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# Republicanism In America, Examples Of Self-Government From 1775 Through 1819

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**REPUBLICANISM IN AMERICA,  
EXAMPLES OF SELF-GOVERNMENT FROM 1775 THROUGH 1819**

by

**JOHN RENARD GIRDWOOD**

**DISSERTATION**

Submitted to the Graduate School

of Wayne State University,

Detroit, Michigan

in partial fulfillment of the requirements

for the degree of

**DOCTOR OF PHILOSOPHY**

2018

MAJOR: POLITICAL SCIENCE

Approved By:

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Advisor

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Date

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## DEDICATION

*To all people who actively pursue freedom, virtue, and equality day-to-day for the efficacy of it.*

## ACKNOWLEDGEMENTS

First and foremost, I would like to thank my Chair, Jeffrey Grynaviski, who is the most rigorous and encouraging political scientist I have ever met and who has been a consistent force of direction and support since 2012. This dissertation would not be in this framework, nor would I have researched early examples of republicanism, if not for Dr. Grynaviski because of his work on Resolutions of Instruction and the opportunity to explore aspects of his research for our MPSA paper (2014), which flows through this dissertation.

The faculty at Wayne State University have fostered a learning environment for my work on republicanism and American political culture, with special thanks to my first Chair who asked me to consider the Multiple Traditions debate in order to provide the scientific community with a meaningful contribution regarding the role of republicanism as a distinct element of the Culture from the renowned tradition of liberalism during 2010 - 2012, Philip Abbott.

I would also like to sincerely thank my dissertation committee for their evaluations, recommendations, and professional support: Ewa Golebiowska, Ronald E. Brown, and R. Khari Brown.

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Finally, I would like to thank family and friends for their encouragement through the years, with extra love for my beloved daughter, Ava Alexandria.

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## CHAPTER 1: INTRODUCTION

The origin of this dissertation stems from a class research project that I completed in 2010 for Distinguished Professor Philip Abbott regarding the question: Is republicanism a viable political ideology for Americans during the early 21<sup>st</sup> century? I had chosen Wayne State University specifically in order to study the differences of power that occur between the people and the federal government. I was interested in the ballot initiatives that the people utilized in my neighborhood of Detroit to solve problems, yet I could not understand the feeling of anxiety and powerlessness, on my part, in regards for a preemptive war policy that was initiated by President Bush and extended by President Obama. Hamilton, after all, was explicit in *Federalist 69* that the President would have no such power whatsoever. Dr. Abbott's work was relatively straightforward for me to understand because of my training at James Madison College's Political Theory and Constitutional Democracy program, where I enthusiastically read and analyzed the writings of the Founders, Alexis de Tocqueville, Montesquieu, Adam Smith, Louis Hartz, and many others. Admittedly, they said more than I ever imagined.

I entered the Ph.D. program ten years after receiving my Bachelor of Arts. I had read most of Dr. Abbott's work before I entered his course on American political thought, and I was eager to learn more about republicanism. During class, I purposefully sat next to him and was extremely excited when he explained that we would need to begin a term paper and that he was passing around a handout with relevant research questions. We needed to place our name next to one specific question. I extended my hand at this, and with my thanks, he handed the paper to me for first pick. My jaw dropped when I read the question on republicanism, and I smiled, feeling that I found my place in it all.

In my research paper for Dr. Abbott, I focused on restating how a few major republican works describe core republican values and their possible relevance for understanding American politics today (Pocock, 1975/2003; Geise, 1984; Pangle, 1990; Fowler, 1991; Smith, 1993; Bock, Skinner & Viroli, 1993; Pettit, 1997, 1999; Viroli, 2002; Maynor, 2003; Kane, 2008). My research paper provided a list of quotes by Pettit and Maynor mostly, and the theme of non-domination that would force me to read up on the differences between authoritarianism and republicanism. As a student of Dr. Abbott's, acknowledging that Liberalism exists in America as a system of values which voters possess and use to elect progressive and traditional "liberals" during the 20<sup>th</sup> century was easy. However, I argued that Americans also share three core republican values that people use to foster participation in self-government. They are:

- Freedom: Freedom from domination, value-based non-domination policy
- Virtue: Enjoin in a Common Good, value-based anti-corruption policy
- Equality: Everyone else is your equal, value-based grassroots policy

The first republican core value that is prevalent in the literature is freedom. Regarding the past, republicanism is the political language of freedom for all, and people apply republican values of freedom by actively considering policies of non-domination. Since America's inception, Machiavellian republicanism meant that "to be free means not to depend on the will of another" (Maynor, 2003, p. 24). According to Machiavelli, freedom may be threatened in two ways. First, freedom may be threatened by an external force, such as invasion. Second, internal self-interest could allow people to dominate one another, which would eviscerate the expression of republican virtue that is necessary to proliferate a Republic (Maynor, 2003, p. 24-25; Pocock, 1975/2003). Americans were well-versed in Machiavellian republicanism (Maloy, 2011) and it contained ideas of political liberty (Skinner, 1993, 1998, 2002; McCormick, 2001; Viroli, 2002).

In order to overcome threats to republican freedom in the public sphere, Americans directly participate in politics through various legitimate movements to replace experiences of domination with policies that create an experience of non-domination (Pettit, 1997). The abolition and progressive movements from the former centuries as well as same-sex marriage and the Black Lives Matter movements of this century may be deeply tied to freedom as non-domination. These movements happen because "republican liberty" is a practice of "self-government, on the one hand, and personal security, on the other" (Pangle, 1990, p. 47). Republican freedom happens because legislating the value of non-domination secures you (1) from anxiety of interference, (2) reduces the need to anticipate arbitrary interference, and (3) increases trust and stability (Maynor 2003, pp. 44-45). Freedom means to be free from domination in private and public life and to be able to enjoy non-domination in the Public Space.

The second value is virtue. Republicanism is a political language that requires citizens to embrace virtue in order to belong to the "*vivere civile* and *civilit *" that is protected by a government that is run by the people (Bock, Skinner, & Viroli, 1993, p. 31). Within a society, "Fortuna," an external force designed to tempt one away from virtue, puts every person "into a life of corruption" (Maynor 2003, p. 27). Essentially, the people are able to create a Common Good while they vigilantly root out corruption (Maynor, 2003, pp. 27-30). During America's beginnings, Americans valued republicanism to enable them to "escape from a conflict between virtue and corruption" (Pocock, 1975/2003, p. 538).

People call on civic virtue as a duty to engage in political action in order to encourage the representatives in government to administer laws in a way that is impartial, transparent, and contestable (Pettit, 2012). For example, "contemporary democracies naturally give life to watchdog, activist bodies – nongovernmental organizations – that operate locally, nationally, and

internationally across various domains of political life" (Pettit, 2012, p. 226). While liberalism certainly allows all people to have an equal opportunity to be involved in the electoral process or to abstain from it, scholars of republicanism find that exclusion from political processes alienates people, and collective liberty vanishes (Maynor 2003, p. 28).

The third value is equality. The republican structure encourages individuals to form grassroots movements in order to constantly question how the state may interfere to promote ideals and values of non-domination through a spirit of *equality*. When individuals through movements and associations practice republican doctrine to support equality, the government may abandon liberal neutrality "without restricting the freedom enjoyed by its citizens" and enhance the people's ability to position their own choices to maximize non-domination (Maynor, 2003, p. 82). This happens because people equally control their government since each person has "equal access to a popular system of unconditioned or independent influence that pushes government in an equally acceptable direction," with special consideration for activity that is efficacious (Pettit, 2012, p. 179). For example, the *eyeball test* (we are equals as individuals when eye to eye) is an index regarding private domination, and the *tough-luck test* (you lost through tough luck, not corruption) is an index "of whether the guards against public domination are efficacious" (Pettit, 2012, p. 176). The former tests are possible because of a value for equality that is shared by individuals who support the republican element of the culture.

In my research paper, I pointed to the political rhetoric during the American Founding as evidence for the historical significance of republican values in the United States. For instance, James Madison explained in *Federalist 37* that a major requisite design for the American government was "the inviolable attention due to liberty and *to the republican form*" (emphasis added, Rossiter, 1992, p. 226). Hamilton wrote in *Federalist 84*, "The establishment of the

writ...prohibition of *ex post facto*... are perhaps greater security to liberty and republicanism than any it [constitution] contains" (Rossiter 1992, p. 511). Indeed, Alexander Hamilton opened in *Federalist* 1 with a pronouncement for, "...conformity of the proposed Constitution to the true principles of republican government..." (Rossiter 1992, p. 36). Hamilton, in *Federalist* 85, revealed, "The additional securities to republican government, to liberty, and to property... consist chiefly in the restraints which the preservation of the Union will impose on local factions and insurrections, and on the ambition of powerful individuals within single States... despots of the people..." (Rossiter 1992, p. 521). As a lengthy example, James Madison wrote in *Federalist* 39:

The first question that offers itself is whether the general form and aspect of the government be *strictly republican*. It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental *principles of the Revolution*; or with that honorable determination which animates every votary of freedom to rest all our political experiments on the capacity of mankind for *self-government*. If the plan of the convention, therefore, be found to depart from the *republican* character, its advocates *must abandon* it as no longer defensible (emphasis added, Rossiter 1992, p. 240).

Indeed, the Constitution explicitly says in Article IV, Section 4, that, "The United States shall guarantee to every State in this union a Republican Form of Government..." (Rossiter 1992, p. 539).

After making my case for the historical significance of republicanism during the Founding, I made my argument for its relevance after Ratification, focusing on Joyce Appleby's summary of republican developments according to historians during the antebellum era (1985). In her words, "While most scholars would agree that the possibility of institutionalizing the civic values extolled in classical republicanism ended with the ratification of the Constitution, these articles give vivid proof of the fact that the vitality of republican ideals not only persisted but continued to embarrass the progress of liberal values in America" (p. 472). "Republicanism slipped into the scholarly lexicon in the late 1960s and has since become the most protean concept for those working on the

culture of antebellum America" (p. 461). I find that there is a large gap in the literature regarding republicanism after ratification (political scientists) as well as the antebellum era (historians).

I met with Professor Abbott to consider extending the research paper into a dissertation project in order to document whether or not republicanism is relevant to Americans during the early 21<sup>st</sup> century. He explained that he thought my claim for the on-going relevance of republicanism was a heavy lift. The prevailing view among students of political culture, derived from the work of Louis Hartz (1955), is that liberalism (in the Adam Smith sense of the term) is the dominant value system in the United States. Even among historians like Pocock (1975/2003) and others (Wood, 1969; Bailyn, 1967, 1970), who argue for the relevance of republican core values during the American Founding and Antebellum era, he observed, it is generally accepted that republicanism did not hold much sway on the American people for very long after the ratification of the Constitution. In light of that observation, the heavy lift began to appear to be extremely improbable for me.

While resting at Santa Monica Beach, California, since I arrived early to visit family before the APSA Teaching and Learning Conference in Long Beach, I listened to the pacific waves and watched surfers try to ride them. I started to read a book that I had recently purchased, Kalyvas and Katznelson's (2008), *Liberal Beginnings: Making a Republic for the Moderns*. They set down at the beginning that there were major shifts by Americans to liberalism after Ratification, and to my chagrin, republican values have been essentially dead in the United States for more than 200 years as a major cause of political change at the national level. In their words, after Ratification, "As a freestanding model, republicanism disappeared" (p. 5). I recalled that Dr. Abbott thought that most political scientists would find the kinds of evidence for the on-going relevance of republican values that I presented in my research project underwhelming.

Still, I was captivated, indubitably intoxicated really, as to whether or not republicanism was an alternative for Americans to the liberal tradition. I watched a surfer last for five seconds and then remembered that I had gingerly responded to Dr. Abbott that scholars are beginning to notice that liberalism is incapable of resolving serious problems, like inequality (Przeworski, 2010). Like the surfer under water, I subjected that such a call for republicanism by the Federalists and others could not have dissipated so quickly after 1787 if Ratification was the defining moment of their legacy, because they would likely protect the Constitution during the following decades of political activity by renewing the spirit of republicanism.

As a starting point for such a project, Dr. Abbott suggested that I connect American republican values expressed in debates by the Founders, when republican political values were thought to be prevalent, with the corresponding political practices that happened after Ratification at the national level. If republican values were ubiquitous in America during the antebellum era, as Bailyn (1992) and others (Appleby, 1985; Pocock, 1975/2003) argue, then researching archival data during that time period should provide me with ample evidence of republican practices at work upon the completion of my dissertation, thereby providing further support for their argument, and if I was lucky, a salient contribution to culture, thought, or policy studies. More importantly, it would provide me with a baseline by which to potentially demonstrate the on-going relevance of republicanism to American political thought after Ratification in the event those practices continued to be employed.

A possible answer as to whether republican practices continued after Ratification emerged from conversations with Jeff Grynawski, an Associate Professor of Political Science at Wayne State who later became my chair. He was working on a critique of William Riker's, "The Senate and American Federalism" (1955), which argues that the United States Senate failed to accomplish

its intended "peripheralizing" function because the right of states to instruct their Senators as to how they should act together with the authority to recall and replace those who failed to adhere to their instructions, which was a prominent feature of government under the Articles of Confederation, was not provided for under the Constitution of 1787. In that work, Riker (1955) identifies only a handful of instances when state legislatures attempted to instruct their Senators, mostly during the 1830s, when President Jackson tried to subvert the practice to advance his political agenda by calling on the people and Governors to induce the State Legislatures to pass a resolution of instruction with the intent of forcing their U.S. Senator to abide or resign.

Whereas Riker (1955) mentioned only a smattering of instructions in his seminal work, Professor Grynaviski reported in a 2010 lecture that there are thousands of examples of such resolves in the records of Congress. He suggested that this may badly understate the actual number issued by the states. He argued, persuasively, that state legislatures would not have spent unknown but probably exhaustive amounts of time on debates over issues, both contentious and banal, if they were perceived to be irrelevant by state legislatures (Grynaviski, 2008). However, Dr. Grynaviski found little evidence to suggest that they regulated the principal-agent relationship between Senators and the state they represented in the same way under the Constitution of 1787 as they did between Delegates to the Confederation Congress and the states under the Articles of Confederation. He was stumped on the question as to the purpose of these instructions.

When he posed this puzzle to students, I dug in my feet and suggested that these were examples of republican values influencing American politics on a large scale. I had been studying republicanism for the past two years under the direction of Professor Abbott and I took this to be exactly the kind of republican practice that he suggested I seek. That is because the Founders understood republicanism to be a shared commitment to individual liberty, just procedures, broad-

based political participation, and direct popular control of the government. To people of that generation, the republican practice of petitioning epitomized republican freedom, virtue, and equality. Further, it was thought to carry with it particular moral weight when drafted and signed by committees or conventions of the people (Greenberg, 1977; Bailyn, 1992; Wood 2011, 2011b). The amateur politicians of the early-19th century who occupied American state legislatures surely thought of themselves as committees of the people and, by extension, resolutions passed by state legislatures and sent to their representatives in Congress was an example of a republican practice—of direct popular control. I argued that his collection of instructions is, at least partially, quantitative proof that republicanism existed as a republican practice for many decades after Ratification. It was exactly the kind of evidence that I was looking for.

In this dissertation, the assertion that Resolutions of Instruction happened because Americans practiced their core republican values to directly control the General Government by means of self-government (for the ends of fortifying and enjoying life in an Extended Republic) is the central thesis. In my three empirical chapters, the examples of republicanism should exhibit that (1) the people did petition the General Government, such as through petitions and resolutions of instruction and (2) the national representatives did acknowledge and respectively act on the people's political documents, with attention paid to the defense of republican self-government. If each chapter confirms this (thesis), then republicanism likely continued as an influential political value system after Ratification, challenging the claims of historians like Louis Hartz (1955) who argued that republicanism declined precipitously immediately after ratification as well as to provide political scientists with a better understanding regarding the influence of republicanism in the U.S. well into the 19th century.

## Organization of Dissertation

In Chapter Two, I revisit Tocqueville and discuss how he denoted four mores, or elements of the culture, to illustrate the major sources of influence regarding American politics. After providing a glimpse of Tocqueville's (1835 | 1988) observations of authoritarianism based on paternalism, liberalism based on free markets, republicanism based on enlightened self-interest, and Biblical Thought from religious participants, I support Tocqueville's observations by accounting for recent literature pertaining to authoritarianism, liberalism, and republicanism, with a special focus on American republicanism during the Founders' generation. The review of the literature reveals that the latter three value systems are unique. There is a gap in the literature regarding the importance of republicanism after Ratification from a political science perspective.

In Chapter Three, historians widely support the claim that the spirit of republicanism and its practices were prominent across America during the antebellum era (Appleby, 1985), however, political scientists quickly dispensed with the theory of republican self-government during the modern era because the peripheralizing function apparently died with the ratification of the Constitution (Riker, 1955). To fill this gap in the literature, I propose that some institutions are adopted because they are seen to be a desirable means, possibly without regard to the ends. Americans practiced republicanism as a means to assert their political values, but there is little evidence of this happening within the federal government as a response to self-governing practices.

Riker's conclusion of a centrally-directed Republic during the antebellum era was probably the result of the biased sample of ROI since the practice of Instruction happened over 2,000 times in the Senate during the antebellum era (Grynaviski, 2010). This evidence suggests that the people and their state legislatures probably did peripheralize the U.S. Senate because they were "republicans." Dr. Grynaviski's collection provides a more accurate picture of the actual amount

than Riker, for example, Table 3.1 shows that there was an enthusiastic increase after Jackson's presidency in all parts of the country (Girdwood & Grynawiski, 2014). Because the amount of ROI and their upward growth by decade is evidence to suggest that the people exhibited republican core values through ROI during the antebellum era across the nation, the historians' finding of a prevalent republicanism were probably correct in that the state legislatures were functioning as a clearinghouse for ROI to be sent to the United States Senate for due consideration.

The literature shows that many Americans shared a sense of anti-instruction sentiment and these citizens, particularly from the South and of the Whig Party, supported an independent national body that was free from the people and their local and state representatives. Meanwhile, a vastly greater percentage of Americans "believed in" the doctrine of Instruction as a "republican" practice that was emblematic of their identity as an *American*—he who did not trust the people to govern themselves was Anti-American. Nevertheless, William Riker (1955) was cogent in that the people and state legislatures during the 20<sup>th</sup> century were not utilizing the practice of passing a ROI at the state level in order to direct the Senator's vote or to a recall recalcitrant Senator. If conventions, petitions, and resolutions of instruction defines the preeminent republican peripheralizing roles, perhaps because of an accompanying republican moment, then who would say that Americans practice republicanism after the 1950s?

In Chapter Four, I find that there is little difference regarding the role of Instruction before and after the Battle of Yorktown during the Founding period. The republican practice of Instruction was openly practiced by the Founders during the times of a secret government during the Revolutionary War as well as after the British surrender. Throughout the period, I find that the "republican" practice of Instruction was evident as a show of self-government. The data clearly demonstrates that Instruction once played an integral role as a practice of republicanism by the

American representatives of the people at the national level from 1775 through 1789. James Madison and others did actively express a belief in republican values, which caused Instruction to become the central process for implementing political change at the national level. Examples of Instruction operating in the same manner before and after the Revolutionary War include land disputes, calls for convention, and calls for the national body to wait on local entities to explain themselves.

For example, first and foremost, conventions were called in Philadelphia in order to declare Independence (before) in the same fashion that a convention was called for in order to pass the Constitution in the backwoods of Danville, Kentucky (after). Second, Instruction was used to inhibit action in the Continental Congress in similar manners before and after Yorktown. During the war, Instruction inhibited New York Delegates during 1776 from voting for Independence and to preserve and re-establish harmony between Great Britain and the Colonies. After the war, Mr. Fitzsimmons urged a postponement until the sentiments of New Jersey were expressed and until the Delaware delegates received their instructions from their state before choosing how to vote in the Confederate Congress during 1783. Before and after Yorktown, the inhabitants guaranteed unto themselves a self-government and the national representatives of the people repeatedly engaged Instruction in order to ascertain the sentiments of the people, including Delegate James Madison's request of Thomas Jefferson to explicitly provide Madison with instructions regarding the Virginians' approach to dealing with Spain. Finally, Instruction settled land disputes based on the sentiments of the inhabitants. The call for self-government on the people's terms by Whipple regarding Rhode Island (1778) as well as the contestatory nature between the people from different states along the Delaware River

(1783) allowed for peaceful political change in order to overcome a potentially explosive stalemate between states.

Therefore, the evidence highly suggests that there was little to no difference in the role Instruction played before and after the Battle of Yorktown in America, even though the ROI after the battle were much more clear and concise as political documents. The evidence suggests that Instruction stemmed from the republican element of the culture because the practice ultimately rested on the sentiments of the people and self-government throughout the revolutionary period. The use of Instruction was significant in causing fundamental changes to the governing of Americans by the federal government because of exhibitions of direct popular control that were initiated and supported by all the Delegates. This suggests that the element of republicanism was durable from 1775 through 1789 as a peripheralizing political value system that spanned the national landscape because the federal representatives shared "republican" values. The American Founders practiced republicanism as a means to assert their political values.

In Chapter Five, petitions provided lawmakers an opportunity to allow Americans "equal access to influence" the federal government regarding republican norms (Pettit, 2012), but this access to government was stifled by the majority party on authoritarian grounds. Even though aliens and Sabbath breakers were thought to be less of than an equal citizen by some House members (as indicative of authoritarianism), the people were provided a voting record on the yeas and nays in response to their petitions during the debate process. There were repeated calls by some members of the House to call for the yeas and nays regarding confirmation of support for and opposition to the Alien and Sedition laws as a public answer to the petitioners regarding this access point to the federal government. This is an example of petitions that were peripheralizing the House of Representatives.

Meanwhile, House members in the majority party loyal to President Adams treated the petitioners and their petitions with scorn. The final committee report is questionably a note of authoritarianism because it appears to have been based on misinformation and disinformation, especially once we recall that James Madison argued vehemently that there was no French connection with American republicanism. The majority party clearly found in the select committee report a need for the laws to continue because of a belief in paternalism. Therefore, I did not find that the peripheralizing function caused meaningful changes to transpire against the Alien and Sedition laws because the House majority supported authoritarianism and their authoritarianism prevailed over the House minority who openly supported republicanism. In this way, I offer an original study of multiple traditions.

Considering republicanism, the results confirm that the American people practiced republican values openly, and their representatives also openly supported republican values in the House of Representatives as a core value. Two supporting measures are the gross number of pages in the Journal dedicated to the debate as well as the contextual evidence by Gallatin and others to vehemently defend republican values on the House floor. This supports the idea that broad-based participation was tied to meaningful practices to peripheralize the federal government regarding the Alien and Sedition laws under standard House procedure.

The majority party's deliberate move to send the petitions regarding the repeal of the Alien and Sedition laws to a select committee (to 'go-bye') was a point of departure from the republican tradition. This point of departure helps to explain why so many Americans would defend the principles of the Revolution by choosing "Republicans" in what became known as the Revolution of 1800. Republican norms of transparency, contestability, and impartiality (Pettit, 2012) were evident through the record of debate in the House regarding the Alien and Sedition laws to a limited

degree. Americans as nonelected individual participants did enjoin and sign petitions for the federal representatives to respond to what they perceived to be impolitic and unconstitutional laws, and the petitioners' Representatives did empower their constituents by openly defending the petitions in the House of Representatives.

The evidence supports the hypotheses of republicanism and authoritarianism. House members presented and defended copious amounts of petitions from their constituents on the House floor to repeal the Alien and Sedition laws because of a shared belief in republicanism. However, after extended debate, the minority party who supported the petitioners lost the ability to peripheralize the House once the petitions were sent to a select committee, since the committee reported on the petitions to the Chamber for a vote regarding two new resolutions that explicitly supported the laws. This action invalidated the petitioners' petitions calling for the repeal of the two laws. The select committee report was, considering James Madison's views, largely based on authoritarianism considering misinformation, disinformation, and paternalism.

In Chapter Six, I continue to document whether Americans relied on republicanism as a means to express their republican values after Ratification. I provide the context and treatment of a sample of one hundred and sixteen Resolutions of Instruction that were recorded in the *Senate Journal* from 1789 through 1819. Of these, only a singular ROI was discharged as a nuisance from an independent Senate, which points to the fact that senators increasingly utilized the practice of Instruction after Ratification. The evidence suggests that state legislatures increasingly played an important role as a broker of power between the people and the federal representatives in regards for the maintenance of a Republic. From light-houses to westward expansion and constitutional change, ROI were, to some degree, organized by the state legislatures to peripheralize the U.S. Senate. The republican practice of Instruction through state legislatures mattered during the

Founders' generation as a means for being a republican, but republican values were at times sequestered by the people and their representatives because some representatives supported other elements of the American culture, such as authoritarianism, considering the practice of westward expansion.

The evidence in this chapter supports four key claims. First, ROI increased quantitatively over the years (Table 6.1 & Table 6.2). Second, ROI were increasingly sent to committee and passed while they were decreasingly open for debate (Pie Chart 6.1, 6.2, 6.3, Table 6.3, & Table 6.4). Third, the presenter of the ROI changed over time from the president to senators on average as senators found messages from state legislatures to be more important over time (Line Graph 6.1). Finally, the nature of the communication by resolutions changed over time from a description of local matters, such as the location of a lighthouse, to national and constitutional issues (Line Graph 6.2). This happened because Americans were directing self-government through their state legislatures and ROI provided an established and routine practice to coordinate inter-governmental relationships at a time when the Senate infrequently met. These results suggest that the peripheralizing function continued long after Ratification in support of the historians' and not the political scientists' perspective regarding American republicanism at the federal level after Ratification.

This incorporation of ROI by the Senate was a processing of the peripheralizing function. ROI were increasingly introduced and delegated to a number of senators who would serve on the special committee to determine how to incorporate ROI. Republicanism grew during the decades after Ratification regarding the federal government, contrary to contemporary assertions from political scientists that republicanism was basically dead after Ratification. I find support for the historians' long-held conclusion that republicanism dominated the founding and antebellum eras.

However, the evidence also illustrates many exhibitions of authoritarianism that were present and powerful. There were clearly torrents of authoritarianism (race supremacy) embedded into the decision-making process of ROI in regards for westward expansion. Thus, I find support for republicanism as a legitimate and stand-alone system after Ratification in light of ROI practices and I contribute an original study of Multiple Traditions because of exhibitions of authoritarianism. Future work should consider applying a Multiple Traditions approach to political inquiry with special consideration for republicanism, liberalism, and authoritarianism.

### **Summary**

The focus of this dissertation is to reveal how Americans supportive of republican values applied them in practice before and after Ratification. The evidence in the literature widely supports the idea that republicanism strengthened after Ratification until its practices suddenly died off [when Abraham Lincoln took on the Republican Party brand and the bloody Civil War began in earnest] through the practice of Instruction (Chapter Three). A closer look at documents regarding the development of Instruction from 1775 to 1789 (Chapter Four), petitions to oppose prominent national laws and a responsive House during 1798 and 1799 (Chapter Five), and the Senate's treatment of Resolutions of Instruction from 1789 to 1819 (Chapter Six), will begin to provide social scientists with systematic documentation that republicanism was an influential political value system because the people and their representatives exhibited republicanism as a means for engaging in politics from 1775 through 1819. In Chapter Seven, I review the evidence of this dissertation in order to ascertain whether the element of republicanism was influential at the national level as a cause of action regarding American politics with respect for the Founders' generation.

Whether republicanism is a freestanding political value system during the early 21<sup>st</sup> century is beyond the scope of this dissertation. My contribution is to document examples regarding republicanism as a political value system at least through the early-19th century so that social scientists may attempt to develop a more vigorous research agenda in regards for a systematic consideration of the elements of the American culture, specifically republicanism, amongst other political traditions, such as authoritarianism and liberalism. I hope to provide a sturdy bridge across the breach between historians and political scientists regarding the significance of the element of republicanism that Americans used as a means to engage in politics to cause action at the national level during the Founders' generation. My answers will hopefully encourage additional research to be accomplished by social scientists in regards for Multiple Traditions (Smith, 1993; Hero, 2003).

## CHAPTER 2: FIRST LITERATURE REVIEW, MORES

### Introduction: The Multiple Elements of the American Culture

This dissertation aims to fill two very different gaps in the literature. The first gap concerns republicanism. The second concerns the role of resolutions of instruction in American history. For organizational clarity, I have decided to review the literatures on these two related but distinct sets of ideas in two different chapters. In this chapter, I review the core values of republicanism to show that this element is, or at least may have been, a unique political tradition amongst multiple traditions within the national political landscape. Political scientists generally agree on what constitutes as core republican values, such as freedom as non-domination, virtue as civic duty without corruption, and equality as equal access to influence (Chapter One); however, no one has explicitly clarified how American republicanism is distinct from the other political elements of the American political culture. It is difficult to ascertain where an element stops, like liberalism, and another, like republicanism, begins (Stears, 2007). By reviewing how the elements of the culture are unique / distinct within the American culture in this chapter, I will be able in the following chapter to review whether the literature in regards for Resolutions of Instruction during the antebellum era exemplified aspects of the republican, and not the liberal, element of the American culture.

The American political traditions of republicanism, liberalism, and authoritarianism are available to Americans online as elements of a complex culture. These political languages have endured over many generations, from region to region, in the United States. Yet, no one has established a cogent approach regarding how to establish whether or not multiple elements are powerfully influencing American politics. The field of political science does not yet offer an empirically-grounded approach to study the American culture as an inquiry of multiple traditions.

In practical terms, it is clear that liberalism dominates the American political landscape. An entrenched stalemate has arisen because researchers of multiple traditions, such as liberalism and republicanism, find that liberalism is dominant compared to other available political languages (Bellah, Madsen, Sullivan, Swindler, & Tipton, 1985; Smith, 1993, 1997). Today, most scholars focus on aspects within the liberal tradition without considering authoritarianism or republicanism. One needs to ask whether or not an empirically-grounded approach to America's political culture in regards to multiple traditions is possible, and if republicanism is relevant to Americans during the early 21<sup>st</sup> century.

To discover the roots of the American culture, I revisit Tocqueville (1988/1835) to analyze his four value systems, or mores, that he found were constantly affecting American politics. Tocqueville argued that these mores were the basis for American politics because the exhibited values from these mores on behalf of Americans constituted the parts of a whole national political dialogue. This dissertation will attempt to prove that mores are instructive and are historically grounded as independent elements of America's complex culture. Specifically, I seek to determine whether the republican element of the culture remained influential, at least partially, after Ratification. The remainder of this chapter completes an inquiry with respect for the core values of liberalism, republicanism, and authoritarianism and borrows heavily from a paper that I published in a peer-reviewed journal, *Journal of Behavioral and Social Sciences*, Volume 3, Issue 3, "America's Multiple Political Elements of a United Culture" (Girdwood, 2016).

### **Revisiting Tocqueville's Mores as Elements of the Political Culture**

Tocqueville (1988/1835) attempted to capture the political values expressed by Americans throughout the United States during the early-1830s in his seminal work, *Democracy in America*. This book is almost entirely a reflection of multiple political belief systems that, according to

Tocqueville, governed American life, which together created the fabric of the national existence—a united culture. The book is not about legislative activity or elections; for example, the book does not explain how representatives vote on issues based on partisanship or ideology. To Tocqueville, the core values in the hearts of all Americans formed the substance of a complex political dialogue, which is the basis for American politics writ large.

Tocqueville observed four major value systems or *mores*. First, there was a new type of authoritarianism which was like a soft despotism. This was a form of paternalism in that the government was viewed as the shepherd of the people and the sheep do not have a voice. Second, there was widespread liberalism, which means that an individual was able to advance in a free market with equal opportunity across the nation. This market was protected by elected representatives in government. Third, he identified republicanism as enlightened self-interest and local political participation to advance equality, resources, efficacy, and actions in support of a common good (i.e., a Good Republic). The people generated the direction of public policy by directly participating in government, and power resides with the people. Finally, Tocqueville explored how Biblical Thought transcended American politics and kept the other political elements of the culture in check. God was the messenger in the open system of politics that everyone respected.

Tocqueville (1988/1835) evaluated the American political culture in terms of value systems, or *mores* (Latin, *moeurs*). These mores were, "one of the great general causes responsible for the maintenance of a democratic republic in the United States" (p. 287). Mores were the "habits of the heart" that framed the "different notions possessed by men, the various opinions current among them, and the sum of ideas that shape mental habits" (ibid). American mores during the early-1830s were the main elements to support its political institutions (ibid). This distinction

presupposes that multiple core values affected American politics because multiple elements of the culture weaved the core values into the fabric of American life.

Tocqueville (1988/1835) noted *liberalism's* strengths during the antebellum era through debates about capitalism and the ways by which people experienced a marketplace as entrepreneurs in a free market economy. The democratic people as individuals work for a living and working for money is necessary, natural, and honest (1988, p. 550). Tocqueville suggested that making money is honorable and, "the desire for prosperity is universal, fortunes are middling and ephemeral, and everyone needs to increase his resources or create fresh ones for his children, all see quite clearly that it is profit which, if not wholly then at least partially, prompts them to work" (pp. 550-551). He further suggested that everyone respects the dollar because there "is nothing humiliating about the idea of receiving a salary, for the President of the United States works for a salary" (p. 551). Americans share a sense that individuals who work hard will earn a place in the middle class and expect the representatives in government to protect a free marketplace. Liberalism was part of the American political experience.

Tocqueville (1988/1835) noticed an abundance of tightly knit *republican* political communities in early America, especially near Boston. These American towns and cities demonstrated that people were more committed to ideas of enlightened individualism, whereby materialism was secondary to the wiser idea of a common good, which all Americans should help facilitate through politics once in convention. The people did convene often. The common good might, at times, exclude liberal values because republican values are strongly opposed to rapacious capitalism, and debates are not premised on materialism or individual prosperity, specifically, capitalism.

As Tocqueville (1988/1835) observed, there is not more "egoism among us [French people] than in America; the only difference is that there it is enlightened, while here it is not. Every American has the sense to sacrifice some of his private interests to save the rest" (p. 527). Republicanism often appeared to penetrate civil society because, "the age of blind sacrifice and instinctive virtues is already long past," but this new age of enlightened self-interest may not last without public education (p. 528). Republicanism was the major political force in many northern communities, such as political power being organized and distributed through town hall meetings for the benefit of the community. Republicanism was part of the American political experience.

Tocqueville (1988/1835) commented at length on American *authoritarianism*. He was especially concerned that a soft despotism might eviscerate the notions of equality shared by Americans to the point that America would become an authoritarian state. This could happen when the people demanded paternalism, or to be under the control of the state, whereas the state provided the resources for the benefit of people so long as the people obeyed the rules determined by the state (pp. 691-3). Authoritarianism in America would not engender a military dictatorship; rather, the people would observe a government that guided all social and economic decisions through the application of paternalistic principles to the marketplaces and public spaces.

This would be possible because authoritarian regimes expand as an equality of servitude so that the people's political options are suppressed by the public authority. The government stifles the expressions of liberalism and republicanism in exchange for resources that the people are not allowed to facilitate themselves. Authoritarianism would be evident when, "in the end each nation is no more than a flock of timid and hardworking animals with the government as its shepherd" (Tocqueville, p. 692). For instance, the antebellum South exhibited an almost ubiquitous governmental structure and citizenry operating under authoritarian patterns of social, economic,

and political behavior during the antebellum era (Kohn, 2002). Authoritarianism was part of the American experience.

Finally, Tocqueville (1988/1835) observed *Biblical Thought* as an element in the American political culture. Biblical Thought affected the American political culture across the nation because its *mores* guard the "soul" from material pleasures and "imposes on each man some obligations toward mankind, to be performed in common with the rest of mankind, and so draws him away, from time to time, from thinking about himself" (pp. 444-445). American priests, "take an interest in the progress of industry... do not forbid the honest pursuit of prosperity... seek to discover the points of connection and alliance" in society for the Father's flock (p. 449). In America, "Religion is considered as the guardian of *mores*, and *mores* are regarded as the guarantee of the laws and pledge for the maintenance of freedom itself" (p. 47). A belief in God mattered as part of the American political experience.

Of particular salience, Tocqueville (1988/1835) found that each political element of the culture enforced its own "majority opinion" against serious deviants from within the dominant element governing the region (Hortwitz, 1966; Maletz, 2002). Deviance from acceptable *mores* in one's community often meant an informal, and sometimes formal, denial of citizenship for the deviant. The result was that individualistic deviance from the majority opinion resulted in the deviant being outcast by a *tyranny of the majority*. In America, according to Tocqueville, "the germ of tyranny" is widespread because what is "...most repulsive in America is not the extreme freedom reigning there but the shortage of guarantees against tyranny" (p. 252). As a result, when the majority opinion is against you in a land with limited laws and a limited government, "you must submit" (ibid). An American from the North in the 1830s would not espouse southern authoritarian values in the North, and vice versa, because he would be outcast. Thus, each region

expressed distinctly republican, liberal, or authoritarian values to affect the governing practices between the people and their government. An individual during the 1830s was consigned, depending on location, to the authoritarian, liberal, or republican tradition in the town center and their collective belief in God allowed them to stave off the other elements of the culture in order to maintain a peaceful status quo, since each element is fundamentally antithetical to every other element besides Providence.

Tocqueville clearly observed that there are multiple political elements within the American culture and that these elements exclude one another whenever possible. This means that each political element, whether it is republicanism, liberalism or authoritarianism, would not benefit from the manifestation of the others. Therefore, individuals would be drawn to one political language which imbued their community because of their social environment. Each individual would likely recognize the dominant political element that governed their community, such as a neighbor who organized a meeting in Boston, or Iowa, to engage in a town hall meeting—perhaps to pass a resolution—as an act of participating in self-government on republican grounds. This illustrates how mores are freestanding political value systems, regionally, because the people belong to one of these systems of government locally in America. However, the culture as a whole was complex with at least four major political traditions being practiced at the national level by politicians. The traditions, or elements, together created the chorus of the national public discourse that was the embodiment of Culture as various political expressions. (Figure 2.1)

In sum, Tocqueville witnessed in America:

- A widespread *Liberalism* in regards to the right of each individual to have had an equal opportunity to be able to advance within a free marketplace as an entrepreneur. The market was protected by elected representatives in the government and could be taxed and regulated for the

benefit of the people, according to their will as exhibited through the results of democratic elections.

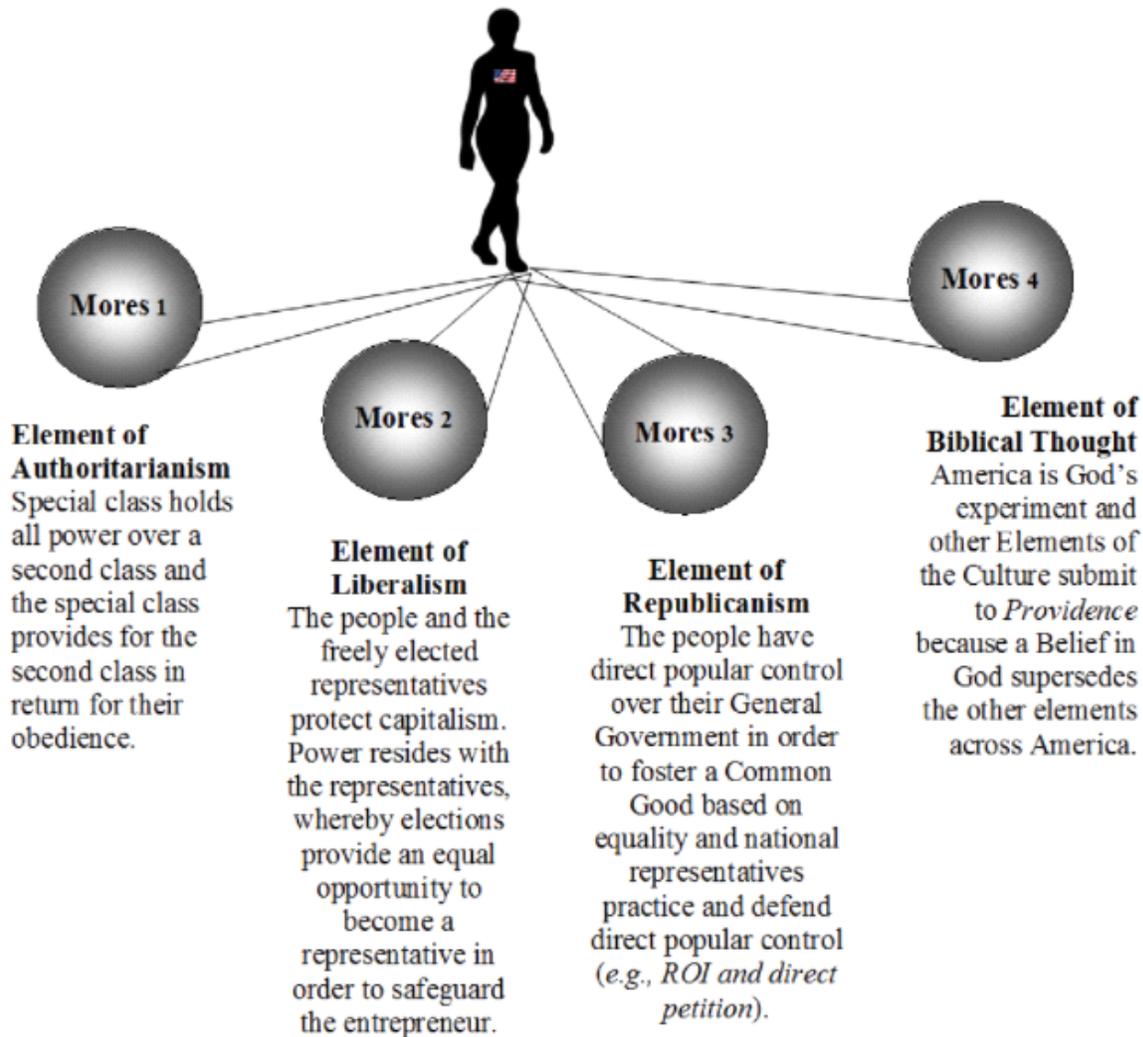
- A new type of *Authoritarianism* in that there were people who consider themselves to belong to a "superior class" and who control a "second class" of citizens on paternalistic grounds. The "second class" did not have a legitimate voice with which they could oppose their rulers.
- A form of *Republicanism* where the people engaged in political activity to defend and expand opportunities for equality, resources, efficacy, and action in order to facilitate a common good. This happened because individuals practiced an enlightened self-interest through direct participation and focused on the growth of the community.
- An omnipresent *Belief in God*, but a belief that was interpreted differently according to the mores that were strongest in each region of the country. God was seen to be the messenger in the open system of politics. A belief in God was a check on all other languages from over-expansion.

