

Introduction to the Ratification of the Constitution in Pennsylvania

The debate over the ratification of the Constitution in Pennsylvania was in part a continuation of the debate between two political parties which began with the writing of the Pennsylvania constitution of 1776. By the end of the War for Independence the parties were commonly known as Constitutionals and Republicans. The Constitutionals supported the constitution of 1776 and the federal system of the Articles of Confederation, while the Republicans sought to supplant both.

Most of Pennsylvania's colonial leaders opposed independence, either openly or covertly, and lost control of the state in the summer of 1776. New men, with far more radical ideas, seized power and wrote a state constitution that promised, in principle and in specific provisions, a political revolution within Pennsylvania.

The Declaration of Rights prefacing the constitution proclaimed that "all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them." This principle was enumerated in one specific provision after another. The constitution abolished property qualifications for voting and gave all taxpayers and non-taxpaying sons of freeholders the right to vote. The old grievance of inadequate representation for the back country counties was more than redressed. In 1775 the three eastern counties and Philadelphia had twenty-six representatives in the Assembly; the eight western counties, with about half the population of the colony, had but fifteen. The constitution provided that representation should be according to the number of taxable inhabitants; but that until a census could be taken, each county and Philadelphia would have six representatives, thus giving the "West" forty-eight and the "East" twenty-four seats in the legislature.

The constitution retained the single-house legislature of colonial times but replaced the governor with a Supreme Executive Council consisting of a delegate from each county and from the city of Philadelphia. The Council, elected for three-year terms, had certain appointive and administrative powers but no veto power or legislative authority.

The votes and proceedings of the Assembly were to be published weekly. All proposed laws were to be printed for the "consideration of the people," and except in case of "sudden necessity," no law could be enacted in the same session of the Assembly in which it was introduced. Furthermore, the public was free to attend all sessions of the Assembly "except only when the welfare of this state may require the doors to be shut."

The distrust of men in power and the fear of power seekers, so characteristic of the political thought of the age, were reflected by requiring rotation in office. The purpose, declared in the constitution, was to train men for public business, "and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented." Assemblymen could not serve more than four years in seven; members of the Council and county sheriffs no more than three years in seven; and Pennsylvania delegates in Congress who served two consecutive years could not be reelected for three years thereafter.

To safeguard the constitution, the framers made its amendment difficult. The legislature could not alter the constitution or propose amendments. Only the Council of Censors, elected by the people every seven years, could do so. The Council, composed of two delegates from each county and from the city of Philadelphia, could propose amendments, and by a two-thirds vote, it could summon a convention to consider them. But even if the Censors did call a convention,

proposed changes had to be published for the public's consideration at least six months before the people elected and instructed delegates to a convention.

Early in September the convention published a draft of the constitution for public consideration. The convention adopted many of the changes suggested, made revisions of its own, and adopted the constitution on 28 September. The constitution aroused the intense opposition of political leaders in eastern Pennsylvania, and within a month they met in Philadelphia and adopted thirty-two resolutions condemning it. They also tried to prevent the new government from functioning. Some delegates to the Assembly, elected in November 1776, boycotted that body, thereby preventing a quorum. Opponents of the constitution also refused to accept local offices, refused to take the oath to support the constitution, and delayed the opening of county courts.

The Republicans began a campaign for a new constitution at once, but not until November 1778 were they able to persuade the Assembly to adopt resolutions providing for a popular referendum on the issue of calling a constitutional convention. The Constitutionalists struck back. Early in 1779 they inundated the Assembly with petitions opposing a convention and filled the newspapers with articles attacking its supporters. This campaign was effective, and in late February 1779 the Assembly rescinded the resolutions calling for the referendum.

In March 1779 the Republicans organized the Republican Society which denounced the constitution as a "monster," the Council of Censors as a "jubilee of tyranny," and the oath to support the constitution as an infringement of the rights of freemen to judge and determine for themselves. They demanded a two-house legislature and the appointment of judges during good behavior, rather than election for limited terms.

