



*Democratic Anti-Federalism:
Rights, Democracy, and the Minority
in the Pennsylvania Ratifying
Convention*

THE DEBATE OVER THE RATIFICATION of the Constitution began in Pennsylvania essentially at the moment the Philadelphia convention adjourned in September 1787. Within a few weeks, the newspapers in the state were filled with often acrimonious arguments for and against ratification, replete with biting satire, dire predictions, and creative name-calling. Among those who opposed the Constitution, none spoke with a louder voice than that of Centinel, a Philadelphia writer who published more essays against the Constitution than any other. Samuel Bryan, the author behind the pseudonym Centinel, was a radical democrat even by the standards of majoritarian Pennsylvania.

Bryan was an otherwise obscure individual, unknown outside of Pennsylvania politics, though for a brief moment in American history

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he became a central figure. His influence is underappreciated, for he was also the author of the “Dissent of the Minority of the Pennsylvania Convention,” a widely reprinted essay that purportedly laid out the objections to the Constitution raised by those who fought against it in the state ratifying convention. A careful reading of the “Dissent,” though, reveals an ideological position much closer to Centinel’s than to that expressed by the opposition delegates. Because of the early publication of the “Dissent” and its wide reprinting, readers in other states were led to believe that the opposition in the Pennsylvania ratifying convention was more radical than it actually was. This article examines Bryan’s arguments in the “Dissent” as compared to those of Centinel, as well as the arguments made by William Findley, John Smilie, and Robert Whitehill in the Pennsylvania convention. The “Dissent” is a democratic document that presents a more radical argument than the rights-based objections of the convention dissenters.

Warren Hope’s claim that the letters of Centinel, published during the debate over ratification of the United States Constitution, “demand comparison” with *The Federalist* is certainly overstated.¹ The argument of Centinel is neither as systematic nor as complete as that of Publius. This is not to say that the letters are not effective, or that they are not important; the essays of Publius present a fairly complete defense of the Constitution, while Centinel offers us an assortment of attacks that touch only selected parts of the Constitution. The value of the Centinel letters as abstract political theory is limited, but the value of these letters to the student of history attempting to better understand the contours of the ratification debates is substantial. In particular, Centinel takes a decidedly democratic position, leading an easily overlooked radical faction in Pennsylvania and nationally. This faction, which favored simple and open government run by common people rather than by political and economic elites, did not win any substantial concessions in the ratification debates, because they sought none. For Centinel and others who thought like him, the Constitution could not be modified to meet their demands; it could only be defeated outright.

The influence of Samuel Bryan, the author of the Centinel letters, significantly shifted the debate over ratification in a way that may well have undermined the coherence of the opposition. This influence stems not from his authorship of Centinel so much as from his writing of another

¹ Warren Hope, ed., *The Letters of Centinel: Attacks on the US Constitution, 1787–1788*, annotated ed. (Ardmore, PA, 1998), 2.

significant essay, “The Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania To Their Constituents.”² In this essay, Bryan, who was not a delegate to the state ratifying convention, purports to represent the views of those who opposed the Constitution in that convention. When the extant records of the convention debates are examined, though, it becomes clear that Bryan’s version of the “Dissent” does not faithfully reflect the actual arguments made in the convention.³ On the contrary, Bryan’s version is a radicalized democratic statement, more akin to the arguments of Centinel than those made by John Smilie, William Findley, and Robert Whitehill in the Pennsylvania ratifying convention.

² There is remarkably little dispute over whether Samuel Bryan was indeed Centinel. Bryan claimed authorship in several letters, to George Clinton, Thomas Jefferson, and Albert Gallatin. It is likely that George Bryan, to whom the letters were generally attributed by contemporaries, assisted his son in writing the essays, but it seems reasonable to agree with Burton Alva Konkle’s assessment that “there can be as little doubt that Samuel Bryan was the author of them all, as that they expressed in fullness and accuracy the sentiments and convictions of Justice [George] Bryan.” Joseph Foster is more skeptical, contending that George Bryan and Eleazer Oswald probably contributed; nonetheless, he still calls Samuel Bryan “the driving force behind the letters.” There has been even less dispute over Samuel Bryan’s authorship of the “Dissent.” He claimed authorship in letters to Jefferson and Gallatin, and no one else has. John Burrows does suggest, based on a computational analysis of various Anti-Federalist writings, that “it seems likely that Bryan was indeed the author of part but not all of the ‘Minority Report.’” This comment is made in passing, and neither elaborated nor defended in that essay. The analysis, however, fails to take into account that approximately a tenth of the text consists of the amendments offered by Robert Whitehill in the Pennsylvania ratifying convention. Thus it is to be expected that the two halves of the report do not line up nicely in the analysis, since about one out of five words in the first half are quite clearly not Bryan’s. Neither this analysis, nor any other available evidence, provides any reason to doubt that Bryan wrote the rest of the “Dissent.” Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago, 1981) [hereafter *CAF*], 3:145–67, 2:135n4; Burton Alva Konkle, *George Bryan and the Constitution of Pennsylvania* (Philadelphia, 1922), 309; Joseph S. Foster, *In Pursuit of Equal Liberty: George Bryan and the Revolution in Pennsylvania* (University Park, PA, 1994), 144–45; *CAF*, 3:146n2; John Burrows, “The Authorship of Two Sets of Anti-Federalist Papers: A Computational Approach,” in *The Anti-Federalist Writings of the Melancton Smith Circle*, ed. Michael P. Zuckert and Derek A. Webb (Indianapolis, 2009), 418.

³ The records of the debate in the Pennsylvania ratifying convention are, unfortunately, far from complete. The official published records included only Federalist speeches by James Wilson and Thomas McKean because the individual charged with compiling them, Thomas Lloyd, was bought off by the Federalists. A shorthand writer and newspaper editor, Alexander Dallas of the *Pennsylvania Herald*, took substantial notes of the proceedings and published balanced accounts until January 5, 1788 (at which point his transcripts had reached the debates on November 30, 1787, still two weeks away from the ratification vote), when he was summarily fired amid substantial pressure on the newspaper from Federalists who apparently did not want to see any of the opposition arguments circulated in print. The reports by Dallas were not particularly biased in either direction, but they cover speeches on only four days of the convention, and after his removal we have only very limited records of the debate. James Wilson, Anthony Wayne, and Jasper Yeates, all Federalists, took notes on speeches during the convention, but these give only a fragmentary record of what was said. The notes of Wilson in particular provide a fairly good idea of what topics his opponents covered, but reconstructing the arguments requires a troubling amount of guesswork. Pauline Maier, *Ratification: The People Debate the Constitution, 1787–1788* (New York, 2010), 100–101.

The opposition in the state of Pennsylvania was divergent in its arguments and emphasis. There was a rights-based Anti-Federalism articulated by the opposition in the ratifying convention, as well as in a number of newspaper essays (including, most notably, a series signed “An Old Whig”), that worked in common cause, though with ideological differences and for different reasons, with a democratic Anti-Federalism that took a radical view of the role of the people and distrusted virtually all governmental power, whether properly checked or not. The two positions were not incompatible, but they were decidedly different in emphasis. The latter may well have been the position of a majority of the opponents of the Constitution in the state, and it was ably defended in the newspapers (by *Philadelphensis* and others as well as *Centinel*), but the former was clearly the position espoused by the three-man opposition in the state’s convention, at least in their convention speeches.

