

1992

Confronting statehood : a bicentennial series of short essays

Paul S. Gillies

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OCCASIONAL PAPER No. 14



CONFRONTING STATEHOOD

A BICENTENNIAL SERIES
OF SHORT STORIES

by

PAUL S. GILLIES

Vermont Deputy Secretary of State



Co-Sponsored
by

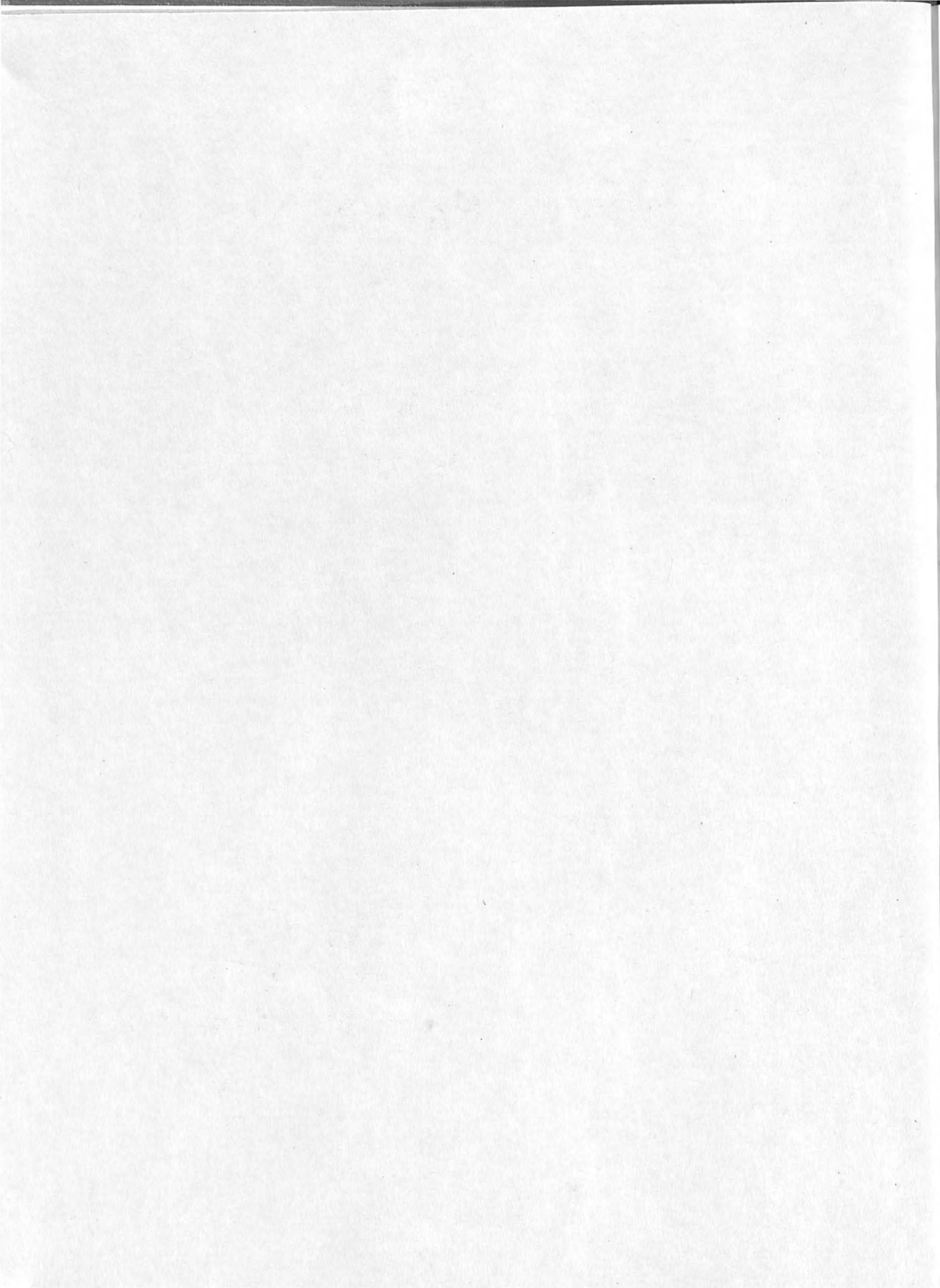


VERMONT STATEHOOD
BICENTENNIAL
COMMISSION



CENTER FOR
RESEARCH ON
VERMONT





Confronting Statehood

A Bicentennial Series

of Short Essays

Paul S. Gillies

Vermont Deputy Secretary of State

Co-Sponsored by

Vermont Statehood Bicentennial Commission

and

Center for Research on Vermont

Paul Gillies's active participation in the Center and the Vermont Statehood Bicentennial Commission's efforts inspired this joint publication of an unusual *Occasional Paper*. For the Bicentennial Commission the publication of these essays helps fulfill the charge to produce lasting and meaningful results of the bicentennial celebration. For the Center this paper offers an opportunity to contribute to the bicentennial effort. It is fitting that we join together to disseminate Paul's work, since he has contributed substantially to the efforts of both of our organizations. We also especially wish to thank State Archivist D. Gregory Sanford, chairperson of the Bicentennial Commission's publications committee, for his facilitating role.

Many of you will immediately notice that "Confronting Statehood" is quite different from the customary offerings of the Center's *Occasional Papers* series, which typically provide a scholar's perspective on some specific aspect of Vermont's history or social structure. In contrast, this is a very wide-ranging collection of essays, which were originally designed to reach a general audience through Vermont's daily and weekly newspapers. They cover a broad sweep of Vermont's history, and while the essays are united as an analysis of the Vermont experience within the context of statehood, they are also fifty-two distinct essays crafted to address disparate interests while meeting fifty-two inflexible deadlines.

Assembled in one place, these short essays together give us an almost kaleidoscopic view of Vermont and Vermont's statehood—for some readers perhaps a refreshing breather from the structured explorations of a typical *Occasional Paper*. The pieces are often wonderfully informative but also impressionistic and at times whimsical. There are no endnotes here, no references to ongoing debates in the political science literature, or whatever it is that you usually associate with a publication from an academic institution. Instead, what Paul Gillies offers us is a provocative as well as entertaining perspective on many issues and aspects of Vermont identity. The essays weave Paul's interests, research, and perspectives into a fabric of individuals and events. Blending oft-told tales with those that are less familiar, Paul offers his own insights on Vermont and Vermonters.

These insights are useful because Paul has a unique vantage point from which to view Vermonters. As deputy secretary of state, Paul's daily routine since 1981 includes answering the questions that arise in the course of self-government: questions about elections, public meeting procedures, rights to public participation, responsibilities of public officials, and other areas where democratic theory becomes practice. Over time Paul has not only written extensively about the issues of governance, he has also synthesized the questions of Vermonters into an image of Vermont.

This image is refreshing and often startles us from our traditional perspectives. Thus the essay on Daniel Webster, for example, does not dwell on the famous Stratton Mountain gathering of 1840; instead we glimpse Webster the lawyer arguing Vermont cases which helped shape federal judicial policy. Similarly, Robert Stafford appears to us, not as governor or U.S. senator, but as prosecuting attorney in a 1941 First Amendment case.

Other, largely unknown, figures emerge, blinking, into Paul's spotlight. Frederick Hoxie's role in defining treason is remembered, perhaps for the first time since 1808. Chauncey Lee and the invention of the dollar sign, Dorr's Rebellion and reapportionment, Ashahel Hubbard and the interchangeable part, and other people and events are reclaimed from obscurity. Sometimes they are celebrated for themselves, at other times as examples of how we choose to remember, or even as illustrations of Vermont as part of the Union.

Now that bicentennial fever has abated, the stimulation of the Gillies essays will most likely affect their readers differently than they did in the context of 1991 celebrations. We may, for example, take more seriously some of their challenges to myth and traditional imagery. There is something here for everyone, and for each one of us there are probably a number of essays that will whet the appetite for more leisurely reflection and perhaps even for a visit to a local library for some self-directed inquiry. Most likely some pieces here will pique your interest about the why and how of pivotal events or raise questions about our collective self-image; or they will make you think differently about an old familiar "fact" of Vermont history or life; or they will open a door to some new area of research that you hadn't yet considered.

Essays appear in their original sequence, with their original January 1991 introduction, and with only the slightest amount of editorial intervention. From an overview of what statehood did for Vermont in Essay #1 to Essay #52's concluding lessons from the bicentennial celebrations, you can savor again or for the first time a marvelous array of reflections on Vermont statehood and identity. Enjoy!

About the *Occasional Papers* Series

Occasional Papers are refereed and selected by the Board of Editors of the Center for Research on Vermont, which is chaired by Jennie G. Versteeg, associate professor of economics at Saint Michael's College.

Kristin Peterson-Ishaq, Coordinator of the Center for Research on Vermont, serves as Managing Editor for the series. Inquiries and manuscripts may be directed to her:

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Table of Contents

A (Fore)word from Our Sponsors	iii
Introduction	1
Essay #1 What Statehood Did for Vermont	3
Essay #2 What Vermont Has Done for the United States	5
Essay #3 Jobs for Vermonters	7
Essay #4 Taxes and Benefits	9
Essay #5 Secrets Washed from the Hills	11
Essay #6 The Canadian Rebellion of 1837	13
Essay #7 Vermont in the Mexican War	15
Essay #8 The <i>Gleaner</i>	17
Essay #9 Norman Rockwell	19
Essay #10 Town Meeting	21
Essay #11 Chauncey Lee	23
Essay #12 Thompson's Ethan Allen	25
Essay #13 Extradition Policies	27
Essay #14 Model Legislation	29
Essay #15 Daniel Webster and Vermont	31
Essay #16 Nullification	33
Essay #17 Frederick Hoxie	35
Essay #18 Civil War Debts	37

Essay #19	The Admiral	39
Essay #20	Mr. Park's Railroad	41
Essay #21	The Nestor of the Senate	43
Essay #22	Flanders and the Fall of McCarthy	45
Essay #23	Garrison's Epiphany	47
Essay #24	Jarvis and the American System (Sheep)	49
Essay #25	The Loss of the Thalweg	51
Essay #26	The Great Redfield	53
Essay #27	Neshobe	55
Essay #28	The Council of Censors	57
Essay #29	Federal Flood Control	59
Essay #30	Apportioning the Legislature	61
Essay #31	John Humphrey Noyes and Vermont	63
Essay #32	Celebrations of Vermont	65
Essay #33	The Grange	67
Essay #34	The World War at Home	69
Essay #35	The Adoption of the Income Tax	71
Essay #36	Vermont and the Movies	73
Essay #37	A Coordinate Legislative Body	75
Essay #38	Vermont Humor	77
Essay #39	Two Philosophers	79
Essay #40	Our Magazines	81
Essay #41	Interchangeable Parts	83
Essay #42	A Race to Foreclose	85

Essay #43	The "Industrial Holiday"	87
Essay #44	The National Forest	89
Essay #45	Calvin	91
Essay #46	The Underground Railroad in Vermont	93
Essay #47	A Declaration of War	95
Essay #48	The First Amendment	97
Essay #49	The Nationalization of the National Guard	99
Essay #50	Place Names	101
Essay #51	The Vanished Vermonters	103
Essay #52	Lessons of the Bicentennial	105
A Note on the Author		107



Introduction

If you look back over the celebrations in Vermont in 1891 and 1941—the centennial and sesquicentennial of statehood—you'll find very little mention of statehood. They celebrated democracy, revolutionary fervor, the contributions Vermont made at the Battle of Bennington, but there was a curious resistance to themes of statehood and federalism. Vermonters love a celebration as much as any other folk, but statehood is not a source of pride. It embarrasses us; it makes us admit we aren't as independent as we like to think we are.

During the 1990 warmup exercises for the bicentennial celebration, the secession debates between Frank Bryan and John Dooley received a tremendous response. Each evening after the two speakers ended their talk, there was a vote on secession, and secession always won. It probably wasn't because Professor Bryan was the better speaker; it's just that he had the better assignment. Statehood didn't seem to have much to recommend it, no matter how hard Justice Dooley tried. The popular choice of Vermonters will always be with the adventurous, the risky, the insouciant option. The vote on secession and the election of Bernie Sanders stand on the same footing. We insist on being different, on being able to go our own way no matter what people think, on being Vermonters first and anything else second.

We can't let the bicentennial go by without confronting the issue of statehood. Two hundred years ago, March 4, 1991, Vermont became a member of the Union, and if all we do on that day is eat a piece of birthday cake or pass a resolution or listen to church bells, we miss the point altogether. We need to confront the realities as well as the myths of statehood, of Vermont in a federal system. We need to investigate and celebrate the contributions Vermont made to the Union and the Union made to Vermont.

That will be the theme of a weekly column, beginning in January 1991, analyzing the Vermont experience with the United States and vice versa from as many different angles as possible. We will look at industry, agriculture, history, the arts, inventions, religious movements—anything Vermont exported to the world, as well as things that changed Vermont, such as railroads, interstate highways, and federal programs. We'll explore the Vermont character through its humor, its traditional tightfistedness with money and its liberality with social programs, its environmental convictions and investment in democracy. To see Vermont clearly will be the goal.

Judge Royall Tyler told of visiting on his travels a dilapidated farm in a rural part of Vermont, fields strewn with rocks and weeds and buildings crumbling from age and weariness. The old farmer, leaning against a rough post smoking a pipe, wearing tattered rags and a cocked hat, said, "I'm not as bad off as you think I am. *I don't own this land.*"

We may not have a deed, but Vermonters do hold title to the Green Mountains, the rivers, the lakes, the history, and the future of this state. This is our home, and to us it is special. Sometimes we fail to see Vermont for what it is or prefer to believe something other than what is there. Sometimes what we call "Vermont" is myth, and because the Vermont of 1991 is not always

consistent with the myth, we are disappointed. In that disappointment is the heart of Vermont just as much as old red barns and wood smoke.

The foliage hides the junk cars; the snow covers the rusting tractor; the beauty of the place masks the hardship of life in an inhospitable climate with a short growing season, exhausted soil, and people who think maybe this is a good place to be born and move away from. Some stay, of course, and others come, and today while there are parts of Vermont that look like anywhere else with shopping malls and parking lots and fast-food places, there's still a Vermont. It's still the fourteenth state in the Union. It still harbors suspicions about the federal government and the rest of America. It still debates the wisdom of statehood.

Start the music: the bicentennial waltz is about to begin.

Essay #1

What Statehood Did for Vermont: An Overview

Suppose we could invent a scale that would measure the benefits and liabilities of statehood? It would have to be something like Thaddeus Fairbanks's platform scale since it would need to measure an ungainly quantity of diverse materials with accuracy, without putting the goods at risk. But if it could be done, what would it read? Would we judge that the decision to join the Union, made at the constitutional convention of January 10, 1791, was proper?

During 1991 Vermonters will spend a good deal of time deciding what should be placed on each side of the scale. We will try to imagine how history would be different if we had chosen to remain independent—how long we would have been allowed to remain independent from Canada or the United States if we had not chosen to join the latter—and what life in Vermont would be like today if we had succeeded.

On the statehood side of the scale, we would put the federal constitution first, because of the protections and guidance it has given Vermont for its entire history. We had our own constitution first, of course, but the federal constitution has given us the cases and the interpretation of civil rights, the glory of the First Amendment, the Due Process and Equal Protection clauses, women's rights, and directions on how to understand the federal system, among other advantages. Next we would put the economic advantages of statehood—the markets, the tariffs, the tax advantages, the regulation of food and drugs, the Small Business Administration and Farmer's Home, the international trade opportunities, and the communication and transportation networks of the nation that have been so good for Vermont.

National and international security would also belong on that side of the scale. The borders of Vermont would not have held off British or even American invaders for long; even if Vermont had survived long enough to experience the War of 1812, it would have had a very different outcome with Vermont insisting on its independence. Without the military and moral support of the United States as a part of the family, the border would not have held. If we were lucky enough to have escaped British invasion, we would certainly have been swallowed whole by New York. Admittedly, this would not have come easily. But in any analysis of what might have happened, it is difficult not to conclude that Vermont would have served as the Kuwait of the early 1800's.

There are counterweights to statehood that cannot be ignored. Nathaniel Chipman would be surprised to discover how his concept of a limited federal government, restrained and controlled by sovereign state governments, no longer applies in 1991. The centripetal force of federal dollars changed everything. The lines Chipman found so comforting, separating what was state authority from what was federal, have blurred and disappeared in modern times. Congress and the federal bureaucracy have the real power now, not the states. Chipman's belief that U.S. senators would serve

as "guardians of the rights of [the] respective states against all encroachments of the national government" today seems bemused and naive.

Chipman might also be chagrined if told about the federal deficit, the cost of the savings and loan bailout to Vermonters, the corruption of congressmen, the national leadership vacuum, and the size of the income tax. But would he have changed his vote at the convention if he could see Vermont and the United States in 1991?

Certainly, Vermont has been changed more by its association with the United States than anyone could have anticipated two hundred years ago. But then who could have known how science and history would change the world in that time? We can't revive the convention or reset the clock to 1791; we have to live with the consequences of the decision to ratify the U.S. Constitution and agree to statehood. We wouldn't be true Vermonters, however, if we didn't hold back just a little in our embrace of statehood.

"One important consideration ought not to be omitted," Chipman added in concluding his speech in favor of statehood. "The federal constitution is still subject to amendments—whatever shall in practice be found dangerous or impracticable, redundant or deficient, may be retrenched and corrected: that wisdom which formed it, aided and matured by experience, must carry it to a far greater degree of perfection than anything which has been known in government."

The Constitution has been improved over the years, and Vermont's voice has been heard in making it more responsive to the needs of citizens, including the adoption of the Bill of Rights, the Fourteenth Amendment, and women's voting rights.

Delegates at the convention worried Vermont would not be respected as the last one in the door and because of its size. But Vermont's voice has been heard in Congress, more effectively than its relative population base would seem to justify. The quality of leadership of Vermont's representatives, including Justin Smith Morrill, George Edmunds, and George Aiken, has been extraordinary and has worked to the state's advantage in protecting small states against larger ones and in ensuring Vermont a fair share of federal largesse.

It is atypical of Vermonters to measure something only by what they get out of it, however; statehood ought to be judged as much by what was lost, what was put at risk, and what good it did for the nation. On that scale, statehood is almost justified.

Essay #2

What Vermont Has Done for the United States: An Overview

At the constitutional convention in January 1791, the delegates did not discuss whether Vermont statehood would benefit the United States. Their concern was entirely devoted to the question of whether statehood would be good for Vermont. In the end, of course, they decided to go with the U.S. and be bound by the Constitution of the United States forever.

Congress had no reservations about admitting Vermont. The immediate advantage of Vermont statehood was a stable frontier, especially along the northern border; the end of the infighting between Vermont and New York, and Vermont and New Hampshire, that had included such notorious acts as the accession of towns in both border states as part of Vermont in the early years; and for northern, federalist states, an ally and additional votes in Congress in favor of northern interests, including the northern attitude toward slavery.

Once Vermont's curious shape was fit into the jigsaw puzzle of the 1791 map of the United States, Lake Champlain became principally American, and with the exception of an occasional armed vessel drifting uplake from the north, a safe passage for traders and soldiers heading for the north country.

To Americans living in southern New England, Vermont represented the frontier, the wilderness, where relatively cheap land was available away from what they regarded as the crowding of early Connecticut and Massachusetts. By 1791 most of Vermont's towns were chartered, and most of its land was for sale, sometimes at bargain rates. Vermont was a place where a family could make a fresh start, where neighbors were sometimes miles away, where taxes were low. It was paradise to many new settlers, and now that it was a part of the United States, any doubts settlers would have had about the stability of its government, its economy, or the safety of its communities would be over.

Over the years as Vermont's population grew and its land opened up to farming, as the towns grew in size, the contributions of Vermont to the Union changed. From these hills came new ideas that would change the world—the steamboat, the electric motor, grafting wax, the platform scale, the flat turret lathe, the Morgan horse. Men and women born in Vermont left their homes and settled in other states and assumed positions of authority in government, education, and industry.

Somehow over time Vermont got itself a reputation as a place where a combination of climate and geography produced a character that was conservative in fiscal matters and liberal on social issues, that was mildly xenophobic but still unusually tolerant of different ways of thinking and living, with a dry wit and a wry acknowledgment of reality. Why harness a cow to a plow? To teach her life ain't all romance.

The world thinks of Vermont as a place to retreat to, a place to find a spiritual center that may have been lost in the whirl of urban life, a place where nature remains unspoiled. Its image, real or not, has been photographed and filmed and written about almost to the point of self-parody.

The nation knows it did well by inviting Vermont to join the Union. If there were no Vermont, Maine would have to do in a pinch. Not only that, but the map would look very strange. Where would the country turn for the quality of maple syrup, foliage, eastern skiing, granite, cheese, and Christmas trees it has come to expect?

There will be very little national celebration of Vermont's bicentennial in 1991. The nation is preoccupied with other matters. But that's fine: we don't expect, or for that matter necessarily welcome, federal intrusion in our birthday. We know what we mean to the United States.

Essay #3

Jobs for Vermonters

Daniel Buck of Norwich, the Cassandra of the January 1791 Constitutional Convention, was the most articulate delegate on why statehood might not be the best policy for Vermont. Among his arguments, he said, "[T]he blessing resulting to Vermont from her union with an extensive empire, enumerated by the honorable member from Rutland [Nathaniel Chipman], though very plausible, would not apply to the bulk of the people; some few favorites of fortune, who from circumstances of birth, and advantage of education, might consider themselves fair candidates for some post in government," but for most Vermonters, statehood would have no benefit and would carry more than a little risk to their integrity.

Well before the convention began, others were sounding a similar theme. A critic of the idea of Vermont statehood in November 1790 wrote, "When I reflect upon the conduct of mankind, chain'd by *custom* to the most egregious errors, and spurred by *ambition* to the most dangerous pursuits; my indignation rises on the idea of seeing a *respectable number* of the good citizens of this State led astray from the paths of *duty* and *interest* to that of *ambition*, by a *designing few*."

This anonymous citizen expressed an opinion that was popular among those who had reason to suspect there was no real advantage to union with the United States—that it was just a plot by a few men in leadership positions to get themselves good jobs on the federal dole.

The first federal officials in Vermont were appointed within a few weeks of Vermont's admission and amounted to five people. Noah Smith was supervisor of excise and impost; Nathaniel Chipman was judge of the District of Vermont; Stephen Jacob became U.S. district attorney; Lewis Morris took U.S. marshal; and Stephen Keyes, collector of the Port of Alburgh. Vermont's election of two U.S. senators on January 19, 1791, was premature and ineffective—we jumped the gun before we were formally admitted as a state—and those chosen, former Gov. Moses Robinson and Stephen Row Bradley, were legally elected at last in October.

Bradley, Chipman, and Jacob had been among the Vermont commissioners appointed to settle the New York-Vermont boundary line, and it was Chipman's impassioned arguments in favor of statehood that had won the day on January 10, 1791, paving the way to admission. Chipman remained U.S. district judge for only a short time, until 1793. He later served as U.S. senator for a term. Jacob remained U.S. district attorney until 1797. Bradley served three terms as senator.

Of the other Vermont commissioners, Elisha Payne was U.S. district judge for more than forty years, beginning his long and respectable career in 1801. Isaac Tichenor, in addition to serving as governor for eleven years, was U.S. senator. Israel Smith was U.S. representative for four terms. Ira Allen never held a federal post.

Of course, Vermont had to have representatives in Congress, federal prosecutors and judges and custom officials, and why shouldn't they be Vermonters? The wedding didn't make a marriage, after all. It took equally hard work and strong family ties to forge a true union between a formerly

independent state with thirteen others who had learned to live with each other over the course of fourteen years prior to the admission of Vermont.

Over the years, many Vermonters have served the federal government in Vermont, in Washington, D.C., and throughout the world. A few Vermont governors have served as U.S. representatives and senators. Federal jobs have frequently been higher-paying than similar state or local government positions, and the opportunity for promotions and job security has often been greater for one with a federal position.

The growth of government is a facet of modern life. As government tries to perform more public services—as more services become public responsibilities—the number of people working in government must also expand. Since the 1930's, the number of federal employees in Vermont has grown considerably.

The best evidence shows over six thousand people on the federal payroll in Vermont in 1991. This includes employees of the armed services, the Justice Department, the Post Office, and the U.S. Department of Agriculture, to name only a few. By comparison, Vermont state government employs about eighty-eight hundred people full time, all but about five hundred of these in the executive branch.

More than government has grown over the bicentennium. The population of Vermont in 1990 is projected at 560,000; after the census of 1790 (conducted in Vermont in 1791), the census workers found 85,500 people residing here. Comparing federal employees to population, there are now 114 times as many as there were two hundred years ago. Of course, that's not fair, but it's interesting.

Was statehood merely a ploy to increase federal jobs in Vermont or to give those most interested in promoting statehood more suitable employment? It's doubtful, even though the very people who promoted statehood seemed to have benefited most directly from admission. Statehood was a complex decision, involving hundreds of people. It was, in a sense, inevitable from as early as 1776, and its delay until March 4, 1791, is in itself no reason to celebrate. By that date, admission was almost an anticlimax and statehood a late prize for loyalty to the Union and to the federal government long before that was a legal duty of Vermonters.

Essay #4 Taxes and Benefits

The last thing Vermonters need to worry about in the midst of the bicentennial celebration is whether statehood was worth it on a pure cost and benefit basis. You've seen the articles that list how much Vermont sent to Washington and how much we took in benefits, as if that kind of balance sheet could justify faith in federalism.

When the constitutional convention met in Bennington in January of 1791, several delegates insisted that the United States first assume the expenses of Vermont during the revolutionary war as a condition of admission. Wiser heads knew this would not be likely, and the arguments were ignored. The previous summer the Congress had settled on a formula for determining how the war costs would be allocated, and Vermonters soon realized that their portion of the total war debt would leave them debtors of the United States, not creditors. Somehow Vermont escaped either status and entered the Union solvent, having paid its own way in the war through the sale of confiscated Tory (and Yorker) estates and a few early, almost tentative taxes.

The first federal taxes Vermonters paid were excise and impost taxes on goods crossing the border into Canada. There is no evidence of widespread unhappiness with these taxes probably because Vermonters were used to paying them even before statehood. The first federal tax (assessed on property by the state to meet the federal claims) came following the start of the War of 1812, long after Vermont had begun authorizing state and local property taxes to pay for basic services, including the cost of the legislature, the courts, and the executive branch, and roads and bridges.

By 1830, at a time when the annual expenditure of the state government amounted to \$70,000, Gov. Samuel Crafts looked to the federal government for aid in improving transportation systems, including canals and roads. "In all which works, Vermont, although paying into the national treasury nearly half a million dollars annually [tariffs and custom duties presumably], has received no benefit, excepting so far as those works may have added to the aggregate wealth and resources of the nation."

