

The Role of the Cincinnati in forming the Constitution and its Later Adoption by the States

An address given by David A. Kimball
Team Leader of Bicentennial Constitution Research
Independence National Park

to

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I. Introduction

Two hundred years ago this day:

Philadelphia brewer Thomas Morris brewed 60 bushels of last year's malt and 85 pounds of hops, producing 15 barrels of Keeping Beer and 8 barrels of small beer. I have seen no evidence that Mr. Morris was consciously preparing for the May 1787 Triennial.

Philadelphia's six street commissioners met to consider paying Frederick Shingle and John Halberstat for building a public sewer through their lots almost twenty years earlier. (Bureaucracy doesn't change.)

The United States in Congress Assembled met in New York City, nine states and Mr. Varnum of R.I., Mr. Mitchell of Delaware and Mr. Forrest of Maryland present. Congress considered a committee recommendation not to stop recruiting the 1300 troops which were being raised to fight the Indians in Ohio from a base at Springfield, Mass. (Some hardened cynics thought this force was really intended to make sure Daniel Shays and his Western Massachusetts rebels didn't try to attack the armory again.)

A member of the New York State legislature, one Colonel A. Hamilton, brought in a bill "to render more effective an Act, entitled an Act for granting certain privileges to the college, heretofore called King's College, for altering the name and charter thereof, and erecting an university within this state."

At Mt. Vernon, General Washington as was his daily routine "rid" to his plantations to supervise hands at work plowing, fencing and ditching. He also sent the body of a deceased Golden Pheasant off to Philadelphia museum keeper Charles Willson Peale for preservation and display, and wrote Maryland Governor Thomas Stone concerning paper money - "The wisdom of man, in my humble opinion cannot at this time devise a plan, by which the credit of paper money would be long supported. Consequently depreciation keeps pace with the quantity of the emission, and articles, for which it is exchanged, rise in a greater ratio than the sinking value of the money."

Secretary of Congress Charles Thomson wrote Virginia Governor Edmund Randolph to acknowledge receipt of Virginia's Act appointing delegates to meet in Philadelphia on the second Monday of May next and report that Congress was considering the Virginia Act and the report of the Annapolis commissioners to which it was a response.

On February 21, 1787, Congress, presided over by the founder and then president of your state society, General Arthur St. Clair, confirmed the call for a Federal Convention. Let us now look quickly at the situation of the United States in 1786, and then more leisurely at the role of your Society and its members in addressing the situation

through a convention, in framing the concepts for anew national government and embodying those concepts in a written Constitution, and finally in getting that Constitution ratified.

II. Government in 1786.

In 1774, revolutionary committees in twelve of the thirteen colonies had sent deputies to congress. That congress had met, and called for another congress to meet In 1775. That congress, In turn, resting on nothing but the consent of the colonies and their citizens, had declared the colonies independent and run a successful war, financed by borrowed money and the printing press. Not until 1781 did the states declared independent by Congress in 1776 charter a central government. Then, they ceded only limited powers to maintain an army and navy, declare war, conduct relations with foreign nations, and so forth. They did not cede the power to tax -the central government would just ask the states for the money it needed.

By 1786, England barred American ships from its ports while its merchants dumped English manufactures in America, the Barbary states held American seamen captive, the men who had won the revolution remained unpaid, principle " and interest was due on money borrowed from France, but the government had no money with which to pay.

III. What should be done.

One obvious answer to the chaos of the early 1780's was a stronger national government. By and large, the original members of your Society had not fought to build a nation which could be bullied by Tripoli and Algiers, and which could not pay its just debts, even to its deserving former officers. So, by and large, members of the Cincinnati supported the three distinct but inter-related forces working toward a stronger government.

A) Give Congress the power to tax imports.

This movement began in early 1781, even before the Articles of Confederation were adopted. Robert Morris (Hon, PA) and Alexander Hamilton (NY) were among its leaders, but, while within 12/13ths of success on a few occasions, it finally went nowhere.

B) General Agitation.

While the movement to give Congress authority to tax was moving ahead toward the stone walls of New York and Rhode Island, a network of men who wanted a stronger central government developed. Some (John Jay, James Madison, Abigail and John Adams) were not Cincinnati. Others were- Edmund Randolph, George Washington, Jeremiah Wadsworth, David Humphrey, and above all, Henry Knox. Henry Knox was a big (6 feet), fat (270) and looked like he might be easygoing, lazy, and a little dumb. He was none

of these things. He was a very capable administrator and in 1787, perhaps the best informed man in the county. A network of old and close friends throughout the county, many of them Cincinnati, kept him informed, and gave him great influence. Later he even wrote, unofficially, on behalf of the Federal Convention:

(Private) Philadelphia 21 May 1787
To His Excellency President Sullivan.

My dear sir. As an old friend, a number of gentlemen members of the convention have pressed me to write to you soliciting that you urge the departure of the delegates from New Hampshire. Impressed most fully with the belief, that we are verging fast to anarchy, and that the present convention is the only mean of avoiding the most flagitious evils that ever affected three millions of freemen I have cheerfully consented to their request, and beg leave to have recourse to your kind friendship for an excuse if any is necessary.

