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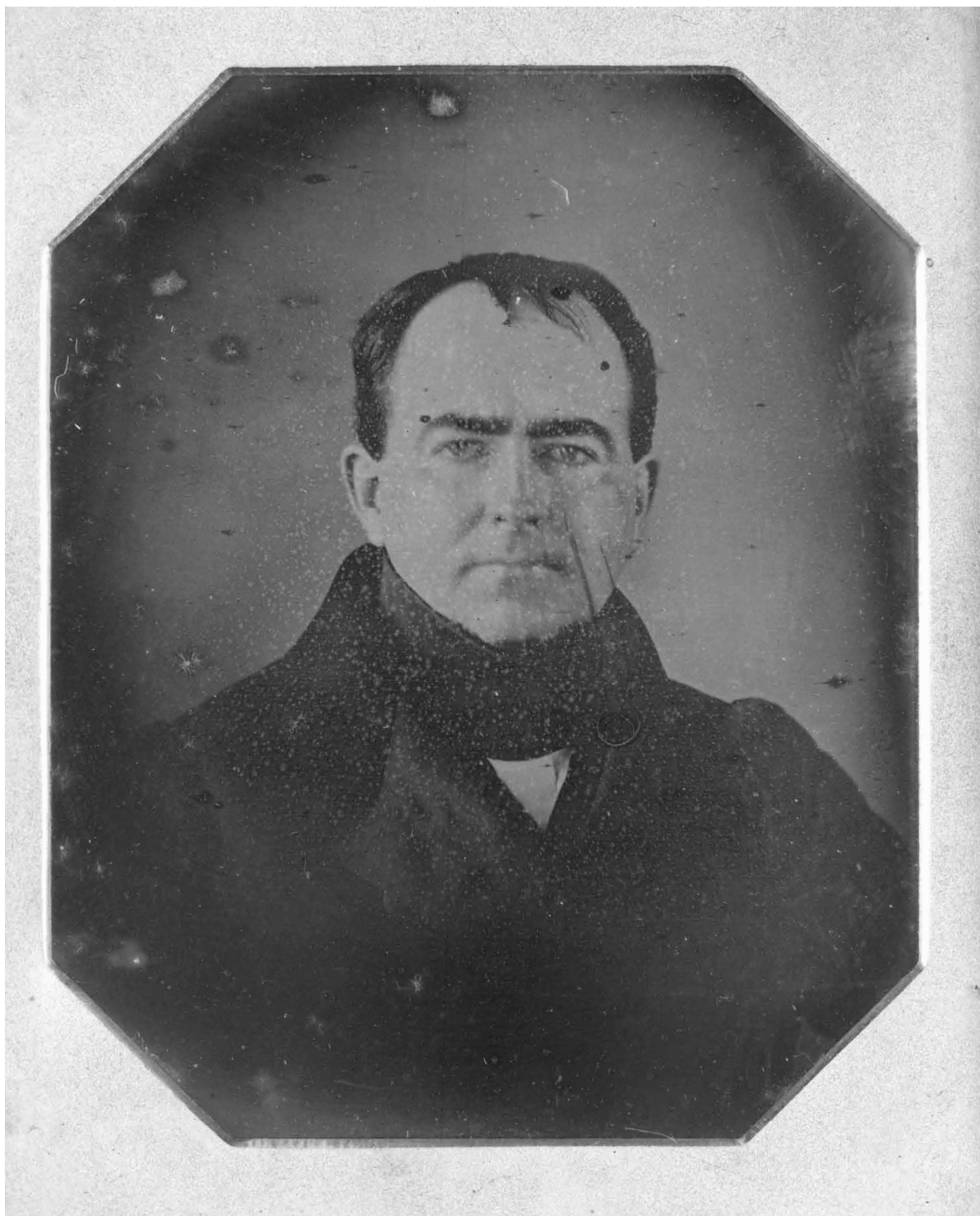
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Thomas Wilson Dorr. Daguerreotype from the collection of Frank Mauran III; RIHS Collection (RHi X3 5449).

“The Rhode Island Question”:

The Career of a Debate

ERIK J. CHAPUT

History cannot with safety be appealed to in proof of the misery of mankind. Its record is partial. Public events and eminent scholars find a place in its pages, but the majority of men are necessarily passed over in silence.

—Thomas Wilson Dorr, “Human Happiness”¹

A daguerreotype taken between 1845 and 1854 in the studio of Mathew Brady shows a Thomas Dorr who has been thoroughly worn out. His eyes are surrounded by dark bags, his hair is uncombed, and a depressed scowl marks his face. This is a far cry from an image in 1842 that shows the “People’s governor” with eyes bright, hair neatly combed, and a slight, almost optimistic smile.² By the time of Brady’s daguerreotype, Dorr was no longer the man who emerged in Providence in May 1842 brandishing a sword used in Andrew Jackson’s Florida Indian campaign, waving it high above his head, using his gift of oratory to inspire a throng of devoted followers who would forcefully attempt to remove Rhode Island’s ruling regime.³ The *Providence Express* reported at the time that Dorr declared “his readiness to die in the cause in which he had sacrificed everything but his life,” vowing that the sword’s “ensanguined blade should be again imbued with blood, should the people’s cause require it.”⁴

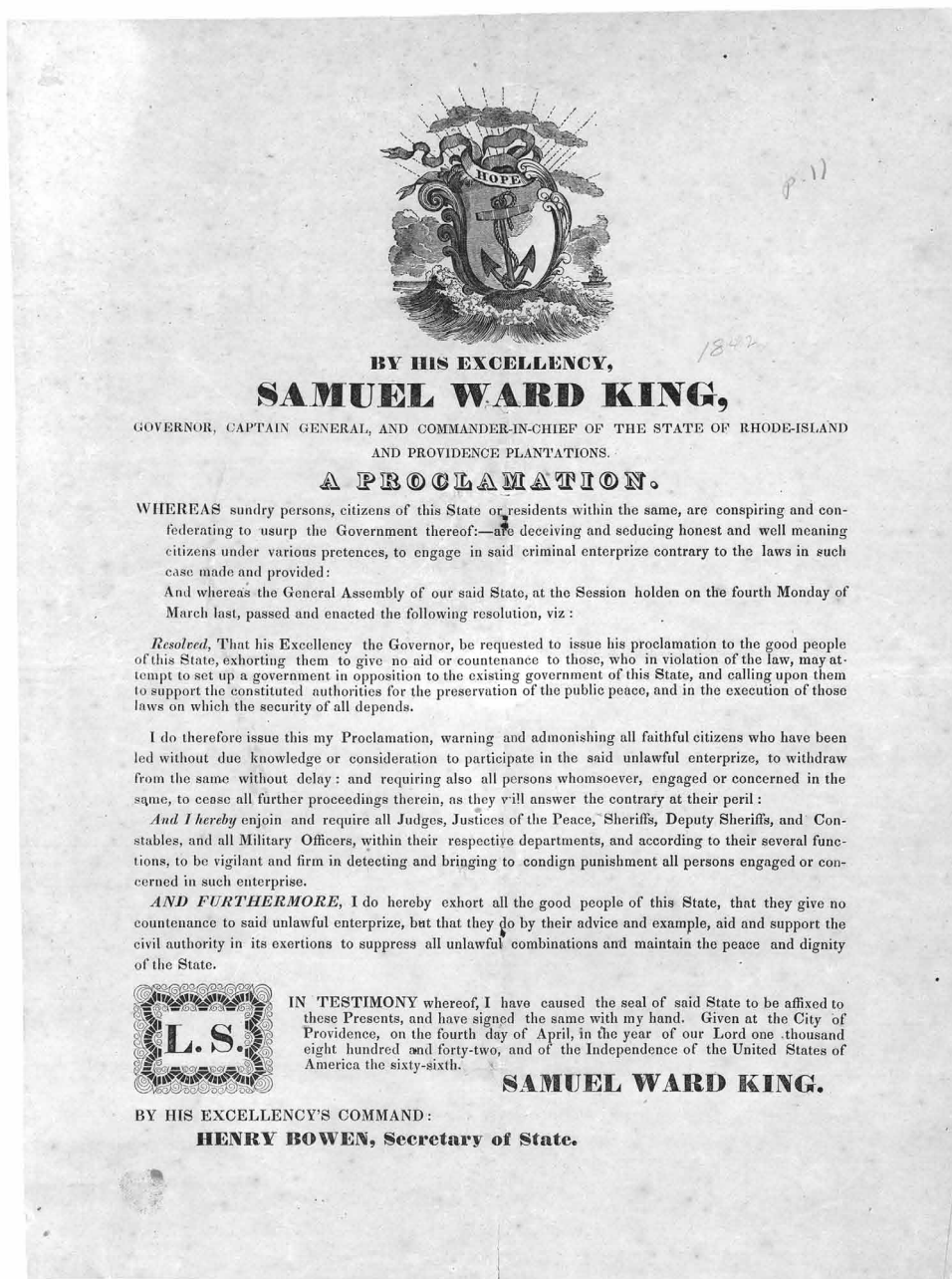
John L. O’Sullivan, a close friend of Dorr and editor of the *New York Democratic Review*, noted that the “chief object to which [Dorr] devoted himself from the outset of his political life was that of overthrowing the antiquated and absurd anomaly of a government under which the people of [Rhode Island] were living.”⁵ There is little room for doubt about the strength of Dorr’s conviction that citizens had the right to alter or abolish their frame of government. For Dorr, the

signing of the Declaration of Independence and the success of the Revolution itself meant that the right to revolution was “an inherent right in the people, which they could at all times peacefully exercise.”⁶ Drawing directly from the bedrock principles of the American Revolution, he upheld “the right of the people to make a Constitution in their original and sovereign capacity, without a request, or authority of the General Assembly.”⁷ For his opponents, however, the issue was not one involving majority and minority rights; it was, rather, the difference between “constitutional authorities sustained by the highest judicial tribunals and a mob which organizes itself, elects a governor of Misrule, and declares itself, by virtue of its own sovereign will, the true and legal government.”⁸

THE MOST UNLIKELY of revolutionaries, Dorr, a reform-minded Whig turned Democrat, was born into wealth and privilege in November 1805, a scion of one of Rhode Island’s wealthiest families. Dorr’s father, Sullivan Dorr, was a Providence businessman and prominent China trade merchant.⁹ Educated at Phillips Exeter Academy in New Hampshire and then at Harvard University, Thomas Dorr studied law for two years in New York City under Chancellor James Kent (the author of one of the leading American legal texts of the first half of the nineteenth century) before being admitted to the Rhode Island bar in 1827. Not yet ready to settle in his native state, the restless young man toured the country for almost six years and occasionally practiced maritime and commercial law in New York City before he finally settled in Providence in 1833. In 1834, as a newly elected member of the General Assembly, he joined a burgeoning reform movement that had begun at the behest of associations of native workingmen, a

movement calling for a new state constitution based on universal manhood suffrage. In the hope of revising the state's antiquated ruling structure, Dorr—along with Joseph Angell, William Smith, and Christopher Robinson—formed the Constitutional Party, primarily composed of reform-minded Whigs, and he quickly emerged as the reform movement's leader.¹⁰

After running unsuccessfully for Congress in 1837 under the Constitutional Party's banner, Dorr again failed to gain election to Congress as a Democratic-Republican candidate in 1839.¹¹ Eventually his dabbling in third-party politics cost him the support of die-hard Whigs, and (contrary to Daniel Walker Howe's assertion) he left the Whig Party of his own accord, developing a Jacksonian hard-money policy that was at odds with Whig orthodoxy.¹² Dorr's views on this issue reveal the contradictions between the egalitarian legacy of the American Revolution and the social consequences of the market revolution, along with the fundamental divisions between Whigs and Democrats in the 1830s and 1840s.¹³ By the 1840s Dorr's rhetoric centered on equality of citizens and a widespread assault on all forms of legal favoritism. He quickly became connected with the Rhode Island Suffrage Association, which formed in the spring of 1841 and was headed by Gloucester attorney Samuel Atwell.



In April 1842 Governor Samuel Ward King issued this proclamation admonishing Dorr's supporters to withdraw from their "unlawful enterprize" and calling for the apprehension and punishment of those who failed to do so. RIHS Collection (RH: X1 7423).

In the spring of 1842 Rhode Island was torn between rival governors, two separate legislative assemblies, and two competing visions of the nature of American constitutionalism. One vision held that a majority of the

A SENSIBLE CONCLUSION.

LETTER OF JONAH TITUS, ESQ.

The disorganizers nominated JONAH TITUS, Esq., of Scituate, as a candidate for the office of ATTORNEY GENERAL, on their ticket under the so called "*Peop Constitution.*" How Mr. Titus considers the business as it now stands, will be seen from his letter to his Excellency Gov. King, which follows.

SCITUATE, April 15th, 1842.

Gov. KING:

By your Proclamation of the 14th instant, and the President's letter which accompanies the same, I learn that the President distinctly takes the ground that "it will be his duty to respect the requisitions of that government which has been recognised as the existing government of the State through all time past, until he shall be advised in 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."

By this I plainly understand that the President of the United States has decided that, in his opinion, the People's Constitution has not been so adopted; and in case of force being used in putting it in operation, the armed troops of the United States will be brought in aid of the existing Charter Government. Although it is not my opinion that force is intended to be used for the purpose of putting the People's Constitution in operation, still a collision is possible in the event anticipated. I shall therefore, not be a candidate for any office under said Constitution, having only at heart, in this matter, the peace and happiness of my adopted State.

Yours respectfully,

JONAH TITUS.

Mr. Titus comes to the same conclusion as any honest and peaceable citizen would suppose every candidate would arrive at, whose name is borne on that spurious ticket. And, though it was well known yesterday by every one, yet his name is still kept on the ticket, and appears in the Express, the organ of the party, to-day. Besides this, they have not published the communication of President Tyler to the Governor; and, though there is good reason to believe that all but four or five of their candidates have declined the *honor* proffered them by an election, no notice has been taken of their letters, and those persons are still held up as candidates without their consent. The public are fully justified in this belief, from the line of conduct pursued towards Mr. Titus; and the fact is a strong appeal to every reflecting man in that party, to refrain from such an act of folly as to take the trouble to vote at their meetings, which can only serve to continue a useless strife, to no other purpose than to disturb the peace of the community, and to bring down punishment on the heads of abettors.

Fellow Citizens—Look well to what you do. Peaceably disposed as the leaders of that party may profess to be, who sustain and determine to carry out their disorganizing and lawless measures, their show of military force in the back ground belies that profession. The resolutions to put in requisition "**EVERY-NECESSARY MEANS,**" to effect their object, is proof too glaring to escape detection, that the determination on their part, is, to **RESIST THE LAW** when it shall be found to come in collision with their project, by an **APPEAL TO ARMS.** That attempt, *DOUBT NOT, will be met with becoming spirit and energy; and WILL BE DEFEATED, even though it should require, to do so, the concentrated force of the UNION.*

To this, the Executive of the United States has pledged himself, under the sanction of the Constitution, and his oath of office. On the perusal of his letter, and in obedience to the dictates of a conscience that should actuate every good citizen, Mr. Titus has determined on the line of conduct which every good citizen should pursue.

revolutionary People's government was led by Dorr, whose followers founded their government on the ideal of popular sovereignty, with a constitution that was ratified by an unauthorized popular referendum in December 1841. In April 1842 Dorr was elected governor, and Amasa Eddy of Gloucester lieutenant governor, under this constitution. Opposing the People's government was the aptly named Law and Order Party, a coalition of urban Whigs and rural Democrats, led by Governor Samuel Ward King. King's government received its authority from Rhode Island's original royal charter of 1663, which the state had failed to replace with a modern constitution after severing its ties with England. With constitutional revisions in almost every state bringing the principle of universal white manhood suffrage close to reality in the Age of Jackson, Dorr's attempt at extralegal reform was widely known at the time as the "Rhode Island Question"—the constitutional right to such

reform when traditional avenues of change had been exhausted.¹⁴

Conservative members of the Rhode Island bar warned the General Assembly that the Dorrites wanted to "impose" upon Rhode Island a constitution that was drawn up and presented to the people by a "convention not called or authorized by a majority of the people in any" capacity.¹⁵ In response, Dorr and a group of eight other lawyers loyal to the cause of popular sovereignty argued that a prior call from the General Assembly to form a new constitution was not necessary "to give

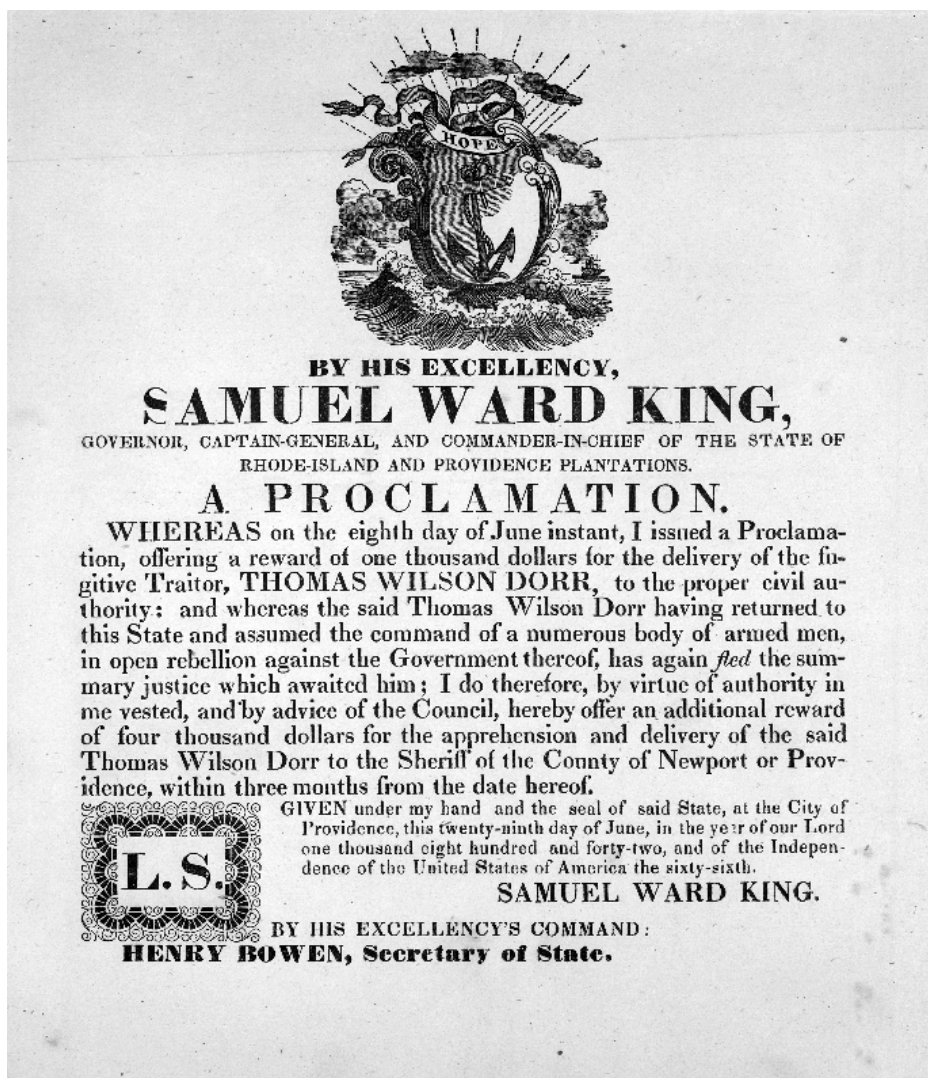
In response to the harsh demands and threats of the Charterite government, Scituate resident Jonah Titus, nominated for attorney general under the People's Constitution, informed Governor King that he "would not be a candidate for any office under said Constitution." His withdrawal was publicized by Charterites in this broadside. RIHS Collection (RH1 X1 7422).

people possessed the right to alter or replace their system of government, regardless of procedures (or lack thereof) provided by the existing government; the other vision was predicated on the belief that American constitutionalism was based on the rule of law and that a government could only be amended through prescribed legal means. The

validity to the proceedings . . . of the People." For the Dorrites, the "great power inherent in the People, by virtue of their sovereignty, to form a Constitution, involves the less power, viz: that of proceeding in the way and manner, which the People deem proper to adopt."¹⁶ Harnessing the forces of change and tradition, of aspiration and the memory of the Revolution, Dorr and his followers set out to define the state's political agenda. In line with what historian Marvin Meyers labeled the "restoration theme" in antebellum politics, Dorr and his followers sought to restore the true principles of 1776.¹⁷ As the prominent labor leader Seth Luther maintained in 1833, the old royal charter was "contrary to the revolution of '75. It is in direct opposition to that immortal document the Declaration of Independence."¹⁸

The Dorrites drew their support largely, though not exclusively, from the ranks of urban Democrats and disenfranchised, propertyless workers. The rural towns of Glocester and Burrillville were also Dorr strongholds.¹⁹ By the spring of 1842 Rhode Island was locked in a political schism, faced with the prospect of violent confrontation between the competing state governments. In April Dorr supporters Dutee Pearce and Burrington Anthony met with Daniel Webster and Law and Order representative John Whipple in New York City to work out a compromise that would have brought the controversy to the federal court system for settlement; in return, Dorr was to stay out of Rhode Island.²⁰ Their discussions went nowhere.