Because the “Dissent” was so widely reprinted, Bryan may have reached an even wider audience than he did as *Centinel*; only the first essay of that series was more frequently reprinted than the “Dissent.” His readers, meanwhile, presumably believed they were receiving a faithful rendition of the Anti-Federalist position in Pennsylvania. After all, twenty-one of the twenty-three dissenters from the convention affixed their names to the essay. What the audience of the “Dissent” was actually reading was a statement of Bryan’s radical agenda, an agenda that, while it likely had many adherents, including probably many delegates to the state’s ratifying convention, differed in emphasis and central argument from the primary Anti-Federalist position in that convention.⁴

⁴Though there is a long tradition among scholars identifying the opponents of the Constitution as Anti-Federalists, Pauline Maier raises two concerns about using the term. The first she makes explicit: that the Federalists used the term, and most of the opponents of the Constitution did not embrace it; William Findley, who played a substantial role in the opposition in Pennsylvania, saw the term as a contemptible “name of reproach.” The second concern, implicit in Maier’s account of ratification, is that the opposition was simply too diverse to identify with a single term. On the first issue it is difficult to disagree with Maier; only the convenience of a readily recognizable term justifies ignoring it. The Anti-Federalists themselves generally preferred “republicans,” which invites confusion about the later formation of parties in America; some argued that they ought to be called “federalists,” which is confusing for obvious reasons. As for the second issue, I will say only that I respectfully disagree with Maier as to the degree of ideological similarity among the opponents of the Constitution. Though I argue here for differences between types of Anti-Federalists, I do not claim that the differences were irreconcilable or that the two factions represented distinct groups; the most influential Anti-Federalists in the state convention clearly straddled the two. In using the term “Anti-Federalist,” I follow Herbert Storing’s usage. Maier, *Ratification*, xiv–xv; Herbert Storing, *What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution* (Chicago, 1981), 79–80.

The opposition to the Constitution throughout the United States was diverse and often appeared inconsistent. Tench Coxe, writing as Philanthropos, presented a typical and devastating critique of the opposition in January. “The objections severally made by the three honorable gentlemen [who declined to sign the Constitution at the end of the Philadelphia Convention] and the Pennsylvania Minority,” he observed, “are so different, and even discordant in their essential principles, that all hope of greater unanimity of opinion, either in another convention, or in the people, must be given up by those who know the human heart and mind, with their infinitely varying feelings and ideas.”⁵ This diversity of opposition causes a problem for the scholar aiming to understand the contours of the debate.⁶ Efforts to understand the Anti-Federalist opposition to the Constitution usually involve trying to classify those who argued against ratification. Saul Cornell discusses elite, middling, and plebeian Anti-Federalists, suggesting that the primary differences were socioeconomic. The emphasis on social class goes back to the debate itself, and Cornell’s version adds a degree of nuance to Jackson Turner Main’s depiction of the debate as between eastern elites who favored the Constitution and western farmers who were suspicious of centralized government power. Perhaps not surprisingly, it was elite Anti-Federalists, such as Edmund Randolph, and middling Anti-Federalists, such as Melancton Smith, who ultimately acquiesced and supported ratification, leaving the poor westerners on the losing end. This sets up the divide as a basic rich-poor social cleavage, as Main observed, and as Charles Beard posited a century ago.

⁵ John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, 24 vols. (Madison, WI, 1976–) [hereafter *DHRC*], 15:393.

⁶ Jürgen Heideking makes this claim about both sides of the debate: “For historians, this plethora of opinions creates a considerable methodological problem. If their documentation is taken from the two poles of the scale, the image of a society divided by irreconcilable worldviews and ideologies emerges. Should the focus be shifted toward the middle of the scale, the differences become blurred, creating the impression of an all-encompassing sociopolitical consensus.” The seemingly irreconcilable differences appear prominently in the work of Charles Beard and the Progressive historians, who saw a class struggle that pitted rich against poor and aristocracy against democracy. The work of Louis Hartz, on the other hand, finds a notable consensus; the difference between the two sides, according to Hartz, was one of emphasis and approach, not ideology or social class. Should one examine the campaign for the first Congress between James Madison and James Monroe in Virginia, one might be forgiven for agreeing with Hartz. On the other hand, it is hard to find much of a consensus in the battle between Alexander Hamilton and George Clinton in New York, or between Centinel and any of the Federalists in Pennsylvania. Jürgen Heideking, *The Constitution before the Judgment Seat: The Prehistory and Ratification of the American Constitution, 1787–1791*, ed. John P. Kaminski and Richard Leffler (Charlottesville, VA, 2011), 108; Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York, 1921); Louis Hartz, *The Liberal Tradition in America* (New York, 1955).

The primary complications to this picture were those Anti-Federalists not of the plebeian sort who continued to resist. David Siemers borrows Cornell's basic categories, but "plebeian" becomes "virulent," perhaps to account for individuals such as Samuel Bryan, a government official and the son of a leading political figure in Pennsylvania, who nonetheless wrote for a less educated and less sophisticated audience.⁷

Bryan presents a problem because he defies the typical socioeconomic patterns described by Cornell and others. His opposition, along with that of his father and a number of other democrats among the political elite, demonstrates that the debate cannot be understood strictly as a socioeconomic one. Though few prominent scholars since Beard have tried to classify it as such, even fewer have made a serious effort to address the variations in ideology and ideas among the opposition. The dissent in Pennsylvania is emblematic of these variations and helps to illuminate the impact they had on the overall debate.

Scholars have generally failed to explore the differences between the "Dissent of the Minority" and the convention opposition to the Constitution. The editors of *The Documentary History of the Ratification of the Constitution*, in the material introducing the "Dissent," claim that it "summarized the arguments made against the Constitution in the Convention and the public debate preceding and during the Convention" and, perhaps most importantly, "provided the public with Whitehill's amendments." From this description one may infer that the convention and newspaper arguments were the same, or at least similar, which was not the case. Jürgen Heideking goes even further to identify the "Dissent" with mainstream opposition, writing that it "may be described as the unofficial Antifederalist platform because of its fundamental message and its wide circulation." This misses the change between the convention arguments

⁷ Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788–1828* (Chapel Hill, NC, 1999); Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781–1788* (Chapel Hill, NC, 1961); Beard, *Economic Interpretation*; David J. Siemers, *The Antifederalists: Men of Great Faith and Forbearance* (Lanham, MD, 2003). Cornell, in an earlier essay, explores the more democratic and populist opposition in western Pennsylvania, with particular focus on the Carlisle Riot of 1788. Cornell, "Aristocracy Assailed: The Ideology of Backcountry Anti-Federalism," *Journal of American History* 76 (1990): 1148–72. Not all scholars have focused on the differences among the Anti-Federalists, though. The most prominent effort to find commonality among those who opposed the Constitution was made by Herbert Storing, whose book *What the Anti-Federalists Were For* aimed to answer its title question. Storing finds some common ground, but concedes that there was no single opposition position. For an insightful critique of Storing's approach, see John P. Kaminski, "Antifederalism and the Perils of Homogenized History: A Review Essay," *Rhode Island History* 42 (1983): 30–37.

and the “Dissent” and ignores variations between, for example, Centinel and the Old Whig. Pauline Maier recognizes the change in the “Dissent” but does not find much significance in it, noting only that its “description of the dangers raised by the Constitution went beyond what opposition spokesmen had claimed during the [Pennsylvania ratifying] convention’s debates.”⁸ This difference, Maier implies, reflects how the delegates truly felt; the convention dissent was a more restrained version of the opposition. This is certainly plausible; if nothing else, the eighteen silent delegates who signed the “Dissent” may have been disciples of Centinel after all. But the fact that Centinel himself wrote the “Dissent” suggests that it may have been the author’s influence that accounts for the shift, whether or not the essay’s signers were in full agreement.