Beginning with a resolution introduced in 1829 by Vermont Congressman Jonathan Hunt of Brattleboro, the federal government decided to distribute the net annual proceeds of the sale of public lands among the states for education purposes. The federal government actually felt guilty having a surplus in its treasury at that time. As a result of the federal law of 1836, Vermont eventually received almost \$670,000, which it distributed to the towns and gores according to population, to be managed by them and the income used for the support of schools. This fund gave rise to the town office of trustee of public funds, still elected today in many towns even though the state ordered repayment in 1906 after discovering that some towns had improperly used their loans to repair roads and town halls. The state finally collected all moneys owed from this fund in the late 1930's after conditioning repayment on forfeiture of state school funds.

The auditor of accounts reported in 1891 that Vermont had received \$179,407 from the United States as reparations for its Civil War losses, including those from the St. Albans Raid. That year the budget was \$491,223, none of it federal money beyond the war reparations. Vermont received the final repayment for its Civil War claims in 1906 and in 1941 received other funds for claims of Vermont stemming from the War of 1812. By that time, however, federal money was becoming an essential part of the state budget.

In 1951 the total state budget was \$36.5 million of which \$4.32 million (12 percent) was federal. In 1989 total state spending amounted to \$1.239 billion, an amount which included \$304 million in federal grants—or almost a quarter of total spending. There should be no wondering about where federal deficits come from.

During 1989 Vermonters paid about \$254 million in state income taxes. They sent over \$1 billion to the federal government in income taxes. The feds' own statistical summary shows that in 1988 they returned \$1.5 billion to Vermont in benefits to Vermonters, a number that includes social security and medicaid, salaries of federal employees, and procurement. On numbers it looks like we're still ahead.

Essay #5 Secrets Washed from the Hills

"They were pinkish things about five feet long; with crustaceous bodies bearing vast pairs of dorsal fins or membranous wings and several sets of articulated limbs, and with a sort of convoluted ellipsoid, covered with multitudes of very short antennae, where a head would ordinarily be." H. P. Lovecraft's classic tale, "The Whisperer in Darkness," describes how the bodies of these creatures were washed out of remote places in the Vermont hills during the 1927 flood. He tells how Vermonters knew about them and kept them secret for many years and how the flood brought their story to light.

The 1927 flood changed Vermont forever. It took eighty-four lives and left ten thousand Vermonters without housing. It affected our policies on railroads, paved roads, and the value of air travel; it forced us to replace over one thousand bridges; it fostered flood control projects and dams. It was also the first instance in Vermont history where the state accepted large-scale federal assistance—\$2.65 million in emergency aid. The odd thing about this money was what happened to the memory of it in the years following the flood. Somehow, even to this day, Vermonters remind each other smugly that this is a state that met the crisis of its worst flood alone, without having to look to Washington for help, as an illustration that Vermont is still proud and independent.

Myth is a strong elixir, especially in Vermont. We want to believe that there were once more cows than people, that we actually declared war on Germany before the U.S. did, that there's a clause in the Vermont Constitution that allows us to secede from the United States at hundred-year intervals. We want so badly to believe that Vermont cleaned up its own mess in 1927–28 that the federal money just disappears from history, remaining a dirty little secret, like Lovecraft's "whisperers," until somebody whispers the truth and shames the myth.

To be fair, Vermont committed at least \$8.5 million of its own, principally in state bonds, to the replacement of highways, bridges, and state institutions, a debt it paid off finally over forty years later in 1978. We also need to recognize the courage and sacrifice of Vermonters in the face of this, our greatest natural disaster, whether it came in the form of acts of heroism in saving lives or in relieving the suffering of people suddenly homeless and stripped of all they owned. The total financial loss to the state from the flood, including public and private costs, amounted to an estimated \$25 million, and this disaster, coming as it did less than two years before the stock market crash of 1929 and, in its footsteps, the Great Depression, was just the beginning of the hard years for many Vermonters.

For history's sake, we probably shouldn't have accepted the federal money. That way, the myth would have been the truth even if we had to pay a little more on those state bonds. There's no embarrassment in taking federal funds for emergencies or there shouldn't be; after all, some of that money belonged to Vermonters. But it is too bad, really, that we took it.

There are many Vermonters who meet the qualifications for social welfare, food stamps, fuel assistance, property tax rebate, and other programs designed to assist people in need, who refuse to accept that aid. They do so out of pride, and their position has to be respected. They remain independent not only of federal programs but of government as a whole, its intrusions and its "help." They prefer to meet their crises alone, and their reasons are none of your business.

They know that in accepting assistance there are always strings—strings that tie you up and prevent you from living a natural life. State government learned this hard lesson when it took federal money; state government taught this hard lesson to local government when it invented state aid programs for highways, education, and other public works, including sewage treatment plants.

We want it clean and neat and without entanglements. We want to go our own way. We want to get up in the morning and be indebted to nobody. But that isn't the way it works. The myth isn't the truth; it may define our values and our expectations, but it isn't the truth.

Essay #6
The Canadian Rebellion of 1837
("Dangerous Excitement on the Northern Frontier")

Vermont could not stay out of the "Radical Rebellion" in Canada in 1837. For one thing, the border with Canada was little more than an imaginary line to most, freely crossed by residents of both sides. For another, Vermonters saw the *patriote* cause as just and not a little reminiscent of their own struggle for freedom some sixty years earlier.

In Upper Canada (Ontario), patriots issued a declaration of independence in July. From Montreal the British governor issued a proclamation on December 5, 1837, declaring martial law in the province and death to the rebels.

The rebels wanted freedom from Britain, and the Tory government of Canada was not sympathetic. Their clashes often left the rebels in disarray. The newspapers were full of stories of how rebels, as well as innocent women and children, were murdered by the forces of the established government. Loyalist clergy refused sacrament and Christian burial to unrepentant rebels. Much of the action of the rebellion took place well west of Vermont, near Niagara Falls and in northern New York, but the Vermont border was hardly quiet during these years.

On December 6, 1837, a force of as many as two hundred men and boys (some say fewer)—mostly rebels but including some Vermonters—began to march from Swanton Falls to the provincial line. The ladies of Swanton had sewed the flags they carried. The few arms they had—one report mentions they had only ten good rifles among them and three small pieces of artillery, the kind boys used to celebrate the Fourth of July—were supplied by Vermonters sympathetic to their cause. Once they crossed the border, they began to take horses and provisions from loyalists. At Moore's Corners they were met by a military force of several hundred men. For fifteen minutes they withstood the fire, then they returned to Swanton. Vermonters took them in and, for their compassion, were roundly roasted in the loyalist press.

A new war of print began across the border. The *Montreal Herald* threatened the editor of the *Burlington Free Press*, a paper with strong editorial support for the rebellion, with "a noose." Two thousand Vermonters attended a rally in St. Albans on December 19. Gov. Silas Jenison was mildly condemned by resolution. There were other mass meetings in Burlington, Montpelier, and throughout the northern part of the state.

Vermonters' support for the rebels threatened the security of the United States. The State Department wrote Governor Jenison to ask for his assistance in maintaining the peace. Pres. Martin Van Buren asked Jenison to keep the border secure and to arrest anyone concerned if "any preparations are made of a hostile nature against any foreign power in amity with the United States." Jenison issued a public statement making his feelings very clear: "In the present posture our duty is manifest—that of a strict neutrality—neither lending such aid to either as would be inconsistent

with that character, nor denying the rights of hospitality to either, so long as they are within our borders, and maintain a character of quiet and peaceable citizens." But what a governor wanted and how the people would act were two different things.

At Westford on January 2, a town meeting resolved "[t]hat we will aid and assist the patriots of Canada in extricating themselves from their present state of oppression and abuse so far as we can consistently with the Laws of our own Country" and "[t]hat we, as Green Mountain Boys, will use the liberty our forefathers did, to destroy every principle of Toryism, and at the hazard of our lives prevent any intermeddling with the rights of our citizens or those who may come to reside with us."

On February 14, 1838, two to three hundred patriots crossed the line to Caldwell's Manor, camping about two miles from the line for the night. When dawn came, they discovered many of their number had deserted. They drew back across the line and surrendered to Gen. John E. Wool of the U.S. Army.

During that winter, the town of Sheldon sent a company to the border to assist in enforcing neutrality; when it arrived, General Wool asked if they sympathized with the government or the radicals. The company answered proudly that they were radicals to a man. Wool ordered them home again.

The rebel cause lost momentum in time, although for two or three years barn burning on both sides of the Vermont border was common. Newspaper and popular support for the rebel cause remained high throughout the period in spite of Governor Jenison's proclamations and public statements. Many Vermonters found his involvement in the affair reprehensible. Regional loyalties for some were more important than the official federal policy of neutrality.

Fifty years after statehood, Vermonters were still uncomfortable with the role they were expected to play in foreign relations. They did not hide their sentiments or their loyalties, and while their allegiance to the United States never wavered, they clearly felt the bite of the federal bit, and it made them sore.

Essay #7

Vermont in the Mexican War

Gov. William Slade's inaugural address in October of 1844 did not mince words on the subject of the possible annexation of Texas to the United States:

To attempt for any purpose, a transformation of the present, into the new union which annexation would create, would be an insufferable invasion of our rights; but to attempt it for the purpose of sustaining slavery, and subjecting the tenants of these mountains to its prolonged power, is to be thought of with no dream of submission to it for an hour. Upon the consummation of the threatened measure, I do not hesitate to say that it would be the duty of Vermont to declare her unalterable determination to have no connexion with the new union, thus formed without her consent, and against her will. To carry out this determination would not be to dissolve the union, but to refuse to submit to its dissolution—not to nullify, but to resist nullification.

Slade was talking about the end of statehood, about an unraveling of the original agreement that bound Vermont to the Union.

America has had unpopular wars, but the Mexican War was unusual in this regard because of how outspoken Vermonters, and particularly Vermont governors, were about opposing it. Vermont legislators who supported the war complained that they had heard the same complaints in 1813 and 1814 from the Federalists, that it was "the President's war" and "a war for aggrandizement" or "for territory." But no governor of Vermont spoke so passionately against the War of 1812, at least publicly, as Governor Slade did in 1844. It was a profound display of dissent from federal policy in Vermont's history. It broke the mold and loosened Vermont's tongue to speak its mind on future federal decisions.

Once the war was under way, Gov. Horace Eaton in 1847 wrote:

It affords occasion for the most profound regret that the unhappy war with a neighboring Republic has not yet been terminated, but, on the contrary, is making still greater and greater demands upon the blood and treasure of the nation. It is believed that Vermont has seen nothing in the progress of the contest, to change her sentiment, either in regard to the insufficiency of the grounds on which the war was commenced, or the unworthiness of the purposes for which it has been waged. . . . Peace she unequivocally and earnestly desires, and asks for no territory, whether slave or free, as a condition of its establishment and security.

Harriet Hutchinson of East Braintree wrote her fiancé Lucius Salisbury, urging him not to join up. "The lives of our people I think are worth more than that country with all its gold mines."

To satisfy Vermont's responsibility for troops, Slade in 1846 had announced a call for volunteers to form one battalion of five companies of infantry. Vermonters earned high praise for their valor at Contreras, Curubusco, and Chapultepec.

Truman Ransom, president of Norwich University, left the presidency to join the army in Mexico and was promptly made a lieutenant colonel. He was commended by Gen. Winfield Scott, the highest ranking U.S. officer in Mexico, for the conduct of his troops. At Chapultepec three thousand United States troops attacked a fortified city protected by ten thousand Mexican troops. Vermonters played a critical role in this bloody assault. Ransom himself was killed leading a charge on the citadel, while other Vermonters were the first to lower the Mexican flag and erect the Stars and Stripes on the top of the highest building.

Dissent at home did not lessen the commitment of Vermonters who volunteered to fight in Mexico. When the smoke cleared and the treaty was signed, Mexico ceded to the U.S. its rights not only to Texas, but to the area that is today California, Colorado, New Mexico, Nevada, and Utah, in exchange for \$15 million.

Vermonters were hearty opponents of slavery, and the Mexican War—and the annexation of Texas several years before—seemed to them simply an excuse to expand slavery and increase pro-slavery votes in Congress. No one could criticize Vermonters on the question of their loyalty to the Union. They believed slavery was the greatest threat to the Union, and their dissent over the Mexican War was only to protect the Union. By their sentiments, Vermonters were willing to put the interests of the Union ahead of loyalty to a president, a party, or Congress. At Bennington in January of 1791, Vermonters had bound themselves to the U.S. Constitution *forever*, and they were serious about that commitment.

Essay #8

The Gleaner

Statehood was political union, but political union would never be complete without commercial union, and commercial union wasn't complete until October 8, 1823. This was the date of the opening of the Northern Canal, also called the Champlain Canal, that linked the waters of Lake Champlain and the Hudson River.

Actually, Wood Creek served the purpose of linking the river and the lake for those who could paddle (and portage) for many years before 1823, but without a major waterway to the south, Vermonters had to haul their goods out of the water at Whitehall and carry them by teams to Troy, a journey that at that time took twenty-five to thirty days and cost between twenty-five and thirty dollars a ton. The biggest products of the Champlain Valley, however, were lumber and iron, which were generally too heavy and cumbersome for hauling by team. Lumber, in particular, was more likely to head north than south until there was a canal. In fact, western and northern Vermont's economy depended on trade across the Canadian border.

The idea of a canal was nothing new, even in 1792 when one company tried to build it and then failed. New York itself got involved finally and work began in earnest in 1817. It was originally a project of Gov. De Witt Clinton. Workers completed the canal in November of 1822, and it officially opened on October 8, 1823.

On that day the *Gleaner*, built in St. Albans Bay by Julius Hoyt and N. W. Kingman, owners, entered the canal from the lake with a cargo of wheat and potash, Capt. William Burton at the helm. The *Gleaner's* progress to the south was heralded in every port. Although it was detained at Waterford while locks were completed, at Troy its crew was feted at the Troy House with a banquet and speeches. When it took to the river again, it was accompanied by a long procession of gaily decorated boats, with celebrations, cannon barrages, etc., at Albany and New York, where a poet described it as the "Barque of the Mountains." The cost and the time of shipping goods dropped immediately to a third of the pre-canal charges.

Vermont Gov. Cornelius Van Ness in his 1823 inaugural heralded the opportunities offered Vermont by the canal. "This great work has been exclusively accomplished by the noble and munificent spirit which has animated a neighboring state. . . . A new era has indeed burst upon us, when we can hear of the arrival of vessels at the city of New York, from the northern extremity of Vermont."

The Erie Canal opened two years later to similar celebrations, although due to a design error, the Champlain Canal was built one foot narrower than the Erie, making through traffic from the Great Lakes to Lake Champlain unlikely. The opening of the Champlain Canal also drew Vermont trade from Portland, Hartford, and Boston to New York. Business to the north quickly grew less important to the Vermont economy.

As traffic on the canal grew, new businesses opened up to fulfill its needs. Asa Eddy started building, selling, and operating canal boats, and others worked the mules and horses that pulled the boats through the canal. Burlington's present claim as the largest urban area of the state owes no small debt to the opening of the canal and a steady trade to the south.

Trade with Canada dropped precipitously beginning in the year the canal was completed. Construction around the rapids of the Richelieu River of the Chambly Canal was finally completed in 1843, but by that time trade routes to the south were well established. Vermont was then economically dependent on its southern connections, and while trade with Canada never really stopped, its importance to Vermont businesses was significantly diminished after 1822. That change was just one more brace added to the structure that bound Vermont ever closer to the Union, justifying the experiment of statehood and improving the Vermont economy to boot.

Essay #9

Norman Rockwell

Norman Rockwell first came to Vermont in the fall of 1938 at the age of forty-four. He stopped at Arlington for the night on recommendation of a friend and soon saw the possibilities of the place. For one thing, he said later, everyone he saw during his after-dinner walk looked like a character in a Rockwell painting.

He bought a sixty-acre farm outside of town on Route 313 along the Batten Kill. He built a studio in the back, and although the original plan was to make it a summer retreat, he and his family soon moved there permanently, followed eventually by a number of other New York painters—three other illustrators for the *Saturday Evening Post* and others, including Dorothy Canfield Fisher and Grandma Moses, who understood the value of a quiet place.

Rockwell had a contract with the *Saturday Evening Post* from 1916 until the 1970's. Over the years he painted 317 covers for the magazine. There were humorous covers and serious covers; the overriding theme was rectitude of a distinctly American cast—perhaps a distinctly Vermont/American cast.

In 1943, in the spring, his studio burned to the ground, consuming thirty completed paintings and a lifetime collection of props, costumes, and painterly items. "There goes my life's work," he said at the site. The Rockwell family moved their home and studio near the green in West Arlington. Rockwell stayed until late in 1953 when he moved to Stockbridge, Massachusetts, because of his wife's desire to be closer to her physician, keeping the West Arlington home for summers.

During his Vermont years, Norman Rockwell is said to have painted just about everybody in Arlington and thereabouts. The people became soldiers, policemen, schoolteachers, doctors, and other characters in his work. Rockwell painted from life and from photographs. His style was naturalistic and photographic.

Although many of Rockwell's most prized covers for the *Saturday Evening Post* featured Vermonters, the most popular and important *Post* material was a set of four paintings called the *Four Freedoms*, completed just before the fire in 1943. Franklin Delano Roosevelt's annual address to Congress in 1941 had said, "In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression—everywhere in the world!"

When Rockwell decided to paint "Freedom of Speech," he turned naturally to a Vermont institution, town meeting. In his painting a tall Vermonter with a fixed look on his face stands at town meeting to speak his mind, his work jacket on but unbuttoned, a copy of the annual report rolled up on an inside page in his pocket, his worn hands gripping the front of the bench in front of him. The man in front of him holds another copy of the annual report, and while you can't tell what town it is, it's clearly a Vermont town since you can see the ". . . mont" on the title page.

Around him are three older men who look up at his face with quiet respect, their lips firmly together, and others who look straight on, probably at the moderator.

The model for the speaker in *Freedom of Speech* was Carl Hess, an Arlington neighbor who owned the local gas station. Susan Meyer, the author of *Norman Rockwell's People*, in 1981 wrote that "[t]he idea originated from a town meeting where Jim Edgerton [another neighbor and frequent model] rose to state his opinion of the proposed construction for the new Arlington High School replacing the old one that had recently burned down." Edgerton must have been persuasive; the vote to build a new school passed easily that year.

Rockwell's painting of "Freedom of Speech" showed the nation direct democracy in action in a Vermont town meeting. Critics of the painting have complained that the eyes of the speaker seem fixed on something just short of heaven and that the sentimentality of the treatment detracts from the subject. Vermonters know the speaker was looking at the moderator. They also know there's nothing sentimental about town meeting once you get there.

Here we have a Vermont image that has reached people throughout the world. It teaches a lesson and fulfills an expectation about democracy, about free expression, about Norman Rockwell, and about Vermont. For all time, Carl Hess will rise and address the meeting through the moderator. Norman Rockwell painted Vermonters and Vermont scenes and, through the popularity of his work, particularly from the *Saturday Evening Post*, helped establish the Vermont character for a generation of Americans. He painted values—rectitude, innocence, gentle irony, dry wit, and candor—and he helped perpetuate the face and the myth of Vermont.

Essay #10 Town Meeting

Dorothy Canfield Fisher wrote about an Arlington town meeting in the 1930's. The principal concern of the meeting was money, which was tight, as it always is. Debate over the budget finally resolved to a question of deciding whether to repair the bridges or build a high school, since there was money enough for only one of those public expenditures.

After some debate, which included testimonials from townspeople about how the old school had been good enough for them and should be for the town's children, the local grocer stood up. Like the others, he was a man who had attended the local school, one most expected would hold with the common philosophy that what was good enough for him would be good enough for the children of the town.

But he surprised the rest with his speech. He explained that the choice between roads and schools was too simple. He didn't believe it, and he didn't think anyone else in the room did, either; it's just that no one could come up with an alternative. Then he looked ahead to a future in which the roads and bridges were in perfect shape while the schools were allowed to fall into ruin. Which would they rather have, he asked, "a place where nit-wit folks go back and forth over good bridges? Or a town which has always given its children a fair chance, and prepares them to hold their own in modern life?" With a good education, he suggested, the young people of the town could figure out how to build their own bridges. He called on them to make the intelligent choice. "I say, 'If we have to choose, *let the bridges fall down!*'"

Rowland Robinson wrote a short story about town meeting, called "An Old-Time March Meeting." Like Fisher's story, the action focuses on a moment in the meeting when a well-seasoned voter, a veteran of the War of 1812, stands to respond to a motion he finds offensive, in this case a motion to "let aout the keepin' of the taown poor tu the lowest bidder." (Robinson's work requires a strong commitment on the part of its reader to dialect and sometimes needs to be read out loud to be understood.)

"A-biddin' off the poor tu vandew is a cussed shame," says the old soldier. "I don't keer whether they be God's poor or the divil's poor, or poor divils. 'T 'ould be humaner tu fat 'em up an' boocher 'em fur the taller 'an what it 'ould be to starve 'em the way they will. Yes, by a damned sight!"

The voters approve the lowest bid from a tightfisted farmer, but the old soldier will have none of it. He thumps his cane on the floor and promises that no one in his town will starve as long as he has "'tater bin an' pork berril" that's full. Come home with me, he says, and in the same breath condemns the town to the devil. "A-sellin' off men 'at fit fur the' country! By the Lord Harry, I would n't never fit fur it if I'd ha' knowed what a passel o' maggits it was a-goin' tu breed. I swear I won't agin, come what may!"

Robinson's works enjoyed a regional popularity and reached the wider world in time. Dorothy Canfield Fisher's works were published and read nationally and internationally, in some cases, translated into other languages. Their popularity brought Vermont—and Vermont town meeting—to a wide readership.

Town meeting is one of Vermont's most important exports. Other states hold town meetings, of course, but the Vermont town meeting is something special. Each year national press attention is focused on what happens here, especially if meetings take positions on issues of national or global importance. Even when they don't, however, town meeting holds a special quality that outsiders often feel has been lost to the rest of America. It's the spirit of direct democracy in action.

In a place big enough to fit most of the voters in town but small enough for any voter to be heard by all, town meeting still works. There may be an annual obituary for town meeting by some writers who believe that time and modern life have made the institution outdated and inefficient, but in many small Vermont towns, the annual meeting works as well today as it did a hundred or two hundred years ago. Officers are elected, budgets are adopted, policy is set for another year; voters have their say about motions before they're voted; and everyone goes home with the satisfaction that the people still run this government without the need for politicians or delegated power.

Town meeting works because of the special character of the people who attend. There are still speakers like Robinson's old soldier or Fisher's grocer at every town meeting whose wisdom, candor, and directness carry the day, people with the courage to stand up and tell the rest of the town how they feel. The Congress and the state legislature could learn a thing or two about legislative matters from a Vermont town meeting where common sense and common humanity, not politics or self-interest, make policy.

The tee shirts that say "Vermont is the way America used to be" are printed in Vermont, but the message is a judgment of nonresidents. They wistfully glorify Vermont's antiqueness, its commitment to heritage and to systems that work, including local governance. For Vermonters, town meeting is not quaint or charming; it's business as usual. But if non-Vermonters want to believe it, we won't be offended.

Essay #11 Chauncey Lee

In a book of miscellaneous newspaper clippings from the 1890's, one piece announced, "The Dollar Sign Invented by a Vermonter." It tells about the Rev. Chauncey Lee of Sunderland, Vermont, the pastor of the Congregational Church, and how Lee invented the dollar sign in his school textbook, *The American Accountant, A Compendium of Federal Arithmetic*, published in Burlington in 1797. The idea that the symbol for the dollar, using two parallel lines with an "S" on top, started in Vermont is tantalizing in light of the strong record Vermont has built and publicized of itself as a kind of incubation chamber for inventions of all stripes.

There are several alternative theories about the "invention" of the dollar sign. One theory, frequently mentioned as a popular but untrue genesis, says it comes from overlaying "U" and "S." Another notes the use of the same symbol for the peso and concludes that parallel lines historically stood for the peso and the "S" signified more than one. But the Vermont theory of its origin is based on the failure of some researchers to find the symbol elsewhere before its use in Reverend Lee's math book.

Chauncey Lee's story is a classic. He first moved to Sunderland after giving up the practice of law and studying for the ministry. He was ordained in Sunderland on March 18, 1790, at 2:00 in the afternoon—the same time that the Rev. Jacob Sherwin was ordained a minister in a different part of town. Being the first settled minister in a town entitled the individual to the lease rents of certain public lands, so naturally the conflict led to a dispute that eventually found its way to the court. Lee's biographer explains that "[t]he matter was long litigated in the County Court, and many of the clocks and watches of Sunderland were brought to testify in the case, until at length it was decided that the settlement of Mr. Sherwin preceded that of Mr. Lee about two minutes."

Two minutes late was enough to ensure that Lee moved on from Sunderland to start a new career as a writer of a mathematics textbook. In his book Lee never discusses the dollar sign directly. In the early pages he has invented a series of symbols for the penny, the nickel, the dime, and the quarter, as well, consisting of strokes and curves, but later in the book he switches to the dollar sign in combination with the decimal point to teach his subject.

One commentator says Thomas Jefferson used the dollar sign in his first treatise on the decimal system, "Notes on the Establishment of a Money Unit, and of a Coinage for the United States," in 1782, but on checking the original text, it's clear Jefferson never used the sign. The Continental Congress first adopted the decimal system in 1785, but it wasn't brought into use until 1794, two years after the creation of the first mint.

We'll probably never know whether Chauncey Lee was the one who invented the dollar sign, but the story has broader meaning in light of the Vermont engine of inventiveness. From the steamboat to the electric motor, grafting wax to the platform scale, the flat turret lathe to some of IBM's most advanced computer microchips, Vermont has had a solid reputation as a place where

new ideas and new solutions to old problems seem to blossom. Vermonters remember with pride that the first patent issued by the United States was to a Vermonter for a pot and pearl ash process.

Writers try to explain why. Some point to the high mountain air, the hard climate, and severe winters, the lack of opportunity or of access to factory goods, as reasons for this record, but none of those ideas seems quite plausible. The fact is, every hill farmer, to be successful, had to be an inventor, to make do with what he could put together out of old parts.

The claim that Vermont was an industrial-era breeding ground is not without proof, but does it go too far? Is it fair to claim both those who were born in other parts of the country who moved here and invented things, as well as people who were born here and moved away to invent what they did? We celebrate John Deere, even though his plow was invented in another state and contributed to the ruination of Vermont agriculture by its remarkable impact on farming in the West.

Vermont invention literature is not just a string of success stories, either. Vermont inventors somehow often find the world unready for their ideas or see them stolen by others. Vermont inventors often die in poverty. Look at Samuel Morey and his steamboat and Fulton's reputation for that invention. Look at Davenport's lack of success in selling his electric motor. Vermont inventions often contribute to world progress but seldom bring their creators fame or fortune, and that, too, is part of the Vermont myth. We want our inventors to be selfless, because it fits the model, and impoverished, because the puritan ethic seems to require it.