Such Republican actions only strengthened the resolve of the Constitutionalists, who stepped up their attacks upon Republican leaders. Constitutionalists excoriated Robert Morris for alleged wartime profiteering, and mobs threatened Republican merchants accused of hoarding and price-gouging. In October 1779 a mob attacked some Republican leaders at James Wilson's house in Philadelphia, and several people were killed and wounded before order was restored.

On the national level, the Constitutionalist-controlled Assembly ratified the Articles of Confederation, which guaranteed the sovereignty of each state, in March 1778. The next month the Supreme Executive Council—presided over by its vice president, Constitutionalist leader George Bryan—concurred in the Assembly's action. The Constitutionalists also opposed Congress' efforts to encroach on the state's sovereignty and resisted attempts of the Continental Army to extend its authority in Pennsylvania.

These actions and policies aroused the opposition of Republicans. They preferred a strong central government with a supreme legislature such as the one John Dickinson proposed to Congress in July 1776, and which James Wilson supported in the congressional debates in 1776 and 1777.

By 1780 military defeats, army mutinies, and runaway inflation convinced the Republicans that the salvation of the state and of the Union depended upon the revision of the state constitution and the strengthening of the central government. Consequently, they strove to gain control of the Assembly, and after partial successes in the elections of 1780 and 1781, they won majorities in 1782 and 1783.

Between 1781 and 1783 the Republicans—led by Robert Morris, whom Congress appointed superintendent of finance in 1781—were so actively engaged in trying to increase the power of

the central government that Pennsylvania became the center of a movement to create what came to be called a “national government.” The Republicans supported and the Assembly adopted the principal acts by which Congress sought to enhance its power. In April 1781 the Assembly adopted the congressional Impost of 1781, and in the summer of 1783 it ratified the congressional Impost of 1783 and the accompanying amendment to share expenses according to population.

Robert Morris also sought to strengthen the central government by attaching to it the dominant commercial and financial interests of the United States, particularly those in Pennsylvania. Morris believed that a national debt paid from national revenue would be the cement of union and that holders of the debt throughout the United States would unite to support the government which paid the debt. In 1782 the Assembly chartered the Republican-controlled Bank of North America which had been chartered by the Confederation Congress the previous year. Morris hoped that the bank would become the agent of Congress by loaning Congress money, collecting congressional revenue, and using that revenue to pay the national debt.

Late in 1783 the Republicans had an opportunity to change the state constitution because the Council of Censors was scheduled to meet. The Republicans elected a majority of the delegates to the Council in the October 1783 elections but not the two-thirds majority necessary to call a constitutional convention. The Council met from November 1783 through January 1784 and then adjourned until June 1784. When twenty-four members met in June, the Constitutionalists, through a series of fortuitous events, had a majority of four. After three months of heated debate, the Council resolved “That there does not appear to this Council an absolute necessity to call a convention, to alter, explain or amend the constitution.”

This Constitutionalist victory marked the beginning of their return to power. In the October 1784 elections they won a majority in the Assembly. In December 1784 the Assembly ratified the temporary grant of commercial power which Congress had requested on 30 April 1784. The Constitutionalists agreed, because of the postwar commercial and economic depression, but in March 1785 they struck at the heart of the Republican political and economic system when the Assembly funded the state debt and assumed the United States debt owed to citizens of Pennsylvania. The act provided that the state would pay the interest on both debts with an emission of paper money, the sale of public lands, an excise tax, a state impost, and a tax on real and personal property. Then in September 1785 the Constitutionalists revoked the charter of the Bank of North America.

In March 1786 the Assembly responded to Virginia’s call for a commercial convention by authorizing the Supreme Executive Council to appoint commissioners to meet at Annapolis, Maryland. On 11 April the Council appointed Robert Morris, George Clymer, John Armstrong, Jr., Thomas FitzSimons, and Tench Coxe, all of whom, with the exception of Coxe, were prominent Republicans. Only Coxe attended the convention in September.

