U.S. Constitution
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Suppressed Voices in the Public Sphere: Republicanism, Ratification, and the Pennsylvania Convention

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The contest for ratification began in September of 1787, when the Continental Congress presented the Constitution to the states. Americans attuned to politics understood the importance of this event, and for some the stakes were enormous. The Articles of Confederation had proved to be inadequate, and many believed this was the last chance for Americans to establish a stable government.

The United States Constitution was America's second attempt at self-governance. In 1781, the Continental Congress adopted the Articles of Confederation during the war for independence against Great Britain. After the Revolution, the Articles failed, and it was clear the fledging United States was not functioning. Among the most prominent concerns, the federal government had no basic revenue-raising capacity, and it could not regulate commerce. The government defaulted on debts and struggled to borrow money. Congress tried to amend the Articles' most obvious flaws, but every attempt failed. In a last effort to resolve the government's deficiencies, prominent statesmen organized a Constitutional Convention in the spring of 1787, and instead of amending the Articles as initially planned, the convention devised an entirely new constitution.[1]

American history classes typically brush over ratification. Teachers discuss the arguments for and against the Constitution, extol *The Federalist Papers*, and move on to George Washington's presidency. This presentation leaves Americans idolizing the Founding Fathers and downplaying the very real resistance to the Constitution. More importantly, this typical approach results in a distorted historical understanding of ratification. What we need to know are its darker moments—backdoor deals, gerrymandering, and the suppression of certain liberties. Ratification was not entirely peaceable, and at times, some Americans—the Founding Fathers included—betrayed their republican values.

Republicanism was the dominant moral philosophy in 18th century America. Gordon Wood famously described its development, which began soon after independence. In Wood's view, republicanism appeared not only in American political constructs; it pervaded American culture and everyday life. Its main tenets included working for the common

[1] Michael Klarman, *The Framer's Coup* (New York: Oxford University Press, 2016), 11-12.

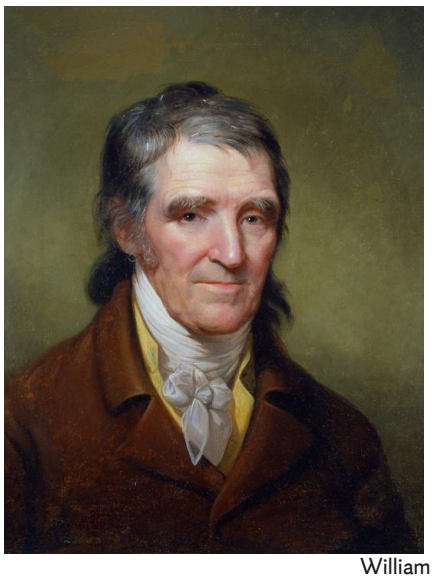
good, increasing political representation, acting virtuously, and promoting equality.[2] Ultimately, republicanism was a way of averting tyranny and eradicating corruption.

The ratification of the Constitution did not live up to this ideal, creating some of the very issues republicanism was meant to prevent. Countless citizens were unrepresented or underrepresented in their state conventions, news publishers suppressed freedom of speech, and violent mobs endangered public safety. This paradox—the use of *anti-republican* measures to enact a *republican* government—ensured the ratification of the Constitution. If Americans had upheld their republican values, the vote would have been much closer. It is even conceivable that the Constitution would have been stillborn.

This paper does not provide an in-depth analysis of the ratification period; rather it analyzes the Pennsylvania convention, which serves as a good example of how controversial tactics affected ratification. Supporters of the Constitution rushed ratification, suppressed opposition, and facilitated instances of mob violence. Their opponents were not entirely peaceable either. Antifederalists distributed fraudulent pamphlets and resorted to mob activity. A betrayal of republican values, such tactics helped secure Pennsylvania's vote for ratification.