There are here a number of the most respectable characters from several states, among whom is our illustrious friend, General Washington, who is extremely anxious on the subject of the New Hampshire delegates.

A number of states sufficiently [sic] for organization and to commence business, will assemble this week. If the delegates come on, all the states excepting Rhode Island will be shortly represented. Endeavor then my dear Sir to press this matter with all your powers. I am persuaded from the present complexion of opinions, that the issue will prove that you have highly served your Country in promoting the measure.

I am etc
H. Knox

C) A third movement rose out of the practical problem of whether Virginia and Maryland should share the costs of channel marking and other navigation aids in the Chesapeake Bay and Potomac River. Delegates from Maryland and Virginia met at Mt. Vernon, although Washington was not a delegate, and agreed on which state would do what, decided that another conference, to involve Pennsylvania, about linking the Potomac and the Ohio was needed, and reported back to the state legislatures. Of the Mt. Vernon commissioners, Daniel of St. Thomas Jenifer (MD) was a society member. Led by Edmund Randolph (H., Virginia), Virginia reacted to the Mt. Vernon report by calling for a convention at which all thirteen states would be represented to meet at Annapolis in September, 1786. Only four states and Tench Coxe from Pennsylvania attended, so the convention could not act. However, it did call for a Federal Convention to meet in Philadelphia on May 14, 1787 "to devise such further provisions

as shall appear to them necessary to render the constitution of the Federal Government adequate to the urgencies of the Union." Of the dozen men present at Annapolis, four (Hamilton, John Dickinson, Randolph and St. George Tucker) were Cincinnati. Hamilton wrote out and Dickinson signed fourteen copies of the Annapolis report, to be sent to each State and the Congress. Acting on this report eight states had appointed delegates before they learned that Congress had joined in the call.

At this point, the Society of the Cincinnati almost cost the proposed convention the presence of the one man who had to attend if the convention was to have a chance to succeed. The Society's triennial meeting was scheduled for Philadelphia in May of 1787. In October, 1786 Washington had declined re-election as President of the Society, and decided not to attend the next meeting. How could he now attend the Federal Convention without appearing disloyal to his old comrades? And, since he had listed compelling reasons for not leaving Mt. Vernon, he would be a liar if he now left to attend the convention. But what the Society threatened to take away, members of the Society helped give. Governor Edmund Randolph kept urging the General to attend. Jeremiah Wadsworth (CN) visited Mt. Vernon in February, 1787 to try personal persuasion, and Henry Knox (NY) weighed in: "I am persuaded that your name has had already great influence to induce the States to come into the measure, that your attendance will be grateful, and your absence chagrining that your presence would confer on the assembly a national complexion, and that it would more than any circumstance induce a compliance to the propositions of the Convention". Reluctantly the General agreed to attend. On March 28, 1787, General Washington wrote Randolph that he would attend.

IV. The Convention's plans.

The Convention assembled, attaining a quorum (a quorum of delegates from each of seven states) on May 25, 1787, and turned to the concepts to be pursued. From the beginning, and nearly unanimously, they decided that they would interpret loosely, (some would say ignore) their mandate from Congress, and would propose not a strengthening of Congress but a new national government. On May 29, Randolph introduced the Virginia Plan, calling for a new government with a bicameral legislature, an executive and a judiciary. Thereafter, discussions centered on how strong the National government would be vis a vis the states, how the various political and economic interest (and individual liberty ~ a political interest) could be protected, and how the government could be made efficient but controllable.

Now let us examine the role of the 21 delegates who were Cincinnati in these decisions.

A) Nicholas Gilman (NH), Jonathan Dayton (NJ), Thomas Mifflin (PA), James McClurg (VA), William Blount, William Richardson Davie, Richard Dobbs Spaight and Alexander Martin (all NC and all

but Martin Honorary), and Abraham Baldwin (GA) contributed their presence and their votes within their state delegation. This was no small contribution since the absence of anyone of them, or a difference in their vote on any number of questions could have substantially changed the outcome of the convention.

And with debaters like Madison, Mason, James Wilson and Gouverneur Morris, none of them Cincinnati, members who would sit and listen were needed.

B) Alexander Hamilton (NY), was a forceful spokesman for a very strong, almost regal national government, thereby partially offsetting the arguments for keeping state control of important areas of government.

C) John Lansing and Robert Yates (NY) had been selected by Governor George Clinton, President of the New York Society, to counterbalance Hamilton and keep the articles and their weak central government intact. They went home in mid-July depriving New York of its convention vote.

D) William Livingston (Hon, NJ) and David Brearley, (NJ), helped lead the fight of the smaller states against domination of both houses of Congress by the large states which led to the equal vote in the Senate. Brearley, as Chair of a Committee on unfinished parts, may have proposed the electoral college.

E) Robert Morris (H, PA) led the Nationalists in Pennsylvania who chose that state's delegates, and since Franklin was ill on May 25. Nominated Washington to chair the convention.

