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How was July 4th made?

By Curtis Seltzer

BLUE GRASS, Va.—America's July 4th celebrates a statement of grievances set forth by the Second Continental Congress in 1776 against Great Britain's King George III. After venting on issues great and small, the Declaration announced that the appointed representatives of 13 colonies had decided that they were now an independent country.

None of this, of course, was legal under either British or American colonial law. Neither the colonial legislatures nor the Continental Congress had any authority to secede from Great Britain.

For all the talk back then of popular sovereignty -- power from The People -- secession and independence were never put to a vote of the colonial legislatures.

Nor were they put to a popular vote of "qualified" voters, that is, free, adult, white males who owned property and were members of the locally predominant religion. The colonial electorate in 1776 amounted to between 10 and 20 percent of the total adult population, or about 60 percent of adult white males.

Had there been a vote among all adults, or all adult white males or all qualified voters, independence might not have won. And if it would have, it probably would have been a squeaker.

Historians currently estimate that only between 40 and 45 percent of the white population (male and female, qualified voter and not) supported secession and independence.

Some portion of this minority group also supported new republican and democratic governing forms, but others, like Alexander Hamilton, thought that constitutional monarchy was the best choice. Anti-royalists, like Thomas Jefferson, won the day, whether or not they were even a majority among the rebels.

Estimates vary as to how many Americans fought the British. One says 35,000 men served in the Continental Army and 44,500 in the state

militias. Army desertions are estimated to have been 20 to 25 percent; militia desertions are estimated at about 50 percent.

Another estimate puts the number in the American army at about 100,000, not counting militias. The official roll of Americans who served at some point during the War totals 231,771, but this includes those who enlisted for very short times and reenlistments who are counted twice or more.

It's estimated that about 8,000 American soldiers were killed during the Revolutionary War's eight years (1775-1883) and 17,000 died from other causes. Another 25,000 were wounded. Fifty thousand casualties involved more than five percent of the adult white male population—a significant number. An unknown number of free blacks and slaves were also killed and wounded on the American side.

An estimated 19,000 colonials voluntarily served in British provincial regiments that fought the insurgents, or "Patriots, as we now call them.

John Adams, our second president, on more than one occasion said the American population in 1776 was evenly divided: "...one-third Tories [loyalists]; one-third Whigs [independence supporters], and the rest mongrels [neutrals, like Quakers, and those who supported neither side or opposed both sides]. (John Adams to Thomas Jefferson, 12 Nov. 1813.)

If as much as 55 to 66 percent of the population were either loyalist or uncommitted, it's easy to see why secession and independence were never submitted to a referendum of qualified voters, let alone a yes-or-no vote by the whole population.

The Declaration of Independence is a Declaration of Civil War against established political authority, no different than the Confederacy's secession. It was treason—the signers knew that.

It was a war declared by a small group of activists representing a minority position on behalf of everyone.

The Continental Congress voted to approve a separation from Britain on July 2, 1776. The Declaration was adopted by 12 colonies on July 4th. New York approved on July 19th. The document was signed by

all colonies on August 2nd. Some nits are worth picking; these are simply worth noting.

Most of the Declaration's itemized grievances focus on governing practices, and, particularly, the line between what a central government can do and the asserted *rights* of the governed to be left alone or to decide things for themselves.

Some of these claimed "rights" could be tied back to British practices and elements of self-governance that colonial legislatures had established over the preceding 150 years.

The Declaration, however, anchored the rights to secession and independence in the Law of Nature and the Creator. These justifications are a little sketchy.

Natural law can mean whatever you want, and I was unable to find an individual's right to life, liberty and the pursuit of happiness in either the Old or New Testament.

Had the British been less heavy-handed, the 13 colonies might have followed the path of Canada, which gained its sovereignty incrementally between 1867 and 1982 and still retains the Queen as its constitutional monarch.

Our war for independence was not a *revolution*, though we refer to it that way.

It was not about redistributing wealth and political influence, empowering the disenfranchised, raising living standards for the lower classes, freeing slaves, enabling public education, dealing fairly with Native Americans, adopting direct election of senators and the president or establishing universal suffrage for men, women and blacks.

When Jefferson, the Founding Father most sympathetic to revolution and a man of constant contradictions, became president in 1801 for two terms, he did nothing to allow or promote such an upheaval. On the other hand, he was consistent in his opposition to federal taxes to the maximum feasible extent.

The American "Revolution" was a revolt against what had come to be seen as an occupying power telling Americans what to do. The same group of planters, businessmen and professionals who had been running

the politics and economies in the colonies before 1776 continued doing so during and after our War for Independence.

