LAPHAM'S
QUARTERLY

The Memes That Made Us

The origin story of "one nation, indivisible."

by Akhil Reed Amar

Monday, May 24, 2021

In signing the Declaration of Independence in 1776, Benjamin Franklin is reputed to have quipped to fellow signer John Hancock that "we must indeed all hang together or we shall assuredly hang separately." Whether or not he actually said this about his own neck and the noose that awaited all traitors if caught by His Majesty's government, Franklin had long insisted that the colonies had to hang together or die.

He first made the point in the mid-1750s in reference to a looming trans-Appalachian military threat to the British Empire posed by backcountry French Canadians and their Native allies. In a drawing that in effect invented political cartoons worldwide, Franklin insisted that the British American colonies must hang together, indivisibly. The cartoon repeatedly resurfaced in the 1760s and 1770s, but these revivals came with a dramatic serpentine twist: after 1763 the main threat to

America was no longer French or Indian but British.

Franklin's cartoon initially appeared in his own newspaper, the *Pennsylvania Gazette*, on May 9, 1754, sandwiched between two short and interrelated articles. The first told readers of a dashing young Virginia officer's mission to inform French agents infiltrating western Virginia and Pennsylvania that these lands belonged to His Majesty George II. (The officer was named George Washington.) The French aimed to control the Forks of the Ohio (modern-day Pittsburgh), with the help of allied Indians. The "disunited" condition of the various distinct British colonies, argued the article, gave the French "the very great advantage of being under one direction, with one council, and one purse." The second piece discussed an upcoming intercolonial conclave—today known as the Albany Congress—that would aim to coordinate British American resistance to these French encroachments. In between these two brief articles lay the illustration of a sinuous snake divided into eight sections.

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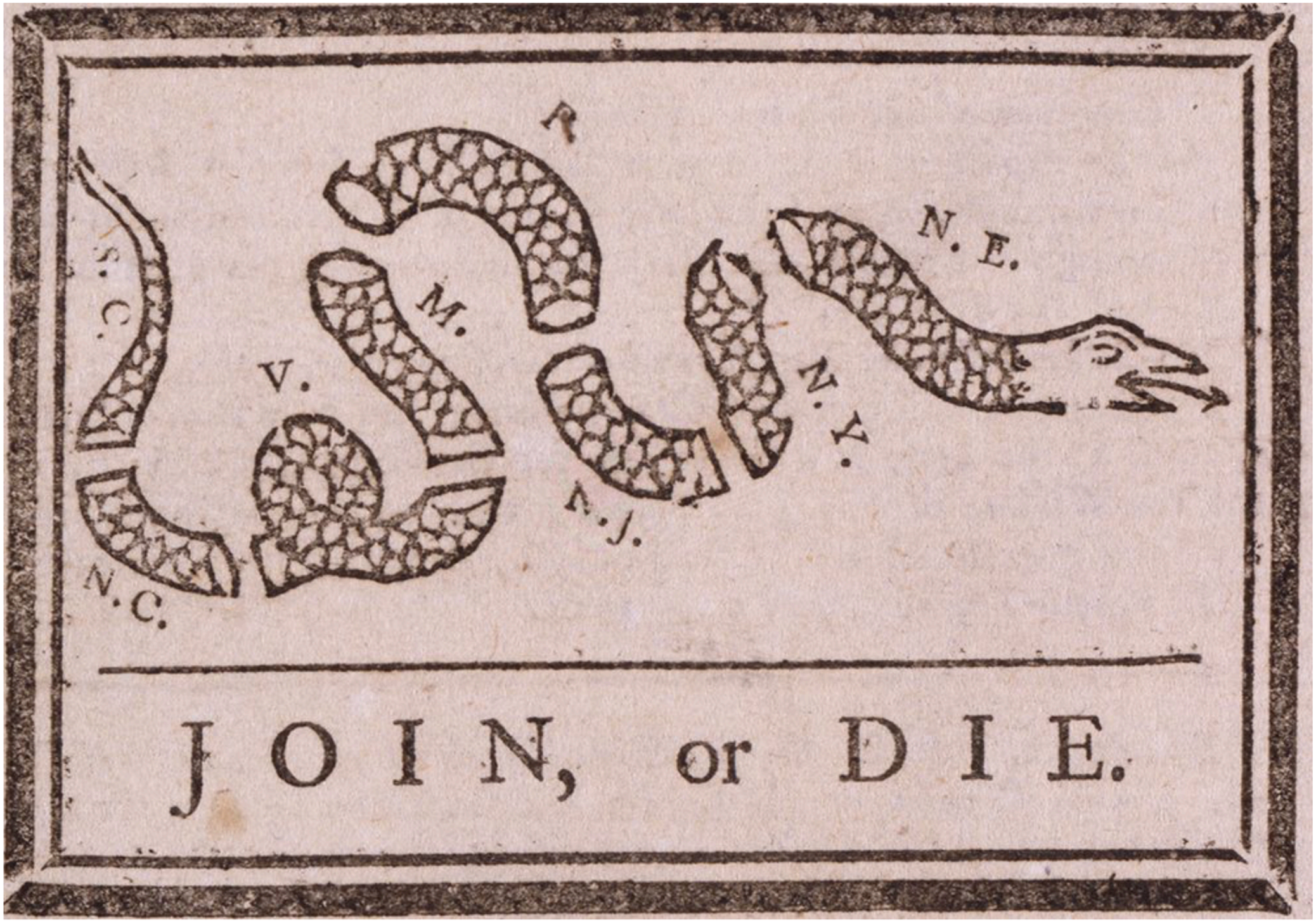


"Join or Die" drawing by Benjamin Franklin, first published in the *Pennsylvania Gazette*, May 9, 1754. Library of Congress, Prints and Photographs Division.

"Join or Die" drawing by Benjamin Franklin, first published in the *Pennsylvania Gazette*, May 9, 1754. Library of Congress, Prints and Photographs Division.

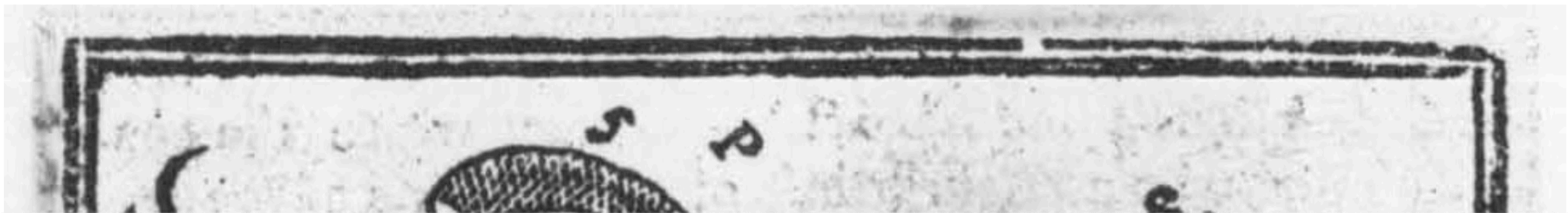
Each section was labeled with initials, making clear that the snake represented the mainland British colonies from New England ("N.E.") to the Carolinas, North and South ("N.C." and "S.C."), connected by New York, New Jersey, Pennsylvania, Maryland, and Virginia ("N.Y.," "N.J.," "P.," "M.," and "V."). These contiguous colonies, the cartoon argued, would survive only if they held together. Franklin here offered a clear message and a catchy slogan—"JOIN, or DIE"—well adapted to the democratic culture aborning in midcentury Philadelphia.

