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## The Ties that Bind: The Meaning of Attachment in State Constitutional Revision, 1820-1845

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THE TIES THAT BIND:  
THE MEANING OF ATTACHMENT IN STATE CONSTITUTIONAL  
REVISION, 1820 – 1845

A Thesis

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agricultural and Mechanical College  
in partial fulfillment of the  
requirements for the degree of  
Master of Arts

in

The Department of History

by

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B.A., Louisiana State University, 1997  
M.A., Louisiana State University, 1999  
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For my children, Camille and Benjamin. I hope I have shown you the truth of George Eliot's statement that it is never too late to be who you might have been.

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## PREFACE

On October 13, 1829, as delegates to the Virginia constitutional convention were beginning the work of drafting a new state constitution, a group of citizens excluded from the convention petitioned the delegates, arguing that the state's restricted franchise was unfair and unjust. It vested in "a favored class, not in consideration of their public services, but of their private possessions, the highest of all privileges: one which, as is now in flagrant proof, if it does not constitute, at least is held, practically to confer absolute sovereignty." They argued that the existing constitutional requirements of freehold suffrage were inconsistent with the basic premise of the Virginia Declaration of Rights, the equality of all white men under natural law, and with the republican principle of majority rule.<sup>1</sup>

The members of this group, the non-freeholders of Richmond, were prohibited from voting under the existing 1776 constitution and appealed to the convention for an extension of suffrage. At the time the 1776 constitution was ratified, a majority of its framers held traditional English beliefs about the nature of political power and the franchise, arguing that property ownership was the best way to ensure that voters had "permanent common interest with, and attachment to the community." As a result, the Virginia constitution of 1776 continued colonial suffrage requirements, restricting the right to vote to free white men who owned a freehold: at least fifty acres of unimproved land, twenty-five acres of land with a plantation and house of at least twelve square feet or a town lot with a house of at least twelve square feet. The non-freeholders argued that in addition to violating natural law, it was axiomatic that virtue, intelligence, and patriotism could not be equated with property ownership. They were essentially making the case for a broader conception of attachment to the community: property was only one of a number of ways to signify attachment. Attachment could and should also be defined by

virtue, demonstrated by obeying the law; intelligence, demonstrated through productivity; and patriotism, demonstrated by loyalty to the state.

Because the non-freeholders could not participate in the proceedings, delegate John Marshall presented their memorial. Marshall, the Chief Justice of the U.S. Supreme Court, was born in Fauquier County, Virginia in 1755 and, after serving as an officer in the Revolutionary War, had become a fixture of Virginia and national politics. He had been active in Virginia's efforts to ratify the U.S. Constitution, and he had served as a member of the Virginia House of Delegates as well as U.S. Secretary of State. He was appointed Chief Justice in 1801 by President John Adams, and although he still held that position in 1829, he agreed to serve as a delegate to the Virginia constitutional convention. At the memorial's conclusion, Marshall indicated the potential for reform when he stated that the subject was one of the "deepest interest" that should receive "the most serious attention" of the convention.<sup>2</sup>

The non-freeholders' memorial highlights several important developments in nineteenth century constitutional thinking. First, the non-freeholders rejected the idea that the social compact out of which state governments were formed during the Revolutionary era was based exclusively on the protection of private property. They challenged the notion that only the largest and wealthiest landowners possessed sufficient attachment to their communities to be accorded political rights. Instead, they reconceived attachment to include public service. They argued that non-property owners also deserved political rights because they provided duties that benefitted the entire community: they were taxpayers who contributed to public financing of infrastructure and defense, militiamen who had fought in the Revolutionary War and the War of 1812 and who were still called upon to ensure domestic order and defend against slave revolts, and house-keeper, whose productivity was necessary to the economic well-being of their

communities and whose patriarchal control over other family members (women, children, and, in some cases, slaves) helped to maintain social order and economic well-being. They articulated a new and compelling position for their inclusion into the state polity: they were free white men of value to the elite planter class because they maintained social order by insuring that disorderly men and women, especially rebellious slaves, were kept at bay.

The Freeholders articulated a broader definition of attachment, one that was being echoed in states across the country during the nineteenth century. In many instances, this debate over how to define attachment became one of the key issues at state constitutional conventions because it was so closely tied to issues of suffrage and representation. This thesis examines the debate in four state constitutional conventions: Massachusetts in 1820, Virginia in 1830-1831, Pennsylvania in 1837-1838, and Texas in 1845. By focusing on three of the original thirteen states, all of which initially drafted state constitutions during the Revolution and then revised them between 1820 and 1838, I illustrate the ways in which distinct political cultures shaped the definition of attachment in each state and how that definition changed over time. The inclusion of Texas, which was admitted to the United States in 1845, adds geographic variety, a more diverse (i.e., non-English) colonial experience, and an expanded time frame.

I have created a braided narrative that is organized thematically as opposed to chronologically. The introduction illustrates the historical context that made attachment a central issue in nineteenth century constitutional revision, both at the national and state levels. The body of the text is divided into two chapters organized around the new conceptions of attachment that emerged in the constitutional conventions of the four states: the first chapter examines attachment as both affection for one's community and as virtue, and the second chapter examines attachment as a form of public service and as a way of protecting types of property other than

real property. Using this braided technique highlights the ways in which different states grappled with the same pressures to redefine attachment ways that allowed the participation of upwardly mobile non-elite white men in the polity but still excluded potentially dangerous groups, like free blacks, slaves, Indians, and women.

## NOTES

1. *Proceedings and Debates of the Virginia State Convention of 1829-30* (Richmond: Samuel Shephard & Co., 1830), 26.
2. Virginia Declaration of Rights (1776), Section 6.; *Proceedings*, 31. Oyez, “John Marshall,” accessed September 1, 2019, [https://www.oyez.org/justices/john\\_marshall](https://www.oyez.org/justices/john_marshall).

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## ABSTRACT

This thesis examines the changing conception of attachment in state constitutional conventions from 1820 – 1845. During the colonial and early national periods, attachment was defined primarily through property ownership. Accordingly, early state constitutions limited the rights of citizenship, namely suffrage, to free white men who possessed a freehold. Over time, in response to pressure from upwardly mobile white males, state constitutional conventions began to create a new political order based on an expanded definition of attachment: non-propertied white males could exhibit attachment and be granted citizenship through affection, civic virtue, and public duty.

## INTRODUCTION

The Richmond memorial illustrates the belief of many citizens of the nineteenth century that the political promises of the American Revolution had not yet been fulfilled, especially as they related to suffrage and representation. As the original thirteen states contemplated revisions of state constitutions, and as new states entering the Union drafted their first constitutions, political pressures from both elites and non-elites led to conflicts over the appropriate meaning of attachment. In many instances, this manifested itself in the debate over whether and how suffrage would be expanded and how representation in state legislatures would be apportioned: Would the right to vote be based on a broader definition of citizenship than property ownership? Would legislative seats be apportioned based on population, taxation, or some combination of the two? Essentially, the debate was over how attachment to one's community would be defined. In some instances, citizens took advantage of ideological differences among competing groups of political elites to pressure reform-minded elites to make state constitutions more responsive to their concerns. Reformers believed they were engaged in activities "favorable to the cause of republicanism," pushing political leaders to match government institutions to the rhetoric of a republican form of government. However, in other cases, delegates opposed to reform were able to prevent the changes citizens had been advocating.<sup>1</sup>

While the delegates to constitutional conventions tended to be political elites, citizens did not always defer to those elites; they expressed their opinions in directions and memorials to their representatives, through newspapers, and in letters. These written records shatter the myth of a unified population or a population whose political views remained fixed over time. Instead, they present a dynamic population whose views about acceptable levels of civic engagement in government institutions were changing over time. Essentially, many of them wanted their state

constitutions to reflect the beliefs that ownership of real property was not the only marker of attachment to one's community nor the only determinate of the rights of suffrage and political representation.

The traditional progressive narrative of American history often describes this shift towards universal suffrage as uninformed and linear; beginning with the Revolution, the United States was on a clear trajectory to becoming a true democracy by the end of Jackson's Age of the Common Man. However, this view presents an oversimplified version of the past and ignores the founders' belief that they were creating a republic, not a democracy. At the time of the Revolution, democracy was commonly associated with faction and mob rule, creating "instability, injustice, and confusion." In *Federalist* No. 10, Publius (in this instance, Virginian James Madison) reflected the common belief that democratic governments "have in general been as short in their lives as violent in their deaths." Accordingly, most American political elites preferred a republican form of government in which a majority of the citizens delegated authority to a smaller number of elected officials who in turn carried out the business of governing. This form of government was, many believed, more effective at curtailing the deleterious impacts of faction. A republic, they believed, would help to check competing interests among society. Instead of a democracy, then, most political elites of the time worked, at the national and state levels, to create a republic of free white men.<sup>2</sup>

Despite the framers' preference for a republican form of government rather than a democratic one, in the years following the Revolution, new ways of talking about and practicing democracy began to emerge. First, as early as the 1780s, during the ratification debate over the federal Constitution, opposition to the document reflected class-consciousness. In his analysis of anti-federalist rhetoric, historian Saul Cornell developed the term plebian anti-federalist to

describe those authors who portrayed themselves as spokesmen of the common people, either by virtue of their close connection to the people or by their own status as “common folk.” In adopting the term “plebian,” Cornell tied these authors to the non-elites of ancient Rome who successfully gained political rights for themselves. Many of the plebian anti-federalists called attention to the important role militiamen, most of whom were not property-owning elites, had played in the success of the Revolution but who would be hurt, antifederalists argued, by the ratification of the Constitution. Second, in Massachusetts, local government centered around the town meeting, an example of direct democracy, in which all citizens had the opportunity to voice their opinions about the issues and then vote on outcomes. Third, during the 1790s, democratic clubs and societies began to emerge; they offered non-elites, like farmers, artisans, and mechanics, an opportunity to discuss contemporary political issues, sometimes along with elected officials and landed elites, and they challenged the prevailing idea of “an electorate at a safe remove from their representatives.” Similarly, elected officials changed the language they used to describe the American political system; for example, in his 1825 inaugural address, John Quincy Adams identified the United States as a “confederated representative democracy” rather than a republic. Finally, during the presidency of Andrew Jackson, opposition to Indian removal was so strong that it “overwhelmed traditional forms of political participation” and led to petitions signed by male voters as well as by college students and women.<sup>3</sup>

