John Smilie, Antifederalism, and the 'Dissent of the Minority,' 1787-1788

By Rodger C. Henderson

THE plan of government created by the authors of the Constitution was born in an age of conflict. Thomas McKean, on December 10, 1787, anticipated positive consequences of ratification "upon the character and prosperity of the United States, both at home and abroad." He declared the plan "the BEST THE WORLD EVER SAW."[1]

But all Pennsylvanians did not agree. Many feared that adoption of the Constitution in Pennsylvania would "produce a mighty convulsion."[2] A leading opponent of the proposed law of the land, John Smilie argued that the methods required to implement the Constitution's plan of government would be the same as those "necessary to execute a despotism." He feared the abuse of powers by the officers of government would provoke discontent throughout the land. To administer the plan, government officials would use increasingly oppressive means to subdue popular opposition. Smilie concluded that if administered, "it must be by force." The system, he thought, would be destructive of the people's liberties; rights would remain lost until "recovered by arms."[3] Indeed, on the afternoon of December 12, 1787, at the Pennsylvania Ratification Convention, John Smilie and Jasper Yeates called for the votes on whether the state would ratify the plan drafted September 17 in

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1 *Pennsylvania Gazette*, Dec. 12, 1987.

2 William Shippen, Jr., to Thomas Lee Shippen, Nov. 7, 1787, in Merrill Jensen, ed., *The Documentary History of the Ratification of the Constitution*, Vol. II: *Ratification of the Constitution by the States: Pennsylvania* (Madison: 1976), 236. (Hereafter, "*DHRC*, II, *Pa.*")

3 *Ibid.*, 592.

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Philadelphia at the Constitutional Convention. Yeates joined 45 other delegates — two-thirds of the convention — voting yes. John Smilie and Nathaniel Breading, both from Fayette County, along with 21 other delegates, opposed the Constitution.[4] Nine of the 23 opponents represented areas in southwestern Pennsylvania. Indeed, nearly 40 percent of all opposing votes came from the representatives of Fayette, Westmoreland, Washington, and Bedford counties. Nine of 11 delegates from these four counties voted against ratification of the Constitution.[5] Clearly, Fayette and the surrounding area formed a solid core of Antifederalist political sentiment. In part, the considerable opposition to the Constitution was the consequence of the efforts of Smilie, who was in the forefront of Pennsylvania's Antifederalist leadership.

The purposes of this paper are to examine the life of one Antifederalist delegate to the Pennsylvania Ratification Convention. Analyzing Smilie's career helps to bring into focus issues of ideology, politics and society that formed the controversy over ratification. This study also seeks to understand Smilie's style of Antifederalism. Why did he oppose ratification? Was it because he came from the frontier farming areas of western Pennsylvania? Do personal frustrations and economic class issues explain his reasons for dissent? Did he oppose ratification simply because he anticipated that adoption would weaken his professional political position as a long-time office holder? Did he debate and vote against the Constitution because of his ethnic-religious heritage as a Scotch-Irish Presbyterian? To what extent did personal and family life contribute to his Antifederalism? How did the Revolution influence his thinking about the Constitution? What political experience and ideas formed his opinions on the Constitution? Analysis of his speeches and behavior at the Convention and outside of it reveal the nature of his deeply held convictions. History and experience were his guides. From September 28, 1787, when violent measures were used to physically drag two seceding members of the Pennsylvania Assembly back to the sessions to create a quorum, through the election night riot of November 6, 1787, to the altercation between Smilie and Thomas McKean near the close of the Convention, John Smilie was "strenuous in...[his] opposition."[6] Answering these questions about the life and political career of Smilie also clarifies other issues about the nature and extent of Antifederalism in Pennsylvania.

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4 *Ibid.*, 590-591.

5 *Ibid.*, 326-327; 590-591.

6 William Shippen, Jr. to Thomas Lee Shippen, Nov. 18, 1787 in Jensen, ed., *DHRC*, II, *Pa.*, 236.

John Smilie actively participated in the Revolutionary movement and became a political leader under the Pennsylvania Constitution of 1776.[7] He was born September 16, 1742, in County Down, Ireland. By 1760 he had migrated to America and settled in Lancaster County, Pennsylvania. Smilie became an early leader of the movement in resistance to British authority, serving as a member of the Lancaster County Committee, and of the Provincial Conferences of 1775 and 1776. In 1778 and 1779, under the "radical" Constitution of 1776, the voters of Lancaster County elected him to the General Assembly. Near the end of the war, in 1781, he moved westward to Westmoreland County. In 1783 the voters of Westmoreland selected him as a member of the Council of Censors. With the formation of Fayette County by 1784, the qualified freemen chose Smilie as their first representative in the Assembly and re-elected him in 1785. He also served on the Supreme Executive Council from November 2, 1786, until November 19, 1789. It was during this phase of his career that Fayette Countians made Smilie a delegate to the Ratification Convention. He became a leading debater in the Convention, and after Pennsylvania ratified the Constitution, he persisted in his efforts to have the plan modified.

Scholars have interpreted Smilie's life in a variety of ways:

•Orin G. Libby identified the major divisions in Pennsylvania over the Constitution in geographic and economic terms. The western agricultural and frontier areas opposed the plan, but the eastern counties, with more population, wealth and commercial interests, sided with the Federalists.[8]

•Charles Beard explained the differences between Federalists and Antifederalists in terms of personalty and realty. Federalists in the Ratification Convention had more delegates "interested in public paper." Antifederalists, however, represented landed interests. Ratification in Pennsylvania was a reflection of the triumph of personalty over realty interests.[9]

•In a broad reinterpretation of Beard's thesis, Forrest McDonald argued that the Federalists and Antifederalists owned "about the same

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7 Jensen, ed., *DHRC*, II, *Pa.*,732; William Henry Egle, "The Federal Constitution of 1787: Sketches of the Members of the Pennsylvania Convention," *Pennsylvania Magazine of History and Biography* 11 (1887), 264-266; Edward Everett, "John Smilie, Forgotten Champion of Early Western Pennsylvania," *Western Pennsylvania Historical Magazine* 33 (1950), 77-89.

8 Orin G. Libby, *The Geographical Distribution of the Vote of the Thirteen States on the Federal Constitution, 1787-1788* (Madison: 1894).

9 Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: 1913), 273-281.

amounts of the same kinds of property," and they held "similiar occupations." According to McDonald, Antifederalists possessed more "holdings of most forms of personalty," especially public securities. On this basis, McDonald concluded "that the exact opposite of Beard's thesis is more nearly the truth."[10] (Jackson T. Main has insisted, however, that major differences in property ownership existed between Federalists and Antifederalists.[11])

Other interpretations have flowed from these views:

•Edward Everett said Smilie was an Antifederalist because he was a "radical backwoods farmer, democrat, champion of the common man," and that the voters in Western Pennsylvania elected him because he represented the "dignity and rights of the common man" against the wealthy eastern aristocrats.[12]

•This view is also embodied in the work of Russell J. Ferguson.[13] Further, Gordon Wood detected deep social and economic divisions in the community from the Revolution to the ratification debates. Resentment and social antagonisms were magnified in this period because "new" men — Smilie among them — "picked up the pieces of political power" in the Revolutionary upheaval and resisted efforts of older elites to regain primacy in the political arena. Newcomers to politics stressed egalitarian and democratic social and political values, and refused to defer to the judgment of their "betters."[14]

•Other historians emphasized the deep divisions in Pennsylvania based on class, occupation, and sectional distinctions. Robert Brunhouse conceptualized the era in this manner.[15] Jackson T. Main sorted out the Pennsylvania Constitutionalists and Republicans from 1776 to 1787, and identified Constitutionalists as smaller property owners in rural agricultural and western areas of the state. They were more likely to be Scotch-Irish Presbyterians and their stands on political issues were "localist." They supported the Pennsylvania Constitution of 1776 and were more

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10 Forrest McDonald, *We the People: the Economic Origins of the Constitution* (Chicago: 1958), 163-182, especially 181-182.

