

The Tribes and the States

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CHAPTER XXVII

THE CINCINNATI CONSPIRACY

160. *The Annapolis Convention.* While these coups and rebellions were going on in New England, a different variety of convention was in preparation farther south. George Washington and his followers, the Cincinnati, and their sympathizers were attempting to take advantage of the economic depression to further their secret schemes for some form of oligarchy or dictatorship that would get rid of both democracy and the federate form of government, and centralize control in a few hands, with George Washington, the arch-aristocrat, as the supreme ruler, either openly or tacitly. Washington's favorite plan for this goal, as we have seen, was through promotion of the Chesapeake and Ohio Canal, which would enable Washington to create, as a terminal canal port, a city on the Potomac near Washington's home and under his complete dictatorship through possession of this city, eventually leading up to domination of the western territories, and, ultimately seizure of the United States itself. The main leader of the opposition to Washington's schemes was removed in 1785, when the Cincinnati followers procured Thomas Jefferson's appointment as envoy to France, so

that, at least as far as the South was concerned, little organized opposition could be expected, at least of a kind which could cope with the secret and invisible organization of the Cincinnati. New York had a rival plan to boost itself as a port, but the amount of monarchist sentiment still existing in the city rather made them look up to the Cincinnati as their best hope of salvation from the threat of democracy, and this tendency was helped along by the fact that Alexander Hamilton, a member of the Cincinnati, had distinguished himself for his defense of the monarchist interests in New York City. Thus the Cincinnati plans were able to get considerable under-cover following, though many of the followers did not realize just what was intended, since the plans were usually presented to outsiders, not as plans for a centralized oligarchy, but as a plan for what was rather ambiguously called a "more perfect union."

The main stumbling-block to the canal plan had been Maryland, through whose territory the canal would have to pass, and in which the proposed new Potomac terminal port would have to be located. Maryland's opposition to Virginia's plan for a direct connection with the northwest had once almost broken up the First Republic, and Maryland would have to be reckoned with if the canal feature of the Cincinnati plot was to make headway. Maryland, in fact, was more interested, if the subject of canals was to be brought up at all, in a canal cutting across the base of the Accomac ("Del-Mar-Va") peninsula, so that Maryland's ports could have access to the sea without the necessity of sailing all ships through Virginian waters—a bit of Virginia domination which Maryland had always resented. So, when the Cincinnati tried to arrange a conference on the canal between Virginia and Maryland, only Virginia's legislature proved willing (since the

plan would save some of the control Virginia, through Maryland's manœuvering, had lost in the Northwest), while Maryland's legislature, more interested in the so-called Chesapeake and Delaware Canal, was ready to accept only if the three Delaware Bay states—New Jersey, Delaware, and Pennsylvania—were included in the conference so that both proposed canals could be discussed at once.

In the spring of 1786, delegates sent by the legislatures of these five states assembled at Annapolis to discuss the two canal projects and related subjects—a convention controlled by the sympathizers of the Society of the Cincinnati, and supported by the same aristocratic elements who denounced, a bit later that same summer, the Massachusetts "conventions" as illegal and unconstitutional, but who were not above sponsoring such conventions as suited their own purposes. It was not intended, however, either by the Cincinnati, or by the financiers and landholders who backed their plot to overthrow the First Republic, that the Annapolis Convention should actually go through with the program for which it was called. The real object was to overthrow the existing government of the United States of America, and the conspirators had no intention of allowing any sort of project whatever to come to a successful conclusion while the government still existed. Accordingly, when the Annapolis Convention had assembled, the Cincinnati sympathizers, who were the ruling party in that convention, turned discussion from the canal projects themselves to the question of uniform codification of laws for interstate commerce, which was brought into the order of business as being a necessary point to settle before any interstate canal could be built. Likewise at the prompting of the Cincinnati and their followers, it was decided

that no uniform interstate commerce could be drawn up with only five states represented; for which reason it was decided to adjourn to May, 1787, and meanwhile call on all the state legislatures to send delegates to a convention for this purpose, to assemble at Philadelphia.

The call, as it was voted, was for a convention to consider uniform laws on interstate commerce; but, as the notice went out to the state legislatures, it was announced that the Philadelphia convention of the following year would be for considering uniform interstate commerce laws and other important matters. Inasmuch as George Washington and his Cincinnati let it be understood that the "other important matters" included the organization of "a more perfect union," it became quite generally understood that the Philadelphia Convention was in reality a thinly disguised conspiracy to overthrow the United States government in favor of no one knew what.

161. *Aftermath of the Shays Rebellion.* The conspiracy of the Society of the Cincinnati was proceeding in leisurely fashion at the Annapolis Convention (as instanced by the convention adjourning till next year). But when the Rhode Island workers' coup took place in May, 1786, shortly after the adjournment of the Annapolis Convention, followed in August by the Shays Rebellion in Massachusetts, and then by the beginnings of uprisings in all surrounding states, the wealthy financiers and landowners felt that the occasion called for more haste in overthrowing the First Republic. It was necessary first, however, to suppress the Shays Rebellion; for, with a poor man's government established in Massachusetts and Rhode Island, and sympathetic movements starting in the other New England states,

while even in the far Carolinas (possibly with a memory of the Mecklenburg Declarations) parallel movements were showing signs of beginning, the Cincinnati conspiracy would have become hopeless.

