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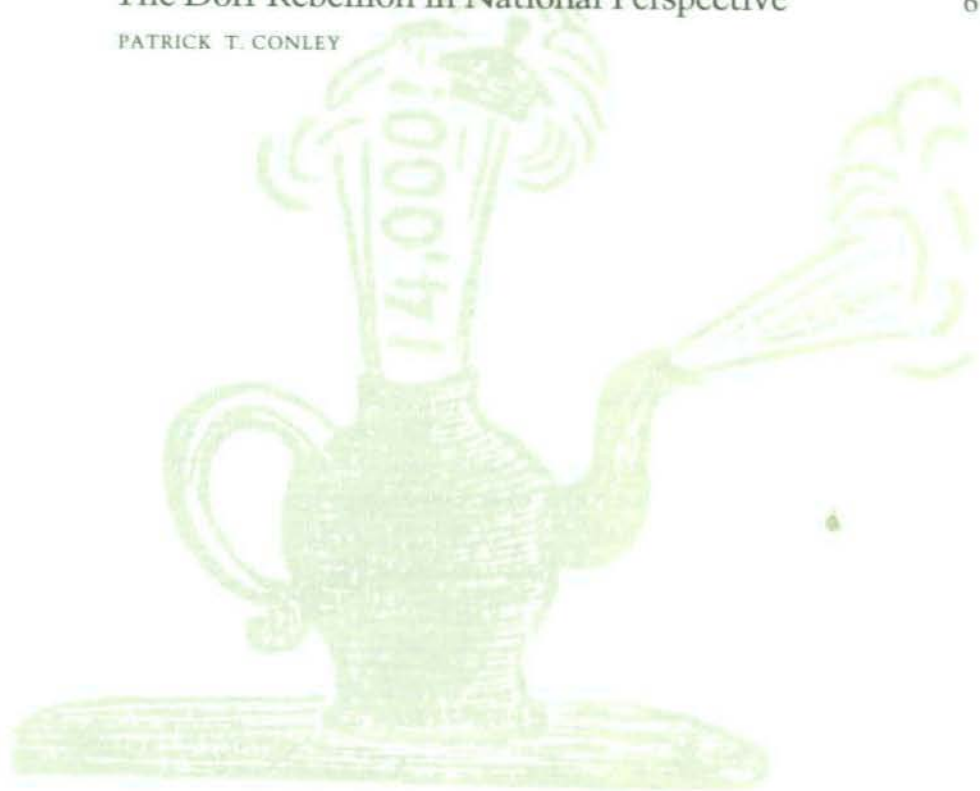
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No Tempest in a Teapot: The Dorr Rebellion in National Perspective

PATRICK T. CONLEY

On 5 July 1841, frustrated members of the fifteen-month-old Rhode Island Suffrage Association irrevocably embraced the doctrine of popular constituent sovereignty in a mass meeting held at the Dexter Training Grounds in Providence. This theory held that “the people” in their primary capacity could call a constitutional convention and draft a new basic law without the authorization of the existing government if that government was unresponsive to the urgent need for political and constitutional reform. The association was driven to embrace this radical concept because those Rhode Islanders in power, regardless of party affiliation, had resolutely resisted or deflected constitutional reform for nearly a quarter century.

Since 1818, when Connecticut drafted a written constitution, Rhode Island had been the only state to be governed by a royal charter; since 1830, when Virginia relented, Rhode Island had been the only state to impose a general real estate requirement for voting and officeholding. The state’s basic law, the colonial charter of 1663, was unamendable, and it contained no separation of powers, no bill of rights, and no provision for reapportioning seats in the legislature. Under this archaic document the General Assembly was supreme, and that body was dominated by conservative, landholding white males who saw no need to share their power with those less favorably situated.

A reform effort that began in 1817, during a period of national constitutional ferment, culminated in the call of Rhode Island’s first constitutional convention in 1824, but even the conservative document drafted by that convention—whose delegates were chosen according to the same apportionment scheme as the legislature—was rejected by the state’s freemen. In 1834, after five years of reform agitation, the legislature authorized another, similarly composed constitutional convention, but this second gathering adjourned without producing a final draft for voter approval, and the reform movement, led by Providence attorney Thomas Wilson Dorr, evaporated during the economic depression of 1837.

The hectic “Log Cabin and Hard Cider” presidential campaign of 1840, which appealed to the simple values of the common man, resurrected the reform cause and precipitated the rise of the radical Rhode Island Suffrage Association. With the previous litany of frustrations in mind, many advocates of suffrage extension became convinced that only revolutionary measures would achieve their desired reforms. Emulating the novel political techniques used with such success by “Tippecanoe and Tyler too”—parades, mass meetings, torchlight processions—the association launched a vigorous and spirited campaign to eliminate Rhode Island’s governmental abuses.

Like the movement of the 1830s, this militant suffrage movement was at least technically nonpartisan. It differed from its predecessor, however, in several respects: its membership was drawn overwhelmingly from the ranks of the Democratic party; its rank and file was composed mainly of nonfreeholders; it advocated universal manhood suffrage and denounced real and personal property

FREE SUFFRAGE.

Speech of the Hon. Dutee J. Pearce, on a Constitution and the Extension of Suffrage.

Mr. Simons—You are requested by the Free Suffrage Committee of Providence, to publish in the *Herald*, the following speech of Mr. Pearce, delivered in the Convention which sat at Newport, and framed the Constitution, that was rejected by the freeholders, in 1824.

It is well known to the Committee, as well as all who are personally acquainted with Mr. Pearce, (yourself among the number) that although he may have changed his views, on some points of public policy, yet on this subject, he always has held, and now holds, the same opinions. The Committee therefore thought it totally unnecessary, to procure from Mr. Pearce, a written avowal of a fact, so generally known.

WILLIAM I. TILLINGHAST,
For the Committee.

Mr. Pearce moved in committee of the whole, that every white male citizen of 21 years of age, who had resided in the State one year next before the election, and paid taxes, or done military duty, or was equivalent for the same, or who owned property to the value of \$134, should be qualified to vote.

Let us take into consideration the old system that has heretofore governed us, the one reported by the Select Committee, and the amendment now under consideration. The report of the Committee embraces every thing contained in the former law, and even attempts in some instances to go farther. If, therefore the Constitution is adopted containing this provision, you perpetuate the evil and give it a fixed and permanent existence. Besides, you will take away the right the oldest sons have hitherto had, to vote when they become of age, and say to all who are not of age previous to the adoption of the Constitution—you are to be disfranchised—you are no longer to have the right of becoming freemen.

Is there any justice in this measure? Those oldest sons who may arrive at age after the adoption of this Constitution, have now an inchoate, if not a vested right, as freemen, and you ought not to cut them off from that right. If any alteration is to be made, instead of curtailing the right in those who have hitherto exercised the privilege, or who might exercise it, should it not rather be extended? By confining it to landholders and their oldest sons, as is now the case, you probably exclude a majority of the citizens of the State from having the right of becoming freemen.

on their business in unproductive land, these are denied the rights of freemen, while the political speculator and intriguer who can parcel out their little spots of land to make voters for a particular occasion, bring into the market the refuse of society, the offscourings of creation, who may easily be prevailed upon to take a false oath. But the honest mechanic who has nothing but his personal property, and his integrity will never consent to accept of such qualifications. The principles of your present electoral law, therefore, give to the vicious and abandoned the chance of becoming voters, and withhold it from the virtuous and upright part of the community who do not possess this surplus of \$134, beyond the means necessary to their support and to the success of their business.

I could point out, Sir, in this town (Newport) 100 men who are thus situated, and who are consequently excluded from voting; and 150 men who have the appearance of possessing real estate which constitutes them freemen, when in fact they are not worth a cent. Yet these last vote at all your elections and town-meetings, while the former, finding it for their interest to invest their property in trade and commerce, are entirely excluded.

—Mr. P. alluding

Figure 2.

In the constitutional convention of 1824, state attorney general Dutee J. Pearce of Newport proposed to expand the suffrage to all white males, twenty-one years of age, who had one year's residency in the state, provided that they paid their taxes, performed military duty, or possessed at least one hundred dollars' worth of real or personal property. Despite Pearce's eloquent argument (reprinted in this broadside in 1831), his proposal to expand the electorate received a scant three votes from the landholding delegates. RIMS Collection (RH1 X3 6695).

qualifications for voting on political (but not financial) questions; and it was willing to utilize extralegal methods to achieve reform by ignoring or intimidating the legally constituted charter government. The responsibility for the creation of this revolutionary association rested in part with the landed oligarchy, irrespective of party affiliation and including propertied Democrats, because of that oligarchy's reactionary and obdurate refusal to amend or replace the antiquated charter. Its stand demonstrated the peril of unreasonably blocking change.

Once again reformist agitation prompted the General Assembly to authorize a constitutional convention, this one scheduled for November 1841. The agitators correctly assumed, however, that the Assembly's act was insincere and opportunistic, designed merely to sap vitality from the association's cause and no more intended to be the vehicle of change than the previous "do-nothing" conventions summoned to appease the disfranchised in 1824 and 1834. As a result of this assumption, members of the Suffrage Association decided upon an extralegal course to attain their ends. Drafting Thomas Dorr to lead them, they exhorted the adult male citizenry to disregard the landholding qualifications and go to the polls to elect delegates to a "People's Convention," which would meet in October 1841. The elections were duly held late in August, and within six weeks the reformers' convention presented the fruit of its deliberations to the white male populace of Rhode Island for ratification. Meanwhile, the legally authorized Landholders' Convention met and adjourned without producing a new basic law.

The "People's Constitution," of which Dorr was the principal author, remedied many abuses that had persisted under the charter regime. The most notable and controversial departure from the charter system was in the area of suffrage: the statutory \$134 freehold requirement was repudiated by a clause that extended suffrage to adult white male citizens with one year's residence in the state.



Figure 3.
Thomas Wilson Dorr (1805-1854), patrician reformer and leader of the fight for equal rights and free suffrage that culminated in Rhode Island's Dorr Rebellion, began his reform efforts in 1834 as a prominent member of the newly formed Constitutional party and as the principal author of the progressive Address to the People of Rhode Island. RIHS Collection (RHI X3 6753).



PROFESSOR ESPY CALLED FOR.
Rhetorical College and Meteorological Observatory on Hog Island, under the management of Professor Ames, Weatherwise General to his Majesty Charles II., and rival of Prof. Espy—
'rof' 'wailed' 'self of' 'of a'

Figure 4.
Elated by the favorable turnout in the December 1841 referendum on the People's Constitution, the reformers' newspaper, the *New Age*, rushed into print with preliminary tabulations showing that the suffragists had prevailed by an overwhelming margin. In mocking response to their opponents' characterization of the 1841 movement as "a tempest in a teapot," the reformers asserted that the people—fourteen thousand strong—had generated not a tempest but "a Revolution." RIHS Collection (RHI X3 6835).

Other significant features of the People's Constitution were its reapportionment provision, which increased the representation of Providence and other urbanized centers in the Assembly's House of Representatives; a secret-ballot clause; a bill of rights; and a general diminution of the power of the legislature through the establishment of clear separation of powers on the principle of three-branch government. The conservative aspects of the document were its denial of a number of important public offices, including those of mayor and councilman, to nontaxed citizens, and its provision whereby no person was allowed to vote on any financial question in the cities or towns unless he was a taxpayer or the owner of ratable property (real or personal) of at least \$150 in value.

Beginning on 27 December 1841, a three-day popular referendum was held to decide on this proposed constitution. With no landholding requirements for participation, the turnout of voters approached 14,000. Only 52 votes were cast against the People's Constitution, since charter adherents boycotted the election. Because 13,944 of the state's estimated 23,142 white adult males had voted to approve the document, as had 4,960 of the state's 9,590 freemen, Dorr declared that the constitution had been duly ratified. The possibility of fraudulent voting was high (as for any election in that age), and undoubtedly a number of bogus ballots were cast, but when the results were tabulated and certified on 13 January, the reformers insisted that the People's Constitution had supplanted the charter as the paramount law of the state. Popular constituent sovereignty had triumphed, or so it seemed!



Ironically, the suffragists relinquished their momentum in January 1842 at the peak of their campaign. The very orderly and peaceful nature of their revolution impaired its decisiveness, for they had decreed in the People's Constitution that the charter government "shall exercise all the powers with which it is now clothed, until the said first Tuesday of May 1842, and until their successors, under this constitution, shall be duly elected and qualified." This clause (overlooked by most historians) gave the charterites nearly four months to devise an official counter-offensive to prevent the People's Constitution from taking effect. Seldom have revolutionaries been so obliging or respectful toward an existing government.

Too much was at stake for the long-entrenched establishment to acquiesce without a fight, but its forceful countereffort was not anticipated by most reformers, especially those who naively believed that the December referendum would be legally and morally binding on all Rhode Islanders. They were warned of the impending crisis in January at the height of their success by Henry Dorr, Thomas's younger but more conservative brother, who challenged the validity of the People's Convention and predicted that most people would bow before "constituted authority." If the suffragists persisted, he admonished, they "would be like the Chartists of England with a few leaders, and those not the right men to head such an enterprise—and no people on which you can depend to support you at all risks." The younger Dorr indeed proved to be a prophet.

Many reasons explain the charterites' resistance towards the People's Constitution—its radical doctrine of popular constituent sovereignty, its anticorporate ideology of equal rights, its impact on the "agrarian interest" through reapportionment, and its enfranchisement of the "low Irish"—but undoubtedly it was the never-articulated urge for political self-preservation that was the underlying motive animating leaders of the Law and Order coalition that formed to defend the existing regime. The proposed changes simply made retention of their power more imperative.

RHODE-ISLAND CONSTITUTIONALIST.

VOL. I.

PROVIDENCE, MARCH 12, 1834.

NO. 1.

PROVIDENCE.

CONSTITUTIONAL CONVENTION.

Delegates from the towns of Newport, Providence, Warwick, Smithfield, Bristol, Warren, Cranston, Johnston, North-Providence, Bristolville and Cumberland, assembled pursuant to notice, at the State House in the city of Providence, at 10 o'clock A. M. on the 25th ult. being the birthday of the Father of his country...

Resolved—1. That it is expedient to the spirit of the Declaration of American Independence, and desirous to the character of Rhode-Island republicans, to acknowledge the Charter of Baron Mordaunt, as a constitution of civil government.

2. That the time has fully arrived for a vigorous and concentrated effort to accomplish the object of political reform in this State.

3. That the public good imperatively requires that the powers of the legislature and the rights of the citizen, which are now so wretchedly defined, should be defined and fixed by a written State Constitution.

4. That the representation of the lowest in the General Assembly, as originally established by the provisions of the Charter of King Charles II, had reference to their then existing population, and was, at that time, not suitably adjusted to it, but that, by the great increase of population in the towns, the existing representation has become extremely unequal and unjust in its operation, and that a more equal distribution of representative among the towns, will be an indispensable article in a Constitution for this State.

5. That, at the foundation of this State, and long after, property in land was not only the principal property of the citizens, but was so easily transmissible that a landed qualification for voters excluded only a small portion of the people from political power; but that the circumstances of the people have since greatly changed, and that the existing qualification has the effect (contrary to the design of those who first established it) of excluding the majority, among whom are a large portion of those who pay taxes, from all political privileges and participation in the affairs of government; and that, although we entertain a proper respect for Landholders, we are not insensible to the merits of the Mechanic, the Merchant, Working-Man and others who own no land; and that we are of opinion that the longer continuance of a landed qualification, as the restrictive condition of exercising the elective franchise, is a great injustice, and is contrary to the spirit and principles of a republican government; and that a Constitution for this State will be altogether insufficient, unsatisfactory, and impracticable, that does not restore to the majority of the people the rights and privileges of American Citizens.

6. That in the opinion of this Convention all white male citizens of the United States over twenty-one years of age, (excepting paupers and persons under guard of law,) who have resided within the State for a period not less than one year preceding their claim to vote, and within the town where they shall offer to vote, for the term of not less than three months preceding their claim to vote, should be entitled to the right of suffrage, upon paying a tax, and that no person born out of the jurisdiction of the United States should be allowed to vote, unless he have first been naturalized according to the Acts of Congress, have been possessed of a freehold estate according to the provisions of the present law, for a term of years; and have resided, previously to voting, one whole year in this State; and that there should be a strict registration of all the qualified voters.

7. That a continuance of the provisions of the present charter relating to representation, and of the Act of the Legislature requiring a freehold estate to entitle a citizen to vote for public offices, are such a departure from the principle avowed at the first session of the General Assembly, in the year 1647, which was that the government of this State should be a "Democracy."

8. That the Judicial system of the State may be better adapted to the administration of justice; and that one of the provisions of a Constitution should be for the essential improvement of that system.

9. That the unalienable rights and privileges of the people, and the property and honor of the State can only be completely obtained and permanently secured by a written Constitution, to be framed, approved and ratified by both Landholders and non-Freeholders; and that no liberties shall be granted individually to each other, and collectively to the people, that we will use our unremitting efforts for the establishment of such a Constitution.