11 Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781-1788* (Chapel Hill: 1961), *passim.*, 293-294.

12 Edward Everett, *John Smilie in Pennsylvania Politics* (M.A. *thesis*, University of Pittsburgh: 1948), 77, 80, *passim.*

13 Russel J. Ferguson, *Early Western Pennsylvania Politics* (Pittsburgh: 1938), Chapter 4, "Back Country Democracy in Opposition," 63-100.

14 Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: 1969), 84-85.

15 Robert L. Brunhouse, *The Counterrevolution in Pennsylvania, 1776-1790* (Harrisburg: 1942).

democratic and less elitist in their viewpoints than Republicans, who predominated in eastern, urban, commercial areas, owned larger amounts of property and consisted of a coalition of English Quakers, Episcopalians and German sects. They were more "cosmopolitan" and nationalist in their outlook, and less democratic in their social and political attitudes than Constitutionalists.[16]

•Owen Ireland contends that political partisanship in Pennsylvania from 1776 to 1787 is best understood in terms of ethnic-religious voting differences in the make-up of the Constitutionalists and Republicans. A Scotch-Irish Presbyterian and German Calvinist faction dominated the Constitutionalist party and a coalition of English Quakers and Episcopalians, Lutherans and German sects formed the Republican party. Ethnic-religious affiliations were the fundamental bases of partisanship in Pennsylvania politics from the Revolution to the adoption of the Constitution.[17]

Forrest McDonald, who called John Smilie one of the Antifederalists' "longwinded leaders," said that while Smilie owned a 300-acre farm with 20 head of livestock, he was really just a "professional politician."[18] He debated, acted, and voted on measures to protect his interest as an officeholder in the government under the Pennsylvania Constitution of 1776 and to ensure his continued leadership role in the Constitutionalist Party. He defended Pennsylvania's interest against the obvious changes the proposed plan would bring to state and national relationships. Jonathan Roberts, a colleague of Smilie's in his later congressional career, noticed his "habit of going with his party."[19] He was a party loyalist and a partisan politician. Gouverneur Morris, a severe critic of Antifederalist principles who played a key part in the Constitutional Convention, castigated the Pennsylvania opponents of ratification and saw them as basically state government officeholders defending their interests. He detested the "wicked industry" of Smilie and others "who have long habituated themselves to live on the public, and cannot bear the idea of being removed from the power and profit of State government, which has been and still is the means of supporting themselves, their families,

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16 Main, *The Antifederalists*, 174-211.

17 Owen S. Ireland, "The Crux of Politics: Religion and Party in Pennsylvania, 1778-1789," *William and Mary Quarterly*, 3d Ser., XLII (1985), 453-475.

18 McDonald, *We the People*, 163-182.

19 Philip Shriver Klein, ed., "Memoirs of a Senator from Pennsylvania: Jonathan Roberts, 1771-1854," *Pennsylvania Magazine of History and Biography* 62 (1938), 245-246.

and dependents."[20] James Wilson, the leading Federalist debater in the Ratification Convention, argued that those who held positions or expected to obtain an office in the Pennsylvania government objected to the Constitution. While Antifederalists claimed they opposed the system because it threatened the liberties of the people, Wilson contended that the real motivation for their objections was that the Constitution threatened their "schemes of wealth and consequence."[21] But Smilie and the opponents of ratification argued that just the opposite was the case. Samuel Bryan, another leading Antifederalist, writing as "Centinel" in his second letter "To the People of Pennsylvania," charged that the set of men favoring ratification pushed for its speedy adoption because they were "expectants of office and emolument under the intended government."[22]

Smilie's migration with his family to Westmoreland County in 1781, when he obtained land in the area, brought him prosperity and upward social mobility. Comparing Table 1 with Table 2 makes clear the degree of economic improvement Smilie experienced by moving west. In the years immediately before the Revolution, Smilie resided in Drumore Township, Lancaster County. He owned 80 acres, two horses, and two cattle. He paid 4 shillings, 6 pence tax in 1771. (In the traditional English system, a pound was 20 shillings and a shilling was 12 pence.) In the distribution of wealth, indicated by the amount of tax paid in 1771, Smilie ranked in the ninth decile among his neighbors in Drumore Township.[23] By 1783 he lived in Tyrone Township, Westmoreland County, where he owned 300 acres of land, three horses, four cattle and 13 sheep. The Smilie household numbered five, with no slaves,[24] a circumstance consistent with his vote in favor of gradual abolition of slavery and his speeches in support of individual rights and liberties. In 1786, he paid 14 shillings tax, placing him in the top 10 percent of the taxpayers among his new

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20 Jared Sparks, *The Life of Gouverneur Morris, with Selections from his Correspondence* (3 vols., 1832); Timothy Pickering to John Gardner, Philadephia, Dec. 12, 1787.

21 John B. McMaster and Frederick D. Stone, *Pennsylvania and the Federal Constitution, 1787-1788* (Philadelphia: 1888), 148-149.

22 Herbert J. Storing and Murray Dry, eds., *The Complete Anti-Federalist* (7 vols., Chicago: 1981), II, 153 (Hereafter, *Complete Anti-Federalist*); *Freeman's Journal*, Mar. 19, 1788.

23 See Table I.

24 William H. Egle, ed., *Pennsylvania Archives, Third Series*, (31 vols., Harrisburg, 1895-1899), XXII, 389-394.

TABLE 1. *Distribution of Wealth, Drumore Township, Lancaster County, Pennsylvania, 1771.*

Category in 10ths	Tax Paid in (d)	No. of Taxpayers	Percentage of Taxpayers	Total Assessed Wealth (d)	Percentage Assessed Wealth
I	205-462	13	10.0	3748	23.7
II	169-204	13	10.0	2352	16.1
III	145-168	12	10.0	1854	12.7
IV	121-144	12	10.0	1548	10.6
V	109-120	12	10.0	1404	9.6
VI	91-108	12	10.0	1128	7.7
VII	85- 90	12	10.0	1038	7.1
VIII	61- 84	12	10.0	834	5.7
IX*	37- 60	13	10.0	618	4.2
X	24- 36	13	10.0	396	2.7
Totals†		124	100.0	14650	100.1

*John Smilie paid 4s 6d tax in 1771.

†Some totals do not equal 100.0 due to rounding.