The preceding examples make it clear that the notion of who should be allowed to participate in politics and what forms those activities should take were changing. It was a time of transition, when politics was becoming more participatory, largely due to the development of the second party system, where Federalists and Democratic-Republicans competed for the allegiance of voters. As part of this competition, political elites in both parties worked to create

the illusion of shared interests with the growing middle class population. The middle class, in turn, began to expect that their increasing involvement in the new market economy should translate into a greater share of political power. This expectation provided an opening for a new political order based on expanded political rights at state constitutional conventions: one in which some upwardly mobile white men redefined attachment to the community in a way that would allow them access to the vote and officeholding.<sup>4</sup>

However, many nineteenth century Americans still did not define democracy the way present-day Americans do, as a government based on the principles of majority rule and universal suffrage. The experiences of the drafters of state constitutions in Massachusetts, Virginia, Pennsylvania, and Texas are representative of the conflicts drafters of other state constitutions faced and the compromises they had to make in determining how to define attachment and how to reconcile ideas of natural rights with traditional British ideas of social class and the privilege and deference built into it. Members of the political elite of the eighteenth and nineteenth century were heavily influenced by John Locke's theory of social contract based on natural rights. According to Locke, governments formed when individuals surrendered their natural rights to life, liberty, and property in exchange for civil rights created and issued by the state; these civil rights would ensure the civic order and the protection of private property.<sup>5</sup>

In the years leading up to the Revolution, some members of the colonial elite had begun to emphasize Locke's language of liberty and natural rights in an attempt to sway public opinion towards Revolution. Thus Americans of all social classes became familiar with the language of natural rights. However, as historian Michal Jan Rozbicki notes, elites' conception of liberty was based on a British ideological framework with privilege at its center, and they defined liberty not as an abstract right, but as a "cluster of specific immunities and entitlements existing along a

continuum with different portions of the spectrum available to different social ranks and with the fullest enjoyment exclusive to the uppermost elites.” These entitlements included *habeas corpus*, trial by jury, representative government, and franchise. Importantly, they saw liberty as what Rozbicki calls a “relation of difference” based on an assumed social inequality and deference, and most elites saw no problem basing attachment on property and restricting the franchise to property-owning white males.<sup>6</sup>

One of the ways the elite exercised their power was through their ability to define and control the public meaning of liberty through rhetoric. This new Revolutionary era rhetoric, though employing the language of rights and liberties, was built on existing inequalities and perpetuated the former colonial elite’s self-interest. Property was the primary marker used by elites to differentiate status and restrict access to government power. The earliest state constitutions reflected this self-interest; despite the Revolutionary era’s emphasis on rights and liberties, most states equated attachment with property; accordingly, they instituted property restrictions for voting and office-holding, and legislative representation was not apportioned by population but by other means that privileged wealth over population. This framework allowed political elites to maintain the power they held during colonial times.<sup>7</sup>

Property requirements in the early republic reflected the traditional British beliefs that the right to vote required independence and that independence could only be secured through property ownership; men who did not own property were dependent on others and could not be trusted with the franchise. Many American political elites had been influenced by the British jurist Sir William Blackstone’s argument that the “true reason of requiring any qualification with regard to property in voters is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own.” The views of John Adams were typical of many of

political elites of the time: “[V]ery few Men, who have no Property, have any Judgment of their own. They talk and vote as they are directed by Some Man of Property, who has attached their Minds to his Interest.” Adams believed that this idea of dependence, or a lack of judgement, extended not only to men who did not own property but also to women and children, despite the desire of his wife, Abigail, that women be given political rights.<sup>8</sup>

Abel Upshur, a delegate to the 1829-30 Virginia convention, echoed Blackstone’s argument that basing political rights in property promoted social stability. Born into the Virginia elite, Upshur’s family owned a plantation in Northampton County, Virginia, and before attending the constitutional convention, he served as a member of the Virginia House of Delegates and as a member of the Virginia General Court. In the 1840s, he served in the cabinet of President John Tyler, a fellow Virginian. Upshur articulated the widespread view that if men without property were given the right to vote, corruption and anarchy would follow. Harkening back to the class warfare and violence of the French Revolution, and signaling the fear many slave-owning Virginians felt about the possibility of slave revolts, he argued that without protection of property rights, “our next business is to cut each other’s throats.”<sup>9</sup>

While Upshur’s statement is clearly hyperbolic, the view that protection of property was essential to a well-ordered society was so widespread and deeply held, even after the Revolution, that many state constitutions, including those of Virginia and Massachusetts, limited the franchise to property-owners. This fusion of the right to vote with property ownership led to the development of a political and social system built on the deference of the majority to a minority of the propertied elite (including, in Virginia, Upshur). This system, in turn, created societies with pronounced class divisions. Over time, history has shown that such societies eventually suffered from political and social instability and often were not able to maintain and protect the

rights of the majority, but in the late eighteenth and early nineteenth centuries, these societies were the norm in the western world.<sup>10</sup>

However, despite the deferential political system that existed in the decades following the Revolution, new ways of speaking about democracy had begun to emerge. In an attempt to gain support for their campaign against British tyranny, elites had appealed to non-elites through public speeches and in print, thereby spreading the more inclusive language of liberty to non-elites, and as a result, the “symbolic use of language merged with the practical and political functions to such an extent that separating them was difficult, if not impossible.” Although many of the first state constitutions which had been drafted in the immediate aftermath of the Declaration of Independence adopted this rhetoric of rights, they also simultaneously reflected those traditional British ideas of liberty, and they restricted suffrage and representation accordingly. However, once upwardly mobile non-elites became exposed to the language of liberty, they began to expect that it would apply to them as well as to the elites, and they started to pressure political elites to make institutions more responsive to the public, largely by challenging possession of real property as the only sufficient marker of attachment to one’s community. They were most successful in those situations where elites were divided over the appropriate level of civic engagement and participation in state governments and in states where the traditional political culture valued public service as much as property ownership.<sup>11</sup>

One of the ways reformers were successful in limiting the role of property as a marker of attachment was to reframe the definition of citizenship, equating it with civic engagement and stressing the exchange of rights for duties or obligations. In doing so, they expanded the definition of attachment to encompass contributing to the good of society in a variety of ways, including militia service, tax-paying, and house-keeping. In defining these new markers of

attachment, reformers stressed the shared interests and values of patriotism, virtue, social order, and productivity. These ideas were resonant in part because they were not new to American political thought or discourse. Instead, they built on existing notions of attachment: the idea of American states as commonwealths, the role of institutions like schools, churches, and militias, and the importance of connection to the land.<sup>12</sup>

At Independence, three American states, Massachusetts, Pennsylvania, and Virginia, borrowed from the English tradition and called themselves commonwealths, acknowledging that they were founded to promote the common good. Adopting the identifier commonwealth signaled the role of the state in promoting the interests of all citizens and, importantly, encouraging what historian Johann Neem calls “affectionate ties,” or feelings of shared experiences and values. Commonwealths stressed the social contract and the exchange of rights for obligations, but at the same time, de-emphasized individual rights while privileging communal interests. To create these affectionate ties, some states relied on institutions. In Massachusetts, for example, the 1780 constitution provided for both a system of public education and public support of churches. Pennsylvania’s sizeable Quaker population shared a belief in the interconnectedness of individuals and God, which led to an emphasis on moral ties that bound all members of the commonwealth in mutual responsibility, and the Pennsylvania constitution also supported education. In Virginia, many inhabitants shared Thomas Jefferson’s agrarian vision of society in which love of and connection to one’s soil translated to a love of one’s country. One delegate to the constitutional convention of 1829-1830 went so far as to describe farmers as the “chosen people of God,” and argued that as such, they should be awarded a special status within society.<sup>13</sup>

Despite their shared status as commonwealths, Massachusetts, Pennsylvania, and Virginia had distinct social and political cultures, and these differences meant that each state's original constitutions as well as their paths to redefining attachment and who contributed to the good of the state were distinct. The centrality of the Puritan tradition in Massachusetts and its emphasis on church membership and participation translated into a political culture in which civic participation was "sanctioned, encouraged, and seized upon" in ways distinct from other states. In Pennsylvania, Quakers supported education not only for white males but also for women and free African Americans, a unique position at the time. Virginia, the commonwealth most dependent on unfree labor, became consumed with concerns about potential slave rebellions and a potential increase in the number of free African Americans as a result of widespread manumission or emancipation.<sup>14</sup>

In each of these states, constitutional conventions provided opportunities for debate, and although the states had distinct political cultures, certain key issues emerged in common. First, many delegates began to argue that virtue and civic value should be measured by public service, rather than strictly by property ownership. Second, property ownership itself should be more broadly defined beyond just real property; it could and should include the homestead or the house-keeper. Third, patriotic attachment was important and should be valued; it could be created through public education, militia service, or family headship. Fourth, some advocates for expanded definitions of attachment and wider suffrage took the pragmatic position that allowing more men to vote would prevent disaffection among groups in the population most likely to engage in mob violence. Finally, while many political elites saw a value in widening the definition of attachment and easing suffrage restrictions, they were wary of true equality;

expanding white male suffrage happened alongside new legal restrictions for groups framers considered dangerous to social stability, including women and free African Americans.