Owen Ireland goes further than most in his exploration of early Pennsylvania politics when he notes that “The ‘Dissent’ clearly differed from the main line of argument developed by the Antifederalists at the convention,” but he does not explore this difference or its ramifications on the debate. He does examine the notable difference between the public argument by Centinel and the more radical opposition writers, on one hand, and the delegates to the state ratifying convention on the other; for Ireland, the key disagreement between these two sides of the state’s Anti-Federalism is their respective positions on the advantages of a unicameral legislature. In the ratifying convention, the Anti-Federalist delegates “explicitly accepted bicameralism and a complex separation of powers,” a departure from Centinel and from the platform of the state’s Constitutionalist Party, which supported the unicameral state government and provided most of the opposition to the Constitution. Bryan’s “Dissent” returned to the simple government argument, effectively reversing the more moderate position adopted by Findley and Smilie in convention.⁹

The Federalists were certainly aware of the radical democratic faction in Pennsylvania. Terry Bouton’s argument that the Constitution was primarily an effort to restrict or “tame” democracy is nowhere more applicable than here. The ratification process was rushed in the state because of its democratic inclinations; had the people been given time to consider the Constitution, and had the opposition been given the time to organize,

⁸ DHRC, 19:477; Heideking, *Constitution before the Judgment Seat*, 165; Maier, *Ratification*, 121.

⁹ Owen S. Ireland, *Religion, Ethnicity, and Politics: Ratifying the Constitution in Pennsylvania* (University Park, PA, 1995), 88, 106.

the outcome would have been substantially more contested and may well have been reversed.¹⁰ The Federalists, temporarily in power in the state, were not about to allow this. They did all they could to push through the Constitution before opposition could materialize, but that opposition, led by Samuel Bryan, was quickly vocal, if not exactly organized.

Samuel Bryan, Centinel, and Democratic Anti-Federalism

Samuel Bryan, as the author of the Centinel essays and the “Dissent of the Minority,” may well have been the most widely read Anti-Federalist writer during the debate over ratification. His influence is difficult to assess, but he certainly played a key role in the opposition. And yet no biography of Bryan has been published, and relatively little has been written about him or his role in the ratification debates. His father, Judge George Bryan, is better known and more often written about by historians.¹¹

Samuel Bryan was born on September 30, 1759, the oldest son of George Bryan, who was at the time beginning to build his impressive reputation as a jurist and politician. Just sixteen years old when the Declaration of Independence was signed, the younger Bryan did not really come of age until after the Revolution. By 1787, when the Constitution was written, he was twenty-seven and had already embarked on what would prove to be a fairly uneventful career in business and politics. Three years earlier, he was selected as the clerk of the Pennsylvania Assembly, a position he lost after two years when the republicans won a majority in that body over Bryan’s Constitutionalists. There is not much extant information on Bryan, but what little we have suggests that he had a keen interest in politics, especially in legislative tactics, and paid great attention to small details. He clearly had an interest (and a stake) in constitutional issues in the mid-1780s. In the midst of discussions about the potential expansion of congressional power under the Articles of Confederation, he was already suspicious of centralized power and wary of the people’s willingness to guard their liberty. Merrill Jensen, drawing from a letter written by Bryan to his father in May 1785, notes that Bryan was willing to see greater power given to Congress, particularly concerning trade, but was concerned

¹⁰ Terry Bouton, *Taming Democracy: “The People,” the Founders, and the Troubled Ending of the American Revolution* (New York, 2007), 180–84.

¹¹ See, for example, Konkle’s *George Bryan and the Constitution of Pennsylvania* and Foster’s *In Pursuit of Equal Liberty*. Both discuss Samuel Bryan in passing, but neither offers a detailed picture.

with the possibility of members of Congress “absorbing all power and influence within their vortex.” He feared that Congress “would seize the present moment to obtain dangerous powers, so fascinating is the love of power on the one hand, and the little caution of the body of the people on the other hand when their passions are inflamed.”¹² Here we see the beginnings of Centinel’s concerns, from a young man (only twenty-five at the time) who obviously had a visceral feeling for politics and a natural instinct for democratic politics in particular.

Bryan’s life story, though, is not especially important. In the scope of American history, his only contributions of note were his writings in opposition to ratification of the Constitution.¹³ As the author of the Centinel essays, he was the leading opposition voice in the state of Pennsylvania and among the earliest Anti-Federalist writers nationwide. The Centinel letters are more vitriolic than most of the opposition literature, but they are also more comprehensive and, in certain respects, more coherent.

From his first letter, Centinel begins to develop a philosophy of government based in republican principles, suggesting that free government can only exist for a virtuous people with a fairly equal distribution of property. He suggests a simple government, praising the unicameral Pennsylvania government. Such a government, he explains, remains responsible to the people because of short terms of office, rotation, and openness. Complexity in government is likely to render “the interposition of the people . . . imperfect or perhaps wholly abortive.” He finds the Constitution to be “a

¹² In early November 1785, he wrote two letters to his father that offer, at times in minute detail, commentary on the proceedings of the Pennsylvania legislature, including his own reelection to the position of clerk. He includes several motions made, even those that failed, and estimated vote counts on which certain decisions were based. One cannot read these letters without sensing the enjoyment Bryan must have had in writing them; since the disputes described generally fell his way, he conveys an almost smug satisfaction in his description. In a letter five years later to his brother George, discussing business rather than politics, he meticulously discusses the prices of lumber, coal, and flour. He suggests that the price of coal should continue to climb, as private homes are increasingly heated with coal rather than wood: “Coal is a drug at present. The New Castle coal is what suits this market best.” Again, his attention to detail, now in business rather than politics, is readily apparent. Konkle, *George Bryan and the Constitution of Pennsylvania*, 274–78; Samuel Bryan, “Two Interesting Letters, Political and Commercial,” *Pennsylvania Magazine of History and Biography* 42 (1918): 288; Merrill Jensen, *The New Nation: A History of the United States during the Confederation, 1781–1789* (New York, 1950), 407.

¹³ Saul Cornell observes that Bryan, corresponding with Aedanus Burke of South Carolina, offered a perceptive and insightful analysis of the ratification process, but these insights never achieved much influence because Burke’s history of the opposition to ratification was never published. Saul Cornell, “Reflections on ‘The Late Remarkable Revolution in Government’: Aedanus Burke and Samuel Bryan’s Unpublished History of the Ratification of the Federal Constitution,” *Pennsylvania Magazine of History and Biography* 112 (1988): 103–30.

most daring attempt to establish a despotic aristocracy among freemen” and emphasizes that in virtually every contest the national government will prevail over the weaker states. Therefore, the government the Constitution establishes is wholly a national government, one which could not possibly take into account local concerns and, thus, could not truly reflect the will of the people. In this letter, Centinel introduces the common Anti-Federalist idea that the president and Senate must eventually join forces and control government: “The President, who would be a mere pageant of state, unless he coincides with the views of the Senate, would either become the head of the aristocratic junta in that body, or its minion.”¹⁴ Centinel does mention the need for a bill of rights, as well as some concerns about the judicial powers, but his central concern is representation, and in this he presents a very democratic Anti-Federalism.

