



Rhode Island History

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Volume 60, Number 3

STATE CONSTITUTION.



A CALL

To the People of Rhode-Island TO ASSEMBLE IN CONVENTION.

AT a Mess Convention of the friends of Equal Rights and of a WRITTEN REPUBLICAN CONSTITUTION for this State, held at Newport, on the 5th day of May, 1841, the following persons were appointed a STATE COMMITTEE for the furtherance of the cause, which the Convention had assembled to promote,—viz:—for

NEWPORT COUNTY,	CHARLES COLLINS, DUTEE F. PEARCE, SILAS SISSON.	BRISTOL COUNTY,	BENI. M. BOSWORTH, SAMUEL S. ALLEN, ABIJAH LUCE.
PROVIDENCE,	SAMUEL H. WALES, BENJ. ARNOLD, Jr., WELCOME B. SAYLES, HENRY L. WEBSTER, PHILIP F. STURGES, METCALF MARSH.	KENT,	EMANUEL RICE, SILAS WEAVER, JOHN B. SHELDON.
		WASHINGTON,	SYLVESTER HIMES, WAGER WEEDEN, CHARLES ALLEN.

The State Committee were directed "to carry forward the cause of Reform and Equal Rights, and to call a Convention of Delegates to draft a Constitution at as early a day as possible."

At an adjourned meeting of said Mass Convention held at Providence, on the 5th day of July, the instructions before given were reaffirmed; and the committee were directed to call a Convention of the People, on the basis of the Resolutions passed at Newport, "at an early day, for the formation of a CONSTITUTION."

Pursuing these instructions, the Committee held a meeting at Providence, on the 20th of July, and in conformity with the Eleventh Resolution adopted at Newport, which prescribes the call of a Convention of the People at large, to be represented in PROPORTION to POPULATION, passed unanimously the following Resolutions, for the CALL of a POPULAR CONVENTION.

Voted, That we proceed to issue a CALL for the election of DELEGATES, to take place on the LAST SATURDAY in August, (the 28th day,) to attend a CONVENTION to be holden at the STATE HOUSE in PROVIDENCE, on the FIRST MONDAY in OCTOBER, (the 4th day,) for framing a CONSTITUTION to be laid before the People for their adoption.

Voted, That every American male citizen, twenty-one years of age and upwards, who has resided in this State one year, preceding the election of delegates, shall vote for Delegates to the Convention, called by the State Committee to be held at the State House in Providence on the first Monday in October next.

Voted, That every meeting holden for the election of Delegates to the State Convention shall be organized by the election of a Chairman and Secretary, whose certificate shall be the authority required of the Delegates.

Voted, That each Town of one thousand inhabitants, or less, shall be entitled to one delegate, and for every additional thousand, one delegate shall be appointed; and the city of Providence shall elect three delegates from each Ward in the city.

Voted, That the Chairman and Secretary be directed to cause one thousand hand-bills to be printed and distributed through the State, containing the call for a Convention of Delegates.

Voted, That the proceedings of this meeting be signed by the Chairman and Secretary, and be published.

On motion, *Voted*, That this meeting stand adjourned to meet at this place on the first day of September, at 11 o'clock A. M.

FELLOW CITIZENS—We have discharged our duty in the call of a CONVENTION of the WHOLE PEOPLE, to provide for the attainment and security of those invaluable rights, which have so long been withheld from them, and without which they are but subjects and slaves in a State only nominally Republican.

Depend upon it that a spirit has been awakened in this State, which cannot be intimidated nor repressed—which has suffered long, until patience has ceas-

ed to be a virtue, and which, regarding the Republican institutions every where else enjoyed but here, and prompted by the memory of our venerable and patriotic ancestors, the first to assert the true principles of Religious and Political freedom, will brook no farther delay, and which cannot be more appropriately expressed than when we say, in behalf of the great majority of the People,

GIVE US OUR RIGHTS, or WE WILL TAKE THEM.

We ask for nothing that is not clearly right, and we are determined to submit to nothing so manifestly wrong as the corrupt and anti-republican system of government which has so long subsisted in Rhode Island by the forbearance of the People.

Bear in mind, that there is no CONSTITUTIONAL MODE of AMENDING our government, except by the People at large, in whom, as the successors to the King of England, the sovereign power resides, and remains unimpaired by any lapse of time, or toleration of past abuses.

That there is no BILL OF RIGHTS in this State, except that granted by the Legislature, and which they can at any moment resume and annul.

That the General Assembly is a body irresponsible to the majority of the People, restricted by no constitutional rule of action, virtually omnipotent—making and unmaking the People, doing and undoing what it pleases, according to its "especial grace, certain knowledge and mere motion," in imitation, upon a smaller scale, of the Monarchy of Great Britain.

That the system of representation to this Assembly is also the ROTTERDAM system of Great Britain now partially reformed; by which system, in this State, a third of the freemen, and one ninth of the People command the House of Representatives.—

That, by reason of a landed qualification, which it is impossible for the great majority to obtain, two thirds of the people are ousted of the birthright acquired for them by their fathers, and are governed, taxed, compelled to do military duty, and subjected in all respects to the will and pleasure of one third, with the sole restriction, imposed by the Constitution of the United States.

Instead of enumerating other particulars, we only say—look at the history of Rhode Island legislation.

Fellow Citizens—It is these evils to which the great unfranchised majority, acting in their original, sovereign capacity, propose and intend to apply an effectual remedy. We ask your aid and assistance in this good work. We respectfully urge upon you to assist in the election of delegates to the Popular Convention to be held in October next, not as the friends or opponents of any political party now existing in this State, but as the friends of Justice, of Humanity, of Liberty, of Equal Rights, of well regulated Constitutional Government.

Do not be deceived by the Freeholders Convention called for November next. It is a gross fraud upon the people. The design of its originators was to crystallize in a stronger form the present statute provisions relating to suffrage, and to place them beyond the reach of amendment except by the hand of force.

Once more, we say to the unfranchised mass of our brethren and fellow-citizens—your rights are in your own hands. Assert and vindicate them like men determined to be free. See to it that a meeting for the choice of delegates is duly held in every town, and that its proportional number is regularly elected. Summon your friends and neighbors to the work—and rely upon it that a CONSTITUTION framed by such a Convention, and signed by a majority of the people, will be promptly acquiesced in by the MINORITY—will be vigorously sustained, and will become without delay, the undisputed, paramount law of our State.

Providence, July 24th, 1841.

By order and in behalf of the State Committee.

SAMUEL H. WALES, Chairman.

BENJAMIN ARNOLD, Jr., Secretary.

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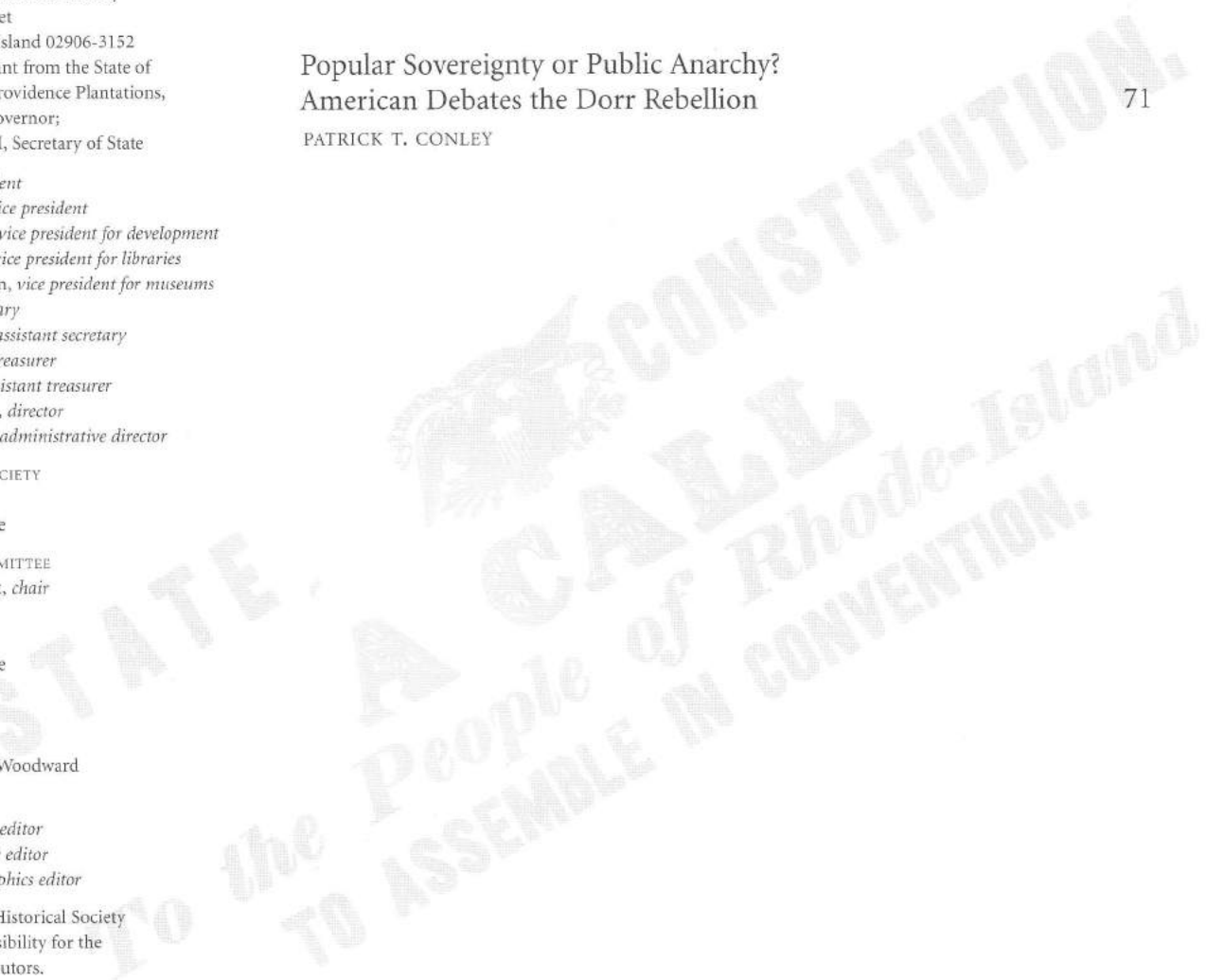
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1776



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PEOPLE'S TICKET.

I am an American citizen, of the age of twenty-one years, and have my permanent residence or home in this State.

I am qualified to vote under the existing laws of this State.

I vote for the CONSTITUTION formed by the Convention of the People, assembled at Providence, and which was proposed to the People by said Convention on the 18th day of November, 1841.