But the beginning of 1787, as we have seen, saw the suppression of the Shays rebellion in Massachusetts, while, except for Rhode Island, the only survival of similar movements in other states was a move for inflation of the currency by paper money, much of which was issued by most of the states during that period. Of course, attempts at forcing circulation of paper money at par with gold and silver were futile in all cases, the best example being that of New Jersey, whose paper money became practically worthless to its inhabitants because it was not accepted in New York or Philadelphia, which were outside the state, but which received most of the state's trade. In South Carolina, the movement on behalf of the people, under the general delusion of that period that forcing paper circulation was benefiting the cause of the poor, formed a series of secret organizations of masked and hooded men, called Hint Clubs, for the purpose of terrorizing those who refused to accept paper money at face value; but the "Hint Clubs" quickly became, in the hands of their leaders, instrumentalities of general terrorism, and more useful to the Cincinnati reaction than to anyone else. The strangest feature of this idea of the period (originating, as we have seen, from Rhode Island's futile attempts at creating an economic revolution by legislation starting from the old governmental organization as a basis), was that the Cincinnati and their fellow-conspirators were under the very same delusion that the poorer classes would benefit by the circulation of paper money, and so the Cincinnati made it part of their

conspiracy—though it was really a non-essential part—to stop the issue of what they called "rag-money" wherever possible. In this case, as it has historically happened in many other cases, each side was actually taking a stand far removed from the rest of their viewpoint.

In Massachusetts, meanwhile, the death sentence imposed on the rebel prisoners had become a political issue of paramount importance in the Commonwealth elections in the spring of 1787; and John Hancock, who had been the first governor of the Commonwealth, as well as the first President of the United States, ran as candidate for governor of the Commonwealth again in 1787 on a platform of granting complete amnesty to the rebels. On the basis of this election promise, Hancock was elected governor, and an amnesty was granted to the former rebels, both prisoners and fugitives, on the condition that they would henceforth confine their political agitation to participation in election campaigns. For the time being, the activity of the New England rebels was now perforce confined to political election work intended to block the Cincinnati conspiracy.

On the other hand, the Society of the Cincinnati found its position radically altered since the Annapolis Convention. The secret convention that was to be called at Philadelphia for the coming spring had originally been planned as a covered plot for the gradual establishment off a dictatorship, first in a canal-terminal city to be erected on the Potomac near the Great Falls, and then gradually, from that center, displacing the First Republic by the dictatorship (as the Cincinnati called it, "a more perfect union") spreading out from that center. Even after the political coup in Rhode Island, the gradual procedure still seemed

the best way to carry out the conspiracy; but the Shays Rebellion changed the whole outlook, and it became certain that the Philadelphia convention that would assemble in May would have to lay the whole plot immediately for the overthrow of the existing federal government, or it might not be possible to do it at all if sympathetic rebel movements were to be given time to get under way. Even with the suppression of the Shays Rebellion in February, 1787, there was still the danger that the movement might forestall them by getting its own forms of government organized—if not in Massachusetts or Rhode Island, then elsewhere—so the Cincinnati had little time left to work up their "more perfect union." There was nothing for their side to do but to make out of the coming Philadelphia Convention, a conspirative meeting to arrange an overthrow of the United States government.

In the general confiscation of workers' factories that followed the suppression of the Shays Rebellion, as well as in the few mills already under construction in Massachusetts and Rhode Island, the capitalists made feverish haste to get things even temporarily ready to employ workers, while, as construction and rearrangement went on, even farmers were taken off their land to work in the mills, and, by spreading employment and at the same time bringing workers and farmers under control of the capitalist system, actual rebel tendency was ultimately suppressed and much more effectively than the Commonwealth's military victory could have done. The Shays Rebellion arose out of the general unemployment conditions attendant on the regular depressions or crises inherent in the capitalist system; and rebellious tendencies arising on such an occasion can easily be countered by the offer of almost any form of paid

employment—a lesson which the capitalists learned in 1787, and have used to good advantage in subsequent depressions in America.

Even in Rhode Island, where a coup had placed the worker-farmer groups in control of the legislature, encouragement was given to the building of factories, because manufacturing in New England had up to then been mostly associated with democratic control by the workers, and it was, in a way, assumed that building up factories was in itself an aid to the rights of the people. It was not yet realized that those same factories, with a different form of organization, from a strictly democratic one based on labor instead of capital, would be a weapon in the hands of the capitalist, so that, the more such factories were operated, the more the worker could be suppressed.

The Shays Rebellion also brought all the richer elements, and their immediate following, definitely over to the side of the Cincinnati plot to overthrow the First Republic. The Congress had actually remained neutral during the Shays Rebellion, and was recognizing the government of Rhode Island, which was equally taboo to that group. As a result, all the large landowners and financiers began to consider it imperative to rid themselves of such a confederation, and to replace it by something that would act decisively to suppress any attempts to gain popular rights. The conception of democracy, which they had privately opposed all along but tolerated for wartime purposes, now became the target of attack on the part of these richer elements, who attempted to propagate the idea that the prime necessity of a republic was unquestioning obedience to authority—in direct contradiction to the principles of the Declaration of

Independence, of course.

The taboo on mention of anything connected with the workers' rebellion was such that it was felt necessary to put a preface of apology when a history of the rebellion (from the Commonwealth side, of course) was published in Boston in 1788. Apparently it was about that time that the term "carriage" began to come into regular use as meaning a horse-drawn passenger vehicle, that term having previously meant transportation, or else behavior; but, after the Shays rebellion, the type of vehicle in question could not be called "chaise" as formerly, because the word was pronounced too much like Shays.

The Shays Rebellion was suppressed, indeed, but the panic prevailing among the large financiers and landowners, among prominent politicians, and among the followers of these people, became greater than ever, and the Rhode Island political coup, which was still holding its own and providing a shelter for the Shays rebels, helped to increase that panic.

162. *The Northwest Ordinance*. In the meantime, the central government of the First Republic lost support from both sides. The Cincinnati were succeeding in filling Congress with many of their own sympathizers, which, of course, lost them the confidence of the rebel elements; this was especially the case after Jefferson, the author of the Declaration of Independence, was sent to France and his propositions permanently tabled. On the other hand, the Cincinnati, and the richer elements, who were now flocking fast to the Cincinnati side, were trying hard to discredit the existing form of government, in order to have less

opposition in their plot to overthrow it; for this purpose they were doing everything possible to block Congress, and prevent it from accomplishing anything of importance.