Governor King's correspondence with Samuel Ames, Dorr's brother-in-law (married to Mary Throop Dorr) and state quartermaster general, shows King as a man who believed a bloody civil war was on the horizon.²¹ King had reason to be worried. On May 18, 1842, Dorrites trained a cannon on the state arsenal in Providence, where a large contingent of Rhode Island militia were stationed.²² Among others, the contingent included Dorr's father, brother-in-law, and uncle, who were opposed to the young Dorr's resort to violence.



Issued two days after Dorr fled the state from Chepachet, Governor King's proclamation offered four thousand dollars "for the apprehension and delivery of . . . Thomas Wilson Dorr to the Sheriff of the County of Newport or Providence." RIHS Collection (RH1 X3 665).

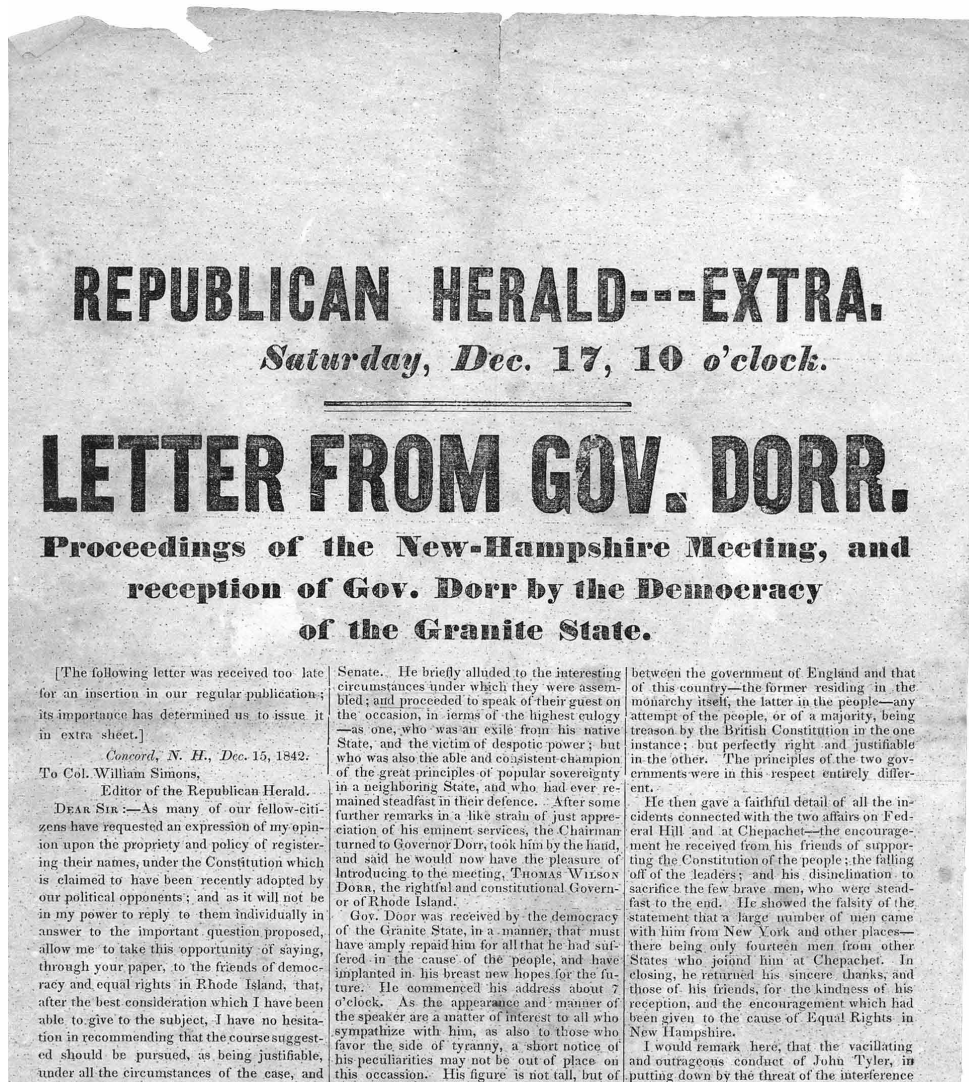
Fortunately, Dorr's cannons misfired, and what would almost certainly have been a bloody confrontation was averted. The anti-Dorrite *New York Express* printed an "official return" of those killed and wounded after the fiasco—"Killed: 0; Wounded: 0; Scared: 960; Horribly Frightened: 780; Fainted on the Battle Ground: 73; Women in hysterics: 22; *Governor missing: 0.*" Dorr's "cannon refusing to go off," the prominent New York Whig Phillip Hone quipped in his diary, Dorr "went off himself in the middle of the night."²³

Dorr escaped capture by fleeing to New York City, where he was protected by Locofoco Democrats, including the fiery labor leader Mike Walsh and radical newspaper editor Levi Slamm. New York governor William Seward made no serious attempt to arrest him. In June Dorr returned to Rhode Island, intending to reconvene the People's legislature in Chepachet, but his effort proved fruitless; and when he learned that an overwhelming military force was being dispatched by the Charterite government to confront him and his small band of armed

supporters at Chepachet, he dispersed his followers on June 27. "Believing that a majority of the People, who voted for the constitution are opposed to its present support by military means," wrote Dorr to General Assembly member Walter Burges, "I have directed that the military here assembled be dismantled."²⁴ Dorr again fled the state, while his followers were quickly imprisoned in county jails, where some nearly froze to death as the winter set in.²⁵

From July 1842 through March 1843 Dorr lived in exile in Westmoreland and Concord, New Hampshire.²⁶ The radical faction of the Granite State's Democratic Party was composed of ardent believers in Dorr's cause. In an address to the New Hampshire legislature in November 1842, Governor Henry Hubbard stated that if "the view of those who oppose the course pursued" by the Dorrites was

adopted as American doctrine, then "our Revolution which was to secure to freemen just and equal rights . . . has proved a solemn mockery."²⁷ Samuel Ward King was



In December 1842 Dorr sent a letter to the *New Hampshire Republican Herald*, calling for the adoption of the People's Constitution. Printing the letter, the paper added a glowing description of Dorr's reception in New Hampshire. RIHS Collection (RHi XI 7421).

[The following letter was received too late for an insertion in our regular publication; its importance has determined us to issue it in extra sheet.]
Concord, N. H., Dec. 15, 1842.
 To Col. William Simons,
 Editor of the Republican Herald.
 DEAR SIR:—As many of our fellow-citizens have requested an expression of my opinion upon the propriety and policy of registering their names, under the Constitution which is claimed to have been recently adopted by our political opponents; and as it will not be in my power to reply to them individually in answer to the important question proposed, allow me to take this opportunity of saying, through your paper, to the friends of democracy and equal rights in Rhode Island, that, after the best consideration which I have been able to give to the subject, I have no hesitation in recommending that the course suggested should be pursued, as being justifiable, under all the circumstances of the case, and

Senate. He briefly alluded to the interesting circumstances under which they were assembled; and proceeded to speak of their guest on the occasion, in terms of the highest eulogy—as one, who was an exile from his native State, and the victim of despotic power; but who was also the able and consistent champion of the great principles of popular sovereignty in a neighboring State, and who had ever remained steadfast in their defence. After some further remarks in a like strain of just appreciation of his eminent services, the Chairman turned to Governor Dorr, took him by the hand, and said he would now have the pleasure of introducing to the meeting, THOMAS WILSON DORR, the rightful and constitutional Governor of Rhode Island.
 Gov. Dorr was received by the democracy of the Granite State, in a manner, that must have amply repaid him for all that he had suffered in the cause of the people, and have implanted in his breast new hopes for the future. He commenced his address about 7 o'clock. As the appearance and manner of the speaker are a matter of interest to all who sympathize with him, as also to those who favor the side of tyranny, a short notice of his peculiarities may not be out of place on this occasion. His figure is not tall, but of

between the government of England and that of this country—the former residing in the monarchy itself, the latter in the people—any attempt of the people, or of a majority, being treason by the British Constitution in the one instance; but perfectly right and justifiable in the other. The principles of the two governments were in this respect entirely different.
 He then gave a faithful detail of all the incidents connected with the two affairs on Federal Hill and at Chepachet—the encouragement he received from his friends of supporting the Constitution of the people; the falling off of the leaders; and his disinclination to sacrifice the few brave men, who were steadfast to the end. He showed the falsity of the statement that a large number of men came with him from New York and other places—there being only fourteen men from other States who joined him at Chepachet. In closing, he returned his sincere thanks, and those of his friends, for the kindness of his reception, and the encouragement which had been given to the cause of Equal Rights in New Hampshire.
 I would remark here, that the vacillating and outrageous conduct of John Tyler, in putting down by the threat of the interference

only the "acting governor" of Rhode Island, according to Hubbard, while Dorr was the rightful executive.²⁸ During the time when Dorr was living in isolation and exile in New Hampshire, Lewis Josselyn's *Bay State Democrat*, published in Boston, included a segment on Dorr's cause entitled "Keep It Before the People!" and "Let the People Remember" in almost every issue.²⁹ Josselyn's paper often served as Dorr's only conduit for news from Rhode Island because the Law and Order Party often intercepted mail sent directly to Dorr.³⁰

After the 1843 state elections spelled the death-knell of the Rhode Island Suffrage party, Dorr returned to Rhode Island following more than a year in exile and subjected himself to a trial in Newport in order to have his beliefs aired in a court of law, a course of action John O'Sullivan had been urging since July 1842.³¹ During his trial Dorr compared his plight to the persecution of Galileo at the hand of the Inquisitors.³² Charged with high treason against the state, Dorr insisted in his defense that the act of establishing the People's government was not treasonable but rather a legally justified action sanctioned under the People's Constitution; if he had "erred in this Rhode Island question," he said, he was left with "the satisfaction of having erred with the greatest statesmen and the

**Rhode-Island Algerines'
APPEAL
TO JOHN DAVIS,
Governor of Massachusetts.**

Prepare your forces, honest John—
Each man his sabre draw,
For oh! we fear a third attack
Of Thomas W. Dorr.

Oh dear! that dreadful Dorr!
The traitor, Thomas Dorr—
We fear he'll take Rhode Island yet,
In spite of "Martial Law."

Another thing we greatly fear,
From what we've heard and saw—
That certain States would lend their aid
To help T. W. Dorr.

John Tyler, too, once promised troops
To help us through the war;
But now we fear, if called upon,
He'd prove a friend to Dorr.

Should Congress strictly scan our claims,
We fear they'd find a flaw
That would displace our government,
And yield the reins to Dorr.

We'll own to you deeds have been done,
Licensed by "Martial Law,"
That would have hung the followers
Of Thomas W. Dorr.

We've tried by art and stratagem
To rule with "order and law,"
Yet there are those who boldly talk
About their Gov. Dorr.

The ladies, too, have swelled his ranks,
And threaten swords to draw;
Such zeal was ne'er before displayed
As they express for Dorr.

Go where you will, you're sure to meet
Their everlasting jaw;
They'll curse the Charterists to the face
For what they've done to Dorr.

Clam-bakes and meetings they appoint,
Regardless of the law,
And resolutions boldly pass,
To favor Thomas Dorr.

Though Algerines have threatened them
Inflictions of the law,
They do not fear the cannon's mouth
When advocating Dorr.

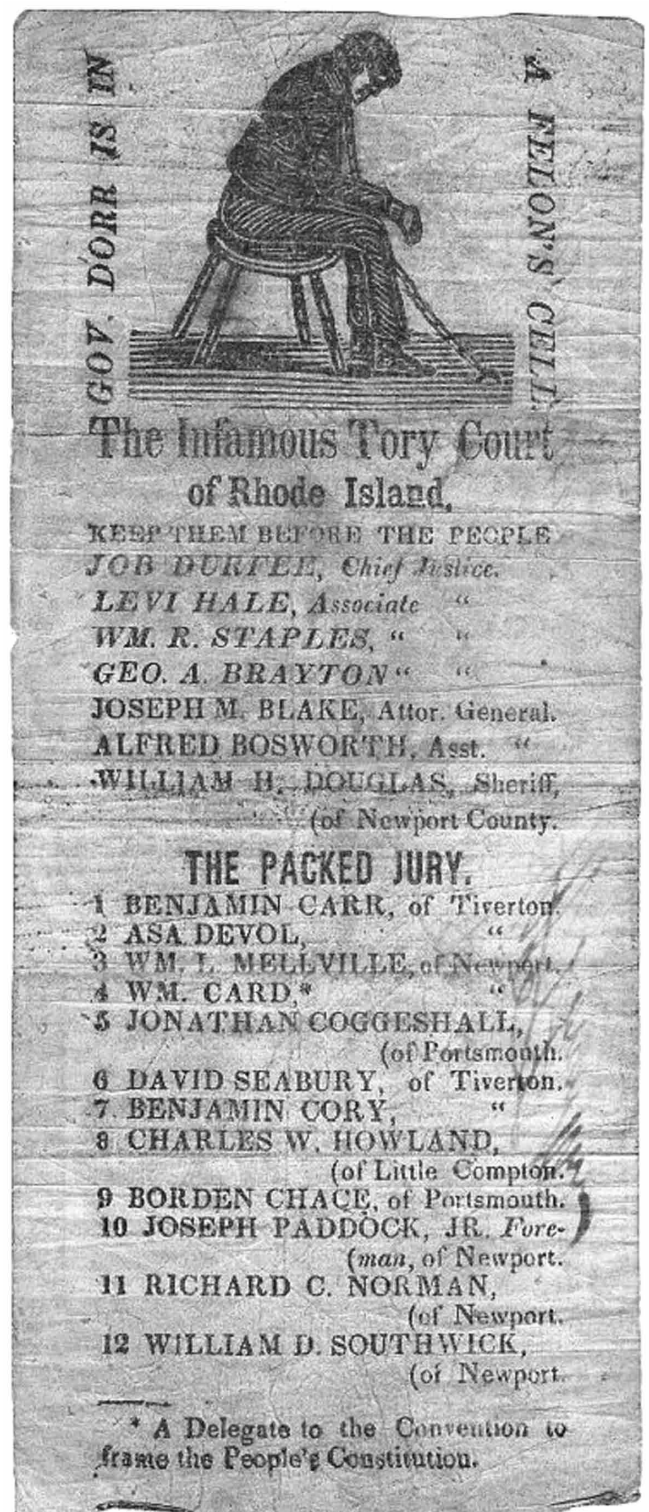
Read o'er our troubles, honest John,
And some conclusion draw;
Pray tell us what we have to fear
From women, clams, and Dorr.

These verses mocked the fears of the "Algerines" about Dorr and his followers. Dorrists called the Charterite government Algerine, with reference to the tyrannical dey of Algiers, when it enacted a law providing stringent penalties for those participating in an election authorized by the People's Constitution or claiming state office as a result of such an election. RIHS Collection (RHi X3 6689).

highest authorities, and with the great majority of the people of the United States."³³

Unmoved, the jury found him guilty, and on June 25, 1844, Dorr was sentenced to be "imprisoned in the State prison at Providence, for the term of his natural life, and there kept at hard labor in separate confinement."³⁴ Dorr had the distinction of being the first American to be convicted of treason against an individual state (his conviction predating the abolitionist John Brown's conviction of treason against Virginia in 1859). The object of the trial, Dorr remarked before his sentencing, was simply "revenge—to destroy me politically, morally, and socially." A December 1844 resolution passed by the New Hampshire legislature captured the northern Democratic outrage at Dorr's conviction: "that in the person of Thomas Wilson Dorr, now confined in the State Prison of Rhode Island, the authorities of that State have trampled upon the constitution of the United States, by denying to him the right to be tried by an impartial jury."³⁵

Dorr began his sentence in the notorious state prison in Providence on June 27, 1844, where he joined John Gordon, who had been convicted of murdering the industrialist Amasa Sprague just eight days before Dorr's own trial began.³⁶ Prisoner number 56, as Dorr was identified in the prison's log book, was placed in an eight-by-fifteen-foot cell on the first floor of the prison.³⁷ As future president James K. Polk noted to a political correspondent in Newport, Dorr was rewarded "for his preeminent and disinterested exertions" for equal rights by being "entombed within the iron grate of a felon's cell, and is now writhing under the ruthless and oppressive yoke of tyranny."³⁸ The practice of solitary confinement was implemented when the state prison opened its doors to its first inmate in November 1838. Thomas Cleveland, the prison's warden, maintained in an October 1844 report that a "prisoner is in too many cases carried through a slow corroding process" to his "derangement or destruction, both of mind and body."³⁹ As James Garman documents in his history of nineteenth-century penitentiaries, reports of insanity and mental illness as a result of solitary confinement led to the state's abandonment of the practice in January 1845.⁴⁰



Dorr's conviction drew strong expressions of protest; this one was printed on the back of a banknote. Courtesy of Daniel Schofield.

Aware of how his son was suffering in prison, Dorr's father tried desperately to get him released. In his June 1844 petition to the General Assembly, Sullivan Dorr asked that his son be pardoned or—at the very least—transferred to the county jail in Newport.⁴¹ In an attempt to curtail the rising cases of mental illness induced by solitary confinement, in January 1845 prisoners were set to work in communal workshops. Unfortunately for Dorr, however, he was not permitted to be near the other prisoners, and while they were together in the workshop, Dorr was producing decorative hand fans alone in his cell.⁴² In February 1845 he complained to his mother, Lydia, of severe pain in one of his knees, and in March of an excruciating pain in his left side that often prevented him from moving. The doctor who administered to him (Dorr was most likely suffering from severe rheumatoid arthritis) put him in mind of "the surgeon of the inquisition, who is, or used to be called upon to say how many more turns of the machine the heretic can bear."⁴³ While in prison he was forbidden to write—although he did manage to sneak letters out of his cell and into the hands of an unknown visitor, who then passed them along to Dorr's mother and to his friends Walter Burges and Catherine Williams.

Wide public support developed for Dorr's liberation from prison. On September 4, 1844, a prominent Massachusetts Democrat, Marcus Morton, addressed a rally in Providence, reportedly attended by more than fifty thousand people, advocating the release of the People's governor.⁴⁴ In addition to condemning the Charter government for Dorr's trial in June, Morton's remarks were intended to advance the presidential candidacy of James K. Polk, who, with the tagline "Polk, Dallas, and the Liberation of Dorr," would go on to defeat the Whig candidate, Henry Clay, in the 1844 election. Indeed, Dorr's "plight became grist for the political mill."⁴⁵ As Dorr noted shortly after Polk's victory, "Defeat of the R.I. question here excited the attention of the whole country. Fundamental principles, too long neglected, were brought home

to the minds and hearts of people. The subject was carried into Presidential election with effect."⁴⁶

In response to strong support for his release, including the formation of a Dorr Liberation Society, Dorr was freed from prison on June 27, 1845. His political rights were not immediately restored; as historian David Grimsted notes in *American Mobbing* (2003), Dorr was the "state's premier disenfranchised adult male."⁴⁷ In 1847 the New Hampshire's legislature voted to confer citizenship rights on Dorr, although he had no intention of leaving Rhode Island.⁴⁸ In its May 1851 session the General Assembly passed a resolution restoring Dorr's political rights, and three years later it passed an act reversing and annulling his treason conviction—an action that the state Supreme Court quickly declared the Assembly had no authority to take.⁴⁹ On December 27, 1854, Thomas Wilson Dorr, Rhode Island's erstwhile People's governor, died in Providence.⁵⁰

HISTORICAL INTERPRETATIONS OF Dorr's failed attempt to alter Rhode Island's governing structure outside of prescribed legal means are about as numerous as the scholars who have studied the event. The Dorr Rebellion was one of the most significant political and constitutional events between the Age of Jackson and the election of Abraham Lincoln, but political scientist Justin Wert has argued that the rebellion is "one of the most understudied events in American Constitutional history."⁵¹ The Dorr Rebellion profoundly shaped northern politics, along with playing a crucial role in the destruction of the Second Party System and the nation's inexorable movement towards a new period of sectional crisis and ultimately disunion. No "tempest in a teapot," the rebellion eventually involved the president, both houses of Congress, the Supreme Court, and the lower federal judiciary: all had to pass judgment on the tempest that erupted over Thomas Dorr's People's Constitution.⁵²

Most significantly in terms of antebellum politics, the Dorr Rebellion destroyed John C. Calhoun's hopes for an alliance between southern slaveholders and

northern labor.⁵³ In a public letter to William Smith of Rhode Island, written in response to queries about Dorr's theories of popular constitutionalism, Calhoun argued that the "government of the uncontrolled numerical majority is but the absolute and despotic form of popular governments."⁵⁴ Ironically, Dorr actually shared Calhoun's states' rights philosophy; like Calhoun, he believed that the "people of the United States in the federal Constitution means not a conjoint, consolidated people, but the People of the several states, to be united by that instrument. The Constitution created a nation of states."⁵⁵

While a clear majority of Democrats—including the likes of Andrew Jackson, Levi Woodbury, Silas Wright, Marcus Morton, John O'Sullivan, George Bancroft, Thomas Hart Benton, and Edmund Burke—supported Dorr, southern Democrats were fearful of the consequences of Dorr's ideology for their slave population.⁵⁶ In a speech on June 9, 1842, the Great Compromiser, Henry Clay, declared that Dorr's brand of popular constitutionalism "would overturn all social organization, make Revolutions—the extreme and last resort of an oppressed people—the commonest occurrence of human life, and the standing order of the day"; the consequences for "a certain section of this Union, with a peculiar population," he said, were easy to foresee.⁵⁷ After conferring with Democrats from around the country in Washington, New Hampshire congressman Edmund Burke informed Dorr in February 1844 that Democrats in the South, concerned about a possible threat to the existence of slavery, "do not hold so absolutely to the doctrine of popular sovereignty as we do in the North."⁵⁸ Dorr, replying from prison, urged that southern Democrats be assured that the "slave," in his view, was "not actually a man," since a slave could not "partake of the sovereign power" and therefore was not part of political society.⁵⁹ Dorr's pleas would ultimately fall on deaf ears in the South.

