## Taxation and Representation: The Whiskey Rebellion and the Tyranny of the Minority

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## **Abstract**

The common scholarly interpretation of the Whiskey Rebellion of 1794 takes for granted its popular nature. Historians consequently interpret the Washington administration's decision to send in the militia to crush the rebellion as a hypocritical violation of the revolutionary principles it had previously fought to uphold. However, this article argues that the Whiskey Rebellion was not a popular movement. First-hand accounts from Hugh Henry Brackenridge and the federal commissioners sent into the region instead reveal that a belligerent minority was intimidating otherwise moderate men into rebellious behavior. As a result, the federal government intervened not simply to assert its authority, but primarily to liberate these men from the tyranny of their neighbors.

After the American Constitution was ratified, the leaders of the new republic faced the paradoxical task of consolidating federal power to protect the legacy of a revolution fought to ensure individual liberty. The early national period was therefore a time of great instability and uncertainty as revolutionaries transitioned to politicians and the young country attempted to define how the government should relate to its citizens. The Whiskey Rebellion of 1794 was one instance in which tensions over the size and nature of the new government erupted. Western Pennsylvanian farmers rose up in opposition to Secretary of the Treasury Alexander Hamilton's whiskey excise of 1791, using threats and violence to intimidate federal tax collectors and to prevent the carrying out of the excise law. The rebels felt that the burdensome nature of the whiskey excise was evidence that the needs of the West

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<sup>&</sup>lt;sup>1</sup> Other examples of upheaval after the Revolution include Shay's Rebellion, confrontations during the ratification debates, the Sedition Act crisis, and Fries' Rebellion.

were not being adequately represented in Congress. Despite having concluded the same battle against British taxation without representation just a few years prior, the Washington administration showed no revolutionary solidarity. The federal government sent 15,000 militiamen into the region to quash the rebellion and restore law and order.

The tragic tale of the spirit of '76 being crushed by the once-revolutionaries seems to be the early republic's greatest irony. Scholarship on the Whiskey Rebellion tends to emphasize the hypocritical actions of the Washington administration. They argue that this early challenge to federal sovereignty evoked a condemnatory attitude within the national government toward the very principles it had been founded to protect.<sup>2</sup> Indeed, a recent monograph on this event, Thomas P. Slaughter's *The Whiskey Rebellion: Frontier Epilogue to the American Revolution*, asserts, "some readers may... be surprised that heroes of the American Revolution espoused during the 1790s the very ideas that... they had once risked their lives and fortunes to oppose." This characterization, however, ignores both the local conditions of the rebellion and how the Washington administration chose to respond to them.

The Whiskey Rebellion is often simplistically described as a widespread uprising sparked by perceived taxation without adequate representation. Stanley Elkins and Eric McKitrick state in their influential synthesis *The Age of Federalism* that "the entire region appeared on the verge of armed rebellion...and [the Whiskey Rebellion] may thus be regarded as an authentic popular manifestation." Primary accounts, however, reveal that the rebellion was in fact a radical fringe movement that used terror to intimidate otherwise moderate men into rebellious behavior. The Whiskey Rebellion, then, was more a disagreement about what constituted the voice of the people than a struggle over sovereignty. The Washington administration's reaction is consequently more complex than the current historical interpretations suggest.

Hugh Henry Brackenridge's *Incidents of the Insurrection* provides a useful primary account of these local dimensions of the Whiskey Rebellion. Although historians have questioned his reliability, an issue that will be discussed later in this paper, Brackenridge offers a detailed contemporary narrative from within the rebels' camp. He provides a window into local attitudes and conditions that are lacking in

<sup>&</sup>lt;sup>2</sup> See for example Leland Baldwin, *Whiskey Rebels: The Story of a Frontier Uprising* (Pittsburgh: University of Pittsburgh Press, 1968); Stanley Elkins and Eric McKitrick, *The Age of Federalism* (Oxford: Oxford University Press, 1993); Richard H. Kohn, "The Washington Administration's Decision to Crush the Whiskey Rebellion," *The Journal of American History* 59, no. 3 (1972): 567-584; Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (Oxford: Oxford University, 1986).

<sup>&</sup>lt;sup>3</sup> Slaughter, 227.

<sup>&</sup>lt;sup>4</sup> Elkins and McKitrick, 461-462.

the focus on Hamilton and issues of national power. Similarly, the reports of the federal commissioners who were sent to Pennsylvania have also been undervalued. They provide a useful link between events on the ground and the federal government's information and decision-making. In conjunction, the primary accounts of local and federal witnesses indicate that the rebels terrorized moderate men into participating in the uprising, which deceptively inflated their numbers. The commissioners who witnessed this phenomenon recommended the application of governmental force to liberate innocent citizens from the tyranny of this radical minority.

Scholars have hitherto examined these primary sources with an exaggerated emphasis on federal politics that has mistakenly taken the popular nature of the uprising as a given. However, a focus on local conditions and experiences within these eyewitness accounts suggests that the Whiskey Rebellion was not an accurate expression of the public will in the West. Thus, while the opposition to the excise in western Pennsylvania was in large part an argument against unsatisfactory representation in Congress, the Washington administration's choice to send in the militia was not simply a means of reasserting federal authority. Rather, the decision was based primarily on the understanding that the rebellion did not coincide with the popular will of the western populace and so was similarly rooted in notions of representation and liberty.

