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COVER ILLUSTRATION: Gifford Pinchot (right) and Maj. Gen. Smedley D. Butler, who had been Philadelphia’s Chief of Police from 1924 to 1926, where he led the city’s unsuccessful effort enforce prohibition. Here Pinchot and Butler watch a game at Franklin Field, December 1932. *Philadelphia Record Photograph Collection*. In this issue, Thomas Pegram examines Pinchot’s collaboration with the WCTU to privately fund prohibition enforcement in Pennsylvania.

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*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.

*Brewing Trouble:
Federal, State, and Private Authority
in Pennsylvania Prohibition
Enforcement under Gifford Pinchot,
1923–27*

FOR MANY AMERICANS in the 1920s, the adoption of national prohibition marked an experiment in government. To some, the public commitment to outlaw the traffic in alcoholic drinks was an intrusive and futile attempt to interfere with local conditions, customs, and the individual liberty of American citizens. Others considered the growth in public responsibility mandated by the Eighteenth Amendment to be a necessary step toward reform and efficiency. At the state level, national prohibition represented a further administrative challenge. State governments were expected to cooperate with federal enforcement agents and to construct state-level enforcement mechanisms that would support and augment national efforts while customizing enforcement to local circumstances. Rarely in the early twentieth century did public policy traverse so dangerously the intersections between local, state, and national sovereignty and collide so dramatically with popular resistance. State-level prohibition enforcement in the 1920s prompted innovations in public-policy administration and outlined the limitations of government authority in the institutional network of modernizing America.

The course of national prohibition in Pennsylvania, which ratified the Eighteenth Amendment in 1919, was particularly tumultuous. In defiance of a national policy intended to abolish saloons and the drinking culture that accompanied them, Pennsylvania maintained licensed saloons

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until 1923. Efforts by federal prohibition agents to carry out their duties met blunt opposition from many elected officials, especially in Pittsburgh and Philadelphia. "Let the federal men raid," argued the top police official in Pittsburgh in 1928, as he refused to allow city police to assist dry agents. "It's their business to enforce the prohibition law. It's all they've got to do." Desperate to control the unregulated traffic in illegal liquor in Philadelphia, Mayor Freeland Kendrick plucked Brigadier General Smedley Butler from the Marine Corps and appointed him police chief of Philadelphia. Between 1924 and 1926, when he was fired and returned to the military's less complicated chain of command, Butler led the police in a bruising but unsuccessful campaign to bring the city's illegal alcohol producers and sellers to heel.¹

Despite these expressions of wet intransigence against prohibition, Pennsylvanians elected a committed prohibitionist, Gifford Pinchot, as governor in 1922. During a long public career, Pinchot had displayed a deep devotion to public service as well as unquenchable political ambition. These attributes combined with his religiously inspired enthusiasm and moral temperament bordering on prudishness to make the new governor a fierce champion of prohibition enforcement. Although Pinchot rarely attended church services in his adult life, the one-time Sunday school teacher retained a strong respect and affection for Christian institutions as well as a tendency to detect moral error in the politics and behavior of his opponents. Similarly, although Pinchot had occasionally served alcohol when social protocol required it, he had long regarded indulgence in strong drink as a moral failing. As a young man visiting Germany, he considered his hosts to be "in that retrograde condition where a man's chief duty in society lies in the willingness to drink all he can get." In Pennsylvania, Pinchot worked closely with the Woman's Christian Temperance Union (WCTU), a dedicated body of dry activists, and was a trustee of the Anti-Saloon League (ASL), representing the Episcopal Church.²

Supported by well-organized if outnumbered dry sentiment, Pinchot initiated a bold attempt to construct a real enforcement regime in

¹ Julien Comte, "Let the Federal Men Raid': Bootlegging and Prohibition Enforcement in Pittsburgh," *Pennsylvania History* 77 (2010): 174; Paul Frazier, "Prohibition Philadelphia: Bootleg Liquor and the Failure of Enforcement" (PhD diss., University at Albany, State University of New York, 2001), 149–63. While limited in their scope, the studies by Comte and Frazier are the best available analyses of prohibition enforcement in Pennsylvania.

² M. Nelson McGeary, *Gifford Pinchot: Forester-Politician* (Princeton, NJ, 1960), 12–13, 244–45, 324–26 (quotation, 245); Ernest H. Cherrington, comp. and ed., *The Anti-Saloon League Year Book, 1925* (Westerville, OH, 1925), 200.

Pennsylvania. His efforts challenged lines of administrative authority and blurred the distinction between public policy and private advocacy. Rather than aligning state efforts with officers of the federal Prohibition Unit, Pinchot denounced the corruption and incompetence of federal agents and engaged in a self-righteous and damaging feud with Prohibition Director Roy V. Haynes and Treasury Secretary Andrew W. Mellon, the cabinet official entrusted with prohibition enforcement and one of the most powerful men in Pennsylvania. Shaking off federal prohibition authorities, Pinchot put his faith in the Pennsylvania justice department, the Pennsylvania state police, and a mysterious collection of undercover agents. Much of the work of these public authorities was financed not by state resources but by funds privately raised by WCTU women, who refused to allow the hostile state legislature to gut Pinchot's enforcement plan. Prohibition enforcement in Pennsylvania between 1923 and 1927 undercut national authority by means of state assertiveness and, at the state level, mixed enhanced government authority with private funding and supervision of state policy. The administrative lessons of prohibition-policy enforcement, like that of the reform itself, were complex and contradictory.

"I am going to enforce the prohibition law," Pinchot announced in 1923. "This is the first honest-to-God attempt made in this state to do so." A talented administrator and reformer who somehow combined the qualities of charisma and officiousness, Pinchot had taken advantage of disorganization in the conservative, wet Pennsylvania Republican machine following the death of the dominant state boss Boies Penrose to win election as governor the previous November. Committed to tax reform and administrative efficiency among other policies, Pinchot nevertheless put a special moralistic emphasis on prohibition enforcement, which sparked enthusiasm from dry supporters, many of them women. "I regard the present flagrant failure to enforce the Volstead law as a blot on the good name of Pennsylvania and the United States," he stated once in office. Casting the issue in the Progressive language of democracy and morality, Pinchot insisted that "if allowed to continue [defiance of prohibition] will amount to a serious charge against the fitness of our people for genuine self-government." Displaying the bluntness and willingness to criticize superiors in government that had marked his career as forestry head in the Taft administration, the new governor blamed state officials and, especially, the federal Prohibition Unit for the corrupt and inept practices that, in the estimation of the *New York Times*, had turned the commonwealth

into “one of the wettest States in the Union.” “I intend to use the State Constabulary to enforce this law,” Pinchot announced. “I do not intend to co-ordinate the State and Federal forces.”³

Until this point, Pennsylvania had resisted the wave of dry sentiment that crested in 1919 with the adoption of national prohibition. Although the 1874 Women’s Crusade against saloons that gave rise to the Woman’s Christian Temperance Union had Pennsylvania roots, and although the state contained an aggressive branch of the Anti-Saloon League, the commonwealth’s immigrants, factory operatives, coal miners, city dwellers, and politicians overwhelmingly preferred to preserve legal and open access to alcoholic beverages and to defend the businesses that produced and sold them. Correspondingly, as states to the south and west restricted liquor sales and enacted state prohibition statutes, Pennsylvania legislators joined their neighbors in the wet Northeast and acted to control misbehavior in the drink trade through high licenses. Proponents argued that high liquor licenses, some costing as much as \$1,000, would force objectionable dives out of business and provide revenue to state and local government. Since the 1887 enactment of its high-license law, the Keystone State had been the nation’s model of the high-license alternative to prohibition as a form of liquor regulation.⁴

Surprisingly, the Pennsylvania system of regulated liquor manufacture and licensed saloons remained largely intact during the early years of national prohibition. The Eighteenth Amendment barred the manufacture, sale, and transportation for sale of intoxicating beverages—with exemptions for religious and industrial use—and stipulated that concurrent state legislation be enacted to enforce the ban. The Volstead Act of 1919 adopted the severe standard of 0.5 percent alcohol content as the baseline for defining a drink as intoxicating. When the measure went into operation in January 1920, states began to pass companion enforcement laws that closed saloons, breweries, and distilleries. Pennsylvania, however, failed to enact a tough enforcement law. Instead, while acknowledging that alcoholic beverages were illegal, the state retained its license system and, with it, its saloons. Spurning dry pressure to outlaw barrooms, the legislature adopted the Woner Act in 1921, which continued to issue licenses to saloons, fully fitted out as in preprohibition days with bars, brass rails, and

³“Pinchot Tells How He Expects to Make Wet Pennsylvania Dry,” *New York Times*, Mar. 4, 1923, 1.

⁴Ernest H. Cherrington, comp. and ed., *The Anti-Saloon League Year Book, 1921* (Westerville, OH, 1921), 276–78.

fixtures but now supposedly restricted to selling near beer. For their part, many breweries and distilleries took advantage of laxity and corruption in federal prohibition enforcement to obtain permits that allowed them to continue their businesses. In 1923, forty-four distilleries and seventy-two breweries in Pennsylvania operated under the protection of federal licenses. Breweries without federal permits carried on under cover of making near beer for licensed saloons. Prohibitionists complained that saloons could not afford licenses unless they sold actual beer and spirits, so that the state remained wide open in defiance of the Constitution and state law.⁵

Despite continued agitation by the Pennsylvania branches of the WCTU and the ASL, liquor flowed without much hindrance in the Keystone State. Pennsylvanians drank denatured industrial alcohol diverted from its intended use, cleared of its adulterants (most of which could be easily removed), cut, colored, labeled, and sold as whiskey. Fully alcoholic beer was shipped to saloons before the process of rendering it into near beer was completed, or near beer was boosted with alcohol to make it potent (if not altogether potable) for those seeking an alcoholic kick. At the time Pinchot took office in 1923, as his chief prohibition enforcement officer described it:

no other state in the Union so combined within its borders the three great sources of illegal drink, as did Pennsylvania. More whiskey was stored in the Pittsburgh Revenue District . . . than was stored in any state of the Union except Kentucky; more denatured alcohol was produced and removed for use in the Philadelphia District alone than in any state of the Union except Maryland and Louisiana; and more beer and cereal beverages were produced in the Pennsylvania breweries than in any other state of the Union except New York.⁶

Moreover, the incoming governor charged, officials of the United States Prohibition Unit had issued permits to fraudulent companies that operated as bootleggers under the pretense of making hair tonics, toiletries, or tobacco sprays. In Pittsburgh, federal authorities allowed criminals to remove whiskey from government warehouses. Saloonkeepers and boot-

⁵Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800–1933* (Chicago, 1998), 147–52; Cherrington, *Anti-Saloon League Year Book, 1921*, 278; “Shut Off the Liquor Flood at Its Source, Says Pinchot,” *New York Times*, Nov. 4, 1923, XX1.

⁶William Burnet Wright Jr., *Four Years of Law Enforcement in Pennsylvania: Report to Governor Pinchot* (Harrisburg, PA, 1926), 4, box 651, folder Wright, W. B., Gifford Pinchot Papers, Manuscript Division, Library of Congress, Washington, DC (hereafter Pinchot Papers).

leggers were tipped off before federal raids. Most dishearteningly, William McConnell, the federal prohibition director, stepped down in 1922 amid accusations that he had conspired with bootleggers. Pinchot dramatically charged that “the Pennsylvania State police are compelled to wage a guerrilla warfare against liquor fortifications that are maintained under the protection of Federal permits.”⁷

Once in office, Pinchot moved to establish a genuine enforcement mechanism in Pennsylvania, proposing bills to create a state-level equivalent to the national Volstead Act and to tighten state policing of breweries and distilleries. In an illustration of the severe restrictions facing liquor-law enforcement in Pennsylvania, Pinchot only managed to get the enforcement bill, known as the Snyder–Armstrong Act, out of the wet legislature. Concerned about patronage and appointments, the state machine acknowledged the governor’s commitment to prohibition enforcement by allowing the Snyder–Armstrong bill to become law on March 27, 1923. But even in this case, Pinchot personally had to lobby wavering representatives to obtain by two votes the necessary majority in the lower house of the legislature. Operating in an environment hostile to prohibition, dry Pennsylvanians would have to make the most out of this victory.⁸

Pinchot’s state enforcement law eliminated saloon licenses and brought Pennsylvania requirements in line with enforcement standards in most other states. The measure outlawed the manufacture, sale, possession, and movement within, into, or out of the state of alcohol for beverage purposes. Stocks of liquor purchased before enactment of the law remained legal for home use, and breweries could still produce real beer as part of the process of making legal near beer. Enforcement officers, drawn from the ranks of the state police, received broad search and seizure powers. Most importantly, the state justice department was empowered to close establishments that violated the law on the grounds that they represented common nuisances. This injunction measure, by which state authorities could padlock a business for up to a year, was a crucial enforcement weapon that neither state nor federal officers had yet made use of in Pennsylvania. This was the enforcement law “with teeth in it” that Pinchot had wanted to redeem his pledge to “drive saloons out of the State.” But Pinchot desired one more enforcement feature. “I have my own plans which are more extensive than

⁷ “Shut Off the Liquor Flood at Its Source,” XX1.

⁸ McGeary, *Pinchot*, 304; “Pinchot Tells How He Expects to Make Wet Pennsylvania Dry,” 1; “Pinchot’s Dry Bill Wins in Pennsylvania,” *New York Times*, Mar. 28, 1923, 3.

the employment of the State police," the governor had revealed as the bill moved through the legislature. That special plan involved the employment of "a special body of men to devote themselves entirely to searching for the violators of the prohibition law." These special agents would be supported by a \$250,000 appropriation to the attorney general's office, which accompanied the Snyder-Armstrong bill. In June, however, Pennsylvania legislators left the \$250,000 appropriation out of the enforcement law. Public funds would not support the full range of Pinchot's plan for prohibition enforcement. Instead, private interests would step in and undertake a quasi-public role in state policy.⁹

After Pennsylvania lawmakers refused to allot the \$250,000 specified for enforcement in the Snyder-Armstrong Act, the women of the Pennsylvania Woman's Christian Temperance Union pledged to raise the sum. The organization's president, Ella M. George of Beaver Falls, had negotiated Pennsylvania's unruly struggles over liquor control as head of the WCTU since 1907. In contrast to her grandmotherly appearance, George possessed organizational acumen and strong political instincts. She increased the membership of the state WCTU from 17,000 to 47,000 by the mid-1920s, establishing the Pennsylvania contingent as one of the largest branches of the national union. In 1919, she pushed the state legislature to declare Frances Willard Day in the public schools, on which date Pennsylvania school children received temperance lessons in honor of the WCTU's charismatic late nineteenth-century leader. With George's encouragement, the state WCTU vigorously backed Pinchot's gubernatorial campaign. As the legislature tried to pull the teeth from Pinchot's enforcement plan in 1923, women from WCTU locals urged George to step forward and support the governor.¹⁰

Spurred on by the WCTU rank and file, George worked out a procedure with Pinchot and Attorney General George W. Woodruff to funnel voluntary contributions into state prohibition enforcement. Dry women and their supporters paid into a fund that, under the trusteeship of Woodruff

⁹"Pinchot Tells How He Expects to Make Wet Pennsylvania Dry," 1 ("own plans," "special body"); "Dry Law 'With Teeth' Proposed by Pinchot," *New York Times*, Feb. 6, 1923, 23; Major Lynn G. Adams, "The Police Officer's Difficulties in Enforcing Liquor Laws," *Annals of the American Academy of Political and Social Science* 109, *Prohibition and Its Enforcement* (1923): 199; Wright, *Four Years of Law Enforcement*, 4; "Pinchot's Dry Bill Wins in Pennsylvania," 3 ("drive saloons out"); "Pennsylvania House Hits 'Dry' Enforcement by Leaving Pinchot Without Funds for Work" *New York Times*, June 15, 1923, 1.

¹⁰*History, Pennsylvania Woman's Christian Temperance Union* (Quincy, PA, 1937), 27, 249.

and Pinchot's hand-picked special counsel William Burnet Wright Jr., directed money in support of specific law-enforcement operations. In mid-June 1923, Woodruff ruled that Pinchot had the "clear legal right" to accept voluntary funds to aid state enforcement efforts. Buoyed by four one-dollar contributions and \$1,000 from prohibitionist State Senator T. Lawrence Eyre of West Chester, the Law Enforcement Revolving Fund, as it was known formally, began to build. Although promised subscriptions from "monied men" failed to materialize, WCTU locals poured money into the fund. Allegheny County women raised more than \$11,300 in 1923 alone. Other large contributions included \$10,000 from Philadelphia County unions and \$6,000 from the Blair County WCTU. By 1926, White Ribboners in Chester County added nearly \$5,000 to the fund. WCTU women in Dauphin, Clearfield, and Westmoreland Counties raised between \$1,900 and \$2,400 in their respective jurisdictions.¹¹

Beyond mixing private funding with public responsibility, Pinchot followed a lifelong pattern as he entrusted prohibition enforcement in Pennsylvania to a corps of loyal subordinates bound to the governor by personal relationships and shared backgrounds. Attorney General Woodruff's close friendship with Pinchot extended back to college days at Yale and their membership in the secret Skull and Bones society. "I can think of no man of more admirable character than George Woodruff," Pinchot recalled near the end of his life. Woodruff first made a name for himself as a Yale football star and, after graduation in 1889, as an innovative college football coach. But by 1901, he joined Pinchot in the United States Forest Service; he later followed him into the National Conservation Association and again served Pinchot loyally on the Pennsylvania Forestry Commission. By the time he took up prohibition enforcement duties as state attorney general in 1923, Woodruff's association with Pinchot had stretched to nearly four decades. Wright, who directly managed enforcement activities, was a newer member to the Pinchot team, but he possessed a background that gained him easy access to insider status in the governor's administration. The son of a prominent Presbyterian minister from Buffalo, Wright entered Yale when Pinchot and Woodruff were seniors. He belonged to the same fraternity, Psi Upsilon, as the other two men and served as manager of the Yale football team at the time that

¹¹ "1,000 for Pinchot Fund," *New York Times*, June 19, 1923, 4; Ella M. George to William B. Wright, Feb. 7, 1924, box 1590, folder 33, Pinchot Papers; *History, Pennsylvania WCTU*, 12, 39, 83, 112, 249, 354.