The political and societal background of the 1842 Dorr Rebellion was created by the democratically liberal reform movement that had begun to sweep

the country in the 1820s, fundamentally reorienting the nation's political landscape. The expansion of capitalism, the belief in the benefits of the market, the removal of obstacles to voting, and the firmer position of political parties in the American political culture all signaled the ascension of the democratic ethos.⁶⁰ However, in Rhode Island debate centered on the illiberal nature of the state's political order, an order that "provoked mounting discontent, as nonvoters—especially Irish Catholics—began with increasing vehemence to demand a new constitution in whose creation they would be allowed to participate."⁶¹ More than any other state, Rhode Island failed to reconcile large-scale immigration with broad-based political democracy through the course of the nineteenth century. In September 1840 Dorr wrote to Amos Kendall, one of the national leaders of the Democratic Party, on the nature of Rhode Island politics, noting that "16,000 of the 24,000 white males over 21 years of age" were deprived of the right of suffrage.⁶² The root of the problem was the continued use of the 1663 royal charter as the state's governing document.⁶³

Three of the charter's provisions particularly served to guarantee agrarian control of the political process. First, the charter vested almost total authority in the General Assembly, with the executive and judiciary relegated to subservient positions. Second, it immutably fixed legislative representation: of the colony's original four towns: Newport had six representatives in the Assembly, and Providence, Portsmouth, and Warwick each had four; all of the other towns, subsequently created, had two representatives each. Finally, the charter restricted suffrage to those men possessing \$134 of real estate, thereby disfranchising most of the population of the state's commercial and manufacturing areas.

Through continued agitation, workers' grievances brought the property qualification to the forefront of constitutional reform efforts. Although legislative apportionment continued to be an important issue in efforts to replace the charter, suffrage became the

central focus of debate. As long as Rhode Island retained its antiquated charter system, an increasing number of residents would be excluded from having any voice in local politics. Thomas Dorr made it his life's mission to change this governing structure, even if it meant convening a constitutional convention without proper authority or forcefully taking up arms against his native state's government to implement reform. His efforts were in many ways an exercise in reviving the ideology of the American Revolution; indeed, Dorr referred to the Charter government as "Tories" at the People's Convention in November 1841.⁶⁴ In the spring of 1842, after the government under Samuel Ward King refused to accept the notion that the people could exercise their sovereignty through extralegal action, Dorr attempted to use armed force to legitimize the People's Constitution that the convention drafted.

The recent revival in the study of the Dorr Rebellion has grown from some basic changes in how historians approach the study of Jacksonian America, with a renewed interest in the nature of American democracy at the core of these changes. In his *The Rise of American Democracy: From Jefferson to Lincoln* (2005), Sean Wilentz labels the Dorr Rebellion "a striking [and] exceptional case in the history of American democratization before the Civil War," calling it no less than "a deadly serious test of democracy's meaning and democracy's future."⁶⁵ University of New Mexico legal scholar Christian Fritz has recently argued in his *American Sovereigns: The Constitutional Legacy of the People's Sovereignty before the Civil War* (2008) that historians who have tried to place the rebellion in broader narratives of the antebellum period have overlooked the legitimacy and, indeed, the legality of Thomas Dorr's political ideology, which drew directly from the Declaration of Independence.⁶⁶ For Dorr, the Declaration of Independence "was not merely designed to set forth a rhetorical enumeration of an abstract barrier to belligerent rights. The absolute supremacy of the People over their political institutions

is the primary doctrine of our Democratic republic. It was sealed with the blood of the Revolution. It was trampled in this state in 1842."⁶⁷

The Dorr Rebellion dealt with the paramount question of American constitutional law: Who were the rightful monitors of the constitutional order? When viewed through the lens of the twenty-first century, the failure of the Dorr Rebellion assumes an aura of inevitability; when viewed from the perspective of the spring of 1842, however, the outcome was more improbable than inevitable.⁶⁸ Even more outside our modern understanding, and yet clearly compelling to many Americans, was the possibility of a role for "the people"—however one conceived of them—as a check on the unconstitutional actions of government.⁶⁹ Dorr's constitutional understanding had roots not only in the Revolution and the post-Revolutionary era; it remained a vibrant part of American constitutionalism into the 1840s and 1850s. Dorr believed that the American Revolution and the ideas expressed in Jefferson's Declaration of Independence had transformed the old right of revolution—a right, as John Locke argued, that could be employed only after a long train of abuses—into a right of peaceful revolution. As John Ashworth notes in *Agrarians and Aristocrats: Party Political Ideology in the United States, 1837-1846* (1987), the Dorr Rebellion "demonstrated the existence of a fundamental divergence of opinion on the vexed and troublesome issue of sovereignty."⁷⁰

SOME OF DORR'S contemporaries, many of whom participated in the event, began writing about the nature of American constitutionalism and the life of Thomas Dorr shortly after the conclusion of the rebellion. These writings include Charles Coffin Jewett's *The Close of the Late Rebellion in Rhode Island* (1842); *The Merits of Thomas Dorr and George Bancroft as They Are Politically Connected*, by "a citizen of Massachusetts" (1844); *Letters of C. F. Cleveland, Henry Hubbard, and Marcus Morton to Samuel Ward King Refusing to Deliver Up Thomas Wilson Dorr, the Constitutional*

Governor of Rhode Island (1843); Francis Bowen's "The Recent Contest in Rhode Island" (1844); and Frances Harriet Whipple Green McDougall's *Might and Right* (1844), which paints an admiring portrait of Dorr and his cause. The Law and Order side was presented in Elisha R. Potter Jr.'s "Considerations of the Questions of the Adoption of a Constitution, and Extension of Suffrage in Rhode Island" (1842) and Dexter Randall's "Democracy Vindicated and Dorrism Unveiled" (1846). Dan King, a confidant of Dorr, published a superficial biography of him—*The Life and Times of Thomas Wilson Dorr, with Outlines of the Political History of Rhode Island*—in 1859.

A number of writings by some of the participants of the rebellion appeared in the 1880s. Written by men in their old age, these accounts may have been clouded by the passage of time, but as a body of work they demonstrate the importance of the rebellion even forty years later.⁷¹ Among these authors were Zachariah Allen, who provided an account in the *Providence Press* on May 7, 1881; Abraham Payne, who published a series of articles in the *Providence Sunday Journal* from October 4 to December 6, 1885; Edward Hazard, who wrote a series of five articles for the *Providence Journal* beginning on January 15, 1885; and Elisha Dyer and Noah Arnold, who contributed articles on the rebellion to the *Narragansett Historical Register* in 1888 and 1890 respectively.⁷²

The first scholarly treatment of the Dorr Rebellion, published at the turn of the twentieth century, was *The Dorr War: The Constitutional Struggle in Rhode Island*, by Arthur May Mowry. Mowry's interpretation, which remains immensely useful, runs counter to the previous historical bias in favor of the Suffragists; while accepting their position as a laudable goal, Mowry condemns their resort to violence in 1842, especially Dorr's attempt to seize the state arsenal in Providence. A contemporaneous and informative corrective to Mowry's account of the rebellion appeared in Amasa Eaton's now obscure "Thomas Wilson Dorr, 1805-1854," published in William Draper Lewis's *Great*

American Lawyers series in 1908.⁷³ More a history of the causes and course of the Dorr Rebellion than a biography of the man who led it, Eaton's lengthy essay is perhaps most valuable for its discussion of Dorr's treason trial in 1844.

Surprisingly, Dorr has never been the subject of a modern biography, despite the extensive primary materials available at the Rhode Island Historical Society, the John Hay Library at Brown University, and the Rhode Island State Archives. Dorr is unique in the history of the early republic for leading an effort to change the ruling governmental structure of a state, an effort in which he was opposed by the full force of established authority, friends, and relatives. From this perspective he was either a deranged lunatic or a man thoroughly committed to principle. Congregationalist minister Mark Tucker called him talented and mad, likening Dorr to the troublemaking abolitionist William Lloyd Garrison, both of whom were guilty of "propagating errors of the worst character, assailing all government, the Holy Sabbath, and the Christian Ministry."⁷⁴

Historian Peter Coleman's twentieth-century assessment was not much different from Tucker's. Coleman maintains that Dorr was "naïve in his understanding of the real world, unskilled as a politician and leader, indecisive when timing was crucial, decisive when it was too late to matter, [and] unbending on matters of principles to the point of ridiculousness."⁷⁵ A work that would provide an adequate introduction to the man, his political beliefs, and the rebellion resulting from popular support of his views remains to be written.⁷⁶ Scholars writing on the late 1840s and early 1850s history of the Democratic Party have generally neglected to examine the Dorr manuscript collection.⁷⁷ Dorr's letters during these years illustrate the vast ideological divide within the northern ranks of the party, a divide between Free-Soil proponents and proponents of popular sovereignty. By 1848 Dorr was aligning himself with the latter, and soon this once devout antislavery Whig was sounding more and more like the anti-Dorrite John C. Calhoun.

The publication of Christian Fritz's work, together with Ronald Formisano's recent book on American populist movements, *For the People: American Populist Movements from the Revolution to the 1850s* (2007), creates a fitting time not only for an analysis of how popular sovereignty was debated in the antebellum period but also for a retrospective look at the scholarship on the Dorr Rebellion.⁷⁸ Both Fritz and Formisano have helped to situate the rebellion in its larger historical setting, thereby illustrating the political tensions and ideological divisions that developed in the wake of Dorr's attempt at suffrage reform. The work of modern historians, political scientists, and legal scholars may throw new light on earlier constitutional history and help us to gain a broader, more nuanced understanding of Dorr, his rebellion, and his times. A consideration of the rebellion's ambiguities and internal contradictions, along with how they intersect with themes and issues that have been part and parcel of the American experience, serves to reopen lines of inquiry first introduced four decades ago.

IN THE LATE 1960S two doctoral students, on opposite ends of the country, set out to update Mowry's 1901 monograph, and with their dissertations—George Dennison's, at the University of Washington, and

In this handwritten note, Dorr described the rights conferred by the doctrine of popular sovereignty as "the gift of God." Courtesy of Russell DeSimone.

The doctrine of Sovereignty. There is One
 over all, God blessed forever; and under him
 the People are sovereign. His Revealed
 Word is the higher Law, to whose principles
 and rules of action recourse is had by the
 framers of Constitutions & by legislators, to
 impart justice and equity to political insti-
 tutions. The application of these principles & rules
 to ^{the} Constitutions and legislative acts of States,
 and ~~to~~ to men in their political relations, is
 what has been called the democracy of Christ-
 -ianity. Rights are the gift of God. The
 definition and protection of them are the objects
 of just government.

Providence, R. I.
 Aug. 10th, 1853.

Jos W. Dorr.

Marvin Gettleman's, at Johns Hopkins University, completed in 1967 and 1972 respectively—they greatly added to our knowledge of the Dorr Rebellion.⁷⁹ The rebellion was certainly not unknown outside of Rhode Island, thanks in large part to Arthur Schlesinger Jr.'s *The Age of Jackson* (1945), Chilton Williamson's *American Suffrage from Property to Democracy, 1760-1860* (1960), and Peter Coleman's *The Transformation*

of *Rhode Island, 1790-1860* (1963), but the two dissertations ensured that a more focused study of the rebellion and its placement in the grand narrative of nineteenth-century America was on the horizon.⁸⁰ Legal historian William M. Wiecek built upon the work of both Dennison and Gettleman in his pathbreaking study of the origins and development of what Charles Sumner once called the "sleeping giant" of the Constitution—the Guarantee Clause.⁸¹

Wiecek's *The Guarantee Clause of the United States Constitution* (1972) examines the constitutional requirement in Article IV, Section 4, that "[t]he United States shall guarantee to every State in this Union a Republican Form of Government." Wiecek argues that the clause "was conceived in turmoil, and later disturbances promoted its most salient development."⁸² After meticulously detailing the intellectual origins and drafting of the clause, the author covers both Dorr's attempt to replace the Charter government and Chief Justice Roger Taney's pronouncement for the Supreme Court in the *Luther v. Borden* case (1849) relating to that clause.⁸³

Luther v. Borden stemmed from the Law and Order Party's use of martial law in June 1842. Two days after the Dorrites had been dispersed at Chepachet, Charter troops under the command of Luther Borden raided the house of Martin Luther, a Warren shoemaker and Dorr sympathizer. Luther himself had already fled to Swansea, Massachusetts, so the Charter force resorted to ransacking his house. Since Luther had taken up residence outside Rhode Island, he was entitled to bring a suit directly into federal court, and there he and his mother Rachel each sued for trespass, arguing that the King government was not the lawful authority in 1842 and thus could not authorize the invasion of their house; it was Luther Borden, not Martin Luther, who had committed a crime. In November 1843 a verdict was rendered against Martin Luther, whose case was based on the illegality of the Charter government after ratification of the People's Constitution, but the jury could not

agree on Rachel Luther's parallel case, which was based solely on the issue of trespass. A deal was struck in the federal court to move an appeal of both cases to the United States Supreme Court by an artificial division of judicial opinion.⁸⁴ The *Luther* case (with Martin's and Rachel's now joined together) dragged on for years, creating a major expense for Dorr, who was putting all his efforts into managing it after his own attempt at forcing the United States Supreme Court to rule on the "Rhode Island Question" via an appeal of his treason conviction failed in 1844. In 1849 the Court finally ruled that the Rhode Island Question was a political question and beyond the scope of judicial purview. Justice Levi Woodbury, a prominent New Hampshire Democrat and a supporter of Dorr in 1842, filed the lone dissent in the case on the use of martial law during the rebellion.⁸⁵ For Woodbury, the Charter government's declaration of martial law subjected all Rhode Islanders to the whims of a military despotism. Moreover, the power to declare martial law, in Woodbury's analysis, belonged solely to the national government.

The paradox of the Guarantee Clause was in full display, Wiecek observes, because "both factions in the Rhode Island controversy implicated the clause in their appeals to President John Tyler and both eventually relied on it to support their position."⁸⁶ In early May 1842 both Dorr (with Dutée Pearce and Burrington Anthony) and representatives of the Law and Order Party (Richard Randolph, a member of Governor King's council, and Elisha Potter Jr., a powerful conservative Democrat from southern Rhode Island) had met with President Tyler to plead their respective causes.⁸⁷ Dorr considered Tyler to be a "good natured weak man, unequal to his situation, and having his mind made up for him by others."⁸⁸ One of the others, in Dorr's view, was Secretary of State Daniel Webster, who in 1848 would present a blistering critique of Dorr's ideology in oral arguments before the Taney Court in the *Luther v. Borden* case.⁸⁹ Dorr, of course, claimed that since Rhode Island was still operating under its

colonial charter, it was therefore unrepresentative and the federal government could intervene to "guarantee a republican form of government." In contrast, the Law and Order Party argued that Rhode Island's government was republican, that the Dorrists were insurrectionists, and that the Charter government needed the help of federal authorities to put the insurrectionists down. Neither side was happy with Tyler's conciliatory stance and call for compromise. In the end, the Guarantee Clause became known by the "repressive reading" Alexander Hamilton had given it in *Federalist* 21, becoming "a guarantee of the status quo."⁹⁰ John Tyler's "caution" in using his presidential powers and "his determination to support the extant state government irrespective of his opinions as to its republican character would both be difficult for later Presidents to ignore if faced with similar problems."⁹¹

It is in his discussion of President Tyler and his relationship with the Charter government under Governor King that Wiecek makes his greatest contribution to Dorr Rebellion scholarship. David P. Currie's analysis of the relationship between Tyler, Congress, and the Rhode Island state government in 1842, in his *The Constitution in Congress: Descent into the Maelstrom, 1829-1861* (2005), relies heavily on Wiecek's research.⁹² Wiecek's work has become more important than ever because the most recent accounts of Tyler's presidency inexplicably ignore the Dorr Rebellion.⁹³ In early April 1842 Governor King sought Tyler's help in putting down the rebellion: "The State of Rhode Island is threatened with domestic violence," said King. "Apprehending that the state legislature can not be convened in sufficient season to apply to the Government of the United States for effectual protection in this case, I hereby apply to you . . . for the protection which is required by the Constitution of the United States."⁹⁴

King's request for assistance was not totally unreasonable. As Wiecek notes, the Enforcement Act of 1795 and its 1807 supplement authorized the president "to use regular army forces as well as the

federalized militia for law enforcement purposes," and in *Martin v. Mott* (1827) the Supreme Court ruled that the determination of the statutory requirements for federal intervention was left solely with the president.⁹⁵ However, in his reply to King on April 11, 1842, Tyler claimed that the federal statutes did not give him the power to "anticipate insurrectionary movements"; an actual state of war must exist before the executive could act.⁹⁶ Overall, Tyler dismissed four of King's requests for aid, although he did have Secretary of War John Spencer instruct the colonel at Fort Adams in Newport to enlist spies to find out the extent of the crisis.⁹⁷ Wiecek argues that Tyler's interpretation of his powers as chief executive was correct; Tyler's emphasis on "statutory authority as a necessary supplement to the constitutional grant of power underlined this wary exercise of executive authority." Lurking behind this line of reasoning was Tyler's unwillingness to "suggest that the southern state governments were insufficiently republican."⁹⁸

In two subsequent articles, "Popular Sovereignty in the Dorr War—Conservative Counterblast" (1973) and "'A Peculiar Conservatism' and the Dorr Rebellion: Constitutional Clash in Jacksonian America" (1978), Wiecek rescues "conservative anti-suffragists momentarily from historical oblivion to reconsider their political thought on its own terms."⁹⁹ The spokesmen for the conservative cause in Rhode Island included Henry Bowen Anthony, Francis Wayland, John Pitman, William Goddard, Elisha Potter Jr., Job Durfee, William Sprague, John Brown Francis, and John Whipple. One of these, William Goddard, did much to present the conservative position and shape popular thinking at the time, both in his twenty-three *Providence Journal* articles on the extension of suffrage and in his other writings. Goddard, a conservative Democrat and professor at Brown University, argued that Dorr's theory of majoritarian governance and his reliance on the "alter" and "abolish" provisions in the Declaration of Independence were "fatal to popular liberty." If the prescribed notions of constitutional

alteration were abandoned, according to Goddard, then "all the principles of true constitutional reform" would be cast to the winds. Goddard rejoiced in the fact that the state "had been rescued from the evils of revolutionary anarchy."¹⁰⁰

The conservative vision represented a counter-revolution. Although counterrevolutionaries often claim that they are seeking a restoration of an old regime, in challenging their revolutionary opponents they are frequently driven to envision a new form of politics and a new regime bearing little resemblance to the regime they are defending. Conservative "reactions to the events of 1842," Wiecek observes, "were pervaded with a profound pessimism about the possibility of a free and just society; their most cherished values were not definable in material terms; and they were convinced of the ineradicable social divisions based on class, religion, and ethnicity." Rhode Island conservatives "had to reconstruct almost from scratch a modern defense of conservative constitutionalism."¹⁰¹ Wiecek's analysis of conservatism circa 1842 adroitly chronicles the continuities and discontinuities in political thinking that came with industrialization and the emergence of new social classes.