Throughout subsequent essays, Centinel is relentless in his attacks on the Federalists. He tears into the “monopolising spirit” of Robert Morris, the “superlative arrogance, ambition and rapacity” of James Wilson, and the tactics and goals of all of those “harpies of power,” the Federalists; even Washington and Franklin are criticized, one for political naïveté, the other for approaching senility. Though aware that these attacks would undoubtedly alienate some readers, Bryan recognized that the Federalist appeals to authority were effective and must be countered. These dangerous conspirators, he contends, “have artfully attempted to veil over the true nature and principles” embodied in the proposed Constitution by relying upon “the magic of names” rather than sound argument. And they have plenty of accomplices. The Federalist newspapers are doing everything they can to suppress the truth from the people, and even the post office is a part of this massive deception. The people, in short, are being tricked into ratifying the Constitution: “A golden phantom held out to them, by the crafty and aspiring despots among themselves, is alluring them into the fangs of arbitrary power.”¹⁵

Unfortunately for the supporters of the Constitution, the people will not be so easily fooled. Centinel proudly declares that he has “an high opinion of the understanding and spirit of my fellow citizens.” At the same time, though, he is alarmed by the dangerous trends in public opinion. Rather than rising up in defense of their liberty, too many Americans “are

¹⁴ *CAF*, 2:139, 142.

¹⁵ *Ibid.*, 2:137–38, 178–79, 175, 177–78, 171.

weakly trusting their every concern to the discretionary disposal of their future rulers.” The idea of accepting the Constitution and then amending it is a dangerous one, bound to lead to aristocracy that can only be defeated by recourse to arms. The people, it seems, have forgotten the principles of the Revolution. The American government, Centinel claims, is “the most perfect system of local government in the world.” In fact, he suggests, the best evidence of its good is that “from its first establishment, the ambitious and profligate have been united in a constant conspiracy to destroy it.” The proposed Constitution, especially considering the efforts to get it ratified by any means necessary, is the continuation of this conspiracy. The tactics of the Federalists are “so repugnant to truth, honor, and the well-being of society, as would disgrace any cause,” he writes in his final letter. The Federalists are willing to intentionally mislead, prevent free discussion, and even outright lie in order to win. “The great artifice that is played off on this occasion, is the persuading the people of one place, that the people everywhere else are nearly unanimous in favor of the new system, and thus endeavoring by the fascination of example and force of general opinion to prevail upon the people every where to acquiesce in what is represented to them as general sentiment.”¹⁶ These tactics are, for Centinel, both unforgivable and suggestive of the true threat to liberty. The Federalists, he believes, are out to defy and undermine the will of the people behind the facade of the sovereignty of the people.

Centinel, on the other hand, is inclined to trust to democratic procedures, confident that the people can make good choices given adequate information. He even suggests that the Constitution ought to be subject to a direct vote of the people rather than ratifying conventions. His understanding of government itself is based on a strong notion of democratic equality. “The great end of civil government,” he asserts, “is to protect the weak from the oppression of the powerful, to put every man upon the level of equal liberty.” If the people are trusted with the opportunity to make democratic decisions, Centinel believes, they will make the right ones. Because the Constitution moves away from democracy, the proper recourse for America’s problems is to reject that proposal and instead to revise the Articles of Confederation. “As additional powers are necessary to Congress,” he suggests, “the people will no doubt see the expediency of calling a convention for this purpose as soon as may be by applying to

¹⁶ Ibid., 2:175, 172, 179, 202–3, 203–4.

their representatives in assembly, at their next session, to appoint a suitable day for the election of such Convention." What needs to be done is fairly simple: "A transfer to Congress of the power of imposing imposts on commerce and the unlimited regulation of trade, I believe is all that is wanting to render America as prosperous as it is in the power of any form of government to render her; this properly understood would meet the views of all the honest and well meaning."¹⁷ With this simple change on top of "the most perfect system of local government," America can be prosperous, free, *and* democratic.

Union is, of course, an essential part of this. Centinel does not endorse separate confederacies, nor does he believe that his fellow Anti-Federalists advocate or even tacitly support such an idea. "This hobgoblin," he alleges,

appears to have sprung from the deranged brain of *Publius*, a New-York writer, who mistaking sound for argument, has with Herculean labour accumulated myriads of unmeaning sentences, and *mechanically* endeavoured to force conviction by a torrent of misplaced words; he might have spared his readers the fatigue of wading through his long-winded disquisitions on the direful effects of the contentions of inimical states, as totally inapplicable to the subject he was *professedly* treating; this writer has devoted much time, and wasted more paper in combating chimeras of his own creation.¹⁸

The idea that the United States will split apart without the Constitution is baseless; after all, he reasons, the Articles of Confederation established a "perpetual union," and no significant party anywhere really wants disunion. Still, for Centinel, the idea of civil war is preferable to despotism; he believes such a war to be extraordinarily unlikely and, in any case, not a worthy reason for sacrificing the liberty and equality of the people to an aristocratic despotism.

Centinel raises many common objections to the proposed Constitution, including the absence of a bill of rights, the essential importance of a free press, and the value of trials by a local jury. He condemns the slavery compromises in the Constitution. Patently appealing to the large Quaker population in his state, he asks whether "the concurrence of the five southern states . . . [has] been purchased too dearly by the rest." His main objections, though, center on the consolidation of governmental power, which takes

¹⁷ *Ibid.*, 2:157, 172–73, 175, 163–64.

¹⁸ *Ibid.*, 2:186.

power out of the hands of the people. Under the current system, the people delegate to representatives but retain control over those who represent them. Under the new Constitution, the representatives will not themselves be representative, and the people will have little, if any, control over them. Because power is to be removed so far from the hands of the people, the proposed system, “instead of being the panacea or cure of every grievance so delusively represented by its advocates, will be found upon examination like Pandora’s box, replete with every evil.” His entire series calls on the people to resist the Federalist manipulations rather than blindly follow “such false detestable *patriots* . . . into the jaws of *despotism* and *ruin*.”¹⁹

Centinel’s ideas were not unique, but nor did they represent the mainstream of Anti-Federalist thought. His thematic emphasis was different, and his rhetoric was more radical than that of most of his fellow Anti-Federalists. The Federal Farmer, for example, acknowledges the defects of the Confederation and the potential benefits of the Constitution. His contention that the United States needs a partially national government that would take away some degree of state sovereignty, however, goes too far for Centinel, even though the Federal Farmer rejects consolidated national government. Throughout his letters, the Federal Farmer emphasizes individual liberty and questions the wisdom of placing too much power in the hands of distant representatives, but nowhere does he question whether any power at all ought to be given to such a national government. Instead, he believes that the liberties of the people ought to be enshrined in a bill of rights. Brutus, too, champions a bill of rights in his second essay, though he largely sets aside issues of individual liberty after that letter. Brutus focuses on questions of power; again, though, he grapples with the question of how best to divide and limit power at the national level, not the question of whether there ought to be national power (or a meaningful national government) at all.

Throughout the ratifying conventions, the Anti-Federalists consistently presented arguments about the proper checks on power in a national government and about the need for an enumeration of rights. When the ideas of simple government and majoritarianism were raised at all, they were fringe ideas rather than the central argument of the opposition. The rhetoric on representation was democratic at times, but the Anti-Federalists did not persist in agitating for the kind of close representation

¹⁹ Ibid., 2:160, 197–98, 154.

that Bryan advocated. Increasing the size of the House of Representatives, or guaranteeing a ratio of one representative per 30,000 (or 20,000, or 15,000) citizens—both ideas that came to be among the central demands of the opponents of the Constitution—would have been only modest steps toward the kind of close constituent-representative relationship Centinel wanted. Such a relationship required that government be local rather than distant and precluded any kind of powerful national government. In Massachusetts, even the calls for annual elections diminished and finally vanished after Samuel Adams declared himself satisfied with the Federalists' explanations. After Massachusetts, the idea of annual elections received far less attention, and the democratic opposition dwindled in volume and influence.