Woodruff coached Penn. Wright took up law and, during the First World War, practiced moral police work as a major in the enforcement division of the army's Sanitary Corps. Displaying a moralistic and religious intensity close to that of Pinchot himself, Wright combated social pathologies and misbehavior after the war as secretary of the Baltimore Alliance, a reformist voluntary association dedicated to moral improvement. Recognizing Wright's affinity with his own views and background, Pinchot selected the crusading lawyer as his special counsel for prohibition enforcement.¹²

In addition to friends and familiars, Pinchot drew on the resources of his own family to solidify his alliance with women and drys in support of stepped-up prohibition enforcement. Cornelia Pinchot, the governor's energetic and reform-minded wife, continued the prominent role she had played in the gubernatorial campaign, during which candidate Pinchot had used her as part of his strategy of courteous attentiveness to newly enfranchised Pennsylvania women. During the campaign, both Pinchots had stressed women's particular awareness of issues concerning efficiency and economy that faced the state. Speaking before women's clubs and dry groups after Pinchot took office, Cornelia Pinchot further emphasized women's special interest in prohibition. She went so far as to advocate appointing women as federal and state enforcement agents, since women "would be more honest in the matter of prohibition enforcement." Although women did not join the official enforcement service, many Pennsylvania women, especially those in the WCTU, carried out in an informal way Mrs. Pinchot's admonition that women should "get the information [concerning lawbreakers] and . . . see to it that no outside influences operate against the carrying out of the law."¹³

On August 1, 1923, the WCTU commenced operations by releasing \$4,000 to Wright and Woodruff. As enforcement operations used up each \$4,000 remittance, usually after about five weeks, a renewed request for money, accompanied by receipts and an expenditures report, was relayed by Philadelphia banker Charles J. Rhoades (who, at Pinchot's request, acted as treasurer of the fund) to WCTU treasurer Leah Cobb Marion. Meanwhile, WCTU president Ella George periodically sent appeals to the

¹² Gifford Pinchot, *Breaking New Ground* (New York, 1947), 302–4 (quotation, 302); McGeary, *Pinchot*, 46, 199, 275; *Bulletin of Yale University: Obituary Record of Graduates of Yale University Deceased during the Year 1946–1947* (New Haven, CT, 1948), 27.

¹³ "Pinchot Tells How He Expects to Make Wet Pennsylvania Dry," 1 (both quotations); McGeary, *Pinchot*, 279, 281. See also, "Mrs. Pinchot Charges Dry Law Corruption," *New York Times*, Nov. 21, 1924, 21.

WCTU rank and file for additional donations to the fund, often pairing the request with prominently displayed reports on state successes in prohibition enforcement provided by Pinchot or Wright. In all, the WCTU made thirty-six payments to the state before the fund was exhausted on March 10, 1927, two months after Pinchot left office. Between 1923 and 1927, Pennsylvania state authorities spent \$138,580.68 raised by the WCTU for prohibition enforcement.¹⁴

To some extent, the WCTU's engagement in Pennsylvania prohibition enforcement fit into a broader 1920s pattern of voluntary action by dry citizens' groups to reinforce the weak arm of formal law enforcement. The federal Prohibition Unit was notoriously understaffed by a thin corps of poorly paid agents. Honest and efficient officers were undermined by colleagues who took money from bootleggers, others who terrorized ordinary civilians with rough questioning and ill-disciplined gunfire, and some who were simply overwhelmed by the gargantuan task before them. State-level enforcement was spotty, even though the Eighteenth Amendment envisioned "concurrent" enforcement by federal, state, and local authorities. Most states, including Pennsylvania, provided minimal funding, if any, for enforcement of the state dry laws that were passed to accompany the Volstead Act.¹⁵

Given the obvious shortcomings of formal law enforcement, dry groups committed to prohibition reform acted in their local communities as supplemental enforcement agents. They hired detectives to investigate illegal barrooms or drugstore sales of alcohol, joined with sympathetic sheriffs or police to raid whiskey makers or illegal nightspots, alerted lawmen to the production, movement, and sale of alcohol, and generally agitated for enforcement of antiliquor laws. In many states, the revived Ku Klux Klan (KKK) took on the role of an informal police force to crack down on dry-law violations. Sometimes these voluntary efforts blended into quasi-public service, as in Indiana, where an old constabulary law became the basis for the Horse Thief Detective Association, a Klan-dominated band of private citizens deputized and sometimes armed by legitimate law enforcement to participate in raids on illegal liquor producers and sellers.¹⁶

¹⁴ "Trustee's Report of Disbursement of W.C.T.U. Law Enforcement Money," *Wellsboro (PA) Agitator*, May 25, 1927, 7; George W. Woodruff to Mrs. Leah Cobb Marion, May 6, 1926, box 1590, folder WCTU General; and George to Wright, Dec. 18, 1924, and, appended to letter, "copy of letters sent out local and county unions. Ella M. George," box 1590, folder 33, both in Pinchot Papers.

¹⁵ Pegram, *Battling Demon Rum*, 157–61.

¹⁶ Thomas R. Pegram, *One Hundred Percent American: The Rebirth and Decline of the Ku Klux Klan in the 1920s* (Lanham, MD, 2011), 119–47.

Similar initiatives were noticeable in Prohibition-era Pennsylvania. A citizen's group calling itself the Law Enforcement League of Pennsylvania organized secretly to gather evidence that would "quietly and effectively assist . . . the authorized officers of the law . . . in the prosecution of all [prohibition] violators." The league identified wet or corrupt public officials, used private investigators to uncover the relationship between bootleggers and police officials who offered them protection, and named the major liquor and beer distributors in northeastern Pennsylvania. Members of the Men's Federated Bible Classes in the northwestern corner of the state also employed private detectives to make illegal liquor buys from shady druggists. These amateur lawmen spent more than \$1,500 to investigate and prosecute lawbreakers. The Kleagle of the Lancaster County KKK in 1925 offered Pinchot the services of his "secret committee" that was poised to obtain evidence on forty local places that were illegally selling liquor. Another Klan official in Scranton complained to the attorney general that timid Wyoming County lawmen and prosecutors had knuckled under to pressure from a defiant local brewer. The hooded representative requested state authorities to step in and reverse the failure of local law enforcement. Across the commonwealth, bands of private citizens slipped into the role of semipublic investigators or prosecutors to alternately support or upbraid the efforts of legitimate authorities tasked with enforcement of prohibition.¹⁷

WCTU women joined other private citizens in identifying prohibition-law violators, encouraging vigorous local enforcement of the liquor ban, and, sometimes, directly aiding enforcement. White Ribboners in Susquehanna County hired an attorney in 1922 to defeat applications for retail licenses by twenty-six former saloonkeepers seeking to set up fronts for illegal liquor sales. In 1924, county WCTU women donated \$300 for law enforcement at the request of the beleaguered district attorney. Local unions in Westmoreland County pooled their money to provide a car for underfunded dry officers in Pittsburgh. Rebecca Rhoads, the "fearless" head of the Centre County WCTU, once drove all night to Washington,

¹⁷ Law Enforcement League of Pennsylvania to Gifford Pinchot, Feb. 17, 1931, box 650, folder Prohibition Enforcement; Willis K. Crosby to Wright, Mar. 14, 1925, box 1598, folder General Correspondence C; Kleagle, Lancaster County, Knights of the Ku Klux Klan to Governor Pinchot, May 13, 1925, box 1599, folder Governor's Office K; Paul A. Helfer, Field Representative, Ku Klux Klan to Attorney-General Woodward, Feb. 10, 1926, box 1592, folder Correspondence belonging to Mr. Graham, all Pinchot Papers.

DC, in order to procure “men to put over raids that the local police could not or would not carry out.”¹⁸

WCTU women’s cooperation with state and local authorities, even in its most enthusiastic manifestations, matched the efforts of other private groups, such as the Anti-Saloon League and local dry associations. But the WCTU fund surpassed other dry voluntary associations in making the Pennsylvania WCTU a primary agent of law enforcement in the Keystone State. Dry women supplied the money that allowed Pinchot to pursue his enforcement strategy. The governor’s two chief lieutenants in charge of Pennsylvania prohibition enforcement, Special Counsel William Burnet Wright Jr. and Special Deputy Attorney General Louis E. Graham, owed their jobs to the arrangement crafted between Pinchot and the WCTU. According to the deal, the administration and the WCTU each chose an official to enforce the state prohibition law using the WCTU fund. Pinchot named Wright as his personal representative, and the WCTU selected Graham. The WCTU fund supplied Wright’s \$6,000 annual salary (raised to \$8,000 in 1926) and Graham’s \$5,000 pay. In addition, WCTU money supported Graham’s assistant, Deputy Attorney General William F. Knauer. A handful of special undercover operatives working under Wright’s direction were also paid by the WCTU fund.¹⁹

The officials in charge of day-to-day prohibition enforcement under the auspices of state government in Pennsylvania were thus hybrids empowered with public authority yet still beholden to a collection of private citizens. Wright was not sworn in as an official state employee, although he acted as the state’s top prohibition enforcement policymaker. Wright worked closely with Attorney General Woodruff, superintendent of state police Major Lynn G. Adams, and district attorneys and city solicitors across the commonwealth. He was one of the most important public officials in Pennsylvania, even though his position was that of a special counsel to Pinchot paid by private funds. Although Wright enjoyed the confidence of the governor, he was still subject to criticism from his WCTU benefactors. In 1924, an impatient George reminded Wright:

¹⁸ *History, Pennsylvania WCTU*, 62 (quotation), 290, 354.

¹⁹ “Pinchot Paid Aids from W.C.T.U. Fund, Senators Are Told,” *New York Times*, June 21, 1926, 1; “Drys Bought Liquor with W.C.T.U. Funds, Pinchot Aid Admits,” *New York Times*, June 29, 1926, 1, 2; “North Dakota Fund Raised to Oust Nye, Senators Are Told,” *New York Times*, June 30, 1926, 1, 2.

I really feel, and so do the other [WCTU] officers, that at least twice a month, we ought to have a resume of the accomplishments of [the prohibition] department. . . . The women . . . do not feel that they have had the recognition from Harrisburg that they should have. I know that you are very busy men but without the sinews of war you cannot accomplish very much, and the W.C.T.U. volunteered to supply those sinews.²⁰

Special Deputy Attorney General Graham, who did receive a state commission, had been a district attorney in western Pennsylvania, but he also acted in the state service as an agent of Pinchot and the WCTU. Not only was he nominated for his office by Ella George and paid from the WCTU fund, Graham frequently consulted with George and gave her detailed reports on enforcement operations. As he carried out his duties, the deputy attorney general was attentive to concerns raised by the dry women. His correspondence with George at times reached a level of candor that marked the WCTU president as a policy insider. In a 1925 exchange, for instance, Graham shared political intelligence with George, requested that she “keep [her] ear to the ground” in anticipation of attacks against a sympathetic judge, and revealed news of upcoming state police raids (an unusual security breach) and a contemplated veto by Pinchot.²¹

Yet Graham was not a private WCTU operative but a public figure of notable authority. He prosecuted the injunction cases that were at the heart of Pinchot’s prohibition strategy and which embodied the most critical state power authorized in the Snyder–Armstrong law. In county courts across the state and before Pennsylvania’s supreme court, Graham represented the attorney general while not on the official state payroll. As in most aspects of Pinchot’s prohibition enforcement regime, public responsibility was interlaced with private initiative. At George’s request, private attorneys she had recruited to assist Graham in injunction proceedings were also paid out of the WCTU fund.²² The private investigators operating under the WCTU fund resembled the numerous private enforcement bands that populated the fragmented public-private landscape of 1920s prohibition enforcement, but, unlike truly private detectives, these agents carried out directives originating in the governor’s office.

The blending of public and private authority in Pennsylvania prohibition enforcement gave dry women in the commonwealth access to power

²⁰ George to Wright, June 9, 1924, box 1590, folder 33, Pinchot Papers.

²¹ Louis E. Graham to George, May 5, 1925, box 1590, folder 33, Pinchot Papers.

²² George to Wright, Apr. 11, 1924, box 1590, folder 33, Pinchot Papers.

beyond that of other powerful dry associations. The Anti-Saloon League and its state affiliates penetrated the political power structure of 1920s America by controlling elections and overawing prohibition officials, and in some areas the Klan dominated local governance as a shadowy informal power, but no other interest group matched the Pennsylvania WCTU's absorption into the legal mechanism of state law enforcement.

There were, nevertheless, limits to WCTU influence over Pinchot's prohibition forces, just as state officials were hamstrung by Pennsylvania's constitutional division of powers. Scarce resources, more than WCTU pressure, dictated state enforcement priorities. Pinchot, Woodruff, and Wright had at their disposal a maximum of 270 state police to conduct raids and undercover operations. In addition, Wright's handful of secret agents quietly surveyed conditions in saloons, breweries, and the huge traffic in diverted industrial alcohol centered in Philadelphia. Graham and Knauer prosecuted cases for the state, but Pinchot's enforcement agents were dependent on the goodwill and cooperation of district attorneys, city solicitors, judges, and other local officials. The governor lacked authority to discipline or remove local officials who refused to enforce the state prohibition law; under the state constitution, that power rested with the legislature, which required a nearly impossible-to-obtain two-thirds vote of the Senate to dismiss an official for cause.²³ Action against breweries and denatured alcohol producers required assistance from federal prohibition authorities—and this, Pinchot complained, was at best uneven. Consequently, state authorities focused their efforts on particular targets: first, the saloons operating in the anthracite coal counties, second, saloons in Philadelphia and Pittsburgh. As injunction proceedings closed or harassed illegal retail sellers, state officials then took on breweries that continued to manufacture “high-powered” beer (that is, beer containing alcohol over the limits set by the national Volstead Act) and worked to limit the diversion of industrial alcohol through dummy companies into the thirsty market for illegal booze.²⁴

Targeted enforcement and an inability to force compliance from recalcitrant local officeholders left many WCTU loyalists complaining that the state mechanism they had financed failed to clean up drinking in

²³ Pinchot to Rev. John Henry Daugherty, May 28, 1925, box 1598, folder Governor's Office D, Pinchot Papers.

²⁴ Wright, *Four Years of Law Enforcement*, 13–18; Wright to George, July 15, 1924, box 1590, folder 33, Pinchot Papers.

their communities. Despite the pleas of Mrs. Seely, head of the Montour County WCTU, wide open conditions persisted in Danville. Wright's private agent, who made undercover visits to the town, remarked in 1923, "I was reminded of former times, I found drunken men in the saloons, saw them on the street, and the conditions in the barrooms was like before prohibition times." Despite heightened attention from authorities, there was only marginal improvement in Danville over the following two years. Pressing the state police superintendent for action, WCTU president Ella George acidly noted: "women are just like men. When they pay out money for a certain thing, they are disappointed if they do not get it." A Lackawanna County WCTU fundraiser complained to Pinchot that raising additional money for enforcement was difficult when "we see so little effects from it any where, for you can buy drink in almost any place you buy candy." State police and justice department officials fielded insistent requests from WCTU activists to take action against particular violators, the women often reinforcing their demands by noting the locality's contribution to the Law Enforcement Revolving Fund.²⁵

WCTU sponsorship of prohibition enforcement involved the dry women in personnel as well as policy matters. At the outset of Graham's tenure in 1923, George reminded the new state official that he needed to establish his credibility with the dry women who provided his salary. With the assurance of a seasoned power broker, George informed Wright that she expected "the man whom the dry forces recommend" to be appointed as assistant district attorney in Graham's former jurisdiction, Beaver County. "As soon as the appointment were made," George bluntly told Graham, she would "wire [Wright] that I still had confidence in Mr. Graham."²⁶ The right man was quickly appointed, prompting George to report: "that puts Louis Graham in good standing with us." George also felt free to weigh in on Pinchot's appointments, expressing the "hope that the Governor's eyes may be opened and that he may see the necessity of gathering around him his own true friends," rather than letting politics inform his patronage choices.²⁷

²⁵ George to Major Lynn G. Adams, Nov. 28, 1924, box 1597, folder Complaints—Misc.; report, Danville, Pa., June 9, 1923, 2, box 1592, folder Towns—D; Mrs. Bertha Snedeker to Pinchot, Jan. 21, 1925, box 1599, folder Governor's Office S; John N. English to Adams, Nov. 7, 1923, box 1597, folder Complaints—Misc., all Pinchot Papers.

²⁶ George to Wright, Dec. 6, 1923, box 1590, folder 33, Pinchot Papers.

²⁷ George to Wright, Dec. 10, 1923, and George to Wright, Apr. 25, 1924, both box 1590, folder 33, Pinchot Papers.

Even when state officials did not meet WCTU hiring demands, they expended considerable effort in vetting candidates. One such case in 1924 involved Arthur E. Kemmerling, a hard-nosed former federal prohibition agent much admired by WCTU officials and their dry allies for his incorruptibility and aptitude for “strong arm” measures against wet law-breakers. Ella George joined representatives of the Anti-Saloon League, the Federated Temperance Committee of Allegheny County, and other prominent dries in urging Special Counsel Wright to add Kemmerling to his prohibition enforcement squad. Wright and his staff, however, acted cautiously. Kemmerling had been suspended from the federal Prohibition Unit in 1922 for padding his expenses, although he claimed that he had been “framed” because of his effective enforcement of the law against politically protected wets. While discreet inquiries into Kemmerling’s background circulated among state enforcement officials, the former agent regularly updated Graham on the results of his freelance investigations of dry-law violations.²⁸

Ultimately, state officials had to lay aside the WCTU’s enthusiasm for Kemmerling in order to preserve operational efficiency in antiliquor investigations. Kemmerling’s boss in the federal prohibition service, now in state enforcement, reported that Kemmerling had been a “fearless” agent, but that he was too “Wild Western” in his penchant for gunfights and newspaper headlines. In an assessment that underscored Pinchot’s dedication to careful police work, John N. English summed up the agent as a “raider,” but not a dependable investigator. Kemmerling was too careless about reports, expenses, and his personal associations (he had once motored with a notorious Philadelphia “Politician-Bandit”). Wright’s office and the Pennsylvania state police would only employ “level headed” agents. A year later, Kemmerling was buying illegal liquor from local druggists as an independent undercover sleuth for an Oil City temperance group, but he was not hired by Pennsylvania enforcement authorities.²⁹

²⁸ B. S. Scott to Wright, May 2, 1924, box 1597, folder Applicants for Positions (“strong arm”); George to Wright, Apr. 11, 1924, box 1590, folder 33; untitled list of federal officers, Oct. 26, 1923, 10, box 1589, folder 29 Federal Prohibition Officers, all Pinchot Papers; “Kemmerling Asked to Answer Charges,” *Pittsburgh Press*, Feb. 1, 1922, 23 (“framed”); Wright to Graham, June 4, 1924, box 1598, folder Graham, L. E., Pinchot Papers; A. E. Kemmerling to Pinchot, May 3, 1924, J. F. Hartman to Wright, Apr. 9, 1924, Kemmerling to Graham, Mar. 31, 1924, Apr. 1, 1924, Apr. 5, 1924, Apr. 8, 1924, all in box 1597, folder Applicants for Positions, Pinchot Papers.

²⁹ English to Major Wright, July 7, 1924, box 1598, folder English, John N.; Willis K. Crosby to Wright, Mar. 21, 1925, box 1598, folder General Correspondence C, both Pinchot Papers.

