

The Leadership of the Pennsylvania Republicans: A Study of the Formative Process of the American Federal System

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PREFACE

ALEXIS DE Tocqueville, having visited Jacksonian America, characterized the American federal government as follows: "The government of the Union depends almost entirely upon legal fictions: the Union is an ideal nation, which exists, so to speak, only in the minds"¹ Of course, de Tocqueville was not unfamiliar with constitutional government. Since the French Revolution, France itself had written several constitutions. But the French had taken for granted a national tradition of cultural unity and social integrity as a basis for the political systems created by their written constitutions. In contrast, what impressed de Tocqueville was that he could not find any basis for the American Federal Constitution except in the Constitution itself.

When de Tocqueville visited the United States, the Constitution had been in force for about forty years. Still, he saw that the American people had a stronger attachment to their state governments than to the federal government. And, in fact, the individual states had been legally sovereigns under the Articles of Confederation. The enactment of the Federal Constitution radically changed the legal relationship among the states. Moreover, this change was accomplished through drastic procedures. The Federal Convention held in Philadelphia in 1787 adopted the Constitution without authority. And it was ratified not by state

¹ Alexis de Tocqueville, *Democracy in America* (The Henry Reeve Text as revised by Francis Bowen and corrected and edited by Phillips Bradley) (New York, 1945), Vol. 2, p. 172.

governments, but by specially elected conventions in respective states. Thus, it was “revolutionary in all the procedures.”

Because the federal system under the Constitution of 1787 started smoothly and lasted without interruption until the Civil War, no one has ever seriously investigated why the transfer to that system was possible. But given the “revolutionary” nature of the process through which the Federal Constitution was put into effect, the acceptance of the federal system by the public was not so certain as Americans tend to assume today. This paper deals with the problem why the transfer of power to the federal system was possible.

When a new political system is inaugurated, its legitimacy is not well established for a while. During this initial period, the political system has to rely on some other stabilizing factors. In the case of the American federal system based on the Constitution of 1787, the initial policies of the federal government did not contribute much to the stability of the system. Alexander Hamilton’s policies brought forth opposition as well as support to the federal government. It should be said, therefore, that stabilizing elements had been prepared in the process of making the system itself. For this reason, this study examines its formative process, not the policies executed by the federal government and the popular responses to them.

There were of course those who supported the federal system out of self-interest. In addition to their existence, however, two other elements contributed to the ratification of the Constitution and the stabilization of the federal system. One was the content of the Constitution itself, which, because of its “beauty in theory,” became a symbol of the federal system and gained popular support. The other was the balance of power among the thirteen states which influenced the decisions of the individual states to join the federal system and prevented it from dissolving. As this study is going to show, the establishment and maintenance of the federal system depended, to a considerable degree, on these elements. In other words, the federal system succeeded because of the political wisdom and skill of the leaders who put “beauty in theory” into the Constitution and manipulated the interstate balance of power.

This study focuses on the leadership of the Pennsylvania Republicans, whose crucial role in the making of the federal system has received little scholarly attention. They made two significant contributions to the stability of the new federal system. In order to have the Federal Constitution ratified by Pennsylvania, which had the “most democratic” state con-

stitution, they had to appeal to the democratic electorates for support by emphasizing the democratic character of the Federal Constitution. Thus, they contributed to making the Federal Constitution compatible with democratic principles. Because of the geographic position of their state as the keystone of the union, moreover, their support of the new federal system was vital to its stability.

I

English travelers who visited the American colonies during the Seven Years War pointed out that there were strong animosities among them. The thirteen colonies had economic and territorial conflicts among themselves. Furthermore, they were not homogeneous culturally and religiously. By the middle of the 1760s societies of different types had developed in the East, the Middle, and the South. But in only a quarter of a century, the Federal Constitution was enacted and the federal system started. Why did the states become more cooperative to one another in the meantime?

The British victory in the Seven Years War brought about the radical decline of the French power on the American continent, reducing greatly external threat against the American colonies. As the British government attempted to impose new taxes and restrictions upon the colonies after the war, the colonists began to regard the British policy as their common threat. Freed from French danger, they easily cooperated against the new threat.

In the creation of the federal system, the colonial protest movement produced three cooperative elements. First, intercolonial organizations were established. The Stamp Act Congress of 1765 was the first meeting of American colonies held on their own initiative. After that, the Continental Congress and the Continental Army were organized in 1774 and 1775 respectively, and these became the organizational basis of the federal system.

Second, the American colonies shared the same political principles, and during the protest movement such sharing was articulated. The Stamp Act Congress based its protest on the famous phrase, "No taxation without representation," and the logic of the protest adopted by the various colonies consistently followed the principles of the British Constitution and the precedents of Common Law. The popularity of John Dickinson's pamphlet *Letters from a Pennsylvania Farmer* and of

Thomas Paine's *Common Sense* throughout the colonies indicated the widespread existence of the ideologically articulated people who were able to respond to the appeal of such pamphlets spontaneously and actively. This was an ideological basis for the federal system.

Third, the consciousness of American identity emerged. The English originally used the word "Americans" as a pejorative term. The people in the American colonies usually identified themselves as British subjects, or as Virginians, Pennsylvanians, etc. But as the protest movement developed, newspapers encouraged people to look beyond their own colonies. Their cooperation in the struggle against the British Parliament reminded them of their common experience as immigrants and their descendants. As Crèvecoeur's *Letters from an American Farmer* would depict the American continent as a promising New World, the word, "Americans," gained positive connotations which opened the way to erect an emotional basis for the federal system.

Strengthened by these elements favorable to intercolonial cooperation, the protest movement then led to the military clashes with British troops at Lexington and Concord and to the Declaration of Independence by the American colonies in July 1776. Before independence was declared, Paine's *Common Sense*, published in January 1776 had brought the question of independence to the fore, advocating the creation of a "republic" as a political end. Subsequently, the newly formed states established constitutional governments based on the people's own authority, and the concept of a "written constitution" became the most suitable instrument to accomplish the goal of a "republic."