Several constitutional amendments were proposed to allow Congress to raise its own revenue instead of calling on the States for quotas. But here again the Cincinnati supporters blocked the passage of such amendments, because it was no part of their plan that America should have any self-supporting government except the one they were planning to impose. To add to this confusion, New York State, in 1787, started imposing customs duties on everything imported from other states, and this action almost threatened to break up the confederation, when combined with the lack of support the Congress had from other directions. It was on this account that New York State particularly opposed all efforts to turn over this source of revenue to Congress, and one of the proposed constitutional amendments actually failed of adoption only by New York's rejection (ratification of amendments by all the States being required by the constitution of the First Republic). The followers of the Cincinnati had actually succeeded in surrounding Congress itself, at its new home in New York City, with the customs barrier of an individual State.

Congress was thus forced to turn, for a last prop, to the Northwest Territory—the only thing that Congress was able to control directly. Jefferson's plan had been permanently shelved, together with all of Jefferson's suggestions, when the Cincinnati had managed to have him sent away as ambassador to France; and that side generally favored making a dictatorial form of government for the Northwest, instead of the democratic form.

But the Cincinnati were not yet in power, and there were many advocates of a democratic form of government, and of the rights of the Declaration of Independence. Also, the settlers who had already come to the Northwest, as well as those who were expected, might be frightened away if the dictatorship proposed by the Cincinnati were to be made too strict. Consequently a compromise was finally reached, whereby the "district," as the resolution finally adopted termed the territory, was to be governed at first by a governor appointed by Congress, who was to have absolute powers; but, after the district was to obtain a population of 25,000, a legislature with certain advisory powers, would be elected by the inhabitants of the district, which was to have certain rights of limitation of the governor's powers. The French Canadians living in the territory were to be allowed to retain certain of their property institutions, and a policy of protecting the native red tribes was announced in the same resolution.

The "Ordinance of the Northwest Territory," as finally passed in May, 1787, embodied these features, and also contemplated the establishment of full-fledged States in the Northwest, in the long run, which amounted to a concession to Jefferson's original plan. But, where Jefferson had figured on making ten States out of the Northwest right away, this was a provision for waiting until each prospective State should reach a population of 70,000. The States contemplated were specified as being not less than three nor more than five in number, and boundaries were laid out. For the three-State plan, two north-and-south lines were laid out corresponding exactly to the present boundaries of Ohio, Indiana, and Illinois, and extending to the Canadian border; and it was also provided that two additional

States might be created north of an east-and-west line drawn through "the south bend or extreme of lake Michigan." This "South Bend" was located near the present city of Gary and the northern boundary of Ohio is substantially at that line, while the northern boundaries of Indiana and Illinois have been moved farther north to give them outlets on Lake Michigan. The scheme of proposed States outlined in the Northwest Territory Ordinance, as passed by the First Republic, thus practically outlined the present layout of States in that region.

On account of the fact that it was mainly Massachusetts and Connecticut that were actually settling the Northwest at that time, it was decided to abolish slavery altogether in the Northwest Territory, and it was resolved in the Ordinance to permit "neither slavery nor involuntary servitude" in the district, except as punishment for a crime. It may be noted, in this connection, that the final abolition of slavery by the United States in 1865 almost copied the wording of this resolution of the Congress of the First Republic in regard to the only territory over which Congress had complete control. The northern boundary of slavery was thus fixed at the Ohio River as far as the Mississippi.

A more remarkable feature of the Northwest Ordinance, as finally passed in 1787, was the adoption of provisions protecting certain civil rights, such as freedom of religion and of speech, so that any settlers in the territory could have Congressional protection in that regard, in spite of the fact that the form of government was temporarily an absolute dictatorship.

The government thus organized for the "Territory of the United States Northwest of the Ohio River," as its full title was,

actually had control over very little territory—mainly along the Ohio River, and a few points on the Wabash and Illinois Rivers. Theoretically the jurisdiction of the government of this "district" extended from the Ohio River to the Great Lakes, and from the Pennsylvania border to the Mississippi; but actually its control was very limited. The northern part of this territory—what is now Michigan and Wisconsin—was under British occupation, in so far as it was not under tribal control; and getting rid of British occupation (which was against the terms of the treaty of 1783) was one of the diplomatic tangles that the First Republic never had time to straighten out. Again, the shore of Lake Erie had a few settlements, such as Sandusky and Cleaveland, but these were under control of Connecticut, as a sort of distant colonial possession called the "Western Reserve." Most of the territory was under actual possession of the red tribes; though Congress, in the Northwest Ordinance, undertook to protect these tribes in their possession, the settlers never let Congress's promise stand in the way of their appropriating tribal lands when the spirit so moved them; and, in this, though the First Republic actually sided with the tribes, as it undertook to do by the Ordinance, the Second Republic, that came into power soon after the Ordinance, always took the settlers' side in such aggressions.

Although the Northwest territory, as a newly-created governmental unit, was known as a "district," and provided that it could later be divided into several "districts," so that, for a while, the term "district" came to be the name for a region under absolute Federal control (still so used in the term District of Columbia); it became the model for the type of government that was to become known as a *territory*. In the Ordinance, the word Territory meant the land rather than the administrative unit; yet it

was from that Ordinance that the word "territory" became the word for such a unit. The "territorial" form of organization, as started by this ordinance, contemplated, at first, government by a federally-appointed governor with absolute powers; next, the addition of an elected legislature with advisory and partial legislative powers, to be gradually increased; and, finally, admission as a State. The intermediate stage of territorial government, which was, incidentally, the type of territorial government that came closest to Jefferson's shelved plan (and might have been derived from that source), seems to have been largely the same in general outline as the method the Iroquois Federation had evolved for governing defeated nations. This extra-constitutional problem with which the First Republic of the United States had to deal—of how a federation council could maintain control over territory which was federal rather than part of the constituent units, was largely the same problem that the Iroquois Federation had to contend with two and a half centuries earlier; and the result was much the same, so much so that it is a question as to whether the United States did not profit, at least indirectly, from the experience of its predecessor, from whom, as we have seen, it originally derived the very conception of federation.