Pennsylvania was quick to organize a convention. Just eleven days after the Constitutional Convention adjourned and a day before official instructions were sent by the Continental Congress, a Pennsylvania assemblyman moved a set of resolutions for a convention in early November. Some of the Constitution's critics, like Robert Whitehill, a representative from Cumberland County, questioned such haste. He claimed "that not one in twenty know anything about it," arguing that more time was required for the people to understand the newly proposed government. He said, "I don't know any reason there can be for driving [the Constitution] down our throats, without an hour's preparation." His opponent simply responded, "I have not the smallest doubt, but it will receive their warmest approbation, when they hear it."[3]

Antifederalists failed to delay the convention, but it was not without a fight. Before the vote, Antifederalists, like William Findley and Robert Whitehill, refused to attend, and their absence prevented the assembly from reaching a quorum. The assembly adjourned until the next day, and again, Antifederalists refused to attend. The sergeant at arms tried to rally absent members. He found James M'Calmont and Jacob Miley, forcibly seized them, and dragged them back to the State House. Before the vote, M'Calmont "begged he might be *dismissed* from the House," and he tried to flee, but was forcibly apprehended. This use of force outraged Antifederalists. They believed it was a blatant violation of liberty and abuse of power. M'Calmont tried to delay the election for convention delegates and move the location of the convention, but his opponents outvoted him on all issues. The Federalists decided the election would take place in early November, and they chose to host the convention on November 20 in Philadelphia, a Federalist stronghold.[4]



William Findley
Source: en.wikipedia.org

[2] Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1998), 46-48, esp. 48.

[3] Merrill Jensen, John P. Kaminski, et al., eds., *The Documentary History of the Ratification of the Constitution* (Madison, Wisconsin, 1976-), 72, 115. Hereafter DHRC.

[4] Pauline Maier, *Ratification: The People Debate the Constitution, 1787-1788* (New York: Simon & Schuster, Inc., 2010), 63-4; DHRC II, 99-100, 103, 106-07.

There were plenty of motives for accelerating ratification. Some hoped, like Benjamin Franklin, that the prestige of being the first state to ratify would bolster Pennsylvania's bid for the nation's new capital. Moreover, as Whitehill argued, "the honor of taking the lead" would be preserved since it was unlikely other states would act any sooner. In fact, by the time Pennsylvania voted to ratify the Constitution, only two other states were holding conventions, and most other states had not yet selected a convention date. Despite this delay in other states, the rush for ratification continued in Pennsylvania. Federalists argued that the country was in crisis and the people had to act as soon as possible.

Some critics were skeptical of the Federalists' motives. David Redick concluded that Federalists "know [the Constitution] will not bear an examination and therefore wish to adopt it first and consider it afterward." In other words, Federalists tried to rush ratification because they feared its rejection. One observer estimated that, "in a month's time there will not remain 500 people in all Pennsylvania in favor of the new government, except those who expect offices under it."[5]

Benjamin Franklin
Source: aldianews.com

Requests for delay from Antifederalists were not disinterested. One observer mentioned that they wanted to postpone the call for a convention because if the state assembly in September adjourned without calling a convention, elections for new delegates would take place in October, and Antifederalists believed they had the chance to control the new state assembly when they reconvened in November. That would allow the Constitution's opponents to determine the time, place, and manner of the convention, an incredible advantage often overlooked in the ratification process. For example, the Federalist controlled assembly decided not to pay its convention delegates, a tactic that would deter distant delegates, most of whom would be Antifederalists, from attending the convention.[6]

This haste had a significant impact on the vote: if ratification moved quickly, citizens would be unable to examine the document. Information moved slowly, especially across mountains. The back country of Pennsylvania—where much of the state's population resided—received news much later than big cities, like Philadelphia. This meant that important reading materials, like the Constitution itself and broadside pamphlets, did not reach rural areas until weeks after urban readers had them. On October 31, weeks before the vote for convention delegates, a western Pennsylvanian in the *Freeman's Journal* inquired about copies of the Constitution that were supposed to be distributed throughout the state. Some immediately suspected wrongdoing by the state government, whose members were mostly Federalists. Yet ratification was moving quickly, and consequently, a majority of the population was disadvantaged. They were less informed, which limited their discussion of the Constitution. One observer remarked that people "are changing their sentiments daily." Therefore, by delaying the convention and providing more time for constituents to immerse themselves in constitutional debates, Pennsylvania would have had a more informed citizenry, possibly altering the election results for convention delegates.[7]