In addition to the strain caused by WCTU efforts to place their favorites in Pinchot's prohibition service, undercover operations themselves required methods that ran counter to WCTU moral strictures. The most potentially explosive of these involved the use of women by state police and special agents in order to gain access to saloons and restaurants and purchase illegal liquor. Early in 1924, a man named John Nelson alerted the editor of the *Pennsylvania Bulletin*, the official newsletter of the commonwealth's WCTU, that state police used the WCTU fund to drink in saloons without obtaining any evidence useful for prosecution of liquor vendors (all of which disappeared "under their gun belts") and that the officers were "taking girls into rum holes." Either innocent young women were being corrupted with WCTU-raised money, the correspondent claimed, or else dry women reformers were purchasing prostitutes for state police officers.³⁰

The WCTU's George dismissed the letter as a sly bit of "wet' propaganda" aimed at disrupting women's commitment to effective prohibition enforcement. Sizing up the realities of policing, George accepted that undercover policemen were forced to drink illegal alcohol as part of their criminal investigations. She pointed out, however, that the state police were not compensated from the WCTU fund and expressed doubt that officers of the law were accompanied by women into illegal liquor dens.³¹ Nevertheless, the charges caused unease within the WCTU. A. Virginia Grosh, editor of the *Pennsylvania Bulletin*, expressed the personal view that "the W.C.T.U. cannot sanction the payment of our money for the purposes" alleged by Nelson.³²

George may have succeeded in tamping down outrage over the charges among the WCTU rank and file, but her confident assertions concerning the use of the WCTU fund were misplaced. In fact, Pennsylvania state police and Wright's special dry agents employed women as part of their investigations, in both cases using money tied to the WCTU fund. For instance, Private Norman E. Annich, one of the state police officers who regularly made undercover liquor purchases, reported in August 1924 that, "in company with a female companion," he purchased whiskey at

³⁰ John L. Nelson to Editor W.C.T.U. *Bulletin*, Jan. 2, 1924, box 1597, folder 21 Conferences—Law Enforcement, Pinchot Papers.

³¹ George to Wright, Jan. 10, 1924, box 1590, folder 33, Pinchot Papers.

³² A. V. Grosh, comment on back of Nelson to Editor, Jan. 2, 1924, box 1597, folder 21 Conferences—Law Enforcement, Pinchot Papers.

the Allison Park Hotel in Pittsburgh. One night earlier, he and another officer spent the evening drinking and dancing with two women whom he described as “a couple of rounders . . . that can drink whiskey like water.” Indeed, the women drank so much that Annich nearly exhausted the \$100 dispensed to him by Graham for illegal liquor buys. Graham worked directly with the WCTU fund, which may have been the source for Annich’s undercover drinking money.³³

Even more candid than Annich was the undercover agent, probably Ralph F. Kneeland, who reported on Philadelphia drinking spots in 1923. The WCTU fund paid Kneeland and a handful of other special operatives working under Special Counsel Wright. Kneeland was the primary agent who surveyed saloon conditions in the state, writing dozens of reports detailing the quality, availability, and price of illegal liquor, as well as documenting the pessimistic attitudes of saloonkeepers and the shifting folkways of surreptitious drinking as Pinchot’s antiliquor offensive intensified. Wright took special care to hide the identity of his prize agent, going so far as to insist in open Senate hearings that the investigator be known only as “Mr. X.” Even in his private correspondence with Wright, Kneeland modestly disguised his name as “Ralph Kay.”³⁴

Although committed to prohibition as a moral reform, Kneeland trafficked in vice in order to gain the confidence of liquor-law violators. He boldly reported that on September 20 and 21, 1923, he visited several liquor-serving cafes in the company of one or more prostitutes. The first woman, “who had accosted [Kneeland] on the southeast corner of 13th and Chestnut streets,” was used to gain access to the Ladies Restaurant, upstairs at Soulla’s Cafe, and the Venetian Cafe. The following afternoon and evening, he visited two similar establishments with a prostitute named Miss Beckman, for whom Kneeland provided a New York City address and telephone number in his confidential report.³⁵ None of the top prohibition officials in Pennsylvania, including Pinchot, revealed to the WCTU

³³ Norman E. Annich to Samuel W. Gearhart, Aug. 20 and Aug. 21, 1924, box 1591, folder 69 State Police Miscellaneous, Pinchot Papers.

³⁴ On Kneeland, see Wright, *Four Years of Law Enforcement*, 20; “Drys Bought Liquor with W.C.T.U. Funds, Pinchot Aid Admits,” *New York Times*, June 29, 1926, 1, 2; “North Dakota Fund Raised to Oust Nye, Senators Are Told,” *New York Times*, June 30, 1926, 2 (“Mr. X”); “Ralph” to Wright, Aug. 3, 1925, and “KAY” to Wright, Aug. 14, 1925, box 1595, folder Miscellaneous, Pinchot Papers.

³⁵ Reports, Cafe, Sept. 20–21, 1923: Soulla’s Cafe, Sept. 20, Venetian Cafe, Sept. 20, Zeiss Hotel Cafe, Sept. 21, Burke’s Cafe, Sept. 21, box 1601, folder Report to Governor by State Investigators Relative to Philadelphia County, Pinchot Papers.

the use of prostitutes in undercover liquor investigations directly subsidized by the WCTU fund.

Impatience and occasional tension marked the relationship between Pinchot's enforcement mechanism and the WCTU women who urged it on. State authorities, however, encountered more serious obstacles in their dealings with local officeholders and the federal prohibition administration in Pennsylvania. In the latter case, Pinchot's tendency to pursue public, intensely personal quarrels with highly placed officials generated a backlash that damaged the governor's political fortunes and distracted attention from law enforcement. But the more immediate daily challenges of enforcement played out at the local level.

For state enforcement to work, cooperation from city, town, and county officials was vital. Under Pennsylvania law, local authorities had the right in many instances to refuse assistance from the state attorney general's office and could block effective action by the state police. Wright and Pinchot fielded streams of complaints from local drys that judges, district attorneys, mayors, sheriffs, or police chiefs in their communities refused to enforce the state prohibition law, but they were forced to offer the unsatisfactory advice that local citizens would have to pressure their community leaders or vote bad officials out of office, since state authorities could not interfere with local governance.³⁶

In areas where sympathy toward open saloons and functioning breweries prevailed, prosecutions were especially difficult. In criminal cases, grand juries refused to indict liquor sellers, or judges imposed small fines that allowed convicted violators to resume their illegal activities. State police superintendent Lynn Adams complained that grand jurors in Schuylkill County refused to indict defendants in nearly fifty liquor cases, despite testimony of state police officers who made undercover purchases and confirmation from chemists that the drinks contained illegal amounts of alcohol. Between June and August 1924, eight consecutive state police reports detailing liquor violations in Luzerne County saloons were ignored by the grand jury. Other violators pled guilty and usually received \$100 fines. Defense attorneys in injunction cases in Delaware County questioned whether undercover officers could identify intoxicating drinks and, if they had familiarity with the properties of liquor, questioned whether their indulgence in drink while on duty had impaired their judgment. Pressured

³⁶ Wright to Mrs. Mabel E. Dallas, County Pres. WCTU Sugargrove, PA, Feb. 11, 1925, box 1598, folder Governor's Office D, Pinchot Papers.

by local opinion, city solicitors in Reading, Wilkes-Barre, and South Bethlehem refused to join the attorney general's prosecution team as the state pursued injunction proceedings against lawbreaking saloons. John H. Bigelow, Hazleton's city solicitor, not only rebuffed Graham's office but acted as attorney for some of the accused saloonkeepers.³⁷

In some instances, local legal authorities took action against the state police. Juries in Northampton County in 1925 acquitted alleged liquor dealers arrested by the state police and required the force to pay court costs. The local district attorney, an alleged wet, refused to absorb the costs unless the prohibition enforcers consulted him before launching operations. In Luzerne, Schuylkill, Lancaster, Chester, and Elk Counties, courts acting at the behest of brewers granted injunctions blocking state police from inspecting their plants. In two of the counties, Chester and Elk, local authorities indicted state police officers on criminal charges. Graham's office was forced to expend resources to defend the commonwealth's lawmen.³⁸

Tension between state police and local police and civic officials remained high in many communities, despite Pinchot's effort to solicit cooperation from local officials. The governor himself set an edgy tone when he remarked before a law enforcement conference of mayors in May 1924, "there are cities in Pennsylvania in which the State Police have never been able to make a successful raid when the local police knew that the raid was planned." In 1923, an informant from York warned that state officers planning operations in that city "must keep absolutely away from the [York] police and police authorities, as they are unquestionably not only protecting the bootleggers but in some instances are bootleggers themselves." A survey of conditions in York revealed the need for such caution. City police officer George S. Carpenter, the report alleged, "sells liquor while in uniform," and Mayor E. S. Hugentugler frequented an "extensive dealer in bootleg whiskey." Another prominent York bootlegger collected money for the mayor's reelection, supposedly because the lawbreaking businessman

³⁷ Adams, "Police Officer's Difficulties in Enforcing Liquor Laws," 197; reports, Troop B, State Police, box 1603, subject file—Luzerne, Hazleton, first folder; In the Court of Common Pleas of Delaware County, Pennsylvania, *Pennsylvania v. Thomas Lindsay and James Hyman and Helen Propper*, No. 893, June Term, 1925, July 21, 1925, transcript, 17–19, 30–33, 52–54, box 1578, folder Chester, Premises: 3rd and Market Sts., Pinchot Papers; Wright, *Four Years of Law Enforcement*, 15; John H. Bigelow to George W. Woodruff, Mar. 14, 1925, box 1603, General Folder/Hazleton, Pinchot Papers.

³⁸ Ellen L. Seip to Wright, May 18, 1925, and attached clipping, box 1590, folder WCTU General; Graham to George, Dec. 15, 1925, box 1590, folder 33, both in Pinchot Papers.

had “nothing to fear” from the head of city government. For their part, city officials complained that the state police unfairly maligned city police and treated local officials disdainfully. Lancaster mayor Frank Musser charged in the presence of Pinchot that the local state police commander had refused to meet with him and failed to cooperate with Lancaster police, a force that Pinchot considered corrupt. Dubois mayor J. J. Pentz reported that the failure of the state constabulary to trust his small force slowed effective cooperation against liquor-law violators. The strongly prohibitionist mayor of Connellsville, Charles C. Mitchell, wanted his police chief to enforce the law without interference. “I do not want the State Police in my city,” he told Pinchot, “because in all the towns of Lackawanna where they get the State Police in, [local residents] have become bitter.”³⁹

Pinchot’s prohibition force nevertheless pushed past these hard feelings and began to work with willing local officials to dismantle much of the trade in beer and whiskey that had persisted in Pennsylvania. In addition to the law-enforcement conference that drew the mayors from twenty-seven medium-sized Pennsylvania cities to Harrisburg, Pinchot also hosted a meeting of district attorneys representing about two-thirds of the counties in the commonwealth in August 1924. Although unanimity of opinion in these meetings remained elusive (for instance, Mayor Daniel Hart of Wilkes-Barre suggested that the “solution of this [prohibition] problem is good beer . . . with foam on it two inches thick”), they did highlight a shared commitment to bring about better enforcement of the state prohibition law.⁴⁰

The injunction feature of the Snyder-Armstrong law became the most effective device to force saloons and breweries out of business. Unlike criminal proceedings that involved juries and local district attorneys, injunction hearings took place directly before judges in equity courts and could be argued by representatives of the state attorney general’s office. If evidence showed that saloonkeepers or brewers had violated state law by selling or transporting illegal alcohol, then the judge was empowered to

³⁹ Minutes of Governor’s Prohibition Enforcement Conference, 4 (“cities in Pennsylvania”), 12–19, 47, 61–62 (“I do not want”), box 1597, folder 21 Conferences Law Enforcement; English to Adams, Nov. 24, 1923, and attached memorandum, box 1597, folder Complaints—York, Pinchot Papers (Hugentugler received higher marks from Wright’s undercover agent. See report Nov. 22, 1923, box 1595, folder Towns: T–Y, Pinchot Papers).

⁴⁰ Minutes of Governor’s Prohibition Enforcement Conference, 55–56 (quotation); Conference of District Attorneys of Pennsylvania in Governor’s Office on Friday, Aug. 22, 1924, box 1600, folder Conferences—District Attorneys, Pinchot Papers.

declare the business a public nuisance and close it for a month up to a full year. Follow-up investigations frequently led to court orders that saloons sell equipment and fixtures if violations continued.

Pinchot's enforcement team was well suited to the requirements of the so-called padlock law. Wright's WCTU-funded secret operatives surveyed saloon conditions in over 230 cities and towns. State police, who would later appear as witnesses in court, made undercover purchases of liquor in the worst places. Graham or his assistant Knauer, often supported by local district attorneys and solicitors, prosecuted the cases. The pivotal action took place in the wet bastion of Pittsburgh. Graham first established the right of the Pennsylvania attorney general to represent the United States in federal court cases in Pennsylvania. Next he secured fifty-three injunctions from the Allegheny County Court of Common Pleas to padlock lawbreaking saloons in the Pittsburgh area. Saloon operators appealed the cases and, in 1926, the state supreme court upheld Graham's use of the Snyder-Armstrong padlock authority. Even though the Allegheny County court failed to order the sheriff to actually padlock the cited saloons, twenty-three of them closed their doors. In the meantime, judges in other targeted counties also issued injunctions. Only Lancaster County judges refused to issue injunctions against illegal saloons. Although breweries and federally protected distillers of denatured alcohol proved more difficult to close, direct action by state police shut down many of the non-permit breweries that had channeled good beer into Pennsylvania's saloons. An undercover investigation by WCTU-funded undercover agent J. A. Tatro detailed the extent of fraud in the production and distribution of denatured alcohol. The revelations of this state inquiry stimulated a 1925 United States grand jury probe into Philadelphia's vast market in counterfeit whiskey that closed some of the many avenues to illegal profits enjoyed by bootleggers manipulating the federal permit system. Creation in 1926 of a State Alcohol Control Board tightened state regulation of the alcohol industry.⁴¹

By 1926, prohibition in Pennsylvania more closely resembled the situation in other states that combined efforts to enforce prohibition with widespread underground violation of the law. Wright reported that the "old open saloon" had been replaced by the more clandestine "speak-

⁴¹ Pinchot to the President, Officers and Members of the WCTU in Pennsylvania, Feb. 18, 1926, box 650, folder Prohibition Enforcement Graham (M); Graham to George, Dec. 15, 1925, box 1590, folder 33; Wright, *Four Years of Law Enforcement*, 7, 9, 13–16, all in Pinchot Papers.

easy.” Undercover operatives and state police noticed the difference. Kneeland observed that “the saloon keepers are in constant fear of being INVESTIGATED and the Padlocking and many raids and arrests have made them very wary and suspicious.” Some of the infamous protected saloons that had once sold full-strength beer for as much as twenty-five cents a glass and powerful whiskey for fifty cents a glass had closed, including the Bucket of Blood in Wilkes-Barre, Watties Chop House in Scranton, and Hermann’s Saloon Cafe in Philadelphia. Wright concluded that 403 of the worst 665 saloons identified in 1923 had shut down by 1926. Those that remained were less crowded—indeed, often near empty—and far less convivial.⁴²

Investigators who at one time had enjoyed good beer and tolerable whiskey while on duty now found themselves choking down caustic moonshine and needled beer. State policeman Charles W. Fruitenberger reported that after being served a twenty-cent whiskey in an Allegheny County saloon in 1924, he spit it in the drain. It “was such a terrible drink I never tasted anything like it in my life,” he told Graham in court. Undercover in Reading, once the home of freely operating breweries, Kneeland complained that the beer was full of ether and hurt his stomach. “I cant see how these BUMS can drink the stuff for pleasure,” he moaned, “its bad enough to drink it for Business purposes.”⁴³

As Pennsylvania squeezed out some of its illegal alcohol, relations with federal prohibition officials further deteriorated over the course of Pinchot’s administration, even though some joint operations eventually took place and Graham secured injunctions against saloons from federal courts. The poor state of the federal service was partly responsible, but Pinchot’s obstinate quarrel with high officials further disrupted the working relationship. Bad performance by federal agents and their supervisors created suspicion among the members of the governor’s prohibition force in 1923. Pinchot had the Pennsylvania State Police investigate the federal contingent of Prohibition Unit officers (which consisted of fewer than ninety agents at any one time) at the outset of his enforcement campaign. Although some dedicated and able agents were identified, the great major-

⁴² Wright, *Four Years of Law Enforcement*, 7, 8, 10 (“speak-easy”); Report on Changes in Saloon Properties since 1923, Feb. 9, 1926, box 1595, folder Miscellaneous (“constant fear”), Pinchot Papers.

⁴³ Court of Common Pleas of Allegheny County, Pennsylvania, In Equity. Commonwealth of Pennsylvania vs. Joseph Coholich and James Kelly—No. 1547, July Term, 1924, box 1551, folder 116 Cases against Saloons (“terrible drink”); “Kay” to Wright, Aug. 9, 1925, box 1595, folder Miscellaneous (“BUMS”), Pinchot Papers.

ity of the men were political appointees, often representing wet elements in the Pennsylvania Republican organization, and many of them had no prior law-enforcement experience. A police source maintained that “most of them are Committeemen from various Wards.” Some of the agents had backgrounds and opinions that were at odds with their responsibilities to enforce the prohibition law. Ben Frankel was a former saloonkeeper who opposed Pinchot’s politics. Agents Joseph Brown and John A. McTaggart reputedly were heavy drinkers and hostile to enforcement of prohibition. The report noted that several agents were dishonest and could not be trusted in their courtroom testimony. One of them, John Talko, was named a few months later as “a bad man with a pistol” who had taken money from a Philadelphia saloonkeeper. Others frequented prostitutes. Even one of the dedicated drys on the force, Victor J. Dowd, was pilloried as “illiterate and talkative.”⁴⁴

Additional state police investigations detailed many cases of criminal collusion of federal agents with prohibition-law violators. In return for money, several agents, such as agents Snell and Erskine in Altoona, informed saloons of imminent state police raids requested by the mayor and state representative. Others fed information to lawyers representing violators of the dry law. Some of these corrupt agents, such as George Eggers, who in 1922 returned a barrel of wine to its owner after the man suggested that he “would rather lose \$1000 than that barrel,” were dismissed from the service. But others who took bribes or sold confiscated liquor remained in the service after their cases were dismissed or they paid fines. In one spectacular instance early in Pinchot’s administration, Pennsylvania officers put Internal Revenue agents responsible for monitoring stocks of warehoused liquor under surveillance and arrested eight of them in the act of smuggling liquor homeward in suitcases and travel bags.⁴⁵

Despite evidence of corruption and ineptitude in the ranks, Pinchot steadfastly maintained that lack of will on the part of prohibition director Roy V. Haynes and treasury secretary Andrew Mellon prevented effective enforcement of the dry laws. He repeatedly stated that Pennsylvania and other states could be dried up if Haynes and Mellon allowed effective

⁴⁴ “Information Collected to Date on Federal Prohibition Forces,” Memorandum from Lynn G. Adams, Superintendent State Police to Governor Pinchot, Oct. 27, 1923 (“talkative”); untitled typescript, Oct. 29, 1923 (“Committeemen”); untitled, undated (1924?) document (“bad man”), all in box 1589, folder 29 Federal Prohibition Officers, Pinchot Papers.

