. Since martial law was not in force, the city magistrates took pleasure in enforcing strictly every law of the province and every bylaw of the town. No doubt the soldiers were prosecuted for every possible breach and probably a good deal more rigorously than ordinary citizens. The people met them with contempt on the streets; children pelted them with snowballs; and the air grew so thick with epithets that it is surprising triggers were not pulled sooner than they were.

On March 5, 1770, there gathered in the square before the custom house a crowd which John Adams later described as “a motley rabble of saucy boys, negroes and mulattoes, Irish vagabonds and outlandish Jack tars.” Before them stood the main guard of the Twenty-ninth Regiment, and behind the soldiers, peering uneasily out the custom-house windows, were some of the men responsible for bringing the troops to Boston. As in all such affrays, it was difficult later for eyewitnesses to agree on how the shooting began. It is clear enough that the soldiers were receiving a heavy bombardment of snowballs and rubbish when they opened fire. Several witnesses thought they heard the command given by Captain Preston. Others saw shots fired from the windows of the custom house.
CHAPTER 4

When the shooting stopped, three Bostonians were dead and eight wounded, two of them mortally. No shots were fired at the soldiers.

The story of course lost nothing in the telling as it spread over the Atlantic seaboard. Even the most distant American, reading the embroidered details in his newspapers or hearing them from his neighbor, had to ask himself if his own colony would be next. Those who saw the danger most clearly were publishing plenty of propaganda to make him think so, but Parliament itself had written the best of it. The members seemed obsessed with demonstrating how easily they could dispose of any liberties left in their keeping. When they heard of the unauthorized Massachusetts convention of 1768, they had directed the King to make inquisition at Boston for treason. They were convinced that the resistance to their authority was provoked not by their own inequitable exercise of it but by evil-minded American agitators. A noose around the neck of Samuel Adams and a few others, it was suggested, would be wholesome medicine, and lest a jury of deluded colonists allow the culprits to escape, the trials should be held in England before a special commission. The right to trial by a jury from the vicinage, or neighborhood, of the accused was held sacred by most Englishmen, but Parliamentary leaders easily discovered a legal justification for violating this right. They exhume a forgotten act passed during the reign of Henry VIII in the sixteenth century. A few of the members were shocked by this proposal to resurrect "an obsolete law which was passed in one of the most cruel and tyrannical reigns." One member said flatly that Americans thus brought to England for trial would rightly be considered as "brought over here to be murdered." But a large majority thought the act well suited to the colonies.

It was aimed, of course, at Boston, for Parliament, following a naïve divide-and-conquer policy, had carefully refrained from in-

TROOPS AND TEA, 1768–74

vestigating opposition to its authority in other colonies. But other Americans by now realized that Boston's cause was theirs. They too had property that the British House of Commons was claiming the right to give away. They too had representative assemblies that royal governors might dissolve in favor of Parliament. In Virginia, which had taken the lead in passing resolutions against the Stamp Act, the House of Burgesses drew up a new set, asserting once again their own exclusive authority to levy taxes on their constituents, but going on to expose the violation of right in subjecting Americans to a Parliamentary statute of Henry VIII. Governor Botetourt immediately dissolved the assembly, but the members calmly continued as an extralegal convention and adopted a non-importation agreement to remain in force until all "unconstitutional" revenue acts were repealed. Virginia sent her resolves to the assemblies of other colonies, where again they served as models for more assertions of colonial rights during the summer of 1769.

The Americans still felt most strongly the danger to their liberties from Parliamentary taxation, but they were learning to extend their inquiries to Parliamentary legislation too. They would have been obliged to explore deeper into this territory if England had continued without pause in her efforts to make them bow to absolute authority. But after the proposal to hang a few Bostonians, the ministry and the members of Parliament began to think of tempering authority with wisdom. No one in the ministry thought highly of Townshend's duties: taxes on Britain's exports to the colonies were as disadvantageous to British as to colonial prosperity, and the revenue they brought in was trifling. The Townshend Acts had in fact been passed in a fit of wishful thinking. The only difficulty with repealing them was that by doing so Parliament would seem to be retreat ing in the face of American resistance.

The solution which occurred to the ministry was to repeal all the
duties but one, that on tea. In this way the principle would be upheld, but the substance for the most part given up. Hillsborough notified the colonies that he was going to propose this measure to Parliament and also that the government had no intention of suggesting any more taxes on America for the purpose of revenue. As a further gesture of good will he allowed Governor Bernard to summon the Massachusetts Assembly into meeting again with nothing more said about their refusal to rescind the circular letter. Ten months later, in March 1770, while Boston was suffering its “massacre,” Parliament (now under the leadership of Lord North as first minister) redeemed Hillsborough’s pledge by repealing all the Townshend duties except that on tea.

Though memory of the Boston Massacre continued to smolder throughout the coming years, England’s concessions resuscitated much of the old good feeling in the colonies and retarded the development of new questions about Parliament’s authority. After Parliament enacted its partial repeal of the Townshend duties, the non-importation agreements began to crack. There had been much talk of holding firm until the duty on tea should be removed too, but when New York decided to resume importation (except for tea), the merchants of the other great ports were disposed to follow suit lest they lose all their business to the New Yorkers. The rest of the population, which hitherto had looked to the merchants for leadership, were more ready to continue the boycott; but the whole movement required an extraordinary unanimity in order to be successful, and it quickly broke down.

There followed three years of commercial prosperity in which business was better than ever before and questions of constitutional right were little asked. During this period merchants did import tea and paid the tax on it. They also imported molasses and paid the tax on that. Both these taxes were levied for the purpose of revenue, and it seems appropriate therefore to ask here a question that everyone who examines the American Revolution must sooner or later face: Were the colonists sincere in their declarations of principle or were they merely trying to avoid the unpleasant task of paying taxes that they ought to have paid? This book has proceeded on the conviction that the colonists’ attachment to principle was genuine, but it is only fair to say that many historians are inclined to doubt the strength of the attachment. One reason for their doubt is the fact that the colonists submitted to the tea and molasses duties during the period 1770–73.

It is of course impossible to tell why men act as they do. Today we have learned so much of the irrational springs of human behavior from Marx and Darwin and Freud that we are disposed to see all declarations of principle as a camouflage, conscious or unconscious, for some baser motive. But in exercising our new insight we sometimes attribute to the men of previous ages an extraordinary simple-mindedness and demand of them a standard of righteousness which only an angel or a fanatic could meet. If the American colonists were sincere, we say, why did they not state at the outset exactly what they believed and then stick to it without faltering? We forget that to have done so they would have had to know what they believed much better than any of us do and to have adhered to it with a superhuman consistency.

