

As the three-car train carrying Thomas Wilson Dorr wound its way north from Connecticut on May 16th, 1842, the streets of Providence came alive. Word had gotten out that Dorr, the so-called people's governor, was returning from his ten-day trip that included stops in Washington, Philadelphia, and New York. Dorr's goal was to take up the reins as governor of Rhode Island under the People's Constitution, a document that he authored in 1841. There was just one problem: another man, Samuel Ward King, considered himself to be governor of Rhode Island under a royal charter granted in 1663 by King Charles II of England. "In the small state of Rhode Island, with the population of about a hundred thousand, there are at this moment two Governors, two Senates, two Houses of Representatives, and other things in proportion. A clear exemplification of Jefferson's maxim that 'the world is governed too much.'" —The *Charleston Mercury*. A huge crowd greeted Dorr at the train depot and escorted him around the city. In the spring of 1842, Rhode Island was torn between rival governors, two separate legislative assemblies, and two competing visions of the nature of American constitutionalism.

The parade on May 16th ended at the home of Burrington Anthony. Tired after his long journey from New York, Dorr still mustered the strength to deliver a fiery 45-minute address to the crowd that gathered in front of Anthony's house. No transcripts of the speech survive, but most first-hand accounts maintained that Dorr reiterated his ardent belief in the doctrine of the people's sovereignty.

The crisis in Rhode Island represents a question of great moment for Americans before the Civil War: who were the rightful monitors of the constitutional order? Today, many take it for granted that that function falls under the United States Supreme Court. But that question was far from clear for Americans of an earlier generation. For them it seemed quite plausible that the Court, Congress and the Executive each had roles and that their interrelationship remained uncertain. And even more outside our "modern" understanding and yet clearly compelling to many Americans, was the possibility of a role for "the people" — as a check on unconstitutional actions of government. "The establishment of any mode of convenience for amending the constitution through the action of the legislature cannot impair the general unalienated and inalienable right of the People at large to make alterations in their organic laws in any other mode which they may deem expedient." —Thomas Wilson Dorr. A far different view of the political order was predicated on the belief that American constitutionalism was based on the rule of law and that a government could only be amended through prescribed legal means. According to the prominent Massachusetts statesmen Daniel Webster, "giving the slightest countenance" to Dorr's ideology "subjected all American government to the unbridled license of a mob."

Not on hand to listen to the speech on May 16th were Dorr's father, Sullivan Dorr, and his mother, Lydia. "It grieves us to the heart to know that a son of ours arrived at so mature an age and so well versed in the laws of his country should be a participant in acts calculated to carry the state into destruction. We pray you to pause before you pass the Rubicon." —Sullivan Dorr. The headstrong Dorr did not heed their warning.

Thomas Wilson Dorr was born into wealth and privilege in November 1805. Dorr was a scion from one of Rhode Island's wealthiest families. Sullivan Dorr was a prominent China trade merchant and a Providence businessman. Sullivan lived in Canton from 1799 to 1803, returning home to marry Lydia Allen in October 1804. Sullivan built his home on Benefit Street in Providence in 1809. The stately home, designed by John Holden Greene, was built on the house lot and original burial site of Providence's founder, Roger Williams. Thomas, the oldest of seven children, attended the Latin Grammar School in Providence and then the famed Phillips Exeter Academy in New Hampshire. From Exeter, Dorr went to Harvard, entering at the age of thirteen. He graduated near the top of his class in 1823. The restless young Dorr was not ready to settle in his native state. He studied law in New York City under the renowned Chancellor of New York, James Kent. Dorr toured the country for almost six years and occasionally practiced law in New York. In 1833, at the age of 27, he finally settled in Providence.

Soon he was elected to the General Assembly from Providence's 4th Ward. Dorr immediately took up the reform torch. He drafted and secured a statute providing for regulation of state-chartered banks; he worked for the abolition of imprisonment for debt; in the realm of education, Dorr set up a permanent school fund, and as a member and then president of the Providence School Committee, he laid the groundwork for the state's first public high school. Dorr was also connected to the antislavery movement. Unlike ardent abolitionists, Dorr believed that congress lacked the constitutional power to interfere with slavery in the states where it existed. However, like many abolitionists, Dorr hated the notorious gag rule, which prevented antislavery petitions from being heard in Congress. He also believed that Congress possessed the power to abolish slavery in the District of Columbia without approval of the slave states. "The younger generation will, we trust, come upon the stage of action with better feelings, sounder principles, and more courage in carrying them out and living up to them. When public sentiment is purified and elevated, we shall move with effect upon the District. That is the center, the capital, the citadel of slavery. The young men must take it. When it is taken slavery will die a natural death."

["You don't hear much about slavery from him until 1836,](#) when he introduces a resolution to abolish not only slavery, not only slavery but the slave trade itself in the District of Columbia. And he called it a 'national evil' that slavery was allowed to exist and that the slave trade existed and was carried on in the nation's capital. Like a lot of Dorr's resolutions, more progressive resolutions, it was defeated resoundingly. Eventually, in the compromise of 1850, which put off the Civil War for a few years, they did abolish the slave trade in the District of Columbia, but not slavery itself, which continued to exist. So, Dorr was fourteen years ahead of his time with that issue."