⁴⁵ Untitled document, 1924 (“barrel”); untitled document, Oct. 29, 1923, both in box 1589, folder 29, Pinchot Papers; “Pinchot’s Troopers Raid Federal Agents,” *New York Times*, Oct. 23, 1923, 1.

inspection of breweries and distilleries holding federal permits. "Who can turn off the hydrant and stop the illicit beer and whiskey that is flooding the state?" Pinchot asked in an article commissioned by the *New York Times*. "The Federal Government," he answered. He charged that "it is possible for the Federal Government to employ men of integrity," but that the leadership in Washington allowed political considerations to dominate the Prohibition Unit.⁴⁶

Pinchot fired off a series of public challenges to Mellon questioning the secretary's commitment to enforcing the law and demanding greater cooperation with Pennsylvania authorities, to which Mellon offered a defense of national enforcement efforts and pledged improved access by state enforcement officers to federally sanctioned alcohol producers. In response to Pinchot's request to open breweries and distilleries to state inspection, Haynes loosened permit regulations to allow the Pennsylvania State Police to inspect permit-holding businesses "during ordinary business hours." Pinchot replied with a scathing letter inquiring, "does the enforcement service of the Treasury Department hold that criminals may be caught only 'during business hours?' . . . Criminals work mainly at night," the governor lectured, adding that "Secretary Mellon's promise meant a real inspection or it meant nothing."⁴⁷ Increasingly testy exchanges of this nature continued throughout Pinchot's administration.

In challenging the political motives of Haynes and especially Mellon, Pinchot raised questions concerning his own purposes. "In political Washington," the *New York Times* reported, "comments are made that the Governor is displaying unusual interest in challenging the Treasury at this particular time, when, if there was a laxity in Federal enforcement in his State before this, he had had opportunity to attract attention to it."⁴⁸ Since his close association with power in the Theodore Roosevelt administration, Pinchot had thought of himself as fit to be president. Savvy political observers suggested that the governor was now "keeping himself in the limelight" as a prelude to another presidential run. Some reporters interpreted Pinchot's "prohibition utterances" and prominent role in settling a major coal strike in Pennsylvania as intentional efforts to "cause

⁴⁶ "Shut Off the Liquor Flood at Its Source," XX1.

⁴⁷ "Lets Pennsylvania Inspect Breweries," *New York Times*, Dec. 17, 1923, 7 (quotations); "Pinchot Challenges Mellon as Failing to Shut Off Liquor," *New York Times*, Oct. 29, 1923, 1, 5; Andrew W. Mellon to Pinchot, Nov. 2, 1923, box 1589, folder Addresses, articles, etc., Pinchot Papers.

⁴⁸ "Mellon Rebukes Pinchot for Attack," *New York Times*, Oct. 30, 1923, 3.

the spotlight to be turned brightly upon him as a receptive candidate for President."⁴⁹ In any case, Haynes was a negligible target. The prohibition director, an Ohio appointee hand-selected by Anti-Saloon League power broker Wayne Wheeler, was not an able administrator, but his commitment to enforcing the law was genuine.

Mellon, however, was a powerful rival to Pinchot's political ambitions and the governor's moralistic commitment to prohibition and political purity. The wealthy treasury secretary controlled the western Pennsylvania Republican organization that viewed Pinchot as a dangerously independent and idealistic interloper. Barred from consecutive terms as governor by Pennsylvania law, Pinchot eyed a seat in the United States Senate, possibly as a preliminary step to a presidential campaign. Mellon was likely to oppose that run in 1926. Moreover, Mellon's investment in the Overholt whiskey firm made the treasury secretary party to an industry that his office had the responsibility to dismantle and that Pinchot had resolved to eliminate. In criticism that grew increasingly bold, insistent, and public, Pinchot singled out Mellon as a symbol of political corruption and administrative perfidy. Dismissing Mellon's claim that he had cut his ties to the liquor trade, Pinchot told a gathering of Methodists in 1924, "I do not know whether it is legal for a man who has been in the whisky business for forty years to be at the head of the law enforcement, but I do know that it is wrong."⁵⁰ Cornelia Pinchot joined in the public attacks on Mellon, as the governor called for investigations of the prohibition service, even urging his Pennsylvania WCTU allies to make similar demands.⁵¹

Although effective cooperation between federal prohibition authorities and the Pennsylvania State Police picked up after 1925, Pinchot's assaults on Mellon backfired. The governor's incessant personal attacks on Mellon as an embodiment of bossism and lawlessness, which in 1926 included a swipe at Mellon's nephew, distracted attention from the shortcomings of prohibition enforcement and redirected it onto Pinchot's priggishness. Editorials in newspapers unconnected to Pennsylvania machine

⁴⁹"Dry Law Problems Harass Coolidge," *New York Times*, Oct. 17, 1923, 1 (quotations); McGeary, *Pinchot*, 111–12, 313–14.

⁵⁰"Says Mellon Owned Whisky Last March," *New York Times*, May 12, 1924, 4.

⁵¹"Mrs. Pinchot Hits Mellon," *New York Times*, Mar. 20, 1924, 19; "Pinchot Admits Suggesting Heney as Couzens's Aid," *New York Times*, Aug. 14, 1924, 1; "Pinchot Attacks Mellon on Dry Law," *New York Times*, July 5, 1925, 14; "Dry Law Failures Laid to Washington," *New York Times*, Nov. 9, 1925, 6; Pinchot to the President, Officers and Members of the W.C.T.U. in Pennsylvania, Feb. 18, 1926, box 650, folder Prohibition Enforcement Graham (M), Pinchot Papers.

interests began to mock “the Keystone State of Virtue” and lampooned Pinchot as “the American holder of the Political Virtue prize,” a sad case of a talented executive whose personal self-righteousness undercut his effectiveness.⁵² More significantly, Mellon retaliated against Pinchot and took steps to throttle the reformer’s ambitions. First, in 1924, Mellon intervened to deny Pinchot a delegate-at-large position to the Republican National Convention. Then Mellon engineered the defeat of Pinchot’s dry candidate for Pennsylvania House speaker in favor of a wet Philadelphia machine loyalist in January 1925. In a meeting at his Washington office, “orders were given” by Mellon to a coalition of Keystone politicians “to elect some candidate as opposed to Pinchot as possible.”⁵³

Finally, Mellon and the recovering Pennsylvania Republican machine sandbagged Pinchot’s already fading senatorial bid in 1926. Beset by machine opposition, tactical disagreements with the Anti-Saloon League, and the presence of other dry candidates, Pinchot finished a distant third in the Republican primary. The practical-minded ASL, which disagreed with the governor over the proper method to regulate state alcohol producers (Pinchot favored more centralized control) and was no doubt put off by Pinchot’s public fight with the dominant Republican factions in the state, asked Pinchot to step aside and allow prohibitionist voters to unite around another candidate, the incumbent senator George W. Pepper, who seemed sufficiently dry and more electable than the crusading governor. The ASL’s overriding concern was to prevent the election of William Vare, the Philadelphia boss described by Pinchot as “a wet gangster who represents everything that is bad in Pennsylvania.” Pinchot, however, still on his high horse, refused to give way, arguing that Pepper was neither bold nor dry enough. Several ASL leaders then threw their support to Pepper. Although the WCTU supported Pinchot’s run, there was disagreement over the endorsement, even among the governor’s most loyal constituency. Criticizing WCTU president George for her close ties to Pinchot, state vice president Maude T. Seymour led a breakaway group of Pennsylvania WCTU dissenters who backed Pepper. In Seymour’s view, Pinchot should “sacrifice himself” for the cause of temperance rather than imperiling

⁵² “A Star-Hitched Water Wagon,” *New York Times*, Apr. 2, 1925, 20 (“prize”); “The Keystone State of Virtue,” *New York Times*, May 14, 1926, 22; “Pinchot Arouses Mellon’s Anger,” *New York Times*, Jan. 7, 1926, 3.

⁵³ “Bluet G.O.P. Choice for Speaker,” *Harrisburg Patriot*, Jan. 6, 1925, 1, (quotation) clipping, box 1589, folder 68 Speakership Contest, Pinchot Papers; “Mellon Leads Fight to Defeat Pinchot,” *New York Times*, Apr. 21, 1924, 1.

prohibition by “gratifying his personal ambition.” In the end, Pepper and Pinchot split the dry vote and Vare, after disposing of a weak Democratic opponent, prepared to take his seat in the United States Senate.⁵⁴

Irregularities in the primary campaign led to an investigation by a Senate committee, which ultimately denied Vare his seat. The 1926 hearings that probed spending in the Pennsylvania senatorial primary election also introduced a national audience to the WCTU fund. Senator James Reed of Missouri, a colorful opponent of prohibition and of political corruption, suspected that Pinchot had drawn from the WCTU fund to pay George and other WCTU women who spoke on his behalf in the campaign. Reed summoned George, WCTU treasurer Leah Cobb Marion, Woodruff, and Wright to appear before the committee. Although he grilled Woodruff and Wright about the special fund, the combative Reed was charmed by Ella George’s frank account of her lobbying activities. She explained that although it was true that she and other WCTU women had spoken for Pinchot during the campaign and forty-five thousand letters endorsing the governor had gone out from her office, the expenses were paid by Pinchot himself, not the enforcement fund. Reed’s committee unearthed no corrupt use of the WCTU fund, but Reed and his expert witness, Representative George S. Graham, a Republican from Philadelphia who chaired the House Judiciary Committee, agreed that it was “exceedingly bad practice” to fund public policy through private subscription.⁵⁵ Revelations of the fund’s operation and the resulting objections to it, coming late in Pinchot’s term as governor, ensured its dissolution.

Despite his late-term missteps, Pinchot recovered to serve again as governor beginning in 1931. He consulted Ella George, by then retired as WCTU president, on every appointment he made in Beaver County. But prohibition was a lost cause by 1931, and Pinchot did not make enforcement a priority. He did establish the Pennsylvania Liquor Control Board that regulated legal liquor sales after repeal of prohibition in 1933, which continues to affect drinking Pennsylvanians into the twenty-first century.⁵⁶

⁵⁴ Graham to George, Dec. 21, 1925, box 1590, folder 33, Pinchot Papers; “The League Program on Needed Legislation by Superintendent Homer W. Tope,” ASL document, enclosed in Tope to F. Scott McBride, Jan. 3, 1925, in *Temperance and Prohibition Papers, 1830–1933*, ed. Francis X. Blouin Jr. (Columbus, OH, 1977), microfilm, ser. 14 (F. Scott McBride ser.), roll 9; McGeary, *Pinchot*, 317–19 (“gangster,” 319); Maude T. Seymour to Dear Co-Worker, Apr. 13, 1926, folder WCTU General (“sacrifice”), Pinchot Papers; Duff Gilfond, “The White Ribboners,” *American Mercury*, Mar. 1928, 270–71.

⁵⁵ “Pinchot Paid Aids from W.C.T.U. Fund, Senators Are Told,” 1.

⁵⁶ David A. Schell, “Keeping Control: Gifford Pinchot and the Establishment of the Pennsylvania Liquor Control Board” (PhD diss., Temple University, 2006).

Pinchot, his band of enforcement officers, and the WCTU women who funded their efforts did not put a dry lid on Pennsylvania between 1923 and 1927. But it is fair to say that the wide open conditions that prevailed before Pinchot took office gave way to partial enforcement of the law. The drink traffic was forced underground, good beer and liquor became difficult to obtain, and preprohibition saloon culture was curbed. In that sense, Pennsylvania reflected the more common experience of American states under the prohibition regime. Yet the governance issues raised by state and national prohibition enforcement remained unresolved. Jurisdictional disputes between local, state, and federal authorities, especially given the complexity of many different state approaches to enforcement, invited assertive private groups to volunteer themselves as quasi-public agents of state authority. The blending of private resources and public policy that arose in 1920s Pennsylvania had the potential to appear again as unanticipated emergencies, intractable social difficulties, or divisive public-policy decisions forced governments to act in advance of popular consensus. The growth of the twentieth-century regulatory state produced its own disabling contradictions.

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Assessing the Modern Urban School System: The Institutionalization of Standardized Testing in Philadelphia, 1925–30

IN 1926, TEACHERS at South Philadelphia High School for Girls faced a problem. Some students were underperforming in their coursework and scoring low on standardized tests. By contemporary measures, educators feared these children would become a future drag on society. Anna Biddle, a South Philadelphia High teacher, pessimistically observed, “Such girls certainly have no place in any four-year high school course,” but the students believed that public education was their best means to secure stable employment, particularly, she noted, “in an office.” Impressed by the students’ stated aspirations, Biddle led a corps of teachers to develop a program for the girls that would take them away from the rest of the student population to receive instruction about the “routine[s] . . . the ideal business girl must know.” The instructors doubted their chances of success, but rationalized that “the state always spends more money on its incompetents than on any others and a small sum spent for prevention can be looked upon as an investment. These girls may become social problems; just now, however, they are teaching problems.”¹

South Philadelphia’s experiment eventually confirmed for Biddle the value of sorting students through standardized testing, validating the belief that testing promoted instructional, administrative, and social efficiency without wasting resources on students perceived to be unteachable. The general school population, for example, “benefit[ed] from having a large number of the less competent pupils isolated from the regular classes.” Students in the training program, meanwhile, were salvaged as the “habit

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¹ Anna E. Biddle, “Low IQ’s in the High School,” *School Review* 35 (1927): 134–46.

of success" replaced their "habit of failure." The students "blossomed out when they were away from the inhibiting affects of girls with superior ability"; as a result of this intervention, she reported, "their self-respect is restored." Further, society avoided being saddled with the cost of tending to the "social problems" of the underachievers and the unemployable. Businesses had a workforce trained to "contribute toward success in certain non-intellectual occupations." Such remarkable gains compelled Biddle to recommend increased research to identify students' abilities to direct them "into their proper sphere" while simultaneously sparing students "a tremendous amount of disappointment, time, and misspent energy."²

In their attempts to solve perceived problems of school and society, teachers' characterizations of South Philadelphia High's students suggest they held little hope for the girls' success. Such attitudes are not surprising, as teachers in the 1920s had normalized and internalized the rhetorical jargon of education, psychology, and other social sciences of the post-World War I era. Faith in the efficiency of standardized testing and data collection administered and interpreted by technical experts characterized this period. Standardized tests in particular worked well within urban school systems such as Philadelphia's, whose bureaucratic structures provided a "grammar of schooling" that an emerging cadre of educationalists used to maintain order while legitimizing their professional authority.³

Edwin C. Broome, Philadelphia's superintendent of schools, was among this burgeoning group of professionals. Broome was a late convert to standardized student assessments. He had proclaimed his initial skepticism during a national educational conference at the University of Pennsylvania in 1921, stating, "It seems to me it is an open question as to the use of, and the extent to which we shall accept, the results of various educational and intelligence tests," and concluding, "I am not sure as to the extent to which these tests can be safely applied, or the safety with which we can use the

² Ibid. Biddle's experiment likely benefitted from South Philadelphia High's recent introduction of the experimental Dalton Plan. As the school's principal explained, "the fundamental principles of the Dalton Plan, as we at the South Philadelphia High School for Girls interpret it, are: first, individualized instruction, but in a socialized environment, permitting each child to work to capacity, cooperatively, in spite of the individual differences, of which nowadays we are so intensely conscious; and, second, freedom, but with stabilizing responsibility, permitting each child to reach his goal at his own speed and in his own time." Lucy L. W. Wilson, "Experiments in Adolescent Training," *Survey*, June 15, 1926, 368–70.

³ David B. Tyack and Larry Cuban, *Tinkering toward Utopia: A Century of Public School Reform* (Cambridge, MA, 1995); David B. Tyack and Elisabeth Hansot, *Managers of Virtue: Public School Leadership in America, 1820–1980* (New York, 1982), esp. 105–14.

results of such tests to determine the future of the child.”⁴ Four years later, however, Broome authorized the formation of the Division of Educational Research and Results for Philadelphia’s public school system, declaring the need for a staff of trained experts and educational professionals to “collect accurate data [and to conduct] scientific studies of all phases of educational procedure,” including the assessing and grouping of students through widespread standardized testing.⁵

Viewed together, the vocational program at South Philadelphia High School for Girls and Broome’s changed stance toward standardized tests suggests the degree to which professional educators during the early twentieth century believed that such tests could efficiently and effectively sort students within properly organized bureaucratic school systems. The implementation of this belief, however, often had negative consequences. The historiography of standardized testing demonstrates, for example, how the use of scientific assessments resulted in a social hierarchy at the expense of immigrants, blacks, and other marginalized groups.⁶ Yet such explorations generally emphasize the role of intelligence tests and educators’ misuse of these tests in determining individual and group intelligence quotients, or IQ scores. What these analyses tend to overlook is the development of massive testing programs on the local level more generally and how standardized tests came to dominate as they did. In Philadelphia, educators’ and administrators’ rapid institutionalization of a testing program within a brief number of years reveals a desire to create an orderly educational system befitting a modern city and its people.

This essay examines the development of Philadelphia’s testing regimen and the individuals behind it, exploring their rationales for imposing

⁴ Edwin C. Broome, “Address,” in *Annual Schoolmen’s Week Proceedings*, vol. 8 (Philadelphia, 1921), 31–32.

⁵ Edwin C. Broome, “Report of the Superintendent of Schools,” in *Annual Report of the Board of Public Education* (Philadelphia, 1926), 273.

⁶ The literature on this is quite extensive. See, for example, Stephen Jay Gould, *The Mismeasure of Man* (New York, 1981); Clarence J. Karier, “Testing for Order and Control in the Corporate Liberal State,” in *Roots of Crisis: American Education in the Twentieth Century*, ed. Clarence J. Karier, Paul C. Violas, and Joel Spring (Chicago, 1973); Nicholas Lemann, *The Big Test: The Secret History of the American Meritocracy* (New York, 2000); Leon J. Kamin, *The Science and Politics of IQ* (Potomac, MD, 1974); Michael M. Sokal, ed., *Psychological Testing and American Society, 1890–1930* (New Brunswick, NJ, 1987); Mark Snyderman and Stanley Rothman, *The IQ Controversy, The Media, and Public Policy* (New Brunswick, NJ, 1988); Paul David Chapman, *Schools as Sorters: Lewis M. Terman, Applied Psychology, and the Intelligence Testing Movement, 1890–1930* (New York, 1988); and Henry L. Minton, *Lewis M. Terman: Pioneer in Psychological Testing* (New York, 1988). See also Michael M. Sokal’s assessment of this historiography in “Approaches to the History of Psychological Testing,” *History of Education Quarterly* 24 (1984): 419–30.

those testing structures on schools and classroom teachers from the mid to late 1920s. Educational administrators during the early twentieth century equated efficiency with modernization, and the introduction of widespread standardized testing provided them a means to organize big-city school systems based on these principles. Widespread standardized testing during the 1920s may have symbolized a modern urban educational system, but the development and implementation of massive, systemic testing regimens ultimately became ends unto themselves, with the most tangible result of Philadelphia's program being its size and scope. Philadelphia school leaders used the power of the standardized testing program to establish a modern school system—one based on increasing both the numbers of tests administered and the numbers of students tested.⁷ The introduction of massive testing programs at the district level established patterns of educational assessment that would endure in big-city school systems through the remainder of the twentieth century and beyond.⁸

The Structures and Staffing of a Modern Urban School System

Pennsylvania's educators of the early twentieth century saw themselves as heirs to a proud Quaker tradition, championed by men such as Benjamin Franklin and Benjamin Rush, of providing free public education. By the early 1880s, Pennsylvania was considered a leader in expanding public education, and business and community leaders looked to a large public school system to protect the established social hierarchy from the per-

⁷ In developing my idea of the power of standardized testing programs as they developed in Philadelphia, I rely on Ian Hacking's notion of "statistical enthusiasm" borne from "the numerical manipulation of the body politic." See Ian Hacking, "Biopower and the Avalanche of Printed Numbers," *Humanities in Society* 5 (1982): 279–95. I also draw from Joseph Tropea's construction of "backstage organizational order [based on] backstage understandings and rules [that] allowed administrators and teachers, and eventually staff, to respond to many social, legal, and economic vicissitudes while preserving organizational, if not pedagogical, integrity." See Joseph L. Tropea, "Bureaucratic Order and Special Children: Urban Schools, 1890s–1940s," *History of Education Quarterly* 27 (1987): 29–53; and "Bureaucratic Order and Special Children: Urban Schools, 1950s–1960s," *History of Education Quarterly* 27 (1987): 339–61.

