

## THE DEBATE ON AMERICAN INDEPENDENCE JULY 1, 1776 \*

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A little after nine o'clock in the morning, on Monday, July 1, 1776, members of the Continental Congress began to file into the noble east chamber of the State House in Philadelphia. The day was hot and sultry. A breeze blew gently up from the swamps and marshes below the city, heavy, humid, giving promise of a summer's shower.

There was excitement in the air about the State House as the members assembled, a tension everyone felt. "This morning is assigned for the greatest debate of all," John Adams wrote—the debate on Lee's resolution, the debate on American Independence. Three weeks Lee's resolution had laid before Congress in all its stark simplicity: "*Resolved*, that these United Colonies are, and of right ought to be, free and independent states. . . ." Three weeks ago the motion had been read, and hotly debated. A majority seemed against it. Finally, that first sharp debate on June 8 had ended in a compromise. Committees had been appointed, one to draft a declaration stating the reasons for independence, another to draw up a form of confederation of the colonies, a third to prepare a plan of foreign alliances. But the central question, independence itself, had been postponed, to be considered again on July first.

And now July first had come, and before the members lay what Adams called "the greatest question which ever was debated in America . . . a greater, perhaps, never was nor will be decided among men."

All these three weeks, Adams and the "hot, violent men" of New England had labored for their victory. They needed nine

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colonies to carry Congress, yet throughout June they were able to count only eight. Long ago the four New England provinces had resolved for independence, and the four southern. These were the eight-vote nucleus. But the middle land held back. New York, Pennsylvania, New Jersey, Delaware, and Maryland were the doubtful colonies. Any one of them would make the ninth required. Jersey had actually held its election, chosen new delegates, "high charged them for independence." But when Congress met at nine o'clock that Monday morning the new members from Jersey had not yet arrived.

And the men of South Carolina were changing their minds. Edward Rutledge—"a perfect Bob-o-Lincoln, a swallow, a sparrow, a peacock," Adams once called young Ned Rutledge, "excessively vain, excessively weak, and excessively variable and unsteady; jejune, inane, and puerile"—Rutledge had argued mightily against independence on June 8, and in the three weeks since had been marshalling support among the cool, considerate men. His delegation was behind him. Loss of South Carolina was certain, and this would defeat the measure, for even if the Jersey delegates arrived, there would still be only eight colonies in favor. New York's provincial convention had refused to act, and Pennsylvania was hopeless. Her assembly had adjourned on June 14. One more of these middle colonies was desperately needed today, if independence was to carry.

Fortune favored the violent men. Early that Monday morning as John Adams sat at his desk in his lodgings, writing letters, waiting for nine o'clock to come, a post rider pounded into Philadelphia with a hurried note for him from Samuel Chase in Annapolis. It was dated Friday evening. The Maryland convention had finally resolved for independence, Chase's note said. He was sending the new instructions, sending them by special express messenger as soon as they could be signed and sealed. Adams was jubilant. "May Heaven prosper the new-born republic," he wrote, just before he set out for the State House, "and make it more glorious than any former republics have been!" For Maryland meant victory—if Chase's express arrived in time, if the New Jersey delegates came in. . . .

It was John Adams who had encouraged Chase to go down into Maryland as soon as he returned from Canada on June 11. Adams had urged him to canvass the province in person, use his prodigious

influence for speedy action, that new instructions might reach Philadelphia by July 1. It was Adams who had written endlessly to independence men in every colony, fashioned out of his correspondents a sort of political party, planned its strategy, directed its campaign. It was Adams who was the architect of this day's affairs, "author of all the mischief" as he called himself, the politician of independence. No one knew better than he that Monday morning how narrow the chances were, how much depended on Jersey, the eighth, Maryland the ninth state in his tally.

Others had supported independence in Congress, but they had not shared the managerial details, participated with Adams in the politics of thirteen capitals, corresponded as he had with leaders of every stripe. Hewes and Penn of North Carolina, for example, had long been independence men. Their instructions were clear, their delegation assured. They spent the week-end calmly enough, aware that Monday would begin "an era of great importance," but unaware apparently of the delicate timing on which it depended. They confidently expected victory by a large majority. Hewes wondered only what name the new country would bear.

Thomas Jefferson occupied the early hours Monday listening to a merchant from Montreal tell of the war in Canada—this was part of a committee assignment Jefferson had drawn. Then at nine o'clock he noted the temperature on his new thermometer (82½ degrees) and walked over to the State House. The declaration he had labored over was finished, and had been reported. It would not be discussed on the floor until tomorrow at the earliest. Jefferson had taken no part in Adams' extensive preparations. He set himself for a silent day of listening, note taking, voting when called upon with his colleagues from Virginia.

Richard Henry Lee, who had composed and introduced the resolution, was not even in Philadelphia. He had left on June 13 for Williamsburg, where the Virginia Convention was meeting. His contribution to the independence debate was finished with the resolution which bore his name. And other independence men had simply waited, worked away at their many congressional tasks and watched events in the middle land during June with more or less understanding. Elbridge Gerry thought Pennsylvanians had come around pretty well, and "now more confide in the politicks of the New England Colonies. . . ." He was wrong, of course. Whipple of New Hampshire likewise followed the puzzling events in Penn-

sylvania with a confused optimism. He believed the central provinces were "getting in a good way." Over the week end he had written, "Next Monday being the 1st of July, the grand question is to be debated, and I believe determined unanimously. May God unite our hearts in all things that tend to the well-being of the rising empire."

More than thirty of the members were independence men; but it was John Adams who stood at the center of things, informed, aware, busy, fully prepared for Monday's debate and its enormous implications. There was nothing naive or complacent about Adams as he entered the hall. He knew there come times when rising empires depend less upon hearts united by God than upon political machinery carefully, skillfully directed. And he knew also how vigorous the opponents of independence had been since that first debate on June 8.

For if Adams was the politician of independence, the architect of this day's affairs, there were other politicians in Congress who had planned structures of their own. To the State House that morning came John Alsop of New York, a fundamentalist; Edward Rutledge, his parochial plumes almost visible; the Pennsylvania men with a disastrous revolution on their hands; and Mr. Dickinson, a statesman. In their several ways they were Adams' opposition, and in their several ways they represented America's troubled mind.