Popular Sovereignty or Public Anarchy? American Debates the Dorr Rebellion

PATRICK T. CONLEY

Students of Rhode Island's past are acquainted with the origins and course of the Dorr Rebellion because this controversy is the most important single event in Rhode Island history. In 1841 an organization of landless, and therefore voteless, men organized as the Rhode Island Suffrage Association and called an unauthorized constitutional convention to achieve political change. This group, toward whom the General Assembly turned a deaf ear, recruited patrician reformer Thomas Wilson Dorr to lead them, and when their extralegal convention met in October and November 1841, Dorr became the principal draftsman of the progressive "People's Constitution."

From 27 December to 29 December 1841, the People's Constitution was submitted to a popular referendum. Disregard for the landholding requirement swelled the turnout to nearly 14,000. Of that number, only 52 votes were cast against the document, because the charter adherents boycotted the election. Dorr claimed that the constitution had been ratified by a majority of the people because 13,944 of the state's estimated 23,142 white adult citizens had voted to approve it. The possibility of fraudulent voting was high (as it was for any election in that age), and undoubtedly a number of bogus ballots were cast; but when the results were in, the reformers insisted that the People's Constitution had supplanted the royal charter of 1663 as the paramount law of the state.

Nonetheless, Dorr's opposition had every intention of asserting its legal authority, and in the early months of 1842 it made a determined bid to undermine the revolutionaries' position. One weapon was its enactment of the so-called "Algerine Law," which imposed severe penalties upon those attempting to exercise power or hold office under the People's Constitution. Another extremely potent maneuver was the Charterite appeal to Rhode Island's sectional, class, ethnic, and—especially—religious sentiments. The Law and Order party, as the charter adherents were called, alarmed entrepreneurs by alleging that the Dorrists espoused an anticapitalist philosophy, and it aroused farmers by picturing the reformers as voracious urbanites who were determined to usurp all political power unto themselves. In addition, the Law and Order faction played upon the fears of native-born Protestants by informing them that the liberal suffrage clause of the People's Constitution would pave the way for the political ascendancy of the Irish Catholic immigrants who were swarming into the state in ever-increasing numbers.

A third offensive launched by the Law and Order forces consisted of an appeal to President John Tyler for federal protection to preserve the status quo. After some ambivalence, the chief executive promised the Charterites aid if violence erupted.

Despite the resolute efforts of the Law and Order faction to squelch the insurgents, Dorr tenaciously held his ground. On 18 April the revolutionaries staged an election under the People's Constitution, with Thomas Wilson Dorr emerging as the "People's governor." Dorr and those who were elected with him proceeded to establish a skeleton government in violation of the Algerine Law. In the eyes of his opponents, Dorr had now committed treason against the state.

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This ballot was prepared for those voting in favor of ratifying the People's Constitution in the referendum of 27-29 December 1841. RIHS Collection (RHi X3 1506).

The unprecedented specter of two rival state governments brought this intense but local controversy into the national spotlight. The Rhode Island crisis not only embroiled President John Tyler, both houses of Congress, and the U.S. Supreme Court; it also had a substantial impact on neighboring states, the press nationwide, and the leading politicians and political philosophers of the period. In addition, the Dorr War (as some called it) served as a valuable source of propaganda in the Democratic party's attempt to discredit the incumbent Whigs.

1776  **1841.**

The national debate over the legitimacy of the Dorr Rebellion has received only scant attention from historians, although discussion of "the Rhode Island question" often transcended mere partisanship and grappled with the basic theories of American constitutional government. The doctrine defended by Dorr can be described as popular constituent sovereignty—the right of the people, without prior authorization from a reactionary legislature, to frame and adopt a new constitution. Opponents of this revolutionary procedure claimed that the American system of government had achieved such stability that constitutional change should and could occur only through the use of approved forms, or with the sanction of the existing government.

During the period from April 1842 through the presidential election of 1844, featuring the Democratic campaign slogan of "Polk, Dallas, and Dorr," the issues involved in the Rhode Island controversy were widely debated and discussed in prominent newspapers and periodicals and reflected upon in the memoirs and private correspondence of the nation's leading citizens.

Prior to the critical April 1842 state elections, the Dorrites had appealed to the Democratic leaders in Congress for support. Dr. John A. Brown, president of the Rhode Island Suffrage Association, was sent to Washington as agent and lobbyist for the People's government. Following Brown's exhortations, six prominent Democrats wrote letters of encouragement to Dorr.¹

The earliest recorded response to Dorr's appeal was made on 12 April 1842. The writer (presumably Senator Perry Smith of Connecticut) briefly assured Dorr that he need not fear the use of force by the federal government against the reformers' cause, then closed the missive with a request that the letter be burned.²

Senators Levi Woodbury of New Hampshire and William Allen of Ohio corresponded with the People's governor three days later. Woodbury told Dorr that if the people do not have a right to draft a constitution "when and how they please, the whole fabric of our American liberties rests on sand and stubble." The matter was in the people's hands, not in the hands of the adamant legislature, remarked Woodbury. The distinguished New Hampshire senator must not have considered his advice revolutionary, for he concluded the letter with the following admonition: "Shun violence—insubordination—civil war—but move onward . . . to your just and pure objects *in constitutional methods*."³ Seven years later Associate Justice Woodbury would cast the lone dissenting vote in a case arising out of the rebellion, *Luther v. Borden*, in which the U.S. Supreme Court formulated the political-question doctrine to avoid disturbing the final outcome of the Rhode Island controversy.

That same day Dorr received additional encouragement from the prominent Ohio senator William Allen, who was to lead the fight for the reformers in the upper house during the ensuing months. Allen informed Dorr that he had obtained an interview for Dr. Brown with President Tyler and that he had accompanied the agent of the People's government

to the meeting. In the interview, Allen informed the president "that the majority of the people in Rhode Island were in the right on every known principle of public liberty, and that their movement presented not a case authorizing the interposition of the federal government by force or otherwise." Tyler's reaction was not disclosed.⁴

On the next day Senators Silas Wright Jr. of New York and Thomas Hart Benton of Missouri contacted Dorr. Wright told of the "intense interest" in Washington concerning the Rhode Island situation, and while expressing sympathy for Dorr's cause, he disclaimed any intention to become a partisan in the controversy. The *New Yorker* concluded philosophically by urging the People's governor to practice caution and forbearance. "You cannot fail to see," concluded Wright, "that your discretion must measure the support which your friends abroad can give you. They can sustain you in doing right. They cannot in doing wrong."⁵

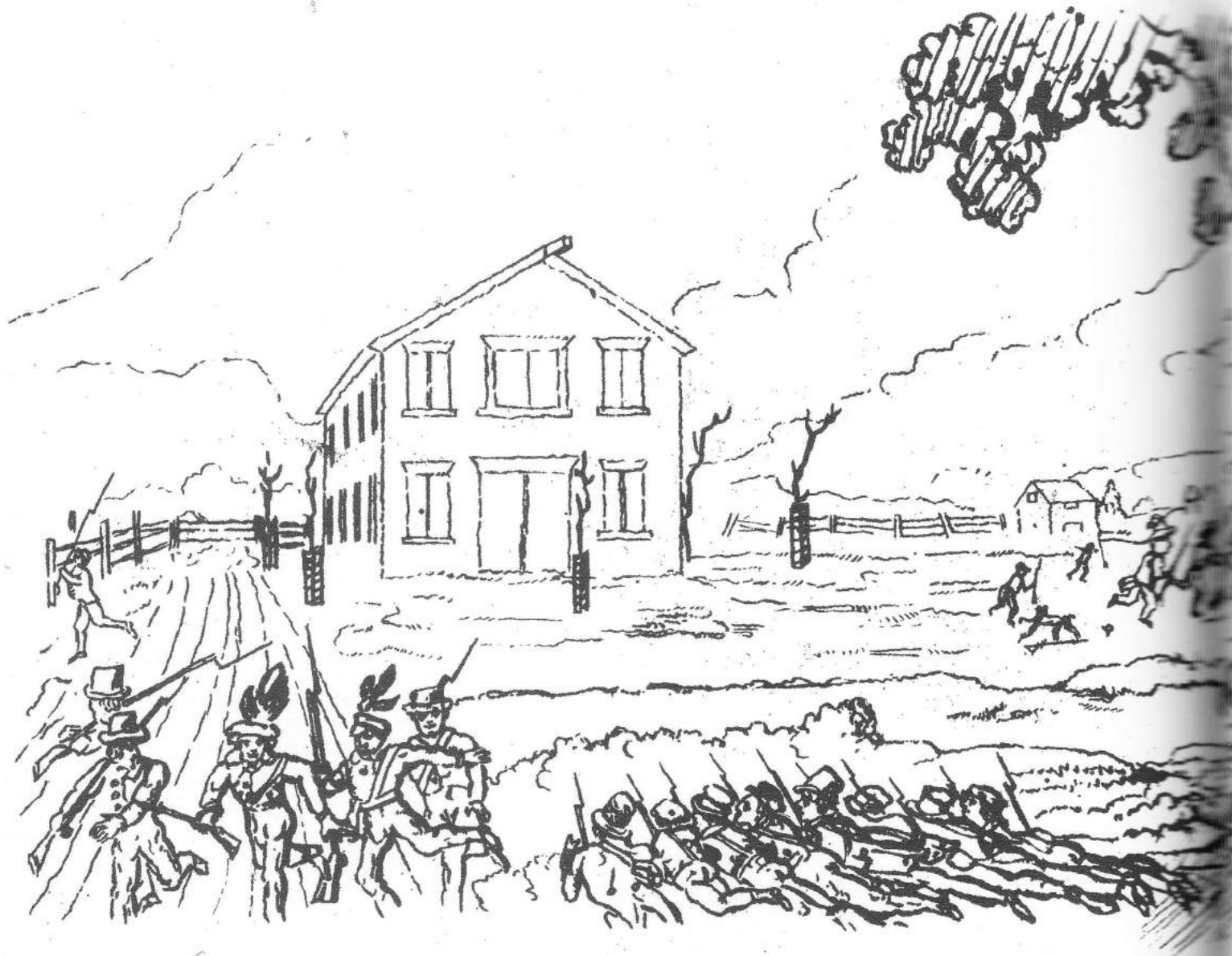
When Dorr finished reading the somewhat noncommittal letter, he opened another bearing the postmark "Washington City" and read the remarks of Thomas Hart Benton. The *Missourian* assured Dorr "that the Democracy . . . fully admit the validity of the constitutional movement of the people in Rhode Island." Benton, however, urged that violence be avoided, because "This is not the age, nor the country, in which to settle political questions by the sword."⁶ Time would prove that "Old Bullion" was tragically wrong.