In 1791, Hamilton levied an excise tax on distilled liquor as part of his financial program to fund the national debt that the United States had accrued during the Revolutionary War.<sup>5</sup> An excise is a form of internal taxation laid on a specific type of good, which obliges a large segment of society toward payment. An external tax, on the other hand, is a duty on imported goods and so affects mainly merchants and traders.<sup>6</sup> Excise taxes were the preferred instrument of Federalists and those who wanted a strong central government. Unlike a tariff, excises offered a much more stable form of raising revenue, since the goods subject to tax were not vulnerable to the dangers posed to shipping by war, piracy, and the unpredictability of the ocean. Furthermore, citizens voluntarily controlled how much of the tax they paid based on their own consumption, which, in the case of whiskey and other vices, seemed like a policy that promoted morality.<sup>7</sup>

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<sup>&</sup>lt;sup>5</sup> Baldwin, 62. Suzette Hemberger, "A Government Based on Representation," *Studies in American Political Development* 10 (1996): 317. James Roger Sharp, "The Whiskey Rebellion and the Question of Representation," in *The Whiskey Rebellion: Past and Present Perspectives*, ed. Steven R. Boyd (Westport: Greenwood Press, 1985), 121. For an in depth discussion on the adoption of the excise see William D. Barber, "'Among the Most *Tetchy Articles of Civil Police*': Federal Taxation and the Adoption of the Whiskey Excise," *The William and Mary Quarterly* 25, no. 1 (1968): 58-84.

<sup>&</sup>lt;sup>6</sup> Barber, 59. Slaughter, 24.

<sup>&</sup>lt;sup>7</sup> Ibid., 14.

Antifederalists and other citizens who feared the threat to liberty posed by a strong national government were wary of internal taxes. The argument against this form of taxation was rooted in English history and persisted throughout the American Constitution ratification debates. Those opposed contended that internal taxation power should lie with local governments, since only those representatives who lived among their constituents could truly recognize regional conditions and needs. State representatives had fewer constituents and understood the importance of certain goods in the local economy. The federal legislature, on the other hand, held none of these advantages. In fact, the average congressman represented 30,000 citizens; it would be impossible for him to advocate for all of them adequately. Such a reality, argued opponents, meant that minorities were sure to be ignored. The potentially burdensome nature of internal taxation made Congress the wrong body to hold this power. The representation in the national legislature was simply too limited, and so it would not be able to levy internal taxes fairly and mindfully.

The risks posed by an unrepresentative Congress were made even more dangerous by the threat of force through which it was sustained. The national government had the military power to enforce its decisions on the underrepresented groups whose voices were not adequately heard in the House. Opponents argued that a central government with the ability to tax internally would be both an economic and physical threat to liberty. Such power was only safe with local governments who lived among their constituents and understood their unique circumstances and needs. However, the Constitution of 1787 did in fact grant the federal government unlimited taxation power. The worst fears of western Pennsylvanians were confirmed with the passage of Hamilton's whiskey excise of 1791.

The tax on distilled liquor seemed to ignore certain conditions unique to those in the western counties. The key role that whiskey played in the local economy made the excise particularly burdensome. Grain was too heavy to be feasibly transported to eastern markets given the poor road conditions and the closure of the Mississippi River by the Spanish.<sup>11</sup> As a result, farmers had to distill their grain into whiskey and then carry it across the Allegheny Mountains. Once in the East, they could then sell it for a large profit, because demand doubled the price of what whiskey would fetch in

<sup>&</sup>lt;sup>8</sup> Barber, 61; Hemberger, 315; Slaughter, 25; Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton & Company, 2005), 62.

<sup>&</sup>lt;sup>9</sup> Barber, 61; Slaughter, 25.

<sup>&</sup>lt;sup>10</sup> Slaughter, 23.

<sup>&</sup>lt;sup>11</sup> Hugh Henry Brackenridge, "Thoughts on the Excise Law," in *Incidents of the Insurrection*, ed. Daniel Marder (New Haven: College & University Press, 1972), 47.

the West.<sup>12</sup> The production of whiskey seemed difficult, and indeed undesirable, to avoid. In addition, Westerners would use whiskey to barter, and so the excise presented a particularly vexing problem. Unable to simply raise their price to incorporate the cost of the tax, a farmer would have to attempt to increase the value of his whiskey arbitrarily in reference to other goods that were not subject to the excise.<sup>13</sup> Due to these conditions distinct to western Pennsylvania, the distillation of whiskey was an economic necessity; to these men, making whiskey the target of the excise was both ignorant and unjust.

Compounding these frustrations were two arbitrarily harsh elements of the law. The tax was to be levied on production, not sale, and so the western distillers would have to bear the cost of the excise upfront, without being guaranteed a return on their expense. <sup>14</sup> Placing the onus on the producer seemed an unfair burden and certainly did not fit with the so-called moral argument for taxing consumers' vices. In addition, the law stipulated that tax offenders were to be tried in federal courts in Philadelphia, some three hundred miles away. <sup>15</sup> A farmer charged with tax evasion would have to abandon his farm for weeks while simultaneously absorbing the cost of travelling to Philadelphia, staying there for the duration of his trial, hiring a lawyer, and then travelling all the way back, circumstances that could easily result in financial disaster for a common Pennsylvanian farmer.