In the newly organized states there were, however, two tendencies hostile to the creation of a unified government. One was the conservatism of the protest movement. Unlike the colonial liberation movements in the Third World today, its principal aim was to preserve the existing rights of "home rule" within each colony from British interference. A unified government over all the states was regarded as analogous to the British government and detrimental to the "home rule" of the respective states.

The new state constitutions also hindered unification because these constitutions extended political rights to those people whose rights had been restricted during the colonial period. They had actively joined in the protest movement and consequently their demand for the right to participate in government was accommodated in the new state constitutions. The establishment of a "republic" appeared to be the supreme

aim in each state. In Pennsylvania, for example, a so-called "internal revolution" took place. The Pennsylvania Constitution was much more favorable to formerly less privileged people than other state constitutions. It was based on the model proposed in *Common Sense*, as well as the colony's political institutions.

A "Permanent Union" had been established among the states in the form of a confederation of sovereign states. Making use of the cooperative spirit that accompanied the adoption of the Declaration of Independence, John Dickinson initiated a move to make a "Permanent Union" by adopting articles of confederation. Dickinson's initiative itself was motivated by a gloomy, not an optimistic, view of future relations among the states. From his own experience in Pennsylvania where he and his colleagues had lost their dominant position, he supposed that not only existing animosities among the states but also the emergence of strong democratic forces within states would lead to civil wars and chaos once the common enemy disappeared.²

Although Dickinson's prediction was not borne out, a lack of central control during the War for Independence, which was cooperatively executed by the states, made the management of interstate activities by the Continental Congress and the Continental Army difficult. The financial problems of the Continental Congress were especially serious. Thus, even though the Continental Army was essential, it was neither well-equipped nor well-supplied. Congress was barely able to avoid bankruptcy with the aid of France.

After the War for Independence, these tendencies against central control not only continued, but actually increased. Moreover, states' interest in interstate activities decreased. The Continental Congress still lacked financial support and could not even muster a quorum. And the states themselves were not eager to work together to solve their problems and conflicts.

Nor did the states have a good prospect of economic recovery. In addition to the financial burdens of the Revolutionary War, hostile regulation of trade by the British government and other countries imposed further burdens upon economic recovery. Within each state conflicts concerning financial policies emerged. The political alignments reflected different socio-economic conditions of the various counties, usually pitting the eastern against the western counties. Conflicts also emerged

² C. H. Lincoln, *The Revolutionary Movement in Pennsylvania, 1760-1776* (Philadelphia, [1901] 1968), p. 225, note 1.

among states over trade regulations, for states with trading ports hurt those without them. Nevertheless, they all hoped for the recovery of normal international trade.

Shays' Rebellion in 1786 symbolized the hardship the western farmers had been experiencing in the postwar years. But other states saw it as a symptom of chaos and as an indication that the people in all the states needed a real solution to their problems. To overcome the economic depression, mechanics and merchants throughout the states, following the initiative of the Boston town meeting, met and adopted petitions to persuade state assemblies to grant the Continental Congress the power to regulate trade. But it was not easy to reach a consensus among the states because their individual interests were at stake. And among the delegates of the Continental Congress, there was no strong leadership in favor of such moves because those who feared strengthening the powers of Congress at the expense of the "republic" within each state, such as Arthur Lee and Richard Henry Lee of Virginia, occupied dominant positions in it. Also the grant to Robert Morris, a powerful merchant in Philadelphia, of a monopoly of trade with France, had frightened Southerners, who now opposed the regulation of trade by Congress.

Moreover, the delegates who wished to strengthen the Congressional power to solve these problems were inexperienced and could not cooperate with each other. For example, James Monroe of Virginia hoped that Congress would have the power to regulate international trade, but because he had misgivings about the intentions of Massachusetts delegates, such as Nathan Dane and Rufus King, he could not cooperate with them even though they agreed on the need of Congressional regulation of trade.³

The situation of the Continental Congress became critical in 1786. Frustrated with the gloomy prospect for the recovery of international trade, delegates from Massachusetts, mainly Rufus King, began to talk to delegates from New York and other Eastern states about the need to divide the union to form a smaller union of the maritime states.⁴ This was a reaction to the pessimistic economic outlook at the time.

In 1784, the Spanish government sent de Gardoqui to America as plenipotentiary to promote friendly relations. Spain hoped to contain

³ James Monroe to Thomas Jefferson, New York, July 6, 1786, Edmund C. Burnett, ed., *Letters of Members of the Continental Congress* [hereafter cited as *LMCC*] (8 Vols., Washington, 1921-1936), Vol. 8, p. 404.

⁴ Nathan Dane to Edward Pullen, New York, January 8, 1786, *Ibid.*, p. 404; James Monroe to the Governor of Virginia, New York, August 12, 1786, *Ibid.*, p. 424.

the American westward movement and also the influence of the revolutionary spirit upon her own colonies. Therefore, de Gardoqui offered the United States to conclude a commercial treaty in return for the American renunciation of the right of the Mississippi navigation. Naturally, delegates from the Eastern states and other states with trading ports welcomed a commercial treaty with Spain. John Jay, acting as the American negotiator, recommended Congress to agree to renounce the navigation right for twenty-five years in order to stimulate American trade and to avoid war with Spain.⁵

Such an agreement was not so beneficial, however, for Southerners as it was for Easterners. Jay's recommendation provoked bitter sectional conflicts in Congress. The Southern states were interested in the development of western lands, and the Mississippi was the most vital channel of transportation in the West. The loss of free navigation on the river seemed more harmful to their interests than the benefits that might be expected from trade with the Spanish Empire. Because the Southern delegates were adamant on this point, debate in Congress reached an impasse. This was the background of Rufus King's initiative to divide the union.

While participating in the discussions of the Continental Congress, Monroe felt increasingly uneasy about the impasse. To him the dissolution of the union did not seem to be a mere theoretical possibility. Monroe earnestly sought a way to overcome it and the Annapolis Convention seemed the only way out.