10. That we will ourselves be known by the name of THE CONSTITUTIONAL PARTY; that we will all of us endeavor to unite as many as possible under that name, and in all of the before-mentioned objects, and we will not be divided in our nature, and in like no connexion with National politics; and that for the better accomplishment of these objects, we will petition and support a Ticket of General Officers, under the above name, at the ensuing spring election, to be composed of men, friendly to our cause, without distinction of party.

11. That our friends in each town be requested to appoint a Standing Committee for the better organization of the party, for general correspondence, and for the promotion of the objects of the Convention.

12. That we deem it expedient to ascertain, as soon as practicable, the number of white male citizens over the age of twenty-one years, who are natives of this State, and who are not freeholders; also the number of white male citizens over the age of twenty-one years, natives of other states, who have resided in this state one year, and who are not freeholders; and also to ascertain the amount of taxes which are paid by all such freeholders, and of all non-freeholders; and a committee be appointed to obtain this information, and to transmit it to the State Committee without delay.

13. That the General Assembly be respectfully requested, to call a Convention of the People, based upon population, to be chosen by freeholders and by such non-freeholders as are specified in the sixth resolution, for the purpose of forming a written Constitution, and be further requested to provide for the Constitution which may be formed by such Convention, be submitted for adoption or rejection, in all the before-mentioned towns; and that a copy of the end of the sixth resolution be signed by the President and Secretaries, and be transmitted to the General Assembly at their next session.

14. That a State Committee be appointed to correspond with the standing committees of its sister states, and to promote the great object of this party.

15. That this Committee be requested to take immediate measures for the establishment of a newspaper to support the Constitutional cause.

16. That a committee be appointed to prepare an address to the People of this State, on the subject of a Constitution, and be requested to report the same at the adjournment of this Convention.

17. That a Committee be appointed to report a Ticket of General Officers, favourable to our cause, at said adjourned meeting.

18. That a printed copy of these Resolutions be transmitted to His Excellency, the Governor, His Honour the Lieutenant Governor, and to each member of the Honorable Senate, and of the House of Representatives.

19. That these Resolutions be signed by the President and Secretaries, and published in the newspapers.

(Signed.) NATHAN A. BROWN, President. WILLIAM H. SMITH, J. Secy. SAMUEL E. GARDNER, J. Secy.

Meets, Thomas Rivers of Providence, Christopher Robinson of Cumberland, Joseph M. Blake of Bristol, Joseph B. Sumner of Warwick, Charles Randall of Warren, Joshua Wilbur of Newport, Joseph W. Miller of North-Providence, and Nathaniel May Jr. of Smithfield, were appointed a State Committee of Correspondence.

Messrs. Thomas W. Day of Providence, Joseph K. Angell of Providence, David Daniels of Cumberland, William B. Smith of Providence, and Christopher Robinson of Cumberland, were appointed a Committee to prepare an address to the people of the State.

Messrs. Joshua Wilbur and Samuel Pratt of Newport, Wm. J. Tillingham and Rufus W. Knapp of Providence, Willard Ballou and Joseph B. Sumner of Warwick, Nathaniel May 2d and Larned Scott of Smithfield, Joseph M. Blake and Jeremiah Bosworth of Bristol, Nathan Lathrop and Henry Bailey of Warren, Charles J. Westcott and Asaem Tall of Cranston, Oliver C. Williams and John Kelley of Johnston, Nathan A. Brown and Charles C. Harrington of North-Providence, Ezra Brown and Peter Pierce of Bristolville, Ole Mason and George Jenckes of Cumberland, were appointed to report a ticket of General

Officers agreeable to the views of this Convention.

On motion of Mr. John H. Woodin, of North-Providence, it was Resolved, That the Secretaries of this Convention, be appointed a Committee to attend to the printing of the resolutions and proceedings of this Convention, and to devise ways and means for defraying the expence of the same.

On motion of Mr. Joseph A. Scott, of Providence, it was Resolved, That this Convention adjourn to meet again at the State House in the city of Providence, on the twentieth day of March 1834, at 10 o'clock in the forenoon; and that all the towns in this State, not now represented in this Convention, are respectfully requested to send delegates to said adjourned meeting.

The following are the names of the members of the Convention.

Newport.

Samuel Pratt, Joshua Wilbur.

Providence.

Joseph K. Angell, Samuel Lewis, Samuel J. Rivers, Richard C. Martin, David Brown, William Miller, William Coleman, Nathan C. Rhodes, Thomas W. Day, Lawrence Richards, Thomas Day, Joseph A. Scott, Abiel F. Fox, Wm. H. Smith, Russell Greene, Wm. D. Terry, John P. Hall, Wm. C. Thayer, Benjamin Jay, Wm. B. Thurston, Rufus W. Knapp, Wm. J. Tillingham.

Cumberland.

Willard Ballou, Daniel Pierce, Peleg R. Bennett, Joseph B. Sumner, Wm. B. Merrill, Joseph Taylor, Jr.

Smithfield.

John A. Andrews, Merrill Marsh, James Andrews, Charles Moore, Edward Deane, Nathl's Moore, Jr. David G. Fales, George Olney, Samuel E. Gardner, Samuel Ray, Edward Hutchins, Larned Scott, Amos D. Lockwood, Palomon Wharff, Arden Man, Thomas Wilbur.

Bristol.

Joseph M. Blake, George M. Cox, Jeremiah Bosworth, James Hagan, Henry Brown, William R. Talley.

Warwick.

Henry Bailey, Nathan Lathrop, Isaac Cole, Elias Magoun, Henry H. Lathrop, Charles Randall.

Cranston.

Albert Fuller, Asaem Tall, Henry A. Patter, Charles J. Westcott.

Johnston.

Thomas Brown, James B. Randall, John Kelley, Oliver C. Williams.

North-Providence.

Nathan A. Brown, Joseph W. Miller, Grahb Gittins, Russell Parke, John Greer, Samuel Perry, C. C. Harrington, Abner B. Tompkins, J. J. Harrington, John H. Woodin, Isaac T. Jencks, Daniel Wilkinson.

Bristolville.

Arnold Ballou, Cyril Sweers, Peter Pierce, Doty Steere, Cumberland.

Warren.

Levi Aldrich, George Jencks, Smith Arnold, Melville Knapp, Amos Cooke, Ole Mason, David Daniels, Chr Robinson, Job Jenckes, Peardon Sajles.

From the Board of the Times.

The question has been asked by a respectable paper, printed in the Northern section of the State, "What part will the Herald of the Times take in the question?" (the adoption of a Constitution securing an equal representation, and an extension of the right of suffrage.) Although as an Editor, you are not obliged to take any part in the question, yet to express your individual sentiments on the subject, I have no doubt you will address your paper the views of your patrons on either side of the question, and therefore send for publication the following recollections of the sentiments of the "Great Apostle of Liberty," Thomas Jefferson, on this interesting subject, respecting the laws of Virginia respecting the elective franchise, were then the same as in this State at this time.

"Reflections on the Elective Franchise."

One half of our brethren are excluded like Helms, from the right of suffrage, and of representation, because they are not owners of the soil,—as if suffrage was bestowed for that, and not for the man inhabiting it, which enables one half of them to dispose of the rights of the other half, and impose on them duties without their consent.

—What constitutes a State?

No high walled battlements, or kind of sword, thick walls or moated galls.

—No cities walled, with gates and towers raised by the sun, high and low, and

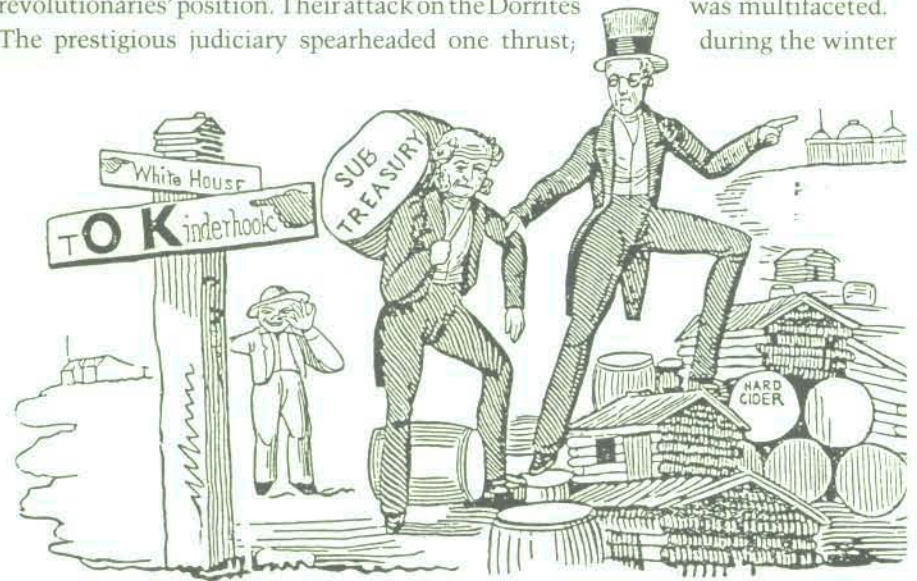
Men who bear arms in vain.

—No laws that rights—and know how often enemies! These constitute a State.

The abuse of the elective franchise, under which more than one half of our fellow-men are now suffering, and which we inherit from our ancestors, are the relics of the feudal system, which are an encumbrance as they are unjust. Can one generation land another, and all others in succession, forever? I think not. The Creator has made the earth for the living, not for the dead. The earth was made for man,—man for society—and laws for the government of society.—Rights and Powers can only belong to persons not to things; and no mere matter, surrounded with wall. The dead are no even things.—To what then are attached the rights and powers they held while living, to bind the governments that have succeeded them? A government may bind itself as long as a citizen continues in life, when that life ceases, another inquiry is to place—holds all the rights and powers they previously enjoyed, forever? I think not. The Creator has made the earth for the living, not for the dead. 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Figure 6.

In this 1840 presidential election cartoon, Andrew Jackson urges President Martin Van Buren toward the White House over a path obstructed by log cabins and hard cider. Handicapped by unpopular economic policies, Van Buren looks wistfully toward his other home in Kinderhook, New York. The 1840 campaign is notable for popularizing the now-ubiquitous expression O.K., which was first used allusively and humorously for "oll korrekt" but was also applied to Van Buren, who was known as "Old Kinderhook." Matters were not O.K. in Rhode Island, however, because the interest-inspiring campaign only heightened the resentment of those thousands of adult males who were denied participation because of the persistence of the real estate requirement for voting. Courtesy of the Library of Congress.



Dorr's opposition—mainly politically dominant urban Whigs associated with the commercial-business-industrial complex, and rural Democrats from South County and the western hill towns—had every intention of asserting their legal authority, and in January 1842 they launched a determined bid to undermine the revolutionaries' position. Their attack on the Dorrites was multifaceted. The prestigious judiciary spearheaded one thrust; during the winter

and early spring of 1842, federal district judge John Pitman and state Supreme Court chief justice Job Durfee descended from their neutral benches to attack the People's Constitution openly on theoretical and legal grounds. Pitman, a former supporter of suffrage extension, penned a January address *To the Members of the General Assembly of Rhode Island*, which attacked the extralegal methods of the suffragists and urged that their criminal "revolutionary movement" be immediately suppressed. Pitman also corresponded with United States Supreme Court justice Joseph Story, then riding the New England circuit. The conservative Story—who would later preside over several cases arising from the Dorr Rebellion—was equally partisan. "If ever there was a case that called upon a judge to write and speak openly and publicly, it was the very case then before you," he advised Pitman.

According to Story's Whig view, "the Constitution of Rhode Island was to be overturned by a self-created body," and there was "no duty more sacred in every citizen than upon such an emergency to come forth and resist, by all the just and moral means in his power, such proceedings." Job Durfee agreed with this extreme judicial activism. In early March his three-judge court (which included William R. Staples and Levi Haile, a leader of the Constitutional party of the 1830s) issued a public letter asserting the illegality of the People's Constitution and contending that any attempt to carry it into effect would be "treason against this State."

Justice Durfee—erstwhile poet, former congressman, and formidable orator—was not content with a single swipe at the "mobocratic" suffragists. On 15 March he delivered a charge to a Bristol grand jury, which it subsequently published, reaffirming his belief that support of the People's Constitution was treasonous and expounding a persuasive and logical refutation of popular constituent sovereignty.

In attempting to define "the people," Durfee distinguished between the "natural people," or the entire human population regardless of age, sex, color, citizenship, or legal or mental status, and the "corporate people," or the legal voters in whom



Figure 7.

The campaign of 1840 greatly popularized the use of political paraphernalia like badges, buttons, and banners and such techniques for mobilizing the electorate as mass meetings, torchlight processions, oxen roasts, and bonfires. In the aftermath of that election, Rhode Island constitutional reformers reasoned that they could use these devices to incite the state's second-class citizens to vigorous action. This Ward 2 banner, made by Providence suffragists in 1841 and carried to numerous rallies, depicts liberty as an American eagle clasping the nation's flag in its talons. RIHS Collection.



Figure 8. Overlooking the Cove and the city, Jefferson Plain (where the present State House stands) was a popular spot for suffrage rallies. On 17 April 1841, for example, the Rhode Island Suffrage Association conducted a giant parade in which three thousand people participated. According to the reform newspaper *New Age*, the demonstration culminated on Jefferson Plain with "a magnificent collation" of beer, roasted ox, calf, and hog. RIHS Collection (RHi X3 6630).

alone sovereignty resides. For him, sovereignty was not some vague primal right in the hands of a majority of natural people but a carefully defined, limited power to be exercised by the people's representatives under established, legitimate modes. Durfee's distinction was followed by other Law and Order apologists, including John Whipple and Daniel Webster when they defended the charter regime before the United States Supreme Court in the case of *Luther v. Borden* (1849). These conservatives, in the tradition of Hamilton, stressed the primacy of order and authority, while Dorrites argued in Jeffersonian fashion that order was not possible without liberty and that liberty was possible only when the people controlled their government.

In another extremely potent maneuver, charter adherents appealed to the class, sectional, occupational, and ethnoreligious sentiments of Rhode Islanders in an inconsistent but effective propaganda campaign waged against the People's Constitution in broadsides, pamphlets, and the pages of the *Providence Journal*. Conservatives warned well-to-do urbanites and farmers that the proposed basic law would bring the city under the domination of the idle, ignorant, and poorer class; they alarmed farmers by contending that the document's reapportionment plan would place the agrarian interest at the mercy of the industrial and shift the basis of taxation from business to land; and they excited entrepreneurs by emphasizing the reformers' anticorporate philosophy of equal rights. Propagandists—especially Henry Bowen Anthony and Professor William G. Goddard—played upon the fears of native-born Protestants, warning them that the liberal suffrage clause of the People's Constitution would pave the way for the political ascendancy of those Irish Catholic immigrants who were swarming into the state in ever-increasing numbers.

Political nativism, a potent weapon in the arsenal of the Law and Order conservatives, was especially evident in the final draft of the Freeman's (or Landholders') Constitution, produced in February 1842 by the reconvened session of the Landholders' Convention. This Law and Order body drafted a compromise document designed to wean moderates from their adherence to the extralegal People's Constitution. The tactic was highly successful. The Freeman's Constitution contained no lofty appeals to the doctrine of popular constituent sovereignty and no traces of the ideology of equal rights. It reapportioned the legislature, but less drastically than Dorr's document, especially in the upper house, where it gave great security to the farming interest by allocating 60 percent of the Senate's nineteen seats to rural areas. Although it slightly reduced the power of the legislature, it allowed it to retain all its judicial functions and denied the governor a veto. The freemen's bill of rights, however, was quite progressive, and perhaps even modeled upon that of the People's Constitution.

The most exploitable difference between the two documents appeared in the area of suffrage. The Freeman's Constitution gave the franchise to those white, male, *native-born* citizens who met age and residency requirements, but it retained the real estate requirement for naturalized citizens, for whom it actually lengthened the state residency qualification from one year to three years *after* naturalization. By resolution of the General Assembly, all those who would be enfranchised by the Freeman's Constitution were allowed to vote upon its ratification in a three-day referendum scheduled for 21-23 March.

These concessions—especially that of suffrage to the native-born—stole the thunder from the Dorrite cause and drove a wedge between extreme and moderate reformers. The *Providence Journal*, the leading organ of the Law and Order faction, told natives that the freemen's basic law "extends suffrage for which

you originally contended," whereas "foreign elements in the other constitution would neutralize your power and effectiveness." As editor Henry Anthony admonished: "The great difference between the two constitutions lies in the provision respecting foreigners. Everything else is nothing to this."

Nativistic rhetoric became increasingly inflammatory in the March campaign over ratification. One broadside warned men of Rhode Island stock that the People's Constitution would "place your government, your civil and political institutions, your PUBLIC SCHOOLS, and perhaps your RELIGIOUS PRIVILEGES, under the control of the POPE OF ROME, through the medium of thousands of NATURALIZED FOREIGN CATHOLICS." This widely disseminated leaflet further advised that support of the Freeman's Constitution was essential unless natives were "prepared to see a Catholic Bishop, at the head of a posse of Catholic Priests, and a band of their servile dependents, take the field to subvert your institutions, under the sanction of a State Constitution."