Considering Tocqueville's observations in regards to the American political culture, Figure 2.1 illustrates the four mores which he thought contributed to the political discourse in American political life. The culture consists of political discourse that is informed by the values stemming from these four elements over generations.

### **Literature on Liberalism, Authoritarianism, and Republicanism**

Figure 2.1 outlines the broad strokes of the elements of the culture. This section restates important canons from the literature to detail the core values of the liberal, authoritarian, and republican elements of the American culture. The purpose is to set down the foundations for a future study in regards for Multiple Traditions (Smith 1993, 1997; Hero, 2003) and to distinguish the uniqueness of the elements in order for the reader to be able to consider how multiple elements

**Figure 2.1** Tocqueville's Mores Updated as Elements of a Complex American Culture



of the culture affect politics uniquely. I pay special attention to the republican literature because I am attempting to demonstrate how republicanism was a core political value during the Founders' generation and whether those values translated into meaningful political practices. Also, providing the definitions for the boundaries and core values of each element should exonerate much of the ambiguity and misunderstandings that have too often prevented scientists from providing a Multiple Traditions perspective, which is desperately needed (Katznelson and Milner,

2002). I now provide the general boundaries and core values of liberalism, authoritarianism, and republicanism in order to be able to verify that specific data in the later empirical chapters indeed stems from one of these elements of the American culture, especially republicanism.

### **Liberalism**

In *The Liberal Tradition in America*, Louis Hartz argued that American citizens are almost uniformly dedicated to atomistic social freedom (Stears, 2007, p. 2; Hartz, 1955/1991, p. 62). The central idea is that Americans practice their freedom as individuals by working hard and leaving behind them a trail of success in the marketplace. Nevertheless, President Franklin Roosevelt divided the liberal spectrum in two when he guided the national government away from the long-standing *laissez faire* approach to capitalism by restructuring the government to enable forms of economic redistribution, such as social security. This divided American liberals into the conservative (*laissez faire*) and progressive (expand redistribution) factions, and has nothing to do with other political traditions. The recurring theme in the literature is that most Americans can identify with, and often defend or oppose, liberal values from one side of the liberal spectrum by the late 20<sup>th</sup> century.

The great strength of liberalism since the New Deal is that Americans never abandon the element of liberalism to engage in politics. People shift their stance through elections towards conservative (to the right side of the spectrum) or progressive trends (to the left) regarding governmental responsibility towards markets, with special attention paid to capitalism. The enemy of an American is "the richer liberal" (Hartz, 1955/1991, p.75). In this way, the liberal tradition explains political and social outcomes over time, including the failure of socialism, the failure of the European-style welfare state, the rise and fall of McCarthyism, family dynamics, vote decisions, and more (Stears, 2007; Abbott, 1999, 2001, 2005, 2010). Hartz (1955/1991) strongly

advised that liberalism is culpable as the explanation regarding a tyranny of the majority with respect for a demanding of free markets and limited government under democratic rule. Liberalism remains relevant as a cultural explanation for American politics (Abbott, 2005).

America's liberal tradition is not unimportant. Perhaps the most influential update to Hartz's liberal tradition is by McClosky and Zaller in *The American Ethos* (1984). The authors use the Opinions and Values of Americans (OVS) and Civil Liberties Studies surveys to claim that opinion leaders:

tend to disseminate political norms as parts of ideologically integrated 'packages'... Americans end up forming attitudes that conform to one of three well-recognized ideological patterns—the welfare state liberal pattern [progressive liberalism], the nineteenth-century liberal pattern [traditional liberalism], or the strong conservative pattern. Only among the least sophisticated... have failed to learn one of the conventionally recognized belief patterns. (p. 263)

The liberal tradition is fundamental to American history and political experiences because "...virtually everyone... has the mentality of an independent entrepreneur, two national impulses are bound to make themselves felt: the impulse toward democracy and the impulse toward capitalism" (McClosky & Zaller, 1984, p. 3). Public opinion shows that "values of capitalism and democracy are the principle components of the American political culture" (McClosky & Zaller, p. 12). Public opinion and election movements are interpreted by elites and they reinterpret liberal values in order to resolve political conflicts, simultaneously, the people experience the cultural injunctions and liberal impulses which have become legitimized as new public policy (McClosky & Zaller).

In support of Hartz's (1955/1991) perspective that the liberal tradition governs American culture, the political science literature has long suggested that both major American political parties since World War II are liberal parties. This is because both the Republican and Democratic parties form platforms to fortify capitalism through representative democracy. As a famous

political scientist put it, "the Democratic and Republican parties in the United States... are examples of Liberal parties; both practice bourgeois, business-orientated politics typical of European Liberalism..." (Ware, 1996, p. 25).

American political culture shifts to and from progressive and traditional liberal experimentation over time. From the progressive point of view, Ware (1996) explains, "...President Franklin Roosevelt's '*hijacking*' of the term '*liberal*' to describe his New Deal programmes [sic]" of governmental intervention was not much different than the English liberalism at the time; however, "the move towards state interventionism marked a break with traditional Liberal values of strict *laissez faire*" capitalism (Ware, p. 26; Nozick, 1974). Indeed, progressive reforms, including Medicare and Medicaid, expanded under both Republican and Democratic administrations until the mid-1970s because progressive liberalism remained the main current of American politics after WWII. Since the mid-1970s, Americans have experienced a traditional liberal (i.e., conservative) backswing (Hacker & Pierson, 2011). Hence, the American political culture does shift from left to right and back again along the liberal spectrum—but not away from the liberal spectrum because both political parties and voters act to protect and engage in their preferences regarding the treatment of capitalism through representative democracy.

Liberalism is, like the other elements, a stand-alone value system. The literature (e.g., (Lijphart, 1999; Dahl, 1956; Brettschneider, 2012) expounds how partisan liberal values work in concert to create a stable liberal regime. A stable liberal democracy will always demonstrate a belief in core values that claim a (1) right to vote, (2) right to be elected, (3) right of political parties to compete, (4) free and fair elections, (5) freedom of association, (6) freedom of expression infused into the public by representatives in government (liberal neutrality), (7) information from all sources are tolerated, (8) institutions depend on votes (majority rule), (9) limited government

in markets, and (10) intolerance for a hateful society and an invasive state. Democratic values are tied to the equal opportunity developed through socio-political *markets* and the democracy must protect the equal opportunity for all people to have a chance to become an entrepreneur. Indeed, Americans often take economic stances in the voting booth in regards to how elected officials should solve public topics and issues post-election (Chong, McClosky & Zaller, 1983).

Of particular salience, there is very little need for a participatory democracy in a functioning liberal democracy (Schumpeter, 1947/2010). This happens because the two dominant liberal ideologies will eventually resolve the public policy problems and issues through the will of the voters that is expressed during elections over generations—not day-to-day. The liberal's agency is in voting and his power is to shift democratic changes in the party platforms and economic agendas over time according to the left or the right of the liberal spectrum—not the other elements / mores.

Thus, elections and campaigns are the mechanisms for participation, and tuning-in is a form of participation. Citizens are important to politics as voters and not as direct participants in American politics. The American liberal contributes to a complex relationship between representative democracy and capitalism within American politics. Americans make public policy decisions based on expected electoral shifts on the liberal spectrum, and they change their mind regarding the shifts according to economic times. There is no confusion that this liberalism is bound to representative democracy, and not to participatory democracy, as "the ruled, in short, must consent to their rulers, who are in turn accountable to the governed" (McClosky & Zaller, 1984, p. 2). The left (progressive liberals) did successfully foster a welfare state to decrease problems of poverty and unemployment that traditional capitalism, historically, was unable to alleviate with success in regards to the entire population (Przeworski, 2010). At the center of the

liberal society thesis, citizens believe that individuals who work hard will join the middle class and an entrepreneur may swiftly come into riches, or else work harder (Hartz, 1955/1991). The right (traditional liberal) remains faithful to capitalism and these voters are "Capitalists" who are "primarily concerned with making private profit" (McClosky & Zaller, 1984, p. 7). All liberals should remember to vote in elections because of the fundamental differences between the progressive and traditional liberal policy recommendations. Liberalism is *part* of the culture and an influence on American politics.

### **Authoritarianism**

Authoritarianism is as an applied value system by the hands of the people in government. The values are very similar to a panopticon in that there are people with power who are part of a special class, while the people, or a large proportion of them, are a citizenry without political power. Jeremy Bentham, an English philosopher and social theorist in the late 18th century, imagined a panopticon design for a prison that would allow an observer (opticon) to monitor all (pan) people inside an enclosed structure (Bentham & Božovič, 1995). The idea was that prisoners would not know when they were being watched, so would remain controlled, without physical monitors. The prisoners would assume that they were being monitored at any given time. The people had no power or authority to change the rules, and they were provided shelter, food, and a community of inmates. Americans living in a community that is protecting authoritarian norms (e.g., the antebellum South) are not able to utilize republican or liberal norms because one language prevails.

Historically, widespread authoritarianism based on paternalism is no stranger to the American culture and politics. After the Civil War, segregation policy proliferated via eugenics, social Darwinism, and cultural segregation. Racism, discrimination, and prejudice are forms of

authoritarianism and still remain in American politics. Authoritarianism is often enforced in America by the ideal of paternalism – that one group of citizens are allowed to dominate other people totally as second-class citizens, like parents who control a child, because of a belief in ascriptive hierarchy by the people who consider themselves to be part of the first-class citizenry. However ugly, authoritarianism is often used and defended by Americans in politics (Smith, 1993).

There are many examples of authoritarianism in America. As a long-term governmental regime, the American military is organized by rules of authoritarianism. At the local level, most Americans would probably agree that it is legitimate to institutionalize a suicidal person for his or her own safety. To give an everyday example, New York City's abolition of the Big Gulp was an authoritarian act justified with paternalistic motivations because the government was looking out for the health of the individual. Moreover, many Americans hold authoritarian values in the early 21<sup>st</sup> century on various political topics, for instance, authoritarianism and ethnocentrism spiked after the terrorist attacks on 9/11 (Kam & Kinder, 2007).

Some Americans express authoritarian values during the early 21<sup>st</sup> century as a preference for policy in American politics. In *Authoritarianism and Polarization in American Politics*, Hetherington & Weiler (2009) confirm that expressions of authoritarianism in public opinion polls come from people who generally support paternalism as a value preference for the government to adopt regarding specific topics. Authoritarianism is a strong belief in the rule of law set by the government. It is practically unalterable by the people. The data reveals:

Those who score lowest in authoritarianism are, by far, the least supportive of limitations to civil liberties while those who score highest are the most willing to support them. We find the largest differences on media censorship in fighting the war on terrorism. Only 27 percent of those who score at the minimum of the authoritarianism scale think the media should not report on secret methods in fighting the war on terrorism. Nearly 80 percent of those who score at the maximum of the scale do. (pp. 98-99)

Further, Americans expressing a minimum number of authoritarian values versus those expressing large number of authoritarian values showed wide differences with respect to immigration. As Hetherington & Weiler (2009) demonstrate, there is a *gap* of 39, 33, 44, and 40 percentage points between the two groups on their views concerning the following respectively: immigration is a threat to American economy, immigrants should adopt American culture, illegal immigrants are lawbreakers plain and simple, and, against a path of citizenship for illegal immigrants. In short, some Americans hold steadfast to authoritarian values and these values impact the directional choices for major public policy issues, which may help to explain the reason immigration and other public policy reform does not get passed (Hetherington & Weiler, 2009).

Quite recently, in "Political Spotlight" from the journal *PS: Political Science & Politics* (2018), Dana Moss contends that authoritarianism exists in America, pointing to common examples of authoritarianism that President Trump has utilized to support this claim, such as strategies to reinforce elite loyalty, which includes spoils for loyalists to become part of the inner circle, co-opting oppositionists, and making examples of defectors (Crabtree, Davenport, Chenoweth, Moss, Earl, Ritter, & Sullivan, p. 20). Additionally, President Trump appears to be enforcing strategies to suppress and undermine grassroots movements, which includes direct violence against dissidents, counter-mobilization by supporters, infiltration of movements, surveillance, applying administrative and financial burdens, and passing pseudo-legitimate laws to criminalize legal behaviors (p. 20). And there seems to be evidence of authoritarian strategies utilized to garner support among the public, including the blaming of foreigners, mischaracterizing domestic opponents as criminals, terrorists, traitors, or plotters, concealing information through censorship and propaganda, and removing or harassing independent journalists (p. 20). Readily, President Trump has definitively deployed authoritarian measures, such as negative othering,

dishonoring, and loyalist counter-mobilization (p. 21). Thus, authoritarianism is present in the current American presidency! Authoritarianism is *part* of the culture and an influence on American politics.

## **Republicanism**

Since the 1970s, studies of republicanism have begun to call into question the dominance of the liberal tradition during the 20<sup>th</sup> century. This is because republicanism is beginning to be thought of as a long-standing element within American culture since some Americans quite consistently exhibit republican values via revival movements over the course of American history (Pocock, 1975; Bellah et al., 1985; Sunstein, 1988; Ericson, 1993; Kahn, 2007). Scholars widely agree that the most intense political values exhibited during the Founding era and before was republicanism—not liberalism (Wood, 2011; Maloy, 2011). The idea of republicanism is *self-government*, whereby the people foster a common good for themselves, even though many Americans expressed serious doubts about the ability of communities to cause a common good during these times (Shalhope, 2004). Indubitably, the Founders' great fear was that representatives in the extended republic might abandon republican principles in favor of a debate about unrestrained capitalism; ergo, liberalism (Rossiter, 1992, *Federalist Papers*, #10).

Phillip Pettit provides the long-needed roadmap for what a researcher should expect to find in a Republic as described in, *On the People's Terms: A Republican Theory and Model for Government* (2012). First, republicanism is "a system of individualized contestation that parallels the collective challenge that elections make possible," because new laws and petitions by the people provide, "openings for particular individuals and subgroups to test the laws or proposals... respects the value of equal access to influence and, more generally, the value of equal status" (p. 213). Relying on individuals to be active in politics keeps the future development of the republic

open for all people and is also incumbent in order to not allow a "majority rule" at the national level to close out the voice of the people, those whom should be relying on the active voice of the people anyway (p. 215).

For people to be confident in an individualized contestability, Pettit (2012) says that the people must enjoy the requirements of transparency, contestability, and impartiality (p. 215). Transparency is the capacity of members of the society to know what proposals are under consideration and what measures have been passed. Contestability is the opportunity for members to challenge overtures both in advance of legislation and after they have passed into law. Impartiality is the availability of forums in which challengers can expect an impartial assessment and, ideally, resolution. Contestation is widely seen when the people are the cause of self-government and the citizens require the former values to be implemented by their government in order to craft a policy response to "what's happening."

At heart, Pettit (2012) argues, "How could a state that inevitably interferes in the choices of people manage to be supported in such a way that its interference does not take away from their freedom?" (p. 152). The answer is: In a republic, the people enjoy "an equal share in a public system of individualized, unconditioned and efficacious control" (p. 185). Republicans vehemently promote individual activity that is efficacious and worthwhile at the local level with consideration for the world and republicans accomplish this because of transparency, contestability, and impartiality via self-government.

Republicanism is distinct from liberalism in that, "From a republican point of view, then, the free contract cannot serve the role of automatic legitimator—even prima facie legitimator—of what happens under the terms of the contract" (Pettit, 1997, p. 164). A shared system of popular control through movements and legal actions to enforce non-domination is not Rawlsian in that

social justice and freedom depends on the, "goodwill of the government," such as a progressive liberal might believe is necessary in order to enlarge the welfare state for the benefit of the least advantaged (Pettit, 2012, p. 186). For example, a progressive liberal regime could explain legitimacy by holding an electoral majority, yet this allows for the complete exclusion of republican values and the popular control of the government. And, Pettit (2012) is clear that laissez-faire individualism does not address republican principles (p. 271). Truly, "Schumpeterian democracy [politicians protect capitalism] is a second-grade ideal from our [republican] point of view..." (p. 242). Finally, republicans actively fight against rapacious capitalism (Pettit, 2012; Ericson, 1993). Fair Trade and Equal Trade are likely republican movements. Hence, republicanism is outside the progressive or traditional liberal element of the culture and republicanism relies on its own structure for organizing and administering politics through self-government with specific requirements. Paramount is the value of equality because it is often expressed in terms of non-domination, unlike liberal equality that seeks to protect private property, free markets, and capitalism through a laissez faire regime (Traditional Liberal) or a welfare regime (Progressive Liberal).

To the core, Pettit (2012) states, "Republicanism differs from liberalism in espousing a more radical ideal of freedom, in arguing for a distinctive connection between freedom...[and] a contestatory citizenry" (p. 11). For the contestatory citizenry to proceed on republican grounds in the public space, there must be a norm for an "equality of influence... equal access to influence" (p. 262). By extension, employees of the government base their decisions on equality as non-domination, including the ways people consider the separation of powers, the independence of the judiciary, and the transparency of government (p. 263). Accordingly, a republican democracy will rely on the spirit of republicanism located in the current grassroots movements and actions of the

people engaging in self-government because they foster politics that: Defend the country, identify basic liberties, enforce law and order, regulate industry, commerce, and employment, and very likely extends to "the provision of education for the young, the regulation of various markets, the insurance of communities against catastrophe, and the insurance of individuals against urgent or pressing need, medical, legal, or economic" (pp. 263-264). In short, a republican government will demonstrate that the people have individualized, unconditioned, and efficacious control over their government in order to foster a common good (p. 242).

A core republican value dating back to the Greeks is equality. The republican revolution is continual so long as someone is unfree, and "Being unfree consists rather in being subject to arbitrary sway: being subject to the potentially capricious will or the potential idiosyncratic judgment of another. Freedom involves emancipation from any such subordination" (Pettit, 1997, p. 5). Today, the common expressions of republican equality consist of non-domination, efficacy, transparency, contestability, and impartiality.

Republicanism allows the people to act directly in politics when they rely on the core values of equality, freedom, and virtue. These values produce practices to facilitate public policy that will increase and protect institutions in support of non-domination at all levels of government, including a response for "how the republic can best improve the prospects for non-domination on the international front" (Pettit, 1997, p. 151). Non-domination means "non-mastery," or said plainly, no one is master over me (Pettit, 1997, p. 22) and all individuals can pass the eyeball test. Equality under non-domination means that any given individual can look any other individual in the eye and not feel threatened due to social or political hierarchies. In order for government to enforce non-domination, representatives track the citizens' interests and issues (Maynor, 2002)

and base their decisions on republican grounds because they expect their decision to cause the people to become active in politics in order to have the last word.

Republican equality requires that citizens protect the weaker party while requesting all people to participate in self-government, and as a result, republicans welcome and try to increase contestation in politics in order to deliberate and enact a wiser common good (Pettit, 2012). More so, "...the channels of contestation will be more effective to the extent that there are social movements, such as the green movement, or the woman's movement, or the consumer movement... serve as an initial clearinghouse" (Pettit, 1997, p. 193). Self-government begins and ends with a decision by the people whereby the representatives in government moderate the will of the people on republican grounds (Pettit, 2012). Republican values are based on a spirit of good governance to establish a fair playing field for all citizens. This happens regardless of wealth, or capitalism, because efficacious activity is the primary point of dialogue (Pettit, 2012).

### **Review of Evidence regarding American Republicanism**

During the Founding, "the state governments worked vigorously to deal with the problems facing their citizens... the republican governments in the states became the whole object of the Revolution itself" (Shalhope, 2004, p. 87). Towns were nested, "essentially republican; in order permanently to destroy the laws which form the basis of the republic, one would have to almost abolish all the laws at once" (Tocqueville, 1988, p. 397). Everywhere, "Republicanism's emphasis upon equality encouraged ordinary, obscure men to challenge all manifestations of authority and eminence within society" (Shalhope, 2004, p. xii). But republicanism wasn't alone, as James Madison put it, the greed for paper money by representatives in state legislatures was abusive and "so frequent and so flagrant as to alarm the most steadfast friends of Republicanism..." (Wood, 2011, p. 131). In this way, the "Public Space" that all Americans share should be governed by a

common good according to republican values (Abbott, 2010). The common good is attainable because *self-government* is the basis for resolving issues or topics in American politics and the people's actions are a chain reaction (Smith, 1997; Abbott, 2010).

Historians since the 1960s have continued to see republicanism in American politics during the antebellum era. For example, Joyce Appleby (1985) in "Republicanism and Ideology" summarizes advances made by historians in regards to the pervasiveness of republicanism during this time period. "While most scholars would agree that the possibility of institutionalizing the civic values extolled in classical republicanism ended with the ratification of the Constitution, these articles give vivid proof of the fact that the vitality of republican ideals not only persisted but continued to embarrass the progress of liberal values in America" (p. 472). "Republicanism slipped into the scholarly lexicon in the late 1960s and has since become the most protean concept for those working on the culture of antebellum America" (p. 461). Then came Bernard Bailyn, who "turned around the entire field working on eighteenth-century America... he replaced the tired old notion of intellectual influence with the exciting concept of ideology" in *The Ideological Origins of the American Revolution* (p. 464).

Appleby (1985) continues, Gordon Wood, Bailyn's student, connected American revolutionary concepts with the republican tradition in England and Pocock's *The Machiavellian Moment* connected the ideology with "the spiritual crisis that accompanied the birth of the modern world" (p. 465). The American Revolution was not about economic progress or liberalism whatsoever; rather, it was the final act of the Renaissance (p. 466). Indeed, historian Paul Rahe (1992) argued that the American Founders created, "a republican experiment that reached the limits of Lockean first principles and then silently passed beyond their narrow confines" (p.

572). There was an enduring tradition of Americans practicing distinctly republican politics during the Founding and antebellum eras.

Unambiguously, Rogers Smith (1993) summarizes that there is a "republican synthesis" through the works of Bernard Bailyn (1967), Gordon Wood (1969), and J. G. A. Pocock (1975) to illustrate that Americans have participated in politics throughout American history because of a belief in core republican values (p. 555). Referencing Gleason (1980, p. 62), Smith (1993) notes, "All he [an American] had to do was commit himself to the political ideology centered on the abstract ideals of liberty, equality, and republicanism" (p. 557). The idea is clear: There is a spirit of republicanism in America for Americans to rely on in order to influence American politics. Any American would recognize that the nation's civic culture is based on:

...three beliefs derived from the Founders' understanding of republicanism: that "ordinary men and women" are entitled to representative self-governance, that "all who live in the political community" should be able to "participate in public life as equals," and that citizens should have freedom for different religious outlooks and other sorts of pursuits in their private lives. (Smith 1993, p. 557; citing Fuchs 1990, pp. 4-6)

In the footnotes, Smith (1993) elucidates, "The republican tradition is grounded on popular sovereignty exercised via institutions of mass self-governance. It includes an ethos of civic virtue and economic regulation for the public good" (p. 563).

The cultural element of republicanism is observable when we focus on how the people are engaged in self-government, as an act of virtue, to root out corruption and to reinforce "republican" values (Pocock, 1975). The most common example from the antebellum era is grounded in the people's ability to instruct national representatives whereby the people and state legislatures pass a resolution of instruction for the national representative to introduce in their Chamber. Indeed, the formal institution of *Instruction* was alive and growing during the antebellum era and was not

displaced or diminished by the absence of the Right to Instruct in the Constitution (Girdwood & Grynaviski, 2014).

The people may practice their "republican values" because a Right of Instruction is inherent within the republican system. There is, for example, research showing that republicanism erupted during the presidency of Andrew Jackson. Most notably, President Jackson used the republican commitment to Instruction shared by Americans as a core value in order to achieve public policy goals (Eaton, 1952; Hoffmann, 1956; Dupre, 1994; Jaenicke, 1986; Brown, 1980; Meek, 1967; Esarey, 1917). In this way, Jackson called on the people to participate and influence the state legislatures in order to influence national representatives. The people and state legislatures sent resolutions to be brought before the national congress, whereby, under Jackson, "The doctrine of legislative instruction developed virtually into a form of recall of senators, anticipating the Progressive Movement for the recall in the early twentieth century" (Eaton, 1952, p. 317).

Eaton (1952) defined the practice of Instruction by referencing how William Maclay of Pennsylvania denoted the Right of Instruction, arguing it was "the Republican doctrine that senators, being servants of the people, were responsible to the will of their states and therefore in voting should follow the instructions of their legislatures..." (p. 304). Further, to thwart the attempts of senators to vote against legislation to abolish the national bank, Jackson did induce governors and *the people* to ask their state legislature to pass a ROI for Senators in the U.S. Congress to abide by or resign. This political maneuver was intended to influence the senators' vote and was possible exactly because the people openly shared a belief in the doctrine of Instruction (Eaton, 1952). In one instance, Jackson's opponent, Leigh, "realized that it would be expedient for him to resign since *most Virginians believed in the right of instruction*" (Eaton, 1952, pp. 314-315, emphasis added). President Jackson therefore utilized the doctrine of

Instruction as a powerful practice in order to allow citizens to enjoin with him in politics as an extended arm of his presidency. This was possible because most Americans valued the practice as a way to exhibit their republican, not liberal, values. As a republican, everyone expected the people to govern themselves in the first place.

Today, the doctrine of Instruction continues on a large scale, though research on this subject is quite limited. A modern example regarding this type of republicanism is described in, "Telegrams to Washington, Using Memorials to Congress as a Measure of State Attention to the Federal Policy Agenda" (Leckrone & Gollob, 2010). In this study, there were 4,119 memorials submitted to Congress from 1987 to 2006 by the states. However, few scholars would suggest that "Telegrams to Washington" are vital to the next presidential election in American politics or responsible for major changes to the national agenda, or that this form of republicanism matters significantly as an affront to the liberal tradition during the 21<sup>st</sup> century. Thus, what is desperately needed today is research to demonstrate how republicanism was a core political value in the hearts of Americans as well as how they meaningfully practiced these values at the national level, regardless of the liberal tradition.

### **Conclusion**

Republicanism was, as one of many political traditions, or *mores*, a major element of the American political culture because it was an independent political value system that Americans did use as a means to engage in politics long before and after the ratification of the Constitution, considering Tocqueville and the surrounding literature. Historians have come to repeatedly find that the spirit of republicanism and its practices were prominent during the antebellum era (Appleby, 1985), however, political scientists have dispensed with the theory of republican self-

government during the modern era because the peripheralizing function apparently died with the ratification of the Constitution (Riker, 1955). I explore these arguments in the next chapter.

Today, political scientists, such as Katznelson and Milner (2002), recommend a study of republicanism, authoritarianism, and liberalism through a Multiple Traditions framework, as opposed to a sole study of liberalism, because a systematic study of American's persistent elements of the culture should provide much more explanatory power with respect for the exhibitions of major changes in federal political formations than a simple study of liberalism. Thus, even though most political scientists have been focusing on the liberal tradition, there is a call for a more inclusive research agenda.

To fill the gap in the political science literature regarding the "republican" element of the culture post Ratification, I now turn to review the literature in regards for Resolutions of Instruction during the antebellum era, since Dr. Grynawski's collection of more than 2,000 ROI during the antebellum era as recorded in the Senate Journal provides, on its face, evidence that "republican" values were persistently exhibited by Americans as a means to participate in the republican tradition. Doing so will allow me to ascertain the depth of the gap in the literature between the political scientists and the historians / legal scholars regarding republicanism as a shared core value to influence politics at the national level post Ratification. By accounting for the literature in regards for ROI using the context of republicanism, I should be able to generate original scientific claims and hypotheses in order to corroborate that the practices of Instruction from 1775 through 1819 did stem from citizens engaging in their "republican" values for the empirical chapters of this dissertation.

## CHAPTER 3: SECOND LITERATURE REVIEW, INSTRUCTION

### Introduction: Resolutions of Instruction

There is a gap in the literature concerning the role of Resolutions of Instruction (ROI) as a political value and practice that Americans once utilized in order to influence representatives at the national level after Ratification. The evidence of such practices mostly reflects work by historians who find that the passage of ROI after Ratification did stem from the "republican" element of the culture and that these examples were important to the functioning of American politics during the antebellum era. However, political scientists generally agree with Hartz (1955) in that liberalism burst forth after Ratification and republicanism as self-government quickly dissipated from American politics at the national level. This happened because the Constitution enabled a centrally-directed federal government to function free of local / state control, since the Right of Instruction was deliberately withheld from the Constitution by James Madison and others (Riker, 1955). This meant that the "peripheralizing" function of the Senate whose members were elected by state governments and which could have been buttressed by the republican practice of U.S. Senators being bound to ROI from state legislatures as performed under the Articles of Confederation was never fully realized (Riker, 1955). Therefore, the central government became disconnected from local / state control after Ratification (Riker, 1955).

Even though the Constitution created a centrally-directed government that enabled liberalism to flourish while discarding the peripheralizing function (Riker, 1955), historians have long noted that the American people and their representatives deeply struggled with the idea of self-government well after Ratification. This happened because many Americans apparently shared a belief in a fundamental right of the people to instruct their government on policy matters, and this belief was shared by their representatives. Culturally, there was an expectation

that the national representatives, especially senators, would introduce local political documents into their Chamber and defend them, whether they be from an individual, association, county, or state legislature, because of a shared belief in self-government.

On its face, the findings by historians support the idea that the "peripheralizing" function continued after Ratification in a way that was originally intended by the American Founders. Republicanism was an independent and significant element of the American political culture at the time because of observable exhibits of republican values and practices at the state and national levels. Thus, the gap in the literature is between historians who find that republicanism continued to influence politics after Ratification while political scientists do not.

While exploring the doctrine and practice of passing ROI for federal representatives to adhere to after Ratification, historians have pointed to specific meaningful exhibitions of political action at the local, state, and national levels to suggest that the "republican" and not the "liberal" element of the culture was a prime influencer of political change, with the exception of Riker (Esarey, 1917; Viles, 1934; Eaton, 1952; Riker, 1955; Hoffmann, 1956; Meek, 1967; Greenberg, 1977; Brown, 1980; Gunn, 1980; Jaenicke, 1986; Amar, 1988; VanBurkleo, 1989; Pope, 1990; Dupre, 1994; Shade, 1998; Volk, 2009). Considering these examples with respect for ROI, my chair and I have attempted to ascertain whether republicanism should be given another chance by political scientists.

The purpose of this chapter is to account for the ROI examples in the literature with respect for the "republican" tradition post Ratification in order to form a rebuttal to Riker (1955) in that the "peripheralizing" function may have continued after Ratification by means of the republican element of the culture. I seek to explain the gap, which is a breach, between historians and political scientists in order to understand whether the peripheralizing function (Riker, 1955)

substantively continued after Ratification as explicated by historians and legal scholars with respect for ROI. An exploration of the ROI literature should also help to firmly establish a baseline of "republican" expressions post Ratification.

After considering the literature, I should be able to make a couple of new claims which political scientists have heretofore abstained from. First, Americans openly practiced their "republican" values well after Ratification in meaningful ways. Second, the exemplification of these values in practice through thousands of ROI exhibitions, for instance, suggests that American republicanism was a core political value for most Americans and most of their representatives long after Ratification. In short, a belief in republicanism was a cause for meaningful political action to occur at the national level long after Ratification, which contradicts what Riker (1955) argued as well as what many political scientists during the early 21<sup>st</sup> century surmise.

This chapter is organized as follows. Next, I restate the research question by each scholarly article considering ROI and I note the central finding. Afterwards, I summarize the findings in order to form a baseline of "republican" practices during the antebellum era. This baseline supports the idea that "republican" values were operational at the national level after Ratification through the practice of Instruction. Once I have this baseline of republicanism according to the ROI literature, I argue that I will be able to investigate archival data (Library of Congress) in the following three chapters with respect for practices that are distinctly "republican" and not "liberal." Finally, I conclude the chapter.

### **Review of Literature regarding Resolutions of Instruction**

The first article, by Indiana History Professor Logan Esarey (1917), published in the *Indiana Magazine of History*, addresses the pioneer politics of Indiana and Resolutions of

Instruction are an important aspect of the story before the Civil War. The people had a "rising discontent against the office-holders" and they wanted a greater voice in choosing presidential electors after the election of 1824 (p. 110). The answer lay in "the relation of a representative to his constituents... usually called the 'right of instruction.' This question is still alive; one might say 'perniciously' alive in 1912" (p. 110). Accordingly, there is a complex relationship between the political party and the people who support ROI according to a right of Instruction. During 1824, "Democrats insisted that their representatives should vote according to his [party] platform or resign. A number of Democratic members actually resigned their positions rather than vote contrary to the known wishes of their constituents" (p. 110). Meanwhile, Whigs "as a rule went on the theory that in the election a superior man was chosen but left free to vote as he thought best under the conditions as they arose. A testy Whig in a Whitewater convention said they might as well send an ass to the legislature with instructions tied to his pack saddle..." (p. 110).

Esarey (1917) finds that strong proponents of Instruction supported Andrew Jackson. In general, he quotes and comments on political documents from newspapers, conventions, caucuses, delegate meetings, and the Indiana General Assembly in order to show how passing ROI was a widely established practice. Central to the debate was the "republican constitution" (p. 112) and the "character of republicans" (p. 113). And as an exhibit, from 1840 to 1860, Hoosiers would attend a "monster barbecue" put on by their district (of nineteen districts), where two to ten oxen would be roasted for the people to consume "beef and bread and washing it down with good cider or corn whisky" (pp. 127-128). The people "came as much to hear the great speakers [organized stump speeches] as to munch on the roasted beef" (p. 128). The evidence supports the idea that the people of Indiana did engage in politics on republican grounds through ROI during the

antebellum era because the politicians sought to tie themselves to the people at the local barbeques.

Published during 1934 in the *Mississippi Valley Historical Review*, Jonas Viles, the Chair of the History Department at the University of Missouri, considers how the geographic environment, such as sectionalism, is a scientific research problem. He begins that:

The statistical data, economic and political, are embedded in the arbitrary frame of the autonomous political divisions, the state, which strengthens the emphasis of the area. But the so-called border states, where northern, southern, and western interest clearly overlap and clash, any fiction of a homogeneous or united... breaks down. (p. 3)

Accounting for the economic and social groups should better explain which dominant interests significantly influence politics on a large scale (p. 4). The practice of passing ROI was admonished in 1858 and "caused such an uproar [to the delegates to Charleston] that it was abandoned" in 1860 (p. 19). However, adherence to the practice of passing ROI was a top issue and priority for many before and during the 1852 Democratic convention in Missouri (pp. 16-17). Many Americans felt deeply bound to Instruction as a practice for governing based on the experiences of the previous decades. Therefore, the evidence suggests that practice of passing ROI was a significant political influence regarding changes in national politics from Ratification until 1860.

During the 1950s, Clement Eaton, a historian, provides an excellent review of the role of ROI after Ratification until the mid-twentieth century. Published in the *Journal of Southern History* during 1952, Eaton addresses the ways problems have been solved through the development of U.S. representative government. He questions whether federal senators were "bound to obey instructions of state legislatures" after Ratification (p. 303). After John Bell damns the right of instruction in a speech in the Senate, February 23, 1858, Eaton finds that the doctrine

of Instruction that had dominated many regions before the speech became "obsolete after 1860" (p. 319) and:

The adoption of the Seventeenth Amendment in 1913 gave a final blow to the venerable doctrine of instructions which had been transplanted from England. Nevertheless, long before that date the development of the Solid South rendered the practice of instructions below the Potomac an act of supererogation. Like the duel and virtually at the same time, the practice of legislative instruction disappeared from the mores of the American people. (p. 319)

That being said, Eaton documents widespread support for the practice from America's inception until John Bell's historic speech.

Eaton (1952) asserts that after Ratification, Instruction was a well-known political practice. States controlled by the Democratic-Republican Party from 1789 to 1795 frequently utilized Instruction to control party members (p. 304). The practice was widely utilized during the 1810s, since the Legislature of Virginia in 1812 instructed senators, and when one ROI was ignored, they adopted resolutions from Benjamin Watkins Leigh to censure the conduct of the senators, considering Leigh's historical review of support for the practice of Instruction. In another example, John Taylor of Caroline defended Instruction in *An Inquiry into the Principles and Policy of the Government of the United States* (1814), and add Thomas Jefferson to the list of Founders who whole-heartedly supported the Right of Instruction, because he wrote to Taylor to exclaim that his work, "settles unanswerably the right of instructing representatives, and their duty to obey" (p. 305). Following, during the 1830s, President Jackson worked with legislatures to instruct senators with the view "that the senator 'has no right to exercise his own judgment at all, or consult his own conscience; he is not in this case a moral agent'" (p. 314).

Republicanism is beginning to appear like a widespread system that is republican because there were various resignations by senators who would not follow a ROI as well as senators who purposefully disobeyed instructions without stepping down in order to call for the voters to remove

them, with respect for the fact that power remains with the people. Americans practiced self-government during the antebellum era. For instance, on December 27, 1834, the House of Commons in North Carolina voted to adhere to the practice of Instruction with 99 supporting the measure and 28 opposing it (Eaton 1952, p. 308).

Eaton (1952) finds that ROI to senators from state legislatures were widespread and controversial throughout the antebellum era and that ROI did often cause senators to become an agent of their state legislature in the U.S. Senate. As the constituents retained political power, for instance, Virginians and Carolinians strongly supported the practice of Instruction. Therefore, Eaton finds that Instruction, "proved to be a double-edged sword... developed virtually into a form of recall of senators, anticipating the Progressive Movement for the recall in the early twentieth century" (p. 317). Unfortunately, Eaton does not offer a comparison of legislation resulting from Instruction compared to the total amount of bills passed. However, the evidence does suggest that antebellum politicians adhered to and defended the practice of passing ROI as a sincere exhibition of self-government which allows for the people and their local representatives to cause action and thereby influence the federal politicians, their duties of federal output, by causing it after Ratification until 1860.

William Riker, a political scientist, in the much-admired *Journal of the American Political Science Review*, supports Eaton insofar as Instruction was moot after 1860 (1955). At the time of the Founding, the Constitution established two types of federalism. In the former, national supremacy is a closed question, and this is called "centrally-directed or centralized" (p. 453). The latter path of constitutional effectuality showcases that "decisions are made, partially at least, through the machinery of local governments (this type we can describe as peripherally-directed or

peripheralized)" (p. 453). Under the Articles, the people did enjoy a Republic that was peripherally-directed in that:

Local governments by constitutional right take part in central decisions, direct their voting of their delegates to the center, form suballiances to control its policy, confirm federal decisions, and influence federal policy as much as does the federal government itself, there these local governments usually retain the primary loyalty of the citizen. (p. 453)

However, the Constitution was explicitly centrally-directed because the national government ruled supremely over the states and the people without them having an ability to apply meaningful pressure through local and state governments at the national level. The right of Instruction was not in the Constitution. Hence, after Ratification, "the states did not control the relation of citizens to the nation" (p. 453). Still, the Constitution remained unable to control the disparate regional ideologies that bound together sectional interests at the expense of a national interest, considering the numerous factions on the floor of the Senate, or "sectionalism" (p. 454). This is, I believe, an implicit call for a study of Multiple Traditions because a study of the elements of authoritarianism, liberalism, and republicanism should explain, at least partially, which aspects of the regional ideologies were responsible for the patterns of behavior seeking to influence national politics. Furthermore, the mechanisms and transactions of those elements, when exhibited, may be measured. I question: Is the practice of Instruction as operational through the process of ROI an example of republican values being expressed as an exhibition a means for Americans to be a republican citizen?

Riker (1955) argues that the Senate, with respect to its role as a "peripheralizing institution" was a "failure" after Ratification (p. 455). State governments did purport to be sovereign and influential players at the national level after the signing of the Constitution, but "state governments, as state governments, could not hope to control national policy" (p. 454). Of particular interest, "the authors of the Constitution themselves were not aware that they had shut

off all circuits for states to direct the nation" (p. 454). Yet, the divergence from the peripheralizing institutions created by the Articles and established through the constitutional abidance to the new centralized form, especially from a Senate who historically did rely on local resolutions according to the doctrine of Instruction, has not been systematically examined (p. 455). On the other hand, the Electoral College "should probably be interpreted as another peripheralizing institution" (Footnote 1, p. 454). Thus, the peripheralizing function might be constitutionally embedded, implicitly, but the states had been failing to enforce their ROI on senators and the lead up to the Seventieth Amendment proved that the peripheralizing function was "divorced wholly" between the Senate and the state governments (p. 455).