⁸ The standardized testing movement considered here formed the basis of today's so-called high-stakes testing of individual students and state and local school districts. Nationally institutionalized in the No Child Left Behind Act, such testing regimens likely will continue to dominate educational reforms for years to come. See, for example, Lemann, *Big Test*; Linda M. McNeil, *Contradictions of School Reform: Educational Costs of Standardized Testing* (New York, 2000); Sam Dillon, "Obama to Seek Sweeping Change in 'No Child' Law," *New York Times*, Feb. 1, 2010, A1. See also W. James Popham, *The Truth about Testing: An Educator's Call to Action* (Alexandria, VA, 2001).

ceived threats presented by an uninformed, indigent, and immigrant citizenry. Yet, by the early 1920s, the results of modernization efforts, such as compulsory student attendance or expanded bureaucratic administration, had plateaued. As the University of Pennsylvania's Frank Graves reported to the Pennsylvania State Educational Association (PSEA) at its annual meeting in Harrisburg, the state ranked near the bottom of the *Index of State School Systems*, "below all, save the Southern and a few of the newer states." Optimism prevailed, however, as Graves inveighed his colleagues to "go forward to new victories and greater achievements than Pennsylvania has yet known. The heights are there for us; let us emerge from the plain and capture them."⁹ The sentiment of progress in Pennsylvania's public schools persisted throughout the decade. In his address to the PSEA in Philadelphia three years later, then governor Gifford Pinchot declared a centralized bureaucracy as the priority in moving Pennsylvania's schools into the future. The success of this bureaucracy rested on "a sound advancing modern plan with full provision for meeting the changing needs of the [educational] situation." In Pinchot's assessment, "Pennsylvania has made progress in public education—real progress—but we cannot let it go at that. We are not yet at the head of the states in our common schools. That is where we belong, and before we are through that is where we are going to be."¹⁰

Such sentiments manifested in Philadelphia schools during the early twentieth century in a belief in social improvement *through* education—that is, that schools could fundamentally alter society by addressing public concerns about health, safety, and welfare in America's growing urban centers. As Philadelphia school superintendents of the early 1900s proclaimed, the "influences of the school reaches up through the children into the home."¹¹ In this way, schooling improved children's home life and enhanced the quality of life for all city residents.

⁹ Walter Licht, *Getting Work: Philadelphia, 1840–1950* (Philadelphia, 1999), 60, 65; Sam Bass Warner Jr., *The Private City: Philadelphia in Three Periods of Its Growth* (Philadelphia, 1986), 111, 123; William H. Issel, "Modernization in Philadelphia School Reform, 1882–1905," *Pennsylvania Magazine of History and Biography* 94 (1970): 358–83; Frank P. Graves, "Educational Pioneers of Pennsylvania," *School and Society* 13, no. 317 (1921): 91–97.

¹⁰ Gifford Pinchot, "The Schools of Pennsylvania," *School and Society* 14, no. 473 (1924): 53–57.

¹¹ Lawrence A. Cremin, *The Transformation of the School: Progressivism in American Education, 1846–1957* (New York, 1962), viii, 85–88; Joel Spring, "Education as a Form of Social Control," in Karier, Violas, and Spring, *Roots of Crisis*, 30–33; Frank V. Thompson, *Schooling of the Immigrant* (1920; repr. Montclair, NJ, 1971); Martin G. Brumbaugh, *Report of the Superintendent of Schools* (Philadelphia, 1912), 9–10; John P. Garber, *Report of the Superintendent of Schools* (Philadelphia, 1916), 26.

The increasing responsibilities of public schools necessitated special departments within a central administrative bureaucracy staffed by an emerging cadre of educational professionals. As such, Philadelphia's system maintained divisions of Compulsory Education, Special Education, Physical Education, Medical Inspection and Nursing Services, Teacher Training, Practical Arts and Vocational Training, Commercial Education, and School Extension Programs to meet its aims. Each division required properly educated and credentialed personnel, drawn from the expanding pool of trained professionals from newly organized schools of education.¹² These professionals and their peers throughout the nation eagerly applied their acquired knowledge of schools and society to solve the problems of an increasingly chaotic urban and industrial society.

School administrators modernized and expanded Philadelphia's system in hopes of socializing the poor and immigrant classes into the city's industrial economy, a goal other leading citizens shared. The Americanization Committee of the Philadelphia Chamber of Commerce, for example, warned: "Loyal and patriotic Philadelphians should have cause for real concern" that only half of the city's foreign-born population was naturalized and only one-third of the other half was proceeding toward US citizenship. "The educational adjustment of the newcomer is plainly the problem of the public school," the committee asserted; as such, the schools needed to "remove illiteracy and all other un-American tendencies." Only then could a foreigner realize his "usefulness [and] economic value."¹³ Educators shared the business community's anxieties regarding increasing foreign populations. School administrators complained that children of foreign-born parents were present "in sufficient numbers to show the magnitude of the problem [of being] inmates of non-English speaking homes [which practiced] only the most meager and imperfect conceptions of American manners and customs." Foreign-born parents and children

¹² David B. Tyack, *The One Best System: A History of American Urban Education* (Cambridge, MA, 1974), 129–32, 182–98; Arthur G. Powell, *The Uncertain Profession: Harvard and the Search for Educational Authority* (Cambridge, MA, 1974), 52–83; Edwin C. Broome, "Report of the Superintendent," in *Annual Report of the Board of Public Education* (Philadelphia, 1922), 36–45; Broome, "Report of the Superintendent," in *Annual Report of the Board of Public Education* (Philadelphia, 1925), 196; Broome, "How Philadelphia Is Solving Its Educational Problems," *Nation's Schools*, Jan. 1930, 26–30; Broome, "Philadelphia's Big Six," *Journal of Education*, Feb. 17, 1930, 186; Robert Wiebe, *The Search for Order* (New York, 1966), 132, 145–49.

¹³ Americanization Committee of the Philadelphia Chamber of Commerce, *Americanization in Philadelphia: A City-wide Plan of Co-ordinated Agencies* (Philadelphia, 1923), 1.

posed “a serious menace to the welfare of our city and state . . . isolated [in their] own colonies . . . as if they really lived in their native lands.”¹⁴

Philadelphia educators matched their worries about poor foreigners with fears about African Americans. In 1920, black students represented 8 percent of the total number of enrolled pupils; by 1930, approximately 14 percent of all students were African American.¹⁵ Elementary school principal Philip A. Boyer articulated educators’ fears when he claimed that “the negro immigrant, like the foreigner, is likely on his arrival in the city to settle first in the congested slum district where housing is poor, tenements are unsanitary, and the general social environment is conducive to ill-health, immorality, and crime.” At times, Boyer observed, “the better negroes move out to the more thinly settled negro sections,” but the practice of taking in lodgers disrupted the home life and denied the family “the opportunity for building up those home interests so essential to the proper development of the negro.” According to Boyer, black migrants’ settlement in concentrated areas of the city created “unsanitary housing, low wages, high rents, lodgers, working mothers, and children left to care for themselves.” Such conditions “disrupt[ed] the recent and only partially organized family life of the negro.” “The members of such families,” he warned, “mingle in the larger social life of the street with its baneful influences”—among them, “Morbidly exciting movies [which] combine their potent influence with that of the street to turn thoughts toward immorality and crime.” Further, migrants “as a whole are woefully ignorant and disrespectful of laws of health,” weakening their “vitality and efficiency,” leading to irregular work and school attendance, “habits of shiftlessness,” and a lowered “moral tone” within the entire black community. Not until the newcomer “has been trained in the exercise of proper health habits,” asserted Boyer, “can we expect to note any great increase in efficiency.”¹⁶

¹⁴ Garber, *Report of the Superintendent of Schools* (1916), 24–26. Much of educators’ anxieties over large numbers of foreigners were unfounded and uninformed. Although parents of school-aged children across the city largely were foreign born in 1916, more than 93 percent of children enrolled in Philadelphia public schools were born in the United States. That figure was more than 98 percent by 1930. See Henry J. Gideon, “Report of the Division of Compulsory Education,” in *Annual Report of the Board of Public Education* (Philadelphia, 1916), 235; Gideon, “Report of the Division of Compulsory Education,” in *Annual Report of the Board of Public Education* (Philadelphia, 1930), 322.

¹⁵ Vincent P. Franklin, *The Education of Black Philadelphia: The Social and Educational History of a Minority Community* (Philadelphia, 1979), 50.

¹⁶ Philip A. Boyer, “The Adjustment of a School to Individual and Community Needs” (PhD diss., University of Pennsylvania, 1920), 24–25, 28–29, 33–34.

Many of Philadelphia's school officials advocated administrative and curricular solutions to the presumed problems of poor, migrant, and African American populations. Educators introduced programs of "[English] language, arithmetic, geography and history [for the] unwashed and unkempt children" and evening classes for adults that dealt "in simple language with matters of sanitation and hygiene [and] the elements of local government and good citizenship." School administrators believed every citizen of Philadelphia needed "to discharge the ordinary duties of life [by knowing] how to speak and read the English language correctly and with facility, to write a legible hand, and be able to apply the rules of arithmetic" in order to secure "positions in the industrial organizations of the community." Schools were responsible for training children to contribute socially and economically to the city by teaching them how "to conform to [local] community regulations rather than . . . municipal and state and national rules of government." Educational institutions that did otherwise, warned Superintendent Edward Brooks, were "not measuring up to the demands of public education."¹⁷

School administrators increasingly found standardized tests to be not only a yardstick by which to measure whether these educational demands were being met but also a means of diagnosing educational problems. As early as the 1870s, for example, psychological scientists such as Francis Galton and James Cattell used standardized tests to varying degrees in Europe and the United States to identify mental problems in children. Beginning approximately in 1908—when Alfred Binet and Théodore Simon developed an "intelligence scale"—and continuing through the World War I era, psychologists demonstrated standardized tests' value to modern society. The Alpha and Beta army tests administered to military recruits demonstrated trained professionals' ability to conduct large-scale testing and provided a means to sort individuals into an established order. The war's end ushered in a new, distinct phase of the testing movement's development as psychologists persuaded education leaders that they could achieve maximum productivity and efficiency by placing students in an educational and social hierarchy using standardized tests.¹⁸

¹⁷ Edward Brooks, *Report of the Superintendent of Schools* (Philadelphia, 1902), 3–4, 121–23; Brooks, *Report of the Superintendent of Schools* (Philadelphia, 1903), 65; Martin G. Brumbaugh, *Report of the Superintendent of Schools* (Philadelphia, 1911), 13–14, 27; Brumbaugh, *Report of the Superintendent of Schools* (1912), 8–9, 11; John P. Garber, *Report of the Superintendent of Schools* (Philadelphia, 1915), 24–25.

¹⁸ Cremin, *Transformation of the School*, 185–89; Chapman, *Schools as Sorters*, 6, 17, 20, 32–34; Minton, *Lewis M. Terman*, 52, 72, 74–76.

By the mid-1920s, educationalists proclaimed that the greatest strengths of standardized tests lay less in measuring students' intellects than in measuring students' abilities to achieve academically. Educators thus aligned tests to specific curricular objectives and established standards of student achievement in particular academic areas. Educators subsequently determined students' knowledge and abilities in those areas by measuring their progress in reaching established standards, ultimately using those results to identify what they believed to be efficient classroom practices in improving instructional methods for specific subjects.¹⁹

Several factors contributed to standardized tests' development, acceptance, and widespread use by educators during the first quarter of the twentieth century. First, psychologists wanted to establish their profession's legitimacy by defining and measuring specific and general abilities of large segments of the general population. Further, testing helped educators legitimize their own professionalism, enabling them to differentiate and categorize growing student populations. Lastly, the sentiments of educational and social reformers of the day—particularly faith in science and trust in academic experts—encouraged the use of tests as a way to improve classroom instruction and school administration. In this context, psychologists needed school superintendents, administrators, and teachers as much as educators needed psychologists. These mutual interests gave educators and psychologists the opportunity to prove their value to schools and society and a reason to use standardized tests in public schools.²⁰

Two of the more influential psychologists in the development and promotion of testing in public schools during the post-World War I era were Edward Thorndike and Lewis Terman. Each man believed that utilizing quantifiable psychology in the schools could improve efficiency, yet they differed on the means of doing so. Thorndike believed improving educational efficiency with the science of psychology would make schools more vital institutions. Psychology informed his advocacy for efficiency

¹⁹ Alexander C. Roberts, "Measuring and Testing in Education," *Journal of the National Education Association* 13, no. 1 (1924): 101; Guy M. Wilson and Kremer J. Hoke, *How to Measure* (1920; rev. ed., New York, 1928), 5; William A. McCall, "Place of Measurement in Education," in *How to Measure in Education* (New York, 1923), 3–18; Virgil E. Dickson, "The Test Controversy," *Journal of the National Education Association* 12, no. 5 (1923): 176; A. R. Gilliland and R. H. Jordan, *Educational Measurements and the Classroom Teacher* (New York, 1925), 25–26, 29–37; William A. McCall and Harold H. Bixler, *How to Classify Pupils* (New York, 1928), 1.

²⁰ Chapman, *Schools as Sorters*, 4–5, 17–18, 39–43; Philip Boyer, "Educational Tests and Measurements: Statistical Treatment of Test Results," *Bulletin of the Division of Educational Research* 68 (Feb. 1928): 5.

in education in two ways. First, psychology could facilitate learning by making teaching methods conform to children's natures. Second, scientists could study the results of these new ways of teaching and evaluate the efficiency of specific teaching methods. Psychology's goal of exploring aspects of human nature that had previously been unknown or considered unimportant could further educators' objectives.²¹ Psychology could improve teaching by clarifying educators' objectives and identifying and measuring the desired student behaviors to be developed through the use of particular teaching methods.

Differences among individuals undergirded Thorndike's views on psychology's utility in the schools. "We may study a human being in respect to his common humanity, or in respect to his individuality," Thorndike wrote, concluding, "In other words, we may study the features of intellect and character which are common to all men, to man as a species; or we may study the differences in intellect and character which distinguish individual men."²² Thorndike acknowledged that large-scale testing was a means of ascertaining these differences:

The superintendents, supervisors, principals and teachers directly in charge of educational affairs have been so appreciative of educational measurements and so sincere in their desire to have tests and scales devised which they can themselves apply, that the tendency at present is very strong to provide means of measurement which are concerned somewhat closely with school achievements, and which can be used by teachers and others with little technical training.

Nevertheless, Thorndike cautioned against the "real danger in sacrificing soundness and principle and precision of result to the demand that we measure matters of importance and measure them without requiring elaborate technique or much time of the measurer." After all, he pointed out: "The danger is that the attention of investigators will be distracted from the problems of pure measurement for measurements sake, which are a chief source of progress in measuring anything."²³

²¹ Geraldine M. Joncich, "Science: Touchstone for a New Age in Education," in *Psychology and the Science of Education: Selected Writings of Edward L. Thorndike*, ed. Geraldine M. Joncich (New York, 1962), 6, 8–9.

²² Edward Thorndike, "Individuality," in Joncich, *Psychology and the Science of Education*, 119.

²³ Edward Thorndike, "The Nature, Purpose, and General Methods of Measurements of Educational Products," in Joncich, *Psychology and the Science of Education*, 154–55.

Lewis Terman's promotion of the use of tests in public schools complemented Thorndike's ideas. Objective testing helped educators provide appropriate instruction for children, for, as Terman argued, "it is time that the school should ask not only what it would like to do, but what it can do for a given pupil." Terman claimed that standardized tests were "an indispensable aid" to educators in diagnosing educational problems "for the simple reason that these problems cannot be dissociated from the quality of material with which the school works."²⁴ Terman thus advanced the idea of schools as factories, using raw materials to produce commodities befitting an industrialized society. Industries, including public schools, needed to employ scientific methods to improve the manufacturing of their products. Terman repeated this theme when he described how testing "subjected . . . the material with which the school works . . . to the same cold analysis as the products of farm, factory, or mine. Nothing is taken for granted, everything must be proved. The spirit of educational research rules the day." Terman's faith in that "spirit" was unwavering. Believing the triumph of science over the problems of school and society to be inevitable, Terman expressed confidence "that the opponents of the scientific movement in education [would not] be able seriously to retard its progress." As he saw it, "There is every likelihood that such opponents of the inevitable will lose whatever opportunities they might have had to shape the course of modern educational currents."²⁵

Proving Administrative Efficacy through Standardized Testing

In the spirit of educational research, the post–World War I era witnessed a proliferation in the publication and dissemination of nationally standardized tests for both intelligence and achievement. An examination of the kinds of tests deployed at the local level reveals how educators often used a variety of tests to ascertain students' abilities to recall information or perform certain tasks or to determine their intelligence. Ease of use and ease of interpretation of the results often were valued more than any other aspect of the tests.²⁶

²⁴ Lewis M. Terman, "The Use of Intelligence Tests in the Grading of School Children," *Journal of Educational Research* 1 (1920): 30–32.

²⁵ Lewis M. Terman, "Research and the Problems of Educational Readjustment," *Journal of Educational Research* 1 (1920): 138–39.