But, it is urged, the principles which the colonists proclaimed were designed simply to further their own economic interests. Can they have been sincere in defending a principle from which they stood to benefit? The colonists would have found this question difficult to understand: the principle of no taxation without representation had been originally invented or discovered by Englishmen who also hoped to benefit from it; and Americans were simply using the principle for its intended purpose. We will see no incongruity
in their coupling of principle and self-interest if we will remember that constitutional principles have been created and continue to exist for the protection of the people who live under them. They are seldom referred to unless people fear or feel harm from their violation, and then the greater the harm the greater the clamor. Edmund Burke, who consistently opposed the attempt to tax the colonies, described the origins of constitutional principles when he said that assertions of right were "a sure symptom of an ill-conducted state."

The colonists met the ill-conducted attempt to tax them with an almost unanimous assertion of the principle that taxation was the exclusive right of their own elected representatives. They maintained this principle throughout the Revolutionary period, not simply as an abstract statement of political theory, not simply as a means of evading a particular tax, but as a way of safeguarding the property which they regarded as the only security for life and liberty. Neither the stamp tax nor the Townshend duties were formidable in themselves, but the colonists saw in each the entering wedge of a movement to deprive them of control over their possessions. They fought for that control and obtained repeal of the Stamp Act. With the passage of the Townshend duties they perceived that the British ministry was renewing its attack. As they fought again, they began to wonder whether they were not threatened by Parliamentary legislation as well as taxation.

When the Townshend duties were partially repealed, the threat remained, but it seemed to be much reduced. Lord Hillsborough had declared that there was no intention of taking further revenue from America. His assurance was not the equivalent of a recognition of right, but the Americans had won what appeared to be a partial victory or at least a stalemate. They were still proud to be part of the British Empire. They were prosperous. Reasonable men did not wish to tempt fate by demanding more or to meet conciliation with doctrinaire rigidity. It would take only a little to reawaken their fears of a conspiracy, but surely it is not necessary to impecch their sincerity simply because they showed some degree of flexibility and asserted a principle with less force when the principle seemed to be less in danger.

It would have required a singular tact on both sides to prolong this period of quiescence until mutual suspicions died away. But tact was a rare commodity, among royal officials and colonial politicians alike. A series of incidents beginning early in 1772 led to irreconcilable bitterness and prompted the Americans to a momentous new view of their relation to England.

Despite the peace offerings that England made toward the colonies in 1769 and 1770, there seems to have been no thought of abolishing the American Board of Customs Commissioners. After the Boston Massacre, when the troops withdrew from the city to Castle William in the harbor, the customs commissioners remained behind unabashed and unchastened. The British Navy had placed several warships at their disposal, and in the spring of 1772 one of these, the schooner "Gaspee," was patrolling the shores of Narragansett Bay, exacting a heavy toll from the small vessels which carried wood and provisions along the shores. Farmers and fishermen scarcely dared move a rowboat without taking out bonds. The commander of the schooner seems also to have allowed his men to steal cattle and cut fruit trees for firewood.

As a result of these activities the period of quiescence ceased to be quiet in Rhode Island. The small but far from humble colony had already reached its low boiling point when on June 9, 1772, the "Gaspee," in pursuit of a suspect, ran aground off Pawtuxet a few miles south of Providence. That night a crowd of hard-eyed men from the town, among them its leading merchant, John
CHAPTER 4

Brown, swarmed over her sides, took off her crew (wounding the
commander who attempted to prevent them), and burned her to
the water's edge.

This was not the first revenue ship to be burned in Rhode Island,
and the home government decided to investigate what was going
on there. A commission was appointed, and six months later, after
sitting for seventeen days on the scene, it discovered that no one in
Rhode Island knew anything about what had happened. Word had
gone round that the commission was empowered to seize suspects
and have them transported to England for trial. Though the report
was exaggerated, it was all too plausible in the light of Parliament's
earlier resurrection of the statute of Henry VIII. The commission
actually did nothing; nevertheless, its very existence offended the
colonies as much as the burning of the ship offended England.

But even before the "Gaspee" Commission was appointed, Eng-
land had taken other steps to tighten, as she supposed, the reins
of empire. While Rhode Islanders were sullenly viewing the black-
ened hulk that lay on the sandbar near Pawtuxet, their neighbors in
Massachusetts were jolted by a terse announcement from Governor
Hutchinson. On June 13, 1772, Hutchinson told the assembly that
he neither needed nor would accept any further salary from them,
as the King had made provision to pay him from the customs
revenues. Shortly afterward it was announced that judges of the
Superior Court would likewise receive their pay from the King.

It might be thought that the people of Massachusetts would be
glad to escape these burdens, but they understood well that the
purpose of the innovations was to free royal officers from dependence
on the assembly. The power of the executive would grow accord-
ingly, and the colonists like other British subjects were conditioned
to take alarm at any increase in executive power. While continually
affirming their devotion to the best of kings (a distinction accorded
to every monarch), they relied on their representative assemblies to
stand between them and the orders that the best of kings might
issue to them through his governors. If his governors and his judges
were to get their salaries from England, then in any future conflict
(and the future began to look dark with conflict) between the colo-
nists and the home government, a colonial assembly would be
able to win points by delaying salary appropriations. Governor
Hutchinson, who had earned a reputation for rapacity rivaled only
by that of his predecessor, Francis Bernard, need no longer fear
financial embarrassment in doing precisely what his instructions
from England required. The assemblymen told him flatly what they
feared would be the result: "a despotic administration of gov-
ernment."

People did not like Thomas Hutchinson. They did not like his
long nose or his long face or the long list of offices he held. They
did not like his constant courting of royal favor, his unswerving
support of England's authority. He was actually an honorable man
and a courageous one, but he wore his honor too haughtily and
exercised his courage in defying public opinion. Back in 1765,
because he was suspected (wrongly) of instigating the Stamp Act,
a mob had destroyed most of his house in one of the worst riots in
Boston's history. The leaders, who were known, were never pun-
ished, and though men of good will shooed their heads over the
affair, Boston continued to treat him with open hostility. For his
own part Hutchinson displayed an understandable concern about
the future of royal government—not to mention royal governors—in
Massachusetts and through the years frequently unburdened
himself in nervous letters to England, denouncing the villains who
were making the path of duty so hard to tread.

During the summer and fall of 1772 Hutchinson rejoiced, and
the villains fretted, over his new independence. The principal villain
and chief fretter was Samuel Adams, who probably deserved the notoriety he has enjoyed ever since. Adams was as round of face and limb as Hutchinson was gaunt, but the soft lines masked a hard man. Adams went after what he wanted with relentless and frightening singleness of purpose. He was a politician with a politician’s sense of timing, and ability to move men where he wanted them to go, and he wanted the people of Massachusetts to go in the direction of independence. He had secretly set his sights on that goal from the moment the troops entered Boston (or so at least he later claimed). He would, of course, have been helpless if the British government had not consistently taken pains to carry out his worst predictions; and during the period of quiescence he did lose much of his influence. But the new arrangement about the governor’s and judges’ salaries so alarmed people that by November 1772 they were ready to follow him in a measure that proved to be the most effective means yet discovered by the colonists for mobilizing public opinion.