Underlying all of these concerns was the general belief that the economic interests of easterners were being pursued at the expense of the West. With recent frustrations over federal incompetency in dealing with nearby native populations and the continued British occupation of northwest outposts, the excise appeared to be yet another eastern plot to limit western prosperity. Furthermore, it was felt that the national government had been apathetic with regard to the Spanish control of the Mississippi River. The failure of the Washington administration to reopen it was one of the very reasons the production of whiskey was a necessity for western Pennsylvanians in the first place. The frustration with this perceived conspiracy made the whiskey excise the conclusion to a long list of grievances that the frontiersman felt were not being heard in Philadelphia.

The complaints about the whiskey excise were an implied indictment of the unsatisfactory nature of representation in Congress. As the antifederalists and other

<sup>&</sup>lt;sup>12</sup> Baldwin, 25.

<sup>&</sup>lt;sup>13</sup> William Findley, "History of the Insurrection," in *The Whiskey Rebellion: Past and Present Perspectives*, ed. Steven R. Boyd (Westport; Greenwood Press, 1985), 79; Brackenridge, "Thoughts," 48; Wilentz, 63. <sup>14</sup> Hemberger, 317.

<sup>&</sup>lt;sup>15</sup> Baldwin, 72; Hemberger, 318; Sharp, 121.

<sup>&</sup>lt;sup>16</sup> Elkins and McKitrick, 471.

<sup>&</sup>lt;sup>17</sup> Ibid.

opponents of internal taxation had warned, the excise law ignored the significance of whiskey in the West and so disproportionately burdened western Pennsylvanians. Other aspects of the excise increased the severity of the law for seemingly no apparent reason. All of this corresponded to the traditional opposition to excises. Congress had passed the law without understanding the disastrous effect it would have on westerners. Frontier opinions were not being adequately represented and so western Pennsylvanians were now saddled with a tax that was both harsh and unjust.

However, most primary and secondary accounts do not reveal the fact that western objections to the tax *were* heard in Congress. Indeed, all of the representatives from the frontier districts opposed the excise law and voted accordingly.<sup>18</sup> In fact, the western counties had three representatives in the House even though their population only qualified them for two, thereby making this section of Pennsylvania the best represented of the entire state.<sup>19</sup> Such a revelation dilutes the above claims about unsatisfactory representation and hints at a side of the story not usually told. Western interests were being represented; they were just outvoted. What at first seemed like a cautionary tale against taxation without representation is actually a critique of majoritarian democracy. The Whiskey Rebellion that occurred in western Pennsylvania was, in a sense, the playing out of this tension between storylines. While the rebels felt the need to make their opposition to the tax known, the Washington administration's concerns about the will of the majority led them to intervene.

Opposition to the excise in western Pennsylvania began, as it would continue, with the rebels intimidating much of the population into cooperating with their actions. Radical activities commenced with the tarring and feathering of tax collectors almost as soon as the excise law was passed. However, this harassment evolved to the point that regular citizens who were merely suspected of being either sympathetic or compliant with the tax were similarly persecuted. William Richmond and Robert Shawhan were the first to experience the scare tactics of the radicals, having their hay, grain, and barns burned to the ground for their perceived submission to the excise. Hugh Henry Brackenridge, a moderate contemporary who found himself within the rebel camp, wrote that a local innkeeper was hesitant to

<sup>18</sup> Hemberger, 317.

<sup>20</sup> Findley, 82-83; Sharp, 121.

<sup>&</sup>lt;sup>19</sup> William Bradford, et al. From the Commissioners Sent to Western Pennsylvania, September 24, 1794, *The Papers of George Washington*, Vol. 16, ed. Theodore J. Crackel (Charlottesville: University of Virginia Press, 2011), 706.

<sup>&</sup>lt;sup>21</sup> From Alexander Hamilton, August 5, 1794, *The Papers of George Washington*, Vol. 16, ed. Theodore J. Crackel (Charlottesville: University of Virginia Press, 2011), 492; Baldwin, 100; Wilentz, 63. See Hamilton for further discussions of violent opposition to the tax.

admit him and his company since Brackenridge was viewed, at that time, with suspicion. Brackenridge "mentioned the uneasiness" in order to demonstrate "the fear which was impressed of seeming to have anything to say to anyone that might be disposed to take a part on behalf of the excise officer." According to Brackenridge, fear of the mob was so strong that people were frightened even to associate with someone who was suspected of being sympathetic to the excise enforcers.

With the general population sufficiently afraid of them, the rebels then began to organize. At a meeting on August 22, 1792, a resolution was passed declaring their resistance to the excise since it posed a threat to liberty. The resolution concluded with a strong warning to excise officers and to those who supported them:

In future we will consider such persons as unworthy of our friendship; have no intercourse or dealings with them; withdraw from them every assistance, and withhold all the comforts of life which depend upon those duties that as men and fellow citizens we owe to each other.<sup>23</sup>

The rebels warned that "upon all occasions" they would purposefully "treat them with that contempt they deserve." In "earnestly recommend[ing]" others to "follow the same line of conduct," they put into writing the exact intimidation that Brackenridge described in reference to the frightened innkeeper.