²⁶ The following descriptions of assessments come from Wilson and Hoke, *How to Measure*, and Walter S. Monroe, James C. DeVoss, and Fredrick J. Kelly, *Educational Tests and Measurements* (1917; rev. ed., Boston, 1924). Considered one of the "pioneering" texts on the subject (Roberts, "Measuring

Intelligence assessments saw their heaviest use in early grades, as teachers attempted to evaluate the youngest of students. The Detroit Tests of Intelligence for kindergarteners and first graders, for example, were designed to be completed in “seven to twelve minutes . . . by the average teacher with a little practice and careful study of the directions.” The Pressy Intermediate Classification Test required third graders to complete 96 separate tasks and was “simply constructed so that it can be easily applied by the teacher.” The Haggerty Intelligence Test for second and third graders contained 12 questions that assessed students’ ability to take and follow directions, copy designs, complete partially drawn pictures, draw pictures freehand, and work with “simple digits,” all within thirty minutes. Instructors of ninth through twelfth graders, meanwhile, encountered the “simplicity of the mechanics” of the Terman Group Tests of Mental Ability; “the definiteness of the instructions for giving them make it possible for any teacher with a small amount of study” to accurately administer and interpret these tests. Ninth through twelfth graders could also complete the Otis Classification Tests. Results from the 115 questions about history and civics, grammar, physiology and hygiene, geography, music, and art gave classroom teachers “a fairly accurate index” of students’ mental ability after the thirty minutes allotted for completion.²⁷

While knowledge of predetermined levels of hygiene presumably indicated students’ intelligence, reading competencies supposedly indicated students’ academic abilities. The Thorndike-McCall Reading Scale assessed reading comprehension of third through twelfth graders. Students silently read a series of “isolated” paragraphs and then answered questions based on each individual selection. The test was “simple in its nature so that any teacher [could] apply it with accuracy.” Further, the content of the Thorndike-McCall was “fairly representative of reading in general,” though what determined “reading in general” remained vague. Teachers

and Testing in Education,” 101), *How to Measure* attempted to evaluate the strengths and weaknesses of various achievement tests “which on account of their use, purpose, and adaptability have been found to be most serviceable to the classroom teacher” (Wilson and Hoke, *How to Measure*, v). *Educational Tests and Measurements* provided descriptions “to enable [the teacher] to choose wisely in selecting a test” (Monroe, DeVoss, and Kelly, *Educational Tests and Measurements*, vii). Both texts generally found assessments that promoted uniform methods of instruction, required minimum levels of teacher expertise, and evaluated minimum levels of student competencies to be among the best available.

²⁷ Philip A. Boyer, “Report of the Division of Educational Research and Results,” in *Annual Report of the Board of Public Education* (Philadelphia, 1926), 490; Boyer, “Report of the Division of Educational Research and Results,” in *Annual Report of the Board of Public Education* (Philadelphia, 1930), 528; Wilson and Hoke, *How to Measure*, 229, 328–29, 333, 342–43, 348–49.

used the Thorndike-McCall because it offered “a method in the direction” of classroom instruction and suggested to individual teachers a “selection of materials” to be used on a regular basis.²⁸ The Monroe Silent Reading Tests evaluated comprehension and reading speed of ninth and tenth graders. As with the Thorndike-McCall, students read paragraphs selected “from school readers and the books which children read.” After each selection, students underlined one word from a provided list that best described the meaning of each paragraph. The assessment contained a range of difficulty and variations of materials from “prose, poetry, narration and description,” but teachers could easily administer the test in a short amount of time.²⁹ Finally, the Haggerty Reading Exam for seventh graders and ninth through tenth graders served as three tests in one. Tests of vocabulary asked students to underline the best definition of words in questions—for example: “Minister (Servant, Preacher, Agent, To Assist).” The sentence reading tests asked simple but value-laden “yes-no” questions such as “Can good children make promises?” Tests of paragraph reading asked students a question related to a selected passage:

Underline the one phrase which tells what Rip did not like to do
Run errands
Work at home
To hunt
To fish

Based on student responses to these kinds of questions, teachers determined students’ abilities and were encouraged to select “suitable reading material” within the scope of those abilities.³⁰

The advocacy of scientific testing by Thorndike, Terman, and others, however, only partially explains the proliferation of national tests and the testing movement’s triumph in public schools at the local level. Testing programs in urban school systems such as Philadelphia’s gained further momentum from the school survey movement. Between 1910 and 1925, hundreds of state and local boards of education and school superintendents commissioned educational experts—usually university professors,

²⁸ Wilson and Hoke, *How to Measure*, 128–29; Monroe, DeVoss, and Kelly, *Educational Tests and Measurements*, 118–21.

²⁹ Wilson and Hoke, *How to Measure*, 132–34; Monroe, DeVoss, and Kelly, *Educational Tests and Measurements*, 99–102.

³⁰ Wilson and Hoke, *How to Measure*, 137, 139–40; Monroe, DeVoss, and Kelly, *Educational Tests and Measurements*, 118.

state education authorities, and administrators from either other public school systems or newly formed educational research bureaus—to assess the numerous features of public school systems, including teaching methods, employee salaries, quality of building structures, and student achievement.³¹ Philadelphia was no exception. As early as 1917, city leaders publicly promoted the need for a comprehensive survey to identify and solve problems of instructional inefficiency and financial waste in the schools. Almost simultaneously, state legislators empowered the recently reorganized Pennsylvania Department of Public Instruction to undertake steps for statewide educational improvements with the legal authority to initiate surveys and the personnel to conduct them. Years of negotiations between Philadelphia's Board of Education, community leaders, and the state agency resulted in State Superintendent for Public Instruction Thomas Finegan initiating a survey of the city's schools in May 1920. State agents concluded their work in March 1922.³² Among the surveyors' final recommendations was the call for further testing of students as a means of promoting greater efficiency in school organization and administration.

The *Report of the Survey of the Public Schools of Philadelphia* contains several noteworthy aspects. First, it revealed Philadelphia educators' views about school efficiency and organization. Surveyors discovered that some individual principals had employed standardized tests, but no significant systemwide effort "to classify pupils according to ability" existed. State officials concluded that without a "systematic attempt," the administration of tests was inefficient and wasteful, lacking "organization and direction." For greater efficiency and productivity in the schools, state agents recommended the "scientific classification of pupils"—sorting students early and often. "The principle of classification according to ability [should] be adopted at once in Philadelphia," state authorities urged, and "should begin in the first grade" through any of the publicly available "group" tests

³¹ Chapman, *Schools as Sorters*, 35–37; Tyack, *One Best System*, 191–96; Powell, *Uncertain Profession*, 84–107; Leonard P. Ayers, "School Surveys," *School and Society* 1, no. 17 (1915): 577–81. The influence of Edward Thorndike over the school survey movement is worth noting. As Geraldine Joncich observes, "Leading figures in the surveys, like George D. Strayer of Teachers College and Ellwood P. Cubberley of Stanford University, received their statistical training and their faith in the power of quantification in Thorndike's courses in educational measurement." See Joncich, "Science," 15.

³² "Address of Honorable Franklin Spencer Edmonds," in *Report of the Survey of the Public Schools of Philadelphia*, 4 vols. (Philadelphia, 1922), 1:5–10; "Address by Thomas E. Finegan," in *ibid.*, 1:11–30; *Journal of the Board of Public Education, School District of Philadelphia* (1918): 57; *Journal of the Board of Public Education* . . . (1920): 93; William Rowen, "Report of the President," in *Annual Report of the Board of Public Education* (Philadelphia, 1921), 12.

of intelligence.” Thereafter, schools were to group students homogenously and “readjust [these groupings] throughout the entire course” of a student’s career. “Progressive” schools found such classifying and continuous adjustment to be helpful “for the sake of better teaching and the greater retention of pupils,” state agents declared.³³ Further, the report demonstrated educators’ views on the role of schools in society. State authorities, echoing Lewis Terman, spoke of efficiency of instruction, organization of administration, and schools taking in children “much as they are—bright, average, dull, quick or slow, energetic or apathetic” and properly training them according to their needs.³⁴ Finally and most importantly, the report initiated the proliferation of educational testing in Philadelphia public schools by recommending classification of students based on test results. Although local educational authorities did not begin “at once,” as state agents advocated, widespread standardized testing of Philadelphia students did begin in 1925 with the creation of the Division of Educational Research and Results.³⁵

*Broome, Boyer, and Philadelphia’s
Division of Educational Research and Results*

The two men responsible for the development of the Division of Educational Research and Results were part of a second wave of administrative progressives—educational careerists who advocated a “new educational order” of bureaucratic efficiency while working to legitimize their own professional authority.³⁶ The standardized testing program that Edwin Broome and Philip Boyer implemented in Philadelphia during the 1920s through the new division culminated educational modernization efforts begun earlier in the century and placed administrative control of schools in the hands of what historian Walter Issel characterizes as an “efficiency-minded upper-class [of] university-trained, educational experts.”³⁷

³³ Pennsylvania Department of Public Instruction, *Report of the Survey of the Public Schools of Philadelphia*, 2:246–47, 285–89.

³⁴ *Ibid.*, 2:287.

³⁵ *Journal of the Board of Public Education* . . . (1925): 227; “Establish School Research Bureau,” *Philadelphia Evening Bulletin*, Sept. 8, 1925, “Philip A. Boyer” envelope, and “Dr. Boyer Named to \$5000 Post,” *Philadelphia Public Ledger*, Sept. 9, 1925, George D. McDowell Philadelphia Evening Bulletin Newsclipping Collection, Special Collections Research Center, Temple University Libraries, Philadelphia (hereafter Evening Bulletin Clipping Collection).

³⁶ Tyack and Hansot, *Managers of Virtue*, 94–129.

³⁷ Issel, “Modernization in Philadelphia School Reform,” 381–83. See also Robert H. Weibe, “The Social Functions of Public Education,” *American Quarterly* 21 (1969): 147–64.

As superintendent of schools, Edwin Broome oversaw the creation of the new bureau. Broome viewed as self-evident the reasons for the division's existence. It aided the superintendent while benefiting students and the community. Comparing the city's schools to military, industrial, and business organizations, Broome proclaimed that Philadelphia's educational system "serves the public and must anticipate social and economic changes and prepare for them." To do so, the school system needed a "trained agency to make constant and scientific studies of all phases of educational procedure" so the superintendent could both know "at all times [the] present tendencies" of students and "anticipate and clearly formulate future needs" of the students and the schools. Educational Research and Results was to accomplish this mission by collecting statistics and data to guide the superintendent in creating educational policy; preparing that information for publication and public dissemination; conducting standardized tests throughout the school system to improve teacher instruction; studying the "classification and promotion of pupils"; recommending models of school organization that "affect the efficiency of instruction"; and continually re-viewing "the work of the schools."³⁸

Broome appointed Philip Albert Boyer head of the new division. Boyer epitomized the educational professional of the early twentieth century and, as such, was particularly qualified for his new position. As Boyer rose through the ranks of Philadelphia public schools as student, teacher, and administrator, he solidified his beliefs in efficiently organized urban school systems based on student assessment through extensive standardized testing.

Boyer graduated from Philadelphia's prestigious Central High School in 1903 and the Philadelphia School of Pedagogy two years later.³⁹ Between

³⁸ Ralph D. Owen and LeRoy A. King, "Volume II: Central Administrative Organization, Finance and School Business, Educational Research and Results," *Philadelphia Public School Survey* (Philadelphia, 1937), 233–34; William Rowen, "Report of the President," in *Annual Report of the Board of Public Education* (1925), 35; Edwin C. Broome, "Report of the Superintendent of Schools," (1926), 273, 295; Philip A. Boyer, "Educational Measurements: The Contributions of Educational Research to Teaching Practices," in *Annual Schoolmen's Week Proceedings*, vol. 13 (Philadelphia, 1926), 371; "Establish School Research Bureau" and "Dr. Boyer Named to \$5000 Post," Evening Bulletin Clipping Collection.

³⁹ Philip Albert Boyer file, box 241, Office of Alumni Records Biographical Records, 1750–2002, UPF 1.9 AR, University Archives, University of Pennsylvania, Philadelphia (hereafter Boyer Alumni File). Throughout much of its history, Central High School's promotion of an educational meritocracy through a rigorous entrance examination and a tradition of classical instruction often clashed with reformers' attempts to consolidate educational programs, including vocational instruction, in a comprehensive high school. The tensions at Central between vocational and classical curriculums undoubtedly influenced Boyer, who, as a public school administrator, rejected written exams in favor of

1905 and 1914, he taught at various public schools across the city while continuing his professional training, earning his bachelor's degree in social sciences from Temple University in 1912. He was a principal at different schools for the next eleven years while furthering his professional development, earning his master's degree in sociology and economics in 1915 and his PhD in education in 1920, all from the University of Pennsylvania. In sociology courses such as "Social Debtor Classes," "American Race Problems," "American Criminology," and "Eugenics and the Family," Boyer studied groups and individuals whom theorists believed contributed to society little else than crime, vice, and other social problems. Boyer combined this learning with the theories of pedagogy and efficient organization he studied in courses like "Educational Research" and "School Administration." Boyer's resultant ideas were that urban schools could and should categorize students in order to reach "maximum efficiency" in classroom instruction and pupil advancement. He believed that "scientific management has entered the educational field" and that homogeneously grouping school children increased student promotion rates, saved school systems tens of thousands of dollars annually, and spared the individual pupil "the loss . . . in confidence in his own ability to achieve."⁴⁰

Boyer asserted in his dissertation that the "doctrine of efficiency in industry . . . has direct bearing upon the organization and administration of schools."⁴¹ To demonstrate this, Boyer applied scientific management principles to two predominantly black elementary schools in one of Philadelphia's poorer neighborhoods, arguing that efficiently managed educational programs—characterized by a rigorous testing program and cooperation between schools, homes, and community service organizations—could reverse the affects of slum life and "do much to strengthen the influence of the school and the effectiveness of its work." Further, Boyer theorized:

standardized objective assessments and advocated the grouping of students within schools. For more on the history of Central, see David F. Labaree, *The Making of an American High School: The Credentials Market and the Central High School of Philadelphia, 1838–1939* (New Haven, CT, 1988).

⁴⁰ Boyer Alumni File; Philip Albert Boyer record sheet, box 9, Graduate School Record Sheets, Sept. 30, 1913, to June 17, 1914, Graduate School of Arts and Sciences Student Records, 1896–1982, UPB 7.62, University Archives, University of Pennsylvania; "Dr. P. A. Boyer, Educator, 85, Dies in Hospital," *Philadelphia Evening Bulletin*, Sept. 21, 1971, in Evening Bulletin Clipping Collection; "Assoc. Supt. Retires," *School News and Views* 4, no. 10 (1952), in Evening Bulletin Clipping Collection; *Bulletin of the Graduate School of the University of Pennsylvania*, 1913 to 1920, passim, University Archives, University of Pennsylvania; Philip A. Boyer, "Class Size and School Progress," *Psychological Clinic* 8 (1914): 82–90.

⁴¹ Boyer, "Adjustment of a School to Individual and Community Needs," 13.

The adjustments above indicated, culminating in a wholesome, vigorous school spirit, based upon a [student's] thorough appreciation of the ideals of the school and a willingness to cooperate in their achievement, would result in a strength of character and fixedness of purpose so necessary for sound individual progress, especially for those pupils who by reason of their race are destined to be harassed by many obstacles.⁴²

Boyer believed schools needed to promote social reforms and conformity by “develop[ing] in each individual, the knowledge, habits and attitudes that should be possessed in common by all members of society” by inculcating “unsanitary [and] immoral” newcomers to the city with a faith in education. Those who required such schooling needed to share this belief if they were to contribute socially and economically to the urban society. Students who failed to adopt these values, Boyer asserted, bred social and economic disorder.⁴³

Appointed the head of Philadelphia's Division of Educational Research and Results in 1925, Boyer made widespread student assessment the bureau's top priority. Adopting the language of leading educators, Boyer promulgated that standardized testing served multiple purposes efficiently and affordably. Tests established minimum standards of academic attainment against which educators could evaluate their students. Students grouped according to their test results then could reach educational standards more easily than children in heterogeneous groups, because the so-called slower or mentally inferior individuals did not hold back the more capable students. Moreover, tests measured students' proficiencies in particular subject areas and “improved” classroom instruction by indicating to teachers what topics needed review and which students needed additional attention. Finally, individual subject tests aided in “educational guidance” of students for the myriad employment opportunities in Philadelphia's growing business sector by indicating what commercial or industrial areas best suited students' futures.⁴⁴

⁴² Ibid., 106.

⁴³ Ibid., 13–14. Boyer's analysis of black Philadelphians lacked any acknowledgment of how an increasingly segregated city and the beginnings of a two-tiered public educational system based on race contributed to the conditions that concerned him the most. See Franklin, “Politics, the Public Schools, and the Black Community in the 1920s,” in *Education of Black Philadelphia*, 60–86, for an exploration of these conditions.

⁴⁴ Boyer Alumni File; *Journal of the Board of Public Education* . . . (1925): 227; “Establish School Research Bureau,” and “Dr. Boyer Named to \$5000 Post,” Evening Bulletin Clipping Collection; Philip A. Boyer, “Report of the Division of Educational Research and Results,” *Reports of Special Divisions of the Department of Instruction* (Philadelphia, 1934), 32; Boyer, “Report of the Division of Educational

Boyer advocated the use of simple objective testing strategies that emphasized students' informational learning and recalling of factual knowledge acquired through classroom instruction. Boyer favored true-false, one-word answer, sentence completions, and multiple-choice tests over written exams that required students' critical thinking and analytical skills. Written examination, according to Boyer, wasted excessive amounts of time as students completed the exams and as teachers graded them. Further, Boyer believed written exams often focused too narrowly on individual topics or subject areas. Objective tests, on the other hand, were easily available, directly related to individual class content, and provided a "definite check on class and individual progress . . . promptly and economically." Boyer also believed that consistent use of achievement tests raised teacher professionalism and that regular administration and interpretation of assessments improved classroom pedagogy. Boyer used every opportunity to promote the public image of teachers as educational experts capable of diagnosing definite causes of student success and failure through standardized testing.⁴⁵

The testing program Boyer oversaw was extensive (Table 1). By the end of its first year of operation, the Division of Educational Research and Results administered thousands of tests within two categories. Some were of the widely available variety authored and published by nationally leading psychologists such as Thorndike, Terman, and their contemporaries; the division's own personnel developed others. Within the first five years under Boyer's leadership, the division quickly increased the number of tests administered and students evaluated. While Educational Research and Results depended heavily on nationally standardized tests between 1925 and 1928, bureau officials introduced more tests of their own design beginning in 1927, increasing the number of division-designed tests every

Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1925), 560–562; Boyer, "Educational Research and the Commercial Teacher," in *Annual Schoolmen's Week Proceedings*, vol. 17 (Philadelphia, 1930), 392–99; Boyer, *Report of the Division of Educational Research and Results* (Philadelphia, 1931), 13; Harriet M. Barthelmess and Philip A. Boyer, "An Evaluation of Ability Grouping," *Journal of Educational Research* 26 (1932): 284–94. See also Thompson, *Schooling of the Immigrant*, 220–38.

⁴⁵ Boyer, "Educational Measurements," 360–70, 374; J. Crosby Chapman, "Home-made Objective Examinations for Everyday Use," in *Annual Schoolmen's Week Proceedings*, vol. 12 (Philadelphia, 1925), 291–96; Monroe, DeVoss, and Kelly, *Educational Tests and Measurements*, 1–11, 487; Gilliland and Jordan, *Educational Measurements and the Classroom Teacher*, 8–15; Wilson and Hoke, *How to Measure*, 6; McCall, *How to Measure in Education*, v–vi; Dickson, "Test Controversy," 176.