Riker (1955) states that the idea that senators should "obey their immediate constituents is now almost forgotten" (p. 455). One of the problems is that "we have no clear indication as to the attitudes of the delegates at the Constitutional Convention toward the practice of instructing..." (p. 456). To help solve this problem, I intend to systematically document how the Founders relied on the value of Instruction from 1775 through 1789 (Chapter Four), because the "doctrine of instructions followed naturally from political institutions prior to the Constitution" (p. 456). If so, I should be able to see if Dr. Grynawski's ROI collection from the Senate Journal is convincingly a continuation of "republican" values (in Chapter Six).

Riker (1955) finds that Instruction was supported by leaders at the national level during the antebellum era. State legislatures and Jeffersonian Republicans "tenaciously" supported Instruction, with an important example being the Kentucky Resolves of 1798 as those ROI purposefully attempted to influence politics at the national level. But instructions were "frequently violated" and Instruction was not a substitute for recall (p. 457). For instance, many senators "violated instructions in voting 'not guilty' on the impeachment of Justice Chase" (at President

Thomas Jefferson's request) and this caused a constitutional amendment to be submitted in Congress to recall a recalcitrant Senator, however, nothing happened after the motion was tabled (p. 457).

In the following years, Riker (1955) finds that important forced resignations due to the belief in Instruction happened, mostly against men of honor or as "mitigating circumstances of party advantage" (p. 458). Nevertheless, a prominent instance to suggest that "republican" values altered a national public policy happened when Jackson used Instruction to coerce three senators to resign rather than to follow a ROI. Their resignations, as well as their replacement with Jackson supporters, allowed for Benton's resolution to pass precisely because of the resignations and replacements, which is known as the "tinsel victory" (p. 460). Riker (1955) finds that, in general, the Senate remained centralized since Ratification, probably because Instruction was "excised" from the Constitution (p. 469). By 1911, "state legislatures had lost all touch with national policy" (p. 469).

In 1956, William Hoffmann published in the *Journal of Southern History* a tremendous story regarding the practice of Instruction surrounding the life of Willie P. Mangum and the Whig revival of the doctrine. Whig resolutions often attempted to embarrass and "Mangum would respectfully introduce anti-removal petitions and call them instructions from the people of North Carolina. On February 11, 1834, he introduced one such petition from Burke County, declared his willingness to obey, and called on Brown to do likewise or resign" (p. 344). In response, Georgia Senator John Forsyth "expressed disgust at the 'miserable petition.' Brown declared that it had been the work of 'a partisan collection of bank men in a pot house... led by a disappointed politician" (p. 344). Whig editors at newspapers swiftly and repeatedly appealed to Burke County Whigs who protested the statement, "Brown had called his fellow citizens 'pot house politicians'

and the voice of his constituents 'miserable petitions.' They denounced him for not resigning or obeying instructions" (p. 344).

Hoffmann (1956) argues that "pot house politicians" was just the beginning of a slew of degradations against and calls for a defense of Instruction. Representatives constantly dealt with Instruction as they introduced local petitions and resolutions as important political documents to cause action for and against an issue or event. Other insults concerning Instruction during 1834 include a response to Pott's resolution from the newspaper *The Western Carolinian* in that Pott's ROI was "disgusting to all but those... blinded by manworship" [sic], "wasting public money," and "dereliction of duty... to remain silent while a fiend... is endeavoring to apply a torch to the citadel of American liberty" (p. 346).

Hoffmann (1956) finds that Instruction was the decisive campaign issue during the election of 1834 when the voters went to the polls to elect legislators and Whigs and Democrats utilized the practice of passing resolutions considering "their stand on national issues" (p. 345). Parties utilized Instruction explicitly for partisan purposes and both parties defended the practice in North Carolina on an issue basis (pp. 346-354). Of special interest, William Graham argued that, nationally, "Jackson's usurpations threatened the independence of the Senate and that it was unconstitutional to mutilate the Senate Journal" (pp. 346-347). In this way, Hoffman provides support for the idea that Americans widely adhered to republican values, which created an opportunity for the peripheralizing function to continue on long after Ratification.

Melinda Meek's "The Life of Archibald Yell" in the *Arkansas Historical Quarterly* (1967) chronicles the pernicious politics surrounding Yell's political career. Regarding Instruction, "the Oregon boundary was one of President Polk's chief objectives, and he requested a resolution authorizing him to give the necessary twelve month notice to the British to end joint occupation.

[Arkansas Representative] Yell voiced his support of the resolution in a speech before the House on February 7, 1846" (p. 364). While this shows that presidents continued to use Instruction after Andrew Jackson as a practice in support of the peripheralizing function regarding the governing from the national stage by calling on state and local governments to pass an ROI, it is likewise noted that resolutions were also passed at the local level to simply pay tribute to Yell after he died at a public meeting. In Fayetteville, Arkansas, held on April 5, 1847, the people wrote an ROI "expressing the loss of their fellow townsman" (p. 377). Thus, ROI during the 1840s in Arkansas was a major practice to cause national action regarding issues that the President of the United States deemed to be important as a formal practice to initiate policy in the Congress. At the other end of political significance, passing an ROI is a simple way for people in a town to record and pay tribute to an individual for the record. ROI were complex and customary in Arkansas during the 1840s.

Kenneth Greenberg (1977) published an article in the *Journal of American History* which compliments fellow historians in that the American Revolution was about direct representation and the ability to govern oneself independently. South Carolinians, like other Americans, repeatedly argued that England could not tax them, however, why was South Carolina alienated after Ratification and isolated by the time of the Civil War? Greenberg finds that after 1776:

...the mechanisms of actual representation flourished: constituents bound representatives by instructions, election laws tied officials to local districts by residence and property qualifications for office holding, the suffrage broadened, and legislatures reapportioned themselves to reflect more accurately the actual distribution of the population. (p. 727)

But in South Carolina, politicians supported virtual and not actual representation, unlike the rest of the country. South Carolinians, like Christopher Gadsden, thought ROI would "prove a dangerous *Jesuitical* imperium in imperio and serve to put the legislature into *leading strings*, and make them as a body contemptible..." (p. 729, italics in original). It might be interesting to

note how many ROI originated from South Carolina as recorded in Dr. Grynaviski's ROI collection, regardless, Greenberg's point regarding this dissertation is to relate that Instruction did manifestly proliferate everywhere in the United States except South Carolina until the Civil War.

Greenberg (1977) finds that South Carolinians welcomed local resolutions without political ramifications (like Yell's tribute resolution), but the representatives there did not think resolutions should be binding "from local constituents" (p. 729). Therefore, Greenberg finds that South Carolina's increasing alienation from 1776 through 1860 in the union is explainable by "their devotion to an archaic conception of the representative... they dried out and eventually burned up the machine which was dependent on the constant lubrication of compromise" (p. 743). Thus, South Carolina was alienated because they acted outside the republican norms of self-governing, considering actual representation based on the sentiments of the people, in favor of a system of virtual representation which did not consider the voice of the people to be important to the political process. It is beyond the scope of this dissertation, but might South Carolina's mechanism for government and political transactions have more closely mimicked authoritarian, not liberal, institutions?

Five articles address Instruction during the 1980s. First, published in the *Journal of Southern History*, Thomas Brown (1980) agrees that the Old South fought sectionalism, yet "the Antebellum southern Democrats and Whigs, it seems, disagreed about the same national issues as their colleagues in other parts of the country" (p. 361). With respect for how Whigs were able to function as a national party, the question is, "what did the diverse elements of southern Whiggery have in common with each other and the motley northern elements of their party?" (pp. 362-363). Certainly, Whigs distrusted Andrew Jackson and they wholly supported characters like John Tyler for Vice-President who, "Like other members of his species... resigned from the Senate rather than

submit to instructions by a democratically controlled legislature" (p. 375) when Jacksonians were "inducing state legislatures to wield the club of instruction over the heads of the United States senators" (p. 365). He finds that Whigs held together because representatives were "democratic soldiers" who supported economic nationalism, party politics, and a statesmanship of being disinterested in order to guard against "executive usurpation" (pp. 379-380). And being disinterested meant being unsupportive of ROI being taken in by U.S. Senators.

Second, Ray Gunn (1980) wrote "The New York State Legislature: A Developmental Perspective: 1777-1846," published in *Social Science History*, because he was stumped that "Given the centrality of legislatures in our representative system government, it is a remarkable fact that there is today no general, systematic history of state legislative development in America" (p. 267). By the time of the Constitution, republicanism had matriculated in America over two centuries of colonial development because the colonists held distrust of the English aristocracy and a need to govern themselves, and these values towards politics fueled a revolutionary spirit of republicanism. Early Americans embraced republicanism based on the principles of popular sovereignty and direct representation, and "most revolutionary state constitutions severely limited the executive and judicial power and delegated the authority to govern to a bicameral legislature" (Gunn, p. 269; citing Wood, 1969; 125-389; Bailyn, 1967, 1970; Douglass, 1955).

Gunn (1980) argues that political power substantially resided in provincial legislatures, however, "Historians have also assumed, without investigating the proposition, that policy making was the primary function of legislatures and that citizens were linked to that policy-making process through representatives" (p. 267). Interest groups and political parties explain the "conversion of constituent demands into public policy," but is there a third way to describe successful legislative

structures and processes? Specifically, how does a political value system practice "its role in the authoritative allocation of the tangible and symbolic rewards of society?" (p. 269).

Gunn (1980) finds that state legislatures brokered major legislation to greatly impact national politics well after Ratification. After the Founding, state legislatures played a prodigious role in the political system that "is 'generally almost *terra incognita*' to historians," according to Ronald Formisano (p. 267; citing Zensky, 1973; Bogue, 1974; Campbell, 1976). For example, the New York's legislature supported "the revolutionary pattern" of self-government through the antebellum era, yet the New York Governor was more powerful compared to other states because the office was a three-year post by elections to directly appoint by the people (p. 269). Considering the prominent role of the state legislatures around the country, "Most of the work of the legislature originated externally. Legislative structures and the norm of direct participation facilitated maximum [sic] input from nonmembers through direct petitions" (p. 284). The petitions and memorials addressed private, local, and sectional interests regarding disparate topics (p. 284). The evidence suggests that local petitions turn into an ROI, and they appear to have a great deal of influence over federal officials from time to time.

Given the possibility that state legislatures served as an intermediary between the national representatives and the regional/local concerns, social scientists, "must pursue the systematic analysis of legislative development in the past free of eighteenth-century conceptions of what the legislature was *supposed* to do and [be] sensitive to its larger role in the political system" (Gunn, 1980, p. 289, italics in original). Gunn extends his findings from 1977 in that many legislative tasks were taken over by the delegation of eminent domain powers to private business corporations, by finding in this article that, "Constitutional changes broadening the opportunities for popular participation in the legislative process accompanied this erosion of legislative

authority" during the antebellum era (p. 288). This supports the idea that New Yorkers did act on their republican values during the antebellum era, given petitions and memorials, that was a practice of self-government to be able to openly influence their federal officials.

Third, the article, "The Jacksonian Integration of Parties into the Constitutional System," written by Douglas Jaenicke (1986) and published in *Political Science Quarterly* as part of a broader study of American ideas about political parties, Jaenicke questions why parties bound together amidst the culture's antiparty tradition after Ratification. Specifically, "The Jacksonian Democrats developed both the idea and reality of an institutionalized mass political party as a coalition of heterogeneous groups bound together by procedural norms" (p. 86). The procedural norms they embraced was the practice of Instruction. The Democratic-Republicans supported strict construction of the Constitution and, "True Republicanism not only guarantees to each State the full enjoyment of its reserved rights but it guarantees to each State protection from the molestation of other States... people of the large and small States of this vast empire [are] all dwelling under the Republican system..." (p. 87). I believe the gap between historians and William Riker to this point is possibly a difference between the assumption that the federal actions were peripheralizing forms or centrally-directed forms, respectively. The historians support the idea that the peripheralizing form was prevalent during the antebellum era, a great cause of movements and political activity at all levels of government, but we don't know, for example, whether ROI were increasingly introduced in the Senate by the Senator from that representative's state legislature. This might help to verify that the peripheralizing form was important as a process utilized by the federal government.

Considering republicanism, the Democratic Party made a statement in 1836 supporting their pick for president, "If Van Buren be the rallying point of antibankism, anti-

nullification, and the *right of instruction*, what [Democrat] will fail to rally around him? Is his mere name to frighten men from their principles. . . ? The [Democratic] party will adhere to principle, regardless of names" (Jaenicke, 1986, p. 102, italics added). On the other hand, there is a spirit of anti-republicanism, "To justify their temporary rejection of the Democratic yoke in 1848, the New York Barnburners led by Martin Van Buren cited procedural irregularities at the party's state and national conventions, which had supposedly denied them equal opportunity within the party" (Jaenicke, p. 106). In short, parties bound together because they "are a kind of political community... confront the problem of political obligation especially when practical politicians attempt to maintain partisan unity in the face of substantive disagreement," and of particular importance, Andrew Jackson, "accepted procedures as the primary source of unity available to a heterogeneous people..." (p. 107). The evidence supports the idea that the republican practice of Instruction wholly dominated Jacksonian national politics during the 1830s, which was decades after Ratification. President Jackson was able to unite the party because Americans across the nation believed in the right and practice of Instruction. This is a bridge across the breach between political scientists and historians regarding the role of Instruction as an influence regarding federal policy.

Fourth, Akhil Amar (1988) wrote, "Philadelphia Revisited: Amending the Constitution outside Article V," published in the *University of Chicago Law Review*. The central question is whether "unenumerated rights retained by the People are primarily or exclusively individualistic, rather than majoritarian; second, that those rights are primarily or exclusively enforceable through judicial, rather than political, processes" (p. 1044). Amar conjectures that, "if unenumerated, right of the People is the right of a majority of voters to amend the Constitution—even in ways not expressly provided for by Article V" (p. 1044). The rights of assembly and instruction "were paired

and guaranteed by similar language in the North Carolina Constitution of 1776, the Pennsylvania Constitution of 1776..." and others (pp. 1058-1059).

However, according to Amar (1988), "Instruction tends to displace everyday deliberation in ordinary government entities; it threatens to swallow up Madison's scheme of representative government even during moments of 'normal politics.' ...Madison's key arguments in *Federalist* 10 are premised on a rejection of instruction" (p. 1059). The Framers rejected the right of instruction from being added to the First Amendment of the Constitution, still, the Constitution doesn't regulate popular sovereignty (p. 1060).

Amar (1988) concludes that, "Individual rights, federalism, separation of powers, and ordinary representation all exist under our Constitution, but they all derive from a higher source, unbound by these principles" (p. 1103). And the true source of power of the Constitution is, "We the People of the United States" (p. 1104). Besides resolutions from state legislatures to agree to amend the Constitution as well as the long-term impacts of judicial review, another major way for "updating our fundamental law... [is] constitutional amendment by direct appeal to, and ratification by, We the People of the United States" (p. 1044). Legally, the people of the Republic of the United States may cause action to generate changes in their government on their call.

Fifth, from the article, "The Paws of Banks: The Origins and Significance of Kentucky's Decision to Tax Federal Bankers, 1818 – 1820," published in the *Journal of the Early Republic*, Wayne State University History Professor Sandra VanBurkleo (1989) admits that the Second Bank War is "a kind of 'set piece' in the history of the early republic" and she questions why "Kentuckians rejected the possibility that magistrates were capable of destroying, creating, or dispensing rights" (p. 461). Was it because, "republicanizers' often fail to connect displays of libertarianism within small-scale neighborhoods to an extensive, boundary-setting polity, and de-

emphasize the citizenry's frequent resort to government in defense of liberty" (p. 460)? Could it be that liberalism dominated the American mind a great deal (Hartz, 1955)?

Central to the Second Bank War, some argued that "republicans before the advent of banking corporations had been free to form 'unchartered associations or banks—the only kind that ought to exist?" (VanBurkleo, 1989, p. 468). To these followers of republicanism, revocation was important so that bankers would not exhibit a "false sovereignty" as well as so the people would not be tempted into a spirit of "luxury" (VanBurkleo, p. 468). "To drive the point home, Bledsoe, a staunch promoter of republicanism, offered five bank-smashing resolutions incendiary enough to merit space in the *National Intelligencer*... any 'monied monopoly' was 'hostile to republican liberty'" (p. 468). Perhaps liberalism should be more closely examined, but the spirit of republicanism at times was loudly exhibited.

According to VanBurkleo (1989), the main problem was that "without specific voter instruction, past legislatures had no authority to alter the nature of the political order..." (pp. 467-468). The resolutions submitted by Bledsoe were not passed, but, "Most obviously, aspects of 'the Spirit of '76' survived well beyond the War of 1812..." (p. 487). Dramatic rampant incorporation and the creation of property rights by government, their staunchly resisting of ideological innovation, and their "choosing instead to defend and deploy inherited 'systems' against outbreaks of anti-republicanism until accumulated evidence forced them to reconsider and regroup," supports the idea that republicanism remained a stand-alone political value system after Ratification in Kentucky (p. 487). The finding that Americans used a "system" to expel anti-republicanism is particularly interesting because it supports the idea that Americans relied on their republican values to effectually govern themselves decades after Ratification.

There are three articles from the 1990s. First, published in the *University of Pennsylvania Law Review*, "Republican Moments: The Role of Direct Popular Power in the American Constitutional Order," James Pope (1990) seeks to understand the republican alternative to pluralism and collective action. The "proponents of the 'republican revival,' for example, are not especially concerned about the purported irrationality of collective action; according to republican theory, political activism can be a source of happiness in itself" (p. 291). This assertion supports the idea that Americans would exhibit republican practices as a means to gain happiness.

The problem is that the "republican ideal of deliberative democracy was designed for societies the size of city-states. The notion that ordinary citizens can engage in deliberative self-government seems utopian in a polity as large as the United States" (Pope, 1990, p. 291). However, Pope argues that this is simply a pessimism of systems-thinking (p. 291). Indeed, Pope finds evidence to support the claim that "republican moments" did cause action at the national level through direct popular control, which "may be far more important than its attitude toward interest group politics" (p. 291). Pope's thesis is:

The most important transformations in our political order-independence, abolition, the rise of economic regulation, the integration of the industrial working class into capitalist democracy, and the extension women and minorities-were brought on by republican moments. Not only do republican moments upset systems-thinking, they also violate the axiom that ours is a system of *representative* government... During republican moments, social movements exert direct popular power on government and private institutions. (pp. 292-293, italics in original)

Americans did share direct popular control, or power, over their government. Americans did use republican values to enforce direct popular power by their political participation in social / political movements in order to facilitate an apparent form of self-government that is by all accounts an extended Republic. Direct "means outside the formal structure of representative democracy" (p. 293). Popular means "the opposite of aristocratic or elitist" (p. 293). Examples of "direct

popular power" include assemblies of the whole people, mass demonstrations, boycotts, or other nonelectoral means (p. 293).

Pope (1990) states examples for how the people expressed direct popular control during the Founding. After the Declaration of Independence, provincial assemblies, such as North Carolina, insisted that the people had a right to assemble and petition for action. "Even after state power had shifted to Congress and the Revolutionary state legislatures, informal popular assemblies continued to be justified" by the legislators themselves (p. 337). In practice, there were so many conventions and assemblies that some observers said, "the country would 'shortly be overrun by committees'" (p. 338). For instance, yeoman farmers from remote towns could not afford to send a national delegate, so they organized a county convention. There were conventions everywhere in New England and they, "passed resolutions, petitioned the legislature, and sometimes claimed sovereign powers" (p. 338). In these cases, the people were the principal originators of public policy and their state legislature was supposed to relay the message to the national delegate, who was customarily bound to the instruction from the people. One possible theory to take from this is that the state legislature acted as a broker for the people who were petitioning them, with power firmly established by the people, through the passage of a ROI. It is beyond the scope of this dissertation, but it might be helpful to ascertain how many petitions or ROI from the people locally assembled or together in a county convention were duly passed on to the Senator or not. How many originated from a state legislature? In any event, all of these answers would likely add to our understanding of the multiple facets of the peripheralizing function of self-government.

In, "Barbecues and Pledges: Electioneering and the Rise of Democratic Politics in Antebellum Alabama," published in the *Journal of Southern History*, Daniel Dupre (1994) notes that barbeque parties were an accepted tradition of southern politics for ordinary people to secure

a relationship with political candidates seeking their vote at campgrounds, muster fields, and taverns. So, "why then did the citizens of Madison County attack the campaign events in the late 1820s?" (p. 483). As a matter of fact, there was a petition drive in Madison County that garnered over one thousand signatures to denounce "the drinking, rowdiness, and corruption associated with electioneering" during 1829 (p. 480). Dupre follows that:

The following year a new controversy over electioneering stirred the political waters of the community. Were voters' demands that candidates pledge their support for specific policies an extension of the constituents' right of instruction or were they a dangerous infringement upon the independence of representatives? Madison County's two newspapers, united in their opposition to the political barbecues, found themselves in opposite corners over the question of pledges. The discomfort and debate over those two forms of electioneering revolved around the issue of trust. Could voters be trusted to behave properly during the campaigns and to vote responsibly at the polls? Could candidates be trusted to give honest portrayals of their policies and their sentiments and to avoid misrepresentation and demagoguery? (p. 480)

Dupre (1994) finds evidence of people participating in and enjoying the campaign events, even though no one defended the campaign events in print. On the one hand, "Who would go on record in support of whiskey treating and gander pulling?" (p. 498). On the other hand, these activities damned by critics could be "sources of great pleasure to the common folk. Pork and whiskey, crowds of neighbors and strangers, dancing and gambling, blood sports and stump speeches—those were entertaining diversions from the monotony and isolation of rural life" (p. 498). More importantly, at these barbecues, pledges were a central opportunity to speak about republican values and witness candidates tie their policy plans to those values.

Dupre (1994) argues that the "Barbacoensis" exemplified the pervasiveness of the republican ideology as a longing for the virtues of the past without licentiousness while others demanded free political experiences of voluntary reform organizations with respect for present day politics (pp. 511-512). The people with the traditional ideas of virtue tempered the reform movements, and "they remained ever vigilant for signs of elite dominance or governmental

coercion. That vigilance extended to barbecues, where a hypocritical candidate might masquerade as one of the people in order to seduce the common folk" (pp. 511-512).

Considering the diversity of sober and allegedly licentious individuals at these barbecues who attended with the chief purpose of being able to hear the candidates' stump speech, Dupre (1994) puts forth that "The *Democrat* promoted pledges as a tool to expose devious candidates... Candidates' pledges served to mobilize voters around specific policy platforms and thus became an early innovation of an emerging partisan political culture" (p. 512, italics in original). This supports the idea that, during the 1820s, republican values were the bedrock for crafting public policy on the campaign trail because pledges of policy were announced to the people at a place where they could respond openly and inform the candidate of their own opinion among witnesses. *De facto*, the candidates bound themselves to the people at these events which seems to be a catalyst for the people to be able to legitimately use Instruction to influence their federal representatives.

During 1998, William Shade, Professor of History and Director of American Studies at Lehigh University, wrote "The Most Delicate and Exciting Topics': Martin Van Buren, Slavery, and the Election of 1836." Published in the *Journal of the Early Republic*, the article focuses on the "converting" that occurred during the 1836 election because the Democratic Party retained its electoral winning position, "but there is considerable change in its voter base" (p. 459). Initially, the issue of slavery played a chief role in the internal Democratic debates about the tariff, internal improvements at the federal government's expense, the Second Bank of the United States, public lands, and Indian policy (p. 461). Still, how did the Democratic Party maintain a solid electoral victory as its base shifted?

Shade (1998) finds that most states favored one candidate heavily, and during 1832, Jackson won nearly eighty-five percent of the vote in the planter dominated tobacco counties, being supported by "virtually everyone of the black belt counties," and his policy of Indian removal "generally suited slaveholding interests" (p. 464). By 1836, Van Buren adopted Jackson's winning platform, but his opponents cast him as a racist on multiple fronts, considering the suppression of "incendiary" literature debacle (p. 475). At the time, there were slaves in the North, for example, one quarter of blacks in New Jersey and New York were enslaved as late as 1820 (p. 462), yet there was an open debate about slavery in the North, unlike the South. More poignantly, southerners favored states' rights as a guard against federal encroachments, such as calls for the abolition of slavery by northerners, and, interestingly enough, southerners found themselves advancing their agenda in the federal government by joining in the passage of ROI.

Shade (1998) explains that the South had passed resolutions, such as that by Henry Pinckney of South Carolina, to include a "gag" rule against the making use of antislavery arguments in the South at the national level (p. 476). Of special concern, petitions to Congress from abolitionist groups in the North to abolish slavery at the national level were, "handled by simply referring them to the proper committee, which proceeded to ignore them. Realizing that the recent rapid growth of the antislavery societies in the North might make this procedure problematic," southerners needed a strategy to thwart the incoming petitions to Congress (p. 476). This supports the earlier literature in that a "republican movement" would rock the Congress. On the other hand, it seems anti-republican that ROI were sent to a committee in order to be ignored and put to rest.

To these northern petitions calling for the abolition of slavery in the Union, a southerner, Hammond, responded that he "could not sit there and see the rights of the southern people

assaulted day after day, by ignorant fanatics from whom these memorials proceed..." (Shade, 1998, p. 476). But, to the chagrin of Calhoun, southern Democrats rallied to support Pinckney's resolutions to include the "gag" rule instead of showing support for the northern resolutions to abolish slavery (Shade, pp. 476-477). When Pinckney's committee reported to Congress in May, it simply repeated the earlier resolutions regarding the "disposition of slavery in the states and in the District... the committee added a third resolution, the 'gag rule' for handling antislavery petitions" in Congress, so that additional resolutions would not be seriously considered by congressmen. The rule passed easily with bipartisan support (p. 478). When the vote on Pinckney's resolutions were at a tie in the Senate, Van Buren "calmly cast his vote in favor of such censorship of the mails" and abolitionist materials were banned in the South (p. 475).

Conversely, Shade (1998) states that Van Buren was known to have supported the right to vote for African Americans who were "free" in New York as well as the favoring of the lowering of property requirements for eligibility to vote at the constitutional convention of 1821 (p. 468). Thus, Van Buren could play to the abolitionists and slaveholders, and, following Jackson, even though everything was tied to the slavery issue, he could ignore the issue of slavery and support the use of Instruction to pass ROI. The platform wholly supported the policy of Instruction as an institution of procedural republicanism, and senators could send ROI to the appropriate committee for a political decision or willful indecision.

According to the evidence, Van Buren did not receive as much of the vote in slave states as Jackson, but he did retain them. For example, "Even in Virginia where efforts of Ritchie and Richmond Junto enabled him to win handily, Van Buren's percentage of the vote was nearly 20 points below that garnered by Jackson in 1832 although it correlated with that cast for Jacksonian congressional candidates the previous year" (Shade, 1998, p. 480). In other slave states, Van Buren

was hurt by turnout because it fell in the North and rose in the South (p. 480). By the election of 1840, Van Buren ran as a "northern man with southern principles" (p. 482).

Shade (1988) concludes that there was an "acceptance of racism and slavery [that] constituted the moral cost of political development in antebellum America... Van Buren's strategy for building a modern political party, was rooted, ironically, in his and his party's acceptance of the most traditional norms of a racist society" (p. 484). This may suggest that relying on procedural republicanism as a party identification tool wasn't enough in the lead up to the Civil War, with consideration for the common republican values of freedom, equality, and virtue, to guide Americans in their creation of a common good. This is because the former values are antithetical to the Master-Slave relationship in every regard, with respect for the republican underpinnings of the American Revolution. To what degree the state's rights advocates preferred Instruction because it secured direct popular control or because the practice allowed racists to engage in authoritarianism and abstain from forms of republican popular control is unanswered. The reader is left to ponder the degree by which national representatives / Unionists supported Instruction because it enabled republican values to be applied by all the representatives to fortify an extended Republic to exhibit the republican values of the people, or because ROI allowed authoritarian nationalists to unite their elite party members in order to suppress the political opposition through the coercive powers of the state legislature.

During 2009, in the *Journal of the Early Republic*, "The Perils of 'Pure Democracy': Minority Rights, Liquor Politics, and Popular Sovereignty in Antebellum America," Kyle Volk, Assistant Professor of History at the University of Montana, examines why representatives were reluctant to end liquor licensing once "reformers lobbied for laws that allowed the people to decide the license question" (p. 643). The legislatures supported the Jacksonian ethos of

majoritarian democracy and public policy in America was guaranteed to be "rooted in 'public sentiment,' authorized 'the will of the majority' to control the sale... 'the people...are the legitimate source of power—the sovereigns of the land.' Local option was American popular sovereignty incarnate" (p. 643). But when the voters returned No-License decisions, a debate about popular sovereignty arose as the protests became louder from the liquor consortium of dealers and their allies (p. 643). According to James Madison and others, some argued, the "local option established a 'pure democracy' that made for unstable policymaking and facilitated the oppression of local minorities by local majorities" (p. 643). Again and again, the evidence surrounding the practices of Instruction highly suggests that the peripheralizing function mattered as an influence at the national level after Ratification due to every American's engagement with republicanism.

Volk (2009) argues that the practice of people deciding the outcomes of issues became known as "Ballot-box legislation," which is a form of direct democracy supported by people who rule themselves (p. 644). Both sides of the temperance movement, independent of the party system, helped to shape public policy, and "Temperance reformers' embrace of ballot-box legislation illustrates an important technology of policy creation available both to groups wishing to circumvent partisan legislators and to legislators seeking to evade vexed questions like liquor licensing" (p. 646). Indeed, "the local option" allowed radical New York Democrats in the 1840s to propose resolutions to amend the state constitution so that voters would be required to approve of any new law that would create state debt. And, the people in the temperance movement openly supported the resolutions and rallied to the local option because if the people could control tax law, then what would be beyond their control (p. 653)?

Volk (2009) states that the local option became more popular as a political form for the people to craft public policy because the "People's Resolutions" became part of the state

constitution in 1846, after New York implemented a local option law in 1845 to allow the for the ability of the people to vote on laws affecting taxation at the ballot box (p. 653). After all, "Republican Governments' [are] champions of the local option" and therefore "the majority ought to decide all questions of taxation.' Local option made sure of it" (p. 653). The local option was a technology of popular sovereignty and presented policy makers with an alternate position for "public opinion" (p. 654). This time of temperance and ballot-box legislation during the 1840s allowed supporters of the local option to replace the image of a whiskey drunken voter as described earlier into someone who was sober and thoughtful, and they argued that the "electorate was moral enough to decide directly public policy and implied that bare majorities were morally superior to government officials" (p. 656). This suggests that the spirit of republicanism was significant long after Ratification among New Yorkers.

Volk (2009) states that the idea of self-government was appealing to minority groups too. As the ballot became "a tool to enact social and moral change directly," women became increasingly aware of their movement to gain the franchise (p. 657). Meanwhile, the backlash against the local option persisted and enlivened, for instance, "some overtly appealed to immigrant voters, jibing that reformers next would 'make possession of a temperance certificate... an indispensable qualification for citizenship" (p. 659). On the whole, the evidence suggests that there was an independent citizenry who directly participated in exercising their republican values to participate in self-government because even the objectors of ballot-box legislation "did not seek to oppose democracy or return to the elitist Federalist-style deferential politics of an earlier era" since the local option "ensured freedom within governments of popular sovereignty by helping avert 'the tyranny of the changeable majority'" (p. 679). Republican democracy was the solution, or as the Select Committee of the Maryland General Assembly reported in 1847, "He who

fears or objects to trust the people in any matters pertaining to general or national questions should have written on his forehead *anti-American*" (p. 641, italics in original). Republican self-government was an option for bypassing the political party and interest groups.

Political Scientist Jeff Grynviski, and my Chair, provides an update to Riker (1955) in that he directly reevaluates a possible role that ROI may have played in signaling a commitment by state legislatures to national political affairs. The idea is that Instruction was a practice that Jackson engaged in order to unify the party so as to pursue all its programs, at times pitting what a Senator would do directly in opposition to what he will do according to a ROI from the peoples' representatives of his State Legislature (2008). Regarding ROI, Grynviski (2008) demonstrates that senators often disobeyed, obeyed, and on four occasions, resigned due to an ROI. One resignation came from the Whigs and three from the Democrats (pp. 32-34).

The evidence suggests that ROI were "largely symbolic actions by which state parties signal their commitment to a national party program" (Grynviski, 2008, p. 34). Evidently through the yeas and nays, party leaders during the Jacksonian period could call for an ROI to "commit their back-benchers to party logrolls by forcing them to make public announcements of their support for the national party's program" (p. 48). Therefore, state legislatures utilized ROI as a tool to cause back-benchers to toe the party line and President Jackson utilized ROI as a tool to push his policy commitments through the Congress. Taken together, this suggests that ROI may have played a peripheralizing role, but the evidence remains quite limited to offer such a claim because the "original" Constitution of 1787 created a bicameral legislature so that the Senate would be comprised of two representatives sent from the state legislature and a proportional House of Representatives who were elected directly by the people.

Following Riker (1955), ROI were ineffective compared to the recall provision of the Articles of Confederation, and the circumstances surrounding ROI did not affect the partisan legislature after Ratification. At this, Grynaviski finds that a state's decision to pass a ROI with respect for President Jackson's Bank War, "was closely related to whether it issued bonds to serve as bank capital in state chartered banks" (2008, p. 29). As President Jackson initiated the ROI process, one might argue that Instruction morphed into a centrally-directed tool, not a peripheralizing one.

From an unpublished paper that Dr. Grynaviski shared with me (2010) as well as our collaboration on a paper that I presented at the Midwest Political Science Association Conference, 2014, republicanism might have been a viable political value system for Americans during the antebellum era, however, ROI failed to perform the same principal-agent function after Ratification as they had during the time of the Articles of Confederation because legislators were not bound to Instruction by the Constitution as they were bound by the Articles. A major turning point for political scientists to consider republicanism as a viable political value system came through Riker's (1955) argument that the Senate failed to perform these functions because the Founders did not empower state legislatures with the constitutional power to instruct senators and to recall those who failed to abide by them. Riker (1955) places particular importance on the role of ROI during Jackson's presidency.

In assessing the veracity of this claim, there is, on the one hand, absolutely no question that Jackson and his allies used Instruction to embarrass his Senate opponents during Jackson's Bank War. Furthermore, there was a marked upswing in the number of instructions recorded in the Senate Journal beginning in the 19th Congress. That was the first Congress after Jackson was denied the Presidency by Adams and Clay in the "Corrupt Bargain" and therefore corresponds with

the moment when Jackson was beginning to forge an intersectional political alliance with Martin that formed the basis of the Democratic Party (Aldrich, 1995). It is plausible that this represents evidence of coordinated national action by Jackson supporters to bolster the appeal of his states' rights program office (Grynaviski, 2010; Girdwood & Grynaviski, 2014).

On the other hand, Jackson's Bank War did not begin in earnest until the 22nd Congress—six years after instructions had become common. There is little evidence from the 19<sup>th</sup> Congress of partisan coordination across states, because almost every recorded ROI concerns a different issue. There is also little evidence to support the claim that there was a marked increase in the number of instructions during Jackson's presidency that extended only until the 24<sup>th</sup> Congress—after the 19th Congress the number of ROI did not leap again until the 25th Congress once Jackson had left office and the number of instruction remained high for more than a decade after Jackson left office (Grynaviski, 2010; Girdwood & Grynaviski, 2014).

The more damaging evidence for Riker's characterization of Instruction is probably not their timing, but the prevalence of ROI pertaining to local matters. It is hard to imagine state legislatures passing ROI on to Senators calling on them to pursue land grants for schools or to move a federal land office from one town to another in order to embarrass. These resolutions are better understood as pertaining to things that state legislatures wanted from the General Government and their Senators were agents on their behalf seeking to satisfy those wishes. In this way, the republican practice of Instruction was convenient, but there remains little qualitative proof that the Founders and Americans utilized Instruction because of a reliance on republican values (Girdwood & Grynaviski, 2014).

The key point is that viewed through the prism of the principal-agent framework presented by Riker (1955), the Virginia and Kentucky Resolutions were irrelevant. They did not carry the

force of law and were really just expressions of the sentiments of those state legislatures. There is no evidence that they changed the support of Senators or Representatives from Virginia and Kentucky for the Alien and Sedition Acts. Nevertheless, much like the Declaration of Independence, by petitioning the government, Virginia and Kentucky were able to highlight its abuses and formally express a political remedy. The practice of republicanism based on republican values did matter to James Madison and Thomas Jefferson and their state resolutions were probably at the root of the Revolution of 1800 (Girdwood & Grynaviski, 2014).

In their account of how standing committees came to replace select committees in the House and Senate during the early-19th century, Gamm and Shepsle (1989) identify two theoretical approaches to the study of institutions' emergence and development (see also Aldrich 1995; Aldrich & Shepsle 2000; Jenkins 1998). The first of these, drawn from the rational choice study of institutions, emphasizes the role that human agency, especially thoughtful, purposeful action, plays in institutional development. This perspective views institutions through the prism of the goals that foresighted actors seek to realize and it argues that institutions develop based on their success and failure in accomplishing their intended ends or because of changing preferences among those who seek to benefit from them (Shepsle, 1989). The second approach places much greater weight on the environment in which institutions develop, especially macro-historical forces, than human agency (see also Cooper, 1970; Cooper & Young, 1989; Sait, 1938). Quoting Sait, they describe this approach as adopting an evolutionary perspective in which, "When we examine political institutions, one after the other, they seem to have been erected, almost like coral reefs, without conscious design" (Gamm & Shepsle, p. 41) (Girdwood & Grynaviski, 2014).

Both the rational choice-new institutionalism and the macro-historical approaches share the view that institutions evolve as a means to realize some end. That is most clearly seen in the former approach that sees institutions as being explicitly adopted to pursue some end. To that way of thinking, institutions are chosen given the preferences of the relevant actors in order to determine the outcome. The macro-historical approach also tends to see institutional change through the theoretical lens of means changing to obtain some ends. That point is perhaps most vividly illustrated by Polsby's account of the institutionalization of the House of Representatives in response to the greater demands placed on it by the Industrial Revolution (Girdwood & Grynaviski, 2014).

Where my Chair and I depart from these two approaches is the belief that some institutions are adopted because they are seen to be a desirable means, possibly without regard to the ends. A useful comparison might be to imagine different theological doctrines. For example, some people might see religious practice as a means to some end. At one extreme, someone making Pascal's Wager may become a practicing Christian, not really believing in the afterlife, just in case their behavior on Earth yields rewards in heaven. At the other extreme, a Calvinist who believes in predestination might see religious practice as irrelevant to their experiences in the afterlife. Nevertheless, she remains a practicing Christian because of her adherence to a particular religious doctrine. Thus, in our paper, we argued that the perpetuation of ROI as a practice continued on after the Constitutional Convention and early-Congress' because to many Americans during the late-18th and early-19th centuries, the doctrine of Instruction was a core "republican" value engaged as a *means* for exhibiting their political values (Girdwood & Grynaviski, 2014).