WIECEK'S TREATMENT OF conservative ideology during the Dorr Rebellion was followed by Marvin Gettleman's meticulously researched work *The Dorr Rebellion: A Study in American Radicalism, 1833-1849* (1973). Gettleman's explicit assertions of New Left ideology and references to contemporary American radicalism distracted reviewers at the time from appreciating the quality of his research. In a lengthy review in 1974, Robert Shalhope said nothing about how Gettleman moves beyond the numerous factual errors in Mowry's standard account or Gettleman's extensive research on the social composition of the Dorrite movement both before and after Dorr's decision to take up arms against the Charter authorities.¹⁰² In a preface to a reprint edition, Gettleman explains that the aim of the book was twofold: "to narrate a neglected but important

episode in America's radical past, and also to explore the causes of an early defeat so that later defeats can be avoided and minimized."¹⁰³ Gettleman goes on to say that reviewers misunderstood his purpose; the book was simply meant "as a case study" for what present-day radicals should not do.¹⁰⁴ In his 1980 preface to a new edition of his book, Gettleman insists that the politics of the 1960s and 1970s did not influence how he presented his research, and he complains that reviewers assumed that he "transformed the Dorrite rebels of Rhode Island into role models for antiwar militants and socialist radicals."¹⁰⁵ He also suggests lines of inquiry for future historians to undertake, especially on the town and local level in Rhode Island; such research, he says, would "reveal the class links, kinship ties, and common beliefs which impelled Rhode Islanders to take sides and choose tactics in 1842."¹⁰⁶

Gettleman's basic claim is that the Dorrite belief in popular sovereignty was a radical position to argue in the 1840s. As Patrick Conley noted in his favorable 1974 review of Gettleman's book, insofar "as the Dorrites attempted to defend and implement this ideology . . . their movement could be termed a 'radical' one."¹⁰⁷ Unlike previous accounts, Gettleman pays particular attention to earlier failed reform efforts in the 1830s and the mobilization of the Workingmen's reform associations.¹⁰⁸ Gettleman is particularly adept at understanding politics at the very top of Rhode Island's political world and at the very bottom. As Wiecek does in his *Guarantee Clause*, Gettleman views the Dorrite ideology of popular sovereignty as embodying "a large component of fantasy." According to Gettleman, the Dorrites "rested their theory on the assumption that the American political system would have to respond to an appeal based on the Declaration of Independence." The Dorrites "were not aware that the revolutionary principles of 1776 had already vanished from the mainstream of American political conviction."¹⁰⁹

Using the *Luther v. Borden* case as his point of departure in his *The Dorr War: Republicanism on Trial*

(1976), George Dennison agrees with Gettleman's assessment about the "fantasy" associated with Dorrite ideology. Dennison finds that while the Dorrites were intent on affirming a generally accepted principle of American constitutionalism—the right of the people to change their form of government—they failed to see that the ideology that they adhered to had already been subverted.¹¹⁰ Dennison argues at length that the Dorr Rebellion ironically led to an explicit repudiation of political majoritarianism and popular sovereignty. Moreover, with the new constitutional order predicated on stability and order during and after the Civil War, Dorrite ideology seemed akin to anarchism. Dennison maintains that the failure of the rebellion represented an end to the dream of America as a nation whose institutions rested on consent rather than on force. The argument that the Dorrites were not advocating for "something new" but were simply calling for a return to "old rights," articulated during the American Revolution, was rejected by the Supreme Court in 1849.¹¹¹

Dennison's accomplishments in *The Dorr War* are numerous, and despite an unduly harsh review of it by Marvin Gettleman, the book is an invaluable source for the ideological underpinnings of the rebellion and the use of martial law by the Law and Order faction.¹¹² In 1842 Dorr's friend and political ally Aaron White Jr. warned that the Dorrites had to prevent the Law and Order Party's use of martial law from setting a precedent for the future. However, at the same time many northern Democrats were advancing arguments in Washington that justified General Andrew Jackson's use of martial law in the War of 1812. The subsequent debate over martial law during the rebellion followed on the heels of the so-called "refund debate" in the U.S. House of Representatives, when in the 1842 congressional elections the Democrats made political capital out of the storm that had been brewing for decades over the court fine that was imposed on Jackson in 1815 for his blanket declaration of martial law during the Battle of New Orleans.¹¹³

The Law and Order decision to impose martial law in Rhode Island in June 1842 created a political problem for the Democrats. As Matthew Warshauer observes in his *Andrew Jackson and the Politics of Martial Law* (2007), when "the great champion of the Democratic party utilized martial law, it was in the noble defense of the nation and justified by military necessity," but when the Whig Party declared martial law for much the same reasons in Rhode Island, "it suddenly became despotic and destroyed the sacred republican balance between civil and military power."¹¹⁴ In his circuit court opinion in 1843, Justice Joseph Story upheld the Rhode Island declaration of martial law in language that Andrew Jackson, otherwise a supporter of Dorr, would have been proud of.¹¹⁵ Justice Taney, who served as Jackson's secretary of the treasury, would do the same six years later. Taney would sing a remarkably different tune, however, about the scope of military power during the Civil War, when he frequently clashed with the Lincoln administration about the scope of presidential authority.

Unlike Gettleman and Wiecek, who argue that Dorr's decision to have his dispute settled in the courts was a fatal move, Dennison maintains that Dorr "surrendered nothing of importance when he accepted an approach emphasizing the judiciary"; Dorr "hoped to establish an institutional defense of public liberty by invoking the judiciary to enforce decisions made by the people themselves in authentic exercises of their inherent sovereignty."¹¹⁶ Dennison also differs with Wiecek's contention that the Dorrites lost the battle but won the war with the adoption of the more liberal 1843 state constitution. The appeal of Dorr's treason conviction in 1845 and the lower federal court's decision in the *Luther* cases, Dennison maintains, demonstrated the Dorrites' commitment to the constitutional arguments they were making; but in the end they did not succeed in these arguments, and thus the Dorrites surely did not win the war.

For Dennison, the *Luther* case represents the ideological lens through which we should view the

Dorrites and their opponents, and he therefore places much greater weight on the case than does Gettleman, who sees the Dorrites' subsequent legal actions after 1842 as acts of expediency and desperation. Dennison considers the decision to allow the courts to decide the Dorrite fate original and innovative, because the Dorrite theory of popular constituent sovereignty seemingly had nothing to do with legal adjudication; in 1843 "the Suffragists reached the original and innovative conclusion that courts had to enforce the mandates given by the people."¹¹⁷ For both Dorr and Massachusetts lawyer-politician Benjamin Hallett, the *Luther* cases presented "the paramount question of popular sovereignty."¹¹⁸ Unfortunately for the Dorrites, the Supreme Court's belief in the doctrine of popular sovereignty did not extend to their methods of political and societal reform.

Yet, while Dennison is much more attentive to Dorrite ideology and its intellectual roots than Gettleman, tensions often appear in his text. For example, in his prologue Dennison makes clear that the Dorrites did not simply develop the doctrine of popular sovereignty out of thin air. The Dorrite conception of popular sovereignty and "peaceable revolution" stemmed from 1776, and Dennison labels it "traditional" in 1842. However, in his conclusion, and indeed throughout the book, Dennison also argues that this ideology was "mythic in character, metaphysical in function," and that it "finally collapsed under the strains of its own ambiguities."¹¹⁹ According to Dennison, the Rhode Island controversy marked a turning point in the argument over the meaning of republicanism. In a later article Dennison states that the Dorrites "ignored legal or constitutional prescription and demanded immediate redress of grievances."¹²⁰ But Dennison's emphasis on legally proper procedure distorts the historical reality of the Dorrites, who had just reason to believe that their attempt to alter Rhode Island's governing structure was not illegitimate or an aberration. As Christian Fritz puts it, "controversies over the people as the sovereign and how they would

rule were not resolved in 1776, or in 1787, or in the 1790s, or for that matter in the 1840s."¹²¹

TAKEN TOGETHER, the works of Gettleman and Dennison provided historians with a deeper understanding of the nature of the Dorr Rebellion and the legal battles that followed it. However, there were still elements of the rebellion left unexamined. In *Democracy in Decline: Rhode Island's Constitutional Development, 1776-1842* (1977), Patrick Conley demonstrates the centrality of ethnic and religious factors to an understanding of the course of the rebellion, as well as the importance of earlier unsuccessful attempts at constitutional reform. As early as 1818 the young Federalist reformer James Davis Knowles argued that the people of Rhode Island "were sovereign and independent; and should the Legislature . . . disappoint their wishes" for democratic reform, the people "in their sovereign and corporate capacity" could "draw up, approve, and establish a Constitution."¹²² An 1824 convention authorized by the General Assembly did produce a new draft constitution, but the document failed to gain the required three-fifths vote of approval in a statewide referendum that year. No new proposed constitution emerged from the so-called Freemen's Convention of 1834.¹²³

Conley also moves beyond his predecessors in providing a detailed discussion of the differences between the 1843 constitution and the People's Constitution. Completely disagreeing with Arthur May Mowry's assertion that "the constitution that went into effect in May 1843 was liberal and well-adapted to the needs of the state," Conley maintains that that constitution led directly to ethnocultural tensions and political turmoil in Rhode Island to the middle of the twentieth century.¹²⁴ The greatest differences between the two constitutions were on the issues of suffrage, legislative reapportionment, and, of course, procedures for constitutional change. In its bill of rights, the People's Constitution proclaimed that the people have an "unalienable and inalienable right, in their original,

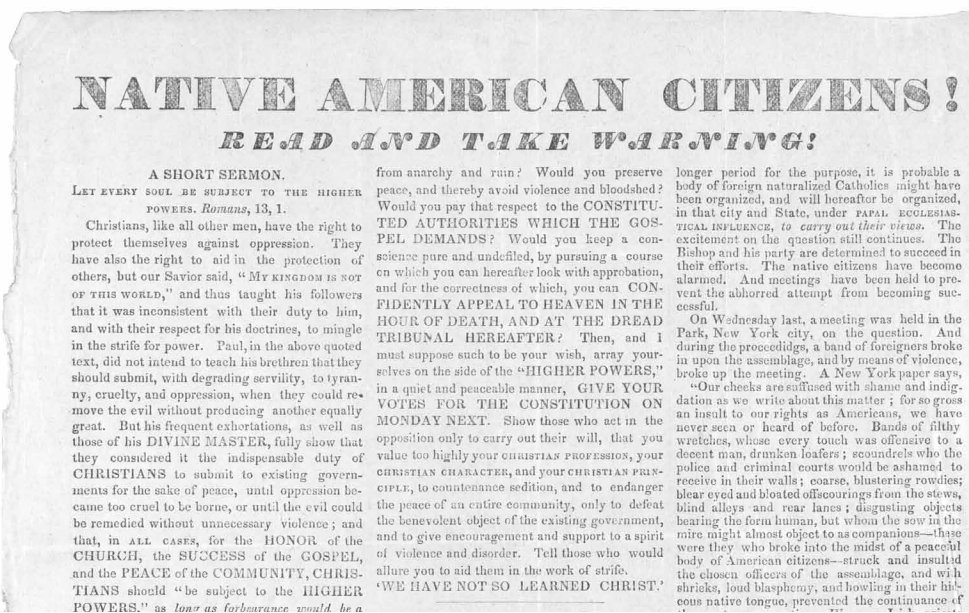
sovereign, and unlimited capacity, to ordain and institute government, and in the same capacity to alter, reform, or totally change the same, whenever their safety or happiness requires."¹²⁵ The People's Constitution and the constitution of 1843 also "differed dramatically," Conley finds, "on such issues as education, separation of powers, the role of the governor, the independence of the judiciary, and the relationship between the government and the economy."¹²⁶

Democracy in Decline chronicles the decline of the Constitutional Party in the 1830s, along with the obstacle posed by the Democratic organization's "rural-based, agrarian-orientated, and thoroughly reactionary" local branch, which was "thoroughly reactionary on nearly all local questions relating to political constitutional reform." Whereas Gettleman and Dennison downplay the role of nativism in the Dorr Rebellion, the fear of Irish Catholic immigrants takes center stage in

Conley's analysis. "The germs of intolerance, insularity, and prejudice . . . had an appreciable effect upon Whig attitudes as the Irish Catholic influx continued," Conley finds. "When Thomas Dorr and his colleagues attempted to enfranchise this 'rabble' in 1842, an epidemic of nativism infected Rhode Island."¹²⁷

In a lecture at Brown University in 1830, university president Francis Wayland, an ardent Law and Order man, called the Catholic Church the "Scarlet woman of the Apocalypse."¹²⁸ In July 1835 the *Providence Journal*, a Whig Party organ, began including reactionary editorials in opposition to the influx of Irish immigrants and urging Rhode Island to maintain its "ancient suffrage law in all its purity."¹²⁹ By proposing that Irish Catholic immigrants be accorded voting rights, the Dorrites left themselves open to charges of undue Catholic interference in state affairs; "Every Roman Catholic Irishman is a Dorrite," said one broadside.¹³⁰

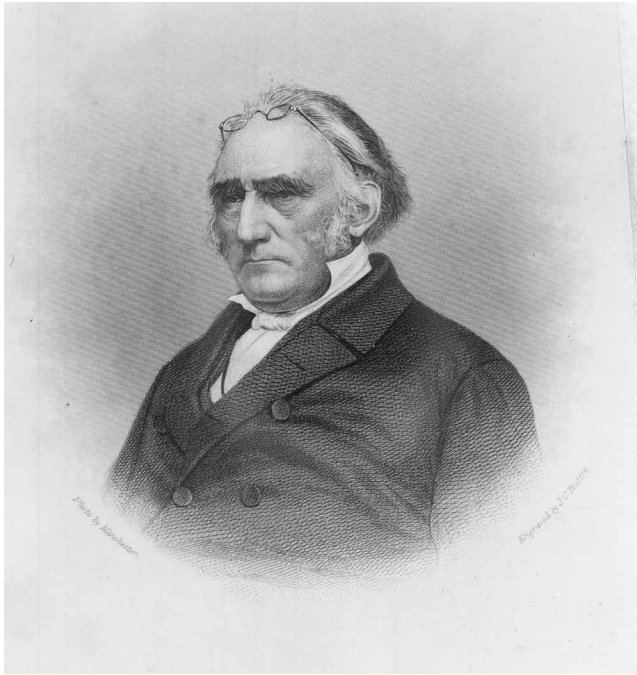
Conservative freeholders plastered the streets of Providence with such broadsides, denouncing the Catholic menace and promoting the fear that the Roman pontiff might reign in America. Anticipating themes that would be exploited with precision by the Know-Nothing movement a decade later, Rhode Island Protestants pledged to uphold "A Church without a Bishop—a State without a King."¹³¹ Many conservatives feared that "demagogues" such as



This March 1842 broadside warned native-born Rhode Islanders that the People's Constitution would "place your government, your civil and political institutions, your PUBLIC SCHOOLS, and perhaps your RELIGIOUS PRIVILEGES, under control of the POPE of ROME, through the medium of THOUSANDS of NATURALIZED FOREIGN CATHOLICS." RIHS Collection (RH1 X3 4355).

the fiery New York Democrat Mike Walsh would come to Rhode Island and stir up the Irish Catholic rabble in a class war against the Protestant elite.¹³²

Gettleman and Dennison fail to see the nativism embodied in the so-called Landholders' Constitution,



The Charter regime was ardently defended by the Reverend Francis Wayland, the president of Brown University. RIHS Collection (RH1 X3 4584).

produced by the Charter authorities in February 1842. In its suffrage provisions, that document retained the real estate requirement for naturalized citizens and actually lengthened the state residency qualification from one year to three years after naturalization. As Conley notes, the more liberalized voting mechanisms that the Landholders' document did provide—the extension of the franchise to all adult white, male, native-born citizens who met residency requirements—“stole the thunder from the Dorrite cause and drove a wedge between extreme and moderate reformers.”¹³³ One widely circulated broadside warned that unless the Landholders' Constitution was ratified, citizens of Rhode Island needed to be “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.” The *Providence Journal* put it this way: “Now is the time to choose between the two systems—the conservative checks or foreigners responsible only

to priests.”¹³⁴ The Landholders' Constitution was defeated by the “ominously narrow margin” of 8,689 to 8,013 in a March 1842 referendum.¹³⁵

Exploring the relationship between Rhode Island Catholics and the Dorrite rebels in his *Catholicism in Rhode Island and the Diocese of Providence, 1780-1886* (1982), Conley's student, Providence College professor Robert W. Hayman, points out that Bishop Benedict Joseph Fenwick of Boston and the two priests stationed in Providence strenuously urged Catholics not to support Dorr's rebellion.¹³⁶ Indeed, not many Irish names appear as Dorr supporters in New Hampshire congressman Edmund Burke's massive 1844 report on the rebellion.¹³⁷ In her research into the Catholic Church in Providence, Evelyn Sterne helps to solidify this important point: Writing to his friend Elisha R. Potter Jr. during the rebellion, former Rhode Island governor John Brown Francis noted that his “Irishman Patrick who was boiling over with fight came home from Chapel . . . and said that the Irish were to take no part in the quarrel, Father [John Corry] having interdicted them. This story has been confirmed from many quarters. The Bishop put his injunction upon them.”¹³⁸ Also at issue was the Catholic hierarchy's opposition to abolitionism. Since Catholics were a minority everywhere, and a suspect minority at that, supporting such controversial causes as Dorrite constitutional reform and abolitionism could only have incurred the wrath of those hostile to those causes. The bishops and priests wanted to erase the popular impression that Catholics were a menace to American society.

THE PUBLICATION OF Conley's *Democracy in Decline* marked the end of scholarly examination of the Dorr Rebellion for over two decades. It was not until Mark S. Schantz's *Piety in Providence: Class Dimensions of Religious Experience in Antebellum Rhode Island* (2000) that a new interpretation of the rebellion was put forward. Whereas Conley highlights the importance of anti-Catholicism in the defeat of the Dorrites, Schantz focuses on the nature of

Rhode Island Protestantism. In many ways the Dorr Rebellion lies at the heart of Schantz's study; the "serpentine story of political rebellion is inseparable from the religious themes that informed it," the author says.¹³⁹ According to Schantz, in "state, church, and family, the Dorrite insurgents represented the dark forces of chaos and social disorder." Baptists, Congregationalists, and Episcopalians "threw their weight behind" the forces of Law and Order, while "the Universalists, Methodists, and independent Baptists often bolstered the Dorrites."¹⁴⁰ As conservative Whigs and evangelicals, "bourgeois Protestants could at once embrace the forces of economic modernization while holding to the traditional political order of the state and to deferential social relationships." Dedicated to "spiritual freedom" and a "belief in self-expression," the culture of plebian Protestantism was ambivalent about "established authority."¹⁴¹

By restoring a consideration of antebellum Protestantism to a place of importance in the narrative of the Dorr Rebellion, *Piety in Providence* makes a valuable contribution both to the scholarship on the rebellion and to the political and religious history of the early republic. Schantz also helps to further Wiecek's analysis of conservative thought in Rhode Island circa 1842 through his examination of the religious context of the arguments. For many bourgeois Protestants, Dorr's attempt to take over the reins of government in Rhode Island encouraged a new understanding of the intimate relationship between obedience to God and obedience to civil authority. As in the debate over slavery, both the Dorrites and their conservative opponents in the Law and Order faction sought to capture the mantle of Christian legitimacy as their own.