I've read nothing to suggest that any of the Founding Fathers thought America would be better off if a revolution replaced them with a different group.

Apart from issues arising from being governed, the Declaration sets forth the question of "imposing Taxes on us without our Consent."

The taxes at issue were begun to help the British pay for the victory over France in the French and Indian War (1754-1763, but officially 1756-1763), which brought a measure of peace to America's frontiers.

Americans also objected to a British treaty promise given to the trans-Appalachian Indians that colonial Americans would be prohibited from settling in their lands. White settlers hated this policy that denied them free land and disregarded it. My own farm was established in this fashion in the late 1760s.

The new tax revenue would also help to pay for keeping 10,000 British regulars in the colonies to defend against Indian attacks and any reestablishment of a French presence on the mainland. Americans understood that these troops would be available to suppress their own insurrections.

This War had cost the British about 70 million pounds (\$193 million in 2015 dollars) and doubled their national debt to about 140 million pounds.

To put these numbers in perspective, the British government spent only 17.7 million pounds in 1763 on everything, mostly defense. Its gross domestic product was 84.3 million pounds.

War debt from the French and Indian War and the much larger and more expensive Seven Years' War during the same period put victorious Britain cheek by jowl with bankruptcy.

In contrast, the 13 colonies were almost debt free. The British had even reimbursed them -- a sum of 275,000 pounds -- for raising, outfitting and paying their militias during the War.

British and colonial troops totaled about 50,000 during the four years of active fighting, about equally divided. Of that number, about 4,500 were killed in the American theater, which was one of a handful between the British and French around the globe. Two-thirds of these fatalities were British.

Parliament thought it fair to ask the colonies to pay for some -- a very small some -- of the War's cost, considering the security benefits that this expensive victory brought to their borders. France had given up all of its claims and territories on the North American mainland. Spain, which had sided with the French, received the Louisiana territory west of the Mississippi River and New Orleans but ceded Florida to Britain.

At the end of the War, the British were miffed that New England smugglers, like John Hancock, had continued trading with the French in the West Indies during the hostilities. And they felt that they, rather than the colonials, had carried the brunt of the fighting against the French and their Native allies, which they had.

The 13 colonies seemed both ungrateful for the British effort and unwilling to accept their role in a mercantilist system where colonial economies were supposed to benefit the mother country first and themselves second.

The first of Britain's "war taxes" was The Stamp Act of 1765, which fell on all printed paper and related materials -- wills, deeds, newspapers, pamphlets, licenses, almanacs, playing cards and dice. Citizens in Britain had been paying it since 1694. Opposition was organized by those most affected—lawyers, land owners, merchants, publishers and ship builders.

This was the first tax on the colonies that would go directly to the British treasury rather than stay in local jurisdictions. The amount of the stamp tax was very small, but it touched all Americans a little. And, philosophically, Americans objected to the principle of paying any tax that went to Britain.

We've all heard the galvanizing slogan: "No taxation without representation." Lawyer James Otis, a leader of the Boston militants in the 1760s, put it this way: "Taxation without representation is tyranny."

But to be honest about it, had Americans been taxed *with* elected representatives in Parliament, their opposition to taxation would not have diminished. Any tax Parliament passed even with American representatives would have been opposed on the grounds that a British majority was exploiting a colonial minority.

In New York City on November 1, 1765, The Stamp Act went into effect with most colonists refusing to pay for them. A mob burned the royal governor in effigy, harassed British troops and looted homes. (Sounds something like Ferguson or Baltimore, doesn't it?)

After a year of tax collectors being harassed, beaten, tarred and feathered and forced to resign, after a year of mob riots, the British repealed the Act. It had raised little revenue and a lot of hackles.

After the taxes on stamps, sugar and other items were removed as a result of the boycotts and mob violence that began in 1765, only a tax on tea remained as of 1773.

Not counting this trade duty, an American paid about 1/20th of the taxes a British citizen paid in 1775, an estimated one-to-two percent of an American's income.

The Tea Act of 1773 imposed no new tax. It *lowered* a pre-existing tax of 12 pennies per pound that had been in effect for six years to three pennies. Even with that tax, Americans could buy tea at about half what British consumers had to pay.

One pound of tea cost 18 pennies. It would make about 175 six-ounce cups. A typical colonial family might use two pounds per month. A tax of six pennies per month is not much of an imposition and hardly worth a war.