These events were enough to convince Hamilton that a strong show of force was necessary. However, Washington decided instead to accept the advice of caution from Attorney General Edmund Randolph and issued a proclamation denouncing the resistance.<sup>24</sup> The government took further action to try to quell the rebellious activities in the spring of 1794 when Congress passed a bill, at the recommendation of Hamilton, to allow the use of state courts for trials in which the seat of a federal court was more than fifty miles away.<sup>25</sup> Washington's condemnation, combined with this removal of one of the chief grievances, led to a period of relative calm. However, the amendment to the excise law was not retroactive, an issue that sparked the full-scale rebellion that summer.

<sup>25</sup> Baldwin, 110.

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<sup>&</sup>lt;sup>22</sup> Hugh Henry Brackenridge, "Incidents of the Insurrection," in *Incidents of the Insurrection*, ed. Daniel Marder (New Haven: College & University Press, 1972), 69.

<sup>&</sup>lt;sup>23</sup> Minutes of the Meeting at Pittsburgh, August 22, 1792, Papers Relating to What is Known as the Whiskey Insurrection in Western Pennsylvania, Pennsylvania Archives, Vol. 4 (Harrisburgh: E.K.Meyers, 1890). 26.

<sup>&</sup>lt;sup>24</sup> Kohn, 570-571. George Washington. Proclamation by the President, September 15, 1792, *Papers Relating to What is Known as the Whiskey Insurrection in Western Pennsylvania*, Pennsylvania Archives, Vol. 4 (Harrisburgh: E.K.Meyers, 1890), 26.

On July 15, United States marshal David Lenox and federal excise inspector for western Pennsylvania John Neville rode together to serve summons to sixty tax evaders; having already been processed prior to the passage of the aforementioned amendment, these trials were to take place in Philadelphia.<sup>26</sup> A disgruntled group of about thirty men who had been harvesting and drinking together decided to follow Lenox and Neville. The group caught up with the officers as they were having a disagreement with William Miller, a farmer who refused to receive the writ.<sup>27</sup> One member of the mob fired his gun, and Lenox and Neville both fled.<sup>28</sup> The next day, Neville awoke to find his house surrounded by armed rebels. After exchanging fire, the mob retreated. However, a day later, five to seven thousand men from the Mingo Creek Regiment arrived at Neville's house and demanded that he resign his post as excise officer. They overpowered the United States soldiers that were guarding Neville's house and set fire to the property; Neville fled to Pittsburgh.<sup>29</sup>

On July 23, the rebels gathered at the Mingo Meetinghouse. Brackenridge attended with, as he claimed, the intention to advise for moderation. He remarked upon other individuals in attendance that he knew not to be radicals either, such as James Marshall and David Bradford, both prominent members of the Mingo Creek society. Brackenridge revealed that these men were warned they must "come forward and support what was done [to Neville], or [the rebels] would burn their houses" as well. 30 What is puzzling, however, is that Bradford later became one of the leaders of the rebellion and openly advocated for war. However, Brackenridge explained Bradford's active role as arising precisely because of the threat of the mob: "Yet from my knowledge of the man, I doubted whether he spoke according to his wish or harangued according to the humor of the people and from a fear of them."31 Bradford's leadership simply provides further evidence of the compliance the rebels were able to extort from otherwise moderate men. From the Mingo meeting onward, the rebels were adding to their ranks those who did not wish to participate, yet were too afraid to resist. Even neutrality would risk similar treatment to Neville. As Brackenridge explained, "To withdraw would be the same thing as to oppose." 32

<sup>26</sup> Elkins, 463; Hemberger, 320; Wilentz, 63.

32 Ibid.

<sup>&</sup>lt;sup>27</sup> Baldwin, 113-114; Brackenridge, "Incidents," 64; Hemberger, 320. <sup>28</sup> Brackenridge, "Incidents," 64; Hemberger, 320.

<sup>&</sup>lt;sup>30</sup> Brackenridge, "Incidents," 85.

<sup>&</sup>lt;sup>31</sup> Ibid., 86. Brackenridge similarly rationalizes the rebellious actions of Bradford and others on pages 94-95, 105, 113, and 153.

Three days later, the rebels intercepted the federal mail and discovered letters from men in Pittsburgh condemning their activities to Philadelphia. Infuriated, a meeting was then called for August 1 at Braddock's Field, where they would prepare to march on Pittsburgh.<sup>33</sup> Again, moderates were forced to show their support for fear of what would be done to them otherwise. In the days leading up to Braddock's Field, Marshall attempted to dissuade the mob from their violent plans. He was rewarded with the tarring and feathering of his front door and the threat that he had better declare his willingness to participate in the attack on Pittsburgh or risk worse.<sup>34</sup> Brackenridge also felt compelled to ride with the mob and was cognizant that it was not only he and Marshall who were there against their will: "It was impossible to know the real sentiments of almost any one among the multitude; how far they were from necessity or from choice. Every man was afraid of the opinion of the other."<sup>35</sup>

Following the attack on Pittsburgh, all of the excise offices in western Pennsylvania were either abandoned or destroyed.<sup>36</sup> Brackenridge remarked that the general atmosphere was one of anarchy in which "it was the mass of the people that commanded, and it was the fear of them that operated on the minds of the more conspicuous individuals."37 Brackenridge's version of these events contends that the true rebels were smaller in number than they appeared, having extorted cooperation from moderates who feared that any lack of compliance would make them the next targets. The rebels were in control, they "commanded," and so dictated the actions of what may have otherwise been a lawful majority.