After Dorr's failed attempt to seize the state arsenal in Providence, Francis Wayland told his congregation that a "considerable number of citizens in this city have been deluded into a participation in these transactions."¹⁴² Schantz notes that after Dorr's arrest congregations disciplined and punished members who had taken the side of the Dorrite insurgents. This was

an unprecedented step for church congregations to take, and it reveals how profoundly politics fractured congregational life. In his study of the history of northwestern Rhode Island from 1780 to 1850, Daniel P. Jones finds that the Foster Center Christian Church split for a time over the "disturbances" created by the rebellion.¹⁴³ Jacob Frieze, a Universalist minister and one-time suffrage advocate, broke openly with Dorr after the insurgent leader's resort to violence, while Leonard Wakefield, a Methodist pastor from Cumberland, remained loyal to Dorr to the bitter end.¹⁴⁴ As Schantz points out, however, "no group of communicants was placed at greater risk than those who inhabited Providence's black churches."¹⁴⁵

That African Americans—and not the growing Irish Catholic laboring class—received the right to vote as a result of the Law and Order faction's victory in Rhode Island's brief civil war was indeed a remarkable development, especially when compared with trends elsewhere. This legal triumph was the only instance in antebellum history where blacks regained the franchise after having it revoked. Several blacks in Rhode Island owned their homes and could have qualified to vote under the state's stringent property requirements had not the restrictive enactment of 1822 prevented them from doing so.¹⁴⁶ Ironically, the state's black population played a key role in suppressing a rebellion that it once had every intention of joining. In the end, it was the conservative Democrats and Whigs in the Law and Order Party, and not the more liberal Suffragists, whose rhetoric centered on the notion of the common man, who rewarded the black community with the franchise after the rebellion was put down. One week after Dorr had dismissed his followers and once again fled Rhode Island, the black community was represented at the Fourth of July parade in Providence by its own marching band, with instruments supplied by the appreciative state government from items confiscated at Chepachet.¹⁴⁷

Black participation in putting down the rebellion deeply impressed William Brown, a grandson of slaves

who had once been owned by the famous merchant-turned-abolitionist Moses Brown. At numerous points in his memoir, William Brown mentions that many blacks "turned out in defense" of the newly formed Law and Order Party. The "colored people," according to Brown, "organized two companies to assist in carrying out Law and Order in the State."¹⁴⁸ Many Dorrites assailed blacks for aiding the Law and Order forces; one Dorrite broadside viciously depicted blacks at a table with dogs, eating and drinking like barbarians at the conclusion of the rebellion.¹⁴⁹ Indeed, the Law and Order Party was frequently referred to as the "nigger party" by the Dorrites.¹⁵⁰ This is not to say, however, that members of the Law and Order faction were racial egalitarians; blacks were given the franchise, in large measure, both to increase electoral support for the Whig Party and to repay them for their paramilitary alliance with the forces of Law and Order.¹⁵¹ This fact was not lost on the Dorrites. As one Dorrite noted a year after blacks regained the franchise, the Law and Order forces "made the colored men voters, not because it was their right, but because they needed their help."¹⁵²

In his 2008 *Between Freedom and Bondage: Race, Party and Voting Rights in the Antebellum North*, political scientist Christopher Malone examines the disenfranchisement and reenfranchisement of Rhode Island's black population.¹⁵³ Joanne Pope Melish does the same and more in her introduction to the new edition of William Brown's memoirs.¹⁵⁴ The writings of Malone and Melish represent the most thorough analysis of Providence's black community since Robert Cottrol's *The Afro-Yankees: Providence's Black Community in the Antebellum Era* (1982).¹⁵⁵ Detailing how nativism and abolitionism "combined to give blacks a space for political opportunities amid the conflict," Malone observes that the space was "created only after the suffrage movement had succumbed to ascriptivism, against the wishes of some of its most important leaders."¹⁵⁶ Malone's work helps to restore the voices of black leaders such as Alexander Crummell and Alfred

Niger to the story of the Dorr Rebellion. However, the author's failure to move beyond newspaper sources and into the archives assures that his work will not be the last word on the subject.

RONALD FORMISANO AND Christian Fritz have sought to redirect the historical focus from the "conservative counterblast," highlighted by Wiecek, to the validity of the Dorrite constitutional arguments. Formisano's discussion of the Dorr Rebellion places the episode in the context of populist movements in early America and the developing political consciousness of antebellum women. Formisano is particularly adept in placing the Dorr Rebellion and the concurrent New York Anti-Rent War alongside one another; New York's embattled tenant farmers often described their plight under New York's antiquated land system in language that the Dorrites would have found familiar.¹⁵⁷ In both episodes "Americans felt palpably the incongruity between the image of an egalitarian society projected by both parties and the experience of their daily lives."¹⁵⁸ Indeed, Dorr saw a "clear parallel" between the New York case and the Rhode Island attempt at suffrage reform.¹⁵⁹

Building on his own early research on Dorrite women along with Susan Graham's recent doctoral dissertation, Formisano presents an analysis of how women entered the political arena on Dorr's behalf.¹⁶⁰ Graham and Formisano demonstrate that Dorrite women "eagerly and sometimes radically asserted their place in the political arena."¹⁶¹ Indeed, it was the female Dorrites who called for Dorr to be freed from prison.¹⁶² Dorr's friend Catherine Williams maintained that the Dorrite women "kept up the courage of the [Suffrage] Party," and if the men, despite their "pride," could "have stooped to being advised by" the Suffrage ladies, "the cause of Free Suffrage would eventually have triumphed."¹⁶³ Dorr agreed; in a November 1844 letter to his mother Lydia, sent from prison, he remarked that had the Suffrage ladies "taken up the cudgels in 1842, and kept the men at home to do the chores, affairs might have ended differently."¹⁶⁴



Catherine Williams, a prolific Providence author, was a strong supporter of Dorr and his efforts for reform. Painting by Susanna Paine; RIHS Collection (RHHi X3 4475).

Frances Harriet Whipple Greene McDougall, a prominent antislavery advocate and Dorrite sympathizer, maintained in an editorial in *The Wampanoag*, a magazine dedicated to the interests of female mill operatives, that “the question” that was agitating Rhode Island was not “one of Politics” but rather “one of HUMAN RIGHTS,” and therefore it fell “rightfully within” the “legitimate [female] sphere of action.”¹⁶⁵ In January 1843 the *Providence Express* reported a striking instance of worker solidarity: the Benevolent Female Suffrage Association, recognizing that a number of persons had been turned out of employment on account of their suffrage principles, “recommended the Ladies of the different manufacturing establishments, to associate and form societies in defense of human rights, and to enter in a mutual contract and agreement, never to

work for any manufactory where any man is dismissed on account of his political opinions, be those opinions what they may.”¹⁶⁶

Formisano’s *For the People* chronicles how various groups continued to use the American Revolution as a “template for popular action.” According to Formisano, the reform movement in Rhode Island “appealed to the theory of people’s sovereignty inherited from the Revolution and the belief *still current* among many Americans that the people’s sovereignty meant that the people possessed an inherent right to revise their constitutions whenever they chose, and not necessarily through established procedures.”¹⁶⁷ Formisano shows how Americans, both before and after the adoption of the federal Constitution, invoked the sovereignty of the people as the bedrock of American constitutionalism, and he details how the deepening inequality that accompanied the market revolution set popular reform efforts in motion. Formisano’s view on the Dorr Rebellion and the Anti-Rent War is similar to that of historian Reeve Huston, who finds that nineteenth-century reform movements fell outside traditional party lines but nevertheless can be considered political—“that is, they sought to change, or maintain the rules governing community life through collective, public means.”¹⁶⁸

Formisano’s discussion of the Dorrite understanding of popular sovereignty is heavily influenced by the scholarship of Christian Fritz, who rejects Edmund Morgan’s view that popular sovereignty, advanced as a political principle, borders on “fiction.”¹⁶⁹ In Fritz’s analysis, the Dorr Rebellion brought to the surface two conflicting strands of eighteenth-century republican ideology. The conservative strand stressed the danger posed by the transient opinions of popular majorities, which, if left unrestrained, could lead to mobocracy; the progressive strand centered on an egalitarian conception of popular sovereignty and majoritarianism. The Dorrites’ appeal to the latter strand of republican thought to buttress their cause created a tension, but not necessarily an incompatibility, with the

formal conception of law. Fritz is particularly skilled at examining the conflict, the contingency, and the uncertainty that marked the deliberations of both the Suffragists and their Law and Order opponents.

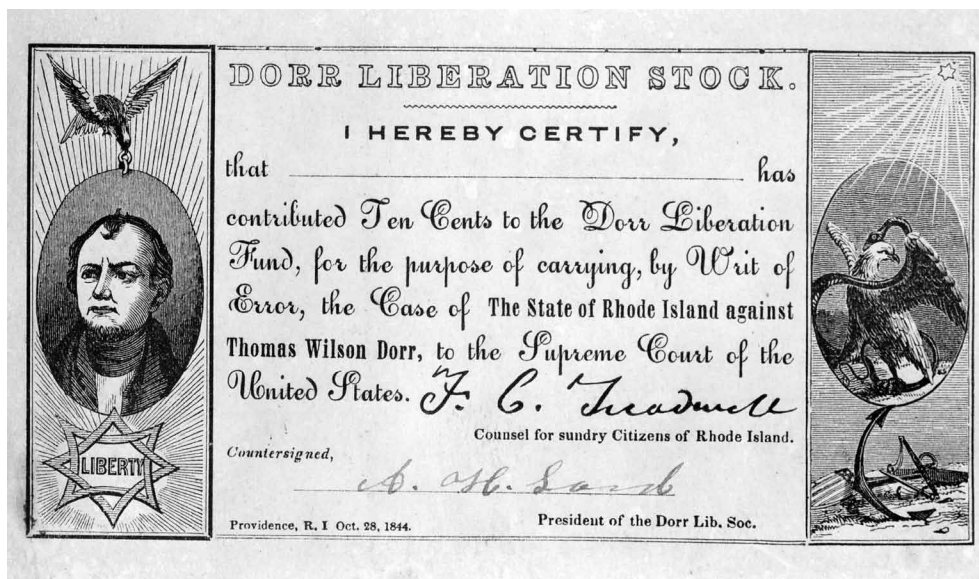
Fritz forcefully argues that scholars have erred in their dismissal of "alter" and "abolish" provisions in state constitutions. These provisions, he says, did not represent mere Revolutionary era window dressing; rather, they constituted a vital relationship between the people and their governments. By 1850 nearly 50 percent of American constitutions included "alter" and "abolish" language, and nearly 80 percent contained a statement on the absolute sovereignty of the people.¹⁷⁰ The new governments set up after the Revolution were based on the view of the people as both subject and sovereign. Popular sovereignty was more than theory; it was embodied practice. According to Fritz's analysis, the Dorrites offered a constitutional middle ground between effecting changes in ways authorized by existing governments and using revolutionary force to supersede government power. With this argument Fritz is able to move beyond the inherent tension in Dennison's ideological discussion.

In *American Sovereigns* Fritz details the "principle that underlay American constitutionalism: that in America the people were sovereign." But the central problem from the Revolutionary period remained on the table a half century later: how could the people invoke their sovereign capacity to alter their form of government? Before the Civil War, Americans believed that citizens, legislatures, and the judiciary "played a significant role in ensuring the Constitution's proper functioning."¹⁷¹ Fritz argues that the dominant interpretation, with its emphasis on the story of the Framers and its focus on the 1787 convention, has distracted scholars from considering alternative interpretations and explanations of the American constitutional tradition. The "lost view of sovereignty" that Fritz chronicles "assumed that a majority of the people created and therefore could revise constitutions at will, and that a given majority of one generation

could not limit a later generation."¹⁷² According to Fritz, seeing the drafting and ratification of the Constitution as a "culmination and constitutional endpoint has helped produce what might be termed a federal constitutional focus—with the creation of the federal Constitution seen as the matured American understanding of written constitutions, and the relationship of the people to their governments."¹⁷³

The "Rhode Island Question," Fritz says, "illustrated how Americans in the 1840s continued to differ in how they understood the constitutional legacy bequeathed by the Revolution."¹⁷⁴ The right of the people to alter or abolish their governments was not "'new or singular,' but rather 'sound doctrine' from the nation's best legal minds for over fifty years."¹⁷⁵ When "the People Speak," insisted Walter Burges, a close confidant of Dorr, "they *must* be heard—for the voice of the People is the voice of God, and that voice may be heard as well in this passing of the breeze as in the crashing thunders of the tornado."¹⁷⁶ Delegates to the Rhode Island People's Convention in 1841 believed that they were acting on their constitutional right to alter or abolish an archaic Charter government that no longer embodied the interests of the majority.

FOR THE LAST DECADE independent scholar and private collector Russell DeSimone has been creating a series of pamphlets on the Dorr Rebellion. DeSimone played a large role during the 150th anniversary celebration of the rebellion in 1992, putting together an invaluable collection of broadsides.¹⁷⁷ His goal with his recent pamphlets is to provide future scholars with avenues of research that previous historians had either ignored or had taken only a cursory glance at, thus helping to reorient the way we think about the rebellion. In *Rhode Island's Rebellion* (Middletown, R.I.: Bartlett Press, 2009), DeSimone chronicles, among other things, the role of women both during and after the rebellion, the interrogations of Dorrite prisoners captured after Dorr dispersed his followers in June 1842, and the often-neglected Dorr Liberation Society. The author's



The Dorr Liberation Society used certificates like this to raise money for Dorr's legal defense. RIHS Collection (RHi X3 6692).

pamphlets provide historians with a more expansive view of Rhode Island's antebellum political culture.

The intense national interest in the rebellion led to a vast contemporary record for modern scholars to examine, one that includes not only correspondence and newspaper and magazine accounts and editorials but the testimony of men and women recorded by reporters and court stenographers, all of which provides a remarkably full picture of the event and its time. The Dorr Rebellion provided Americans with a way to articulate their hopes and fears about the direction their country was headed in a way that few other events in the antebellum world afforded. It also determined the results of important elections throughout northern states in the early 1840s, including Massachusetts Democrat Marcus Morton's defeat of the Whig John Davis in the 1842 gubernatorial election.¹⁷⁸ During the rebellion Dorr sought help not only from Tammany Hall Democrats in New York City but also from Democrats across the North. As Dorr noted to Connecticut governor Chauncey Cleveland on May 13, 1842, the people of Rhode Island "are now threatened with a military intervention, unless they

abandon their Constitution and surrender all the rights which are so justly esteemed by those who are worthy to be the descendants of our venerated ancestors or to be the citizens of a democratic republic."¹⁷⁹ In October 1842 the Vermont legislature issued a majority and minority report on the "Affairs in Rhode Island," in which the minority brief, authored by Democrats C. B. Harrington and Daniel

Cobb, maintained that the controversy involved "grave questions of constitutional law, the rights of government, and the rights of man as man, and as a constituent portion of the state."¹⁸⁰ The full extent of the rebellion's ramifications on New England politics has yet to be examined.

Future historians of the rebellion will be well served by reexamining the closing pages of Peter Coleman's *The Transformation of Rhode Island*, which highlight the rebellion's complexities beyond their ideological context. According to Coleman, the Dorr Rebellion cannot simply be viewed as an episode in class warfare, for workers and employers had a common interest in the twin goals of legislative reapportionment and suffrage extension: "Workers hoped to pave the way for reform, manufacturers to make the General Assembly more responsive to industrial needs."¹⁸¹ Nor can we view the reform issue—as it has often been seen—as simply a sectional one in the state, with Rhode Island's northern manufacturing centers pitted against the landed gentry in the southern part of the state. In its influence on both state and national politics, the Dorr Rebellion played a role as well in the destruction of the Second Party System and the nation's inexorable movement toward a new period of sectional crisis and disunion.

For more information and educational materials on this subject, see under Education at www.rihs.org.

Notes

1. Thomas Wilson Dorr, "Human Happiness," 1833, Thomas Wilson Dorr Papers, box 2, folder 15. There are two significant collections of Dorr's papers at the John Hay Library at Brown University: the Thomas Wilson Dorr Papers (hereafter cited as Dorr Papers) consists of roughly six hundred letters, pamphlets, notes, clippings, and speeches; the Thomas Wilson Dorr Correspondence in the Sidney S. Rider Collection (hereafter cited as Rider Collection) comprises fourteen boxes, averaging twenty folders per box, with each folder containing at least four letters.
2. The first image described is included with the entry on Thomas Dorr, by Patrick T. Conley, in *American National Biography*, 6:759-61. The second image described, the better-known of the two, can be found in numerous places, including Patrick T. Conley, "Attorney Thomas Dorr: Rhode Island's Foremost Political Reformer," in *Liberty and Justice: A History of Law and Lawyers in Rhode Island, 1636-1998* (Providence: Rhode Island Publications Society, 1998), 240; the original is at the Rhode Island State Archives. For Dorr's opinions on the daguerreotype and engravings that were made from it, see Dorr (TWD) to Burges, May 25, 1845, Dorr Papers, box 1, folder 13.
3. Marvin E. Gittleman, *The Dorr Rebellion: A Study in American Radicalism, 1833-1849* (New York: Random House, 1973), 118.
4. Quoted in Howard R. Ernst, "A Call to Arms: Thomas Wilson Dorr's Forceful Effort to Implement the People's Constitution," *Rhode Island History* 66 (2008): 62.
5. John L. O'Sullivan, "Thomas Wilson Dorr of Rhode Island," *The United States Magazine and Democratic Review*, August 1842, 202. See also Edward L. Widmer, *Young Democracy: The Flowering of Democracy in New York City* (New York: Oxford University Press, 1999), 47.
6. See report of U.S. House of Representatives, *Interference of the Executive in the Affairs of Rhode Island*, 29th Cong., 1st sess., 1844, Rept. 546, p. 27. This majority brief was popularly known as *Burke's Report* for the New Hampshire radical Democrat Edmund Burke, who initiated and chaired the House Select Committee on Rhode Island's investigation into President John Tyler's actions during the Dorr Rebellion.
7. TWD to Levi Woodbury, Apr. 5, 1842, Dorr Papers, box 1, folder 11.
8. *National Intelligencer*, May 21, 1842.
9. Dorr had three brothers and three sisters. Like his brothers, Dorr never married.
10. Patrick T. Conley, *Democracy in Decline: Rhode Island's Constitutional Development, 1776-1841* (Providence: Rhode Island Historical Society, 1977), 273.
11. *Ibid.*, 287. An image of the Democratic-Republican election ticket can be found in Russell DeSimone and Daniel Schofield, *Rhode Island Election Tickets: A Survey*, Faculty Publications of the Technical Service Department at the University of Rhode Island (Kingston, R.I., 2007), fig. 80.
12. Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 600. See TWD to Walter S. Burges, Aug. 16, 1847, in "Memoranda at the Request of T. W. Dorr," Dorr Papers, box 3, folder 6. The most accurate account of Dorr's political conversion is in Conley, *Democracy in Decline*, 278-84.
13. John Ashworth, *Agrarians and Aristocrats: Party Political Ideology in the United States, 1837-1846* (London: Cambridge University Press, 1987), 230-35. See also James Roger Sharp, *The Jacksonians versus the Banks: The Politics in the States after the Panic of 1837* (New York: Columbia University Press, 1970).
14. See, for example, John O'Sullivan, "The Rhode Island Question," *United States Magazine and Democratic Review*, July 1842, 70-83; "The Rhode Island Question—The Sovereignty of the People," *ibid.*, March 1848,