Suffragist Joshua B. Rathbun wrote Dorr from Tiverton that "this right to exclude naturalized citizens is strongly insisted upon here and has perhaps operated against us more than anything else. Men were called upon not to vote for a constitution but to vote against Irishmen." Providence Brahmin John Carter Brown privately urged reformer Walter R. Danforth to accept the Freeman's Constitution. "Perhaps you can influence Colonel [Franklin] Cooley to hammer away on the right side, seeing that suffrage is extended to everybody of native growth," Brown told the suffragist leader. "The Colonel would hardly desire to be governed by the Catholic priesthood." Contemporary broadsides played upon this xenophobia; one expressed the exaggerated opinion that "every Roman Catholic Irishman in Rhode Island is a Dorrer."

The *Journal* utilized the acid pens of Henry Anthony and William Goddard on the eve of the referendum to succinctly state its case:

The balance of power in the Legal [i.e., Freeman's] Constitution resides in the Senators from those portions of the State engaged in agriculture. . . .

Where is the balance of power left in the instrument manufactured by Messrs. Dorr, Brown & Co.? Where, but among the twenty-five hundred foreigners, who are already in the State, and the hundreds more who will be imported? . . . These are the men, leagued together as they are in one band, who will hold the rod of political power over our native citizens, and usurp the seat of political justice. Their priests and leaders will say here to a political party, as they say in New York city, give us by law, every opportunity to perpetuate our spiritual despotism . . . and we will assist you to a man; we will give you power. . . . At the feet of these men, may you lay down your boasted freedom of thought and political independence.

. . . Wherever he [the foreigner] wanders, he still sings songs of his early home. The arms of his mother church embrace him,—he still bows down to her rituals, worships the host, obeys and craves absolution from his priests. . . . He cannot associate freely, with the independent sons of our free land, and cannot assimilate himself to our institutions. . . .

Now is the time to choose between these two systems. Where will you place the great conservative check in our government? With foreigners responsible only to their priests, or with intelligent Rhode Island farmers?

Conversely, the American Irish press lined up with Dorr. "It is our own Home Rule question in Rhode Island," asserted the *Truth Teller* (New York) in an article upholding the Dorrer's cause. Clearly the Irish-Catholic issue was an essential aspect of the 1842 controversy, both as a scare tactic and as a genuine apprehension.

Moved more by principle than by a quest for power, Dorr and his leading associates exhorted "the people" to vote down the handiwork of the Landholders'



Figure 9. This badge was worn at a suffrage rally at the Dexter Training Grounds in Providence on 5 July 1841. At this gathering the reformers decided to invoke the doctrine of popular constituent sovereignty by calling a "People's Convention." They were urged on by such speakers as the Reverend William Balch, who asked rhetorically: "Call it a revolution that we say virtue, honor, patriotism makes the man and not dirt and primogeniture! Call it a revolution that we level every false distinction, every grade not based on talent or moral worth, and proclaim liberty and rights to the people!" RIHS Collection.

Convention. The electorate responded to this appeal, despite the vote-buying tactics of freeholders, and the Freeman's Constitution was defeated by the ominously narrow margin of 8,689 to 8,013 in a turnout that exceeded the record-breaking December referendum. Ironically, it was the negative stance of the ultraconservative faction of the Law and Order party, those opposing any reform whatsoever, that saved the day for the Dorrists; the vote of the reformers alone (with naturalized Irish excluded from the referendum) would not have been sufficient to defeat the Freeman's Constitution. Nonetheless, suffragists hailed the election as a vindication of the "sovereignty of the people" over the alleged "sovereignty of corporations."



As the charter government prepared for the annual April elections, it took other decisive steps to reverse the suffragists' momentum. One such tactic was the mobilization of the state militia companies by an executive order commanding them to be ready to appear armed and equipped at thirty minutes' notice. On 2 April the Assembly passed its "Algerine Law" (so-called by Dorrists because they equated its harshness with the arbitrary rule of the dey of Algiers). This menacing statute imposed severe penalties against those who participated in the upcoming "People's" election and declared that anyone who assumed state office under the People's Constitution was guilty of treason against the state and subject to life imprisonment. On 7 April Judge John Pitman advised Justice Story that "we are not idle. Full power has been given to the governor to meet the exigency of the crisis and he is doing all he can to put the state in military array."

The charterites also began to appease Rhode Island's black community. Although the Freeman's Constitution had denied the vote to Afro-Americans, some conservatives were now willing to grant that concession in return for black assistance against the suffragists.

The apparent "unreliability" of the regular state militia, many of whose members supported Dorr, prompted Governor Samuel Ward King to apply to President John Tyler with the request that "such precautionary measures . . . be taken by the Government of the United States" as might afford the charter government the protection against domestic violence required by the United States Constitution. On 4 April, at the instigation of Judge Pitman, King sent a three-man delegation to confer with Tyler, this delegation consisting of conservative rural Democrats Elisha Potter, Jr., and John Brown Francis and Whig attorney John Whipple, in whose office Dorr had clerked. One week later, after some ambivalence, the states' rights Virginian president "assured" King that "should the time arrive, when an insurrection shall exist against the government of Rhode Island, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guaranteed to each by the constitution and laws, I shall not be found to shrink from the performance of a duty." Tyler then added a provision that gave a lift to the Law and Order cause: "In such a contingency, the Executive could not look into real or supposed defects of the existing government"; on the contrary, it was his duty to continue "to respect the requisitions of that government which has been recognized as the existing government of the State through all time past" until such time as he should be "advised in a regular manner that it has been altered and abolished and another substituted in its place by legal and peaceable proceedings adopted and pursued by the authorities and people of the state."

With their counteroffensive in full swing, Law and Order forces looked towards the regular annual election on 20 April to sustain themselves in power until the

The People's Constitution, UNDER WHICH THOMAS WILSON DORR WAS ELECTED GOVERNOR.

Extract from the Constitution of Connecticut. The same principle prevails in all our State Constitutions.—"That all political power is inherent in the people; and all free governments are founded on their authority, and instituted for their benefit; and that they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient."

WE, the PEOPLE of the State of Connecticut, do hereby declare that the rights of the people are the foundation of all government, and that all political power is inherent in the people; and that they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient. We do hereby declare that the rights of the people are the foundation of all government, and that all political power is inherent in the people; and that they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

ARTICLE I.
Section 1. The Executive Power shall be vested in one person, who shall be styled Governor, and shall hold office for one year, and shall be eligible for re-election.

Section 2. The Legislative Power shall be vested in two branches, to-wit: in a Senate, and in a House of Representatives.

Section 3. The Senate shall consist of not more than twelve members, and shall be chosen for one year, and shall be eligible for re-election.

Section 4. The House of Representatives shall consist of not more than thirty members, and shall be chosen for one year, and shall be eligible for re-election.

Section 5. The Governor shall have the right to pardon, and to commute the punishment of criminals; and to grant reprieves, and to remit fines and penalties, in such manner as he may think proper.

Section 6. The Governor shall have the right to call the Senate and the House of Representatives together, and to adjourn them, and to dissolve the House of Representatives.

Section 7. The Governor shall have the right to appoint and to remove, subject to the consent of the Senate, all officers and ministers of the State.

Section 8. The Governor shall have the right to grant commissions to all officers and ministers of the State.

Section 9. The Governor shall have the right to receive and to transmit to the Senate all bills and resolutions passed by the House of Representatives.

Section 10. The Governor shall have the right to receive and to transmit to the Senate all bills and resolutions passed by the House of Representatives.

Section 11. The Governor shall have the right to receive and to transmit to the Senate all bills and resolutions passed by the House of Representatives.

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Figure 11. The People's Constitution, with Dorr as its principal draftsman, was permeated with the ideology of equal rights. It was therefore denounced by its critics as "unadulterated locofocoism"—a reference to the equal-rights, working-class wing of New York's Democratic party. That group had influenced the course of reform in Rhode Island from the late 1830s onward, and Dorr embraced most of its principles. This ideology of equal rights has been described as an amalgam of Lockean theories of freedom, laissez-faire economics, Calvinistic moral scruples, hostility towards "aristocratic" privilege, and a belief in the negative state. RIHS Collection (RHI X3 6743).

math of the April balloting. Governor King called a special session of the Assembly that strengthened governmental prerogatives under the riot act, authorized armed volunteer "police companies" in Providence, and created a Board of Councillors to advise with the Governor as to the executive measures proper to be taken in the present emergency of the State. This "council of war" consisted of six prominent Whigs and conservative James Fenner, a former Democratic governor. After vigorous debate, a proposition to call a third constitutional convention was deferred to the next session of the Assembly by a vote of 45 to 12. Shortly after the special session adjourned, there came another move fraught with ominous implications for the suffragists: on 2 May the Tyler administration decided to reinforce the garrison at Fort Adams in Newport by increasing its regular complement of 119 to a total of 302 officers and enlisted men.

As the rival governments prepared to assume power on 3-4 May under their respective basic laws, a clash appeared imminent. On 3 May the suffragists prefaced their accession to office by staging a colorful parade in Providence from the Hoyle Tavern in the West End to the State House on North Main Street. The entourage featured the Providence Brass Band, members of the People's government, and a strong military contingent that included the sixty-member Dorr Troop of Horse, the governor's personal guard. Only the eventual setting for the People's legislature diminished the luster and triumph of the occasion. Since the charterites had locked the State House, which contained the state's seal, archives, and other symbols of sovereignty, the suffragists retreated to a preselected alternative site, an unfinished foundry building on Eddy Street near Dorrance, to conduct their legislative deliberations.

Dorr unsuccessfully opposed such timid acquiescence. Later he ruefully observed "that it was here that the cause was defeated, if not lost." In chiding his more

moderate associates, Dorr contended that "the period for decided action had now arrived." A valid government, he said, "was entitled to sit in the usual places of legislation, to possess and control the public property, and to exercise all the functions with which it was constitutionally invested. A government without power, appealing to voluntary support, destitute of the ability or disposition to enforce its lawful requisitions, was no government at all and was destined to extinction." Had the State House been seized, lamented Dorr, "right would have been confirmed by possession, the law and the fact would have been conjoined, and the new order of things would have been acquiesced in by all but a minority" of powerless reactionaries.

But the Foundry Legislature, intimidated by the Algerine Law and the threat of federal intervention, preferred ritual to what Dorr termed "the moderate degree of force which was necessary at this critical point of affairs." With sixty-six of eighty representatives and nine of twelve senators present, the gathering met for two days, chose officers and committees, abrogated the Algerine Law and the Board of Councillors, passed several statutes regulating elections and the selection of militia officers, and chartered the Gloucester and Burrillville Greene Artillery Company. Curiously, it did not remove the incumbent and hostile state judiciary, an omission that Dorr later termed "a remarkable oversight." Before adjourning, the legislature passed without dissent an act requiring all persons to deliver to the People's government any public property held by them (e.g., the state armory), relegating the execution of this mandate, with the other laws and resolutions, to the future attention of the People's governor. Then, showing more patriotism than pragmatism, the assembly adjourned until the Fourth of July, leaving Dorr to sustain these quasi-symbolic pronouncements in whatever manner he could. Even the critical study of the rebellion by Arthur May Mowry asserts that such "hasty adjournment threw the whole brunt of the battle upon Governor Dorr."

Apprehensive moderates in the Foundry Legislature authorized dispatch of a commission to Washington to inform President Tyler that the people of Rhode Island "have formed a written constitution, elected officers, and peaceably organized the government now in full operation." Dorr, a confirmed states'

rightist, was unenthusiastic about sending a delegation, but when his allies Burrington Anthony and Dutée Pearce departed for the Potomac, he reluctantly followed, having received resolutions passed by an informal assemblage of suffragists urging him to personally present his case in Washington. Dorr made the trip primarily to avert federal intervention and to show moderate suffragists that "the only hope for success lay in vigorous action within Rhode Island." He left the state convinced that the

suffragists must implement the will of the people by creating a government of fact as well as right, and he returned to the state strengthened in that conclusion.

Dorr's sojourn southward left the reform movement leaderless and in disarray, but it was an interesting and eventful excursion. On 10 May he gained an inconclusive audience with President Tyler, who was firm yet "pleasant." In a judgment both partisan and unfair, Dorr found the president lacking in principle and dominated by his conservative secretary of state, Daniel Webster. Tyler's dilemma may have

Figure 12.

The People's Constitution repudiated the \$134 statutory freehold requirement in favor of a clause that extended suffrage to adult white male citizens with one year's residence in the state. The racial qualification was inserted over strenuous objections from Dorr and Benjamin Arnold, Jr., of Providence, both of whom correctly asserted that this inconsistent restriction violated the principle of equal rights upon which the People's movement was based. The local blacks who penned this petition agreed, as did such leading abolitionists as Frederick Douglass, Abby Kelley, and William Lloyd Garrison, all of whom came to Rhode Island to demonstrate against the People's Constitution. RIHS Collection (RHI X3 6719).

"To the Free Suffrage Convention.

"GENTLEMEN: The remonstrance of the undersigned colored citizens of Rhode Island, respectfully represent, that, in the constitution that is proposed to be sent forth by your respected body for adoption, there is one measure inserted, upon which we, as an interested party, beg leave, with deference, to make known our views, and give an expression of our sentiments. We have reference to that proposed article which, in inserting the word "white," denies all persons of color the use and exercise of the elective franchise.

"Against the sacrifice of an ill-used and unoffending people, we desire to enter our most solemn and earnest protest. We are unwilling that this sore, grievous, and unwarrantable infliction should be made upon our already bruised hearts without lifting our voices in strong, and determined remonstrance."

eluded the suspicious Dorr: though the president was a states' rights Virginian, his acquiescence in a local majoritarian revolt would have been a dangerous precedent that could menace the southern slave system. According to Elisha Potter, Jr., Tyler accepted the premise, suggested to him by the charterites, that the federal government must uphold "legitimate" state governments "to prevent Negroes [from] revolutionizing the South." According to Senator Sprague, the president told Dorr, Pearce, and Burrington Anthony that "their proceedings were treasonable against the state and if they committed an overt act and resisted the force of the United States, they would commit treason against the United States" as well.

A movement to bring the alleged validity of the People's Constitution before the United States Senate, initiated by Dr. John Brown during his Washington trip in early April, was also checked by mid-May. In response to an appeal from the suffragists, five prominent northern Democratic senators—Perry Smith (Connecticut), Levi Woodbury (New Hampshire), William Allen (Ohio), Thomas Hart Benton (Missouri), and Silas Wright, Jr. (New York)—wrote letters of encouragement but counseled caution and moderation. Benton assured Dorr that "the Democracy [i.e., Democratic party] fully admit the validity of the constitutional movement of the people in Rhode Island," but he urged that violence be avoided because "this is not the age, nor the country, in which to settle political questions by the sword."

Senator Allen, an ardent Ohio expansionist, was sufficiently inspired by principle and partisanship to try to impede possible intervention by Tyler in the Rhode Island imbroglio. On 18 April, the day of Dorr's election, Allen introduced a Senate resolution which in substance demanded that the president reveal all the information upon which he was acting in the Rhode Island situation and all the orders and instructions that he had issued to such subordinates as the secretary of war. The resolution was read, printed, taken up again two days later, and passed over informally. On 22 April it was tabled by a vote of 24 to 13.

Five additional attempts were made by Allen and his associates to gain consideration of the resolution, but all these efforts failed. William Sprague informed John Brown Francis that many senators were "indignant" over Allen's action and that a Virginia senator remarked that the Rhode Island rebels "ought to be hung!" Despite such opposition the persistent Allen (nicknamed "the Ohio foghorn") presented new resolutions against interference by the president and urged their passage in a long speech on 17 May, declaring that there were two governments in operation in Rhode Island and that Tyler should not assume to himself the power to decide between them. Whig James Fowler Simmons, Rhode Island's other senator, answered Allen by upholding the position of the charter government. On the following day the resolutions were tabled, never to be reintroduced. With the issue squarely before it, the Senate, by inaction, thus refused to accept the view that the president had no authority to act, or that in acting he was doing so unwisely. In the same session the upper house also refused to receive a letter from Dorr in which he claimed to be the governor of Rhode Island.

The successful senatorial opposition to Allen and Dorr was led by an incongruous coalition that included northern Whigs such as Simmons of Rhode Island and Jabez Huntington of Connecticut; Nathaniel Tallmadge of New York, a conservative agrarian Democrat who often aligned himself with the Whigs; and southern nullifiers, especially William C. Preston and John C. Calhoun of South Carolina. By their action the Whigs gave partisan endorsement to the regime of Samuel Ward King. Tallmadge continued his war against the Locofoco or equal-rights wing of the New York Democratic party, and Preston and Calhoun sought to repudiate the majoritarian right of revolution and to provide support for incum-



Figure 13. The charter government's official convention eventually produced a conservative document called the *Freemen's Constitution*. Its most objectionable feature was a suffrage clause that required naturalized citizens to own land in order to vote or hold office. Henry Bowen Anthony, editor of the *Providence Journal* (and later governor and U.S. senator), made the preservation of this nativistic discrimination his lifelong passion (and he lived until 1884!). Engraving by G. E. Paine, n.d. RIHS Collection (RHi X3 6686).