Look at Chauncey Lee. His mathematics textbook was hardly a great success, and his string of pastorates often ended with his dismissal on doctrinal grounds. His stay in Vermont was short, but it was certainly long enough for Lee to breathe a little mountain air and invent the dollar sign. Then history washes this memory away, and he is forgotten. His biography ends this way: "Before being prostrated by disease, though his health was feeble, he was wont to play upon the accordion, and sing, with great tenderness and peculiar intensity of feeling, 'Home Sweet Home,' as expressive of his longings in aged widowhood to enter the Heavenly rest."

Essay #12

Thompson's Ethan Allen

Ask any non-Vermonters to free associate on the theme of the Green Mountain State and within a word or two you will hear about Ethan Allen and the Green Mountain Boys. Ethan was the embodiment of all the heroic, insouciant, untamed energy of early Vermont. He was bigger than life. He took Ticonderoga. He wrote a blasphemous tract that offended many. He was a prisoner of war. He put out the Tory rebellion in Windham County. For many, he is *the* Vermonter, not only historically but emblematically.

Ethan's fame was well established in his own time, but his reputation found a second life with the 1839 publication of *The Green Mountain Boys*, a novel by Daniel Pierce Thompson, a resident of Montpelier. This volume sold well, with over fifty editions nationally and wide international sales. Thompson's biographer called it "the classic of Vermont," and no doubt many people first became aware of Vermont and its early history from this novel.

Thompson's Ethan Allen enters the action of his story without formal introduction:

[T]he stranger advanced with a bold, free step and a fearless air into the middle of the room, where he paused and bowed slightly to each of the assembled group, most of whom, however, were too much surprised and overawed at the singular and formidable appearance of the man to return his salutations. . . . Of an uncommon height, and with an extraordinary breadth of chest, supplied with large, brawny limbs, his whole frame constituted a figure of the most Herculean cast; while his large darkly bright eyes, and the air of intelligence that marked the general expression of his coarse, lion-like features, gave evidence that his intellectual powers were not, as frequently occurs in such instances, wholly incommensurate with his physical proportions. A modern phrenologist, indeed, while comparing his high and remarkable expansive forehead with the vast volume which composed the back part of his head, might be much puzzled to decide whether his intellectual or animal nature would most predominate in his character.

As the story progresses, Ethan is soon surrounded by Yorker soldiers, who suspect his identity and believe him to be caught in their trap although they foolishly decide to drink with him before making any formal arrest. In spite of their suspicions, Ethan captivates them with "his bold sallies of wit and the irresistible drollery of his manner." Many glasses are poured and consumed, and the soldiers and Ethan get sloshed. The Tory captain holds back, figuring he will wait to capture the hero when he sleeps. When Ethan and his companion are alone, Ethan immediately regains his sobriety and confesses he has actually been pouring his drinks down his collar in a clever ruse to put the soldiers off their guard. Ethan easily escapes from the trap and immediately leaves for Ticonderoga that night.

Ethan Allen's cameo appearance in *The Green Mountain Boys* gives the novel an air of authenticity and magic it sorely needs. As a cultural icon, the Ethan Allen of the novel fulfills every expectation of its young readers. No one can read Thompson's classic and resist becoming a Vermont partisan in the struggle that took place a little more than sixty years earlier.

Daniel Pierce Thompson was born on October 1, 1795, in Charlestown, Massachusetts, in a house at the foot of Bunker Hill. He moved to Berlin, Vermont, with his family in 1800 and grew up on a farm on the banks of the Stevens branch of the Winooski River about three miles from the village of Montpelier. Thompson remembers watching in 1806 as his father's plow turned up the remains of the original Stevens, who had died of exposure at his camp years before. Thompson recalled the "rust-eaten jack-knife" and admitted that this discovery led to his early interest in Vermont's oldest settlers.

Thompson led a full life as an attorney and public official (probate judge, clerk of the House, compiler of state laws, county clerk, secretary of state, and clerk of the Vermont Supreme Court). He was an ardent abolitionist and for a long time editor of the *Green Mountain Freeman*, a mouthpiece of the Liberty party, whose principal plank was the end of slavery. In his time he published short stories and novels, principally dealing with the events of early Vermont, as well as a fine history of Montpelier and a memoir of a visit he made in his early years to Thomas Jefferson at Monticello. In 1855 Thompson participated in the founding of the Republican party in Vermont.

Thompson's literary career was not entirely free from criticism. E. P. Walton was troubled by Thompson's lack of concern for historical detail. "His habit for years was to build superstructures of fiction upon a very narrow basis of fact, having the air but not the accuracy of history." An obituary by Walton in the *Vermont Watchman* explained, "Though he was not of high rank either for genius, or grace as a writer, yet his books strike the average of readers favorably, and will be read and remembered when even better literary performances will be forgotten."

Speculating on the origins of the Vermont character in the opening paragraphs of his greatest novel, Thompson wrote:

It is, indeed, doubtless the case, that the wild scenery and the pure, elastic air of mountainous countries are the most favorably, under the same degree of culture, to the formation of the highest grade of physical as well as moral and intellectual character—imparting, in the one instance, that health and peculiar vigor which brings the human system to all the perfection that it is capable of attaining, and, in the other, engendering, with firmness of nerves and firmness of purpose the usual attendants of great bodily powers, a healthy and high-toned imagination and those lofty aspirations that exalt the character, and prompt to great and noble actions.

Judge Thompson's novel brought the Vermont side of the New York controversy into focus. His novel inspired generations of Americans to think of Vermont as the home of the Green Mountain Boys, as a birthplace of freedom and the theater of Ethan Allen. His work extended the story of Vermont to a larger audience and converted many readers to the Vermont position long after it mattered for the sake of land titles or the issue of statehood.

Thompson died in 1868 and is buried in Green Mount Cemetery in Montpelier, under a stone marked with his name and "author of *The Green Mountain Boys*."

Essay #13 Extradition Policies

After the rebellion of 1787 that bears his name was put down, Daniel Shays headed for the closest foreign soil to escape his pursuers. He crossed the border into Vermont where he believed he would find not only sanctuary but kindred spirits. He was sorely mistaken.

While many Vermonters were sympathetic to Shays's instincts to oppose lawyers, courts, and other legal impediments to his farm's security, especially in a time when money was short and taxes were high, Vermont authorities were not so understanding. Even Ethan Allen, hardly an establishment type, had refused Shays's offer to command the new revolutionary force shortly before the armed assault on the Springfield Arsenal. In February of 1787, Governor Chittenden had warned Vermonters not to help the Shays rebels or even to "harbor, entertain or conceal" them.

On April 30 of that year, one hundred Shays sympathizers met at the home of Jonas Galusha in Shaftsbury to reorganize and refuel themselves on revolutionary principles. Judge Gideon Olin, representing the town, confronted them with an ultimatum. If they were meeting to petition Massachusetts for a pardon in order to return home, they were welcome; if they met to conspire to break the law, they must leave. An armed company under the leadership of then Sheriff (later Gov.) Jonas Galusha then helped them across the border to New York.

This incident and many similar smaller collisions that followed it show Vermont's dilemma in the face of statehood. To harbor fugitives from another state's justice would not help the cause of union, yet Vermont was not about to pursue formal extradition with other states without a legal basis. Shays and his men had broken no Vermont law. Showing them the door to New York just seemed to be the best policy under the circumstances.

After statehood came, Vermont's extradition policies had to change, but Vermont still held back a little. Nathaniel Welch, Jr., had settled in Benson, Vermont, after leaving Pittsfield, Massachusetts, to escape difficulties with the law. Massachusetts, regarding Welch as a fugitive from justice, demanded his return. Massachusetts Gov. Samuel Adams wrote Governor Chittenden on January 1, 1794, to ask for Welch's return, and Chittenden, as the Vermont Constitution required, put the question to the council, the twelve-member body elected at large each year to exercise the executive power with the governor. The council rejected the request of Governor Adams. The council concluded that, since Welch had settled in Vermont before the U.S. Constitution was adopted, he was no fugitive from any federally recognized court of justice.

Ephraim Barnes, an accused horse thief and highway robber, escaped from the city jail in Montreal and fled across the border into Vermont in 1796 with his accessory, James Clarkson Freeman. Lord Dorchester requested the return of the fugitives. The Jay Treaty required extradition of persons accused of murder or forgery on either side of the border but left the question of extradition for lesser crimes unsettled. U.S. Secretary of State Thomas Pickering, learning of the dispute through official channels, wrote Governor Chittenden, advising extradition as an exercise of

mutual discretion. Chittenden then turned to the General Assembly for advice and for a general law "prescribing the mode in which the chief magistrate shall proceed in all cases in which fugitives shall be requested to be delivered up, who have fled to this state from any foreign state."

The assembly drafted a bill directing the mode of delivering up the fugitives. The bill bred a proposed resolution, later tabled: "That it is the opinion of this house, that the great interest in society requires that offenders of the above description should be brought to condign punishment, and that his excellency be advised to deliver up the aforesaid culprits (if found to be within this state) agreeably to the request of Lord Dorchester." Later an amendment to the resolution was proposed "to authorize the committee to make provision for the apprehension of fugitives who have fled from any of the United States, or from either of the provinces of Canada." Then the legislative record is silent on what became of the bill, the resolution, or the fate of Ephraim Barnes or James Freeman.

In 1799 the lieutenant governor of Massachusetts asked Gov. Isaac Tichenor to extradite Peter Gilson, then living in Hartland, who had been charged with forgery in Massachusetts. Tichenor handed the matter to the council which concluded that "the present existing laws of this State are amply competent to secure the object contemplated thereby, and, further, that his honor recommend the [Massachusetts agent] to proper council and advice." The council reconsidered its resolution later that day, advising the governor to arrest Gilson and deliver him over to the Massachusetts authorities, and that if no agent appeared, to release him. The council also then resolved that in the future the governor would simply issue his warrant without the need for advice from the council.

That same day, the governor showed the council a letter from the governor of Lower Canada, Robert Prescott, asking for the extradition of James Allen of Franklin County. Allen, a deputy sheriff, had pursued John Griggs [or Gregg, depending on the account], a resident of Alburgh, across the border to his brother's house in Canada. After arresting and binding Griggs, Allen and his crew started back across the lake. Unfortunately, Griggs drowned in the lake when Allen's sleigh broke through the ice. Allen and his associates were indicted in Montreal for murder, and the British wanted them returned to Canada for trial. Governor Tichenor apparently calmed the British authorities with his apologies and explanations and two visits to the border and in his October 12, 1799, speech to the General Assembly reported the "happy and amicable adjustment of this disagreeable business."

Questions of extradition forced the young state of Vermont to confront its statehood and the consequences of membership in the Union. Recognizing its responsibilities to other states did not come easily for a state that still felt the imprint of independence. Vermont wanted to do the right thing, but it wasn't about to sacrifice its retained sovereignty thoughtlessly. It would conform in time, but it would reserve its right to an independent judgment, at least as long as its actions didn't lead to disunion or ignite a new war with Britain.

Essay #14 Model Legislation

The third legislative act adopted by the General Assembly of Vermont in its first session was an act against treacherous conspiracies. Vermont didn't invent anything new in adopting this law; it didn't even write down what it adopted. The legislature simply adopted the law as it appeared in their copy of the Connecticut law book. Of the thirty-three acts adopted in its three sessions during 1778, four were based on Connecticut law.

For a new government, model laws as good, as tested, and as available as those of Connecticut must have been hard to resist. Some legislators, including Gov. Thomas Chittenden, had after all served in the Connecticut legislature and knew that law book well from firsthand experience. And who could tell them otherwise? In the early years the legislature was the strongest branch; it regularly exercised what today we would regard as powers exclusive to the judicial and executive branches. It even adopted the Vermont Constitution as a statute in order to ensure it had legal authority.

In those early days, Vermont was not reluctant to mimic another state's good ideas about the law. If someone else had thought a better thought, Vermont would willingly give it a try. If it didn't work, we would try something else.

Unlike today, in the first years there was little stability to statute law. The early habit was to regard all acts of the legislature as temporary. Each session's laws were made effective only until the rising of the next session of the legislature. Then in the course of the following session, some acts would be *revived*, some abandoned.

In the years that followed, Vermont adopted some notable and unique laws of its own, including acts that find no analogue in any other legislative body. Imagination and inventiveness, especially in legislative affairs, have never been rare here.

The approach of statehood, however, did affect Vermont lawgivers with a more conservative mood. In 1787 the laws of Vermont were entirely revised with only a few of the laws passed in the ten years previous to that date continuing in effect after a mass repeal act was adopted. This act had the fingerprints of noted Federalist Nathaniel Chipman all over it, and in no small measure, it reflected a tendency to conform the laws of Vermont to a more uniform practice that would be acceptable to the United States.

Ten years later, in the twentieth year of independence and sixth of statehood, Vermont's laws were again totally revised. Nathaniel Chipman, fresh from his service as U.S. district judge, was appointed to the committee by the General Assembly. His brother Daniel, in the biography of Nathaniel Chipman, wrote that "almost all of the acts known as the revised laws of 1797 were written by him; and, being in the congressional library at Washington, with the statute laws of the other states, they have attracted the attention of jurists, who have not hesitated to say, that they find no other code of statute laws written in a style so distinguished for simplicity, perspicuity, and technical

accuracy." Chipman was fresh from his service as a U.S. senator in 1797 and had used that same library in finding good models for the new Vermont statute book.

Every year the legislature met, it changed the laws. For most of the nineteenth century, it was common for the governor to remind legislators in his inaugural remarks that the measure of a successful session could not be gauged by the number of laws enacted and that the number of bills repealed might be as useful a standard. One of the principal arguments for the creation of a Vermont senate in 1836 was the hope that the senate would slow the legislative process and prevent wholesale amendments of the civil law at such regular intervals.

Throughout the century, with notable exceptions, Vermont law was conservative and unassuming. Occasionally the legislature would borrow a good idea from another state. That's how we tried the Australian ballot system of voting, because it had worked in other states.

Between the end of the Spanish-American War and World War I, Vermont found itself in the vanguard of the progressive era, a national reform movement motivated by a desire to clean up corruption in government, advance the cause of democratic experience, and expand government involvement in relieving social and economic hardship. From this movement in Vermont came laws on caucus reform, greater regulation of public service corporations, the direct primary, labor regulation, factory inspection, and the first workman's compensation laws. The victories achieved in these years in Vermont did not come easily, but eventually the Vermont General Assembly was converted to the cause long enough to enjoy substantive progressive reforms of its laws. While Vermont political leaders led the way, the agenda was a part of a national movement that found a foothold in the Green Mountains.

For the last twenty years, Vermont's legislative record has been no less progressive, but this time the agenda has come from within. Vermont has earned itself a remarkable environmental record. Its laws have served as models for other states. Act 250, the billboard law, the bottle redemption law, and laws governing clean water, subdivisions, land gains taxes, groundwater, solid waste, hazardous waste, and the like, are a state legacy and a national source of inspiration for the environmental movement.

In 1989 Vermont entered a new era in legislation with the passage of "An Act Relating to Protecting the Stratospheric Ozone Layer by Eliminating Unnecessary Emissions of Ozone-depleting Chemicals." Beginning January 1, 1991, the sale of chlorofluorocarbons (CFC's) as coolants in motor vehicle air conditioners are banned in Vermont.

Vermont alone cannot reverse global warming. The CFC ban in Vermont will eliminate only a small percentage of the gases that are threatening the ozone layer. But the impact of this act is greater than the sum of its local, regulatory effects. It serves as model legislation for other states and perhaps for the Congress. Vermont has entered a phase in its history where it is seeking to write an environmental agenda for the rest of the world.

We have come a long distance since 1778. Our remoteness is gone. We live in the world now. Acids rain down on us from the skies. The ozone layer grows thinner. Our responsibilities to the planet have become part of the legislative agenda.

Essay #15 Daniel Webster and Vermont

Most Americans remember Daniel Webster as the man who won a lawsuit against the devil for the soul of a New Hampshireman. Most Vermonters remember Webster for his visit to the top of Stratton Mountain. But Daniel Webster enjoyed another connection to Vermont through his representation of clients before the U.S. Supreme Court.

Daniel Webster came to Stratton Mountain on July 7 and 8, 1840, and inspired fifteen thousand people with his words. He spoke with high praise of the Whig candidate for president, William Henry Harrison, of the need for a stable, national currency, and of the future of the United States. It was the biggest gathering in Vermont history to that date, and it was followed the succeeding September by an election having the greatest turnout in the state's history. Even in the twentieth century, no Vermont election has accounted for the 82 percent turnout of the eligible voters—over 56,000 men—who voted in the election of 1840. Of course, only men were eligible to vote in 1840, but even then the turnout was extraordinary by Vermont standards.

Daniel Webster's work as legal counsel is not as well known. His career before the federal courts spanned thirty-eight years; he argued in all more than 150 cases before the U.S. Supreme Court, including notable victories and notable losses. In at least four cases involving Vermont, Webster fought for the rights of individuals and corporations against state intrusion.

One of the first Vermont cases to reach the U.S. Supreme Court involved a challenge to the 1805 law that authorized selectmen to sue to recover glebe lands originally granted to the Church of England. Daniel Clark and others owned leases on glebe land in Pawlet that they had received from the Church of England. The selectmen of that town tried to eject Clark and the others. Webster, representing Clark, argued in 1815 that the Pawlet charter should be taken at its word and that ejection by selectmen was unauthorized even by a state statute.

The court did not agree. It found that the church was not a corporation under the laws of England and that the Pawlet glebe land had been dedicated to the public use after the church failed to establish a resident minister on the land. The law of 1805 was valid, according to the court, and the town was warranted in ejecting Clark from the land.

Webster's next Vermont client was the Society for the Propagation of the Gospel in Foreign Parts (SPG), another claimant to Vermont charter land. The SPG challenged Vermont's attempts to dispossess SPG land, and the case, involving land in the town of New Haven, made it to the U.S. Supreme Court in 1823. Unlike the Church of England, the SPG was a corporation. The sixth article of the treaty of 1783 that ended the revolutionary war provided that "[t]here shall be no future confiscation made, nor any prosecutions commenced, against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property." The SPG, as a corporation, was regarded as a "person" under the law, in this case a private eleemosynary

corporation. The court found that the treaty prevailed and that the Vermont grant of this land to the town of New Haven, in violation of the charter rights, was void.

With this decision in hand, the SPG then decided to recover its lands in Vermont. Back in Pawlet, Edward Clarke had moved onto the society's lot in October of 1780 and maintained the land ever since. In 1794 selectmen had used their authority under the 1794 law to lease the land to Clarke from the 16 of April, 1795, and "onwards as long as trees grow and water runs" and as long as he and his heirs paid the town seven pounds a year for the fifty-acre lot. Edward's son Ozias was in possession at the time of the suit for ejectment. The society hired Daniel Webster to represent them.

Adopting Webster's arguments, Justice Story concluded that the SPG had a right to the grant. He noted that the act of 1794 explicitly recognized the right of the SPG to the land prior to the revolution and reiterated the point of law that the revolution did not divest any corporation of land based on the treaty of 1783. The town argued adverse possession, based on acts of 1783 and 1787, but the court did not buy the argument after it found exemptions for lands granted or sequestered for public, pious, or charitable uses and other provisos that saved the SPG's rightful title to the land.

In 1848 Daniel Webster took on the case of the West River Bridge Company. The issue was a wrestling match between two great legal principles, eminent domain and the prohibition against the impairment of contracts. In 1796 the state had given the bridge company an exclusive right to build and maintain for one hundred years a toll bridge across the West River between Brattleboro and Dummerston. In 1842 residents of those towns petitioned the county court to lay out a public highway across the bridge by eminent domain, pursuant to an act of the legislature in 1839. The county court had granted the townspeople's petition and awarded the bridge company a modest sum for its rights to the bridge. Webster stood, as he had always done, for private property and for the rights of the corporation as a legal person. In this case he did not prevail. The court found no necessary conflict between the exercise of eminent domain and the right of contract, concluding that the latter would give way to the former when in collision. The Vermont act authorizing condemnation of the bridge was not an impairment of a contract. The bridge would be open to traffic.

Daniel's Vermont record was two for two. His work with the SPG set back Vermont's efforts to seize lease lands for other public uses. His challenge to the law authorizing condemnation of toll roads and bridges resulted in a decision that ultimately reassured Vermonters about the wisdom of converting private into public thoroughfares. Although Webster took the part of those who opposed state action, his works contributed to the development of public policy in Vermont. While he will be remembered for a speech on Stratton Mountain, his legal work was what made the greatest impact on Vermont.

Essay #16

Nullification

Vermont never climbed aboard the states' rights bandwagon the way many other states did in the first half of the nineteenth century. Vermont wasn't interested in the principle of nullification, giving individual states the right to repeal federal acts as applied to them. The idea seemed almost treasonous, especially in light of Vermont's continuing passion for the U.S. Constitution and the principle of federal supremacy.

Isaac Tichenor said it best when he spoke to the Vermont General Assembly in October of 1800 about the need for a federal consciousness. "While the concerns of our state government more immediately engage our attention, they are so essentially connected with the government of the United States, that we cannot discharge our duty to the former, without taking into view the interests of the latter." Tichenor concluded that the prosperity of Vermont and the United States was one of the "abundant reasons for an undeviating attachment to the federal constitution and laws, and to those measures of government that have tended so much to produce public tranquility and happiness."

Just two years earlier, Thomas Jefferson had penned the Kentucky resolutions and invited other states to concur with Kentucky in declaring certain acts of the federal government—including the Alien and Sedition acts—void and without force. The states would then require the acts to be repealed in the following session of Congress. Jefferson reminded the states that they had not "united on the principle of unlimited submission to their general government" and that each state "has an equal right to judge for itself, as well of infractions as of the mode and measure of redress" for violations of the compact.

Virginia, under the hand of James Madison, responded to the Kentucky resolutions by drafting its own, stopping short of outright embrace of nullification but insisting that the states "have a right, and are in duty bound, to interpose, for arresting the progress of evil, and for maintaining without their respective limits the authorities, rights, and liberties appertaining to them."

Daniel Chipman drafted Vermont's response to the Kentucky and Virginia resolutions, on behalf of the General Assembly: "[T]here is a wide difference between proposing amendments to the constitution, and assuming, or inviting, a power to dictate or control the general government." Vermont reminded Kentucky that the power to contest the validity of congressional acts and to change them if necessary comes through the election process and in the courts and is not a right of the respective states. A majority of members of the Vermont General Assembly rejected both the Kentucky and Virginia resolutions in 1799. Vermont would not take sides with the states against the power of the federal government when it came to federal law. When it came to federal review of state law, however, Vermont had its reservations.

In 1805 Vermont rejected a Kentucky proposal to amend the federal constitution to limit the jurisdiction of the federal courts. If it were adopted, cases between a state and citizens of another

state; between citizens of different states; between citizens of one state having a claim to lands in another state; and between a state or its citizens and foreign states, citizens or subjects, would be exempt from federal court review. This proposal would have extended the prohibitions enacted by the Eleventh Amendment and shifted much of the judicial power of the courts of the United States to state courts. The sympathies of Vermont toward Kentucky, which was trying to deal with conflicting land claims from Virginia, were strong, given Vermont's own experience with New York.

The report of the Vermont House explained that

the judiciary of each individual State ought to be considered as best qualified to decide upon the laws enacted by the legislature of that State, more especially when the sub-knowledge of the history of that State, and the particular mode of acquiring that property which is the subject of dispute. . . . [T]wo independent courts, having no corrective over each other and holding jurisdiction over the same subject in controversy, cannot continue to exist within the same State without engendering seeds of jealousy and ill will, naturally tending to establish different and clashing rules of decision, and also forming two rallying points and erecting two standards for the resort of political partizans, and laying a foundation for that discord which may eventually terminate in the dissolution of our happy Union.

The Kentucky proposal failed for lack of support among the states, but it enjoyed the support of the legislature of the Green Mountain State.

Even with Vermont's opposition to the Embargo of 1808, Vermont refused to criticize the federal government for enacting it. In 1809 the Vermont legislature refused to concur with a Massachusetts resolution limiting congressional authority to impose an embargo for any longer than thirty days after the commencement of the session of Congress following the session in which it had been enacted. Vermont reminded Massachusetts that the power to repeal an embargo was inherent in the next Congress without an amendment and that the proposal was unnecessary. That same year the General Assembly voted not to concur with a Pennsylvania resolution proposing the creation of an impartial tribunal to determine disputes between the federal and state governments on the grounds that "such disputes are not so frequent, nor of sufficient magnitude, in our opinion, to render such a tribunal necessary."

In these early days of statehood, independent Vermont was a good soldier whenever it confronted proposals that would place the states in a superior position to the United States. Vermont would preserve the Union, even if it meant sacrifices of independence. It would defer, when necessary, to the prerogative of Congress and the federal courts. A few decades later, Vermont would learn not to be so respectful, especially when the subject was slavery.

Essay #17

Frederick Hoxie

Thomas Freeman and several others claimed they heard the cannons of the Battle of Bunker Hill on June 17, 1775, from their farm in Barnard, some 130 miles from the site of the battle. On February 11, 1814, Montpelier residents claimed they heard the Battle of Plattsburgh from the hill in Berlin across from the Capitol. These remarkable memories were more than just a display of good hearing; they represent a yearning to participate, even as a listener, in the making of history. Today, as we watch the war with Iraq on CNN, we share the same experience. The events of the day are present and personal, even as they are remote and far away from us.

Frederick Hoxie made history himself, even though he did not set out to do so. He was one of the many Vermonters who smuggled goods across the border in spite of President Jefferson's embargo, but unlike most, Hoxie was caught. Before he was through with the legal system, his became the first case decided by the circuit court of the United States at its session held in Burlington in October of 1808.

An entrepreneur named Vandusen sent a raft full of timber from Whitehall north along the lake with the idea that it would make its way into Canada without interference from federal authorities. Once the raft reached Isle La Motte, the feds seized it and placed it in the custody of a company of Vermont militia.

Frederick Hoxie, with sixty men armed with muskets, clubs, and spike poles, then liberated the raft when no one was watching and headed for Canada. Some of the men had planned to take the militia prisoner, but that wasn't to be. As the raft moved north, the militia opened fire. The report of the case explains that about a hundred shots were fired from the raft, although they injured only trees. The raft made it to Canada, where Vandusen paid the men eight hundred dollars, and they returned home to Alburgh. Hoxie, known for his earlier attempts to smuggle potash across the border and his boasts about how he would fight his way through the line, was promptly arrested.

What made Hoxie famous was the charge. The U.S. district attorney, David Fay, charged him with treason, a federal crime punishable by death.

The circuit court consisted of two judges, Vermont's own U.S. District Judge Elijah Paine and Brockholst Livingston, associate justice of the Supreme Court of the United States. Livingston wrote the opinion. He began by reiterating the provisions of the federal constitution that "[t]reason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

Livingston explained that treason is almost universally punishable by death. "Government is so high a blessing, and its preservation and support are so essential to the welfare of every member of the body politic, that to attempt its subversion, has ever been regarded a most aggravated expense."