- 193-97; *The Rhode Island Question: Mr. Webster's Argument in the Case of Martin Luther v. Luther M. Borden and Others* (Washington, D.C.: J. and G. S. Gideon, 1848); John O. Bradford to James K. Polk, Oct. 5, 1844, in Wayne Cutler, Jayne C. Defiore, and Robert Hall, eds., *Correspondence of James K. Polk* (University of Tennessee Press, 1993), 8:154 ("The most exciting topic now before the public is the Rhode Island question").
15. *To the Members of the General Assembly of Rhode Island* (Providence, 1842), 4.
 16. See "Nine Lawyers' Opinion," *Providence Daily Express*, Mar. 16, 1842.
 17. Marvin Meyers, *The Jacksonian Persuasion: Politics and Belief* (Palo Alto, Calif.: Stanford University Press, 1968), 16-32.
 18. Seth Luther, "An Address on the Right of Free Suffrage" (Providence, 1833), reprinted in Scott Molloy, ed., *Peaceably If We Can, Forcibly If We Must: Writings by and about Seth Luther* (Providence: Rhode Island Labor Historical Society, 1998), 9.
 19. Daniel P. Jones, *The Economic and Social Transformation of Rural Rhode Island, 1780-1850* (Evanston, Ill.: Northeastern University Press, 1992), 221 n. 11. See also Clifford W. Brown Jr.'s informative article on Chepachet and the Free Will Baptist Church during the rebellion on <http://www.chepachetfreewill.org/Dorrrebellion.htm> (accessed Dec. 28, 2009).
 20. *The People's Democratic Guide*, vol. 1 (New York, 1842), 242-43.
 21. See the correspondence records for the quartermaster general (1842, two folders) in the Rhode Island State Archives. Governor King wrote numerous frantic letters to Ames, asking him to revoke previous orders that King himself had issued for the loaning of arms to certain militia units because he believed them to be loyal to Dorr. Ames was also ordered to procure provisions and weapons from Boston. He accomplished both tasks. See Erik J. Chaput, "'Keep It Before the People' and 'Let the People Remember': The Dorr War and Massachusetts Politics," *Historical Journal of Massachusetts*, 2010 (forthcoming).
 22. For a recent account of this episode, see Ernst, "A Call to Arms" 59-80. See also the lengthy letter from Samuel Man to James F. Simmons, May 19, 1842, in the Papers of James Fowler Simmons, box 15, Library of Congress.
 23. *New York Express*, May 23, 1842; *The Diary of Philip Hone, 1828-1851*, ed. Allan Nevins, vol. 2 (New York, 1927), 603.
 24. TWD to Burges, June 27, 1842, Dorr Papers, box 1, folder 11.
 25. See Joyce M. Botelho, *Right and Might: The Dorr Rebellion and the Struggle for Equal Rights* (Providence: Rhode Island Historical Society, 1992), 53-54.
 26. Erik J. Chaput, "Governor in Exile: The Rhode Island Question and the Granite State," an unpublished manuscript discussing the Dorr Rebellion and New Hampshire politics, is on file with the author. The best study of New Hampshire antebellum politics is Donald B. Cole's *Jacksonian Democracy in New Hampshire, 1800-1851* (Cambridge: Harvard University Press, 1970).
 27. *Journals of the Honorable Senate and the House of Representatives of New Hampshire*, November 1842, 16, New Hampshire State Archives. See also the copy of Governor Henry Hubbard's August 1842 letter to Samuel Ward King in *Executive Council Records*, 8:200-213, New Hampshire State Archives.
 28. *New Hampshire Executive Council Journal*, 1842, 8:197-98, New Hampshire State Archives.
 29. See, for example, *Boston Post*, July 20, 1842.
 30. See Lewis Josselyn to TWD, Oct. 20, 1842, Rider Collection, box 5, folder 14.
 31. John O'Sullivan to TWD, July 2, 1842, Rider Collection, box 4, folder 21.
 32. Dan King, *Life and Times of Thomas Wilson Dorr* (Boston, 1859), 205.
 33. Walter Burges and George Turner, *Report of the Trial of Thomas W. Dorr for Treason* (Providence: B. F. Moore, 1844), 70.
 34. Rhode Island Supreme Court, March 1844 term, Rhode Island Supreme Court Judicial Records Center. The 1854 annulment of Dorr's conviction is scrawled across the page in the court's records.
 35. Dorr's "Remarks before Sentence," June 25, 1844, in Dorr Papers, box 3, folder 3; resolution passed on Dec. 27, 1844, signed by the speaker of the House, the president of the Senate, and Governor John H. Steele, New Hampshire State Archives.
 36. See Charles Hoffman and Tess Hoffman, *Brotherly Love: Murder and the Politics of Prejudice in Nineteenth-Century Rhode Island* (Amherst: University of Massachusetts Press, 1993), 76.
 37. Edward Field, *State of Rhode Island and Providence Plantations at the End of the Century: A History* (Boston: Mason Publishing, 1902), 3:466; William Staples, *Annals of the Town of Providence* (Providence, 1843), 182. According to an October 1844 report to the General Assembly, "each cell has a pine floor; sufficiently lighted for the performance of any mechanical labor, with two squares of glass, each 14 inches by 5; is furnished with an abundant supply of pure water, and is warmed in cold weather with hot water circulated through iron pipes. The prisoner is comfortably clad, and sleeps in a wooded bunk, on a pallet and pillow of straw." See "Annual Report Made to the General Assembly of Rhode-Island, at their October Session, 1844, by the Inspectors, Warden and Physician of the Rhode-Island State Prison," 14, Rhode Island State Archives.
 38. James K. Polk to John Gellest, Dec. 26, 1844, Dorr Correspondence, Newport Historical Society.
 39. Quoted in James C. Garman, *Detention Castles of Stone and Steel: Landscape, Labor and the Urban Penitentiary* (Knoxville: University of

- Tennessee Press, 2005), 79.
40. *Ibid.*, 75-80.
 41. See "Petition of Sullivan Dorr to General Assembly," June 26, 1844, Rhode Island State Archives; see also Dorr Papers, box 2, folder 7.
 42. Field, *State of Rhode Island*, 3:466. Dorr was allowed to take the fans home with him upon his release in June 1845. See Garman, *Detention Castles*, 133.
 43. TWD to Lydia Dorr, Feb. 14, 1845, Dorr Papers, box 1, folder 13. See also certificates of warden and physician of state prison in relation to health of "State Convict #56," January 1845, and petition of Sullivan Dorr and Dr. Usher Parsons to visit Thomas Wilson Dorr in prison, January 1845, *Reports to Rhode Island General Assembly*, 1843-1846, 11:70, 71, Rhode Island State Archives.
 44. *The Merits of Thomas Wilson Dorr and George Bancroft As They Are Politically Connected*, 2nd ed. (Boston, 1844), 29-30.
 45. Patrick T. Conley, "No Tempest in a Teapot: The Dorr Rebellion in National Perspective," *Rhode Island History* 50 (1992): 92. George Mifflin Dallas was elected as Polk's vice president.
 46. See Dorr's "Notes for a November 1845 Address" in Dorr Papers, box 3, folder 4.
 47. David Grimsted, *American Mobbing, 1828-1861: Towards Civil War* (Oxford University Press, 2003), 217.
 48. New Hampshire General Court, *Laws of the State of New Hampshire from November 1842 Session to June 1847* (Concord, 1847), 477. The statute conferred on Dorr all "the civil rights, privileges, and immunities which appertain to a citizen of the state of New Hampshire."
 49. In June 1854 the Rhode Island Supreme Judicial Court declared the General Assembly's reversal of Dorr's conviction unconstitutional. The court had been asked to rule on the issue by the Assembly, but the justices' opinion was not an official one, since it did not originate from a justiciable controversy. See Patrick T. Conley and Robert Flanders, *The Rhode Island State Constitution: A Reference Guide* (Westport, Conn.: Greenwood Press, 2007), 155-56. The original handwritten opinion of the justices is at the Rhode Island State Archives. See also *Acts and Resolves of the Rhode Island General Assembly* (June Session, 1854), 3-13.
 50. For a detailed account of these events, see Conley, *Democracy in Decline*, 366-71.
 51. Justin Wert, review of Christian Fritz's *American Sovereigns in Law and Politics Book Review* 18 (2008): 253.
 52. The phrase "tempest in a teapot" is from Catherine R. Williams, *Recollections of the Life of and Conversations of Thomas Wilson Dorr* (Providence, 1854), 10.
 53. Sean Wilentz, *The Rise of American Democracy: From Jefferson to Lincoln* (New York: Norton, 2005), 539.
 54. *The Works of John C. Calhoun*, ed. Richard K. Cralle (New York, 1888), 6:229.
 55. Thomas Wilson Dorr's Notebook, 40, Rider Collection.
 56. See William Goodell, *Lessons of a Single Day in Rhode Island* (New York, 1842), 8.
 57. *The Speeches of Henry Clay*, ed. Calvin Colton (New York: A. S. Barnes, 1857), 2:383.
 58. Burke to TWD, Feb. 4, 1844, Rider Collection, box 8, folder 3. See also Burke to TWD, May 19, 1842, Rider Collection, box 4, folder 14.
 59. TWD to Edmund Burke, Feb. 26, 1844, Edmund Burke Papers, Library of Congress.
 60. Daniel Feller, *The Jacksonian Promise: America 1815-1840* (Baltimore: Johns Hopkins University Press, 1995), 137.
 61. Arthur M. Schlesinger Jr., *The Age of Jackson* (Boston: Little, Brown & Co., 1945), 411.
 62. TWD to Amos Kendall, September 20, 1842, Rider Collection, box 3, folder 9.
 63. The charter is reprinted in Arthur May Mowry, *The Dorr War: The Constitutional Struggle in Rhode Island* (New York: Chelsea House Publishers, 1970; 1901), 308.
 64. Dorr's speech is reprinted in *Burke's Report*, 851-64.
 65. Wilentz, *Rise of American Democracy*, 543, 539.
 66. See Christian Fritz, *American Sovereigns: The Constitutional Legacy of the People's Sovereignty before the Civil War* (New York: Cambridge University Press, 2008), 246-76.
 67. TWD to a committee of the Young Men's Democratic Association of the County of Philadelphia, July 2, 1845, Rider Collection, box 9, folder 6.
 68. See Fritz, "America's Unknown Constitutional World," October 2008, www.Common-place.org (accessed December 26, 2009). See also Raymond Lavertue and Erik J. Chaput, "The Lost World of Thomas Wilson Dorr" (unpublished paper on file with authors).
 69. See also Larry Kramer, *The People Themselves* (New York: Oxford University Press, 2004).
 70. Ashworth, *Agrarians and Aristocrats*, 230.
 71. I thank Russell DeSimone for bringing these articles to my attention.
 72. See Elisha Dyer, "Reminiscences of Rhode Island in 1842 As Connected with the Dorr Rebellion," *Narragansett Historical Register* 6 (April 1888): 145-97; Noah Arnold, "The History of Suffrage in Rhode Island," *ibid.* 8 (October 1890): 305-31.
 73. Amasa M. Eaton, "Thomas Wilson Dorr, 1805-1854," in *Great American Lawyers*, ed. William Draper Lewis (Philadelphia: John C. Winston Co., 1908), 10:177-230. Eaton was the draftsman of the Rhode Island Court and Practice Act of 1905.
 74. Quoted in Irving Berdine Richman, *Rhode Island: A Study in Separatism*

- (New York, Houghton, Mifflin & Co., 1918), 302.
75. Peter J. Coleman, "The Dorr War and the Leviathan State," *Reviews in American History* 4 (December 1976): 536.
76. Raymond Lavertue's forthcoming doctoral dissertation, "The People's Governor: Thomas Wilson Dorr and the Politics of Abnegation, 1834-1843" (St. Catherine's College, Oxford University, 2010), will fill a huge void. Mr. Lavertue's dissertation demonstrates how Dorr and the Dorr Rebellion itself were to a great extent shaped intellectually by English reform agitation and political discourse surrounding the English Reform Bill of the late 1820s and early 1830s.
77. See, for example, Jonathan Earle, *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854* (Chapel Hill: University of North Carolina Press, 2004), and Elizabeth Varon, *Disunion! The Coming of the American Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008).
78. Ronald Formisano, *For the People: American Populist Movements from the Revolution to the 1850s* (Chapel Hill: University of North Carolina Press, 2007).
79. George Dennison, "The Constitutional Issues of the Dorr War: A Study in the Evolution of American Constitutionalism" (Ph.D. diss., University of Washington, 1967; Marvin Gettleman, "Reform, Radicalism, and Party Development: A Study of the Dorr Rebellion and Rhode Island Politics, 1833-1849" (Ph.D. diss., Johns Hopkins University, 1972). See also Gettleman, "Political Opposition and Radicalism in the Dorr Rebellion, unpublished paper read at Organization of American Historians Convention, 1969.
80. Schlesinger, *The Age of Jackson*, 409-15; Chilton Williamson, *American Suffrage from Property to Democracy, 1760-1860* (Princeton, N.J.: Princeton University Press, 1960), 246-60; Peter Coleman, *The Transformation of Rhode Island* (Providence: Brown University Press, 1963), 235-94.
81. *Congressional Globe*, 40th Cong., 1st sess., July 12, 1867, 614. Wiecek and Dennison presented papers on the Dorr Rebellion at the 1973 meeting of the Organization of American Historians; for summaries, see *Journal of American History* 60 (December 1973): 716-17.
82. William M. Wiecek, *The Guarantee Clause of the United States Constitution* (Ithaca, N.Y.: Cornell University Press, 1972), 5.
83. *Ibid.*, 111-29.
84. George M. Dennison, *The Dorr War: Republicanism on Trial, 1831-1861* (Lexington: University of Kentucky Press, 1976), 154.
85. *The Writings of Levi Woodbury: Political, Judicial and Literary*, ed. Charles Woodbury (Boston, 1852), 3:70-96.
86. Wiecek, *The Guarantee Clause*, 86.
87. Gettleman, *The Dorr Rebellion*, 110 n. 12.
88. TWD to Burges, May 12, 1842, Rider Collection, box 4, folder 11.
89. See *The Rhode Island Question: Mr. Webster's Argument in Supreme Court of the United States in the Case of Luther Borden v. Martin Luther* (Washington, D.C., 1848).
90. Gettleman, *The Dorr Rebellion*, 78.
91. *Ibid.*, 110.
92. See David P. Currie, *The Constitution in Congress: Descent into the Maelstrom, 1829-1861* (Chicago: University of Chicago Press, 2005), 69-78.
93. See, for example, Edward Crapol, *John Tyler, The Accidental President* (Chapel Hill: University of North Carolina Press, 2006), and Gary May, *John Tyler* (New York: Times Books, 2008).
94. Samuel W. King to John Tyler, Apr. 4, 1842, in *Burke's Report*, 656.
95. Wiecek, *Guarantee Clause*, 84 n. 6; 81.
96. See Tyler to King, Apr. 11, 1842, in *Burke's Report*, 659.
97. Robert Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789-1879* (Darby, Pa.: Diane Publishing, 1996), 123-24.
98. Wiecek, *Guarantee Clause*, 107, 102.
99. William M. Wiecek, "Popular Sovereignty in the Dorr War—Conservative Counterblast," *Rhode Island History* 32 (1973): 36-51; "A Peculiar Conservatism and the Dorr Rebellion: Constitutional Clash in Jacksonian America," *American Journal of Legal History* 22 (1978): 237-53; "Popular Sovereignty," 36.
100. William G. Goddard, *An Address to the People of Rhode Island* (Providence, 1843), 41, 39. For more on Goddard, see Francis Goddard, ed., *The Political and Miscellaneous Writings of William G. Goddard*, vol. 1 (Providence, 1870), 75-118. Surprisingly, Francis Goddard chose not to include his father's twenty-three "Town Born" articles from the *Providence Journal* (September-November 1841), articles that did much to present the conservative position.
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102. Robert Shalhope, "The Radicalism of Thomas Dorr," *Reviews in American History* 2 (1974): 383-89.
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111. "Martin Luther v. L. M. Borden and Others: Notes of Matters of Argument," January 1847, Dorr Papers, box 3, folder 6.
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115. Warshauer, *Andrew Jackson*, 191-92.
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117. George M. Dennison, "Republican Form of Government—The Dorr War and Political Questions," *The Supreme Court Historical Society Yearbook*, 1979, 41, http://www.supremecourthistory.org/publications/images/SCHS_publications-1979.pdf (accessed December 15, 2009).
118. TWD to Walter S. Burges, Dec. 17, 1844, in Dorr Papers, box 1, folder 12.
119. Dennison, *The Dorr War*, 7-8, 199.
120. George M. Dennison, "The Dorr War and the Triumph of Institutionalism," *Social Science Journal* 15 (April 1978): 45.
121. Fritz, "America's Unknown Constitutional World."
122. Quoted in Conley, *Democracy in Decline*, 251.
123. For the two conventions, see "The First Convention," chap. 8, and "Workingmen, Constitutionals and the Convention of 1834," chap. 10, in *ibid.*
124. Mowry, *The Dorr War*, 297-98; Conley, *Democracy in Decline*, 372-79.
125. People's Constitution, 1842, Article I of the Declaration of Principles, Rights and Duties, sec. 3, reprinted in Mowry, *The Dorr War*, 323.
126. Patrick T. Conley, "The Constitution of 1843: A Sesquicentennial Obituary," in *Rhode Island in Rhetoric and Reflection: Public Addresses and Essays by Patrick T. Conley* (Providence: Rhode Island Publications Society, 2003).
127. Conley, *Democracy in Decline*, 277.
128. Harvey Strum, "Not Forgotten in their Afflictions: Irish Famine Relief from Rhode Island, 1847," *Rhode Island History* 60 (2002): 27.
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132. Peter Adams, *The Bowery Boys: Street Corner Radicals and the Politics of Rebellion* (Westport, Conn.: Praeger Press, 2005), 52. See also Arthur May Mowry, "Tammany Hall and the Dorr Rebellion," *American Historical Review* 3 (January 1898): 292-301.
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134. Quoted in *ibid.*, 321, 322.
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136. Robert W. Hayman, *Catholicism in Rhode Island and the Diocese of Providence, 1780-1886* (Providence: Diocese of Providence, 1982), 46.
137. Scott Molloy, *Irish Titans, Irish Toilers: Joseph Banigan and Nineteenth-Century New England Labor* (Lebanon: University of New Hampshire Press, 2008), 47.
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141. *Ibid.*, 198.
142. Quoted in *ibid.*
143. Jones, *Economic and Social Transformation*, 215.
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145. *Ibid.*, 218.
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149. "Governor King's Extra," broadside, Harris Collection of Broad sides.
150. *The Liberator*, Jan. 14, 1842.
151. Conley, *Democracy in Decline*, 345,

372. See also Deborah Bingham Van Broekhoven, *The Devotion of These Women: Rhode Island in the Antislavery Network* (Amherst: University of Massachusetts Press, 2002), 41-43.
152. Francis Green McDougall, *Might and Right* (Providence: A. H. Stillwell, 1844), 287.
153. Christopher Malone, *Between Freedom and Bondage: Race, Party and Voting Rights in the Antebellum North* (New York: Routledge Press, 2008), chap. 4.
154. See also Melish's *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* (Ithaca, N.Y.: Cornell University Press, 1998).
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157. See Charles McCurdy, *The Anti-Rent Era in New York Law and Politics, 1839-1865* (Chapel Hill: University of North Carolina Press, 2001).
158. Formisano, *For the People*, 160.
159. TWD to Nathan Clifford, Jan. 24, 1848, Rider Collection, box 12, folder 3.
160. Susan H. Graham, "Call Me a Female Politician, I Glory in the Name': Women Dorrites and Rhode Island's 1842 Suffrage Crisis" (Ph.D. diss., University of Minnesota, 2006); Formisano, *For the People*, 174-76. See also Ronald Formisano, "The Role of Women in the Dorr Rebellion," *Rhode Island History* 51 (1993): 89-104; Schantz, *Piety in Providence*, 206-13.
161. Graham, "Female Politician," 21.
162. Williams, *Recollections*, 30-31.
163. *Ibid.*, 11.
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165. Quoted in Sarah C. O'Dowd, *A Rhode Island Original: Frances Harriet Whipple Green McDougall* (Hanover, N.H.: University Press of New England, 2004), 74.
166. *Providence Express*, Jan. 5, 1843.
167. Formisano, *For the People*, 160 (emphasis added). For a further analysis of Formisano's thesis, see Erik J. Chaput, "Reform and Reaction: Populism in Early America," www.Common-place.org (January 2009).
168. Reeve Huston, "Popular Movements and Party Rule: The New York Anti-Rent Wars and the Jacksonian Political Order," in *Beyond the Founders: New Approaches to the Political History of the Early Republic*, ed. Jeffrey L. Palsey, Andrew W. Robertson, and David Waldstreicher (Chapel Hill: University of North Carolina Press, 2004), 357-58.
169. Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1988), 255.
170. Fritz, *American Sovereigns*, 388 n. 22.
171. *Ibid.*, 233.
172. *Ibid.*, 3.
173. Christian Fritz, "A Constitutional Middle Ground between Revision and Revolution: A Reevaluation of the Nullification Crisis and the Virginia and Kentucky Resolutions through the Lens of Popular Sovereignty," in Hendrik Hartog, William E. Nelson, and Barbara W. Kern, eds., *Law as Culture and Culture as Law: Essays in Honor of John Phillip Reid* (Madison: Wisconsin House Publishers, 2000), 160.
174. Fritz, *American Sovereigns*, 249.
175. *Ibid.*, 261. Fritz is quoting Benjamin F. Hallett, *The Right of the People to Establish Forms of Government* (Boston, 1848), 19.
176. Walter Burges to TWD, May 4, 1841, Dorr Papers, box 1, folder 7.
177. See *Broadsides of the Dorr Rebellion* (Providence: Rhode Island Supreme Court Historical Society, 1992). See also the images in Joyce Botelho's *Right and Might*.
178. See George S. Boutwell, *Reminiscences of Sixty Years in Public Affairs* (New York, 1902), 182-83. See also Erik J. Chaput, "Keep It Before the People."
179. TWD to Chauncey Cleveland, May 13, 1842, Rider Collection, box 4, folder 11. This letter was written while Dorr was in New York City preparing for his return to Rhode Island on May 16. Dorr's similar letter to Maine governor John Fairfield, written on May 17, 1842, is in the Maine State Archives, Augusta.
180. Journal of the Vermont House of Representatives of the State of Vermont, October 1842 session, 152, Vermont State Archives, Montpelier.
181. Coleman, *Transformation of Rhode Island*, 290. See also Conley, *Democracy in Decline*, 145-61.

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Attorney Charles E. Gorman was the leader in the campaign for equal rights in late-nineteenth-century Rhode Island. Photo courtesy of the Rhode Island Heritage Hall of Fame.

