
THE DORR REBELLION, STATES' RIGHTS, AND THE SOUTH

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During the winter of 1860-61, the ongoing American argument regarding slavery boiled over and seven Southern states seceded from the Union. During the preceding decades, Southerners began to argue for states' rights in an effort to prevent the concentration of power in the hands of the national government out of fear that such a concentration of power would one day be a threat to the Southern socio-economic system. While endorsing the concept of states' rights in theory, Southerners did not necessarily support them in action.

During the 1841-42 Dorr Rebellion, Southerners spoke out against Thomas Dorr and his supporters, seemingly in opposition to their stated belief in states' rights. This lack of support indicates that Southerners had little concern for the rights of states unless they were Southern states and were in agreement with them regarding slavery. They did not support the rebellion because many Southerners saw it as a threat to slavery and Southern life in general, and therefore, whatever states' rights issues were involved became non-important. Opposition to Dorr was less about states' rights and more about fears that its ideas could be translated to Southern society and lead to black majoritarian rule. Many historians describe the



Figure 1. Thomas Wilson Dorr.
Lithograph by James S. Baillie c.
1856-1847.

division between Dorr supporters and non-supporters as an example of party politics, with each party claiming that the rebellion supported their party's platform. This paper argues that the split was less about party politics and more about

sectional differences. While many Democrats supported the rebellion, they were only from the northern branch of the party. Southern Democrats and Whigs opposed the rebellion. While rarely credited as such, the Dorr Rebellion proved to be another crack in the national party system, with the Democrats splitting along sectional lines.¹

The Dorr Rebellion, sometimes called the Dorr War, had its roots in the colonial era. Unlike other states, Rhode Island did not write a new state constitution after the colonies obtained independence from Great Britain. Rhode Island continued to operate under the colonial charter of 1663. While this charter was extremely democratic for its time, by the 1830s changes wrought by the Industrial Revolution and the republican spirit of the age had rendered it much less so. Under the charter, the right to vote, serve on juries, or sue in court was limited to native-born white men who owned \$134 worth of real property, and their first-born sons. Historians differ on what percentage of white male Rhode Islanders met these qualifications, with estimates ranging from forty percent to over sixty percent. The charter's qualifications for "freemanship" adversely affected town and city residents, while clearly benefitting land-owning farmers. In addition to barring many urban residents from voting, the apportionment of the state legislature, based on the population of freemen, was greatly skewed towards areas with smaller populations, but greater numbers of landowners. So while approximately sixteen percent of the state's population lived in the city of Providence and paid over sixty percent of the state's taxes, they were represented by only five percent of the state legislators.²

The charter remained unchanged in part because it failed to provide a procedure by which it could be amended. As it was a royal charter, it can be assumed that originally any changes that were needed could have been provided by royal decree. The advent of the American Revolution eliminated that method of change. Additionally, both the Whigs (1840) and the Democrats (1836) had won recent elections and most party members saw no reason for changing the system. Those that did favor reform differed on what should be done. Democrats wanted to expand suffrage to include immigrants but not freed blacks, while Whigs wanted to allow free blacks to vote, but not immigrants. Thus, the original colonial charter remained in force and unchanged.³

With both parties supporting the continued use of the original charter, Thomas Dorr, a Whig state assemblyman, began working outside the two-party

system, helping to found the Rhode Island Suffrage Association in 1840. Dorr and his followers called for a new constitution that granted universal male suffrage. While the Suffragists challenged the two parties in state elections, they never received more than ten percent of the votes.⁴

In 1841, with no indication that the ruling parties were interested in reform and further supported by poor economic conditions, the Suffrage Association called an extralegal constitutional convention, the “People’s Convention,” which drafted a “People’s Constitution” for the state, granting voting rights to all white men. In December 1841, the People’s Convention authorized a statewide referendum, in which all white men in the state could vote. The referendum, although not officially sanctioned, ratified the new constitution. Although a majority of the voters favored the new constitution, including a majority of those who were legally entitled to vote under the current charter, the referendum had no legal standing since it was held outside of normal channels. Regardless, the Suffragists claimed that since the popular majority favored the new constitution, it was now the official governing document of the state. Dorr and other members of the People’s government expected that once the people ratified the constitution and new officials were elected to office, they would have the support of the national government due to the republican government clause of the Constitution. The state legislature immediately condemned the constitution, calling it illegal. Opponents of the new constitution alleged massive voter fraud during the referendum.⁵

During April 1842, the new “government” held elections for state officials to replace those currently in office under the Charter. The existing state government promptly declared the election illegal. The reformist voters elected Thomas Dorr as governor and Dorr declared that his election was valid and he would take office in May. Democratic politicians from across the country, including former presidents Andrew Jackson and Martin Van Buren, supported Dorr. Democratic newspapers warned the charter government that if they tried to suppress Dorr’s government with force, they would fight back.⁶

Speaking out in support of the actions taken by Dorr and others, Van Buren quoted from the Virginia Declaration of Rights, noting that the people had the right “to reform, alter, or abolish” governments which did not support the rights of the people. He further wrote that any attempt by the national government to interfere in the affairs of Rhode Island would be “a flagrant violation of states’ rights and popular sovereignty.”⁷ Jackson wrote, “The people are the sovereign

power and agreeable [sic] to our system they have the right to alter and amend their system of Government when a majority wills it, as a majority have a right to rule.”⁸