Table 1: Nationally standardized and division-designed tests administered by the Division of Educational Research and Results, October 1925 to June 1930^a

<i>October 1925 to June 1926</i>	<i>Number of Tests Used</i>	<i>% Within Total</i>	<i>Number of Student Tests Administered</i>	<i>Total Student Population</i>	<i>Number of Tests per Student^b</i>
Nationally Standardized Tests	52	78.79	258,159	230,596	1.1
Division-Designed Tests	14	21.21	738,526	230,596	3.2
Total	66	100.00	996,685	230,596	4.3
<i>September 1926 to June 1927</i>					
Nationally Standardized Tests	51	83.61	542,080	232,455	2.3
Division-Designed Tests	10	16.39	1,038,886	232,455	4.5
Total	61	100.00	1,580,966	232,455	6.8
<i>September 1927 to June 1928</i>					
Nationally Standardized Tests	65	69.89	310,045	234,257	1.3
Division-Designed Tests	28	30.11	1,283,347	234,257	5.5
Total	93	100.00	1,593,392	234,257	6.8
<i>September 1928 to June 1929</i>					
Nationally Standardized Tests	60	65.93	205,687	233,689	0.8
Division-Designed Tests	31	34.07	986,001	233,689	4.2
Total	91	100.00	1,191,688	233,689	5.1
<i>September 1929 to June 1930</i>					
Nationally Standardized Tests	46	41.44	101,502	234,861	0.4
Division-Designed Tests	65	58.56	1,500,072	234,861	6.4
Total	111	100.00	1,601,574	234,861	6.8

a. Author's calculations based on the number of tests and the number of students tested, reported in "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1926–30), passim; and the total student population reported in "Report of the Division of Compulsory Education," in *ibid.* b. Rounded to the nearest tenth.

year thereafter until in-house-developed assessments were the majority by 1929. This shift toward increased use of division-designed tests reflected educators' belief in emphasizing particular subject matters and instructional methods but also limited the number of subject areas classroom teachers evaluated.

A main feature of Boyer's testing program was educators' increasing use of locally created tests to evaluate the greatest number of students. Between 1925 and 1926, for example, nearly three times as many school-children were assessed with division-designed tests as those students evaluated with nationally standardized tests. By 1930, however, nearly fifteen times as many students were assessed with division-designed tests as those evaluated with nationally standardized tests. The percentage of students who took nationally standardized tests during that time (with many students taking more than one test) ranged from approximately 7 percent to 137 percent while the percentage of the student population who took division-designed tests during that time ranged from approximately 35 percent to 220 percent (see Tables 2 and 3). During the 1929–30 school year alone, the division administered 1.5 million student assessments using 65 division-designed tests. The practice of using a limited number of division-designed tests to assess the greatest number of students multiple times per year casts doubt on the assessments' validity and reliability. While by most indications, educators used standardized assessments for the recommended grade levels, many of the tests were applicable to multiple grades simultaneously. It is reasonable to expect, therefore, that students could see the same tests in the seventh grade as they saw in the fifth or sixth grades.

A closer examination of the kinds of tests administered by the Division of Educational Research and Results reveals the bureau's increased utilization of tests assessing individual students' abilities in particular subject areas (Table 2). The division promoted the use of subject-area tests because such assessments were simple to administer, relied on uniform methods of instruction, and needed minimum levels of competencies for students' successful completion. Despite Boyer's pronouncements of teachers developing into educational experts through consistent use of standardized testing, the research bureau promoted objective assessments for individual instructors' use in a variety of classroom settings without requiring high levels of expertise for interpretation. Minimum skill levels and knowledge characterized nationally standardized achievement tests such as the

Table 2: Top three nationally standardized tests administered by the Division of Educational Research and Results by year, October 1925 to June 1930^a

<i>October 1925 to June 1926</i>	<i>Number of Tests Used</i>	<i>Grades Tested</i>	<i>Number of Tests Administered (% of Student Population Tested)^b</i>
Reading	9	7, 9, 3–12	133,702 (57.98)
Intelligence	10	Kgn, ^c 1–2, 2–3, 9–12, 3–6	38,807 (16.83)
Form Tests ^d	17	7–9, 7–12	37,005 (16.05)
<i>September 1926 to June 1927</i>			
Reading	9	9, 3–12	318,439 (136.99)
English Form Tests	18	7–9, 9–12, 8–9	63,954 (27.51)
Intelligence	11	Kgn, 1, 2–3, 1–2, 3–6, 9–12	59,837 (25.74)
<i>September 1927 to June 1928</i>			
Reading	8	1–3, 9, 3–6, 7–12, 3–12	203,339 (86.80)
English Form Tests	28	7–9, 9, 9–12, 7–12, 10	73,485 (31.37)
Intelligence	10	Kgn, 1, 2–3, 5–8, 4–6, 1–2, 3–6, 9–12	25,348 (10.82)
<i>September 1928 to June 1929</i>			
Reading	7	1–4, 9, 3–6, 7–12, 12	157,680 (67.47)
English Form Tests	24	7–9, 9, 9–12	17,955 (7.68)
Arithmetic	1	4–7	15,951 (6.83)
<i>September 1929 to June 1930</i>			
Reading	7	1–2, 3–6, 4–5, 7–9, 9–10, 7–12, 12	54,304 (23.12)
Intelligence	16	Kgn, 1, 2–3, 4–6, 4–8, 5–9, 6–8, 9, 9–12, 13	21,517 (9.16)
Form Tests	7	9–12	19,320 (8.23)

a. Author's calculations based on the number of national standardized tests, the number of students tested, and the grades tested, reported in "Report of the Division of Educational Research and Results," *Annual Report of the Board of Public Education* (Philadelphia, 1926–30), passim. From this information is derived the three most tested subject areas based on the percent of students tested from the total school population reported in Table 1 above. b. Rounded to nearest hundredth. c. Kindergarten. d. English-language assessments of grammar, vocabulary, and punctuation.

Table 3: Top three division-designed subject area tests administered by the Division of Educational Research and Results by year, October 1925 to June 1930^a

<i>October 1925 to June 1926</i>	<i>Number of Tests Used</i>	<i>Grades Tested</i>	<i>Number of Tests Administered (% of Student Population Tested)^b</i>
Arithmetic	9	3, 4, 5, 6, 7, 8	321,181 (139.28)
Spelling	2	1–8, 2–8	288,983 (125.32)
Handwriting	1	2–8	80,000 (34.69)
<i>September 1926 to June 1927</i>			
Spelling	1	2–8	429,920 (184.95)
Arithmetic	2	4–5, 6–7	308,011 (132.50)
Handwriting	1	2–8	218,000 (93.78)
<i>September 1927 to June 1928</i>			
Spelling	2	2–8	459,075 (195.97)
Arithmetic	9	3, 4, 5, 4–5, 6, 6–7	302,851 (129.28)
Handwriting	2	2–8	269,360 (114.98)
<i>September 1928 to June 1929</i>			
Arithmetic	11	2, 3, 4, 5, 6, 7	434,591 (185.97)
Spelling	1	2, 8	221,964 (94.98)
English	6	5, 6, 7, 8, 9	116,660 (49.92)
<i>September 1929 to June 1930</i>			
Handwriting	1	2–8	515,735 (219.59)
Arithmetic	32	2, 3, 4, 5, 6, 7, 8	493,806 (210.25)
Spelling	1	2, 8	141,735 (60.35)

a. Author's calculations based on the number of division-designed tests and the grades tested, reported in "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1926–30), passim. From this information is derived the three most tested subject areas based on students tested from the total school population reported in Table 1 above.

b. Rounded to nearest hundredth.

Thorndike-McCall Reading Scale, the Monroe Silent Reading Tests, and the Haggerty Reading Exam.⁴⁶

While creating an extensive standardized testing program based on student achievement, Boyer simultaneously worked to decrease the bureau's reliance on nationally standardized tests by developing assessments within the research division. Two reasons guided this effort. First, the school district spent less money reproducing in-house tests than buying commercially available tests. More importantly, Boyer believed tests developed in-house were more valid and reliable than nationally standardized tests to evaluate curricular content and instructional methods specific to Philadelphia schools. The division staff concentrated much of its efforts during its first years on establishing the "validity and reliability" of these tests on the student population of Philadelphia schools.⁴⁷ Contrary to claims of improving Philadelphia-specific curricula and instruction, division-designed tests assessed minimum skill competencies within a few subjects. Division personnel, for example, designed evaluations for students in the lower elementary and junior high school grades and for pupil achievement in arithmetic, spelling, and handwriting (Table 3). Arithmetic assessments focused on mathematical computation of simple numbers, asking students to solve problems of addition, subtraction, multiplication, and division. Tests of arithmetic reasoning were slightly more sophisticated, yet narrowly focused, requiring students to apply mathematical functions to short word problems, such as:

Before Albert went to the country, he weighted $82\frac{3}{4}$ pounds, but when he came back after the vacation his weight was $96\frac{1}{2}$ pounds. How much had he gained in weight?

Frank's mother gave him a five-dollar bill to buy 5 lbs of nuts at \$.35 a pound and a bag of flour for \$.65. What change should he return to her?

Mr. Brown is offered a 5-gallon can of auto oil for \$4.25. If he buys it by the quart he must pay \$.30 for each quart. How much does he save by buying the 5-gallon can?

⁴⁶ Boyer, "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1926), 490; Boyer, "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1930), 528.

⁴⁷ Boyer, "Report of the Division of Educational Research and Results" (1926), 492-93; Boyer, "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1934), 32; George A. Works, "Volume I: Summary of Findings and Recommendations," in *Philadelphia Public School Survey* (Philadelphia, 1937), 50.

Students received credit for the number of questions they attempted compared to the number of correct answers and for their demonstrated reasoning.⁴⁸

In addition to illustrating educationalists' beliefs in using standardized measures in public schools, Philadelphia's expanding testing program demonstrated a narrowing emphasis on select subjects. Educators believed students needed to be proficient in just a few areas to make productive contributions to industry and society. Additionally, extensive testing resulted in uniform and didactic teaching methods by classroom instructors. Educators determined student achievement in English and arithmetic, for example, by using so-called "teaching tests." That is, teachers provided instruction on material specifically relevant to the test of achievement and later used those same tests to demonstrate student competency and quality classroom practices.⁴⁹ Administrators like Boyer encouraged such methods, describing national standardized tests such as the Briggs English Form Test as illustrative of "the value of the test-teach-test procedure [for] instruction and drill." Boyer further claimed that "differing pupil capacity" explained variation in student results in arithmetic, which teachers could overcome by providing "review and drill" and "motivation for completely accurate work." Indeed, Boyer argued that "the drill lesson, in recent years neglected, has a legitimate place in modern teaching practice. The testing program has tended to emphasize the importance of drill and therefore some teachers have modified their methods accordingly."⁵⁰ Test-drill-test models of instruction and uniform teaching methods contributed to increased promotion rates of Philadelphia schoolchildren over time (Table 4). School administrators thus openly praised widespread testing as "evidence of increasing efficiency" and for continued improvement in classroom instruction throughout the entire school system.⁵¹

"Increased efficiency" arguably improved student promotion rates. Although students in all categories of nonpromoted students were a negligible percent of the entire student population prior to the introduction

⁴⁸ Boyer, "Educational Tests and Measurements," 37–45.

⁴⁹ Carmon Ross, "Discussion," in *Annual Schoolmen's Week Proceedings*, vol. 7 (Philadelphia, 1920), 147, warned of "teaching tests" that did not vary and were administered "again and again until both pupils and teachers became thoroughly familiar with the contents of the tests."

⁵⁰ Boyer, "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1927), 581; Boyer, "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1928), 549, 492–93.

⁵¹ Boyer, "Report of the Division of Educational Research and Results" (1930), 177–78.

Table 4: Student promotion rates, 1925 to 1930^a

<i>January</i>	<i>1920</i>	<i>1921</i>	<i>1922</i>	<i>1923</i>	<i>1924</i>	<i>1925</i>	<i>1926</i>	<i>1927</i>	<i>1928</i>	<i>1929</i>	<i>1930</i>
Senior High School	79.4	80.2	81.4	78.6	79.7	81.6	80.8	78.4	83.0	85.0	85.0
Junior High School	83.9	87.7	91.2	90.1	92.8	91.8	91.2	88.7	89.0	90.0	90.0
Elementary School	83.6	83.9	84.4	84.1	85.5	87.0	87.4	86.9	87.9	87.9	87.5
<i>June</i>											
Senior High School	78.6	78.2	76.2	78.6	77.7	76.5	76.7	74.1	83.0	84.0	84.0
Junior High School	86.7	89.4	89.2	89.3	90.4	89.9	88.3	89.3	89.0	90.0	90.0
Elementary School	85.0	84.5	84.9	85.7	86.3	87.3	86.8	87.2	87.5	87.5	87.7

a. As reported in "Report of the Superintendent of Schools," in *Annual Report of the Board of Public Education* (Philadelphia, 1921–25), passim; "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1926–30) passim.

of widespread testing, the number of students *not* promoted from year to year decreased following educators' efforts to group students according to ability, further legitimizing claims of efficiency through standardized testing (Table 5).

Philadelphia's Dubious Legacy as a Modern Urban School System

By 1930, several elements of the specialized course at South Philadelphia High School for Girls characterized Philadelphia's public school system as a whole, and many aspects of latter-century urban education had coalesced in Philadelphia's public schools. Primary among them was an emphasis on pupils' minimum competencies—demonstrated on numerous standardized tests—of the few subject areas relevant to students' social conformity, economic potential, and future citizenship. Further, the importance educators placed on students' performances on standardized tests encouraged teachers to employ routine methods in their classroom instruction. Finally, administrators advocated instructional uniformity and narrowed curricular options for students. The "ultimate aim" of educational research, Philip Boyer averred, was "more effective guidance" for students, ensuring their proper placement in "specialized forms of training [to meet] the qualifi-

Table 5: Cause, number, and percent of student population of nonpromoted students, 1920 to 1927^a

	1920	1921	1922	1923	1924	1925	1926	1927
School Population	215,862	226,230	225,810	227,306	229,942	230,529	230,536	232,455
Mental Deficiency ^b	87 (0.04)	86 (0.04)	81 (0.04)	61 (0.03)	72 (0.03)	57 (0.02)	50 (0.02)	74 (0.03)
Backwardness ^c	738 (0.34)	720 (0.32)	721 (0.32)	676 (0.30)	575 (0.25)	518 (0.22)	525 (0.23)	571 (0.25)
Foreign Parentage ^d	72 (0.03)	66 (0.03)	81 (0.04)	69 (0.03)	65 (0.03)	33 (0.01)	29 (0.01)	36 (0.02)
Irregular Attendance ^e	368 (0.17)	334 (0.15)	347 (0.15)	465 (0.20)	429 (0.19)	339 (0.15)	318 (0.14)	241 (0.10)
Other Causes ^f	118 (0.05)	93 (0.04)	86 (0.04)	86 (0.04)	67 (0.03)	65 (0.03)	50 (0.02)	47 (0.02)
Total	1,383 (0.64)	1,299 (0.57)	1,316 (0.58)	1,357 (0.60)	1,208 (0.53)	1012 (0.44)	972 (0.42)	969 (0.42)

a. Author's calculations based on the number of nonpromoted students and the causes for their non-promotion reported in "Report of the Superintendent of Schools," in *Annual Report of the Board of Public Education* (Philadelphia, 1921–25), passim; "Report of the Division of Educational Research and Results," in *Annual Report of the Board of Public Education* (Philadelphia, 1926–27), passim; and the total school population in "Report of the Division of Compulsory Education," in *Annual Report of the Board of Public Education* (Philadelphia, 1931), 301. From this is derived the percentage of the total student population represented in each category. The Division of Educational Research and Results stopped reporting the nonpromoted statistics after 1927 without comment. b. Defined as "Defective, weak mentality, sub-normal, feeble-minded." c. Defined as "Dull, slow development." d. Defined as "Non-English speaking, foreign home." e. Defined as "Non-attendance, truancy." f. No definition provided.

cation set by industry as requirements for particular occupations." Boyer understood that the schools system's success in fulfilling this obligation to business and society through testing and "guidance" depended heavily on the cooperation of educators at the school level. Fortunately for Boyer, school principals and classroom teachers reported high levels of satisfaction with the results and expressed their appreciation for the ways they perceived objective assessments improved instruction and raised teachers' consciousness of individual students' abilities.⁵²

⁵² Boyer, "Educational Measurements," 369, 371; Boyer, "Report of the Division of Educational Research and Results" (1927), 562; Boyer, "The Philadelphia Experiment in Homogeneous Grouping," in *Annual Schoolmen's Week Proceedings*, 17:252; Boyer, *Report of the Division of Educational Research and Results* (Philadelphia, 1926), 28–29; *Report of the Division of Educational Research and Results* (Philadelphia, 1927), 36–37.

The work of Philadelphia's Division of Educational Research and Results during the mid to late 1920s thus illustrates the powerful influence the institutionalization of standardized testing had on several aspects of the modern urban school system. Urban educationalists responded to community leaders' demands to address the perceived threats of social and economic instability presented by the increased presence of newcomers to the city. The strategies city educators employed to alleviate such anxieties were administrative in nature. The Philadelphia school system expanded its specialized bureaus in the early twentieth century to solve the perceived problems of an increasingly diverse community, based the administration of these special divisions on principles of efficient management, and proved their success in objectively collected data embodied in standardized test results and evidenced by increasing student promotion rates. Educationalists such as Boyer and Broome believed so-called scientific assessments enabled educators to determine appropriate employment and educational opportunities for students, which in turn was the best way of publicly demonstrating successful educational reform initiatives. As Broome, Boyer, and the Division of Educational Research and Results oversaw the expanding number of administered tests and the number of tested students, however, they emphasized measurement as a means to maintain the educational bureaucracy and to legitimize their professional authority within that order. Today's teachers and students who labor under high-stakes testing regimens borne from and institutionalized by educational policies such as No Child Left Behind, Race to the Top, and Common Core are heirs to their legacy.⁵³

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RENÉ LUIS ALVAREZ

⁵³ Javier C. Hernández and Al Baker, "A Tough New Test Spurs Protest and Tears," *New York Times*, Apr. 19, 2013, A24; Motoko Rich, "Debut of School Standards Is Rocky, and the Critics Are Pouncing Left and Right," *New York Times*, Aug. 16, 2013, A11.

BOOK REVIEWS

The Pennsylvania Railroad, Vol. 1, Building an Empire, 1846–1917. By ALBERT J. CHURELLA. (Philadelphia: University of Pennsylvania Press, 2012. 972 pp. Illustrations, notes, index. \$75.)

Like the Pennsylvania Railroad, this book is impressive. It weighs over six pounds, it has over eight hundred pages of text and one hundred pages of notes, and its index is nearly twenty pages long. And it is only the first volume of an eventual two. Albert Churella has done an excellent job of assembling the Pennsylvania Railroad's prehistory and its first seventy-one years of existence (volume 2 will handle the last fifty-one years and, presumably, feature a Penn Central postscript). He has imposed order on the vast tome through four grand themes and the use of thematic chapters that overlap chronologically at times. All in all, he has put together a remarkable and useful set of stories in this first volume.

However, the book—again, like the Pennsylvania Railroad itself—may be too large and comprehensive to be accessible to a broad audience. Fans of the Pennsylvania Railroad and railroad historians will welcome this volume. Although a number of internally produced histories of this once vast enterprise were created in the late nineteenth and mid-twentieth centuries, this is the first scholarly work to attempt to examine the corporation as a whole. The Pennsylvania was a vast and complex corporation, and Churella's work will likely overwhelm the casual reader with detail. Even with my enthusiasm for railway history, my eyes glazed over at times during the two chapters devoted to the development of midwestern branch lines. This work's greatest value to a nonspecialist is likely as a reference work that can be consulted when needed to place a local railroad event in greater context.