The simple image was easy to imitate precisely because it was not high art. On May 13, only four days after the birth of Franklin's snake, it was reborn in Manhattan, when the *New-York Mercury* reprinted Franklin's two essays and its own version of the cartoon.

New-York Mercury drawing, May 13, 1754. America's Historical Newspapers.

On May 21 the snake found yet another nesting place and also found its voice—this time in New England, as the *Boston Gazette* reprinted Franklin's essays-and-image sandwich with yet another variant of the cartoon. Not to be outdone, the *Boston News-Letter* on May 23 served up its own variation, featuring a rather more anxious, round-eyed snake. In both graphics, the snake urged colonists to "unite and conquer."

Boston Gazette drawing, May 21, 1754. Massachusetts Historical Society and Colonial Society of Massachusetts.



Boston Gazette drawing, May 21, 1754. Massachusetts Historical Society and Colonial Society of Massachusetts.

Boston News-Letter drawing, May 23, 1754. Boston Athenaeum and Colonial Society of Massachusetts.

Boston News-Letter drawing, May 23, 1754. Boston Athenaeum and Colonial Society of Massachusetts.

Over the next two decades, Franklin's snake would experience repeated rebirths. As the serpent's popularity grew, the fact that its toothed end faced east, toward London, and not west, toward the French and Indian backcountry, would take on a significance that the initially Anglophilic Franklin had not originally intended.

On September 21, 1765, when a pseudonymous New Jersey scribbler, "Andrew Marvel," issued an impassioned handbill urging united colonial resistance to the Stamp Act—which colonists everywhere denounced as taxation without representation—he splashed across the masthead his own rendition of Franklin's snake and slogan. The handbill appeared in several incarnations, with one version closely tracking Franklin's original image and another evidently patterned on the round-eyed 1754 *Boston News-Letter* serpent, in which the the tail tip curves to the right.

JOIN OR DIE.

SATURDAY, September 21, 1765. [NUMB. 1.]

The Conſtitutional COURANT:

Containing Matters intereſting to LIBERTY, and no wiſe repugnant to LOYALTY.

To the PUBLIC.

WHEN a new public Paper makes its appearance, the reader will naturally be curious to know from eſpecially when a method of anſwering the ſame ends, (as far as they ought to be anſwered) perfectly agreeable to the conſtitution, ſo readily offers itſelf.---- may be miſled; ſome perſons they muſt truſt for the information they receive; thoſe perſons are generally ſuch, whoſe intereſt it is to repreſent all things

Constitutional Courant masthead, September 21, 1765.

JOIN OR DIE.

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To the PUBLIC.

WHEN a new publick Paper makes its appearance, the reader will naturally be curious to know from ſtitution, ſo readily offers itſelf.----Let us then beſiege the throne with petitions and humble remonſtrances, and not doubt of a favorable iſſue in the reſult.

It muſt certainly give the moſt ſenſible pleaſure to be admired that they are not oftner miſled than they are. Parliaments alſo are liable to miſtakes, yea, ſometimes fall into capital errors, and

Constitutional Courant masthead, September 21, 1765.

On October 7 the *Boston Evening-Post* quoted excerpts from Marvel's handbill and printed an incarnation of the snake and slogan that mirrored the handbill's round-eyed image with remarkable fidelity—clues suggesting that perhaps the *Evening-Post* itself was the printer of this version of the handbill.

Boston Evening-Post drawing, October 7, 1765. America's Historical Newspapers.

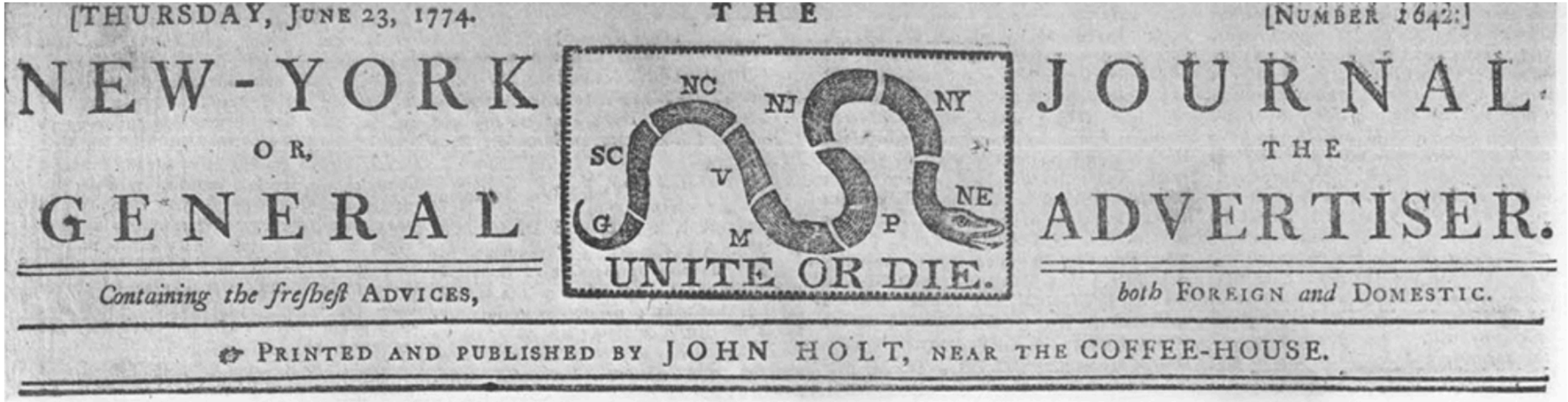
The mighty snake next sailed across the ocean. On November 9 the *London Gazette* told its readers about a handbill received from "yesterday's North American packet." The *Gazette* did not imitate the cartoon but did paint a picture with words, reporting that Marvel's handbill featured "an emblematical headpiece of a snake or serpent cut into several pieces, on each of which are the initial letters of the several colonies; and over it are the words *Join or Die*, in large letters." The snake completed its transatlantic tour when no less than four New England newspapers reprinted the London essay in January. Franklin's meme had gone viral. With three words and a crude woodcut, he had managed to bring hundreds of thousands of persons into a single political conversation.

