CHAPTER 7

Founding a Nation, 1783-1789

38. Petition of Inhabitants West of the Ohio River (1785)

Source: Petition, signed by sixty persons, April 11, 1785, in Archer B. Hulbert, ed., Ohio in the Time of the Confederation (Marietta, 1918), pp. 103–06.

After independence, American leaders believed that the republic's economic health required that farmers have access to land in the West. But they also saw land sales as a potential source of revenue and worried that unregulated settlement would produce endless conflicts with the Indians. Land companies, which lobbied Congress vigorously, hoped to profit by purchasing real estate and reselling it to settlers. The government, they insisted, should step aside and allow private groups to take control of the West's economic development.

The arrival of peace triggered a large population movement from settled parts of the original states into frontier areas like upstate New York and across the Appalachians into Kentucky, Tennessee, and Ohio. In 1785, a group of Ohioans who had suffered severely during the War of Independence petitioned Congress, assailing landlords and speculators who monopolized available acreage and asking that preference in access to "vacant lands" be given to "actual settlements." They proclaimed, "grant us liberty."

TO THE HONORABLE the President of the Honorable Congress of the United States of America.

The petition, of us the subscribers now residing on the western side of the Ohio, humbly show our grateful acknowledgments to those patriots of our country who under Divine Providence so wisely directed and steered the helm of government in that great and unparalleled conflict for liberty, bringing to a happy period the troubles of the states, laying the foundation . . . of the most glorious form of government any people on earth could ever yet boast of.

Notwithstanding when the joyful sound of peace had reached our ears, we had scarce enough left us to support the crying distresses of our families occasioned wholly by being exposed to the ravages of a cruel and savage enemy, on an open frontier where the most of us had the misfortune to reside through the whole continuance of the war, where the only recourse was to sit confined in forts for the preservation of our lives, by which we were reduced almost to the lowest ebb of poverty, the greatest part of us having no property in lands, our stocks reduced almost to nothing, our case seemed desperate.

But viewing as it appeared to us an advantage offering of vacant lands which the alarming necessities we were under joined with the future prospect of bettering our circumstances, invited us to enter on those lands fully determined to comply with every requisition of the legislature.... With hopes of future happiness we sat content in the enjoyment of our scanty morsel, thinking ourself safe under the protection of government, when on the fifth of this instant we were visited by a command of men sent by the commandant at Fort McInto sh, with orders from government \dots to dispossess us and to destroy our dwellings...by which order it now appears our conduct in settling here is considered by the legislature to be prejudicial to the common good, of which we had not the least conception until now. We are greatly distressed in our present circumstances, and humbly pray if you in your wisdom think proper to grant us liberty, to rest where we are and to grant us the preference to our actual settlements when the land is to be settled by order of the government.

Questions

- r. Who do the authors of the petition consider to be the greatest enemies of their liberty?
- 2. Who do the authors claim ought to have preference when western land is distributed?

39. David Ramsay, American Innovations in Government (1789)

Source: David Ramsay, The History of the American Revolution (2 vols.: Philadelphia, 1789), Vol. I, pp. 355–57.

A member of the Continental Congress from South Carolina, David Ramsay published his history of the Revolution in the year the Constitution was ratified. In this excerpt, he lauds the principles of representative government, and the right of future amendment, embodied in the state constitutions and adopted in the national one, as unique American political principles and the best ways of securing liberty. Like many Americans of his era, Ramsay insisted that the political system of the United States was fundamentally different from that of Europe, and offered an opportunity to demonstrate to the rest of the world mankind's capacity for self-government.

THE FAMED SOCIAL COMPACT between the people and their rulers did not apply to the United States. The sovereignty was in the people. In their sovereign capacity by their representatives, they agreed on forms of government for their own security, and deputed certain individuals as their agents to serve them in public stations agreeably to constitutions, which prescribed their conduct.