NATIVE AMERICAN CITIZENS!

READ AND TAKE WARNING!

A SHORT SERMON.

LET EVERY SOUL BE SUBJECT TO THE HIGHER POWERS. *Romans, 13, 1.*

Christians, like all other men, have the right to protect themselves against oppression. They have also the right to aid in the protection of others, but our Savior said, "MY KINGDOM IS NOT OF THIS WORLD," and thus taught his followers that it was inconsistent with their duty to him, and with their respect for his doctrines, to mingle in the strife for power. Paul, in the above quoted text, did not intend to teach his brethren that they should submit, with degrading servility, to tyranny, cruelty, and oppression, when they could remove the evil without producing another equally great. But his frequent exhortations, as well as those of his DIVINE MASTER, fully show that they considered it the indispensable duty of CHRISTIANS to submit to existing governments for the sake of peace, until oppression became too cruel to be borne, or until the evil could be remedied without unnecessary violence; and that, in ALL CASES, for the HONOR of the CHURCH, the SUCCESS of the GOSPEL, and the PEACE of the COMMUNITY, CHRISTIANS should "be subject to the HIGHER POWERS," as long as forbearance would be a virtue.

CHRISTIAN PROFESSORS OF RHODE ISLAND, I put to you a plain question—Will you answer it as on the ALTAR of GOD, to HIM AND YOUR OWN CONSCIENCES? Does it appear that the Constitution to be voted on for adoption or rejection, on the 21st, 22d, and 23d, inst. is of such a character as to threaten danger to your rights and privileges, or those of others? Is it oppressive in its provisions or bearings? Would you be justified in rejecting it, and in adopting another which will place your government, your civil and political institutions, your PUBLIC SCHOOLS, and perhaps your RELIGIOUS PRIVILEGES, under the control of the POPE of ROME, through the medium of THOUSANDS of NATURALIZED FOREIGN CATHOLICS? Does the honor and prosperity of the church require it? Do the peace, welfare, and prosperity, of the State require it? Yet, reject the Constitution now presented to you, and you show your preference for another, which, should it ever be adopted, WILL PLACE THE BALLANCE OF POWER IN THE STATE, IN THE HANDS OF THOSE PEOPLE. The event can readily be predicted. Would you defend yourselves and your church against the operations and predominance of such a power, and preserve the State

from anarchy and ruin? Would you preserve peace, and thereby avoid violence and bloodshed? Would you pay that respect to the CONSTITUTED AUTHORITIES WHICH THE GOSPEL DEMANDS? Would you keep a conscience pure and undefiled, by pursuing a course on which you can hereafter look with approbation, and for the correctness of which, you can CONFIDENTLY APPEAL TO HEAVEN IN THE HOUR OF DEATH, AND AT THE DREAD TRIBUNAL HEREAFTER? Then, and I must suppose such to be your wish, array yourselves on the side of the "HIGHER POWERS," in a quiet and peaceable manner, GIVE YOUR VOTES FOR THE CONSTITUTION ON MONDAY NEXT. Show those who act in the opposition only to carry out their will, that you value too highly your CHRISTIAN PROFESSION, your CHRISTIAN CHARACTER, and your CHRISTIAN PRINCIPLE, to countenance sedition, and to endanger the peace of an entire community, only to defeat the benevolent object of the existing government, and to give encouragement and support to a spirit of violence and disorder. Tell those who would allure you to aid them in the work of strife. 'WE HAVE NOT SO LEARNED CHRIST.'

REV. WILLIAM S. BALCH.

The above gentleman, late Pastor of the First Universalist Church in this city, and who, while here, did much for the party which have made and voted for the "People's Constitution," was requested by that party to lecture during his visit here this week from New York. He very properly refused to do so; and said he would not leave he now a resident here; for the reason, that the party have carried the thing too far, and are now making a political affair of it, and he would have nothing to do with it. This is valuable testimony from one of the ablest and fastest friends of the suffrage cause.

AN EXAMPLE.

In a "Short Sermon" published in our extra sheet, the writer alluded to the possibility that, should a constitution like that called the "People's Constitution" be adopted, the naturalized foreign Catholics might exercise a pernicious influence on our political, civil, and religious institutions, and on our public schools. We have a case in point. The CATHOLIC BISHOP HUGHES, of New York, at the last election in that city, arrayed under his control, some THREE THOUSAND FOREIGN CATHOLIC VOTERS, after an effort of a few days, to sustain at the ballot box his own views on the question of public schools, for the purpose of diverting to the use of the CATHOLIC CHURCH, a portion of the common school fund of the State. With a

longer period for the purpose, it is probable a body of foreign naturalized Catholics might have been organized, and will hereafter be organized, in that city and State, under PAPAL ECCLESIASTICAL INFLUENCE, to carry out their views. The excitement on the question still continues. The Bishop and his party are determined to succeed in their efforts. The native citizens have become alarmed. And meetings have been held to prevent the abhorred attempt from becoming successful.

On Wednesday last, a meeting was held in the Park, New York city, on the question. And during the proceedings, a band of foreigners broke in upon the assemblage, and by means of violence, broke up the meeting. A New York paper says, "Our cheeks are suffused with shame and indignation as we write about this matter; for so gross an insult to our rights as Americans, we have never seen or heard of before. Bands of filthy wretches, whose every touch was offensive to a decent man, drunken loafers; scoundrels who the police and criminal courts would be ashamed to receive in their walls; coarse, blustering rowdies; bleared eyes and bloated offscourings from the stews, blind alleys and rear lanes; disgusting objects bearing the form human, but whom the saw in the mire might almost object to as companions—these were they who broke into the midst of a peaceful body of American citizens—struck and insulted the chosen officers of the assemblage, and with shrieks, loud blasphemy, and howling in their hideous native tongue, prevented the continuance of the customary routine. We saw Irish priests there—sly, false, deceitful villains—looking on and evidently encouraging the gang who created the tumult. We noticed two or three tavern bullies strike on the head a presiding officer—one of the most aged and respectable men of our city. We beheld the whole body of those officers forced, at length, from their seats, and driven, with jibes and blows, from the stage. And these officers were native Americans—men with grey heads—men known for long years among us, as gentlemen of reputation, philanthropy and exalted worth!

And is New York to utter no loud voice of abhorrence towards this transaction? Is this hypocritical scoundrel Hughes, and his minions, to drill ranks of ignorant and vindictive followers—and send them forth to act as those wretches acted—and shall no note be taken of it? It is a blot and an insolent violation of our dearest and most glorious privileges. The whole city—the whole state—ought to rise up as one man, and let these jesuitical knaves, and their apt satellites, know what it is to feel the blast from an injured and outraged country."

RHODE-ISLANDERS—Read this. Ponder seriously on it. Say—are you prepared to witness such scenes enacted in your little, and hitherto peaceful and prosperous State? Are you prepared to see a Catholic Bishop, at the head of a posse of Catholic Priests, and a band of their servile dependents, take the field to subvert your institutions, under the sanction of a State Constitution. If not, vote for the Constitution now presented to you, which is well calculated to protect you from such abuses. ROGER WILLIAMS.

Figure 14.

The Law and Order advocates of the Freeman's Constitution attempted to gain support for the document in the March 1842 referendum by appealing to anti-Irish Catholic prejudice, as they did in this broadside. They warned that the People's Constitution placed the naturalized citizen on an equal footing with the native-born, thus paving the way for an Irish-Catholic political

ascendancy in Rhode Island. If the real estate requirement for naturalized citizens was not maintained, the Providence Journal later exclaimed, Rhode Island "will become a province of Ireland. St. Patrick will take the place of Roger Williams, and the shamrock will supersede the anchor and Hope!" RIHS Collection (RHi X3 4355).

bent state governments. Dorr acknowledged that most southerners rejected suffragist principles because "they might be construed to take in the southern blacks and to aid the abolitionists."

A year after the controversy had subsided, Calhoun justified his vote in an important public letter wherein he expressed sympathy for the suffrage party's quest to enlarge the franchise and denied the propriety of federal intervention so long as the controversy was confined to discussion and agitation. But after an incisive survey of constitutional precedents, this zealous defender of minority rights declared that it would be the "death-blow of constitutional democracy to admit the right of the numerical majority to alter or abolish constitutions at pleasure" by resort to extraconstitutional means. He also asserted that if the federal government possessed "the right to establish its own abstract standard" of what constitutes a republican form of government, "it would be made absolute master of the States."



Back in Rhode Island, the Law and Order response to the maneuvers of the People's government was accelerated mobilization and increasingly strong opposition. The charter Assembly, convened on 4 May for a two-day session at Newport, declared that there existed "an insurrection against the laws and constituted authorities" of Rhode Island and made a requisition upon Tyler "to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages, to support the existing government and laws, and protect the State from domestic violence." Governor King immediately dispatched Democratic state senator Elisha R. Potter, Jr., and state representative Richard K. Randolph to carry the resolution and a personal letter to Tyler. Randolph was an appropriate emissary, being speaker of the House and a former Virginia Whig who had made the resort town of Newport his permanent home.

King's request for federal troops, received by the president on 6 May, annoyed Webster and placed Tyler in a precarious situation. If the president acceded to King's plea, he would have to deny the legality of the popular movement in Rhode

Figure 15.
This comparison of the two constitutions (*Freemen's and People's*), prepared by the Law and Order party, minimizes the great ideological divergence between the two documents while emphasizing their differences in the controversial areas of suffrage and apportionment. RIHS Collection (RHI X3 6705).

COMPARISON.

The following is a fair comparison of some of the most prominent points in the two Constitutions:

Constitution of the Regular Convention.

The declaration of Rights does not contain the express statement that all men are created free and equal, or that the government shall be a democracy.

In both Constitutions, however, about the same doctrines are contained, so that there is no more equality or democracy in the People's Constitution, than in the other.

The civil capacity of a man is not to be affected by his religious opinions.

Both these provisions amount to the same thing; because to reject a man's oath or testimony is to affect his civil capacity.

People's Constitution.

The declaration of Rights sets forth that all men are created equal, and that the government shall be a democracy.

No person is to be questioned in court, nor by a magistrate, nor his oath or testimony to be rejected on account of his religious opinions.

REPRESENTATIVES.

The Representative apportionment gives to the city of Providence, eight Representatives, to be elected by general ticket; which number cannot be increased or diminished. No town, however small, can have less than two; and, for other towns, they are to be increased or diminished, as the population may increase or diminish, in a given ratio.

The whole number of Representatives is seventy-seven, at present.

The principal differences in these provisions are as follows—1st. By the People's Constitution, Providence, as a city, has no Representative; and elects twelve, who are only the delegates of wards. By the other Constitution, Providence, as a city, and not as wards, has her undivided influence in the persons of eight men chosen by a majority of all the electors, by the districting system—12th. By the People's Constitution, the electors may elect a Representative to New

The Representative apportionment, as fixed, gives a certain number of Representatives to a town or city, which number, however the population may be increased or diminished, cannot be changed without an amendment of the Constitution. To the city of Providence, are given twelve Representatives—the city to be divided into six districts, and each district to elect two Representatives. Jamestown, Middletown, and Barrington, are to elect one Representative each. The Whole number is eighty.

Constitution gives to New

AN ACT in relation to offences against the Sovereign power of the State.

Whereas in a free government it is especially necessary that the duties of the citizen to the constituted authorities should be plainly defined, so that none may confound our regulated American liberty with unbridled license; and whereas certain designing persons, have for some time past, been busy with false pretences, amongst the good people of this State, and have framed and are now endeavoring to carry through, a plan for the subversion of our government under assumed forms of law, but in plain violation of the first principles of constitutional right, and many have been deceived thereby: And whereas this General Assembly, at the same time that it is desirous to awake the honest and well meaning to a sense of their duty, is resolved by all necessary means, to guard the safety and honor of the State, and overlooking what is past, to punish such evil doers in future, in a manner due to their offences:

Be it enacted by the General Assembly as follows:

Section 1. All town, ward or other meetings of the freemen, inhabitants, or residents of this State, or of any portion of the same, for the election of any town, city, ward, county or state officer or officers, called or held, in any town of the State, or in the city of Providence, except in the manner, for the purposes, at the times, and by the freemen, by law prescribed, are illegal and void; and any person or persons who shall act as moderator or moderators, warden or wardens, clerk or clerks, in such pretended town, ward or other meetings hereafter to be held, or in any name or manner receive, record or certify votes for the election of any pretended town, city, ward, county or state officers, shall be deemed guilty of a misdemeanor and be punished by indictment with a fine not exceeding one thousand, nor less than five hundred dollars, and be imprisoned for the term of six months; provided however,

that this act is not intended to apply to cases, in which by accident or mistake some prescribed form or forms of calling town or ward meetings of the freemen of the several towns of this State, and of the city of Providence shall be omitted or overlooked.

Sec. 2. Any person or persons who shall in any manner, signify that he or they will accept any executive, legislative, judicial or ministerial office or offices by virtue of any such pretended elections in any such pretended town, ward or other meeting or meetings, or shall knowingly suffer or permit his or their name or names, to be used as a candidate or candidates therefor, shall be adjudged guilty of a high crime and misdemeanor, and be punished by indictment in a fine of two thousand dollars, and be imprisoned for the term of one year.

Sec. 3. If any person or persons, except such as are duly elected thereto according to the laws of this State, shall, under any pretended Constitution of government for this State or otherwise, assume to exercise any of the Legislative, Executive, or Ministerial functions of the offices of Governor, Lieutenant Governor, Senators, Members of the House of Representatives, Secretary of State, Attorney General, or General Treasurer of this State, or within the territorial limits of the same, as the same are now actually held and enjoyed, either separately or collectively, or shall assemble for the purpose of exercising any of said functions, all and every such exercise of, or meeting for the purpose of exercising all, any, or either of said functions, shall be deemed and taken to be an usurpation of the sovereign power of this State, and is hereby declared to be treason against the State, and shall be punished by imprisonment during life, as is now by law prescribed.

Sec. 4. All offences under this act shall be triable before the Supreme Judicial Court only. Any person or persons arrested under the same, and also for treason against the State, may be imprisoned or held in custody for trial in the jail of such county of the State as the Judge or Justice issuing the warrant may order or direct, and the sheriff or other officer charged with the service of such warrant,

shall, without regard to his precinct, have full power and authority to take such person or persons, and him or them to commit to any county jail in this State which may be designated by such Judge or Justice, and it shall be the duty of all sheriffs, deputy sheriffs, town sergeants, constables and jailors to govern themselves accordingly. All indictments under this act, and also all indictments for treason against this State, may be preferred and found in any county of this State without regard to the county in which the offence was committed; and the Supreme Judicial Court shall have full power for good cause, from time to time, to remove for trial any indictment which may be found under this act, or for treason against the State, to such county of the State, as they shall deem best for the purpose of ensuring a fair trial of the same; and shall upon the conviction of any such offender or offenders, have full power to order, and from time to time to alter, the place of imprisonment of such offender or offenders to such county jail within this State, or to the State's prison, as to them shall seem best for the safe custody of such offender or offenders, any act, law or usage to the contrary notwithstanding.

Secretary's Office, April 4, 1842.

The foregoing is a true copy of the Report of Committee, with the Resolutions and Act passed by the General Assembly thereon.

Witness,

HENRY BOWEN, Sec'y.

Figure 16.

The "Algerine Law" was a potent weapon in the conservative counterattack launched by the forces of Law and Order to reverse the momentum of the reform movement. Passed by the General Assembly in April 1842 on the eve of the annual state elections, the statute declared it treason to assume office under the People's Constitution. This law became the legal justification for the arrest of Dorrites by the charter government in the several months following its passage. Because of the act's harsh penalties, reformers gave it the name "Algerine" in allusion to the dey of Algiers, a North African potentate known for the cruelty with which he treated sailors seized by his Barbary pirates. RIHS Collection (RH1 X3 6829).

Island; if he refused assistance, he would be vulnerable to charges of timidly acquiescing in rebellion. Tyler replied to the Law and Order governor in a fair and prudent manner, expressing great reluctance to employ the military power of the federal government. Assistance could be given not to prevent but only to suppress an insurrection, and it could not be rendered until actual violence had been committed by the suffragists. But "if resistance is made to the execution of the laws of Rhode Island by such force as the civil power shall be unable to overcome, it will be the duty of this government to enforce the constitutional guaranty" against domestic violence, asserted Tyler.