But the meaning of the meme had begun to shift. It was now being used against the British Empire, as Massachusetts' lieutenant governor Thomas Hutchinson—who had worked closely with Franklin back in 1754, when the snake was born—mournfully remarked in a letter to Franklin in late 1765. "Join or die," Hutchinson reported, was now "the motto" of anti-

London "rioters" in Boston and New York, who called themselves American patriots. "When you and I were at Albany ten years ago we did not propose a union for such purposes as these," he wrote.

The journalistic revival of the "Join or Die" slogan in the fall of 1765 was accompanied by an actual joining of sorts. Delegates from nine colonies convened in Manhattan to present a united front against the despised London-initiated Stamp Tax. The next great colonial joining, the First Continental Congress, took place in September and October 1774—this time in Philadelphia, the city that had birthed the immortal snake.

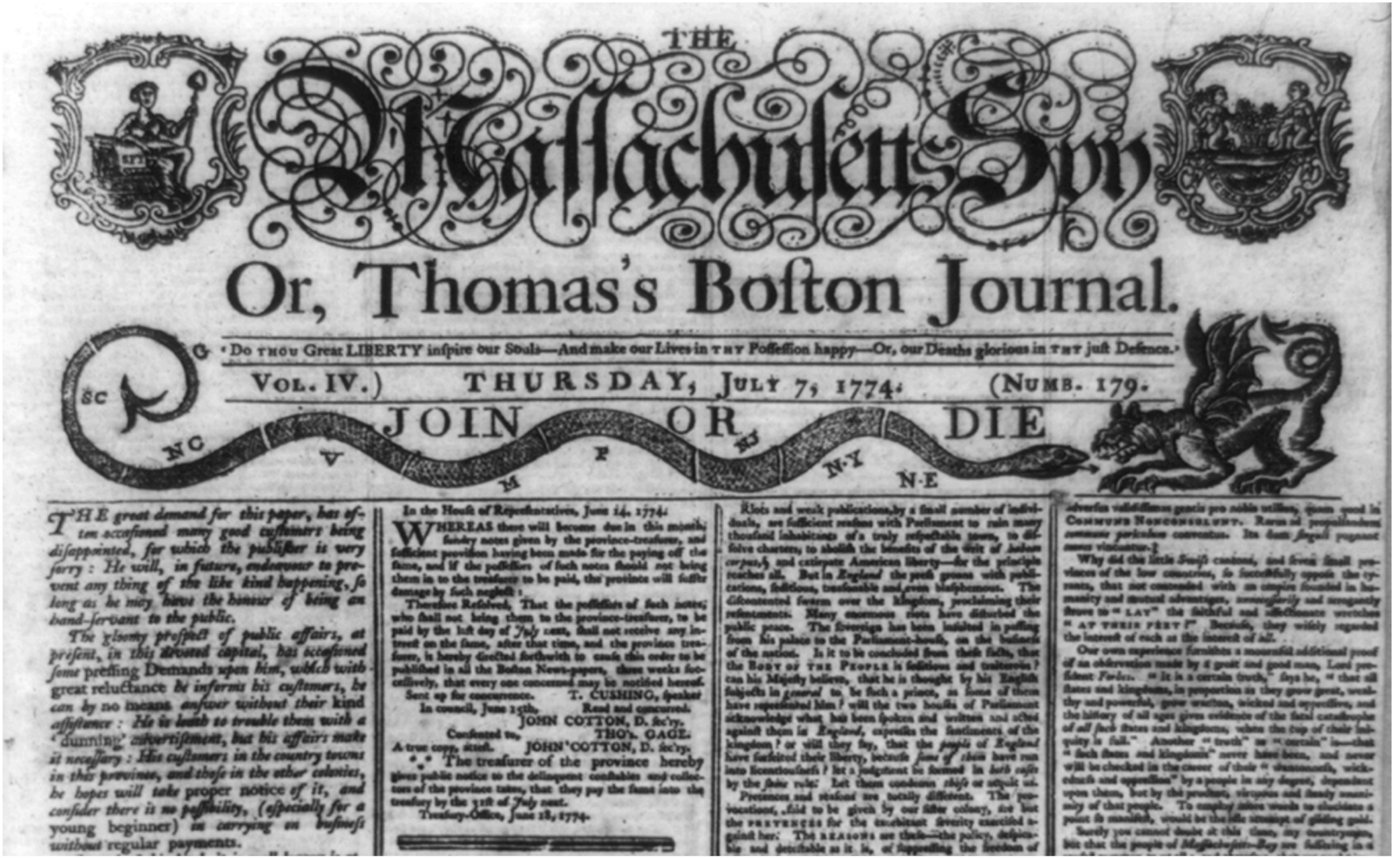
Franklin's snake arose from its nearly decade-long hibernation in advance of this meeting. In June 1774 the snake appeared in the masthead of the *New-York Journal*, where Georgia made its first appearance at the tail. The word *Join* gave way to the word *Unite*, which had featured in the snake's 1754 Boston appearances ("unite and conquer") and had also loomed large, along with its cognate *united*, in Boston patriotic circles beginning in 1764.



New-York Journal masthead, June 23, 1774. Lenox Library and Colonial Society of Massachusetts.

Then, in the more elongated headpiece of Boston printer Isaiah Thomas' *Massachusetts Spy* in early July—a headpiece designed by none other than Paul Revere—the serpent's east-facing mouth, New England, directly confronted the British dragon.

confronted the British dragon.