John Alsop was intransigent. Silently he had sat through the June debates, silently he would sit today; but after today he would resign, and leave public life forever. For Alsop opposed independence from a fixed determination to achieve reconciliation with Britain instead. Reconciliation was his one political principle. On this, he was fundamentalist. Always in crisis some men of such rigidity appear. Alsop had not opposed waging the war, or soliciting French support, or organizing a firm continental union or opening ports to forbidden trade; but he had viewed all these steps as moves toward reconciliation—reconciliation in a new pattern, perhaps, a new and unique place in the empire, even a new sort of empire, but reconciliation nevertheless. He could keep pace with all changes, accept all progressions of the collective mind, except the single one of independence. John Alsop was not equipped even to discuss the merits of that question. He was simply against it. Many Americans were like him. There was only one thing for them

to do; that was to follow Alsop into obscurity. History leaves the intransigent behind.

Many Americans thought like Edward Rutledge, too, though this was a far different thing. Rutledge was not rigid, he was devious and sinuous. He, too, had accepted all the progressions of the public mind except one; he was even prepared to support independence under certain conditions. But one concept eluded him, one reality of his age seemed yet unreal to him. Edward Rutledge had not accepted the word American. He was a South Carolinian; therefore he opposed independence in Adams' terms. Rutledge dreaded the New Englanders, feared their influence in debate, "their low cunning, and those levelling principles which men without character and without fortune in general possess, which are so captivating to the lower classes of mankind. . . ." And he opposed the Lee resolution because independence might throw South Carolina into a league dominated by these same New England men. Rutledge's two political principles were blandly straightforward: South Carolina free of outside control, South Carolina ruled by her planters and merchants. Truth to tell, Rutledge was less concerned this Monday morning with Carolina's independence from Westminster, than he was with her independence from Philadelphia.

Now the great point of Adams' program was of course the unity of the colonies, "making thirteen clocks strike as one." Independence, the argument ran, would oblige all the colonies to act together, would speed up the slow ones, forge a single entity out of what had been only a single purpose. Independence would create an America in fact as well as in spirit. All such arguments Rutledge contemplated with suspicion. Where would South Carolina be in this new America? he asked. The only reason given for independence now, as Rutledge saw it, was "the reason of every madman, a shew of spirit."

No silent spectator like Alsop, Rutledge made ready for Monday's session with an energy uncommon in him. He spent long hours at his desk over the week-end. Come down, he begged his friend John Jay, busy in New York as that city prepared to face Howe's army. Come down, for on Monday independence, confederation, and the plan of treaties would be at stake. The "honest and sensible part of the members," Rutledge wrote, must oppose the first, independence, and by their exertions infuse wisdom into the other measures, confederation and the alliances.

That wisdom, in Rutledge's mind, was the independence of South Carolina. Such was his fundamentalism. He had his own program for this day. Back in May he had served with Adams on the committee for forming state governments, that committee which had started the avalanche of independence measures. But on June 8 he had fought against Lee's resolution, insisting that governments state and national should be established first. He had even opposed foreign alliances before confederation. "A Man must have the Impudence of a New Englander to propose in our present disjointed state any Treaty (honorable to us) to a Nation now at peace," he had written.

Then all though June he had grown angrier, more alarmed, more fixed in opposition as he saw the kind of government other men wanted. Rutledge was on the confederation committee, at work since June 12, one delegate from each colony. After June 8's postponement, it had been assumed the three committees would finish their work by July 1, that the members might know what it was they were establishing when they came to vote independence. But the confederation committee wrangled and disputed day after day, floundered in rivalries and antagonisms. If he dreaded the New England men for their low cunning, Rutledge found that he despised just as much the high subtleties of John Dickinson. Mr. Dickinson's proposals for confederation envisioned a strong central government. His constitution would destroy the independence of the colonies, Rutledge told Jay, make "every thing of the most minute kind bend to what they call the good of the whole." South Carolina, all the states, would be lost to freedom if independence threw them into such a league as Dickinson's draft contemplated. "I am resolved," Rutledge declared, "to vest Congress with no more Power than is absolutely necessary, and to use a familiar expression, to keep the staff in our own hands; for I am confident if surrendered into the hands of others a most pernicious use will be made of it." The "honest and sensible part of the members," Rutledge argued, must have none of Adams' independence, if it included Dickinson's strong central government. He wanted a simpler league, no more than a military alliance among free states. He wanted no "good of the whole." Dickinson's draft of confederation he judged too complex. In it, the Pennsylvania farmer had exhibited, Rutledge believed, "the vice of all his productions to a considerable degree; I mean the vice of refining too much."

Always in crisis men of Rutledge's mind appear, men who oppose general measures from special interest, who cannot square the one with the other. Always, too, appear the undecided, the indecisive. Floyd, Lewis, Wisner, and young Robert Livingston, Alsop's colleagues of the New York delegation, were in a pickle as they met at the State House that Monday morning. More than three weeks ago, right after the June 8 postponement, they had written home to the New York convention warning that independence would soon be considered again by Congress, and their present instructions forbade them to vote on that question. Would not the convention please reconsider instructions and communicate their sentiments without delay? No word came, and over the final weekend the New York delegates waited uneasily. They might well be the only colony embarrassed for want of new instructions, if Maryland acted, if the Jersey men came in. "Our situation is singular and delicate," they complained.

Adams knew his opposition, the intransigence of some, the local particularism of others, the confusion and irresolution of many. He knew his support, from Chase's smart corruption in his own bailiwick to Dr. Franklin's good sense here in town. And he knew also the measure of John Dickinson, most formidable of the opponents of independence, next to Franklin the best known of all the delegates, bound to make today a last stand in defense of his system of politics, his program of American resistance. But bound to fail, if Maryland and Jersey arrived. . . .

Dickinson had spent the week-end at his home, Fairhill, north of the city. He had sent off no letters, pulled no political strings, marshalled no support. Instead, he had written a speech. On long folio sheets of lawyer's foolscap, he had set down exactly the reasons why he was against independence—composed carefully at first, in well-rounded sentences which he read over, revised, expanded, rephrased, developed. Then as his thoughts touched all the subjects involved in Monday's question, he wrote hurriedly in brief notes, sketched lightly, sometimes jotted down no more than a key word to guide his mind.