The world has not hitherto exhibited so fair an opportunity for promoting social happiness. It is hoped for the honor of human nature, that the result will prove the fallacy of those theories that mankind are incapable of self government. The ancients, not knowing the doctrine of representation, were apt in their public meetings to run into confusion, but in America this mode of taking the sense of the people, is so well understood, and so completely reduced to system, that its most populous states are often peaceably convened in an assembly of deputies, not too large for orderly deliberation, and yet representing the whole in equal proportion. These popular branches of legislature are miniature pictures of the community, and from their mode of election are likely to be influenced by the same interests and feelings with the people whom they represent... These circumstances give us as great a security that laws will be made, and government administered for the good of the people, as can be expected from the imperfection of human institutions.

In this view of the formation and establishment of the American constitutions, we behold our species in a new situation. In no age before, and in no other country, did man ever possess an election of the kind of government, under which he would choose to live. The constituent parts of the ancient free governments were thrown together by accident. The freedom of modern European governments was, for the most part, obtained by concessions, or liberality of monarchs, or military leaders. In America alone, reason and liberty concurred in the formation of constitutions. . . . In one thing they were all perfect. They left the people in the power of altering and amending them, whenever they pleased. In this happy peculiarity they placed the science of politics on a footing with the other sciences, by opening it to improvements from experience, and the discoveries of future ages. By means of this power of amending American constitutions, the friends of mankind have fondly hoped that oppression will one day be no more.

Questions

1. In what ways, according to Ramsay, does the formation of governments in the United States differ from precedents in other times and places?

2. Why does Ramsay feel that the power to amend the Constitution is so important a political innovation?

40. James Winthrop on the Anti-Federalist Argument (1787)

Source: E. H. Scott, ed., The Federalist and Other Constitutional Papers (2 vols.: Chicago, 1894), Vol. 2, pp. 515–16, 554–55.

Opponents of the ratification of the Constitution, called "Anti-Federalists," insisted that the document shifted the balance between liberty and power too far in the direction of the latter. Anti-Federalists repeatedly predicted that the new government would fall under the sway of merchants, creditors, and others hostile to the interests of ordinary Americans. Popular self-government, they claimed, flourished best in small communities, where rulers and ruled interacted daily.

The excerpt that follows, from one of a series of newspaper articles written by James Winthrop under the pen name Agrippa, illustrates some of the Anti-Federalists' arguments. Unlike Madison, Winthrop insisted that large states inevitably sought to enforce a uniformity that ignored local difference. The new Constitution, he went on, consolidated all power in the new national government. A Bill of Rights, moreover, was essential as a defense against tyranny. The Anti-Federalists' insistence was the primary reason why Congress and the states added the Bill of Rights to the Constitution soon after ratification.

It is the opinion of the ablest writers on the subject, that no extensive empire can be governed upon republican principles, and that such a government will degenerate to a despotism, unless it be made up of a confederacy of smaller states, each having the full powers of internal regulation. This is precisely the principle which has hitherto preserved our freedom. No instance can be found of any free

government of considerable extent which has been supported upon any other plan. Large and consolidated empires may indeed dazzle the eyes of a distant spectator with their splendor, but if examined more nearly are always found to be full of misery. The reason is obvious. In large states the same principles of legislation will not apply to all the parts. The inhabitants of warmer climates are more dissolute in their manners, and less industrious, than in colder countries. A degree of severity is, therefore, necessary with one which would cramp the spirit of the other. We accordingly find that the very great empires have always been despotick. They have indeed tried to remedy the inconveniences to which the people were exposed by local regulations; but these contrivances have never answered the end. The laws not being made by the people, who felt the inconveniences, did not suit their circumstances. It is under such tyranny that the Spanish provinces languish, and such would be our misfortune and degradation, if we should submit to have the concerns of the whole empire managed by one legislature. To promote the happiness of the people it is necessary that there should be local laws; and it is necessary that those laws should be made by the representatives of those who are immediately subject to the want of them. By endeavoring to suit both extremes, both are injured.