THE
Massachusetts Spy
Or, Thomas's Boston Journal.
'Do THOU Great LIBERTY inspire our Souls—And make our Lives in THY Poffeffion happy—Or, our Deaths glorious in THY juft Defence.'
VOL. IV.) THURSDAY, JULY 7, 1774. (NUMB. 179.
JOIN OR DIE
SC NC V M F NY NE
THE great demand for this paper, has often occafioned many good cuftomers being disappointed, for which the publiſher is very ſorry: He will, in future, endeavour to prevent any thing of the like kind happening, ſo long as he may have the honour of being an hand-ſervant to the public.
The gloomy proſpect of public affairs, at preſent, in this devoted capital, has occaſioned ſome preſſing Demands upon him, which with great reluctance he informs his cuſtomers, he can by no means anſwer without their kind aſſiſtance: He is loath to trouble them with a 'dunning' advertiſement, but his affairs make it neceſſary: His cuſtomers in the country towns in this province, and thoſe in the other colonies, he hopes will take proper notice of it, and conſider there is no poſſibility, (eſpecially for a young beginner) in carrying on buſineſs without regular payments.
In the Houſe of Repreſentatives, June 14, 1774.
WHEREAS there will become due in this province treaſury notes given by the province-treaſurer, and ſufficient proviſion having been made for the paying off the ſame, and if the poſſeſſors of ſuch notes ſhould not bring them in to the treaſurer to be paid, the province will ſuffer damage by ſuch neglect:
Therefore Reſolved, That the poſſeſſors of ſuch notes, who ſhall not bring them to the province-treaſurer, to be paid by the laſt day of July next, ſhall not receive any intereſt on the ſame, after that time, and the province treaſurer, is hereby directed forthwith to cauſe this order to be publiſhed in all the Boſton News-papers, three weeks ſucceſſively, that every one concerned may be notified hereof.
Sent up for concurrence. T. CUSHING, Speaker
In council, June 15th. Read and concurred.
JOHN COTTON, D. Sec'ry.
Conſented to, THO's. GAGE.
A true copy, attſt. JOHN COTTON, D. Sec'ry.
*** The treaſurer of the province hereby gives public notice to the delinquent conſtables and collectors of the province taxes, that they pay the ſame into the treaſury by the 31ſt of July next.
Treaſury-Office, June 28, 1774.
Riots and weak publications by a ſmall number of individuals, are ſufficient reaſons with Parliament to ruin many thouſand inhabitants of a truly reſpectable town, to diſſolve charters, to abolish the benefits of the writ of habeas corpus, and extirpate American liberty—for the principle reaches all. But in England the preſs groans with publications, ſeditious, treaſonable and even blaſphemous. The diſcontented ſwarm over the kingdom, proclaiming their reſentments. Many enormous riots have diſturbed the public peace. The ſovereign has been inſulted in paſſing from his palace to the Parliament-houſe, on the buſineſs of the nation. Is it to be concluded from theſe facts, that the BODY OF THE PEOPLE is ſeditious and treaſonable? can his Majeſty believe, that he is thought by his Engliſh ſubjects in general to be ſuch a prince, as ſome of them have repreſented him? will the two houſes of Parliament acknowledge what has been ſpoken and written and acted againſt them in England, expreſſes the ſentiments of the kingdom? or will they ſay, that the people of England have forfeited their liberty, becauſe ſome of them have run into licentiouſneſs? let a judgment be formed in both caſes by the ſame rule: Let them condemn theſe or acquit us.
Preſences and realons are totally different. The provocations, ſaid to be given by our ſiſter colony, are but the PRETENCES for the exorbitant ſeverity exercied againſt her: The REASONS are theſe—the policy, deſpotiſm and deteſtable as it is, of ſuppreſſing the freedom of
adverſus validiſſimum gentis pro nobile utilitas, quam quod in COMMUNE NONCONSILIUNT. Rerum ad propalandum communis patriotum conventus. Ita ſunt ſequi pugnant omnes vincantur.]
Why did the little Swiſs cantons, and ſome ſmall provinces of the low countries, ſo ſucceſsfully oppoſe the tyrants, that not contended with an empire founded in humanity and mutual advantages, unrighteouſly and arrogantly ſtrove to "LAY" the faithful and affectionate wretches "AT THEIR FEET?" Becauſe, they wiſely regarded the intereſt of each as the intereſt of all.
Our own experience furniſhes a moſt fatal additional proof of an obſervation made by a great and good man, Lord preſident Forbes. "It is a certain truth," ſays he, "that all ſtates and kingdoms, in proportion as they grow great, wealthy and powerful, grow wanton, wicked and oppreſſive, and the hiſtory of all ages gives evidence of the fatal cataſtrophe of all ſuch ſtates and kingdoms, when the top of their iniquity is full." Another "truth" as "certain" is—that "ſuch ſtates and kingdoms" never have been, and never will be checked in the career of their "diſtempers, wickedneſs and oppreſſion" by a people in any degree, dependent upon them, but by the proſpect, vicinity and ſteady enmity of that people. To employ more words to elucidate a point ſo manifeſt, would be the idle attempt of gilding gold.
Surely you cannot doubt at this time, my countrymen, but that the people of Maſſachuſetts-Bay are following in a

Massachusetts Spy masthead drawing by Paul Revere, July 7, 1774. Library of Congress, Prints and Photographs Division.

The *Pennsylvania Journal*'s new masthead, obviously patterned on its New York precursor, returned Franklin's creature home to its Philadelphia birthplace in late July 1774.

Pennsylvania Journal masthead, July 27, 1774. American Antiquarian Society and Colonial Society of Massachusetts.

There it would remain for many months to welcome and encourage the Continental Congress that would build on the 1754 Albany Congress that had inspired the snake and the 1765 Stamp Act Congress that had revived it.

British America's mainland colonies did indeed join together in July 1776 to declare their independence from Britain. "These United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES," proclaimed a Declaration of Independence largely drafted by Virginia's Thomas Jefferson, aided by New Englanders John Adams and Roger Sherman, New York's Robert Livingston, and—critically—Pennsylvania's very own Benjamin Franklin.

The colonies were now *united*, but the union was not yet truly *indivisible*. Each of the thirteen states in the Jefferson-drafted Declaration was free and independent—independent even of every other state, save as the states chose to work together, militarily and diplomatically. The Articles of Confederation that emerged in the late 1770s to implement the Declaration explicitly declared that "each state retains its sovereignty, freedom and independence." (Note the obvious echo of, and gloss upon, the Declaration phrase "free and independent.") The Articles optimistically proclaimed that America's "union" would be "perpetual." But perpetuity in this self-described "league" of

formally sovereign states applied only if each and every state fully abided by all the terms of the Confederation. Most states in the early and mid-1780s failed to do so —a massive contractual breach that, under the backdrop principles of eighteenth-century international law, freed states to bolt the Confederation if they so chose.

Our Constitution was born in an act of multilateral secession from the not enduringly indivisible or truly perpetual Articles of Confederation. In 1787 American notables led by Washington and Franklin gathered once again in the snake's hometown to propose a new legal framework that would supersede the Articles. The animating and all-encompassing idea of the new Constitution was that the states would now need to renounce their full-blown sovereignty and reunite indissolubly so as to protect themselves against possible British reconquest and against all other potential European—mainly French and Spanish—threats.

Nowhere did the Constitution describe itself as a mere "league" or "treaty" or "compact" or "confederation."

The new document was a self-described "Constitution" modeled on the thirteen state constitutions, each of which epitomized indissolubility. (No one thought that Boston could unilaterally secede from Massachusetts or Richmond from Virginia.) In dramatic contrast to the old Articles, the new U.S. Constitution pointedly omitted any assertion that each state remained "sovereign." The new Franklin-Washington plan expressly proclaimed that states must always and everywhere bow to the "supreme law of the land" formed by the federal Constitution itself and by congressional statutes enacted in pursuance of the Constitution. The Articles of Confederation had not said anything like this.