The main demands of the opposition to ratification were more careful balancing and limiting of national power, more representatives in Congress, and a bill of rights. The last became the most potent symbol for the opposition, and, ultimately, the one objection the Federalists could not ignore. After all, it was a Federalist Congress, led by James Madison, that proposed a set of amendments enumerating individual rights. With a strong emphasis on the importance of guarantees of rights, the arguments presented by the opposition in the Pennsylvania ratifying convention were much more typical of the opposition nationally than were the radical objections of Centinel.

The Anti-Federalist Opposition in the Pennsylvania Convention

On November 20, 1787, the Pennsylvania convention convened. It was clear from the beginning that the Federalists had a dominant majority. There was, however, a small but vocal minority—only a third of the delegates to the convention—that insisted on having its say, making things difficult for the Federalists and derailing their hopes of making Pennsylvania the first state to ratify.

Early procedural votes all favored the Federalists. Only three candidates received votes to sit as president of the convention, and all three favored ratification.²⁰ The committee elected to determine the rules of debate consisted of Anti-Federalist Robert Whitehill and four Federalists: Benjamin Rush, James Wilson, George Gray, and Anthony Wayne. On November

²⁰ Frederick Muhlenberg, later the first Speaker of the House of Representatives, won the position with thirty votes to Thomas McKean's twenty-nine. George Gray received a single vote as well.

26, the opposition lost a larger battle when the convention voted against debating as a committee of the whole, which would have (procedurally, at least) allowed for greater latitude in discussing the Constitution as a whole rather than individual clauses. In practice, though, the deliberations were very general, and this decision probably did not much hamper the opposition efforts. Unfortunately, the extant records of the debates are limited and incomplete, due in part to suppression of newspaper accounts by the Federalists. Still, from the surviving accounts and the notes taken by several delegates, notably James Wilson, it is possible to reconstruct the general opposition position presented in the convention. Thanks to Wilson's notes, there are no major gaps in terms of what topics were covered, though we do not have detailed accounts of very many of the opposition speeches.

The Anti-Federalist position was essentially championed by just three delegates: William Findley, John Smilie, and Robert Whitehill.²¹ These three introduced an exhaustive list of objections. None of the three delegates argued a position as democratic as that of Centinel, but some of the democratic Anti-Federalist arguments that were popular in the western part of the state were introduced. The debate position of Whitehill, Smilie, and Findley was predominantly based on the absence of a bill of rights. Smilie made this clear early in the debate, contrasting lengthy quotations from both the Pennsylvania constitution and the Declaration of Independence with the ideas expressed in the preamble to the Constitution. The latter, he suggested, reflected a dangerous disregard for rights by failing to emphasize their importance. Findley later endorsed the primary importance of enumerating rights: "The natural course of power is to make the many slaves to the few. This is verified by universal experience. . . . Powers *given*—powers reserved—ought to be *all* enumerated. Let us add a bill of rights to our other securities." Arguments about powers played a role in the Pennsylvania opposition as well, especially in the speeches of Whitehill, but even structural objections to the Constitution were generally brought back to the question of individual freedom. "The great objection," said Findley, "is the blending of executive and legislative power. Where they are blended, there can be no liberty."²²

²¹ In all of the extant notes of the debates in convention, there is recorded only one speech by any other opposition delegate. After the ratification vote, John Harris of Cumberland County said that although he still opposed the Constitution, he would abide by the decision of the majority. He nonetheless signed the "Dissent of the Minority" several days later. *DHRC*, 2:606.

²² *Ibid.*, 2:384–85, 439, 512.

The emphasis on individual rights and liberties is readily apparent from even a cursory reading of the Anti-Federalist speeches in the convention. Of the eighty-three Anti-Federalist speeches of which we have some record (in many cases only a partial and incomplete record, or a mention in a newspaper summary), thirty-seven make some clear reference to the absence of a bill of rights, or to a particular right or freedom, or to the general importance of the liberty of the people. If we omit speeches on procedural rather than substantive questions and very short (or very incomplete) speeches of two sentences or less in the extant records of the debates, twenty-nine out of forty-two speeches—roughly two out of every three—substantially discuss the rights and liberties of the people as an objection to the Constitution.²³ Of the fifteen amendments proposed by Whitehill on December 12, the first eight can fairly be called a bill of rights, with most of the remainder aiming at preserving state power (and in some cases, implicitly affirming individual rights).

The case for a bill of rights was clear and obvious to the convention minority. On November 28, the day Smilie discussed the Magna Carta and the Declaration of Independence, the rights-based Anti-Federalist position was on full display. It was Smilie who most emphatically pushed this position:

True, sir, the supreme authority naturally rests in the people, but does it follow that therefore a declaration of rights would be superfluous? Because the people have a right to alter and abolish government, can it therefore be inferred that every step taken to secure that right would be superfluous and nugatory? The truth is that unless some criterion is established by which it could be easily and constitutionally ascertained how far our governors may proceed, and by which it might appear when they transgress their jurisdiction, this idea of altering and abolishing government is a mere sound without substance.

He went on to point out that the delegates to the Constitutional Convention evidently recognized the importance of protecting some rights, in particular habeas corpus and trial by jury, at least in criminal cases. The inclusion of these few rights, he contended, effectively refuted James Wilson's claim that whatever is not given is reserved; if Wilson was right, why defend

²³ In some cases these were simply offhand comments, while in others the speech itself was not recorded beyond a brief mention of its topic.

habeas corpus? After all, Congress is not given the power to violate that judicial right, except in certain cases by the very clause protecting it. The powers of the national government, he argued, were defined “so loosely, so inaccurately,” that a bill of rights was not only reasonable but essential.²⁴

Findley answered the Federalist concern that bills of rights were ineffective and potentially dangerous: “Because *all* securities are broken, shall we have *none*?” “We ought to know what rights we *surrender*,” Smilie added, “and what we *retain*.” A bill of rights, they suggested, would provide more benefit than harm. In Whitehill’s words: “a bill of rights may be a dangerous instrument, but it is to the views and projects of the aspiring ruler, and not the liberties of the citizen.” Without such a protection, he averred, some conflict between rulers and ruled would inevitably occur over rights. “‘You have exceeded the powers of your office, you have oppressed us’ will be the language of the suffering citizens,” explained Smilie. “The answer of the government will be short: ‘We have not exceeded our power; you have no test by which you can prove it.’”²⁵ The answer to this possibility of despotism was, of course, an enumeration of rights in the Constitution. Only through securing the rights of the people could the power of the rulers be restrained. The treatment of the question of a bill of rights was extensive here, because Smilie, Findley, and Whitehill insisted always on returning to it as at least part of the resolution to every objection. The arguments were not necessarily original (the opposition leaders had plenty of material to draw from) but it is telling that they seemed to draw more heavily from moderate Anti-Federalists in other states—notably Richard Henry Lee, who met with several Anti-Federalist delegates in Philadelphia in November—and less from Pennsylvania radicals such as Centinel.

Some rhetoric worthy of Centinel was used, as when Whitehill claimed that the Constitution would create “a government which originates in mystery and must terminate in despotism” and Smilie described the proposed government as a “complete aristocracy,” but the underlying democratic argument was, on the whole, absent. In particular, the emphasis on a simple government was decidedly muted, and there was no advocacy for

²⁴ Ibid., 2:385, 392. Maier suggests that Richard Henry Lee provided this argument against Wilson when he met with several of the prominent Anti-Federalists in early November. Though there is no hard evidence that this happened, and there are no notes of what was discussed at the meeting, this explanation seems probable; Lee himself had made this argument, as Maier notes. Maier, *Ratification*, 108.