Perhaps it could be a pamphlet after the speech was finished. Phrases came to him out of his reading, Ceasar setting sail in a skiff made of paper, Blackstone on Doomsday Book, tags from Cicero, Montesquieu, Locke. . . . Perhaps after independence was voted, Congress would permit the publication of an address made on the

floor, in spite of the rule of secrecy. For Dickinson was convinced that independence would be voted, if not this Monday, then soon. In the last three weeks he had lost Pennsylvania, and Pennsylvania was the keystone of the matter. Independence was certain, yet it would be disastrous. He wanted to say why, to warn the people. He wrote diligently. On Monday morning, he rode into town from Fairhill, the manuscript of his speech in his portfolio.

Excitement was in the air that hot first day of July, but there was tragedy, too, desperately bad news, and a gnawing apprehension. General Howe with a formidable army was about to occupy Staten Island. He would sit opposite New York, apparently invincible. At any moment he might seize the city, or even march westward across Jersey toward the Congress. Over this critical week-end the first sail of his imposing armada was sighted off Sandy Hook. And for weeks reports one after another had arrived telling of the defeat of American troops in Canada, the huge new British army there under Burgoyne, the rout and capture of General Thompson with his whole force at Three Rivers. It was a strange, a dangerous moment for independence. Perhaps Dr. Witherspoon, president of the college at Princeton, was right when he said all America was ripe for the measure, even rotten for the want of it. But what would help the ripe fruit from falling into British hands?

Congressmen, as the doors closed upon them in the heat of their high, white chamber, knew the risks of this "greatest debate of all." But independence delegates were not deterred by dangers. One member marvelled as he heard the reports of disasters in Canada and saw the resolute faces about him during that Monday's session. "We are told a Panic Seized the Army," he wrote. "If so, it hath not reached the Senate. . . ."

## II

Actually, the issue in debate that Monday, July 1, was not the question of independence itself, the raw issue of whether Americans could any longer remain loyal to the British crown. No defenders of crown or ministry were left in Congress by the summer of 76; even reconciliationists of Alsop's stripe were resistance men.

Nor was the antagonism between Dickinson and Adams an intellectual or philosophical problem. Adams throughout his life was consistently a philosophical aristocrat, Dickinson always consistently a constitutional democrat. But independence did not involve



such basic conflicts of belief. Instead, the issue of independence by the first of July had become something much more refined. It was a question of policy, not principle; of program, not morality; of expediency, not doctrine. It was an issue of politics, even more specifically, of political methodology.

The real question in debate was, should Congress finally and completely abandon its plan, the system of politics it had formulated a year ago—the system of Mr. Dickinson—throw it over for the free, undirected, unplanned condition of independence? Should the whole fabric of continental policy be destroyed? Adams said yes, because he conceived this policy had already broken down in practice. Dickinson said no, because he saw no other way except his policy of reaching political freedom.

Dickinson was far from the position of Rutledge, who opposed independence because it threatened to establish continental control over his own state of South Carolina. Instead, Dickinson opposed independence because there was far too little continental control over the states, far too little strength in Congress at the center to hold the colonies together and give them liberty. Liberty, Dickinson asserted, came not from a just and liberal government, but from a government whose powers were so defined, so checked, so limited and controlled by fundamental law, that it could never be other than just and liberal. Fundamental law, a fixed constitution, was the only sure way to freedom. The chaos of independence without government promised an easy way to disunion, to defeat by Britain, or to a desperate tyranny of some new native kind springing up from the carnage of a battlefield.

So Dickinson and his company—Read of Delaware, Morris of Pennsylvania, others—purposefully intended to arrive at constituent government in each colony, a general confederation of all colonies under a constitution, foreign aid, and military victory first, before independence. That way, basic values of political liberty would be defined and preserved. That way independence would accomplish, not defeat, the fine theories of freedom and power which American writers ever since the stamp act, ever since James Otis' great speech against writs of assistance, had developed. Individual liberty under constitutionally limited government, central and local powers nicely balanced, neatly offset against each other, that men might be forever free—this had been the real end of ten years of controversy. This was a rational, coherent program. Alongside

this, independence was a meager ideal which solved nothing. It created no national government, controlled no powers, defined no sphere of state autonomy. It secured no liberties, protected no property rights, described no freedoms. It hazarded every gain for the pleasures of an empty palace.

The "system of Mr. Dickinson" had emerged in July, 1775, at the time of the second petition to the king. Use every means of resistance, Dickinson had urged, but every means of reconciliation, too. Unsheath the sword, but hold the scabbard ready. The appeal of Dickinson's program in and out of Congress lay in the fact that men of all opinions, radical, conservative, reconciliation or independence men, could accept it. Dickinson provided an aggressive continental policy, a "firm but temperate plan of conduct," designed to achieve the liberties Americans claimed as their rights, within the empire if possible, outside if necessary. The idea of independence did not alarm or disturb him, but neither was it the end he fixed upon. He believed Americans were defending their just rights, justly. By his system, the onus of war, the blame for everything, lay upon Britain.

There was nothing timid or hesitant about Dickinson's program. The ringing phrases of the Declaration of the Causes and Necessity for Taking up Arms, in 1775, proved the vigor of his thought, the strength of his determination. But his was a moderate program, and in war, moderation is likely to leave men cold. When extreme conservatives found that constitutional freedom, not reconciliation, was Dickinson's purpose, they abandoned him as disloyal and deceitful. And when extreme radicals found that this same constitutional freedom, not independence, was his purpose, they too abandoned him, as irresolute and deceitful. Passion overwhelms the subtleties of statesmanship. The winter of 1775-76 was the winter of Paine's *Common Sense*. Paine inflamed the minds of men and stirred their hearts; thus he unfitted them for calm, considered programs. Paine's call was to action, not to the constitutional structure of freedom. His pamphlet was a disavowal of the federalism Americans had contended for since 1763, an appeal to crude, ill-formed political slogans rather than to complex principles of constitutional limitations on power.

In the spring of '76, the program of Mr. Dickinson was engulfed in a flood tide of political activity. Moderate men were left behind. Their good sense seemed colorless and weak. By March, bit-

ter antagonisms had flared up on the floor of Congress. This was not the atmosphere for calm, reasoned statesmanship. Delegate Joseph Hewes noted with dismay, "We do not treat each other with that decency and respect that was observed hitherto. Jealousies, ill-natured observations and recriminations take the place of reason and argument. Our tempers are soured. Some among us urge strongly for independence and eternal separation, others wish to wait a little longer. . . ."