Although information traveled slowly, newspapers were the best way to reach a broad audience in the late 18th century, and readership soared during ratification. The United States had almost ninety-five newspapers, and most of them published two to three times a week. Federalists, however, had almost complete control over the presses; only

[5] Maier, 59; DHRC II, 264, 135.
[6] DHRC II, 619; DHRC IV, 115.
[7] DHRC II, 237.

twelve newspapers published content critical of the Constitution. Eleazer Oswald, owner of the *Independent Gazetteer*, ignored every attempt to stop his presses from attacking the Constitution. He suffered "verbal attacks, canceled subscriptions, and threats of mob violence." These antics proved ineffective for a stubborn man like Oswald, but not every publisher could withstand such threats.[8]

Financial pressures effectively controlled newspaper editorials. Most newspapers were located in eastern port cities where support for the Constitution was strongest. Consequently, newspaper subscribers tended to be advocates for the Constitution, so when they canceled or threatened to cancel their subscriptions, it posed a serious concern for publishers. Alexander Dallas, a Jamaican-born editor of the *Pennsylvania Herald*, suffered such a threat. He published full versions of the convention debates, meaning he reported both Federalist and Antifederalist speeches. Dallas was fired from the *Herald* after "a hundred Federalists, who apparently decided that his publication of 'Antifederalist' speeches was increasing opposition to the Constitution, canceled their subscriptions." The only mention of the remaining Antifederalist speeches from the last two weeks of the convention are in newspaper summaries and delegate notes. Ultimately, no matter how much publishers valued freedom of the press, for some, protecting their livelihood was more important. This permitted strong-arm tactics to prevail. Moreover, city dwellers comprised only a small percentage of Pennsylvania's population; over ninety percent of people lived in rural areas. The minority's power therefore was overwhelmingly disproportionate to its size.[9]

Even when critics of the Constitution managed to get their work published, they became targets of threats and other hostilities. For example, the first published criticism of the Constitution provoked an impassioned response. The author said the critic's name "may yet be known," and he will be branded with infamy as an "enemy to the happiness of the United States." The author continues, warning the critic to avoid this topic if "he wishes to escape the just resentment of an incensed people, who perhaps may honor him with a coat of TAR and FEATHERS." Additionally, Antifederalist content seldom appeared more than once. James Wilson, a prominent Federalist orator, had a speech that was reproduced more than twenty times in Pennsylvania and New York. Yet some famous Antifederalist contributions, from the "Federal Farmer" and "Brutus," appeared once. However, it is significant that some Federalist writings were also restricted to small areas, like *The Federalist Papers* themselves, which circulated mostly in New York. Regardless, Antifederalists were disadvantaged when it came to printed materials, calling into question the integrity of the constitutional debates.[10]

Since Federalists controlled the presses and discouraged any opposition, their narrative in support of ratification dominated Pennsylvania. The impact is difficult to determine, but it surely prevented robust discussion of the Constitution. When only Federalist speeches were published, Antifederalist responses had no outlet. Ebenezer Bowman, a prominent Federalist politician, openly discussed this strategy when, much to his chagrin, he was asked to distribute a Federalist broadside that included allusions to Antifederalist opposition. "I had carefully avoided letting them know that any objections were made to the Constitution as I knew they were so prone to opposition that they would readily join in any to prevent that excellent plan from taking place," he said. People doubted Antifederalists could "stem the torrent of prejudice created by influence." In other words, people questioned how Antifederalists could prevail when their opponents exercised almost complete control over information. American historian Pauline Maier writes, "The Constitution's supporters suppressed news of the opposition so successfully that even today parts of the story are difficult to reconstruct."[11]

After Pennsylvania ratified in December, Antifederalists outpaced the opposition and flooded the public with material. The Federalists responded, and they incited an intense battle with Antifederalists using fraudulent letters and essays. Antifederalists published fake letters about leading Federalists, and Federalists penned fake essays pretending to be pseudonymous Antifederalists. These exchanges