By 1815, many states began to seriously consider constitutional revision for a number of reasons. First, the conclusion of the War of 1812 shifted the nation's attention from foreign to domestic affairs. Additionally, the war effort depended on militias, many of whose members were not eligible to vote because they did not meet their states' property requirements. At the same time, as historian Alan Taylor argues, the war effort called attention to the differences between British subjectship and American citizenship, indirectly highlighting the meanings of citizenship, patriotism, and attachment to one's nation. Furthermore, the militia's role in the war and in promoting domestic order gave it and its members legitimacy and authority which in turn signified attachment to one's community distinct from property ownership. Finally, militia activities, including public parades and roll calls were important civic rituals which also created attachment to political life of one's community.<sup>15</sup>

Fear of domestic insurrection was another factor that contributed to constitutional revision in multiple states. Mob culture predated the Revolution, with colonial and early national political leaders tolerating a certain amount of "politics outside," provided the mobs limited the damage inflicted upon persons and property. However, the increasing frequency and intensity of mob violence of the early nineteenth century called attention to new levels of internal conflict, and political elites at the national and state levels began to see the need to strengthen the power of the government in order to prevent disorder. Many mob actions had economic roots, and some elites became concerned that if the government did not expand its power over economic issues, mob violence would continue to grow in frequency and intensity. For example, Shays' Rebellion in the backcountry of Massachusetts is widely acknowledged to be one of the precipitating

events of the drafting of the U.S. Constitution because elites realized the government under the Articles of Confederation was not strong enough to maintain order or to protect elite economic interests. Furthermore, some elites began to believe that extending political rights to wider swaths of the population would help to create feelings of attachment and common interest among men who might otherwise join mob action. Ironically, mob action and rebellion could occasionally be used by elites to achieve their goals; for example, the Republic of Texas was created through filibuster by native-born Americans against Mexico.<sup>16</sup>

At the same time, economic changes as a result of rapid industrialization and the effects of the War of 1812 led to the Panic of 1819, and the crisis forced national and state governments to consider increasing their roles in managing the economy. In the aftermath of the war, the nascent textile industry and the farmers who supplied it with cotton experienced huge contractions as government demand decreased and British goods flooded the market. Bankruptcies skyrocketed. Banks began to call in outstanding loans, leading to a contraction in the money supply, which caused financial hardship at all levels of society. As a result of the crisis, political elites at the state and national levels began to debate with great frequency issues such as protective tariffs, debtor relief, and bank charters. Because these issues directly reflected the power of the state, many of them spilled over into state constitutional conventions.<sup>17</sup>

Americans were also developing a more democratic temperament based on feelings of sympathy towards and commonality with others. This new sensibility had its roots in the Scottish Enlightenment, among thinkers such as David Hume and Adam Smith who emphasized politeness, sociability, and an interdependency that encouraged social action. This social action led to feelings of attachment to one's community, which in turn had the effect of making concrete and "humanizing the abstract notion of 'the people.'" The resulting "imagined

community” existed even when a political community was too large for all of its members to know each other, because “in the minds of each lives the image of their communion.” In other words, attachment to one’s community could exist through feelings and sentiment rather than through property.<sup>18</sup>

Demographic changes in the early nineteenth made the “errors” of the Revolutionary-era constitutions clearly obvious; specifically, as the Atlantic states’ populations shifted west, political power remained concentrated along the east coast, creating tensions between easterners attempting to maintain their hold on power and westerners fighting to gain the political power to which they believed they were entitled. This was an especially salient issue in Virginia, where regional differences were exacerbated by the issue of slavery. Eastern slave-holders dominated the state legislature and had been resisting calls for change in legislative apportionment since 1776. Finally, the constitutions of new states entering the union “registered important democratic gains” of which citizens in the original states were aware. Many residents of eastern states began to migrate west for greater economic and political opportunities. Accordingly, political elites in many of the original thirteen states began to feel pressure to revise their constitutions, especially as they related to attachment and suffrage.<sup>19</sup>

At each convention, delegates debated the issues involved in framing state governments, but some delegates took on greater roles than others. In each state, a few key figures laid out ideological positions and set the parameters for debate on the issue of how to define attachment and the corresponding rights that went with it. In Massachusetts, partisan identity meant less than whether one supported a broad or a narrow view of attachment. Josiah Quincy, a Federalist with extensive political experience and Machiavellian-like organizational skills created an alliance with Democratic-Republican and sitting justice of the U.S. Supreme Court Justice

Joseph Story to block efforts by reformers to expand suffrage and create more a more equitable system of representation. Other important figures included the famed orator Daniel Webster.<sup>20</sup>

At the Pennsylvania convention, Thomas Earle, a Quaker active in a variety of reform movements, including abolition, became known as the “Father of the Constitution of 1828” for his work in changing the framework of government. He remained committed to abolition and ran for vice president of the United States on the Liberty Party ticket in 1840. Thaddeus Stevens, another abolitionist and future Radical Republican in the U.S. House of Representatives during Reconstruction, advocated for public education and equality before the law for all men, regardless of race. These issues were central to his activism because he believed distinctions based on class and race were incompatible with republican governments.<sup>21</sup>

Although Thomas Jefferson did not attend a Virginia constitutional convention during his lifetime, his influence was strong at both the conventions of 1776 and 1829-1830. James Madison attended both conventions, playing a leading role. The 1829-1830 convention boasted a who’s who of American politics, including John Marshall and James Monroe. There were also delegates not as well-known on the national stage but who were key figures in Richmond, including Alexander Campbell. A native of Scotland, he was an ordained minister and outspoken advocate for the western part of the state. Benjamin Watkins Leigh, a delegate from Richmond, was a well-known attorney and political figure. He played an active role in making sure delegates opposed to reform remained unified in their positions.<sup>22</sup>

In Texas, many leaders of the convention of 1845 had been active in the Texan revolution, including Isaac VanZandt. VanZandt, a native of Tennessee, moved to Texas in 1838 and quickly became involved in politics. Sam Houston appointed him to the position of chargé d’affaires to the United States in 1845, where he successfully worked for the annexation of Texas.

Once that was secured, he returned to Texas to serve as a delegate to the constitutional convention. José Antonio Navarro, the only Hispanic delegate to the convention, had served in the Coahuila and Texas state legislature and the Mexican federal congress prior to Texas's independence. He signed the Texas Declaration of Independence in 1836, and at the constitutional convention in 1845, he worked to protect the rights of Tejanos.<sup>23</sup>

Under these changing circumstances, and with the aforementioned key figures playing important roles, the debate over the evolving nature of attachment and the appropriate role of property in ordering early American society came to the fore. However, this pressure for states to redefine attachment through constitutional revision did not unfurl in a uniform or even linear way. This thesis examines the contested nature of these debates in four states: Massachusetts, Pennsylvania, Virginia, and Texas. The first three states drafted their initial constitutions during the Revolutionary War and then subsequently revised them between 1820 and 1838. Texas drafted its first constitution in 1836 after declaring independence from Mexico, drawing parallels to American independence from Britain, and then drafted another constitution in 1845-46 as a part of its annexation by the United States. By focusing on these four states, I am able to trace the development of theories of attachment over time and in different regions, among slave and non-slave states. However, change was limited; no state entirely removed property qualifications, and as suffrage moved closer to universal white male suffrage, states imposed new limits on other groups, including women and free African Americans. While the details differ across the four states, they all illustrate the fact that state constitutional conventions and the resulting documents they produced reflected the debate over “competing and infinitely contestable understandings of the good state.”<sup>24</sup>

## NOTES

1. "The Staunton Memorial," *Niles' Weekly Register* 11 (1816): 20.
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CHAPTER 1.  
ATTACHMENT AS A CONSTITUTINAL ISSUE:  
THE POLITICS OF AFFECTION AND VIRTUE

In a letter to Samuel Kercheval from July, 1816, Thomas Jefferson argued in favor of revising the 1776 Virginia constitution because it did not conform to republican principles, and it failed to “embody the will of [the] people.” His primary concern was its unequal representation. Because attachment was based on the freehold, it prevented a large population of white men from voting, even though they were otherwise attached to their community. He argued attachment should be defined by either military service or taxpaying. Accordingly, suffrage should be extended to “every man who fights or pays.” This concern was not new to Jefferson; in a letter to Edmund Pendleton written during the ratification debate of the state constitution of 1776, he objected to the constitution’s narrow definition of attachment as the freehold. He argued that it should be broadly construed as permanent intention of living in the country and could be proven any number of ways, including “having resided a certain time, or having a family, or having property, any or all of them.”<sup>1</sup>

While both of these letters expressed Jefferson’s frustration with specific provisions of the 1776 Virginia state constitution, they are representative of the concerns of reformers across the United States in the late eighteenth and early nineteenth centuries. In a number of states, delegates to constitutional conventions grappled with how to define attachment in a way that would serve as both a positive good and as a means of social control. Many delegates concluded that in order to do so, the obligation of attachment and its corresponding right of suffrage would have to expand beyond the ownership of real property. They determined five new and important ways to approach and reframe attachment: first, as the embodiment of social affection and virtue; second, as a solution for containing rebellions; third, as a reward for public service; fourth, as a

way to reinforce the need to protect new forms of property, especially slavery; and finally, as a politically charged symbol for restricting the rights and suffrage of dangerous and dependent classes of people, such as white women and free African Americans.

Massachusetts was one of the first states to grapple with constitutional revision in the nineteenth century. The constitution of 1780 had established the precedent of constituent sovereignty, the idea that constitutions should be framed in specially-called conventions and then ratified by the people. It was an important political principle that distinguished the new republican state governments from their colonial predecessors. State constitutions were not ordinary legislation, appropriate for state legislatures to handle in the normal course of business. As frameworks of new state governments, constitutions required, according to adherents of the theory, a convention dedicated to their creation whose delegates had been expressly chosen by the voters for that role alone. The cornerstone of constituent sovereignty was the belief “that the persons delegated with the proper powers to form a plan of government, ought to possess the entire confidence of the people.” It was important then, that delegates shared the same sensibilities of the constituents.<sup>2</sup>

Drafted by John Adams, the constitution of 1780 began with a Declaration of Rights, indicating the importance of the exchange of obligations for rights. However, it did not entirely redefine attachment or establish universal male suffrage; potential voters had to meet income requirements and pay a poll tax. This provision was immediately controversial, as illustrated in the ratification votes of the towns, many of whom argued that social affection and virtue could serve as better signifiers of attachment. For example, in its return, the town of Westhampton stated that the requirement would exclude persons who were otherwise “good friends to their Country and well wishers to the Common wealth of Massachusetts.” Nonetheless, after

submitting it to the towns for their approval, the legislature declared it ratified, and it went into effect.<sup>3</sup>

Over time the population of Massachusetts grew, and as citizens moved into the western part of the state and established new towns, the provisions of the 1780 constitution regarding the expansion of the legislature went into effect. As a result, the House ballooned to 500 seats, making it inefficient and ineffectual. However, those elites in Massachusetts dedicated to maintaining the existing constitution resisted calls for a new convention, asking “Is it wise, or just, or politic to exchange the results of our own experience for any theory, however plausible, that stands opposed to that experience?” They were successful in preventing a public vote on whether to hold a convention until 1820, when Maine separated from Massachusetts and entered the union as an independent state.<sup>4</sup>

The constitutional convention provided the opening reformers had been waiting for, and once the public voted in favor of a constitutional convention by a margin of nearly two to one, reformers successfully campaigned to win a majority of the seats at the convention. The delegates convened in Boston on November 15, 1820; however, some delegates were emphatic that constitutional change was unnecessary and worked hard from the beginning to stymie any effort to redefine attachment as something other than property. For example, Leverett Saltonstall, a delegate from Salem asked, “Is the constitution to be thrown by as an old-fashioned piece of furniture, that answered well enough in its day, but is now fit only to be stowed away in the lumber-room with the portraits of our ancestors?” Nevertheless, the delegates set to work, and questions of attachment were prominent. In general, as the convention progressed, it became clear that those delegates encouraging an expanded definition of attachment tended to be from

the western part of the state, while those opposed to change were generally from Boston and the surrounding area, reflecting patterns also seen in Pennsylvania and Virginia.<sup>5</sup>