Monroe's close friend, James Madison, initiated the call for the convention. Since his trip to New York City in 1785, Madison had had a pessimistic view of the future relations among the states. He found that trade regulation by individual states had done great damage to the nation as a whole and thought that animosity among the states might lead to a civil war. Madison felt it necessary to correct such situations to keep the union together. In 1785, after returning to Virginia, he began the move to convene an interstate conference to regulate trade uniformly throughout the states. The Virginia Assembly adopted his motion and circular letters were sent to assemblies in other states. Monroe thought the conference had to succeed. Otherwise, the union would dissolve. In such a case, the Southern states would have to keep their ties at least

⁵ W. C. Ford *et al.*, eds., *Journals of Continental Congress* [hereafter cited as *JCC*] (Washington, D. C., 1904-1907), Vol. 29, p. 568; James Monroe to the Governor of Virginia, New York, August 12, 1786, *LMCC*, Vol. 8, p. 422.

with Pennsylvania, because if they did not, they would have to submit to the arbitrary dictates of an alliance between the Eastern and the Middle states.⁶

The move to convene the Annapolis Convention in 1786 led to the Federal Convention of 1787. This development was made possible by the interaction of states which Monroe regarded as important and also by the leadership of such nationalist leaders as Madison. We call them nationalists because they regarded the Union as important not only for cooperation among the states but also for America as a nation in its relations with foreign countries. Unlike most of the mechanics and merchants who demanded regulation of trade, the nationalists' motivation was not confined to narrow self-interest. We might say that the nationalists resembled a political party, while the others resembled pressure groups. In other words, their view of America as a nation was their political creed.

The nationalists were, in a sense, the product of the protest movement against the British and of the Revolutionary War. Guided by the flexibility rooted in their youthful minds, they overcame their locally oriented prejudices and identified themselves as Americans. Their experiences as officers of the Continental Army, as diplomats in foreign countries, or as delegates to the Continental Congress made them nationalists.

Nationalists in Pennsylvania deserve a special mention, for they belonged to a rather well-organized political group. James Wilson and Benjamin Rush organized a party named the Pennsylvania Republicans, with Robert Morris as its leader, to oppose the Pennsylvania Constitution of 1776. Wilson became their expert on constitutional problems. Thomas Mifflin and Anthony Wayne, generals of the Continental Army and prominent figures throughout the states, joined the party. They were regarded as conservatives in Pennsylvania state politics.

Robert Morris was an important figure in the Continental Congress and in interstate activities as Superintendent of Finance. This office was created to overcome financial difficulties of Congress by making use of the personal credit of the powerful Philadelphia merchant. Stressing the need of a "Permanent Union" among states, Morris preferred to continue the war rather than to have the states gain their independence

⁶ Ralph Ketcham, *James Madison: A Biography* (New York, 1971), pp. 169–170; James Monroe to the Governor of Virginia, New York, August 12, 1786, *LMCC*, Vol. 8, p. 425.

without first creating a solid base for their permanent cooperation.⁷ With independence in sight, he sought to make the interest of public creditors a political basis to consolidate the union by providing them with stakes in the policy of the Continental Congress.

In spite of an earlier failure, Morris in 1783, in cooperation with the Pennsylvania Republicans and other nationalists, proposed a plan to establish a fund for Congress to redeem its public debts. Cooperation among such people as Nathaniel Gorham of Massachusetts, Alexander Hamilton of New York, Daniel Carroll of Maryland, James Madison of Virginia and the Republican delegates from Pennsylvania overcame the strong opposition led by Arthur Lee. Congress approved the plan and sent it to the state governments for ratification.

Because of lessening of interest in interstate activities after independence, the plan failed to obtain the approval of the state governments. Thus, the last stand which Morris and other nationalists regarded as a cornerstone of the union collapsed, and it became necessary to utilize other means to accomplish their goals. Nevertheless, three more years had passed before the nationalists began to act energetically, because most of them had returned to their own states and had been unable to cooperate directly with each other. Nor had they been able to contribute directly to the management of the Continental Congress except by their individual activities in their own states.

The Annapolis Convention, convened by Madison's initiative in 1786, opened the way for their cooperation. But Madison and his colleagues, learning the absence of delegates from several states, particularly from Massachusetts and Pennsylvania, decided to adjourn the convention and proposed that another interstate convention be convened in Philadelphia to reform the union.

Although Massachusetts appointed its delegates to the Annapolis Convention, they were extremely reluctant to participate in it. As we have already seen, Rufus King had started the move to divide the union and organize a smaller confederation. Naturally he was doubtful of the intention of the Virginia Assembly to convene the Annapolis Convention.⁸ Another delegate wrote to his friend that they should divide the union to regulate trade more efficiently. Such attitudes ruled out any chance

⁷ Clarence Ver Steeg, *Robert Morris: Revolutionary Financier* (Philadelphia, 1954), p. 167.

⁸ Theodore Sedgwick to Caleb Strong, New York, August 6, 1786, *LMCC*, Vol. 8, p. 461; Rufus King to Jonathan Jackson, New York, June 11, 1786, *Ibid.*, p. 390.

of success for the Annapolis Convention. The delegates from Massachusetts delayed their trip, and did not attend the convention because it had already been adjourned.

Thus there still remained a possibility that the union would dissolve. Its future depended on the balance of power among the states. The response of Pennsylvania to the nationalist movement was regarded as crucial by both sides. How did the people in Pennsylvania react in 1786?