163. *The Secret Meeting at Philadelphia.* When the Cincinnati sympathizers in the Annapolis Convention sent out their call to the State legislatures to send delegates for a convention next year to plan uniform interstate commerce regulations, it was intended to gradually pave the way for an infiltration of Cincinnati, financiers, politicians, and landowners into the projected regulating body for interstate commerce, and indirectly through that towards the complete seizure of power for

a Cincinnati dictatorship in the United States.

But the events of the latter half of 1786 turned out so that the call reached legislatures who were in a panic over the Shays Rebellion. It was easy for the Cincinnati to appeal to legislatures, and to politicians in general, as well as to the richer people all over the United States, that a complete change of government was necessary; so that the proposed Philadelphia convention was to be turned into a Cincinnati conspiracy to overthrow the government of the United States, and to establish something more centralized, and, as it was quite generally understood, to be headed by George Washington, the President of the Society of the Cincinnati.

The only legislature that was not subject to this appeal of fear in this way was that of Rhode Island, where the same elements as carried on the Shays Rebellion were now in actual control of the legislature. Accordingly the Rhode Island legislature, realizing that the proposed convention was nothing more than an attempt to organize a coup by which the Cincinnati could take power, refused to have anything to do with the proposed convention; from which arises the fact that the present Constitution of the United States had no signatures from Rhode Island.

Massachusetts received the call in time for consideration during the height of the Shays Rebellion, and a delegation was sent to the conspirative assemblage, consisting of the most prominent opponents of democratic government that the Commonwealth could find: including Elbridge Gerry, against whose "gerrymandering" the rebels had been protesting. From

the South, the aristocrats and landowners were sent as delegates; and, of course, George Washington, the leader of the Cincinnati, appeared as a delegate from Virginia. Thus in May, 1787, about forty of the most representative rich men and politicians got together in Philadelphia, from twelve of the States, Rhode Island not being represented. This was an extra-legal organization, for, though it had the sanction of State legislatures, it was not recognized by the federal government, and had no place in either confederate or State constitutions. The legislatures themselves voted on it in a hurry, so that their constituents could have no chance to express an opinion on the subject; and, if anyone wants to look for a reason for this haste, and even the secrecy with which this move was surrounded in most States, it is only necessary to take a look at the unprecedented rebellion then going on in Massachusetts. It was largely fear of what this uprising represented that drove the legislatures, that made them keep the moves from the people, and that converted the Philadelphia convention into a conspiracy to overthrow the government. The very fact that Rhode Island, with its supposedly worker-farmer group in control of the legislature, refused to participate, is indicative of what this convention meant to the people of America in the early part of 1787.

Delegates to the Philadelphia convention received letters from Rhode Island explaining that that state's refusal to participate did not represent the opinion of the better classes, but was the work of the rabble that had taken over the state legislature and was running amuck in the state—in other words, that, as in all other states, the people were against the Cincinnati plot, but that the "upper crust" took the opposite point of view. A message of the same sort was received even from the governor of

Rhode Island; it will be remembered that he made a similar apology for being unable to grant extradition of the Shays rebellion refugees.

By the time the group of conspirators got together in May, 1787, it was quite well understood all over America that their object was really to change the government in America to some other form—and it was, in fact, generally supposed that it was merely a thinly-disguised plot to make George Washington the King of America. As to the delegates themselves, the motive of fear of a recurrence of the Shays Rebellion on a larger scale was obvious at every move; and, as we have said, the absence of Rhode Island from the plot indicated all the more that this was the ruling motive of the whole assemblage.

"But the nation's financiers were frightened, as they started soon to show, When they plotted how the nation's government they could best overthrow, They hatched their plans in secret session, to hide their true intent, But from Red Island to that meeting not a single member went."

And the plot was indeed "hatched in secret session." They hired Carpenter's Hall (next door to Independence Hall) in Philadelphia for their meeting, swore all the delegates to absolute secrecy as to everything that was to pass within the doors, and locked themselves in for an all-summer session. And so well was this conspirative atmosphere kept around this assemblage that has since been dignified by the name of "Federal Convention," that

for over fifty years nothing whatever leaked out as to what went on in that mysterious meeting. Even then, the proceedings of the Philadelphia conspiracy only became known because two of the members of that meeting kept diaries, and the diaries were published after their death.

But, during the summer of 1787, all sorts of rumors were current as to what was going on behind those locked doors. The general idea was that they were plotting a monarchy; and, in general, it seemed quite well understood that some sort of governmental reaction was being plotted behind that cloak of secrecy.

In token of the Cincinnati leadership of this secret meeting, the Cincinnati's president, George Washington, was made president of the convention, and discussion was started as to what changes should be made in the form of government in the United States. The Annapolis Convention, the open meeting of the year before, had called for a Philadelphia convention on uniform interstate commerce regulation, "and other important matters;" the convention that actually assembled in Philadelphia simply took it for granted that their new government that would overthrow the existing confederation would automatically take care of interstate commerce, and proceeded to the "other important matters," namely, setting up a new government and getting rid of the existing government of the United States. Everything about the existing government was under fire in this secret meeting—democracy, federation, decentralization—and, through it all there kept cropping out all the time the convention members' fear of the Shays Rebellion.

Such statements were made in this secret assemblage as "our evils flow from an excess of democracy," while the institution of federation was attacked in a long discussion as to whether the States should be allowed to continue as units with their own governments, one member suggesting that "the whole should be thrown into hotch-pot, and an equal division made." The Shays Rebellion was frequently alluded to in a veiled form in the discussions, while the dangers that their proposed overthrow of government was to guard against was once definitely expressed in the words "Last winter the people took up arms." It is such discussions as these that might explain why the members of this conspirative assemblage of 1787 never disclosed the proceedings during their lifetimes.