Essentially, we found that Riker's conclusion of a centrally-directed Republic during the antebellum era was probably the result of the biased sample of ROI. He said that ROI weren't

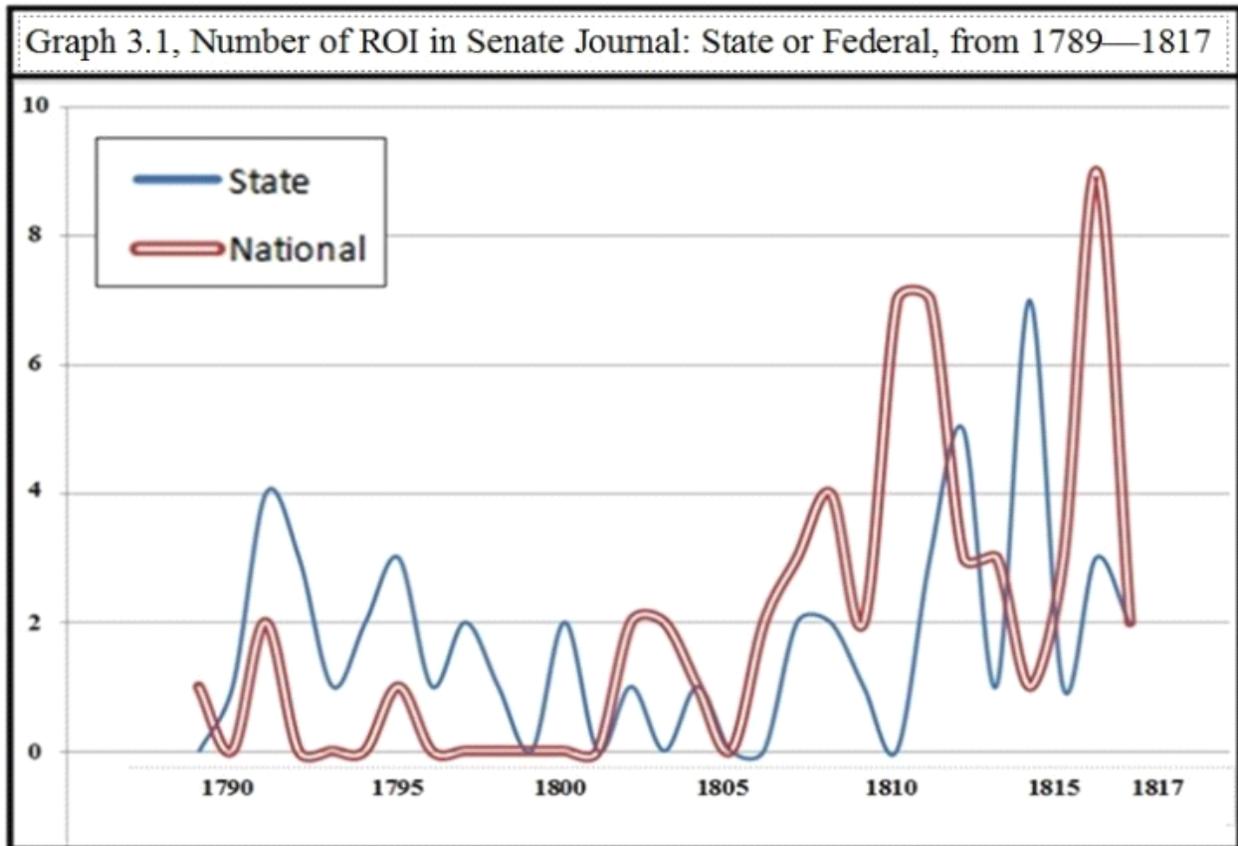
Region	1800		1810		1820		1830		1840		1850		Total	
	Instruct	Other	Instruct	Other	Instruct	Other	Instruct	Other	Instruct	Other	Instruct	Other	Instruct	Other
Southern Interior	0 ( )	4 (20)	5 (21)	15 (33)	24 (36)	22 (22)	52 (28)	27 (15)	64 (28)	108 (23)	19 (28)	128 (19)	164 (28)	304 (20)
Southeast	1 (20)	5 (25)	4 (17)	8 (18)	2 (3)	19 (19)	25 (14)	40 (23)	13 (6)	96 (20)	1 (1)	98 (15)	46 (8)	266 (18)
Northeast	2 (40)	5 (25)	11 (46)	15 (33)	16 (24)	20 (20)	40 (22)	49 (28)	61 (27)	135 (29)	12 (18)	180 (26)	142 (25)	404 (27)
Northern Interior	2 (40)	6 (30)	4 (17)	7 (16)	25 (37)	41 (40)	66 (36)	61 (34)	92 (40)	130 (28)	30 (45)	174 (26)	219 (38)	419 (28)
West	NA NA	NA NA	NA NA	NA NA	NA NA	NA NA	NA NA	NA NA	NA NA	NA NA	5 (7)	92 (14)	5 (1)	92 (6)
<b>Total</b>	5 (100)	20 (100)	24 (100)	45 (100)	67 (100)	102 (100)	183 (100)	177 (100)	230 (100)	469 (100)	67 (100)	672 (100)	576 (100)	1,485 (100)

Instruction = 1. \*In parentheses is the column percentages \*\*Green is highest by comparison.

used to cause the national representatives to heed Instructions sent from their constituents and that there were roughly 20 ROI. However, there are more than 2,000 ROI passed by state legislatures during the antebellum period dedicated to causing at least a "recognition" in Congress since they were recorded in the Senate Journal, and many ROI, such as the Virginia and Kentucky resolutions, were not recorded in the Senate Journal. Hence, the practice of passing ROI in such numbers was likely a valid example of the peripheralizing function as a widespread and accepted political practice to influence the federal government. Thus, Riker's (1955) assessment for how the government was centralized and could ignore ROI was true according to the Constitution, but the evidence of the practice of Instruction clearly suggests that the people and their state legislatures probably peripheralized the federal government because they were "republicans."

The ROI recorded in the Senate Journal regarding state and national concerns are various. From the information graciously shared with me by Dr. Grynawski, there were a number of ROI passed and recorded in the Senate Journal regarding state and national concerns directly after Ratification (Girdwood & Grynawski, 2014). For example, Graph 3.1 is a record of the entries in the Senate Journal, located by Dr. Grynawski's Research Assistants, Kateri Somrak, Brett Carter,

Tom Wood, and Dmitri Leybman, with support provided by the David Greenstone Fund and the Howard Foundation (Grynaviski, 2008). Given that there were over a hundred ROI in the three decades after Ratification, well before the Jacksonian period, we know that Riker (1955) greatly understates the amount of ROI received and recorded by the Senate.



Dr. Grynaviski's collection provides a more accurate picture of the actual amount than Riker, offering an opportunity to determine whether the evidence suggests that the federal government remained "peripheralizing" during the decades after Ratification (Girdwood and Grynaviski, 2014). To be sure, with respect for ROI, Table 3.1 shows that there was an enthusiastic increase after the Jackson's presidency in all parts of the country (Girdwood & Grynaviski, 2014).

The amount of ROI and their upward growth by decade is evidence to suggest that the people exhibited republican core values through ROI during the antebellum era across the nation.

Hence, a scientific inquiry into "republicanism" should be meaningful as a contribution for how republicanism served up the peripheralizing function through ROI from 1789 until 1860 because ROI begins at the local / state level and requires that the local / state level be involved in the process to pass the ROI for interaction to occur at the national level. The state legislatures were, apparently, functioning as a clearinghouse for ROI to be sent to the United States Senate for due consideration.

In summary, the literature shows that many Americans shared a sense of anti-instruction sentiment and these citizens, particularly from the South and of the Whig Party, supported an independent national body that was free from the people and their local and state representatives. Meanwhile, a vastly greater percentage of Americans "believed in" the doctrine of Instruction as a "republican" practice that was emblematic of their identity as an American—he who did not trust the people to govern themselves was Anti-American. During the antebellum era, nearly everyone carried with them the republican belief of Instruction and, consequently, the practice of passing ROI was a means for the people to express their republican values. The oft cited case of President Jackson using ROI to win over voters across the nation was an example, *par excellence*, of the utter dominance of the republican values that were held by Americans across the nation during the antebellum era.

Nevertheless, William Riker (1955) was cogent in that the people and state legislatures during the 20<sup>th</sup> century were not utilizing the practice of passing a ROI at the state level in order to direct the Senator's vote or to recall a recalcitrant Senator. If conventions, petitions, and resolutions of instruction defines the prominent republican peripheralizing function, perhaps because of an accompanying republic moment, then who would say that Americans practice republicanism after the 1950s?

### **Discussion: My Dissertation Problem and Solution**

One goal of this dissertation is to subject the claim that republican values contributed to the practice of Instruction so that, if proven, a Multiple Traditions study in regards for the elements of republicanism, liberalism, and authoritarianism of the culture will become more feasible (Chapter Two). Hence, in this chapter, it is important to note that the literature with respect for ROI has shown that Instruction was a common practice for causing changes to occur in politics at all levels of government and across the nation during the antebellum era, with South Carolina being an outlier. Bridging the gap in the literature between political scientists and historians is important work because political scientists are unsure whether national representatives on the whole took ROI from their state legislatures as well as their constituents very seriously. Political scientists don't yet assert that the peripheralizing function was substantive after Ratification. Plainly, no one has established that federal representatives took the peripheralizing function seriously after Ratification (I will attempt to prove in Chapter Five that representatives did peripheralize *petitions* from the people in the U.S. House, and in Chapter Six I attempt to prove the U.S. Senate did peripheralize *ROI* from state legislatures).

The literature suggests that national representatives did take republicanism via the peripheralizing function seriously insofar as passing and sending ROI to the Senate was increasingly a common occurrence in the Journal during the antebellum era (Grynaviski, 2010; Girdwood & Grynaviski, 2014). However, there were plenty of reasons to suggest that ROI were not viewed as significant by some national representatives, such as national legislators planning to send petitions / resolutions to a committee in order for them to die, or in that senators voted on occasion in direct opposition to a ROI that was delivered to them. On the other hand, if ROI were increasingly incorporated into bills or passed by a committee during the decades after

Ratification in Congress, wouldn't the peripheralizing function be evident and explanatory as a consequential form of governing at the federal level?

Table 3.2: Support from Literature in regards for Republican Practice of Instruction

AUTHOR	YEAR	FIELD of SCIENCE	OBSERVED TIME FRAME	GEOGRAPHY
Logan Esarey	1917	History	All years, to 1912	Indiana
Jonas Viles	1934	History	Antebellum Era	Missouri
Clement Eaton	1952	History	Jacksonian (-Progressive Era)	NC and VA
William Riker	1955	Political Science	Antebellum Era	South
William Hoffmann	1956	History	Antebellum Era	North Carolina
Melinda Meek	1967	History	1840s	Arkansas
Kenneth Greenberg	1977	History	1776 through 1860	Nation, SC
Thomas Brown	1980	History	Jacksonian	Nation
Ray Gunn	1980	History	1777 - 1846	New York, Nation
Douglas Jaenicke	1986	Political Science	Jacksonian	Nation
Akhil Amar	1988	Law	Founding	Nation
Sandra VanBurkleo	1989	History	After Ratification	Nation
James Pope	1990	Law	Founding	Nation
Daniel Dupre	1994	History	1820s	Alabama
William Shade	1998	History	Jacksonian	Nation
Kyle Volk	2009	History	Antebellum Era	New York, MD
Jeff Grynawiski	2008	Political Science	Jacksonian	Nation
Jeff Grynawiski	2010	Political Science	Antebellum Era	Nation
Girdwood & Grynawiski	2014	Political Science	Antebellum Era	Nation

In consideration for both the historians' and political scientists' perspective, the literature in regards for ROI by and large illuminates republicanism as a ritualistic ceremony of political formations via the people through exhibitions of self-government during the antebellum era in all regions of the United States (Table 3.2 & Table 3.3). The historians by and large provide evidence for republican values as a cause for Americans to participate in politics, such as through a barbecue, local option ballot, or ROI. A couple legal scholars also support the idea that Americans continued to employ the peripheralizing function because the purpose of the Constitution was to protect the functions of popular sovereignty from a centrally-directed national government! Simply put, the problem for the political scientist is that no one has verified whether federal representatives promoted the practice of Instruction because of their own "republican" and not "liberal" values.

Table 3.3: Support from Literature in regards for Republican Practice of Instruction

AUTHOR	YEAR	LOCAL SCOPE	NATIONAL SCOPE
Logan Esarey	1917	"monster barbeque"	Democrats favor, Whigs oppose
Jonas Viles	1934	Support instruction	ROIs sent
Clement Eaton	1952	Local Levels	Jacksonians
William Riker	1955	Articles only	ROI present and tertiary
William Hoffmann	1956	Bitter in-state rivalry	National Parties, Election 1834
Melinda Meek	1967	Memorial	Polk Request ROI for Foreign Relations
Kenneth Greenberg	1977	Virtual, not Actual	SC Alienated in the Congress
Thomas Brown	1980	Belief in Instruction	Whigs and Democrats
Ray Gunn	1980	Local Political Documents	Petitions and Memorials prevalent
Douglas Jaenicke	1986	Belief in Instruction	Republican System
Akhil Amar	1988	People are Power Brokers	Republican System
Sandra VanBurkleo	1989	Kentucky republicanism	Republican System?
James Pope	1990	People are Power Brokers	Republican: Direct Popular Control
Daniel Dupre	1994	BBQ, Pledges, Events	Republican Values
William Shade	1998	Support Instruction	Republican and Racist Society
Kyle Volk	2009	Local Option ballots	Republican System
Jeff Grynawiski	2008	ROI State Legislature Tool	ROI National Scope, Democrats' Tool
Jeff Grynawiski	2010	ROI local scope	ROI national scope
Girdwood & Grynawiski	2014	ROI, republican values	ROI practice of republican values

The degree by which the people maintained direct popular control is an open question because no one knows how deeply these practices affected politicians in the national government. Table 3.2 and Table 3.3 suggests that there was broad support for Instruction nationwide, both locally and nationally, but much more evidence would be needed to suggest that the Founders and subsequent federal representatives after Ratification defended the practice at the federal level on "republican" and not "liberal" grounds. This begs the question for political scientists: Why did state legislatures increasingly pass on ROI to the United States Senate throughout the antebellum era if the peripheralizing function was dead?

From roughly 100 years of literature in review of ROI, almost entirely by historians, there is support for the claim that Instruction was a "republican" and not a "liberal" value put into practice. Even though Riker and others are persuasive in that the practice seems to be pretty much dead during our modern age, the literature is equally persuasive in that the spirit of republicanism was alive and well in America as an element of the political culture to powerfully influence

the political habits of Americans long after the Founders' generation. Thus, I intend to systematically document how ROI as a practice was "republican" in order for political scientists to begin to recognize the possible significance of republicanism and the "peripheralizing" function that has been largely ignored since 1955 by political scientists.

### **Conclusion**

To summarize the literature with respect for the exhibitions of Instruction, the results of the scholarly findings strongly suggests that ROI was a local and national practice because of an adherence to republican values by the people and their representatives during the antebellum era. The historians and legal scholars are clear that Americans organize republican movements, such as Jefferson's and Madison's rebuke of the Alien and Sedition laws through the Kentucky Resolutions and Virginia Resolves, respectively. I propose that if the members of the House and Senate did take Instruction seriously, such as local petitions and ROI from state legislatures, then "republican" values and not "liberal" values should be credited for, at least at times, acting as the guideposts of the national political agenda. In this way, just as the Kentucky and Virginia resolutions didn't technically have an impact at the national level, there is evidence to suggest that they were part of the larger cultural experience of the Revolution of 1800. For instance, as Pope (1990) finds, "Jackson could not agree to 'the total exclusion of the people, in their collective capacity' from the government. As the reference to the tax resistance makes clear, he saw the right of assembly as a protection for forceful, collectively organized, and direct popular pressure" (pp. 343-344).

Accordingly, I argue that the literature on institutional choice and development has largely ignored the possibility that some institutions may be simple manifestations of the values of actors participating in the political process on republican grounds. Instruction during the first decades of

rule under the Constitution of 1787 was possibly the result of an ideological commitment on the part of many Americans to the "republican" practices of Instruction. These republican practices allowed the people to directly participate in and perform the ritualized custom of self-government, and those practices lasted for many decades after Ratification because Americans shared these republican values. Thus, I claim that:

(C1) The American people and their representatives practiced their republican values openly before and long after Ratification, and

(C2) Their exhibitions of Instruction based on core republican values were widespread and prevalent across the nation.

If true, I think that it is reasonable to conclude that republicanism was a freestanding political value system, at the very least, from inception through the antebellum era. These claims are important because they, if true, should cause political scientists to stop focusing on liberalism as a stand-alone system and, instead, begin to sincerely incorporate republicanism into a Multiple Traditions approach.

Most of the research in regards for ROI that I am able to locate has been accomplished by historians, followed by legal scholars. There are only two journal articles referencing ROI as a central part of the story from political scientists, William Riker (1955) and Douglas Jaenicke (1986), excluding me and my Chair. William Riker (1955) did not find that ROI was worth revisiting because the peripheralizing function, which existed as republicanism under the Articles of Confederation, was basically dead at the national level as a result of the passage of the Constitution since the Right of Instruction and Recall of national representatives were excluded from the Constitution. However, the evidence from the literature as summarized in Tables 3.2 and 3.3 clarify why my two claims regarding republicanism are worthy of research pursuit, since

social scientists from 1917 to 2014 have been increasingly aware that the doctrine of Instruction and the accompanying passage of documents to be incorporated into the federal government were meaningful exhibitions of republicanism during the entire antebellum era.

Hence, in order to bridge the breach between political scientists and historians regarding republicanism, I will build a bridge as a political scientist for fellow social scientists to traverse considering the peripheralizing function that is supportive of "republican" governance. The ROI literature provides an opportunity to understand that there is a breach today between historians and political scientists in that republicanism was a thriving political element or a dead element of the culture regarding the federal government during the decades after Ratification. So, was the practice of Instruction an embodiment of the American political form of republicanism as argued by historians? Have political scientists misread the significance of ROI in that they did in fact serve to foster the peripheralizing function that was intended by the Founders? Or, were ROI perhaps a way for local and state governments to advance state concerns during a time of amateur political networks and ROI had little to no bearing on the national agenda, as political scientists might surmise?

To bridge the breach in the literature, I visit online the archives of Congress and gather data on "Instruct" so that I may discern exactly how the American Founders embraced the role of Instruction before Ratification. Did Instruction permeate American politics at the national level from 1775 through 1789 according to the peripheralizing function, as Riker suggested it once did under the Articles of Confederation? Once I systematically document the role of Instruction before the Constitution (Chapter Four), I will attempt to account for the peripheralizing function according to the direct petitioning of the House of Representatives (Chapter Five) as well as the prolonged use of ROI after Ratification by state legislatures in the

U.S. Senate (Chapter Six). If both of the latter chapters showcase examples of self-government in the House and Senate as an exhibition of the peripheralizing function, then I will contribute a study of republicanism to support my two claims by this dissertation.

This research is possible because the literature in regards for ROI in this chapter supports the idea that ROI political documents were generated by a people who adhered to a spirit of republicanism from the Founding until 1860. The people as well as their representatives, apparently, exerted themselves as "republicans" under the Constitution (Chapter Four) and everyone continued to engage these "republican" values and to participate in politics as a means to exhibit their adherence to the republican belief system after Ratification (Chapters Five & Six).

## CHAPTER 4: ARCHIVAL RECORDS REGARDING "INSTRUCT" FROM 1775 THROUGH 1789

### Introduction

Despite the reservations of James Madison and other nationalists about the practice of state legislators instructing their representatives how to govern, the states retained the right to recall their representatives in the national legislature explicitly in the Virginia Plan for the new Constitution and implicitly in the New Jersey Plan (Girdwood & Grynawiski, 2014). The records of the debates at the Constitutional Convention contain little if any support for the practice, however, and it was struck from early drafts of the Constitution, without objection, on the grounds that delegates would, in the words of Alexander Hamilton, come with the prejudices of their states rather than the good of the Union (Elliot, 1827). That said, it was widely accepted within Federalist circles that state legislatures would continue to instruct their senators (Girdwood & Grynawiski, 2014). As John Jay, a contributor to *The Federalist Papers*, remarked (Elliot, 1827):

The Senate is to be composed of men appointed by the state legislatures: they will certainly choose those who are most distinguished for their general knowledge. I presume they will also instruct them, that there will be a constant correspondence supported between the senators and the state executives, who will be able, from time to time, to afford them all that particular information which particular circumstances may require.

Even Hamilton, the most nationalistic of the authors of *The Federalist Papers*, argued during the New York Convention that, "If the general voice of the people be for an increase, it undoubtedly must take place. They have it in their power to instruct their representatives; and the state legislatures, which appoint the senators, may enjoin it also upon them" (Elliot, 1827). Despite these assurances during the ratification debates, the absence of provisions to recall or even to instruct senators, with their lengthy six-year terms, contributed to Anti-Federalist charges that the Constitution created a natural aristocracy in the upper chamber of Congress because it was not

constitutionally tied to the will of the people (Storing & Dry, 1981). Indeed, at their ratifying conventions, North Carolina and Virginia called on Congress to include the Right to Instruct in the Bill of Rights (Farrand, 1911).

In the First Congress, Representative Thomas Tudor Tucker of South Carolina proposed modifying what was to become the First Amendment to include the phrase, "to instruct their Representatives." Based on the grammar and context, this must have been directed to members of the lower chamber of Congress who might subsequently receive "instructions" from their constituents; however, the debate is ultimately turned on the interpretation of the term "instruct." Most participants in the debate accepted that if Instruction meant removing agency from representatives and giving it to their constituents, the new Constitution would inherit many of the defects of the Articles of Confederation that they sought to remedy, and possibly even magnify them because of the possibility that senators might receive Resolutions of Instruction (ROI) on the same issue from different groups of constituents who call for drastically different solutions. For example, given the regional differences in the United States observed by Tocqueville (Chapter Two), ROI on the same issue from the North and the South, such as slavery, would directly controvert one another. The people and state legislatures would thus have an ability to cause discord in the national chambers, which the authors of the Constitution sought to mitigate, not exacerbate (Girdwood & Grynaviski, 2014).

An alternative interpretation of "instruct" might have been that it was simply an alternative form of the term "petition." Madison, the master logician, argued that the First Amendment's protections of speech, the press, and assembly guaranteed the people the right to petition. Consequently, the only possible justification for the Tucker Amendment would be to give greater

agency to the people. James Madison openly bemoaned this move, quarrelling (Annals of Congress, August 15, 1789, pp. 761-776):

Suppose they, the people, instruct a representative by his vote to violate the Constitution; is he at liberty to obey such instructions? If his vote must inevitably have the same effect, what sort of a right is this, in the Constitution, to instruct a representative who has a right to disregard the order, if he pleases?

In the end, Madison's views prevailed, as it would on future occasions. Tucker's Amendment failed in the House 10 votes for to 41 votes against. Shortly thereafter, the Senate rejected a similar measure by a vote of 2 to 14 (Annals of Congress, September 3, 1789, pp. 761-776).

James Madison, Alexander Hamilton, and John Jay most likely endorsed the practice of Instruction during the ratification debates in the states because of a shared adherence to a republican political tradition that was common to the time (Shalhope, 2004; Wood, 2011). The authors of the *Federalist Papers* said these things because they thought the same way about, though they had differing opinions regarding, republicanism. The overwhelming rejection of the Tucker Amendment as well as Instruction's documented exorcism from the Constitution leads me to ask: How was Instruction understood from the beginning of the Revolutionary War until after the passage of the Constitution?

Given the conundrum of explicit support for Instruction by the Federalists in the states' ratification debates, and the overwhelming vote to withhold Instruction from the Constitution by nearly everyone voting on the Tucker Amendment, I imagine that Instruction must have been a political process engrained in the core political values that Americans shared as a political tradition. If so, it is reasonable to infer that the Founders expected, during times of major political change, that the practice of Instruction would be used to resolve political issues and problems. This suggests that a useful next step for this dissertation is to consider the role of Instruction during the Founding period. However, lessons from such an exploration must be qualified by the fact that

there was a secret government during the Revolutionary War when the Founders were hiding from the British versus the transparent self-government that the Americans fought for and won, once the British surrendered at the Battle of Yorktown.

For this chapter, my research questions are straightforward. Did the Founders utilize Instruction to transform the political reality of everyday America from that of a colony in 1775 to America's enduring and beloved constitutional Republic in 1787? Was the practice of Instruction essentially a form of direct popular control? If so, then the idea of republicanism as a core political value will be, at least partially, validated from 1775 through 1789. Thus, did the American Founders establish a "republican" and not a "liberal" democracy because of the political culture that prevailed from 1775 through 1789?

Answers to these questions should help to address the conundrum as to why the Founders both endorsed the practice of Instruction and explicitly chose to not incorporate it into the Constitution. To accomplish this, I systematically document examples of Instruction in order to be able to show how self-government unfolded during the Founding because of the Founders' application of republican values, which caused salient political changes to occur at the national level of the American government. Reviewing the historical record specifically for the concept of "Instruct" should therefore demonstrate the various boundaries, processes, and expectations of Instruction that played out during the colonial times of secrecy and also during the world's first independent and transparent democracy.

I suspect that documenting the practice of Instruction will show that there was no difference between the two time periods because everyone shared and openly practiced "republican" values. Therefore, I hypothesize that,

(H1) the people and their representatives (Delegates) practiced Instruction as an expression of their "republican" values to cause significant action in changing national policy, and  
 (H2) there is no difference between the exertion of political change that Instruction had in American politics before and after the Battle of Yorktown.

To test the hypotheses, this chapter is organized as follows. In the next section, I provide evidence of Instruction from primary source material that I retrieved electronically from the Library of Congress (n. 16). In the next section, Analysis, I state whether or not the data regarding Instruction corroborates the hypotheses. Then, I briefly discuss the results and conclude the chapter.

### **Sample of Data: Role of Instruction**

In this section, I provide the raw data regarding Instruction with limited follow-up commentary. To gather the data, I visited .gov and .org websites during 2014 and searched for official political records regarding "Instruct" and "Instruction." Beginning with the Library of Congress (LOC), my search criteria during the Continental Congress (1774-1789) located documents about Instruction as well as other topics (<https://memory.loc.gov>). While browsing the results, I located a record titled, "Letters of Delegates to Congress" and the content appeared to match the description of Instruction as described earlier. This meaningful result provided a link to a document that detailed the process of Instruction, and I was redirected within LOC to documents in, "A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875."<sup>1</sup> This new source provided a simple search engine and a search for "Instruct" and "Instruction" returned 55 results (in 2014). I read through each result in order to ascertain the relevance to Instruction. After I excluded results beyond the scope of Instruction

<sup>1</sup> Retrieved from: <https://memory.loc.gov/ammem/amlaw/lawhome.html>

regarding this dissertation, there were 16 relevant results listed. All of these results originate from the archival record provided by the Library of Congress.<sup>2</sup>

In this chapter, I provide sixteen primary source documents regarding the role of Instruction from the beginning of the Revolutionary War through the passage of the Constitution in order to illustrate that Instruction was a standard practice during the war and after the Battle of Yorktown. To be able to ascertain whether Instruction was utilized differently during a time of secrecy as the Founders hid from the British versus a time of transparency after the Founders won the war, I divide the data entries regarding Instruction into these two time-periods. Accounting for Instruction before and after the Battle of Yorktown should illustrate that there was little difference regarding the role of Instruction between the two periods, which would help to confirm that the spirit of republicanism was a durable political tradition that Americans shared across the nation. As some historians argue that the American Revolution was the final act of the Renaissance, actually a public orchestration of the spirit of republicanism (Appleby, 1985), the fifteen years under scrutiny should be an important snapshot of this political time regarding Instruction that demonstrates how Instruction was a common practice grounded in a shared spirit of republicanism.

Before victory at Yorktown, my search identified seven documents consistent with the criteria noted above. The first document is "Letters of Delegates to Congress: Volume 2, September 1775 - December 1775, Francis Lewis to John Alsop." The second document is, "Letters of Delegates to Congress: Volume 4, May 16, 1776 - August 15, 1776, New York Convention." The third document originating from the Library of Congress is, "The Revolutionary Diplomatic Correspondence of the United States, Volume 2, Congress, Franklin's Commission and

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<sup>2</sup> In 2018, the same search returned 100 results. And, there is a very interesting view of Instruction by John Jay on August 17, 1785, pp. 628-629, see: [https://memory.loc.gov/cgi-bin/query/D?hlaw:20:./temp/~ammem\\_PVxG::](https://memory.loc.gov/cgi-bin/query/D?hlaw:20:./temp/~ammem_PVxG::)

Instructions." The fourth document is, "Letters of Delegates to Congress: Volume 11, October 1, 1778 - January 31, 1779, William Whipple to Meshech Weare." The fifth document is, "Journals of the Continental Congress, 1774-1789, Friday, May 21, 1779." The sixth document is, "Letters of Delegates to Congress: Volume: 15, April 1, 1780 - August 31, 1780, to the Pennsylvania Council." The final primary document to express the cultural narrative on Instruction originating from the Library of Congress is, "Letters of Delegates to Congress: Volume 16, September 1, 1780 - February 28, 1781, Virginia Delegates to Thomas Jefferson."

After victory at Yorktown, there are nine primary documents regarding Instruction identified by my search. These were written at a time when Americans could operate much more openly since the war was essentially kaput and Americans could organize in public places without fear of retribution from the British. The first document is, "Letters of Delegates to Congress: Volume 19, August 1, 1782 - March 11, 1783, Abraham Clark to Joseph Cooper." The second document is, "Journals of the Continental Congress, 1774-1789 Tuesday, June 10, 1783." The third document is, "The Debates in the Several State Conventions on the Adoption of the Federal Constitution [Elliot's Debates, Volume 5], Tuesday, June 10." The fourth document is, "Letters of Delegates to Congress: Volume 20, March 12, 1783 - September 30, 1783, James McHenry to William Paca." The fifth primary document is, "Letters of Delegates to Congress: Volume 21, October 1, 1783 - October 31, 1784, Pennsylvania Delegates to John Dickinson." The sixth document is, "Letters of Delegates to Congress: Volume 22, November 1, 1784 - November 6, 1785, Massachusetts Delegates to Caleb Davis." The seventh document is, "Letters of Delegates to Congress: Volume 25, March 1, 1788-December 31, 1789, John Brown to James Madison." The eighth primary document collected from the Library of Congress is, "Journal of the Senate of the

United States of America, 1789-1793 Saturday, July 18, 1789." The last document is, "Journal of the Senate of the United States of America, 1789-1792, Thursday, September 10, 1789."

Many of the documents use old English, abbreviate, or have spelling errors. The first document below, for example, has so many errors by modern standards that I would need to write [sic] multiple times in a sentence or at least after every sentence. Therefore, I will not write [sic] so that the documents are easier to read due to the copious amounts of grammatical errors by today's standards which would riddle the cited passages if in place. Therefore, the quoted words below from the primary documents are the original text in the original form.

### **Data Sample: 1775 until Yorktown**

In the first document, Francis Lewis writes to John Alsop on December 2, after receiving a letter from Alsop on November 29 (this letter remains lost), and he reports that the "Northern Troops" have plenty of clothing, and because they overextended the clothing order under a non-refundable contract, Lewis requests, "pray stop what is at Nw York & Albany (at least) and direct them to be forwarded to Cambridge" where troops didn't have enough clothing. In addition, Lewis exclaimed that he just sent 500 pounds of "Powder" with Mr. Burden from Burden Town and Amboy Stages to New York per Alsop's previous request in order to avoid a risk of seizure at the hands of the British. Lewis ends the letter, "Please advise the Convention hereof." The American Revolution was underway and conventions appear to be the source for altering American politics and to approve war supplies.

In the same document, there is another correspondence by Alsop to James Duane thought to be similar to the one Lewis received, and the Library of Congress has this letter because it was seized by the British and sent to New York Governor Tryon incommunicado with Lord Dartmouth on January 5, 1776. Nevertheless, Alsop reveals events of the Revolution and the tenor

of Instruction. As for the events, there was an expedition led by Messrs, Sears, Sam Brown, and John Woodward with eighty Connecticut horsemen armed with bayonets to Rivingtons, where they, "Carried off his Types, and return'd very speed[il]y back to Conn[ecticu]t and on their returne Seized parson Seabury, the Mayor of West Chester & Judge Fowler and Carried them along with them." Alsop says this attack and seizure were, "a high insult upon our City and yet I fear if a Similar attempt shou'd be made, it wou'd not be opposed. Tho all most every body condemns it, none are to Stand forth." Are these encoded instructions? Indeed, "Matters are kept very Secret when violence is intended." Alsop beseeches his friend to support settlement, and oppose gloom, because, "I hope no farther push will be made for any person so violent to Comand the Fort on Hudsons River; if it Shou'd pray oppose it." Further, Alsop details Instruction as the central authority for political power and the direction of the Revolution seems entirely uncertain following the trail of instructions. First,

It gives me satisfaction to hear that No. Carolina delegates have similar instruct[ion]s to those of Pennsylvania. I have spoke to Mr. Woodhull about ours. He tells me that he expects Tomorrow to make a Convention, and thinks it wou'd be proper for our delegates at Philada. to write them a letter requesting the same, for he told me if they were asked for, he Thought they shou'd be given.

Second, Alsop continues that a Convention is good in order for, "The Sentiments of the people" to address the delegates in Philadelphia, and he thinks that the people are "intirely against Confederat[ion] or independency but ardently wish a reconcilliation free from Taxation. If you agree to write such a letter you may send opend." Are we to assume that if he wrote that the people were for independence the letter must be sent in secret? Third, in a continuous turn of recoiling after calling for more Conventions, Alsop says that, "you will not want a Copy of the Last Instructions from McKesson, otherwise Let me know." Apparently, instructions hold a lot of weight, but may be weightless upon news and a new instruction that supports the most current

news? Finally, Alsop ends the letter with, "Jones has promised to write you" and, "Perhaps he may be more intelligent than I am, for I have been so confin'd to business Since I have [been] home that have not the proper oppty yet [to] know of the politicks of our City." In any event, conventions and the Instruction were clearly of importance in guiding the Revolutionary War process.

In the second document, a letter dated June 8, 1776, written by Livingston, signed by New York Delegates Livingston, Floyd, Lewis, and Wisner, and sent to Nathaniel Woodhull, the President of the Convention of New York, Livingston and company wrote that one should, "expect that the question of independence will very shortly be agitated in Congress" at the convention in Philadelphia, and of particular salience, some of the delegates feel "bound" to vote no on independence because of an instruction sent to them on April 22, 1775. In that instruction, the delegates were instructed to seek, "the preservation and reestablishment of American rights and priviledges, and for the restoration of harmony between Great Britain and the Colonies." However, all the delegates, "wish to have your sentiments thereon" through a new vote by the New York Convention in order for the New Yorkers in Philadelphia to be able to assuredly vote for or against independence in the near future.

In the same document, dated June 11, 1776, the provincial congress in New York sent a letter back to the delegates in Philadelphia with mixed messages. First, the provincial Congress established that the delegates did not have express authority, "to give the sense of this Colony on the question of declaring it to be... an independent State." However, the letter continues, "nor does this Congress incline to instruct you on that point; it being a matter of doubt whether their constituents intended to vest them with the power to deliberate and determine on that question." But, the reason the provincial Congress did not authorize a convention vote was because it would be, "imprudent to require the sentiments of the people relative to the question of Independence,

least it should create division," and concluded that, "the inhabitants of the colony would be consulted on this matter at 'the earliest opportunity.'" The New York Congress never asked the people of New York to vote on the formal request by Lewis and company and the New York Delegates at the Continental Congress abstained from voting on Richard Henry Lee's Resolution for Independence on July 2, 1776.<sup>6</sup> Conversely, General Washington was unsure of British sympathy in hearts of New Yorkers and the city was indeed the first target by the British when they attacked on September 21, 1776.

The third document, printed in the Secret Journals of Congress, dated October 21, 1778, is a letter out of a special committee addressed to, "our great, faithful, and beloved friend and ally Louis the Sixteenth, King of France," with a "draught of instructions" to relate that Benjamin Franklin has been honored with the responsibility to be the Minister Plenipotentiary from the United States at his court in France. The document assures the French king, "of the permanency of our friendship; and we pray God that he will keep your majesty, our great, faithful, and beloved friend and ally, in his most holy protection" and continues with a description of the political relationship:

The principles of equality and reciprocity on which you have entered into treaties with us give you an additional security for that good faith with which we shall observe them from motives of honor and of affection to your majesty. The distinguished part you have taken in the support of the liberties and independence of these States cannot but inspire them with the most ardent wishes for the interest and the glory of France.

The fourth document, dated December 14, 1778, was a letter William Whipple sent to Meshech Weare in which he mentions a memorial from the people to withdraw from the "Windsor Assembly" and, "on farther inquiry I find myself mistaken in the form of the paper it being a letter from a Mr. Marsh who stiles himself Chairman of a Convention their assembly." The problem was that the "western part of the State will be kept in a perpetual Broil 'till a final settlement of the

Jurisdiction." Considering this, he requested that the people in a disputed territory instruct the Congress themselves as an assembly or to send delegates to the Continental Congress with instructions regarding the territory. Whipple added that New Hampshire's boundary with New York was uncertain, and that the people in the disputed territory had, "an unextinguishable aversion, arising from the injuries they have suffered, by the most cruel acts of Injustice" at the hands of the New Yorkers. Second, "I am very apprehensive that many Towns on the Eastern side of the River will be fond of joining" New Hampshire. Whipple continued that if the people join New Hampshire, then the State, "will be embroiled in a very disagreeable contention or subscribed to a very small compass, and that limited Territory subject to the discharge of an immense debt, incurred for the defence & protection of the whole." In order to resolve this political conflict, Whipple wrote:

I therefore wish to know the minds of my constituents as soon as possible. Whether they will send another Delegate who may be well acquainted with the business, or will Instruct their Delegates now in Congress, must be left to their decision. I must confess I most heartily wish that the former method may be adopted. I cannot suppose the expence will be an objection when the Magnitude of object is considered, which is nothing less than doubling the Territory of a Sovereign Independent State.

General Whipple was apparently making reference to Rhode Island and the magnitudes of ruin considering the battles of Quaker Hill and the Siege of Newport, as well as the aftermath of the British retaining the island. Considering that, the exact form of political power to decide the issue of territory was for the people settled there to send an instruction or, preferably to Whipple, for a delegate (perhaps from New Hampshire) familiar with the territory and inhabitants to attend to this business at the Continental Congress.

In the fifth document, from "Journals of the Continental Congress," J. Duckett provides a "true copy" from the proceedings of December 15, 1778, which were read in Congress on January 6, 1779. The document opens with witness of attendance by Samuel Huntington from Connecticut

and an appeal on a libel case from Connecticut that was, "referred to the Committee on Appeals." The remainder of the record is in regards to the process of confederation for the States in America to begin in earnest. The proceedings in Congress center on the political pathway that Instruction plays as a source of political power from the people to the Congress, and then back to the people for validation, much like how Riker (1955) explained the peripheralizing function would operate (Chapter Three).

The Maryland delegates provide the Congress with instructions from Maryland in regards for the need to pass articles that will consolidate America as a confederation because they were directed to, "lay" them before Congress, to have them entered in their journals, to be read to Congress by the congressional secretary, and "we desire and instruct you to move at a proper time." The delegates receiving these instructions were George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer, esquires. Further, the instruction from Maryland began with approbation for the Congress in regards to trust, great confidence, integrity, a zeal to promote the general welfare, and the instruction is meant, "to add greater weight to your proceedings in Congress." In a legitimate confederacy, power stemmed from the people and the states and not the opinions of the members in Congress. The instruction from Maryland was an extension of direct popular control which did, "take away all suspicion that the opinions you deliver there, and the votes you give," were entirely due to the "deliberate judgement of the state you represent...we think it our duty to instruct you as followed on the subject of confederation..."

After accolades for the Continental Congress and the assertion that the voice of the people was essential to the political process, the Maryland delegates were instructed to not agree to the confederation, "unless an article or articles be added thereto in conformity with our declaration:

should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation." This is because Maryland asserted that, "we must not betray the trust reposed in us by our constituents." Indeed, Maryland's reasoning on instruction in this document read on January 6, 1779, may help to clarify why Maryland was the last state to ratify the Articles, since most other states had already ratified the Articles, with Virginia being the first state to ratify the Articles of Confederation on December 16, 1777. Maryland sought to clarify the exact text of the Articles in order to, "bring about a permanent union," and instruction was the procedure Maryland required for its vote to join the United States. Indeed, Maryland did provide the final "yes" vote to formalize the Articles on March 1, 1781, and I find it noteworthy that the first Confederation Congress met on November 5, 1781, and the congressmen elected John Hanson, former delegate from Maryland, as its President.

The sixth document, from "Letters of Delegates to Congress," on May 31, 1780, Ellsworth, Armstrong, and Duane convene a Committee of Congress, "with instructions to confer with the authorities of Pennsylvania..." in order to answer a letter from General George Washington, dated May 27, "concerning the threat of mutiny facing the army 'for want of meat.'" Hence, at the point of mutiny, General Washington did not commandeer livestock willy-nilly; rather, he wrote to the Continental Congress to address the issue and the Congress solved it through Instruction. Unfortunately, Congress was not very successful in light of the well-known Pennsylvania Line Mutiny on January 1, 1781, as well as the known losses of troops over the year to hunger.

Finally, from "Letters of Delegates to Congress," James Madison penned a letter co-signed by fellow delegate Theodorick Bland and sent to Thomas Jefferson to explain an outline for how to politically proceed in collaboration with Spain, considering their constituents in Virginia and others along the Mississippi River, because intelligence reports suggested that Spain might seek

to control the navigation rights of the Mississippi River as well as land east of the river in exchange for a pledge of allegiance to the United States in their war for independence against Great Britain. Thomas Jefferson was the elected Governor of Virginia, at the time on his second one-year term, when James Madison wrote to Governor Jefferson as a Virginia Delegate. He asked Governor Jefferson to, "make it our duty to apply to our constituents for their precise full and ultimate sense on the point [of Spain]."

Delegate James Madison stated that if Spain requires the United States to relinquish navigation rights, then the new policy would go against a previous instruction providing Virginians and other Americans with navigation rights. In order to change the previous instruction, Madison requests a new instruction to clarify the actions that constituents should take if the United States does, or does not, cede navigation rights on the Mississippi to Spain, including property east of the river. Delegate Madison beseeches Governor Jefferson in this pressing matter to know the sentiments of the people and to express that it is, "expedient for the Legislature to instruct us in the most explicit terms." The new instruction will state whether or not the Virginians support or oppose a concession of property rights from the United States to Spain in order to secure allegiance. Madison requests that the instruction will also state, "what steps it is the pleasure of our Constituents" to take if Spain is not given territorial rights. Clearly, the Father of the Constitution was very involved in utilizing Instruction in order to determine public policy at the national level.