Source: William H. Egle, ed., *Pennsylvania Archives*, Third Series (31 vols., Harrisburg, 1894-1899), XVII, 72-76.

neighbors in Tyrone Township, Fayette County.[25]

By comparison with Lancaster County, in 1782, the lowest 30 percent of the taxpayers paid 3.5 percent of total taxes. Had Smilie remained there, he would have fallen among the lowest 30 percent of the wealthholders. But in Fayette County he was relatively better situated.[26] Although Smilie owned other property not included in these data, and land values differed in from east to west, as did the assessors and methods of assessment, it still appears that the move west by the ambitious Smilie improved his economic and social standing. His experience casts doubt on the view that Antifederalism was a western, democratic, frontier response to the Constitution.[27] If anything, Smilie was a member of the economic elite in Tyrone Township. He was newly arrived in the west and probably brought with him the set of attitudes and values that found expression in Antifederalism. Smilie may have been motivated to move west for reasons beyond economic opportunity. He was a shrewd politician, perceptive of changing political opinions. Surveying the situation in Lancaster County in the early 1780s, he may have judged that he did not fit in, or he determined that he could not represent a rising tide of nationalist opinion there. (Five of six delegates at the Convention from Lancaster County voted for ratification.[28])

Smilie enjoyed prosperity, and as an active, energetic achiever, established a successful political career in the west. But all was not well, apparently, at home. Little information, however, exists to understand fully the reasons for the tensions at home or the relationships among the family members. Jonathan Roberts, a senator from Pennsylvania, considered Smilie's family life crucial to understanding his character and personality. At home, Roberts said, "Smilie was of a fretful, and unquiet temper" because "his children were not smart, and he was impatient, and unreasonable" with them.[29] Smilie reveled in associations, councils, conventions, and public assemblies of men because, at least in part, he found

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25 See Table 2. Monetary values on tax assessment lists were denominated in the English system until 1796, when conversions were made to dollars. For a discussion of class structure in the late eighteenth century, see R. Eugene Harper, "Town Development in Early Western Pennsylvania," *Western Pennsylvania Historical Magazine* 71 (1988) 3-26.

26 Rodger C. Henderson, "Community Development and the Revolutionary Transition in Eighteenth-Century Lancaster County, Pennsylvania (Ph.d. dissertation, SUNY- Binghamton: 1983), Table 94, 491.

27 Everett, "John Smilie, Forgotten Champion," 77-89; Main, *Antifederalists*, 41-48.

28 Jensen, ed., *DHRC*, II, *Pa.*: 326-327, 590-591.

29 Klein, ed., "Memoirs of a Senator from Pennsylvania: Jonathan Roberts, 1771-1854," 245-246.

TABLE 2. *Distribution of Wealth, Tyrone Township, Fayette County, Pennsylvania, 1786.*

Category in 10ths	Tax Paid in (d)	No. of Taxpayers	Percentage of Taxpayers	Total Assessed Wealth (d)	Percentage Assessed Wealth
I*	151-1163	11	10.0	3569	51.6
II	89- 150	11	10.0	1300	18.8
III	56- 88	11	10.0	712	10.3
IV	35- 55	10	10.0	424	6.1
V	23- 34	10	10.0	292	4.2
VI	20- 22	10	10.0	199	2.9
VII	13- 19	10	10.0	163	2.4
VIII	10- 12	11	10.0	113	1.6
IX	8- 9	11	10.0	89	1.3
X	3- 7	11	10.0	61	0.9
Totals†		106	100.0	6922	100.1

*John Smilie paid 14s in 1786.

†Some totals do not equal 100.0 due to rounding.

Source: William H. Egle, ed., *Pennsylvania Archives*, Third Series (31 vols., Harrisburg, 1894-1899), XXII, 605-608.

meaning and direction in those settings. Roberts reported that "poor Smilie could have died, no where so happy as in Congress." But there appears to be no account by Jane Smilie of her relationship with her husband. It is not clear how she felt about his ambitions — Roberts said she "did not rise with him"[30]— but it is known that women of the era had few opportunities for individual achievement. It does appear that a widening gap of disenchantment grew over the years of a lengthy marriage, which ended in 1813. So, while the precise nature of this disenchantment is not known, it does seem likely that tension and frustration on the domestic front contributed to Smilie's Antifederalism.

Smilie actively participated in the political and military events in resistance to British authority that led to the Declaration of Independence and revolutionary upheaval in Pennsylvania.[31] With William McEntire and John Long, he represented Drumore Township on the Lancaster County Committee whose 80 members took their positions on November 8, 1775. The voters elected him one of the nine representatives from Lancaster County to the Provincial Conference in Philadelphia on June 18, 1776. Smilie participated in a meeting to select two Brigadier-Generals at Lancaster in July 1776 as a member of a delegation of privates in the "Associators." He also served, as of August 1776, in the Ninth Company of the First Battalion of Lancaster County, holding the rank of Sergeant.

The Revolution opened opportunities for economic advancement and political participation for more men than ever. Smilie was among those who were relative newcomers to politics and public office. A major event, a turning point that influenced Smilie's later career, occurred in 1784. Smilie and other Constitutionalists had just warded off efforts by Republicans in the Council of Censors to radically alter the Pennsylvania Constitution of 1776. In the October 1784 Assembly elections Smilie gained a seat in the legislature as Fayette County's first representative. Joseph Reed, leader of the Constitutionalist Party, experienced a period of poor health and gradually retired from his leadership role. George Bryan, justice on the Pennsylvania Supreme Court, had difficulty in managing the everyday business of the party in the Assembly. Under these circumstances four new men emerged as day to day leaders of the

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30 *Ibid.*

31 The details of this paragraph derive from Everett, "John Smilie in Pennsylvania Politics," 7, 12-13, 19-20; Israel D. Rupp, *History of Lancaster County* (Lancaster: 1844), 395-397, 406; Edward Shippen to Joseph Shippen, June 8, 1776, *Lancaster County Historical Society Journal* XI (1907), 14-15; Jacob Mombert, *Authentic History of Lancaster County, Pennsylvania* (Lancaster: 1869), 259; Thomas L. Montgomery, ed., *Pennsylvania Archives, Fifth Series* (8 vols., Harrisburg: 1906), VII, 17.

Constitutionalists. John Smilie of Fayette County, William Findley of Westmoreland, Robert Whitehill of Cumberland County, and John Whitehill of Lancaster County, working closely with George Bryan, became the major leaders of the Constitutionalist Party from 1784 to 1787.[32] Smilie and his colleagues stopped the movement to relax the test laws, revoked the Charter of the Bank of North America, established a state land bank, created a new issue of paper money, and assumed the Confederation debt owed to citizens of Pennsylvania.[33] This overwhelming victory of the Constitutionalists in 1784 and Smilie's leadership of the party set the stage for the great battle over ratification of the Constitution in 1787. Smilie's arguments and voting record in the Assembly debates reveal ideas and attitudes that re-emerged in the Ratification Convention.

Smilie's justifications for his votes in the legislature during the sessions of 1778-1780 and 1784-1786, based on constitutional principles, political practicality, and Whig ideology, formed a set of ideas he used in opposition to adoption of the Constitution.[34] He justified his vote for retaining Test Laws on the basis that the government had the right to require an oath of allegiance and it was impractical and dangerous to accept as citizens those who proved "inimical to the sovereignty and independence of Pennsylvania." He initially resisted party leader George Bryan's proposed abolition law on the grounds of separation of power: all legislation had to originate in the General Assembly. When Bryan proposed the bill as a member of the House, rather than as an officer of the executive branch, Smilie voted his approval. In the case of the jurisdictional controversy over the captured British sloop, *Active*, Smilie strongly advocated the state's rights over those of Congress, and later in the Convention used the case to argue for state sovereignty, jury trials in admiralty and other civil cases, and to justify inclusion in a bill of rights a provision to secure the sovereignty of the states. Smilie argued that in voting for the Divesting Act of 1779, such a large amount of land in the hands of the Penn family was "dangerous to the liberties of the people." In the conflict over the College of Philadelphia he voted against prior consultation with the Supreme Court about the constitutionality of the Assembly's plan before altering the charter of the college: such an

32 Owen S. Ireland, "The Ratification of the Federal Constitution in Pennsylvania" (Ph.d. dissertation, University of Pittsburgh: 1966), 172-173.

33 *Ibid.*, 151, 172-173.