Two days later, on 9 May, Tyler proposed "measures of conciliation" to the desperate King: "I am well advised, if the General Assembly would authorize you to announce a general amnesty and pardon for the past, without making any exception, upon the condition of a return to allegiance, and follow it up by a call for a new convention upon somewhat liberal principles, that all difficulty would at once cease. . . . A resort to force, on the contrary, will engender for years to come feelings of animosity."

After the regular General Assembly reconvened on 11 May, Potter informed the president that "the subject of calling a convention immediately, and upon a liberal basis was seriously agitated amongst us," and "the only objection made was that they did not wish to concede while the people's party continued their threats." Potter's solution to this impasse was for Dorr to "allow himself to be arrested peaceably and give bail." On 12 May, King promised pardon to those "engaged in treasonable or revolutionary designs against the state . . . on the condition only that they withdraw themselves from such enterprise and signify their return to their allegiance to the government." In essence, both the moderate Potter and the hard-nosed King were requesting that Dorr and the People's government capitulate.

A last-ditch attempt to avert forceful confrontation was made on 14 May at a secret New York City conference, at which Daniel Webster presided. Burrington Anthony, Dutee Pearce, and John S. Harris represented the suffragists, and John Whipple



Figure 17. Samuel Ward King (1786-1851) of Johnston was elected governor of Rhode Island on the Whig ticket in 1840. He was reelected annually in 1841 and 1842, and thus he was the incumbent during the rise of reform agitation leading to the Dorr Rebellion. A physician by profession, the Law and Order governor had served as a surgeon in the War of 1812 and had attended mortally wounded Captain James Lawrence as that naval hero uttered his famous injunction, "Don't give up the ship," during the battle between the USS Chesapeake and the HMS Shannon. In 1842 King took Lawrence's advice. Oil painting by John N. Arnold, 1892. RIHS Collection.

attended as an unofficial spokesman for Law and Order, though he thought Governor King's conduct too inflexible. Dorr participated reluctantly because he believed, like King, that disbanding the opposition government was the only acceptable solution.

Whipple proposed that the United States Circuit Court promptly decide the validity of the People's Constitution, with the "facts to be first ascertained by a suitable committee, to be chosen by agreement of the parties." The Algerine Law would be suspended in the interim, but the charter government would "remain in the full exercise of their authority and the persons claiming to exercise authority under the People's Constitution [would] omit such exercise altogether." For Dorr to accept any such proposals for judicial determination of the dispute would have been tantamount to surrender; Dorr and his opponents were well aware of the verdict to be expected from Job Durfee or John Pitman or from Justice Joseph Story, who would preside in circuit court if Whipple's compromise was accepted.

As the New York peace parley collapsed, chieftains of New York's Democratic machine, Tammany Hall, called councils of war. Tammany leaders warmly received the People's governor during his three-day sojourn in the metropolis. William Cullen Bryant's influential *Evening Post* supported his cause, and the New York Democracy staged a huge mass meeting and a colorful parade in his honor, attended by *Democratic Review* editor John L. O'Sullivan, *New Era* editor Levi Slamm, and such prominent politicians as Samuel J. Tilden, Elijah F. Purdy, and Ely Moore.

The enthusiasm shown for the reform cause by Tammany, the promise of armed assistance from several units of New York militia, the urging of well-intentioned zealots, and the support of such Irish-American militants as Big Mike Walsh's "Spartan Band" fortified Dorr for the task ahead. He had recommended modest force at the State House on 3 May; en route to Washington on 8 May he had written that "it may be expedient to strike a blow as soon as I return"; and upon his arrival in New York on 12 May he had written his trusted confidants Aaron White and Walter S. Burges that he would make "personal application for military aid" in the event of federal intervention and that he would "return to Providence as soon as possible, and . . . forthwith call on the military to protect me and others from arrest under the Algerine Law." His New York reception convinced Dorr that his anticipated use of force would enable the People's government to prevail.

It is most important to note that Dorr spoke of military action mainly in defensive terms. He sought outside aid only in response to outside intervention by federal troops, and he spoke of using his local militia primarily to protect himself and his associates from what he regarded as the unauthorized and invalid aggression of the defunct charter government operating under the Algerine Law, which had been repealed by the Foundry Legislature.

Specifically, Dorr was reacting to a series of arrests perpetrated by charter officials against members of his government. The first victim was Daniel Brown, a People's representative from Newport, who was served a warrant for treason under the Algerine act on 4 May and then released under a \$5,000 bail bond restraining him from further illegal acts. On two succeeding days Dutee Pearce and Burrington Anthony suffered an identical fate, giving even greater urgency to their Washington mission. Others charged under the Algerine act included People's Attorney General Jonah Titus, General Treasurer Joseph Joslin, and House Speaker Welcome B. Sayles. A warrant was issued for Dorr himself, but Sheriff Roger Potter was unable to serve the People's governor prior to Dorr's departure for Washington.

Such bold and vigorous prosecution of the Algerine Law by the charterites during Dorr's absence caused many moderate or timid suffragists to abandon the cause and resign their offices. Dorr was kept informed of these developments, and he knew that forceful countermeasures were essential upon his return if his government was to survive. Sincerely convinced beyond doubt that he was the legitimate governor, Dorr decided that a good offense was the best defense against the stubborn charter regime.

After a rousing Tammany send-off, and with promises of armed support ringing in his ears, Thomas Dorr traveled by boat to Stonington, Connecticut, and then proceeded overland by special train to Providence. Arriving at 10:00 a.m. Monday, 16 May, he entered a waiting coach-and-four and rode triumphantly in a procession of twelve hundred cheering men, one-fifth of them armed, to the home of Burrington Anthony on a rise of land called Federal Hill in the west side of the city. Here, "fatigued and covered with dust," as one account reported, Dorr addressed the crowd. Brandishing a sword in the course of his speech, he warned against the consequences of federal interference with his government and vowed that he was willing to die with his sword in hand if need be to sustain the People's Constitution. Then, having established a headquarters at the Anthony house, he began to formulate plans to ensure the supremacy of his government. In a proclamation, he promised his followers massive outside support in the event of federal intervention; "they who have been first to ask assistance from abroad," it declared, "can have no reason to complain of any consequences which may ensue." Vowing that "no further arrests under the law of pains and penalties [the Algerine Law] will be permitted," he directed his militia to prevent enforcement of this "detestable" measure.



Figure 18. President John Tyler had been a states' rights Democrat, but he broke with the party after opposing Andrew Jackson's coercion of South Carolina during that state's nullification effort. He then became a Whig, was elected vice president in 1840, and succeeded to the presidency when William Henry Harrison died after only one month in office. A staunch Virginian, Tyler had to reconcile his states' rights view with the typical southern slaveholder's fear of insurrection. Though his response to the Rhode Island conflict dissatisfied both Governor King and Governor Dorr, Tyler's policy of moderation, restraint, and watchful waiting was, for him and for the federal government, the most prudent course. Such antithetical personal advisers as Daniel Webster and John C. Calhoun helped the president navigate safely through Rhode Island's turbulent political waters. Courtesy of the Library of Congress.

Foes of Dorr were greatly alarmed by his determination and bravado; "he looked more like a fiend than a man," said one apprehensive observer. Excitement and tension reached a fever pitch on the following day when more than sixty armed Dorrites raided the Providence armory of the United Train of Artillery and seized with no resistance two Revolutionary War cannons that had been confiscated from Burgoyne at Saratoga. The fieldpieces (minus their ammunition) were transported to Federal Hill, where Dorr and his most radical adherents were formulating plans to capture the state arsenal on Cranston Street adjacent to the Dexter Training Grounds. Despite strenuous objections from more moderate and genteel suffragist professionals and tradesmen, many of the lower-class members of the suffrage party—farmers, housewrights, shoemakers, blacksmiths, stonemasons, and factory hands—were now ready to fight for the equal political rights that they had loudly demanded. Dorr later justified his violent course by explaining that "to submit to an arrest, and to the breakup of the government, without an effort in its behalf . . . would have been in the general opinion and in fact a dishonorable abandonment of the means apparently placed at my disposal, to maintain my own, and the rights entrusted to my keeping."

Early on the evening of 17 May a council of war presided over by Dorr decided to attack the arsenal, despite the admonitions of several insurgents. At two o'clock the following morning the rebels arrived with the two cannons at the Cranston Street Armory, which they found garrisoned by two hundred men. Colonel John Wheeler, the Dorrites' field commander (whose force had dwindled to 234 by the zero hour), demanded the surrender of the armory in the name of the People's governor. When Colonel Blodget of the charter militia issued an adamant refusal, Dorr audaciously ordered his cannons to be discharged. Fortunately the fog-dampened powder caused the old relics to misfire. When the cannons failed, the besiegers quickly dispersed, and Dorr, with a mere handful of staunch adherents, retreated

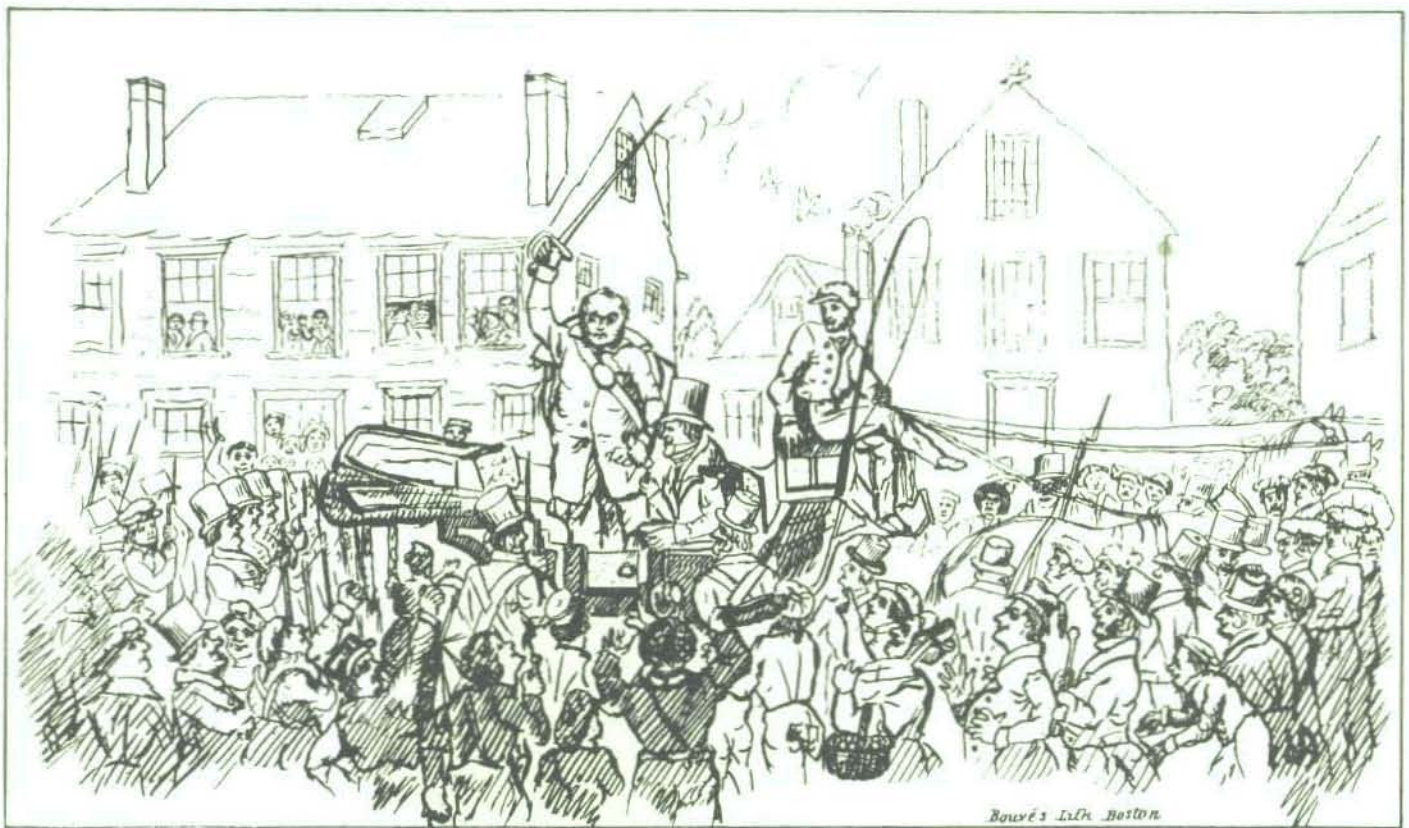
to Federal Hill. Arriving at his headquarters, he received an additional jolt: eleven of his legislators had resigned because of his resort to violence. Shortly thereafter, with charter forces in close pursuit, Dorr fled across the state line into exile.

The arsenal fiasco was the death knell of the Dorrite cause, but Dorr refused to accept the inevitable. From New York he wrote that the People's Constitution, "being founded in right and justice, cannot be overthrown by a failure of arms, or by the resignation of those elected to office under . . . the duty to maintain it." Less than a week after the arsenal raid, former president Andrew Jackson sided with Dorr: "The people are the sovereign power and agreeable to our system, they have a right to alter and amend their system of Government when a majority wills it, as a majority have a right to rule."

On 25 May, Dorr's close associate Aaron White conveyed to the stubborn People's governor a more realistic message: "Your idea of using force must be abandoned entirely; there is no hope in that remedy now. I verily believe that if you were to come on with 1,000 men to aid the Suffrage Party just now, you would have to fight suffrage men, just so completely have the minds of many been turned by recent misfortunes. . . . I can hardly find a suffrage man in the city with whom to advise or consult, so completely have we been defeated."

Governor King and his advisers now felt that they must exercise constant vigilance to preclude another Dorrite challenge to the Law and Order government. Moderates on both sides firmly believed that timely concessions in the form of a new constitution could defuse the Rhode Island powder keg: "We must have free suffrage or civil war," John Brown Francis observed, and John Whipple, Richard Randolph, William Sprague, and other leading politicians agreed. During late May and June 1842, vigorous suppression of radicalism and modest concessions to reform became the strategy of King's administration. Arrests of defiant

Figure 19.
This *Law and Order* caricature shows Dorr's return to Providence on Monday, 16 May 1842, after his trip to Washington and New York. Emboldened by offers of military support from Tammany Hall, the People's governor had become uncharacteristically militant. Foes of Dorr were greatly alarmed by his determination and bravado. "He looked more like a fiend than a man," said one apprehensive observer. RIHS Collection (RHi X3 1).



suffragists under the Algerine Law continued; appeals were made to neighboring governors for Dorr's apprehension and rendition, and a reward of one thousand dollars was offered for his capture; new militia companies were chartered and drilled, many loyal units were given generous funding, and suspect companies were purged or disarmed (two had their charters vacated). Meanwhile, several further appeals were made to President Tyler for protection.

The repeated requests for federal intervention were prompted by overreaction to the bluster of local radicals and King's acceptance of exaggerated rumors about Dorr's plans and movements. On 27 May, Senator Sprague erroneously reported from Washington that "Dorr is organizing an army to . . . pillage Providence." Ten days later he mistakenly contended that "there is an effort by Dorr and by a large number of desperate men out of the state to invade it and to take possession of it at all hazards."

On 28 May, Tyler confessed he was "slow to believe" the imminence of armed invasion in Rhode Island, but he directed Fort Adams commandant Colonel James Bankhead, Secretary of War John C. Spencer, and Daniel Webster to investigate the situation. An anonymous emissary sent by Webster to Rhode Island reported on 3 June that "Governor King and his council alone of all intelligent persons with whom I consulted, fear an eruption upon them of an armed force to be collected in other states. . . . The supposition that Rhode Island is to be invaded by a foreign force, when that force would neither be led nor followed by any considerable number of the people of the State, does not seem, to say the least, a very reasonable one." This report prevented issuance of a prepared presidential proclamation commanding "all insurgents, and all persons connected with such insurrection to disperse," and it led to a reduction in the garrison at Fort Adams from 302 to 190 on 17 June. Nevertheless, fear and apprehension persisted throughout the month of June, for Dorr had indeed determined to return—not to fight, but to reconvene the People's legislature on 4 July.



For his assembly session Dorr chose Chepachet, a village in the northwestern town of Glocester, handy to the Connecticut border and accessible to the friendly mill villages of Smithfield and Cumberland, where working-class supporters of reform could still be relied upon to defend the People's government. The basis of rebel power had shifted northward by June, and the remaining suffragist leadership was more plebeian in character.

Dorr moved with ease through adjacent Connecticut in the days preceding his return, freely visiting Norwich, Killingly, and other towns, since Democratic governor Chauncey Cleveland was sympathetic to the rebel cause. In the eyes of Law and Order men, Cleveland had made Connecticut "the Texas of New England."

In anticipation of the arrival of the People's governor on 25 June, pro-Dorr rallies were held at various points in northern Rhode Island from Chepachet to Woonsocket to Diamond Hill. New militia units formed, bearing names that often reflected the mentality of their organizers—Dorr's Invincibles, Johnston Savages, Pascoag Ripguts, Glocester Volunteers, Pawtucket Invincibles, Diamond Hill Volunteers, and Harmonious Reptiles. Suffragists held military drills and stockpiled supplies. Armed night patrols roamed the northern highways, attempted raids on charter munition depots in Warren and Providence, and threatened another confrontation.