#### **Data Sample: After Yorktown through 1789**

Spain entered the war in league with the United States and their navy stationed in Mexico took Fort Bute at Manchac on the Mississippi as well as the Fort at Baton Rouge in 1779. Spain captured Mobile in west Florida and Pensacola, Florida, from the British in 1781. There were other successful Spanish attacks on the British, yet from the American perspective, the

Spanish navy was truly instrumental in the final American victory at Yorktown because their navy stopped the English in the Caribbean and Gulf of Mexico from travelling north to support Cornwallis, and the lack of British naval support helped to facilitate the British surrender. French and American forces trapped the British army on Virginia's Yorktown Peninsula and the French fleet helped to repel the British fleet from allowing General Cornwallis a way to evacuate or receive reinforcements; hence, Yorktown was a full surrender. Although New York City and Charleston, South Carolina, remained under British control until the Treaty of Paris in 1783, the war for Independence was all but won.

American colonists worked through committees of correspondence at the national and state levels to pass ROI regarding boundary disputes between Delaware, New Jersey, and Philadelphia during 1782 and 1783. In "Letters of Delegates to Congress," written by Abraham Clark from Philadelphia and sent to Joseph Cooper of Gloucester, Delegate Clark wrote to the New Jersey assembly and a member of a committee appointed by the New Jersey legislature to resolve the boundary issue along the Delaware River and islands on the river:

The Legislature of Pennsyla. have Appointed Judge Bryan, Mr. Bingham, & Mr. Gray Commissrs. for dividing the Islands & settling the Jurisdiction of the River Delaware, but have not compleated their instructions which are now under Consideration. (2) As our Legislature will meet this week, they will it is presumed instruct their Commrs., which appear necessary, as their Appointment does not appear to Convey any power more than Obtaining information and reporting the same--this may also be necessary to undergo a revision...

Next, Clark provides a third option for all to consider as a quick possible solution in that "reciprocal jurisdiction" may be the guideline for jurisdiction rights along the Delaware River so that jurisdiction is granted to each vessel according to the citizen's state. Further, the island near Philadelphia should belong to Pennsylvania and the other islands on the river can be divided as an

equivalent to the Philadelphia island. After these suggestions, Clark explains past instructions and the new instructions to come:

I hope you will communicate this to Dr. Henderson and Consult him previous to any Communication to the Legislature. I must inform you that what I have said respecting the desires or intentions of Pennsylvania. I have not learned from the Commissioners but from Other Gentlemen who have Conversed with me upon the Subject, but who I believe delivered the Sentiments of the Commrs. Delaware had instructed their Delegates respecting the Island and Jurisdiction of the Delaware, which upon examination does not appear to Convey powers necessary for effecting any thing. The proceedings of our Legislature I have Communicated to Governor Dickinson who promised to lay the same before the Legislature of Delaware at their meeting this fall.

On the face of it, this letter represents a continuation of Whipple's 1778 letter to show a policy of instruction when considering boundary disputes, such as between New York, New Hampshire, and Rhode Island. The political participants in different states are seeking an answer through the process of instruction and a committee from the territory of the State in question is sought after. Instruction through direct popular control was the proper way to resolve who will own the land, not the spoils of war, a single state, or an individual. Once the foreign influence was removed, the people governed themselves.

In the next three documents, Instruction was utilized to quell political activity. First, in the Provincial Congress, noncommissioned officers from Baylor's regiment asked the Virginia Governor for financial relief given their service in the war, and this was referred to the Superintendent of Finance and the Secretary of War, in which the committee of Madison, Rutledge, and Hamilton reported that they pursued and "considered the instructions to Mr. Jay and are of opinion that it is unnecessary to make any alteration in them or to give Mr. Jay any further instructions at present."

Then, from, "The Debates on the Several State Conventions on the Adoption of the Federal Constitution," a report on the cession of Virginia arose and some sought to immediately resolve

the debate between private claims and the right of the United States. Next, Mr. Fitzsimmons then urged, "a postponement of the question, observing, that he had sent a copy of the report to the Maryland delegates." At this, "the president was for a postponement till the sense of New Jersey be known. The Delaware delegates, expecting instructions, were for postponing till Monday next." After these additional requests for a postponement in order to receive an instruction, "It was agreed, at length, that a final vote should not be taken till that day," with, "Mr. Madison yielding to the sense of the House, but warning that the opportunity might be lost by the rising of the legislature of Virginia."

Finally, James McHenry, a Delegate from Maryland, sent a letter to Governor William Paca of Maryland to explain a report from committee regarding, "the act of our State misapplying the money we had engaged to Congress... It asserts the right of Congress, Censures the act, and the flagrant infringement of the confederation." To repel this, McHenry moved to postpone the consideration of the report until, "the delegates from Maryland could receive information from the legislature of the State respecting the subject matter of the same." This was needed because it was necessary to present the disposition of the inhabitants, so that the state legislature might be able to, "satisfy the house of the necessity and perhaps propriety of the infringement." By allowing the legislatures to instruct their delegates in the Continental Congress, "to declare to Congress the alarming situation which forced them into the measure, and that they even had and still have, the strongest inclination to do everything in their power to support and maintain inviolate the confederation." McHenry utilized the need to wait for instructions from Maryland, dated August 4, 1783, in order to put a report on hold that would collect revenue for the confederate government on the national stage from the State of Maryland.

The fifth document is a letter dated December 30, 1783, in regards to Pennsylvania Delegates Mifflin, Morris, and Hand, and the back and forth instruction played in the ratification process. In their letter sent to John Dickerson, the elected President of Pennsylvania, it was asked whether seven States in Congress assembled are "competent" to ratify "the Definitive Treaty" and to request a "positive instruction from Council." The letter stated that Congress at the time consisted of Nine States: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and North Carolina. Political change seemed imminent. Specifically,

...on the 29th of October last at Princeton authorize and instruct their Ministers at Paris to make the Preliminary Articles a Definitive Treaty of Peace. That Nine States having declared What Articles should constitute the Definitive Treaty; and the Treaty being framed according to their Declaration & Instructions, It may now be ratified by Seven States.

The Delegates point out that there is, "no Probability that Nine States will assemble in Time" to ratify and assert that an, "Excess of bad Policy" will "risqué a Renewal of the War by delaying the Ratification of it." The letter concludes that time is running out and, "only sixty Days now remain for the Ratification & Exchange which last must be made in Paris or London." The Delegates close the letter with a request for instructions of Council and admit that this request for council is causing them to, "endeavour to delay the Determination of Congress untill we receive an Answer." Evidently, instruction was instrumental in the process to ratify the Treaty of Paris.

In the sixth document, from "Letters of Delegates to Congress," the Massachusetts Delegates Gerry and King sent a letter to Caleb Davis in Massachusetts, dated October 27, 1785. Gerry and King opened that they enclosed to the Governor a resolution from Congress "appointing a Grand Committee for preventing the Separation of Districts from the parent States, without Consent thereof," as a confederal law to be addressed. He adds a similar resolution that was an Act

of Pennsylvania, "by which that State put an effectual Stop to Attempts which had been made therein, to make Such a Separation," suffices regardless of a confederal law. Gerry and King continue that the Grand Committee will not likely report out of committee in the Continental Congress since the session is nearly complete. They seek to know, "whether it may not be best for the Legislature to instruct their Delegates of the next Congress to attend to this Business." Even though "there appears not any great Indisposition in the Delegates of the other three N[ew] England States to dismember Massachusetts," and there is a role for the Congress to prevent such dismemberment through the "Force of the Union" when "necessary to suppress the Opposition of any District to the constitutional Authority of a state," the Delegates recommend that Massachusetts, "pass an Act similar to that of Pennsylvania" to resolve the possibility of dismemberment and the Delegates promise to follow whatever instructions they receive from Massachusetts.

In the seventh document, from "Letters of Delegates to Congress," a Virginia Delegate of the Continental Congress, John Brown, sent a letter on May 12, 1788, outlining the reputation of instruction to James Madison in regards to whether or not the people in Kentucky would support the new Constitution. Brown opens with thanks to Madison for, "favors of the 9<sup>th</sup> and 21<sup>st</sup> of April," and then regrets to inform Madison that he was, "still sorry to find that the number of friends & foes are so nearly divided as to render the Vote of Kentucky of critical importance for I fear nothing friendly is to be expected from that quarter." Brown received letters from Muter and Innes the day before and they expressed that Kentucky has, "few or no Supporters" and Brown tells Madison that Muter has turned, "from a warm friend" to "a violent enemy to the Plan & that upon general principles." Brown stated that Muter and Innes enclosed a letter, expressing:

...a list of members chosen to represent that District in Convention & further advise that on the 1st Monday in April a Convention was to meet at Danville expressly to take into

consideration the new Constitution & instruct & charge their representatives with the Sentiments of the District upon that Subject.

Given the unlikelihood of passage for the Constitution, Brown states that he will provide his sentiments to the Delegates and is, "apprehensive that they will conceive themselves religiously bound to observe Instructions framed & given with such Solemnity." However, Brown provides Madison with some hope at the conclusion in that Brown was "personally acquainted with the Men & fully possess their confidence," and that he "shall at all events hazard the Attempt" of convincing them to support the Constitution. Instruction was a political practice used in the passage of the Constitution and representatives felt religiously bound to follow the instructions from local conventions, including if the people in convention chose to vote against the Constitution, as was likely at Danville.

In the eighth document, from, "Journal of the Senate of the United States of America," the Senate continued to use instruction as a mechanism for advancing a political agenda after the advent of the Constitution. Dated July 18, 1789, the Senate began with a third reading of a bill entitled, "An act for establishing an Executive Department, to be denominated the Department of Foreign Affairs." Regarding the bill, the Secretary proposed the vote on a motion, "to strike out of the bill these words: page 3d, line 15th, 'by the President of the United States'" and the Vice President broke a tie of ten votes for and ten votes against to keep the clause. Next, there was a motion to strike out these words in the bill to define the Executive Department:

such duties as shall, from time to time, be enjoined on, or entrusted to, him by the President of the United States, agreeable to the constitution, relative to correspondences, commissions, or instructions, to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials, or other applications from foreign public ministers, or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department: And furthermore, that the said principal officers shall conduct the business of said department, in such manner as the President of the United States shall, from time to time, order or instruct.

The former paragraph was to be amended to read, "The duties of his office with integrity, ability, and diligence," however, the vote failed and the original language that mentions the ability for the President to receive instructions and to instruct remained on the books for the time being (but it is not in the current Constitution). Other motions to change the language in other sections of this document also failed and the bill was "concurrent with amendments." Thus, Instruction was seen to be an important political form for the President to use in order to influence the policy process.

The final primary document is from the Senate Journal, dated September 10, 1789, and outlines the role of instruction and committees. First, Mr. Wingate reported out of committee that the committee had examined two bills, "An act to provide for the safe keeping of the sets, records, and seal of the United States, and for other purposes," and, "An act for establishing the salaries of the executive officers of government, with their assistants and clerks," and noted that the bills were correct. Second, Clerk Beckley from the House of Representatives read a message in the Senate to say that the House of Representatives had agreed to recede from their disagreement to the third and fifth amendments, proposed by the Senate, to the bill entitled, "An act for establishing the salaries of the executive officers of government, with their assistants and clerks." And, the House of Representatives agreed to the proposed conference on the subject matter of the amendment to the bill entitled, "An act for allowing compensation to the President and Vice President of the United States." Further, the House agreed to Messrs, Baldwin, Livermore, and Goodhue as "managers of the conference."

Of special interest, the House Clerk continued to hold the floor in the Senate with a resolve by the House of Representatives about the General Post Office of the United States. The "rules and regulations prescribed" regarding, "the ordinances and resolutions of the late Congress, and that contracts be made for the conveyance of the mail in conformity," and the Clerk requested, "the

concurrence of the Senate" in the resolve. Then, "the Vice President affixed his signature to the above mentioned enrolled bills, and they were, by the Committee of Enrollment, laid before the President of the United States for his approbation." However, the resolve from the House of Representatives regarding the Post Office was read and, "Ordered, That it be committed to Messrs. Butler, Morris, and Ellsworth, with an instruction to report a bill upon the subject..." Hence, the Vice President appointed a committee with, unambiguously, an instruction to create a legislative bill.

### **Results**

I find that there is little difference regarding the role of Instruction before and after the Battle of Yorktown. Instruction was openly practiced by Americans during the times of a secret government during the Revolutionary War as well as after the British surrender. Throughout the period, I find that the "republican" practice of Instruction was evident as a show of self-government. The evidence in this chapter supports the key claim that Instruction once played an integral in national politics from 1775 through 1789. James Madison and others actively expressed a belief in republican values, which caused Instruction to become a central process for implementing political change at the national level. Examples of Instruction operating in a similar manner before and after the Revolutionary War include land disputes, calls for convention, and calls for the national body to wait on local entities to explain themselves.

Before the Battle of Yorktown was won on October 19, 1781, republican values were expressed by calls for conventions to occur in multiple states in order for the people to discuss and vote on independence from England. During 1776, delegates felt "bound" by instructions in New York to vote for restoration with England because of an instruction in 1775. During 1778, instructions were sent to the French King to welcome Ben Franklin to his Court in a manner to

suggest that America was an independent nation. During 1779, the General Assembly of Maryland instructed its delegates to lay the Articles of Confederation before Congress, and to have them entered in the journals, printed, delivered to each of the delegates of the other states in Congress, signed by the Maryland delegates, and to begin in Congress a serious and candid consideration of them. And, the Maryland delegates were instructed to not agree to confederation until Maryland received back a copy of the Articles in conformity to their instructions therein or the Articles passed were Maryland's Articles. During 1780, Congress referred General Washington's call for meat in Pennsylvania for his troops with an instruction to fulfill his order. James Madison, in the same year, asked for instructions from Governor Thomas Jefferson of Virginia to explicitly reference the people and the appropriate response for a cession of navigation and land rights to be, or not to be, awarded to Spain in exchange for an alliance against England. In all these cases, power stemmed from the people in a bottom-up process of self-government.

After Americans won the Revolutionary War, Instruction remained a powerful practice to influence the national government. During 1783, many political figures utilized Instruction to inhibit action at the national level through a call to postpone votes in order to wait for instructions from their home state. During 1785, Pennsylvania delegates recommended that Pennsylvania pass a resolution preventing districts to be able to separate from a State and suggested that they receive instructions from Pennsylvania to not support a national plan on the same issue. During 1788, people in Kentucky utilized instruction to call for a convention to vote on the Constitution. During 1789, the Senate maintained a clause to allow the President to receive instructions and to instruct, and the Vice President in the Senate instructed a committee that he formed on the spot to report to the Senate a Post Office bill. Thus, ROI was an output of a complex Instruction practice that existed as a function of republicanism.

The hypothesis that Instruction was influential during a secret government and a transparent government before and after the Battle of Yorktown is borne out and the most notable examples where similar situations produce the same Instruction practices were the call for conventions to approve of major political changes, to inhibit national actions in order to garner the sentiments of the people as a policy of self-government, and to settle land disputes based on the sentiments of the inhabitants from the territory under dispute. For example, first and foremost, conventions were called in Philadelphia in order to declare Independence (before) in the same fashion that a convention was called for in order to pass the Constitution in the backwoods of Danville, Kentucky (after).

Second, Instruction was used to inhibit action in the Continental Congress in similar manners before and after Yorktown. During the war, Instruction inhibited New York Delegates during 1776 from voting for Independence and to preserve and re-establish harmony between Great Britain and the Colonies. After the war, Mr. Fitzsimmons urged a postponement until the sentiments of New Jersey were expressed and until the Delaware delegates received their instructions from their state before choosing how to vote in the Confederate Congress during 1783. Also, a Delegate from Maryland, McHenry, postponed debate on a report in Congress regarding Maryland's owing of money to the Confederate Congress until the delegates from Maryland could receive information from the legislature of the State, which would include the present disposition of the inhabitants during 1783. Before and after Yorktown, the inhabitants guaranteed unto themselves a self-government and the national representatives of the people repeatedly engaged Instruction in order to ascertain the sentiments of the people, including Delegate James Madison's request of Thomas Jefferson to explicitly provide Madison with instructions regarding the Virginians' approach to dealing with Spain.

Third, before and after the Revolutionary War was won, instructions called for land disputes to be determined by additional instructions based on the sentiments of the inhabitants. The call for self-government on the people's terms by Whipple regarding Rhode Island (1778) as well as the contestatory nature between the people from different states along the Delaware River (1783) allowed for peaceful political change in order to overcome a potentially explosive stalemate.

Therefore, the evidence highly suggests that there was little to no difference in the role Instruction played before and after the Battle of Yorktown in America, even though the ROI after the battle were much more clear and concise as political documents. The evidence suggests that Instruction stemmed from the republican element of the culture because the practice ultimately rested on the sentiments of the people and self-government throughout the revolutionary period. The use of Instruction was qualitatively significant in causing fundamental changes to the governing of Americans at the national level because of exhibitions of direct popular control that were initiated by the Delegates. This suggests that the element of republicanism was durable from 1775 through 1789 as a peripheralizing political value system that spanned the national landscape because the federal representatives shared "republican" values.

### **Conclusion**

I find that there is little difference in the effect of Instruction during the revolutionary era before and after the Battle of Yorktown. Instruction during both periods was a political process for advancing politics on the people's terms. The call for conventions was far more secretive during the Revolutionary War, still, the actions by the people to engage in self-government in Philadelphia in 1775-1776 along with other state conventions was equally valued by Madison and others with respect for passing the Constitution by convention, such as in Danville, Kentucky.

The conventions to fundamentally alter national policy were equal as examples for how Instruction was a peripheralizing political form of self-government. The conventions happened because American citizens and their representatives held a steadfastness to republican values that required broad-based political participation.

This finding leads me to ask: After the ratification of the Constitution, did members of the House of Representatives or Senate actually take petitions directly from the people (Chapter Five) and ROI from state legislatures (Chapter Six) very seriously? Did the culture of practicing republican values among the peoples' representatives continue on after Ratification because the role of Instruction supported measures of self-government?

## **CHAPTER 5: RESPONSE FROM HOUSE OF REPRESENTATIVES TO PETITIONERS SEEKING THE REPEAL OF THE ALIEN AND SEDITION ACTS**

### **Introduction**

The literature and evidence from previous chapters supports my two claims that the people and their representatives expressed republicanism openly throughout the Founding period and that to them the republican practice of Instruction was a reflection of their core values. The purpose of this chapter is to begin to fill the breach between political scientists and historians regarding the salience of republicanism after Ratification. To do so, I hypothesize that Americans sent petitions directly to their Representatives in order to cause action at the federal level regarding the need to repeal the Alien and Sedition laws of 1798 and 1799 a dozen years after Ratification. And, the members of the House who received the petitions defended them and performed their role as agent of the people in a way that exhibited the role of Instruction as a ritualized practice of self-government. Thus, in accordance with America's republican tradition, the people directly acted to influence their federal government by petitioning it and their Representatives defended the right of the people to petition and responded to the petitioners' requests.

A vexing aspect of the controversy over the Alien and Sedition laws is noticeable in the prominent role that James Madison played in drafting the Virginia Resolves. Little more than a decade before, he had supported giving the national government the power to veto state laws and to ignore ROI when the Tucker Amendment sought to include the right of Instruction in the Constitution, yet Madison now appears to be guilty by association of supporting the nullification by state legislatures of federal laws. Fearing for the health of the Constitution, Madison offered his interpretation of ROI as an interposition by state governments and to distinguish that act from nullification (Girdwood & Grynaviski, 2014). Madison did not think state legislatures could determine a federal law to be null and void (nullification); rather, the state legislature may pass a

specific type of Resolution that engages a practice of interposition, which recognizes the supremacy of a specific federal law but also openly shuns it by not allowing for the local enforcement of it and calls for its repeal.

I surmise that James Madison, the Father of the Constitution, might have favored the ability of state governments to craft an interposition as a formal request upon the federal government to cease and desist a specific federal law that appeared to be anti-republican because of a desire to guard the Constitution and Republic. Therefore, state governments could openly guard "republican" values by passing ROI as an interposition upon a federal law since it was common political practice regarding the American republican tradition for the local / state governments to be a source of political power with the ability to peripheralize the federal government, considering the years of governing practices before Ratification (Chapter Four).

To better understand Madison's political beliefs, let us take note of his correspondence with Thomas Jefferson, the author of the Declaration of Independence and Kentucky Resolutions who specifically called for the nullification of the Alien and Sedition laws. In brief, both gentlemen agreed that the Alien and Sedition laws were anti-republican. A letter from Jefferson dated April 26, 1798, was prescient, "One of the war party, in a fit of unguarded passion, declared some time ago they would pass a citizen bill, an alien bill, and a sedition bill; accordingly, some days ago, Coit laid a motion on the table of the H. of R. for modifying the citizen law." And, Jefferson said in a letter dated May 3, "The alien bill, proposed by the Senate, has not yet been brought in. That proposed by the H. of R. has been so moderated, that it will not answer the passionate purposes of the war gentlemen."

James Madison replied to Thomas Jefferson on May 20, 1798, incorporating his notes from previous letters regarding their sentiments about the Alien and Sedition laws. Madison had recently

been given a copy of the Senate bill, and his opening remark to Jefferson is telling, "The Alien bill proposed in the Senate is a monster that must forever disgrace its parents" (Archives.gov).<sup>3</sup> Then, Madison neutralized his opinion with, "It may however all be for the best. These addresses to the feelings of the people from their enemies may have more effect in opening their eyes, than all the arguments addressed to their understandings by their friends." Madison admitted, "The President, also, seems to be co-operating for the same purpose." In the end, Madison restated Jefferson's main gripe, which was that the Alien and Sedition laws are abominable and degrading for a nation of independent people, "particularly from a Revolutionary patriot." Madison was vehement in that, "there was not a single principle the same in the American and French Revolutions" (ibid).

On the face of it, the Alien and Sedition laws of 1798 violated core republican values, such as equality by the eye-ball test, virtue by norms to repel corruption, and freedom as non-domination. Those laws seemed to create a set of losers through the legalization of rules to allow for corruption and domination by the federal government upon the people. In response, the Virginia and Kentucky state legislatures both passed resolutions condemning the federal government's actions, but they appealed to different methods of redress. The Kentucky Resolves, drafted by Thomas Jefferson and adopted in November, 1798, repeatedly declared that the Alien and Sedition Acts were "altogether void, and of no force." Thus, Kentucky claimed for itself the right to void federal laws it viewed as unconstitutional. In contrast, the Virginia Resolves by James Madison noted that the Constitution reigns supreme and then simply closed with a statement that one might interpret to be an instruction to its representatives in Congress. It read (Girdwood & Grynawski, 2014, pp. 6-7):

That the Governor be desired to transmit a copy of the foregoing resolutions to the executive authority of each of the other States, with a request that the same may be

<sup>3</sup> <https://Founders.archives.gov/documents/Madison/01-17-02-0090>

communicated to the legislature thereof. And that a copy be furnished to each of the senators and representatives representing this state in the Congress of the United States.

To erase any doubts that it was intended as an instruction, three weeks later, the following statement was included in the Virginia legislature's annual instructions to its Senators (Girdwood & Grynaviski, 2014, pp. 6-7):

Deeply impressed with these opinions, the General Assembly of Virginia instructs the senators and requests the representatives from this state in Congress, to use their best efforts...

1. To procure a reduction of the army...
2. To prevent any augmentation of the navy, and to promote any proposition for reducing it... and of consequence a proportionate reduction of the taxes.
3. To oppose the passing of any law founded on, or recognising [sic] the principle lately advanced, "that the common law of England is in force under the government of the United States"...
4. To procure a repeal of the acts of Congress commonly called the alien and sedition-acts.

Indeed, the Virginia and Kentucky Resolutions sparked a political firestorm. Many state legislatures passed counter-resolutions that 1) signaled support for the policies of the Adams administration and 2) condemned Virginia and Kentucky for claiming for themselves the power to determine the constitutionality of federal laws.

Public opinion, however, was on the side of the Democratic-Republicans. Ironically, the Alien and Sedition Acts were intended by Federalists to crush their domestic political opponents. Instead, they provided them with a winning campaign issue that resulted in Thomas Jefferson's election to become President under the first period of unified Democratic-Republican control of

the federal government in the nation's history. The Virginia and Kentucky Resolutions were instrumental in attaining that outcome (Girdwood & Grynaviski, 2014).

The Virginia and Kentucky resolutions became a cause of action for the people. The historical record shows that in response the people voted to replace the President at their earliest opportunity with someone who would support them: Thomas Jefferson. It is beyond the scope of this dissertation, but the unfolding of these events suggests that when Americans are confronted with the idea that they have elected someone who enacts policies supportive of authoritarianism, they may unite in the upcoming election as "republicans" in order to outcast representatives who are associated with the authoritarian in charge and that party and that leader's cronies. Given the fact that President Trump is known to engage in authoritarianism (Chapter Two), understanding how republicanism affected the Founders' generation may help to provide insight into the elections of 2018 and 2020, and beyond.

Given the deep-rooted opposition to the Alien and Sedition laws by two of the most beloved Founders, it follows that their guidance in passing ROI to formally oppose the laws at the state level in Virginia (James Madison) and Kentucky (Thomas Jefferson) were part of a political culture moment of republicanism. If there was a movement of republicanism "shared" by Americans across the nation, then I expect to find that copious amounts of petitions were signed and sent by the people to their Representatives as a means of practicing self-government, which would in turn influence the national lawmakers regarding the two laws. This would happen because the political motive to engage in republican self-government in order to maintain inviolate a common good requires that the people directly participate in the political process, otherwise the federal government would not function as an extended Republic. The people's involvement allows

their republican-minded representatives to have a cause for action to repeal or defend a law at the national level on the people's terms.

The principal claim of this dissertation is that republicanism continued to influence American politics at the federal level after Ratification. To test this, House records should demonstrate that a lot of petitions by ordinary people were signed and delivered which condemned the Alien and Sedition laws (Hypothesis 1). If affirmed, there would be a defense of the petitioners and the petitions by the Representatives in order to protect self-government (Hypothesis 2). In this chapter, I argue that House members presented and defended petitions from their constituents on the House floor as part of their effort to repeal the Alien and Sedition laws, and these petitions were sent to a committee, and the committee reported upon the petitions to the Chamber for a vote.

In addition, I will document whether some Representatives in the debate promoted authoritarian values, such as the ability to deny petitions from people to be read on the floor of the House because of discriminatory reasons or on paternalistic grounds. Representatives from an authoritarian-value or liberal-value district would likely abide by the republican political practices of self-government, but they would stand against policies according to their authoritarian or liberal beliefs because they seek to represent their base of constituents according to those value-systems. These values, if present in the House debate, would have been expressed as an argument against the people's right to exercise an ability to legitimately oppose and repeal a federal law because the petitions were argued to be an affront to a body of Representatives who hold an inherent power to care for the people (e.g., *paternalism*) (i.e., Authoritarianism) (Hypothesis 3). And, the petitions were argued to be illegitimate on various grounds, such as being passed by the people based on misinformation or disinformation (i.e., Authoritarianism) (Hypothesis 4). I do not make a case for identifying Liberalism in this dissertation regarding my narrowly tailored investigation.

In this chapter, I seek to determine whether Americans as nonelected individual participants enjoined and signed petitions for the federal representatives to respond to regarding what they perceived to be impolitic and unconstitutional laws, and whether those representatives empowered the people by openly defending their petitions through a call for a repeal in Congress of the two laws. To accomplish this, I retell the essential storyline from the debate on the subject of the Alien and Sedition laws as recorded in the *House Journal* from eight different occasions during 1798 and 1799. Next, I pronounce the results for my hypotheses and comment on the evidence in regards for my principal claim. On republican grounds after Ratification, 1) the people were openly petitioning to repeal the Alien and Sedition laws and 2) the Representatives were offering these documents on the House floor while defending the petitioners' right of self-government. Hence, republicanism continued to influence American politics at the federal level after Ratification. Then, I discuss how the House record is a good fit for the description of a republican model of democracy as stated in previous chapters. Finally, I conclude whether petitions were exhibited in the House debate and I explain the extent by which petitions, and their defense by some House members, affected the political process.

### **Sample of Data: House Journal, Debate of Petitions**

To gather the data, I searched online at loc.gov (Library of Congress) in 2014 for "Alien and Sedition" and this resulted in a collection of twenty-six archival records, excluding indexes (total of 33 records). From the twenty-six documents at the Library of Congress that specifically referenced the Alien and Sedition laws, eight documents specifically originated from the House of Representatives. These occurred during 1798 and 1799 and are located in, *Annals of Congress*, House of Representatives, 5th Congress.<sup>4</sup> There were other archival records worth considering to

<sup>4</sup> Website active February 2014: <https://memory.loc.gov/ammem/amlaw/lwaclink.html#anchor5>

confirm that a contestatory citizenry rose up to seek the repeal of the Alien and Sedition laws, specifically through the process of crafting a Resolution of Instruction, such as official resolutions that were signed and sent to Congress from Connecticut, New Hampshire, Virginia, Massachusetts, and Kentucky. However, central to this chapter, I am particularly interested in the people's direct petitions and especially how the members of the House treated these petitions in support of direct popular control.

Retrieved online from the Library of Congress, specifically, A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875;<sup>5</sup> in, *Annals of Congress*, House of Representatives, 5th Congress, 3rd Session, Alien and Sedition Laws, there are eight separate entries covering the debate on the Alien and Sedition laws according to the *Journal of the House of Representatives* on pages: 2429 through 2436, 2445 through 2454, 2797 through 2802, 2855 through 2856, 2883 through 2906, 2906 through 2907, 2957 through 2958, and 2985 through 3016. Due to my extensive use of quotations in this section in order to express the material as it was recorded, I provide the reader the pages of reference at the beginning of each document, yet do not cite the page of each quotation.

Overall, the debate is quite extensive since it covers about ninety pages of the House record. Therefore, I extract the essential discussion from each page in the sample below with respect to my hypotheses. For example, the final entry is roughly thirty-two pages; hence, I focus on whether there was a defense for the people's direct petitions and a repeal of the laws as well as the hypotheses regarding authoritarianism. The data is a good fit for the research question because the results will show who and how Representatives in the House took the petitions seriously as well as who and how other Representatives possibly objected to them. My

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<sup>5</sup> Website active February 2014: <https://memory.loc.gov/ammem/amlaw/lawhome.html>

evidence will show that the petitioners were able to practice Instruction and influence proceedings in the House of Representatives a dozen years after Ratification.

In the first record, pages 2429 through 2436, on a December day in 1798, the House began the session when Mr. Harper, "called up the resolution which he yesterday laid upon the table" in regards to publishing "an extra number of copies of the Alien and Sedition Acts, to be distributed gratis throughout the United States." Mr. Nicholas had no objection to distributing official copies of the Alien and Sedition Acts freely to the public, indeed, had not people written petitions opposing the Acts because, "certain public meetings had acted upon false information, rough draughts of bills, and other papers, which discovered the extremist ignorance," and publishing the Acts would alleviate the public discontent arising from the ignorance of the laws?

Accordingly, at a public meeting in Virginia, Mr. Harper heard that, "resolutions of an extraordinary and hostile complexion were passed upon the subject of these laws..." because of a "draft of a bill which was reported in the Senate, which underwent a total alteration, and was in the House further amended." Secondly, the resolutions passed by Kentucky against the Act were created in response to a letter, "which contained what, perhaps, were not willful misrepresentations; indeed, from the character of the gentleman, he must suppose them unintentional misconceptions," because the letter contained "gross errors" as it explained a power of "unjustifiable restraints on speech, which was not within the purview of the act." By my reading, Mr. Harper was referencing Madison's correspondence with Thomas Jefferson.

Then, Mr. Harper argued for the publishing and distribution of the Acts since, "in no instance had he met with any individual, not himself actively employed in misrepresenting these laws, or a moral zealous party man, who was not, upon hearing their contents simply stated, convinced of their wisdom and propriety." The best way to stop more of "...the same inflammatory

resolutions, and the same tumultuous assemblages of the people..." is to "give the people correct information with respect to these laws," and discontents "would be removed by a simple publication of them." To rebuff this, Mr. Nicholas responded that Mr. Harper is, "in the habit of setting down all opposition to his own opinions to the account of ignorance," and, "since the gentleman from South Carolina supposed them so grossly ignorant, he had no objection to their receiving all the light he could throw upon the subject." Given this grand opening, contestation appears to be alive and well, and maybe authoritarianism too.

The debate on publication continued after Mr. Dawson asked if it would be in order to suspend the consideration of publication because, he was convinced, "the more the laws in question are known, the more they will be reprobated by the citizens of the United States, and more especially by friends of the Constitution." After this speech, he sought to quash the motion to print the laws in order to vote on a new motion to repeal the laws, yet Dawson's motion was denied by a vote of 42 to 29 and debate to print the Alien and Sedition laws continued. A second and very brief delay in the debate arose when Mr. Macon argued that U.S. laws were printed by a "special law" and Mr. Harper retorted that the procedure he proposed, "was the same with that adopted last session in the extra publication of the dispatches from our Commissioners in France..."

Next, Mr. Thatcher questioned if a simple printing was enough, and suggested that outreach might be achieved if the laws were, "printed in all the newspapers of the United States once a week for three or four weeks." Mr. Harper responded, "if one hundred thousand copies of these laws were struck off, it would answer the purpose," because there are parts of the U.S. "where the circulation of newspapers is extremely limited." Shortly thereafter, members voted down the question to print 100,000 copies, voted down 50,000 copies, voted down 40,000 copies, and then voted to print 20,000 copies. Debate continued following the vote as Mr. Gallatin picked apart Mr.

Harper's arguments and called the Acts impolitic and unconstitutional. Afterwards, Dawson, Smith, and Macon concluded the debate with the possibility of adding amendments, a motion for more discussion, and a call for civility in the House, respectively.

In the second House entry, pages 2445 through 2454, debate on Mr. Harper's proposition to print and distribute 20,000 free copies of the Alien and Sedition laws continued to be debated in regards for stopping the discontent that was stemming from the people. First, Mr. Dawson argued on the floor that the printing of the Acts should be accompanied by, "all the parts of the Constitution which appeared to him to relate to the subject... to give the power to Congress, as which prohibit the exercise thereof... it had ever been his wish to give the fullest information to his constituents." After Mr. Dawson provided an amendment that cites various sections and clauses of the Constitution to be printed with the two laws, Mr. Rutledge asked if, "there was any portion of the citizens of the United States who had not read the Constitution...?" Then, Rutledge answers himself, where "discontents had been manifested, and where resolutions had been entered into censuring the alien and sedition laws, that discontents had been generated by misrepresentations of these laws." Regarding certain gentlemen who had declared the Acts "unconstitutional, and expressed their wish that the people would resist its execution... to rebel against this law which invaded the Constitutional rights, was a duty they owed their country," was a nothing more than a call for rebellion by high ranking officials! Rutledge "was surprised that our citizens had discovered so much patience, wisdom, and good sense..." Indeed, both chambers of Congress and the judges, "who had acted under them, had declared them to be perfectly constitutional." Therefore, Rutledge explained, it is not necessary to appeal to the people to know their sentiments on the Acts, especially since, "The Constitution... is in the hands of almost every

citizen. He should blush for his constituents..." that they might need to be reminded of specific passages.

Afterwards, the House falls into a set of procedural stumbles. The original resolution for debate contained a proposal for a number of extra publications of the Acts to be published and distributed for free, yet Mr. Eggleston moved for a postponement because he personally believed that there was going to be a call to repeal the laws. However, according to an interrupting Speaker, Mr. Eggleston was, "departing from order." Mr. Eggleston replied that he sought, "the propriety of a postponement," whereby the Speaker replied that this was "wholly out of order..." and Mr. Eggleston said he wished to comply and sat down. Then, Mr. Dawson withdrew his original motion to add specific passages because he sought a motion to, "Add the Constitution of the United States as now amended." Following, Mr. Claiborne agreed that the entire Constitution should be printed with the Acts for distribution because in the Western country the amendments have, "not been so generally circulated as he could have wished..." and "seeing the Constitution might allay the present fermentation of the public mind with respect to these laws." Mr. Thatcher agreed that, "people in the Western country are greatly misinformed," and explained that this is because of "moral subjects," to which the Speaker interrupted, "no remark of this kind could possibly be in order." Mr. Thatcher continued, "...it was not political information which these people were in want of, but moral information, correct habits, and regular fixed characters," at which Mr. Nicholas inquired if the gentleman was in order to which the Speaker replied, "very many of his remarks were not in order." Then, Mr. Thatcher briefly restated his argument and sat down.

All the motions failed. First, Mr. Gallatin made clear that he believed, "the Constitution, as amended, has never been published... he wished it now, for the first time, to be published." Following, Mr. Craik said that no law of Congress should be published more than others and Mr.

Hartley, "hoped neither the amendment nor the original proposition would be agreed to." In the end, Mr. Hartley's sentiments carried and the amendment to publish parts of the Constitution allegedly in support of the Alien and Sedition laws failed 41 votes to 35 votes. Also, the original proposition to print extra copies of the Alien and Sedition Acts failed 45 votes to 34 votes.

In the third House entry, pages 2797 through 2802, dated January 30, 1799, debate on the Acts resumed as Mr. Eggleston presented a petition from the people of Amelia, Virginia, which caused an uproar. In the petition, the people call the British Treaty an error because it follows British policy, calls for the repeal of the law enabling the President to raise a provisional army, and "particularly prays that the alien and sedition laws, which it terms impolitic, tyrannical, and unconstitutional, may be obliterated from our statute book." Mr. Eggleston asked that this petition be referred to the Committee of the Whole, and the Speaker laid it before the House and read an address and remonstrance from Essex County, New Jersey, and said it would also go to the Committee of the Whole. If sent, this meant that the entire House would be able to debate the petitions to repeal the Alien and Sedition laws.

Then, Mr. Gordon called for "a division of the question" because the petition from Amelia "contained a libel upon every measure of the Government since its first establishment... a sort of threat, that unless the Congress shall proceed to repeal the two laws in question, the militia of that county would not obey the orders of the General Government." He added that these petitions in the House create a House, "considered as a place consecrated to abuse." Mr. Eggleston, familiar with the petition signers, said he was, "sure they never entertained such a sentiment," and that parts of the petition stated a will to oppose an invading enemy and to obey the will of the majority. Further, this was the first petition from a group of people on the issue at-hand and he hoped it would be referred. Next, Mr. Nicholas supported Mr. Eggleston, "the gentleman from

New Hampshire certainly mistook the passage in the petition... gentlemen ought not to put the most acrimonious meaning possible upon the words of petitions." After a few more comments, Mr. Livingston arose to provide a stirring speech in favor of the right of the petitioners to participate in national politics, echoing Hamilton's sentiments on Instruction from the New York Convention (in Chapter Four).

Mr. Livingston firmly expressed his disapproval of branding a petition as libel and turned the conversation into a debate about the people's right to directly petition in order to cause their Representatives to change a federal policy. The petitioners did call for the repeal of the laws on various grounds, yet they did not pose a threat that the militia will not perform its duty. And, "To what would the gentleman reduce the right of petitioning? Have the people not a right... to say to Congress, 'You have done wrong. You have exceeded your powers.' If they think so, who shall stop their mouths, since the Constitution has guaranteed to them this right?" The people may demonstrate "honest bluntness" which is not in any form a libel. If and when members of Congress pass unconstitutional laws, then the people should tell us so or "the right of petitioning will be reduced to narrow ground indeed."

In response, Mr. Parker stated that the people have a right to petition and, "this House has a right to protect itself against abuse... The whole of this petition appeared more calculated to insult the majority who passed this law" by labeling them a tyrannical Congress and a solicitous Executive. Therefore, the petition should be referred to a Select Committee and not the Committee of the Whole. Mr. Allen interjected that the House must be "content to hear a number of addresses like this, which he supposed would get worse and worse," and then argued that once the petitions become known to the public, "the honest part of the people would be induced to rise and throw off these people as so many morbid excrescences on the body politic... the end of the business would

be confusion to the subscribers of such petitions." At this, Mr. Claiborne snapped at the gentleman from Massachusetts, demanding, who gave you "the right to stand on this floor, but the people?"

The conversation continued to be a defense of the right of the people to petition the House and for the need of Representatives to respect and to act on the petitioners' requests. Mr. Claiborne continued, Virginians, "choose to express themselves in many and strong language, and are unwilling to surrender any of their rights as Republicans... the order would be obeyed; but the men who executed the order would be the first to say the law is unconstitutional." Mr. Livingston asked Mr. Allen to, "explain what he meant, when he said 'that the honest part of the people would rise and throw off the description of persons who had signed the petition, as a morbid weight upon the union,'" and Mr. Allen replied that he "did not say so." After being prodded by Livingston, he admitted, "Mr. L. does me the honor to suppose some part of the spirit shown against the alien and sedition laws had been excited in me," whereby Livingston concluded, "if anything he had said or done had tended to awaken the people to a sense of their rights, he should think he had not lived in vain." The idea is that the petitioners knew what they were doing and the House should adhere to their leadership. In this way, James Madison may have been prophetic in his letter to Jefferson in that the debate was becoming an eye opener or an eye sore for House members in regards to the spirit of republicanism.