To wait a little longer—for there is always hope of a change in Britain. But more than that, there is need of a constitutional structure here at home. The moderate men, Dickinson and the calm, considerate group, do not oppose the political developments of this spring; indeed, they are encouraged by them. They all vote in favor of the May 10 resolution to form state governments. This is part of the very constitutional structure they advocate, exactly what they themselves urged on New Hampshire, Massachusetts, New York, and South Carolina, a year ago. They oppose, however, the inflammatory preamble Adams tacks on to the May 10 resolve: it is unnecessary, dangerously declaratory, "a machine for the fabrication of independence," Duane says. Adams smiles, and rejoins that he thinks it is independence itself, though not a formal enough statement.

Nor do the cool, considerate men oppose what is happening to Congress. Administering the war means administering the nation. Inescapably, with no general plan, Congress has become truly a government, executive and legislature for a whole continent. This Dickinson has wanted—the beginnings of a central governing structure. Out of experience can come a better plan, and Congress is having abundant experience in governing. The journals any day in April show an administrative structure at work. Bills are paid, moneys appropriated, committees receive claims, Indian commissioners of the three departments are busy entertaining sachems at Pittsburgh and holding treaties "at the expence of the United Colonies."

Members of Congress are continually occupied on the numerous committees which meet daily, running the war and indeed the country. John Adams is president of the board of war and ordnance, a committee which sits morning and evening before and after the general sessions of Congress. He is likewise on a committee to fix a salary for Secretary Charles Thomson, a committee to consider

what to do about Americans who are spying for the British army or giving aid and comfort to the enemy; he is appointed on June 11 to the committee to draft the proposed declaration of independence, on June 12 to that to prepare a plan of treaties. He is excessively busy, but his situation is not unusual. Dickinson is on the vital Secret Committee conducting foreign affairs, the committee to raise a battalion among the Germans, the confederation committee, the committee to draft the plan of treaties. "Congress never were so much engaged as at this time," William Whipple writes in June; "business presses on them exceedingly. We do not rise sometimes till six or seven o'clock. There are so many irons in the fire, I fear some of them will burn." Delegates are much more than debaters. They sit together as a huge board to conduct the public affairs of a million people. No one, not Dickinson nor any of the staunch opponents of independence, opposes the governmental work of Congress. They see in it the nucleus of the confederation they want.

Thus while Adams observes the whole continent in action and writes, "Every post and every day, rolls in upon us, independence like a torrent," Dickinson viewing the same events sees the slow maturing of that governmental structure in America which he feels must precede independence. The issue is not *whether* to declare, it is *when* to declare separation. To Dickinson the right time is after a constitution has been adopted, after a substantial political reality has been erected that merits independence, a union that can preserve the values of ten years' struggle.

During June Congress fashions its firmer union, draws up its charter of legal existence, prosecutes the war, suffers defeat in Canada, shudders at the threat to New York, prepares for its great debate; but during June the states, resolving for independence, threaten the very existence of the union by their jealousy of Congress. One after another, the states insert in their new independence instructions reservations of power over their own internal concerns. Keep your hands off the states, they all say in effect to Congress. We will not be governed by Philadelphia as we have been by Whitehall, they imply. Adams expresses no concern at this. To Dickinson on the other hand it is an unmistakable sign that independence cannot come yet. The states must be caught together in a strong, workable union, a network of federal power, before independence, or nothing can hold them together afterwards. Almost

daily Congress is sending to the states letters imploring militia levies and financial support. If it is this hard now, under persuasive pressures of war, what will it be like when each state is independent, with no continental league to hold them together? Each of these sturdy declarations of reserved powers is a refusal to accept a constitutional structure adequate to war. Generations later, American presidents, statesmen, judges, and lawyers would say easily that the states did not create the union, but were created by it. The adage would become a polar principle of Lincoln's constitutional metaphysics. But no member of Congress in June, 1776, reading these new instructions, could have believed it.

Viewing the states' jealousies of each other and of Congress, Dickinson could well ask, what was it exactly that would be independent? And viewing crisis in his own state, he could raise another doubt: for whom was independence to be won? Both Dickinson and Adams were common law theorists, devoted to the rights of property. Both dwelt in a Blackstonian, Mansfieldian universe. But on July 1, 1776, Adams' universe was secure, while Dickinson's was tottering.

In John Adams' Massachusetts, government had already been seized by merchant-landowning groups. Not for another decade would the farmer-mechanic classes rise up against propertied power, and then Adams would oppose the movement. In domestic revolution among his neighbors, Adams would prove to be the most inflexible of conservatives, the sturdiest defender of a law that stood as a hedge around the property men owned.

In John Dickinson's Pennsylvania this very thing was occurring now, a domestic revolution of the propertyless, sweeping away the political structure entirely, destroying Dickinson's partisan support, rejecting his theories, and as he thought abandoning the true substance of orderly freedom for the exhilarating illusion of liberty beyond control—liberty run wild. Independence now would throw power into the hands of the insurgent groups. Curiously, Adams, Gerry, the other New Englanders seemed not to understand, or not to care. They would make thirteen clocks strike together, even if it cost the sacrifice of their own ideals of government in Pennsylvania. Massachusetts men had nothing to lose by revolution in Pennsylvania.

Dickinson led the Assembly party, against the high hot Conference men who sought to set up a constituent government of their

own. New England congressmen blithely, blindly encouraged the Conference party. It was a dangerous thing to do. Men of the middle colonies, even independence men, even a radical like Caesar Rodney, were worried about this Conference plan. True enough, the Conference would eventually establish a new government in the state, but it could not possibly come for many weeks yet, and Howe was already landing in New York.

Now Dickinson and Wilson had tried to preserve the Assembly. In the chaos of Pennsylvania politics they sought some policy that would keep government alive, "bringing Pennsylvania," as Dickinson said, "under her singular circumstances *undivided* into the opposition against Great Britain." They had tried compromise, and had failed. Radicals in the Assembly had joined them in voting new instructions on June 8, instructions which authorized delegates to vote for the confederation, for treaties and alliances, repealed all prohibitions *against* voting for independence, and which reserved police powers over internal concerns. But such ambiguous half-way assent pleased no one. And then the radicals had prevented further action in the Assembly by the simple device of staying away. Lacking a quorum, the Assembly had perforce to adjourn, on June 14. Now, no new government could be made in Pennsylvania by old, established power, by the Assembly. And the Conference-Convention scheme would obviously take a long time to act.