This new "Constitution for the United States of America" would bind only the states that said yes, and would do so only if at least nine states agreed to the new plan. Eleven of the original thirteen states agreed to join the new Constitution in a series of epic popular votes up and down the continent in 1787–88. But Rhode Island and North Carolina said no, and thus remained formally outside the new United States (USA 2.0) when George Washington, the man Franklin had helped introduce to America back in 1754, alongside the immortal serpent, took his oath of office as president in early 1789.

Throughout the early and mid-1780s Washington had advocated for a truly indivisible continental union. In a famous letter sent to all state governors as he disbanded his Continental Army and surrendered his military commission in 1783, Washington proclaimed that it was "essential to the well-being, I may even venture to say to the existence, of the United States as an independent power" that there be "an indissoluble union of the states under one federal head."

When summoned back into service in 1787, Washington presided by acclamation (and with Franklin's blessing) at the Constitutional Convention in Philadelphia. In September the delegates went public with their proposed Constitution; presider Washington appended a brief explanatory letter that was typically reprinted in newspapers alongside the Constitution in the ensuing months, as an exceptionally broad swath of American voters pondered whether to approve the plan.

"It is obviously impracticable," Washington wrote, "to secure all rights of independent sovereignty to each [state], and yet provide for the interest and safety of all."

Thus, America needed to effect a "*consolidation* of our union" to secure "our prosperity, felicity, safety, perhaps our national existence."

In the year of intense continental conversation provoked by the proposed Constitution, never did any leading supporter of the new plan try to woo skeptics and fence sitters by suggesting that a right of unilateral secession would exist, and that if any state were dissatisfied, it could leave. The pro-ratification Federalists repeatedly said that the union they were proposing would be strict and indissoluble on the model of Scotland and England, which had formed an indivisible union in 1707 for geostrategic reasons similar to those on display in 1754 in Franklin's "Join or Die" cartoon.

As Alexander Hamilton and John Jay explained in a series of pseudonymous newspaper op-eds today known as *The Federalist* 2–8 (which were far more influential in 1787–88 than the now-famous *Federalist* 10 penned by James Madison), Britain was free and strong because it was a defensible island protected by the English

Channel. By uniting indissolubly, America could likewise be free and strong, protected by the Atlantic Ocean. Land borders between continental European nation-states had led to standing armies, military dictators, and horrific bloodshed on the continent itself. International land borders between thirteen sovereign American states would ultimately lead to the same fate in the New World.

Franklin's snake had carried a similar message. Yet Federalist newspaper publishers did not revive Franklin's meme in 1787–88, because the snake did not take states seriously. Sovereign states did not even exist back in 1754. Colonies were contiguous parts of the British Empire, an empire to which Franklin was thoroughly loyal in the 1750s. Boundaries between colonies were not carved in stone. Indeed, Britain had changed colonial boundaries within living memory.

Franklin likely chose to depict Massachusetts, Connecticut, New Hampshire, and the other distinct colonies of New England as a unit because that was artistically easier. But as a native Bostonian, he surely

knew that for one brief moment in the 1680s, the Crown had merged all the New England colonies into a single administrative entity. Franklin's own parents had married just as this short-lived Dominion of New England was lapsing. His snake likewise did not treat Delaware with extreme tenderness; the tiny colony was depicted merely as part of Pennsylvania. For Franklin's purposes, geography mattered, but sovereignty did not.

The basic geography, of course, remained the same in 1787. Delaware did not move, nor did Pennsylvania. But in 1787 Delaware was its own sovereign state. That sovereignty, strictly speaking, would end if Delaware and at least eight other states ratified. But the ongoing integrity of Delaware's territorial borders, and of every other state's territorial borders, was emphatically guaranteed by the new Constitution's Article IV. Unlike the British Empire in 1754, the new Congress under the new Constitution would have no power to redraw the lines of its constituent parts at will.

Franklin's snake would have been a scary image for Anti-Federalist critics of the proposed Constitution, many of whom worried that the Philadelphia

Convention's plan would swallow up the states entirely. There were good reasons for Federalist cartoonists to let sleeping snakes lie.

The dominant Federalist newspaper imagery in 1787–88 presented the territorial divisions between the states as literally carved in stone. Each state that said yes would add a new pillar to a grand federal edifice.

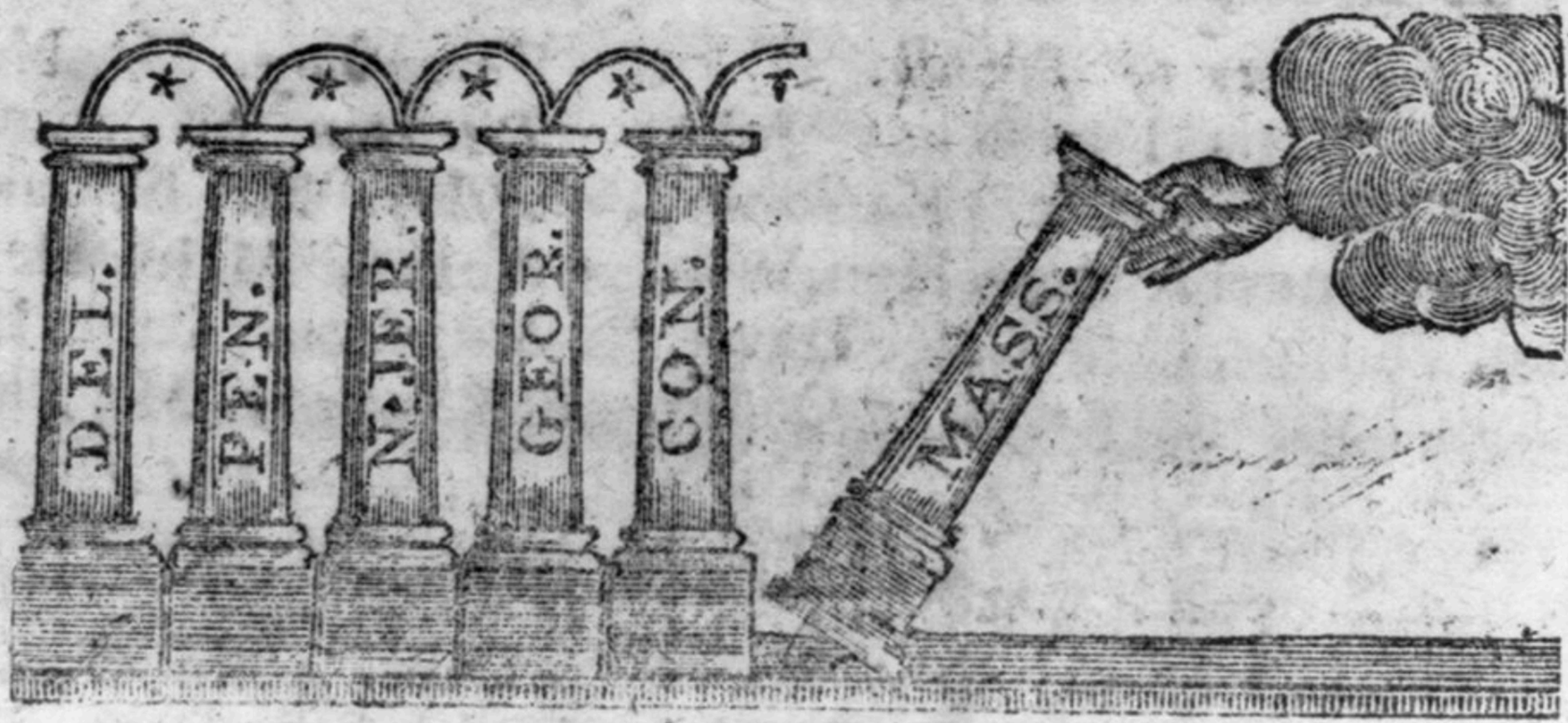
The pillars and edifice were the brainchildren of Boston publisher Benjamin Russell. Over the course of 1788, his enchanting illustrations in the *Massachusetts Centinel* chronicled the Federalists' success in winning yes votes in state after state. The first cartoons in this series appeared in January and February, when the Washington-Franklin plan was being publicly debated and voted on by a specially elected Massachusetts Convention meeting in Boston. Russell showed the hand of God helping the Bay State become the sixth jurisdiction to erect its federal pillar, following the lead (in chronological order) of Delaware, Pennsylvania,