The Tea Act was designed to protect the near-bankrupt British East India Company. BEIC was given a tea-trading monopoly and exempted from paying any tax on its American commerce, which also included cotton, dye and salt. The British government was protecting its investment insofar as BEIC had to pay it 400,000 pounds annually.

Even with the tax that American consumers would pay, BEIC could sell its tea in the colonies cheaper than American importers could sell their smuggled tea from Dutch sources.

If American smugglers and middlemen could bottle up BEIC tea before it was unloaded, the American need for tea would have to run through their illegal channels. Keeping BEIC tea on ships was the key to keeping it out of American teapots.

Smugglers who paid no duty brought in some 900,000 pounds a year in the early 1770s. Taxed BEIC tea, which was a higher quality and better-tasting, had been consumed at a rate of about 562,000 pounds a year until the brewing crisis exploded at the end of 1773.

It's understandable that American smugglers and merchants opposed BEIC's monopoly. Smugglers were a wealthy and politically important group. Some 23 smugglers were identified in a study of 400 merchants in revolutionary Boston. Smuggling was a criminal activity, was then and still is.

Smugglers promoted a consumer boycott of BEIC tea, which, not coincidentally, created a market for their illegal tea. They organized refusals to unload BEIC tea, burn it and, famously, toss it overboard.

On the night of December 16, 1773, about 150 men led by Sam Adams and tricked out unconvincingly as Mohawk Indians, pitched 342 open crates of black tea from China into Boston's harbor. In today's money, the 92,000 pounds of BEIC-owned tea would be worth an estimated \$1.7 million.

A second drowning of 60 crates occurred in March, 1774. Similar "unloadings" took place in New York, Annapolis and Charleston.

The Boston Tea Party was not a spontaneous riot fueled by passion or alcohol. Samuel Adams, John Hancock and other leaders of the Boston Sons of Liberty planned it carefully.

Nothing was damaged on the three ships other than tea. A broken padlock was replaced, and the decks were swept clean. No one on board was harmed. No tea was allowed to be stolen.

The "Mohawks" swore themselves to secrecy, much like the Mafia following its rule of "*omerta*," and for the same self-protective reasons.

www.bostontepartyship.com/participants-in-the-boston-tea-party provides a partial list of participants.

Imports of British tea fell from about 739,000 pounds in 1773 to 22,000 pounds in 1775 as result of the boycott and the inability of BEIC tea to be unloaded and distributed. American smugglers did their best to make up the difference.

Was resistance of this sort *mostly* about a three-penny-per-pound tax, a desire for self-governance, an objection to a tax that benefited Britain or protecting local business interests? Historians disagree about how to weight these factors and others.

The Tea Act of 1773 affirmed the right of Britain to tax the colonies directly. Britain removed it in 1778, but it was too late by then to end the War for Independence.

Americans opposed taxes, with or without representation. (The clamor for representation, however, did elevate their complaints into political theory and somewhat out of the ditch of pocketbook self-interest.)

Proof of this comes from the unwillingness of the 13 states to allow the Continental Congress to levy taxes to finance the War for Independence.

Congress and the states raised all of the \$23.5 billion (2015 dollars) cost of the Revolutionary War in two ways: printing money and borrowing it.

Printed money -- backed by nothing -- accounted for 67 percent of total war spending with debt supplying the rest.

Congress did not have the power to tax during the War. The individual states levied few taxes. American policy was: No taxation *with* representation!

America's "revolutionary" political elite preferred having the Continental Army starve, ragged and unpaid, than to tax themselves and their fellow citizens.

We pride ourselves today for living within our laws, respecting authority and resolving disputes through established channels. July 4th came out of none of this.

The delegates to both the First and Second Continental Congresses were appointed by colonial legislatures who, of course, had no authority from either The People or their charters to convene a “congress” or declare independence.

Taking up arms against established authority is considered treason everywhere. The right of revolution and secession that Jefferson advanced in the Declaration of Independence was not incorporated in the 1788 Constitution of the United States. Too volatile a right; too dangerous.

The Declaration of Independence had a one-time purpose.

On July 4, 2015, we might take a moment to remember that what America has today emerged from a primordial soup of boycott, intimidation, death threats, vandalism, broken windows, extortion, property destruction, theft, mob violence, murder, conspiracies, terrorism, treason, armed insurrection, incendiary rhetoric, law-breaking, crass profit-seeking, tax-hatred, philosophy, high-minded rhetoric, good intentions, inconsistencies, out-of-control price inflation, debt financing, noble aspirations and luck.

Quite amazing, isn't it, where this patriotic celebration comes from?