The charter government had prepared well for Dorr's return, politically and militarily. In response to several town petitions and town meeting resolves, on



Figure 20.

*This engraving depicts one of Dorr's purloined cannon that fortunately misfired during the assault on the state arsenal. The cannon were allegedly confiscated from General Burgoyne's army at Saratoga in 1777. Their use in Providence in 1842 marked a turning point in the Dorr Rebellion. From *Daw's Doings, or A History of the War in the Plantations*, by Sampson-Short-and-Fat (Boston, 1842). RIHS Collection (RH1 X3 6586).*

23 June the General Assembly debated, amended, and approved a resolution, presented two days earlier by David Daniels, calling for a new constitutional convention to convene at Newport on the second Monday of September 1842. Voters would choose delegates in a ratio similar to that which the Assembly had conceded in May 1841 for apportionment of the Landholders' Convention—a procedure much more equitable than the charter's allocation but far short of the "one man, one vote" standard. Providence and expanding towns would still be underrepresented. But unlike the Landholders' Convention, which was limited to freemen, this convention would allow participation by most adult males: all those who were qualified to vote for general officers under existing laws, plus "all native male citizens of the United States of the age of twenty-one years and upwards" who had lived in Rhode Island for three years, could vote for delegates. Excluded were naturalized citizens lacking the freehold and Narragansett Indians; included—as a reward for their military alliance with the forces of Law and Order—were blacks. Although some opposed this concession, "there is not so much scolding about letting the blacks vote as was expected," observed the perceptive Elisha Potter; "they would rather have the negroes vote than the d—d Irish."

This convention call was a conciliatory maneuver that appeased most suffragists, especially those middle-class reformers whom Dorr derisively called "no-force constitutionalists." Quite understandably, few would go to the barricades for abstract issues of equal rights or popular constituent sovereignty, and fewer still would fight for the political rights of naturalized but landless Irish Catholics.

Even Dorr's close friend and confidant Walter S. Burges copublished a broadside in support of the proposed convention. "Law and Order, justice and political

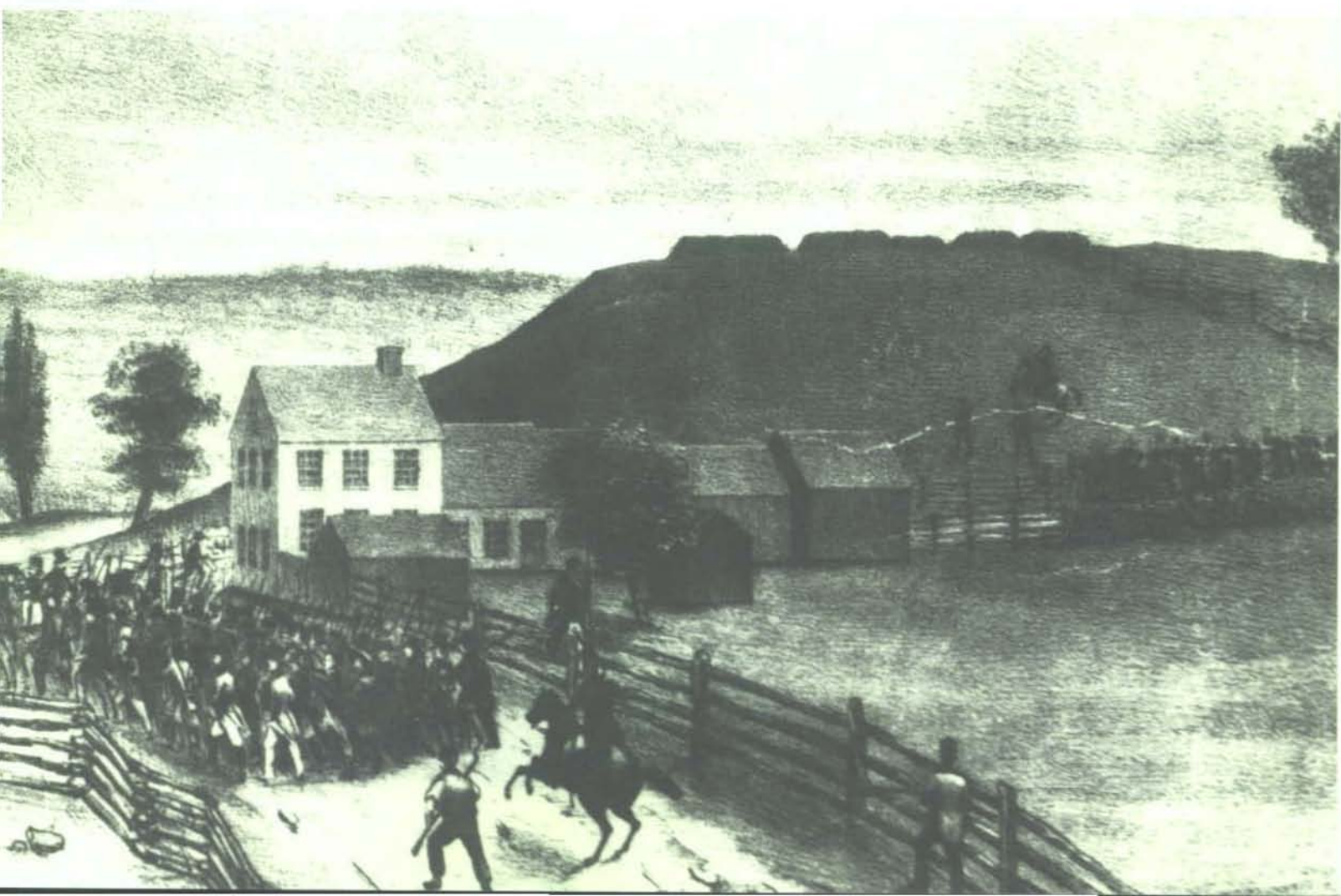


equality are no longer enemies," exclaimed Burges and other suffragists. "Who will fight for *any form*, when the substance can be gained by peace?" was their rhetorical query. Although it proved naive, this expectation of justice and genuine reform from King and his councillors dashed any chance for reconvening the People's legislature in the inauspicious setting of Chepachet.

The charter government's military preparations were equally effective. As Dorrite activity increased during mid-June, the *Providence Journal* spread the unfounded rumor that the rebels intended to attack Providence, raid its banks and stores, and loot its homes. The paranoid Governor King fell victim to this propaganda. Alluding to recent Dorrite maneuvers—the theft of armaments, the establishment of "a kind of martial law" in Chepachet and Woonsocket, the seizure and detention of four charter scouts "under pretense of being spies," and the imminent arrival of Dorr—King, in a letter hand-carried to Tyler by Senator Sprague, contended that such "open violence" made federal military aid "imperatively required." Despite corroboration of these assertions by Providence mayor Thomas Burgess and Colonel Bankhead of Fort Adams, Tyler deftly sidestepped the appeal on 25 June, using a technical excuse. Citing a 1795 federal statute, he informed King that the request for aid must "be made by the legislature if in session" rather than by the governor. This evasion prompted an additional plea on 27 June from Senators Sprague and Simmons and Rhode Island congressman Joseph L. Tillinghast. By the time Tyler finally dispatched Secretary of War John Spencer to Rhode Island on 29 June with discretionary power to promulgate the suspended cease-and-desist proclamation, summon militia from Massachusetts and Connecticut, and employ federal troops to defend Providence, the crisis had passed.

Figure 21.

Henry Lord, who was arrested after the invocation of martial law, drew this sketch of the so-called Battle of Acote's Hill. Actually the Dorr War was nearly bloodless. Only two rather bizarre fatalities were recorded during the uprising's various episodes: Alexander Kelby of Pawtucket, Massachusetts, an innocent bystander, was shot on his own side of the state boundary by a tense and harassed militiaman who had earlier been confronted by a rock-throwing crowd while guarding the Pawtucket Bridge, and a member of a militia company from Westerly "became insane through excitement" en route to Chepachet (according to his commander) and shot and killed his brother, an officer of the unit. RIHS Collection (RHi X3 107).



The Daddy's Lament for Tom Dorr.

Air—Widow Malone.

T'WAS that swate little lump of Tom Dorr,
That so nately could break through the law,
And could raise such a row
By the wag of his pow,
And such crowds at his heels he could draw
With his jaw,
Och a swate chap was Governor Dorr.

He knew how to govern a state
In a way that was new and first-rate,
And the votes in his day
Were all our own way,
And the way we did brag was so great,
Och t'was swate,
When we and Tom Dorr ruled the state.

And to please the dear people—that's us—
He kicked up a beautiful fuss,
Och we'd plenty of mobs
And some swate little jobs
To rob Algerines in the muss,
And no worse,
Though for law we did not care a curse.

Then he mustered us all in his ranks,
And promised us "beauty and banks,"
But Algerines came
With guns, swords and flame,
And our hero he took to his shanks,—
Small thanks
Did we get 'stead of "beauty and banks."

Still Tom is a hero full grown,
And dear to the hearts of his own,
He's been true as steel,
As we all of us feel,
For when he was balked of his fun—
Why he run.
Just as any of us would have done.

Shure Tom is a broth of a boy,
The Spartans and Buttenders joy
And we'll flog him gentailly
With fist or shillala,
Who finds in his doings a flaw,
Then hurrah!
For our jewel is Governor Dorr.

Figure 22.

Though historians of the Dorr Rebellion have ignored or slighted the importance of anti-Irish Catholic sentiment throughout the controversy, the evidence is overwhelming that nativism was a decisive aspect of the constitutional drama. The connection between Dorr and the small but rapidly growing Irish Catholic community is satirized in this poem. Nationally the Irish-American press lined up with Dorr: "It is our own Home Rule question in Rhode Island," asserted the *Truth Teller* (New York City) in an article upholding the reform cause. Courtesy of the John Hay Library, Broadside Division.

King and his military advisers were in fact equal to their task, for the threat from Dorr was greatly exaggerated. On 23 June the charter governor issued orders for military mobilization that directed the state's southern militia companies and selected independent commands to assemble at Providence. West Pointer William Gibbs McNeill (an army engineer and a builder of the Providence and Stonington Railroad) arrived from his home in Stonington to assume command of this force, which was specially formed to do battle with Dorr. In creating the new army, King and his council disregarded the existing state militia division, much of which was poorly organized and whose largest component—the second brigade of Providence County—contained many Dorr sympathizers. Major General McNeill's force consisted of loyal militia units from the southern counties, several efficient chartered commands, and some newly created volunteer companies. Elisha Dyer was its adjutant general and Dorr's brother-in-law, Samuel Ames, its quartermaster. By Saturday, 25 June, when the General Assembly proclaimed martial law throughout the state, between 2,500 and 3,000 troops had assembled in Providence.

While this rapid and efficient mobilization was transpiring in Providence, the suffragists, commanded by Colonel Henry D'Wolf, hastened to defend Chepachet by fortifying Acote's Hill, an eighty-foot rise of land at the southeastern end of the village overlooking the road from Providence. At 2:00 a.m. on 25 June, Dorr appeared with Big Mike Walsh of New York and approximately a dozen members of Walsh's "Spartan Band," a political gang of militants and rowdies from New York's notorious Five Points ghetto. The People's governor soon established headquarters at Sprague's Hotel, reviewed the troops, conducted an inventory of supplies (some of which had come from New York, Connecticut, and Massachusetts), and issued a call for reconvening his General Assembly on 4 July.

Estimates of the size of the force that greeted Dorr at Chepachet vary, ranging as high as 1,000 men. Of this number many were merely spectators, villagers, or unarmed sympathizers. Others who came with arms dispersed when news of King's massive mobilization filtered into Chepachet. By Monday, 27 June, only 225 courageous diehards remained, and no legislators had heeded Dorr's call. At this juncture, urged by such visitors as his father and Dutee Pearce, Dorr decided to disband his small, underprovisioned military guard, and at 4:00 p.m. he sent a copy of the dispersal order to Walter S. Burges with instructions to print it in the *Providence Express*, the suffrage daily. Early that evening Dorr bade good-bye to his supporters and went into exile for the second and final time. He spent that night in nearby Thompson, Connecticut, at the Vernon Stiles Inn. Ultimately, with the price on his head raised to five thousand dollars, he found refuge in New Hampshire under the protective care of Democratic governor Henry Hubbard and Congressman Edmund Burke.

By the time of Dorr's departure, General McNeill had organized and equipped his force, now totaling over 3,500. Several advance units marched toward the enemy with plans to confront Dorr at Chepachet, occupy Woonsocket, and cut off any retreat into Massachusetts or Connecticut. To prevent Dorr's Massachusetts sympathizers from reenforcing his Chepachet garrison, the Kentish Guards of Warwick and East Greenwich deployed at the Pawtucket Bridge over the Blackstone River, where they joined the Pawtucket and Central Falls Volunteers, and some City Guards defended the India Point Bridge over the Seekonk. To deter potential Connecticut interlopers, the Westerly Infantry patrolled the state's southwestern border along the Pawcatuck River.

Colonel William Brown's main strike force had encamped at Greenville in Smithfield, midway between Providence and Chepachet, when a charter patrol

DORR LIBERATION SOCIETY.

Figure 23.

After Chief Justice Job Durfee sentenced Dorr to life imprisonment "at hard labor in separate confinement" for high treason against the state, a liberation effort sprang up both within Rhode Island and in neighboring states. In 1844 Dorr's cause became so popular that a Democratic campaign slogan extolled the virtues of "Polk, Dallas, and Dorr." Because of the great national outcry against the harshness of his sentence, Dorr was freed in June 1845, but he continued his quest for vindication in the federal courts. Money was raised for this litigation by such means as the sale of this "Dorr Liberation Stock." This issue defrayed the cost of filing *Thomas W. Dorr v. Rhode Island*, Dorr's own appeal for a writ of error on his treason conviction and a parallel case to *Luther v. Borden*. Courtesy of the John Hay Library, Manuscript Division.

This Society is persevering in their efforts to carry the case of this State, against Gov. DORR, by writ of Error, to the Supreme Court of the United States. The Society have issued a Scrip called the 'Dorr Liberation Stock,' being Certificates for defraying the expenses of the defence of the suit of Gov. DORR. The Scrip bears an impress from a Daguerreotype likeness of Gov. DORR, and is offered in sums of ten cents, and one dollar, and may be had of the officers of the Society. The friends of that persecuted and suffering man are respectfully invited to buy the Stock in such sums as they may choose,—pay for it as they take it, and become venders of it on their own account, for the benefit of innocence and adversity struggling with arbitrary power.

**Mrs. A. H. LORD, President,
Mrs. J. C. DAVIS, Vice President.
L. J. FOLLETT, Recording Secretary.
M. J. DINSMORE, Corresponding Secy.**

**WILBER WHEATON, Treasurer.
STEPHEN C. KENYON, Surety.**

apprehended the messenger carrying Dorr's order to disband and the accompanying letter to Walter Burges. Colonel Edwin Hazard brought them to Burges, who read his friend's parting missive: "Believing that a majority of the people who voted for the constitution are opposed to its further support by military means," Dorr had written, "I have directed that the military here assembled be dismissed"; hopefully, he had added, "no impediments will be thrown in the way of the return of our men to their homes." Hazard then carried the order—meant for publication in the *Express*—to General McNeill, who conferred with King, his councillors, Mayor Burgess, and Colonel Bankhead. These men decided to delay publication until Colonel Brown's force could "capture" Dorr's fort and apprehend as many "combatants" as possible. Such a daring victory, they reasoned, would discourage any future forceful effort against the charter government. They ordered Brown to advance swiftly the same evening, but a severe rainstorm delayed him until 6:00 a.m. on 28 June, when he moved out in company with some federal officials and other dignitaries, including Whig potentate Thurlow Weed, an adviser to New York governor Williams Seward.

Several suffragists heading back to Providence, North Providence, or Johnston were seized by the Law and Order army en route to Chepachet. Then, according to Colonel Brown's report, charter troops "stormed the insurgent fortification" on Acote's Hill at 7:45 a.m., sustaining no casualties. Jubilant and rowdy militiamen searched and looted homes and stores in and around the village, ransacked Sprague's Hotel, forayed through the adjacent countryside, and took a total of a hundred prisoners, whom they suspected of disloyalty. These captives and others seized elsewhere were harshly treated, harassed, incarcerated in crowded, unsanitary, and poorly ventilated cells, and denied their civil rights.

By 2 July all of McNeill's troops had returned home and resumed civilian pursuits. On 4 July—the date scheduled for reconvening the extinct People's legislature—Providence militiamen turned out in a massive parade to celebrate their victory. On the following day General Winfield Scott, the nation's highest-ranking military officer, congratulated General McNeill for such "admirable success, without federal aid, in the suppression of domestic violence. Rhode Island has covered herself with glory, and may well be termed the great conservatrix of law and order." Though martial law continued until 8 August and over three hundred indiscriminate arrests and irregular interrogations occurred during its operation, the Dorr War had ended; the freemen had prevailed.