It is impossible for one code of laws to suit Georgia and Massachusetts. They must, therefore, legislate for themselves. Yet there is, I believe, not one point of legislation that is not surrendered in the proposed plan. Questions of every kind respecting property are determinable in a continental court, and so are all kinds of criminal causes. The continental legislature has, therefore, a right to make rules in all cases by which their judicial courts shall proceed and decide causes. No rights are reserved to the citizens. The laws of Congress are in all cases to be the supreme law of the land, and paramount to the constitutions of the individual states. The Congress may institute what modes of trial they please, and no plea drawn from the constitution of any state can avail. This new system is, therefore, a consolidation of all the states into one large mass, however

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diverse the parts may be of which it is to be composed. The idea of an uncompounded republick, on an average one thousand miles in length, and eight hundred in breadth, and containing six millions of white inhabitants all reduced to the same standard of morals, of habits, and of laws, is in itself an absurdity, and contrary to the whole experience of mankind. The attempt made by Great Britain to introduce such a system, struck us with horrour, and when it was proposed by some theorist that we should be represented in parliament, we uniformly declared that one legislature could not represent so many different interests for the purposes of legislation and taxation. This was the leading principle of the revolution, and makes an essential article in our creed. All that part, therefore, of the system, which relates to the internal government of the states, ought at once to be rejected.

It is now generally understood that it is for the security of the people that the powers of the government should be lodged in different branches. By this means public business will go on when they all agree, and stop when they disagree. The advantage of checks in government is thus manifested where the concurrence of different branches is necessary to the same act, but the advantage of a division of business is advantageous in other respects. As in every extensive empire, local laws are necessary to suit the different interests, no single legislature is adequate to the business. All human capacities are limited to a narrow space, and as no individual is capable of practising a great variety of trades, no single legislature is capable of managing all the variety of national and state concerns. Even if a legislature was capable of it, the business of the judicial department must, from the same cause, be slovenly done. Hence arises the necessity of a division of the business into national and local. Each department ought to have all the powers necessary for executing its own business, under such limitations as tend to secure us from any inequality in the operations of government. I know it is often asked against whom in a government by representation is a bill of rights

to secure us? I answer, that such a government is indeed a government by ourselves; but as a just government protects all alike, it is necessary that the sober and industrious part of the community should be defended from the rapacity and violence of the vicious and idle. A bill of rights, therefore, ought to set forth the purposes for which the compact is made, and serves to secure the minority against the usurpation and tyranny of the majority. It is a just observation of his excellency, Doctor [John] Adams, in his learned defence of the American constitutions that unbridled passions produce the same effect, whether in a king, nobility, or a mob. The experience of all mankind has proved the prevalence of a disposition to use power wantonly. It is therefore as necessary to defend an individual against the majority in a republic as against the king in a monarchy.

Questions

- 1. To what provisions of the Constitution does Winthrop refer in arguing that the new government will endanger liberty?
- 2. Why does Winthrop claim that the "leading principle of the revolution" is violated by the new Constitution?

41. A July Fourth Oration (1800)

Source: American Mercury (Hartford, Conn.), July 10, 1800.

From the earliest days of the new nation, July Fourth became a day of public commemoration. In 1800, a speaker whose name was not reported in the press delivered an Independence Day oration at Hartford, Connecticut. He celebrated the "universal principles" of the Declaration of Independence but chastised his fellow citizens for failing to live up to them fully. Like many other Americans, he rejoiced in the revolutions that, beginning

in France, had swept parts of Europe, predicted further progress for the Rights of Man in years to come, and identified the American example as the catalyst for the spread of freedom overseas.