It was, however, seen that some support from the State governments would be needed to put over the planned coup. The federate form of government makes it practically impossible to capture a nation by merely attacking the central organization, since each of the constituent units has its own independent existence as a government, so that capturing the central organization of a federation is like cutting off the head of a hydra—more grow in its place. The conspirators' best chance at this time was to get as many State administrations as possible on their side; the fear of a repetition of the Shays Rebellion was an appeal which the Cincinnati supporters could easily make to State administrations for support, provided they did not attempt to blot out State governments too completely. And so, though the conspirative meeting in Philadelphia started out by planning a monarchy, they finally decided it would be more feasible to make enough concessions to the ideas of federation and representative government to avoid losing all chance of appeal for support from

that quarter. But it was still planned to have the main power in the hands of a centralized authority, headed by a single executive—who, it was understood, would be George Washington, the chief of the plotters and the head of the Cincinnati—that could hold enough power to reduce either the States or the Congress to insignificance when occasion should require. Four months were taken up in working out the details of a plan by which that could be done without losing the external appearance of federation and democracy; but finally, on Monday, September 17, 1787, the plan was completed.

164. *The Plan for the Overthrow.* When the conspirators in Philadelphia adjourned in September, 1787, a complete plan for a new government to overthrow the First Republic came out of the secret session, and was presented to the public. It was not a plan for open dictatorship or monarchy, but compromised by having a form of government which was externally democratic and similar in general appearance to some of the state governments, yet enough power was centralized at a single point to enable one person to take over complete control whenever desired. Even so, three members of the secret session actually refused to sign the document, apparently on the grounds that too much concession to democracy had been made.

The "Federal Constitution," as it was called (in contrast to the existing constitution, known as the "Articles of Confederation") bristled with declarations of authority and bans and prohibitions at every point, especially where the States or Congress were concerned. The Congress of the proposed new government was hamstrung by being divided against itself, in order to make it easy to deadlock whenever the proposed two

Houses should disagree on anything. A central executive authority was created, in the hands of a single person, called "President of the United States," after the title of the nominal head of the First Republic; but the difference was that while, in the First Republic, the President was merely a presiding officer with no personal power, under the proposed new system the President, contrary to the implication of the title, would do no presiding but could veto any actions of Congress, had complete control of the army and navy and held the purse-strings of the treasury. While under the First Republic the members of Congress were paid by the States that sent them, thus keeping them representatives of their constituency, under the proposed government to overthrow the First Republic, Congressmen would be paid by the Federal treasury (which was to be controlled by the President) and were not subject to recall during their terms, so that, once elected, they would for their entire terms be dependent on the President rather than on their constituents. One of the two Houses of the new Congress (called the Senate because, in line with the Cincinnati idea of gradual introduction of dictatorship on the lines of the ancient Roman Empire, Roman names were supposed to be in order) was arranged so that it would never change completely at any time, but one-third of the members would go out of office every two years, so that the majority would always be composed of members who were not dependent on the latest elections and whom the executive head (who was in closer contact with them than with the other House, according to the plan) could have reduced more to his will, especially through continued control of the purse-strings. In addition, the President, with an almost complete veto power over Congress, and with the duty of giving them an annual program of recommendations as to what would be expected of them in the way of legislation, would,

it was expected by those who drew up this plan, be in a position to force any sort of legislation he wanted, in spite of the mandates of the States or the individual opinions of the members of Congress.

As though that were not enough guarantee of control by the President (it was understood that George Washington would hold that office if the overthrow were carried out successfully), a system of permanent Federal courts was created by the plan for the new government to consist of Presidential appointees holding office for life (so that, in case Washington should by any chance lose an election, he could still hold control through the courts) and having the final say as to the interpretation of laws passed by the Congress, and even in many cases of State laws. A curious provision in this connection is the one giving this system of Federal courts jurisdiction of cases between citizens of different States—a peculiar provision whose only adequate explanation seems to be that it was inherited from the constitution of the Iroquois Federation, which supplied the best precedent for a federal court system, and where that system was originally introduced to settle disputes between members of different tribes of the federation.

George Washington's plan for a dictatorially-controlled city at the terminus of the projected Chesapeake and Ohio Canal was embodied in the plan of the new counter-revolutionary government. Complete Federal control was provided for a district, not to exceed ten miles square, that was to be used as the capital of the new government; and in that district no State could have anything to say, and no trace of democracy could possibly find its way, since none of the inhabitants could have a vote,

either in a State government or in the Federal organization, or even in their own local government, which was to be left entirely in Federal hands. The inhabitants of this "Federal City," as Washington called it, would be under a complete dictatorship, and it was even questionable as to whether they would rank as citizens of the United States. Incidentally, we may observe that under the Second Republic that question has never been completely settled, and the capital city still remains under a complete dictatorship locally. Of course, the excuse given was that it would enable the Federal organization to function independently of any State in which the capital might be located; but the First Republic had found that adequately taken care of by giving the Congress the right to move from State to State at its convenience, and it was considered that only a totally undemocratic federal government would be so totally opposed to all the States at once that it would have to retire to an outside neutral spot, from which it could rule over everybody.

The plan of government also contained a sweeping series of prohibitions on the States, a few of which were taken from the existing constitution, but most of which were intended to take many functions of government away from the States, and make the States subject to Federal rule in as many spheres as the Cincinnati thought they could safely get by with at the time. A few of the prohibitions, such as the provision prohibiting a State from interfering with the obligations of contracts, or from making paper money legal tender for debts, indicate quite obviously that the framers of the document were much afraid of a move to confiscate debts—and a fear of the Shays rebellion and of the Rhode Island coup remains permanently written into the present

Constitution of the United States.

Fear of the Shays Rebellion was also written in several other ways into the constitution drawn up in the Philadelphia secret convention. The authorization for the intervention of Federal military authority at the call of the State legislatures or governors, to intervene in case of rebellion, so obviously refers to the Shays Rebellion that no comment is necessary once it is known that the constitution was written the summer following the uprising. It was also authorized for the President to use his discretion for the enforcement of Federal laws; which, in view of the same circumstances, is reminiscent of the Commonwealth's uproar after the Battle of Springfield, when it was claimed (though falsely) that the rebels had violated the neutrality of the Springfield Arsenal as federal property. A leaf was also taken out of Rhode Island's book when a Supreme Court, appointed by the President, was placed in a position where it could nullify any Federal or State laws—the Trevelyan case in Rhode Island had already shown how that could be used to good advantage to prevent the people from having any real voice in government. It is true that in Rhode Island the legislature had succeeded in ousting the judges, but the proposed constitution for a new government in United States made Federal judges non-removable except by impeachment for serious crimes. This was a far cry from the arbitration system of the First Republic, where interstate disputes were settled by an arbitration board selected for the occasion jointly by both parties and Congress.