Livingston believed that treason was possible only when the nation was at war and when the treasonous actions were aimed directly at "subverting the government, dismembering the union, or destroying the legislative functions of Congress." The justice had no doubt that Hoxie had conspired to subvert by force the government of the United States, but he could not bring himself to conclude that this skirmish, with its object so obviously intended to raise money for its combatants, amounted to an act of treason.

"The offense laid, stripped of its artificial dress, and technical appearance," wrote Livingston, "is nothing more than the forcible rescuing of a raft from the custody of a military guard placed over it by a Collector." He could not buy the argument that the incident was an attempt to force a repeal of the embargo law, as Fay had argued. The circuit court then acquitted Hoxie of the crime of treason.

Hoxie's case was published by Elijah Paine in his compilation of the decisions of the circuit court. It is the earliest case reported and published of a federal court decision involving a Vermonter.

Judge Paine, who had served as one of the Vermont commissioners in 1789–91 to settle the dispute with New York and pave the way for Vermont statehood, served as U.S. district judge from 1801 until shortly before his death in 1842. Justice Livingston served on the high court until his death in 1823. Mr. Fay served as U.S. attorney for one more year and then as a judge of the Vermont Supreme Court from 1809 to 1813. Of Hoxie, little else remains except the federal court decision.

Essay #18

Civil War Debts

Vermont has an excellent Civil War legacy. Its troops, according to Vermont's own war historian G. G. Benedict, were in the first assault upon a Confederate fortification. Their role at Gettysburg, opposing Pickett's Charge, changed the course of the war. Their part at the Battle of the Wilderness and at Richmond was critical. Vermont soldiers were in motion upon the last charge of the war at Appomattox. No Vermont colors were lost to the enemy. Vermont lost more men in proportion to its population than any other Northern state.

Fiscally, Vermont's own record is no less remarkable. Vermont met its responsibilities to fund the muster and supply of troops, to support the families of soldiers, and to fund its own militia, with characteristic attention to duty. Other than the replacement of the State House, the refunding of the State Bank losses, and the building of the Windsor Prison in 1808, this was Vermont's greatest fiscal crisis.

In 1860 before the war began, Vermont's budget amounted to about \$200,000. Even in the year of its greatest fiscal need prior to the war—1857, the year the second State House burned and required the state to borrow money to fund the \$61,000 replacement—it had not had to resort to bonding. The war would change all that.

The legislature met in special session at the call of Gov. Erastus Fairbanks on April 23, 1861. At this early stage, it was known as "the War of 1861," so certain were Union leaders that the war would amount to little more than a summer's exercise of its superior troops. Fairbanks challenged the legislature to be responsible: "The United States Government must be sustained and the rebellion suppressed, at whatever cost of men and treasure." The General Assembly responded by appropriating \$1 million for organizing, arming, drilling, and providing for the Vermont militia, by instructing the treasurer to borrow \$500,000 on the credit of the state, and by issuing bonds for an additional \$500,000. It also gave the treasurer the authority to borrow an additional \$500,000, if needed. The treasurer borrowed from Vermont and Massachusetts banks at 6 percent.

In August the Congress voted to tax the states in the amount of \$20 million, of which Vermont's portion was \$211,068. In Frederick Holbrook's 1861 inaugural address, he estimated that the war would cost Vermont at least \$1,083,068. He was mistaken, by a factor of five.

In 1862 Holbrook explained the use of bonds to pay for the war debt: "The people should not now be overburdened with taxation, as, in many ways, they have large sacrifices to make for the support of the Government and the defence of the Country; and our present sacrifices being even more for posterity than for ourselves, we cannot doubt that those who come after us will be able and willing to share with us the pecuniary burdens now involved." In 1862 Holbrook estimated that the cost of the war for state government debts would amount to \$1.335 million for that fiscal year alone.

John Gregory Smith became governor in 1863 and was reelected in 1864 before retiring, as was the practice at the time. More loans and more bonds followed as the war costs continued to rise.

As men eager to fight became harder to find, towns were forced to raise bounties to interest men in enlisting. In the early days of the war, fifty dollars would do, but by 1863 and 1864, some towns—Berlin, for instance—were offering three hundred dollars to fill the quota of soldiers each town was allocated. The cost to the towns for uniforms, armaments, and bounties was tremendous; never in the state's history had town budgets been strained to such an extent. Berlin held five separate special war meetings, raising thousands of dollars each time, all by local taxes, putting an incredible strain on working farms and businesses already weakened by the loss of able workers.

The total cost of the war to Vermont state government (and the taxpayers who supported it) was in excess of \$5 million. On September 5, 1865, according to Paul Dillingham's inaugural address of that year, Vermont had outstanding bonds of \$1.65 million and began to take measured steps to reduce the debt.

Finally, in 1878 Gov. Redfield Proctor proudly announced that Vermont was almost entirely out of debt. In that year, the last of the war bonds were paid off. "This is a proud record for our little State. In the great war of the rebellion, our soldiers made the name of Vermont respected and honored, by friend and foe. And now the State has shown herself not unworthy to be the mother of such sons by promptly and unbegrudgingly meeting the last dollar of her war obligations, and has illustrated the self-evident truth, that the greatest measure of public faith and honesty goes hand in hand with the truest courage and patriotism." According to Frederick Wood, writing in *The Finances of Vermont*, this made Vermont the first state in the nation to free itself from the Civil War debt.

Essay #19

The Admiral

The Norman Schwartzkopf of the Spanish-American War was a man who was born and raised in Montpelier, Vermont. Hundreds of miles from the ocean, George Dewey learned his first lessons about naval warfare in the waters of the Winooski River. His pugnacity and adventurous spirit came to him naturally and together earned him international fame and the status of a true American hero.

Here is a man who as a boy was daring enough to ride his sled down the steep rocky side of the hill behind the State House while his companions chose the safer route down Seminary Hill, now East State Street. Raised in a house across the street from the Capitol, he would startle legislators by walking blindfolded down the State House steps. At the age of thirteen, he lost his father's buggy, trying to drive it across the Winooski during floodtime. Sent to Norwich University shortly thereafter by an impatient father, he was arrested for leading a rowdy chorus of cadets who competed with a church service by singing spirituals.

After Annapolis, Dewey learned the art of seamanship and more important lessons about leadership from none other than David Farragut, who is remembered for damning the torpedoes and ordering full speed ahead. During the Civil War, George Dewey earned himself high honors during the heat of battle, including a remarkable and daring exercise forcing sailors at gunpoint to row out to his ship the *Mississippi* during an artillery barrage to remove a last boatful of men from the sinking ship. More than once during that war, Dewey faced mutinous crews with only a cocked revolver and, in one notorious incident, physically attacked a citizen who refused to help lash Dewey's ship to a levee, for which Dewey was arrested and fined.

He was a man who never shied from a fight, who earned a reputation for zeal and the nickname "Lucky" for a number of close calls in the face of enemy fire. No one was better prepared by nature and experience to face the challenge of the Spanish armada at Manila Bay.

Sen. Redfield Proctor of Vermont managed Dewey's appointment as commodore in charge of the Pacific fleet, along with the firm support of Navy Secretary Theodore Roosevelt. "I knew that in the event of war Dewey could be slipped like a wolfhound from the leash," TR later reported. "Success in war depends very largely upon choosing a man fit to exercise such powers, and then giving him those powers." The secretary's confidence was, it turned out, well chosen.

In 114 minutes, beginning in the early morning of May 1, 1898, Dewey's ships destroyed the Spanish fleet at Manila Bay. History records his most famous order at the moment of truth, "You may fire when you are ready, Gridley." Such calm in the face of heavy guns trained on his own vessels in a bay that was rumored to be fully mined was one factor among many that accounted for the signal victory. Another was the curious reluctance of the Spanish to fire on the invading force.

There are more than a few close analogies between the Battle of Manila Bay and the fight to liberate Kuwait from Iraqi control. Most notable is the technological supremacy of the American

force. U.S. ships were steam driven and built of reinforced steel; the Spanish fleet was wooden and powered by sails. The Spanish ships were also poorly positioned and vulnerable to attack. At a distance of between two thousand and three thousand yards, the American fleet made five passes along a two-mile stretch of water, constantly firing at the Spanish ships, sinking or crippling the flagship *Reina Christina*, the *Isla de Cuba*, and many others. No American lives were lost in the encounter. At 7:35 A.M., Dewey announced a break in the action, and the Americans sat down to breakfast, their work principally finished.

The highest honors, including the title "Admiral," followed Dewey on his triumphant return to the United States. Among the parades and celebrations that served to enhance his reputation as one of the greatest of American heroes, the reception George Dewey received on the streets of Montpelier, Vermont, was undoubtedly the most sincere. It was certainly the biggest day in the capital's history with the State House draped with flags and bunting and forty thousand proud Vermonters lining State Street to get a glimpse of its most famous citizen, the same unruly boy who had terrorized the town in the 1840's.

Essay #20

Mr. Park's Railroad

Trenor Park was the principal owner of the Bennington & Rutland Railroad. In 1867 he was a member of the General Assembly from the town of Bennington at the time when a new law was enacted authorizing a number of Bennington and Rutland towns to purchase the bonds of the Lebanon Springs Railroad Company, a New York corporation whose lines were entirely in New York State. These bonds would help fund connections of the Bennington & Rutland Railroad with New York, Albany, and Boston.

Mr. Park was inordinately successful in his ambitions. Towns, including Bennington, agreed through a petition-signing process to the purchase of the bonds. Park managed to obtain control of the Lebanon Springs Railroad Company and then through a complicated series of legal maneuvers made a substantial amount of money on the deal. As is usual in these affairs, the courts were soon involved, and Park's actions were contested. Before the Vermont Supreme Court, the case turned on whether the Vermont law authorizing investments in out-of-state railroads was constitutional or not. The plaintiff was none other than the town of Bennington.

Bennington claimed that Park had manipulated the legislature to pass the act and its own residents to sign the petition by fraud and deceit. The court, however, found no evidence in the record to support this claim and so quickly turned its attention to the constitutionality of the act, or whether authority to invest in a foreign railroad was a valid exercise of taxation.

Look at what the money will do, wrote the court, not at its recipient. The state "is not to be limited to the mere duty of governing the people by the exercise of its police power, but it has a higher duty to promote the educational interests of the people, encourage their industrial pursuits, develop its material resources, and foster its commercial interests, by providing all reasonable facilities demanded by a prudent regard for the growth, development, and general prosperity of a free people; and the state is not to be tied down to any narrow and merely utilitarian policy in promoting the prosperity of its citizens."

As insulting as it seems today to each town in the state, the court reminded Bennington that towns exist to serve the objectives of state government and that the legislature could as easily abolish Bennington as appoint it the agent of the state in promoting the building of railroads.

Next Bennington argued that the lack of a formal vote at town meeting scotched the sale of the bonds. Here Vermont's oldest town called for recognition of the powers it believed it retained from its original charter issued by its namesake, Gov. Benning Wentworth of New Hampshire. It justified the essential prerequisite of a town meeting as an exercise of the town's *natural rights* "which were never surrendered in the delegation of sovereignty to the State government, and which exist as a sort of civil birthright in New England society."

The court was not persuaded. Old towns have no greater rights than those created by the state of Vermont, it answered. By participating in the formation of the state of Vermont, in the

drafting of a constitution that gave the legislative branch the power to enact laws, Bennington had forfeited its prior rights under its New Hampshire charter. The town itself did not need to give its consent to this law for it to be effective.

Bennington v. Park is more than a simple case of judicial review. It set the tone for dozens of cases that followed it in which the powers of municipalities were consistently limited and narrowly interpreted in favor of the power of the state. It is the worst nightmare of the "local control" set, and it is still good law today.

If the same reasoning were applied to the state, in the face of the federal government's preemptive power, there would be no Vermont as we know it today, and in fact many people today believe quite sincerely that Washington's power knows no bounds. Certainly, the spread of federal power over state authority has stretched itself far beyond the narrow limits imagined by the majority of those who voted for the federal constitution. But there is a difference between the relationship of Bennington and Vermont, and Vermont and the United States. While Vermont is not mentioned in the Constitution, the rights of states are expressed, the range of federal power is limited. By "federal," this country has always meant a dual system of government, allocating power between the U.S. and the states. The problem for Bennington and for 245 other towns is the silence of either the federal or state constitution to recognize the sovereignty of municipalities. Local control is a political, not a legal, concept in Vermont, and while it still holds great sway in the legislature in the way that laws are drafted, when there is a conflict of power, as Trenor Park learned to his fiscal benefit, there is no contest.

Essay #21

The Nestor of the Senate

Well before he ever thought of running for Congress, Justin Smith Morrill visited Washington and found himself fascinated by the workings of this city. The U.S. Capital City was still quite rural at the time, and one day he noticed there were cows pastured behind the White House. Being somewhat homesick perhaps or just interested in city cows, he leaned against the fence and struck up a conversation with a farmer who was inside the fence, tending to the animals. "Say," Morrill finally asked, "how does one get to see the president?" "You see him now," replied Zachary Taylor, "I am the president."

Morrill loved telling this story to friends in his later years. It was a natural for him, combining those qualities of mildness and modesty that endeared him to Vermonters and other Americans during a remarkable forty-three-year career as representative and senator.

Born in Strafford in 1810 and raised in the quiet, rural life of Vermont, he left school at fifteen and began a very successful career as a storekeeper. Having earned enough to keep himself comfortable for years to come, he retired at an early age, farmed a little, and eventually agreed to stand for Congress in 1854.

His first appearance on legislative matters in the House came in 1856 when he recommended the creation of a national agricultural school based on the model of the naval and military academies, where students chosen by congressmen, senators, and the states would receive a proper scientific and practical education. This proposal faltered, but the idea germinated into legislation that became one of Morrill's greatest accomplishments—land grant colleges, designed for students of farming and mechanics, funded by the sale of public lands.

Actually, Morrill wasn't the first to think of such an idea; it was already popular in Europe, and others had promoted it in earlier years. But it took the man from Vermont to make it a law, and it took him more than a few years of work. First, Morrill had to learn the ways of the House, and he schooled himself to become a masterful tactician in parliamentary matters. Then after the bill had passed both House and Senate in 1859, Pres. James Buchanan vetoed it, explaining that he might have supported the creation of a chair of agricultural science at the state universities. Again Morrill waited, this time for the election of a more suitable president, Abraham Lincoln, who signed a similar bill into law in July of 1862.

The law allocated thirty thousand acres for each representative and senator, and the idea took wing. In 1872 when the young colleges needed money to operate, Morrill again became their champion. This time it took him eighteen years to win the battle, but in 1890 now Senator Morrill succeeded where others had failed in promoting funding for these institutions. Today there are sixty-eight land grant colleges in the U.S., and a fifth of all college students are enrolled in them.

The men and women the states send to Congress cannot help but personify the characters of their home states, sometimes to the point of caricature. Texans are tall and twangy, Vermonters

gnarled and craggy. Justin Smith Morrill fit the mold of the Vermonter perfectly; if anything, as he got older and his tall, bent form took on the character that comes with the years, Morrill grew even closer to the image of the Vermont statesman, homely in his thinking, quiet in his demeanor, conservative in his politics.

Vermonters loved him and returned him to every office he desired through six consecutive terms in the House and then six elections as U.S. senator, and this for a man who, previous to his first election to the House, had never held offices more exalted than justice of the peace and town auditor.

If it is possible for people to become metaphors, Morrill became one, and he set the stage for notable Vermonters in Congress in the years to come, including Senators Aiken and Stafford, who in their times held much the same position. The Congress would not expect Vermont's representatives to Washington to be hawks or doves, party leaders, or fierce debaters. From Vermonters they expected and got a quiet kind of dignity, a stamina, a longevity, a wisdom gleaned from a full life lived before any thought of public life arrived; men who would find politics distasteful and campaigning almost disgraceful, people who would be known for what they did outside the spotlight.

When he died in December of 1898 at the age of eighty-eight, still a senator, the nation mourned the loss of Justin Smith Morrill, the father of the land grant college, but more than that, the Vermonter.

Essay #22

Flanders and the Fall of McCarthy

Joe McCarthy called him senile. "I think they should get a man with a net and take him to a good quiet place," he said of Ralph Flanders after Flanders attacked McCarthy and McCarthyism on the floor of the U.S. Senate, the first senator to do so in spite of what many thought and whispered to each other during that long reign of terror that began in the years following the Second World War and that ended in 1955 with McCarthy's fall from power. It was a time of paranoia and insecurity for America; behind every potted plant, communism seemed to breed. In this climate of fear, McCarthy's loud charges against public officials gained him wide public attention and pure, unrestrained power.

Nothing in the composition of Ralph Flanders resembled the character of Joseph McCarthy. Flanders had been born in Barnet and raised in southern New England and spent his productive years working for his father-in-law, James Hartness, at Jones and Lamson in Springfield. He was a quiet, studious man, who had invented a thread grinder among other accomplishments, who loved to travel, who was deeply religious, who in many respects fulfilled the American dream that hard work and strong moral character could equal business, family, and personal success.

Flanders's first interest in politics came through his lobbying work for the Business Advisory Council. His first try at elective office was in 1940 when he lost the primary race for the U.S. Senate to George Aiken, but in 1946 he succeeded in winning the office on a plank that included his vocal opposition to the policies of FDR.

Once Flanders reached the Senate, he first knocked heads with the senator from Wisconsin in a subcommittee on sugar in 1946. Both were Republicans, both in their first term, but Flanders represented the more conservative wing of the party. He believed that the Senate shouldn't be too quick to lift wartime sugar controls. McCarthy accused Flanders of trying to hoard sugar for industrial users at the expense of housewives at the beginning of canning season. In the battles that followed on sugar rationing, McCarthy won after convincing the Congress to abandon rationing once sufficient surpluses became available.

Flanders and McCarthy clashed again on the subject of public housing; this time Flanders won. The two battles damaged whatever residual respect is usually present between U.S. senators and laid the foundation for the confrontations of 1954.

That year McCarthy was in full flower. He was ready to denounce everybody. He named names, destroyed careers, and accused even the secretary of state of having pinkish allegiances. His witch-hunts were political but not partisan; he did not restrain himself from attacking high administration officials and others. In Flanders's mind, McCarthy threatened not only the Republican party but the government of the United States as a whole.

This was a time when McCarthy was at his most powerful; even President Eisenhower did not speak out against him publicly. Ralph Flanders at seventy-three had never run from a fight, and

he wasn't about to start now. He delivered a blistering attack against McCarthy on the floor of the Senate, after giving him fair warning in person. Flanders called McCarthy anti-Semitic, anti-Protestant, anti-Republican, and said of him that if he were in the pay of Communists he could not have done a better job for them.

Even the established Republican leadership of the Senate was surprised at the vehemence of Flanders's attack. McCarthy's biographer Thomas Reeves in 1982 described it as "irresponsible." At the time it was given, it startled Washington and the whole country with its candor and its tone, and it set something in motion that didn't stop until McCarthy was through.

There were others, of course, who contributed to the downfall of this dangerous man—Edward R. Murrow, for one, and the lawyer Joseph Welch with his "have you no sense of decency" rebuttal to McCarthy that year. But Flanders was an insider, a fellow Republican, a conservative from Vermont, not some liberal journalist or defense counsel, and it was his unstinting campaign to dislodge McCarthy from his position on an investigative subcommittee that was the source of Flanders's power. His move to censure the senator from Wisconsin ultimately gathered momentum in the Congress for McCarthy's fall from power.

Nobody ever accused Ralph Flanders of being soft on communism. He was as strong as McCarthy in his distrust of the Eastern Bloc; he shared the postwar suspicions of Russia and the damage its agents were doing to American interests. But Ralph Flanders was his own person; he wouldn't hold his tongue just because of what others thought. His efforts to dislodge McCarthy from his source of power were simply courageous in an era when courage was not easy to measure. His credibility came from his character and perhaps more than a little bit from his origins as a Vermonter.

Essay #23

Garrison's Epiphany

William Lloyd Garrison spent less than six months in Vermont, but he changed Vermont forever with his words. Before he was through, he changed the United States with his words, too. What's interesting is that Garrison's thinking itself changed while he was residing in Vermont, and it was that change that made all the difference in his life and in the life of the United States during the difficult years leading up to the Civil War.

William Lloyd Garrison was born in Newburyport, Massachusetts, in 1805 and, after leaving school at the age of ten, was apprenticed to a printer in his hometown. He eventually became the editor and publisher of the *Newburyport Free Press* and later the *National Philanthropist*, a Boston temperance paper. In 1828 at the age of twenty-three, Garrison took a position with a newspaper, the *Journal of the Times*, in Bennington, Vermont.

The *Journal* was anti-Jackson, pro-John Quincy Adams and, like many of the newspapers of the day, was partisan to the core. It covered local, state, national, and international news but always with a slant toward its political predispositions. It took a hard line on temperance, arguing that moderate use was no more justified than the moderate use of murder. It opposed the issue of mail on the Sabbath. While not the paper's principal interest, the subject of slavery was never far from the editor's pen.

In its fourth issue published October 24, 1828, the paper urged Congress to outlaw slavery in the District of Columbia. "What can New England do to remove the evils of slavery in that particular quarter? She can enter the halls of Congress with two millions of voices; she can raise a note of remonstrance, like the roar of the ocean when awakened by the tempests of heaven; she can wash her hands from the blood of souls; she can plead in behalf of the oppressed African, with a zeal that will fire the most callous of heart, with a steadfastness that nothing can baffle, with a determination that will rest satisfied with nothing but the fulfillment of her desires."

On November 21, Garrison announced in an editorial headline the emancipation of the world. Expanding his horizons beyond the borders of the United States, he called for a tax of one dollar to purchase the rights to the slaves of the world before the end of the nineteenth century, beginning with all children under the age of twenty-one in 1890. On December 12, he lauded Benjamin Lundy, a fellow Quaker, for his zealous work promoting colonization of former slaves in a democratic republic somewhere in Africa. After reading the editorial, Lundy walked from Baltimore to Bennington to meet Garrison and to hire him as editor of the *Genius of Universal Emancipation*, Lundy's Baltimore newspaper.

On March 20, Garrison waxed hot on the subject of slavery. "And who imagines that the work of emancipation can be accomplished, in a reasonable period, or any period, without rousing the selfishness, the phrenzy, and the avarice of unprincipled men! We know that the controversy is acquiring a broader scope and a higher importance, and that it must be managed with consummate

prudence, as well as untiring energy." Garrison's objectives were becoming clear to him. He had been called to the service of a great cause, one that would consume the rest of his life.

On March 27, Garrison said farewell to his readers. "I am invited to occupy a broader field, and to engage in a higher enterprise: that field embraces the whole country—that enterprise is in behalf of the slave population." He ended his editorship with this: "My task is done. In all my efforts, I have sought the approbation of the wise and good. Whether it has been won or lost, my conscience is satisfied."

That is Garrison in a few words. He always had supreme confidence in the goodness of his cause. He was uncompromising in his passion, organizing the various anti-slavery societies in Vermont, New England, and nationally and editing the *Liberator*, an anti-slavery newspaper published in Boston. And he was successful. Abraham Lincoln admitted candidly that without William Lloyd Garrison there would have been no Emancipation Proclamation in 1862.

Vermont's own record of anti-slavery activity is impressive. Although our constitution had since 1777 abolished slavery, abolitionism, particularly that strain of the movement that demanded immediate as opposed to gradual abolition of slavery, first flowered in Vermont in the communities around Bennington during the time Garrison served as editor of the *Journal of the Times*.

Those months were precious to Garrison and to his development. In Bennington Garrison saw the light, the purpose of his life. He first found abolitionism and immediatism in Vermont, and from that seedbed he changed the world.

Essay #24

Jarvis and the American System (Sheep)

In 1840 there were 1.6 million sheep in Vermont, and times were good for farmers. The hillsides were cleared for grazing. Prize merino rams sold for as much as ten thousand dollars a head, with three thousand dollars the top price for a season's stud fees. The market for Vermont wool was seemingly endless—a pound of wool would bring as much as a barrel of apples. In 1842 Gov. Charles Paine called wool "the staple of our state."

One man made it all happen. He was William Jarvis, businessman, diplomat, and Weathersfield farmer. Born in Boston in 1770, he was raised on independence and capitalism and learned hard lessons about both in his early years. After agreeing to serve as a surety for a friend whose business went sour, Jarvis ended up with a huge debt at an early age and turned to international trade to pay off the creditors. He first sailed for Europe in 1796 with corn that he sold in Lisbon for a good price. Over the following years, in spite of the constant fear of pirates, he traded regularly throughout Europe in corn, wine, saltpeter, rice, and other goods, spending much of his time in Portugal.

On his return to Boston in 1802, he learned to his delight that Pres. Thomas Jefferson had appointed him consul general to Lisbon and chargé d'affaires. He served his country well for nine years, ensuring that American interests were protected, writing the U.S. secretary of state with each U.S. ship heading for America. For his service he never received a penny, the federal treasury then being in an embarrassed situation, but he did continue his own shipping business during those years, always keeping an eye open for good business opportunities.

Jarvis knew well the reputation of the Spanish for their sheep, particularly the merino breed, which served as the original for the "golden fleece" of ancient history. The penalty for selling or exporting merinos to outsiders was death, but following Napoleon's second invasion of Spain, the country grew so poor that even their precious sheep had to go on the market. Jarvis, never one to turn down a good deal when he saw it, managed to purchase thousands of merinos and have them shipped to the United States.

Three hundred and fifty of these sheep were sent to the Jarvis farm in Weathersfield, Vermont. Once they were landed, a Spanish shepherd drove the sheep to the farm.

The merinos took to the Vermont climate and geography and thrived. Unlike the sheep in other states, Vermont's merinos were kept apart from other breeds and maintained the purity of their line for many generations. It was their heavy yoke—the grease that covered their fleece—that made them so fit for Vermont winters and allowed the production of so much fleece. The best merinos on Jarvis's farm accounted for eleven and a half pounds of unwashed wool—seven and a half pounds after cleaning.

The embargo of 1808 had been a disaster for Vermont politics and trade because of the dependency of northern Vermonters on trade with Canada. The embargo and the war that followed

in 1812–14 interrupted the wool and cotton trade with England and offered Jarvis the opportunity to fulfill his dreams of creating an industry and a marketplace for domestic cloth, which Jarvis called "the American system."

The United States would realize its independence when it could produce and sell goods at home and overcome its addiction to imported products. American yeomanry would live a lie if they were clothed in English woolens and cottons. In later years Jarvis wrote, "Some of us are old men, and we well recollect that one of the strongest arguments made use of in favor of forming a Federal Constitution, was, that it would afford protection to the agricultural and mechanical industry of our country, against the depressing rivalry, skill, and capital of foreign nations." So Jarvis argued in favor of a tariff on foreign-made goods to inspire domestic manufacturing and farming, to give new business an advantage over English competition.