The Rhode Island Suffrage Association formed early in 1841 with the goal of replacing the state's legal structure with a modern document. "Reformers have taken steps to achieve a revolution in government because the state still adheres to the royal charter." —John Quincy Adams. More than any other state, Rhode Island failed to reconcile large-scale immigration with political democracy. During the American Revolution most states wrote new constitutions but Rhode Island continued to operate under its colonial charter. Lacking provisions for formal amendment, the 17th century charter became outdated as the 19th century wore on. Nearly 80% of Rhode Island's white male citizens could vote in the Revolutionary period. By 1840, however,

the number had dropped to 40%. Rhode Island's legislature was reluctant to expand its suffrage requirements especially in light of a growing foreign population, many of whom were Irish Catholics.

After numerous attempts to petition the legislature for a new constitution had failed, Dorr and the Rhode Island Suffrage Association organized an extralegal People's Convention, drafted a new constitution for the state, and sent out to the people to be ratified. The document contained liberal suffrage provisions but excluded African-Americans from the franchise. A white-only clause was inserted over Dorr's strenuous objections. But nevertheless the People's Constitution was attacked in the abolitionist press. "What meanness, hypocrisy, oppression! Let the most determined opposition to this despicable prescription be made by the people." —William Lloyd Garrison. However, the People's Constitution did enfranchise the large laboring class of Irish Catholic immigrant workers who were unable to vote under the charter. The document was ratified by a lopsided vote in late December 1841. Elections under the People's Constitution were held in April 1842. Dorr ran unopposed for governor.

The People's government met in assembly in early May under the specter of arrest. Both governments were uncertain on how to proceed. The charter authorities acted first by seeking the intercession of President John Tyler. Tyler was reluctant to get involved, but as a precaution he did reinforce troops at Fort Adams in Newport and also held troops in standby in New York. Dorr, acting against the advice of many of his supporters, decided to capture the arms stored at the state arsenal on Cranston Street in Providence. On the foggy evening of May 17, Dorr, along with an armed force of about 230 men and two Revolutionary-era cannon, marched from the Anthony home to the arsenal. Among those defending the arsenal and its contents were Dorr's father, brother, and uncle. Undeterred, Dorr demanded the occupants surrender; when they refused, Dorr ordered the cannons to be fired. The foggy night air prevented the cannons from firing. Dorr and his men fled into the night. The *New York Herald* humorously reported: "Killed: zero; Wounded: zero; Missing: 481; Scared: 960; Horribly frightened: 789; Fainted on the battleground: 73; Women in hysterics: 22; Temperance pledge broke (before the battle): 330; Governors missing: 1." The failed attempt to take the arsenal quickly became the butt of jokes in conservative Whig circles, but the seriousness of what Dorr tried to do in Providence was not lost. In a letter to her cousin, Providence resident Susan Backus captured the paranoia of the city's populace. "The Rhode Island war, I am in hopes, is almost over, but I am not sure, for reports say Governor Dorr is coming back with troops sufficient to take and kill us." —Susan Backus

Following a month in exile, Dorr determined it was time to return to Rhode Island in order to reconvene the People's Legislature on July 4th at Chepachet, a small village located in the town of Glocester. Residents of Providence feared that Dorr would once again try to sack and burn the city on his way to Chepachet. Dorr had the support of the fiery New York Irish Protestant labor leader Mike Walsh. However, the charter government undertook an effective anti-Catholic campaign that successfully deterred the Irish from aiding Dorr. Dorr was slow to realize how much support he had already lost by his attempted attack on the arsenal. Few elected members of the People's Government went to Chepachet, and upon his arrival there, Dorr was met by a small rag-tag force of poorly armed men. Facing a force of nearly three-thousand charter militia, Dorr prudently released his men from service and once again fled Rhode Island.

The charter forces operating under statewide martial law arrested more than 260 people over the next several days. During the upheaval, the legislature called for yet another constitutional convention. This time it was approved by an expanded electorate, including African-Americans, who received the right to vote after special referendum on the issue.

[“That 1843 constitution, and we use 1843 because it went into effect in May 1843,](#) it was the Law & Order Constitution that was drafted by the Law & Order Convention in the concluding months of 1842 after Dorr had been vanquished and had gone into exile. That constitution was productive of an incredible amount of internal strife in Rhode Island.”

Dorr lived in exile in New Hampshire and later Massachusetts for nearly a year and a half. During his time in New Hampshire, Dorr was protected by Democratic Governor Henry Hubbard. There was a five thousand dollar bounty on his head. In October 1843, he decided to return to Rhode Island to face charges of treason. His purpose in doing so was to test the concept of the people’s sovereignty in court. In 1844, he was tried and convicted of treason against the state of Rhode Island. Dorr had the distinction of being the first man convicted of treason against a state. The murdering abolitionist John Brown would become the second in 1859. Dorr was sentenced to life in prison at hard labor and solitary confinement. His political adversaries began to feel pressure for his release and after a period of twenty months in a dank cell he was released from prison. Dorr liberation stock was issued to raise money for the cost of bringing his case by writ of error before the United States Supreme Court. Dorr’s imprisonment became a rallying cry of northern Democrats in the 1844 presidential campaign.

Dorr’s time in prison ruined his already fragile health and as a result he never ventured far from his parents’ elegant home on the East Side of Providence. He remained a bachelor, dying of complications from severe rheumatism, in December 1854. He never wavered in his belief of the sovereignty of the people. “The Doctrine of Sovereignty: There is One overall, God blessed forever; and under him the People are sovereign. His Revealed Word is the higher law, to whose principles and rules of action recourse is had by the framers of constitutions and by legislators, to impart justice and equity to political institutions. The application of these principles and rules to the Constitutions and legislative acts of States, and to men in their political relations, is what has been called the democracy of Christianity. Rights are the gift of God. The definition and protection of them are the objects of just government.” —Thomas Wilson Dorr