Although the Pennsylvania Republicans had the majority in the state assembly and appointed delegates to the Annapolis Convention, only one, Tench Coxe, attended it. The Pennsylvania Republicans wanted to know the position of the Eastern states, and waited for the arrival of the Eastern delegates in Philadelphia.⁹ But the Pennsylvania Republicans did not agree with King about the division of the union.¹⁰

At the same time as the Convention was held, Monroe was sent with King by the Continental Congress to the Pennsylvania Assembly to alter the conditions attached to its conferring of the power to regulate trade to Congress. Although all the states had finally agreed to give this power to Congress in early 1786, Pennsylvania's demand that all the states agree to two other recommendations delayed the transfer of that power to Congress. Since the Pennsylvania Republicans, who had originally advocated the transfer of this power to Congress, were in control of the state assembly, they were expected to work for withdrawing those conditions in the state assembly.¹¹

Actually, however, the Pennsylvania Republicans were opposed to the withdrawal. They hoped for more basic revisions of the Articles of Confederation in order to make the Continental Congress a better government. Monroe was afraid of a collapse of the union. He confirmed his belief that in case of such a collapse at least an alliance between Pennsylvania and the Southern states should be preserved. Anyway, he tried to secure in Congress the adoption of the recommendation of the Annapolis Convention. But his attempt encountered opposition from the delegates from the Eastern states.¹²

King and other delegates from Massachusetts were adamant. They even

⁹ Robert L. Brunhouse, *The Counter-Revolution in Pennsylvania, 1776-1790* (Harrisburg, 1942), p. 198.

¹⁰ James Monroe to James Madison, Philadelphia, September 12, 1786, *LMCC*, Vol. 8, p. 464.

¹¹ R. L. Brunhouse, *op. cit.*; James Monroe to James Madison, September 12, 1786, *LMCC*, Vol. 8, pp. 465-466.

¹² James Monroe to James Madison, September 12, 1786, *op. cit.*

opposed the decision of the Massachusetts Assembly to send delegates to a new Federal Convention and made the Assembly rescind the decision. In order to convene the Federal Convention successfully, it was thus necessary to induce them to change their minds. Two political developments helped persuade them. One was Shays' Rebellion. It made them realize the need for a firmer union of the states to repress rebellions within their own state.¹³ But the more important was the decision by Pennsylvania to send its delegates to the proposed Federal Convention. If Massachusetts did not participate, they now feared, Pennsylvania would be under the influence of the Southern states, and Massachusetts would have to submit to the dictates of a coalition dominated by the South.¹⁴

Thus, the Massachusetts delegates consented to the recommendation of the Annapolis Convention in February, 1787, and the call for a new Federal Convention was sent to the state governments as a recommendation of the Continental Congress. The cooperation of nationalists in the Annapolis Convention prompted another important nationalist group, the Pennsylvania Republicans, to support their call for a new convention. This created a new element in the balance of power among the states and led to the convening of the Federal Convention. Although the nationalists were not a united group, they could cooperate among themselves and carry out their decisions by riding on the new trend and mood in the nation and by manipulating the balance of power among the states.

II

Thomas Jefferson called the Federal Convention a meeting of "demi-gods," as prominent men of all the states gathered there. First of all, George Washington attended. Since his retirement from the Continental Army in 1783, he had not left Mt. Vernon. Except for his letters to the president of the Continental Congress and his participation in the negotiations between Virginia and Maryland about the Potomac navigation in 1785, he had not played any role in public affairs. This detachment from postwar public affairs helped him remain *the hero* of the Revolution without sullyng his image.

Although Washington had decided not to return to public life, he increasingly felt uneasy about the social and political situation in America.

¹³ William Grayson to James Monroe, New York, November 22, 1786, *Ibid.*, p. 510.

¹⁴ Rufus King to Elbridge Gerry, New York, February 18, 1787, *Ibid.*, p. 541; William Irvine to James Wilson, New York, March 6, 1787, *Ibid.*, p. 551.

Shays' Rebellion especially worried him, because it seemed a symptom of coming chaos.¹⁵ Urged by Madison and General Henry Knox, he changed his mind.

Benjamin Franklin, who had returned from France in 1785 after completing the negotiation of a peace treaty with the British government, also attended the Convention. As a scientist and a popular politician, he was unanimously admired by both sides of Pennsylvania politics. Although Washington and Franklin did not substantially contribute to the discussion in the Convention, their attendance itself caused people to respect and support the Convention. We might say, borrowing from Walter Bagehot's *English Constitution*, that they occupied the "dignified part."¹⁶

Most delegates favored strengthening the union because of their past experiences. Of the 55 delegates to the Convention, 42 had served as members of the Continental Congress and a number of them had been in the Continental Army. Thus these delegates could perceive things from a national point of view.

Among the delegates were almost all the nationalists: Nathaniel Gorham, Alexander Hamilton, Robert Morris, James Wilson, Gouverneur Morris, Thomas Fitzsimmons (Pa.), Daniel Carroll, and James Madison. Given their role in forming a consensus, we might call them the "leadership group" in the Convention. Although disputes between the larger and the smaller states and those relating to sectional interests stalemated the Convention, the strong support of this group for innovations helped to overcome the opposition.

Madison was instrumental in inducing the Virginia delegation to take the initiative in support of the leadership group. Cooperating with Washington, he persuaded other delegates from Virginia to draft a so-called "Virginia Plan," which aimed to make radical changes in the Confederation. They consulted with delegates from Pennsylvania about the draft before the Federal Convention and made this coalition between the most powerful of the Middle and of the Southern states a driving force in the Convention.

At the Convention, their appeal to the delegates' fear of political threat from western farmers in each state helped make the delegates open to

¹⁵ George Washington to Henry Lee, Mount Vernon, October 31, 1786, John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript* (Washington, D. C., [1939] 1970), Vol. 29, p. 34.

¹⁶ Walter Bagehot, *The English Constitution* (London and Glasgow, 1963), p. 61.

drastic innovations in the structure of the union and induced Massachusetts to join Pennsylvania and Virginia in a voting bloc. In spite of his earlier opposition to the Federal Convention, King supported the innovations. The other delegates from Massachusetts cooperated with the Pennsylvanians and the Virginians, seeking in this way to stabilize Massachusetts politics after they had learned of the lenient treatment of the rebels by their own government.¹⁷

Thus, Madison was in the forefront of the "efficient part" and cooperated with the "dignified part" to accomplish the innovations. He was able to play this role successfully because of the delegates' fears of Shaysite-type rebellions. But he was also helped by the procedures of the Convention and the nature of its tasks. The rule prohibiting communication with people outside about its discussions and the constitutional problems, which required highly specialized knowledge, limited discussion to a relatively small number of people.