The debate regarding the role of petitions continued. Many Representatives from the majority party openly urged that the House was a sacred place and beyond the reach of the people because Representatives were not reliant on the petitioners or their petitions, and the House should not be influenced by a libel from a few people. Yet, defenders of the right of the people to petition as a foundation for governing in America was quickly well-defended. For example, Mr. Thatcher sardonically supposed that members surrendered certain rights once they took their seats in order

to be "insulted with impunity, though before they came, they would not have been liable to be so insulted without redress." Enthusiastically, Mr. Smith responded that if the gentleman was deprived of some rights because of his seat in the House, he has gained other rights by being able to speak in the House. Afterwards, Mr. Gallatin arose and stated that he "scarcely believed" the notion that a petition critical of a law could be called libel and argued, considering the libel point of view:

...this doctrine goes a step farther, by saying, that if these opinions are expressed by way of petition, it ought to be adjudged a libel, and not inquired into. And this is to be done...not by a court or jury, but by ourselves, who passed the laws complained of, taking it for granted we are right and the petitioners are wrong, and that whatever opinion differs from ours is libelous, which was effectually to destroy the provision of the Constitution, which guarantees the right of petitioning, and gives to the people the right, at any time, to oppose their opinions to those of Congress... charging us with being deficient in wisdom or something worse; and although gentlemen may not like this, it is so ordered, and cannot be got over by charging a petition with being false or libelous.

After Mr. Gallatin defended the right of the people to directly petition the House of Representatives as a catalyst of political change, Mr. Eggleston "calls for the yeas and nays." Immediately after the call, Mr. Pinckney interjected, "indecent" was grounds for rejecting a petition, though he did not think the current petition to be so exceptionable. Then, Mr. Rutledge ended the conversation and argued, "petitions of this kind" should not go to the Committee of the Whole; rather, "to the Committee of Defence [sic], with a view of showing them that their former measures were wrong, or to a select committee, to report upon them to the House." At this, the yeas carried 73 votes to 30 votes.

In the fourth House entry, pages 2855 through 2856, dated February, 1799, Mr. Hartley set down a petition from York county, "praying for a repeal of certain laws," and gave notice that he would call upon them on Monday to which the Speaker said, "it would be necessary to make it the order of the day," and Mr. Hartley made that motion and it carried.

In the fifth House entry, pages 2883 to 2906, dated Tuesday, February 12, 1799, the debate of placing petitions in a select committee and taking them off the House floor was settled. The debate opened as Mr. Livingston brought forth, "a petition from a number of aliens, natives of Ireland, resident within the United States, praying for a repeal of the alien law," and it was motioned that the petition be referred to the Committee of the Whole, such as similar previous petitions had been referred. However, Mr. Sewall objected and argued that this petition should go to a select committee as well as the previous petitions through a discharge from the Committee of the Whole because a select committee would show, "the nature of the complaints... from whom they came... examine the merits of these petitions, and report their opinion thereon to the House." Next, Mr. Nicholas hoped that Mr. Livingston would withdraw his motion in order for the House to move on to Mr. Sewall's call for a select committee because, "He did not want the petitions of our citizens to be blended" with petitions from aliens. Mr. Livingston did not object to withdraw his motion, noted that "objections to this petition are wholly without foundation," and agreed not to "confound this petition with the petitions of the citizens of the United States." Then, Mr. Sewall made a motion to discharge the "sundry memorials for the repeal of the alien and sedition acts" from the Committee of the Whole and to send them to a select committee "to consider and report their opinion thereon to the House."

Various arguments were made for and against the sending of petitions to a select committee or to keep them in the Committee of the Whole. Following the record, Mr. Macon thought petitions should stay in the Whole (on the House floor) because, "If a statement of the contents of these memorials is to be made, there will be as much time spent in agreeing to it as in considering the petitions themselves." Meanwhile, all the petitions seek the same end, the repeal of the Acts, so "it is not necessary to employ a committee to give an opinion on the propriety of doing this." Mr.

Macon added that the effect of Sewall's motion was, "that these petitions would not be acted on at all... probable that the select committee might not report till a few days of the close of the session."

Next, the members debated whether aliens, or non-citizens, have the same petitioning rights as citizens and if the petitions ought to be sent to a select committee. Mr. Nicholas returned to Sewall's remark to know who the petitioners were and asked, "Would the gentleman say, that he should be ready to yield to the petition of one description of persons, and not to that of another description?" Therefore, he hoped the petitions would remain in the Whole for all to debate because in a select committee, "He conceived this course was intended to evade the question, and to prevent that discussion..." regarding an official repeal. Mr. Hartley converted, he "had no doubt the [select] committee would soon make their report" and once the report is given, "the same opportunity will be afforded for debate that would be afforded in case the petitions were immediately acted on." Mr. Williams also preferred to send the petitions to a select committee because he wanted the petitions, "analyzed, as he found they were not only from our citizens, but from aliens, and also found that even the ordinances of the Sabbath have been broken in upon to obtain signatures to them." Coming full circle, Mr. Eggleston argued that the petitions should remain in the Whole and, "after one of the petitions has been read, motions will be proposed for repealing the two laws..." to which Mr. Sewall replied that petitions seeking a repeal of a law should be analyzed, "to know from whence and from whom they come" because the petitions are evidence "of the seditious feelings and seditious principles; as proofs that they have been deceived by those in whom they have placed confidence." At this, the Speaker called the House to order. Down came the gavel.

After the call to order, Mr. Sewall stated that he thought, "he was treating these petitions with respect," because the select committee would, "have a statement of their contents on the Journals of the House," and the evidence of the committee's review might satisfy and convince the people at large that the petitioners have been considered while the law remains in effect. In opposition, Mr. McDowell stated that sending the petitions to the select committee is an opportunity for "casting an odium on the petitioners," to forge a case in favor of the laws, and to "prevent any discussion upon the subject..." Then, Mr. Livingston explained, discussion on the topic was always possible because any member may propose a resolution for repeal, yet the current debate for petitions to go to the Whole or a select committee is important because, "so serious and solemn a subject, that gentlemen would not shut their ears to the complaints of their constituents... to a regard for the Constitution, and his sacred oath, in its support; all of which, in his opinion, called for the repeal." He concluded, "every man who votes thus to hide the public complaints" by sending petitions to a select committee is voting to continue the Acts. He called for the public to have "full information on this subject" through a record of votes on the topic, and then he called for the yeas and nays.

The yeas and nays were not taken because Mr. Harper stood to explain that he "was glad the gentleman from New York had not again threatened the House with an insurrection of the people and of the States, because gentlemen happened to differ in opinion from him; but he has today come pretty near it." He added that it is not the duty of the legislator to surrender his opinion, even when unpopular. And in his opinion, "The gentleman from New York may place in array before the House all the petitions from the Northern Liberties to the streets of New York, and he may threaten us with their force." Mr. Livingston interjected that he made no threats and Mr. Harper said that he indeed expressed previously before the House a sentiment for the people and

States to "rise and oppose" the Acts. Further, the select committee would organize all the petitions to be, "better understood that it could be in its present state."

Following, House rules regarding the procedures for petitions was explained by Mr. Gallatin. In response to Mr. Harper, Mr. Gallatin opened that the motion to send petitions to a select committee was of a "novel nature" because he believed that it had been, "an uniform rule in this House, that whenever petitions come which relate either to particular claims, or representing the details of any law, or touching anything which requires a statement of facts, they are referred to a select committee to report thereon" and it is also true that "petitions of a general and abstract nature, praying for the repeal of a law *in toto*, and complaining of a measure in all its parts, all such petitions are uniformly referred to a Committee of the Whole House" in order to answer the petitioners' petition of, "Should this thing be done or not?" Mr. Gallatin made clear that these petitions to repeal the Alien and Sedition laws in total obviously belong in the Whole in order to be addressed and voted on by everyone.

Public opinion mattered in various ways to House members. Mr. Gallatin argued that the nature of the petitioners was not in question and it would be fairer to allow members of the House, "who are in opinion with the petitioners, to produce our own arguments... If gentlemen are not afraid of public opinion, if they are not afraid of meeting a discussion on the subject, why take the course now proposed [to send these petitions to a select committee]—a course never before pursued?" Furthermore, "the same gentlemen wish to take a course still more extraordinary, by directing a committee to make an address to the people, in justification of these laws...10,000 or 20,000 copies distributed..." and he hoped this would not be adopted. More so, public opinion should be attended to, and "threats ought to be despised." He continued, the Sedition law would be repealed before the end of session, which is not unusual, considering other laws that had been at

least partially repealed recently, such as a law to value houses and lands, and a law, "enumerating the slaves in the United States, which relates to the measuring of windows..." Thus, considering the motion to send petitions to a select committee, "...no good could arise from pursuing this course... he should vote against this motion." Regular order suggested that petitions from the people should cause a House vote regarding the repeal of the law under consideration, or not, for the benefit of providing the people with a direct response to their petitions.

Next, the debate turned upside down as Mr. Harper responded to the gentleman from Pennsylvania, who had spoken of threats, that, "He had no reference to them. He did not hear any of them; if he had, he certainly should have opposed the reference of any such." Mr. Livingston, "could not imagine which of his observations the gentleman from South Carolina alluded to when, in the former part of the speech, he quoted him as having threatened the House." Then, it was relayed that the threat came from Livingston's call for "prudence" during the former session of Congress, to which Mr. Livingston added that this is the first time, "a recommendation of virtue had been construed into a breach of its precepts." Mr. Shepard said the gentlemen were afraid because the petitions, "contain no solid reasons for repeal" and that "prudence" utilized earlier by Livingston did "imply a threat" and he "wished the gentlemen could be more united." Mr. Claiborne opened within order in that he is opposed to the motion for moving petitions to a select committee, and then added, "It appears as if the gentlemen meant to denounce certain parts of the country as seditious, and to declare that their petitions are unworthy of attention." At this, Mr. Bayard sarcastically thanks Mr. Livingston, "for the prudence he had recommended to the House."

Mr. Bayard continued a great deal to conjecture on the meaning of the word prudence until he says, "the gentleman, in his place, had publicly called upon the people, and upon the State

Governments, to oppose the law, and prayed to his God that it would be opposed." Next, Mr. Bayard expressed this prudence as an affront to the sanctity of the House, and Mr. Livingston interrupted him and asked the Chair if it is in order to be debating a question in the House, "to allude to arguments which took place at a former session?" If so, he continued, "are those arguments to be correctly quoted?"

After Mr. Livingston pleaded his case for prudence, the Speaker said that the sentiment at the last session and referred to now was, "that the States ought to resist the law, the people ought to resist the law, and he hoped to God the people would resist the law." At this, Mr. Livingston appealed to the Chair, "the Speaker had undertaken, to state from memory, the precise words which it was said he uttered twelve months ago, without giving the arguments with which they were connected, and because the statement itself was materially incorrect, if it were in order, to show," and the Speaker called to order. Mr. Livingston lost and the point carried 57 to 29 in favor of the Chair, and so Mr. Bayard continued.

Mr. Bayard, "conceived that it would really be prudent for the gentleman to attempt a defense of his conduct on the subject" because, "so plain a commendation of insurrection could never be forgiven by any honest man in the country..." The debate remained a harangue as Bayard then connected the party seeking the repeal of the Acts with the French whom engaged in a "torrent of revolutionary opinion threatened to prostrate every mound of Government and social order. In this moment of delirium, they willingly enough connected themselves with the French interest." He went on a while regarding the French / American connection—the one which Madison ubiquitously denounced in his May 20<sup>th</sup> letter to Jefferson—and concluded that signals were given from party leaders to the people. So, "When the gentleman from Virginia, early in this session, gave notice of his design to move for the repeal of these laws, he must have known that he was

scattering firebrands through the United States." Certainly, alluding to James Madison's Virginia Resolves, they were, "designed to put in activity every restless and disconnected spirit in the country—to overwhelm us with petitions and remonstrances." At this, the Speaker halted the speech and said that it was, "not in order to speak of the motives of a member's conduct."

Next, Mr. Bayard argued that a motion to repeal the Acts was an attempt to increase the rage and virulence of a party spirit, and he had reason to believe, "there were many intriguers among us, employed not only to debauch the minds of the people, but acting as spies upon the country." Since the laws were set to expire in a short time and no one had been coerced through the alien law and with one instance of use by the sedition law, "what great national mischief could be contemplated?" The petitions should go to a select committee because, "very improper means had been employed in obtaining signers." And, it was his belief, "many people had been imposed on in procuring their signatures; that the petitions were represented to them as being of a different nature from their actual import... If such frauds had been practiced, they ought to be known." If so, these petitions, "could not be entitled to any weight." For example, "we have seen the sanctity of a church violated—the holy services of religion interrupted—the devotion of a whole congregation disturbed, by a daring and insolent attempt to procure signatures." Bayard then suggested a solution for these transgressions was, "extending and invigorating the criminal code." Consequently, a select committee was "alone competent to the inquiry, and he should, of consequence, vote for such a committee."

A great part of the remainder of the debate was a rebuttal to Mr. Bayard by Mr. McDowell, Claiborne, Eggleston, and Gallatin with a defense by Thatcher and Bayard in regards to sending petitions concerning the Alien and Sedition laws to the Committee of the Whole or a Select Committee. Mr. McDowell admonished the idea that the people should seek a repeal of the laws

in order to spread firebrands and added that a select committee would bring to the House a document to, "convince the petitioners of their errors, and that these laws are good and proper." To achieve this result, he predicted that the House members friendly to the petitions would not be on the committee for review, "so that this course might effectually prevent a discussion of the subject."

Opposing the motion to send the petitions to a select committee, Mr. Claiborne lamented, "Are we to be told that gentlemen who express their disapprobation of the alien and sedition laws, that the petitioners for their repeal, do not wish to obtain the repeal, but merely to spread firebrands through the Union, in order to excite disquiet and discontent...?" And, "...they do this from an attachment to the French nation? Such charges, such illiberality, such untruths, were reserved for the gentleman from Delaware." After this, Mr. Claiborne defended the petitions to repeal the laws because those laws were the cause for the public discontent. In this way, sending petitions to a select committee will aggravate and exacerbate the discontent. As for the Sabbath having been violated to procure signatures, he claims that this charge was unfair because this charge was made in general to all petitions, yet there was only one instance of this happening, to which Mr. Bayard said he "spoke only of one," whereby Mr. Claiborne said that his petitions, among others, lie on the table and have not been referred, further, "no charge of irregularity could be brought against any of the others..." Apparently, petitions were piling up on the table.

The debate turned into a determination regarding the weight that petitions should be given considering various viewpoints, especially in light of those who favor the sanctity of the House versus representatives who favor a sanctity of the people to be able to petition their representatives for a repeal of a federal law. Mr. Eggleston viewed the petitions as a way for the legislators to rely on the people. He asked for a fair discussion on the question and was concerned because, "he had

heard it said that [House] favors might be so roughly conferred as to take away all sense and obligation [to the people]..." So far, petitioners had been treated with decency and respect and, "With respect to threats, he had heard none in any of the petitions; but if someone had contained anything of this kind, it ought not to affect those which were unexceptionable in their language." Mr. Eggleston concluded that a full debate in the Whole would allow a call for repeal, and if a majority was against the repeal, then the House would air the reasons for continuing the law and denying the petitioners' call for repeal, "and the public will judge who are right."

At this, Mr. Thatcher reasoned that continuing debate is a waste of time because, "he did not suppose a single mind would be changed." For example, the gentleman from New York is so convinced for the need to repeal the law that "nothing short of a miracle would convince him to the contrary... the gentleman from Pennsylvania is so firmly fixed as to be even beyond the power of a miracle." Thus, "why should this discussion take place, when every gentleman has made up his mind upon the subject, and determined he will not alter it?"

The debate circled back to public opinion. Mr. Thatcher explicated that incoming petitions did not represent public opinion because, "public opinion is in favor of, and generally satisfied with the laws, and against any unnecessary discussion." He continued, "Gentlemen commit a great mistake, when they say that petitions are from 'the people' of the United States. They are not in proportion of one to one thousand; they are like a drop compared to the ocean." Finally, "if the State Legislatures are consulted, they will be found in favor of these laws, though two or three States have expressed their opinions against them. Therefore, as it could not be said to be the wish of the people that this subject should again be discussed..." It followed that the petitions do not represent the general will of the people and the people expect the House to move on to another topic since the legislators are fixed in their opinions, have expressed them on the floor, and will

not change their opinion. Mr. Thatcher concluded that the motion to move petitions to the select committee will provide the "go-by."

Next, Mr. Gallatin vehemently defended the right of the people to petition on republican grounds. He began with a good laugh at the gentleman from Massachusetts, because he did provide great candor to tell "the House the true ground of this motion, which, he says, is to give the subject the go-by." In addition, "he adduced his argument to show that these petitions are the work of demagogues... whenever a man jumps up to deliver his sentiments, he calls himself 'the people'... a Jacobin, because he declares all the people of his opinion." He adds, pointedly, who is the Jacobin and demagogue is for the people to decide. Moving on, Gallatin surmised that connecting the people who seek repeal with the French Republic was, "by political imposture," trying to assume public opinion on their side, "which are calculated to eradicate from our minds the principles of our Revolution, and to concentrate power in the Executive." He continued, this "will prove obnoxious to the people of America." Also, the laws were set to expire in a year, so why not repeal one of the laws which "has not proved a dead letter?"

The Alien law had no victims, so why keep it on the books when the people through petitions were calling for its repeal? On the other hand, the sedition law in effect, "has been leveled against the free press in several parts of the country; in Massachusetts, New York, and he believed, in New Jersey, prosecutions had been commenced against the printers of newspapers, on account of some offensive paragraphs..." Meanwhile, the Alien law had not been enforced on anyone. Hence, it was reasonable that gentlemen would seek to repeal the Alien law because "these laws were opposed on the ground of their unconstitutionality." Then, he enunciated that the unconstitutionality of the laws were the cause for division between the people and their government, since the people currently, "render the administration of the Government unpopular."

Considering the strong sentiments of the people, Gallatin concluded that if the gentlemen will vote to repeal of the Acts, then they may enjoy, "as little discussion as they please."

Some comments suggested that there was common support for authoritarian public policy. As a response to Gallatin, Mr. Thatcher began, "...it was a matter of joy" that there had been more than one prosecution under the sedition law and he wished to keep and expand the law permanently. With greater force, seditious men in public and in the House will be punished, because, "'the tongue is an unruly member;' and there is no difference between the tongue and the press, except that every press ought to be considered as a million tongues, and ought to be guarded with a million of guards." In response to Thatcher, Mr. Hartley disapproved of the "go-by" as a reference for sending something to a select committee. "If that gentleman had any such wish, he trusted he stood alone."

Next, Mr. Bayard held the floor awhile until the vote on the motion to send petitions to a select committee was taken. He began by declaring McDowell and Claiborne to be, "extremely liberal in their charges of illiberality against him," and he did not question their privilege to make such charges considering their "distinguished urbanity and uncommon good breeding..." Bayard claimed it would be a, "great reproach if he were justly liable to the charge of illiberality," and that he never reflected on a specific individual or character. Indeed, the culprit was the political party. His party was accused through insinuation to be, "more friendly to monarchy than to republicanism." However, "Has it not been the constant practice, for years, of gentlemen on the other side, to criminate the views, and vilify the measures of the administration, and of those who supported the operations of the Government?" It was true that he opposed an amendment to the sedition law giving a jury the right to decide the outcome, but that was because, "he considered the provision as nugatory and useless," since he assumed a jury would do so without the provision.

On more level ground, the laws were explained as harmless to the people, and protective of the people. As the Sedition Law existed, Bayard stated, "no man could be convicted but for publishing a malicious falsehood. He was not liable to be punished for his malice, unless it was false; nor, for his falsehood, unless it was malicious." The Sedition Law was good policy because, the "true pride of a country" is known when laws punish crimes, "with severity, with few or no instances of persons suffering under them." But then the trail towards authoritarianism resumed as Mr. Bayard continued, "a gentleman from Pennsylvania had complained bitterly of its operation upon a member of the House, whose constituents, in consequence of his punishment," were not represented for the remainder of the session. Further, "the member should be instantly expelled, if he should again take his seat." At this, the Speaker observed that the gentleman was departing from the question, and Mr. Bayard finished that gentlemen were "impatient at the late hour for the question, and he would trespass no longer on their patience."

The vote to move the petitions to a select committee carried 51 votes in favor to 48 votes against. Representatives Messrs, Goodrich, Pickney, Nicholas, Craik, and Hartley were named to the select committee to report on the petitions to the House.

In the sixth House entry, pages 2906 to 2907, dated Wednesday, February 13, 1799, there were a number of petitions introduced with a defense of the character regarding the petition signers. First, Mr. Gregg, "presented a remonstrance against the alien and sedition laws, signed by two hundred and seventy" people from Mifflin County. Considering "some insinuations" leveled "against the characters of the signers of these petitions," he "thought it a duty incumbent on him to state" that the signers of the petitions were "drawn up by a committee of the signers themselves, in consequence of and agreeable to certain resolutions" adopted at a previous meeting of freeholders and reputable inhabitants of the district, "specially convened for that purpose." Many of the signers

had been, "actively and usefully engaged in the service of their country during the Revolutionary war; and ever since that period have conducted themselves as good citizens and friends to the Government..." They feel they are "irresistibly impelled" to object to the Alien and Sedition laws due to the reasons stated in the remonstrances. Indeed, this is their first time "troubling Government with their complaints..."

Then, Mr. Gregg added, "two petitions and remonstrances on the same subject, signed by 320 people," from Cumberland, which "had been formed by deputies from different parts of the county, and were signed by the yeomanry of the places from which they came; a yeomanry highly respectable, not only for their number, but also in point of affluence, respectability, and patriotism." He hoped the petitions would be referred and, "they were referred to the select committee yesterday appointed." Lastly, Mr. Havens presented a memorial from Queens County, New York, "praying for a repeal of the alien and sedition laws" and they were referred to the same select committee.

In the seventh House entry, pages 2957 to 2959, dated Friday, February 22, 1799, more petitions were presented along with a motion to strike out words in a specific petition, which was followed by a defense for the people's constitutional right to directly petition the House of Representatives. First, Mr. Bard, "presented several petitions and remonstrances from 1,487 inhabitants of the county of Franklin, Pennsylvania, praying for the repeal of the alien and sedition laws, which having been read," were asked to be referred to the select committee. Interjecting, Mr. Harper, "inquired whether it would be in order to strike out a part of this petition," to which the Speaker answered in the negative. Mr. Harper continued, he "could not help protesting against an atrocious libel contained in these petitions in that 'the sedition law had, in its execution, been used

as a means of private vengeance, personal enmity, and party resentment.' A charge so unjustifiable, and so untrue..." that he felt compelled to protest the petition.

At this, Mr. Gallatin objected to calling a part of the petition a libel, that Mr. Harper is alleging a part of the petition is untrue, "but he does not want to have the allegation examined, in order to discover whether it be true or not;" rather, "to dismiss the subject at once; to tell the people, 'You shall not be permitted to lay your petitions before us, if you dare to say that laws are carried into operation to gratify party spirit or private revenge... if they contain such allegations, we will reject your petitions."

Mr. Harper replied that party malice and party revenge, "will cut both ways." He asked if it would be in order to, "refer this part of the memorial to a select committee" to inquire into the subject matter? The Speaker replied that such a motion is out of order. Next, Mr. Nicholas explained that Mr. Harper indeed answered himself in that the petition is going to a select committee for review and added, "hereafter, no petition would be received that complained of the maladministration of any department of government." The reference, "carried, there being 55 votes for it." Finally, Mr. Gallatin presented petitions from six hundred and seventy-eight people from Chester County, "praying for the repeal of the alien and sedition laws," and it is not noted, but extremely likely, that these petitions were sent to the select committee in charge of reviewing petitions on this subject.

In the eighth and final House entry, pages 2985 to 3016, dated Monday, February 25, 1799, there was a record of the select committee's report, a defense for the petitioners' petitions and the right of self-government, and a vote on two resolutions that derived from the select committee's report. First, on motion of Mr. Goodrich, the select committee brought in their full report on the petitions to the House floor via the Committee of the Whole. The Chairman read the report in its

entirety, pages 2985 to 2993, which was essentially a defense of the Alien and Sedition laws due to a major threat from France regarding, an "organized system of conduct towards foreign nations; to bring them within their sphere and under the dominion of her influence and control." Therefore, the Alien and Sedition laws were, "an essential part in these precautionary and protective measures, adopted for our security," and the "innocent misconceptions of the American people will, however, yield to reflection and argument, and from them no danger is to be apprehended." Additionally, the Constitution was made for citizens, not aliens, and aliens may be removed and have no rights under the Constitution. As for the Sedition Act,

...the liberty of the press consists not in a license for every man to publish what he pleases without being liable to punishment, if he should abuse this license to the injury of others... a law to restrain its licentiousness, in publishing false, scandalous, and malicious libels against the Government, cannot be considered as 'an abridgement' of its 'liberty.'

According to these and other similar arguments to say the Acts are constitutional and necessary in the report, "the committee beg leave to report the following resolutions:"

Resolved, That it is inexpedient to repeal the act passed in the last session, entitled, 'An act concerning aliens.'

Resolved, That it is inexpedient to repeal the act passed in the last session, entitled, 'An act in addition to the act, entitled, 'An act for the punishment of certain crimes against the United States.'

After the Speaker began to inquire about voting on the first resolution, Mr. Gallatin rose to reply to the report at about an equal length of time as the report in favor of the right of the petitioners to call for a repeal the laws and for them to be able to therefore cause a vote in order to directly be provided an answer to their petitions.

Gallatin argued that the people have a fundamental right to directly petition and receive an answer. He cited a total of 18,000 signatures from his state and explained that these petitions urged

that the laws be purged because they are, "destructive of the first principles of Republican Government." The laws appear to be, "the instrument of most unjust oppression, and to restrain that free communication of honest opinion which is the Soul of the Government. But when you come to inquire further... the advocates of the law, the authority which they claim... extends to absolute and unlimited control." Yet in a Republic, "the powers of the Federal Government were intended to be limited, is universally admitted, in the abstract; is proved by every clause of the Constitution, and positively declared" by the 10<sup>th</sup> Amendment. Indeed, "The most important and necessary information for the people to receive is, of the misconduct by the Government..."

Finally, the American Revolution and the Conventions happened:

for the right of self-government against one of the most powerful nations in the world, was to establish what? Not the inviolability of the Governor of the State, nor of the majority of either House of the Legislature, but to punish men who should promote resistance to the right of the people to govern themselves, to the principles of the Constitution, to the republican principle.

Therefore, Gallatin asserted, the States retain the right, and the people, to enforce laws against libel, and "... no power is given by the Constitution to control the press, and that such laws are expressly prohibited by the [first] amendment" was the cause to which Congress must yield.

After the lengthy report by the committee and the response by Mr. Gallatin, there was a short exchange between those for and against continuing the debate the following day in order to postpone the vote in the House in regards for the select committee's resolutions. Mr. McDowell arose and hoped the committee would rise because, "...he thought an hour or two of tomorrow might be employed in the discussion of this subject—a subject which had been brought to the House by the people, and ought, therefore, to receive a full discussion." Mr. Bayard hoped the committee would not rise and argued that debates and essays had been "exhausted" in this and other legislatures and the question of the resolutions by the committee should be taken. Mr.

Livingston observed that the petitions are "loaded" on the table because this subject, "alarmed and agitated the public mind." Therefore, debate should continue so that the people, "have received due consideration." Mr. Dayton, the Speaker, said he "lamented" that McDowell and Livingston thought more debate was necessary, considering, "that the gentleman had last year exhausted all his threats and all his bitterness." If the debate continued, the gentleman "will eat his dinner as well, and sleep as quietly, as if the question was determined in a different way."

At this, Mr. Livingston replied to the Speaker, "The gentleman from New Jersey is mistaken. If the resolution be decided, as he thinks it will, I will not sleep in quiet. The country will not be quiet... If gentlemen wish to put the present discontent to sleep, they ought to suffer a more full discussion..." Then, Mr. Claiborne agreed to, "participate in the disquiet which his friend from New York declared he should feel; because he thought so hasty a decision on so important a question would be an insult offered to the majesty of the people." He argued that more discussion was necessary because the people have petitioned at length to ask whether, "we, the Representatives of the people, have violated the Constitution, which we have sworn to maintain."

Debate closed and the votes were taken on the resolutions given by the select committee to continue enforcing the Alien and Sedition laws—not to repeal them. Debate ended as, "the question on rising" was raised on the Floor and "negatived—55 to 42." This meant that the vote on the select committee's resolutions would be taken, and the after the Speaker declared Mr. Livingston's interrupting remarks to be, "unconnected with the question before the House," Mr. Livingston sat down and the first resolution was decided, "by the yeas and nays, and stood—52 to 48." The House of Representatives cast the exact same vote on the second resolution after Mr. McDowell's move for adjournment was "negatived—55 to 38" votes. The Alien and Sedition

Acts were not repealed in response to petitions by the people calling for a repeal of the Acts by members of the House of Representatives.

## Results

Qualitatively, the House record supports all four hypotheses.

The “Republican” hypotheses are supported because members of the House minority, such as Mr. Gallatin, argued vehemently that the petitioners and their thousands of petitions were a responsible effort to protect the Republic through self-government on republican grounds. A review of the House records demonstrates that a lot of petitions by ordinary people were signed and delivered which condemned the Alien and Sedition laws (Hypothesis 1). There was a defense of the petitioners and the petitions by the Representatives in order to protect self-government (Hypothesis 2). House members presented and defended petitions from their constituents on the House floor as part of their effort to repeal the Alien and Sedition laws, and these petitions were sent to a committee, and the committee reported upon the petitions to the Chamber for a vote with a set of new resolutions. Examples of evidence in support of the republican hypotheses include:

- Mr. Eggleston: Presents a petition from the people of Amelia, Virginia. (Entry #3).
- Mr. Livingston: "To what would the gentleman reduce the right of petitioning? Have the people not a right...to say to Congress, ‘You have done wrong. You have exceeded your powers.’ If they think so, who shall stop their mouths, since the Constitution has guaranteed to them this right?" (Entry #3).
- Mr. Claiborne: Who gave you "the right to stand on this floor, but the people?" (Entry #3).
- Mr. Claiborne: Virginians "choose to express themselves in many and strong language, and are unwilling to surrender any of their rights as Republicans... the order would be obeyed; but the men who executed the order would be the first to say the law is unconstitutional." (Entry #3).

- Mr. Hartley: Set down a petition from York county, "praying for a repeal of certain laws." (Entry #4).
- Mr. Livingston: "presented a petition from a number of aliens, natives of Ireland, resident within the United States, praying for a repeal of the alien law." (Entry #5).
- Mr. Livingston: "so serious and solemn a subject, that gentlemen would not shut their ears to the complaints of their constituents... to a regard for the Constitution, and his sacred oath, in its support; all of which, in his opinion, called for the repeal." (Entry #5).
- Mr. Eggleston: A full debate would allow a call for repeal, and if a majority is against the repeal, the House will hear the reasons for continuing the law "and the public will judge who are right." (Entry #5).
- Mr. Gallatin: It is reasonable that gentlemen would seek to repeal a law because "these laws were opposed on the ground of their unconstitutionality" and this causes to divide the people against the Government when they "render the administration of the Government unpopular." (Entry #5).
- Mr. Gregg: "presented a remonstrance against the alien and sedition laws, signed by two hundred and seventy" people from Mifflin County. (Entry #6).
- Many of the signers had been "actively and usefully engaged in the service of their country during the Revolutionary war; and ever since that period have conducted themselves as good citizens and friends to the Government..." and they feel they are "irresistibly impelled" to object to the Acts due to the reasons stated in the remonstrances. (Entry #6).
- Mr. Gregg: Added "two petitions and remonstrances on the same subject, signed by 320 people" from Cumberland, which "had been formed by deputies from different parts of the county, and were signed by the yeomanry of the places from which they came; a yeomanry highly

respectable, not only for their number, but also in point of affluence, respectability, and patriotism." (Entry #6).

- Mr. Bard: "presented several petitions and remonstrances from 1,487 inhabitants of the county of Franklin, Pennsylvania, praying for the repeal of the alien and sedition laws, which having been read..." (Entry #7).
- Mr. Gallatin: Presented petitions from six hundred and seventy-eight people from Chester County, "praying for the repeal of the alien and sedition laws." (Entry #7).
- Mr. Gallatin: Cited a total of 18,000 total signatures from his state, and these petitions urged the laws to be purged because they are "destructive of the first principles of Republican Government." (Entry #8).
- Mr. Gallatin: The Revolution and the Conventions happened "for the right of self-government against one of the most powerful nations in the world, was to establish what? Not the inviolability of the Governor of the State, nor of the majority of either House of the Legislature, but to punish men who should promote resistance to the right of the people to govern themselves, to the principles of the Constitution, to the republican principle." (Entry #8).
- Mr. Claiborne: More discussion is necessary because the people have petitioned at length to ask whether, "we, the Representatives of the people, have violated the Constitution, which we have sworn to maintain." (Entry #8).

The "Authoritarian" hypotheses are supported. First, members of the House majority, such as Mr. Harper, argued that the petitioners and their petitions were an affront to the Representatives and their Chamber should not be allowed to be presented in the House because their petitions were a source of a libel against the House, therefore, the House through paternalism would protect the people from themselves (Hypothesis 3). And, members of the majority argued that the petitions

were illegitimate because they were passed because of misinformation or disinformation (Hypothesis 4). Examples include:

- Mr. Nicholas: Had not people written petitions opposing the Acts because "certain public meetings had acted upon false information, rough draughts of bills, and other papers, which discovered the extremist ignorance" and publishing the Acts would alleviate the public discontent arising from ignorance of the laws? (Entry #1).
- Mr. Gordon: The petition from Amelia, "contained a libel upon every measure of the Government since its first establishment...a sort of threat, that unless the Congress shall proceed to repeal the two laws in question, the militia of that county would not obey the orders of the General Government." Allowing these petitions in the House creates a House to "be considered as a place consecrated to abuse." (Entry #3).
- Mr. Thatcher: "it was a matter of joy" that there had been more than one prosecution under the sedition law and he wished to keep and expand the law permanently. With this greater force, seditious men in public and in the House will be punished, because "'the tongue us an unruly member;' and there is no difference between the tongue and the press, except that every press ought to be considered as a million of tongues, and ought to be guarded with a million of guards." (Entry #5).
- Mr. Bayard: The party seeking the repeal of the Acts is connected with the French whom engaged in a "torrent of revolutionary opinion threatened to prostrate every mound of Government and social order. In this of moment delirium, they willingly enough connected themselves with the French interest..." (Entry #5).
- Mr. Bayard: Signals are given from party leaders to the people, so, "When the gentleman from Virginia, early in this session, gave notice of his design to move for the repeal of these laws,

he must have known that he was scattering firebrands through the United States. ... designed to put in activity every restless and disconnected spirit in the country—to overwhelm us with petitions and remonstrances." (Entry #5).

- Mr. Bayard: We have reason to believe, "there were many intriguers among us, employed not only to debauch the minds of the people, but acting as spies upon the country." (Entry #5).
- Mr. Harper: "inquired whether it would be in order to strike out a part of this petition" to which the Speaker answered in the negative and Mr. Harper continued that he "could not help protesting against an atrocious libel contained in these petitions in that 'the sedition law had, in its execution, been used as a means of private vengeance, personal enmity, and party resentment.' A charge so unjustifiable, and so untrue..." that he felt compelled to protest the petition. (Entry #7).
- Mr. Gallatin: Objected to petitions to be a libel, and that Mr. Harper, "does not want to have the allegation examined, in order to discover whether it be true or not;" rather, "to dismiss the subject at once; to tell the people, 'You shall not be permitted to lay your petitions before us, if you dare to say that laws are carried into operation to gratify party spirit or private revenge... if they contain such allegations, we will reject your petitions.'" (Entry #7).
- Mr. Gallatin: The majority party argues that the people see the laws as, "the instrument of most unjust oppression, and to restrain that free communication of honest opinion which is the Soul of the Government. But when you come to inquire further... the advocates of the law [the majority party], the authority which they claim... extends to absolute and unlimited control" of the people (Entry #8).

### **Discussion**

Petitions provided lawmakers an opportunity to allow Americans "equal access to influence" the federal government regarding republican norms (Pettit, 2012), but this access to

government was stifled by the majority party on authoritarian grounds. Even though aliens and Sabbath breakers were thought to be less than an equal citizen by some House members (as indicative of authoritarianism), the people were provided a voting record on the yeas and nays in response to their petitions. There were repeated calls by some members of the House to call for the yeas and nays in order to confirm a record of support for and opposition to the Alien and Sedition laws as a public answer to the petitioners as an access point to government. Meanwhile, House members in the majority were loyal to President Adams and these Representatives almost always treated the petitioners and petitions with scorn. In fact, the final committee report is questionably a note of authoritarianism because it appears to have been based on misinformation and disinformation, if we rely on James Madison who had argued vehemently that there was no French connection with American republicanism. The majority party clearly found in the select committee report a need for the laws to continue because of a belief in paternalism.

Considering republicanism, the results confirm that the American people practiced republican values openly, and their representatives also openly supported republican values in the House of Representatives as a core value. The archival records regarding the evidence for petitions about the Alien and Sedition laws relates that petitioning happened because of a republican moment to exercise direct popular control over the federal government that was designed to influence federal politicians into repealing what was seen as anti-republican laws—monsters that must forever disgrace their parents. Representatives, like Gallatin and Livingston, were openly supportive of republican values and practices of self-government during the debates. Two supporting measures are the gross number of pages in the *Journal* dedicated to the debate as well as the contextual evidence by Gallatin and others to vehemently defend republican values on the House floor.

The petitions from people at the local level resulted in a great deal of intense debate on the House floor. Representatives, such as Eggleston, Gregg, Livingston, and Gallatin, framed the petitions as a routine call for self-government to authorize republican documents whereas the petitions under regular order must be given an up or down vote by the whole House. This supports the idea that broad-based participation was tied to meaningful practices to peripheralize the federal government regarding the Alien and Sedition laws under standard House procedure. Therefore, the majority party's deliberate move to send the petitions regarding the repeal of the Alien and Sedition laws to a select committee (to 'go-bye') was a point of departure from the republican tradition. This point of departure helps to explain why so many Americans would defend the principles of the Revolution by choosing "Republicans" in what became known as the Revolution of 1800.

Republican norms of transparency, contestability, and impartiality (Pettit, 2012) were evident through the record of debate in the House regarding the Alien and Sedition laws to a limited degree. The petitions provided transparency by showing the people's understanding of the laws and their sentiments for further action to be administered on their behalf. Even though some House members said that the people were grossly misinformed, the debates were of public record and calls for "yeas and nays" to demonstrate House action per the laws provided the people with a transparent House regarding the Representatives' vote concerning the call for repeal by the petitioners. Contestability was evident as House members challenged overtures for and against the peoples' direct petitions regarding a Senate bill that predated the Acts, as well as in regards for a stream of petitions that arrived after the laws had been passed. The House of Representatives was, reasonably, an impartial forum in which challengers and supporters of the petitions could expect an impartial assessment, considering that both the majority and minority were "out of order" at

times, and both were given almost equal length to speak on the House floor. Yet, the majority maintained a disproportionate amount of control because the select committee's report on the petitions did not reflect the sentiments of the petitioners and appears to have been completely one-sided and concentrated on misinformation / disinformation. In the eyes of the petitioners, arguably, republicanism lost to the authoritarian desires of the House majority, otherwise the House should have voted up or down on the question of repeal openly, instead of the select committee's resolutions to sustain the laws.

Thus, Americans as nonelected individual participants enjoined and signed petitions for the federal representatives to respond to what they perceived to be impolitic and unconstitutional laws, and the petitioners' representatives empowered their constituents by openly defending the petitions in the House of Representatives. However, I did not find that the peripheralizing function caused meaningful changes to transpire against the Alien and Sedition laws because the petitions were expelled to a select committee and that committee essentially explained that the petitioners were perverse. Hence, to members of the House majority, republicanism on the issue of the Alien and Sedition laws was perverse. I find that the House majority supported authoritarianism while the people and the House minority openly supported republicanism.

### **Conclusion**

Considering the evidence, I find support for all the hypotheses. House members presented and defended copious amounts of petitions from their constituents on the House floor in order to repeal the Alien and Sedition laws because of a shared belief in republicanism. However, after extended debate, the minority party who supported the petitioners lost once the petitions were sent to a select committee, since the committee reported on the petitions to the Chamber for a vote regarding two new resolutions that explicitly supported the laws, which, qualitatively, invalidated

the petitioners' petitions calling for the repeal of the two laws. The select committee report was based on authoritarianism considering misinformation, disinformation, and paternalism.

My main claim that Americans relied on republicanism as a means to express their republican values after Ratification is partially supported because the petitioners were moderately able to affect the federal government through the actions of Gallatin and others who consumed a great deal of time and energy on the House floor to introduce and defend their constituents' petitions to repeal the Alien and Sedition laws. However, the majority party controlled the discussion and decided to defend the laws over the people and their right to petition and peripheralize the House of Representatives. In fact, the members of the majority aligned themselves much more closely with values of authoritarianism than republicanism according to the archival records. Still, Gallatin and others vehemently defended republican values and called for the sole practice of republicanism to maintain inviolate the Constitution and the values of the Revolution. For that reason, I conclude that the political exhibitions of authoritarianism and republicanism in the House debate regarding the Alien and Sedition laws produced a study of multiple traditions.