New Jersey, Georgia, and Connecticut, which had already said yes in their own home-state ratifying conventions.

The CENTINEL.

States—like the gen'rous vine ſupported live,
The ſtrength they gain is from th'embrace they giv

THE FEDERAL PILLARS.

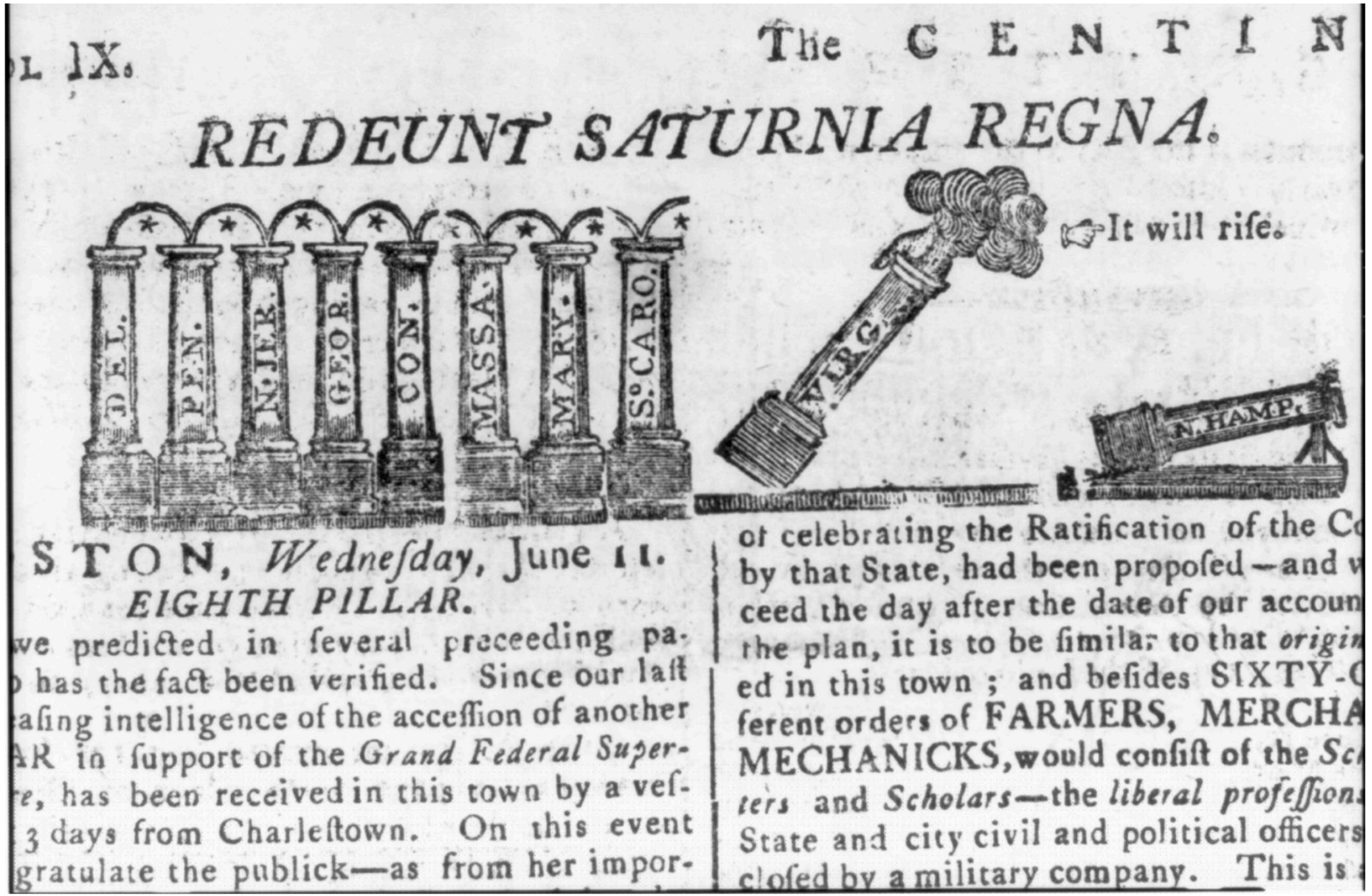


UNITED THEY STAND—DIVIDED FALL.

A veſſel arrived at Cape-Ann, after a ſhort paſ-
ſage from Georgia, confirms the pleaſing intelli-

"The Federal Pillars" drawing, first published in the *Massachusetts Centinel*, January 16, 1788. Library of Congress, Prints and Photographs Division.

By early June, eight states were in, and Virginia and New Hampshire both looked promising.

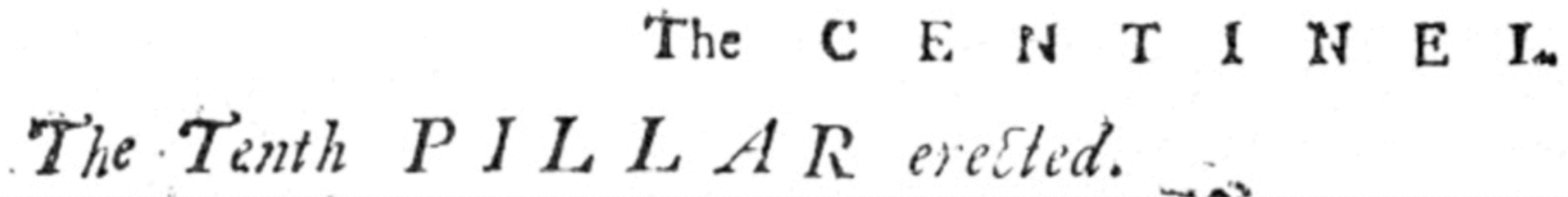


"The Eighth Pillar" drawing, first published in the *Massachusetts Centinel*, June 11, 1788. Library of Congress, Prints and Photographs Division.