Reformers were not totally successful in challenging the idea that property was the best marker of attachment. They argued that the traditional signifier of attachment was insufficient and discriminatory and that limits on suffrage were a relic of the past, aristocratic and anti-republican. The restrictions, the Rev. Joseph Richardson noted, were so onerous that they would have excluded even Jesus Christ from voting: “The present constitution would have excluded our Saviour from the privilege.” Instead, they argued attachment should be measured by virtue. As one delegate noted, “Where there is not private virtue, there cannot be public security and happiness.”<sup>6</sup>

The issue of attachment through virtue and social affection was also reflected in the debates over the role of established churches, and to a lesser extent, of education. The third article of the 1780 constitution noted that “piety, religion, and morality” were essential to public welfare, and as such, it provided for established churches and public education. As a result, the link between virtue and civil government was already a part of Massachusetts’s constitutional framework at the time of the 1820 convention. The issue of continuing support for public education was not controversial and did not feature in the debates; however, the idea of established churches was becoming more contested, with some delegates arguing that “public worship of God” was necessary to “inculcate” civic values and others opposed to continued state support for religion, seeing it as an affront to religious liberty. In the end, the convention voted for disestablishment, but the public overwhelmingly rejected the provision, signifying continued commitment to the idea that virtue signified attachment.<sup>7</sup>

In Virginia, the colonial patterns of dispersed settlements without strong institutions to bind colonists and create a shared identity led to circumstances that were different from those of Massachusetts. Settlement in Virginia tended to be in large plantations along the eastern seaboard and internal rivers, not at all like the townships of Massachusetts. The Church of England and later the Episcopal Church did not have the influence on local and state politics that congregational churches did in New England. As a result, the town meetings and church membership which were the basis for shared community values in New England did not translate to Virginia, and traditional British ideas about deference and property remained strong. As a result, Virginia's first constitution, though drafted in the midst of the revolutionary fervor of 1776, reflected classical British views about suffrage and representation. Essentially, the convention "transplant[ed] a colonial system to an independent state."<sup>8</sup>

The Tidewater planter elite had dominated the colonial government, and its members were committed to maintaining their power after independence. To that end, they created a system of attachment based on property. Under the 1776 constitution, each county received equal legislative representation regardless of population and tax contributions. This system favored the less densely populated eastern counties at the expense of the larger, faster growing western counties. Furthermore, the legislature controlled the creation of new counties, so the eastern elite solidified their power by establishing larger (and therefore fewer) western counties. Suffrage was based on the freehold, so only large landowners had the right to vote. Furthermore, the constitution allowed freeholders to vote in any county in which they possessed a freehold; this meant that many of the wealthiest Virginians were legally permitted to vote more than once in the same election. Many non-freeholding Virginians were beginning to realize that the former

colonial elite had no intention of creating a more expansive political system and were instead substituting their rule for British rule.<sup>9</sup>

Despite almost immediate opposition to the constitution, the Tidewater-dominated legislature prevented a convention from being convened until 1829. At the convention, reform-minded candidates argued that the freehold was not the appropriate method of gauging one's attachment to the community. Instead, they asked, "what is the proper test of a man's interest in, and attachment to, the community?" In answering the question, reformers stressed that attachment as virtue was appropriate because the "intelligent, virtuous, and patriotic people of Virginia" will create a "free representative Republic, wherein the administrators of public affairs are the agents of the people." Non-freeholding Virginians could, then, be trusted not to yield to the excesses of democracy. However, opponents of reform were successful in limiting efforts to recognize attachment based on social affection and virtue, coalescing around the idea of attachment through various forms of property.<sup>10</sup>

Delegates to the Pennsylvania constitutional convention of 1837-1838 faced the same issues as the Massachusetts and Virginia delegates: non-elites who had been excluded from the political process successfully agitated for constitutional revision to address issues of attachment and citizenship. The push for revision began years before, when a group of reformers supporting a return to the more expansive conception of attachment found in the 1776 constitution organized themselves into the Harrisburg Reform Convention. They argued that the 1790 convention gave citizens the right to "alter, reform or abolish their government, in such a manner as they may think proper," and that in 1790, non-elites had not understood the constitutional principles at stake, allowing conservative elites to take advantage of that ignorance to draft a new constitution without the legal authority to do so. Accordingly, it was time to correct those abuses of power.

They argued non-elites exhibited attachment through virtue and social affection and were now better able to participate in the process because “our people are enlightened – they have studied and rightly understand the nature of this government and the part in which it is defective.” The reformers reconvened in January 1834, with representatives from more areas of the state present; its memorial enumerated a variety of reforms, including “the enjoyment and security of the right of universal suffrage.” They urged Pennsylvanians to petition the legislature for a vote on whether to hold a constitutional convention.<sup>11</sup>

Petitions drafted by non-elites poured into the legislature, and by 1835, the legislature bowed to citizen pressure and authorized a vote by the public on whether to hold a convention. In October 1835, voters approved a measure supporting revision, and they then elected delegates who met in Harrisburg in May 1837. As in other states, reformers tended to be from the western part of the state. The convention addressed a number of issues, including the changing definition of attachment. A core of reform delegates argued for universal suffrage based on an expansive view of attachment grounded in social affection and community interests. One of the leading reform delegates, Thomas Earle, based his argument on Locke’s language of rights: “A man should be entitled to vote because he is a man, and as such, interested in all that concerns the community in which he resides, and the laws under which he lives.” Earle was joined by H. G. Rogers of Alleghany, who advocated attachment based on virtue by arguing that the constitution should be based upon “two broad and enduring pillars – universal suffrage and general education.”<sup>12</sup>

Texas did not draft its first constitution until the nineteenth century. Beginning in 1835, inhabitants of Texas, led by American settlers to the area, fought for the right of self-determination from Mexico. They justified their actions on two decisions of the Mexican central

government. First, the government had denied Texas's request to be admitted to the Mexican confederation as an independent state. Second, the President of Mexico, Antonio Lopez de Santa Anna, abrogated the Mexican Constitution of 1824, and the country shifted from a republic to a military dictatorship. Many Texans objected, casting themselves as the nineteenth century heirs to the American Revolution, arguing that they had the right to decide whether or not to relinquish their constitutional protections and live under the new system of government and arguing that they were being enslaved by the Mexican government. Furthermore, many Texans were concerned that the Mexican government would "give liberty to our slaves" by enforcing its 1829 decision to abolish slavery. Stephen F. Austin, who would become the president of the Republic of Texas, reflected that representation in the constitutional convention should be equal and based on a broad definition of attachment, one grounded in common values and interest; any inequalities "should be cautiously avoided, so far as practicable, in a body that is to settle the political destinies of a community where all are equally interested."<sup>13</sup>

Meeting in March 1836, the delegates began by issuing a Declaration of Independence from Mexico, justifying their decision on both ideological and practical grounds. Echoing the American Declaration of Independence, the document argued that the actions of the Mexican government led to the dissolution of civil society and then a reversion to the state of nature. One of the Declaration's chief complaints reflected the idea of values as essential to citizenship: the Mexican government had failed to establish a system of public education which was necessary to promote virtue. Reflecting this idea of a broader conception of attachment, the 1836 constitution did not include property requirements for suffrage or for office-holding.<sup>14</sup>

The Texas Constitution of 1836 remained in force until Texas was annexed by the United States in 1845. As part of the annexation process, the United States required Texas to draft a

new constitution to be approved both by the people of Texas and the United States Senate. On May 5, 1845, the president of the Republic of Texas, Anson Jones, called for an election of delegates to a constitutional convention. The delegates convened in Austin on July 4, 1845, and selected Thomas Rusk, a physician and veteran of the war for independence, as president. As with other constitutions drafted during the eighteenth and nineteenth centuries, the appropriate definition of attachment was central to the proceedings.

One key issue of contention stemmed from the proposed naturalization requirement. Delegates James Mayfield and John Anderson objected to the potential exclusion of people who had been living in Texas “in good faith and with a strong attachment” to their communities. In addition to this practical objection, the delegates objected to the limits on ideological grounds: they were “utterly impolitic” and “antidemocratic.” In the end, suffrage was extended to free men over the age of twenty-one, excluding Indians and descendants of Africans, who were citizens of the United States or of the Republic of Texas at the time of annexation and who met minimum residency requirements. There were no property requirements, but a very clear racial caste system was put into place.<sup>15</sup>

\* . \* . \*

What best conjured fears of the lack of affectionate attachment was social discontent from the people: a mob or something even more disruptive, a rebellion. Mob culture had been a part of American political life since colonial times, but the early nineteenth century experienced an uptick in the amount of mob violence, and in some instances, the nature of the violence was changing, resulting in more extreme damage to persons and property. Many elites became concerned with mob violence and rebellion, and as a result, the issue emerged in state constitutional proceedings. This theme reflected both positive and negative views of attachment.