Brackenridge's account poses a challenge to historians due to the compromising conditions under which it was written. His earlier writing against the excise and his activities during the rebellion had led to suspicions of treason. After Hamilton absolved him, Brackenridge wrote his account in 1795 in order to restore his public image. He articulated this motive at the start: "What I write is with a view to explain my conduct, which has not been understood."38 This has led historians to doubt his reliability as a witness and assert that his so-called fears for his personal safety were self-serving exaggerations after the fact.<sup>39</sup>

<sup>&</sup>lt;sup>33</sup> Brackenridge, "Incidents," 91; Hemberger, 320; Sharp, 122. <sup>34</sup> Brackenridge, "Incidents," 95.

 <sup>&</sup>lt;sup>36</sup> Brackenridge, "Incidents," 124; Hemberger, 322.
<sup>37</sup> Brackenridge, "Incidents," 143. He makes a similar point on page 101.

<sup>&</sup>lt;sup>39</sup> For the best articulation of this see Thomas P. Slaughter, "The Friends of Liberty, the Friends of Order, and the Whiskey Rebellion: A Historiographical Essay," in The Whiskey Rebellion: Past and Present Perspectives, ed. Steven R. Boyd (Westport: Greenwood Press, 1985), 11. See also Elkins and McKitrick, 474-476.

However, there are considerations that temper this instinct to dismiss Brackenridge's testimony outright. While his intentions are transparent and perhaps made him prone to some embellishment, Brackenridge also spent a great deal of time explaining the conduct of others, such as Bradford and Marshall. Furthermore, even if his defense of the actions of himself and his associates are an exaggeration, his account, at minimum, demonstrates that rebel intimidation was still well known enough so as to provide a plausible excuse for his behavior. Therefore, while the details he provides may be subject to question, the very nature of his argument only serves to reinforce the idea that moderates were being threatened into compliance. Most significantly, much of Brackenridge's story is corroborated by the federal commissioners who, from the beginning of August until the end of September, reported back to Philadelphia of the moderates' inability to assert themselves over the rebels. The comparison of Brackenridge's account with that of the Commissioners' strengthens the case for his reliability.

In the wake of the renewed rebel activities, negotiations with the Governor of Pennsylvania, Thomas Mifflin, commenced. It was eventually decided that a federal commission would be sent to Pennsylvania to parley with the rebels, while Washington simultaneously sent preliminary calls to various state militias. 40 On August 7, Washington issued a proclamation ordering the rebels to disperse by the first of September. 41 Attorney General William Bradford, Senator James Ross, and Pennsylvania Supreme Court Justice Jasper Yeates were appointed to the commission and were instructed by Randolph to grant full amnesty and absolution for previously unpaid excise taxes in exchange for pledges of loyalty and obedience to the national government; they were not, however, to promise a repeal of the law. 42

Bradford and Yeates rode together for Parkinson's Ferry, where they met Ross. Ross had attended a rebel meeting there on August 14 in which a committee of twelve was selected to negotiate with the Commissioners.<sup>43</sup> On August 17, the Commissioners sent their first report to Philadelphia. In it they described a division of sentiment that Ross witnessed at the Parkinson's Ferry meeting, akin to Brackenridge's depiction. The report stated that there was a group of radicals who wished to separate from the union, but that this segment was "not very numerous."

<sup>&</sup>lt;sup>40</sup> Kohn, 571-575; Sharp, 123.

<sup>&</sup>lt;sup>41</sup> George Washington. Proclamation, August 7, 1794, *The Papers of George Washington*, Vol. 16, ed. Theodore J. Crackel (Charlottesville: University of Virginia Press, 2011), 534.

<sup>&</sup>lt;sup>42</sup> Edmund Randolph. Instructions to the United States Commissioners, August 8, 1794, *Papers Relating to What is Known as the Whiskey Insurrection in Western Pennsylvania*, Pennsylvania Archives, Vol. 4 (Harrisburgh: E.K.Meyers, 1890), 117-118; Kohn, 576; Slaughter, 196.

<sup>&</sup>lt;sup>43</sup> Meeting at Parkinson's Ferry, August 14, 1794, *Papers Relating to What is Known as the Whiskey Insurrection in Western Pennsylvania*, Pennsylvania Archives, Vol. 4 (Harrisburgh: E.K.Meyers, 1890), 136; Slaughter, 197.