Sheep raising was not the only benefit of the merino revolution. Soon Vermont saw the start of many woolen mills, where wool could be cleaned, carded, and woven into cloth. There would be jobs for Vermonters and better roads and a growing economy. Even prisoners at the Windsor Prison were engaged in the business.

William Jarvis finally returned home to the United States in 1811 after nine years as consul general. He settled on his farm in Weathersfield and lived out his years among his family and his sheep. Jarvis owned an interest in a mill in Quechee that produced a broadcloth suit for Henry Clay, as a gift from the people of Vermont to the man who worked so hard to ensure a tariff to protect their interests.

Then the good times ended. The tariff was lowered, and foreign competition brought the price for wool down sharply in the early 1840's. The railroad also opened up the West where the cost of maintaining sheep could be kept at as little as a quarter of the cost of the herds in Vermont. The industry sparked up in the 1860's, but by the next decade, the hillsides began to grow up again after the flocks were slaughtered and sold for meat. Suddenly dairy farming looked good by comparison, although western migration was often the first choice for many Vermonters.

Vermonters owe a great deal to the memory of William Jarvis. The sheep industry worked its magic to bring the state out of its insular beginnings, to show what good money felt like in the pocket of the farmer, and to build an international reputation for professionalism and scientific management for Vermont agriculture.

A merino sheep is carved on Jarvis's tombstone. The fleece is heavily folded, hanging down about its neck and legs. On its face is a look of confidence, as if this Spanish native had found comfort in a new home.

Essay #25 The Loss of the Thalweg

In 1934 Vermonters learned the bad news that the U.S. Supreme Court had finally decided where the Vermont border lay—along the low-water mark on the west side of the Connecticut River. Vermonters had always believed the thread of the stream—the thalweg—was the boundary, and the loss of the margin hurt Vermont interests in the development of hydro power and manufacturing and in the taxation of structures and land east of the low-water mark. Worse yet, the court insisted Vermont had actually chosen that boundary back in 1782.

Part of the Vermont myth is the belief that Vermont only reluctantly became a member of the United States, that the delay of statehood until 1791 reflects an ambivalence on the part of the state to join with the thirteen colonies. But history shows Vermont an anxious suitor from the beginning. The trouble was, things got in the way. There was New York, of course, adamantly maintaining that Vermont was no more than an unruly child that had never acknowledged its parentage. But there was also New Hampshire to reckon with, sore when Vermont amplified its boundaries to include sixteen towns on the east side of the Connecticut River in 1778, comforted when that first eastern union was dissolved in February of 1779, then doubly mortified when a second union blossomed in February of 1781 with thirty-six New Hampshire towns joining Vermont. Nor was New York amused by the willingness of New York towns to join the new union and expand Vermont jurisdiction westward to the Hudson River.

Now Congress was worried. Vermont was becoming a problem, not only for its imperialist tendencies, but because it was bold enough to announce to Congress its intentions to form a separate peace treaty with Great Britain. Congress appointed a committee to visit Vermont, settle the boundary questions, and come to agreement on the terms of admitting Vermont into the Union. It further resolved that Vermont's relinquishment of all claims to land "on the east side of the west bank of the Connecticut River and on the west side of a line" twenty miles east of the Hudson River was an "indispensable preliminary" to the admission of Vermont.

George Washington became involved, writing Gov. Thomas Chittenden to urge Vermont to accept these terms. On February 21, 1782, Vermont dissolved the eastern and western unions and on the following day formally recognized the "West Bank of Connecticut River" as the eastern boundary of Vermont, relinquishing "all Claims and Demands to, and Right of Jurisdiction in and over any and every District or Territory without said Boundary Lines."

Vermont had made its concessions, but Congress never acted on them. Bitterness over the breakup of the union ran high; there would be no third eastern union.

When Vermont was admitted, the congressional act failed to delineate its eastern boundary; it was the western boundary that received all the attention when the commissioners from New York and Vermont negotiated their agreement.

In 1914 Vermont's Att. Gen. Rufus E. Brown brought suit against New Hampshire to prevent that state from levying taxes on lands and property on the west side of the Connecticut River. Vermont believed it had been patient with New Hampshire and had been trying since at least 1792 to settle the boundary question. Under the common law, Vermont had a right to claim to the thread of the stream. The United States Supreme Court appointed a special master, Edmund Trabue of Kentucky, to sort out the historical and legal evidence submitted by the parties. His report consists of nearly five hundred pages of analysis. He recommended that the low-water mark on the west side of the river be established as the border.

In its decision the Supreme Court noted for the record Vermont's own failure to file exceptions to the report. So instead of reviewing the question of whether the thread of the Connecticut was the true boundary or not, the court had to decide whether the proper boundary of Vermont and New Hampshire was the low-water mark, as Trabue had concluded, or the beginning of vegetation above the high-water mark, as New Hampshire alleged. Why Vermont failed to challenge the special master's report is not known. It may have been unintentional; it may have been a conscious decision. Whatever the reason, however, it was clumsy and capricious and ultimately reflected the same attitude of relinquishment of the claim to the land that Vermonters had shown in 1782.

The consequence of this unseemly business? In August a fisherman wading into the Connecticut River from the west side has left Vermont, and while he may not have to worry about violating fishing laws, he is standing on New Hampshire soil.

Essay #26 The Great Redfield

The railroad officially came to Vermont in 1848 and brought a host of new legal problems, not the least of which was the question of liability for the damage that the railroads caused to people, animals, businesses, and land. And while the railroad was here later than in other places in the East, the leading court in the nation in deciding railroad law became the Vermont Supreme Court and its leading justice on the subject was Isaac Fletcher Redfield.

Redfield was the youngest man ever to serve as a member of the Vermont Supreme Court, having been elected at the age of thirty-one. He served as justice for more than twenty-five years, eight of these as chief justice. They called him the Great Redfield.

Redfield was born in Weathersfield in 1804, moved with his family to Coventry at an early age, graduated from Dartmouth, and was admitted to the bar at the age of twenty-three. He served the traditional stint as state's attorney, as young lawyers were almost obliged to do in those days, and in 1835 was elected to the supreme court. He was sixteen years on the bench when he wrote his first railroad case.

Railroads damaged people and things. They ran over cows and horses. They destroyed businesses. Sparks from their tenders set fields on fire. Their construction split good bottom land apart from farmers' other fields, redirected streams, destroyed dams, and deposited debris on public highways. Blasting rock ledges destroyed crops growing in the field. Their progress was inexorable, and they came at a high cost to Vermonters, even as they brought new opportunities, new markets, and a new sound to Vermont's quiet valleys.

What law there was to regulate them was naively drawn in the form of corporation charters, which at first did little to protect the public interest. Redfield, in his first railroad cases, refused to hold the companies liable for damages not defined by charter or the common law. "[People] must remember," he wrote, "that courts do not ordinarily make the law, upon this subject more than others, but only take it as they find it, ready made to their hands, and apply it in such a manner, and to such cases, as it seems it was intended to reach. If others are altogether omitted, the sufferers must be content to wait their time of deliverance, which, whether it comes, sooner or later, or never, is better to be thus delayed, than that the law should become the mere arbitrary discretion, and personal will of the judge, or the court, which has been regarded, as no bad definition of tyranny itself."

The legislature responded with general laws in addition to their charters directing railroads to build fences along their lines where cattle were likely to graze (called "depasturing the herbage" in one opinion) or to pay damages for losses sustained to farmers and again the court was asked to decide whether this was right and constitutional. To Redfield fell the duty of working out the obligations. Redfield, in this string of cases, became the great apostle of the maxim, *sic utere tuo ut alienum non laedas* (use your own property in such a manner as not to injure that of another), and

sustained the statutes, one after another. "To deny the legislature the control of the railroads in the state, both as to the fact and the mode of execution, would be to deny one of the most important and indispensable powers in regard to the regulation of the police of the state, the denial of which would be likely, in the long run, to prove quite as detrimental to the railroads as to the public."

It was Redfield's willingness to hold the railroads to the same standards as those that bound natural persons that defined his jurisprudence and helped brand him as a conservative in an age in which his thinking was not in the mainstream.

His conservatism was a uniquely Vermont characteristic. On a visit to a relative in Cavendish, he wore an ancient hat, one that brought a worry to the lips of his cousin who recommended he buy a new silk version if he was to be respectable in proper Boston. "No," he replied, "anybody who sees this one will know that the wearer of it has been a gentleman for a good while."

Redfield published a treatise on railroad law in 1857 that quickly became the leading text on the subject and enjoyed many editions. Even in England, Redfield on railroads was the principal source.

Several reasons helped justify Redfield's retirement from the bench in 1860 at the age of fifty-six. He was not wealthy; he had had no chance to build up an estate; and so he felt a responsibility to his family to seek a more lucrative career. He was also uncomfortable with how he felt his jurisprudence would be accepted on the eve of the Civil War; he felt his naturally conservative temperament would run counter to the prevailing mood of the times.

Boston beckoned. There he produced a treatise on wills and another on carriers and bailments. He edited new editions of Judge Story's work on equity and Greenleaf on evidence and wrote articles for Bouvier's *Law Dictionary*. He edited a legal journal and after the Civil War represented the interests of the United States in England, to oversee the litigation seizing assets of the Confederacy held overseas. There he was treated as a celebrity for his writings. Then he returned to Boston to write. There at the age of seventy-two he died. His body was brought home to Windsor to be buried in the southwest corner of the South Church cemetery.

Essay #27

Neshobe

Alexander Woollcott was a big man, not just physically, but intellectually and by reputation. He was a member of the Algonquin Round Table, that hard-drinking, poker-playing band of writers that included America's most brilliant wits, from Dorothy Parker to Franklin P. Adams, George Kaufman to Charles MacArthur. He was the central figure in the Kaufman-Hart play, *The Man Who Came to Dinner*, and he enjoyed even greater celebrity on stage playing the part that was written about him.

His reviews in the *New York World* and *New York Herald*, among others, and the *New Yorker*, made or broke new plays on Broadway. He had such power in the newspaper, in literary journals, and on the radio (as the *Town Crier*) that he was feared and loathed as only powerful people can be. Celebrities from the worlds of theater, films, and radio buzzed about him like moths around a flame.

When Woollcott rested and played, however, he did it in Vermont on Neshobe Island in Lake Bomoseen. "Neshobe," with the accent on the first syllable, was christened by the breaking of a milk bottle on its rocky shore in 1881, following an historical pageant put on by the Rutland Historical Society and attended by ten thousand people. The name has been translated as "the hill that shakes" or "very full of water," depending on the source.

In Woollcott's time, the island enjoyed many amenities and was run and financed by a continually changing crew of pals of Woollcott, with the big man its principal host, prankster, and potentate. There the principal occupations were croquet, badminton, gambling, and brain-teasers. And to that island resort came some of the brightest writers and celebrities in America in the '30's and '40's—Noel Coward, Harpo Marx, Ben Hecht, Ethel Barrymore, Irving Berlin, Kaufman, Parker, to start the list.

The Vermonters who watched this giddy parade of stars and scalawags were suspicious about the place and its inhabitants. When Woollcott ran for trustee of the Castleton Public Library, he was soundly defeated.

Many novels, plays, screenplays, and other works were finished on Neshobe, and the antics of its summer residents became a kind of local tradition for the newspapers and gossip circles. Woollcott was sunning himself on the dock one day when two local fishermen drew close enough to Neshobe to discern the large form asleep at the end of the pier. "Who's that?" asked one in anticipation of a great celebrity. "That's Marie Dressler," answered the other, confident he had dropped the right name.

Five and a half hours by car from New York (for those who came, the distance to anywhere was measured from New York), Neshobe was a safe haven for the worldly crew that camped there. They played, they drank, they swam, they stayed up late flashing their wit and other talents in a seemingly endless summer of letting loose from work and the tensions of the city. Vermont was a

place away, a rich and beautiful land inhabited by people who wouldn't gawk or insist on autographs or photographs, who refused to acknowledge worldly celebrity as anything else but what they did for work.

Of course, the worldlies laughed at the natives, just as the natives laughed at them, privately, with great good humor and without intending to insult.

Neshobe is just one of hundreds of similar retreats in Vermont to which people have come for recreation and peace of mind. Today there's an entire industry built up of second homes, vacation retreats, and condominiums where non-Vermonters flee to from busier places, so many in fact that Vermonters have wondered aloud whether, by serving as the playground for the rich and famous and the rich and not-so-famous, Vermont itself won't be changed into a place that looks like every other place.

Of course, that was also the reason the first settlers came to Vermont before 1791, because it was open and unspoiled and uncrowded. We laugh today to think of Vermonters in the nineteenth century who decided Vermont was too busy and built up and moved north into Quebec or west to escape the noise and crush of more recent settlers.

Woollcott himself never owned any property after he bought Neshobe, and he lived there, with brief visits to more urban places, until he died in 1943. Although his final hour was spent in New York, his ashes were taken north to Vermont for a last visit to the one place he called home.

Essay #28

The Council of Censors

Vermont was derivative until it found its heart. Its land titles came from New Hampshire, its first settlers from Connecticut. It was even known as New Connecticut for its first five months. And it took 90 percent of its constitution from a draft of the Pennsylvania Constitution that Thomas Young sent to Ethan Allen.

Pennsylvania's constitution, drafted in part by Benjamin Franklin based on a former charter written by William Penn, included a provision for a council of censors that would serve as a kind of safety check on the legislative and executive branches of government. It would be short-lived, meeting only once every seven years to review the legislation of the previous septenary and censure what it found unconstitutional. It would review whether public taxes were laid justly and equitably and properly collected. It would nominate proper subjects for impeachment based on their behavior. And it would propose amendments to the constitution, to be adopted by a constitutional convention only it could call.

Pennsylvania quickly removed the council of censors from its constitution, but Vermont, never one to give up on anything quickly before it was tried out, continued to elect councils for thirteen consecutive septenaries from 1785 to 1869. Of course, since only the council itself could recommend its own abolishment, there may have been a natural resistance to suicide in the body.

Thirteen is a magic number for the council. Not only did it meet thirteen times over the course of its ninety-three years, but it consisted of thirteen members elected at large by the voters. That made it portable so that it could meet in places all over Vermont without much inconvenience, and it could finish its work in a matter of a few days or weeks, depending on the subjects that engrossed it. No one could serve on the council if he was a legislator or a member of the Governor and Council, that other body of thirteen men that served as the executive branch and a coordinate legislative body prior to the creation of the Vermont Senate in 1836.

Only three of the thirteen councils failed to call a constitutional convention, and while many of its proposals were never adopted, the council is directly responsible for drafting the constitutions of 1786 and 1793 and all amendments after that date to 1870. This includes the separation of powers clause, the governor's veto powers, the habeas corpus provision, the two-year term of office for legislative and executive officers, and as noted, the Vermont Senate itself. The council was also remarkably prescient—it proposed popular ratification of constitutional amendments in 1836 (realized in 1870), population-based apportionment of the legislature in 1792 (ambition realized in 1965), full suffrage rights for women in 1869 (approved by federal constitutional amendment in 1920 and by Vermont constitutional amendment in 1924), and viva voce voting on all legislative elections (still being discussed). It also proposed a literacy test as a prerequisite for voting, the popular election of the bank commissioner and registrars of probate, and six-year terms for state senators, none of which have become the law.

They called themselves "watchmen upon the walls of the political safety and happiness of the people of the state of Vermont," and they are the framers of every constitutional amendment from the beginning of Vermont until the demise of the council in 1870. Ironically, they have been ignored ever since by judges, lawyers, and historians, who are just now beginning to discover how fascinating the voice of the council is on paper.

Since ancient Rome, with the exception of Pennsylvania's bad experiment, no other government in the world had a council of censors or even a system akin to it where temporary officials would give their opinion about the constitutionality and wisdom of the legislative and executive branches in a formal manner at regular intervals. Perhaps it was characteristic of Vermont that the council lasted for septenaries—thirteen councils' worth. Vermonters don't give up on something that works.

A good censure now and again is good for anybody; for government, it is always healthy. It helps give officials inflated by their positions a little perspective. It reminds them that there is a Vermont Constitution, one that must be read and respected. And it gives renewed life to the principle that this is a state of laws, not people.

Essay #29 Federal Flood Control

Following the 1927 flood, the Army Corps of Engineers in cooperation with state engineers studied how to avoid future such disasters. When they submitted their report to the General Assembly, they included proposals to build eighty-five flood control projects at a total cost of \$150 million. The projects would stem flood damage and were also expected to provide enough hydro power to supply Vermont's needs for many years.

The project's sponsors thought they had covered all their bases, but they miscalculated one important factor—the legislature of Vermont and particularly one member of the House from Putney, Vermont, George Aiken.

That year Aiken had been put on the House Conservation Committee, largely because he could identify plants and trees and had even published a book on wildflowers. The committee's jurisdiction incidentally included flood projects. And this particular proposal had direct personal consequences for Aiken, because one of the proposed dams would have flooded his ancestral farm in Putney.

In his wonderful book, *Speaking from Vermont*, published in 1938 during his governorship, Aiken told the story succinctly. "Careful examination of the bill made it evident that, in effect, it would give the power companies control of the destiny of the State. For this reason it was defeated in the legislative committee, of which I was a member."

Actually, Aiken and his allies had to wait until committee members who supported the measure were absent before taking a vote to oppose it, but their strategy worked and the bill was withdrawn by its sponsor before it reached the House floor with a negative recommendation.

The plan was not palatable to Vermonters like Aiken, because it violated two sacred principles of life in Vermont—local control and the preference for rural living—neither of which the dam advocates seemed to understand. The decision on where dams would be built would have been made at the state level, while the towns would foot the bill without an opportunity to give their consent to the projects. "Well," said George Aiken in an oral history interview almost fifty years later, "I didn't like that at all. I think that's about when I decided that we'd better stay on in politics."

The building of more than eighty dams and other structures would also have required the relocation of hundreds of Vermont farms and farm families without their consent. Fool with homesteads anywhere, but in Vermont in particular, and you will live to regret it.

Aiken didn't do it all alone. His allies on the legislative committee included Gertrude Daniels of Grafton and Phil Shutler of Warren. Those aligned in favor of the bill included the Speaker of the House, Edward Deavitt, the railroads, and the power companies. These big money forces never had a chance against their opposition, not after Aiken concluded their real purpose in promoting flood control projects was to "take over the state of Vermont," as he described it. Shortly after the session was over, George Aiken decided to run for Speaker of the House. From Speaker, he became

lieutenant governor in 1935, served two terms as governor from 1937–41, and then moved on to the U.S. Senate.

The subject of flood control didn't go away with the defeat of the 1931 proposal. Governor Aiken fought another, even grander battle with federal authority in 1937 when an interstate compact for controlling the Connecticut and Merrimac rivers was amended by Congress at the instigation of the Roosevelt administration, giving the federal government authority to purchase any flood control project.

But even with such minor victories for federal intervention, the battle lines were drawn. Speaking from and for Vermont, George Aiken became an apostle of states' rights and a severe critic of centralization of power at the federal level. His long career in the Senate gave Vermont a stronger voice in Washington than it has enjoyed since he retired. It was a voice that espoused the right of states to decide what was best for themselves.

Vermonters have remained circumspect about federal programs ever since, even as the federal presence in Vermont has grown. Ironically, the federal deficit has reversed or at least slowed the trend toward centralization. George Aiken is gone now, but his voice is still strong. The theme of independence—of the state of Vermont from unacceptable federal policy and of the towns from unacceptable state policy—still has meaning for Vermonters in large measure because of that meeting of the Conservation Committee of the House in 1931 and because a young wildflower-lover named George Aiken happened to serve on the committee.

Essay #30 Apportioning the Legislature

In 1842 Gov. Charles Paine announced with some relief that there would be no civil war. "The danger we have but just escaped is the greatest and most appalling with which we have been threatened since we became a nation. It is neither imaginary, nor uncertain in magnitude. It attempted to conceal the odious fractures of rebellion, and assume the more attractive form of justifiable revolution. In this disguise it appeared to, and enlisted the sympathies of those, who had originally no concern with it, and it was then, and not before, that it became the cause of general and well grounded alarm."

Paine was not talking about the divisiveness of slavery or political party faction or even foreign aggression. He was talking about the Dorr Rebellion in Rhode Island.

Thomas Wilson Dorr is a name little remembered by most Americans today, but his attempt to overthrow the government of Rhode Island obviously found a sensitive nerve in Vermont as in other states. The problem was representation, or rather the lack of it, in the Rhode Island legislature.

Rhode Island, unlike the other states that formed the Union, never adopted a state constitution when independence came, choosing instead to be ruled by its royal charter of 1663. This charter allowed each town in the state a representative. The laws of that state also required, as a condition of voting, that a man would need to own real property. Between these two principles, many Rhode Islanders believed they were not represented in the legislature and they were right.

Dorr, the leader of the Free Suffrage Party, found this intolerable and, after trying to find a solution within the system, decided to hold an election to adopt a constitution that was more suited to the name of representation, one that would grant universal manhood suffrage, regardless of property qualification and would apportion the legislature on the basis of population. At the election, the constitution passed, and later Dorr was elected governor. The trouble was, there was already a governor of Rhode Island, who was not amused by the entire affair. Even the Supreme Court was involved, declaring it illegal for anyone in Rhode Island to vote in an election not sanctioned by its true assembly of representatives.

When all else failed, Dorr's supporters led a charge against the Providence Armory, a foolish move as it turned out by unorganized, ill-provisioned political supporters against the militia. Dorr escaped before being captured.

Vermont Governor Paine warned the legislature that the rebellion in Rhode Island was not so remote as to infect even the Green Mountain State. "In our own state even, unshackled by colonial restraints, we voluntarily formed and have continued a government, whose inequalities of representation are probably equal to those, which, in Rhode Island, were thought to justify a revolution, and that, too, by the sword." Vermont had, since 1777, enjoyed the reputation as the first government in the United States to allow any adult male to vote, regardless of property qualification,

at least for state officers. A small poll tax was required for local elections. The real problem was the lack of proportional representation. The smallest town had the same weight in the legislature as the largest town; the poorest town with the lowest grand list had one representative as did the richest, most developed town. And for some Vermonters, this was unacceptable.

Just that spring, the Vermont Council of Censors had rejected a proposal to amend the Vermont Constitution to provide a range of up to four representatives per town, based on population, but the constitutional convention, organized on the old one-town, one-vote basis, had rejected it soundly. That wasn't the only time the censors had preached proportional representation. Proposals had been made and rejected in 1785 and 1820 as they would be again in 1848 and 1855, but every time the idea came up, the legislature, and those who recognized just how much power the small towns would give up if the Vermont Constitution were amended to recognize population as the basis for apportioning the House of Representatives, did not enact the proposal.

No civil war of representation came to Vermont in the 1840's or any other decade, and that change didn't come from within Vermont is one of this state's most intriguing mysteries. Without rebellion, without even strong debate, the issue of equal representation slept through the years. Cities and large towns submitted to the realities of municipal representation, and small towns were anxious to keep their power to control the legislature.

As for Dorr, he returned to Rhode Island several years after the rebellion. He was tried for treason and sentenced to life imprisonment in 1844. After a few years, he was pardoned. Before then, Rhode Island adopted its own constitution, not as radical as Dorr's, but one that did guarantee representation to each town while proportioning other seats on the basis of population.

The Vermont House was, of course, reapportioned in time. After T. Garry Buckley sued the state of Vermont in 1965, the federal court ordered it done, and with great reluctance, the legislature capitulated. The federal constitution required it, said the court, in spite of what the Vermont Constitution said.

Essay #31

John Humphrey Noyes and Vermont

John Humphrey Noyes was born in Brattleboro in 1811 and grew up shy and bashful with women. His father John Noyes was a prominent Windham County businessman, who served in the state legislature and as U.S. representative from 1815 to 1817. As was fitting for his son, the young John Humphrey was to be a lawyer. After graduating from Dartmouth, he began a clerkship with Larkin Mead in Chesterfield, New Hampshire. A Putney revival meeting in 1831 changed these plans. There the "light gleamed upon his soul," and John Humphrey Noyes dedicated his life to a more spiritual objective.

In his journal Noyes wrote, "Hitherto, the world, henceforth, God!"

He left the study of the law and enrolled in Andover Theological Seminary and then the Yale Theological Seminary and, in 1833 with a license to preach, began a short preaching career in New York. But this, too, did not last.

Noyes was a veritable furnace of new ideas, his mind continually bursting with new revelations and directions. In the midst of another revival meeting, Noyes was immediately converted to Perfectionism, the belief that perfect holiness could be achieved by men and women. This conversion did not sit well with the Yale faculty, who after a long and painful hearing, decided to revoke Noyes's license to preach and ask him to move along, which he did with characteristic zeal and confidence. Nobody ever accused John Humphrey Noyes of looking back or worrying about what others thought of what he believed.

After a few years of trying to run newspapers in New Haven and Ithaca, Noyes returned to his parents' home in Putney in 1838, freshly married and ready to start a new life. By this time Noyes had already developed his ideas about what he called "complex marriage," which were nothing if not radical for his time. In his letter of proposal to his future wife, Harriet Horton, Noyes had written, "We can enter into no engagement with each other which shall limit the range of our affections as they are limited in matrimonial engagements by the fashions of the world." Harriet accepted the proposal the next day.

By 1841 Noyes had begun an experiment in communal life with friends and family from the Putney area. In the next years, Noyes developed his thinking on population control and his solution, based on his own experience, through male continence. In 1846 the Putney perfectionists signed a Statement of Principles, which included their conviction that "[a]ll individual proprietorship of either persons or things is surrendered and absolute community of interests takes the place of the laws and fashions which preside over property and family relations in the world."

Up to this point, the residents of Putney had been reserved in their reactions to the perfectionists in their midst, but in 1847 John Humphrey Noyes was charged with adultery by the state's attorney. Other prosecutions were threatened, and there was talk of an imminent attack on

the commune. Larkin Mead, now a Noyes brother-in-law, advised them to leave Vermont immediately.

Noyes moved the community to Oneida, New York, at Jonathan Burt's sawmill where on 160 acres the family built housing and farm buildings and eventually places for manufacturing and mechanical businesses that the community would run. There was some trouble with the New York neighbors and authorities at first, but it quieted down without confrontation.

By 1853 the community was successful enough to open satellite communes in Brooklyn, Newark, Wallingford (Connecticut), and Putney and Cambridge, Vermont. The community continued to grow and flourish. Over three hundred men, women, and children lived at the Oneida site by 1878. Throughout its years, it published newspapers, journals, and reports, announcing to the world its philosophies and its successes. The Oneida Community became well known throughout the world for its experiments in communal and family life and the leading model for progressive, alternative living arrangements since that time.

John Humphrey Noyes left Oneida in 1878 and spent the remainder of his life in Niagara Falls, New York. He died in 1886 and is fondly remembered by the descendants of the Oneida Community. The community itself had abandoned its communal organization in 1881 when it became a joint stock company, organized under the name, Oneida Community, Ltd., with the state of New York.