Churella's research has been thorough and comprehensive. In the chapters in which I knew the story best (Philadelphia and New York in the late nineteenth and early twentieth centuries), I was impressed by the author's use of both primary and scholarly sources. He goes far beyond the economic and technological matters that dominate most railroad corporate histories and considers social and cultural issues as well. The main narrative is still one driven by money and machinery, but, given the nature of the enterprise under study, this focus is not entirely inappropriate.

What I am less comfortable with is what lessons a historian can draw from this telling of the history of this railroad. In many ways railroad corporate histories are like biographies—the story of a single company or a person can never be as clean as a thematic look at a period, as everybody and everything is involved in too many subplots to make for a clear overall story. This volume covers the period of the Pennsylvania's rise to prominence, by the end of which it could justly declare itself to be the "Standard Railroad of the World." But do we learn from Churella's work why this happened? I remain unsure. Churella's grand themes seem more useful organizational tools than analytical ones. If I applied these same themes to other, less successful railways, would they work there, too? I think yes.

What Albert Churella has produced is an impressive and complex examination of an impressive and complex organization. It nicely engages the existing literature and will likely stand for some time as the definitive scholarly work on the Pennsylvania Railroad. What it highlights is the need for more railroad histories like this one and for a more synthetic work on the railway industry in the United States that combines the cultural insights of John Stilgoe with the detailed economic and operational analysis of John Stover. Churella has made an important step in this direction, but his concentration on just one railroad company limits the reach of this study.

Wilkes University

JOHN H. HEPP IV

Across the Divide: Union Soldiers View the Northern Home Front. By STEVEN J. RAMOLD. (New York: New York University Press, 2013. 246 pp. Notes, bibliography, index. \$49.)

Steven J. Ramold argues that Union soldiers, "stressed by the demands of combat . . . and burdened by the hardships of army life," often "adopted attitudes and opinions about various facets of the war quite different from those of civilians" (1). This opened several "divides" between soldiers' and civilians' perceptions of the political, moral, and social facets of military service, gender, race and abolitionism, conscription, home-front antiwar movements, and Abraham Lincoln. Each chapter offers a brisk and quite useful survey of military and civilian attitudes on a specific issue.

Yet these surveys do not support the overarching theme of the book. Too often the "divide" identified by the author fails to materialize. The section on gender shows few tensions between soldiers and wives (or any other women), and the chapters on the antiwar movement and the election of 1864 show many more bridges than divides. Not enough attention is paid to the nuances of political loyalty or to change over time; the "civilians" provide moving targets that too often are defined entirely by soldiers' conceptions. Ramold notes early on that "soldier

reactions, to both contemporary and modern observers, can seem reactionary and erroneous" (2). Despite this striking insight, the author nevertheless seems to take this rather unreliable evidence at face value throughout the rest of the book. Of course, its title clearly indicates that the book intends to present only one side of the equation, but examining the sources of these "erroneous" perceptions would have made this a more complex and more useful book.

Equally concerning is the fact that the soldiers and civilians are often far too generalized. For instance, like civilians, there were soldiers on both sides of the racial divide, and although Ramold draws a distinction between "emancipationist" soldiers and "abolitionist" civilians, the difference seems to have had more to do with the postwar debate over civil rights than about wartime policies. Moreover, it is doubtful that most Northern civilians were truly abolitionists. The chapters on antiwar movements and the election of 1864 are really more about many soldiers' disdain for the Knights of the Golden Circle and Copperhead Democrats than disdain for civilians in general.

In the epilogue, Ramold declares that after the war "differences of opinion soon vanished, making the soldier/civilian divide a lost narrative of the Civil War" (169). This does not mesh with recent books on veterans and reconciliation by Barbara Gannon, Caroline Janney, Frances Clarke, and this reviewer, which have shown that many issues and attitudes separated veterans and civilians, ranging from the place of emancipation in the memory of the war to old soldiers' resentment toward those who had remained at home to the expensive pension system put in place for veterans.

Ramold poses an important question and makes a good, if limited, start on our appreciation of the differences between Northern civilians and soldiers. But a true understanding of those tensions requires a more balanced approach.

Marquette University

JAMES MARTEN

The Civil War and American Art. By ELEANOR JONES HARVEY. (Washington: Smithsonian Art Museum, 2012. 352 pp. Illustrations, notes, bibliography, catalogue, index. \$65.)

Eleanor Jones Harvey has written a good book on a difficult subject. It is not obvious that American art dealt with the Civil War much at all, let alone profoundly. It is difficult to call to mind any memorable portraits of generals or images of battlefields in painting, and a reader of this book had best not look forward to flags, uniforms, and drums of war displayed in familiar European style. The author's genius is to realize that American artists dealt with the war metaphorically—in landscape and in genre paintings—and not in history paintings. Once she threw off the bonds of literalism in dealing with the subject, she could write a very

good book indeed. And, more important, she could deal with America's greatest painters of the period: Albert Bierstadt, Frederick Edwin Church, Winslow Homer, and Eastman Johnson among them. Viewing the art of the American Civil War through the lens of metaphor allows her to arrive at positive judgments on the achievement of American artists. No such judgment is possible if the writer is confined to the period's mediocre generals' portraits and the generally failed attempts to portray battlefield grandeur and heroism.

Harvey offers sophisticated interpretations of carefully selected paintings, and she contextualizes her interpretations with references to ideas and metaphors commonly used in the press and literature of the day. If you want to sample the quality of the results of her approach, read the section of the book dealing with Eastman Johnson's *Negro Life at the South* (later called *Old Kentucky Home*). She argues that the painting was actually about miscegenation, as it came to be called during the Civil War, and was by no means a celebration of contented slaves listening to a banjo player.

American artists of the time, unlike many of their Civil War contemporaries, did not leave us a vast and revealing correspondence about their world and their art. They left few clues beyond an occasional enigmatic title for a painting about the meaning of the images produced in the Civil War period. They poured their world onto canvas with paint; they did not pour their souls into letters. But the landscapes and genre paintings have real soul in them.

The chapter on the artists who dealt most literally with the war, photographers such as Mathew Brady, Timothy O'Sullivan, and Alexander Gardner, is the weakest, and the book might have been better conceived as a book about painting alone. But who can complain about a conception as wise as Harvey's that the theme of the war must be dealt with mostly as metaphor in American art history and not necessarily literally as an attempt to deal with uniforms and weapons and valiant deeds?

Pennsylvania State University

MARK E. NEELY JR.

An Eakins Masterpiece Restored: Seeing "The Gross Clinic" Anew. Edited by KATHLEEN A. FOSTER and MARK S. TUCKER. (Philadelphia: Philadelphia Museum of Art, 2012. 184 pp. Illustrations, notes, bibliography, index. Paper, \$27.50.)

An Eakins Masterpiece Restored is much more than the chronicle of an impressive conservation effort undertaken on an important painting; it serves also as a love letter to a great relationship nearly lost. The relationship, rather sweetly in this case, involves a city, Philadelphia, and its most adored and iconic work of art, Thomas Eakins's *The Gross Clinic*. As conclusion to the text, curator Kathleen A. Foster and conservator Mark S. Tucker note: "with the painting now brought

closer to its original appearance than it has been in almost a century, we have the thrill of seeing *The Gross Clinic* anew”; their chronicle of the events leading up to this “thrill” entertains and enlightens readers with the force of a great romance (133).

Philadelphians did not always love Eakins or *The Gross Clinic*. Indeed, the painting was shown only a handful of times in art exhibitions in its early history and received decidedly mixed reviews. Eakins had calculated that an ambitious painting of the world-famous Philadelphia surgeon Samuel D. Gross would be a fitting contribution to the Centennial Exposition that soon would occupy the city. Despite his brilliant efforts, however, *The Gross Clinic* in 1876 was deemed fit only for display in the Army Medical Department at the Centennial Exposition, rather than with other examples of American art. And although the artist exerted great effort to show the work in following years, its bloody depiction of a surgical scene proved a tough sell. Eakins’s rejection in this early moment was especially poignant because it was not for want of effort on his part.

Foster and Tucker meticulously reconstruct Eakins’s working methods in preparing the painting. With few preparatory works to guide their efforts, the authors mine for clues with excruciating care, using such tools as X-radiography and infrared reflectography as well as their unique and unparalleled combination of scholarly expertise and conservation experience in working on Eakins’s canvasses. Together, they determine the perspectival calculations the artist had to make, note “the speed with which Eakins eagerly buried the white ground on his new canvas with a deep, warm gray meant to cast a background shroud of darkness and space behind his figures,” and re-create the mental and technical process of developing arguably the most complex painting in American history (54).

Tucker also provides an extended analysis of past damage to the work and explanation of the conservation program undertaken in 2010. His thoughtful discussion of the influence of changing aesthetics on restoration is a good reminder that we must take care in what we ascribe to an artist’s intentions. Foster, meanwhile, insists that we rethink the narrative of rejection that has accompanied the painting, pointing out that “few scholars have credited the length, detail, and complexity of the commentary generated by the painting, which generally began by acknowledging the skill of the artist” (78). To that end, Foster and her team attempt to set the record straight by providing an appendix of every known mention of the painting in its early years.

Although past art historical scholarship is given relatively scant attention, the text does include an essay by Mark S. Schreiner on “Eakins as Witness: The Birth of Modern Surgery, 1844–89,” which provides an overview of surgical advances at this moment in medical history. Reception of the painting by doctors was a decidedly different affair in its early years. Oblivious to, or uninterested in, the squeamish and ambivalent views of art critics, the alumni of Jefferson happily paid Eakins an amount equivalent to his expenses and went on to celebrate this painting of their esteemed professor for 130 years.

Every compelling romance benefits from a great villain who threatens to ruin the match, and in this case a perfect candidate emerged on November 11, 2006, when the trustees of Thomas Jefferson University announced that they would sell *The Gross Clinic* to Wal-Mart heiress Alice Walton (via a murky relationship with the National Gallery). The ticket price was \$68 million, and the destination was Walton's new Crystal Bridges Museum of American Art in Bentonville, Arkansas. To thicken the plot even further, Jefferson announced at the same time a grand challenge to Philadelphia institutions: match the dollar amount by Christmas and the painting could stay. In an amusing and touching chapter, "Local Hero: *The Gross Clinic* and Our Sense of Civic Identity," Steven Conn recounts how over the following six weeks, an outpouring of donations were received from more than 3,400 individuals and institutions who refused to allow the painting to leave. Today, the painting is jointly owned by the Philadelphia Museum of Art and the Pennsylvania Academy of the Fine Arts.

Conn thoughtfully places the fight to keep the painting in Philadelphia in the context of a decade of activism on behalf of cultural landmarks and further considers this phenomenon in light of the concept of civic identity. In a nation of individuals increasingly isolated and, if not displaced, then certainly un-placed, he argues: "whatever might be said about the art-historical importance of *The Gross Clinic*, it is unarguably a Philadelphia painting—a Philadelphia story told through a Philadelphia doctor in a Philadelphia medical school by the preeminent Philadelphia painter. Keeping it in the city thus became a crusade about civic identity, about what it means to be a Philadelphian" (9–10). Concluding on this charming note, we may reflect on the ways in which seeing *The Gross Clinic* anew also helps Philadelphians to see themselves anew.

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Ed Bacon: Planning, Politics, and the Building of Modern Philadelphia. By GREGORY L. HELLER. (Philadelphia: University of Pennsylvania Press, 2013. 320 pp. Illustrations, notes, index. \$39.95.)

From the mid-1950s to his death on October 14, 2005, at age ninety-five—three years after he skateboarded in Philadelphia's LOVE Park—Edmund N. Bacon towered as an iconic, albeit controversial, figure in city planning. Yet, as Gregory Heller confesses in this book, discerning his role and his legacy in the saga of Philadelphia planning proves a complex and difficult task.

Heller's study treats city planner Bacon as a "policy entrepreneur," a term, borrowed from John W. Kingdon, that describes one who promotes and guides ideas that "float around" and become reality through a process of societal decision making (9, 11). The author contends that Bacon, as planning director, lacked the

power and access to capital that made Robert Moses and Edward Logue masters of city rebuilding. Instead, his influence derived from his ability to espouse and advocate for the big idea via policy meetings with public and private groups and individuals. Indeed, Bacon assumed the face of planning policies he influenced—but that were, in reality, finalized by Housing (later Development) Coordinator William Rafsky, the Redevelopment Authority, federal and state highway officials, and powerful city business interests.

Although Heller classifies this work as a “case study” rather than a biography, he includes rich biographical content about Bacon’s Quaker roots; his elite education; his stint at Eliel Sarrinen’s Cranbrook Academy, followed by housing and planning work in Flint, Michigan; his time in China; his navy duty in the Pacific; his return home to hobnob with Oscar Stonorov, John Edelman, Walter Phillips, and Corbusier; and his 1947 dream (with others) of a “Better Philadelphia.” After becoming director in December 1948 of a newly resurrected City Planning Department, Bacon’s role was enhanced after 1950 when Democratic Party reformers Joseph Clark and Richardson Dilworth captured city hall and won a new city charter.

In the early fifties, Bacon pioneered a unique approach—likened by *Architectural Forum* to “penicillin, not surgery”—to better house the city’s inner-ring slums (59, 69). Ultimately, though, he won fame for downtown renewal. When between 1954 and 1956 the federal government and Rafsky shifted from housing-oriented slum clearance and redevelopment to neighborhood conservation and the renewal of the Central Business District (CBD), Bacon, long interested in the city’s historic downtown, energetically made the CBD, not blighted neighborhoods, his primary canvas. His vision, as implemented via the entrepreneurial process, invariably suffered serious dilution in the hands of business and other interests. Nevertheless, Heller argues, Penn Center, Society Hill, Market East, and Independence Mall all reflect Bacon’s grand idea in one way or another, and all helped lay the groundwork for downtown revitalization. By 1970, the year he retired from the City Planning Department, thanks to Jane Jacobs and other critics rebelling against modernism and top-down planning, the profession moved sharply away from Bacon and his approach.

After 1970, Bacon taught, worked in private real estate development, lectured worldwide on the “Post-Petroleum City,” and, like Don Quixote, tilted at threats to the downtown cityscape: city height limits, alterations to Independence National Park, and restrictions on public use (that is, skateboarding) at LOVE Park. In victory and defeat, Bacon remained a profoundly public voice for his vision of Philadelphia.

Heller’s book, which utilizes previously unavailable Bacon archives and personal interviews, uniquely captures the planner’s thoughts and viewpoints, offering insight into Bacon’s fear of suburbanization, opinions about the automobile, concern for housing in Northeast Philadelphia, opposition to massive highway building, and affinity for the Garden City.

Yet, in the end, Heller's Bacon remains inscrutable, a person who throughout the 1960s could seemingly still spin grand visions even while facing voluminous evidence that Philadelphia was becoming daily a blacker, economically more impoverished city, a point made in 1968 by journalist Nancy Love when she charged that "Bacon's Dream of the City Beautiful [had] turned out to be a Nightmare." Like Bacon during his career, Heller largely mutes the racial dimensions of post-war planning—like, for example, the fact that most East Poplar, Mill Creek, and Morton "slums" early targeted by Bacon's planning department and Rafsky's Redevelopment Authority sheltered African American families. Moreover, as Guian McKee observes in Gabriel Knowles's volume on Bacon's 1959 vision of "Philadelphia 2009," no matter how erudite he was, Bacon failed to grasp the macrocosmic changes (gross employment discrimination, failing urban education, deindustrialization, globalization) undermining his grand ideas. The 1957 "Used House Program," for instance, not entirely Bacon's idea, faced an epidemic of housing deterioration and abandonment in North Philadelphia, especially after the 1964 riot.

Unquestionably, as evidenced by his experiences in Flint and his early Philadelphia years, Bacon harbored concern for the urban poor and the excrescent living conditions of the slums. Yet he dreaded even more the competition posed by suburbanization. He firmly believed that a redesigned city made pedestrian friendly (i.e. Society Hill) and accessible (i.e. Market East) would lure back the fleeing middle class (rich or poor, black and white). In the face of a growing public and professional disillusionment with top-down planning, Bacon never doubted that good, well-promoted design would create the good city.

This book ably illuminates the complexity not only of Edmund N. Bacon and his role in shaping postwar Philadelphia but also the enigma of modern planning and the role of planning in the twenty-first century. In that respect alone it is an important work.

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The March on Washington: Jobs, Freedom, and the Forgotten History of Civil Rights.

By WILLIAM P. JONES. (New York: W. W. Norton, 2013. 320 pp. Illustrations, notes, bibliography, index. \$26.95.)

The March on Washington of August 28, 1963, is among the most celebrated moments in civil rights history, revisited every year on Martin Luther King Jr. Day and during Black History Month. Is there really anything new to be written about this historic event? William P. Jones, professor of history at the University of Wisconsin, uses the march to refute the "common misperception" that the civil rights movement moved from a "classical phase" emphasizing moral issues and le-

gal segregation to a more ambitious and controversial agenda encompassing economic goals and broad-based social change (xii). Not so, argues Jones, noting that the initiative and much of the organizational strength for the march came from black labor groups whose heritage traced back to A. Philip Randolph's 1941 plan for a march on Washington to protest employment discrimination. The demand for jobs was still clearly on the agenda in 1963—the official name of the event was the “March on Washington for Jobs and Freedom”—and was emphasized by many of the speakers that day. Indeed, an important accomplishment of the march and related lobbying was the addition of a fair-employment section to the Civil Rights Act of 1964, absent in the Kennedy administration's first version. These efforts thus deserve credit for creation of the Equal Employment Opportunity Commission.

A subtheme that might have been more fully developed is that the keywords “jobs” and “freedom” were essentially codes for the northern and southern branches of the movement. Jones credits the idea for a “March for Jobs” to Anna Arnold Hedgeman, a YWCA worker and activist associated with Randolph since the 1920s. Based in Harlem, Hedgeman was not sure how the “southern movement” would react (164). But when she read that the Southern Christian Leadership Conference was considering “a march on Washington, even sit-ins in Congress,” to force federal intervention in the South, Hedgeman arranged a meeting between Randolph and Martin Luther King Jr., and plans began to take shape (167). As Harvey Swados wrote in the *Nation*: “The March itself, after all, came into being in a merging of two streams of thought and action” (173). To a considerable extent, the “simplification of the historical narrative” to which Jones objects reflects the fact that subsequent civil rights legislation and enforcement efforts targeted the South far more effectively than other parts of the nation (243).

Another subtheme is that black women were persistently rebuffed in their demands for representation in leadership positions and on the march program, an exclusion barely moderated by token remarks from Little Rock NAACP leader Daisy Bates. Civil rights leaders were dismayed when a Virginia congressman (and civil rights opponent) added “sex” to the list of categories protected against employment discrimination in Title VII of the act. Jones reports an ironic twist on this well-known episode, namely that a forceful memorandum drafted by civil rights activist Pauli Murray was “critical to convincing Lyndon Johnson and other supporters of the bill to retain the prohibition on sex discrimination” (227). Poetic justice.

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