When New Hampshire at last said yes in mid-June as the ninth state, Russell wreathed his cartoon with the language of Article VII of the Constitution that made clear that nine sufficed to do the deed. *ACTUM EST.* It is done.

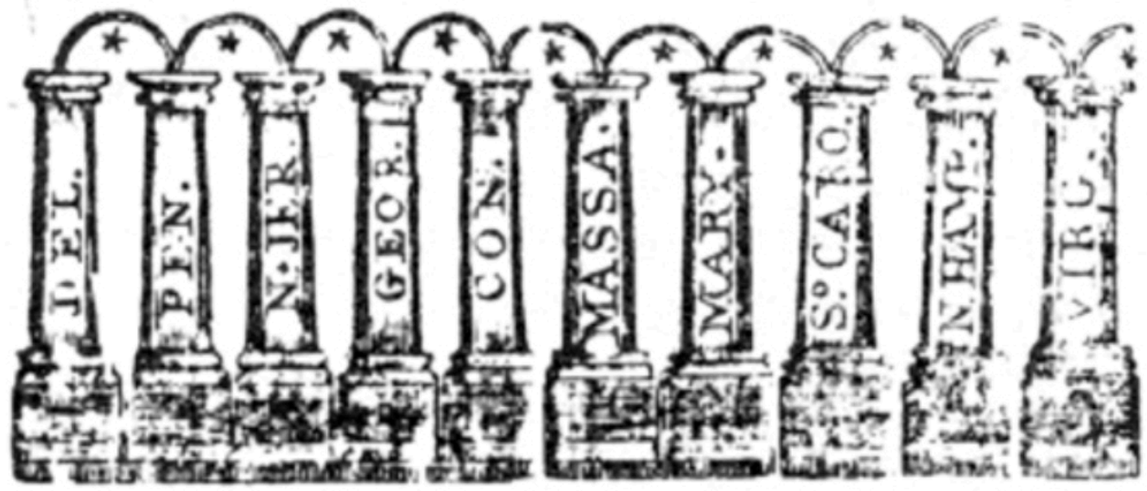
Massachusetts Centinel drawing, June 25, 1788. Center for the Study of the American Constitution.

Virginia soon followed—the tenth pillar!


The CENTINEL.

The Tenth PILLAR erected.

The Tenth PILLAR erected.



Massachusetts Centinel drawing, July 5, 1788. Center for the Study of the American Constitution.

We must not underestimate Russell's democratic genius in these simple cartoons, which in their own way made a powerful constitutional argument not so different from Hamilton's *Federalist* essays.

Several visual and verbal metaphors interlocked in Russell's series. One involved language and imagery of *founding* and *foundations*. (Foundational imagery came naturally to Russell, whose father had been a

stonemason.) We call those who crafted and launched the Constitution "founders," as they called themselves. They sought to found a new continental republic, and they obsessed about laying the proper foundations—foundations that needed to be deep and wide and strong, because these founders were seeking to build something big.

Russell obviously had no access to James Madison's notes from Philadelphia, which would not be published until 1840, but the printer's cartoons harmonized with what Madison himself had told his fellow draftsmen behind closed doors: "The great *fabric* to be raised would be more stable and durable if it should rest on the solid *foundation* of the people themselves." In *The Federalist* 22, first published in New York on December 14, 1787—in time to make its way to Boston before Russell's cartoons began—Hamilton used similar imagery: "The *foundations* of our national government [must lie] deeper than in the mere sanction of delegated authority. The *fabric* of American empire ought to rest on the solid bas[e] of the consent of the people."

In Russell's series, as for Madison and Hamilton, the

In Russell's series, as for Madison and Hamilton, the broad base beneath the pillars, their deep and wide and strong foundation, is the American people themselves, who were choosing to ratify the document in specially elected conventions, each with a unique democratic mandate. Russell also stressed that state convention ratifications would support a great national dome. The tops of the pillars were connected in his image—that is in part what "united" them, so that they would not "fall." (See the first pillar picture: "UNITED THEY STAND.") Alongside one of his cartoons, Russell even composed a verse for the dome to come: "Soon o'er the whole, shall swell the beauteous dome, / Columbia's boast—and freedom's hallow'd home." This visual and verbal imagery strongly reinforced the Federalist insistence that states, once they entered the new system, would be fixed in place. A dome does not work if pillars are later removed haphazardly.

Could the grand domed edifice stand without New York and its indispensable rivers and harbors? That state had yet to say yes even as Americans in most places joyfully celebrated the twelfth anniversary of independence in early July 1788.

Meeting in Poughkeepsie, various New York ratification delegates who had strong doubts about the proposed Constitution realized that they would nevertheless eventually need to say yes, because the Constitution would soon formally go into effect with or without their state. Did New Yorkers really want to be left behind—outside the new union—in a cruel world of European-dominated power politics? New York's Anti-Federalists proposed a compromise, offering to ratify the Constitution "upon condition" that the new Congress under the new Constitution take steps to initiate new amendments. Led by Alexander Hamilton and John Jay, the Federalist delegates at Poughkeepsie said no. The Constitution, they said, could be ratified with the hope and expectation of future amendments—"in full confidence" that the new Congress would

embrace sensible constitutional revisions—but a formally conditional ratification was improper. The Federalists then beat back another Anti-Federalist motion: "that there should be reserved to the state of New York a right to withdraw herself from the union after a certain number of years, unless" Congress acted on various amendment proposals.

At the risk of losing everything—and with all of America watching—the Poughkeepsie Federalists insisted that New York say yes or no, unconditionally. Any unilateral effort by a state to secede post-ratification would be unconstitutional, and any attempt to reserve such a right in the process of ratifying the Constitution was invalid.

In a July 20 letter to Hamilton, James Madison emphasized that "the Constitution requires an adoption *in toto* and *for ever*. It has been so adopted by the other states" (including Madison's Virginia). On July 24 Hamilton read Madison's letter aloud to the Poughkeepsie Convention and then invoked the Constitution's Article VI Oath Clause obliging every state and federal public servant to follow the supreme

law of the Constitution. That oath, Hamilton explained, "stands in the way" of any conditional ratification or purported reservation of a right of unilateral secession.

Printers and the public across the continent were watching the Poughkeepsie Convention's climax with rapt attention. According to timely accounts published in more than a dozen newspapers circulating in virtually every state, both Hamilton and his fellow delegate John Jay insisted that "a reservation of a right to withdraw… was inconsistent with the Constitution, and was no ratification."