On June 18, four days after the Assembly adjourned, the Conference assembled at Carpenter's Hall, a "numerous and respectable body." Dr. Franklin was a member. At once, the revolutionary Conference began its work, usurping the functions of the Assembly, calling a Convention for July 15, whose members would be elected throughout the province on July 8. Declaring it was "the only representative body of this colony, that can at this time with propriety . . . accomplish the desires of the Congress and the Assembly," the Conference activated the state militia, passed a strange resolution that it was "willing to *concur*" in a vote of Congress for independence, directed the forthcoming Convention to act as a government while it was making a constitution, addressed the inhabitants generally and the militia especially in spirited terms; and then on June 25 the Conference adjourned. In Pennsylvania, this left nothing. After June 25, President Hancock could have found no person in authority anywhere about

the State House, Carpenters' Hall, or the whole city, to whom to address a communication. There was no governor, no council, no legislature, no court; there was no Pennsylvania government. If independence came now, Pennsylvania would be disastrously disorganized, tragically vulnerable to invasion. General Howe and his great army had only to march across the soft middle of New Jersey, to take the capital itself.

The interim was bound to last at least till the Convention met on July 15. In this dangerous disorder, the Pennsylvania delegation in Congress was the last hope of delaying independence until some kind of government, however temporary, could be organized in America's largest, richest, strategically most important province. The Congressional delegation, as it appeared that Monday morning, seemed certain to act for the moderate cause. Man for man, it was well known to be cautious. Dickinson was entirely an Assembly man. He had no truck with the Conference people. So were his fellow delegates Thomas Willing, Robert Morris, and Charles Humphreys. Willing was to vote against independence because the delegates "were not then authorized by their instructions from the Assembly, or the voice of the People at large, to join in such a vote." Andrew Allen was a Tory, and had stopped attending Congress (though he sat in the Pennsylvania Assembly right up to the end). Edward Biddle was nominally a delegate but had been ill for more than a year, absent from all the sessions, and was soon to die. James Wilson had opposed independence in May and June, had supported Dickinson consistently, and would today. After today, however, he would suddenly change his mind, and on July 2 cast the deciding vote of Pennsylvania for independence. The reasons for his about-face are not apparent. John Morton had for ten years followed Dickinson's lead, and his antagonism to the Conference-Convention men was well-known. Indeed, Morton felt so strongly against them that he fell ill—developed political hypochondriasis, Dr. Rush averred, a form of madness which put an end to his life not long after independence. But curiously Morton, like Wilson, was to change his mind abruptly on July 2 and vote for the Lee resolution. It is the only time in his whole political career that he acted on his own hook, and since he left no records, his sudden inspiration will always be a mystery. His change, and Wilson's, Dickinson could not have foreseen.

Small wonder, with his constitutional philosophy at stake, and with Pennsylvania completely lacking any semblance of a government, that Dickinson wrote out a long speech, reviewed his arguments against independence, restated his program, his plan. And after Friday, June 28, the last session day before the independence debate, he had something tangible and specific to oppose. For on that day, as a masterstroke of strategy, the hot, violent men presented the fullest development of their case. That day, just before the week-end recess, the declaration Jefferson had drafted was read to the Congress. Members heard its sonorous periods and noble language without comment, listened silently to its long and detailed bill of particulars against the king. This was not the time to discuss the declaration by paragraphs; that would come later. It was ordered to lie on the table. But no one could remain unmoved by those inspired sentences. Congress as Friday ended had already heard the best arguments the violent men had to offer, the highest persuasions to independence, before the debate on Lee's resolution began. It was with Jefferson's phrases echoing in his mind that Dickinson went home and began to write his speech.

Saturday passed, and Sunday; Monday July first dawned in the full heavy heat of a Philadelphia summer.

### III

Slowly the Congress assembled in the big east room as nine o'clock struck. There were many absent—Jay of New York, Rodney of Delaware, Lee of Virginia, numerous others. Only three of the seven Marylanders were here—Paca, Rogers, Stone—waiting anxiously for word from Annapolis. And the New Jersey seats were all vacant.

President Hancock took the chair, Charles Thomson was in his place as secretary. Promptly the session began—began not with the debate all were primed for, but with dreary business of administration. Congress was running a country. Debates, even "the greatest debate of all," had to wait upon details of public business.

A letter from the New Jersey convention was read, and one from New Hampshire. Six thousand dollars were voted for the deputy paymaster general of the southern department. And all



the latest reports of military leaders were opened: three from General Washington filled with problems and dangers, letters from the northern generals, Schuyler, Arnold, Sullivan, and from colonels in the field.

They brought dismal news, these military letters, in words of fear and shuddering, words of defeat that rang like the slow peal of grief when read aloud. Yankee John Sullivan was known to the New England Congressmen. He was an aggressive man of sturdy fortitude and good sense, commanding general in Canada. Yet he recited a grim tragedy. “. . . Our enemies multiply upon our hands and we have few to oppose them,” Sullivan had written from his camp at Sorel. “I now think only of a glorious death or a victory obtained against superiour numbers. . . .”

We have lost Canada, Colonel Antil declares. We must make a prudent retreat or the enemy will reach Crown Point before us. Benedict Arnold finds “the greatest confusion . . . three thousand sick.” He has ordered the sick put on half rations to save the well, a shocking thought; and he urges precipitate retreat: let us give up Canada and secure our own land before it is too late; if possible let us save some of our army. “I am content to be the last man who quits this country, and fall so that my country rise—” the intrepid Arnold adds, “—but let us not fall all together.”

Desertions, fatigue, retreat, plunder, corruption, the deceit of Canadians, the great force of the enemy—these fill Colonel Hazen’s mind. He writes of Sullivan’s “distressed, dissatisfied and undisciplined army.” “For God’s sake secure your retreat,” he begs, “there is no time to lose.”

Appalling, frightening words, these are, strange words to hear on the day of independence. Congress listens to them soberly. They are a litany of disaster, a lamentation. “Our Enemies multiply upon our hands and we have few to oppose them. . . .” The morning hours slip by, the temperature rises. Each letter must be considered, answered, or referred.