Besides these innovations in the federal structure, it was necessary to equip the draft federal constitution with theoretical validity to make it acceptable to the public. Especially in comparison with existing state constitutions, the new federal constitution should be able to assert its theoretical soundness. It required another work by the "efficient part" to refine the draft. Since the "Virginia Plan" was written in haste, it was a rough outline of reform and needed revisions and refinement. Drawing on his experience in the movement for revising the state constitution, James Wilson, in cooperation with other nationalists, provided the radical change of the federal system with theoretical validity.

Now we must trace the factors that influenced Wilson's constitutional thought in order to understand his contribution to the draft of the Federal Constitution. The Pennsylvania Constitution had been drafted according to the model outlined in *Common Sense*. It had two main characteristics. One was the absence of "checks and balances" among the parts of the government. The other was the lack of property qualifications for office holding and suffrage. Almost all adult males could vote and hold public offices. It was regarded as the most "democratic" of all the state constitutions.

The state government of Pennsylvania was composed of three parts. First, there was a unicameral assembly elected annually. Second, there was an executive council whose president was elected by a joint vote of

¹⁷Van Beck Hall, *Politics Without Parties: Massachusetts, 1780-1791* (Pittsburgh, 1972), p. 265; Forrest McDonald, *We the People* (Chicago and London, 1958), p. 96.

the assembly and the council. And third, there was a supreme court whose judges were appointed every seven years and who could be impeached by the assembly.¹⁸ Because public virtues of the people were regarded as the only basis of a “republic” in *Common Sense*, the Pennsylvania Constitution took care to put all the parts of a government under the constant supervision by the people themselves. The assembly, as the representative of the people, had a dominant status over the other two parts.

This state constitution was criticized for adopting a “levelling spirit” too favorable to the formerly unprivileged classes. After its promulgation without formal popular approval, there emerged an anti-constitutional movement. John Dickinson directed the early stages of this movement, hoping to recover his and his friends’ control of the government. He criticized the constitution for the lack of the “checks and balances” which were the most important instrument to prevent a government from becoming tyranny.

Dickinson’s criticism, however, was mainly motivated by his desire to recover his influence and not from any theoretical conviction. His advocacy of “checks and balances” lacked a concrete plan for reorganizing the state government. Disappointed at his loss of power, he retired from public life in Pennsylvania. After that, Benjamin Rush emerged as a leading advocate of a bicameral legislature, the upper house of which would be composed of propertied people. He justified such a bicameral legislature by arguing that the power of the wealthy would be confined to an upper house, thereby allowing the propertyless people to dominate a lower house.¹⁹ But it was regarded as contradictory to “democratic” principles and could not gain support from the people.

After several attempts to reconvene the constitutional convention had failed because of the strong support by the formerly unprivileged people for the constitution and because of the untimely invasion of British forces into Philadelphia, the opponents of the constitution decided to accept it for the time being. But they continued to hope to revise it drastically at an early opportunity. For this purpose, they organized themselves into a political group called the “Republicans.” In order to gain the support of more people, they advocated, under the guidance

¹⁸ F. N. Thorpe, ed., *Federal and State Constitutions, Colonial Charters, and Other Organic Laws* (Washington, D. C., 1909), Vol. 5, Section 23, p. 3088; Section 19, pp. 3086–3087.

¹⁹ Elisha P. Douglass, *Rebels and Democrats* (Chicago, 1955), p. 276.

of James Wilson, a new bicameral plan. Accommodating their plan to "democratic" principles, the Pennsylvania Republicans proposed a bicameral legislature, the two houses of which differed in regard to the number of members, the terms of office and the size of constituencies, but not in regard to the qualifications for the electors and the elected. Its aim was to provide the government with a mechanism of "checks and balances." They considered such a plan capable of preventing tyranny in the "republic."²⁰ It may be recalled that Wilson, unlike Dickinson, had based his criticism of British colonial policies on the principle that "men are born equal."²¹ This fact may explain the reason that he was willing to accept the "democratic" principles in the constitution.

Although their reform plan was not adopted, the Pennsylvania Republicans later proposed a more systematic plan in 1783, since an article of the constitution itself had stipulated that the constitution be reconsidered after seven years. In this plan, they urged the reform of the constitution not only to provide "checks and balances" but also to make the management of the government more efficient.

With regard to the former, they wanted to make the three parts of the government independent of each other. The president and the two legislative houses were to be directly elected by the people. The qualifications of electors and elected were the same, and almost all adult males were eligible. Furthermore, the two legislative houses were expected to check each other. There would also be a chief executive capable of checking the two legislative branches with the same veto as the president of the United States. The terms of supreme court judges were to be "during good behavior," which relieved the judiciary from undue interference by other branches.²²

To promote efficiency there would be a single executive instead of plural councillors in an executive council. A single executive was considered more responsible for his own policies and capable of exerting efficient leadership. The rotation of offices, which had been adopted in the Constitution of 1776 to prevent officeholders from abusing powers, was to be abolished on the assumption that a possibility of reelection would

²⁰ *Pennsylvania Gazette*, March 24, 1779.

²¹ James Wilson, "Consideration on the Nature and Extent of the Legislative Authority of the British Parliament", R. G. McCloskey, ed., *The Works of James Wilson* (Cambridge, Mass., 1967), Vol. 2, p. 723.

²² *The Proceedings Relative to Calling the Conventions of 1776 and 1790* (Harrisburg, 1825), p. 76.

induce officeholders to behave well and would encourage capable persons to seek public offices.²³

The reform movement of the Pennsylvania Republicans failed, however, because their plan was too sweeping. It appeared to shake the political system from the bottom at a time when the peace treaty had stipulated that state governments should compensate the loss of loyalists' properties and admit their return to their former houses. Formerly less privileged people were anxious to maintain the privileges they had gained after independence. Nevertheless, the Republicans' reform plan was regarded as theoretically sound even by some defenders of the Constitution of 1776.