34 Everett, "John Smilie in Pennsylvania Politics," 22-61, 84-129; Ferguson, *Early Western Pennsylvania Politics*, 20-37, 38-62, 63-100; Ireland, "The Ratification of the Federal Constitution in Pennsylvania," passim.

arrangement violated his strict principles of separation of powers. He justified his vote to revoke the charter of the college, in part, on the basis that the change would end discrimination and open equal opportunities for all religious denominations and place education under public control. He wanted to get rid of exemptions from militia duty for members of the House of Representatives and he opposed the hiring of substitutes on the principles of equality and liberty. He felt all members of the community should share equally in military responsibilities and a strong militia prevented the possibility of the need for "a standing army to the endangering of liberty." During the sessions of the Council of Censors in 1783-1784, Smilie defended the Pennsylvania Constitution of 1776 because it had helped obtain and keep "equal liberty," and the Republican proposals for a single executive and bicameral legislature would make government more "expensive, burdensome, and complicated." In the case of the disputed Lancaster County election returns of 1784 Smilie battled against the forces of fraud and corruption in the electoral process. He supported the funding plan and favored the creation of a state bank because they would link the people's economic interest with the commonwealth. Smilie opposed an act for the incorporation of Philadelphia on the principle of democracy. He reasoned that the executive council would gain office by votes of the freeholders, an electorate of about one-fourth of the inhabitants. Smilie condemned the Bank of North America on the basis of equality. It accumulated great wealth in the hands of a few, encouraged "influence and power," and was incompatible with the equality of individuals in the commonwealth and its "democratical government." Smilie's legislative experience and the reasons for his votes on specific issues provided him with background, experience, and a set of ideas he used to combat the adoption of the U.S. Constitution.

Smilie's Antifederalism emerged from absorption of revolutionary rhetoric and developed in association with peers and colleagues who shared the experience of gaining independence. More than most of his contemporaries, he thought that men had "to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents."[35] His career, especially in the ratification debates, demonstrates a strong belief in the equality of man and the natural rights of "life, liberty, and the pursuit of happi-

35 W.C. Ford, et. al., eds., *Journals of the Constitutional Congress 1774-1789* (34 vols., Washington D.C.: 1904-1937), IV, 342, 357-358.

ness."[36] Throughout the revolution, the controversy over the Constitution, and his later career, John Smilie held firm to the belief that government derived its "just powers from the consent of the governed."[37] It was his conclusion that the plan of government created by the men at the Philadelphia Convention held the potential to become "destructive of these ends."[38] In particular, he feared that the new plan would undermine gains made in the Revolution and embodied in the Pennsylvania Constitution of 1776 and the Articles of Confederation. The Revolution sharply divided the people of Pennsylvania into "Constitutionalists" versus "Republicans." John Smilie squared off to do battle with those who felt that the 1776 Constitution was "too much upon the democratical order" and that the "rage for liberty" had to be checked.[39] In defense of the Pennsylvania system, Smilie declared "a democratical government like ours admits of no superiority."[40] He and other defenders of the system, such as Joseph Reed, accused the opposition of trying to "overthrow the democracy of our constitution."[41] The proposed plan, in concept and method of adoption, Smilie thought, threatened vitiation of the Articles of Confederation. He persevered in his beliefs that "each state should remain sovereign, free and independent" and the Confederation should continue unless Congress agreed and state legislatures confirmed any proposed changes.[42] Ideas and experience gained in the politics of the Revolution and the 1780s formed Smilie's attitudes that found expression in the ratification debates.

Southwestern Pennsylvania's Antifederalist counties — Fayette,Westmoreland, Bedford, and Washington — had particular economic and social characteristics. Fayette County inhabitants engaged in small farming and some commercial agriculture. Westmoreland

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36 "The Declaration of Independence, In Congress, July 4, 1776," Merrill Jensen, ed., *The Documentary History of the Ratification of the Constitution*, Vol. I: *Constitutional Documents and Records, 1776-1787* (The State Historical Society of Wisconsin: 1976), 73. (Hereafter, *DHRC*, I, *CDR)*

37 *Ibid.*

38 *Ibid.*

39 Benjamin Rush to Anthony Wayne, Sept. 24, 1776, in J. Paul Selsam, *The Pennsylvania Constitution of 1776* (Philadephia: 1936), 209; Alexander Hamilton in the Constitutional Convention in Max Farrand, ed., *The Records of the Federal Convention* (4 vols., New Haven: 1937).

40 Wood, *Creation of the American Republic*, 482; Matthew Carey, ed., *Debates and Proceedings of the General Assembly of Pennsylvania* (Philadelphia: 1786), 21.

41 Brunhouse, *The Counter-Revolution in Pennsylvania*, 96; Main, *The Antifederalists*, 42.

42 "Act of Confederation of the United States of America, 15 Nov. 1777," Jensen, ed., *DHRC*, I, *CDR*: 86, 93.

County residents developed more widespread commercial farming operations, and they kept stills for the manufacture of whiskey. This region, west of the Allegheny Mountains, encompassed a large area of the Monongahela, Allegheny, and Ohio River valleys, with Pittsburgh as its urban and commercial center. Scotch-Irish Presbyterians, with a mixed German minority, dominated the settlement of the region. Pittsburgh had merchants who shipped grain, lumber, and meat down the Ohio River to Kentucky, New Orleans, and the Caribbean. Most residents in the southwest region were frontier farmers. Many were self-sufficient and there was considerable commercial agriculture, but overall the area was far from self-sufficient. Farmers grew grain for both food and drink and to have a commodity for exchange. East and north of the Monongahela River, Presbyterians, Scotch-Irish and German Reformed Calvinists abounded.[43] The authors and signers of the "Dissent of the Minority," many of whom were from these western counties, estimated that the 46 members of the Ratification Convention who voted to adopt the Constitution had been elected by only 10 percent of the taxable residents of Pennsylvania.[44] They claimed, of course, that a minority in the state had crammed the new system down the throats of the majority and implied that Western Pennsylvanians in great proportions were Antifederalists. Gouverneur Morris wrote to George Washington giving his assessment of the prospects for ratification in Pennsylvania. He thought Philadelphia and its vicinity "enthusiastic in the cause" but dreaded the "cold and sour temper of the back countries."[45] Morris anticipated strong opposition to the Constitution and he knew the political opinions of the residents of Western Pennsylvania.

John Smilie's Antifederalism derived, in part, from his experience representing western frontier voters in the Revolutionary committees and as Assemblyman from Lancaster County, 1778-1780, and Fayette County, 1784-1786. Much of Lancaster remained unsettled frontier into the 1760s. However, by the decades of the 1770s and 1780s it had experienced rapid population growth and economic development. By the close of the colonial era the county was one of the most densely populated areas inPennsylvania and by the 1780s, being one of the richest

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43 Ireland, "The Ratification of the Federal Constitution in Pennsylvania," 32-33, 36, 37; Ferguson, *Early Western Pennsylvania Politics*, 1-19.

44 *Pennsylvania Packet*, Dec. 18, 1787; Jensen, ed., *DHRC*, II, *Pa.*: 618-639.

