

The First Populist Republic

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Issue no. 28 • Mud Season 2009

Few Americans are aware that Vermont, the fourteenth state admitted to the Union in 1791, was not a colony like the others; it was a preexisting independent republic spontaneously created by its residents who rejected the authority of neighboring colonies, particularly New York, which had the strongest claim to its territory. In its fourteen years of formal independence, beginning in 1777, it very nearly fulfilled the textbook image of a society created voluntarily by free persons living in the state of nature—a favorite motif of seventeenth and eighteenth century social-contract political philosophers. In the United States, Texas, California, and Hawaii also enjoyed periods as independent republics, but Vermont's example reflects a greater equality of persons and resources. In the case of Vermont, in the face of a trend toward oligarchy in America—evident even in the eighteenth century—an egalitarian democratic community for a time found almost complete realization.

It's a story worth telling. New York had a claim to what became Vermont based on a 1664 British royal charter granting it the lands to the west of the Connecticut River north of Massachusetts. The same British royal government, however, subsequently recognized some authority over the lands of Vermont by the New England colonies of Connecticut, Massachusetts, and New Hampshire. In the 1740s the Governor of New Hampshire, Benning Wentworth, began to sell land in what is now Vermont to settlers mostly from New England. Wentworth's "New Hampshire Grants" were sold cheaply, partly because they lay in disputed territory. New York's titles to the same lands were monopolized by absentee speculators, while Wentworth's cheap titles went mostly to actual residents who moved in and cleared the forests and started farms and towns. With Native American populations drastically depleted, the settlers confronted a wilderness amenable to settlement; for them, it was a virgin land rich enough to guarantee ownership to anyone able to homestead it. Rarely in history have free resources been available to those willing to labor on them, without external obligations, as they were in early Vermont.

Content with having sold the Grants at a profit, Wentworth and New Hampshire showed little further interest in the lands west of the Connecticut River. New York, however, rejected the claims of those holding Wentworth's titles, insisting that its own title holders were the true owners of the land. In 1770 Vermont settler Ethan Allen, having witnessed the validity of New Hampshire grants denied in a New York court, organized an independent militia to defend the claims of those holding New Hampshire Grants: the Green Mountain Boys. This militia, which later fought in the Revolutionary War against the British—capturing Fort Ticonderoga under Allen's leadership—did so, not as part of the colonial union under the Continental Congress, but as an independent ally of the American colonists. Allen's resistance to New York proved, in the end, the vehicle of Vermont independence, which was formally declared at the Westminster Convention in 1777, after the Green Mountain Boys drove off invading New Yorker posses and sheriffs in a series of small hit-and-run battles near Bennington, Vermont.

What is relevant to us in this story, in addition to the opportunity for ownership of land free of external state or corporate power, is the radical democracy of the Vermont settlers. Indeed, the former informed the latter. They achieved, albeit briefly, a startling decentralization of political and economic power seldom seen in human history. Unlike the neighboring American colonies, with

their links to Europe and their increasing hierarchical power structures rooted in the commercial seaport centers like Boston and New York, Vermonters in their hills were able to achieve widespread ownership of land as independent farmers and artisans without reckoning with an established wealthy elite in control of most resources, especially financial ones, as well as of the government. Vermont came into existence from the ground up, wholly on the local level, farm by farm, and town by town—as clear a case I can find of a free society founded in a state of nature.

Without any superstructure of preestablished authority controlling land grants, Vermonters were able to realize very largely the populist vision, which seeks to reconcile political freedom and personal private property in locally-rooted radical democracy. The essence of populism is the recognition that private property widely distributed (not concentrated in few hands) is the precondition of genuine democracy. Nearly all settlers were, or soon became, landowners, controlling enough land to be more or less self-sufficient. The economy operated on barter and personal credit, enforced by local courts presided over by locally elected judges and constituted by juries of local citizens. Real property functioned as reserve wealth, backing a state currency (some Vermont coins were minted in the 1780s).

The center of life and the ultimate sovereign authority in Vermont was the town meeting, open to all resident adult males, where all aspects of public life were debated and decided. As in ancient Athens, meetings were lively and sometimes contentious; officials seldom held office for more than a term. Official positions of authority were discounted, and the officers of the local militia were elected. Such radical democracy obviated the need for the traditional separation of powers. Separation of powers as we know it is designed to check each of the major branches of government—legislative, executive, and judicial—by providing recourse to any one of them against the others. It was developed by Madison and other founders as a way of controlling the abuses of oligarchy (which it has not done) while avoiding democracy. It also has the less noticed effect of confirming a considerable amount of unaccountable authority in each branch of government (and its divisions), thereby actually concentrating rather than disbursing power.

By contrast, a decentralized system of local democracies provides for another kind of separation of power: its breakup into numerous local governments. The basis of Vermont democracy, reflected in the works of Ethan Allen, is the doctrine of natural rights (not revealed religion or state authority). The essential natural rights for Allen are the rights of each individual to freedom *and* property. This early populist world was a pragmatic world, not one driven by ideology or religion.