The Republicans regained control of the Assembly in the October 1786 elections, and in the spring of 1787 they rechartered the Bank of North America. Meanwhile, in December 1786, the Assembly began consideration of the report of the Annapolis meeting. After it learned that the Virginia legislature had appointed delegates to meet in a convention at Philadelphia, the Assembly, on 30 December, elected Robert Morris, Gouverneur Morris, Thomas Mifflin, James Wilson, Thomas FitzSimons, George Clymer, and Jared Ingersoll deputies to the convention. They were directed to join with other deputies “in devising, deliberating on and discussing all

such alterations and further provisions as may be necessary to render the federal constitution fully adequate to the exigencies of the Union and in reporting such act or acts for that purpose to the United States in Congress assembled as when agreed to by them and duly confirmed by the several states will effectually provide for the same.” All of the deputies were from the city and county of Philadelphia; and, with the possible exception of Ingersoll, they were all Republicans. On 28 March the Assembly added Benjamin Franklin, who was claimed by both parties as a leader, to the list of deputies.

Two Pennsylvania delegates played leading roles in the Constitutional Convention. James Wilson and Gouverneur Morris each gave more speeches than any other member of the Convention. Wilson played a prominent part in writing the first draft of the Constitution as a member of the Committee of Detail. Morris had a similar role in writing the final draft as a member of the Committee of Style. Benjamin Franklin spoke little; but on the last day of the Convention, Wilson delivered a speech for him in which Franklin sought to conciliate those opposed to the Constitution. Robert Morris, the acknowledged leader of the Pennsylvania Republicans, made no reported speeches.

Before and during the Constitutional Convention, Pennsylvania newspapers were virtually unanimous in their support of the Convention. Newspaper articles enumerated the defects of the central government under the Articles of Confederation and painted a picture of economic and political distress. Other newspaper items contained plans for improving the central government, praise for Convention delegates, and hints about the Convention’s proceedings.

Such accounts apparently alarmed some of the leaders of the Constitutionalist Party. A newspaper reported in early August 1787 that meetings were being held in the houses of George Bryan and Jonathan Bayard Smith, and that publications were being distributed “to excite prejudices against the new federal government, and thereby prevent its adoption by this state” (*Independent Gazetteer*, 8 August, Mfm: Pa. 16; see also Mfm:Pa. 20).

During the debate over the Constitution in 1787 and 1788, with a few exceptions, Constitutionlists were Antifederalists and Republicans were Federalists. The strength of the Constitutionalist Party in the fall of 1787 was concentrated in the western counties of Berks, Northampton, Cumberland, Franklin, Dauphin, Westmoreland, Fayette, and Washington, although the party also had some support in the eastern part of the state. Constitutionalist leaders included such westerners as William Findley of Westmoreland, Robert Whitehill of Cumberland, James McLene of Franklin, and John Smilie of Fayette, and such Philadelphians as George Bryan, the Reverend Dr. John Ewing, Dr. James Hutchinson, Jonathan Bayard Smith, John Nicholson, and Thomas McKean. With the exception of McKean, all opposed the new Constitution.

Republicans controlled Philadelphia and Pittsburgh, and the more heavily populated eastern counties of Philadelphia, Bucks, Chester, Montgomery, and Lancaster; and York to the west. The Republican leaders were Robert Morris, James Wilson, George Clymer, Thomas FitzSimons, William Bingham, and Thomas Willing of Philadelphia; Thomas Mifflin of Philadelphia County; John Armstrong, Sr. of Cumberland County; and Hugh H. Brackenridge of Westmoreland County.

After a heated public debate, the Pennsylvania Convention ratified the Constitution on 12 December 1787, but Antifederalists continued to campaign for amendments. The debate over amendments lasted through the elections for the federal House of Representatives. In 1789 and 1790 the new federal Congress adopted much of the financial program of the Pennsylvania Federalists, and their triumph was completed in 1790 when Pennsylvania adopted a new state

constitution incorporating ideas of government which Pennsylvania Republicans had fought for since 1776.

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