F) John Dickinson (H, DE), perhaps the only Cincinnati of that time who would have been welcomed by any meeting of the Religious Society of Friends, was an early and effective advocate of that balance between Nation and State which characterizes our Constitution.

G) Daniel of St. Thomas Jenifer (H, MD) worked with Daniel Carroll (perhaps the only active member of the Masonic Order active to have been the brother of a Jesuit priest and Roman Catholic Bishop) to offset states - fighters Luther Martin and John Francis Mereer, and keep Maryland in support of an effective National Government.

H) Edmund Randolph (H) led the Virginia delegation and introduced the Virginia Plan, which channeled all subsequent convention debate.

I) George Washington (VA, National President) brought a prestige which was essential if the convention was to succeed. He presided (seemingly with more common sense than strict attention to the rules). The provisions relating to the President of the

United States are in part due to the accepted fact that he would be the first to fill the office.

J) Charles Cotesworth Pinckney (SC) supported a strong national government and helped engineer the compromise on navigation and the slave trade.

K) William Leigh Pierce (GA) wrote brief descriptions and characterizations of his fellow delegates which are a delight.

Here, let me digress, for Pierce is in many ways illustrative of the gaps in our knowledge of the convention, both as to us as a nation and as to us as historians.

As a nation, we've never heard of William Pierce. That is probably more our loss than his. As historians, we know very little about him. Pierce seems to have been born about 1740 in either Georgia, or more likely, Virginia. He is reputed to have attended William and Mary, perhaps as the Revolutions' southern campaign was running down. otherwise, we know nothing about him until 1776, when he appears as a Captain, 1st Continental Artillery. From 1780 through 1782 he served as an aid to Nathaniel Greene. It may have been during these years that he formed deep and lasting friendships with such men as George Turner (who had just been elected General Secretary of the Society 200 years ago), St. George Tucker, "Light Horse Harry" Lee, and William Washington.

If Pierce had not been born in Georgia he relocated there by 1783, when he married Charlotte Fenwick, by whom he had two sons. He was elected to the Georgia legislature in 1786 and as a Georgia delegate to the Continental Congress later that year. Major and Mrs. Pierce left Savannah by ship in late 1786. When within 300 miles of New York, their ship was dismasted and driven into Martha's Vineyard, which Pierce noted gave them a chance to tour New England. By 1786 Pierce's mercantile firm was failing, and personal business and the sessions of Congress kept him from the convention after June. During the summer Pierce challenged a British creditor, John Auldjo, to a duel, but Pierce's second, congressman Kearney of Delaware, and Auldjo's second, Colonel Alexander Hamilton, resolved the quarrel.

Among other things, Pierce may have written the first review of an American play. On April 14, 1787, he wrote St. George Tucker that he had read the script of their mutual friend Royal Tyler's play, *The Contrast*, and liked it. On June 27, he again wrote Tucker, "you ask what kind of a reception the Comedy met with. I answer a very good one but it was very deficient in my opinion in the representation. The dialogue was long and tedious, and the incidents flowed in with too much gravity to enliven and keep up the laugh. But there was some genuine strokes of wit, and a good deal of originality in it."

On December 10, 1789, Pierce died leaving no material possessions but a host of friends.

But back to the Convention. In addition to the part played by members of the society was the part played by the Society itself. The Society helped prevent direct popular election of the President. As Elbridge Gerry, an old foe of the society noted:

"A popular election in this case is radically vicious. The ignorance of the people would put it in the power of some one set of men dispersed through the union and acting in concert to delude them into any appointment. He observed that such a Society of Men existed in the Order of the Cincinnati. They were respectable, united, and influential. They will in fact elect the chief Magistrate in every instance, if the election be referred to the people."

V. Ratifying The Constitution

Once written, the Constitution had to be ratified in at least nine states, and realistically, all the large ones. Ratification was a tough fight in which members of the Society participated, usually on the Federalist side. In Georgia, four of the 26 members of the state ratifying convention were Cincinnati, all Federalists. In New Jersey, 7 of the 38 were Cincinnati, all Federalists. In Massachusetts the 8 Cincinnati out of 355 delegates helped swing a very close vote to the Federalist side. In Virginia, eleven of the twenty delegates who were members of the Society opposed ratification, and helped keep the final vote for ratification close in this crucial state. In Pennsylvania, Society members Mifflin and Thomas McKean led the Federalist forces. In New York Alexander Hamilton and Samuel B. Webb led the Federalist cause and the move by New York City and Long Island to secede from the state if it did not ratify, which led that state to become the 11th member of the new union. Finally, it was Society member Alexander Hamilton who helped conceive that notable exercise in both propaganda and government theory known as the Federalist Papers, and wrote 50 of the 85.

By June, 1788, the Constitution had been ratified, and in March, 1789, Government under it began.

It is the most enduring of the world's written charters of Government. Your predecessors in the Society of the Cincinnati played a significant role in creating the Constitution and getting it ratified and implemented. I hope that each of you will find time in this Bicentennial year to re-read this document, and think about its provisions and ~ responsibility, as citizens, for its perpetuation.