45 Sparks, *The Life of Gouverneur Morris*; Anne Carey Morris, *The Life and Letters of Gouverneur Morris* (2 vols., 1888).

parts of the state, Lancaster County was "All Settl'd."[46] Smilie's migration to the less densely populated and more frontier region of Pennsylvania in the 1780s brought him into contact with economic and social conditions that may have influenced his emergence as a democratic, egalitarian individualist. But his work in the Pennsylvania Assembly, the Council of Censors, and the Ratification Convention indicate that by the time he settled in western Pennsylvania his political ideas, economic concepts and social values were highly developed and he was firmly committed to them. The social conditions of the western frontier influenced him less than the ideas he derived from other sources and experiences. The Whig political ideology developed in pre-revolutionary Pennsylvania to justify resistance to British rule, more than Scotch-Irish Presbyterianism or frontier democracy, guided the development of Smilie's Antifederalist viewpoint. To be sure, there is evidence indicative of a sectional, economic class, ethnic-religious dimension to his partisanship, but his major concern was defense of popular government and state sovereignty against the abuse of power by unrestrained government. All these factors, and the rhetoric used in defense of the Pennsylvania Constitution of 1776, had a great influence on the arguments Smilie presented at the Pennsylvania Ratification Convention.

Because of the nature of the sources it is admittedly difficult to provide an impartial assessment of the degree of public opinion in southwestern Pennsylvania for or against ratification. Fayette and Westmoreland counties demonstrated almost solid support between 1778 and 1787 for Constitutionalist Party principles. The two counties together elected 18 Constitutionalists to the Pennsylvania Assembly between 1776 and 1787. They voted for not one Republican. Although Hugh Henry Brackenridge gained a seat in the Assembly on the promise to work for the western interest, he allied himself with the Republican Party. The people disappproved, did not re-elect him, and refused to vote for him as a delegate to the Ratification Convention.[47] One newspaper reported that "all the counties beyond the mountains, it is well-known, are unanimously against the Constitution," but other evidence shows that although this may be true for most of the region, there were areas — Pittsburgh and Washington County among them — that supported adoption of the

46 Herman R. Friis, *A Series of Population Maps of the Colonies and the United States, 1625-1790* (New York: 1968), 17,19; Jedidiah Morse, *The American Geography; or, a View of the Present Situation of the United States of America* (Elizabethtown, N.J.: 1789) (Arno Press, 1970 Reprint), 309.

47 Ireland, "The Ratification of the Federal Constitution in Pennsylvania," 42-43.

Constitution.[48] According to petitions presented to the Assembly against adoption by John Piper in March 1788, 450 citizens of Bedford County opposed ratification. An account in the *Freeman's Journal* of March 19, 1788, claimed only seven advocates of the new plan could be found in the county. And both James Martin and Joseph Powell, delegates to the ratifying Convention, voted against adoption and signed the "Dissent of the Minority."[49] James Barr presented petitions signed by 519 Westmoreland County voters in opposition to ratification, and other accounts indicate that only 33 inhabitants advocated the new plan. One Antifederalist, referring to supporters of the Constitution as "friends of the Wellborn," claimed Federalists were "shopkeepers, packhorsemen, half-pay officers, Cincinnati attorneys-at-law, public defaulters, and Jews." All three delegates from Westmoreland — William Findley, John Baird, and William Todd — voted against adoption and they also signed the "Dissent of the Minority."[50] But at a meeting of the inhabitants of Pittsburgh on November 9, 1787, the townsmen unanimously agreed that it was in their best interest to adopt the new system of government.[51] William Findley made a spirited effort to convince the people of Pittsburgh of the error of their ways. He published the "Dissent of the Minority" in the *Pittsburgh Gazette* and then on February 16, writing as "Hampden," claimed that residents had changed their opinions of the Constitution. He argued that the actions of November 9 had been the only development favorable to the Constitution to have "originated in this western country."[52] But evidence from Washington County argues otherwise. One correspondent counted only 27 proponents of the Constitution in this county. But of its four delegates at the Ratification Convention, two — Thomas Scott and John Nevill — approved the plan, and two —James Marshel and James Edgar — voted against it. Only James Edgar signed the "Dissent of the Minority." Marshel became very cautious and wished to avoid "rash and unadvised opposition" to the Constitution because he thought he might "be obliged to live under it."[53] In Fayette County it was reported that only two supporters of the Constitution could be found. John Smilie and Nathaniel Breading voted against ratification and signed the "Dissent of the Minority." At a county

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48 *Independent Gazetteer*, Apr. 4, 1788.
49 Jenson, ed., *DHRC*, II, *Pa.*: 326-327, 591, 639, 720, 722-723.
50 *Ibid.*
51 *Pittsburgh Gazette*, Nov. 17, 1787.
52 *Pittsburgh Gazette*, Feb. 16, 1788.
53 Jensen, ed., *DHRC*, II, *Pa.*: 326-327, 591, 639, 713, 722-723.

meeting a large number of their constituents assembled at the courthouse and "unanimously" expressed their appreciation to Smilie and Breading. The two men in the county in favor of the Constitution, "one of whom had been promised a colonel's commission in the Standing Army...were ashamed to appear at the meeting."[54] In general, southwest Pennsylvanians, with the exception of Pittsburgh residents and Washington County inhabitants, strongly opposed ratification of the Constitution.

John Smilie drew upon his association with other Antifederalists for ideas and arguments he presented in the ratification debates. For example, he attended a "long interesting conference" early in November 1787 at the home of William Shippen Jr., a Philadelphia physician, Pennsylvania Constitutionalist Party member and an Anti-Federalist. Also attending were James McLene, Charles Pettit, James Hutchinson, George Bryan, and Abraham Smith, all of whom opposed adoption of the Constitution. Richard Henry Lee of Virginia, Shippen's brother-in-law, participated in the conversations, and while there is uncertainty about what they discussed, it is known that Lee had sent to Shippen a list of amendments to the Constitution that he had proposed to the Congress on September 27, 1787. That he wanted to share them with other opponents of ratification is evident from his comment to Shippen that "perhaps they may be submitted to the world at large."[55] Smilie, throughout the debates, insisted that the Constitution should not be adopted without major modifications. He relied on his knowledge of Pennsylvania to support his position. Most importantly, he associated with the inner council of Antifederalists in Pennsylvania and other states. He worked with George Bryan, his son Samuel, who was author of the "Centinel" essays, and Shippen; he communicated with Richard Henry Lee and George Mason of Virginia; and he coordinated his arguments for amendments and a bill of rights with the two other leading debaters in the Convention, Findley of Westmoreland County and Whitehill of Cumberland County. Smilie's concepts of amendments and a bill of rights emerged from reflection on Lee's amendments and Whitehill's proposals in the Convention on December 12, 1787. These ideas, incorporated in the "Dissent of the Minority," fed into a growing stream of public pressure

54 *Ibid.*, 326-327, 591, 639, 720, 722-723.

55 *Ibid.*, 235-236; for Lee's proposed amendments, see *DHRC*, I, *CDR*: 337-339; John P. Kaminski and Gaspare J. Saladino, eds., *Commentaries on the Constitution, Public and Private* (4 vols., Madison: 1981) I, 289. (Hereafter, *Commentaries on the Constitution*) James Madison concluded that Lee's proposals appeared similar to those of George Mason. *Ibid.*, 365.

for amendments that eventually resulted in the adoption of the Bill of Rights in 1791.[56]

What were the ideas and their sources that Smilie drew upon in formulating his Antifederalist expressions? Some of his contemporaries thought he wrote essays and letters to the public signed both "Centinel" and "An Old Whig" that condemned the Constitution, its authors, and their plan of government. Shippen assumed that Smilie, with others — "a club" — had co-authored the pieces.[57] He certainly relied heavily on "Centinel II" as the foundation for a lengthy address on December 8, 1787, at the Ratification Convention.[58] There are several similarities between his major points of debate and the contents of "Centinel's" first five letters "To the people of Pennsylvania," published between October 5 and November 30, 1787.[59] These letters were probably written by Samuel Bryan, son of George Bryan, who was the foremost Pennsylvania Antifederalists and Justice on the state Supreme Court.[60] Bryan depended on several authoritative sources to argue against adoption of the Constitution, and Smilie, in the debates, relied on the same intellectual sources for his arguments against ratification. Smilie, with Samuel Bryan and other opponents of ratification, participated in writing "The Reasons of Dissent of the Minority."[61] These documents and their ideas reveal clues as to the intellectual origins of Smilie's Antifederalism.

