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Staying the Propanganda Machine: How the Logic of Secrecy Exposes Possibilities and Probabilities In the Ratification Process

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ABSTRACT.
The Standing Orders of the Philadelphia convention were modified on May 29, 1787 (what would have been their first day on the job) to drop the veil of secrecy over the work of the convention. Considered as a maneuver of preemption against opponents of reform (a reform outcome expected, given Congress’s resolution of February 21, 1787) the logic of secrecy exposes the possibility that secrecy was also a delaying device, staying the hands of reform supporters to launch their efforts until ‘signalled’ via publication of the final constitutional text.

KEY WORDS: federal convention, quorum

A. INTRODUCTION. The reader is referred to Roadmapping the Logic of Secrecy at the Federal Convention, 2 OCL 803, which supplies a framework for this and other articles in this family. How does the kinetic fit with, handshake, connect to the intellectual?

B. GENTLEMEN, START THE PROPAGANDA MACHINE. September 17, 1787, or more precisely, September 18 (when the text was publicly read in New York), the federal propaganda machine – standing by since May 14 (the official date set for the convention to open) – threw itself into high gear.

Legislators legislated convention dates and greased the machinery for election of delegates. Pamphleters and broadsiders dusted off phrases in inventory (coming up shortly) and promoted the text received as, well, The Text Received.

‘The press was sold, the stocks were squared, the middle class was quite prepared.’ Hilaire Belloc also reminds us that when ‘language fails’ the warrior’s only remaining ambition is to ‘go out and govern New South Wales,’ wherever that is.

One of the great pleasures of reading the Documentary History of the Ratification of the Constitution is to see how (many) newspaper editors made it their patriotic duty to promote the received constitutional text and revile opponents (surely they deserved no less) or those merely asking pointed questions of its promoters. Our Constitutional Kinetics: Words that Can Go Like a Machine, 2 OCL 549, may be consulted here.

If Europe has the merit of discovering this great mechanical power in government, by the simple agency of which the will of the largest political body may be concentrated, and its force directed to any object which the public good requires, America can claim the merit of making the discovery the basis of unmixed and extensive republics.

This is Madison’s No. 14 from The Federalist Papers (New York Packet, November 30, 1787). The point is that the machinery, when being designed, may itself be injured by too-eager, too-early praisings. A machine which conjures in the mind of a delegate ‘the solar system’ and is compared to the English [yes, I know it’s British; but that’s what Dickenson said] constitution – that ‘singular and admirable mechanism’ – can hardly be expected to have its parts properly admired as parts of the whole machine while they are in the process of being fashioned.

C. ADMIRE MY MACHINE; ADMIRE ME. As OCL explains, Americans took some time to fall in love with the Constitution and especially the Philadelphia Constitution. Its 4321 words were found wanting and it look another 903 words (in 15
years) to correct and complete what the Philadelphians started. Naming Constitutions and Constitutional Text in the Early American Republic, 2 OCL 378, may be consulted here. And these fourteen proposed improvements (twelve adopted) drag into the discussion two Supreme Court cases which obliged the justices to struggle with the botch made by Congress of Article III grants of jurisdiction. See Chisholm v. Georgia, 2 U.S. 419 (1793); Marbury v. Madison, 5 U.S. 137 (1803).

The admiration bestowed on text (seen as establishing the machinery of a new government) may be seen as half-way house, in metaphor. Thanks to ‘text that can go by itself’ Americans may pass, with the least trouble (a bourgeois virtue, to be sure) from the state of hating the Articles of Confederation (1781-1787) to loving the Early Constitution whose life span (1804-1865) is nothing to sneeze at and a lot longer than six short years.

D. WAITING FOR DEATH. Loving constitutional text (noted immediately above) becomes easier once its exclusivity and ascendency are rejected. Loving the Philadelphians became easier once they were all all dead. February 25, 1791 [Washington signs the bank bill, the Tenth Amendment dies] and June 28, 1836 [Madison dies] bracket the relevant dates.

We all love W.A. Mozart. But what if he were here alive, demanding our love? We’re better off if he’s dead. The functional equivalent of death (for text) is to give up its claims to exclusivity and ascendency in answers. The deader the text the more we’re free to love it.

E. EITHER/OR. OCL proposes the deployment of ‘either/or.’ Either the logic of secrecy is about what happens inside the doors of the Assembly room at Independence Hall (where the Pennsylvania General Assembly sat) or it’s about something that is happening somewhere else. If this ‘either/or’ resonates, or to the extent that it does, then secrecy has something to do with the process of making better ideas inside the Hall.

But what about the inquiry, ‘what happens outside the Hall’? It cannot only be a matter of opponents discouraged, dissaused, disarmed. This subdivision of logic operating outside the Hall has its charms but it doesn’t go far enough.

Hence, either/or also dictates that would-be supporters are enabled, empowered and equipped by not knowing what was going on. At least it’s worth a Baconian nod, an hypothesis, a conjecture.

Hence, the logic of secrecy can be deployed to identify three constituencies: those delegates inside, those outside who will support and those outside who will oppose. The theory supposes that these two latter constituencies exist, even if they are equally ignorant. Not too difficult a climb if you’re working on Constitution II; the battle-lines had been etched in stone from early 1786.

‘Don’t bother me with the text,’ as they said in Rhode Island – here is reportage from March 13, 1788 – ‘I’ve made up my mind.’

A new STROKE of POLICY. We hear, says a Correspondent, that the Town of ------ is to meet on ------ Day of this Month, for the Purpose of determining, in one Afternoon, the Merits of a System of Federal Government, which employed the Talents of a Convention of the ablest Politicians from 12 States, four Months unremitted Attention to frame—the thorough Investigation of which cost the numerous and very learned Convention of Massachusetts, four Weeks incessant Application and unwearied Labour.[1]

If you’re opposed, you’re not offended by secrecy in the Philadelphia convention; if you would support it, you may as well wait for the opponents to fire the first volley, as they won’t devote anything like ‘unremitted Attention’ to the issues.

F. RESOURCES. For on-line access to Peter Aschenbrenner’s articles, tables and charts see purdue.academia.edu/PeterAschenbrenner or works.bepress.com/peter_aschenbrenner/

G. STATUS. Complete.

H. CITATION FORMAT. Please cite as 2 Our Constitutional Logic 671 or 2 OCL 671.

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J. LAST REVISED. This file was last revised on March 26, 2013; it is version 008.
K. FILE FORMAT. The format of this file is MS Word 2010; the format of the associated table is also MS Word 2010.

L. REFERENCES. [1] The Center for the Study of the American Constitution at the University of Wisconsin, Madison has these and other materials from the Rhode Island ratification process.