²⁵ *DHRC*, 2:439, 441, 397, 392.

a unicameral legislature. Even the most radical rhetoric by the opposition returned to rights. "If this Constitution is adopted," Smilie predicted near the end of the convention, "I look upon the liberties of America as gone, until they shall be recovered by arms."²⁶ This call to arms was as radical as anything Centinel suggested, but it lacked the underlying emphasis on the will of the people. It was based, instead, on the freedom of the individual. Herein lies the primary distinction between rights-based and democratic Anti-Federalism. This is not to say that the Anti-Federalists in the convention did not advocate the importance of representation—indeed, they spent a great deal of time on the issue—but that for them, the meaning of representation was different. For Centinel, representatives were mouthpieces for the people, to be replaced if ever they strayed from their constituents' positions. For the opposition in convention, representatives were chosen by the people to exercise independent judgment tempered by popular opinion.

The Federalists replied to the Anti-Federalist arguments with a mixture of counterarguments, appeals to authority and history, and outright combativeness and mockery. The observers in the galleries were generally sympathetic to the Federalists, and they assisted in the attempt at intimidation, loudly applauding Federalist speeches while hissing or laughing at Anti-Federalist ones.²⁷ Still, the Federalist argument in defense of the Constitution was fairly comprehensive in the Pennsylvania convention, as James Wilson and Thomas McKean proved to be among its ablest defenders in any state. It had to be comprehensive, because Findley, Whitehill, and Smilie attacked it on a variety of points. The absence of a bill of rights was the central complaint, but as the convention wore on they stepped up their other attacks; Maier observes that "the opposition began questioning one provision of the Constitution after another 'piecemeal,' as Wilson complained, 'without considering the relative connection and dependence of its parts.'"²⁸ The Anti-Federalists were increasingly disorganized, and, as Wilson suggested, there was little coherence to their position when they departed from the central idea that the people ought to have explicit protection of their rights. By the end of the convention, these scattershot attacks were largely dilatory; the three opposition leaders had already made

²⁶ Ibid., 2:425, 453, 592.

²⁷ Ibid., 2:547–48.

²⁸ Maier, *Ratification*, 110.

their central point, and still they kept returning to it amid the assortment of other complaints.

On December 12, the Federalist majority carried the day, securing the ratification of the Constitution by a forty-six to twenty-three margin. The opposition had made an effective case, though, in part by presenting a rights-based argument for amendments rather than a radical democratic opposition to ratification. "The Antifederalists had rested their case on personal liberty and on state autonomy," rather than participatory democracy and simple government, writes Ireland. "This new stand transcended partisanship, and provided the Antifederalists with a potentially wider and more solid base for opposition both within Pennsylvania as well as in the neighboring states, a happy fusion of principle and partisan ploy."²⁹ One might be inclined to wonder to what extent this was in fact a new stand; it is equally plausible that the three opposition spokesmen were merely more moderate than the vocal opposition in the public press. In convention, Findley and Smilie at least certainly seemed less radical than Centinel and those like him.

On the day after the ratification vote, the Anti-Federalists clearly knew they had been beaten not just in the vote but in the probable public perception of that vote. Not only had they already lost in their effort to allow members to have their objections entered in the journals, but the amendments proposed by Whitehill the previous day were also omitted. When James Wilson insisted they must be formally presented in writing to be entered, Smilie responded, "I know so well that if the honorable member from the city says the articles shall not, they will not be admitted, that I am not disposed to take the useless trouble of reducing my motion to writing, and therefore I withdraw it."³⁰ By this point the Anti-Federalists were already determined to continue the debate in the newspapers, and any hopes the Federalists in Pennsylvania may have had for conciliation after the convention were quickly dashed. Even the potentiality for common ground would evaporate, as the opposition would come to be defined by a more democratic and less conciliatory position than that articulated in the convention. Within a week of the vote for ratification, the *Pennsylvania Packet* published "The Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania to Their Constituents." The debate in

²⁹ Ireland, *Religion, Ethnicity, and Politics*, 98.

³⁰ *DHRC*, 2: 603.

Pennsylvania was not yet over, and the convention minority was not to be the final Anti-Federalist voice in the state.

The Position of the Minority, as Told by Bryan

The “Dissent of the Minority” became one of the most influential pieces of Anti-Federalist literature. It was reprinted at least twenty times in newspapers covering most of the states, and in pamphlet form. It was undoubtedly widely read, as Pennsylvania was the first state to hold a convention and boasted the only convention in 1787 that involved serious debate and opposition arguments.

Although the opposition in convention was led by three able Anti-Federalists in Whitehill, Findley, and Smilie, the “Dissent” came from the pen of Samuel Bryan. It is not entirely clear why none of the delegates wrote it, but it is likely that Bryan began preparing his draft before the convention voted and had a ready-to-publish document before the delegates could even reasonably start writing an appropriate essay. Bryan was well known to most of the opposition delegates and was very likely in contact with them during the convention. Other than the inclusion of Whitehill’s proposed amendments, however, there is no clear evidence that any of the delegates actually collaborated with Bryan in writing the “Dissent.” The “Dissent” was first published on December 18, just three days after the convention adjourned and six days after the vote to ratify. The dissenting delegates no doubt wanted a quick response, but the responsibilities entailed by the convention would have made it difficult for any of them to draft it themselves. Bryan’s document, presumably already complete or nearly so, offered a rapid reaction to the outcome of the convention. Twenty-one of the twenty-three dissenting delegates, including the three leaders, affixed their names to Bryan’s version of their dissent.³¹

³¹The two delegates who did not sign the document were William Brown and James Marshal. It is not clear whether they refused to sign, or whether Bryan could not find them to obtain their agreement. A satirical Federalist newspaper piece, writing as “Margery,” a derogatory nickname for George Bryan, suggested the reason: “One member absolutely refused to meet us to sign the protest, and another who did meet us, would not sign it, declaring he had not the fifteenth part of the objections against the Constitution there exhibited, and that he did not believe any one of them could lay his hand on his heart, and say he believed in a quarter of them.” This critique is clearly a valid one, given how far the “Dissent” strays from the arguments made in the ratifying convention, but it is unlikely that the two nonsigners objected in principle to the “Dissent” without those objections becoming public knowledge. *DHRC*, 15:9.

The central argument of this essay more closely reflects the previously expressed views of Centinel than the actual arguments put forth by the Pennsylvania minority in convention, the inclusion of Whitehill's proposed amendments notwithstanding. The author of the "Dissent" lists three general objections. First, he says, a territory as large as the United States may not be governed as a republic; a confederate republic is the only acceptable form of government. Thus far, there is no departure from the convention dissent or the mainstream Anti-Federalist position. Second, "the powers vested in Congress by this constitution, must necessarily annihilate and absorb the legislative, executive, and judicial powers of the several states, and produce from their ruins one consolidated government, which from the nature of things will be *an iron handed despotism*."³² The rhetoric in this claim is harsher than that generally heard in the convention, but the basic idea is much the same.

Finally, the "Dissent" continues, even if it were feasible to create a national republic, the Constitution describes a government that is despotic. Here we begin to see a substantial departure from the rights-based objections of the Anti-Federalists in convention. The position articulated by Bryan acknowledges the importance of rights; a bill of rights is, in fact, the first issue raised in his discussion of this third objection. This topic is quickly dismissed after one short paragraph, however, so that Bryan may move on to other topics more to his liking. He dwells much longer on representation, stating that "the representation [in the legislature] ought to be fair, equal, and sufficiently numerous, to possess the same interests, feelings, opinions, and views, which the people themselves would possess, were they all assembled." This takes substantial liberties with Whitehill's proposed amendment calling for the House to be "properly increased in number," and Bryan's implication that the Senate should not be apportioned equally across states seems to have been mentioned only once in convention, apparently as an observation more than a serious argument.³³

³² *CAF*, 3:153, 153–54.