The final reply to Dorr's appeal came nearly a month later from the pen of Edmund Burke, the New Hampshire congressman who was to emerge as the reformers' most vigorous supporter. He informed Dorr that Democrats in both Washington and New England were, without exception, "roundly in favor of the suffrage party," and Burke himself gave assurance that he was with the People of Rhode Island "heart and soul."⁷

It should be noted that only the northern wing of the Democratic party was represented in these letters. Dorr discovered later that many southern members approved of his cause but would not endorse general principles of majority rights that could be interpreted to include blacks in their own states.⁸ The South's leading Democratic spokesman, John C. Calhoun, was deeply concerned with the progress of the Rhode Island reform movement. A year after the rebellion was thwarted, Calhoun expressed his views in a logical and conclusive public letter. He claimed to be in sympathy with the suffrage party in Rhode Island as far as the enlargement of the franchise was involved. Providing that the controversy was confined to discussion and agitation, continued Calhoun, the federal government could not intervene. But after an incisive survey of constitutional precedents, the learned South Carolinian jealously guarded his cherished doctrine of minority rights by declaring that it would be the "death-blow of constitutional democracy to admit the right of the numerical majority to alter or abolish constitutions at pleasure" by resort to extraconstitutional means.⁹ Most of his fellow southerners agreed.

The sentiments of elder statesman Andrew Jackson contrasted markedly with those of Calhoun. On 23 May 1842 he wrote to longtime associate Francis P. Blair that the "people of Rhode Island will triumph as they ought in establishing their republican constitution." "Old Hickory" believed that Tyler would never aid the "aristocracy" of Rhode Island by sending a regular force, but if he were weak and foolish enough to perform such a dastardly act, "a hundred thousand of the sovereign people would fly to the rescue to sustain the people's constitution." Jackson's concluding remark would have made Calhoun and his associates shudder: "The people are the sovereign power and agreeable to our system they have the right to alter and amend their system of Government when a majority wills it, as a majority have a right to rule."¹⁰

In August 1844 Jackson was invited to attend a mass rally in Providence for Dorr (who was then languishing in prison, convicted of treason) and for the Democratic presidential



Dorrites attempted to seize the state arsenal on the night of 18 May 1842. Drawing by Edward Lewis Peckham, 1842. RIHS Collection (RHi X3 3).

candidate, James Knox Polk, and his running mate, George M. Dallas. Over two years after his frustrating defeat, Dorr was still being used by the Democrats as a political martyr and as an example of Whig treachery that must be avenged at the ballot box.

Jackson apologetically informed the Dorr supporters that ill health confined him to the Hermitage, his home, but he made public the sentiments that he had expressed to Francis Blair in the critical days of 1842. Dorr, said Jackson, “committed no offence except that of endeavoring to supersede the royal charter by a constitution emanating directly from the people. . . . Granting even that he erred as to the means adopted, either in reference to time or form, it is difficult to conceive how the severe punishment inflicted upon him can be justified.”¹¹

Martin Van Buren, George Bancroft, and former governor Henry Hubbard of New Hampshire were also extended invitations by the demonstration committee, but only Hubbard was able to attend.¹² Van Buren’s reply indicated strong sympathy for the imprisoned reformer, whose treatment, he believed, was oppressive, “severe, humiliating, and unjust,” for it was never Dorr’s intention “to prostrate to unworthy, much less criminal objects.”¹³



Bancroft—an ardent equalitarian Democrat, a prominent historian, and the Democratic candidate for governor of Massachusetts—gave a stirring reply to the reformers when he indignantly declared that for the first time in history “solitary imprisonment at labor for life has been made the punishment of actions that were but the expressions of political opinions.”¹⁴ This ringing condemnation of the Law and Order party no doubt heightened the ardor of the demonstrators, and it gave great personal satisfaction to Bancroft.¹⁵

1776  1841.

Most conclusive evidence that the Rhode Island question was, on the national level, one involving political partisanship as well as principle can be discerned in the sentiments of the Whigs. Even such a vociferous champion of human rights as Horace Greeley condemned the stand taken by Dorr. The editor of the influential *New York Tribune* felt that the franchise in Rhode Island should be broadened, but Dorr’s resort to force filled him with apprehension and disgust. In several editorials in the *Tribune* Greeley castigated Dorr and the principles for which he stood. Greeley asserted that the People’s Constitution would have transferred political power into the hands of the reformers, and he denounced the resort to violence as a course that could lead only to anarchy. Dorr’s attempt to seize the state arsenal on 18 May 1842 inspired Greeley to produce a theory of government remarkable for its spirit of conservatism. The editor stated that those possessing the suffrage should extend it when, in their judgment, it was wise and just to do so. He asserted that it was the American tradition to regard the suffrage not as a natural right, as Dorr had claimed, but as a duty to be assigned by those who already possessed it. The voters would impose this duty when, in their judgment, the time was propitious for its extension to the hitherto unfranchised.¹⁶ Thus, as Glyndon Van Deusen puts it, to the supposedly liberal Greeley “the progress of political democracy rested upon the wisdom and benevolence of those already enfranchised, rather than upon the unalienable rights of man.”¹⁷ Van Deusen finds that Greeley manifested gross intolerance by heartily approving Dorr’s sentence to life imprisonment, and later for the regret he expressed upon hearing of Dorr’s release.¹⁸

Greeley undoubtedly received firsthand information concerning the Rhode Island situation from his close associate, the New York Whig potentate Thurlow Weed, who accompanied the Law and Order forces to Acote’s Hill in June 1842 for the final encounter of the Dorr War.¹⁹ Weed’s presence in Rhode Island was the culmination of a long series of events that had begun in mid-April 1842, when the *New York Evening Post* called attention to a proposed memorial then circulating in New York City calling for the impeachment of Tyler for his threatened interference in the Rhode Island dispute. Although the memorial was never presented, it paved the way for a Democratic sympathy meeting in Tammany Hall on the evening of 27 April, at which A. W. Parmenter of Rhode Island pleaded the case for the suffragists. During the next three weeks several other meetings were held, and enthusiasm for the Rhode Island reformers began to mount.²⁰

In mid-May, returning from his disillusioning visit with President Tyler, Dorr stopped in New York City, where he was warmly received by several prominent Tammany leaders and invited to attend the Bowery Theater. This cordial act was the first of many showered upon Dorr during his brief stay in the metropolis.²¹

The following morning the People’s governor was accorded a reception, and he spent several hours receiving counsel from William Cullen Bryant, Samuel J. Tilden, Eli Moore, and other Tammany leaders. When the time came for the governor to resume his journey homeward, a procession composed of five hundred men, a company of volunteer firemen, and a band formed an escort.²² Before leaving the city, Dorr was also offered a military escort to Providence by Colonels Alexander Ming Jr. and Abraham J. Crasto, the leaders

of two New York militia regiments. Dorr declined, but he added that “the time may not be far distant when I may be obliged to call upon you for your services.”²³

When he had arrived in New York, it appeared as if Dorr had determined, though quite reluctantly, to use peaceful means to effect a compromise in Rhode Island. It seems quite certain that the encouragement, advice, and promises of support given to Dorr by the New York Democrats greatly influenced his resort to force. Before the month was up, Dorr launched his abortive attack on the state arsenal in Providence.²⁴

Dorr’s New York friends continued their agitation immediately after his return to Rhode Island. A large demonstration held in the park in front of New York City Hall was attended by such illustrious Democrats as William Cullen Bryant, Samuel J. Tilden, Elijah F. Purdy, Aaron Vanderpoel, C. C. Cambreleng, Eli Moore, and Levi D. Slamm. At this meeting a corresponding committee of twelve was appointed to continue the movement in behalf of the People’s party in Rhode Island.²⁵ Slamm, editor of New York’s *New Era*, went so far as to print a call for “Patriot Volunteers” who would march to aid Dorr in the event of armed interference by the federal government.²⁶

Slamm’s call for volunteers was scarcely off the press when news arrived of Dorr’s ludicrous attempt to take the arsenal on 18 May, and most New Yorkers saw that further aid was useless. “Judging from their looks,” remarked the *New York Commercial Advertiser*, “never did a set of people feel before quite so foolish and forlorn as did the leaders of the Park meeting. . . . The flag which had been kept flying for several days at Tammany Hall, in honor of Dorr . . . was struck and all looked as though ‘melancholy had marked them for her own.’”²⁷ Only Levi Slamm continued his vigorous support for Dorr, and the *New Era*’s editor was present when the “war” ended ignominiously on Acote’s Hill in late June.²⁸

Despite the near collapse of Tammany support, New York continued to be affected by the Rhode Island uprising. Whig governor William H. Seward, as might be expected, collaborated with Rhode Island’s Charterite governor Samuel Ward King. On 13 June King informed the New York chief executive that a reward of one thousand dollars had been posted for the capture of Dorr. When King told Seward that the exile was probably in New York City, Seward wrote to inform the Law and Order governor that he would cooperate in apprehending the fugitive.²⁹

Seward’s concern with the Dorr Rebellion was evidenced by his frequent mention of the disturbance in his letters during mid-1842.³⁰ He admired Dorr’s “coolness and dignity” and remarked that he was “a manifestly superior man,”³¹ but when the crisis came to a head in late June, the New York governor sent a two-man delegation—Richard M. Blatchford, his private secretary, and Colonel James Bowen—to tender the support of New York to the charter party. Thurlow Weed, in his usual capacity as unofficial observer, accompanied Blatchford and Bowen at the suggestion of Governor Seward and made the sixteen-mile hike from Providence to Acote’s Hill with King’s forces. Of the two hundred stragglers who were apprehended after Dorr’s flight, fifteen or twenty were New York “Subterraneans,” according to Weed, who gave the following description of the events subsequent to the “daring” capture of Acote’s Hill by the Law and Order forces:

The duties and excitement of the day being over, General [William G.] McNeill’s headquarters were established in a pleasant grove, where hampers of cold meats, poultry, game, etc., etc., with baskets of champagne, soon appeared. The spread was a bountiful one, the repast was animated by patriotic toasts and speeches, and was not concluded until near six o’clock, when the general, with his suite and guests, departed in hilarious spirits for Providence.³²

Perhaps this gala ending helped make the long trek to Chepachet worthwhile.