[8] Maier, 75.
[9] Maier, 101, 72.
[10] DHRC II, 152-53; Maier, 83.
[11] DHRC II, 257, 260; Maier, 100.

were vicious. One Federalist called his opponent, by name, "one of the sourest, narrowest, and most illiterate creatures in the state." The episode escalated so much that it prompted Benjamin Franklin to write an essay titled, "On the Abuse of the Press," which was never published. Based on his observations of the press, Franklin reported that Pennsylvania seemed to be "peopled by a set of the most unprincipled, wicked, rascally, and quarrelsome scoundrels upon the face of the globe." He asked for newspapers to be more discreet, before anyone got hurt.

Although most threats of violence never materialized, some violent attacks did occur. In order for Pennsylvania to call a convention, Federalists had to forcibly drag assemblymen to the State House for a vote. This event is important because a month later—the night of Philadelphia's election for convention delegates—these same dissenting assemblymen became the target of a violent mob. Twelve men arrived at Alexander Boyd's Philadelphia boarding house, where prominent Antifederalists stayed. The mob threw rocks at the door and proclaimed, "the damned rascals" should all be hanged. A reward of $300 was offered for the apprehension of the rioters, but no arrests were ever made, and "not one Philadelphia newspaper reported the event." The Republicans, who were mostly Federalists, "could not defend the traitors though they loved the treason," one observer commented. Although there was not much public mention of the event, in private Antifederalists were quick to denounce the mob's behavior. "The moment a person is liable to insult for his sentiments on public affairs, that moment liberty is at an end," wrote Samuel Baird to John Nicholson.[12]

More mob activity erupted after the vote on ratification, but this time, it was at the hands of Antifederalists. The mob broke up a celebration in Carlisle and burned effigies of Chief Justice Thomas McKean and James Wilson, both prominent Federalists. Pennsylvanians were enraged by Federalist tactics, according to a writer in the *Carlisle Gazette*, "and little less than the lives of their betrayers [would] satiate their revenge."[13]

The tumult and unrest following ratification had a clear catalyst: the Federalists won the vote handily, but Antifederalists still felt the majority of Pennsylvania was on their side. These feelings of misrepresentation began immediately, when petitions flowed into Philadelphia at the end of September requesting that the Constitution "be adopted, as speedily as possible." Robert Whitehill reminded the assembly that these petitions were all from the Philadelphia area and represented "but a small part of the whole state." To Whitehill, much of Pennsylvania was unrepresented, and the effort to rush a convention was an idea completely averse to general sentiment. Furthermore, problems of misrepresentation also occurred during the convention. According to one observer, the twenty-four convention delegates that opposed the Constitution represented "a much greater number of the votes of the people of Pennsylvania." They had 1,000 more votes than the other forty-four had, "and in Lancaster and other counties, which are there represented by part of those 44, the votes were nearly equally divided, between those who were in favor and those who were opposed to this government." This is a significant statistic, suggesting that Antifederalists may have been grossly underrepresented at the convention. At the very least, this fact seems to confirm that a significant portion of voters opposed the Constitution. If Antifederalists were treated more peaceably, perhaps there would have been greater voter turnouts, making the contest in Philadelphia much more competitive.[14]

Voter participation was generally low. In populous counties like Chester and Philadelphia, only 500 votes were cast. In Bucks, Northampton, and Montgomery, "not one-sixth of the people voted." One observer attributes this lack of participation to people's ever changing sentiments on the Constitution. In other words, some people refused to cast votes because they simply did not have enough time to make a decision. Some delegates understood this issue and attempted last-ditch efforts to slow the process down. On December 12, the last day of the convention, William Findley requested a delay on ratification "until the general sentiments of the people could be obtained." His proposal foundered, and his opponents assured him that low voter turnout was only a consequence of the overwhelming support of the Constitution. The same day, Robert Whitehill presented petitions to the convention, one