This was the creation by the Boston town meeting on November 2, 1772, of a Committee of Correspondence. The business of the committee was to prepare a statement of colonial rights, list violations (past, present, and future), communicate these to other towns, and invite similar statements from similar committees in return. Boston was proposing, in effect, a revival of the local Sons of Liberty who had organized in 1765 to proclaim their rights and to nullify the Stamp Act. But where the Sons of Liberty had been extralegal, the committees of correspondence would have the official blessing of the town meetings. The Boston Committee produced its first report (which Adams wrote) on November 20, 1772. It was a ringing denunciation of a dozen ways in which England had violated colonial liberties. “The colonists,” it said, “have been branded with the odious names of traitors and rebels, only for complaining of their grievances; how long such treatment will, or ought to be borne, is submitted.” Boston adopted the words and sent them on to the other towns. The response was instantaneous, and the press was shorty filled with similar declarations from every side, each one seemingly more bold than the last.

While the towns were thus spurting each other to indignation, a ship was bearing toward them from London with a packet of letters that would make them all gasp. The letters were not new. They had been written in Massachusetts several years before by various highly placed officials, and among them were several in which Thomas Hutchinson bewailed the seditious disposition of that colony. Benjamin Franklin, serving as London agent of the Massachusetts Assembly, had somehow got hold of them and in December 1772 shipped them back to his constituents.

Though Franklin specified that they must not be published, they were quickly spread over the newspapers, where everyone who could read (and the Massachusetts villains had a notably high rate of literacy) might see that the colony’s treatment by the home government was no more than its governor had asked for. The outcome was a new burst of hatred for Hutchinson but even more for the home government that had made his letters the basis of policy while colonial petitions lay unread and unanswered.

It was in the midst of these developments that the Gaspee Commission began its sessions in Rhode Island, and America vibrated again with the sense of danger that had been so acute in 1765. The committees of correspondence spread from Massachusetts to other colonies, and in March 1773 a proposal went out from the Virginia House of Burgesses to concert the movement on an intercolonial basis. As a result, by the summer of 1773 the colonists were waiting tensely for Parliament’s next move, ready to tell each other at once if they thought it dangerous.
CHAPTER 4

The next move, which completely ended whatever quiescence remained, was made with the intention not of disciplining the colonies but of relieving the troubles of the East India Company. This mammoth corporation, which represented England’s investment in India, was in financial difficulties. During the preceding three years the government had made various attempts to get it on its feet, but the ailing giant continued to decline. Lord North now decided to help it sell a large quantity of tea in America. The colonists were known as confirmed tea drinkers. In spite of the Townshend duty they were importing substantial quantities of the stuff through legal channels. It was estimated, however, that they smuggled in much more from Holland. Smuggled tea was cheaper because legal tea paid duties both in England and in America and also had to pass through several hands, each of which exacted a profit. The East India Company had been forbidden to sell directly to retail merchants. Instead, it sold at auction to English wholesale merchants who then sold to American wholesale merchants who in turn sold to retail merchants. By the Tea Act, which Parliament passed in May 1773, the company was permitted to appoint its own agents in America who could distribute tea directly to retailers, thus eliminating whatever profit had been taken by English and American wholesale merchants. At the same time, all English duties on tea exported to America were eliminated, leaving the Townshend duty, collected in America, as the only tax.

The reduction in price which these privileges made possible would enable the East India Company to compete with smuggled tea and obtain a firm control (in which American merchants would have no share) of the American market. The merchants, it will be remembered, had withdrawn from the forefront of resistance to Parliament after the partial repeal of the Townshend duties in 1770.

TROOPS AND TEA, 1768–74

Now they rushed forward again crying “Monopoly” and with that frightening word persuaded the rest of the population that the company’s low-priced tea would be only a token of bondage. The American people, they said, were being bribed into paying the tea duty. Once the local merchants were run out of business by the East India Company, the price would be jacked higher than ever, and the tax with it.

The committee of correspondence spread the alarm, and consequently the ships which brought the first consignments of tea late in 1773 were greeted everywhere by determined bands of citizens who urged the captains to turn about and go back whence they came. In most cases the captains agreed, but in Boston Governor Hutchinson, still smarting over the publication of his letters, decided to stage a showdown: he would not permit the ships to leave the harbor without unloading their cargo. The people of Boston and the surrounding towns took up the challenge and on the night of December 16, 1773, unloaded the tea themselves—into the harbor.

With the Boston Tea Party the patience of the ministry abruptly ceased, and in March and April 1774, an angry Parliament enacted a series of laws, known as the Coercive Acts, to bring the bumptious Bostonians to their knees. The first act closed the port to all commerce. The second altered the Massachusetts government by giving the King, instead of the assembly, the power of appointing the Governor’s Council. It also forbade town meetings except for the election of town officials. The third provided that any magistrate, customs officer, or soldier indicted for a capital offense within the colony could be brought to England or Nova Scotia for trial, where he would not have to face a hostile local jury. The fourth provided for the quartering of troops once again within the town of Boston.
CHAPTER 4

To carry these acts into effect General Gage, commander-in-chief of British forces in North America, was commissioned as governor of Massachusetts.

Though again the blow was aimed at Massachusetts and especially at Boston, the other colonies were expected to learn from it that Boston had been wicked and was receiving a merited thrashing. Instead, they concluded that Boston was martyred because it stood foremost in defense of colonial rights, and they took up collections and showered the beleaguered city with provisions. Their suspicions of England’s motives increased when Parliament, with an unfailing instinct for bad timing, chose this moment (June 22, 1774) to pass an act establishing in the conquered Canadian province of Quebec (under military rule since 1763) a civil government with no representative assembly and with special privileges for the Catholic church. This was bad enough in itself, but the Quebec Act, as the measure was called, extended the boundaries of the province into the Mississippi Valley as far south as the Ohio River. New York, Pennsylvania, and Virginia henceforth would have at their borders a government conducted entirely without the consent of its subjects, a close and constant reminder of what all the colonists now felt sure was in store for them should they fail to surrender their property whenever Parliament demanded it.

While Americans pondered the significance of this, the Bostonians, not at all repentant for their sins, adopted a solemn league and covenant against all trade with Great Britain and invited the other colonies to join in it. Thanks to the committees of correspondence, the proposal received prompt consideration, but before taking action some colonies thought it advisable to get together in an intercolonial congress. This suggestion prevailed, and in September 1774, the first Continental Congress met at Philadelphia.

Equal Rights, 1774–76

Fifty-five men rode into Philadelphia in September 1774, and began at once to take each other’s measure, at dinner parties and breakfasts as well as on the floors of Carpenter’s Hall. John Adams sized them all up: John Rutledge of South Carolina (“his appearance is not very promising”); William Livingston of New Jersey (“nothing elegant or genteel about him . . . but very sensible and learned”); and Charles Thomson (“the Sam Adams of Philadelphia”), who was elected Secretary of the Congress at its first meeting even though he was not a delegate.