Vermonters have regarded Noyes and his experiments with family and community life with a mixture of emotions. Some appreciated Noyes for his faith and his industry without necessarily embracing the beliefs he espoused. Some say that it is part of the Vermont character to stick with what you believe, regardless of what others say or think.

That Noyes had to move to Oneida because of the threat of harm to his community is not something Vermonters want to believe is characteristic of this state. But the fear of foreigners—xenophobia—or, in the case of native Vermonter John Humphrey Noyes, a fear of new ideas, is too common in Vermont history to be ignored from our treatment of Indians to the negative publicity of the Rainbow Family in the summer of 1991.

Vermonters want to believe that you can live here on your own terms, that these hills can contain many varieties of life styles without friction or confrontation, and in many respects this is true. But not all Vermonters place a premium on tolerance and not all philosophies and life styles are welcome here.

Essay #32

Celebrations of Vermont

Vermonters love celebrations of heritage. The Battle of Bennington was celebrated—apotheosized, if that word can be applied to a whole regiment of soldiers—from the moment it occurred, and the first official celebration came on its first anniversary. Statehood itself, March 4, 1791, has taken on that same holy quality. It's almost as important an event as Vermont's independence, January 17, 1777.

Vermont celebrated independence in 1976 and 1977. It was a worthy celebration. Perhaps its most lasting contribution was the wave of town histories it inspired. And the Republic of Vermont license plates. Of course, we do have a 1991 bicentennial plate now, but many Vermonters are still keeping their Republic of Vermont plates instead, perhaps out of loyalty to the idea of independence and as a sign of suspicion about the value of celebrating the apostasy of statehood.

Vermont celebrated 150 years of statehood in 1941, with the war bearing down on us. It celebrated the centennial in 1891 with the dedication of the Bennington Battle Monument, attended by thirty thousand people, including Benjamin Harrison, president of the United States. We haven't found any record of a statehood celebration in 1841—that was a big year for the temperance movement, making even the Bennington Battle celebration a little more sober than in previous years. Perhaps Vermonters were too busy with sheep raising or maybe fifty years isn't something you celebrate, if you're not entirely sure the nation is going to last. At two hundred years, however, we can say we've made it this far and can hope that the association will continue.

What's interesting about Vermont's celebrations of statehood is how rarely the subject of statehood is mentioned, as if it were something to be denied even as we celebrated the date.

The sesquicentennial celebration of 1941 was the biggest celebration of statehood in our history before this year. At that time, 231 Vermont towns "mobilized" at town meeting time by adopting a resolution of rededication to "Freedom and Unity," the state motto and the words that appear on the state seal just as over a hundred towns did at March town meeting, 1991.

Looking through the 1941 "Official Souvenir Book of the Sesquicentennial," however, there is virtually no mention of statehood in the text. All the writing is devoted to dedications about Vermont's contributions during the revolutionary war and its unique heritage. Even the name "United States" doesn't appear much in the official record. In fact, the only mention of statehood is in a cartoon entitled "Vermont Enters the Union," in which a Vermonter in bib overalls accepts an apple marked *union* from a serpent under a tree. This is the message of statehood—that it was a kind of original sin, a mistake, a sign of weakness.

The centennial celebration of statehood came on the 114th anniversary of the Battle of Bennington but three days later, because of convenience, on August 19, 1891. The town of Bennington was elaborately decorated with bunting and flags. At the Soldier's Home was a large sign made of flowers that announced, "Molly Stark was not widowed." President Harrison stayed with

Gen. J. G. McCullough in North Bennington. Eighty-eight military and civil organizations, twelve bands, six drum corps, and one hundred and eight carriages paraded to the monument, and forty-five hundred soldiers came to attention on the call of Gen. William L. Greenleaf, commander of the state militia. Hon. Edward Phelps was the orator of the day, and he said that statehood came when "[t]he justice of [Vermont's] cause gradually made itself felt, both in the Congress and the Legislature of New York." He praised Vermont for its condition when it entered the Union, without even "remnants of colonial magnificence," wealth, or even productive soil. Vermont's affluence, said Phelps, was in the men it produced and not the products of the soil.

Ironically, most of the speeches at the centennial did not refer to statehood. From the president on down, the worthies spoke of Bennington and the contribution Vermont had made to the revolutionary war, but they ignored the issue of statehood. Maybe they didn't understand the difference. Or maybe they did and didn't want to pressure the natives by reminding them of something Vermonters didn't want to celebrate, even as they marched to the tunes of American anthems.

What is American is fine—the flag, the Constitution, the office of the presidency—but don't dwell on the federal government or its preemptive power, the false hopes of the Tenth Amendment (powers reserved to the states), or the other negatives of statehood. Those subjects would ruin the celebration.

Essay #33 The Grange

George Aiken described his debt to the Vermont State Grange in an oral history interview following his retirement from the U.S. Senate. "There's something about the Grange, particularly in those days [George Aiken was fourteen at the time he joined]: young folks, and older ones too, weren't backward about getting up and speaking their mind at a Grange meeting when they wouldn't think of speaking publicly anywhere else. I think that what little public speaking I learned probably began at the Grange meetings."

According to Guy Horton's history, *The Grange in Vermont* (1968), the Grange was organized in six other states and at the national level before it began in Vermont. Jonathan Lawrence of St. Johnsbury had written to the national office and been appointed grand deputy, and Lawrence called the first meeting to organize farmers in his region at the old union schoolhouse on Summer Street on July 4, 1871. There was no table in the room the first Grangers used, so a bass drum served as the surface for them to sign the roll. From that modest beginning, the Vermont Grange grew into one of the largest and most successful farm organizations Vermont has ever known.

The official organization date of the state association was July 4, 1872, making the Vermont State Grange the first in New England. Thirteen subordinate Granges had started by that time. But the early organization was slow. "Farmers had been humbugged so much in later time that they looked upon this means of deliverance with suspicion and distrust," an early secretary of the Grange explained, "and then the newspapers generally threw their influence against it, not so much because they knew a great deal about its merits or demerits, as that they thought they would be on the popular side of the question opposing it." By 1874 there were 120 subordinate Granges.

The Grange grew like the best of Vermont corn. Farm families came to rely on its newspapers—the *New England Farmer* and *Our Grange Homes*—on its cooperative stores where all manner of goods, including fertilizer and grain, could be purchased at wholesale prices, on its insurance and education programs. Granges were organized in almost every town in Vermont.

It was a secret organization with special rituals and ceremonies and adamantly non-partisan, except when it came to the promotion of farm interests.

Early on, the Grange became involved in fighting for the rights of farmers. One of the earliest and most celebrated instances of this was the struggle to regulate the railroads and their rates. The Grange was directly responsible for the creation of Vermont's first railroad commission in 1886 and the fight for fair freight rates that brought the U.S. Interstate Commerce Commission to Vermont the following year. That visit resulted in an order requiring the railroads in Vermont to give up their excess fees for short hauls.

In 1890 the State Grange took on a new issue, the dissolution of the partnership between the University of Vermont (UVM) and the State Agricultural College. The Grange argued that the university had not fulfilled the promise of the Morrill Act, that in the twenty-five years since the

agricultural college had been organized not a single degree had been granted, that the money and attention intended for agriculture had been sidetracked to other university programs. Although the Grange lost this fight in the legislature, it won an important victory in support of agricultural education. The university's policies toward agriculture quickly changed. New teachers were hired and a new experimental farm purchased on Spear Street. The Grange continued to press for improvements in agricultural education at the university and claimed among its other victories the legislative decision in 1907 to build Morrill Hall on the UVM green.

Vermont has seen 119 Grange halls erected or converted in the 120 years the Grange has existed in Vermont, and many of these are still standing. In its best year, Grange membership amounted to over twenty-seven thousand Vermonters, principally farmers but including other members of the community.

The Grange became the center of commercial and social life for the residents of many Vermont towns at a time when farm life was hard and lonely and fellowship simply not available in the way that the Grange provided. It brought a cooperative spirit to Vermont that had no equal in our history.

Things seldom stay the same for long in Vermont. Agriculture is a smaller part of the Vermont economy; there are fewer farms and fewer farmers. While it is not as large an organization as it was at the beginning of the century, there are still ninety-one subordinate Granges active in Vermont, with a total of about four thousand members. Today's Grange puts a strong emphasis on youth programs and community service, with Grange halls used as day-care centers and Grangers involved in improving town libraries and schools. Vermont has its first woman state master, Margaret Richardson, who also serves as the lobbyist for the State Grange in Montpelier.

The history of the Grange in Vermont is interesting not only for the measure of its success in policy matters, but because it began as a part of a national movement linking farmers and farm interests throughout the nation. Contrary to the independent instincts of Vermont's founders, the leaders of the Grange were comfortable being local representatives of a national organization, and while they clearly put their own local cast on the way the Grange conducted its affairs, the experiment in cooperative life on a national model seems to have served its purpose well.

Not all Vermonters are isolated and independently self-reliant. Some are joiners and are proud of that association. They rank their allegiances by their religion, their national identity, their status as Vermonters, and for some the next most important description of themselves is that they belong to the Grange.

Essay #34 The World War at Home

Sixteen thousand Vermonters served in the First World War, but every Vermonter felt its weight. Everyone made sacrifices, some more than others. Some gave their lives. Some lost limbs, eyes, or peace of mind. Families were torn apart, children left impoverished and fatherless, farms abandoned. Many Vermonters' lives were changed irrevocably by the losses they suffered as a result of what was called the Great War.

The war had its heroes, and many Vermonters earned their decorations with amazing stamina and courage in the face of the most savage war machine the world had ever seen.

The war was officially declared on April 6, 1917. Vermont's governor, Horace Graham, ordered the mobilization of Vermont troops and other resources in support of the war effort. Vermont's first military effort of the war was to protect the state's railroads, factories, and bridges from sabotage, beginning that first April.

In August Vermont learned the bad news that its regiment would not be kept together, that for the first time in the history of Vermont's response to national service in wartime, Vermonters would serve next to men from other states, that the honor of the Green Mountain State would be upheld by individual effort rather than group activity. As Capt. Harold Sheldon wrote in his memorable official history, *Vermont in the World War 1917-1919*, "Undoubtedly—and it was amply proven on the battlefields later—this policy saved the lives of many Vermont soldiers, for in the nature of modern war a single regiment might be thrown into action at a critical stage or in a deadly angle of battle and be sacrificed to gain an important objective." But the news was the most bitter of any received early in the war.

As soon as he took office in January of 1917, Governor Graham became a veritable engine of patriotic fervor in his efforts to fill the necessary quotas of soldiers and sailors. He ordered the listers of each Vermont town to enroll all able-bodied citizens between the ages of eighteen and forty-five who would be liable for military duty. He ordered an assessment of the equipment and armaments of the Vermont National Guard. He promoted a legislative response to the war, pushing for reform of the militia law, a provision for state pay for Vermonters serving the war effort (ten dollars a month), the establishment of a home front defense force, a statute to control seditious speech and action, and a budget to match the needs of this legislation—\$1 million in 1917 alone.

Graham supported the passage of the national Selective Service Act and personally ensured early appointment of the necessary boards needed to implement this federal law. Before the war was over, over seventy thousand Vermonters had registered. Along with his staff, Graham worked day and night at some cost to his personal health. He promoted March 5, 1918, at 11:00 A.M., on town meeting day, as a "Win the War Meeting" in each town. He promoted the state war conventions of September 1917 and May 1918. He worked with the Red Cross and other organizations in support of the war.

On November 11, 1918, the armistice was signed between Germany and the Allies, and the work of government shifted to bringing the troops home and taking care of the losses suffered by the soldiers and their families.

Graham left the office of governor in January of 1919, after completing one term. That was the practice beginning with the creation of the two-year term in 1870; second terms did not become the rule until John Weeks took the office in 1927. When he left office, he received the honors and respect he had earned during his term. He also received notice of a pending prosecution for embezzlement and grand larceny, stemming from almost \$20,000 he had taken and not repaid from the state's accounts during his long service as auditor of accounts.

Personally shaken by the charges and mortified by the accusation that he had done anything more than bad accounting, the man known as "Honest" Horace hired the best attorneys he could find to defend him in the well-publicized trial that followed in January of 1920. In February the jury found former Governor Graham guilty of grand larceny.

In November the judge imposed a sentence of five to eight years in the state prison. On the afternoon of the same day, Gov. Percival Clement pardoned Mr. Graham. In the accompanying message Clement wrote,

In the fall of 1916, you were elected Governor, the highest office in the gift of the people of Vermont. A few weeks after you assumed the duties of that office, Vermont, with other States of the Federal Union, was engaged in the great World War. Incident to the part which Vermont played in the war, a tremendous burden of duties came upon you, but you were indefatigable in the performance of those duties. You enrolled fifteen thousand of our boys who went into the service of the Federal Government to fight our battles. You were in constant touch with our soldiers.

Your services to the State of Vermont during the two years of your Governorship were second to those of no other Governor since the days of Thomas Chittenden.

Whereas I accept the action of the honorable court, nevertheless, on account of the great and valuable service which you have rendered to the State of Vermont and the suffering which you have endured by reason of your indictment and trial, I grant you an unconditional pardon, and restore you to full citizenship in this State, which has in the past so highly honored you.

Essay #35

The Adoption of the Income Tax

The first state tax ever paid by Vermonters came in 1780. The legislature required the organized towns, based on population, to provide flour, beef, salted pork, Indian corn, and rye to the Vermonters fighting in the revolutionary war. The duty fell on selectmen to fill the quota, and upon their failure, the General Assembly was authorized to appoint someone who would.

In April of 1781, the state recognized the need for circulating medium and ordered bills of credit issued, to be redeemed by a tax of one shilling and three pence on a pound of the general list of the state, in organized towns only. Delinquent taxpayers could, for the first time, have their lands or property attached and sold. The total amount to be raised statewide was £5,590, or about \$39,000. From that time forward until the 1880's, the principal source of revenue for state government was a statewide property tax against the land and personal property of Vermonters—a concept that today fills many citizens with dread.

The age of railroads arrived in the late 1840's, and many of these enjoyed the benefit of exemption from the property tax by corporate charter enacted by the legislature as a public policy to encourage the building of these iron behemoths.

Then in 1882 the legislature finally began to tax corporation franchise and business. In 1880 the General Assembly assessed a tax of twenty cents on the dollar for the support of state government. In 1882 the tax was ten cents. The difference was Act no. 1 of the *Laws of 1882*, providing for a direct state tax on railroad, insurance, guarantee, express, telegraph, telephone, steamboat, car and transportation companies, banks, savings institutions, and trust companies. The tax varied depending on the business but was based on a percentage of gross earnings. Act 83 of that year also provided for a tax on the shares of stock in banks, steamboat and transportation companies, trust companies, "moneyed" and other corporations except railroad corporations, by having their value set in the town grand list for the purpose of state and local taxation. In 1882 the first state commissioner of taxes took office.

The tax relief offered by the franchise tax was short-lived, and by the first decades of the twentieth century, Vermonters were again feeling the strain of trying to make their farms pay for themselves in the face of bad markets and high property taxes.

The federal government had imposed an income tax in 1862, but in 1872 the unpopularity of the experiment forced the Congress to abandon it. In 1894 the tax came back as a levy of 2 percent on income, but that year the U.S. Supreme Court concluded that income taxes were unconstitutional since the federal constitution required direct taxes to be apportioned among the states on the basis of population. This the Congress could never have imposed as it would have meant a variable burden on taxpayers in different states.

In response, the Congress proposed the Sixteenth Amendment in 1909, providing that "[t]he Congress shall have power to lay and collect taxes on incomes, from whatever source derived,

without apportionment among the several States, and without regard to census or enumeration." The necessary number of states ratified this amendment by 1913 (Vermont did so on February 19 of that year), and the Congress adopted the Tariff Act of 1913, providing for the first progressive income tax in the nation's history, starting at 1 percent for the first \$20,000 of income. The states did not immediately join in this, and Vermont's own adoption of the income tax would not come until a natural disaster made it inevitable.

In November of 1927, it rained and rained, and the resulting damage was as big a disaster as Vermont had faced since the cold summers of the second decade of the nineteenth century. Soon after came the Great Depression, a national economic catastrophe that some historians have written was hardly noticed in Vermont at first, given the slowness of the economy at the time the panic set in in the cities. Twenty states had already adopted an income tax before Vermont did, including New Hampshire, New York, and Massachusetts.

In 1930 the legislature appointed a Vermont state tax commission to investigate the income tax. Its report concluded that "[t]he inclusion of income in a state's tax system makes it possible to shift a part of the state's taxes from listed property to this new base. With an efficient administration it offers an opportunity to distribute the burden over the whole citizenship of the state, including many who pay no general property tax." It believed that the cost of administering the tax would never exceed 3 percent of the total. But it admitted it could never be administered locally, that centralized state administration was essential.

The original tax was 3 percent of the excess of incomes over \$1,000 for single persons, \$2,000 for married couples, and \$250 for each dependent. The commission was particularly interested in a complete separation of land and state taxes, eliminating all levies by the state on the grand list. To avoid losses to the towns, which since 1892 had benefited from state highway and state education taxes collected on the grand list and redistributed on the basis of highway miles and number of legal scholars, respectively, the commission proposed distributing an amount equal to the previous year's grants.

And so in 1931, Vermont adopted the income tax as a basis for state revenues. That year the state did not impose a general statewide property tax, and while it has always reserved the right to do so, it has not returned to the property tax as a source of state revenue in sixty years. A flood tax, dedicated to paying off the cost of repairing roads, bridges, and public buildings after the 1927 flood, was imposed in 1931 (\$1.50 on each poll in 1931, down from \$2.50 from 1929 before the income tax was adopted), but even this was repealed in 1935 at the time the state tax of ten cents on each pint of spirituous liquor was imposed.

In fiscal year 1990, the personal income tax brought in \$250 million to Vermont, the corporate income tax more than \$25 million. Total state revenues amounted to \$565 million. In 1991 the legislature voted a state income tax of 28 percent of the federal tax.

Essay #36

Vermont and the Movies

In *Nothing Sacred* (1937), Carole Lombard played a young Vermont woman, diagnosed with a fatal disease, who wins an all-expenses-paid trip to New York only to discover she was misdiagnosed and completely well. The attraction of New York is too much to pass up, so she avoids telling her sponsors the truth in order to enjoy the prize.

In *The Freshman* (1990), Matthew Broderick plays a young Vermont film student whose innocence and lack of guile are used by gangsters to catch other crooks involved in an extortion plot.

These and many other Hollywood films use Vermonters and the Vermont reputation for unworldliness as a device to move their stories along and in the process extend the stereotype of Vermonters as lovable, unsophisticated rubes. The writers might have chosen any rural state as their target, but something about Vermont has come to stand for the innocence and naiveté that is not believable in urban or suburban characters.

In *Mr. Deeds Goes to Town* (1936), another Vermonter, played by Gary Cooper, inherits a fortune and foils the plans of crooked New Yorkers by giving the money to the needy before returning to his simple, idyllic life back home. In this and other films like it, the Vermonter may be innocent and unspoiled, but he can also outfox the more sophisticated urban types. He has his wits; he knows how people think; and he uses his instincts and his experience to turn the tables on the bad guys.

In the movies Vermonters aren't portrayed as dummies even though the urban characters often expect that of them. While rural life is pictured as adamantly unfashionable and practical and rural characters are described as unlettered, insular, and uninformed about the mainstream experiences of city life, they frequently prevail in conflicts with their slicker, down-country counterparts, because they can cut through the cant and polish and read the person underneath the fancy clothes and fast talk. They are wise in country ways, closer to the earth; they lead simpler lives; they hold fast to their values. While they are almost always portrayed as poor, their homes ramshackle, their wardrobe bib overalls and flannel shirts for the men, flowered dresses for the women, their lives are rich and full, in stark contrast to the emptiness and vanity of high-living city dwellers.

Vermont has served as the backdrop for countless films from *Way Down East* (1920), in which Lillian Gish floated down the Connecticut River at White River Junction on an ice floe, to *Sweetheart's Dance* (1988), filmed in Hyde Park. Alfred Hitchcock came to Craftsbury in 1955 to film *The Trouble with Harry*, a murder mystery set at the height of foliage season. In each case the setting for the story is as important as the characters to the development of the plot. Even when Vermont is not named as the location, its nature intrudes into the story.

When movie companies come to the Green Mountains, Vermonters are always fascinated and at the same time a little wary. They have a right to be. Several years ago a crew needed snow

when the weather wasn't obliging and sprayed something resembling it on the trees on a Windham County town only to discover soon after that the chemical had killed everything it touched. But then that's also the way of Hollywood.

Sometimes the film image helps bring tourists here as *Holiday Inn* did in the 1930's when it helped link the image of a white Christmas with Vermont.

Hollywood has a way of distorting reality that enhances its reputation as an entertainment center. Its depiction of Vermont and Vermonters is no exception. "Vermonters" in movies talk in accents that would seem foreign if heard here. Sometimes it's a downeaster's tone, sometimes a broad Massachusetts sound that comes out of a Vermont character's mouth. "Vermont" towns sometimes look like cowboy towns in the movies; since both are sets on a Hollywood backlot, it's no wonder they resemble each other.

What the movies think of Vermont may not be important to Vermonters at all. They are fun-house mirrors, and in their reflection we do not often learn much about ourselves or our state. But sometimes even stereotyping is interesting. That long parade of grizzled gents with corncob pipes and quick eyes, the dewy-eyed maidens in the milking parlor dreaming of escaping from the farm to the lights of the city, the long-necked men playing tuba in the town band and fishing for trout in the mill pond on a lazy afternoon, the small town gossips and blowhard local politicians—none of these is true, none quite entirely false, either. They offer us a picture of how others see us and how other Americans think of Vermont when the name is mentioned.

Essay #37

A Coordinate Legislative Body

Until 1836 Vermont had no state senate. The House of Representatives, each town with its own member, performed the duties of the legislative branch of government. Legislation was introduced in the House, considered by its committees, and then once passed by the House, it would be sent on to the executive department, which up to 1836 was a body called the Governor and Council.

The Governor and Council consisted of thirteen men, one of whom was the governor, of course, but who had virtually no authority to act on his own. When legislation was to be reviewed, convicts to be pardoned, officers to be appointed, executive business to be transacted, a majority vote of the Governor and Council was needed for effective action. In fact, the governor had nothing more than a casting vote—a vote that was effective only to make or break a tie—when the Governor and Council met to do its business.

When the Governor and Council received a bill passed by the House, it could approve it and the bill would become a law. It could also offer amendments to be considered by the House, and although the House could freely reject them, the Governor and Council could then suspend the passing of these bills until the following session of the assembly. Since sessions and terms were annual and representatives seldom served more than a term or two in the House before dutifully turning the office over to another, this could mean the bill would die for lack of action.

Clearly, the power to suspend was no veto, however. The system was designed to ensure that the Governor and Council had limited powers to affect legislation, in keeping with the lessons Vermonters had learned from the colonial experience. Royal governors—men in whom the supreme executive (and often legislative) powers resided—had not done Vermonters any favors, and the office was not about to be given unrestrained authority when Vermonters formed their first government in 1777.

As early as 1792, however, some felt that a single House and weak executive review of legislation was a bad idea and sought to change the system. That year the Council of Censors first proposed a senate consisting of nine members, apportioned by county on a rough standard of population, guaranteeing each county at least one senator. The problem was too many members in the House, according to the council. "Their numbers, which are necessary, in order fully to comprehend all the national interests, passions, manners and sentiments to which laws ought to be adapted, tend to encumber discussion and subject such legislatures frequently, to hasty and crude determinations. This, we have apprehended, to be a principal reason, why so many amendments, explanations, and alterations, have been constantly found necessary, in our laws." But the constitutional convention voted it down.

In 1813 the council proposed a senate composed of two members for each county over seven thousand in population and one member for those of seven thousand or less. Slowing the pace of

too hasty legislation was one justification, but perhaps more persuasive to the council in 1813 was the need for a legislative body that would guarantee equality of representation, apportioned by population, as the House clearly failed to do with its one town-one vote principle. This, too, failed to be adopted at the constitutional convention.

The 1820 Council wanted to change the executive council into a coordinate body elected by proportionally designed districts. The 1827 Council's proposal for a senate consisted of twenty-eight members, with the constitution assigning the number of members initially and a decennial reapportionment following each census. On the fifth try following the proposals made by the 1834–35 Council, the constitutional convention of 1836 finally adopted a thirty-man senate by a vote of 116 to 113.

When the senate was created, the old Governor and Council was abolished, and the governor for the first time given the full power of the executive branch. He even had a veto, although until 1913 a mere majority of each chamber was needed to pass a bill over the governor's objections.

Two factors seemed to play a key role in the adoption of the proposal to create a senate in 1836. First, there was the very unseemly collision between the House and the Governor and Council in 1827. The Governor and Council had suspended a minor bill until the following legislative session. When the House returned, it passed the bill a second time and announced to the world (and particularly the Governor and Council) that the bill was now a law. The Governor and Council vehemently objected, standing on its right to suspend the bill for a second year if necessary. Then began a long, fruitless, and frustrating fight over the legislative process that did neither body any credit. Insiders knew that the old system had outlived its useful life. The senate became Vermont's destiny.

The other reason was collegial in nature. Vermonters recognized that a coordinate legislative body, with some form of executive review, was the norm throughout the Union, that no other state had only a House. Even Congress was organized into two chambers. Never wanting to seem backward or to continue with something simply because of tradition, Vermont changed its legislative system for good in 1836.

Essay #38 Vermont Humor

If humor was a house, Vermont humor would merit its own small room. There we would find hundreds of stories about lost travelers asking for directions, the difficulties of farming on hillsides more fit for glaciers than crops, about frugal, plain-speaking Vermonters confronting the weather, the city slicker, and any other unpleasantry that got in the way with a characteristic dry wit that is occasionally self-deprecating, ironic, earthy, laconic, and in all respects funny, if you happen to enjoy that brand of humor. Calvin Coolidge would have a place in this room as would Allen Foley, Francis Colburn, and Frank Bryan, as each of these worthies has played an important part in promoting Vermont's most intangible export.

The archetypal Vermont story involves a person from away encountering a native Vermonter. The highway stories, where the visitor asks directions, are classics. "This the road to Middlebury?" the visitor inquires. "Yep," the native responds. Two hours later, the visitor comes back, lost, complaining, "I thought you said this was the road to Middlebury." "I did; you didn't ask which way to head."

In these cases, the Vermonter is sly. He wants to have some fun with the visitor. He may even have a bit of a mean streak. He doesn't try to be helpful; he puts the value of a good rejoinder on a higher level than any duty to the traveler. And unlike the traveler, he has all the time in the world.

In others, the joke comes at the expense of the farmer. Asked why he's trying to feed his pigs by holding them up to reach the apples growing in his orchard and if that isn't a waste of time, the farmer replies, "What's time to a pig?"