Other nationally prominent Whigs joined Greeley, Weed, and Seward in condemning Dorr. After the arsenal fiasco John Quincy Adams remarked in his memoirs that “the ignominious flight of the spurious Governor, Thomas W. Dorr, has postponed the heaviest calamity that ever befell this nation.” Shortly thereafter, Adams came to Rhode Island to speak before the Franklin Lyceum on the social-contract versus the divine-right theories of government. This November 1842 lecture on the origins of government, later published in pamphlet form, affirmed the popular basis of the state in accordance with the theories of Locke, Sidney, Montesquieu, and Rousseau but repudiated the right of revolution against it, once established, except in cases of extreme tyranny. Adams departed in emphasis from eighteenth-century social-compact theorists, however, by emphasizing evolving necessity and man’s nature as a “social being” rather than will and intent as the basis of government.

Over his long career different practical situations, such as the Dorr Rebellion, produced modifications in Adams’s views of the social compact and the conditions that brought it into being. He remained convinced, however, that once government was constituted by the process of social evolution, this agency of the people was confined to action permitted to it by the people through the process of election. Adams, whose political philosophy placed great emphasis on order and stability, favored limited male suffrage which might be extended gradually. He firmly believed that the “protection and security of property” was as important a purpose of the social contract as the protection and security of persons. Tax and property qualifications, asserted Adams, would assure the presence at the polls and in office of those men most likely to fulfill this duty of property protection.

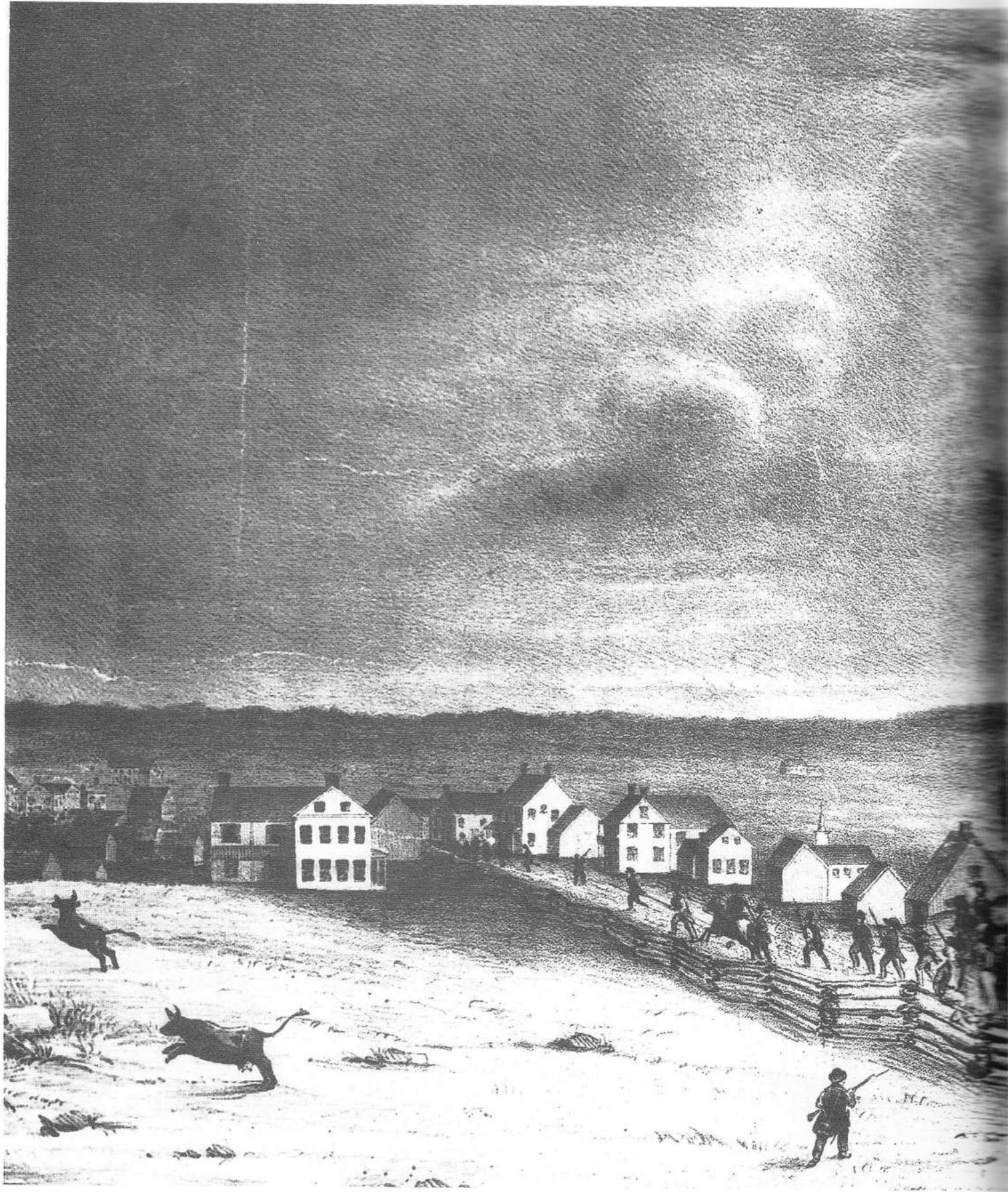
In earlier writings Adams had admitted the primitive right of insurrection, but he believed that it should be used only sparingly and held very much in reserve. Adams told his Rhode Island audience that he endorsed the right to revolt against tyranny, but though he did not say so, he did not consider the charter regime of propertied community leaders a despotic government.

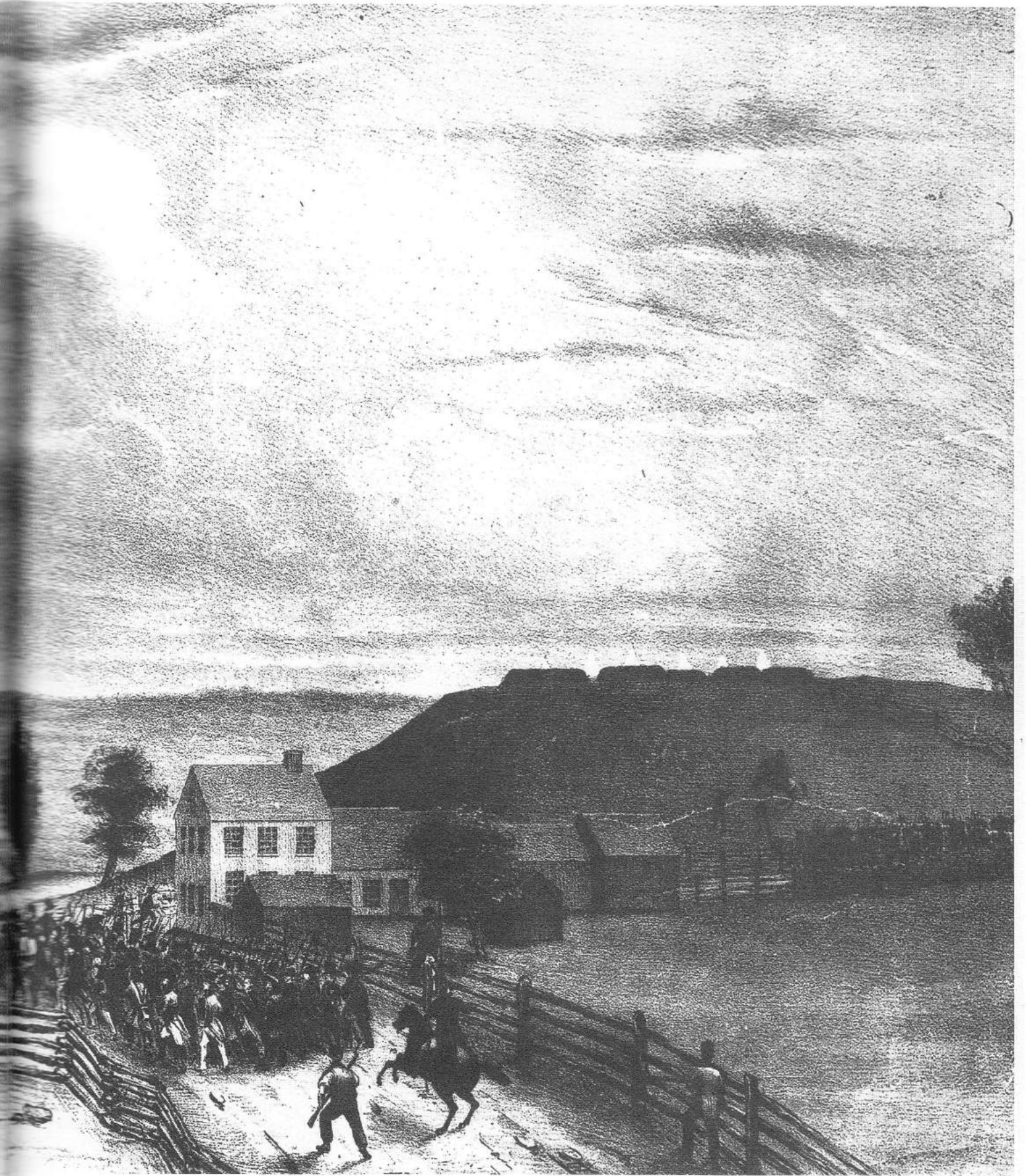
Adams began his address (much of which he prepared prior to the rebellion) by reference to the Massachusetts experience, averring that the people of his commonwealth “have set the example of the gradual enlargement of the right of suffrage quietly, peaceably, without even disturbing the harmony of the community, but by the progress of public opinion ripening into universal assent.” The conservative Adams believed that democracy, or universal suffrage, “is but the investment of the multitude with absolute powers.” In conclusion, he contended that a constitution is “the work of the people . . . not of the whole people by the phantom of universal suffrage, but of the whole people by that portion of them capable of contracting for the whole.”³³

Vigorous in his denunciation of Dorr was Adams’s fellow Bay Stater Daniel Webster. As Tyler’s secretary of state, Webster was on hand when the Rhode Island affair first presented itself to the federal government. He had served as the president’s agent in investigating the situation in early June 1842,³⁴ and seven years later he played a part in the affair’s final disposition. It was he who presented the defense of the charter government’s agent (Capt. Luther Borden) to the U.S. Supreme Court in the case of *Luther v. Borden*. Webster castigated Dorrism, but he centered his attack on a more technical point: in a series of letters and in his argument before the Court, Webster maintained that the problem of recognizing the legal government in Rhode Island was a political question and therefore not justiciable.³⁵ The Court expressed its agreement with Webster, for Chief Justice Roger Taney’s decision declared that the issue of the legitimacy of the rival governments of 1842 was one that was purely political in nature, within the

Following pages

Henry Lord, who drew this sketch of the capture of Acote’s Hill, was one of those arrested after the General Assembly declared martial law throughout the state on 25 June 1842. Lithograph, Thayer and Company, Boston, n.d. RIHS Collection (RHi X3 107).





purview of Congress and the president, and therefore it was one upon which the Court must refuse to pass judgment.