While John Adams was ticking off the members in this fashion, his cousin, the real Sam Adams, was already at work pulling the wires he had learned to manage so dexterously in Boston. Those delegates who had hoped the Congress would take a humble tone were dismayed to see how quickly his influence made itself felt. “He eats little,” observed Joseph Galloway of Pennsylvania, “drinks little, sleeps little, thinks much, and is most decisive and indefatigable in the pursuit of his objects.” Skillfully prodded by Adams, the Congress began its work by approving the “Suffolk Resolves”—so called because they had been adopted September 6 by a convention in Suffolk County, Massachusetts—which daringly declared that no obedience was due to the Coercive Acts.
CHAPTER 5

With the members already committed to so radical a position it was a foregone conclusion that they would adopt the non-importation, non-exportation, non-consumption agreement they had met to consider. They did so on October 20, but first they engaged in a more significant activity, a reassessment of their relation to the mother country. In the debates on this subject they discovered how far they had travelled in the nine years since the Stamp Act Congress. The delegates to that meeting had agreed that Parliament had no right to tax Americans, but only the rashest proposed to set limits on its legislative authority. Now the question was whether Parliament had any authority in the colonies at all. Many Americans had arrived long since at the conclusion that it did not.

They had reached this point with the aid of Parliament itself. The English had denied and denounced their distinction between legislation and taxation, and Parliament convincingly demonstrated that their liberty could be destroyed as easily by the one as by the other. What no one showed them (and few attempted) was why Parliament should have a right to either. Grenville had once claimed that Americans were subject to Parliament because they were “virtually” represented in it, but this argument was reduced to rubble by Daniel Dulany. Nothing had since been offered to take its place except the Declaratory act, in which the members of Parliament assured themselves that they had the authority by announcing that they had it. If anyone thereafter wanted to know where it came from it came from the announcement!

Faced with this impenetrable assumption of omnipotence, the colonists gradually reacted with an equally absolute but somewhat more rational denial. Parliament, they believed from the beginning, had no authority to tax them, because they were unrepresented. By

EQUAL RIGHTS, 1774–76

the same token, if legislation and taxation were indivisible, Parliament had no right to legislate, and so no authority at all over them.

How the claim of absolute authority generated its opposite may be seen at closer range in Massachusetts. When the committees of correspondence in the various towns there began to list their grievances, Governor Hutchinson was alarmed to see how extensively they denied the validity of Parliamentary legislation. He decided to recall them to their senses by another affirmation of their total subordination, with more arguments than Parliament itself had hitherto deigned to offer.

In January 1773, he read the House of Representatives a long lecture on the subject. “I know of no line that can be drawn,” he told them, “between the supreme authority of Parliament and the total independence of the colonies.” Hutchinson was the learned author of a history of the colony; and well aware of the American reverence for historical precedent, he drew upon his authority as a scholar to demonstrate that the founders of the colony had always acknowledged the supremacy of Parliament. But Hutchinson was up against a sharper wit and a keener mind than his own.

The House in drafting its answer called upon John Adams, a lawyer from Braintree, more learned in the law than his cousin Samuel and quite as learned in history as the governor. With his assistance an argument was prepared which showed that the founders of the colony had supposed themselves beyond the control of Parliament—and showed it by citations from Hutchinson’s own history. With devilish ingenuity Adams even pointed out how the very King who granted the colony’s first charter had supposed the same thing. The King, of course, was Charles I, who tried to do away with Parliament altogether! From here the answer went on with relentless logic to turn the governor’s own words against him:
CHAPTER 5

"Your Excellency tells us," it said, "you know of no line that can be drawn between the supreme authority of Parliament and the total independence of the colonies. If there be no such line, the consequence is, either that the colonies are the vassals of the Parliament, or that they are totally independent. As it cannot be supposed to have been the intention of the parties in the compact, that we should be reduced to a state of vassalage, the conclusion is, that it was their sense, that we were thus independent." Independent, of course, meant independent of Parliament, not of the King.

Hutchinson had maintained that if the colonies threw off Parliamentary supremacy, they would form distinct kingdoms like England and Scotland. "Very true, may it please your Excellency," replied the committee, "and if they interfere not with each other, what hinders, but that being united in one head and common Sovereign [the King], they may live happily in that connection, and mutually support and protect each other?" When the House of Representatives adopted this reply to the governor as their own, they committed the whole province to the very position that Hutchinson had hoped to forestall, that Parliament had no authority in the colonies whatever.

Hutchinson and the Adamses, in their different ways, brought Massachusetts to this point in 1773. Other Americans reached it in other ways and at other times. Benjamin Franklin got there as early as 1766 and waited quietly for his countrymen to catch up. Another Pennsylvanian, James Wilson, found his way to it in 1770 but refrained from saying so until he heard of the Coercive Acts. Then in a persuasive pamphlet he pointed out the short and easy route to others: the arguments against Parliamentary taxation would apply with equal force to all its legislation.

At Philadelphia in 1774 many of the delegates had followed one route or another to a total repudiation of Parliament, but for some the question of trade regulation remained an obstacle. They felt that for the benefit of the whole empire and of England in particular, as mother country and protector of the seas, there ought to be some central direction of imperial trade and that Parliament was entitled to the job. Others, like Galloway, thought a total reorganization of the empire was necessary, with an American Parliament, subsidiary to the English Parliament, empowered to oversee all intercolonial matters. The Congress, after considering Galloway’s plan for a day, voted to table it (and on the last day of the meetings rejected it). Instead they defined their relationship to Parliament in an ambiguously worded resolution worked out by James Duane of New York and by John Adams.

That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonies are not represented, and from their local and other circumstances, cannot properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal policy, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such Acts of the British Parliament, as are bona fide restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent.

In this equivocal declaration the members with one breath denied the right of Parliament to legislate for them and with the next volunteered to abide by that wonderful old state of things that
CHAPTER 5

 existed in 1763. In such a mood of reluctant defiance they broke up on October 26, 1774, after providing for another congress in the following spring.

 As they prepared to cast off the authority of Parliament, Americans were genuinely eager to keep their grip on the past. They had ransacked English and colonial history for precedents to justify their constitutional position, to show that they were still true to English traditions, and they had been remarkably successful in finding the precedents they wanted. But while they clung so persistently to the past, they were actually moving, if only half consciously and unwillingly, away from it. They were in fact on the verge of a discovery that would turn the course of history in a new direction, a discovery that is still reverberating among us and liberating us from our past as it was soon to liberate them, in spite of themselves, from theirs.

 This discovery was nothing more or less than the principle of human equality. In 1774 the Americans may not have realized how close they were to it, but there were others who perceived, however dimly, that the whole course of their resistance to Parliament was leading them in that direction. As early as 1767 the French chargé d'affaires in London, following closely the British family quarrel, remarked that the Americans did not aspire to independence but simply to equality of rights with the mother country. The Frenchman's analysis was correct, but he did not dream how far beyond this the demand for equality might carry a people. Lord North was more perceptive. "I can never acquiesce," he said in 1770, "in the absurd opinion that all men are equal." He was talking at the time about the pretensions of the London rabble in petitioning Parliament, but he rightly sensed what that absurd opinion could do to the authority of Parliament, whether in England or America.