No Landless Irish Need Apply:

Rhode Island's Role in the Framing and Fate of the Fifteenth Amendment

PATRICK T. CONLEY

Given Rhode Island's boycott of the 1787 Philadelphia Convention, discussion concerning the state's influence on the federal Constitution usually centers on the religion clauses of the First Amendment. Much has been written regarding the influence of Roger Williams, Dr. John Clarke, Isaac Backus, and the Baptist tradition on the Framers who drafted the Free Exercise and Establishment Clauses. My view is that the American church-state outlook has issued chiefly from two parallel positions: the Rhode Island dissenting tradition with its biblical base, initiated by Williams, and the eighteenth-century Virginia Enlightenment tradition, rooted in natural law and natural rights, expounded by Thomas Jefferson and James Madison.¹

Whereas Rhode Island's contribution to the First Amendment is widely discussed and salutary, the state's impact on the Fifteenth Amendment is little known and negative. For a state where the right to vote was widely dispersed during its formative era, Rhode Island's sharp reversal of form in the nineteenth century is cause for criticism and embarrassment, as Rhode Island became a democracy in decline. Reformers waged the Dorr Rebellion from 1841 to 1843 to gain the vote for landless white males, but the state constitution that emanated from that conflict denied the vote to landless naturalized citizens, most of whom were Irish Catholics. In the ensuing decades this discriminatory provision made the battle for voting rights more intense, divisive, and enduring in Rhode Island than it was in any other state.² During the nineteenth century, local resistance to broadening the suffrage helped to shape and limit the United States Constitution, specifically the Fifteenth Amendment. That controversy is now worth recalling for those who take their right to vote for granted.

IN THE PERIOD immediately following the Civil War, the movement in Rhode Island for general suffrage reform

intensified. It centered upon the real estate requirement for voting imposed on naturalized citizens by the Constitution of 1843. State statistician Dr. Edwin M. Snow noted in his 1865 state census that "only one in twelve or thirteen of the foreign-born of adult age was a voter."³ Political leaders in the drive for liberalization of the franchise included Governor Ambrose Burnside, the former Civil War general, who supported the vote for naturalized veterans, many of whom had served under his command; former Democratic congressman Thomas Davis, a Dublin-born Protestant who had been ousted from the United States House of Representatives by the Know-Nothing landslide of 1854; Providence Republican mayor Thomas Doyle, a Protestant also of Irish descent; Democratic state senators Sidney Dean of Warren and Alexander Eddy of Glocester; and Republican state senator Charles C. Van Zandt of Newport, a future governor from a heavily Irish American community.⁴

The most fervent and outspoken advocate of suffrage reform in the postwar era, however, was young, energetic, and articulate Charles E. Gorman from the Wanskuck area of North Providence, a section that was annexed by the city of Providence in 1873-74. Gorman was born in Boston in 1844, the son of Charles and Sarah J. (Woodbury) Gorman. His father was a native of Ireland, but his mother was descended from one of the original settlers of the Massachusetts Bay Colony.

Admitted to the bar in 1865 at the age of twenty-one, elected as a Democrat to the Rhode Island General Assembly in 1870 and to the Providence Common Council in 1875, Charles Gorman is reputed to have been the first Irish Catholic to achieve each of these distinctions. During the last third of the nineteenth century, he devoted most of his legal talent and his political energy to the cause of constitutional reform, or "equal rights," as the movement was then called.⁵

In 1870 freshman representative Gorman and Senator Dean each sponsored bills calling for an unlimited state constitutional convention to reform suffrage and representation, but the measures failed to pass. As a concession, however, the Assembly approved a resolution proposing three constitutional amendments, one of which called for the repeal of the real estate property qualification for naturalized citizens. This proposal met defeat in October 1871 by a wide margin—3,236 votes were cast in its favor, but 6,960 of the electors rejected it. The vote came less than three months after New York City’s infamous “Orange Riots” between Catholic and Protestant Irishmen, a bloody civil strife that prompted Henry B. Anthony’s *Providence Journal* to equate suffrage extension with “mob government.” The *Journal*’s editorial views prevailed over the exhortations of three small and short-lived newspapers (the pro-labor *Rhode Island Lantern*, the *Weekly Review*, and the *Weekly Democrat*) founded by Irish Catholics in 1870 to publicize the need for political and labor reforms.⁶

In November 1876 an effort was made to allow foreign-born soldiers and sailors to vote on the same terms as native citizens, but it too proved futile—11,038 for to 10,956 against. This measure (which required a three-fifths vote) did not succeed until April 1886, when under Gorman’s lead it became Article of Amendment VI to the Rhode Island Constitution.⁷

The most reasoned and elaborate defense of Rhode Island’s voting provisions during these two decades of agitation was penned by Chief Justice Thomas Durfee (1875-1891), the son of Chief Justice Job Durfee (1835-1848), who presided with great partiality over the treason trial of Thomas Dorr and then sentenced him to life imprisonment. Among the younger Durfee’s several justifications of the existing voting laws was the assertion that immigrants in a small manufacturing state were a “floating population” that does “not take root and grow . . . in the social and political soil and air of Rhode Island.” Besides, said Durfee, “the main body of our foreign-born population . . . have only the crudest political ideas. They have but little time and no good opportunities to improve themselves. How can they discharge an electoral trust in a proper manner? They

cannot. They are necessarily more or less at the mercy of men who are ready to mislead or corrupt them.” Perhaps the absence of a secret-ballot law and a work week consisting of six days and sixty-six to seventy-two hours gave some credibility to Durfee’s assessment.⁸

According to the chief justice, “The peculiarity of our constitution is notorious. It has been bruited abroad to the four corners of the world. There is probably not a naturalized citizen in Rhode Island, who has any interest in politics, who did not know, when he came to the State, that he could not vote here without a freehold qualification. If he came knowing this, he came accepting it, and why should he quarrel with a condition which he voluntarily accepted?”⁹ Thus the defense rested.

BUT OUR FOCUS here is not upon the machinations to alter the state constitution but on the ways in which the federal Constitution impacted Rhode Island and vice versa. Determined but not optimistic regarding support for reform from the Republican-controlled legislature, the state supreme court, or, for that matter, the conservative, old-line leadership of Rhode Island’s Democratic Party, Charles Gorman launched a decade-long effort to enlist the support of the federal courts and the U.S. Congress on behalf of Rhode Island’s naturalized citizens. The bases for Gorman’s federal crusade were the newly ratified Fourteenth (1868) and Fifteenth (1870) Amendments to the United States Constitution.¹⁰

While Gorman was pressing for suffrage reform, Rhode Island’s Republican U.S. senator Henry B. Anthony worked in an equally zealous manner for restriction on both the state and federal levels.¹¹ His effect on the framing of the Fifteenth Amendment is especially significant. During debate on this voting-rights amendment in February 1869, Republican senator Henry Wilson of Massachusetts submitted a plan to broaden the measure by banning all state qualifications for voting and office holding based on “race, color, nativity, property, education, or religious creed,” but it did not bar states from setting other qualifications for holding office. In effect, Wilson posed the controversial question of whether the amendment should confine itself



Senator (and later Vice President) Henry Wilson of Massachusetts attempted in vain to broaden the scope of the Fifteenth Amendment. Had he succeeded, and had his version of the amendment been ratified by the states, the bitter racial and ethnocultural strife over American voting rights that endured into the 1960s would have been significantly lessened. Photo from the Mathew Brady Collection, National Archives.

to black suffrage or undertake sweeping reform of voting and office-holding qualifications. Ironically, Wilson had first been elected to the Senate in 1855 by the Massachusetts legislature as an antislavery candidate with essential support from the American Party, a militantly anti-Irish Catholic organization popularly referred to as the Know-Nothings.

Wilson's added language was accepted by the Senate on February 9 by a vote of 31 to 27, with Rhode Islanders Anthony and former governor William Sprague in opposition and eight men "absent." Then the Senate voted final passage of the expanded amendment by a margin of 39 to 16, thereby meeting the constitutionally required two-thirds vote. Again Anthony and Sprague resisted.

When the proposed Fifteenth Amendment went to the House for concurrence and debate on February 15, it was eloquently supported by John Bingham of Ohio, one of the principal architects of the Fourteenth Amendment. Unfortunately the momentum was lost when House leader, amendment manager, and black-suffrage advocate George S. Boutwell of Massachusetts objected on the somewhat baseless ground that the Senate version omitted the words "previous condition of servitude." His motion not to concur passed by a vote of 133 to 37. Five days elapsed before Bingham got things back on track.

After much political maneuvering, the matter again came to the floor of the House on February 20, when Bingham's motion to adopt the broad Senate language—except for adding "previous condition of servitude" and deleting "education"—passed by a margin of 92 to 70, with another sixty representatives listed as "not voting." Since the House and Senate versions of the proposed amendment did not precisely agree, Congress created a six-man conference committee, with William Stewart (Nevada), Roscoe Conkling (New York), and George Edmunds (Vermont) representing the Senate. All three had voted against the Wilson amendment on February 9. They would be guided by the fact that while the House was debating, the Senate had voted on February 17 to recede from Wilson's proposal by a margin of 33 to 24, with nine absences. Henry Anthony, who would become the Senate's president pro tem in a month and hold that post in the next three Congresses, worked diligently behind the scenes to effect this reversal.

But this is not to suggest that Anthony was a one-man wrecking crew; far from it. William Gillette, who has written the most authoritative and detailed account of the Fifteenth Amendment's enigmatic course through Congress and the states, describes that measure's incredibly complex twists, turns, changes, and reversals during its labyrinthine journey through the House and Senate in February 1869.

Republican divisions over the amendment's scope, Democratic maneuvering to create delay, the imminent expiration of the Congress's "lame duck" session, political expediency, rivalry between the two chambers, personal pressures, the triumph of realism over principle, and other

influences, both rational and irrational, all contributed to the amendment's final racially restricted language. And as moderate and radical Republicans exchanged views and vituperation, some political pragmatists in Congress and in the media made the preposterous insinuation that Wilson (who would become vice president in March 1873) and Bingham had crafted their changes for the purpose of ensuring the amendment's eventual defeat by the state legislatures that would decide its fate.

After days of seemingly endless, confusing, and repetitious debate, with the Fortieth Congress set to expire in less than a week, its members voted to send the Fifteenth Amendment to the states in its present limited form, thereby ending its exercise in futility. A practical and weary Wilson was compelled to concede that "my own amendment . . . I am sorry to find, is too broad, comprehensive, and just to be sustained by the country. . . . It is too broad, too comprehensive, too generous, too liberal for the American people of today. Rhode Island, Connecticut, New Hampshire, Massachusetts, and some other states desire to preserve their own notions, even if their notions are contrary to the rights of citizens of the United States." The conference committee's report not only recommended the blacks-only version; it inexplicably deleted the office-holding provision as well, despite its approval by both houses. On February 26, as the Senate prepared to concur with the report (as the House had done the day before), a final bitter exchange took place between Wilson and Anthony that revealed a potent argument used by Anthony in urging his colleagues to retreat from sweeping reform.¹² To understand his remarks, one must understand the main political passion of the xenophobic Anthony.

Unlike Wilson, Henry Bowen Anthony never wavered in his virulent nativism during a forty-six-year public career that began in 1838 when, as editor of the *Providence Journal*, he railed against the enfranchisement of the "foreign vagabond" (read "Irish Catholic"). Anthony frequently compared the "purity" of Rhode Island's elections to those of the "immigrant infested" city of New York, where Irish Catholics had gained a foothold in the Democratic Party. His hostile and unyielding attitude towards these new



In his unrelenting forty-six-year battle against Irish immigrants, *Providence Journal* editor Henry Bowen Anthony compiled a record unmatched in the annals of American nativism. RIHS Collection (RHi X3 1060).

arrivals was illustrated by his expressed belief that "they have come here uninvited, and upon their departure there is no restraint."

During the Dorr Rebellion the People's Constitution, drafted mainly by Thomas Wilson Dorr, eliminated the real estate voting requirement for all white male citizens. The existing government countered with a document known as the Freeman's (or Landholders') Constitution,

which retained the real estate requirement for naturalized citizens. In urging ratification of the latter, Anthony alarmed the native-born electors when he exclaimed in the pages of his *Providence Journal* that under the People's Constitution "foreign elements . . . would neutralize your power and effectiveness." He admonished that "the great difference between the two constitutions lies in the provision respecting foreigners. Everything else is nothing to this!"¹³

Constant and true to form despite the passage of time, Anthony took sharp issue with Wilson on the floor of the Senate during the final debate on the Fifteenth Amendment. After Wilson made derogatory remarks about Rhode Island's restrictive voting system, the eloquent and strident Anthony chided him for interference in Rhode Island's affairs. His state's voting laws, warned Anthony, "were not made for the people of Massachusetts; they were made for us, and whether right or wrong, they suit us, and we intend to hold them; and we shall not ratify any amendment to the Constitution of the United States that contravenes them, and we have the satisfaction of knowing that, without our State, the necessary number of twenty-eight states cannot be obtained for the ratification of any amendment whatever."

The anti-Irish Anthony, a publisher and the founder of the Government Printing Office, knew Rhode Island's support for the Fifteenth Amendment was critical because several southern states would likely reject it. Anthony was referring to the fact that the four border slave states and the seven states of the former Confederacy already readmitted to the Union were doubtful ratifiers, and California and Oregon, where anti-Chinese sentiment ran high, were almost certain to reject any mention of "race." Four other Confederate states still awaited readmission. Congress would make ratification a condition of their restoration, a decision that would finally save the amendment.

It was evident to the Senate that Rhode Island's rejection could be fatal to the cause of ratification and that Anthony was the most powerful political voice in his home state. This situation undoubtedly inspired Anthony's threatening remark and convinced his listeners that his was no idle threat. The influential and media-savvy Rhode Island

senator and a majority of his colleagues, who were animated by varied motives, eventually prevailed. In its final form the Fifteenth Amendment was limited to the black vote ("race, color, or previous condition of servitude"), leaving such oppressed immigrant minorities as the naturalized Irish of Rhode Island unprotected.¹⁴

WHEN THE FIFTEENTH Amendment came to Rhode Island for ratification in 1869, the controversy centered on the Irish rather than the black vote. Rhode Island blacks had enjoyed the suffrage since 1843, so the amendment would not affect their status, but some overly cautious Republican conservatives among the group led by Anthony, U.S. senator William Sprague, and Congressman Nathan F. Dixon clouded the issue by expressing fears that the word "race" in the amendment could be interpreted to mean "ethnicity" and thereby invalidate Rhode Island's real estate voting requirement for the foreign-born. In fact, several histories of Ireland have referred to "the Irish race."

Nativism blinded some Republicans to the great advantage their party would gain nationally by the black vote. Their attitude was reminiscent of the sentiments expressed against Thomas Dorr's People's Constitution in 1842, when that document granted suffrage to natives and the naturalized on equal terms, while the Freeman's Constitution, offered by conservatives as an alternative, proposed a real estate requirement for the foreign born. As one of Dorr's followers in Tiverton confided to him, "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." When blacks were given the ballot by the Law and Order Convention of November 1842, Congressman Elisha Potter, a moderate, perceptively observed that although some opposed this concession, "there is not so much scolding about letting the blacks vote as was expected"; the delegates "would rather have the Negroes vote than the damned Irish."¹⁵

Although a generation had passed, prejudice persisted. As one journalist for the *Providence Morning Herald* observed in May 28, 1869, during the protracted ratification

debate, “many Republicans were afraid of the amendment not because they liked the Negroes less but because they feared the Irish more.” Some Rhode Island Republicans opposed it because they feared it might give the naturalized Irish the vote; most Democrats opposed it because they believed that it would not.

Supporters of ratification included Republican governor Seth Padelford and G.O.P. congressman Thomas A. Jenckes, the father of civil service reform. This left the dominant Republican Party divided on the issue. Lucius G. Ashley, a resourceful Republican advocate of ratification, assured his more cautious legislative colleagues that if the amendment were interpreted to allow naturalized citizens equal voting rights, a literacy test could then be imposed to disfranchise many of them.

The state Senate voted its approval in May 1869 by a margin of 23 to 12, but the House deferred action until January 1870, when at the urging of Governor Padelford it gave its assent by a margin of 57 to 9. Thus Rhode Island grudgingly became the last New England state, and the twenty-fourth overall, to ratify the Fifteenth Amendment. It did so despite factional feuding, intraparty disputes, mixed motives, constitutional confusion, and ethnic tension, but the amendment had been so emasculated by Anthony and his congressional colleagues that neither it nor the Fourteenth Amendment seemed to afford Charles Gorman and his Irish Catholic followers any comfort or relief.¹⁶

UNDAUNTED, IN MAY 1870, four months after the ratification debate ended, the resourceful Gorman personally carried a petition signed by nearly three thousand Rhode Island citizens to Washington and presented it to the U.S. Senate and the House of Representatives. The petition asked Congress to determine whether Rhode Island’s real estate voting requirement for naturalized citizens conflicted with the Fourteenth and Fifteenth Amendments. Simultaneously, P. O’Neil Larkin, editor of the *Rhode Island Lantern* and a supporter of the radical Fenian movement, submitted a three-hundred-signature petition urging Congress to enact legislation, based upon the new amendments, that would give naturalized citizens equal rights with those who were native-born.

Anthony, now president pro tem of the Senate, immediately attacked these petitions, exclaiming that there was nothing in the constitution of Rhode Island that contravened the Constitution of the United States. Several days later the Senate Judiciary Committee issued a report dismissing the reformers’ claims. It further stated that the Privileges and Immunities Clause of the Fourteenth Amendment did not include the right of suffrage. As to the Fifteenth Amendment, the committee observed that Rhode Island’s constitution did not preclude any citizen from voting because of race, color, or previous condition of



Although Charles Van Zandt defied the leaders of his Republican Party by urging suffrage reform on behalf of his Newport Irish American constituents, he became Rhode Island’s G.O.P. governor from 1877 to 1880. Photo of a portrait by James Sullivan Lincoln, courtesy of the Newport Historical Society.

servitude. In fact, the state had specifically banned slavery and enfranchised blacks by its Constitution of 1843.¹⁷

When Congress disclaimed jurisdiction and was eliminated as a source of support, at least temporarily, Gorman turned to the federal courts in his quest for equal rights. In 1872 he took preliminary steps to bring Rhode Island's real estate qualification before the United States Circuit Court, citing the guarantees of the Fourteenth Amendment, including the Privileges and Immunities Clause, a remedy first suggested by state senator Charles Van Zandt. Before the case was argued, however, the Supreme Court undercut that position in three related decisions, emanating from Louisiana, that curtailed the reach of this amendment. The high court's ruling in the *Slaughter-House Cases* (since repudiated) limited the number of civil rights and liberties under federal jurisdiction and protection, thus leaving most "privileges and immunities" (such as the economic rights of white butchers in Louisiana and, presumably, the voting rights of foreign-born citizens of Rhode Island) to the discretion of state government for their scope and protection. Surprisingly, at that time little thought was given to the Equal Protection Clause, which has since become a bulwark of voting rights in our modern era.¹⁸

Next the persistent Gorman sought relief under the Fifteenth Amendment, but he was undercut by the Supreme Court decisions in *U.S. v. Reese* (1875) and *U.S. v. Cruikshank* (1876), in which the Court asserted that the Fifteenth Amendment did not confer the right of suffrage on anyone; it merely prohibited the states from excluding a person from the franchise

EXTRACTS FROM REPORTS 572 AND 427 MADE TO THE UNITED STATES SENATE
IN APRIL AND MAY, 1880, BY A SELECT COMMITTEE OF WHICH SENATOR WIL-
LIAM WALLACE OF PENNSYLVANIA WAS CHAIRMAN

Restricted suffrage, registry taxes upon poor men alone, statutory closing of the polls at sunset, instead of eight o'clock, as formerly, by which the operatives in the mill are prevented from voting, and the compulsory payment of the registry tax ten months prior to the general election in a Presidential year, cause great complaints upon the part of the poor men and foreign-born citizens in Rhode Island; and to these features of her laws many intelligent witnesses ascribe the small percentage of voters among her people and the large amount of corrupt practices in the elections of the State.

.

Your committee believes that there are good grounds for the complaints made that the government of Rhode Island, under its present constitution, is nearer an oligarchy than a democracy. The disfranchisement of so large a percentage of her people, by systematic effort and rigidly-enforced statutes, the small vote cast for President at a hotly-contested election, the small number of votes cast for members of Congress in four successive elections, when contrasted with the number cast in other States in the same elections, the choice of members of Congress, governors, and Presidents by the votes of one out of every ten of the people, whilst other States cast one vote for every five of theirs, the maintenance of the rule of three-fifths for the amendment of her constitution, by which the will of the majority has been twice defeated, all compel us to recognize Rhode Island as different in her government, her institutions, and her policy from all of her sister commonwealths in the Union, and lead us to grasp at any provision of the Federal Constitution which, fairly construed, will grant us power to enforce, for her people, 'a republican form of government,' by which we mean a government by the whole people, for the whole people of the State.