In a sense, their experience of failure in the reform of their state constitution made the Pennsylvania Republicans sensitive to the popular sentiment in drafting the Federal Constitution. Wilson, as their spokesman, drew on their reform plan of 1783 when he participated in the Federal Convention and the state ratifying convention.

The basic premise of Wilson's idea was that the American people were endowed with dual citizenship. On the one hand, they were citizens of an individual state; on the other hand, citizens of the United States. Therefore all the principles of state constitutions were applicable to the Federal Constitution.²⁴

From Wilson's point of view, the phrase, "state sovereignty," in the Articles of Confederation was contradictory, because, since "sovereignty" is absolute in power and unlimited in extent, two sovereignties cannot exist at the same time. When the method of representation of each state in the Federal Congress was discussed at the Federal Convention, spokesmen for small states justified their demand for equal representation by the theory of "state sovereignty." Wilson played an important role in countering this argument. He denied "state sovereignty," explaining that the states gained their independence not only individually but also "unitedly." Thus, states could not deny their confederated character.²⁵ This part of his argument was accepted in the Federal Convention, although equal representation in the Senate resulted from a compromise.

Wilson's argument about the composition of the federal government was based on three points: the federal government should have the "con-

²³ *Ibid.*

²⁴ Max Farrand, ed., *The Records of the Federal Convention of 1787* (Revised Edition, New Haven and London, 1937), Vol. 1, pp. 405-406.

²⁵ *Ibid.*, p. 324.

fidence of people''; it should be independent from state governments; it should provide effective ''checks and balances.''

To gain ''the confidence of people,'' he advocated as much participation by the people in the federal government as possible. At that time the American idea of representation was *mandate impératif*. Representatives were ''errand boys'' who represented the interests of their constituents. Therefore his proposal was the most suitable way to gain the ''confidence of people'' in the Federal government. In the discussion of the proposals that qualified voters be freeholders and that Senators own a certain amount of property, he insisted that the people should be given the same rights in the federal government as those given by their own state.²⁶ The absence of religious or property qualification for federal suffrage and office-holding in the draft constitution was due to his insistence on keeping the democratic political rights of the Pennsylvanians intact. Because of this openness in suffrage and office-holding qualifications, the adopted Constitution attracted mechanics and merchants in cities, who did not own any freehold.

The second point—the independence of the federal from the state governments—related to the efficiency of the federal government. The inefficiency of the Continental Congress was seen as deriving from its dependence on state governments for both financing and personnel. To correct these defects, Wilson argued that public officers should be paid from federal funds and that their elections should be independent from state governments. Most of his proposals were adopted in the Federal Constitution, except for the election of senators. Wilson also succeeded in getting the system of a single, powerful executive adopted. It aimed to make government more efficient. More importantly, an elective single executive head, the president, seemed to be the only ''republican'' alternative to a powerful monarch who was able to rule efficiently a territory as large as the American continent.²⁷

The third point—''checks and balances''—concerned the prevention of tyranny. In a sense, the Federal Convention faced contradictory demands: on the one hand, it was expected to make a government efficient; on the other, it was to keep the ''republic'' intact. But an efficient government might tend toward tyranny. Wilson, in response to these demands, proposed strict ''checks and balances'' among the parts of the government based on the reform plan in Pennsylvania. Whereas in the

²⁶ *Ibid.*, p. 375.

²⁷ *Ibid.*, p. 71.

“Virginia Plan,” the election of an upper house was dependent on a lower house, and that of the executive branch was dependent on both legislative branches, he moved to make each independent of the other. According to his view, a single executive with a limited veto power was the most suitable bulwark against tyranny, in spite of the system’s apparent similarity to monarchy. A single executive had clear political responsibility for his own policies, in contrast to plural executives, who could easily evade their responsibility by attributing defects in policy to one another.²⁸

Thus Wilson refined the “Virginia Plan” and supplied justifications for it. Originally a conservative group, the Pennsylvania Republicans equipped the Federal Constitution with theoretical validity to overcome opposition based on the most “democratic” state constitution.

III

The adopted Federal Constitution was transmitted to the Continental Congress in September, 1787, and was recommended to state governments for its ratification. Although almost all of the people had expected the Federal Convention to reform the existing Confederation, the proposed constitution appeared too innovative. In order to get the Federal Constitution ratified, those people disposed to strengthen the Union from self-interest or from fear of chaos had to be reassured theoretically about the radical changes in the interstate political system.

Certainly a written constitution was an instrument to establish a government. Only if the proposed federal government was regarded as a republican government similar to state governments, however, the adoption of a constitution was permissible as a way to establish a federal government. Such a logic was peculiar to the United States and was a product of the states’ cooperative execution of the Revolutionary War. There still remained antagonistic tendencies against a unified government among the states. Such feelings were derived from both traditional, locally oriented prejudices and interests, and from Montesquieu’s idea that a “republic” was possible only within a small territory. In order to overcome popular suspicions, it was necessary to reassure people theoretically that the new Constitution retained republican government.

²⁸ *Ibid.*, pp. 69, 97–98, 147.

Of the thirteen states, Pennsylvania occupied a special position because it was the most powerful state in the Middle region. Antagonistic tendencies from locally oriented prejudices and interests against the proposed government were absent. Opposition was based instead on the idea of a “republic.” In this regard, the draft of the Federal Constitution lacked a crucial attribute: it was not equipped with a Bill of Rights.

The Antifederalists emphasized this defect in their argument against ratification of the Federal Constitution. To counter this criticism was the most difficult task for Pennsylvania Republicans who became Federalists, that is, defenders of the Federal Constitution. Wilson, as the principal spokesman of the Pennsylvania Federalists, bore the burden for justifying the Constitution.

According to Wilson, a Bill of Rights was not necessary in the Federal Constitution because this constitution granted only necessary and enumerated powers to the federal government. In the case of a state constitution, a Bill of Rights was certainly necessary because people granted all the powers to the state governments and reserved inalienable rights to themselves. People did not need to fear any loss of their inalienable rights to the federal government because its powers were limited.²⁹ Since this argument was consistent, at least in logic, the Federalists used it in most states.