Smilie relied heavily at the convention on the arguments of "Centinel" and other Antifederalist pamphleteers and publicists.[62] The authors and sources most frequently referred to by Smilie included the Declaration of Rights in the Pennsylvania Constitution of 1776; The Articles of Confederation (1781); *The Remembrancer; or Impartial Repository of Public Events, Part II, For the Year 1776* (London: 1776), to prove to James Wilson that, indeed, Virginia had a Bill of Rights; The Declaration of Independence (1776); and from Montesquieu's *The Spirit of the Laws* Smilie amended the

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56 For Whitehill's list, see Jensen, ed., *DHRC*, II, *Pa.*: 597-599; for "The Address and Reasons of Dissent of the Minority of the Convention of the State of Pennsylvania to their Constituents," see *ibid.*, 618-639.

57 Kaminski and Saladino, eds., *Commentaries on the Constitution*, I, 376; IV, 261; Jensen,ed., *DHRC*, II, *Pa.*: 288.

58 Kaminski and Saladino, *Commentaries on the Constitution*, I, 376.

59 Storing and Dry, eds., *The Complete Anti-Federalist*, II, 136-171.

60 Jensen, ed., *DHRC*, II, *Pa.*: 128, 130, 643.

61 *Ibid.*, 617.

62 The sources for this paragraph include Storing and Dry, eds., *Complete Anti-Federalist*, II, 130-213; Jensen, ed., *DHRC*, II, *Pa.*: 328, 336-337, 365-366, 375-377, 384-386, 390-392, 407-411, 440-444, 459-461, 465-467, 507-511, 521-531, 547-549, 574, 581, 592, 600, 606.

idea that "slavery is ever preceded by sleep" to simply "slavery succeeds sleep." Smilie also used, again from Montesquieu, the notion that "in a free state, whenever a perfect calm is visible, the spirit of liberty no longer subsists." He stated that when "parties and political contentions subside among the people,...liberty is at an end." He relied on Montesquieu for his concept of separation of powers. Smilie and "Centinel" also read John Dickinson's *Letters from a Farmer in Pennsylvania* (1767) for the view that "a perpetual jealousy respecting liberty is absolutely requisite in all free States." In the debate about a bill of rights, he referred to *The Constitutions of the Several Independent States of America* (Philadelphia: 1781) and in arguing about the sovereignty of the states and jury trials he used *British Liberties, Or the Free-born Subjects' Inheritance* (London: 1766). Other sources included references to John Adams, *Thoughts on Government* (1776) and, by the same author, *Defence of the Constitutions of Government of the United States* (London: 1787). Smilie expressed a number of ideas drawn from William Blackstone's *Commentaries on the Laws of England* (London: 1765). A major source of ideas was the work of John Trenchard and Thomas Gordon, *Cato's Letters: Or, Essays on Liberty, Civil and Religious, and Other Important Subjects* (London: 1748). These authors provided Smilie and other Antifederalists with a core of oppositionist and dissenting views of government, politics and society.

Trenchard and Gordon, in *Cato's Letters*, presented an ideology of politics and society that structured the radical Whig concept of government as the rulers against the ruled. Politics represented a perpetual struggle between those who governed and the interest of the people of a community. Gordon stated that "whatever is good for the People is bad for the Governors; and what is good for the Governors, is pernicious to the People."[63] John Smilie absorbed this view of politics and gave expression to it in numerous speeches at the Convention. He, like Trenchard and Gordon, envisioned government as a mutual contract made by the people and the governors. The people gave their allegiance but had a right to protection. Smilie frequently commented on the excesses of power delegated to the national government by the Constitution and saw this as a threat to the liberties of the people. He feared the creation of a system of tyranny and oppression. He believed the Constitution created a system "well-guarded against licentiousness," but one that invited tyranny. He sought a plan of governmental balance at a more reasonable point "between tyranny and licentious-

63 Wood, *The Creation of the American Republic*, 16, 18, 21, 25, 50, 282, 292, 371, 456.

ness."[64] Government should not have the means to pursue oppression of the united interests of the people. Trenchard and Gordon, like Smilie at the Convention, opposed standing armies, favored a bill of rights, insisted on short terms of office, and favored frequent elections. In various ways Smilie wanted to strictly limit the powers of the central government, protect the compact government of Pennsylvania, and thereby limit the means to pursue tyranny he perceived in the Constitution. To a great extent England's seventeenth-century republicans and eighteenth-century opposition thinkers influenced Smilie's concepts, hopes and fears.

Many Antifederalists, including Smilie, thought some alterations in the powers of government under the Articles of Confederation were necessary. They agreed to strengthen the Confederation to make it more efficient by delegating power to Congress to "regulate commerce, equalize the impost," and exercise authority over maritime affairs. Some went so far as to accept the idea of changing the number of states required to amend the Articles from unanimous agreement by the 13 to nine.[65] During the early proceedings in the Ratification Convention Smilie contended for a full discussion of the Constitution on the basis that if the people thoroughly understood its principles, they would more likely approve it. He may have taken this position as a delaying tactic to achieve other goals, but he implied that change was essential. Later in the debates, after making a point that adoption of the plan amounted to a "sacrifice of civil liberty," he qualified his judgment and recognized "the expediency of giving additional strength and energy to the federal head." When challenged to offer remedies to the problems he detected in the Constitution, Smilie agreed to bring to the Convention a declaration of rights and other amendments to conciliate those opposed to the framers' original plan, because he desired "not to reject it altogether, but to make it as secure as possible, in favor of the civil liberties of the people." In general, Smilie and other Antifederalists desired changes in the Confederation, but they did not want "to sacrifice the rights of men to obtain them." Smilie wanted only slight increases in the powers of Congress under the Confederation, not the complete overhaul of the

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64 Jensen, ed., *DHRC*, II, *Pa.*: 407-411.

65 Douglas McNeil Arnold, "Political Ideology and the Internal Revolution in Pennsylvania, 1776-1790" (Ph.d. dissertation, Princeton University: 1976), 252-253; Leonard W. Levy, "Bill of Rights," in Jack P. Greene, ed., *Encyclopedia of American Political History* (New York: 1984), I, 104-125.

system represented by the Constitution.[66]

John Smilie's arguments in the ratification debate reveal his ideas about democracy, representation, and the sovereignty of the people.[67] He insisted that the delegates conduct their business publicly, with the doors of the Convention open during the sessions. He wanted the Convention to conduct a careful and deliberate examination of the Constitution, to avoid "precipitate" actions and misunderstandings. For these reasons he argued that the Convention devolve into a committee of the whole to ensure sufficient time for an open investigation of the Constitution's principles, allow delegates time to form their opinions, and have the sessions conform to the procedures of the Pennsylvania Assembly. Because he thought representatives should be able to "justify their votes to their constituents," he argued for the right of delegates to have the reasons for their votes recorded in the minutes, opposed those who feared that such a procedure would initiate "faction and clamor," and concluded that political parties and contention promoted the liberties of the people. This manner of conducting business, he believed, kept the people informed. Smilie contended that the powers of government derived from the consent of the people and that government officials were the trustees or servants of the people and accountable to them. On these principles he argued against the two-year term of office provided in the Constitution for members of the House of Representatives, and spoke for their annual election. Moreover, because the number of representatives was too small and the election districts too large, he concluded that the people would have no confidence in their public servants, and the representatives would not know the feelings, needs, or opinions of the people. Representatives, according to Smilie's assessment, would attach themselves to the aristocrats who would dominate the Senate. Through bribery "with offices," the Senate would corrupt the House of Representatives. The Senate might also keep the numbers of representatives the same, and thus further reduce the degree of democracy in the system. The Senate had legislative functions and judicial and executive powers as well, giving advice and consent to the President in making

66 The quoted passages in this paragraph are from Smilie's speeches in the Pennsylvania Ratification Convention on Nov. 24 and 30, 1787, and Dec. 3, 1987. Jensen, ed., *DHRC*, II, *Pa.*: 336-337, 444. 459; *Pennsylvania Herald*, Nov. 28 and Dec. 1, 1787; *Pennsylvania Packet*, Dec. 3, 1787.