Rhode Island is the only State in the Union in which native and foreign-born citizens stand upon different grounds as to State qualifications for the right of suffrage.

.

Your committee reports that the rights of suffrage to *foreign-born* citizens of the United States is abridged by the constitution and laws of Rhode Island.

This excerpt from the report of the Wallace Commission speaks for itself. From the Patrick T. Conley Collection, Providence College Archives.

because of race, color, or previous condition of servitude. The primary control of suffrage remained with the states. With respect to state elections, said the Court, Congress could only legislate against discrimination based on race.¹⁹

Eventually, in response to the demands of Rhode Island's equal rights advocates, as expressed by Gorman in a long essay entitled *An Historical Statement of the Elective Franchise in Rhode Island* (1879), an investigation of Rhode Island's governmental system was conducted by a committee of the United States Senate, chaired by Pennsylvania Democrat William A. Wallace. The committee's majority report in 1880 concluded that "the rights of suffrage to foreign-born citizens of the United States is abridged by the constitution and laws of Rhode Island to a greater extent than anywhere in the nation," and observed that "Rhode Island is the only State in the Union in which native and foreign born citizens stand on different grounds as to State qualifications for the right of suffrage." The committee's findings also disclosed a widespread practice of political intimidation by mill owners of their employees who were eligible to vote. Because of the absence of a secret ballot, the senators observed, "at almost every election for years these men voted under the eye of their employers' agents who were Republicans, and in very many cases under circumstances showing intimidation and fear of loss of work." The committee concluded that there were good grounds for the complaints made that the government of Rhode Island "is nearer an oligarchy than a democracy."²⁰

In his 1879 statement to the Wallace committee, Gorman also alleged that Rhode Island's two-standard system of voting was "unrepublican" and urged Congress to invoke the Guarantee Clause of Article IV, Section 4, to assure that Rhode Island had a republican form of government "and thus to redress any wrong inflicted upon the disfranchised citizens." In addition, citing federal naturalization laws, he asserted that a state's imposition of "additional qualifications upon naturalized citizens" would be recognizing the existence of a right whereby a state could abrogate and set aside federal naturalization laws, thereby "controlling a power which is exclusively vested in Congress" by Article I, Section 8, Clause 4, a federal constitutional

provision that gives it the duty to establish a "uniform rule of naturalization."²¹

The Wallace committee's investigation was also a response to an 1878 petition from the relentless Gorman, signed by eleven hundred citizens and backed by the state convention of the Democratic Party, demanding a federal constitutional amendment guaranteeing naturalized citizens the right to vote by prohibiting any state from denying such right based upon one's "place of nativity." Although Wallace favored such an amendment in theory, he realized the impracticality of submitting to all the states an amendment that affected only one.²²

Finally, Wallace and Gorman explored the notion that Congress could invoke Section 2 of the Fourteenth Amendment to deprive Rhode Island of a congressman because its real property requirement deprived one-third of its adult male population of the vote. The clause they considered reads as follows:

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.²³

At this suggestion the ailing Henry Anthony sprang into action, blasting the report of Democratic partisan William Wallace and denouncing the suggestion that Rhode Island be constitutionally penalized. His vigorous remarks were reprinted as a *Defense of Rhode Island, Her Institutions, and Her Right to Representatives in Congress*. Needless to say, the threat proved hollow, and the state kept its congressional delegation undiminished.²⁴

Anthony penned a final defensive essay in December 1883 for the popular *North American Review*, upholding "Limited Suffrage in Rhode Island" and repeating his oft-stated argument that the real estate requirement for naturalized citizens had an "excellent effect" in elevating

the character of the foreign-born by providing them with an incentive to acquire property. If this incentive were taken away, said Anthony sarcastically, a main element of the foreign population's "good order, stability, and thrift" would be removed.²⁵ On September 2, 1884, shortly after this last salvo, Anthony died in office of a kidney ailment, with his lifetime legacy intact and no federal or state constitutional remedy to disturb it as yet.

EVENTUALLY, IN 1887—when Gorman himself was Speaker of the Rhode Island House of Representatives (the first House session controlled by Democrats since 1854)—the Bourn Amendment was passed by the General Assembly, and a year later it was ratified by a narrow margin to become Article of Amendment VII to the state constitution. It removed the real estate requirement for voting that had discriminated against the foreign-born, but it did so at a time when native-born citizens of Irish descent greatly outnumbered naturalized Irish.

Sponsored by former Republican governor Augustus O. Bourn, the amendment in effect allowed newly arrived British, Swedish, German, Franco-American, and Italian immigrants to vote in state elections immediately upon naturalization. Republican leaders hoped these disparate groups would align themselves with the G.O.P. and consequently check the rising political power of the native-born Democratic Irish, from whom these newer ethnics were culturally estranged. Their hopes were realized. This political effect may explain how powerful Republican boss Charles R. Brayton, Anthony's protégé and successor, could give his indispensable support to this pseudo-reform. "Be careful what you wish for; you may get it!" Gorman himself may have mused. But the Bourn Amendment is another complex story—one which shows that the political rivalry of Yankee and Celt, spawned during the Dorr Rebellion of the 1840s, was still alive and virulent at the end of the nineteenth century and well beyond.²⁶

BECAUSE OF THE emasculation of the Fifteenth Amendment, America waited ninety years and more for the federal government to provide by judicial interpretation and congressional legislation what Henry Wilson, John Bingham, and their fleeting majority of House and Senate members attempted in February 1869. But Wilson was undoubtedly correct, as was Anthony, when they concluded that the nation was not ready for such idealism and that a broad-based amendment could not have been ratified.²⁷

Ironically, the removal of the ban on property and education as suffrage qualifiers left southern blacks vulnerable to disfranchisement. In the decades following Reconstruction, southern Democrats could (and eventually did) impose literacy tests and poll taxes to prevent blacks from voting. Perhaps a creative court could even have interpreted "nativity" as applying to condition of birth as well as place, thereby invalidating the South's notorious grandfather clauses.²⁸ In 1869, however, some northern Republican moderates seemed heedless of these possibilities. In effect, the Republicans abandoned their long-term hopes for the party in the South when they settled for a Fifteenth Amendment that left the states in practical control of the franchise.²⁹

The U.S. Supreme Court has expanded voting rights dramatically in modern times under the aegis of the Fourteenth Amendment and its Equal Protection Clause. The broad interpretation of this amendment has vindicated the scattergun appeal of Charles E. Gorman, who, like his role model Thomas Dorr, eventually prevailed. Henry Anthony, who triumphed over both in life, now suffers the fate of many demagogues and bigots—remembered for his flaws rather than for his achievements.

For more information and educational materials on this subject, see under Education at www.rihs.org.

Notes

1. "Rhode Island: Laboratory for the 'Lively Experiment,'" in Patrick T. Conley and John P. Kaminski, eds., *The Bill of Rights and the States: The Colonial and Revolutionary Origins of American Liberties* (Madison, Wis.: Madison House, 1992), chap. 6, pp. 123-61.
2. Patrick T. Conley, *Democracy in Decline: Rhode Island's Constitutional Development, 1636-1841* (Providence: Rhode Island Historical Society, 1977), contains a detailed analysis of these events with ample documentation.
3. It is my considered opinion that the Republican Party instituted this middecade state census to keep a close track of the rapidly increasing foreign-born population of Rhode Island and to gather therefrom data that could be used for partisan political advantage. To buttress the validity of this opinion, consider the statement of statistician Edwin M. Snow at the outset of his 1865 state census, the first in the nation to record the demographic factor of parentage: "It seems to me," said Dr. Snow, "to be of the utmost importance that in our censuses, and in all our statistical investigations, that we should be able to classify the population, not only by nativity but also by parentage, that we should be able to show not only the facts related to those of foreign birth, but also those relating to their children, as distinguished from the children of American parents." *Report upon the Census of Rhode Island, 1865* (Providence, 1867), lvi-lvii. See also Mary Cobb Nelson, "The Influence of Immigration on Rhode Island Politics, 1865-1910" (doctoral dissertation, Radcliffe College, 1954).
4. The most detailed analysis of this postrebellion suffrage agitation is Robert M. Laffey, "The Movement to Achieve Suffrage Reform in Rhode Island, 1829-1888," a 156-page study written in my master's seminar at Providence College in 1978. Professor Laffey completed his doctoral studies at the University of Notre Dame. Also helpful are Patrick T. Conley and Matthew J. Smith, *Catholicism in Rhode Island: The Formative Era* (Providence: Diocese of Providence, 1976), 39-55, 76-83, 96-103; Conley, *Democracy in Decline*, 309-79, which emphasize the ethnoreligious aspects of the suffrage controversy; and Chilton Williamson, "Rhode Island Suffrage since the Dorr War," *New England Quarterly* 28 (March 1955): 34-50.
5. Conley and Smith, *Catholicism*, 96-103, and Patrick T. Conley, *Liberty and Justice: A History of Law and Lawyers in Rhode Island, 1636-1998* (Providence: Rhode Island Publications Society, 1998), 353, 358, 365, 367, 370. There are several contemporary accounts of the 1870s reform effort by its advocates: Charles C. Van Zandt, *A Constitutional Convention* (Providence, 1870), a speech delivered in the state senate, March 1, 1870; Sidney Dean, *A Constitutional Convention* (Providence, 1871), a speech delivered in the state Senate on February 1 and 9, 1871; Charles E. Gorman, *An Historical Statement of the Elective Franchise in Rhode Island* (Providence, 1879); Abraham Payne, *The Elective Franchise; An Argument . . . for a Constitutional Convention* (Providence, 1882); and Charles S. Bradley, *The Methods of Changing the Constitutions of the States, Especially That of Rhode Island* (Providence, 1885).
6. Conley and Smith, *Catholicism*, 97-98; Laffey, "Suffrage Reform," 68-76.
7. For the votes on these constitutional referenda and on general elections, consult the appropriate volume of the *Rhode Island Manual*, a detailed biennial handbook from the secretary of state that began publication in 1867 and continued until 1994.
8. Thomas Durfee, *Some Thoughts on the Constitution of Rhode Island* (Providence, 1884), 7-17. In a similar vein is William P. Sheffield, *The Mode of Altering the Constitution of Rhode Island, and a Reply to Papers by Honorable Charles S. Bradley and Honorable Abraham Payne* (Newport, 1887). Durfee makes frequent reference to the working class in his justificatory

- treatise. Professor Scott Molloy has written two in-depth studies of the Rhode Island labor movement during this era, emphasizing the Irish workforce and the relationship between labor and constitutional reform efforts: *Trolley Wars: Streetcar Workers on the Line* (Washington and London, 1996) and *Irish Titan, Irish Toilers: Joseph Banigan and Nineteenth-Century New England Labor* (Durham, N.H., 2008). Not until 1902 did Rhode Island workers get the ten-hour day (for a six day workweek). The reform gave a big break to women and children by cutting their workweek to only fifty-eight hours. Molloy, *Trolley Wars*, 112-13, and *Irish Titan*, 90.
9. Durfee, *Some Thoughts*, 11-12.
 10. Gorman, *Historical Statement*, 15-20.
 11. On Anthony, his career, and his nativist views, see Patrick T. Conley, "Henry Bowen Anthony," in *The Encyclopedia of American Political Parties and Elections*, ed. Louis Maisel (New York: Oxford University Press, 1990); William M. Ferraro, "Henry Bowen Anthony," in *American National Biography* (1990); William Barrie Thornton, "Henry Bowen Anthony: Journalist, Governor, and Senator" (master's thesis, University of Rhode Island, 1960); Robert C. Power, "Rhode Island Republican Politics in the Gilded Age" (honors thesis, Brown University, 1972); and Mary N. Tanner, "The Middle Years of the Anthony-Brayton Alliance, or Politics in the Post Office, 1874-1880," *Rhode Island History* 22 (July 1963): 65-76. Anthony speaks for himself with unwavering fervor from his opening remarks in the *Providence Journal* (Aug. 16 and 29, 1838) as a twenty-three-year-old to his swan song at age sixty-eight: Henry Bowen Anthony, "Limited Suffrage in Rhode Island," *North American Review* 137 (1883): 413-12. At the start of the state constitutional reform effort in 1870, Anthony wrote a lengthy account of the Dorr Rebellion, defending his victorious Law and Order faction as "the men who vindicated Constitutional government and the union of liberty with law," with the clear implication that Gorman, Dean, Larkin, and company were on the same rabble-rousing course as Dorr: *Manufacturers' and Farmers' Journal* (Providence), Nov. 28, 1870.
 12. *Congressional Globe*, 40th Cong. 3rd sess. (1869), passim. These debates are conveniently compiled, arranged, and reproduced in a single volume: Alfred Avins, ed., *The Reconstruction Amendments' Debates* (Richmond, Va.: Virginia Commission on Constitutional Government, 1967), 335-417. For a good general survey of the battle over this constitutional issue, consult William Gillette, *Politics and the Passage of the Fifteenth Amendment* (Baltimore: Johns Hopkins Press, 1965). Gillette's very detailed and analytical description of the January and February debates in both houses (pp. 46-78) is impressive, except for the fact that it makes only one fleeting reference to Henry Anthony. The final House vote on the Fifteenth Amendment was 145 in favor, 44 against, with 35 congressmen "not voting"; the Senate approved with 39 yeas, 13 nays, with 14 "absent." See also Alexander Keysar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 93-104. The most useful general study of the Reconstruction Congresses is Michael Les Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction* (New York, Norton, 1975).
 13. Conley, *Democracy in Decline*, 320-23.
 14. *Congressional Globe*, 40th Cong. 3rd sess. (1869), S.P. 1640-41. When Vice President Wilson died suddenly in November 1875, Senate president pro tem Anthony delivered a moving eulogy.
 15. Conley, *Democracy in Decline*, 321 (Joshua Rathbun of Tiverton), 345 (Potter).
 16. Gillette, *Fifteenth Amendment*, 84-85, 150-53; Laffey, "Suffrage Reform," 67-68; Conley and Smith, *Catholicism*, 100-101; James M. McPherson, *The Struggle for Equality: Abolitionists and the Negro in the Civil War and Reconstruction* (Princeton, N. J.: Princeton University Press, 1964), 497, 560; *Providence Journal*, Feb. 11, 1869, Jan. 19, 1870; *Providence Morning Herald*, May 28, 1869; *Providence Evening News*, Jan. 18-19, 1870. The political maneuvering and votes can be ascertained in the manuscript Journal of the Senate, 1868-71, and the Journal of the House of Representatives, 1869-71, at the Rhode Island State Archives. See also *The Message of Seth Padelford, Governor of Rhode Island, to the General Assembly at its January Session, 1870* (Providence, 1870), 15.
 17. Gorman, *Historical Statement*, 18-20; Laffey, "Suffrage Reform," 79-71; *Rhode Island Lantern*, Jan. 29, Feb. 19, 26, 1870; *Congressional Globe*, 41st Cong., 2nd sess. (1870), 3605-6, 3649, 3828; and Senate Report No. 187.
 18. Gorman, *Historical Statement*, 29; 83 U.S. 36 (1873). See also *Minor v. Happersett*, 88 U.S. 162 (1875), which reaffirmed the *Slaughter-House* decision in a case where a woman sought voting rights under the Privileges and Immunities Clause by challenging a state statute that limited the franchise to male citizens. On the current use of the Equal Protection Clause as it pertains to voting rights, see Congressional Reference Service, *The Constitution of the United States: Analysis and Interpretation* (Washington, D.C.: GPO), section entitled "Fundamental Interests: The Political Process," and Ward E. Y. Elliott, *The Rise of Guardian Democracy: The Supreme Court's Role in Voting Rights Disputes, 1845-1969* (Cambridge: Harvard University Press, 1974).
 19. Gorman, *Historical Statement*, 29; 92 U.S. 42 (1875); 92 U.S. 214 (1876).
 20. Gorman, *Historical Statement*, 21-26; 46th Cong. 2nd sess. (1880), Senate Reports Nos. 427 and 572. In response to this criticism, and because of the strength of the Equal Rights Movement in the 1880s, the General

- Assembly finally enacted a secret ballot statute in 1889.
21. Gorman, *Historical Statement*, 21, 26-27.
 22. *Ibid.*, 22-23; Laffey, "Suffrage Reform," 147
 23. Gorman, *Historical Statement*, 32-34. In figures from the Ninth Census (1870) upon which Gorman relied, the Irish numbered 31,534 in a total foreign-born population of 55,396; but the first figure did not include many immigrants of Irish ancestry who had migrated from England, Scotland, or British Canada. The number of Irish who followed this pattern of migration was considerable. See Conley and Smith, *Catholicism*, 117-19. The native population that year was 161,957, and it included many first- and second-generation Irish. The normal Republican majority in state elections was about 11,000 votes. See Bureau of the Census, *Ninth Census*, I, 320, 336-42, 370. A broader-based Fifteenth Amendment, or the modern interpretation of the Fourteenth, would have given Irish Catholic Democrats control over state government in 1870, except for the "rotten borough" Senate.
 24. *Congressional Record*, 46th Cong. 3rd sess. (Feb. 13, 1881), 1490-99, separately published as *Defense of Rhode Island, Her Institutions and Her Right to Her Representatives in Congress* (Washington, D.C., 1881). For a compilation of Anthony's speeches, see Sidney S. Rider, "Anthony, H. B., Speeches in Congress and Other Papers (1861-1875)," Rider Collection, John Hay Library, Brown University.
 25. Henry B. Anthony, "Limited Suffrage in Rhode Island," *North American Review* 137 (November 1883): 413-21. See earlier statements of this position in the *Providence Journal*, Oct. 6, 1871, and Sept. 16, 1875.
 26. Patrick T. Conley, *Rhode Island in Rhetoric and Reflection* (Providence: Rhode Island Publications Society, 2004), chap. 21, "The Constitution of 1843: A Sesquicentennial Obituary," 171-181, and chap. 49, "The Persistence of Political Nativism in Rhode Island, 1893-1915: The A. P. A. and Beyond," 465-73. See also Patrick T. Conley and Robert G. Flanders Jr., *The Rhode Island Constitution: A Reference Guide* (Westport, Conn.: Praeger, 2007), Article II, "Of Suffrage," 121-28. For a perceptive contemporary assessment of the Bourn Amendment, see Sidney S. Rider, "The End of a Great Political Struggle in Rhode Island," *Book Notes* 5 (Apr. 28, 1888): 53-58.
 27. New Jersey's belated ratification on February 15, 1871, made it the thirty-first state to approve the Fifteenth Amendment. However, New York had rescinded its ratification on January 5, 1870, and four states (Virginia, Mississippi, Georgia, and Texas) ratified because Congress made such action required for restoration to the Union. Only twenty-six states of the twenty-eight that were necessary freely and unequivocally ratified the Fifteenth Amendment. Anthony's calculations were exactly correct! Gillette, *Fifteenth Amendment*, 84-85; Keyssar, *Right to Vote*, 102-3.
 28. The grandfather clause was a device in southern state constitutions to circumvent the Fifteenth Amendment by granting an exemption from property-owning, tax-paying, or educational requirements to those who possessed the right to vote prior to the mid-1860s and to their lineal descendants. Since blacks in the South could not vote at that time, they were excluded from the privilege granted to impoverished or illiterate whites. The clause was enacted by seven states, but it was declared unconstitutional in 1915 by the U.S. Supreme Court in *Guinn and Beal v. United States* (238 U.S. 347). The first southern grandfather clause was adopted in South Carolina in 1890. Ironically, and consistent with the theme of this essay, it was allegedly modeled on an 1857 Massachusetts statute passed by Know-Nothing legislators to restrict the Irish immigrant vote. See Keyssar, *Right to Vote*, 111-13.
 29. Historian William Gillette, the author of the standard monograph on the framing of the Fifteenth Amendment, believes that many northern Republican moderates supported the Fifteenth Amendment in its final form mainly to enfranchise northern blacks in states where party strength was approximately equal, Gillette, *Fifteenth Amendment*, 85-91. Michael Les Benedict, the major authority on the Radical Congresses of this era, calls this belief "weak" and "naive." Citing remarks by Senators Wilson and Samuel C. Pomeroy of Kansas, both radicals, and House manager George S. Boutwell, Benedict concludes that "no Republican could discount the danger that by enfranchising northern blacks the party might alienate that minority of its white adherents who still opposed black political participation in the North." Benedict, *Compromise of Principle*, 305-36. This view, that most Republicans acted from principle and "devotion to equal rights," is supported by LaWanda and John Cox, "Negro Suffrage and Republican Politics: The Problem of Motivation in Reconstruction Historiography," *Journal of Southern History* 33 (August 1967): 303-30. On the initial legality of the South's campaign to limit the black vote, see Elliott, *Rise of Guardian Democracy*, 67-84.

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