First, some delegates characterized it in a positive sense: defining attachment broadly and expanding suffrage would bring more white males into the political system and make them feel vested in its success and stability; they would, in turn, be less likely to rebel. Other delegates, however, spoke of this fear in negative terms: attachment meant a shared commitment to protecting the rights of property and class privilege against lower class mobs and usurpers.<sup>16</sup>

In Massachusetts, the 1780 constitution reflected the idea that “property itself required protection,” and those delegates who wanted to maintain attachment based on property relied on Blackstone’s ideas of property as a sign of independence. Expanding suffrage, they argued, would increase the number of voters, many of whom would be susceptible to corrupt influence. They believed this would result in a dangerous shift in government from a republic to a democracy because democracy was only a brief stop on the way to mob rule and despotism. Justice Joseph Story made the link between poverty and despotism explicit: “Poverty leads to temptation and temptation often leads to vice, and vice to military despotism.”<sup>17</sup>

Additionally, delegates opposed to expansion of suffrage claimed that it would be unnecessarily dangerous to change the current constitution in order to satisfy abstract principles of natural rights. Justice Story asked, “Is it then wise, or just, or politic to exchange the result of our own experience for any theory, however plausible, that stands opposed to experience, for a theory that might *possibly* do as well?” Furthermore, the current method of apportionment has not caused any harm: “[W]hile so many men contend that it is wrong in theory, no one has shown that it has been either injurious or inconvenient in practice.” This conservative rhetoric, stressing the need to maintain the social order provided by the status quo, was especially effective in Massachusetts, and apportionment in the Senate remained tied to taxation.<sup>18</sup>

A smaller group of delegates stressed the positive association of attachment with rebellion. They believed that redefining attachment to allow broader suffrage would encourage more affectionate bonds among the lower classes, which would in turn make those men less likely to engage in “politics outside.” They argued that allowing all free men over the age of twenty-one to vote would make them useful, productive citizens. One of the most outspoken proponents of expanding suffrage was J. T. Austin of Boston, who echoed this idea: “By refusing this right to them, you array them against the laws; but give them the rights of citizens – mix them with the good parts of society, you disarm them.” Thus, expanding suffrage was good not just for the newly enfranchised but for the entire community. Other delegates relied on natural law and history to offer evidence for their position, noting that if attachment based on property continued, social and political order might eventually be undermined, as the people would perpetually protest against a constitution that based representation on property, denying their natural rights.<sup>19</sup>

In Virginia, delegates to the 1829-1830 convention who did not want to alter the association of attachment with property argued that if reformers succeeded in expanding suffrage, class hierarchies would be erased, undermining social and political stability. The existing constitution had “shielded” them and allowed them to live “freely and happily,” and they argued that to disrupt a functioning system in favor of the unknown was not only foolish but dangerous. Conversely, the basis of the reformers’ argument was that the current systems of suffrage and representation violated the natural rights of Virginians as established first by the American Revolution and then enshrined in the Virginia Declaration of Rights. Thus, they argued from what they considered first principles, “*the sovereignty of the people and the equality of men,*” and they sharply objected to conservative characterizations of such principles as “*mere*

abstractions” because those first principles “became *practical* in Virginia in 1776.” Because government was created “not for the restraint of . . . rights but for their security and enlargement,” suffrage should be expanded.<sup>20</sup>

Thus, reformers argued that theories of natural rights and personal citizenship could and should become institutionalized through state constitutions, bringing more white males into citizenship, promoting social order, and strengthening society. Those delegates opposed to revision, however, argued that governments should be founded on experience and evidence because “*there are no original principles of Government at all. . . . The principles of Government, are those principles only, which the people who form the Government, choose to adopt and apply to themselves.*” They were unwilling to risk liberalizing citizenship (and then suffrage and representation) because they believed such liberalization would undermine the stability of society. The purpose of government was to restrain human nature, lest Virginia experience the terrors of the French revolution. This was a fear exploited by the Federalist Party in the 1790s, and it still carried weight in Virginia, even after the party’s demise.<sup>21</sup>

The same concerns for public order existed in Pennsylvania at the time of the 1837-1838 convention. The Riot Damage Law, designed to protect private property, allowed individuals who experienced losses from rioting to recover damages from the municipalities in which the rioting had taken place. However, rioting had been so common in (and expensive to) the city of Philadelphia in the years leading up to the convention that one of the delegates representing the city introduced provisions to shift responsibility from municipalities to the state legislature and to strengthen fines on those found guilty of rioting. Another delegate, speaking in favor of the provision, noted that smaller municipalities were just as susceptible to riots as larger cities. Clearly, fear of rioting was prominent in the minds of many delegates.<sup>22</sup>

Several Pennsylvania delegates argued that expanding attachment could minimize the threat of rebellion by creating positive bonds between the newly enfranchised and their community. One delegate highlighted the struggle some Atlantic states were experiencing to maintain their populations due to westward expansion, comparing Pennsylvania's more restrictive suffrage laws to the more expansive ones in newer western states, many of which were populated with settlers from Pennsylvania. Delegate Russell was most critical of the tax requirement for suffrage, arguing it was "odious" and unsustainable on the bases of expediency and equality. It was "a relic of that property qualification, which has been deemed in all ages, by the privileged class, so powerful a chain to bind and restrain people." He did not deny that property rights were important, but argued that they were not superior to the rights to life and liberty nor was property a sign of attachment to the community. Furthermore, he believed there were practical reasons to expand suffrage: laborers, essential to society, should not be barred from voting because doing so discouraged their ambition and weakened their attachment to the community.<sup>23</sup>

In Pennsylvania, the issue took on an added dimension: the fear of national political division. At the time of the 1837-1838 convention, African American males were not prohibited from voting. The 1790 constitution did not restrict suffrage to white males, but by the 1830s, the abolition movement had become so divisive that it became a part of the debate over suffrage in Pennsylvania. Several delegates expressed fear that a failure to restrict voting rights of African Americans would be seen by the South and its sympathizers as a symbol of Pennsylvania's commitment to abolition and therefore as a threat to national unity. Continuing to allow African American males the right to vote had the potential to, as delegate Charles Ingersoll stated, "disturb the Union." Although Ingersoll opposed slavery and supported eventual citizenship for

African Americans, his primary concerns were for the continuation of the Union and the integrity of the federal constitution, which his father, Jared Ingersoll, had helped to write. After much debate, the new constitution privileged national unity and disfranchised African American males.<sup>24</sup>

Affection and virtue, then, were important components of the new definition of attachment that was emerging across the United States during the nineteenth century, and reformers were arguing that this new definition should replace property as the sole marker of attachment in state constitutions. However, despite this common theme, significant differences existed among the four states. In Massachusetts and Pennsylvania, the transition from subsistence farming and small-scale production to industrialization brought with it a transition from servitude and slavery to wage labor. At the same time, immigration, especially from Ireland, increased, and many of these immigrants settled in Massachusetts and began to work as wage laborers in the developing textile industry. In Pennsylvania, the strong Quaker objections to slavery meant that the number of slaves in the state was declining, down from approximately four thousand in 1780, when the first law encouraging gradual emancipation was passed by the state legislature, to less than two thousand by 1800. Wage laborers filled the positions formerly held by slaves. In both states, laborers argued that despite not owning property or working for themselves, they were sufficiently independent and attached to their communities to merit inclusion into the polity. In the slave states of Virginia and Texas, wage labor was less common than it was in northern states, and slaveholders worked to create alliances among white men of different classes, creating a racial caste system which expanded the rights, including suffrage, available to white men.<sup>25</sup>



concerns that contributed to their decision, including the constitution's prohibitions against Indian and African American suffrage, property requirements in order to vote for governor, and the lack of a bill of rights. See, for example, Return of Lexington, June 15, 1778, in *Popular Sources of Political Authority*, ed. Oscar Handlin and Mary Handlin (Cambridge, MA: Belknap Press, 1966), 317; Return of Sutton, May 18, 1778, in *ibid.*, 231; Return of Boothbay, May 20, 1778, in *ibid.*, 248; The Essex Result, April 29, 1778, in *ibid.*, 324, 485; Return of Westhampton, April 24, 1780 in *ibid.*, 616.

4. Peterson, *Democracy*, 3; Massachusetts Constitution (1780); Marc W. Kruman, *Between Authority and Liberty: State Constitution Making in Revolutionary America* (Chapel Hill, NC: University of North Carolina Press, 1997), 139. Kruman notes that Massachusetts and New Hampshire were the only states that apportioned Senate seats according to tax revenues. Peterson, *Democracy*, 12.

5. *Journal of Debates and Proceedings in the Convention of Delegates Chosen to Revise the Constitution of Massachusetts, begun and holden at Boston, November 15, 1820 and continued by adjournment to January 9, 1821* (Boston: Daily Advertiser, 1821), 133.

6. *Ibid.*, 124, 136c, 76, 77.

7. Massachusetts Constitution (1780); *Journal*, 199; John D. Cushing, "Notes on Disestablishment in Massachusetts, 1780-1833," *William and Mary Quarterly* 26 no. 2, (April 1969): 189. Establishment lasted until 1833.

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12. *Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, To Propose Amendments to the Constitution, Commenced at Harrisburg, on the Second Day of May 1837*, 14 vols (Harrisburg: Packer, Barrett and Parke, 1837-39), vol. II, 527, 472.

13. Stephen F. Austin to D. C. Barrett, December 3, 1835, *Telegraph and Texas Register*, February 27, 1836; *Ibid.*, October 17, 1835.

14. The record of the proceedings of the convention are scant. On March 12, 1836, the *Telegraph and Texas Register* commented on the situation, stating: "We had hoped in this paper to furnish our readers with some of the proceedings of the Convention, but we have received nothing except the Declaration of Independence. We understand however, that harmony and much good feeling prevails with all the members. We hope there will be some arrangement by which the people can see the proceedings of their representatives." Their hopes were never achieved. *Journals of the Convention of the Free, Sovereign, and Independent People of Texas, in General Convention Assembled* (Houston, 1838), 3 (emphasis in the original), 15. Texas Constitution (1836).

15. J. L. Mayfield and John D. Anderson, "Protest of J. L. Mayfield and John D. Anderson Against the First Section of the Legislative Article," August 19, 1845. Annexation Convention Records, Box 2-8/911. Texas State Library and Archives Commission.

16. For a through discussion of mob actions in the nineteenth century, see: Thomas Slaughter, "Crowds in Eighteenth-Century America: Reflections and New Directions," *The Pennsylvania Magazine of History and Biography*, 115 (1991): 3-32; Carl Prince, "The Great Riot Year': Jacksonian Democracy and Patterns of Violence in 1834," *Journal of Early Republic*, 5 (1985): 1-19; Gilje, "Baltimore Riots."

17. *Journal*, 121, 136, 122, 136a; *Amendments of the Constitution of Massachusetts: proposed by the convention of delegates* (Boston: Russell and Gardner, 1821), 12-13.

18. *Journal*, 121, 136, 122, 136a, 120, 137.

19. *Ibid.*, 121, 124, 135, 76, 77, 125, 124, 126, 129.

20. *Proceedings of Virginia*, 313, 54 (emphasis in original), 53 (emphasis in original), 377.

21. *Ibid.*, 69 (emphasis in original), 151, 316.

22. *Proceedings of Pennsylvania*, vol. XII: 12-26. A through discussion of the role of riots in Pennsylvania in the 1830s is found in Perry K. Blatz, "Boundaries of Responsibilities: Philadelphia, Pittsburgh, and the Pennsylvania Riot Damage Law, 1834-1880," *Pennsylvania History*, 78, no. 4 (Autumn 2011): 292-425.

23. *Proceedings of Pennsylvania*, vol. II: 527, 472- 473.