There was a second group who did not wish to secede, but were still opposed to the excise. Finally, there was a third group of moderates who were "overawed" by the first two groups:

The threats which have been expressed against all who countenance the excise, the banishment of some reputable citizens on that account, & the destruction of property, have produced an apparent unanimity of sentiment. We know, with certainty, that many reputable citizens have been obliged to turn hypocrites, & even to appear as the leaders of these *enragees*. [sic] The Civil authority affords them no protection, as they dare not trust each other they have no point where they can rally in their own defence. Although a real majority (as we believe) of the meeting consisted of this Class of men, they did not dare to exert their influence.<sup>44</sup>

This report echoes Brackenridge's description in every regard. The moderates were a numerical majority, but due to the rebels' violent actions, they "did not dare to exert their influence." Indeed, they "dare not trust each other" and so had no way to organize a resistance to the radical minority. These circumstances "have produced an apparent unanimity," but this was not actually the case. As a result, the commissioners saw no "prospect for enforcing the execution of the laws but by the physical strength of the nation." Having witnessed the tyranny of the rebels that Brackenridge described, the commissioners suggested that only force could compel obedience and liberate the moderates from the radical fringe.

In addition to this report, Bradford sent a personal letter to Washington that contained "a few observations" that were not "so proper in an official communication." Bradford outlined the necessity of continuing to prepare for the use of force because any delay would only aid the rebels in improving their supplies and corrupting the moderates further. His insistence indicates the degree to which he thought force was necessary, given the situation Ross had witnessed at the Parkinson's Ferry meeting. Bradford further stated his intention to "prevail on the moderate party to declare themselves openly and exert themselves with the spirit in support of the Laws." However, he observed that the "terror" of the rebels had been "extreme" and so had "converted many into gross hypocrites." In fact, Bradford even

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William Bradford, et al. The United States Commissioners to the Secretary of State, August, 17, 1794,
Papers Relating to What is Known as the Whiskey Insurrection in Western Pennsylvania, Pennsylvania
Archives, Vol. 4 (Harrisburgh: E.K.Meyers, 1890), 139-140.
Ibid., 140.

<sup>&</sup>lt;sup>46</sup> From William Bradford, August 17, 1794, *The Papers of George Washington*, Vol. 16, ed. Theodore J. Crackel (Charlottesville: University of Virginia Press, 2011), 568-571.

named Brackenridge as an example of one of these men.<sup>47</sup> That Brackenridge's fears were already known to Bradford certainly indicates that rebel intimidation was not a retroactive defense created by Brackenridge after the rebellion in order to restore his public image. After only a few days in the western counties, the commissioners were already certain that the insurrection was not a popular uprising. However, due to the effective coercion by the rebellious minority, the militia was needed to restore law and order and thereby free the moderates from the radicals.

The commissioners' report reached Philadelphia on August 23. In response, Washington called an emergency cabinet meeting, and after consulting privately with both Hamilton and Randolph the following day, he decided to mobilize Virginia's militia under Governor Henry Lee. It was also determined that additional troops would be necessary to increase the total force to 15,000 men. However, Lee was told to remain secretive and postdate all paperwork as September 1 in order to allow the negotiations in Pennsylvania to continue undisturbed. 49

After conferring with the committee of twelve, the federal commissioners were growing increasingly optimistic. The commissioners had submitted a proposal to the committee on August 22 stating that a general pardon would be granted if they would declare their submission to the law and recommend it to the people, as well as conduct a survey to discern the population's disposition.<sup>50</sup> The committee agreed to recommend these propositions to the committee of sixty, the representatives of the townships.<sup>51</sup> A meeting was then held in Brownsville at the Redstone Old Fort on August 28 and 29. At first the resolution for submission was met with hostility; the committee of sixty had wanted either a suspension or repeal of the law, not a grant of amnesty that was contingent on their obedience.<sup>52</sup> Brackenridge, who was a member of the committee of twelve, attempted to appeal to his fellow moderates, stating that "men affect to be for war because they are afraid to speak their real sentiments." 53 The danger of timidity had now become apparent. In fearing to express their true feelings, the moderates were tacitly agreeing to wage war on the United States. This was an undertaking, argued Brackenridge, that was akin to attempting to "[toss] the Allegheny mountain from its base."54

<sup>&</sup>lt;sup>17</sup> Ibid

<sup>&</sup>lt;sup>48</sup> For more on Washington's decision making style see Edmund S. Morgan, *The Genius of George Washington* (New York: W.W. Norton & Company, 1977).

<sup>&</sup>lt;sup>49</sup> Kohn, 578-579; Slaughter, 198-199.

<sup>&</sup>lt;sup>50</sup> William Bradford, et al. Propositions Submitted by the U.S. Commissioners, August 22, 1794, *Papers Relating to What is Known as the Whiskey Insurrection in Western Pennsylvania*, Pennsylvania Archives, Vol. 4 (Harrisburgh: E.K.Meyers, 1890), 163-164.

<sup>&</sup>lt;sup>51</sup> The Committee of Conference to the Pennsylvania Commissioners, August 22, 1794, *Papers Relating to What is Known as the Whiskey Insurrection in Western Pennsylvania*, Pennsylvania Archives, Vol. 4 (Harrisburgh: E.K.Meyers, 1890), 168-169; Kohn 579.

<sup>&</sup>lt;sup>52</sup> Brackenridge, "Incidents," 146.

<sup>&</sup>lt;sup>53</sup> Ibid., 151. See also 101.

<sup>&</sup>lt;sup>54</sup> Ibid., 150.