 The colonists had not voiced such an opinion, even to themselves, when Lord North spoke, and with tactful treatment they might still have been prevented from reaching it. By 1774 they were perilously near it. As long as they stopped their objections to Parliament's authority short of a wholesale rejection, they were accepting a smaller degree of freedom than their brethren in England; but when they repudiated Parliament altogether, they elevated their own assemblies to equal rank with it and themselves to an equality with all the King's subjects in Great Britain. From this position it would be only a short step to the absurd opinion that Lord North so rightly feared.

 Lord North, if he had known how, would have liked nothing better than to return to 1763, as the colonists themselves were urging. And his new Secretary of State for the Colonies, the Earl of Dartmouth (who replaced Hillsborough in 1772), felt the same way. But the road back, as these statesmen saw it, was barred by colonial denials of Parliamentary authority, denials not merely in words but in flagrant resistance. What was worse, the colonists were busy building more roadblocks. The very meeting of the Continental Congress appeared as a challenge to Parliament, and congressional measures, however hesitant, as outright treason. Inside Parliament only Pitt and his small following would question the authority to tax, and even Pitt was strong for Parliament's legislative authority. The only conciliatory gesture that North could prevail upon himself and the other members to make was a proposal, passed in February 1775, that the colonists tax themselves in lieu of a Parliamentary tax. This was merely a repetition of the gesture that Grenville had made in advance of the stamp tax, and it was still as vague and undefined, still as unacceptable, as it had been then.

 After pausing for this futile aside, Parliament pressed ahead with its catastrophic instruction of the colonists in the meaning of its authority. With enthusiastic majorities it passed a bill to restrain
the entire trade of New England and exclude her from the Newfoundland fisheries. And as the members debated further educational devices, the New Englanders bought gunpowder. On April 19, 1775, they used a good deal of it on the road from Concord to Boston.

The men who faced the British at Lexington Green that morning were part of the Massachusetts militia. Every colony trained its able-bodied men in a militia system for defense against Indians or foreign invasion. When no danger was in the offing, training day was a boisterous holiday, accompanied by light talk, heavy drinking, and precious little training. After Parliament passed the Coercive Acts, the festivities gave way to serious marching and maneuvers. In Massachusetts special companies of “minute-men” were formed to assemble at a moment’s notice against the danger that threatened not from the Indians but from the troops that were guarding what was left of England’s authority in Boston. The danger materialized on April 19, 1775, when the British marched to Concord, intent on seizing powder and guns stored there by the Americans. Shooting began, almost by accident, at Lexington, but the shots that startled the British on their way back from Concord were nobody’s mistake. Minute-men and militia closed in on the line of march from all sides and peppered the British columns as they reeled toward Boston. After the last redcoat entered the city, the militia encamped outside it, and the siege of Boston began.

When the Second Continental Congress assembled on May 10, 1775, the members found themselves conducting a war and voted to raise a regular army, of which it was hoped the forces encircling Boston would form the nucleus. To command this “Continental Army” Congress chose not a New Englander but a Virginian, George Washington, and he hurried off to Massachusetts to take charge. Even before he arrived, the militia gave the soldiers in

Boston one of the worst days in the history of the British Army. On the night of June 16 the Americans invested Breed’s Hill, adjacent to Bunker Hill in Charlestown, overlooking Boston. When the British decided to remove them the next day, the result was an unbelievable slaughter of the redcoats who came marching up the hill in close order. In the battle of Bunker Hill, as it was called, the British showed a courage that wiped out the strain of their hurried retreat from Concord two months before; they kept coming until the Americans ran out of ammunition, and when the day was over the English regiments held the hill. But it would be a long time before they attempted another frontal assault on the raw militia whom they had thought to topple so easily.

Gunpowder is a great equalizer, and after the Americans had matched their muskets against the British, they were more confident than before in denying the authority of Parliament. But there still existed among the members of Congress a forlorn hope that the situation might somehow be retrieved. Though they had had enough of Parliament, and would fight rather than submit to its laws, some of them thought that it might be possible to maintain loyalty and subordination to the King. If their assemblies could be recognized as coordinate with Parliament, Americans might still join with the British in submission to a common sovereign. In this hope, while they prepared to seek foreign aid and organized for an extended war, the members addressed a last petition to George III—the Olive Branch Petition, it was called—urging him to prevent the efforts of Parliament under a corrupt ministry to enslave them.

The Americans did not yet realize that the King was an Englishman of only moderate abilities and a vision that reached no farther than that of his ministers and his Parliament. In the preceding ten or twelve years the members of Parliament had demon-
strated that they were unfit to rule an empire. They were, in fact, what historical scholarship has shown them to be: parochial and provincial. Though in theory each member was supposed to represent the whole kingdom (Grenville had said the whole empire), actually they were wedded to local interests in their particular boroughs and counties. The whole business of parliament seldom rose above the level of logrolling.

The man who kept the logs rolling was the King. In the absence of any better politician it was he who brought miscellaneous factions together to form a working majority for whatever measures he and they could agree on. George III was good at the job, but he was no bigger than the men he managed. In order to play the role the colonists assigned him, he would have been obliged to abandon the one he was engaged in and stand entirely above Parliament. It might even have been necessary for him to resume the veto power and disallow bills in which Parliament sought to legislate for the colonies.

Had he wished to do this, he could scarcely have succeeded, and the few friends of the Americans in Parliament would have been the first to denounce the attempt as a resumption of Stuart tyranny. George III, however, had no such wish. Though he wanted desperately to keep his American colonies, he was wholeheartedly committed to the supremacy of Parliament and ready to go any length to defend it against his rebellious subjects. While the Continental Congress prepared its last appeal to him, his ministers negotiated for twenty thousand Russian mercenaries to accomplish what the regular troops in Boston seemed unable to do. When the Garina refused to hire out her subjects, the ministers satisfied themselves with Hessians instead. The King himself treated the Olive Branch Petition with contempt. Two days after its arrival in August 1775, he issued a proclamation declaring the colonies in rebellion, and in

December he agreed to an act of Parliament prohibiting all intercourse with them and commanding the seizure of their ships on the high seas. Americans would evidently have to choose between their rights and their King, and in spite of everything the King had done or failed to do, the choice was not easy. While they were gathering their courage to make it, a new voice spoke out in words that imparted all the courage needed—the voice of Thomas Paine, an Englishman who had appeared in Philadelphia less than a year before Bunker Hill. In January 1776, he published a piece called Common Sense that was immediately read throughout the colonies. It was read because it said superbly all the things that Americans were waiting to be told.

The colonists were only fooling themselves, Paine said, if they hoped to enjoy freedom under George III. Not only was the King as bad as his ministers and his Parliament; he was worse; he was the author of their troubles.

The ruler Paine described may not have been the real George III. It may be, as modern scholars have emphasized, that George was playing the only role a responsible monarch could play in the existing situation of politics in Great Britain. But if British politics demanded such a monarch, it was high time for the colonists to cut loose. If Paine misconstrued the motives of the King, he did not misconstrue the facts: there was simply no room in the existing British Empire for a people who wanted the rights that Americans demanded.