24. For a discussion of the impact of the national political debate over abolition in the Pennsylvania convention's debate over African American suffrage, see Nicholas Wood, "A Sacrifice on the Altar of Slavery: Doughface Politics and Black Disfranchisement in Pennsylvania, 1837-1838," *Journal of the Early Republic* 37 (Spring 2011); *Proceedings of Pennsylvania*, vol. III: 683-84; "Charles Jared Ingersoll," Biographical Directory of the United States Congress, September 6, 2019. <http://bioguide.congress.gov/scripts/biodisplay.pl?index=I000015>.

25. Edmund Raymond Turner, "The Abolition of Slavery in Pennsylvania," *Pennsylvania Magazine of History and Biography* 36, no. 2 (1912): 139.
26. Crocker, *Magic of Many*; Andrew Shankman, *Crucible of American Democracy: The Struggle to Fuse Egalitarianism and Capitalism in Jeffersonian Pennsylvania*. (Lawrence, Kansas: University Press of Kansas, 2004), 14; Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America, 1815 – 1846*. (New York: Hill and Wang, 1990), 10.

## CHAPTER 2. BALANCING PUBLIC DUTY AND PROPERTY RIGHTS

One of the most compelling arguments constitutional delegates in all four of the states made in favor of a changing meaning of attachment was to define it through public service, including paying taxes and serving in the militia. This conception of attachment was not new to the nineteenth century, but had existed in the United States since the Revolutionary era. As the new states drafted their first constitutions in the midst of the Revolution, men who did not own property but who had served in the war watched to see whether they would be granted the right to vote. A Pennsylvania resident writing in a local paper voiced a common aphorism of the day: “Every man who pays his shot and bears his lot is naturally and constitutionally an Elector in a city.”<sup>1</sup>

In Massachusetts, delegates argued that citizens exhibited attachment through public service in a number of ways, including tax payment and militia service. For example, one delegate argued that men should not be “oblige[d] to buy their freedom. They perform militia duty – they pay a tax for all they possess,” and that “[t]o deprive a man of the privilege till he acquires property, was an encroachment of the fundamental principles of our constitution.” Thus, attachment to the community could be proven through means other than property. Other delegates, however, defined public service differently; they argued that suffrage was not a right but a “privilege and . . . the reward of good conduct.” Furthermore, property was the “greatest object of civil society” and that “which keeps the great machine of society in motion.” As such, it should be protected. Delegates also spoke in terms of fairness; districts and citizens who provided a greater share of the state’s revenue should be entitled to proportional representation. One delegate noted that although he was not “unfriendly to the rights of the people,” he believed

that men who contributed more to the “common stock” should be entitled to a “greater voice in the government.”<sup>2</sup>

Virginia’s 1776 constitution located attachment in the freehold, and this provision of the constitution provoked opposition almost immediately. Thomas Jefferson was one of its most outspoken critics. He had seen the way landless tenants objected to militia service in the Seven Years War because they had no property of their own to defend and saw no point in defending the property of others, many of whom did not actually fight. As a result, he believed that it was not just to define attachment strictly through property; it should include public service. He argued that suffrage should be extended because under the provisions of the constitution, a “majority of the men in the state, who pay and fight for its support, are unrepresented in the legislature, the roll of freeholders entitled to vote not including generally the half of those on the roll of the militia, or of the tax-gatherers.” Although he could not attend the convention, he had supported a draft of the constitution that would not have changed the meaning of attachment, but instead would have given all landless free white males fifty acres of land and the vote. However, the delegates to the convention dropped this provision from the final document. In 1783, in an attempt to correct what he saw as the errors of the 1776 constitution, Jefferson drafted a revised constitution that changed the suffrage requirements from the freehold to residency or service in the militia and representation to a system based on the number of electors.<sup>3</sup>

In addition to Jefferson, other Virginians, including James Madison, were concerned about the 1776 constitution’s narrow conception of attachment. Elites and non-elites objected to the use of the freehold. Revolutionary War veterans who did not own property soon learned that military service would not be enough to confer political rights. As early as 1795, residents of Brooke County (now in West Virginia) noted that the sixth article of the Declaration of Rights

was being “denied in principle and abrogated in practice” because at least half of the county’s male population lacked sufficient property to vote, despite having served in the militia during the Revolution and paying taxes. In drafting their memorial and sending it to the legislature, they called attention to the fact that many Virginians were not content to let elites locate political rights in property; instead, they argued those rights should be located in the person who should be allowed to prove his “attachment to the community” in a variety of ways.<sup>4</sup>

These reform ideas carried into the 1829-1830 constitutional convention. However, those Virginians hoping to locate attachment in public service met fierce resistance from a critical mass of the propertied elite, many of whom saw property as an essential element in political rights. They argued that it should remain the “solid, indestructible foundation” of government, and accordingly, they objected to any attempt by reformers to modify the freehold requirement for suffrage. For conservatives, persons and property were the two constituent elements of society; as Abel Upshur noted, “the very idea of society, carries with it the idea of property.” Locke, after all, argued that the function of the social contract was to protect life, liberty, and property. Government, then, should reflect the interests of the propertied class. In response to claims of the existence of an oligarchy by reformers, conservatives noted, “We do not propose to represent money, but *the rights and interests which spring from the possession of money.*” Only “lasting ownership of the soil of this country” was sufficient to prove attachment to the community required to be entrusted with the right to vote. Benjamin Watkins Leigh went so far as to argue that removing the freehold requirement would lead to the end of free government in the state.<sup>5</sup>

Delegates who favored redefining attachment argued that property was not the only mark of attachment to the community; citizens could prove attachment through such actions as

payment of taxes and militia service. Expanding suffrage would be good for the state because it would increase the number of citizens vested in its success; as one delegate noted, “we ought to spread wide the foundation of our government, that all white men have a direct interest in its protection.” Furthermore, reformers, borrowing from the language of the Revolution, argued that the freeholder requirement “degrades the non-freeholder to the level of the slave.”<sup>6</sup>

The debate over attachment was not limited to discussions among the delegates themselves; memorialists also appealed to the delegates by emphasizing non-freeholders’ permanent commitment to the community by criteria other than property. They demanded the “political privileges for which our fathers in the Revolutionary war fought and bled, for the welfare of the rising generation.” They noted that they exhibited attachment to their communities by paying their fines and serving in the militia when called: “In the time of war, we have to face a foreign power, and fight or die. *And fight for what?* Not for our own peculiar preservation, but for the safety and property of the opulent and rich of our country.” The memorialists of Loudon county used even more strident language, noting the hypocrisy of Virginia in presenting itself as the most republican state in the union when it was in fact the most aristocratic. The existing constitution and its narrow view of property as the only marker of attachment to the community perpetuated such aristocracy; as a result, “the fire which, in ’76 was enkindled on Freedom’s altar, has. . . been smothered amid the rubbish of a rotten constitution.”<sup>7</sup>

Expansionist delegates used these memorials and the arguments presented in them as evidence for the necessity of removing property as a maker for citizenship. However, they had only limited success: a majority of the delegates did support extending the right to vote to heads of households and leaseholders, but a minority supported removing the freehold all together.

Thus, reformers accomplished the expansion of suffrage, but failed to achieve their primary goal: to “put person over property as the locus for citizenship.”<sup>8</sup>

Unlike Massachusetts and Virginia, attachment had never been linked to property in Pennsylvania. As delegates to Pennsylvania’s first constitutional convention drafted its constitution in 1776, non-elites who had been shut out of the colonial system of power took advantage of both the print media and divisions among political elite to articulate their preferences for a more participatory system of government. They argued for a clear break from their colonial past: “Do not mechanics and farmers constitute ninety-nine out of a hundred of the people of America? If these, by their occupations, are to be excluded from having any share in the choice of their rulers, or forms of government, would it not be best to acknowledge the jurisdiction of the British Parliament, which is composed entirely of gentlemen?”<sup>9</sup>

These non-elites were successful in pressuring the delegates to create a system very different from the colonial system: legislative seats would be apportioned based on the number of taxable inhabitants, and the liberal suffrage provisions (all free male taxpayers twenty-one years old and older who had resided in the state for one year could vote) meant that almost ninety percent of the male population could vote, up from fifty percent during the colonial period. Thus, attachment was entirely divorced from property ownership and instead equally vested in the free male population.<sup>10</sup>

The issue of public service as a signifier of attachment to the community emerged in Texas in 1845 during the debate over the method of apportionment of legislative representatives. In a pattern similar to the east coast states, delegates from the western part of the state believed they were not being fairly represented. They argued that it was only fair to protect their region, as its inhabitants had shown deep attachment to and patriotism for Texas, enduring “war,

pestilence, and famine,” in its successful attempt to “drive the enemy out of the country.” However, their public service did not come without a cost; the population shrank, largely because the government had not been able to protect them, and they argued that it was unfair to punish them further by taking away their representation. Thus, service in the war for independence against Mexico also became a part of the debate over attachment. These feelings were especially pronounced for Tejanos living near what would become the Texas-Mexico border. Many of them joined militias and fought alongside Anglos for independence, playing important roles as mediators and developing their own sense of American nationalism.<sup>11</sup>

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One of the most significant developments of the Virginia Constitution of 1830 was the shift away from attachment as the freehold and towards attachment as other forms of property. Despite the best efforts of reformers to divorce attachment and property, the constitution did not entirely eliminate property as a signifier of attachment; instead, delegates reconceived attachment as property by acknowledging the importance of the house-keeper. The house-keeper, or household master, controlled the productivity of a number of less-free or unfree workers – his wife, his children, his slaves. The position of house-keeper implied competency and independence, as his success depended on his ability to manage all aspects of production and reproduction within his domain, including the labor of other household members. All of these factors made attachment through householding an acceptable alternative to the freehold to a majority of the delegates. Acknowledging the importance of the house-keeper reflected what historian Christopher Curtis describes as “a more democratic belief that diverse forms of property ownership also possessed political value.” At the same time, however, this change was

not fully democratic, because the house-keeper was the only member of the household given the right to vote.<sup>12</sup>

The shift away from the freehold was a function of the changing economy in Virginia and the nation, which was becoming increasingly more commercial, centralized, and interconnected. It was the result of the reconciliation of “the state’s republican visions with an increasingly hegemonic conception of land as a mere form of capital.” Jefferson’s conception of citizenship vested in the yeoman farmers whose love of land translated into a love of county could not withstand the market forces of the nineteenth century. Instead, property came to be seen as just one of many forms of wealth, no longer holding its former privileged position. As a result of this change, property in slavery replaced real property as the “fundamental property relation” in Virginia. And because house-keepers controlled slave labor, attachment came to be associated with owning slaves.<sup>13</sup>