It is obvious that the nation's major political figures, especially in the North, were influenced to take a stand on the Dorr Rebellion according to party affiliation. Within Rhode Island many leading Democrats, especially those of rural, Protestant, native stock, allied with the Whigs against Dorr, but northern Democrats outside the confines of the state sought to make political hay by exploiting the alleged tyranny of the Whig-controlled charter government.³⁶

This same trend was followed by the newspapers and periodicals that reviewed the Rhode Island drama; they, too, took sides according to their party predilection. The first non-Rhode Island paper to focus its attention on the constitutional struggle was the *Boston Post*. This Democratic organ began championing the cause of the suffragists as early as January 1842. Its crosstown rival, the Whig *Atlas*, associated the Democracy with Dorr and heaped obloquy upon the suffrage movement.³⁷ In New York, as we have seen, Greeley's *Tribune* and the *Commercial Advertiser* condemned Dorr, while the *Evening Post* and Levi Slamm's *New Era* backed him to the hilt. Two other New York newspapers, the *Courier and Enquirer* and the *American*, gave enthusiastic support to Governor King and bitterly condemned the action of the rebellious Dorrites.³⁸

In the nation's capital the revolutionaries found an adamant and implacable foe in the *National Intelligencer*,³⁹ and in nearby Baltimore Jeremiah Hughes took constant swipes at Dorr in the pages of his *Niles' Register*. Hughes gave considerable coverage to the Rhode Island situation during mid-1842, labeling Dorr's course as one of "violence and blood." The reformer's attack upon the arsenal was described by the *Register* as Governor Dorr's "proclamation of war against the United States."⁴⁰ During the next three years, until Dorr's release from prison, Hughes kept the nation informed of the fate of the "usurper" by periodic notices in his weekly chronicle.

Interest in the controversy was also exhibited by several newspapers published south of the national capital. Thomas Ritchie's blatantly Democratic *Richmond Enquirer* admonished the federal government to remain aloof from the disturbance. "Move not a soldier, and send not a musket into Rhode Island," cried the Virginia semiweekly. Dorr's actions created a stir even in distant Louisiana. The *New Orleans Commercial Bulletin*, however, opposed Ritchie's stand and demanded federal interference, claiming that the "posture of affairs in Rhode Island is truly deplorable, and if suffered to proceed much farther will do more to impair American credit and character abroad than any event since the date of our government."⁴¹

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Of all the controversy engendered in the nation's newspapers and periodicals by the Dorr Rebellion, perhaps the most significant was the disputation on political theory between John L. O'Sullivan and Orestes Brownson in the pages of the *United States Magazine and Democratic Review* during 1842-43. O'Sullivan, a devout equalitarian who coined the phrase "Manifest Destiny," was cofounder of the *Review*, a nationally distributed journal oriented toward politics and literature. The magazine was under his sole editorship during the period 1841-46.⁴²

Early in 1842 O'Sullivan was moved by the plight of political polemicist Orestes Brownson's financially floundering *Boston Quarterly Review*. Wishing to relieve his fellow Democrat of distress, O'Sullivan suggested that their magazines combine, with Brownson as contributing editor to the *Democratic Review*. The gracious offer was accepted, and thus began a stormy relationship.

Brownson's contributions during 1842 were not as controversial as they were abstract, metaphysical, and dull. "The *Review*," notes Arthur Schlesinger Jr., "dealt in the immediacies of action and enjoyment, caring little for the swirling depths of theory."⁴³ In February 1843 O'Sullivan complained to Brownson that the readers were "much disappointed of the expectation they had entertained of being interested in your articles. Especially now for the coming . . . numbers . . . it is necessary to aim at the object of interesting and satisfying the great mass of the subscribers."⁴⁴ O'Sullivan would have cause to rue this suggestion, for Brownson abandoned his exposition of synthetic philosophy and turned to the then popular topic of democracy and constitutional government.

The contemporary event that had placed the question of constitutional government in the center of the political stage was the Dorr Rebellion. As early as June 1842, the month of the debacle at Acote's Hill, O'Sullivan had ventured his first opinion on "The Rhode Island Affair" in the pages of the *Democratic Review*. The editor prefaced his remarks by admitting that the present state of his information would cause him to postpone "full examination of the whole question" to a future issue. Nevertheless, he continued, a general outline of the episode could be gathered. The tone of his rather lengthy outline can be perceived from his opening observation:

One point is so generally conceded as to be beyond the necessity for any argument—namely, that the Constitutionists were perfectly right in the main object of their enterprise, the establishment of a constitution containing proper definitions of all the powers of government, and based on the principles of universal suffrage.⁴⁵

O'Sullivan concluded his summary with the statement that the Dorrites were perfectly entitled to frame a constitution and to establish a government under it. In sustaining that government, "they were the true party of law and order, occupying a defensive position against disloyal and factious aggression" brought against their legitimate government by those acting under the authority of the superseded charter. O'Sullivan also expressed "profound satisfaction" for the pro-Dorr stand taken by the Democratic governments of Rhode Island's sister states (especially Connecticut and New Hampshire, where Democrats were in control) and viewed with disgust Tyler's role in the uprising. He further asserted that "nearly the entire body of the Whig Party have betrayed the true instincts and affinities of their political character, in the course they have taken on this question."⁴⁶

O'Sullivan gave a detailed exposition of the Rhode Island situation in the next issue of the *Review*. After another brief summation of the leading events of the crisis, he turned to a consideration of the political theory involved in the controversy, posing and resolving four questions.

To the first, "In whom does the sovereignty reside?" O'Sullivan quite naturally answered, "the people." Then, after appealing to Locke's social-compact theory, he asserted that the sovereignty resides in the whole body of adult male permanent residents of sound mind—i.e., every person in the state who could be a party to the compact if it were to be formed anew. "If this be a just conclusion, then the right of a majority of this body to change the government at pleasure, whatever may be the wishes of the electors, is beyond dispute." Therefore, since a majority of "the people" in Rhode Island have ratified the People's Constitution, "it is the true and real organic law of the state."⁴⁷

O'Sullivan then asked, "What is the right of resistance or of revolution?" and retorted by claiming that it is a right above all human law, founded on the natural rights of the individual. It is to be exercised only when governments transcend the limits of just authority. "Resistance to tyranny is a right—nay, a duty—inscribed upon our hearts by Providence." The right of the people to frame and to change their government is unquestionable and unalienable, and if a government steps beyond the limits of its just power, "it may be resisted by virtue of a law higher than human society." This right of resistance, contin-

ued O'Sullivan, is also the right of revolution—the right to forcibly overturn tyrannical rule, even though it is supported by a majority of the political society. The right of a majority to change their government at will is a legal right; the right of revolution “is a right against law and above law; a right of minorities and individuals.”⁴⁸

The next query was less theoretical: “How far does the federal Constitution authorize the interference by the Union with the exercise of sovereignty in a State?” O'Sullivan answered with an interpretation of Article IV, Section 4. This provision conferred upon the federal government the authority to protect the states against domestic violence, and then only upon an application by a state's legislature or executive. The editor interpreted this to mean that the federal government is “to protect *the majority of the social body, on the application of its lawful legislature or executive, against unlawful violence.*” If the majority of the people have the right at all times to change their government, it followed that the new government (Dorr's) was the one to be protected, on the application of the new legislature, against the violence of the old legislature or the old electors.⁴⁹

The fourth and final question was “In a case of domestic violence, within the constitution, in what manner can the United States interfere?” The power to interfere in a case of domestic violence was reserved to the national legislature, claimed O'Sullivan, and he convincingly cited Madison (Federalist no. 43) to substantiate his contentions. This power belongs exclusively to Congress and cannot be constitutionally delegated to the president, for it would “arm him with a more than kingly power.” According to O'Sullivan's solutions to the problems he had posed, Dorrism had been vindicated.⁵⁰

In the following month's issue the *Democratic Review* printed an impressive political profile of Thomas Wilson Dorr. The conduct of the Rhode Island patriot, said the *Review*, “has in no single respect been wanting in courage, firmness, disinterestedness, or devotion to the cause at the head of which he stood.” O'Sullivan did admit, however, that Dorr had been at times mistaken in judgment, and deceived in his estimate of men.⁵¹

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The Rhode Island controversy disappeared from the columns of the *Review* for several months, but O'Sullivan's suggestion that Brownson contribute articles with a wider appeal brought the issue and its related political and constitutional doctrines once more to the center of the stage. Brownson abandoned his treatment of synthetic philosophy and in April 1843 submitted the first of his controversial political tracts, “Democracy and Liberty.” He prepared the way for his series of bombshells by remarking at the outset that his “democratic brethren” would be tried severely, for he intended “to run athwart many of their fondly cherished prejudices, and to controvert not a few of their favorite axioms.” To the chagrin of O'Sullivan, in the ensuing issues Brownson would do just that. O'Sullivan would receive far more than he anticipated.

With the principles of Dorrism undoubtedly in mind,⁵² Brownson began his treatise by contending that we must procure stronger governmental guarantees than those provided by popular suffrage, popular virtue, and popular intelligence. The phrase *Vox populi est vox dei* is “blasphemy,” observed Brownson, for if we mean by democracy the form of government that rests for its wisdom and justice on the intelligence and virtue of the people alone, “it is a great humbug.”⁵³ After an elaborate argument to prove the validity of this statement, Brownson turned to a consideration of freedom, or liberty, “the great end with all men in their religious, their political, and their individual actions.” Liberty might be misinterpreted and erroneous measures adopted to establish or guarantee it, he said; many of the younger members of the Democratic party were guilty of the for-



Orestes Augustus Brownson. Engraving by Alexander L. Dick, circa 1843. RIHS Collection (RHi X3 7519).

would prevent even an individual from applying it to himself, thereby disowning all authority external to him. The people as an aggregate of individuals are not sovereign; the only sense in which they are sovereign at all is when organized into a body politic and *acting through its forms*. All action done in opposition to the state or accomplished outside its prescribed forms “is the action of the mob, disorderly, illegal, and to a greater or less degree criminal, treasonable in fact, and as such legitimately punishable.” The justice and desirability of the end must not make men blind to the illegality of the means by which they wish to attain it. “Without an efficient Constitution, which is not only an instrument through which the people govern, but which is a power which governs them, by effectually confining their action to certain specific subjects, there is and can be no good government, no individual liberty.”⁵⁶