Paine, however, did not deliver his message in sadness; his mission was not simply to destroy a lingering faith in the House of Hanover but to liberate Americans from the very idea of monarchy. Hitherto the demand for equality had found expression in assertions that equated Americans with Britons. Britons were taxed only by consent; therefore Americans must be. Britons had a right to be
represented in their own legislative body; therefore Americans should have such a right and their assemblies be coordinate with Parliament. But Paine made bold to extend the inquiry. Why, he asked, should any man be exalted above others as a king was? “Male and female,” he said, “are the distinctions of nature, good and bad the distinctions of Heaven; but how a race of men [hereditary kings] came into the world so exalted above the rest, and distinguished like some new species, is worth inquiring into, and whether they are the means of happiness or of misery to mankind.” The result of his inquiry was to show that the only basis for hereditary monarchy is usurpation. “The plain truth,” he announced, “is that the antiquity of English monarchy will not bear looking into,” or for that matter any monarchy. Nothing but misery had come from kings.

Paine’s boldness was breathtaking, and many colonists drew back in horror from the abyss of anarchy toward which his conclusions seemed to lead them. There were in 1776, as there always are, conservative men who thought the overthrow of a government, however evil, must entail worse consequences than submission. They had come this far in seeking what they considered their legal and constitutional rights, but to go where Paine was leading was to abandon both law and constitution and risk all in the untried and untested ship of “natural” rights. Rather than board such a vessel they would give up the contest and accept whatever King and Parliament chose to give them.

Many Americans, however, had learned from history that governments deserve no such reverence. In the 1640s the English had deposed their king, and in 1688 they did it again. After the first deposition a political philosopher, James Harrington, explained what had happened in his Oceana, a book that Americans still studied. In Oceana (England) most of the property, originally in the hands of the king and his nobility, had gradually passed into the hands of a much larger segment of the population. And whoever owns the property, Harrington taught, will sooner or later own the government. In 1649, as Harrington saw it, the people who owned the property of England deposed the king and began to take charge of the government.

Their action proved premature. Monarchy and aristocracy turned out to be stronger than Harrington had supposed, but he gave the people (or at least those who owned property) the nerve to think that they might own their own government. And they vindicated his judgment in 1688 when they again got rid of a king and replaced him with one who would understand that he governed only with their consent. By this time Harrington was dead (after years of imprisonment), but another philosopher, John Locke, in a book that became even more popular than Harrington’s, explained to his countrymen why they had every right to fashion their own government.

Men, Locke said, are by nature free, equal, and independent of each other. In a “state of nature” each man began with the possession only of his own body. But by applying the labor of his body to the land, each transformed what was formerly common into his own private property. In order to protect themselves and their hard-won possessions from attack by wicked individuals, men would agree in a social compact to end the complete independence that existed in the state of nature and to form a society under the supervision of government. Government therefore is instituted by consent of the governed for a definite purpose, and if any particular government fails to fulfil that purpose, it should be replaced by one that will.

Harrington and Locke were popular reading in America, perhaps more so than in England, because what they said made more sense
in America. When Locke described his state of nature, he could explain it most vividly by saying that "in the beginning all the World was America." And indeed many Americans had had the actual experience of applying labor to wild land and turning it into their own. Some had even participated in social compacts, setting up new governments in wilderness areas where none had previously existed. And if Harrington was right in thinking that the wide distribution of property in England was what gave the people of England control of their government, Americans knew that their property was much more widely distributed; and in their representative assemblies they felt it be known that they expected government to stick to its proper business of protecting them and their property.

During the years of controversy from 1763 to 1776 the colonists studied Locke and Harrington closely (along with subsequent writers like Thomas Gordon, John Trenchard, and James Burgh, who carried on the tradition of Locke and Harrington). And as they tried to define the constitutional limits of British authority, they had ever in mind the elemental principles by which the political philosophers taught them to measure a government's performance. They regarded the rights they demanded not simply as constitutional rights but as natural rights which it was the very purpose of government to protect. They had taken pride in being English, for the English government had been the pattern for Locke's study; and hitherto, at least, the English and their colonists almost alone among the peoples of the world actually did enjoy the rights which Locke believed all peoples were entitled to.

When the Americans prepared to resist rather than submit to a government that had exceeded its authority, elemental principles became increasingly relevant. As early as the Stamp Act crisis, colonial writers began discussing the process of dissolving government, and the Sons of Liberty prepared to put the ideas into prac-

cice. The group at New London, Connecticut, for example, resolved on December 10, 1765: "1st. That every Form of Government rightfully founded, originates from the Consent of the People. 2d. That the Boundaries set by the People in all Constitutions, are the only Limits within which any Officer can lawfully exercise Authority. 3d. That whenever those Bounds are exceeded, the People have a Right to reassume the exercise of that Authority which by Nature they had, before they delegated it to Individuals."

Ten years later, after fighting began, while they continued to hope against hope that England would recognize and restore their constitutional rights, Americans were talking more and more about the state of nature, the origin of government, the limits of authority, and the rights of man. All these ideas were fused in Thomas Paine's denunciation of monarchy. At one stroke he propelled Americans into the great discovery of human equality toward which they had been moving unwittingly ever since they first denied Parliament's right to tax.

There is an exaltation, an excitement, about Common Sense that conveys the very uncommon sense of adventure Americans felt as they moved toward independence. With it would come new perils, but also new opportunities, new freedoms. They knew they were on the threshold of a great experience not only for themselves but perhaps for the whole world. "The cause of America," Paine told them, "is in a great measure the cause of all mankind." And they believed him.

On May 15, 1776, the Virginia House of Burgesses voted to instruct its delegates in Congress to propose independence, and on the same day the Congress adopted a resolution sponsored by John Adams, advising the various colonies to assume complete powers of government within themselves. On June 7 Richard Henry Lee, following the instructions of his Virginia constituents, moved a
resolution formally declaring the colonies independent. On July 2
this resolution was adopted and two days later the famous declara-
tion to the world, drafted by Thomas Jefferson.

The Declaration did not go as far as Paine had gone: it was
directed only against the "present" King of Great Britain and would
not have precluded a monarchial form of government for the
United States or for any of its constituent parts. But the Declara-
tion, like Common Sense, was much more than a repudiation of
George III. It put into words, even more effectively than Paine did,
the principle which had been forming in the American mind, "that
all men are created equal." The only immediate application was the
assertion that Americans were entitled to "a separate and equal
station" among the nations of the earth, but the words were phrased
in the form of a sacred creed and with an elemental eloquence that
has been moving men ever since. The declaration that all men were
created equal might mean for the moment that Americans should
have the same independence as a nation that other peoples enjoyed.
What else it might mean remained to be seen. During the exciting
years that lay ahead, as they took their new and independent way,
Americans would begin to find out.

Meanwhile they had a job to do.