From colonial times, slavery had been an integral part of Virginia’s political, economic, and social structures. The Chesapeake’s earliest cash crop, tobacco, relied heavily on slave labor, leading to an increase in the number of slaves in Virginia. But at the same time as demand for slave labor along the Atlantic coast fell, it began to rise in the old southwest where cotton cultivation was becoming increasingly profitable. Virginia slave owners realized they could offset losses due to the collapse of the tobacco market by selling their slaves through the internal market. Selling slaves to owners out of state had the double benefit of increasing planters’ profits while promoting social order by reducing the number of potentially rebellious slaves living in the state.<sup>14</sup>

Changing from property attachment to house-keeper attachment had the added advantage of helping to “reconcile the democratic spirit of reform with the desired result of white male

suffrage.” Ending the freehold notion of attachment became a compromise position that offered some – but not too much – reform. The transcripts of the convention proceedings indicate that delegates were divided into three main groups: those who favored maintaining the freehold, those who wanted to abolish most requirements for white male suffrage, and those somewhere in the middle. The essential questions, then, that determined how delegates were classified along the reform spectrum were the ones framed by delegate Eugenius M. Wilson of Monogalia County: “By what means can we ascertain where his interests and attachments are centered? What test shall we apply? What requisites, then, shall we demand without which the man shall be excluded from the exercise of this, the most honorable and precious of his natural rights?”<sup>15</sup>

One block of delegates arrived in Richmond opposed to any changes to the 1776 constitution; led by Abel Uphur, they argued that alternations had the potential to undermine social and political stability. Another group of delegates, including Alexander Campbell, were fully committed to removing the freehold as the standard of attachment and suffrage. A third, more moderate group, existed between the two extremes. Benjamin Watkins Leigh, a member of the first group, worked hard behind the scenes to minimize differences among those delegates who supported the continued reliance on the freehold as a sign of attachment, successfully “maintain[ing] an anti-democratic consensus.” While he was not able to convince a majority of delegates to maintain the freehold, he was able to create a compromise position which defined attachment as protection of a variety of types of property, not just the freehold. This property could include slaves, what Uphur called a “peculiar” property requiring special protection and conferring its own form of attachment.<sup>16</sup>

In Texas, the meaning of attachment as protection of different types of property was influenced by the Spanish and Mexican legal traditions that predated the Republic of Texas and

American annexation, and in many instances, this more expansive view of property was less controversial than it had been in older states whose legal and political traditions included the freehold. During the 1845 convention, property emerged as an important part of the debates: delegates addressed issues such as the property rights of Texans in the “unoccupied lands,” community property, and homestead exemption frequently and with great intensity. As delegates argued, it was important for the constitution to include the homestead exemption because it would serve to “protect the head of family” and to ensure happy families which would in turn create a happy society.<sup>17</sup>

The convention made noteworthy decisions for its provisions regarding women and property. Texas’s unique frontier history, including wars with Mexico and Native Americans in the western part of the state, and its Spanish legal tradition, shaped the protections for women property-owners in ways different from other states. In many cases, these concepts, which would have been controversial elsewhere, merited no real debate during the proceedings. The convention excluded homesteads from forced sales and prohibited husbands from selling homesteads without their wives’ consent. Finally, the constitution provided that any real or personal property a woman acquired before her marriage or acquired after it belonged her alone. These provisions seemed to indicate that delegates understood the importance of women property-owners to the stability of Texas, but this fact did not lead them to extend suffrage to women.<sup>18</sup>

Delegates also addressed the issue of attachment as protection of property in slaves. Slavery played an extensive role in the debates over formulas for representation and taxation, and delegates argued that it was the responsibility of the convention to make slavery a permanent institution to protect “the interests of the owner.” The final provisions of the constitution

reflected this conception of attachment by prohibiting the legislature from emancipating slaves without both the consent of the owner and compensation and from preventing emigrants from entering Texas with their property in slaves. While issues of how to include slaves in formulas for apportionment and taxation often led to extensive debate, these provisions of the constitution protecting the institution of slavery were largely uncontroversial and did not merit much of the delegates' attention.<sup>19</sup>

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The large number of slaves in Virginia created a potentially dangerous situation, and Virginians were deeply concerned over slave rebellions. They saw free blacks as troublemakers, potential organizers of slave revolts, and many Virginians, including Jefferson, wanted them exiled from the state. In 1800, Gabriel's rebellion seemed to bring to life slave-owners fears. Gabriel, a literate blacksmith, had been hired out as a wage laborer in Richmond by his owner, Thomas Prosser. According to historian Douglas Egerton, this offered him the opportunity to form relationships with other artisans, white and black, all of whom began to realize that they experienced the same class-based inequalities. Gabriel planned to lead a slave rebellion in Richmond, and he hoped non-elite whites would join him. However, he postponed his rebellion due to weather, and before it could occur, officials learned of it. James Monroe, the governor of Virginia, called out the militia, and Gabriel and twenty-four other slaves were captured and hung. Gabriel's rebellion, along with Nat Turner's 1831 rebellion, terrified white Virginians, and this fear motivated them to consider forms of attachment that might include more poor whites while restricting more threatening groups like free blacks.<sup>20</sup>

The final reconception of attachment adopted by framers of nineteenth century state constitutions was attachment as a means of limiting political rights of potentially dangerous

groups. This form of attachment reflects the paradoxical nature of changes to suffrage during the nineteenth century. At the same time that framers of state constitutions were moving closer to universal white male suffrage, they were deliberately refusing suffrage and citizenship to other groups of the population, including women and free African Americans, who were seen by the ruling elite as threats to their political and social power. Since colonial times, political elites had restricted suffrage to undesirable or dangerous groups, including vagrants and paupers. Because of their transitory nature, vagrants were not seen to possess sufficient attachment to their community. Most elites held in common the belief that economic opportunity was open and accessible to all, and as such, poverty was seen as a personal failing; paupers and vagrants were untrustworthy and lacked independence, making them ineligible for citizenship and the corresponding rights and privileges.<sup>21</sup>

Classifying residents based on their citizenship status (citizen versus alien) was a practice the British brought to the American colonies. It reflected the idea that citizenship carried with it both rights or privileges and obligations. After independence, American political elites began to redefine and broaden citizenship: “birth within allegiance” still automatically conferred citizenship, but aliens who chose to consent to American rules and who proved their fitness for membership could become naturalized citizens. However, the logical outcome of this policy, when applied to “pariah groups,” including Indians, slaves, and free blacks, threatened the order of American society, and birthright citizenship was not automatically granted to everyone born in the United States until the passage of the Fourteenth Amendment.<sup>22</sup>

The Virginia convention of 1829-1830 debated the issue of attachment extensively, and many reform delegates advocated for universal male suffrage based on natural rights. However, such arguments were ultimately unsuccessful, due in part to the strategy orchestrated by

Benjamin Watkins Leigh to convince enough moderates to join conservatives in rejecting more expansive suffrage provisions. Conservatives made a “Pandora’s Box” argument: if the definition of citizenship shifted fully from property to person, the only logical outcome was true universal suffrage, which would allow even women and children to vote. Abel Uphsur noted that if that was the case, demographics would result in women and children automatically having a majority over white males.<sup>23</sup>

The 1790 Pennsylvania constitution did not define “freeman” as exclusively white, and so African Americans in some parts of the state, like Bucks County, had been participating in elections regularly. Most African Americans who were qualified to vote, however, did not participate for fear of inciting a violent white response. Despite the small percentage of African Americans who actually voted, delegates to the 1837-1838 convention introduced a measure to insert “white” before “freemen” in the constitution’s suffrage provision. Debate was fierce, with some delegates arguing restricting suffrage based on race would lead to the “destruction of liberty,” while others argued that “freemen” had never included African Americans and that “the elevation of the black, is the degradation of the white man.”<sup>24</sup>

Delegates arguing for attachment as a means of limiting marginalized groups opposed African American suffrage on a number of grounds. Delegate James Merrill objected to any suffrage rights grounded in natural rights: “We have no natural rights. We are making a rule of government, and a government founded on the laws of nature would be a return to savage life, where every man would do what he pleased, making the law for himself.” Benjamin Martin made one of the most stringent cases against extending suffrage to African Americans, arguing:

[T]o hold out to [African Americans] social rights, or to incorporate them with ourselves in the exercise of the right of franchise, is a violation of the law of nature and would lead to . . . the resentment of the white population. . . . [T]he divisionary line between the races, is so strongly marked by the Creator, that it is unwise and cruelly unjust, in any

way, to amalgamate them, for it must be apparent to every well judging person, that the elevation of the black is the degradation of the white man; and by endeavoring to alter the order of nature, we would, in all probability, bring about a war between the races.<sup>25</sup>

Delegates who favored attachment as universal male suffrage, regardless of race, made a variety of arguments in favor of extending the right to vote to African Americans, ranging from theoretical to practical. Some expansionists argued restrictions were anathema to liberty and would lead to despotism. Other delegates made more practical arguments, noting that allowing African Americans to vote would create attachment to the community, transforming them into useful and productive members of society. A third group based their argument on a paternalistic sense of duty; as one delegate stated, “I believe it our duty, to do everything in our power, to elevate and improve the condition of the colored race, and to make them fit to enjoy the benefits of our laws, instead of cutting them off.” In the end, however, these arguments failed to persuade a majority of the delegates; the convention voted to limit suffrage to white male taxpayers by the vote of seventy-seven to forty-five.<sup>26</sup>

Non-elites in Pennsylvania paid close attention to the debates around African American suffrage. *The Pittsburg Gazette*, an African American newspaper, used the language of rights and privilege to address the issue: “We can really not see the justice of excluding native born freemen of this commonwealth from this privilege, merely because their skins are a little darker than some of their neighbors.” Other African Americans drafted memorials appealing to the delegates to refrain from inserting “white” before “freemen.” *The Gardner-Hinton Memorial* and the *Pittsburgh Memorial* were both attempts to sway delegates, arguing that African Americans who met all other constitutional requirements for suffrage should not be excluded simply because of their race. Once the new constitution with its ban on African American voting was approved by the delegates, Robert Purvis, a prominent Philadelphia African American

drafted the *Appeal of the Four Thousand Citizens*, a plea to Pennsylvanians eligible to vote on ratification of the constitution. In it, he used the language of rights to make his appeal to them to vote against ratification, arguing that African Americans were considered citizens by the framers of the earlier constitutions and that depriving them of citizenship and its associated right of suffrage would have the effect of subjecting them to tyranny of the majority. Ultimately, Purvis's appeal, though logical and articulate, was unsuccessful, and the voters ratified the constitution by a narrow margin, enshrining into constitutional law the paradox of expanded white suffrage and African American disfranchisement.<sup>27</sup>