67 The discussion in this paragraph is a composite summary of Smilie's comments at the Convention between Nov. 20 and Dec. 15, 1787. The sources include Jensen, ed., *DHRC*, II, *Pa*: 330, 336-337, 365-367, 375-377, 521-522, 525; *Pennsylvania Herald*, Nov. 28, 1787, Dec. 5, 1787, Dec. 8, 1787; *Pennsylvania Gazette*, Nov. 28, 1787.

treaties and conducting trials of officials impeached by the House. Smilie saw too much mixing of the functions and not enough separation of powers in the proposed plan of government. He argued that a free system of government rested on the confidence of the people, worried that people with power would do wrong, and concluded that the system provided too few restraints on government and insufficient security for people's liberties. Because Congress controlled the time, place and mode of elections, the people had too few means to make the officers of government responsible to the people. In Smilie's evaluation, "every door is shut against democracy."

He opposed the new frame of government because its proponents, a "self-interested aristocratic faction," conspired not only to undermine the liberties of the people but also to subvert the sovereignty of Pennsylvania's system of government under the Constitution of 1776. His strongest arguments in the Convention debates gave expression to retention of state sovereignty and prevention of a "consolidated" government.[68] The powers granted to the central government, he maintained, would eventually force the states into a decrepit status. Through the operations of the taxing power, treaty-making, military power, the "necessary and proper" clause, and the "supreme law of the land" provisions, Smilie envisioned the gradual weakening of the state governments, a decline of citizen allegiance to them, and the development of a despotism because states had no power to resist encroachments by the consolidated government. In a contest between central authority and state sovereignty the states would lose and become administrative units for the national government. The greatest objection Smilie had to the proposed Constitution was that it was a "consolidation" and not a confederation. The words in the preamble, "we the people," convinced him that the plan was a "consolidated government" and not "a union of states." The system created a new plan formed "upon the original authority of the people, and not an association of states upon the authority of their respective governments." This dual system spelled trouble for the states because Congress had an "uncontrolled jurisdiction over the purses of the people." Smilie expected that the central government would ultimately "subdue and annihilate" the weaker state governments. Smilie perceived that a combination of factors — taxing

68 This paragragh derives from several speeches Smilie made about a consolidated government in the debates at the Ratification Convention. The appropriate sources are found in Jensen, ed., *DHRC*, II, *Pa.*: 384, 407-411, 508-509, 592; *Pennsylvania Herald*, Dec. 19, 1787.

power, the potential for a standing army to ensure obedience to the government, and the requirement that all state government officials had to swear support of the Constitution — would "transfer sovereignty from the state governments to the general government." For these reasons he contended that "people" in the preamble should be "states," and insisted that the sovereignty and independence of the states should be reserved in a bill of rights.

John Smilie reacted strongly to the constitutional provisions for the President and the Senate; the prospects for Congress controlling the state militia and creating a standing army alarmed him, as did the taxing power of the national legislature; and appellate jurisdiction in the federal courts and the omission of jury trial in civil cases caused him great concern.[69] Some Antifederalists thought the office of the President too powerful and referred to the position as "president general," or "elective king." Smilie dismissed the importance of the presidential veto because "he will never be able to execute it." He perceived the President as "merely a tool of the Senate." He wanted to see a sharper separation of powers so that the President made appointments with the advice of a council responsible for their opinions, rather than linking appointments with senatorial consent. Smilie feared that the Senate and the President, acting in concert, might dismiss the House of Representatives with the support of a standing army created from funds derived from burdensome taxes. In Smile's view the Senate was the most dangerous part of the system: "the Senate will swallow up anything." He expressed great concern about the Senate's roll in treaty-making; feared the fact that treaties became the supreme law of the land; and worried that senators could not be held accountable for "an inglorious conduct" by impeachment. He raised the question, "can you impeach the Senate before itself?" Coupled with the taxing power — "the yoke of domination and tyranny" — and the control of the state militia and creation of a standing army — the "instrument of despotism" — the provisions of a weak President and a strong Senate convinced Smilie that the Constitution had opened the doors to a repressive regime. Finally, tax collectors gathering direct taxes might argue with a citizen, and drag the dispute into one of the inferior courts of Congress' creation. There, because of appellate jurisdiction, the expenses would mount and liberty and justice diminish.

Throughout the debates at the Ratification Convention Smilie con-

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69 Jensen, ed., *DHRC*, II, *Pa.*: 363-368, 407-411, 441, 444, 453, 460-461, 465-466, 508-511, 521-522, 528-529.

tended the necessity of a bill of rights.[70] When James Wilson denied the necessity of a bill of rights and claimed that Virginia had none, Smilie rebutted Wilson's arguments and read to him from *The Remembrancer* to prove that "Virginia has a bill of rights." Smilie feared that the Constitution would make probable the "taking away the trials by jury," and questioned whether Congress had not "a power, or right, to declare what is a libel." He thought it likely that Congress could "restrain the liberty of the press." Smilie feared for the liberty of a printer "tried in one of their courts," and believed those rights, among others, must be codified in a bill of rights that also reserved the sovereignty of individual states. Smilie vigorously advocated freedom of religion and insisted upon codifying liberty of conscience within a bill of rights. He objected to Benjamin Rush's proposal to have clergymen "open the business of the Convention with prayer." He opposed the idea because it was a "new measure," it was "unnecessary," and it was "inconsistent with the religious sentiments of some of the members." Under the circumstances, Smilie thought it "impossible to fix on one clergyman to suit every man's tenets." Moreover, neither the Pennsylvania Assembly nor the Convention of 1776 engaged in this practice. He argued against ratification because some rights, *habeas corpus*, and trial by jury in criminal cases, appeared protected by the Constitution; all others — liberty of conscience, for example — seemed included in powers delegated to the government. And, under provisions of Article VI, "every principle of a bill of rights, even the rights of conscience...are left at the mercy of government." On December 12 he restated his view that religious liberty was insecure under the plan, and he observed that "[Priestcraft] [is] useful to all tyrannical governments. Congress may establish any religion." Smilie also argued that religious liberty should be protected because it was "in the bill of rights of Pennsylvania."