What is crucial is the recognition by the first Vermont republic not only that democracy must be established in face-to-face local assemblies, or town meetings, but that these assemblies can maintain their freedom only by being confederated together in a broader representative body directly and wholly accountable to those assemblies. Direct democracy at the grassroots was characteristic of much of colonial America, but most colonial governments, with their royal governors, councils, etc., were not the unalloyed representatives of the grassroots, as Vermont was, but subject to varying degrees of control from above, a pattern which continued after the revolution and intensified after the Civil War. The unicameral legislature of the first Vermont republic was composed of representatives chosen by local communities to represent those communities. This is conspicuously not how modern legislatures work. They do not represent communities, they are not accountable to them, and their members are not chosen in face-to-face assemblies.

Instead state legislators as well as members of Congress are chosen invariably in mass elections by dispersed and atomized voters, in which largely preselected candidates are presented to a passive and manipulated public. Communities and their interests are by-passed in favor of largely symbolic and impersonal relationship—defined by mass propaganda and big money rather than personal experience—between the candidate and the voter. The private voting booth—often cited as the essence of democracy—is in fact its negation. Instead of casting a secret ballot in a town meeting for representatives personally known to me and my community on the basis of the problems facing my

community, I am asked instead to vote in isolation for one or another media image on the basis of inane slogans concocted by power brokers and special interests. Large electoral districts lump together many communities and allow representatives to play off one against the other. Pork spending for local politicians who cooperate; neglect for those who don't. The result is oligarchy, not democracy.

The first Vermont republic was different; it was a true confederal democracy. As Michael A. Bellesiles puts it in his remarkable work *Revolutionary Outlaws: Ethan Allen and the Struggle for Independence on the Early American Frontier*,

Vermont's constitution [of 1777] demands attention for the way it lived up to its theoretical assertions, creating the most democratic structure of its time. . . . The state's voters controlled every branch of government, electing the state's executive officers and judges, as well as representatives to the unicameral legislature. The governor and council of Vermont could not veto legislation. . . . To maintain civic participation, the constitution required public legislative sessions and forbade the passage of any bill into law the same year it was proposed, mandating its printing for the public's information. . . . A septennial Council of Censors was to review all legislative and executive acts to ensure that the constitution was being fulfilled. . . . The Council of Censors could amend the constitution by calling a popularly elected convention allowing "posterity the same privileges of choosing how they would be governed" without resort to "revolution or bloodshed."

Bellesiles then adds the crucial point:

Vermont's leadership did not seek the approval of the people as an undifferentiated mass. Sovereignty lay in the distinct townships, which held the "unalienable and inalienable right to reform, alter, or abolish government, in such manner as shall be, by that community, judged most conducive to the public weal." Finally, Vermont's Declaration of Rights proclaimed "that private Property ought to be subservient to public uses."

As Bellesiles nicely puts it: "The people of Vermont interacted with their state government through their community, not as isolated individuals."

Each community or town in Vermont with less than eighty free citizens got one representative to the unicameral state legislature, or General Assembly, and towns with more than eighty got two representatives (the largest town had less than 2000 in population). The Windsor Convention, which ratified the existence of Vermont, had fifty delegates from thirty-one towns. Vermont may be the only modern example of a system, at least in the United States, of direct representation grafted onto local assemblies, namely, the combination of direct local democracy with accountable representative bodies, something Jefferson envisioned in his "ward republics" as the completion of the American Revolution, and Tom Paine thought actually happened, or would happen, throughout the United States. It has not yet happened, but our current economic and ecological crises beg us more than ever to revisit our largely lost but more relevant than ever populist tradition.

Vermont, we should not be surprised, was unable to maintain the radical degree of democracy she developed in relative isolation. If she had supported Shays's Rebellion in Massachusetts in the 1780s, she might have sparked a second American revolution, this time directed not against the economic elites of London but those of the American coastal cities. And she might have preserved her own confederal democracy. In return, however, for considering an offer of statehood from the United States, the Vermont legislators by a narrow vote rejected Shays's overtures and Allen, who had been offered command of a revolutionary army by Shays, elected to stay in retirement at his farm.

Under pressure, Vermont caved in and gained recognition from the top down in 1791 as the fourteenth state from a national government and federal constitution seriously in conflict with the principles of her democracy. She conceded that her experiment in democracy would henceforth be limited and no threat to the larger monied interests of the land in their increasingly successful attempts to disassociate free individuals from their property. Still, Vermont has retained a degree of democratic spirit absent in most other states of the union, a spirit reflected in its election to the United States Congress in recent years of its only independent member and in a number of environmental, civil, and other reforms, as well as in a continued strong tradition of town meetings. And not least, the example of the first Vermont republic remains an important model for any future reform of our political system.