The secret meeting was filled with arguments between the delegates from small states, and those from the larger ones, each trying to get the greater share of power. The final result was a

compromise by which the lower house of Congress got representation according to the population, while the Senate had two members from each State.

The constitution, as drawn up by the secret meeting in Philadelphia, contained no guarantees of individual civil rights. Such a proposition had been made at the meeting, but was definitely rejected. Under the First Republic, the State constitutions contained such guarantees of civil rights as each State wished to put in, and the Congress had no powers over individuals directly, and no power of enforcement except through the States. But the new proposed government, under the Cincinnati plan, could legislate over individuals, and could enforce its laws directly, so that a lack of guarantee of civil rights was equivalent to a denial of the rights of individuals, one of the primary principles promulgated by the Declaration of Independence.

The President was given a sort of "heir-apparent," entitled Vice-President, who was supposed to understudy the President and act as a substitute, and who, in the meantime, presided over the Senate. Both of these were to be elected by electors specifically chosen for the purpose in any way the State legislatures should prescribe—the idea being to take the choice out of the people's hands, though, after about fifty years, it was turned into a form of popular election. According to the plan, the Vice-president was the second choice for President.

Slavery was an important item in the constitution that it was proposed to impose on the United States. Though that institution was nowhere mentioned by name, several provisions for its

protection were inserted, most important of which was the so-called "fugitive slave" clause, requiring any State, in spite of its own laws to the contrary, to return fugitive slaves from other States. This was intended as a definite set-back to the strong movement in the Northern States, started by Massachusetts and Vermont, to abolish all recognition of Slavery.

Provision was made whereby the proposed constitution could be amended by a two-thirds vote of Congress and three-fourths of the State Legislatures. This was such a provision as practically every constitution that had ever been drawn up in America always contained, as to how the constitution could be changed. The important point is, however, that though the constitution already in force could not legally be amended except by proposition of Congress and the consent of all the State Legislatures, the proposed constitution was to take effect on ratification by "conventions" (whatever that meant) of nine States, and without regard to either state or federal authorities already existing. This indicates that the intention of the Philadelphia assemblage was not to amend the existing constitution, but to overthrow the government by a *coup d'état*. Another such indication was the fact that a special provision was put into their proposed constitution acknowledging obligations previously contracted by the United States—hardly necessary except on the supposition that a complete overthrow was contemplated.

Thus the proposed constitution was one which, under the guise of democratic forms, centralized into the hands of a single person, removed as far as possible from popular election, practically complete control, not only over the Federal

organization, but to a great extent over the State governments. Complete control over all trade between the States and with foreign countries was also centered in this Federal organization (probably the only concession the Philadelphia conspiracy made to the pretense that they had been called to discuss uniform interstate commerce laws); and, to prevent another such coup as the Cincinnati followers were now planning, it was provided that all officers under the new government were to take an oath of allegiance to the Constitution. A virtual dictatorship under guise of democratic government (though actually largely modelled externally on the pattern of the British regime overthrown by the Revolution) was thus drawn up; it only remained for the Cincinnati and their followers all over the United States to put over the coup and take control according to plan.

It might be said that, though the framers of this constitution actually followed to some extent the British model of government, the mere fact that circumstances made it almost imperative for them to preserve a Federal framework, also made it necessary for them to take over enough features from former federal plans in America to link up even this plan with the original federal constitutions of the red race federations, especially the Iroquois, which, being more oligarchic in structure than the others, served as the main model in this case. The provision giving Federal courts the jurisdiction over suits between citizens of different States is a particularly obvious survival from the Iroquois constitution.

165. *The Ratifying Conventions.* The plan of the Cincinnati conspiracy was that their proposed Constitution should be adopted by "conventions" of nine States, and not by the

legal process of amending the existing Constitution. What was a "convention"? The same people who were promoting the idea of calling State "conventions" to "rubber-stamp" the proposed governmental overthrow, were the very ones who, only a few months before, were violently denouncing the idea of "convention," at the time when that term was used in connection with the Shays rebellion. But now the Cincinnati followers themselves were the rebels against the United States Government, and they themselves adopted the term "convention" to dignify the secret meeting of the plotters during the summer of 1787, so that the word "convention" came to mean some sort of assemblage of the rich and influential people, where only the previous winter it had implied the opposite idea. So that the provision as to ratifications by the conventions of nine States probably meant that the original conspirators intended that similar secret conspirative meetings should be held in the various States to approve the decision of the Philadelphia "convention" of the summer of 1787, and that these conventions would override the existing State administrations, adopting and organizing the new government over the heads of the existing authorities.

The State legislatures, however, also had something to say about that. They mainly consisted of politicians who would expect the new regime to benefit them at the expense of the people; but, by the same token, they were not going to let themselves be ousted from power, since, as long as they had power, they would use it to hold on. So they took charge of the "conventions" themselves by organizing State conventions under their own auspices, to be elected at hasty elections in which the property qualifications for voting were set so high that practically

nobody but the classes expected to benefit by the new regime would have a vote. Of course, the middle states, as we have seen, were always favorable to rule from above rather than to democracy, and consequently would be most inclined toward the new regime as against the First Republic. It was no surprise, therefore, that the first three States to call "conventions" and ratify the proposed Constitution were Delaware, Pennsylvania, and New Jersey, all of which rushed the whole plan through in such haste that the conventions there had done their work and adjourned before the year of 1787 was over.