In the state ratifying convention, Wilson defended the Constitution against the Antifederalists with theoretically persuasive arguments. The objection of the Antifederalists to the Constitution centered on the danger of tyranny and aristocracy inherent in a centralized government.

Antifederalists argued that the Constitution aimed to establish a “consolidating government,” because it did not specifically recognize “state sovereignty.” Wilson countered that the states did not have any sovereignty, because sovereignty is based on inalienable human rights that always remain with the people. The people utilize it only when constitutions are enacted. The people can enact two constitutions at one time, one as a citizen of a state, the other as a citizen of the United States.³⁰ Wilson made the relationship between sovereignty and the Constitution clear, and, since his argument conformed to the idea of the Pennsylvania Constitution, which declared the revolutionary right of the people, even Antifederalists could not argue with it.

²⁹ John B. McMaster and Frederick D. Stone, eds., *Pennsylvania and the Federal Constitution* (New York, [1888] 1970), Vol. 1, p. 156.

³⁰ *Ibid.*, Vol. 1, pp. 229, 316–317.

But to Antifederalists, direct taxation by the federal government was more frightening than the lack of “state sovereignty.” Because the protest movement against British colonial policies originated with this issue, it reminded Antifederalists of tyranny. Wilson explained that all the parts of the federal government were based on the principle of popular representation, while the British Constitution recognized it only in the House of Commons. In the British Constitution, it was only a “defensive” principle, while it was a “permeating” principle in the new Constitution. With this logic, and referring to the large territory of the American continent, he called the proposed government a “federal republic” analogous to the existing “republic.”³¹

Wilson also countered the Antifederalists’ argument that the proposed government had a tendency to become an aristocracy. Wilson made it clear that, because no religious and property qualifications were required for any federal office-holders or federal electors, and because it was to be managed by the representatives of the people, the federal government was based completely on “democratical” principle.³² Emphasizing the “checks and balances” within the government and the “political responsibility” of public officers, he persuaded both Federalists and Antifederalists that the proposed government would guarantee “republican” government in America.

Thus Wilson persuaded the people to extend their idea of a “republic” to the federal government. In the short run, the idea of an extended republic reassured Federalists of the soundness of the proposed government to secure the ratification of the Constitution. In the long run, it encouraged Antifederalists as well as Federalists to participate in the politics of the federal government. He created, in a sense, an ideological basis for the federal system.

Although Delaware preceded Pennsylvania in the ratification by a few weeks, early ratification by Pennsylvania in December 1787, encouraged other states to ratify the proposed Constitution. The Pennsylvania Republicans had originally intended to produce such effects.³³ As the only highly united political group in America, they had greater ability to mobilize the people than the Federalist groups in the other states. They decided to ratify the Federal Constitution early before their opponents

³¹ *Ibid.*, Vol. 2, pp. 774, 612-613.; Vol. 1, pp. 223, 220-221.

³² *Ibid.*, Vol. 1, pp. 412, 231.

³³ *Ibid.*, p. 158.

built up strength by appealing to widespread fear of the radical departure from the Articles of Confederation.

The balance of power among the states also helped the Pennsylvania Republicans influence the ratification outside their state. Furthermore, the special arrangements in the ratification procedures enhanced the effect of the balance of power. When the "Virginia Plan" was proposed in the Convention, the procedure for ratification was to transmit the adopted Constitution to state governments for ratification in specially elected conventions after the consent by the Continental Congress was obtained. Considering the past attitudes of the state legislatures toward the Continental Congress and the hostile situation in Congress, however, the requirement for the consent of Congress was eliminated. Acting on Wilson's initiative, the Convention also decided to require ratification by only nine states to make the constitution effective.³⁴ So the enactment of the Federal Constitution depended on how ratification by nine states could be gained.

The attitudes of the states towards the proposed constitution varied according to their respective political, economic, and geographical conditions. Powerful states had relative autonomy, while small states, threatened by Indians or hurt by the regulation of trade by other states, were dependent on the union. Pennsylvania ratified the Constitution early because of the strong leadership of the Pennsylvania Republicans. In the other three powerful states—Massachusetts, Virginia and New York—however, delegates who had opposed the draft constitution at the Federal Convention provided strong Antifederalist leadership. Three small states, Georgia, New Jersey and Connecticut, followed the examples of Delaware and Pennsylvania. By the end of 1787, five states had ratified it. In January, 1788, Massachusetts started the procedure to convene the convention, and both the Federalists and the Antifederalists focused their attention on its outcome.

Massachusetts' ratification opened a new stage in the political contest over the ratification of the Constitution. A coalition between the Middle and the Eastern states was established and there remained only a possibility of a Southern confederacy as a potential threat to the union. No Southern states except the weakest, Georgia, had yet ratified the Constitution. But ratification by Maryland in April and South Carolina in May with the help of the Massachusetts formula of ratification with a

³⁴ Max Farrand, *op. cit.*, Vol. 1, p. 123.

resolution to propose amendments later made such a possibility even less likely. Virginia followed in June. And in July, even though the Antifederalists held the majority of votes at the convention, New York managed to ratify it. In the meantime, New Hampshire had ratified it and the federal system came into existence with the union of these eleven states.

The ratification of the Federal Constitution was accomplished by narrow plurality, amounting to a total of only 26 votes in Massachusetts, New York and Virginia. It is true that Washington's prestige and Hamilton's economic policies generated considerable public support for the Federal government. But Hamilton's policies brought forth strong opposition in the South. Many Southerners regarded his policy as partial to the Eastern states and as violating the Constitution. The federal system still depended on an unstable support. In 1794, the dispute over the treaty with Britain provoked bitter conflicts between the Eastern and Southern states and almost led to the dissolution of the federal system.

The union was threatened by danger of collapse several times between 1794 and 1815. But in almost all cases, the balance of power among states mitigated such danger. Pennsylvania's persistence on keeping the federal system contributed to preventing the swing toward dissolution. Why did Pennsylvania maintain such a position?