At last there are no more. Routines are over, the fearful realities of war for another day done with. Congress can again become a senate. The order of the day is read, the members resolve themselves into a committee of the whole, President Hancock steps down, Mr. Benjamin Harrison of Virginia takes the chair. And then, just as the debate is about to begin, an express rider comes in with

the resolution of the Maryland convention, that resolution Chase at Annapolis had promised John Adams he would send as soon as it was passed and signed. It is strongly worded, it instructs for independence. It has a ringing sound, not of a knell, but of the bells of celebration. It cheers the members, helps them put out of mind those horrid words from the generals in the north. The debate opens with Maryland a grateful antidote to Canadian miseries.

John Dickinson rises, and in his elegant, labored manner, his precise, thin speech and half-made gestures, starts to read from the manuscript he holds in his hands. He is deeply earnest; he speaks slowly, solemnly, with heavy formality.

"The consequences involved in the motion now lying before you are of such magnitude, that I tremble under the oppressive honor of sharing in its determination," he commences. "I feel myself unequal to the burthen assigned me. . . ."

For more than a year, the members have watched and worked with this learned, clever man. They know the rich apparatus of his mind, his skill in argument, his gift of phrase. Many have dined with him at Fairhill, sat with him long hours in committees, walked with him in the State House yard. His long, slender figure, his dignity and reserve, are a very part of Congress.

"I believe, I had almost said, I rejoice, that the time is approaching, when I shall be relieved from its Weight. While the Trust remains with Me, I must discharge the Duties of it as well as I can. . . ."

But this is no debate, no argument in the heat of controversy. Dickinson's manner is formidable, his tones are awesome, even a little ludicrous in this closed room, among men he knows so well. He is speaking as if he had never seen them before, appealing to them as if they were the whole nation of American people. He is giving a full-dress oration, a state paper. This, even the oldest members of Congress have never heard him do.

He is also giving his swan-song. "I hope I shall be the more favorably heard, as I am convinced, that I shall hold such language, as will sacrifice my private emolument to general interests. My conduct, this day, I expect, will give the finishing blow to my once too great, and my integrity considered, now too diminished popularity. It will be my lot to know, that I had rather vote away the enjoyment of that dazzling display, that pleasing possession,

than the blood and happiness of my countrymen—too fortunate, amidst their calamities, if I prove a truth known in heaven, that I had rather they should hate me, than that I should hurt them.”

In his well-planned sentences, his thoughtful words and elevated sentiments, Mr. Dickinson is lifting the Congress to plateaus of ancient dignities. This is a speech out of Cicero or Thucydides. It belongs more to the books of heroic history than to modern Philadelphia. “Happy at present . . . I shall esteem myself, if I can so far rise to the Height of this great argument as to offer to this Honorable Assembly in a full and clear manner, those reasons, that have so invariably fixed my own Opinion. . . .”

John Adams is surprised. He had expected a debate that day on the Lee resolution; but scarcely anything as formal, as pretentious as this. While Dickinson spoke in the stifling heat, Adams saw that he had “prepared himself apparently with great labor and ardent zeal.” Years later the architect of independence would describe how the Pennsylvania Farmer “in a speech of great length, and with all his eloquence . . . combined together all that had been written in pamphlets and newspapers, and all that had from time to time been said in Congress by himself and others. He conducted the debate not only with great ingenuity and eloquence, but with equal politeness and candour, and was answered in the same spirit.”

“It was a custom in a wise and virtuous state, to preface propositions in council, with a prayer,” Dickinson said. There were some in the room who remembered how Sam Adams had knit men together back in '74 at the beginning of the first congress, by proposing Dr. Duché lead them in prayer. “I do most humbly implore Almighty God with whom dwells wisdom itself,” he continued, “so to enlighten the members of this house, that their decision may be such as will best promote the liberty, safety, and prosperity of these colonies, and for myself, that his divine goodness may be graciously pleased to enable me, to speak the precepts of sound policy on the important question that now engages our attention.”

Then he plunged into the heart of the problem of policy. The incautious men agreed, he observed, that foreign aid and confederations should come before independence; yet confiding in Fortune more boldly than Caesar himself they would “brave the storm in a skiff made of paper.” They were consumed in the passion of

their virtue. "I fear the *virtue* of Americans," he said. "Resentment of the injuries offered to their country, may irritate them to counsels and actions that may be detrimental to the cause they would die to advance!"

Point by point, he developed his plea for prudence, for practical statesmanship. Independence was not necessary to animate the Americans—"the preservation of life, liberty, and property is a sufficient motive to animate the people." It would not elicit the support of foreign powers. Only victory in the campaign would do that. Dickinson had shared the delicate negotiations with France and Spain in the Secret Committee. These empires had colonies lying at our very doorsteps, he reminded Congress. They were hesitant. We should first confide in them, search out their opinion, know how "they would regard this stranger in the states of the world." It was treating them with contempt to act otherwise.

Particularly, since we had already applied to France for aid. Dickinson himself had drafted the instructions to Silas Deane in March, and Deane had sailed on the *Rachell*. He would present our petition to the French court. So far, he had been heard of only in Bermuda. Would not France expect us to wait, after soliciting her help? Would not she be offended by a declaration now, regard the Congress as "the most rash and at the same time most contemptible senate that ever existed on earth?" Britain might offer France concessions to keep her neutral; then France would have both the trade of America and the friendship of Britain, at no cost to herself. Independence would secure no aid from France; and certainly none could come under any circumstances in time to help now against Howe in New York and Burgoyne in Canada.

Let us first then inform France that we wait only her determination to declare independence, Dickinson proceeded; and let us promise Spain on solemn guarantees we will never give aid to her colonies. Their response will come in plenty of time; we will lose nothing by waiting. We could establish governments, take "the regular form of a State." We were not no more than "a sovereignty composed of several distinct bodies of men, not subjected to established constitutions . . . not combined together by the sanction of any confirmed articles of union." We were "such a sovereignty as had never appeared." Sensible, orderly, systematic measures would shew "deliberation, wisdom, caution, and unanimity."

On and on Dickinson spoke that hot July Monday afternoon, spoke of measures that would secure liberty while justifying power, of wise policy, of realistic statesmanship. He pointed out that we held an advantage as long as we seemed to desire reconciliation with Britain. We had friends in Parliament who would be lost by independence. And independence would mean no end to the war, either. It might even weaken the continental union, "when people find themselves engaged in a cause rendered more cruel by such a declaration without prospect of an end to their calamities, by a continuation of the war." "People are changeable," he warned. "In bitterness of soul they may complain against our rashness."