Democracy, declared Brownson, has been wrongly defined to be a form of government. It is, in fact, a principle, the end rather than the means. The proper goal of human society is the freedom and progress of all men, but the means by which this happy circumstance is to be obtained is not necessarily by instituting the purely democratic form of government. We have been too ready to conclude that if democracy—universal suffrage without constitutional restraints on the power of the people—is established as a form of govern-

mer abuse, because they did not see that anything other than the establishment of a perfectly democratic government was necessary to render every man practically free. But this notion was impossible, concluded Brownson, because the virtue and intelligence of the people are imperfect, and therefore the people “are *not* competent to govern themselves.”⁵⁴

Brownson continued by remarking that the very term “self-government” implies a contradiction, for it makes the governor and the governed the same and is, therefore, “no government.” Likewise, if the instrument of government, a constitution, emanates from the people and rests for its support on their will, it is absolutely indistinguishable from no constitution at all. If the people are to be governed, there must be a power distinct from them and above them. This power, whatever it be, wherever lodged, must be separate from the people and sovereign over them.⁵⁵

It must not be overlooked, said Brownson, that government is needed for the people as the state, as well as for the people as individuals. To assume that the people, as the body politic, need no governing is wrong. Brownson objected to the definition of democracy which asserts that it consists in the sovereignty of the people. If the doctrine of popular sovereignty were to be recognized as valid, nothing

ment, the end will follow necessarily. But the desired end “will not be secured by this loose radicalism with regard to popular sovereignty,” nor by “these demagogical boasts of the virtue and intelligence of the people, which have become so fashionable.” The only true way of securing freedom and progress is through society’s existing institutions. In expressing a view not unlike that of contemporary German philosopher Georg Hegel, Brownson contended that liberty comes only in and through order—not by rejecting authority, but by and in obedience to authority. “Liberty without the guarantee of Authority, would be the worst of tyrannies,” concluded Brownson.⁵⁷

This rebuke of Dorrism was somewhat surprising: in 1841, at Dorr’s invitation, Brownson had addressed a suffrage association in Providence, and upon Dorr’s installation as governor in the spring of 1842, Brownson had written him a letter of encouragement.⁵⁸ This about-face caused the horrified O’Sullivan to remark that the young liberal, after passing the grand climacteric of life, was becoming the old conservative.⁵⁹ The irate editor appended a note to Brownson’s article attempting to refute this “daring heresy” respecting the sovereignty of the people. O’Sullivan, an ardent Jacksonian Democrat, admitted that the people err, but he added an eloquent plea: “Give us . . . Self-Government—Self-Reliance—Self-Development—Freedom— yes, freedom to make mistakes . . . rather than the external and superincumbent pressure” of an extraneous government.⁶⁰

In the May issue Brownson accelerated the tempo of the controversy in an article entitled “Popular Government.” He reasserted his belief that the constitution of a state was not merely a written instrument drawn up by the people and alterable at their pleasure and, as some of his Democratic friends had “contended in the case of Rhode Island, alterable at the pleasure of a bare majority . . . coming together informally, and acting without any regard to its provisions.” If a constitution was such an instrument, what restraint could it impose on the will of the majority? Brownson asked. A constitution that cannot govern the people as well as the individual or the minority is obviously no restraint on the sovereign power; it leaves the sovereign power absolute and therefore is as good as no constitution at all. If the validity of Dorr’s action were to be admitted, said Brownson, it would mean that the will of the people, even though unorganized and independent of the constitution, was the true sovereign and might at any time rightfully override the constitution itself.⁶¹

Brownson’s concept of a constitution would not admit of this possibility, however, for he believed that “the *Constitution is itself ultimate*”; it is not a mere written instrument but the actual organization of the state. “It is the sovereign, and, when wisely adapted to the real character of the country, the genius and pursuits of the people, it is always self-sufficing.” Brownson did admit that the whole governing power is, and should be, vested in the people, but in the people *organized*—organized not in one consolidated body but in such a way that “the action of the whole is always through the parts, or at least can never transcend what all the parts will tolerate.” What Brownson was proposing was the minoritarian doctrine of concurrent majorities, a theory, he said, that is “much more *popular*, and secures a much larger share of individual freedom . . . than the consolidated democracy” against which he was protesting.⁶² Here Brownson had become the theoretical ally of Calhoun, and even enlarged upon the South Carolinian’s doctrines.

Once again O’Sullivan’s feathers were ruffled, and another note was appended to Brownson’s remarks. To protect minorities against the oppression or improvidence of majorities was one thing, exclaimed the editor, but to abandon all confidence in the intelligence and competency of the people for self-government, and to denounce them as “cattle,” was a different thing, a thing to be scorned. O’Sullivan said that he had long

regarded Mr. Calhoun's "favorite doctrine of concurrent majorities . . . as a political truth of the highest value," but, he added, Brownson's attacks on the capacity of the people for self-government and his repudiation of popular sovereignty extended far beyond the doctrines of Calhoun.⁶³

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Brownson concluded his study of political theory in a series of three articles on the "Origin and Ground of Government," which appeared in the August, September, and October 1843 issues of the *Review*. In the process he terminated his tenuous association with the exasperated O'Sullivan. Brownson began his valedictory discourse by lamenting that politics as a science had been neglected shamefully by Americans. He proposed to do his share to remedy this lack of philosophical inquiry of a political nature by examining the essence, origin, and end of government.⁶⁴

The essence of government is to govern, said Brownson, and that force which governs is the sovereign, or that which constitutes the state. This concept necessarily demands two correlative terms, the *governor* and the *governed*. Brownson's earlier assertions about the inadmissibility of "self-government," where the ruler and the ruled are identical, were repeated. Government, he declared, is also that which has the right to govern. The governed, then, are not only forced but morally bound to obey. Obedience is a duty; allegiance is owed to government, and this is the foundation of loyalty. The very conception of self-government, however, excludes that of loyalty.⁶⁵

With these principles established, Brownson proceeded to define political or civil liberty as "freedom from all obligation to obey any commands but those of the legitimate sovereign." To have no obligation to obey the rightful sovereign was not liberty but license. Liberty was freedom from all restraints but those imposed by the legitimate ruler. These restraints, Brownson continued, "are never to be regarded as tyrannical or oppressive, however stringent they may be." The true sovereign must be obeyed unto the loss of property, personal freedom, and even life itself. He may command all; the individual may withhold nothing, for his right "is simply the right to obey."⁶⁶

How may we discover who or what is the legitimate sovereign? This question, said Brownson, leads directly to the "Origin and Ground of Government." Addressing that topic, Brownson proceeded to examine the four main theories of governmental genesis: that government originated (1) in the express appointment of God, (2) in the spontaneous development of human nature, (3) in the authority of the father of the family, or (4) in the social compact formed by the people in convention assembled.

Considering these theories in inverse order, Brownson first rebuts the social-compact concept of government—the basis of Dorrism philosophy—by "several weighty objections." He proclaimed the state of nature to be a falsehood and denied that civilization and civil society were unnatural to man. The origin of government in a social compact is not susceptible to historical verification, he continued; moreover, if we accept the theory that government originated in a compact, we would be obliged to assume that the people could act before they existed, for their action in forming the compact presupposes their existence as civil society. Even if all these objections are waived, Brownson asserted, the compact theory affords no sufficient ground for the authority of government. Several allusions to the Rhode Island constitutional controversy appear in this rebuttal of the social-compact theory.⁶⁷

In concluding the first of his three articles, Brownson rejected also the concept that the state was of patriarchal origins. The family could not be the germ of the state because

both are “primary institutions.” The other two theories concerning the origin of government—the spontaneous development of nature and divine ordination—are “both in the main true and worthy to be accepted,” said Brownson. But the state did not originate in human spontaneity alone, nor only in the direct ordinance of God. The right to command must be an expression of the will of God, and it must respond to an inherent and essential want of human nature or there would be no reason for its existence.⁶⁸

In the remaining two articles Brownson showed a strong inclination toward the view that the origin of government must be ascribed to the sovereign authority of God operating through the natural freedom of man. The sovereignty of God must be practically represented among men, Brownson claimed, or it would have no efficacious existence. In the purely human relations of men, this divine sovereignty is represented by the state, but the constitution of the state is established neither by divine or human appointment exclusively. While the legitimate power and authority of the sovereign state must come from God, he normally acts in accordance with human nature. The creation of that authoritative institution, the state, an exigency of human nature, occurred in such a way as to preserve human freedom, Brownson concluded.⁶⁹

Occasionally citing the Dorr Rebellion as a hideous example of the excesses of democracy,⁷⁰ Brownson also reiterated his beliefs in the inviolability of the constitution (i.e., the state) by extraconstitutional means. The true watchword and battle cry for us, he proclaimed, is not “*The majority have the right to govern, but THE CONSTITUTION must govern.*”⁷¹

Brownson also attempted to demolish the other basic premise of Dorrism—the right of revolution. “The right of rebellion and revolution, *on the part of the people*, is no right at all,” he vehemently insisted. The people have not, and never can have, the right to rebel; they do not have even the right to act, save through the forms prescribed by the supreme authority.

The basic question posed by the Dorrists was then considered: If such is the character of the existing political order, that it is impossible for the people to modify the practical organization of the state by the authority of the state itself, must one submit and endure this circumstance? In reply, Brownson admitted the right to resist and even to subvert the civil government (those charged with putting the constitution into effect) when necessary for human freedom, because civil government is only the subordinate department of government. Showing his strong religious bent, Brownson asserted that the people are subject to a higher sovereign than that of civil government. When this higher sovereign, the Will of God, commands, the people have a duty to resist the civil ruler and, if need be, to overthrow the civil government. Since the Will of God is represented by “THE CHURCH,” it belongs to the church (which may be either a formal institution, “the public conscience,” or the “moral authority organized”) to determine when resistance is proper and to prescribe its form and its extent. But if the church has been, “as in some Protestant countries,” perverted to a function of the state, or if it has itself become corrupt and oppressive, or if there is no moral element of reform in the state that one can seize to sanction his movement, then “NOTHING” can be done to get rid of bad government.⁷²

In December 1843 a very disturbed O’Sullivan printed a retort to Brownson’s bold doctrines and restated the theory of democracy that he had expounded a year and a half earlier, when the constitutional controversy in Rhode Island was at its zenith. The disgruntled editor’s remarks reveal that the Dorr Rebellion was the catalyst that had prompted Brownson to embark into the realm of political theory. According to O’Sullivan,

Rhode Island was the only one of our States which accident had left in a position affording occasion for any important practical application of the leading doctrines of these articles. . . . In Rhode Island a combination of unfortunate circumstances has caused the failure of Mr. Dorr’s

attempt to reorganize the State in the mode and on the principle which we have sustained, and which it is the general drift of Mr. Brownson's articles to attack."⁷³

The following October Brownson stated that his arguments in the essays on the "Origin and Ground of Government" discussed "the whole doctrine involved" in the Rhode Island controversy.⁷⁴

1776  **1841.**

By late 1843 Brownson's controversial pronouncements had ruptured his relationship with the *Democratic Review*, and he had departed, much to the relief of O'Sullivan, to edit *Brownson's Quarterly Review*. In the fourth issue of his new vehicle of expression, he once more attacked the democracy endorsed by the *Democratic Review*, a government that made the people the primary and fundamental sovereignty and the source and foundation of all legitimate authority. That was tantamount to no government at all, maintained Brownson.⁷⁵

As late as October 1844, the month when Brownson entered the Catholic Church, he devoted an article to "The Suffrage Party in Rhode Island." This essay was a review of the pamphlet *Might and Right*, in which Frances Harriet Whipple, one of the women among Dorr's large contingent of female supporters, attempted to justify the actions of the Dorrites. At the outset of his review Brownson explained his change of sentiment regarding the Rhode Island controversy (it will be recalled that he spoke at a suffrage meeting in Providence in 1841). The change had come about, he said, when he learned that the limitation of suffrage by a freehold qualification was not a provision of the charter but an act of the legislature. The discovery of this fact demonstrated that there was a legal authority in the state competent to grant the elective franchise to all, if such an extension was advisable. Thus the proceedings of the suffrage party could no longer be countenanced.