Gallatin's portrayal of the petitioners and their beliefs provides support for why historians have named the election of 1800 and Thomas Jefferson's success as the Revolution of 1800. When "republicans" lost the ability to peripheralize the federal government in order to repeal two laws that they deemed impolitic and unconstitutional according to thousands of petitions, the people likely felt that they had lost control of the federal government and sought to regain control through the election of 1800. What remains to be seen in this dissertation is whether Instruction continued during the decades after Ratification by means of Resolutions of Instruction insofar as Senators did, or did not, support the peripheralizing function stemming from the republican tradition when

given an ROI from their state legislature. If ROI were as ineffective as the petitions to repeal the Alien and Sedition laws, then support for Riker's determination that state legislatures lost the ability to peripheralize the federal government because of the Constitution will be borne out. However, if republicanism was a shared value-system across the nation as historians contend, then the archival record regarding ROI according to the *Senate Journal* will establish that the state legislatures continued to peripheralize the Senate during the decades after Ratification.

In the next chapter, if Resolutions of Instruction sent from state legislatures to the United States Senate from 1789 through 1819 are found to be ineffectual, then more weight may be given to the political scientists' general argument that, after Ratification, republicanism was pretty much dead. On the other hand, if ROI is found to be an excellent example of the peripheralizing function being exhibited in the Senate because of the state legislatures, then political scientists must reevaluate their understanding of American republicanism and concern themselves with republicanism through additional studies, potentially with a focus to reconsider Multiple Traditions.

## **CHAPTER 6: U.S. SENATE TREATMENT OF RESOLUTIONS OF INSTRUCTION, 1789-1819**

### **Introduction**

During the Founding, there was a gritty debate by supporters of the republican tradition regarding the subject of Instruction and whether the legitimate power state legislatures possessed would allow them to instruct U.S. Senators to follow a binding or non-binding Resolution of Instruction (ROI). Although James Madison and others tenaciously kept the practice of Instruction excluded from the First Amendment of the Bill of Rights so that it was not constitutionally binding (Chapter Four), he also embraced the practice as a legitimate pathway to openly oppose the Alien and Sedition laws a dozen years after Ratification (Chapter Five). As we shall see in this chapter, James Madison as President of the United States indeed presented the Senate with ROI! The more we follow James Madison and others during the Founders' generation, the more we tend to find support for the idea that instructions were a familiar means to participate in politics, and that republican values continue to influence American politics after Ratification.

Republicanism is fundamentally a practice of self-government on the people's terms (Smith 1993, 1997; Pettit, 2012). Perhaps the most common form of self-government in early American politics came through the practice of Instruction during the Founders' generation (Chapter Four). This was a process of peripheralizing the federal government (Riker, 1955) because power stemmed from the local / state governments and affected the federal government. After Ratification, state legislatures would pass an ROI, which might have originated at the local level, such as a county convention (Chapter Three), and then pass on the ROI to their U.S. Senators who would, sometimes, introduce the ROI on the floor of the Senate. This seems to be a continuation of the practice of Instruction prior to Ratification.

I purport that Instruction was a customary republican practice that continued long after Ratification because the people and their representatives expressed republicanism openly throughout the Founding period and the republican practice of Instruction was a reflection of their core values. The Constitution of 1787 gave state governments two functions that many in the Founders' generation believed to be necessary for the proper functioning of the General Government. They were expected to 1) articulate their states' interests in Congress and 2) defend the liberties of their citizens from usurpations by the General Government. The purpose was to keep power in the hands of the people so that the people could contest and foster change in the laws as necessary over time in order to help facilitate and maintain a common good based on popular sovereignty.

Instruction was important to the constitutional understanding of federal-state relations on republican grounds. ROI were an institutional bulwark of republicanism which, to the Founders' generation, meant a shared commitment to individual liberty, just procedures, and broad-based political participation (Greenberg, 1977; Bailyn, 1992; Wood, 2011). First, to their way of thinking, a "good republican" does not just have a right to petition the government, but a moral obligation to act. Even though one might expect a singular individual to be ignored by the federal government, the representatives at the national level have a duty to provide an answer for the people who are continually contesting the same laws, and the legislatures provide transparency in a spirit of impartiality, transparency, and contestability (Pettit, 2012). By sending an ROI, which I assume was important enough to have been passed by a majority of a state legislature, it must also have been meaningful at the national level because of the vast increase of ROI after President Jackson (Table 3.1). Therefore, ROI were sent to senators as a means by which state legislatures, hamstrung by challenges presented by timing and distance, ensured that their petitions were placed

before Congress (Girdwood & Grynawiski, 2014). As Congress acted, if ROI were treated quite seriously by the Senate, then it should be possible to examine archival records in order to ascertain whether ROI performed a peripheralizing function that caused action by the federal government due to activities from state legislatures.

Second, during the first decades of the new republic's existence, the civil list at virtually all levels of government was vanishingly small and the opportunities for the kinds of communications between federal and state agencies that are common today to coordinate inter-governmental relationships was, for all practical purposes, non-existent (Girdwood & Grynawiski, 2014). Furthermore, Congress was in session only infrequently, most state legislatures were in session even less often and not necessarily at the same time as Congress, and the actors in those legislative bodies were often the ones making the kinds of decisions made by government agencies today. That was problematic because there were both matters of particular local concern that required federal action (e.g., addressing an overseas tariff on an important state export) and of national concern that required local input (e.g., the location of a federal post road) that demanded inter-governmental coordination. Thus, Americans were "republicans" as a means for attending to their political business in their Republic (Girdwood & Grynawiski, 2014).

Many scholars make claims that republicanism was unimportant after Ratification. Documentation that state legislatures remained a powerful part of the republican tradition after Ratification is desperately needed. I believe that a key problem has been in our understanding for how instructions were exhibitions of customary institutional practices that Americans utilized as expressions of republican values. This engagement could therefore be a cause of significant change regarding the federal government's policy choices after Ratification, qualitatively and quantitatively. Instruction could show these exhibitions of the peripheralization of the federal

government, but without such available evidence, in the words of Gordon Wood, "by 1787, Lockean liberalism [came to] overshadow republican sentiment" (Dunn, 2004, p. 158). Going a step further, John Diggins in, "Republicanism and Progressivism," asserts, "republicanism never took hold in America even though it had a persistent allure as an unexercised and probably unexercisable option well into the twentieth century," citing Theodore Roosevelt, Croly, Wilson, Beard, and Dewey (Appleby 1985, p. 472). Indeed, political scientists have echoed this assertion, for example, Kalyvas and Katznelson unambiguously state (2008, pp. 4-5):

...liberalism as we know it was born from the spirit of republicanism, from attempts to adopt republicanism to the political, economic, and social revolutions of the eighteenth century and the first decades of the nineteenth... Republican discourse, concepts, and motivations were adopted... the core of which was surprisingly liberal... The amendments and synergies produced constitutional liberalism...political liberalism burst from the shell of a republican chrysalis. The more republicanism sought to retrofit itself for modern conditions, the more liberal it became.... As a freestanding model, republicanism disappeared.

However, taken with an open mind, it is hard to square the former claims that republicanism disappeared after Ratification because we have evidence that ROI from state legislatures were increasingly prevalent, at the very least, during the antebellum era (Girdwood & Grynawski, 2014).

The purpose of this chapter is to substantiate whether senators sincerely participated in the Instruction practice with respect to the ROI being sent to them from their state legislature. If the ROI were sentimental artifacts that meant little as a matter of policy action at the federal level, then political scientists need lose little sleep about a dreamy mountaintop and a worn-out soldier atop a heap of useless trash. But, bearing in mind the historians' and legal scholars' observations about republicanism during the antebellum era and beyond, I believe that Instruction through the exhibitions of ROI exhibited an important aspect of the republican element of the culture. ROI were legislated political documents regarding an incoming of Senate business. If senators

increasingly introduced ROI during the decades after Ratification, that runs counter to the claim that republicanism had outlived its utility as a value system.

To verify that ROI from state legislatures were substantively important to American politics as a practice of self-government, I hypothesize:

1. Instructions increased quantitatively over three decades after Ratification.
2. Instructions were increasingly sent to committee and passed over three decades after Ratification.
3. The presenter of the instruction changed over time, on average, from the president to senators. This happened because senators found messages from state legislatures to be more important over time.
4. The nature of the communication by resolutions changed over time from a description of what states were doing in territories and in need of lighthouses *to* much more serious actions being required of Senators in that they were instructed to amend the Constitution.

This chapter is organized as follows. In the next section, I provide a narrative of ROI to illuminate the record of Instruction from 1789 through 1819. Because there were numerous ROI, I separate them into three time-periods according to decade: 1789-1799, 1800-1809, and 1810-1819. Afterwards, I provide an analysis of the results regarding the actions the Senate took on each ROI in order to test the hypotheses. To help explain if senators treated a ROI seriously or with scorn, I focus on the actions the Senate took with respect to each ROI (i.e., read, lie for consideration, sent to committee, passed). I also evaluate when ROI were most to least common per year over a period of thirty years. Then, I discuss whether ROI from state legislatures were important or unimportant to American politics at the federal level during the Founders' generation. Finally, I conclude the chapter.

### **Sample of Data: Senate Journal, Resolutions of Instruction**

I provide a sample of the archival records regarding the ROI submitted by state legislatures to the Senate from 1789 to 1819 that were recorded in the *Senate Journal*. I collected the data by visiting online links provided to me by my Chair, Jeff Grynviski. I retrieved each entry online from the Library of Congress and copied the information into Excel, including the treatment of each ROI. I separate the archival records into three time-periods in order to ascertain if there are qualitative differences of ROI between the decades of: 1789-1799, 1800-1809, 1810-1819. I denote how the Senate treated each resolution in order to observe whether the Senate increasingly treated ROI with sincerity or scorn. Separating the records by decade should clarify whether ROI was increasingly important as a practice of self-government. I am interested in how the Senate treated ROI to ascertain whether political scientists are correct to assert that republicanism mostly died with the passage of the Constitution, or if the historians' findings of a permeating and dominating republicanism through the antebellum era (Chapter Three) is a more accurate depiction of America's past political experience as a nation.

I relate the treatment of the ROIs as recorded by the *Senate Journal*. At the time, lie on the table was translatable to having been brought into the Chamber for review and available for a Senator to call on for debate. Lie for consideration means that the debate on the ROI was open or could soon open. Referred means that a committee or department received the ROI for review and the receivers could provide a recommendation to the whole Senate at a later time. Passed, approved, or printed for the use of the Senate means that the Chamber passed / incorporated the ROI. During instances where nothing was noted, I assume that the ROI was read since it was recorded in the *Journal*. The exhibitions of treatment instances will test these assumptions.

### **Decade One, 1789-1799**

A majority of resolutions during this period were ordered to lie for consideration or to lie on the table (63 percent). First, on September 21, 1789, Mr. Morris presented a ROI on behalf of the Senators from Pennsylvania to relay a resolve by the General Assembly from March 5<sup>th</sup> to make "a respectful offer to Congress of the use of any or all the public buildings in Philadelphia" in case Congress "should, at any time, incline to make choice of that city for the temporary residence of the federal government," which was read and ordered to lie for consideration. Next, on February 1, 1790, Mr. Johnston and Mr. Hawkins laid before the Senate an act of the legislature of North Carolina, entitled, "An act for the purpose of ceding to the United States of America, certain western lands thereto described" which was read and ordered to lie for consideration. Then, on January 13, 1791, several resolutions and a memorial from the Legislature of the Commonwealth of Virginia called on Congress to create "An act making provision for the debt of the United States," communicated to the Senate by Mr. Monroe, which was read and ordered to lie on the table. Following, on January 17, 1791, two resolutions from the Legislature of Virginia and a petition of sundry officers and assignees of officers and soldiers from Virginia in regards to bounty lands allotted to them on the northwest side of the Ohio, as well as an act by the Legislature of Maryland to empower the wardens of the Port of Baltimore to levy and collect duty was offered. They were ordered to lie for consideration.

Other ROI in the 1790s were recorded as having been submitted by President George Washington and these were often ordered in the Senate to lie for consideration. On October 25, 1791, the President of the United States, "lay before you copies of the following acts, which have been transmitted to me during the recess of Congress," including an act passed by the New Hampshire Legislature "for ceding to the United States the fort and light-house belonging to the

said state; An act of the Legislature of Pennsylvania, ratifying, on behalf of said state, the first article of amendment to the constitution of the United States, as proposed by Congress; and, An act of the Legislature of North Carolina, granting the use of the jails within that state to the United States." Following, on October 26, 1791, President Washington relayed a message authorizing the United States the right and jurisdiction over an acre of land on Occacok Island and ten acres on the Cape Island "for the purpose of erecting light-houses.... shall be built before the first day of January, 1801, and that on the Cape Island, before the eighth day of October, 1800. And I have caused these several papers to be deposited in the office of the Secretary of State. A statement of the returns of the enumeration of the inhabitants of the United States, which have been received, will at this time be laid before you." Regarding this last instance, the President seems to be including Congress in a manner to suggest that the light-houses was finished business.

Next, on January 23, 1792, President Washington stated that he received from the Governor of Virginia a letter, enclosing a resolution of the General Assembly of that state, and a report of a committee of the House of Delegates, "respecting certain lands located by the officers and soldiers of the Virginia line, under the laws of that state, and since ceded to the Chickasaw Indians, I lay copies of the same before you, together with a report of the Secretary of State on this subject." The message, and papers therein referred to, were read and ordered to lie for consideration. This is one of many examples herein regarding the use of Instruction for implementing westward expansion.

President George Washington continued to bring in resolutions from State legislatures and governors to Congress during his second term, and the Senate continues to order that they lie on the table or for consideration. On February 26, 1793, he did lay an act of the legislature of New York, "ceding to the United States the Jurisdiction of certain Incas on Montuk Point," which was ordered to lie on the table. On May 11, 1794, he provided a letter from the Governor of Rhode

Island, "enclosing an act of the legislature of that state, empowering [sic] the United States to hold lands within the same for the purpose of erecting fortifications, and certain papers concerning patents for the donation lands to the ancient settlers of Vincennes upon the Wabash," which was ordered to lie for consideration. On February 16, 1795, he provided a letter from the North Carolina Governor and of an act of the legislature thereof, ceding, "to the United States certain lands, upon the conditions therein mentioned," and no action by the Senate is mentioned. Finally, on February 16, 1795, President Washington provided two acts of the legislature of Georgia:

one passed on the 28th day of December, and the other on the 7th day of January last, for appropriating and selling the Indian lands within the territorial limits claimed by that state. These copies, though not officially certified, have been transmitted to me in such a manner as to leave no room to doubt their authenticity. These acts embrace an object of such magnitude, and in their consequences may so deeply affect the peace and welfare of the United States, that I have thought it necessary now to lay them before Congress. In confidence, I also forward copies of several documents and papers received from the governor of the southwestern territory. By these, it seems that hostilities with the Cherokees have ceased, and that there is a pleasing prospect of a permanent peace with that nation. But, from all the communications of the governor, it appears that the Creeks, in small parties, continue their depredations, and it is uncertain to what they may finally lead. The several papers now communicated deserve the immediate attention of Congress, who will consider how far the subjects of them may require their co-operation.

President Washington's messages "were severally read. Ordered, That they lie for consideration."

Of the twenty-two entries between 1789 and 1799, six entries did not lie on the table or for consideration as they were either sent to a committee or passed / incorporated. First, on February 09, 1791, there were "authentic documents" from the Legislatures of New York and of the territory of Vermont and others individuals calling on Congress to admit a territory of New York as the State of Vermont. The bill was read a third time, resolved, and then the bill did pass. Second, on March 26, 1792, Mr. Cabot presented a resolution from the Massachusetts Legislature on "the petition of Charles Knowles and others, late regimental paymasters and agents of that state's quota of the continental army," which "was read. Ordered, That it be referred to the Secretary of War, to

consider and report thereon to the Senate." Third, on March 09, 1794, the Vice President laid before the Senate a letter from his Excellency Josiah Bartlett, Governor of New Hampshire, enclosing the remonstrance of the legislature against the determination of the circuit court, which were read and, on motion, "Ordered, That they be committed to Messrs. Livermore, King, and Langdon, to consider and report thereon to the Senate." Fourth, on February 26, 1795, Mr. Jackson provided two acts from Georgia in regards to "appropriating a part of the unlocated [sic] territory of the state for payment of the late state troops" which declared, "the right of the state to the unappropriated territory thereof for the protection and support of the frontiers of the state" and the two acts were, "Resolved, That this bill pass with the amendments." Fifth, on February 12, 1797, Mr. Cocke laid before the Senate the address and remonstrance of the Tennessee Legislature, "requesting the interposition of Congress for the extinguishment of the Indian titles to certain lands," which was "read. Ordered, That it be referred to the committee appointed the 31st of January last, on the letter and inclosures [sic] from the Governor of North Carolina, to consider and report thereon to the Senate." Finally, on January 30, 1798, the Vice President laid before the Senate a resolution from the Delaware Legislature to say they, "appointed the Honorable Joshua Clayton a Senator of the United States, in the place of the Honorable John Vining, resigned" and the resolution was "read. Ordered, That it lie on file."

### **Decade Two: 1800-1809**

During this time period, the most common reaction to a resolution in the *Senate Journal* was for it to be read (in eight of twenty-five entries). Examples of these resolutions include, "an address and remonstrance of the legislature of the state of Georgia, stating certain grievances resulting from the operations of the law" (December 30, 1800); "Congress to use their utmost exertions to obtain an amendment to the constitution of the United States to prevent the further

importation of slaves" (April 6, 1806); "requesting their Senators and Representatives in Congress to use their exertions to obtain a grant of land between the Sciota and the Little Miami... for the use of schools, within the Virginia military district...", "to procure the passage of a law prohibiting the importation of slaves into the United States, or any of the territories thereof, so soon as the constitution will admit of the same" (January 14, 1807); and, there were sundry resolutions of the Legislative Council and House of Representatives of the Mississippi territory, stating that they respect the Constitution, "and have the utmost confidence in the wisdom and virtue of the chief magistrate: and that every project of the ambitious and enterprising to dissever the Union, and to usurp the prerogative of government, will always excite their honest indignation" (February 23, 1807). These cases relay the sentiments of the people, in general, including a need to call for a constitutional amendment to end the importation of slaves.

There were four instances of resolutions laid on the table. There was a letter communicated by the Vice President to the Senate from Governor St. Clair of the Northwest Territory, "instructing William H. Harrison, their delegate in Congress, to apply for an act of Congress to authorize the President of the United States to grant to the said legislature, in trust, certain lots reserved for public use in the grant to John C. Symmes..." and others (January 19, 1800). There was a letter from the Speaker of the House of Representatives, Mr. Logan, from Pennsylvania, "enclosing a resolution of that House, on the subject of an uniform standard of weights and measures" (February 27, 1804). There was a resolution that Senators in Congress are instructed to obtain an amendment to the Constitution of the United States respecting the judiciary (January 21, 1806). And, Mr. Reed communicated a resolution from Maryland's legislature that disapproved of the alteration proposed to the Constitution of the United States by Virginians, "to render the Senators in Congress of the United States removable from office by the vote of a majority of the whole number of the members

of the respective State legislatures by which the said Senators have been or may be appointed" (January 03, 1809). These cases seem to ask for immense action that Senators might find very difficult to accomplish on the spot, such as the amending of the Constitution or a provision for the State to be able to remove a Senator.

There were four entries of resolutions laid for consideration. In one entry, there were two resolutions by the legislature of Virginia (January 15, 1807). In another, the President communicated certain resolutions from the legislative council and house of representatives for the Indiana territory concerning the suspension of the sixth article of compact between the United States and the Northwest Territory, passed the 13th July, 1787 (January 20, 1807). The President communicated a resolution and memorial from the House of Representatives of the Mississippi Territory, "praying an extension of the time for payment of the first installment for the purchase of lands" due January, 1809, and, "praying that a bill under consideration in the House of Representatives at their last session, for establishing a federal court in that district, should not pass into a law" (November 6, 1808). Finally, the President communicated resolutions from the legislative council of the Indiana Territory, "respecting the mode of electing the legislative council, and the time of their continuance in office" (November 20, 1808). It is unclear, but likely, that these resolutions were presented to the Senate by the President of the United States, Thomas Jefferson, since in the last decade the resolutions for consideration were presented by President Washington and his name is in all caps at the end of the resolution, while no name is given in the *Senate Journal* regarding who is the President in these resolutions. Either the President of the Senate, who is also the Vice President of the United States, or the President of the United States would have presented these ROI. Either way, ROI was a practice to formally advance intergovernmental coordination.

There were two occurrences of ROI ordered to lie on file during the second decade. First, on November 9, 1803, Mr. Bradley stated that the Vermont Legislature had passed a "resolution that it is highly important that an alteration should take place in the second article of the constitution of the United States which prescribes the mode of choosing a President and Vice President." Second, on Nov 10, 1803, Mr. Worthington stated that Ohio had passed a "resolution that the Senators and Representative of that state in Congress be requested and instructed to endeavor to obtain an amendment to the first section of the second article of the constitution of the United States which shall authorize the electors of each state to designate on their ballots the person voted for as President, and the person voted for as Vice President of the United States."

There were two instances that the resolutions were ordered that they be printed for the use of the Senate. On January 16, 1804, Mr. Franklin presented a petition from Thomas Dillon, addressed to the North Carolina legislature, with a resolution from that legislature, stating that Mr. Dillon is the holder of a grant for lands in Tennessee, "guaranteed by the United States, but that he is prevented by the laws of the United States from obtaining possession of those lands, as being within the present acknowledged Indian territories, and praying the state of North Carolina to interpose for his relief." And, on December 29, 1808, Mr. Turner presented the ROI from the North Carolina Legislature, "expressing their sentiments on the present situation of our foreign relations, and approbatory of the measures of government."

There were three clear instances of resolutions being referred to a committee in order for a report to be made by the committee to the Senate during 1808 and 1809. On November 14, 1808, the President communicated ROI passed by the House of Representatives from the Indiana territory which stated, "the discontents prevailing among the people west of the Wabash, in consequence of their connection with the people eastward of the said river, and requesting a

separation as the only means of restoring harmony and terminating those discontents so essential to their general prosperity," and it is referred to Messrs. Pope, Tiffin, and Bradley, to consider and report thereon. On December 29, 1808, it is clearly noted that President Thomas Jefferson presented a letter from Governor Claiborne regarding a small tribe of Alabama Indians, on the western side of the Mississippi, consisting of about a dozen families and:

Like other erratic tribes in that country, it is understood that they have hitherto moved from place to place, according to their convenience, without appropriating to themselves exclusively any particular territory. But having now become habituated to some of the occupations of civilized life, they wish for a fixed residence. I suppose it will be the interest of the United States to encourage the wandering tribes of that country to reduce themselves to fixed habitations whenever they are so disposed. The establishment of towns and growing attachments to them, will furnish, in some degree, pledges of their peaceable and friendly conduct. The case of this particular tribe is now submitted to the consideration of Congress.

The former resolution was referred to Messrs, Mitchill, Milledge, and Crawford, to consider and report thereon. Finally, on May 25, 1809, Mr. Pope presented a resolution from the General Assembly of Kentucky, "expressive of their opinion that strong garrisons at Michilimackinac, St. Louis, and near the mouth of the Ohio, would be of great public utility, and particularly aid in the protection of the frontiers... on so much of the message of the President of the United States..." a need to defend "our seaport towns and harbors." The committee members who received the ROI were not expressly noted.

There were two instances of ROI that are complex and given great attention. First, on November 24, 1808, Mr. Pickering stated that he and Mr. Lloyd had received ROI from the Massachusetts Legislature, "to use their most strenuous exertions to procure an immediate repeal of the various laws imposing an embargo on the ships and vessels of the United States" and it was asked, on motion, if the Senate should receive and read these instructions and it passed in the affirmative. A motion was made, by Mr. Anderson, to reconsider the question. On motion by Mr.

Giles, it was "agreed that the motion for reconsideration be postponed to Monday next." This ROI example was dynamic on the Senate floor.

Second, on May 6, 1809, "The President laid before the Senate a communication from Governor Huntingdon, enclosing a ROI passed by the General Assembly of the state of Ohio, approving the measures of the general government" which was read. Then, "after the consideration of the Executive business," on motion, it was ordered that Messrs, Bayard, and Reed to be a committee, "to wait upon the President of the United States, and notify him that, unless he may have any further communications to make to them, the Senate are ready to adjourn." If followed that, "Mr. Bayard reported, from the committee, that they had waited upon the President of the United States, who informed them that he had no further communications to make to them. Whereupon, The Senate adjourned without delay." Thus, more than intergovernmental coordination, this example suggests that Instruction was a political process for governing.

### **Decade Three: 1810-1819**

The number of recorded ROI almost tripled during this decade compared to the last, with sixty-nine entries being recorded in the *Senate Journal*. Of these, thirty-eight were simply read, sixteen were sent to a committee for a report, three were printed for the use of the Senate, two were postponed, two were recorded to lie on the table, one was ordered to lie for consideration, and one was sent to the House for concurrence. I produce the content of the former examples, and for practical purposes, I chronologically account for the read resolutions by a sample of every 5<sup>th</sup> entry (5, 10...35). In regards to the committee observances, I sample every 3<sup>rd</sup> ROI (3, 6...15). Finally, I complete this section by relating two specific resolutions from February 6, 1817, and March 3, 1818 which, like the Huntingdon ROI at the end of the last section, provides evidence that Instruction through ROI was peripheralizing the federal government.

The ROI that were read only, in general, declare sentiments that cannot be made into a law, instances that require intergovernmental coordination, or express opinions about a constitutional amendment which requires a great deal of collaboration in the lawmaking process. This is exactly the types of ROI that were only read during the first decade, too. First, dated December 9, 1810, Mr. Leib presented ROI from the Pennsylvania Legislature, "approving the measures pursued by the administration of the United States, on our foreign relations." Second, on December 30, 1811, Mr. Franklin presented the ROI from the North Carolina General Assembly approving the sentiments in a message by the President of the United States to Congress at the opening of the present session and, "resolving, unanimously, that they will cheerfully co-operate with the general government in the prompt and effectual execution of such measures as may be deemed best calculated to promote the interest and secure the union, liberty, and independence, of the United States." Third, on March 2, 1812, Mr. Pope communicated a ROI from the Kentucky Legislature, "recommending an improvement of the militia system of the United States; also, a resolution requesting their Senators and Representatives in Congress to endeavor to procure the establishment of certain roads or highways therein mentioned, under the authority of the general government." Fourth, on February 13, 1814, President James Madison communicated a protest from the Indiana territory Legislative Council, "against the power which the present governor has assumed to divide the territory into council district, without being thereto authorized by law." Fifth, on March 1, 1815, Mr. Varnum submitted for consideration, "a resolution of the Legislature of the commonwealth of Massachusetts, containing the same request, and embracing the same objects, of the resolution of the Legislature of the State of Connecticut, submitted on the 28th ultimo." Sixth, on February 26, 1816, Mr. Varnum laid before the Senate instructions from the Commonwealth of Massachusetts to their Senators in Congress, "to endeavour [sic] to obtain an

amendment to the Constitution of the United States" that would create "a number of districts equal to the number of Representatives to which such State may be entitled" (and within the resolution recording it is mentioned that a related Senate bill did pass a second reading). Finally, on January 2, 1817, Mr. Varnum communicated ROI from the Massachusetts Legislature for, "the appointment of agents to present the claims of that commonwealth against the United States for allowance, with instructions to their Senators to afford the said agents all the aid in their power for the accomplishments of the object of their appointment..." This final entry is particularly interesting in that Massachusetts seeks to make a point that they are able to present claims against the United States.

The ROI sent to committee during this decade usually dealt with land issues or rights, including a Right of Nobility. Someone obviously did associate with aristocracy! Examples include: The President communicated a letter from the Governor of Ohio and a resolution of that legislature the approbation for an, "amendment to the constitution of the United States respecting titles of nobility," which was sent to the Secretary for the Department of State (February 10, 1811). Mr. Fromentin presented resolutions from the Louisiana Legislature, "instructing their Senators in Congress on the subject of indemnification for the disbursements of certain individuals in taking possession of a part of that state in the year 1810," which was referred to a select committee of Mr. Messrs, Mr. Fromentin, Mr. Bledsoe, and Mr. Brown to consider and report thereon by bill or otherwise (March 3, 1814). Mr. Lacock communicated a resolution from the Pennsylvania Legislature instructing the Senators, "to use their endeavours [sic] to procure the passage of a law, dividing the State of Pennsylvania into two districts, and establishing a district and circuit court of the United States, at Pittsburg, in the county of Alleghany," which was ordered to go to a select committee consisting of Mr. Lacock, Mr. Roberts, and Mr. Chace. The President communicated a

memorial of the legislature from the Mississippi territory, "praying for the appointment of an additional judge east of Pearl river," which was referred to the committee on the Judiciary to consider and report thereon by bill or otherwise (January 19, 1817). And, Mr. Williams, from Mississippi, offered ROI by the Mississippi Legislature, "on the subject of the eastern limits of that state," which were "referred to the committee to whom was referred on the 16th of December, 1817, the memorial of the Mississippi Convention, on the same subject, to consider and report thereon, by bill or otherwise" (February 11, 1818).

There were three ROI printed for the use of the Senate and each entailed a message regarding the War of 1812. Mr. Smith, of New York, presented the memorial of Samuel Adams and other merchants from the city of New York, "deprecating the calamities of war, preferring the continuance of the embargo and restrictive system, to that greatest of all evils" (June 8, 1812). Mr. Lloyd presented a resolution from the Massachusetts he House of Representatives stating, "that an offensive war against Great Britain, under the present circumstances of this country, would be, in the highest degree, impolitic, unnecessary, and ruinous" (June 11, 1812). And, the President communicated a resolution from the Mississippi Territory, "tendering to the general government their undivided support in repelling the aggressions and unjust demands of the enemy, and preferring a sacrifice of their lives and fortunes, to the surrender of our rights or national dignity" (June 20, 1815).

There were instances to suggest that ROI initiated and caused the process of constitutional change. First, on December 22, 1817, Mr. Dickerson expressed an "obedience to instructions received from the legislature of New Jersey" and proposed, "an amendment to the constitution of the United States, as it respects the election of representatives in Congress, and the appointment of electors of President and Vice President of the United States," and the resolution was read and

did, "pass to the second reading." On November 24, 1818, Mr. Storer offered ROI from the New Hampshire Legislature stating a bill for how "each state shall, by its legislature, be divided into a number of districts equal to the number of representatives to which such state may be entitled," as well as the requirements for appointing electors for the President and Vice President of the United States, which was "sent down for concurrence." And, on December 6, 1818, the full bill came through as Mr. Daggett communicated resolutions from the Connecticut Legislature in regards to, "choosing representatives in the Congress of the United States," in that, "each state shall, by its legislature, be divided into a number of districts equal to the number of representatives to which such state may be entitled." In effect, the resolutions were a back and forth between the Senate and the state legislatures and the House of Representatives in order to cause constitutional change. Qualitatively, this example supports the idea that the practice of Instruction through ROI influenced the Senate.

### **Analysis**

I assess whether archival records from the *Senate Journal* regarding ROI from state legislatures exhibited a form of self-government on republican grounds in the U.S. Senate. Qualitatively, ROI were observed increasingly as a practice after Ratification because senators and presidents, including James Madison, introduced ROI on the floor of the Senate. In general, the content of ROI explains, in part, how local matters were resolved by the federal government as well as how the state legislatures addressed national issues, including the passage of the 12<sup>th</sup> Amendment of the Constitution. Quantitatively, the evidence supports my claim that the Founders' generation openly relied on "republican" values supportive of self-government because the doctrine of Instruction increasingly materialized as a practice after Ratification. Further, ROI appear to be at least partially responsible for the need to create a Committee System during the

1810s. State legislatures increasingly passed ROI for the federal representatives who, statistically, increasingly introduced them on the Senate floor. Since the Senate increasingly sent ROI to a committee or passed them from 1810 through 1819 comparatively with the previous two decades, this highly suggests that Instruction through ROI allowed the state legislatures during the Founders' generation to influence the U.S. Senate.

Qualitatively, I separated the archival data into three time-periods, by decade, in order to consider if there were breakdowns or breakthroughs regarding republicanism as an open practice and core value. I find that the ways by which ROI were simply read, to lie, sent to committee, and passed were increasingly to simply read them or to cause the Senate to send them to committee or to pass them from 1789 through 1819. Presidents and senators successfully engaged in the practice of Instruction by honoring all but one ROI from state legislatures through the introduction of them into the U.S. Senate. The exhibitions of ROI therefore support the idea that republicanism was an influential political practice at the national level and not treated with scorn.

The closest thing to a smoking gun in support of the inference that there was an emerging norm for senators to believe that ROI were important enough to present them on the Senate floor is the apparent rejection by that chamber near the close of the 14<sup>th</sup> Congress of a motion by Senator Wilson of New Jersey that read, "Resolved, That the Senate deem it inexpedient that instructions from a State legislature to the Senators from such State, should be received and filed in the Senate." Mr. Wilson very likely made the motion due to a ROI from Ohio that asserted a right of the State Legislature to be able to dictate the salary of the senators, regardless, the resolution to control salaries in the U.S. Senate was circumvented when, on motion by Mr. Daggett, and ordered, "That the committee appointed to inquire into the expediency of repealing or modifying the law entitled, 'An act to change the mode of compensation to the members of the Senate and House of

Representatives, and delegates from Territories,' be discharged from further consideration." It is only conjecture that there may be a connection, but the 14<sup>th</sup> Congress also happens to have made big steps toward the institutionalization of the committee system by adopting the Senate's first standing committees in December, 1816 (Girdwood & Grynaviski, 2014). The fact that only one resolution of one hundred and sixteen was discharged and that all other ROI were increasingly sent to a committee or passed after that particular ROI was discharged provides evidence to support the hypothesis that Instruction was increasingly taken seriously by the senators.

Even though one might be tempted to claim that there is an ordered preference of outcomes, whereas an ROI that becomes a bill and passed by the Senate is "better" than a bill sent to committee, and a bill sent to committee is better than a bill open for debate, and a bill open for debate is better than one simply read; however, the sample of evidence suggests that such an ordering of the former preferences might not always ring true because sometimes a ROI simply "read" appears to have been valid on the spot. For example, a ROI presented by presidents George Washington, Thomas Jefferson, and James Madison were mostly read or ordered to lie for consideration. The treatment of their ROI as well as their continuance across presidential terms, suggests that ROI were read as a formality to integrate the ROI by the Senate into their business. None of those resolutions moved beyond that stage according to the *Journal*, yet the practice increases over time and the presidents keep coming back, so why would the practice increase if the ROI weren't meaningful to the presidents? The closest thing to a smoking gun to prove this theory happened when the Senate waited on the President before adjourning in order to potentially receive additional ROI from the President to, by my reading, read it. Therefore, ROI may have been "active on arrival" once read in the Senate for certain ROI as part of a federal agenda that abided by the "republican" tradition of self-government. This means that Instruction through the

passage of ROI was quite likely a profound peripheralization of the U.S. Senate, rather than the conventional wisdom in that only accounting for ROI (or Bills) being “passed” by the Senate could be an exhibition of an influential ROI regarding the peripheralizing function.

Quantitatively, I use standard scientific methods to assess the sample of ROI data (n. 116). In order to test whether resolutions increased over time, which would support the idea that ROI from state legislatures influenced the federal representatives, I analyze the amount of ROI per year from 1789 through 1819. To remove statistical bias regarding the data, given the increase of states over the years that were added to the Union and able to pass a ROI (which would skew a simple test in favor of the later years), I divide the number of resolutions passed per year by the number of states in the union during the same year (Table 6.1). The results suggest that ROI increased over time after Ratification as a practice in the Senate. This is important because an increase of ROI to the Senate during the first thirty years of governance supports my claims that Americans practiced republicanism openly and took it as a core value. As these claims are supported, there becomes reason to avow that republicanism continued as a political value system after Ratification (Chapter Three). Accordingly, the "top five" years of ROI impact, according to the *Senate Journal*, occurred during the third decade. There were no recorded entries for 1799, 1801, 1802, and 1805.

Table 6.1 supports the hypothesis that instructions increasingly appeared in the *Journal* over the decades. To simplify the results, Table 6.2 organizes, by decade, the high number of entries (11 entries), middle number of entries (10 entries), and low number of entries (10 entries) from Table 6.1. The results show that the third decade by far outnumbered the previous two decades regarding the *high* number of instances of ROI being introduced in the Senate. The second decade outnumbered the other decades regarding the *middle* number of ROI entries being introduced in the Senate. The first decade outnumbered the other decades regarding the *low*

Table 6.1: ROI Ranked by Number per Year, 1789 - 1819

RANK	YEAR	No. ROI	No. States in Union	No. Resolutions / No. States
First	1816	12	19	0.632
2	1811	10	17	0.588
3	1818	11	21	0.524
4	1812	8	18	0.444
5	1814	8	18	0.444
6	1791	6	14	0.429
7	1810	7	17	0.412
8	1808	6	17	0.353
9	1795	4	15	0.267
10	1807	4	17	0.235
11	1815	4	18	0.222
12	1792	3	15	0.200
13	1817	4	20	0.200
14	1809	3	17	0.176
15	1813	3	18	0.167
16	1794	2	15	0.133
17	1797	2	16	0.125
18	1800	2	16	0.125
19	1803	2	17	0.118
20	1804	2	17	0.118
21	1806	2	17	0.118
22	1789	1	12	0.083
23	1790	1	13	0.077
24	1793	1	15	0.067
25	1796	1	16	0.063
26	1798	1	16	0.063
27	1819	1	22	0.045
Last	1799	0	16	0.000
Last	1801	0	16	0.000
Last	1802	0	16	0.000
Last	1805	0	17	0.000

n = 31

number of ROI being introduced in the Senate (Table 6.2). These two tables support the hypothesis that, according to simple statistics, ROI became increasingly important over three decades.

Table 6.1 and Table 6.2 demonstrates that ROI became more important over the years, which begs the question, how did the Senate deal with this increase of ROI? In the *Senate Journal*,

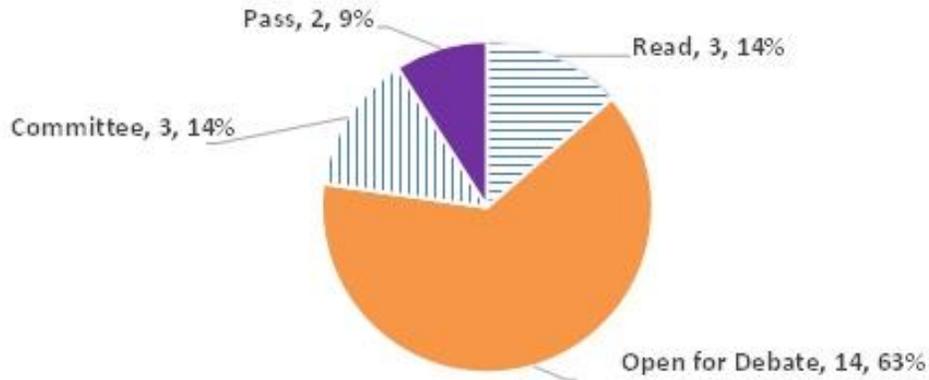
the most common attention to give each resolution was to read it, and sometimes, afterwards, there was a remark to specifically order the ROI to: Lie on the table, lie for consideration, lie on file, committed / referred to a select number of senators to consider and report thereon to the Senate, referred to the Judiciary Committee, transmitted to the office of the Secretary for the Department of State, be printed for the use of the Senate, resolved that the bill pass with amendments, pass on a second reading, and sent down for concurrence. Overall, these actions taken by the Senate regarding ROI highly suggests that ROI influenced senators and their agenda.

To understand how the Senate positively treated ROI, I collapse the Senate's treatment of ROI into four categories: (1) Read, (2) Open for Debate, (3) Sent to Committee, or (4) Pass. I coded all ROI (1) as "Read" if "read" was noted in the *Journal* without any other treatment being noted, or there was no treatment whatsoever (not even read) because it was noted in the *Journal* and therefore read (though not noted). I coded all ROI (2) as "Open for Debate" if the *Journal* noted that the ROI was to lie on the table or lie for consideration. Each of the former orders provided senators with an opportunity to begin to discuss the ROI as it lie. I coded all ROI (3) as "Sent to Committee" if the *Journal* noted that the ROI was to be sent to a Committee. I coded all ROI (4) as "Pass" if the *Journal* noted that the ROI was printed to the use of the Senate, sent to the House for concurrence, passed on a reading, or passed with amendments.