On the other hand, the speaker condemned slavery as a flagrant violation of American values and a source of shame for the nation, asking pointedly, "Declaration of Independence! Where art thou now?" He went on to urge that "our daughters" ought to enjoy the same rights as "our sons," an idea that had been put forth by a few writers in the 1790s, but was quite unusual for the time. Overall, the speech offered both an illustration of American nationalism in the aftermath of the Revolution, and a telling commentary on the extent and limits of American freedom at the dawn of the nineteenth century.

TO THE PRINCIPLES, the genuine, universal principles of the Declaration of Independence, we consecrate this day. Our festivity is not on account of the achievements of armies, nor merely because the seat of government is removed from London to Philadelphia, but because the American people have calmly and deliberately declared, that "all men are created equal," and in the presence of the supreme God have, in support of this declaration, pledged their lives, their fortunes, and their sacred honor.

Whatever may be the future fate of America, she has destroyed the Bastille, she has liberated Belgium, her principles have scaled the Alps, and inundated the plains of Italy, they have climbed the walls of Rome....[Before] long Ireland shall take her harp... and shake the air with notes of liberty. Greece shall wake from her long slumber, some new Demosthenes shall plead the Rights of Man, while new Homers sing the triumphs of the free.... The Spanish monarchy totters at its base, exhausted by frequent wars, impoverished by a profligate administration. Farther degrees of colonial oppression will be the [attempted cure].... Then will the inward

burnings of colonial rage burst into a flame, then will the Rights of Man echo from Florida to Chile, and re-echo from Lima to St. Salvador. The principles of freedom will then be learned from those who now wield the scourge of slavery, the benevolent system of Jesus shall resound from the ruins of the ... Inquisition.

And thou, sable Ethiop! Suffering brother, let the principles of this day irradiate thy benighted countenance! Already has the voice of thy tears and blood reached heaven!... St. Domingo [has] seen thy race revenged, and their chains broken on the tyrants' heads.

Citizens, my soul shrinks from herself, and startles at the name of Africa! Where we have heaped crime upon crime! Where we have excited murders, robberies, and burnings, that we might punish them in our own land with endless, hopeless slavery.... Declaration of Independence! Where art thou now?

It is pleasing to turn from the contemplation of our inconsistencies, to the purity of our principles. The basis of the Declaration, from which the friend of his species hopes so much, is the Equality of Man. How the idea first got abroad, that men were not equal, is difficult to conceive, unless we refer the claim to the arrogance of power in the dark ages of the world.... The Equality of Man is the bond of our union and the constituted law of the land.

Citizens, you must teach your children the principles of this day, and by the best education in your power to bestow, teach them to understand them.... But citizens, in this, as in all other things, if you do not begin well, you will never end well. Those principles of freedom, which embrace only half mankind, are only half systems, and will no more support the burden of humanity, than [a] section of an arch will support a column. Our daughters are the same relations to us as our sons, we owe them the same duties, they ... are equally

competent to their attainments. The contrary idea originated in the same abuse of power, as monarchy and slavery, and owes its little remaining support to the same sophistry.

What is liberty? Is it a something that men may keep without care and lose without injury? No citizens. Liberty is a tender plant, which wants the constant vigilance of its owner—he must weed and water, and defend it *himself*; hirelings may destroy it by carelessness, by accident, or by design, and once it withers, it is difficult to be restored.

The habits of men who have been [raised] under a monarchy ill comport with the simplicity of republicanism. It is not enough that we have a republican form of government, we must acquire a republican mind. We must be frugal, sober, industrious, self-dependent, privately and publicly hospitable.... We must eradicate national prejudices.... We must always remember that men, and not soil, constitute the state.

Questions

- 1. How does the speaker seek to persuade his audience of the evils of slavery?
- 2. What does the speaker identify as the major reasons to celebrate American independence?

42. Thomas Jefferson on Race and Slavery (1781)

Source: Thomas Jefferson, Notes on the State of Virginia (Philadelphia, 1788), pp. 145-53, 172-73.