[12] DHRC II, 104-111, 241-43, 237; Maier, 100.
[13] DHRC II, 670-84.
[14] DHRC II, 62, 72, 264.

from Philadelphia county which asked the convention to adjourn until the spring so people could sufficiently understand the Constitution. The *Pennsylvania Herald* also reported that more petitions were circulating among the counties, all of them making similar requests. Despite these efforts, Federalists refused to yield.[15]

Historians have disagreed as to whether Pennsylvanians were truly misrepresented at the convention. Owen Ireland concluded that Pennsylvania "began and ended solidly in the Federalist camp." Charles Roll's study supports this argument. He concluded that the majority in the Pennsylvania convention represented 65.7 percent of the state's population. However, Terry Bouton argues that support for the Constitution "may have even been weaker than the total vote suggests." It is worth asking if these observations would still hold had the ratification process been more peaceable. Considering all the tactics mentioned, it is almost surprising Federalists were unable to create a larger majority.[16]

An analysis of the actual convention debates is mostly irrelevant for our purposes, because by then the damage had already been done. There was a significant Federalist majority when delegates arrived in Philadelphia on November 20, and it was unlikely any delegates were going to change their votes. In an effort to rush to a decision, delegates went through the Constitution only once, and only twelve delegates spoke—nine Federalists and three Antifederalists. Since delegates understood their speeches would have no real impact on the outcome of the convention, delegates mainly spoke to make arguments for outside circulation, which served to help other state delegates prepare for their conventions. In the end, Federalists won the vote decisively—46 delegates for and 23 against.[17]

Overall, it is clear the Pennsylvania convention was corrupt. Federalists had control of the process, which disadvantaged the Constitution's opponents. They rushed ratification, suppressed opposition in the press, initiated violent attacks, and turned a blind eye to concerns over misrepresentation. These tactics were not republican in any sense of the term. Some may have argued that the Constitution was for the greater good, so doing what is necessary for its acceptance was mandatory. This perspective ignores the importance of representation.

Republicanism was betrayed, but the important question is—how did this affect ratification? If ratification had not been rushed, had the presses been impartial, and had the people been properly represented, it is conceivable that Pennsylvania would have rejected the Constitution. If the sources are accurate, just as many people voted for Antifederalist delegates as Federalist delegates. Although this may suggest that some Antifederalist counties had greater voter turnouts, it is worth projecting how opposition to the Constitution could have expanded, had the process been more just.

People were reportedly changing their minds every day and some only received the Constitution weeks before the vote on delegates. Since most of the population lived in rural areas and these populations were more averse to a strong central government, it seems likely that Antifederalist sentiment would have increased if they had more time to grapple with different arguments. Additionally, Antifederalists had to endure threats and other hostilities. By removing such a hostile environment, Antifederalists could have been more outspoken, allowing them to publish more articles and openly circulate their arguments. Consequently, by taking a more republican approach, more Antifederalist delegates could have participated, making the Philadelphia convention much more competitive.

The importance of this convention cannot be understated. Smaller states were likely to follow the decisions made by larger ones, like Pennsylvania. Therefore, rushing ratification or suppressing the opposition did not just ensure victory in Pennsylvania; it also tipped the scales in other states. Had Pennsylvania rejected the Constitution, it is likely other states would have followed.

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[15] DHRC II, 264, 587-88; Maier, 116, 120.

[16] Maier, 505-06; Owen S. Ireland, "The People's Triumph," *Pennsylvania History: A Journal of Mid-Atlantic Studies* Vol. 56, No. 2 (April 1989), 1; Charles W. Roll Jr., "We, Some of the People: Apportionment in the Thirteen State Conventions Ratifying the Constitution," *Journal of American History*, LVI (1969), 26; Terry Bouton, *Taming Democracy*, (Oxford: Oxford University Press, 2009), 184-85.

[17] Maier, 106-107.

Pennsylvania is only part of the story. Other state conventions witnessed similar techniques, especially South Carolina and New Hampshire. Only by analyzing all of these conventions does the argument become clear: *Anti-republican* measures secured the enactment of a *republican* government.

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