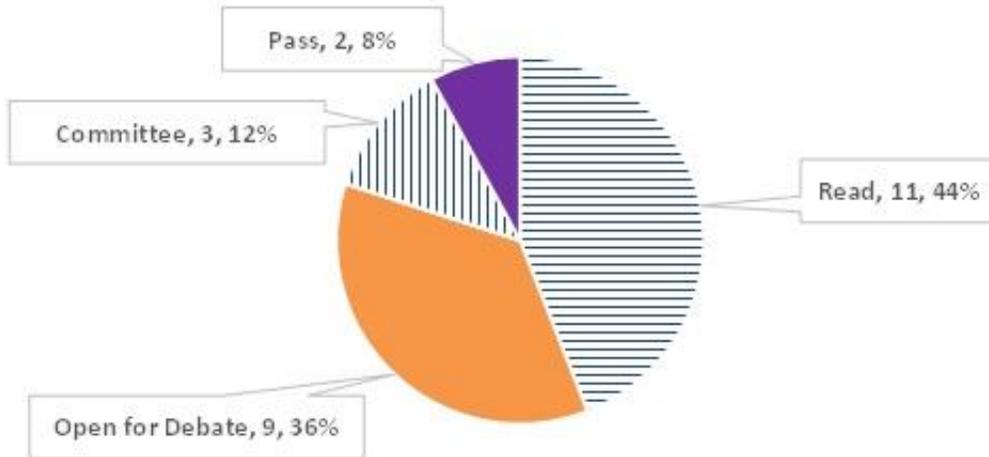
I tracked the amount of treatments as noted in the *Journal* by decade. The results indicate that there was a substantial increase of ROI being sent to a committee or passed from 1810 through

Decade	Top Ten	Middle Ten	Bottom Ten
1789-1799	2	3	<b>6</b>
1800-1809	2	<b>5</b>	3
1810-1819	<b>7</b>	2	1
n = 31			

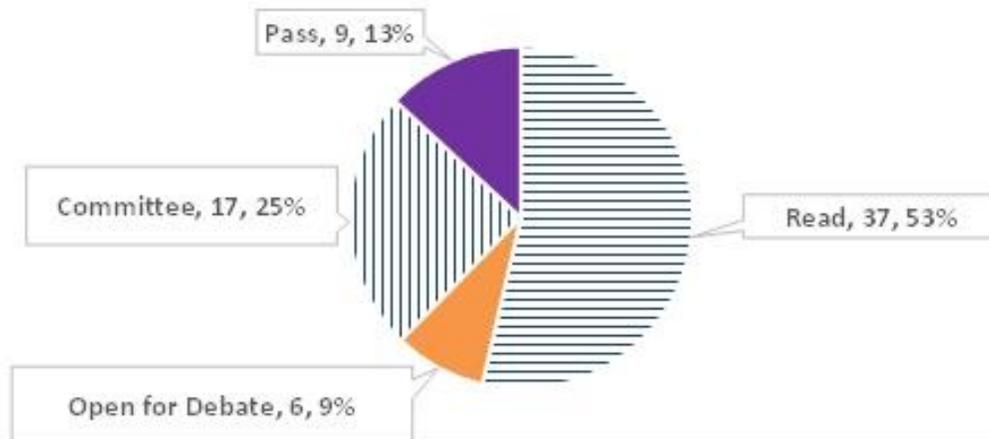
Pie Chart 6.1: Senate Action on Resolutions, 1789-1799



Pie Chart 6.2: Senate Actions on Resolutions, 1800-1809



Pie Chart 6.3: Senate Actions on Resolutions, 1810-1819



1819 (Pie Chart 6.1, Pie Chart 6.2, Pie Chart 6.3). Clearly, many more bills were being read, sent

to committee, or passed in the Senate during the third decade considering the previous two decades of activity. This supports the idea that ROI became more important during the decades after Ratification, not less, and also supports the idea that the Committee System was standardized to support ROI.

The results of the treatments of ROI from the pie charts shows that there was a sizeable increase during the third decade regarding ROI being passed or sent to committee as well as a plunging number of ROI that were open for debate. Qualitatively, the sample suggests that this was because of the choice to pass a constitutional amendment and additional states were advocating a ROI response in order to pass the amendment. This process resulted in ROI being sent to a committee and then passed. This evidence highly suggests that Americans did share republican values because they relied on ROI sent from state legislatures to influence the U.S. Senate and change the Constitution. The charts provide support for the idea that the peripheralizing function continued, increasingly, during three decades (at least) after Ratification.

Of particular interest, the amount of instructions "read" increased rapidly from fourteen percent of the Senate's treatment of ROI to an outright majority during the third decade. Also apparent, there is a jump of eleven percentage points to send instructions to committee during the third decade over the first decade. Part of the explanation is in the plummet of instructions ordered to lie on the table or for consideration (Open for Debate), going from sixty-three percent during the first decade to thirty-six percent in the second, and then falling rapidly to just nine percent during the third decade. To simplify these statistics, I compile the pie charts into Table 6.3 and Table 6.4.

Decade	Percent Read	% Open Debate	% Committee	Percent Pass
1789-1799	14	63	14	9
1800-1809	44	36	12	8
1810-1819	53	9	25	13
n = 116				

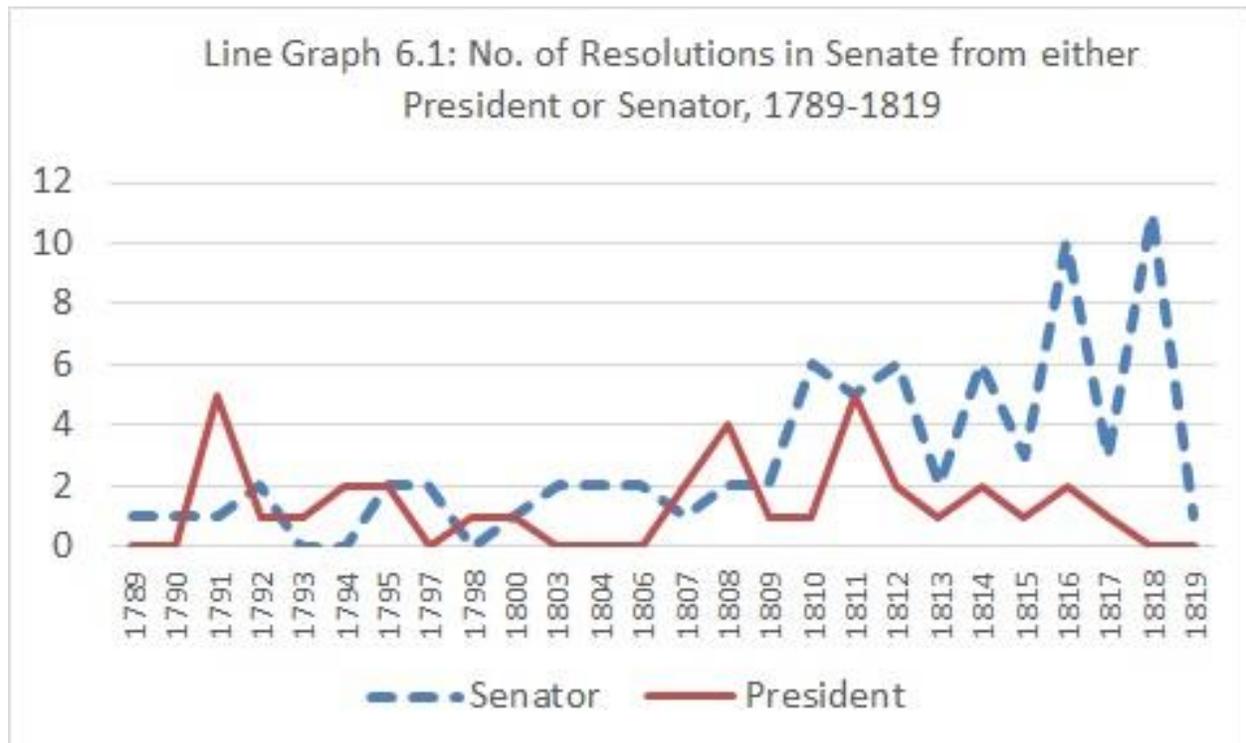
Decade	Count Read	Open Debate	Committee	Count Pass
1789-1799	3	14	3	2
1800-1809	11	9	3	2
1810-1819	37	6	17	9
n = 116				

The quantitative results above regarding the Senate treatments of ROI from state legislatures from 1789 through 1819 suggests that this practice was important because fewer ROI were open for debate as more were sent to committee and passed. However, as stated earlier, qualitatively, the sample regarding the first decade highly suggests that simply reading a ROI or having it lie for consideration was a noteworthy practice when the ROI was offered by the President. Given the fact that many of the ROI offered sentiments of praise or a policy recommendation, the Senate may have simply completed the application of the ROI by openly recognizing the sentiments and possibly integrating the intergovernmental coordination requests into other bills, such as a ROI pertaining to westward expansion that was an ongoing operation. In this way, the results suggest that ROI reflected a flourishing republicanism in the United States.

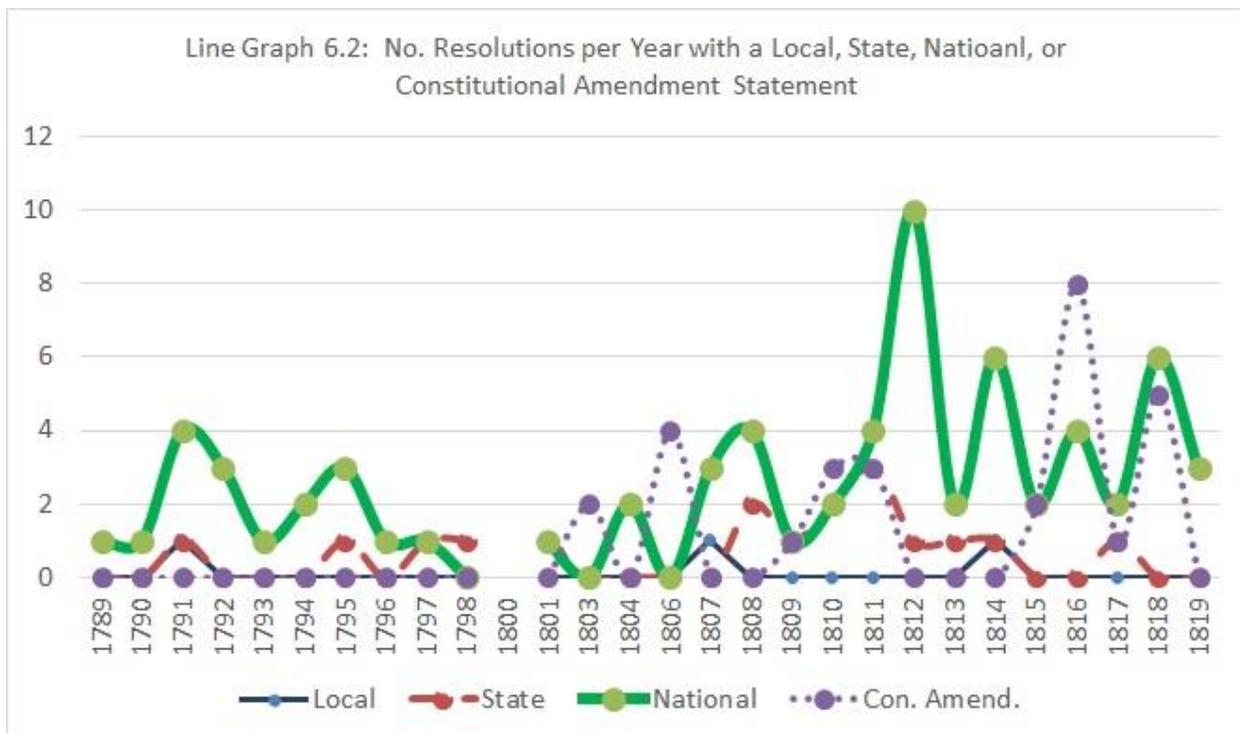
To test the hypothesis that ROI did matter to the senators as something to increasingly introduce during the later decades, I track the amount of ROI introduced by the senators and by the president. My hypothesis is that the senators increasingly introduced ROI over time, at least on average, because senators found messages from state legislatures to be more important to their electorate who were "republican" and would consider their Senator's vote decision regarding the ROI as an important political decision. This happened because everyone shared republican values

after Ratification, such as the historians' findings from Chapter Three. Accordingly, Line Graph 6.1 provides evidence to support the hypothesis that senators increasingly introduced ROI from their state legislatures over time. Also, I find that presidents George Washington, Thomas Jefferson, and James Madison also introduced ROI in the Senate on several occasions. These results suggest that ROI did matter to senators and presidents over time. Line Graph 6.1 provides support for my prime hypothesis that republicanism was practiced openly after Ratification because everyone supported republican values during the Founders' generation.

Given their increase of importance to the senators over time, I test the hypothesis that the context of the ROI changed over time from a description of what states need locally, such as the building of a lighthouse, to more national political challenges, such as the passage of a constitutional amendment. In order to test this hypothesis, I coded the resolutions as "1" if they were in regards to a *local* concern, "2" if they reflected a *state* concern, "3" if the resolution sought to influence a *national* concern, and "4" if the resolution specifically mentioned the need to pass



or not pass an amendment to the *Constitution*. The results in Line Graph 6.2 demonstrate that there is an increase in observances of resolutions that specially address national issues as well as constitutional change during the third decade. This supports the hypothesis that ROI were increasingly of national concern. Overall, most resolutions during this time period focus on concerns to be solved by the national government. Within the "3" category, there are numerous resolutions that detail the way in which the national government, states, and people worked together to usurp territory from Native Americans, which may lend support of an alternative hypothesis that ROI were utilized to support authoritarianism with consideration for Multiple Traditions (Smith, 1993; Hero, 2003).



The evidence in this chapter supports four key claims. First, ROI increased quantitatively over the years (Table 6.1 and Table 6.2). Second, ROI were increasingly sent to committee and passed while they were decreasingly open for debate (Pie Chart 6.1, 6.2, 6.3, Table 6.3, & Table 6.4). Third, the presenter of the ROI changed over time from the president to senators on average

as senators found messages from state legislatures to be more important over time (Line Graph 6.1). Finally, the nature of the communication by resolutions changed over time from a description of local matters, such as the location of a lighthouse, to national and constitutional issues (Line Graph 6.2). This happened because Americans were directing self-government through their state legislatures and ROI provided an established and routine practice to coordinate inter-governmental relationships at a time when the Senate infrequently met.

Since all four hypotheses are supported by the evidence, the idea that republicanism was prevalent is established. Senators took Instruction more seriously over time. The amount of Instruction increased over three decades after Ratification. ROI were increasingly sent to committee and passed by the Senate, especially during the third decade. Finally, ROI concerning national and constitutional issues increased during the third decade as opposed to an ROI that was reflective of a local matter or the sentiments of the local population during the first decade. These results suggest that the peripheralizing function continued long after Ratification in support of the historians' and not the political scientists' perspective regarding American republicanism at the federal level after Ratification.

## **Discussion**

The Constitution of 1787 gave state governments the ability to perform a political role to protect popular sovereignty that most Americans from the Founders' generation believed to be necessary for the proper functioning of the new Republic. State legislatures remained important to the constitutional understanding of federal-state relations on republican grounds because ROI were an institutional bulwark of exhibitions regarding a shared commitment to individual liberty, just procedures, and broad-based political participation. ROI to senators were a means by which state legislatures, hamstrung by challenges presented by timing and distance, ensured that their petitions

were placed before Congress (Girdwood & Grynaviski, 2014). What is surprising is the degree by which almost all ROI were taken quite seriously, even those simply read for the record. Today, if something is ordered to lie for consideration or sent to a committee in the U.S. Senate, political scientists generally assume that passage is quite unlikely and, by extension, the introduction of such a bill is meaningless regarding the official business of the Senate. However, the ROI brought in by presidents George Washington, Thomas Jefferson, and James Madison appear to have been "good on arrival." Only a "republican" and not a "liberal" value system can explain this qualitative observation, though more research is necessary in order to substantiate this qualitative observation.

Resolutions were matters of particular local concern that required federal action (e.g., Native Americans' land) and of national concern that required local input (e.g., the location of a federal post road or lighthouse). Both demanded inter-governmental coordination. Senators performed an important agency function for their states merely by presenting their legislatures' wishes to the lawmakers in the capitol who could use that information to coordinate intergovernmental activities. ROI to U.S. Senators and similar petitions appear to have been an especially useful vehicle for these kinds of communication because they so clearly established the wishes of the state as opposed to the whims of the individual representatives in Congress. The ROI practice therefore encouraged transparency, impartiality, and contestability regarding the republican element of the culture. And, when we consider Instruction in the decades before the Constitution (Chapter Four), we observe from this dissertation almost fifty years of Instruction as a continuous practice to peripheralize the national Congress.

## **Conclusion**

In this chapter, I provide the context and treatment of a sample of one hundred and sixteen Resolutions of Instruction that were recorded in the *Senate Journal* from 1789 through 1819. I find

that the use of ROI to express a local sentiment as well as to pass a constitutional amendment strongly implies that each resolution carries its own weight according to its purpose. Thus, my findings support the historians' depiction of the role of Instruction from Chapter Three as a pathway to exhibit self-government instead of the current disposition by political scientists which contends that republicanism was pretty much dead after Ratification as an influential element of the culture considering the choices and actions of federal representatives. Further, even though a singular ROI was discharged as a nuisance from an independent Senate, this action is better understood as a dramatic show of restraint because the Constitution allowed the senators to entirely ignore ROI at a whim, nevertheless, senators increasingly utilized the practice of Instruction after Ratification. This happened because Americans and their representatives shared an adherence to core republican values.

State legislatures played an important role as a broker of power between the people and the federal representatives in regards for the maintenance of a Republic. From light-houses to westward expansion and constitutional change, Instructions demonstrate that, to some degree, the state legislatures were organized to peripheralize the U.S. Senate in order to administer self-government. However, there were clearly torrents of authoritarianism (race supremacy) embedded into the decision-making process of ROI in regards for westward expansion. In brief, the republican practice of Instruction through state legislatures mattered during the Founders' generation as a means for being a republican, but republican values were at times sequestered by the representatives to provision other elements of the American culture, such as authoritarianism. Much more research is needed.

Keeping Instruction from the Constitution was a point of departure regarding the republican tradition under the Articles of Confederation considering the implementation of self-

government; meanwhile, the practice of Instruction proliferated to the new states and territories after Ratification and, according to the evidence, is partly responsible for the need to develop the Committee System. The states could not constitutionally recall senators or force them to resign by sending in and ROI, but the state legislatures did make their wishes known to federal government regarding purposive action for the development of the Republic and these instances of ROI enabled the peripheralizing function to grow, not eviscerate, during the decades after Ratification in the U.S. Senate.

In conclusion, ROI were increasingly introduced and delegated to a number of senators who would serve on the special committee to determine how to incorporate ROI. The qualitative analysis highly suggests that this incorporation of ROI by the Senate was a processing of the peripheralizing function. Thus, republicanism grew during the decades after Ratification regarding the federal government, contrary to contemporary assertions from political scientists that republicanism was basically dead after Ratification in Congress, and I find support for the historians' long-held conclusion that republicanism dominated America politics during the Founding and early Antebellum Era.

## CHAPTER 7: CONCLUSION OF DISSERTATION

### Overview

Once working on Dr. Grynaviski's collection of Resolutions of Instruction (ROI) during 2013, I began to notice a breach in the academic literature between historians and political scientists in regards for the role of Instruction as a practice of the republican element of the culture that did, or did not, allow Americans a means to participate in self-government. On the one hand, historians witnessed exhibitions of self-government as a consummate experience of bottom-up politics everywhere in that the people ultimately exerted power over their government through local conventions, barbeques, pledges, petitions, the ballot, and ROI, among other pathways, for governing themselves before and after Ratification until at least the Civil War. On the other hand, Riker (1955) led a discussion to reveal that the local and state governments did not have the power to peripheralize—to cause the national body to act due to local / state actions—after Ratification. Thus, for historians the republican element of the culture was manifest, permeating, and often a significant explanation for political issues and events before the Civil War regarding American politics, but for political scientists, republicanism became moot once Instruction was purposefully withheld from the Constitution.

The purpose of this dissertation is to bridge the breach between historians and political scientists regarding the continuation of republicanism after Ratification as meaningful practices within the federal government. By crafting an original contribution to show that the people used the republican element of the culture as a means to influence the federal government after Ratification through ROI and petitions, I close this breach with the recommendation that republicanism should be considered to have been a functioning value system long after Ratification because the people exercised the means to influence politics within the national Congress in a

manner consistent with republican core values. Therefore, this dissertation should allow for many research lines to open in order for political scientists to inquire regarding the republican element of the American culture, but how might someone begin to study republicanism?

An original contribution of this dissertation is to provide a “baseline” of American republicanism for future studies of republicanism regarding political practices, institutions, structures, behavioral, and norms based on political values. To accomplish this, I review two literatures and provide three empirical examples pertaining to republicanism as an element of a complex political culture. As an overview, Chapter Two, published by the *Journal of Behavioral and Social Sciences* (Girdwood, 2016), supports the idea that scientists are interested in studying the multiple elements of the American culture. Chapter Three offers a detailed review regarding the role of Instruction and explores why historians broadly argue that republicanism was the significant element of the culture, *par excellence*, during the antebellum era. Meanwhile, Riker (1955) was persuasive in that the state legislatures didn’t peripheralize the federal government often enough after Ratification to suggest that republicanism was an operational self-government through the practice of sending an ROI from a state legislature to the federal government after Ratification.

My research with Dr. Grynawski (2014) compels a reevaluation of Riker’s finding because Riker (1955) grossly underestimated the actual amount of Resolutions of Instruction from state legislatures after Ratification. Therefore, visiting this breach between historians and political scientists should be worthwhile because Riker, if given the information of over 2,000 ROIs during the antebellum era, would likely have argued that there was, given any year during the antebellum era, having more than one instance of an ROI being operationalized through the Senate, a minimum of support regarding exhibitions of republicanism. In short, republicanism was at times

operationalized to peripheralize the federal government during any given year throughout the antebellum era.

An original contribution of Chapters Five and Six is that the evidence supports the claim that petitions from the people and ROI from state legislatures were peripheralizing the House and Senate for years after Ratification, respectively. I find that republicanism was very much alive after Ratification within the federal government because of a shared belief in republicanism across the American nation. The people did practice their republican values openly and their representatives did respond appropriately to them on their terms.

Another original contribution of this dissertation is that I provide a study of Multiple Traditions because I also find evidence of authoritarianism in the House debate regarding the Alien and Sedition laws as well as ROI concerning the lands of Native Americans and westward expansion, complementing the literature related to Rogers Smith (1993, 1997).

### **Recommendations**

Keeping Instruction from the Constitution was a point of departure regarding the republican tradition under the Articles of Confederation with respect for the implementation of self-government; meanwhile, the practice of Instruction grew after Ratification and, according to the evidence, is partly responsible for the need to develop the Committee System. The states could not constitutionally recall senators or force them to resign by sending in and ROI, but the state legislatures did make their wishes known to federal government regarding purposive action for the development of the Republic and the examples of ROI display the peripheralizing function in action to develop, not eviscerate, the Republic during the decades after Ratification in the U.S. Senate. Of special interest, James Madison, Father of the Constitution, openly supported the practice of Instruction as a means to be a republican after Ratification through the Virginia

Resolves and while President of the United States he introduced ROI from state legislatures to the Senate.

Therefore, I recommend that political scientists reassess republicanism as an influential element of the American political culture. Such studies would likely best serve the public interest when designed to inquire into republicanism from a Multiple Traditions approach. Important points from this dissertation to consider additional studies of *republicanism* include:

- Keeping Instruction withheld from the Constitution was a point of departure from the republican tradition, yet;
- State legislatures increasingly practiced Instruction after Ratification
- U.S. Senators increasingly peripheralized the Senate with ROI during the decades after Ratification
- Presidents after Ratification supported the practice of Instruction openly on the Senate floor
- U.S. Representatives introduced into the House many petitions to repeal two national laws and these Representatives defended the right of the people through self-government to cause a House vote to publicly respond to the public request
- The Founders' generation deeply structured their actions to the republican practices of self-government considering Instruction from 1775 until Ratification, and long afterwards, notably including James Madison and Thomas Jefferson.

A Multiple Traditions research agenda is now capable of generating research that will be able to systematically document the multiple elements of the culture because I have provided a "baseline" of republicanism through this dissertation. The other elements of the culture should be explored as early as possible by scholars of those value systems, considering Multiple Traditions. Meanwhile, the examples of authoritarianism through the republican tradition to expand westward

(Chapter Six) likely provides a good place to look for Native American Thought, Biblical Thought, Authoritarianism, Liberalism, and conservatism. And, the authoritarianism noted in the House in regards for vitriolic opposition to the petitioners calling for a repeal of a national law might be a starting point for scholarly inquiry regarding institutions, behavior, and structure practitioners.

A central contribution of the dissertation is to open new research lines to support the Multiple Traditions research agenda (pick another topic or the same topic during a different time frame). Is it possible to imagine that we could embark on the creation of a Multiple Traditions Repository, maybe to point out when, where, why, and how the major elements of the culture are at cross purposes regarding the same issue or event. Subsequently, a positive effect of a Multiple Traditions study using my baseline of republicanism may be that scientists are able to explore and reduce scientific biases in political agendas as well as to evaluate their own beliefs regarding liberalism, authoritarianism, republicanism, or another element of the culture. For instance, behaviorialists may study attitudes towards the elements on various issues, topics, or events. Or, structuralists may attempt to replicate the elements as structures given the scarcity of resources concerning the needs of each specific element to function effectively. Finally, institutionalists may look into how preferences towards each element correlate with policy preferences. Do people who score high for "liberal" values truly stifle republican and authoritarian policy preferences, and vice-versa?

### **Future Work**

Where do we begin to study republicanism during the early 21<sup>st</sup> century?

Given the nature of republicanism seemingly everywhere before the Civil War, I took a chance to research whether Resolutions of Instruction were passed against the Patriot Act of 2001 because it appeared to mimic the Alien and Sedition laws. The results are breathtaking. In response

to the Patriot Act, there is indeed literature to support the idea that republicanism is an active element within the culture. Vasi and Strang (2009) account for Bill of Rights (BOR) Resolutions in, "Civil Liberty in America: The Diffusion of Municipal Bill of Rights Resolutions after the Passage of the USA PATRIOT Act." They find that over 400 resolutions of instruction were passed at the local and state levels to, essentially, repeal the Patriot Act! This is, statistically, a great increase of local / state ROI to oppose a prominent national law!

Of particular interest, according to the study, local participatory associations showcased a variety of coalitions to pass or to abstain from participating in the passage of the BOR resolutions. Undeniably, the community associations best suited to join the BOR campaign were those with a mission to "protect collective goals" (Vasi & Strang, 2009, p. 1748). The top three sponsors of Bill of Rights resolutions in Dallas, New York, and Columbia are: (1) Peace, Social and Justice associations, (2) Women, Gay and Lesbian Associations, (3) Racial and Human Rights associations; respectively. At the far end of the spectrum, and statistically the least likely to promote the BOR resolutions were: (1) Right Parties, (2) Labor, and (3) Business; respectfully. *Prima facie*, the most active associations represented are known to express support for republican values, and the *least likely* associations promote the BOR resolutions are known to express support for liberal and authoritarian values. In light of the literature review from Chapters Two and Three, this suggests that the resolutions of instruction were passed by citizens who value "republican" and not "liberal" values during the early 21<sup>st</sup> century!

The grassroots organization promoting equality on republican grounds is the Bill of Rights Defense Committee (BORDC). By August, 2005, 396 municipal, county, and state resolutions had successfully passed to cover over 80 million American citizens from the Patriot Act. The campaign by BORDC is activated through a "decentralized structure" and acted as an "informational

clearinghouse rather than a command and control center" (Vasi & Strang, 2009, p. 1753). The resolutions on the website provide the material for citizens to act on, and municipalities did craft a resolution that spoke specifically to the municipality's constituency. The mode was to "promote heterogeneity by permitting groups within each city to mobilize autonomously and in their own way" (Vasi & Strang, p. 1753). This event of ROI in opposition to the Patriot Act wholly supports Pettit's expectations for what a republican democracy acts like (2012)!

The Bill of Rights (BOR) resolutions may have altered the implementation of the public policy because BORs made it illicit to allow the Patriot Act to violate the basic civil liberties regarding the people of the Republic. Some of the BOR resolutions mandated transparency with local officials, and the local officials had the right to say "no" to compliance with the Patriot Act. To be sure, eight of the ordinances *verbatim* instructed city officials to refuse to comply with aspects of the Patriot Act deemed unconstitutional as stated by the BOR resolution (Vasi & Strang, 2009, p. 1753). According to BORDC.org (2012), eight State legislatures and four hundred and six county and local governments did pass, "Resolutions and Ordinances Critical of the USA Patriot Act" from 2002 through December 4, 2007. Thus, the republican element of the culture is "online" with respect for the Multiple Traditions research agenda during the early 21<sup>st</sup> century!

This begs the question: To what degree do individuals belong to associations, community organizations, and local governments which value freedom, virtue, and equality and are these values part of a republican value system that is truly maintained and expanded by the people across America? And, considering the field of political science, to what degree are Urban Studies examples of the republican, liberal, or authoritarian elements of the culture? Are studies of federalism and intergovernmental coordination additional examples of the peripheralizing function? Much more research is needed!

## Conclusion

In this dissertation, I provide examples of historical boundaries of republican practices and beliefs in practice from 1775 through 1819 in American politics at the national level. This dissertation should help to establish verifiable boundaries of republicanism that will enable researchers to search for and observe the element of republicanism during the early 21<sup>st</sup> century, hopefully using new and invigorating methods to advance a Multiple Traditions research agenda. I find that Americans enjoyed individualized, unconditioned, and efficacious control over their government from 1775 through 1819 (Pettit 2012), albeit in rudimentary ways. The evidence suggests that Americans did peripheralize the General Government after Ratification because of a belief in the republican values of freedom, virtue, and equality.

In conclusion, to show that republicanism was important before and after the ratification of the Constitution, I systematically documented two practices of direct popular control, ROI and direct petition, by which the people and their representatives enjoined and sustained a formative republican political experience. On the other hand, republicanism cannot explain the experiences of authoritarianism or its inability to foster a common good of equality, virtue, and freedom with, considering this dissertation, Native Americans. Nonetheless, republicanism was a customary political practice that continued long after Ratification because Americans openly practiced republican values as a means for supporting their values regarding self-government. And, this happened at the federal level because republican values were the core values of the representatives too, shared across the nation.

The end.

## AFTERWARDS

Ronald Formisano's article (2001), "The Concept of Political Culture" as published in *The Journal of Interdisciplinary History* explores the descriptions and definitions of political culture between historians [holistic and evolutionary] and political scientists [is political culture causal and is there a behavioral component?] (p. 396). As culture studies originated with Herder, de Tocqueville, and Montesquieu, the modern genesis began in political science with Almond's article (1956) "Comparative Political Systems" (p. 396). Almond's central definition of political culture is: Every political system is embedded in a particular pattern of orientations to political action (p. 396). In 1963, Almond and Verba's *The Civic Culture* accomplished a cross-national study "offering a theory of political stability and democracy that implicitly celebrated Anglo-American representative government—which became a major work of the political culture approach" (pp. 396-397). The "most popular spin-off from the concept's international origins was the comparison of state political cultures" by Elazar (1966) and many empirical studies generally confirmed Elazar's typology, which I shall return to shortly.

By the 1970s, critics gained a foothold and political scientists became disinterested in the concept of political culture (Formisano, 2001). Pye (1972) argued that the definitions for political culture were elusive and that it was used to explain "anything that cannot be explained by more precise and concrete factors" (p. 399). Further, political culture studies seemed to obscure scientific analysis to the fallacy that macro systems are simply extrapolations of micro systems, "thus failing to establish the connection between the richly complex thoughts and actions of individuals and the collective polity" (p. 400). Other critics include Pateman (1971) and Dittmer (1977) regarding assumptions of patterns of participation and ambiguity of central definitions, respectively. By 1979, Elkins and Simeon called political culture "popular and seductive" as well

as “controversial and confused” because the dependent variable was often not specified but as a mind-set or disposition (p. 403). Further criticisms continued through the 1980s and in 1988, Chilton addressed the downward spiral of political culture in that it “remains a suggestive rather than a scientific concept” (p. 404). Laitin (1995) concluded that thirty years of political culture illuminated a “degenerative research program” fraught with unproductive, unclear, and tautological findings (pp. 168-169).

On the other hand, Formisano (2001) contends, there are defenders of political culture who agree that culture studies provide explanations for politics, such as Almond (1990), Merelman (1989, 1991), Gibbins (1989), Wildavsky, Ellis, and Thompson (1990), Lane (1992), Nesbitt-Larkin (1992), Welch (1993). During the 1987 presidential address to the American Political Science Association, Wildavsky stated that there is a “cultural rationality.” Political culture is capable of demonstrating causal efficacy, noting Eckstein (1988) and Inglehart (1988). Even though Laitin and others completely disagreed with these assessments, political culture broke new ground in 1993 considering the seminal work by Robert Putnam, *Making Democracy Work*. Yet these advances were knocked back down by detractors, such as Jackman and Miller (1996) who argued that these works substantially overstated how cultural accounts affect political life. Concomitantly, Formisano (2001) relates that historians by and large accept political culture as a meaningful set of attitudes, beliefs, orientations, and values to affect politics (pp. 425-426).

David Lowery and Lee Sigelman’s article (1982), “Political Culture and State Public Policy: The Missing Link,” published in *The Western Political Quarterly*, focuses on testing Elazar’s tripartite classification of political cultures considering moralistic, individualistic, and traditionalistic cultures. These cultures exhibit a unique understanding regarding the purpose of political action and governmental policy, with special attention paid to “the legitimacy of mass

political participation and the acceptable scope of government policy making” (p. 376). The moralistic culture highly supports mass participation as a means to direct public policy. The individualistic culture welcomes mass participation to affect public policy, however, the heavy-lifting is done by the professionals and the people are isolated from policy making. The traditionalistic culture displays a restrictive orientation towards popular participation, “reflecting a highly elitist view in which mass activity is seen as disruptive or even dangerous” (p. 376). Altogether, political culture impacts public policy as a matrix of the three major cultures (p. 377). At first glance, republicanism, liberalism, and authoritarianism “match” Elazar’s tripartite classification of political cultures considering moralistic, individualistic, and traditionalistic cultures, respectively.

In ascertaining whether Elazar’s three distinctive attitudes towards mass participation and the scope of government “holds sway among members of the three cultures,” Lowery and Sigelman (1982) gather data from the 1978 American National Election Study survey and execute three measures of attitudes concerning mass participation (pp. 377-379). They are external efficacy, governmental responsiveness, and sense of citizen duty, each with a scale of attitudes per item and a composite measure. And, the authors use dummy variable approach in order to circumvent conceptual problems of in regards for the treatments of political cultures regarding a regression analysis. The traditionalistic dummy variables were excluded from the equation since “the traditionalistic culture serves as the reference category in interpreting the coefficients for respondents identified with moralistic or individualistic cultures” (p. 379).

The regression results demonstrate a “modicum of empirical support for Elazar’s formulation, but their net effect is to undermine rather than bolster confidence in the empirical validity of that formulation” (p. 380). Regarding the coefficients for the dummy variables, four of

the six tests for moralistic culture were significantly different from zero. Further, all current residence were significant, meaning, controlling for all other variables, residents or people subscribing to the moralistic culture “are more politically efficacious, view government as being more responsive, and express a more highly developed sense of citizen duty than do residents of traditionalistic cultures” (p. 381).

However, the differences do not attain statistical significance (p. 381). Similar results in support of Elazar’s formulation occur for the individualistic and traditionalistic cultures, with 7 of 12 predictions borne out. Thus, “the performance of the political culture variables as predictors of attitudes related to political participation and the desired scope of government activity is modest at best” (p. 382). “The argument that there are sharp contemporary attitudinal differences between cultural groups simply remains unproven” (p. 382). In the end, explanations considering other relevant studies of political culture may be due to “elite cultures” that greatly influence public policy making, or the matter of a “culture lag” whereby the present political institutions reflect the works implemented by previous eras (p. 383). This is therefore an opportunity for me to accomplish a new culture approach in order to attempt to attain statistical significance.

Therefore, at the time of defending this dissertation in 2018, political culture remains a controversial research topic. Regarding this dissertation, I believe that I have begun to solve many of the problems political scientists studying political culture have faced concerning an ambiguity of findings / conclusions as well as the independent / dependent variable problems because, in short, I clarify how republicanism was a freestanding political value system from 1775 through 1819. The elements of republicanism, liberalism, authoritarianism, and biblical thought comprise the collective polity of the American political culture (Tocqueville, 1835 | 1988). Political scientists have long argued that liberalism is an independent element of the American culture and

authoritarianism has been surfacing rapidly considering President Trump and his supporters. What has been a thorny puzzle is whether republicanism continued to affect American politics at the national level through the peripheralizing function after Ratification (Riker, 1955).

Thus, I believe that this dissertation will lead to many new research lines concerning the research topic of American political culture. Technically, I provide an empirical study of republican practices before and after Ratification to craft a baseline of strictly republican values and practices from 1775 through 1819. I show that Riker (1955) was misguided because of his lack of data and the data shows that republican practices actually increased nationwide after Ratification. Practically, political scientists researching political culture should consider the conceptualization and application of republican values as noted in this work to explain observations for the republican pattern of orientations to political action. In this way, I hope to replace Elazar's moralistic culture with the firmly established republican element of the American political culture.

## APPENDIX: CLAIMS AND HYPOTHESES

*“The principal claim of this dissertation is that republicanism continued to influence American politics at the federal level after Ratification.”*

### Chapter Three

CLAIM 1: the American people and their representatives practiced their republican values openly before and long after Ratification.

CLAIM 2: Their exhibitions of Instruction based on core republican values were widespread and prevalent across the nation.

If both claims are true, I think that it is reasonable to conclude that republicanism was a freestanding political value system, at the very least, from inception through the antebellum era.

### Chapter Four, 1775 - 1789

HYPOTHESIS 1: The people and their representatives (Delegates) practiced Instruction as an expression of their "republican" values to cause significant action in changing national policy.

HYPOTHESIS 2: There is no difference between the exertion of political change that Instruction had in American politics before and after the Battle of Yorktown.

### Chapter Five, 1798-1799

My primary hypothesize is that Americans sent petitions directly to their Representatives in order to cause action at the federal level regarding the need to repeal the Alien and Sedition laws of 1798 and 1799 a dozen years after Ratification. And, the members of the House who received the petitions defended them and performed their role as agent of the people in a way that exhibited the role of Instruction as a ritualized practice of self-government.

*Republican Hypotheses*

HYPOTHESIS 1: House records should demonstrate that a lot of petitions by ordinary people were signed and delivered which condemned the Alien and Sedition laws.

HYPOTHESIS 2: There was a defense of the petitioners and the petitions by the Representatives in order to protect self-government.

### *Authoritarian Hypotheses*

HYPOTHESIS 3: In the House debate, if some members exhibited authoritarianism, there would have been expressed as an argument against the people's right to exercise an ability to legitimately oppose and repeal a federal law because the petitions were argued to be an affront to a body of Representatives who hold an inherent power to care for the people (e.g., *paternalism*).

HYPOTHESIS 4: The petitions were argued to be illegitimate on various grounds, such as being passed by the people based on misinformation or disinformation.

### **Chapter Six, 1789-1819**

My primary hypothesis is that ROI from state legislatures were substantively important to American politics as a practice of self-government.

HYPOTHESIS 1: Instructions increased quantitatively over three decades after Ratification. I provide a table to support this hypothesis or not.

HYPOTHESIS 2: Instructions were increasingly sent to committee and passed over three decades after Ratification. I provide pie charts to support the hypothesis or not.

HYPOTHESIS 3: The presenter of the instruction changed over time from the president to senators on average. This happens because senators found messages from state legislatures to be more important over time. I provide a line graph to support the hypothesis or not.

HYPOTHESIS 4: The nature of the communication by resolutions changed over time from a description of what states were doing in territories and in need of lighthouses to much more serious

actions being required of Senators in that they were instructed to amend the Constitution. I provide a line graph to support the hypothesis or not.

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## ABSTRACT

### REPUBLICANISM IN AMERICA, EXAMPLES OF SELF-GOVERNMENT FROM 1775 THROUGH 1819

by

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**Major:** Political Science

**Degree:** Doctor of Philosophy

In my three empirical chapters, I provide documentation for my claims that (1) the people did petition the General Government, such as through petitions and resolutions of instruction and, (2) the national representatives did acknowledge and respectively act on the people's political documents, with attention paid to the defense of republican self-government, during the decades before and after Ratification. The evidence suggests that Americans did peripheralize the General Government before and after Ratification because of a belief in the republican values of freedom, virtue, and equality.

Practically, political scientists researching political culture should consider the conceptualization and application of republican values as noted in this work to explain observations for the republican pattern of orientations to political action. In this way, I hope to replace Elazar's moralistic culture (1966) with the firmly established republican element of the American political culture because I provide evidence to support that republicanism was a viable political value system in America from 1775 through 1819.

## AUTOBIOGRAPHICAL STATEMENT

Political things are very interesting to me. I majored in Political Theory and Constitutional Democracy at James Madison College inside of Michigan State University and graduated during 1999. In 2004, I began to write a political novel regarding the Iraq War and American foreign policy, *N. Awakening, The Origin of the Nobill Revolution*, that I would self-publish a few months before entering the Ph.D. Political Science program at Wayne State University during 2009.

There, I began to research republicanism during 2010 and I plan to continue to research republicanism in America for the remainder of my career because I think republicanism provides the “political solutions” that all Americans would find optimal to the status quo. This is because republicanism is what the Framers of the Constitution indeed ritualized into institutional norms and procedures with respect to the values and practices of the administration of self-government in regards to the functioning of the federal government (by the people, of the people, and for the people—said by the first president, Abraham Lincoln, of the newly established Republican Party!).

Thus, I have come to believe that Americans today fundamentally seek to renew a government of American republicanism, and because of their political culture, they will succeed. It’s my job to document and analyze it—and maybe even one day to be able to predict it.