War and Peace, 1776–83

The men who fixed their signatures to the Declaration of Indepen-
dence would not have done so without some expectation of success.
They knew that they and their countrymen would have to defeat
the world's most formidable military and naval power, but in July
1776, this did not look like an impossible task. They had had
plenty of evidence in the preceding decade of the corruption and
incompetence of British political leaders, and the events of the
preceding year seemed to demonstrate that these men would be no
better at running a war than they were at running an empire. On
April 19, 1775, the uncoordinated militia of the towns of eastern
Massachusetts had routed a considerable body of British regulars.
Two months later, at Bunker Hill, the same militia met a frontal
assault by British troops and punished them terribly. In March
1776, after Washington took command and obtained some heavy
guns, he was able to force British troops to evacuate Boston and
withdraw to Halifax, Nova Scotia.

Against these facts had to be weighed one notable failure. In the
autumn of 1775 the Americans sent an expedition to Canada, hop-
ing to bring that area into the Revolution on their side. By the
spring of 1776 it was clear that this expedition had failed. Though
the failure was both military and political, Americans reassured one
CHAPTER 6

another that no such thing could occur among themselves. If the Canadians lacked the noble urge to be free, if they would not help themselves, then they deserved slavery. Meanwhile American patriots would establish their rights on battlefields closer to home.

The assurance of the Americans was ultimately justified by events: they did win, and their greatest asset was, in fact, their desire to be free. Though this desire did not enable them to maintain in the field a force equal to that of the British, the American armies could always count on popular support. It is true that many Americans took the British side—the best current estimate is that they amounted to a fifth of the population. Many of them shared the view that England had violated colonial rights, but they did not think the violations insufferable, and they turned out in substantial numbers to help the British troops keep the colonies in the empire. Nowhere, however, were they strong enough to enable royal government to survive. At the beginning of the war all the royal governors fled, and only in Georgia, the least populous of the rebelling colonies, was British civil government reestablished during the remainder of the war.

A large portion of the population may have been indifferent at the outset, content to stay British if the British won or to go along with independence if the patriots could make it stick. But the war itself sooner or later obliged men to get off the fence on one side or the other. The independent state governments called on their people for military service again and again, for a tour of duty in either the militia or the Continental Army. When the call came, a man had to shoulder a musket in the cause or else abandon home and family and head for the British lines. Most preferred to go along with their countrymen; and once they had spent some months in camp, perhaps shooting at the British and being shot at by them, they were likely to return committed to the Revolution.

WAR AND PEACE, 1776–83

The Revolution, in other words, became a people's war, and it is doubtful that the British could ever have won more than a stalemate. They might defeat the American forces in the field, as they often did, but victory did not enable them to occupy the country without a much larger force than they ever had. Americans generally owned guns and knew how to use them. A century and a half of defending themselves against French and Indians, the reliance many placed on guns to protect their crops from animals and to provide themselves with meat—these had given them a familiarity with firearms that common people of the Old World lacked. It was this experience that told at Concord and at Bunker Hill. And it would tell again whenever a British army attempted to sweep through the country. Men would gather from the farms, snipe at the troops, ambush them, raid them, until the victory parade turned into a hasty retreat.

This great asset, which made a British victory most unlikely, unfortunately did not insure an American victory. Indeed the early success of the militia at Bunker Hill led Americans to discount the need to train and sustain a professional army. Throughout the war Washington had to struggle not only against the British but also against the reluctance of the Continental Congress to supply him with the men and arms to do the job they had given him. Congressmen were too ready to believe that untrained American militiamen, armed with righteousness, would always be more than a match for the disciplined troops of the British. Washington knew it was not so. The local militia were good at harassing the British, but they were the least reliable part of the American forces when it came to pitched battles, and they could never be kept in the field for more than a short time. As soon as a battle was over, sometimes before, they would be on their way home. It took something more than a militia to make the war end in American victory.
CHAPTER 6

How much more it took began to be apparent very soon after Congress took the plunge to independence. On July 2, while the members were adopting their resolution, General William Howe was landing unopposed on Staten Island in New York with several thousand troops. Shortly afterward his brother, Admiral Lord Howe, arrived with a battle fleet, and during the rest of the summer men and supplies poured in until there were more than thirty thousand men in arms on the island. Along with this force the Howes bore a commission enabling them to offer pardon to all Americans, provided they submitted to the authority of King and Parliament. The offer was laughable at this stage, but the force accompanying it was not.

Washington was on hand to oppose the expected attack and had almost as many men available as Howe, but most of them were militia. Washington himself had had a good deal less experience in command than his opponent, and in the ensuing Battle of Long Island (August 26, 1776) he was badly beaten and only saved from losing most of his forces by good luck and by Howe's failure to take full advantage of opportunities. There followed a humiliating series of defeats in which Washington and his army were chased across New Jersey.

There now began to appear, however, two factors which were to weigh heavily in determining the outcome of the war. One was the meekness of the commanders England sent to subdue the colonists. It is always difficult to determine in advance whether a field commander will be up to his job—so much depends on chance and on making the right decision at precisely the right moment. There were doubtless men among the British officers in America who might have succeeded in crushing Washington and destroying his army in 1776; but General Howe was a cautious, methodical soldier, not given to taking chances. He pursued war by the rulebook,

and though capable of brilliant planning he was not good at seizing unexpected opportunities. After pushing Washington across the Delaware River by December, he called a halt for the winter.

Washington and his subordinates meanwhile were learning about war the hard way. The fact that he and they had the talent to learn was a second factor working toward American success. In spite of numerous defeats and in spite of the vanishing militia, Washington still had the remnants of an army. When he found that the British were disposed to halt for the winter, he turned and hit them hard. On the famous night of December 25, 1776, he recrossed the Delaware and with very little loss to his own men captured 1,000 Hessians under Colonel Rall at Trenton. It was not a battle of great importance in itself, but it showed which commander had the daring and the initiative to win a war, and it restored to the Americans some of the assurance they had begun to lose.

In the following year General Howe along with his subordinate, General Burgoyne, gave the Americans further reason for confidence. With Howe's approval Burgoyne conducted an expedition from Canada down the Hudson Valley to cut off New England from the other colonies. This was the old French strategy, and since the British already held New York, it would have been a simple matter to send a column up from New York to meet the other coming down from Canada. But instead of sending such a column from New York, Howe moved the main body of his troops to Philadelphia. Washington, baffled as he well might be by what Howe was doing, tried to bar the way, but the British troops swept triumphantly into the city. There was probably no city in America that Howe could not have taken with the force at his disposal. Neither did he gain much by his entry—most Americans did not live in Philadelphia.

And while Howe was receiving the encomiums of Pennsylvania
loyalists, the farmers of New England and New York were giving Burgoyne a bad time in the Hudson Valley. He had made his march from Canada to the accompaniment of manifestos calling upon the people to come in and be saved from the awful tyranny of the Revolution. They came in, but not to be saved, and Continental troops came in too. On October 17, 1777, at Saratoga, Burgoyne surrendered to them.