No American of the revolutionary generation did more to shape prevailing views on race than Thomas Jefferson. His writings reflected a divided,

even tortured mind. In *Notes on the State of Virginia*, written in 1781 and published a few years later, Jefferson ruminated on whether blacks should be considered inferior to whites. Although generally, Jefferson attributed different peoples' varying degrees of civilization to environmental factors, he concluded that what he considered blacks' inferiority was innate. Jefferson made clear that he understood that slavery violated the principles of the Declaration of Independence he had written. He looked forward to the day when slaves would be emancipated. But, he insisted, once freed, they must be removed from the United States. Blacks, in Jefferson's view, could never become equal members of the American nation.

Many of the laws which were in force during the monarchy being relative merely to that form of government, or inculcating principles inconsistent with republicanism, the first assembly which met after the establishment of the commonwealth appointed a committee to revise the whole code.... The following are the most remarkable alterations proposed....

To emancipate all slaves born after passing the act. The bill reported by the revisors does not itself contain this proposition; but an amendment containing it was prepared, to be offered the legislature whenever the bill should be taken up, and further directing, that they should continue with their parents to a certain age, then be brought up, at the public expence, to tillage, arts or sciences, according to their geniusses, till the females should be eighteen, and the males twenty-one years of age, when they should be colonized to such place as the circumstances of the time should render most proper, sending them out with arms, implements of household and of the handicraft arts, seeds, pairs of the useful domestic animals, &c. to declare them a free and independant people, and extend to them our alliance and protection, till they have acquired strength; and to send vessels to the other parts of the world for an equal number of white inhabitants; to induce whom to migrate hither, proper encouragements were to be proposed. It will probably be asked, Why not retain and incorporate the blacks into the state, and thus save the expence of supplying, by importation of white settlers, the vacancies they will leave? Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of one or the other race.

—To these objections, which are political, may be added others, which are physical and moral. The first difference which strikes us is that of colour. Whether the black of the negro resides in the reticular membrane between the skin and scarf-skin, or in the scarf-skin itself; whether it proceeds from the colour of the blood, the colour of the bile, or from that of some other secretion, the difference is fixed in nature, and is as real as if its seat and cause were better known to us. And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of colour in the one, preferable to that eternal monotony, which reigns in the countenances, that immoveable veil of black which covers all the emotions of the other race? . . .

They seem to require less sleep. A black after hard labour through the day, will be induced by the slightest amusements to sit up till midnight, or later though knowing he must be out with the first dawn of the morning. They are at least as brave, and more adventuresome. But this may perhaps proceed from a want of forethought, which prevents their seeing a danger till it be present. When present, they do not go through it with more coolness or steadiness than the whites. They are more ardent after their female: but love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and sensation. Their griefs are transient. Those numberless afflictions, which render it doubtful whether heaven has given life to us in mercy or in wrath, are less felt, and sooner forgotten with

them. In general, their existence appears to participate more of sensation than reflection....

—The opinion, that they are inferior in the faculties of reason and imagination, must be hazarded with great diffidence. To justify a general conclusion, requires many observations, even where the subject may be submitted to the anatomical knife, to optical glasses, to analysis by fire, or by solvents. How much more then where it is a faculty, not a substance, we are examining; where it eludes the research of all the senses; where the conditions of its existence are various and variously combined; where the effects of those which are present or absent bid defiance to calculation; let me add too, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may perhaps have given them.... I advance it therefore as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind....

There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it would always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration

should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part. and the amor patriae of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labour for another: in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavours to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is destroyed. For in a warm climate, no man will labour for himself who can make another labour for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labour. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever.

Questions

- 1. What reasons does Jefferson offer for colonizing blacks outside the United States in the event of emancipation?
- 2. How does Jefferson describe the effect of slavery on the morals and behavior of white Virginians?

43. J. Hector St. John de Crèvecoeur, "What, Then, Is the American?" (1782)

Source: J. Hector St. John de Crèvecoeur, Letters from An American Farmer (London, 1782), pp. 48–56.