The only compromise the Federalists offered in late July was an informal one. New York could ratify while urging the future consideration of additional amendments and could even specify what those amendments should look like. But formally, the Convention had to vote up or down, unconditionally.

The decisive showdown took place on July 26, 1788. As that day dawned, no one knew for sure what the final vote count would be. Hamilton, Jay, Madison, and their

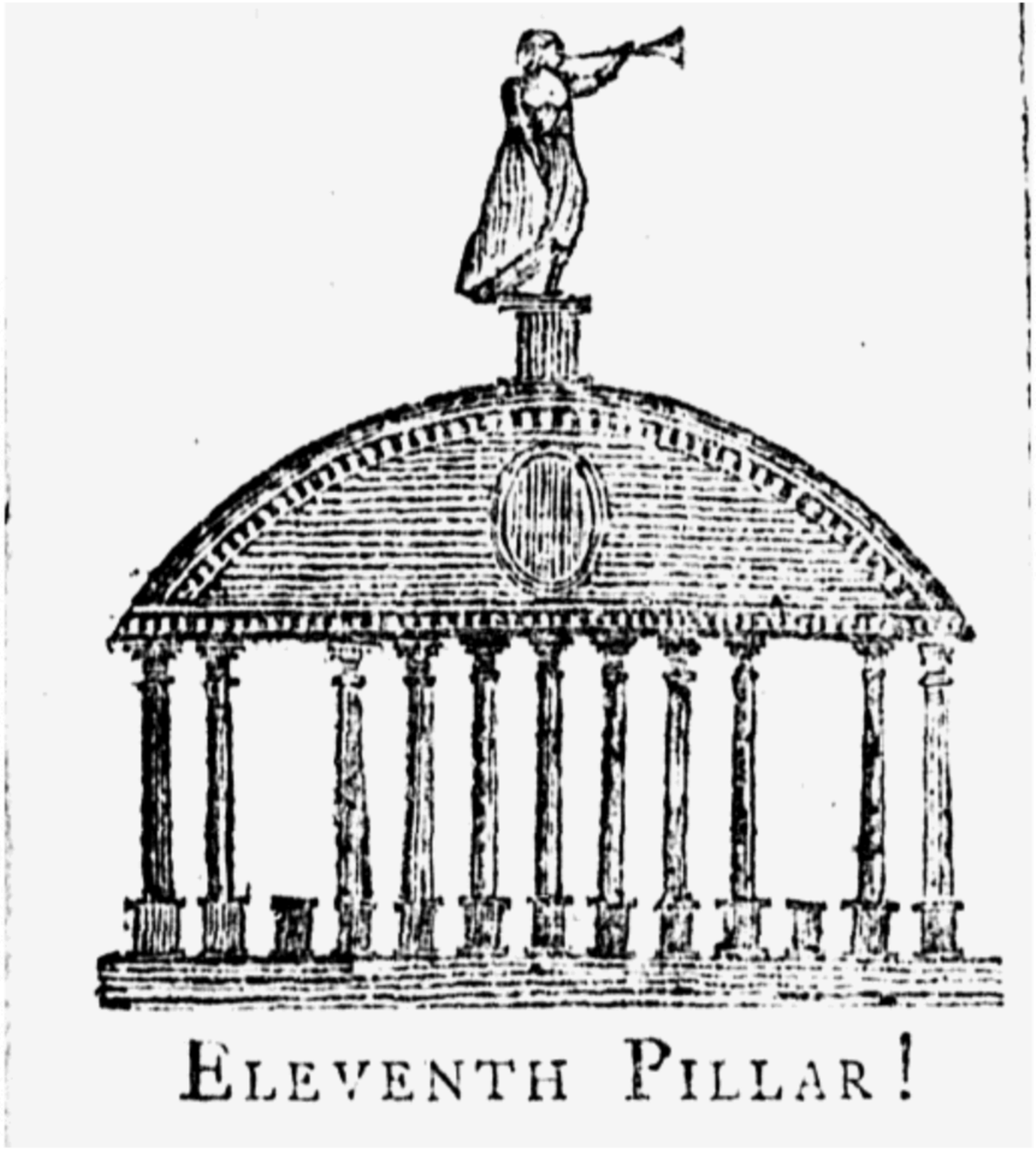
allies had placed everything at risk—not just in New York but, as a practical matter, more generally—by insisting that no secession right whatsoever could be recognized and that no other formal condition of any sort could be attached. Had the Federalists, by taking this strict position, impaled themselves?

When the final tally was announced, the Hamiltonians won by a single vote.

Countless Americans in later generations, especially in the 1860s and especially in southern states, would try to deny that the Constitution said what it meant and meant what it said. But in 1788 everyone everywhere understood that the new union was designed to be indivisible. *Join or Die.* In particular, South Carolinians in 1788 surely understood what the Constitution said and meant. On August 11 of that year, Charleston's leading newspaper, the *City Gazette*, treated its readers to a detailed account of Hamilton's and Jay's Poughkeepsie Convention speeches rejecting a state's right to "withdraw" post-ratification and the

convention's subsequent decision to unconditionally take the Federalists' take-it-or-leave-it deal. The *Gazette* flanked this dramatic account with a joyous locally crafted but Boston-inspired cartoon, "Eleventh Pillar!," that powerfully illustrated Hamilton's and Jay's point. No pillar, once up, could be unilaterally removed, lest the great federal dome supported by and in turn supporting the ensemble of pillars tumble to the ground —and with it, liberty itself, capping the grand federal edifice.

Unlike Boston's Russell, who arrayed his pillars chronologically by order of ratification, the *City Gazette*, exquisitely attentive to dome-ish geometry and sound architectural engineering, arranged its pillars geographically from south (left) to north (right) à la Franklin's snake. The two pillars yet to be erected, as the cartoon elegantly illustrated, were geographically symmetric: the third most southerly (North Carolina) and the third most northerly (Rhode Island).



City Gazette drawing, August 11, 1788. America's Historical Newspapers.

When Washington took his oath of office on April 30, 1790, North Carolina and Rhode Island had yet to rejoin their sisters. But Washington and Madison gently coaxed them back into the union by embracing a set of amendments—a Bill of Rights—that took seriously the most trenchant objections to the Constitution that had emerged in the great national conversation of 1787–88. The proposed Bill of Rights was in effect an olive branch to North Carolina and Rhode Island, an engraved re-invitation to rejoin the union.

It worked. By May 1790 all thirteen states were now properly and indivisibly joined. Benjamin Franklin, who died only weeks before Rhode Island finally said yes, could now rest in peace. His snake was once again whole. And this time, it was legally and incontrovertibly indivisible.

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Cover image | A New and Accurate Map of North America, by Peter Bell, 1768. The New York Public Library, Lionel Pincus and Princess Firyal Map Division.