This summer's terrible campaign was only the first, he continued, and we have as yet no promise of Bourbon aid. Suppose France and Spain should fall out with each other? Here Dickinson reviewed the history of the family compact, spoke of attempts by Spain to launch a war against Portugal, England's ally, of France's unwillingness to support such a war, of England's driving wedges between the Bourbon countries. He told the obscure, little-known story of Prince Masserano, Spain's ambassador in England, calling his appointment a Spanish insult to France. Suppose France, separated from Spain, not yet committed to aid the Americans, should suddenly treat with England for the return of Canada, then abandon the Americans, dictating terms of her own. Should we destroy the house we live in, in the midst of winter, then ask a neighbor to take us in, before finding if he is prepared to do so?

Dickinson turned to the colonies themselves, to quarrels and riots, to bloody struggles between Pennsylvania and Virginia in the mountains below Pittsburgh, to the present disputes on every article in the confederation committee, to western lands, to the need of fixing liberty by well-regulated constitutions, fixing the relation one citizen would bear to another, the connection one state with all the rest. Confederation should come before independence, yet "some of us totally despair of any reasonable terms of confederation," he exclaimed.

And finally he looked to Britain herself. After one or two costly campaigns, might not Britain meet our terms, offer commercial concessions, withdraw her armies, appoint councillors during good behaviour, redress all grievances—in short, solve all the problems in contention so long? It was a possibility. Reconciliation

meant a bargaining advantage. Would France offer terms better than these? At least, let us withhold the declaration till we obtain some terms from France, terms of trade, of territory, of Canada, Acadia, Cape Breton, of protection from Barbary pirates, of profitable commercial arrangements.

It was a momentous speech. News of nations and of courts, the realities of the great world, were in it, the problems of an empire and the clash of interests in the forest. Dickinson had spoken with high seriousness, even with grandeur. He had made his greatest effort. He ended with a look in the Doomsday Book of America's future, pled for a policy that would prevent disunion, warned of divisions the New England men were causing. The earnest zeal, the transparent integrity, the broad sweep of mind of the Pennsylvania Farmer were not lightly regarded.

After he finished speaking, thunder roared, and a rain began to fall, cooling the air in the big east room.

For a while, no member rose to answer Dickinson. Then John Adams, "author of all the mischief," commenced his reply. It was the first time in his life he had ever wished for the talents and eloquence of the ancient orators of Greece and Rome, he said. He mentioned Demosthenes and Cicero. They would have begun with solemn invocations to divinity for assistance. But the question was not difficult; he had such confidence in plain understanding, in simple reason and common sense, that he believed he could answer all the objections to independence, in spite of the ability and eloquence with which they had been urged. He spoke pleasantly, his manner informal and easy, a contrast to Dickinson's. He had prepared nothing in advance. Congressional speeches were customarily extemporaneous, and everything was supposed to be secret. Dickinson's long written manuscript was unusual, unique in Adams' memory.

Adams was at his best. Jefferson later remembered that his friend had been "our colossus on the floor . . . not graceful nor elegant, nor remarkably fluent, but he came out occasionally with a power of thought and expression, that moved us from our seats." Major Walton of Georgia, who came into Congress for the first time that day, was deeply stirred. More than a decade later he wrote Adams, "I can truly assure you, that, since the 1st day of July, 1776, my conduct, in every station in life, has corresponded with the result of that great question which you so ably and faith-

fully developed on that day—a scene which has ever been present in my mind. It was then that I felt the strongest attachments; and they have never departed from me.”

Adams finished, and the debate continued some time, though no more major orations were delivered. As the rain beat down outside, each colony expressed its views. Paca of Maryland spoke nobly, freed by his new instructions to open his mind. The New York delegates observed that they favored independence themselves, but their instructions now a year old enjoined them to avoid it. They read a letter of June 11 from their convention. They could not vote, they asked leave to withdraw from the question. Members estimated the tally: Pennsylvania and South Carolina against, Delaware split, New York out, New Jersey absent. . . . If the vote came now, only eight colonies would favor independence. It was not enough.

Then, before the final roll of the colonies was called, the new delegates from Jersey entered the hall. They had ridden through the storm from Trenton—Abraham Clark, Dr. Witherspoon, Chief Justice Stockton, Mr. Hopkinson. They were Adams’ legion of victory as they entered. They were the ninth vote.

The Jerseymen desired to hear the arguments, they said, wanted to know the sentiments of the members. Judge Stockton was particularly importunate. Adams demurred. The question had been debated out of doors for many months, he rejoined. Surely everyone was familiar with it. Yes, the Jerseymen answered, but they had not heard the opinions of Congressmen. Finally Adams was persuaded to speak again. Concisely, he recapitulated all the points he had made, Dickinson’s objections, his answers to them. The new delegates pronounced themselves satisfied. Stockton called Adams “the Atlas of American independence . . . he sustained the debate, and by the force of his reasonings demonstrated not only the justice but the expediency of the measure.”

The sun was low in the sky when the vote came. New York abstained, Pennsylvania and South Carolina voted no, Delaware was divided. Nine other colonies voted in favor of the Lee resolution. By Maryland’s last minute action, by the Jerseymen’s tardy arrival, independence had been won.

But it was now evening. The members, Thomas Jefferson observed, were “exhausted by a debate of nine hours, during which all the powers of the soul had been distended with the magnitude of the object.” When the committee rose, Hancock resumed the

chair, Harrison reported to the same tired members as a Congress that the resolution was agreed to, Rutledge of South Carolina moved that the vote be deferred till morning. Everyone understood this to mean that South Carolina would change its vote overnight. Perhaps Rutledge had finally recognized that if South Carolina wanted complete self-control in the new confederation, the way to get it was not to weaken the Dickinson draft, but to accede to Adams' plan of independence with no confederation at all. Then the Charleston planters could stand alone in the purple splendor of their indigo and rice, free from Parliament and Congress alike.

Two more items of military business were disposed of, and Congress adjourned for the night. The day of independence was over.