In late 1842, after Dorr's second flight, the triumphant Law and Order party convened another constitutional convention. This was the gathering that framed the present state constitution. To a degree the demands of reformers were met; the new document contained a bill of rights, paved the way for eventual establishment of an independent judiciary, slightly diminished the power of the Assembly, and provided for a fairly equitable apportionment of its House of Representatives.

Arthur May Mowry, the first major historian of the Dorr War, calls this instrument "liberal and well-adapted to the needs of the state," but his appraisal neglects one important item: the 1842 constitution established a \$134 freehold suffrage qualification for naturalized citizens, and this restriction, not removed until 1888, was the most blatant instance of political nativism found in any state constitution in the land. This fact cannot be overemphasized. It furnishes the central theme in Rhode Island political history from 1842 until the passage of the twentieth amendment to the state constitution in 1928. The stranglehold on the state Senate (one senator from each town regardless of its population) that the 1842 document gave to the rural towns is also a fact of paramount importance, and it remained so at least until the "Bloodless Revolution" in 1935.

The new constitution was overwhelmingly ratified in November 1842 by a tally of 7,024 to 51, and it became effective in May 1843. Despite the margin of victory, the turnout was meager, for there were more than 23,000 adult male citizens in the state. That the opposition, in mute protest, refrained from balloting explains in part the constitution's apathetic reception and the lopsided vote.

His spirit crushed by the adoption of the nativistic suffrage clause and the gubernatorial triumph of James Fenner, his archrival and a conservative old-line Democrat, Dorr returned to Providence in October 1843 to surrender. Immediately arrested and jailed until February 1844, he was prosecuted under the Algerine Law for treason against the state. In a trial of less than two weeks he was found guilty by a jury composed entirely of political opponents. Denied a new trial, he was sentenced to hard labor in solitary confinement for life. Dorr served one year of this sentence before Governor Charles Jackson—elected on a "liberation" platform—authorized his release.



The verdict and, especially, the sentence against Thomas Dorr outraged his supporters and troubled his more moderate opponents, some of whom were motivated by humane feelings and others by fear of political repercussions. As early as 22 May 1842 John Brown Francis had asked rhetorically, "Why make a martyr of this patricide?" The wisdom of that question would soon become painfully evident to the forces of law and order.

The reaction to Dorr's imprisonment was quite predictable, for during the rebellion itself the national press had distorted the nature of the conflict for partisan

gain. Whig papers throughout the country had praised Governor King's administration for its courageous stand against radicalism and anarchy, while the northern Democratic organs simplistically depicted the struggle as one between progressive, enlightened Democrats led by Dorr and reactionary Whigs. The substantial Democratic contribution to the cause of law and order, which had been supported by extremists such as those of the Arthur Fenner-William Gibbs clique and by moderates like Sprague, Francis, and Potter, was ignored. As Francis remarked in 1842, "The course of all the papers has been infamous—coining political capital out of our blood." Most notable and enduring of these national fulminations was the epic debate on political theory waged in the pages of the *Democratic Review* during 1842-43 between former suffrage agitator Orestes Brownson, who defended the minoritarian principles of law and order, and the *Review's* editor, John L. O'Sullivan, a longtime friend of Dorr who supported the majoritarian doctrine of popular constituent sovereignty.

In 1844, a presidential election year, Dorr's plight again became grist for the political mill under the banner of "Polk, Dallas, and Dorr." Even before Dorr's trial the propaganda value of the episode became apparent to Democrats in Rhode Island and elsewhere. On 1 February 1844 the General Assembly's twenty-six-member Democratic minority—seven senators and eighteen representatives from seven towns in Providence County and the senator from Jamestown—sent a memorial to the United States House of Representatives requesting Congress to inquire into the "interference" by Tyler in Rhode Island affairs from April through June 1842. Local Dorrists also challenged the right of Representatives Henry Cranston and Elisha Potter, Jr., to their seats in Congress and requested that the House apply the federal guarantee clause relating to a "republican form of government" (Article IV, Section 4) in favor of the legitimacy of the People's Constitution.

On 19 February, Dorr's New Hampshire protector, Congressman Edmund Burke, presented the Rhode Island memorial to the Democratic-controlled House, where it was debated at length and then printed and referred to a five-man committee chaired by Burke himself. After seventeen sessions a majority report was prepared and adopted by the three Democrats on the panel, Burke, George Rathbun (New York) and John A. McClernand (Illinois). Slave-state Whigs Jacob Preston and John Causin, both of Maryland, subsequently compiled a minority report vindicating Tyler and the Law and Order party, a course of action recommended by William Goddard even before the Burke committee had begun its investigation, because Goddard knew that the sponsors of the memorial hoped "to make the Rhode Island Question one of the main issues in the approaching presidential election."

Burke's Report, as the majority brief was called, was far from neutral; its first printed page, the frontispiece, displayed an engraved daguerreotype of "T. W. Dorr, Inaugurated Governor of Rhode Island, May 3, 1842." From that point onward, through eighty-six pages of formal conclusions and nearly a thousand more of documents, depositions, court records, and voting lists, the report upheld the philosophy of Dorrism, censured Whig president John Tyler for "interfering," and criticized Rhode Island "Algerines" for their forceful resistance to popular constituent sovereignty. Dorr and his associates furnished Burke with his documentary evidence, and former Rhode Island suffragist editor Benjamin F. Hallett obtained depositions from witnesses to the events of 1841-42. Devotees of law and order, alleging unfounded congressional intermeddling, were uncooperative. Law and Order governor James Fenner caustically observed that "a more villainous business never was entertained by the House."

The Four Traitors,*

Who most infamously sold themselves to the Dorrists, for Office and Political Power.

Let us not reward Traitors, but with just indignation abandon them as "Scape-Goats," to their destiny—forever.



Charles Jackson. *Prudence.* **Samuel F. Man.** *Cumberland.* **James F. Simmons.** *Johnston.* **Lemuel H. Arnold.** *South Kingstown.*

"O, heaven, that such companions thou'dst unfold;
And put in every honest hand a whip
To lash the rascals naked through the world!"

APOLOGUE TO NOCTE. At the present dark, dismal and degenerate period of our history—when a man regardless of honor and his God, will sell his birthright for a mess of pottage—when an obscure individual like Polk is elected to the Presidency—and a pompous, self-complacent man like Jackson, to the gubernatorial chair—and other Dorrists, too contemptible to mention and name, are appointed to fill different offices under the general government—when Four ~~of our~~ traitors, had more and were viewed as the wretched of the wilderness, pour in upon us like the plagues of Egypt—sowing and decaying the seed—a horrid murder, with brazen front and seared conscience, his hands still dripping with his murdered victim's blood, is nobly, unparalyzed—when there seems to manifest itself, among a certain quantity, scattered of our radical disorganizers, abolitionists assuming to be priests, conscientiously afraid of the gallows—just able, dilatory and obscure priests, inasmuch as society, such a criminal and unhallowed sympathy for the most execrable description, when we would do something for the public good, and attempt to stay the torrent of moral and political profligacy which sapping the foundation, seems to threaten the overthrow of our most valuable institutions—when the law is trampled under foot with impunity—and every thing around is anarchy and confusion—to those who are disposed to read or criticize, and it is very easy to do so, we would say, that as the Originals could not be induced to sit for their portraits, without large sums of gold or platinum of high political trust, they were necessarily, with much difficulty, sketched from recollection; it cannot therefore be reasonably supposed, that their features are precisely exact, but if they had sat to the artist, the expression of their faces, being as variable as their characters, what might seem a good likeness to day, would cease to be so to-morrow, and this we deem a full and sufficient apology.

*The conduct of these men; two of them in particular, towards Governor Fenner, who fearlessly and nobly sustained the State, through all its recent difficulties, is so treacherous, base and execrable, and is so well understood by the intelligent part of the community, that it needs no comment.

Figure 24.

The bitterness of the liberation issue was graphically depicted in this election broadside as Law and Order regulars branded Dorr's temporary Whig allies "four traitors" because of the way they engineered his freedom. Charles Jackson, a lawyer and prominent

industrialist, was the grandson of Stephen Jackson (1700-1765), an Irish tutor who immigrated from Kilkenny in the early eighteenth century. RIHS Collection (RH X3 5683).

Burke unquestionably made a sincere attempt to vindicate the philosophy of equal rights, which he himself espoused; just as surely, both Burke and Dorr intended and timed the report—five thousand copies were printed in June 1844—to discredit Whiggery and bolster the Democratic cause in the presidential election

of 1844. *Burke's Report* is still the most valuable published source on the Dorr Rebellion, but it was also a political campaign document. Once the election had passed, the report became of interest primarily to historians, and apart from printing a second edition in early 1845 and engaging in brief desultory debate, the House took no action on Burke's findings.

While the House conducted its investigation, affairs in Rhode Island continued tranquil, except for a petition circulated by Irish leader Henry J. Duff and other naturalized Rhode Islanders and sent to Congress in April 1844. This petition alleged that the state's new suffrage law deprived the petitioners of their proper privileges as citizens of the United States because it required that naturalized citizens own real estate in order to vote but imposed no such standard on the native-born.

Describing Duff as a "rabid Dorrite," Samuel Ames thought the petition might gain the support of southerners appalled that "a white foreigner is required by our constitution to have a higher qualification to vote than a native Negro." Ames's apprehensions proved unfounded. Duff got no relief from Congress, and when he turned to the General Assembly in May 1846, his petition was referred to committee, studied, then flatly denied in a report that defended the voting discrimination, lectured Duff's Irish signatories that "they must not expect to be placed on a

perfect equality with native citizens," and asserted that the request would "lead to acrimonious debate and serve to increase the ill feeling and prejudice which the petitioners complain now exist between them and native citizens."



Despite Dorr's observation in February 1843 that appeals to Congress or the Supreme Court are "delusive and frail," he eventually grasped at both these remaining straws to vindicate his cause. While Burke investigated and liberationists agitated, Dorr, Burges, Atwell, George Turner, and Benjamin Hallett moved to place the People's Constitution before the United States Supreme Court for a test of its validity and for the ultimate vindication of the People's cause. The agent for this appeal to the nation's highest tribunal was Martin Luther, one of approximately three dozen suffragists formally indicated and jailed for violation of the Algerine Law. Instead of accepting this fate passively, Luther and his mother, Rachel, waged a legal counterattack in the form of suits for trespass. His \$5,000 damage

An Act of General Amnesty, and for the liberation of certain persons therein named.

1 WHEREAS, from the altered circumstances of this State, all further prosecutions under the Act entitled "An Act in relation to offences against the Sovereign power of the State," passed April 2, 1842, and also under the first four sections of the "Act concerning crimes and punishments," passed Feb. 3d, 1808, for any offences therein named, committed prior to the passage of this act, are unnecessary :

2 Therefore it is enacted by the General Assembly as follows :—

1 SEC. 1. No prosecution shall hereafter be commenced against any person for the commission of any offence, named in the above mentioned act and portion of an act, prior to the passage of this act ; and all fines and penalties incurred for violation of the same, are hereby remitted.

1 SEC. 2. The Attorney-General is hereby directed to enter a *nolle prosequi* upon all indictments now pending for all such offences in the several counties of this State ; and all persons so indicted are hereby discharged from such indictments.

1 SEC. 3. All persons convicted under the first named act, or for treason against the State, are hereby restored to all their rights and privileges in as full and perfect a manner as if such conviction had not taken place. And the Warden of the State Prison is hereby directed forthwith to liberate Thomas W. Dorr from his imprisonment ; and the Keeper of the Jail in the county of Bristol is also hereby directed forthwith to liberate Benjamin M. Bosworth and Wilmarth Heath from their imprisonment under the several sentences imposed upon them by reason of such conviction.

Figure 25. Shortly after Jackson secured election on a liberation platform in April 1845, the General Assembly passed an amnesty act freeing those political prisoners sentenced under the Algerine Law. When Dorr left state prison on 27 June, he had spent nearly twenty months in jail, including the time he was incarcerated awaiting trial. His ordeal in a damp, vermin-infested cell shattered his fragile health and contributed to his political and physical demise. RIHS Collection (RHi X3 6671).

claim arose from the invasion of his Warren home by a group of nine armed charter militiamen acting under their government's declaration of martial law.

On 29 June 1842 this charter force, led by Luther M. Borden, had broken into Martin Luther's private dwelling, roused and roused his elderly mother, and conducted a search for Luther, a Warren town moderator serving under the People's Constitution. The search was fruitless; Luther had fled to the adjacent town of Swansea, Massachusetts, and there he established residence and eventually filed suit against Borden and the other militiamen in United States Circuit Court, using diversity of citizenship to secure federal jurisdiction in the case.

This claim was a routine trespass action in form, but in reality it raised profound issues relating to the guarantee clause of the federal Constitution, the doctrine of political questions, and the exercise of martial law. Luther's case was potentially a vehicle whereby the Supreme Court would be called upon to decide between the legal claims of the People's government and the charter government.

According to the Dorrists, the People's Constitution had replaced the charter on 3 May 1842. If this assertion was legally valid, then Luther had acted properly as an official in the new regime and Borden had committed actionable trespass, having taken orders from a defunct government that had no power to proclaim martial law: it was Borden, not Luther, who was the insurrectionist.

When Luther finally returned to Rhode Island, he was tried, fined, and imprisoned for six months for violating the Algerine Law. From jail he wrote to Dorr, who was also incarcerated awaiting trial. By late 1844 the People's governor had become convinced that "the great question of sovereignty" could not be developed clearly in his treason case (*State v. Dorr*), but it could be "fully and perfectly presented in the case of Luther"; "for God's sake," Dorr pleaded to his legal colleague Walter Burges, "do not let that case fall through."

While he was writing to Burges, the issue was being docketed with the Supreme Court, having been expeditiously disposed of in the lower federal court during its November 1843 term by those twin legal nemeses of Dorrism, John Pitman and Joseph Story. Their strategy, agreed to by Dorr's attorney, Benjamin Hallett, was to use a pro forma decision to construct grounds for an appeal to the high court because of the momentous issues at stake. Rachel Luther's action for personal trespass, raising questions posed by Aaron White and others concerning the validity of the charter government's declaration and use of martial law, also went to the high court as a companion suit. In addition, Dorr's own appeal for a writ of error on his treason conviction (*Thomas W. Dorr v. Rhode Island*) was filed on 7 February 1845 as a parallel case.

Dorr's letters and memoranda indicate that he stage-managed the Luther litigation to its bitter conclusion in 1849. He was assisted by two nationally known attorneys, both members of the Democratic administration of James Knox Polk—crafty Robert J. Walker, secretary of the treasury, and learned Nathan Clifford of Maine, attorney general and future Supreme Court justice (1858-1881). With such top-level assistance before a high court composed mainly of Jacksonian jurists, Dorr entertained strong expectations for a retroactive vindication of his cause. Aaron White and Benjamin Hallett were pessimistic, however, especially after Daniel Webster agreed to join John Whipple in defending law and order.

After several exasperating delays, oral arguments were presented in the Luther litigation for six days in early 1848. Hallett and Clifford eloquently sought judicial approval for the doctrine of popular constituent sovereignty, upon which, according to Dorr, there were only two federal constitutional limitations: the constitution

drafted by the people must be republican, and the people must proceed without domestic violence. The People's Constitution was prima facie evidence that the first requirement had been met, and events up to 3 May 1842 were certainly nonviolent. Thereafter, asserted the plaintiffs, the charter adherents became the insurrectionaries by refusing to acquiesce peacefully in the will of the majority.

The appellants' basic claim was that the People's Constitution superseded the charter, since it had been adopted by a majority of the state's adult male voters.

CHAS. JACKSON AND IRISH VOTERS.

☞ Read, Electors of Rhode Island, and pause before you vote. ☞

A STUPENDOUS and appalling scheme has been devised by CHARLES JACKSON and his prominent supporters, to amend the clause in the Constitution of our State, which requires of all foreigners a residence of one year, and the possession of real-estate, before they can be permitted to vote. This requisition was inserted in the Constitution from a just apprehension of the dangers that might arise from allowing foreigners to come in upon the same terms with native citizens. Some weeks ago, a friend of Governor Jackson stated, that when his party obtained the power, they designed "to OFFSET THE IRISHMEN AGAINST THE NIGGERS," and at the time this bold assertion was not generally credited. But what was then privately circulated, has now been presented in a tangible form, and it is well that the people of this State should look at the facts before they sanction by their votes, this audacious scheme of TYRANNY and OPPRESSION.