In his explanation, however, Brownson sidestepped his own constitutional scruples. Before his "new information" caused him to turn against the Dorrites, he admitted, he regarded the whole proceedings of the suffrage party as illegal and revolutionary, but he was

not disposed to condemn them with much severity, because we could not perceive how any amendment could be legally introduced, or the evils complained of legally redressed. We supposed the restriction on suffrage was a provision of the charter, and, if so, it could not be altered by any legal authority in the state, as the charter did not provide for its own amendment.

Taking this view of the question, we argued, that, let the measures for the extension of suffrage, or the formation of a new constitution emanate from what source they might, from the suffrage association or from the general assembly, since not authorized by the charter from which existing authorities derive their existence and power, they must needs be, in fact, illegal and revolutionary. The people's constitution is, we said, confessedly illegal in its origin; but so also must be a constitution framed by a convention called by the general assembly, for the general assembly has no authority from the charter to call a convention. Since, then, the suffrage association have called a convention, since that convention has framed a constitution, and since a majority of the people of Rhode Island, as it is alleged, have voted for it, it is decidedly best to let it go peaceably into operation. Presuming . . . that an immense majority of the people were satisfied with it, we concluded that nothing was wanted but a little firmness on the part of Mr. Dorr and his friends in its defense to induce the charter party to yield, and suffer the new government to go quietly into operation.⁷⁶

It must be remarked that this hardly seems like an adequate explanation for a man who, earlier in his consideration of the subject, insisted that a constitution is itself ultimate, not a mere written instrument but the actual organization of the state; a man who had also stated that if the validity of Dorr's action were to be admitted, it would mean that

the will of the people, even though unorganized and independent of the constitution (or the charter), was the true sovereign and might at any time rightfully override the constitution itself. In his final swing at Dorrism, Brownson descended from his theoretical pedestal to defend a more pragmatic position.

To say that the Dorr Rebellion was the only factor that encouraged Brownson to compose his abstruse treatises on political theory would be erroneous. The "mistake of the masses" in the election of 1840 (i.e., the hoopla that gave William Henry Harrison the victory), Brownson's growing affinity with the doctrines of John C. Calhoun, and his emerging Catholicism inspired these outpourings.⁷⁷ The Dorr Rebellion and O'Sullivan's reaction to it, however, appear to have been the catalysts.

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It is obvious from this examination that the effect of the Rhode Island rebellion upon national sentiment was substantial. The Dorr War was no tempest in a teapot. While its national impact was largely the result of Democratic propaganda aimed at discrediting the Whigs, the rebellion also inspired notable contributions by men of the stature of Horace Greeley, John C. Calhoun, John L. O' Sullivan, Orestes Brownson, George Bancroft, John Quincy Adams, and Daniel Webster to the theories of suffrage, majority rule, minority rights, and constitutional government. Herein lies its greatest significance.⁷⁸

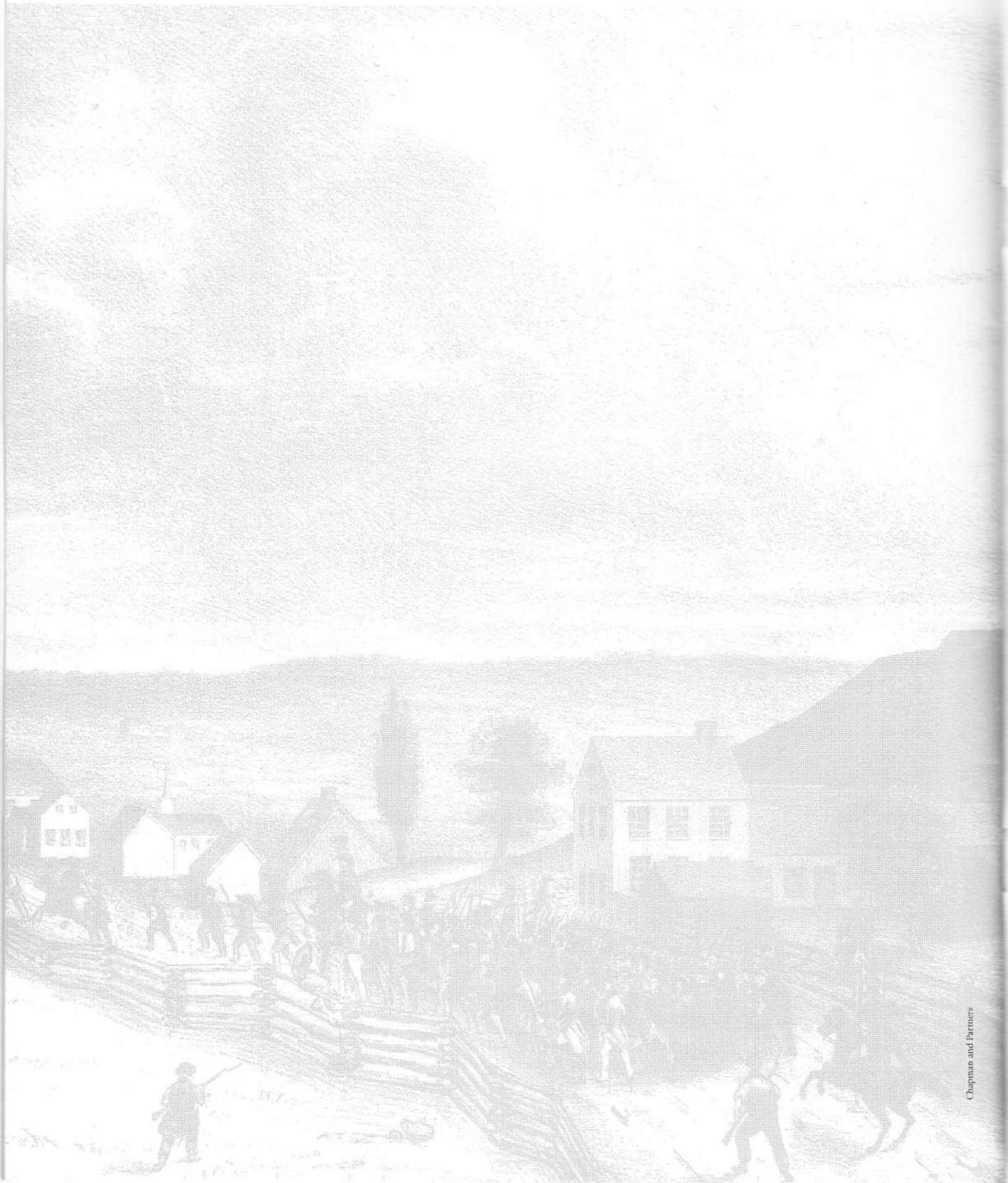
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Notes