He surrendered not only the tattered remains of his forces but also much of the prestige which for Europeans still clung to British arms. Saratoga was a great turning point of the war, because it won for Americans the foreign assistance which was the last element needed for victory. The possibility of such assistance had played an important role in their calculations from the beginning. The Declaration of Independence itself was issued mainly for the purpose of assuring potential allies that Americans were playing for keeps and would not fly into the mother country's arms at the first sign of parental indulgence.

Among possible allies the most likely had always been France. Ever since the peace of 1763 she had been waiting for opportunities of revenge against Britain and observing the alienation of the colonies with growing satisfaction. On May 2, 1776, two months before the Americans declared themselves independent, before they had even asked for aid, Louis XVI, on the advice of his foreign minister Vergennes, made a million livres (about $185,000 or £41,666 sterling) available to them for the purchase of munitions. And Vergennes persuaded Spain to put up an equal amount. The money and supplies which reached America from Europe were of the utmost importance. The money, of which there was much more to come both in gifts and loans, bolstered the credit of the United States and made it possible to finance the war. The munitions were indispensable because America, not yet an industrial country, could scarcely produce what she needed in sufficient quantities.

But money and supplies furnished secretly were different from outright military and naval assistance. France had been ready to give the one before she was asked; the other she was much slower to risk. Congress sent Benjamin Franklin to seek it, and if anyone could have got it by sheer persuasiveness, he could have. The French lionized him, pampered him, quoted him, but Vergennes retired behind his diplomatic fences and waited to see how much staying power the Americans would show. The Frenchman knew what a beating Washington had taken on Long Island, and he did not wish to expose France to a war with Great Britain unless the Americans could carry a real share of the burden. Vergennes was still waiting but already close to decision when news of Saratoga arrived.

It was now Vergennes's turn to move. Saratoga demonstrated that the Americans could force the surrender of a British army. It seemed likely now that with French help they could win. Even England seemed to have reached that conclusion, for a commission under the Earl of Carlisle was directed to offer them everything they had asked for short of independence. Reconciliation was the last thing Vergennes wished to see, and Franklin exploited his fear of it to win the greatest diplomatic victory the United States has ever achieved. In February 1778, France signed two treaties, one of Amity and Commerce in which she recognized the United States and the two countries agreed to help each other commercially, the other of Alliance. This second treaty (on which Vergennes now insisted) gave the Americans all they could have hoped for and exacted almost nothing in return. It was to go into effect in case war should break out between England and France—as it did the following June (1778)—and it stated specifically that its essential
purpose was to maintain the "liberty, sovereignty, and independence absolute and unlimited of the United States." France renounced all future possession of the Bermuda Islands and of any part of North America east of the Mississippi. If the United States conquered Canada or the Bermudas in the course of the war, France would recognize them as part of the United States. The two parties agreed to make no separate peace with Great Britain, and neither was to lay down arms until the independence of the United States was assured. For all this, France required only a recognition by the United States of whatever conquests she should make in the West Indies.

Vergennes tried hard but unsuccessfully to get Spain to join the alliance. The Spanish were as much against Great Britain as the French, but they did not like the idea of recognizing revoluted colonies—they had too many of their own which might be encouraged to follow America's example. Nevertheless, the Spanish could not long resist the opportunity to strike at Britain. With an eye on Gibraltar they entered the war in June 1779, as an ally of France though not of the United States.

With France and Spain in the war the materials for an American victory were assembled. England would now have to fight on several fronts and keep a large number of troops and ships at home to protect herself against possible invasion. Moreover, France sent both men and ships to assist the Americans directly, six thousand soldiers under the Comte de Rochambeau and a fleet of seventeen vessels under the Comte d'Estrange and later another of twenty-eight vessels under Admiral de Grasse. The ships were particularly welcome because the Americans, though well equipped with privateers, had virtually no navy.

It nevertheless took more than three painful years after the French entrance into the war for Washington to find the opportunity for a decisive battle. After Saratoga, General Howe submitted his resignation and was replaced by General Henry Clinton, who had orders to shift the scene of the British offensive to the South and pursue a policy of attrition in the North. As the French naval force was not large enough to aspire to superiority in the Atlantic, D'Estrange occupied himself mostly in the Caribbean. Clinton consequently was able to subject the American coastal towns to heavy raids and at the same time to mount an offensive against Georgia and South Carolina. Clinton was a more energetic commander than Howe. During 1779 he recovered Georgia, and by May 1780 had taken Charleston, South Carolina, and its garrison of five thousand men. Leaving Lord Cornwallis in command of an army of eight thousand to continue the southern campaign, he departed for the North to take care of a French expedition against Newport, Rhode Island, which the British had occupied since 1776.

Cornwallis, continuing to move northward with greater haste than Clinton had anticipated, was initially successful and inflicted another crushing defeat on the Americans at Camden, South Carolina (August 16, 1780). But as he pressed on through the interior, the presence of a hostile, armed population began to make itself felt. And in December 1780, Washington sent General Nathanael Greene, perhaps his ablest subordinate, to concert the American resistance. Greene struck at Cornwallis in a damaging series of quick, sharp jabs, relying on speedy attack and withdrawal to prevent his opponent from using his full force. Rather than retreat, Cornwallis pressed on to Virginia in 1781, while Greene shifted his raiding farther south, where he not only prevented the British from coming to the relief of Cornwallis but made them fight hard to retain the coastal cities of Savannah and Charleston.
CHAPTER 6

As a result Washington had the chance to isolate Cornwallis. With the aid of French forces exceeding the American by two to one, he closed in on Yorktown from land and sea simultaneously. The French fleet under De Grasse achieved temporary superiority in the area; the French and American soldiers outnumbered the British, and together they forced Cornwallis to surrender his entire army (which still amounted to more than seven thousand men) on October 17, 1781.

When the news reached England, everyone but George III knew that the war was over. Lord North had been trying to resign ever since Saratoga, but the King held doggedly on, and though no further campaigns were undertaken against the Americans, British forces continued to hammer at the French and Spanish in other parts of the world for another year—and not without success. During that time American, French, Spanish, and British diplomats were scurrying back and forth across the English Channel with proposals and counterproposals both open and secret. The big question was what boundaries the United States should have. Spain would gladly have seen the Americans cooped up east of the Appalachians. France too, having humbled Britain, was not eager to raise a colossus in the New World and was less than enthusiastic in pressing American claims for territory.

The American peace commissioners, Franklin, John Jay, and John Adams, were instructed by Congress to insist only on independence and to follow the advice of the French in everything else; but they took the liberty of violating their instructions by negotiating what amounted to a separate peace (which Vergennes, however, accepted gracefully). By so doing they won for the United States in the final treaty (September 3, 1783) a northern boundary that still holds, a western boundary at the Mississippi, and a southern boundary at the thirty-first parallel. They did not get Canada, and they did not get the right to trade freely in British ports, both of which Franklin had argued for with some hope of success, but what they got was space enough for the Americans to prove themselves and their principles.