By this time intense opposition was beginning to develop all over the United States against the proposed "Federal Constitution," as the proposed form of government was called (in opposition to the "confederation," which was the term used to denote the First Republic). Two opposing parties arose as a result, the advocates of the overthrow calling themselves Federalists, and the various opponents of the proposed coup being called Anti-Federalists. Opposition came from various directions—some of it from those who considered the plan too democratic, and some from politicians who did not expect to be on the Cincinnati's favored list; but by far the greatest portion of the opposition to the proposed new government was from the advocates of civil rights, liberty, and democracy, especially from the former participants in the Shays rebellion and their various grades of sympathizers. In the same way, it was those who wished to see popular rule suppressed once for all, especially those who were afraid of a recurrence of something like the Shays Rebellion, who were most anxious for the success of the coup planned by the Cincinnati and their following of large

landowners and financiers.

In spite of the fact that the plot was to a large extent Southern in origin, the South had its own form of opposition to the projected coup. The slaveholders were afraid that a centralized federal organization might give the North too much say locally, and make too many inroads into the institution of slavery, since they had already succeeded in abolishing slavery, not only in most of the Northern States, but also in the federally-owned Northwest Territory. Thus there arose the counter-proposition for a separate confederacy, on the same model as the proposed coup, to consist of the States south of Mason and Dixon's Line. This might have been a better solution for both North and South, and would have made the Cincinnati coup more difficult to carry out in the North, especially with the head of the Cincinnati, George Washington, removed from the field. The South and the North have never properly held together, inasmuch as their origins, as well as their traditions and social institutions, were widely different from the very beginning.

But, on the whole, it was the South more than the North that was favorable to the Cincinnati side, and the ratification of the Cincinnati's proposed Constitution by a convention in Georgia broke up the plans for a Southern Confederacy for the time being, though the idea was never completely abandoned, and the South always acted within the Second Republic as a bloc against the North.

It was in Massachusetts, where the Shays rebellion had just taken place, that the greatest opposition to the plan was expected; while Rhode Island was in a category by itself, since the

legislature there was sympathetic to the Shays rebellion, and realized that the proposed coup was quite as much to suppress Rhode Island's government as for any other purpose—in fact, many provisions of the projected Constitution were quite directly aimed at Rhode island, not to mention the fact that Rhode island had not been represented in drawing up the plan or in plotting the coup. Accordingly the Rhode Island legislature decided that it itself was a good enough "convention" to pass on the proposed new Constitution—and rejected it. In Connecticut, the state government was afraid both of another Shays Rebellion and of its neighbor Rhode Island, and so a "rubber-stamp" convention there was set up to ratify the Cincinnatian proposition. But in Massachusetts the issue was hotly contested, especially in view of the Hancock amnesty, which granted the Shays rebels a chance to participate in political activity.

166. *The Massachusetts Reservations.* Accordingly, in Massachusetts, with all the attempts that the Commonwealth government made to load the election machinery in favor of the counter-revolutionary plot, the question was hotly contested all the way through. There was indeed some effort to get a "rubber-stamp" convention appointed with the mere form of an election, as had been done already in some other States; but rumblings were already beginning to be heard throughout Massachusetts, and threats of a new rebellion. In the spring of 1788, the Shays rebellion was still too close for the authorities of the Commonwealth, or the planners of the counter-revolutionary coup, to be able to disregard them. It was the fear of a new Shays rebellion that prompted the plot for the overthrow of the United States government; and it was the same fear that made the Massachusetts branch of that plot give the former rebels more of

a voice in the "convention" than they had originally intended. The result was a convention, that, when it assembled in Boston, was about two-thirds opposed to the proposed plan of a new government. About one-third of the convention consisted of the Cincinnati supporters, including some of the plotters that had come from the Philadelphia convention; another third were from the rebels of 1786 or their sympathizers; while the remaining third were middle-class people who had no sympathy with either side, but who preferred the status quo because they were afraid of creating a new, more powerful, government over them that could take away their personal rights—such as they were. Where the counter-revolutionary conspirators had originally intended a convention of their own group to approve of their own plan, the ex-rebels were so greatly feared in Massachusetts that they were able to get a strong foothold in the convention in spite of all plans by the capitalists to the contrary. Thus the convention opened, amid hot attacks on the proposed constitution for the new centralized government. The general tenor of these attacks can be summed up in a speech made by Singletary, one of the ex-rebels in the convention: "These lawyers, and men of learning and moneyed men that talk so finely, and gloss over matters so smoothly, and make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great Leviathan ... just as the whale swallowed up Jonah."

The final upshot of the contest, with the Federalists in power in the Commonwealth government, and determined not to let their opponents run the convention, was a compromise suggested

by a convention delegate determined to put through the plan somehow. A proposition was made that Massachusetts, through the convention, should ratify the proposed Constitution with reservations, those reservations being to the effect that constitutional amendments should be submitted at once by the Congress of the new government for the purpose of guaranteeing individual rights. The constitutional amendments outlined in the Massachusetts reservations dealt with the methods of representation in Congress (obviously taken from the resolutions of the Hatfield Convention), and then went on to forbid the federal authorities to interfere with freedom of speech, religion, petition, or assembly, or with trial by jury, or to make arbitrary arrests, and a number of other such matters that the Cincinnati had deliberately omitted from their proposed Constitution.

This proposition as debated in the Massachusetts convention, excited equally vociferous pro and con arguments. However, the middle-class elements, who shared the fear of the Shays rebellion, but objected to a limitation of civil rights, were largely won over by this proposition of reservations, but the Federalists themselves objected to these reservations, on the ground that it would destroy the whole object of the proposed new government, as such reservations would prevent the suppression of democracy for which the new Constitution was mainly designed.

The resolution was finally adopted in amended form, since, on the motion of John Hancock, it was voted to ratify the Constitution proposed by the Cincinnati conspiracy, but with the Massachusetts reservations recommended as amendments to that Constitution, to be submitted to the new Congress immediately

on its formation. Thus Massachusetts, through the influence of the remnants of the Shays Rebellion, was able to force on the new government a "Bill of Rights" which was directly opposed to the original Cincinnati plan, and which formed a set of amendments that have since become much better known than the Constitution itself. Even with the reservations, the convention vote was 187 to 168.