³³ *Ibid.*, 3:157, 158. Findley mentioned Senate apportionment, according to James Wilson's notes. Specifically, he pointed out that a citizen of Delaware would have ten times the voting power in the Senate of a citizen of Pennsylvania. According to the notes of Yeates, Findley added that the equal voting in the Senate "is rather to be lamented than avoided." Wilson rebutted the charge in his speech of December 11, but he did it in such an offhand way that it appears it was not a major point of contention. Neither Smilie nor Whitehill ever raised such an argument in extant records of the debate. *DHRC*, 2:503, 504, 565.

While the Anti-Federalists in convention spent a substantial amount of time on the question of a bill of rights, Bryan devotes about five times as much space to the issue of representation and popular control over the legislature. By contrast, fewer than a third of significant convention speeches directly addressed the question of representation, while two-thirds discussed individual rights and liberties.³⁴

Bryan's discussion of judicial rights follows a similar pattern. While the convention minority kept returning to the importance of juries, he focuses on the issue of appeals. Whitehill's amendments called for a jury of the vicinage, and it seems that this is the only aspect of jury trials in which Bryan has any interest. Bryan's discussion of the separation of powers reflects Whitehill's twelfth suggested amendment, stating that the legislative, executive, and judicial powers ought to be kept separate. Bryan's discussion of the militia and standing armies is also in line with the views expressed by the convention dissenters. When he gets to taxes, though, the disconnect is again evident. In convention, when the subject of taxes was raised, the Anti-Federalist conclusion was invariably that taxing powers ought to be reserved to the states. Bryan will not even permit this. Capitation taxes, he insists, are "so congenial to the nature of despotism"; moreover, taxes on any form of property are "oppressive" because the only alternative is to "let their property be taken." To him, the role of the state governments ought to be to provide "relief, or redress of grievances."³⁵ Evidently, the states can be trusted not to levy taxes at all.

Bryan writes that the "strongest of all checks upon the conduct of administration, *responsibility to the people*, will not exist in this government." Here we have the heart of his democratic position. The dissenting delegates, upon reading this, might have found themselves in agreement, but more careful consideration puts this statement at odds with the arguments of the three leading Anti-Federalists in the convention. What Bryan wanted was a government that was in fact *responsive* to the people; that is, he wanted the people firmly in control of their representatives. Findley, Smilie, and Whitehill, by contrast, were prepared to permit the representatives of the people greater latitude: to act in the best interests of the people rather than follow their whims. If popular control is the strongest of all

³⁴ Of eighty-three total speeches in the available records, only sixteen discussed representation. Excluding speeches on procedural questions or for which we have very short or very incomplete records, thirteen out of forty-two address representation.

³⁵ *CAF*, 3:162.

checks, why push so forcefully for a bill of rights, rather than a simple and direct government? The latter would have been easy to justify, especially in Pennsylvania, where state representatives were very close to the people and the government was highly democratic. But the Anti-Federalists in the convention actually *conceded* the idea of simple government, explicitly accepting bicameralism and implicitly accepting the Federalist justification for it: a filtration of talent and representatives that act as trustees of the people rather than directly reflecting the popular will. Moreover, the dissenting delegates accepted the general outlines of the government described in the Constitution. Findley suggests that the Constitution might be made acceptable with proper amendments. "I wish not to destroy this system," he said in convention on December 3. "Its outlines are well laid. By amendments it may answer all our wishes."³⁶ The amendments he wanted seem to have been primarily additional guarantees of rights rather than a thorough overhaul of the system. A bill of rights protects the people from government; it does not make the government more beholden to citizens. Furthermore, if responsibility is the strongest check, why did the delegates not propose an amendment for a unicameral legislature, which creates a more direct link of responsibility, as in the Pennsylvania state government at the time? Centinel had suggested such a legislature in his writings; the opposition in the convention did not. Findley and Smilie ultimately repudiated unicameralism, though Whitehill did not.³⁷

The concern of the "Dissent" with consolidation and despotism is based on a very democratic position, expressed in distinctly Centinel-esque rhetoric. It is easy to imagine that writer warning us that "judges, collectors, tax-gatherers, excisemen and the whole host of revenue officers will swarm over the land, devouring the hard earnings of the industrious. Like the locusts of old, impoverishing and desolating all before them."³⁸ The primary concern for the convention dissenters was protecting the people against encroachment by government; for Bryan, it was ensuring that the people *were* the government. Findley, Smilie, and Whitehill's arguments in the convention indicate they would be content merely with preventing despotic government; Bryan was determined to establish participatory government.

³⁶ Ibid., 3:162–63, 2:139; *DHRC*, 2:459. Findley also praised the Constitution when the legislature debated calling a convention, describing it as "wisely calculated for the purposes intended" and "very deserving the commendation it received," though yet imperfect (*DHRC*, 2:71).

³⁷ Ireland, *Religion, Ethnicity, and Politics*, 88; Maier, *Ratification*, 110. "A single branch [of the legislature] I will concede," Findley said on December 3. "As the greatest part of the states have compound legislatures," Smilie said the next day, "I shall give up that point." *DHRC*, 2:459, 465.

³⁸ *CAF*, 3:165.

For the former, it was unnecessary to go as far as Bryan demanded, while for the latter, the delegates offered only weak protections that would still permit a repressive regime. The "Dissent" took Bryan's view, abandoning the conciliatory position taken in the convention. This shift in emphasis is clearly the work of Bryan, the author of *Centinel* and the driving force behind the radical democratic branch of Anti-Federalism, both in Pennsylvania and nationally.

The differences between the arguments raised in convention and those written by Bryan leave us a substantial and particularly vexing question: if Bryan's version of the "Dissent" did not accurately reflect the dissenting position in convention, why did twenty-one dissenters sign it? It is worth remembering that the rights-based and democratic opposition positions are not incompatible; even a delegate who was dubious of *Centinel's* radical democratic inclinations would have found much that was agreeable in the "Dissent," even if he thought it went too far. Such a delegate might have been sympathetic to a more radical position anyway, as the democratic position championed by *Centinel* was particularly popular in the western part of the state, and fourteen of the twenty-three dissenting delegates were from west of the Susquehanna River. Eleven of these fourteen said nothing in our extant records of the convention debates and may well have preferred *Centinel's* position to the more moderate one taken in the debates (as could the other nine, of course). With ten signatures (James Marshel, of far western Washington County, did not sign), Bryan could have convinced the others into endorsing his position to avoid the appearance of a schism among the minority in the state. Actually, Findley and Smilie probably had sentiments more democratic than they intimated in debates; both came from the far western reaches of the state and undoubtedly lived among constituents who favored democracy or at least distrusted political elites. Furthermore, their political statements before the ratification debate placed them firmly in the radical Constitutionalist Party in Pennsylvania, though neither belonged to the extreme radical fringe of Pennsylvania politics. In convention, both likely wanted to appear more statesmanlike and less populist in order to lend the opposition position greater credibility. Alternately, given the quick appearance of the "Dissent," it is entirely plausible that none of the dissenting delegates had the time or inclination to make a serious effort to edit the document. Samuel Bryan was trusted by the Anti-Federalists in the convention; if nothing else, his father's prominence would have made him seem credible

to those who did not know him personally. The presence of Whitehill's amendments, at first glance, certainly makes the document seem to be of a piece with the dissent in convention. Perhaps some, or even most, of the Anti-Federalists in convention signed without a careful examination of Bryan's argument.