John Smilie rose from humble origins and accepted his position of equality with all other freemen in Pennsylvania, only to face social rejection by the "Better Sort." Smilie recognized that some men wished to control government in order to exclude those a station or two below themselves. Smilie thought that since 1783 the country had witnessed the emergence of a group of men who did not believe in equality and democracy. Nevertheless, he refused to engage in deferential politics and he continued to have confidence that the people, if well-informed, judged right on public issues. He persisted in his defense of popular

70 The sources for Smilie's views on a bill of rights are Jenson, ed., *DHRC*, II, *Pa.*: 386, 441, 453, 459, 528, 592; *Pennsylvania Herald*, Nov. 24, 1787; Dec. 1, 8, 12, 1787.

government and individual rights.[71]

After ratification of the Constitution and a movement to petition the Pennsylvania Assembly to abrogate ratification and call for a second convention, Antifederalists, including Smilie, met in Harrisburg in September 1788 and adopted a set of proposals they wanted as amendments to the Constitution.[72] The members decided to limit the authority of Congress to strictly defined and delegated powers and to reserve to the states all other powers not enumerated. Individual liberties remained protected in state constitutions. To increase representation in the House, the delegates called for a reduction of the proportion of inhabitants to representatives. As a check on the power of the Senate, the Convention wanted to subject senators to recall by state legislatures. The delegates desired that Congress have no power to determine the time, place, and method of electing senators. To further limit Congress, the Harrisburg Convention wanted to shift the source of national revenue from direct taxation to state quotas but agreed that Congress should have the power to compel delinquent states to meet their quotas. The members also proposed that each state regulate its own militia and that Congress raise no standing army. They agreed that there should be a Supreme Court and an Admiralty Court but did not want Congress to create inferior federal courts. The Convention wanted the treaty-making power revised so that the House had to approve a treaty before it became the law of the United States or any state. In their consequences, these proposed amendments reaffirmed the arguments that John Smilie made at the Ratification Convention, restated the major propositions Robert Whitehill made at the Convention and those incorporated in the "Dissent of the Minority," and, if adopted, would have transformed the government proposed in the Constitution into a Confederation of States.

Ideological conflict differentiated Constitutionalists and Republicans from the Revolution to 1787, and laid the foundations for Constitutionalist support of Antifederalism while Republicans moved into the Federalist camp. Republicans desired to scrap the Pennsylvania Convention of 1776, defended by the Constitutionalists, and strongly supported the nationalist movement to centralize governmental powers of taxation and commercial regulation embodied in the Constitution of 1787. If the Antifederalists were "men of little faith" with regard to the Constitution of

71 Jensen, ed., *DHRC*, II, *Pa.*: 592; *Pittsburgh Gazette*, Apr. 21, 1787.

72 The discussion in this paragraph draws upon Paul L. Ford, *The Origin, Purpose and Result of the Harrisburg Convention of 1788: A Study in Popular Government* (Brooklyn: 1890); McMaster and Stone, eds., *Pennsylvania and The Federal Constitution*, 551-564; Arnold, "Political Ideology and the Internal Revolution in Pennsylvania," 281-282.

1787, Republicans, or Federalists, had little faith in the democracy and popular politics of Pennsylvania of the 1780s. The "country" Whig view of government and society, grounded in fear of the potential excesses and abuses of power, derived from eighteenth-century English oppositionists. Modified into revolutionary ideology during the Colonies' quarrel with England from 1765 to 1776, this view of society and politics strongly influenced John Smilie's Antifederalist thinking. But, according to Douglas Arnold, "country" ideologues had a "profound fear of the malign influence of parties, factions, and conspiracies in politics."[73] Smilie, however, did not fear party politics. Indeed, he said that "slavery succeeds sleep."[74] If political partisanship subsided in a community, the people's liberties became threatened. If an alert, virtuous public relaxed, those in power would take advantage of the situation and encroach on the people's rights. Smilie believed in the positive value of party politics. He represented the emergence of egalitarianism, democracy, and the private pursuit of happiness. He envisioned politics as the reconciliation of the clash of private, individual interests for the public good.[75]

After the ratification debates and the controversy over the adoption of a bill of rights, Smilie continued an active leadership role and participated in state and national politics.[76] With Albert Gallatin, he represented Fayette County at the State Constitutional Convention of 1789-1790. In 1790 the people chose Smilie as state senator, and in 1792 elected him to the United States House of Representatives. In the mid-1790s he returned to Pennsylvania politics, serving in the Assembly from 1795-1798. In 1796 he became one of the presidential electors. From 1798 until his death on December 29, 1813, he was in the U.S. House of Representatives.

While examination of John Smilie's life throws important light on the constitutional controversy in Pennsylvania, his role also reflects certain tendencies of the age. We learn about the age by close analysis of Smilie's life — particularly his ideas, their origins, and expression in debates. Smilie's ideas developed from his experience in the Revolution and the politics of the 1780s in Pennsylvania. His family life, it seems, and personal circumstances also contributed to his Antifederalist stance in 1787. His ideas and his hopes and fears are revealed in his speeches at the

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73 *Ibid.*, 233-283.

74 *DHRC*, II, *Pa.*: 375-377; *Pennsylvania Herald*, Dec. 5, 1787.

75 Gordon S. Wood, "Interests and Disinterestedness in the Making of the Constitution," in Richard Beeman, et. al., eds., *Beyond Confederation: Origins of the Constitution and American National Identity* (Chapel Hill: 1987), 109.

76 Jensen, ed., *DHRC*, II, *Pa.*: 732; Egle, "Federal Constitution of 1787," 264-266; Everett, "John Smilie, Forgotten Champion," 77-89.

Ratification Convention. Most of what he said there he had expressed earlier as a "revolutionary Constitutionalist."

Although he lost the major battle when the Convention ratified the Constitution, he ultimately triumphed in other ways. His contention that a bill of rights would protect the liberties of the people and the sovereignty of the states eventually won public acceptance with approval of the federal Bill of Rights in 1791. And, in the long run his constitutional ideas changed. In Pennsylvania, he participated in writing the Constitution of 1790 that brought structural changes to the state government. (Its features were similar to those of the federal Constitution which he had rejected.) He was an early leader in making partisan politics an accepted mode of resolving social, economic and political problems. His view of representation became the norm in the democratic politics of the early nineteenth century. But a major question remains unanswered: how did his constitutional ideas change during the stage of his career as a Jeffersonian congressman?

I AM STEEL

Buried, I lie until called to be servant to man. Borne to a city of industry, fires make me flow into many forms, and busy shops transform me for a world of work. I am cast, rolled, cut into a myriad of tools and devices, each gifted with the soul of a craft.

As forge with heart of fire, I defy cold, melt, transmute, refine. I am Vulcan. As motor, alive with breath of flame, I give nature's force to man. I am Titan. Empowered I drive traffic over land, sea, and air, turn the wheels of industry in field, mine and factory.

My tools cut vast timbers into useful shapes, bind structures to shelter mankind. With me men plow and plant, garner and grind, to feed a race, and women cut and sew to clothe the world. As magnet I guide commerce on trackless seas. I become pen and press; through me man's thoughts pass to the world and prosperity.

I am hammer and anvil of the race, and forging. I arm states with ship, tank and gun; raze far cities, overturn dynasties, bring new eras.

I become bridge, vessel, skyscraper. I am forged into factories, spun into railroads, woven into cities.

I make men strong of arm, Hercules; swift of foot, Atalanta; and miracle worker, Aladdin. I scoop out harbors, span rivers, unite oceans, move mountains and toss them into the sea.

My arms, tireless, strong, skilled beyond dreaming, set men free.

My power to serve is boundless for in me pulsates cosmic energy.

In soldier hands I carve the road to freedom; with the surgeon I cut the way to health; with the worker I build civilizations.

Wise artisans endow me with creative power in automatic machines in which age-old crafts, made perfect, become immortal.

I take man's puny crafts one by one, make them all vast enterprises.

I am steel.

Man is my master.

I am his master servant.

I await his command to create new eras.

—*Henry David Hubbard,* reprinted from *Iron Age,* the steel industry trade journal, in the *Homestead Messenger,* May 5, 1924.