At the Texas proceedings, the issue of whether attachment should be used to restrict marginalized groups centered on the inclusion of the word "white" in the qualifications for voting. Because of Texas's history, many citizens of Mexican descent were otherwise qualified to vote; if suffrage was restricted to white men, would they be excluded from the rolls? Several delegates noted that "white" was impossible to define and, if included, could "exclude the race which we found in possession of the country when we came here." The lone delegate born in Texas, José Antonio Navarro, argued its inclusion was "odious, captious, and redundant; and may be the means at elections of disqualifying persons who are legal voters, but who perhaps by arbitrary judges may not be considered as white." Other objections stemmed from the proposed naturalization requirement. Delegates James Mayfield and John Anderson objected to the potential exclusion of people who had been living in Texas "in good faith and with a strong attachment" to their communities. In addition to this practical objection, the delegates objected to the limits on ideological grounds: they were "utterly impolitic" and "antidemocratic." In the end, suffrage was extended to free men over the age of twenty-one, excluding Indians and descendants of Africans, who were citizens of the United States or of the Republic of Texas at

the time of annexation and who met minimum residency requirements. These provisions are another example of the paradox of attachment: access to citizenship increased for white males, while at the same time, it decreased for non-white males and women.<sup>28</sup>

## NOTES

1. An Elector, "To The Free and Independent Electors of the City of Philadelphia," *Pennsylvania Packet*, April 29, 1776.
2. *Journal*, 121, 124, 135, 76, 77, 133, 132.
3. Virginia Declaration of Rights (1776); Virginia Constitution (1776); Isenberg, *White Trash*, 89; Jefferson, *Notes on the State of Virginia*; Malone, *Jefferson*, 1:239.
4. Legislative Petition from Brooke County, December 12, 1795, <http://digitool1.lva.lib.va.us>.
5. *Proceedings of Virginia*, 240, 70, 71, 364, 157.
6. *Ibid.*, 382, 284, 201; Keyssar, *Right*, 10.
7. "Petition of non-freeholders of Fairfax County desiring suffrage." 1829. Constitutional Convention Records (1829 – 1830), Library of Virginia; "Memorial of the non-freeholders and freeholders of the county of Loudon." 1829. Constitutional Convention Records (1829-1830), Library of Virginia.
8. Bruce, *Rhetoric*, 67.
9. "QUERIES addressed to the writer who signs himself CATO," *Pennsylvania Packet*, March 18, 1776.
10. Pennsylvania Constitution (1776); Kruman, *Between Authority*, 26.
11. *Debates of the Texas Convention By William F. Weeks, Reporter* (Houston, 1846), 546, 548, 540, 550. Alexander Mendoza, "'For Our Own Best Interests': Nineteenth-Century Laredo Tejanos, Military Service, and the Development of American Nationalism," *The Southwest Historical Quarterly* 115, no. 2 (October 2011), 129, 133.
12. Christopher Tomlins, "Subordination, Authority, Law: Subjects in Labor History," *International Labor and Working-Class History* 47 (Spring 1995), 64. Toby L. Ditz, "Ownership and Obligation: Inheritance and Patriarchal Households in Connecticut, 1750-1820," *William and Mary Quarterly* 47, no. 2 (April 1990), 237; Christopher Curtis, "Reconsidering Suffrage Reform in the 1829-1830 Virginia Constitutional Convention," *Journal of Southern History* 74, no. 1 (Feb. 2008), 90, 107.

13. *Ibid.*, 92, 90.
14. Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815 – 1848* (New York: Oxford University Press, 2007): 148-149.
15. *Proceedings of Virginia*, 351. In *The Rhetoric of Conservatism*, Dickson Bruce reports the results of a cluster analysis he performed on delegates' votes during the convention. His analysis shows that there was a group of thirty-nine reformers who voted together eighty percent of the time and a group of forty-two conservatives who voted together eighty percent of the time. This meant that neither side had the forty-nine votes required to carry any issue, so they worked to cultivate the support of the fifteen unaligned delegates.
16. Curtis, "Suffrage Reform," 121, 111; *Proceedings of Virginia*, 75.
17. *Debates*, 215, 422.
18. Texas Constitution (1845). *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas, 1823 – 1860* by Mark Carroll examines the unique legal history of Texas and its impact on Anglo-Texan families; *Debates*, 157, 159.
19. *Debates*, 467.
20. Douglas Egerton, *Gabriel's Rebellion: The Virginia Slave Conspiracies of 1800 and 1802* (Chapel Hill, NC: University of North Carolina Press, 1993).
21. Isenberg, *White Trash*, 105; Keyssar, *Right*, 5.
22. James H. Kettner, *The Development of American Citizenship, 1608 – 1870* (Chapel Hill, NC: University of North Carolina Press, 1978), 3-4, 287-288.
23. *Proceedings of Virginia*, 382, 284, 201; Keyssar, *Right*, 10; Christopher Michael Curtis, *Jefferson's Freeholders and the Politics of Ownership in the Old Dominion* (New York: Cambridge University Press, 2012), 109. *Proceedings of Virginia*, 67-68.
24. Parkinson, "Antebellum," 48; Eric Ledell Smith, "The End of Black Voting Rights in Pennsylvania: African Americans and the Pennsylvania Constitutional Convention of 1837-1838," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 65 (1998): 281-83. Smith argues a number of factors motivated delegates to restrict black suffrage: the increasing number and influence of anti-slavery groups in the state, the national leadership role Philadelphia's African Americans were assuming, and the fears that a rebellion similar to Nat Turner's could occur in Pennsylvania; *Proceedings and Debates*, vol. X, 37; *Ibid.*, vol. IX, 323; *Ibid.*, vol. IX, 320.
25. *Ibid.*, vol. X, 5; vol. IX, 321.
26. *Ibid.*, vol. X, 37, 6, 71, 134.

27. *Pittsburgh Gazette*, January 25, 1838; Smith, "End," 292-93; Robert Purvis, "Appeal of Forty Thousand Citizens, Threatened with Disfranchisement, to the People of Pennsylvania." <http://digitalhistory.hsp.org/pafrm/doc/appeal>.

28. *Debates*, 157, 159; J. L. Mayfield and John D. Anderson, "Protest of J. L. Mayfield and John D. Anderson Against the First Section of the Legislative Article," August 19, 1845. Annexation Convention Records, Box 2-8/911. Texas State Library and Archives Commission.

## EPILOGUE

As the non-freeholders of Richmond illustrated, nineteenth century America was not an egalitarian society in which citizenship was automatically conferred on all residents. Instead, citizenship was linked to the idea of attachment to the community, but the precise meaning of that attachment was contested. Americans inherited the traditional British idea of property as the most effective and important maker of attachment, and many early state constitutions reflected this idea through the use property as a basis for suffrage and representation. Advocates for an expanded definition of attachment, including the non-freeholders of Richmond, argued that property was not the only sign of attachment to the community; attachment could be proven through such actions as payment of taxes and militia service. Elites and upwardly mobile non-elites alike began to agitate for a more expansive definition of citizenship in state houses, constitutional conventions, and the print media.

The shifting nature of citizenship and its relationship to suffrage and representation became one of the most salient political issues of the nineteenth century. The Lockean language of rights that political elites had used to justify revolution did not go away after independence, and ideological differences among political elites led to heated debates as states framed and then revised their constitutions. Upwardly mobile non-elites absorbed the language of natural rights and attempted to take advantage of these divisions between elites to create more inclusive and expansive frames of government. Most significantly, they began to challenge the position of many conservative elites that property was the requisite component of citizenship and therefore the appropriate basis of suffrage and of representation, which in turn led to a fundamental reconfiguration of the relationship between property ownership and self-government. These debates took place in the public sphere, through print culture, and at state constitutional

conventions, and the conventions became the ultimate political battlegrounds, the place where political theory was transformed into actual political institutions.

As is evidenced in the four states I have examined in this thesis, the shift to locating citizenship in all white males rather than in property was not uniform over time or in practice. Building on the changing political culture of nineteenth century America, reformers were successful in reconceiving attachment in several key ways. By emphasizing shared interests and the values of patriotism, virtue, and social order, upwardly mobile white males who did not own property were successful in achieving citizenship; they convinced political elites that they deserved to be members of the polity, with all of the rights and obligations that entailed. They were most effective when they coupled their appeal for citizenship with evidence that they made valuable contributions to the community in general and to the elites more specifically: they paid taxes, served in militias, oversaw the productivity of dependent members of their households. At the same time, they were careful not to demand a truly democratic society; in fact, they argued that they deserved inclusion because they helped to keep potentially dangerous and destabilizing groups, namely women, free blacks, and slaves, under control. In essence, citizenship and suffrage moved from a class-based system to a new caste-based system.

Although this study is limited to four states, it makes important contributions to the study of state constitutions. Earlier scholarship focused on the frameworks of government that the states created in the aftermath of independence. How alike or different from their colonial antecedents were they? To what extent did they reflect the ideals of the American Revolution? How did states differ in the qualifications for suffrage and office-holding? Consensus historians emphasized the progress states made in expanding suffrage to all white males, removing class

distinctions, often while ignoring the restrictions based on race and gender that continued to exist until well into the twentieth century.

Over the past several decades, many historians have drifted away from political and legal history, especially the history of political institutions, and as such, there has not been a great deal of recent scholarship examining state constitutions. This thesis helps to fill that void, but it does so in a way that is different from previous work in the field. By examining the underlying political and social contexts, and by identifying the key historical actors at each constitutional convention, this thesis presents a more complete picture of state constitutional revision, especially as it relates to the idea of attachment. Historians have examined the changing nature of suffrage laws over time, primarily by analyzing the removal of property restrictions, but this thesis is unique in its analysis of the variety of ways states redefined attachment, largely due to the actions of upwardly mobile non-elite white males.

Of course, this thesis is not an exhaustive study of the topic. It is limited to four states over a twenty-five year period. It will serve as the framework for future scholarship; I hope to build on it by adding more states to increase regional variation and to extend the time period to determine whether these new ways of defining attachment changed over the course of the nineteenth century. Because of time constraints, this thesis did not exhaustively examine the role of partisan politics in nineteenth century constitutional revision or the fascinating relationship between slavery, dependency, and attachment. These are areas of inquiry I would like to develop further as I build on and strengthen this thesis, using it as the framework for a subsequent dissertation.

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