It was moved to put the matter to a vote. When it received no support except from the committee of twelve, it was then suggested that a secret ballot be used. Again, only the committee of twelve was in favor. A motion was made to vote by ballot only to determine the opinions of the committee, and not as a final verdict on the commissioners' terms. However, "there was hesitation even at this, for every man was afraid the handwriting, even of his ballot, would be known" and so give his opinion away.<sup>55</sup> At a time when voting by voice was considered the proper democratic process, it was felt that even a secret ballot was too dangerous, as it held the potential to reveal a man's true sentiments. The controversy over voting techniques provides strong evidence of rebel intimidation. It reveals both a high level of individual fear and also a general recognition that the rebels were frightening many into actions they would not otherwise take. Indeed, it was understood that precautions were necessary for the vote to be truly indicative of the body's opinions.

Finally, a solution was proposed: everyone would be given two slips of paper, one with the word "yea" written on it, and the other with the word "nay." Each man would cast his preferred vote with the one, and destroy the other. Each man would cast his preferred vote with absolute anonymity would hold the true will of the group. Brackenridge was fascinated to "observe the carefulness" with which each man guarded his vote and destroyed the non-used slip of paper. The votes revealed thirty-four to twenty-three in favor of accepting the government's terms. While such an outcome indicates the rebels to be a significant minority, it is worthwhile to consider that this vote reflected only the committee of sixty's opinion and was not a popular vote, nor did it require any obligation toward the commissioners' proposal. The commissioners later stated that numerous attendees of the meeting had told them that if the vote had been public, a "considerable majority" would have voted against the proposal. Again, this information confirms that fear of the mob was so intense that it would convince an otherwise moderate man to vote for war in order to conceal his true opinion.

This particular vote provides another piece of evidence that dilutes the rebels' majoritarian claim. Thomas Miller, the man who had been served the writ that sparked the attack on Neville's home, later revealed to Brackenridge that he voted in favor of the proposals. Despite feeling that the \$250 fee and trial in Philadelphia

<sup>&</sup>lt;sup>55</sup> Ibid., 153-154.

<sup>&</sup>lt;sup>56</sup> Ibid., 154.

<sup>57</sup> Ibid.

<sup>∞</sup> Ibid.

<sup>&</sup>lt;sup>59</sup> William Bradford, et al. From the Commissioners Sent to Western Pennsylvania, September 24, 1794, *The Papers of George Washington*, Vol. 16, ed. Theodore J. Crackel (Charlottesville: University of Virginia Press, 2011), 708.

would financially "ruin" him, Miller was still not radicalized enough to advocate secession.<sup>60</sup> His position indicates that the grievances with the excise were not as desperate as the radical fringe, or indeed the conventional historical interpretation, contends. Rather, as a victim of one of the harshest elements of the excise, Miller was still in favor of obedience to the law instead of open rebellion.

The commissioners wrote to the committee of twelve on September 1 expressing their dissatisfaction with the Brownsville vote. A slim majority of eleven meant that two-fifths of the meeting rejected the government's terms, a proportion much too large for their liking. Furthermore, those in the majority only supported the commissioners' proposal based on their general opinion; the manner of this vote purposefully avoided an explicit and binding avocation for submission, as the commissioners had required. Of greatest significance to the commissioners was the fact that the vote had been cast anonymously: "There were among [the representatives] men whose advice and example have had influence in misleading the people, and it was proper [that these men] should be instrumental in recalling them to their duty."61 One of the main purposes of the exercise, according to the commissioners, was to compel those who had commandeered the public will to right this wrong. The commissioners not only believed that radical individuals had coerced others into rebellion, but also that they held enough influence to reverse these actions. The commissioners concluded by offering the western Pennsylvanians one last chance. They stated that if the polling of the public revealed a satisfactory level of willingness to submit, the promised pardons and absolutions would still be granted and a confrontation with the militia would be avoided.<sup>62</sup> The following day, Bradford and Yeates began their journey back to Philadelphia, while Ross remained to supervise the public referendum.<sup>63</sup>

Rebel violence and intimidation accompanied the survey for submission. Brackenridge described mobs patrolling and threatening death to anyone who wished to sign the pledge of obedience. Armed men invaded the Mingo Creek polling place and proceeded to destroy the papers being used to gather the pledges. In southern Allegheny, a masked mob surrounded the house of the committee member in charge of carrying the papers and seized the pledges from him. In most other areas, armed rebels prevented or discouraged those who wished to sign for submission from doing so.64

 $<sup>^{60}</sup>$  Brackenridge, "Incidents," 157-159.  $^{61}$  William Bradford, et al. The U.S. Commissioners to the Committee of Conference, September 1, 1794, Papers Relating to What is Known as the Whiskey Insurrection in Western Pennsylvania, Pennsylvania Archives, Vol. 4 (Harrisburgh: E.K.Meyers, 1890), 198-201.

<sup>&</sup>lt;sup>63</sup> Kohn, 580; Slaughter, 201.

<sup>&</sup>lt;sup>64</sup> Brackenridge, "Incidents," 170-171.