Bothered by the out-of-stater, the farmer working to pull boulders out of his pasture is asked, "Where'd the stones come from?" "Glacier brought them," says the farmer. "Where'd the glacier go?" the visitor continues. "Back for more rocks" is the reply.

Here is something funny mixed with something bitter, a kind of worldweariness that expects more boulders in this field next spring, that knows no matter how many the farmer pulls from the field there will always be another spring and another stone boat load to gather. The visitor only adds to the annoyance, and the final line is designed to shut the fool up so the farmer can get back to work. Then he'll think of the line he used and smile, and the rocks won't bother him as much.

In some cases, what is traditional as Vermont humor is not unique to Vermont at all. The story of the farmer who is told that, due to a surveying error, his farm is in New York instead of Vermont, who answers, "Thank goodness, I couldn't take another Vermont winter," is a story that has been told about Idaho and Montana and many other northern states and where it originated may never be known. Many of the highway stories are told in Maine and New Hampshire, without missing a beat. Who knows, even "you can't get there from here" may not be entirely native.

Maybe that doesn't matter. Maybe if the story fits the character of Vermont, as seen by those from out of state, that's enough. The important thing is that it's characteristic, and that means that it is a quiet, dry kind of wit, ironic in tone, sharper and smarter than it first appears but still grounded on common sense, on plain values, on a certain independence from the more worldly, materialistic, ephemeral world beyond the borders.

A man takes his car to the dealer for repair, and the dealer says he can't find the problem. He takes it to the specialist, and the specialist says he can't find the answer. On his way home, defeated, he stops at the local garage where a dirty mechanic pulls himself up from the curb to pump gas for the patron and is asked if he'd ever heard of anything like the problem. He says, "Let's see." He opens the hood, pries at something for a minute with a screwdriver, asks the driver to start the car, and the problem is fixed. "Why could you fix something none of the experts could, Joe?" asks the driver. "Well," says Joe, "when you've got no learning and no expensive gadgets, you've just got to fall back on your thinking."

Falling back on your thinking isn't backward, of course, but the mechanic looked that way to the visitor, and in this reversal perhaps is the soul of Vermont humor and maybe even the Vermont character. It is deeper and wiser and more valuable than appears on the surface. It does not act in ways you can predict. It is intentionally plain and practical, but in its best moments it turns you around and surprises you with a fresh way of looking at something familiar.

Once a summer resident asked a neighbor why the town didn't have that bad curve in the highway fixed. Seems he had been forced to come to a complete stop in order to maneuver the turn. "Why," answered the native, "that curve is so dangerous it's safe."

Essay #39 Two Philosophers

Vermont was the birthplace of two men, born decades apart, each of whom changed the world through ideas. They were each philosophers, and although both moved away to make their careers, wherever they were they were known as Vermonters.

Orestes Brownson was born in Stockbridge in 1803 and raised there and in Royalton. He left Vermont at the age of fourteen for Ballston Spa, where he first attended school. By this time he was already changing, as he would continue to do throughout his life, from one religion to another, from one world view to another. He was baptized a Presbyterian at the age of fourteen, became a Universalist minister later on, then declared himself a nonbeliever, espoused a social philosophy that one critic has said was a strong influence on Karl Marx, and eventually converted to Catholicism late in his life, having lived more lives and tried more experiments with his faith than any four other people might have done.

Throughout most of his life, Brownson edited some kind of newspaper or journal. It took many different names—the most memorable being *Brownson's Quarterly Journal*. While he was always ministering to some group, his best pulpit was his writing desk, a stage from which he could assault the world with his dramatic ideas about reforming society by making it more progressive spiritually and economically.

History remembers Brownson as a transcendentalist, working with other writers at Brook Farm. Originally started by George Ripley, Brownson's closest friend, the farm included in its entourage such luminaries as Ralph Waldo Emerson, Margaret Fuller, William Ellery Channing, Hawthorne, and Alcott, among others.

Brownson's ability to debate usually left his opponents breathless. James Russell Lowell described him this way in his *Fable for Critics*:

The worst of it is, that his logic's so strong,
That of two sides he commonly chooses the wrong;
If there *is* only one, why he'll split it in two,
And first pummel this half, then that, black and blue;
That white's white needs no proof, but it takes a deep fellow
To prove it jet-black, and that jet-black is yellow.

Of the "Vermonters"—no doubt describing himself—Brownson wrote, he "has no conservative tendency by nature; he cares not the snap of his finger for what his father believed or did; is personally independent, generally free from snobbishness, no slave to public opinion, and for the most part has the courage of his convictions; but he loves his state, loves her green hills and fertile valleys, and when abroad holds a fellow-Vermonters dear as his brother."

John Dewey was born in Burlington in 1859 and attended school there, including four years at the University of Vermont. He taught school for a few years in Pennsylvania and in Charlotte, Vermont, before he attended Johns Hopkins University for his doctorate in philosophy. Then he began a notable career of teaching and writing.

Dewey was one of the first to merge the emerging science of psychology with philosophy. His was not a mind that could rest. He did not stop with ideas; he needed to see them applied. No philosopher in his time had such an impact on education.

Before Dewey, American education was formalistic and remote, a separate province to which the young were sent before they joined the real world. John Dewey believed that schools should be centered on the experiences of students rather than on the subjects they studied. He regarded schools as embryos of community life, and he argued persuasively that in a democratic society education should be oriented toward activity and vocation rather than formal learning. "The only way to prepare for social life is to engage in social life," he wrote.

The life of John Dewey was the best example of his philosophy. He was no retreating scholar. He helped found and lead the American Psychological Association, the American Philosophical Association, and the American Association of University Professors. He was actively engaged in his students' lives and development. He was well loved and respected wherever he went, and when he returned to the University of Vermont after he retired in 1939 to give the Founder's Day Address and in 1949 as a celebration of his ninetieth birthday, he was treated as a conquering hero and, perhaps more than that, as a Vermonter who had changed the world, who had fulfilled the promise of democracy.

Dewey was a liberal and an activist. Brownson was a conservative and a catalyst. They were only two of the hundreds of thousands of natives who moved away to memorable careers in other places. They were alike in few respects, but their lives had something important in common—they both took what they learned in their youth and used it to spread new ideas that changed the way Americans thought about themselves and their institutions. And they both remained Vermonters in the eyes of the world to the end of their lives.

The state has that effect on its people.

Essay #40

Our Magazines

It's hard to argue with the criticism by outsiders that Vermonters seem awfully comfortable with themselves, awfully sure that Vermont is the best state in the country and that living here is the closest thing to heaven. Celebrating Vermont and the Vermont character never seems to tire us out. Do other states think so well of themselves?

The irony of the literature that features Vermont as the promised land and Vermonters as God's people is how poorly it fits with the archetypal description of the Vermont character—the sober, self-effacing, unworldly, humble personality that is said to be quintessentially Vermont. That man or woman wouldn't seem to be very public about such feelings or any feelings, for that matter.

Still, there is the matter of Vermont magazines. Visitors buy them in large quantities. As Gov. Mortimer Proctor wrote in the first issue of *Vermont Life* in 1946, "If you are one of those who has not yet had an opportunity to know at first hand our beautiful countryside, the friendliness of our people, and the 'Vermont Way of Life,' this magazine will be a preview of what you may expect." The colors are faded now in this first issue, which featured foliage and Vermont inventors, but the hopefulness of the message remains clear—Vermont wants you to visit, to stay overnight, to experience the "Vermont Way of Life," which is something special, something even Vermonters find remarkable, something that makes them grateful to live in the Green Mountain State.

Vermont Life came under some criticism itself over the years for portraying picture-postcard-perfect Vermont without the junk cars, the failed septic systems, and the unemployment lines and later for straying from its earlier practice of including plenty of historical material in favor of stories about present-day Vermont. Recently it has fallen on difficult financial times and accepted advertising in order to help pay its own way in a marketplace that is increasingly competitive.

The new kid on the block is *Vermont Magazine*, which by its cover seems to resemble *Vermont Life*. It's less traditional than *Vermont Life*, however, and more willing to take on the myths and shibboleths of classic Vermont traditions; the fact is, it's more urban in character, more Chittenden County, which is precisely what *Vermont Life* has always tried to avoid.

There have been many other Vermont magazines, of course. The granddaddy of them all was *The Vermonter*, published for more than fifty years beginning in the 1890's and ending with the death of its long-time editor and publisher, Charles Russell Cummings of White River Junction. It was as adamant in its patriotism for the Green Mountain State as it could be, and it regularly contained articles on a variety of interests, including history, poetry, public policy debates, biography, and features. It also contained advertising. In many cases, it is the only reference there is for information on state policies or programs during its life span. The title page of the April 1909 issue proclaimed it "The State Magazine," and it reproduced the state seal with its motto, "An illustrated monthly attuned to the vibrant homing thought of loyal Vermonters everywhere."

There was another short-lived, later *Vermont* in 1966, which called itself, "A Breath of Vermont Caught in Print." It was originally the *Rural Vermont*, before it was sold. And there have been others, including two or three called the *Vermont Review*, all devoted to a vision of Vermont as a wilderness paradise, a little bit of heaven stuck between industrial Massachusetts and foreign soil, a place where a person can go to breathe good air and find a little piece of mind.

The Vermont Historical Society also has its magazines. A few years ago it brought out the *Green Mountaineer*, a Vermont magazine for kids, a wonderful exploration of the same themes and subjects that its more academic publication, *Vermont History*, develops four times a year.

Vermonters themselves are sentimental about Vermont, and they buy and read their state magazines, because they believe or want to believe what the publications say about their state and its people. Magazines, particularly Vermont magazines, illustrate the dreams and realities, the manners and life styles of those who read them.

Between *Vermont Life* and *Vermont Magazine*, we see the conflict Vermont itself faces as modern life assails our traditional notions of what we want Vermont to be. We need both visions to sustain us. We need to be reminded that foliage and white church spires do not make a place a state, that there are people with real problems who drive home from work past those beautiful images and see only the bare limbs and not the leaves.

The "Vermont Way of Life" that Governor Proctor offered visitors as one of the attractions of this state is no more nor less than an image that Vermonters have to deal with daily. It's one of the burdens of living in a showcase of a state. As Vermonters, we cannot escape dealing with the dilemma of development and tourism, of agriculture and economics, of the loss of ruralism and the extension of urban life. That dilemma is all part of the "way."

The bicentennial of statehood gave Vermonters more opportunity to wash themselves in the water and blood of ourselves and our heritage than at any earlier celebration. We should expect a period of retrenchment to follow, a time when Vermonters stop thinking about Vermont for a while, stop thinking about their traditions and their way of life, and find other interests to pursue. Vermonters need a respite from the deluge of image.

Essay #41

Interchangeable Parts

The scene is the Crystal Palace in London, a world's fair-like exhibition, in 1851. One of the highlights is a demonstration of Vermont genius. They place six Sharps rifles on a table, disassemble them, rearrange all of the parts, and then put them back together again in different combinations, every rifle in perfect working order. And the crowd is amazed.

The rifles come from the industry of the Precision Valley of Vermont from a mill in Windsor. Windsor and later Springfield are on their way to becoming the incubator of American manufacturing. Craftsmen and inventors will come to these river communities and create machines, tools, and products that will change the world, and many will leave and found their own companies in Connecticut and other states, and the engine of progress will bring on the future.

Today the idea of mass production is a given for large manufacturing companies, but in the years preceding the Civil War, everything was custom-made. The world changed when the system of interchangeable parts was invented, and that change, according to the literature, came from the craftsmen of Windsor, Vermont. Windsor had plentiful water power and a fortunate location for trade, but the people who were born or settled there were especially gifted in mechanical arts. From Windsor minds came the band saw, ruling machine, the hydraulic pump, and the dividing engine—an automatic marking device for the production of mechanics' scales, which Guy Hubbard has said made the system of interchangeable parts possible.

The originating genius was Ashahel Hubbard, who with Jabez Proctor started one of the first manufacturing plants in Windsor County at the state prison, producing the rotative pump. Or perhaps it was a Chester native named Richard Smith Lawrence, who built up the Robbins and Lawrence Company shops on Mill Brook in Windsor for the production of cheaply produced, reliable rifles. Lawrence was doubly smart, because he realized the wisdom of gathering around him the best minds in the mechanical sciences, among them Benjamin Tyler Henry, Daniel Baird Wesson, and Christian Sharps. Sharps arrived in Windsor with a model of a breechloading rifle, and Lawrence perfected it.

Stop the essay right here. Turn off the projector and the sound for a minute. This story of the origin of the system of interchangeable parts has been repeated in journals and articles of Vermont history for more than a century now. When lists of Vermont firsts are compiled, the system of interchangeable parts—the American system—is among the first of our greatest contributions to the world. The problem is Eli Whitney.

Eli Whitney, before he thought up the cotton gin, underbid his competitors on a contract to produce ten thousand muskets for the United States. He had some problems filling the order, some delays, but in 1801 before Pres. Thomas Jefferson himself, Whitney displayed his discovery of the system of interchangeable parts. He laid out a pile of his muskets on a table, took them all apart,

rearranged the parts, and then reassembled them using randomly selected pieces, and each was a workable musket. And the crowd was amazed. Eli Whitney wasn't a Vermonter.

What's going on here? Why is it that writers of Vermont industrial history seem so intent on promoting such a myth?

Looking again at the literature, it's clear that the writers themselves knew how to hedge. Maybe the American system wasn't invented in the Precision Valley. Maybe it was first "applied" or "implemented" there. Maybe this was the first place where it was economically feasible. Maybe it was perfected here. Maybe, but you have to read these histories pretty closely to see the difference. And nobody mentions Eli Whitney, as familiar as his name is to the rest of American history.

This is not to take away from the real accomplishments of the Precision Valley. The work of Smith and Hubbard and the others and their successors, including Jones and Hartness, did change the world of manufacturing. Their patents and inventions did have a major impact on the development of the industrial revolution, and the fact that Windsor and Springfield were so far from the major trade routes still makes us wonder. But the writers and historians that came after them, that tried to memorialize their contributions, are guilty of the sin of amplification. Something there is about celebratory writing that leads us into that temptation.

Robert Fulton is the name every student learns as the inventor of the steamboat, and yet history shows it was Samuel Morey who perfected it a decade earlier in Fairlee. Maybe the writers who celebrated Windsor as the source of the system of interchangeable parts were only trying to retaliate.

History and truth are sometime companions, and we must be wary. Vermont was never the center of the civilized world. It made its contributions, and we should marvel at what Vermonters have done. But let's keep it in perspective.

Essay #42

A Race to Foreclose

In 1958 the Vermont Department of Taxes placed a lien on the property of Cuttings and Trimmings, Inc., for income taxes it claimed ought to have been withheld. Three months later, the Internal Revenue Service (IRS) placed its own lien on the property of the firm for unpaid unemployment taxes. The two sovereign governments were now on a collision course over the question of which would have priority over the assets of Cuttings and Trimmings, Inc.

Vermont sued the company first and won a judgment for the back taxes in the state court. The U.S. brought its foreclosure action two years later in federal court, and Vermont joined in the suit to contest the federal government's right to priority. Vermont won at the federal district court, and again on appeal to the court of appeals, and in April 1964 the two sovereigns faced off before the U.S. Supreme Court.

Att. Gen. Charles Gibson, Jr., was Vermont's champion, and he faced formidable opposition from the federal government, including the best minds in the Department of Justice. At issue was not just the rather modest sums of money—less than two thousand dollars—Vermont was claiming but a great deal of money the federal government would stand to lose in other, pending cases throughout the country where state and municipal governments had foreclosed on property ahead of the IRS or other federal agencies. From the failure of a Vermont small business, the highest court in the land was being asked to decide an important principle of federalism.

The image of the federal government as a behemoth, a heavy, plodding animal that can sit anywhere it wants, is hard to resist. Its appetite is voracious, and when there is a competition for money, you would expect it to turn vicious, especially when its competitor is a mere state, a member of the Union, a subordinate sovereign.

The contest, in hindsight, takes on mythic proportions. Here it was David and Goliath, Theseus and the Minotaur, Jason and the Cyclops, all over again. The case was entitled *United States v. Vermont*, and the encounter can't help but remind us of the historic struggle for statehood. There, too, Vermont held out for recognition of its sovereignty in the face of a nation anxious for its admission for the sake of union and security and distinctly disinterested, at least at first, in Vermont's own historic integrity.

The case turned on the question of when the lien *attached* to the property and became *choate*. A *lien* is a charge imposed on property for the payment of a debt, manifested by a paper recorded in the land records of a town. When it attaches is critical to determine the priority of competing liens. By becoming *choate* (two syllables, rhymes with *rotate*), the lien is so attached that there is nothing else to be done to make it enforceable. To prevail in this suit, Vermont had to succeed in convincing the court that its lien was choate before that of the U.S., that Vermont had possession of the assets before the federal government filed its own lien. Once the property was

within the possession of Vermont and no longer controlled by the company, the federal government could not reach it.

This was not going to be easy, especially since federal law clearly recognized the priority of federal claims to debts in cases involving insolvency. Here the debtor was still solvent, and the issue of which standard to apply was before the high court for the first time.

The U.S. argued that the state lien was insufficient to cover all of the property of Cuttings and Trimmings, Inc., because the state lien did not describe the specific property it intended to attach. It claimed that federal liens may be general and attach to all the property of the taxpayer, while state liens should be limited to specific property sufficient to cover the underlying debt. State liens would have to be reduced to judgment, in other words, before the federal government filed, in order to enjoy priority.

The U.S. Supreme Court held for Vermont's position. Its lien was "sufficiently choate to obtain priority over the later federal lien" from the time the state had assessed the taxpayer for the debt. Assessment was the equivalent of a judgment in the eyes of the court. The state had identified the taxpayer, the property subject to the lien, and the amount of the lien, and that would be enough to beat the U.S. claim.

The rule still holds. "First in time"—as measured from the assessment of a state tax claim—"is first in right." That was the same principle on which Vermont statehood was founded.

Essay #43 The "Industrial Holiday"

Three thousand granite workers paraded through the streets of Barre City on April 1, 1933. All the unions of Montpelier, Barre, and Graniteville were represented. Mayor Lapoint and other officials led the march. The *Barre Evening Times* reported, "They were a silent, orderly and apparently determined body as they swung along the city streets." It was the first day of what was billed as a "friendly strike."

The night before, there had been large rallies in Barre and Graniteville. Union membership was growing faster than ever before, and leaders were urging the strikers to keep it clean, to stay clear of alcohol and violence, for the sake of their jobs and wages. Management had announced workers' wages would be cut, and this was patently unacceptable to the workers.

Soon non-union employees were joining the ranks of the strikers, and many sheds and quarries had to close down altogether because of the worker shortage. On April 2, trouble began to brew. At first it was just a report of a man with a gun at a loading dock. There was a "constant patrol of pickets" at the entrances of most quarries and sheds, and police were present when they felt they were needed. The quarry owners shrugged off the strike at first with the comment that there weren't many pending orders anyway.

Central Vermont was not alone in the strikes. The papers reported similar strikes in other industries in many other states, including New Hampshire and Massachusetts. The depression was far from over. Sam Squibb, president of the Granite Cutters' International Union, came from Quincy, Massachusetts, to address the strikers and keep them peaceful.

Then the trouble began. At first it was merely a show of force, as the rear wheels of Rock of Ages Treasurer Joseph T. Smith's car were raised to prevent him from leaving the Montpelier shed of that company. There was a fistfight and rocks and railroad ties thrown at the cars of management. Police had to use tear gas to disperse a crowd of two thousand at the Eureka plant in Montpelier. "If I have to deputize every citizen in Montpelier, these demonstrations will end," said Capital City Mayor William McKee. Gov. Stanley Wilson in a statement guaranteed that every worker would be protected and the right to work upheld. Att. Gen. Lawrence C. Jones announced that his department was not interested in the labor controversy but that he would prosecute rioters who refused to disperse. Extra deputies were hired by the Washington County sheriff.

Three men were arrested in Northfield after a clash of wills at the Cross Brothers plant, where eggthrowing set off the use of nightsticks by police. The Cross mausoleum was later vandalized at Mount Hope Cemetery. A Barre man was arrested for calling men who crossed the picket lines "scabs" and "rats" and inviting them to fight. Guns were drawn and threats made more than once in the various communities. A carload of granite was smeared with oil in Montpelier. There were unexplained fires and explosions in the nighttime.

Negotiations were proceeding in a quiet way as Central Vermont suffered through the hardship of the "holiday." A federal labor conciliator had been at work all along, with representatives of the unions and management. On April 15, the quarry owners offered workers the same wages they received the previous year. On May 5, the unions agreed to arbitration, and the shops and quarries started to open. Three days later, in response to the violence, the Vermont National Guard was sent to Barre to restore order and to protect the workers who returned to their jobs. As the labor dispute seemed near to ending, the violence spread, principally in the form of vandalism. Houses in Barre and Montpelier were stoned and streetlights were smashed.

Militia were stationed throughout residential neighborhoods. Col. Leonard Wing, later a World War II hero, was in charge. But now the militia's presence was causing more trouble, and two hundred local Barre businessmen petitioned the governor to have the guard removed.

Finally on May 27, arrangements for a complete settlement were accepted by the unions and the non-union and union shop owners. The original proposal to reduce wages was withdrawn. The militia was sent home. Order was restored.

The "industrial holiday" of 1933 in Washington County is an important milestone in Vermont labor history. As a strike, it succeeded in uniting granite workers behind the union and achieving the immediate goal of avoiding a reduction in wages. As a clash between angry workers and the established order, represented by the Vermont National Guard, it raised new concerns about the relations between the state and the town. As part of a national phenomenon, the "holiday" showed that Vermont workers were as willing as those of any industrialized state to protect themselves by direct action.

Unions have not had an easy time gaining a foothold in Vermont. Some say Vermonters just aren't joiners, that they don't think of themselves as a part of an organization, that they are too independent for that. The most notorious strike in our history—the Ely copper mine "insurrection" of 1883 where three hundred miners threatened to destroy their company and the town with 150 kegs of dynamite until the militia captured their leaders—was no model of organized labor. But where unions have made sense to Vermont workers, in manufacturing, in the stone industry, and today in school districts, they have made a difference in protecting the rights of their members.

Essay #44 The National Forest

The largest landowner in Vermont is the federal government. Aside from the federal buildings, post offices, and military facilities, the federal government owns almost a quarter of a million acres of the Green Mountains, principally in Bennington and Rutland counties. This is the same state that prides itself on its independence, that fought so hard against the same federal government's plans for a Green Mountain highway across the tops of the hills and for a Tennessee Valley Authority-scale hydro development in the Connecticut Valley. How it happened ought to be an interesting story. The purchase of fully 4 percent of Vermont soil by the federal government had to have come with some resistance.

Theodore Roosevelt started the National Forest program. With the support of Gifford Pinchot, a champion of conservation, Roosevelt reacted to the desecration of this country's timber lands with a bold plan to protect the forests of the western United States by making them part of the public domain. Over 132 million acres were made forest reserves during the second administration of Roosevelt.

In 1908 the forests of the East became the subject of federal legislation introduced by John W. Weeks of New Hampshire. Weeks wanted to save the White Mountains from exploitation, and his effort succeeded over the course of the next twenty years, ensuring that 723,000 acres in New Hampshire and Maine would remain wilderness forever.

By the mid-1920's, it became Vermont's turn. Vermont, with its present reputation as a leader in environmental matters, had little to brag about at that time. Since the first settlers had arrived, burning and cutting the forests had been almost a religious crusade. The waste was enormous, whether it came from settlers wanting to clear the land to plant or graze sheep or from entrepreneurs trying to make pearl or potash to sell overseas or later from the lumber business that by the turn of the century had stripped the hills of Vermont bare.

Vermont itself had recognized the problem and begun to purchase areas of the state for forest conservation purposes from as early as 1909. The first large acquisition was the initial purchase of six thousand acres in Groton (at a price of \$15,000) in 1919.

In 1925 the legislature adopted an act consenting "to the acquisition by the United States, by purchase, gift or condemnation with adequate compensation, of such lands in Vermont . . . which in the opinion of the federal government may be needed for the establishment, consolidation and extension of national forests in the state." A board consisting of the governor, lieutenant governor, attorney general, and the commissioners of agriculture and of forests, parks, and recreation was appointed to approve these acquisitions in forty-seven named Vermont towns. The legislation also required the written approval of the selectmen of the town in which the acquisition would occur.

The law passed without much controversy. Neither retiring Gov. Redfield Proctor nor incoming Gov. Franklin Billings mentioned the subject in their addresses to the joint assembly that

January, nor did Billings mention it in his 1927 farewell address in which he specifically reviewed the progress of the state in developing state and town forests and in reforestation projects. The first purchase in Vermont under the Weeks Act came in 1932, the latest as recently as 1990.

Not all is rosy in the world of the National Forest. While it has done some remarkable work over the years, the National Forest is seen by some towns as a predator, feeding on their grand lists and converting taxable property into property exempt from property taxes. The National Forest pays a premium for its presence in Vermont towns, but its payments are not comparable to the level of taxation the land could bring in if privately owned and developed. Some towns have even come to resent the forest, and to take steps to contain it.

The selectmen's consent to the purchase of land by the National Forest is, in the eyes of some attorneys, an unconstitutional requirement. Federal law preempts state law, they say, but to date the National Forest has not pressed this point too forcefully. Better to be a good neighbor than to use all the weapons in the arsenal.

This month rumors swept through Vermont that there were plans to expand the National Forest to include most of the state, that this would mean the end of development. People imagined Vermont as one great wilderness area, with Vermonters serving a subsidiary role as employees of the federal behemoth. This is not the first time Vermonters have feared the federal presence, nor will it be the last.

If there were no federal government, Vermont would have to invent one, if only to keep itself intact and cognizant of its own integrity. We need a target, a tension, to build momentum and discipline. New York used to play this role, but we've made up since then. Even the Communists seem to be no longer a threat. So we have the feds to kick around, to make uncomfortable in public hearings, to challenge when they attempt to do what the law authorizes them to do. Without them, we'd have nobody to blame but ourselves.

Essay #45

Calvin

He was born in Plymouth, Vermont, the son of a selectman/legislator/notary/justice of the peace, and he grew up to become the president of the United States. He is Vermont's own best representative to the greater world, a man of distinct and familiar character who has come to symbolize the model Vermonter. He was born John Calvin Coolidge, but he dropped the "John" in college and even chastised his father for not addressing him in the way he wanted.

His family home at Plymouth is as close as some Vermonters come to a holy place. Taking the tour is an exercise in Vermont values. In the woodshed we learn about young Calvin's midnight guilt at not completing his chores as he was told and how he rose from bed and returned to the shed to finish his work, out of a sense of duty. In the parlor, that most sacred of rooms, we see the family Bible his father used to swear him in as president following the surprise death of Warren Harding while on a western trip. And down the road we can see the gravesite, right up against the fence facing the road so we don't have to get out of the car, the white stone brilliant against the color of autumn, white as the homestead and the entire village of Plymouth Notch, forever enshrined as the model Vermont community, impervious to time, a place where it will always be Friday morning, August 3, 1923, the morning Calvin Coolidge woke up as president of the United States.