1. John B. Rae, ed., "Democrats and the Dorr Rebellion," *New England Quarterly* 9 (September 1936): 476.
2. [Perry Smith?] to Thomas W. Dorr, 12 Apr. 1842, Rae, "Democrats," 481. Perhaps for purposes of secrecy the letter was sent not to Dorr himself but to Dorr's lieutenant, Burrington Anthony. After the uprising the letter was seized, but the signature had been cut out. It was given to Whig U.S. representative R. B. Cranston of Rhode Island for identification, and though Cranston did not name the writer openly, he implied that the author was Senator Perry Smith. Rae, "Democrats," 481-82.
3. Levi Woodbury to Thomas W. Dorr, 15 Apr. 1842, Rae, "Democrats," 476-77.
4. William Allen to Thomas W. Dorr, 15 Apr. 1842, Rae, "Democrats," 477-79.
5. Silas Wright Jr. to Thomas W. Dorr, 16 Apr. 1842, Rae, "Democrats," 479-80.
6. Thomas H. Benton to Thomas W. Dorr, 16 Apr. 1842, Rae, "Democrats," 480-81.
7. Edmund Burke to Thomas W. Dorr, 8 May 1842, Rae, "Democrats," 481-83.
8. Thomas W. Dorr to Walter S. Burges, 12 May 1842, summarized in Rae, "Democrats," 476.
9. John C. Calhoun to William Smith ("A Public Letter on the Subject of Rhode Island Controversy"), 3 July 1843, *The Works of John C. Calhoun*, ed. Richard K. Crallé (New York, 1854-57), 6:229-34.
10. Andrew Jackson to Francis P. Blair, 23 May 1842, *The Correspondence of Andrew Jackson*, ed. John Spencer Bassett (Washington, 1926-35), 6:153.
11. Andrew Jackson to the Committee of Dorr Supporters in Rhode Island, 22 Aug. 1844, in *Niles' Register* 67 (14 Sept. 1844): 23.
12. *Ibid.*, 22-23.
13. Martin Van Buren to the Committee of Dorr Supporters in Rhode Island, 1844, partially printed in *ibid.*, 23.
14. George Bancroft to the Committee of Dorr Supporters, 1844, partially printed in *ibid.*, 23.
15. George Bancroft to Mrs. E. D. Bancroft, September 1844, *The Life and Letters of George Bancroft*, ed. M. A. DeWolfe Howe (New York, 1908), 1:257. Bancroft said that "Van Buren liked my view [on Dorr] better than his own."
16. *New York Tribune*, 24 May 1842, editorial entitled "The Law of Organic Changes in Popular Government"; summarized in Glyndon G. Van Deusen, *Horace Greeley* (Philadelphia, 1953), 74-75, 81. "In 1855 Greeley recognized the 'right' to vote, but said that it could be held in abeyance, due either to presumed choice (women) or to public necessity." *Ibid.*, 81.
17. Van Deusen, *Horace Greeley*, 75.
18. *New York Tribune*, 27, 28 June 1844, 30 June 1845, in Van Deusen, *Horace Greeley*, 75, 82.
19. *Autobiography of Thurlow Weed*, ed. Harriet A. Weed (Boston, 1883), 530-31.
20. Arthur M. Mowry, "Tammany Hall and the Dorr Rebellion," *American Historical Review* 3 (January 1898): 294-95.
21. *Ibid.*, 295.
22. *Ibid.*, 296.
23. Alexander Ming Jr. and Abraham J. Crasto to Thomas W. Dorr, 13 May 1842, and Dorr to Cols. Ming and Crasto, 14 May 1842, in *Niles' Register* 67 (May 21, 1842): 179. Mowry incorrectly lists Ming as "Wing." Mowry, "Tammany Hall," 296.
24. Mowry, "Tammany Hall," 295-302.
25. *Ibid.*, 299-300.
26. *New York New Era*, 20 May 1842, *ibid.*, 300.
27. *New York Commercial Advertiser*, in Mowry, "Tammany Hall," 301.
28. Mowry, "Tammany Hall," 301.
29. William H. Seward to Samuel Ward King, 16 June 1842, *The Works of William H. Seward*, ed. George E. Baker (New York, 1853), 2:612. On 22 May Seward had told King that he had issued a warrant for Dorr's arrest. Seward to King, 22 May 1842, James D. Richardson, ed., *Messages and Papers of the Presidents* (New York: National Institute of Literature, 1917), 5:2151-52.
30. William H. Seward, *An Autobiography from 1801 to 1834 with a Memoir of His Life, and Selections from His Letters, 1831-1846*, ed. Frederick W. Seward (New York, 1891), 605-7, 613.
31. William H. Seward to his wife, 31 May 1842, *ibid.*, 606.
32. Weed, *Autobiography*, 530-33. Weed mentions that the term "Barnburner," later applied to the reform wing of the New York Democratic party, was coined during the Dorr Rebellion to describe Dorr's more radical followers. Weed to [George W. Curtis], 16 Dec. 1873, *ibid.*, 534.
33. *Memoirs of John Quincy Adams*, ed. Charles Francis Adams (Philadelphia, 1874-77), 11:152, 160, 514, 527-28, 12:10, 54, 137; John Quincy Adams, *The Social Compact . . .* (Providence, 1842). A useful analysis of Adams's political thought (though it fails to mention the former president's reaction to the Dorr Rebellion) is George A. Lipsky, *John Quincy Adams: His Theory and Ideas* (New York, 1950), esp. 87-103 and 128-36.

34. Daniel Webster to John Tyler, 3 June 1842, Richardson, *Messages and Papers*, 5:2153.
35. Daniel Webster, *The Rhode Island Question* (Washington, D.C., 1884), 3-26; *The Writings and Speeches of Daniel Webster*, National Edition (Boston and New York, 1903), 11:217-42.
36. Local Democratic leaders in opposition to Dorr included James Fenner, Elisha R. Potter Jr., and John Brown Francis.
37. Mowry, "Tammany Hall," 293-94.
38. *Ibid.*, 294. The *Evening Post* was the leading Democratic paper in New York City; its editor was William Cullen Bryant. The *Tribune*, edited by Greeley, and James Watson Webb's *Courier and Enquirer* were the city's leading Whig organs. Frank Luther Mott, *American Journalism* (New York, 1941), 257-58, 260-61. Excerpts from the *American* are reprinted in *Niles' Register* 62 (28 May, 2 July 1842): 195, 276; Mott makes no mention of this paper in his study.
39. Mowry, "Tammany Hall," 294. The *National Intelligencer* was a Whig organ at this time. Mott, *American Journalism*, 255-56, 260.
40. *Niles' Register* 62 (7 May 1842): 147-48, (14 May): 165-66, (21 May): 178-80, (28 May): 194-95, (11 June): 225, (25 June): 259, (2 July): 276-78, 288, (2 Aug.): 368, (27 Aug.): 403. An account of the rebellion and, particularly, Dorr's subsequent imprisonment is reprinted from the *United States Gazette* in the *Register* 67 (8 Feb. 1845): 361-63. The *Gazette* was a Whig paper. Mott, *American Journalism*, 260.
41. Quotes are from Mowry, "Tammany Hall," 294. On the affiliation of the *Richmond Enquirer*, see Mott, *American Journalism*, 188-89, 256-67.
42. Frank Luther Mott, *A History of American Magazines* (New York, 1930), 1:677-80. The newly established *Cincinnati Enquirer* supported Dorr enthusiastically and gave extended coverage to the rebellion during the turbulent months in mid-1842, publishing extended commentary and reproducing important documents relating to the struggle.
43. Arthur M. Schlesinger Jr., *Orestes Brownson: A Pilgrim's Progress* (Boston, 1939), 155-56.
44. John L. O'Sullivan to Orestes Brownson, 12 Feb. 1843, in H. F. Brownson, *Brownson's Early Life, 1803-1844* (Detroit, 1898), 347.
45. [John L. O'Sullivan], "The Rhode Island Affair," *United States Magazine and Democratic Review* 10 (June 1842): 602-7, esp. 602 (hereafter cited as *Democratic Review*).
46. *Ibid.*, 606-7.
47. [John L. O'Sullivan], "The Rhode Island Question," *Democratic Review* 11 (July 1842): 70-80.
48. *Ibid.*, 71, 81.
49. *Ibid.*, 71, 81-82.
50. *Ibid.*, 82-83.
51. [John L. O'Sullivan], "Thomas Wilson Dorr, of Rhode Island," *Democratic Review* 11 (August 1842): 201-5. It was the *Review's* policy to print a political profile in each issue, but the sketch of Dorr was not due to be printed for several months. It was published in August because of interest in the Rhode Island controversy. *Ibid.*, 201.
52. Orestes A. Brownson, "Democracy and Liberty," *Democratic Review* 12 (April 1843): 384-85.
53. *Ibid.*, 374-80.
54. *Ibid.*, 380-82.
55. *Ibid.*, 382-83.
56. *Ibid.*, 382-85.
57. *Ibid.*, 386-87.
58. H. F. Brownson, *Brownson's Early Life*, 342-43. For Brownson's explanation of his change in sentiment regarding Dorr, see the discussion of his "Suffrage Party in Rhode Island" below.
59. [John L. O'Sullivan], "Note," *Democratic Review* 12 (April 1843): 387, 391.
60. *Ibid.*, 390-91.
61. Orestes A. Brownson, "Popular Government," *Democratic Review* 12 (May 1843): 534-35.
62. *Ibid.*, 534-36.
63. [John L. O'Sullivan], "Note," *Democratic Review* 12 (May 1843): 537-38, 542.
64. Orestes A. Brownson, "Origin and Ground of Government," *Democratic Review* 13 (August, September, October 1843): 129-32.
65. *Ibid.*, 133-36.
66. *Ibid.*, 136.
67. *Ibid.*, 136-45.
68. *Ibid.*, 145-46.
69. *Ibid.*, 241-62, 353-77, esp. 258-62.
70. *Ibid.*, 246, 247, 251, 373.
71. *Ibid.*, 252.
72. *Ibid.*, 373-75. Brownson's three articles on the "origin and ground" of government were rewritten and, with some additions, published after the Civil War under the title *The American Republic*. H. F. Brownson, *Brownson's Early Life*, 148.
73. [John L. O'Sullivan], "Mr. Brownson's Recent Articles in the *Democratic Review*," *Democratic Review* 13 (December 1843): 654-55. O'Sullivan published a poem dedicated to Dorr in the June 1844 issue of the *Review*.
74. [Orestes A. Brownson], "The Suffrage Party in Rhode Island," *The Works of Orestes A. Brownson*, ed. H. F. Brownson (Detroit, 1882-87), 15:510.
75. *Ibid.*, 508-10. This article appeared in *Brownson's Quarterly Review* 1 (October 1844).
76. *Ibid.*
77. Chilton Williamson, in *American Suffrage from Property to Democracy* (Princeton, N.J., 1960), 292-93, has pointed out that Brownson was convinced that Protestantism was by nature too individualistic and democratic to provide immutable standards for human behavior. The religion that was the most effective political and social stabilizer, Brownson believed, was Catholicism, because it was "a religion which is above the people and controls them." For an elaboration of this statement, see *Brownson's Quarterly Review* 2 (October 1845): 514-30.
78. For a summary of the legal controversies engendered by the Rhode Island controversy—disputes that engaged the administration of President John Tyler, both houses of Congress, the Supreme Court, and the lower federal judiciary—consult my essay "No Tempest in a Teapot: The Dorr Rebellion in National Perspective," *Rhode Island History* 50 (August 1992): 67-100. The legal contest involved such notable jurists and lawyers as Joseph Story, Roger B. Taney, John Pitman, Daniel Webster, Benjamin F. Hallett, Robert J. Walker, Nathan Clifford, James K. Angell, Job Durfee, and Elisha R. Potter Jr.



Rhode Island History
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To the People TO ASSEMBLE

... Convention of the friends of Equal Rights and of a
Constitution for this State, held at Newport, on the 5th
the following persons were appointed a State Committee
of the cause, which the Convention had assembled to pro

By, { CHARLES COLLINS,
{ DUFEY J. FRANCH,
{ SILAS BISSON.

{ SAMUEL H. WALKER
{ BENJ. ARNOLD, Jr.
{ WELCOME B. SAYI
{ HENRY L. WEDDELL
{ PHILIP H. STINESE
{ METCALF MARSH

Proctor Court, { DENJ. M. BOSWELL
{ SAMUEL S. AUSTIN
{ ANNA LUDWIG
{ NUEL RICHMOND
{ JAMES WEAVER
{ J. B. SHEPHERD
{ ESTER HARRIS
{ ERIC WHEELER
{ JAMES ALLAN

Cover

Declaring that "We ask for nothing that is not
clearly right," in July 1841 Rhode Island suffragists
called "a Convention of the People . . . for the
formation of a CONSTITUTION." The People's
Convention assembled in Providence on 4 October
1841. RIHS Collection (RHi X3 670).

... Committee were directed to carry forward the cause of
... and to call a Convention of Delegates to draft a
...
... said Mass Convention held at Provid
... of July, the instructions before given were reaffirmed;
... directed to call a Convention of the People on the