While such activities were predictable given the circumstances described thus far, Brackenridge provides an interesting revelation:

[James Ross] was pursued a day's journey by two men under pretense of taking the papers from him, but who, coming up, informed him they wished to get their names put down. As it afterwards appeared, these very men had been active in their own districts at home to hinder others from signing... The officers of the district subscriptions had been pursued in many places after they had left the ground, under the same pretense, by some who had appeared the most violent in opposing the submission but who now with tears in their eyes solicited to have their names put upon the paper.<sup>65</sup>

According to Brackenridge, some perceived rebels who were causing a disturbance were actually moderates in favor of submission, but afraid to act accordingly. Indeed, the fact that some who had "appeared the most violent in opposing the submission" were now pledging obedience certainly demonstrates the lengths to which moderate men were willing to go in order to hide their true sentiments and appear as passionate rebels. In an effort to balance their fear of the mob with their wish to obey the law and avoid treason, these men were compelled to denounce those who submitted while in the public eye and clandestinely to pledge obedience afterward.

The commissioners submitted their final report to the president on September 24. In it, they stated that the pledges of submission were not substantial enough to convince them that an office of inspection could be safely erected in any of the western counties. The circumstances in western Pennsylvania were such that only a federal show of force would quell the uprising and free the lawful population from the tyranny of the minority:

The underwritten firmly believe that there is a considerable majority of the Inhabitants of the fourth survey, who are now disposed to submit to the Execution of the Laws; At the same time, they conceive it their Duty explicitly to declare their Opinion, that such is the state of things in that Survey, that there is no probability that the Act for raising a Revenue on distilled Spirits & Stills can at present be enforced by the usual Course of civil authority, and that some more competent Force is necessary to cause the Laws to be duly executed, & to insure to the Officers & well disposed Citizens that Protection which it is the Duty of Government to afford.<sup>66</sup>

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<sup>&</sup>lt;sup>65</sup> Ibid., 171-172.

<sup>&</sup>lt;sup>66</sup> William Bradford, et al. From the Commissioners Sent to Western Pennsylvania, September 24, 1794, *The Papers of George Washington*, Vol. 16, ed. Theodore J. Crackel (Charlottesville: University of Virginia Press, 2011), 702-713.

The commissioners recommended force as the only satisfactory way to protect the "considerable majority" who wished to follow the law, but were too frightened to do so. It was the "duty" of the federal government to use its military might to defend the liberty of its citizens and ensure that the popular will was enforced, as reflected both in Congress and the western counties themselves.

The following day, Washington issued a proclamation stating that he had no choice but reluctantly to send in the militia to quash the rebellion. He aptly characterized the uprising as a "contest" over "whether a small portion of the United States shall dictate to the whole union."67 Indeed, the disproportionate empowerment of a disgruntled minority was precisely the local experience of western Pennsylvanians during the Whiskey Rebellion.

Led by Lee, troops from Virginia, Maryland, New Jersey, and Pennsylvania marched toward the western counties. The rebels put up no resistance to the militia; many had dispersed and fled before the troops even arrived on October 24. Twenty suspects were taken for trial in Philadelphia, and everyone else pledged obedience to the law and civil authorities.<sup>68</sup> The ease with which the militia was able to gain compliance is certainly an indication that the rebellion was not as widespread or passionate as it seemed on the surface. Indeed, as the commissioners had suggested, all that was necessary was a show of force to overpower the scare tactics of the radical fringe and allow the majority of westerners to obey the law and avoid trouble, as they had always wished.

The story of the Whiskey Rebellion is one that has been largely misunderstood. Historians usually characterize it as a frontier uprising against a precarious federal government who responded militantly in recognition of its own vulnerability. This has led to the mistaken interpretation of these events as the ironic epilogue to the American Revolution in which the radicals-turned-politicians followed in the footsteps of their former British oppressors.<sup>69</sup> However, local conditions reveal that this was hardly an exercise in the assertion of national power. Rather, primary accounts indicate that the uprising consisted of a relatively small group of rebels who terrorized moderate men into participating in the rebellion. As a result, the commissioners recommended force, since it was clear that the climate of fear produced by this tyranny of the minority was more than the majority could overcome. The relations between the rebels and the Washington administration was

 <sup>&</sup>lt;sup>67</sup> George Washington. Proclamation, *The Papers of George Washington*, September 25, 1794, Vol. 16, ed.
Theodore J. Crackel (Charlottesville: University of Virginia Press, 2011), 725-727.
<sup>68</sup> Hemberger, 323; Kohn, 584; Sharp, 124; Wilentz, 64.

<sup>&</sup>lt;sup>69</sup> See Slaughter, 4, 227-228.

not a debate over who held control, but rather a struggle over competing definitions of what constituted the will of the people.

While historians are eager to interpret the rebellion in terms of representational issues, they apply this reading only to one side. Rooted in antifederalism, the rebels' grievances with the excise reflected a clear position that representation in Congress was inadequate. However, scholars largely ignore the fact that the federal government's response to the Whiskey Rebellion was, in large part, also rooted in questions of the popular will. Thus, these events boil down into differing definitions of the nature of representation. The rebels interpreted the needs of the minority as being crucial to the democratic construction of just laws. Conversely, the federal government viewed representation as a means of revealing and facilitating the will of the majority, a will which must be upheld according to basic democratic principles. Whereas the former led to opposition to the law, the latter led to its reinforcement.

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<sup>&</sup>lt;sup>70</sup> See, for example, Hemberger and Sharp.