In the era of the Revolution, many foreigners celebrated the United States as not only an independent nation, but a new society in which individuals could enjoy opportunities unknown in the Old World and where a new nationality was being forged from the diverse populations of Europe. No one promoted this image of America more enthusiastically than J. Hector St. John de Crèvecoeur, who had settled in New York and married the daughter of a prominent landowner after serving in the French army during the Seven Years' War. He later returned to France and published a glowing account of life in the United States, entitled Letters from an American Farmer. As one who had lived in both Europe and the United States, he outlined the differences a newcomer was likely to note between the two societies. His description of the emergence of a "new man" from the diverse populations of Europe would later be popularized as the idea of the American melting pot.

I WISH I COULD be acquainted with the feelings and thoughts which must agitate the heart and present themselves to the mind of an enlightened Englishman, when he first lands on this continent. He must greatly rejoice that he lived at a time to see this fair country discovered and settled; he must necessarily feel a share of national pride, when he views the chain of settlements which embellishes these extended shores. When he says to himself, this is the work of my countrymen, who, when convulsed by factions, afflicted by a variety of miseries and wants, restless and impatient, took refuge here. They brought along with them their national genius, to which they principally owe what liberty they enjoy, and what substance they possess.

Here he sees the industry of his native country displayed in a new manner, and traces in their works the embryos of all the arts, sciences, and ingenuity which flourish in Europe. Here he beholds fair cities, substantial villages, extensive fields, an immense country filled with decent houses, good roads, orchards, meadows, and bridges, where an hundred years ago all was wild, woody and uncultivated! . . . He is arrived on a new continent; a modern society offers itself to his contemplation, different from what he had hitherto seen. It is not com-

posed, as in Europe, of great lords who possess every thing and of a herd of people who have nothing. Here are no aristocratical families, no courts, no kings, no bishops, no ecclesiastical dominion, no invisible power giving to a few a very visible one; no great manufacturers employing thousands, no great refinements of luxury. The rich and the poor are not so far removed from each other as they are in Europe. Some few towns excepted, we are all tillers of the earth, from Nova Scotia to West Florida. We are a people of cultivators, scattered over an immense territory communicating with each other by means of good roads and navigable rivers, united by the silken bands of mild government, all respecting the laws, without dreading their power, because they are equitable. We are all animated with the spirit of an industry which is unfettered and unrestrained, because each person works for himself. If he travels through our rural districts he views not the hostile castle, and the haughty mansion, contrasted with the clay-built hut and miserable cabin, where cattle and men help to keep each other warm, and dwell in meanness, smoke, and indigence. A pleasing uniformity of decent competence appears throughout our habitations. The meanest of our log-houses is a dry and comfortable habitation. Lawyer or merchant are the fairest titles our towns afford; that of a farmer is the only appellation of the rural inhabitants of our country.... We have no princes, for whom we toil, starve, and bleed: we are the most perfect society now existing in the world. Here man is free; as he ought to be....

The next wish of this traveler will be to know whence came all these people? they are mixture of English, Scotch, Irish, French, Dutch, Germans, and Swedes. From this promiscuous breed, that race now called Americans have arisen.... In this great American asylum, the poor of Europe have by some means met together.... Urged by a variety of motives, here they came. Every thing has tended to regenerate them; new laws, a new mode of living, a new social system; here they are become men: in Europe they were as so many useless plants, wanting vegitative mould, and refreshing showers; they withered, and were mowed down by want, hunger, and war...

What then is the American, this new man? He is either an European, or the descendant of an European, hence that strange mixture of blood, which you will find in no other country.... He is an American, who leaving behind him all his ancient prejudices and manners, receives new ones from the new mode of life he has embraced, the new government he obeys, and the new rank he holds.

Questions

- 1. What characteristics of American life does Crèvecoeur emphasize as being different from European society?
- 2. What aspects of society, and which parts of the people living in the United States, are left out of his description?