"If you imagine," John Adams wrote that evening, in his rented rooms, "that I expect this declaration will ward off calamities from this country, you are much mistaken. A bloody conflict we are destined to endure. . . . If you imagine that I flatter myself with happiness and halcyon days after a separation from Great Britain, you are mistaken again. I do not expect that our new government will be so quiet as I could wish, nor that happy harmony, confidence, and affection between the colonies, that every good American ought to study, labor, and pray for, for a long time."

"Every good American"—this was the first time that phrase could be used to describe the citizens of a nation. Abraham Clark, delegate from New Jersey, was a good American. After Tuesday the second, when South Carolina changed her vote, Rodney arrived in his boots and carried Delaware, when Dickinson, Willing, Humphreys, and Morris stayed away that Franklin, Wilson, and Morton might carry Pennsylvania; after the great debate on the declaration during the second and third, Abraham Clark on the morning of the first fourth of July of an independent America wrote to his friend Elias Dayton in Jersey.

We are now Sir embarked on a most Tempestious Sea; Life very uncertain, Deceiving dangers, Scattered thick around us, Plots against the military and it is whispered against the Senate. Let us prepare for the worst, we can die but once. . . ."

Yet Clark did full justice to his half-a-hundred colleagues, men who amidst defeat and divided councils, in the very face of the enemy, had acted the bold part. Clark knew the thrills of freedom. "I am among a Consistory of Kings," he exulted, "Our Congress is an August Assembly . . . the greatest Assembly on Earth."



## NOTE

The purpose of this paper has been to reconstruct as nearly as possible the scene, even the actual words, of the great debate on July first, 1776. Paine was clearly wrong in January when he said "the period of debate is over." The period of debate is never over as long as there are men who want peace and reason rather than war and heady emotion.

The materials are readily accessible to the scholar. They are: *Journals of the Continental Congress*; Burnett's *Letters of the Members*, and his one-volume history, *The Continental Congress*; Hazleton's *The Declaration of Independence*; Boyd's *The Papers of Thomas Jefferson*, vol. I, his *Declaration of Independence, Evolution of the Text*, and his article on the disputed authorship of the Declaration of the Causes and Necessity for Taking up Arms in *The Pennsylvania Magazine of History and Biography*, Jan., 1950, pp. 51, ff; Dickinson's own writings in manuscript and published form, and his speech of July first, published in *Pennsylvania Magazine*, October, 1941; Force's *American Archives*; the *Sullivan Papers*; and of course the large number of monographs and special studies on the revolutionary period. Except in the final Abraham Clark letter, spelling, punctuation, capitalization have been modernized, to aid the reader.

I believe this article, and the brilliant, imaginative chapter 32 of Catherine Drinker Bowen's recent *John Adams and the American Revolution* are the first two attempts made since the discovery of the manuscript of Dickinson's speech, to put all these materials together and describe this day's debate in detail. Hazleton's remarkable feats of detection and reconstruction preceded the publication of the Dickinson speech, but are still of course indispensable.

There are many problems: When exactly was it that Witherspoon said the colonies were ripe for independence, rotten for the want of it? Can it really be that Adams gave two separate speeches? Did Abraham Clark enter the hall with the rest of the Jersey delegates? (No one mentions that he did.) When exactly did the Maryland instructions arrive—"just as we were entering on the great debate," Adams said, but does this mean while Hancock was in the chair, or after the committee of the whole had been formed, with Harrison presiding? When did the rain begin? How long did Dickinson speak? When did he commence? (To find this out, I read aloud the letters from the generals and colonels, slowly, as a clerk might read, and timed them. I did the same with Dickinson's manuscript.)

These and other questions have been considered, and answered in the way that seemed most reasonable, most consistent with all the evidence. We do not know many things. For example, we do not know how Congressmen voted. Adams says there were no yeas and nays in those days—which only means the secretary did not record individual votes. Did the members rise to vote, or raise their hands, or call out their vote orally? Were delegations polled, or did they vote as units? Was the procedure of voting the same in committee of the whole as in Congress? Was there a gavel? A mace? Did members sit always in the same seats, or anywhere they chose? To see the scene, one of the most interesting scenes in American history, is difficult when we have to guess at these matters.

It is more than strange that afterwards few members wrote anything about the debate. Adams, so excited in the morning, in the emptiness and exhaustion of the evening called the whole day "an idle mispense of time."

As to the issue of independence itself, it is obvious now that the decision to declare in July, 1776, was a serious mistake. Wisdom, good sense, intelligent politics, should have led at least to confederation, at best to alliances too, before declaring separation. A firm central government in 1776 might have avoided the later troubles of the confederation period, might have saved the liberties which were lost (for a generation) in the swing backward in 1787-1793. But historical tradition has proceeded on a *post hoc propter hoc* basis.

Historical tradition has also been distorted by the inaccurate memories of Adams and Jefferson in their old age. Even our best writers have accepted

the reminiscences of these men thirty or forty years later as authoritative. They were never that; and the pictures they give are often wrong. Both Jefferson and Adams in their great age portrayed Dickinson as timid and hesitant, though in the period 1774-76 they had opposed him as too aggressive and strong in his own course, which differed from theirs. Still, their ancient memories, colored by their success and never indulgent of opponents, have become part of our historical judgment.

A single example of Adams' inaccuracy will suffice to make the point. Writing to Plummer on March 28, 1813, (*Works*, X, 35), he describes Joseph Hewes' sudden conversion to independence, an episode obviously imaginary; he says Hewes' conversion won the majority for independence, which could not be true in a body that voted by colony rather than by head; he says some members left Congress to avoid having to vote on the issue of independence, though almost every absentee can be accounted for in some other way; he says Pennsylvania chose new delegates to vote for independence, but the new Pennsylvania delegates were not chosen until after independence was two weeks old. Yet Adams' letter to Plummer is customarily used by historical writers as a reliable and first-hand source.

Indeed, historians have written the story of independence, 1775-76, largely from John Adams' lively but biassed letters, diaries, and autobiographical writings. Alas! the Pennsylvania men were living at home, talking, not writing, to their wives. Nothing has come down from their pens as intimate, as personal, as appealing as the letters of Adams and Deane, nothing as informative even as the letters of such men as Gerry, Whipple, or some of the southerners. Our whole impression of the independence struggle has always been one-sided, drawn from the already-instructed, already-committed men of New England and the South. The really critical, decisive middle land left little of this sort of record. The defect in understanding will, I fear, always remain.