We might also look at the "Dissent" as the culmination of increasing frustration and anger on the part of the delegates. Certainly we see similar indignation and hostility in the "Address of the Seceding Assemblymen" (possibly written by George Bryan) in response to mistreatment by the Federalists in the legislature in calling a ratifying convention.³⁹ During the course of the convention debates, the Federalists became increasingly condescending and the Anti-Federalists more hostile; it is possible that delegates who began as reasonably moderate became radicals as a result of the debates themselves. Whitehill's amendments were themselves more far-reaching than earlier suggestions for amendments; the "Dissent" may well have been the next logical step in the rising hostility. Certainly there is a degree of truth to this, and some delegates may have been willing to sign their names to a more radical document out of anger, but the difference in argument and emphasis in the "Dissent" compared to the convention minority arguments suggests that the "Dissent" was more than a logical progression from earlier opposition.

Regardless of the motives of the convention dissenters in signing the "Dissent," the essay shifts the terms of the opposition in a decidedly more radical direction, in both tone and ideology. Whether or not this represented the true position of those twenty dissenters who said nothing in convention (or even of those three who spoke), the "Dissent" clearly departs from the stated objections in the convention of the state of Pennsylvania.

The Implications of Pennsylvania's Democratic Opposition

It is clear that the "Dissent of the Minority" had a substantial impact on the course of the ratification debates, and conventional wisdom holds that it was a positive impact for the Anti-Federalists. The Federalists themselves acknowledged its effect, with a writer in Virginia claiming that "it is the opinion of the most observing politicians, that the Minority

³⁹ *DHRC*, 2:112–17; titled "Address of the Minority of the Pennsylvania House of Representatives" in *CAF*, 3:11–16.

of Pennsylvania, by their vague 'Reasons of Dissent,' and the consequent inflammatory publications, have done more real injury to the proposed Federal Constitution, than the whole combined force of anti-federals, throughout the United States." That the "Dissent" was inflammatory and incited emotional responses on both sides of the debate is indisputable. That the writings of Bryan contributed to the long resistance to acceptance of the Constitution in western Pennsylvania is likely. We know that the "Dissent" was among the most widely printed, and therefore most likely widely read, writings against the Constitution. Bryan himself, in a letter to Albert Gallatin three years after the "Dissent" was published, boasted that his work was "highly celebrated throughout the United States" and claimed that it "occasioned more consternation among the friends of this governm[en]t than any thing that had preceded or followed it."⁴⁰

Ultimately, though, the "Dissent" may have been counterproductive to the Anti-Federalist cause, or at least may have made ratification more likely. The reason for this is simple: the "Dissent" itself was widely mistaken for the position of the entire opposition. "The Minority in Pennsylv[ania]," James Madison wrote to Edmund Randolph in early January, "as far as they are governed by any other views than an habitual & factious opposition, to their rivals, are manifestly averse to some essential ingredients in a national Government."⁴¹ Madison was familiar with the published "Dissent," though he may not have seen the arguments made by the opposition in the state convention. Bryan's democratic localism, whatever its merits, was not conducive to the kind of centralized government favored by the Federalists and embodied in the Constitution. It does not follow, however, that the arguments made in convention in Pennsylvania were similarly hostile; Whitehill's suggested amendments would have left intact most of the structure of the federal government, and Whitehill appears to have been the most radical of the three opposition spokesmen in his convention arguments. It was Centinel's style of representation that undercut an effective national government. Madison saw only one side of the opposition, and he was far from alone.

A few observers did note the difference. Thomas Rodney of Delaware, for example, while traveling in western Pennsylvania, noted in his journal

⁴⁰ *DHRC*, 8:402, 15:13. Steven Boyd offers an excellent discussion of the eventual acceptance of the legitimacy of the Constitution in Pennsylvania and among Anti-Federalists nationally. Steven R. Boyd, "Antifederalists and the Acceptance of the Constitution: Pennsylvania, 1787–1792," *Publius* 9, no. 2 (1979): 123–37.

⁴¹ *DHRC*, 8:289.

that “the better sort . . . Seem much afraid of the Foederal constitution in its present form without a bill of rights;” on the other hand, “the inferior class are totally against it, from their current Sentiment against proud & Lordly Idea’s.”⁴² Rodney recognized that there was a division within the opposition; though the division was not strictly along the class lines he suggested, it did generally follow those socioeconomic divisions. The division is better understood as one of ideas; those Anti-Federalists with more democratic tendencies did not accept the proposition that the Constitution could be made safe with a bill of rights or modest structural changes.

The distinction between these two strands of Anti-Federalism is an important one for understanding the diverse nature of the opposition to the Constitution, in Pennsylvania as well as in other states. The rights-based approach to opposition ultimately won out over the radical democratic one, which is why the Anti-Federalists are so often attached to the Bill of Rights as their small, partial victory in the ratification debates. The democratic position, though, could not have been incorporated into the Constitution without essentially starting over. The idea of stronger national government embraced by the delegates to the Philadelphia Convention was anathema to Centinel and his like-minded democrats. Consolidated government was, for them, inherently undemocratic. Though many Anti-Federalists initially praised the “Dissent,” its influence waned as opponents of the Constitution turned increasingly toward the hope for amendments and a bill of rights rather than outright rejection.

In the long run, Bryan and the democratic Anti-Federalists were wrong; substantial democratic elements could be (and eventually were) woven into a stronger national government. A sort of democratic nationalism coalesced around first Thomas Jefferson, then Andrew Jackson, and became a permanent fixture in American political culture. The states did, in fact, retain most of their powers right up until the Civil War, and the states remained close to the people. As Max Edling notes, “Popular identification with the nation never challenged loyalty to state and sectional identity” in antebellum America. During that time, then, the democratic Anti-Federalists arguably had not lost the ratification debate; it was only when sectional differences became overwhelming that the states lost out, and by then the national government had incorporated substantial democratic elements. As Edling explains, “while the Federalists may have won

⁴² Quoted in Cornell, “Aristocracy Assailed,” 1149.

the battle over the Constitution, they lost the war over the political development of the United States. No powerful centralized state developed in America after the ratification of the Constitution."⁴³ The democratic resistance to such consolidation, though it was present in most opposition writing, was the calling card of the radical democratic Anti-Federalists. Even if Samuel Bryan's radicalism did undermine the Anti-Federalist efforts to defeat the Constitution, his long-term impact is underappreciated. He helped to inaugurate a radically democratic strand of American ideology, one that has persisted throughout our history. Fully exploring this influence is beyond the scope of the present inquiry, but it is apparent that Centinel's democracy helped to lay the groundwork for pluralist politics, as Gordon Wood observes:

In these populist Anti-Federalist calls for the most explicit form of representation possible, and not in Madison's *Federalist* No. 10, lay the real origins of American pluralism and American interest-group politics. The grass-roots Anti-Federalists concluded that, given the variety of competing interests and the fact that all people had interests, the only way for a person to be fairly and accurately represented in government was to have someone like himself with his same interests speak for him; no one else could be trusted to do so.⁴⁴

This description of representation comes straight out of the writings of Bryan. Neither the Federal Farmer nor Brutus advocated such a vision of representation; both hesitated to embrace a radically democratic stance. Nor can we find such populism in most of the opposition in the ratifying conventions or much of the writing of the Anti-Federalists who were among the political elite. It is Bryan's opposition to centralized power and political elites, and the position of those who sided with Centinel, that ultimately had the greatest impact on American political development.

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⁴³ Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York, 2003), 229, 227.

⁴⁴ Gordon S. Wood, *The Radicalism of the American Revolution* (New York, 1991), 259.