Antifederalists in Pennsylvania were offered chances to participate actively in national politics and were accommodated in the system. After Pennsylvania's ratification, they tried for a while to prevent the Federal Constitution from coming into effect by urging Antifederalists in other states to obstruct its ratification. In the western parts of Pennsylvania, many associations were organized to prevent the execution of the Constitution. Responding to the appeal from New York Governor George Clinton for a second federal convention, they held the Harrisburg Convention, which attracted Antifederalists throughout the state. They adopted the proposed amendments to the Federal Constitution and nominated candidates for the House of Representatives to carry them out.³⁵

Although the Antifederalists asserted that they had the support of the Pennsylvania Constitutionalists, that is, the party which had defended the state constitution of 1776, that was not exactly the case. Originally the Constitutionalists drew their strong support from formerly

³⁵ MacMaster and Stone, *op. cit.*, Vol. 2, pp. 552-555, 558.

unprivileged classes throughout the state. By the middle of the 1780's, however, dispute about a test law and the North American Bank deprived them of some of their supporters. Mechanics in the cities and farmers who were interested in economic recovery tended to leave their ranks. In contrast, the Pennsylvania Republicans gained these groups' support by astute economic policies.

As a result, political alignment in Pennsylvania began to change from ideological conflicts to geographical differences. William Findley from the westernmost part of Pennsylvania became a powerful leader of the Constitutionalists in the 1780s, replacing Samuel Bryan, a Philadelphian.

The opportunity to convert supporters of the Pennsylvania Constitution of 1776 into supporters of the federal system ironically came when the convention to reform the state constitution was held in 1789. After the ratification of the Federal Constitution, the Pennsylvania Republicans began the drive to reform the state constitution to accomplish their original aim. This move did not follow the proper procedure for constitutional reform and provoked indignation from the Constitutionalists: yet, Albert Gallatin, one of the Constitutionalist leaders, acknowledged the constitutional convention as the most nonpartisan.³⁶

Gallatin's estimate did not mean, however, that the issue of constitutional reform was not heatedly debated in the convention. What impressed him greatly were the political alignments, which were not between the Constitutionalists and the Republicans, but between a coalition of the Constitutionalists and the liberal wing of the Republicans against the conservative wing of the Republicans. Even Constitutionalist leaders from western counties, such as Findley and Gallatin, did not regard the state constitution as theoretically sound and were ready to accept constitutional reform within reasonable limits.³⁷

In contrast, conservative Republicans hoped to reform the state constitution to deprive "democratic forces" of active participation in state politics. They demanded, for example, that there be property qualifications for Senators and their electors.³⁸ Such demands made the Constitutionalists uneasy.

The conflict between the Constitutionalists, especially westerners, and the Republicans derived not only from ideological and economic interests

³⁶ Henry Adams, ed., *Life of Albert Gallatin* (Philadelphia, [1879] 1960), Vol. 2, p. 523.

³⁷ William Findley, "William Findley of Westmoreland, Pa.; An Autobiographical Letter to William Plummer, February 27, 1812," *Pennsylvania Magazine of History and Biography*, Vol. 5 (1881), p. 445.

³⁸ *Proceedings*, pp. 199, 314, 269, 324, 322.

but also from ethnic and religious differences. Whereas most westerners were Scotch-Irish Presbyterians, the Republicans were English Episcopalians and Quakers; the Germans in Central Pennsylvania followed the Republicans. The conflict was intensified by these ethnic and religious prejudices and by the westerners' fear of the Republicans. The Republicans would not be able to achieve constitutional reform unless they were prepared to offer a reasonable reform plan which would not antagonize most of the Constitutionalists.

In spite of conservative opposition within the Republicans, Wilson therefore sought to cooperate with Findley and other Constitutionalists and offered them a reform plan, based on that of 1783, which they considered acceptable.³⁹ As a result, a new state constitution very similar to the Federal Constitution was enacted in 1790. The political alignment that had existed disappeared in the early 1790s.

A new political alignment emerged in response to Alexander Hamilton's financial policies. Western Pennsylvanians, cooperating with the former Republicans, could send their own representatives to the Federal Congress; both Findley (in 1790) and Gallatin (in 1794) were elected. The westerners were so well integrated into the federal system that they remained in it even during such a crisis as the Whiskey Rebellion. Findley and other western leaders protested vigorously against the federal excise law, but they did not consider secession from the union.⁴⁰ Since there was in Pennsylvania a political alignment similar to that which developed in the national arena, Pennsylvanians could not form a consensus on any secession movement, either of pro-Eastern or of pro-Southern kind. Thus the state became a stabilizing element in the federal system.

EPILOGUE

Thomas Jefferson pointed out in the 1810s that the new generation considered the Virginia state constitution as a sacred document. By that time, more than two decades had passed since the enactment of the Federal Constitution, and its legitimacy, too, had become deeply rooted in the minds of the new generation. During the secession crisis which

³⁹ Findley, *op. cit.*, p. 445.

⁴⁰ Harry M. Tinkcom, *The Republicans and Federalists, 1790-1801* (Harrisburg, 1950), pp. 93, 104; Russell J. Ferguson, *Early Western Pennsylvania Politics* (Pittsburgh, 1938), p. 128.

led to the Civil War, both sides were to justify their respective positions by their own interpretations of the Federal Constitution.

Nationalistic feelings produced by the Anglo-American War of 1812–1815 hindered the secession movement which the Federalists in the Eastern states had begun. After this war, the American federal system entered a new stage. Newly established Western states increased their influence in national politics and the election of Andrew Jackson to the presidency signified their rising power. The infancy of the federal system had already passed, and along with it, the importance of the balance of power among the original thirteen states with Pennsylvania as keystone. But, like de Tocqueville, we may say that even at this stage, the federal government still depended on legal fictions. As the development of the United States proceeded without a central control, national cohesion remained weak, and each section became increasingly autonomous.

When political conflicts emerged over vital sectional interests, the weakness of national cohesion easily led them to the Civil War. The United States did not enter the political “take-off” stage as a nation state until after the military solution of the sectional conflicts. After that, however, the federal system completely changed in nature from that which de Tocqueville had observed in the 1830s.