After this convention, the Federalists, led by the Massachusetts Bank's engraver, Paul Revere, staged a celebration in the streets of Boston parading a model of what they called "the good ship Constitution" (which, to judge by available drawings of the celebration, looked more like a row-boat than a ship), ending with a banquet in the Green Dragon Inn, on Long Lane. In that Federalist celebration banquet, it was decided by the Federalists, in commemoration of their own victory, to change the name of Long Lane to Federal Street, a name which that street still bears.

In New York State, where New York City was a monarchist city and overwhelmingly in favor of the Cincinnati, while the up-state region was just as much opposed to the proposed overthrow of the United States government, a convention was held at Poughkeepsie, where there had been in 1786 riots in sympathy with the Shays rebellion. The compromise tactics used in Massachusetts were adopted by the New York Federalists, with the result that New York followed the example of Massachusetts in ratifying with reservations. But before New York's "convention" assembled, the Massachusetts reservations had been adopted by South Carolina, Maryland, Virginia, and New

Hampshire.

New Hampshire being the ninth State to have a "convention" ratifying the Constitution as proposed, the Federalists considered their proposition ready to take effect, even though there had been no attempt to consult federal authority, or to amend the existing constitution through the regular channels. Of the four remaining States of the First Republic, Virginia and New York came through with their conventions shortly after New Hampshire; but North Carolina and Rhode Island, the same two States that had been in advance in declaring independence during the Revolution, were still firm in rejecting the Second Republic. The Federalists thus planned to take the eleven ratifying States into their new reactionary government, and to take whatever measures might prove necessary to force the submission of North Carolina, Rhode Island, Vermont, and Kentucky.

167. *The First Republic Surrenders.* On Monday, November 3, 1788, there met in New York the last Congress of the First Republic, representing the legislatures of the thirteen States of which eleven had already planned to destroy that Congress. Thus that Congress consisted of delegates practically instructed to desert the ship, only the delegates of North Carolina and Rhode Island planning to stick it out. Consequently this Congress, instead of taking any steps for the preservation of the government it represented, merely surrendered completely and took steps for the complete destruction of its own government, being now in complete control of the Cincinnati organization and their sympathizers. Dates were set for the election of Congress and President for the Second Republic, and the complete

resignation of the government of the First Republic was made out, to take effect on the first Wednesday in March. All federal departments and operations were completely dissolved, with the exception of the Post Office, the only part of the First Republic that the present government actually took over. After this was done, the Congress itself dissolved, leaving the winter of 1788 as an interregnum without any actually functioning federal authority. George Washington and his followers the Cincinnati, and their sympathizers, actually had charge of federal election machinery between November and April, as well as of the Federal Hall in New York. The Northwest Territory, the only actual federally-controlled land in the United States, was left in complete control of its governor, General St. Clair, who turned out to be a member of the secret society of the Cincinnati, and was of course under the direct instructions of Washington, who had originally planned the coup. All foreign ambassadors were recalled, including Thomas Jefferson, who had served his purpose abroad in that he was out of the way while the coup was planned and carried out, but who might make a poor representative in France for the Second Republic. From every direction, the First Republic was surrendering all its functions of government, not to the Second Republic, which had not yet been organized, but to the Cincinnati, headed by George Washington, to be turned over (presumably) to the new government on the first Wednesday in March. All governmental functions actually reverted to the States for that winter, since all federal authority was disorganized, and the Cincinnati were merely in charge of a few fragments left over for their use in building up the new organization in the spring. It was not merely a coup in the sense that no attempt was made to change the existing constitution by legally recognized methods; there was a complete dissolution of

the old government from within, and the Second Republic took over very little of the administrative machinery that the First Republic had, so that the federal regime suffered a more complete revolution than most of the States had had during the War for Independence. The old government was penetrated by its enemies so far that it surrendered and dissolved; and several months elapsed before a new government was built up to take its place, while the Cincinnati organization was holding the few threads together during the interregnum, and their agents in the State governments were handling actual law enforcement during that period.

Participants in the original revolution, many of whom had been gradually leaving the United States all through 1787 and 1788, now began leaving in large numbers. France, though a reactionary country, proved, as a former ally of the American revolution, to be a good refuge; while many of the refugees, taking advantage of the fact that it was the United States from which they were trying to escape, tried to get into Canada by claiming to be United Empire Loyalists; and in this many of them were successful, so that Canada received a considerable immigration of alleged "Loyalists" in the period of 1788-91 who were really too revolutionary and democratic for what the United States was turning into. Most of these settled around the Lake Ontario region, and their demands for a democratic form of government became so strong that the British authorities finally had to grant a separate charter for the government of the Great Lakes region of Canada, forming the province of Upper Canada (now Ontario).

In the meantime the Legislatures of the eleven States that

were breaking off from the First Republic, to form the Second, were busy staging an election under Cincinnati supervision. A complete Congress was elected, to take office on the appointed date, the first Wednesday in March; and each of the eleven states had a different style for choosing the Presidential electors. In some States they were appointed by the Legislature, and in others they were appointed by the Governor; in some States the electors were elected at large by the voters, and in others they were elected according to districts; while some States chose their Presidential electors by a mixture of various plans. But one noteworthy point is that long before the electoral votes were counted it was taken for granted that George Washington would be the President, and he actually started for New York before there was a chance to count the votes!

When the appointed date of the first Wednesday in March—March 4, 1789—drew around, the Federal Hall was opened for the members of the new Congress, who were gradually drifting into town, to wait for the coming of George Washington, the head of the new government who would place a firm hand on things, and check the "excess of democracy" that had been prevailing. The First Republic was definitely passing into history (it has, for most part, been forgotten even by historians), and the pine-tree emblem of freedom of the First Republic was being definitely replaced by the Roman eagle and fasces of the nation's new masters, the Cincinnati.



[Home](#) [Contents](#) [Next](#)