Jesters and comics had a field day with the new president, and he seemed to kid them along with stories of his ability to restrain himself. "Weaned on a pickle," Dorothy Parker said of him. "Isn't it past your bedtime, Mr. President?" Groucho Marx asked from the stage the night Coolidge came to see the brothers' revue. "You lose," said Calvin himself to the lady who bet she could get him to say more than two words. Asked by his wife what the sermon was about, he replied, "Sin," and when asked for greater detail, "He was against it."

Coolidge was the antithesis of his times. While skirtlines rose, dances became wilder, and alcohol flowed in the Roaring Twenties, this sober, uptight, celluloid-collared Vermonter sat in the White House and acted, as he said of himself, as "an instrument of God." When he moved, he took careful steps. He took a nap in the afternoon and some days slept eleven hours. He did not drink, but he smoked cigars, his only indulgence.

In spite of his public image, he was not austere and silent; he just acted that way in public, because he believed it was his duty, because he was careful and didn't want to make a mistake. But in his letters to his father, published by the Vermont Historical Society in 1968, we see a much more rounded personality, with strong feelings and always something to say. One of the first things he did after he took the oath of office was to write Northhampton cobbler James Lucey, an old friend who had spent many years talking to him about life and politics and governance when Coolidge was young, telling him, "If it were not for you, I should not be here." And after his futile race to reach his father before his death, he wrote, "It costs a great deal to be President."

Contrary to image, Coolidge was also a very strong manager as president, and in his writing he could be graceful and sometimes even elegant. Read his *Autobiography*, for instance, which gives an entirely different picture of the president from Plymouth Notch than the cartoonists and comics would have us remember. "I share your amazement at the development of Coolidge's character," wrote William Howard Taft to his brother. "His capacity for cogent, brief statement, the quickness with which he acts, the hardheadedness that he displays, and the confidence that he is stirring in the people are all gratifying."

He was not among the greatest presidents. His times prevented that. He was elected in 1924 to a full term and then decided against running for another term in 1928, making way for Herbert Hoover, who would draw the short straw by serving as president as the Great Depression hit the United States. Coolidge was lucky that way. Neither economic disaster nor war tore at his sleeve during his presidency. The country seemed to be working well, like a clock, during his watch, and America came to cherish him for his public character and because he was so much of a Vermonter.

Like so many other Vermonters, he was a private person, and he was not given to revealing everything about himself to the public. As he said, he never regretted anything he didn't say. Like so many Vermonters, it took some effort to get to know him personally, and when that happened, people were always amazed at how different the private Coolidge was from the public version.

Essay #46

The Underground Railroad in Vermont

Many of the official records of the legislature during the first half of the nineteenth century were printed on the steam press of Joseph Poland. Printing was his day job, but Poland, a respectable, law-abiding citizen in all other respects, had a secret identity. He was chief conductor of the Vermont section of the Underground Railroad, dedicated to helping the men, women, and children who had been slaves to escape to Canada and freedom.

They traveled at night, hidden in wagons, secreted in baggage cars or traveled in the open, posing as freed slaves or non-slaves, on foot and by horse and by steamboat. When daylight came, they stayed in barns and in houses where they were usually fed and kept warm and then after night fell would be transported to the next "station" and so on up the state toward the Canadian border.

The network of the Underground Railroad in Vermont was extraordinary and included some of the most established Vermonters. Rowland Robinson of Ferrisburgh, the writer, was one of these. He built a secret room in his house to shelter the visitors in their trek northward. Like so many others who helped fugitives elude their captors, Robinson was a member of his local anti-slavery society.

The Vermonters who worked the Underground Railroad included physicians, professors, businessmen, and lawyers. They included Alvah Sabin, who would later serve as Vermont secretary of state and congressman, and Lawrence Brainerd of St. Albans, the builder of the Vermont and Canada Railroad, which was widely used by the movement.

There were two principal trunk lines in Vermont, according to Wilbur Siebert, whose *Vermont's Anti-slavery and Underground Railroad Record* (1937) is the leading source of information on this aspect of our history that remained so secret for so long. The western line originated in Albany, entered Vermont at Bennington, then headed north through Rutland, Middlebury, Burlington, and St. Albans. The eastern trunk ran up the Connecticut to White River Junction, then to Woodstock and Montpelier, where three other routes were available to get the people safely into Canada. The effort began in the 1820's and continued until the first years of the Civil War. Some years as many as two thousand people traveled the line, most of them without exposure to law enforcement agents or unsuspecting local citizens.

A third route crossed Vermont from Arlington to Woodstock and was marked by white-painted bricks around the top of each station's chimney.

Vermont was not alone, of course, in its commitment to ending slavery or, at least, to ensuring that as many people as possible escaped its stranglehold. Throughout the country, North and South, there were thousands of people committed to this process. The degree of opposition to expressed federal policy on slavery and about fugitive slaves, particularly after the passage of the federal fugitive slave law in 1850, was extraordinary.

Joseph Poland of Montpelier is a good example of a man for whom almost no sacrifice was too much for the sake of opposing slavery. Aside from his printing business, he was editor of the *Green Mountain Freeman*, a newspaper dedicated to the anti-slavery cause. He was one of the founders of the Liberty party and later the Free Soil and Republican parties, all of them adamantly anti-slavery in philosophy. Poland was one who saw the fight against slavery as a religious cause.

Poland had a large, unlit room in his printing shop that he used for fugitive slaves and would frequently invite visitors to peer into the room to see his charges. He believed that secrecy was really not necessary because of the low chance of capture in Montpelier, which allowed him to be open about his beliefs and practices. But this was not the case in other parts of the state, particularly on the western side of Vermont.

For Vermonters like Joseph Poland, the federal government policy toward slavery was an abomination and a lie. He saw no lack of patriotism in opposing it; indeed, he felt it was his duty as an American, a Christian, and a Vermonter.

Essay #47 A Declaration of War

To travel through Vermont's quiet villages and towns, a visitor would never suspect how bellicose Vermonters could be. The British discovered this to their surprise at the Battle of Bennington. At Gettysburg, the Vermonters turned the tide of the battle by their resistance to Pickett's Charge, and throughout the Civil War, Vermonters earned a reputation as some of the most vigorous fighters. The reputation held during the wars that followed from Manila Bay to Bois de St. Remy (1918) and beyond.

Writing to express his reservations about the wisdom of invading Vermont in 1783, Gen. George Washington said of Vermont, "The country is very mountainous, full of defiles, and extremely strong. The inhabitants, for the most part, are a hardy race, composed of that kind of people who are best calculated for soldiers; in truth, who *are* soldiers; for many, many hundreds of them are deserters from this army, who, having acquired property there, would be desperate in the defense of it, well knowing that they were fighting with halts about their necks."

This reputation colors one of the greatest claims made about Vermonters, that in 1941 Vermont declared war on Germany, months before the United States Congress officially made its national decision. It's not entirely true, but maybe that doesn't matter. Maybe what matters is the claim and the myth. Let's see what really happened.

In April of 1941, the legislature passed a law on state pay for people in the military service of the United States. "In the event that the military or naval forces of the United States become actively involved prior to June 1, 1945, in armed conflict with such forces of another nation, each enlisted man and woman in the military or naval forces of the United States who resided in this state at the time of his or her enlistment or induction . . . shall be entitled to receive from the state, in addition to the pay received from the federal government, the sum of ten dollars for each month not exceeding a total of twelve."

In September the legislature returned to Montpelier at the call of Governor Wills, who expected the legislature to respond to a fiscal crisis of major proportions involving the University of Vermont and State Agricultural College. During this session, the law adopted earlier that year was activated, effective immediately, by an act directing the emergency board to spend up to \$500,000 during that fiscal year and beyond.

The act did not declare war on Germany, but the law enacted in April had been conditioned on active involvement in armed conflict, and something had changed to activate the condition. To see the source of the change in policy, we need to look at the minutes of the Committee on Military Affairs for the special session in September.

"It was the voice of the Committee that 'Armed Conflict' commenced September 11, 1941 at the time the Commander-in-Chief ordered boats carrying supplies to fire on any unfriendly craft,"

reported the clerk of the committee. That was enough to convince the legislature that the payment of state money to Vermonters in uniform was justified.

The committee also offered a resolution, which became Joint Resolution no. 19, defining "armed conflict" to include a "state of national emergency wherein the President of the United States shall, as commander-in-chief of the army and navy, order such branches of government to exercise force to protect the lives and property which are or may be endangered by the hostile acts of any foreign power; also a declaration of war by an act of Congress."

This seems so tame fifty years later, but somehow history remembers what it wants to remember. Equating the announcement of a state of emergency justifying resistance to acts of aggression to a declaration of war, in order to justify payment of state expenses, is hardly the same as Vermont declaring war on Germany.

In 1941 many believed America would be at war soon. The only question was when. After war was declared following Pearl Harbor Day, December 7, 1941, Vermont joined the nation in the war effort at home and abroad, but somehow the memory of that early "declaration" struck a chord for many Vermonters, who repeated the story enough times to qualify it as one of the true Vermont myths.

No doubt some Vermonters actually did declare war on Germany early, but officially we went to war with the rest of the country, not ahead of it.

Essay #48 The First Amendment

Vermont ratified the Bill of Rights, the first ten amendments to the U.S. Constitution, on November 3, 1791. It did so without fanfare or debate, out of a spirit of patriotism and good will. Vermonters no doubt appreciated the addition of these ten guarantees to the federal constitution, fourteen years after Vermont had adopted its own Declaration of Rights as Chapter I of the Vermont Constitution of 1777. Many of the amendments echoed Vermont's own guarantees of constitutional protection to its people.

Until after the Civil War, the big ten applied only to restrain the United States from these unconstitutional activities. Then on June 13, 1866, the Fourteenth Amendment was ratified. Vermont ratified it on October 30 of that year, after it became effective. It brought home the protections of the first ten amendments to the states. But it would be some time before Vermont felt the full weight of its power.

Almost seventy-five years later, Elva Greaves was charged with peddling without a license in Rutland City. It was April of 1941. Greaves, a Jehovah's Witness, stood on the sidewalks of the city, distributing the *Watchman* and other magazines of her faith until she was arrested. She was prosecuted by a young Rutland attorney named Robert T. Stafford, who was serving as grand juror that year and who would have a notable career in other public offices. Before she was through with the case, she was represented by three attorneys, and another lawyer from the American Civil Liberties Union joined as a friend of the court. Before Vermont was through with the case, the First Amendment was at long last a force applied by the Vermont Supreme Court to protect a citizen in the exercise of her constitutional right of freedom of the press.

The First Amendment, in full, guarantees that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The Vermont Constitution contains a similar protection for freedom of speech in Article 13, "That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained." But in this case, the defense decided that the First Amendment was their strongest hand and played it to win.

Elva Greaves was an ordained minister of the Jehovah's Witnesses, who believed she was "commanded by the word of the Almighty to spread the Gospel as she and other members of this organization believe it to be and that it [was] her duty to do so," according to the Vermont Supreme Court report of this case.

The peddler's ordinance she was charged with and convicted of violating had been adopted pursuant to the city charter of Rutland. It provided no guidelines or restrictions on peddling; it simply required peddlers to pay for a license prior to doing business. This was particularly offensive

to the Vermont Supreme Court. "To enforce the terms of this ordinance under the circumstances of this case would be to compel the respondent to pay a fee of \$10 in order that she might avail herself of a privilege secured to her by the United States Constitution." That said, the court found that the ordinance as applied to Elva Greaves was unconstitutional "because when so applied it abridge[d] rights of the respondent as to freedom of the press secured to her by the First and Fourteenth Amendments to the United States Constitution."

The Greaves case is a milestone in Vermont jurisprudence in part because it was the first time that the First Amendment had been applied in Vermont's highest court. In the years that followed the Greaves case, the First Amendment would be used by the Vermont Supreme Court to settle disputes involving religious schools, newsman's privilege against exposing confidential sources, libel suits, and the placement of a menorah in a city park. It is a sign of how successful statehood has been that Vermonters have accepted these decisions without rancor or opposition to the U.S. Constitution. We are Americans, as well as Vermonters, and it's our Constitution and our First Amendment and not that of some other sovereign.

Essay #49

The Nationalization of the National Guard

Beginning in 1793, every male Vermonter between the ages of sixteen and forty-five was obliged to train as part of the Vermont militia. The ideal of universal military service for state purposes was accepted as a means of fulfilling the mandate of the Vermont Constitution that "standing armies in time of peace are dangerous to liberty, [and] ought not to be kept up; and that the military should be kept under the strict subordination to and governed by the civil powers." The annual muster of the militia was one of the most colorful of summer events in Vermont, notable for the use of alcohol to fortify the troops and the lack of discipline that often attended their marching and posturing on the field.

Vermonters were, however, more than ordinary fighters during the War of 1812 and the Civil War; the lack of adequate training didn't seem to hinder their abilities on the field.

By 1873 the term "militia" had fallen out of use and mandatory involvement abandoned. Now the organization was known as the Vermont National Guard, and it was a volunteer organization. Its training and discipline improved, and it fulfilled the needs of the state for a military force that could put down civil disorders and respond to the needs of the federal government when, as in the Spanish-American War, Washington needed our help.

Laws passed in 1918 and 1933 essentially federalized the guard. The states were required to conform in order to be entitled to federal aid—a substantial amount of money, estimated in the late 1980's at \$40 million to Vermont alone—and making it a reserve component of the U.S. Army. The guard became a dual organization, mostly federal with a part reserved for state matters and state control, such as when it is in training. In joining the guard, a Vermonter became both a member of the "militia" and a part of a federal unit of the army. In 1952 Congress changed the law to authorize orders of National Guard units into active duty or active duty for training without the need for a national emergency, provided that a governor gave his or her consent.

The U.S. Constitution reserves to the states the right of appointing officers and training the militia, and it's this last issue that became a cause célèbre in the governorship of Madeleine Kunin. The Vermont National Guard was ordered to Honduras for training purposes at the time that a new federal law was adopted, providing that "[t]he consent of a Governor . . . may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions, because of any objection to the location, purpose, type, or schedule of such active duty."

Governor Kunin actively opposed this new law. She regarded it as unconstitutional and impolitic. "There is an indication that National Guard troops sent to Honduras have contributed to a dramatic military buildup in that country without specific Congressional authorization," she said in a public statement that followed her appearance on the "Today" show on NBC.

Minnesota sued the Department of Defense to oppose the new law, and Vermont, at Kunin's urging, joined the suit. The states lost at the district court and then again at the court of appeals.

The Eighth Circuit's decision concluded that the power of Congress to control the army was plenary and exclusive. Three years later in 1990, the U.S. Supreme Court flatly rejected the states' claims.

The opinion starts with the conclusion that the National Guard, while on active federal duty, including federal active duty for training purposes, were federal troops and properly required to travel to Central America if that was the place the army wanted them to go, without the need for a governor's consent, and in fact even against a governor's wishes. The court underscored the primacy of federal power in the area of military affairs. "The Federal Government provides virtually all of the funding, the materiel, and the leadership for the state Guard units," and it has the authority to call the shots when it comes to training if it chooses. A state could constitutionally create a state militia, fund it on its own, and keep it free of the army's preemption, but if the National Guard were involved, the troops must go when called.

The court left one door ajar. If the guard were required to respond to a state emergency, the court recognized the right of a governor to veto any proposed training mission.

Once again, federal money had taken its toll on state sovereignty—a voluntary act on the part of the states—and Vermont was made to recognize that it was less than sovereign in an area of federal constitutional law that on its face seemed to protect the state from this kind of preemptive strike.

Essay #50 Place Names

In 1990 at town meeting, the town of Ferrisburg voted to restore its former name, "Ferrisburgh," with a final "h." The charter of the town includes the "h." What happened here? How did it change?

On November 28, 1892, the Post Office changed its spelling to "Ferrisburg" as part of a policy that resulted in the change of many town names. The Post Office wanted to standardize town names nationally so it changed "—borough" to "—boro"; "—burgh" to "—burg"; "centre" to "center"; and eliminated all apostrophes in town and village names as it had done across the country during the last decade of the nineteenth century and occasionally thereafter.

In other cases, it changed the name entirely. "West Berlin," for instance, an unincorporated village in the town of Berlin with its own post office, was changed to "Riverton" on August 22, 1918, largely in response to bad feelings generated by names that associated Vermont post offices with German cities in the midst of the First World War. Berliners were not asked to give their consent to this change, but this didn't bother the Post Office.

Just because the Post Office changed the name of an address, of course, is no reason that the legal names of Vermont towns had to change accordingly. We could have resisted. We could have continued to live a dual life, but the power of suggestion was just too strong. When the legislature in 1947 adopted its new compilation of Vermont laws entitled the *Vermont Statutes* (the first compilation since 1933), "Ferrisburgh," for the first time in legislative history, officially became "Ferrisburg," and it has stayed with that spelling ever since.

It may be a feature of rural life that Vermonters make such a big deal over the location of their post offices. To have your own post office, as a town, is to be somehow legitimate; to be without one or to have one and then see it closed in favor of an office in another town is to lose identity. But efficiency in postal matters is also a high priority to the Post Office, and there is no constitutional right to your own post office. So something has to give, and usually it's the town.

The railroads didn't help, either. The names of the stops on the various routes were often the same as the post office located at or near that crossing. The official names would give way when there was a conflict, and people other than those who lived in the village or settled area would have the ultimate say on what the place would be called.

What decided the location or name of a post office often had to do with politics, who you were or who you knew. Rudyard Kipling was an important person when he came to Vermont, and he hated to travel to Brattleboro to get his mail. He knew the postmaster general, and so for the year or so he resided in Vermont, he enjoyed an advantage no one else has ever been able to claim—his own post office, called "Waite" after the name of the postmistress.

Under Vermont law, any person can change his or her name by simply using a different name, but a town or village name is something established by law. Town names are listed in statute;

the names of cities and incorporated villages are given by charter; but the names of unincorporated villages and settled areas are now set by the Board of Libraries and not by the Post Office or the railroads. Today the people of that area are consulted before the change becomes effective.

There are few things more precious than a name. Our history shows Vermonters remarkably acquiescent in accepting the changes made by the federal government in the spelling and naming of many of our most important places. We may even have held out against the change in the way the Post Office regarded us for a while, but before long the new name just seemed the right one to use, and we gave in. Voters of Ferrisburgh have now struck back, to their credit. Should it be the beginning of a nativist movement in Vermont?

Essay #51 The Vanished Vermonters

When it comes to Indians, white Vermonters don't have much to brag about historically or even historiographically. Most of our histories repeat the myth that the Abenaki or any other tribe never occupied Vermont as a permanent place of residence, a story that fits perfectly into our value system that exempts early Vermonters from any residual guilt about imperialism or the destruction of native cultures. When Indians are mentioned, they appear as wards of a town, living in abject poverty, the object of local largesse and patient sympathy of their superior white neighbors.

Recent studies have shown another, more accurate view of Indian culture. Long before the last ice age, native peoples lived in Vermont. They moved from one location to another by the seasons, but they returned to their settlements year after year to fish and hunt and live out their lives in relative peace. The Abenakis never went away; they just "disappeared" into the patchwork quilt of Vermont communities, and only now are their culture and their craft becoming visible again.

Abenakis are always in the news. Whether it's a fight over license plates or fishing rights or the return of ancestral remains from the University of Vermont or the Vermont Historical Society, the modern image of the Abenaki, as Chief Homer St. Francis has portrayed this character, is for some Vermonters a subject for scorn and ridicule. He's the original uppity Indian, resistant to Yankee law and custom, unwilling to accept the opportunities of the melting pot philosophy that has successfully erased the face of the Indian from the landscape of Vermont by marriage and self-denial for the sake of conformity and the avoidance of discrimination. The same route has been taken by the French, the Irish, and many other nationalities who have chosen to merge their identities in the homogenizing stew we call American culture.

The tensions that separate white and Indian peoples in Vermont, particularly in the northwest corner of Franklin County, in part stem from the frustration Abenakis feel at not being recognized by Vermont state government as an indigenous tribe, recognition that would entitle them to numerous federal benefits and a respectable legal status.

In November of 1976, in the last months of his governorship, Thomas Salmon signed an executive order recognizing the Abenaki. His successor, Richard Snelling, rescinded the order as one of his first official acts, arguing that "the notion that people who have a certain genetic makeup must be given a different set of rights than all others is essentially a racist notion, one I find personally repugnant." Governor Snelling was roundly criticized for this decision, and when Madeleine Kunin became governor in 1984, many expected her to reinstate the Salmon policy. She refused. In explaining her decision, she argued that no other governor in the United States had ever recognized an Indian tribe, that she could find no federal benefits that recognition would bring, and that the only advantage from acknowledgment of the tribe would go to the Abenakis in prosecuting their land claims against Vermont. "The question of recognition in any meaningful sense is properly reserved for the Federal government," Governor Kunin explained.

Robert Pirsig has a new book, *Lila*, in which he talks about the difference between the western and eastern characters and how they fought over time. He makes a rare discovery finding that southern culture and language is based on the effect of African people's contributions. He posits that the western character—the taciturn, plain-speaking, careful, direct persona we have come to associate with the classic cowboy—is Indian in origin. And he suggests that there is no coincidence that, in taking away the land and the liberty of native cultures, the Europeans also took the character of those they would enslave.

Now think of the Vermont character. Is it too much to suggest that this same transformation occurred here in the wilderness? That English settlers, faced with the same challenge to survive as native Americans in a harsh climate, often living among these original Vermonters, adapted to the environment by adopting the same personality as native peoples?

Vermonters may owe the Abenakis a good deal more than they ever believed. The claim that Abenakis have over the land, encompassing all of Vermont, is one thing. The possibility that the Vermont character itself is a product of cultural mimicry of native peoples cuts to the heart of the debate over Vermont's obligations to the Indians.

Essay #52

Lessons of the Bicentennial

One of the strangest things about our celebrations of statehood is how frequently monumental things have happened during the celebratory year. The centennial celebration in 1891 seemed to close off a period of our history and herald the beginning of something quite new. In 1892 we abolished the old district system of schools and made the town a single district—the single most dramatic change in education in Vermont since the first school started. We also started taxing Vermonters with a statewide property tax that was collected by Montpelier and redistributed to poorer towns for highway and school purposes on the basis of need. We adopted the Australian ballot system and began the process of wresting elections away from political parties and into the control of state government.

This was the beginning of centralization and the first tolling of the death knell of local control. We did it to ourselves, willingly and lovingly, small towns fully in charge in the legislature, because it seemed fairer to all Vermonters. We saw the state as a facilitator, an equalizer, a standardizer, a balancer, and not a force of power of its own. And this revealed a commitment to rural life that has remained our policy ever since—a recognition that progress will only be measured by the quality of life in the smallest, remotest, poorest town and that urban areas will support those improvements. And the revolution continues even today as we struggle with keeping the impact of restraint equitable.

Before the sesquicentennial celebration of statehood was over in 1941, we were at war. Vermonters thought we were already at war when the sesquicentennial started, had begun preparing for it; morally, we were already engaged in battle. It became our biggest war, our costliest encounter. Like all former and subsequent conflicts, Vermonters played a critical role in its waging and outcome. No one ever questioned our commitment or our sacrifice. Like other conflicts, it had its homogenizing effect on our culture. The soldiers who returned didn't see Vermont as the same place they left; those who stayed at home didn't feel the same way about the old place when it was over, either. The postwar changes from the development of television to the red scare of the early 1950's, the baby boom, the acceleration of popular culture, the coming of the throughway, the political turmoil of the late '60's, and the rest of it, made the Vermont of 1991 a far different place than the Vermont of 1941, deeper and far more permanent impacts than the changes between 1891 and 1941.

And then in 1991, we see our world changing ever more radically before our eyes. The Gulf War, the hurt of the recession, the death of Richard Snelling, the Clarence Thomas confirmation battles, the rough beginning of a Middle East peace process, the unsettling murders in Stowe, Castleton, and Bennington. Where did quiet, rural, remote Vermont go to, and why do we feel so insecure? Surely, in this year as well as in the other years we've celebrated statehood, we can see a transformation of ourselves, our culture, our tradition, and our character occurring before our very eyes. Just like those other years, we're not sure where it's heading. We're not sure we like what we

see. But at least we know we've got a history that tells us we'll learn to adapt to it, to endure, that we have the character that can resist change if necessary.

The bicentennial was a celebration that transformed us, that we used to transform us. We made of it a memory that will last more than the sum of our lifetimes. We looked back and saw what we had lost and what we were losing and what we had gained and what we want to retain, which is really quite simple, and that's the tempo of life in Vermont.

A friend told of his first encounter with this spirit. He entered Vermont from the south on a cold and wintry night, and it had started to snow. He realized one of his windshield wipers wasn't working, and he stopped at a broken-down garage to see if he could purchase one. An old fellow came out to the car and, after hearing what was needed, apologized and said he didn't carry wipers but that up the road at the Mobil station the visitor could purchase one. The visitor thanked him and said, "Well, why don't you fill up the tank, anyway?" The attendant shook his head. "Why don't you wait and get a fill at the Mobil station? It wouldn't be right just to buy a wiper from them."

In this is the whole encapsulated Vermont character, the greatest gift Vermont has made to the Union. It's the whole point. It isn't greed, it isn't self-interest, it isn't self-promotion. It recognizes that there is an ethic to everything from selling gas to hunting deer to celebrating a bicentennial. It is a difference, an echo of a culture. It comes in aphorisms—"I do not choose to run"; "You may fire when you are ready, Mr. Gridley"; "Let's declare victory, and leave"; "The gods of the valleys are not the gods of the hills." It comes in all sizes and shapes, in colors, in life styles, in attitudes, and in people, short-timers and dynasties, and it continues in a sustained symphony, sometimes discordant, that rises, always rises above reality, above the hardship of the winter's coldest days, above poor crops and floods and tragedies; above the worst excesses of Washington and Montpelier; above war and personal loss; it springs alive in the young and is sustained in older Vermonters; it returns and renews, like the catamount, both image and reality; it cures and heals; it even survives bicentennials. It is what we have made of life in this place, and it's bigger than any one of us, and it's ours.

A Note on the Author

Paul Gillies was born in Burlington, Vermont, in 1948. He left the state only for schooling—first for college, to Case Western Reserve University in Cleveland; later, to the University of Maine School of Law at Portland. In between he earned an M.A. in English at the University of Vermont. Since 1981 he has served as Vermont Deputy Secretary of State. With D. Gregory Sanford, he edited *The Records of the Council of Censors* (1991); with David Healy, he wrote *The Regulation of Vermont* (1984). For more than ten years, he has written *Opinions*, a monthly journal of legal advice to local officials, and has published pamphlets and essays on historical and legal subjects.