The Republican Herald and the Gazette, both organs of Governor Jackson, issued a notice for naturalized citizens to meet at DEMOCRATIC HALL, to consider what part they should take in the approaching election. This meeting was held on Thursday evening March 5th, in Providence. At this meeting the following Resolutions were passed:

Resolved, That as native and adopted citizens were of equal importance in effecting the independence of these United States, and in elevating the nation to its present greatness and prosperity—they are equally entitled to political and civil rights, and every attempt to deprive any portion of American citizens of their voice in the government of the country, is an advance towards the political bondage of the whole people, and ought to be resisted on the ground of self defence by every citizen who claims the protection of the laws of his country.

Resolved, That this association has been organized for the specific object of obtaining an equality of political rights for adopted citizens, and as our object is specific, our union should be independent.

Resolved, That the restoration of Thomas Wilson Dorr, to the office of Governor, is a just and permanent measure, the accomplishment of which is the duty of every citizen, independent of any and every party, and that every citizen should, by his influence, justice and honest, in the discharge of his duty, for the open and manly vindication of our rights—to use all his means within our power, to secure the election of such men, on the first day of April next, to General and State officers, as will immediately secure him to the rights and privileges of a freeman.

One of the speakers, an Englishman, advised the aliens in case of war, to refuse to defend the soil. The following is his language, as published in Governor Jackson's organ, the Gazette.

"They (naturalized citizens) have rights independent of party; they did not beg favors, but demanded rights that they never will surrender. If war or danger approached, we would advise naturalized citizens to tell their oppressors that they had no soil; you have robbed us of our rights, defend your soil with your own blood; we have nothing to fight for."

But this is not the only evidence in our possession as to the intention of Governor Jackson and his friends. At the same meeting David Parmenter, who is now a Custom House Officer in Providence, made a speech in which he advocated the Resolutions, and stated that neither the people nor the Legislature of Rhode Island had a right to impose upon foreigners any restrictions which are not imposed upon native citizens. He stated further, that "the Democratic party, at the organization of the government under the People's Constitution, had been guilty of gross neglect, if not downright cowardice, or the evils of which the foreigners now complain would have been obviated." One more effort, he said, must be made to reform the er-

ror in the Constitution, and with union and perseverance, the Irishmen would succeed. In addition to all this, he said the Ticket recommended by the Democratic Convention, if successful, would give all their personal and official influence to correct the evils which the naturalized citizens have so patiently borne. *THEY HAD SAID SO, AND IF THEY WERE HONORABLE MEN,* (and he believed they were,) *THEY WOULD DO SO.*"

The question may be asked, what reliance can you place upon any statements made by Mr. Parmenter? Our reply is, that Parmenter is one of the acknowledged leaders of the party which supports Charles Jackson for Governor, and that in this instance he has undoubtedly told the truth, when he asserts that Mr. Jackson has said that he will use his personal and official influence to destroy that safeguard in our Constitution, which requires of every foreigner the possession of real estate, before he can vote. Here then, is the evidence of this dangerous scheme to undermine the liberties of the farmers of Rhode Island. Admit Irishmen to vote without restriction, and what influence is left to native citizens? Have we come to this, that a farmer in the county of Washington, who is possessed of his acres, and who has always lived there, is to have his vote tied by an Irishman who has just come over, and happens to have a short residence in the State? Is the city of Providence to be controlled by her foreign population? Are the farmers in North Providence, Smithfield, Cumberland, Cranston, Warwick and Scituate, for this scheme? *Yes*, they are prepared to become the slaves of Roman Catholic tyranny! The Pope of Rome has but to issue his mandate to the priests, and those priests will ever after control all your elections.

PEOPLE OF RHODE ISLAND.—Citizens of this State, you who were born here, and you who have come from other States to seek a pleasant home, arouse from your lethargy, and hurl from the station which he dishonors, a man who bargains with Irishmen to destroy the Constitution. Charles Jackson must be rebuked in this attempt to defraud you of your freedom. From this time until the day of election, bend all your energies to hurl him from his office. Vote for BYRON DIMAN, and save yourselves from being governed by Irishmen.

If the people of this State need further evidence of the intention of Charles Jackson and his Dorr allies, let them read the following resolutions. The first was adopted by the Convention which nominated Jackson for Governor; the two last were adopted at meetings in Smithfield and North Providence:—

Resolved, That we will co-operate, without regard to party names with those who are in favor of the immediate and unconditional restoration of Thomas Wilson Dorr to his rights and privileges, the establishment of the free ballot, the changing of the militia law so as to abolish the military tax, and such other reforms as shall release a better spirit into the administration of the Legislative and judicial departments of the government.

[SMITHFIELD.] *Resolved*, That the delegates from the town of Smithfield be, and they are hereby instructed, to vote in the Convention to be held in Providence on the 15th inst., for such candidates and such only, to be put in nomination for General Officers for this State, as will pledge themselves to use their influence and best efforts, for the restoration of Gov. Dorr to all the privileges of a Rhode Island citizen, for securing to the electors the privilege of secret ballot, and for abolishing the militia law, and to make such amendments to the Constitution of this State by its provisions, as will secure just and equal rights to the people thereof.

[NORTH PROVIDENCE.] *Resolved*, That the present Governor of this State has redoubled the pledges under which he was elected, that he commends our confidence and esteem, and if re-elected will command our votes.

Figure 26.
In Jackson's 1846 bid for reelection, suffrage for the foreign-born became a major issue. Hard-line Law and Order men accused Jackson of favoring this reform in order to retain the support of Dorr Democrats: since blacks had received the vote in the Law and Order constitution of 1843, Jackson was accused of attempting "to offset the Irishmen against the niggers." Nativist Byron Diman narrowly prevailed after a bitter campaign. In one of the ironies of Rhode Island's political history, Governor Diman's grandson, John Diman, converted to Catholicism, became a priest, and founded the exclusive Catholic preparatory school Portsmouth Priory. RIHS Collection (RHi X3 6694).



Figure 27.

Benjamin F. Hallett (1797-1862), a native of Cape Cod, became a newspaper editor in Providence during the 1820s and was an early advocate of suffrage expansion. He helped to compile Burke's Report for the House of Representatives in 1844 and defended the Dorrite cause before the U.S. Supreme Court in the case of *Luther v. Borden*. His argument, an eloquent defense of popular constituent sovereignty, was published as *The Right of the People to Establish Forms of Government*. Lithograph by Fabronius in *History of Cape Cod*, by Frederick Freeman (Boston, 1869). RIHS Collection (RH1 X3 586).

They refrained, however, from demanding that the Court issue a decision that would retroactively install the People's government, realizing that such a request would doom their appeal and produce political chaos. They therefore contended that the people of Rhode Island had "permitted" the establishment of a valid government in May 1843 under a new written state constitution that superseded the Dorrite document.

Webster and Whipple countered with an impressive defense of King and the charter government. In accord with the judicial and extrajudicial opinions of Pitman and Durfee, the eloquent Webster admitted that the people were indeed sovereign, but he persuasively argued that this sovereignty had to assert itself through the forms of law and the mechanics of representation. The foremost prerequisite for change was consent of the existing government. He further argued that federal authorities had recognized the legitimacy of the charter regime: Tyler had promised it support in the event of insurrection, and Congress had continued to seat its senators and representatives with no serious challenge from the Dorrites. Further, the Supreme Court of Rhode Island, in the trials of Dorr and his leading associates, had confirmed the illegitimacy of the People's Constitution. The United States Supreme Court was not the proper authority to conduct a detailed retroactive investigation of the rival claims to sovereignty, Webster concluded. That determination belonged to the political branches of the government—Congress and the president—and by their actions they had decided in favor of law and order.

In a 5-to-1 opinion handed down in January 1849, when the national election fever of 1848 had subsided, Chief Justice Roger Taney accepted the main points of Webster's argument. The Luthers had presented "a political question" that was not justiciable, said Taney in a conclusion influenced by expedience and practicality. Responsibility for deciding questions of disputed sovereignty was vested not with the Court but rather with the political branches—Congress and the president, state legislatures, and governors. In response to the Dorrite request that Taney apply the guarantee clause to the Rhode Island situation, the Maryland jurist insisted that

Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the senators and representatives of a state are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the government, and could not be questioned in a judicial tribunal.

Congressional acceptance of the charter delegation and Dorr's failure to send rival congressmen could be construed as implicit recognition of the Law and Order government. Further, Tyler's mere promise of federal support to King under the power delegated to the president by Congress to protect states from domestic violence or invasion was "as effectual as if the militia had been assembled under his orders" to suppress the Dorrites. The high court would abide by the implicit and explicit actions of the political branches and by the determination of Judge Durfee's court, said Taney.

Levi Woodbury of New Hampshire, a Dorr sympathizer in 1842, filed the lone dissent, but he confined his objection to a learned discussion of martial law. His detailed and well-researched opinion that the charter forces used this power arbitrarily, extravagantly, and unconstitutionally failed to dissuade the majority from its belief that "the established government resorted to the rights and usages

of war to maintain itself and to overcome unlawful opposition." With such a rude dismissal, the Dorr Rebellion ceased to vex the federal government.



The Dorr Rebellion was no tempest in a teapot; it had national repercussions and enduring significance. The most important and controversial domestic event of the Tyler administration, it eventually involved the president, both houses of Congress, the U.S. Supreme Court, and the lower federal judiciary. Of even greater significance, the Rhode Island controversy inspired substantial contributions to theories of suffrage, majority rule, minority rights, and constitutional government by John C. Calhoun, Henry Clay, John L. O'Sullivan, Orestes Brownson, John Quincy Adams, Daniel Webster, Horace Greeley, Benjamin F. Hallett, George Bancroft, and others of similar stature.

The underlying political philosophy of the insurgents—their doctrine of popular constituent sovereignty—was to them a reaffirmation of the principles of 1776. This theory asserted the preeminent right of the people at large to draft constitutions. Conventions for such a purpose, Dorr and his associates claimed, were expressions of public will and did not depend on prior legislative authorization; "the doctrine of a necessary permission, authority, or request from the General Assembly to the People before they can rightfully proceed to form a constitution . . . has no application in this country, where the sovereignty resides in the people." According to Dorr, "the people" were entitled to draft constitutions not only in Rhode Island, where the charter provided no established mode of constitutional change or amendment; they could "rightfully proceed in the mode and manner which they deem most proper" even where such provisions existed.

In 1841 the Rhode Island Suffrage Association insisted that a state constitution be drafted "by the people in their primary capacity," not by the secondary power of the General Assembly. The association was asserting what one historian has termed a "domesticated" right of revolution—a natural right, exercisable in an orderly way within society, to act outside the law. Its demand seemed consistent with the theory of "the people as constituent power," which Professor Robert R. Palmer has called America's unique contribution to the eighteenth-century "Democratic Revolution." When Dorrites applied this doctrine, hallowed by the American Revolutionary experience, the conclusion seemed inescapable: the framing and the adoption of the People's Constitution were completely consistent with America's revolutionary past. The reformers failed to recognize, however, that this cherished principle of popular constituent sovereignty was a minority position held only by extreme democrats of the Revolutionary generation.

Dorr's conservative opponents, led by Chief Justice Job Durfee and federal district judge John Pitman, dismissed as "preposterous" the idea that in 1776 there had been a lapse into a state of nature, a dissolution of the social contract, that had transferred sovereignty directly to the people, allowing them to create new constitutions and new political communities by whim and will. Conservatives like Durfee contended that the state was a continuous entity and that the American Revolution was so great an achievement, and the society it fostered so excellent, that no further need for revolutionary measures existed. America's revolution was finished! Durfee further asserted that there was no grievance great enough in Rhode Island to justify Dorr's course of action, and he challenged the reformers where their ideology was most ambiguous and vulnerable—on the question of whether force would be necessary to achieve their ends.

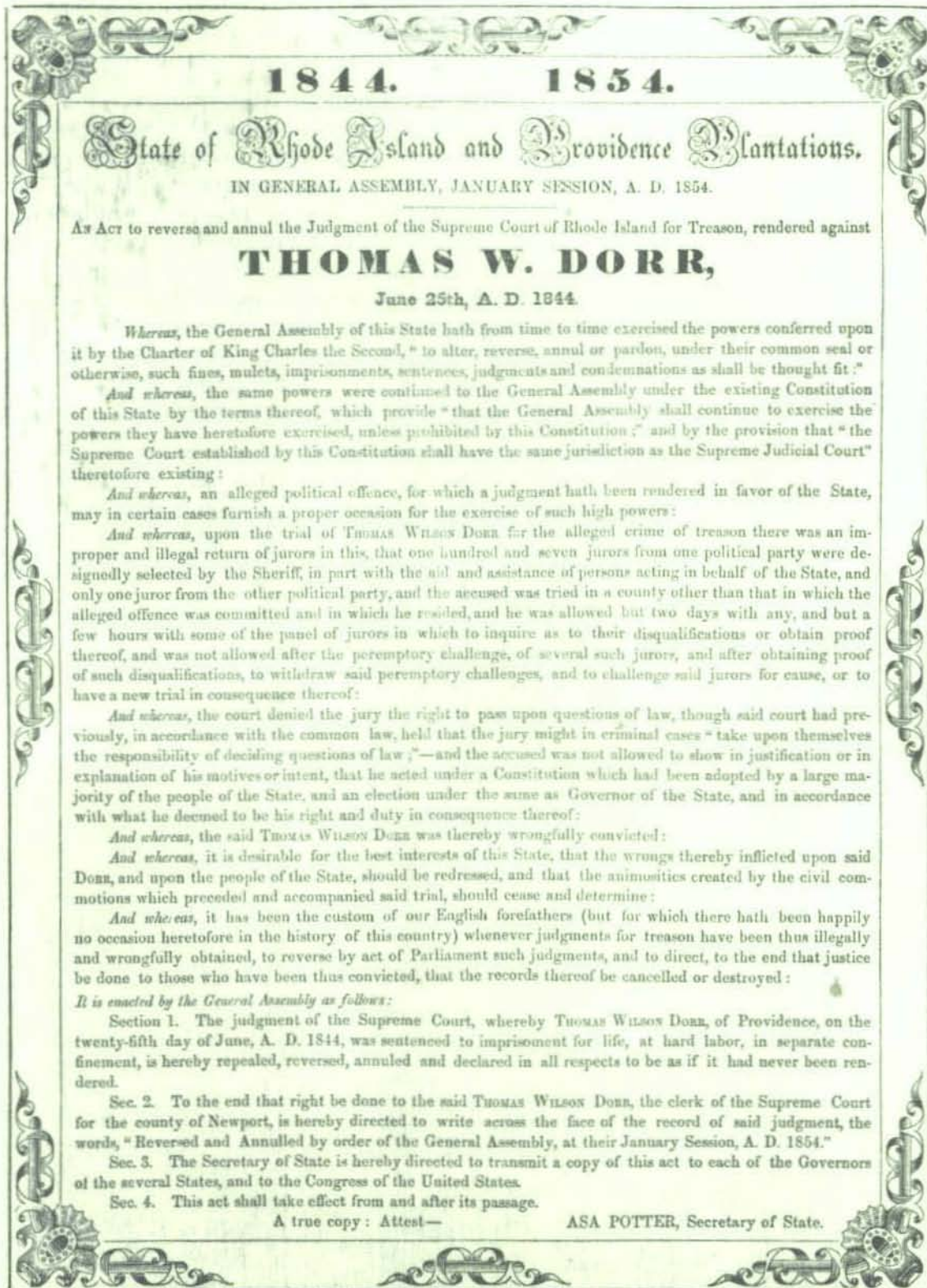


Figure 28.

In 1854, during the administration of Dorr's supportive uncle Governor Philip Allen, a Democratic-controlled General Assembly reversed and annulled Dorr's treason conviction. A tinge of irony marked this act, since Dorr had fought to free the judiciary from the control of the

powerful legislature. In a further twist of fate, the conservative state Supreme Court vindicated Dorr's view by issuing an opinion to the legislature that the resolution was unconstitutional and "a mutilation of the record." RIHS Collection (RH1 X3 6688).

Ironically, this Law and Order position was ultimately sustained not only by logic and the weight of tradition but by superior force, causing one of Dorr's defenders to depict the struggle in terms of "might versus right."

Despite his defeat and the repudiation of his revolutionary doctrine of popular constituent sovereignty, Thomas Wilson Dorr, the rebellion's central figure, must be ranked among the greatest American reformers. He was a man of integrity, intelligence, and lofty ideals. His rash act at the arsenal should not obscure his many positive contributions to his fellow men: he was a champion of educational reform, an outspoken foe of slavery, and an initiator of notable banking reforms, and he made the cause of the immigrant his own. He was a lawyer, an influential political theorist, and a keen student of politics. The list of those men with whom he corresponded is like a who's who of the Jacksonian era. His letters reveal that he had a working knowledge of several foreign languages and a searching and inquiring mind that ranged with facility through the fields of theology, literature, economics, science, and, of course, history.

By his action Dorr revived and reaffirmed some of the revolutionary principles upon which his nation and his state were founded, and he came to personify for his own and future generations the cause of equal rights. Thomas Wilson Dorr, the much-maligned and misunderstood rebel who devoted his life to the unprofitable and thankless task of human betterment, was one of the most remarkable Rhode Islanders of his or any century.