As a precaution, the legitimate governor, Samuel King, began fortifying state buildings and purchasing additional arms to secure the state if the People’s government attempted a takeover. King instructed the militia to be ready to deploy within thirty minutes. He then learned that many militia units, especially in the area of Providence, were going to go over to the new government. King requested assistance from President John Tyler, citing Article IV, section 4 of the U.S. Constitution.⁹

Tyler was not in favor of the intervention of the national government in state affairs. He had criticized Andrew Jackson for his undue haste in calling for a military solution to the Nullification Crisis. He wanted the use of force to be the last resort. He advised King that he did not have the authority to use military force in anticipation of domestic violence within a state, there had to be actual insurrection before the national government could act.¹⁰

On May 3, 1842, Dorr was inaugurated as governor and a “People’s Legislature” was seated. The legislature met for two days and then adjourned without making any plans to confront the legitimate government. The day following Dorr’s inauguration, Samuel King declared that the state was in the midst of an insurgency and citing concerns about the reliability of the militia, made a formal appeal to President John Tyler “to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages, to support the existing government and laws, and protect the State from domestic violence.”¹¹

Tyler refused to supply immediate aid to King, suggesting that King announce an amnesty for the People’s government and call for a new constitutional convention. If that failed, the use of force would be justified, and he would intervene to maintain constitutional authority in the event that actual insurrection materialized, regardless of “the real or supposed defects of the existing government.” Tyler, while a Whig, was in the midst of a dispute with the party and was looking for support amongst Democrats. Since the Democratic Party was supporting Dorr, Tyler was unwilling to come out strongly against him. However, Tyler did not want to appear indifferent to a state requesting assistance against insurrection. Additionally, Tyler’s own state of Virginia had a state constitution that included property qualifications for voting and a malapportioned state legislature.¹²

After his inauguration, Dorr traveled to Washington to meet with Tyler and

request assistance. By the time Dorr arrived, Tyler had already met with representatives of Governor King on two occasions. During the meeting at the White House, Tyler told him his actions were “treasonable against the state and if they committed any overt acts and resisted the force of the U.S. they would then commit treason against the U.S. and as sure as they did so they should be hanged for treason!”¹³ Publicly, however, Tyler’s statements were less inflammatory. To accede to King’s request and refuse Dorr’s would be to deny the legality of the popular movement in Rhode Island. Doing so would open him to charges of opposing democratic governance. However, to refuse to assist the sitting government would be to stand by in the face of lawlessness and rebellion.¹⁴

During his return trip to Rhode Island, Dorr stopped in New York where local Democrats had a large rally in his honor. He was promised that as many as 5,000 armed men from New York street gangs would go to Rhode Island to support him if needed. The rally and the promise of armed support solidified his resolve at the same time many of his followers were losing their nerve.¹⁵

As Dorr returned to Rhode Island, he began planning to raid the state arsenal and seize the weapons stored there. In anticipation of the raid, Dorr sent supporters to the Providence Marine Corps of Artillery armory on May 17. They “seized” two cannons from the United Train Artillery Company militia unit stationed there; since most of the men in the militia were Dorr supporters the seizure was in name only. The two guns had allegedly been captured from General John Burgoyne’s forces after the Battle of Saratoga. Dorr planned to march to the arsenal with a large force and convince the defenders to surrender in the face of overwhelming odds. At about midnight on the morning of May 18 as he readied his supporters for the attack, Dorr had approximately 400 men; when they began the march to the arsenal two hours later, about half of the men had faded off into the night. Once Dorr and his men, along with the two guns, arrived at the arsenal, its commander refused to surrender. Dorr’s two guns flashed but failed to fire and his men, apparently having second thoughts about attacking a fortified building with several cannons inside, drifted away. Soon after, Rhode Island authorities arrested Dorr and tried and convicted him of treason against the state of Rhode Island, and sentenced him to life in prison.¹⁶

Dorr served one year of his prison sentence before the state legislature ordered his release. In 1854, his conviction was annulled. Although his rebellion had failed to incite revolution, his cause ultimately led to the expansion of suffrage and

increased political power for non-land owners. The legitimate state authorities called a constitutional convention of their own, in which they drew up the “Law and Order Constitution.” A referendum in November ratified this constitution by a wide margin, although many of Dorr’s supporters boycotted the vote. The new constitution gave voting rights to all native-born men who paid any taxes and to immigrants who met the property requirements originally laid out in the charter. It also reapportioned the state legislature to provide for equal representation, although the state senate remained unchanged. Both constitutions were similar; however, unlike the “People’s” constitution, the “Law and Order” constitution did not include race as a factor in determining voting rights.¹⁷

Some members of the Southern ruling class expressed strong support for the idea of states’ rights as early as the 1790s, at the time of the Kentucky and Virginia Resolutions. Support continued to grow during the 1820s, temporarily culminating in the Nullification Crisis of 1832. In the following years, belief in the primacy of states’ rights continued to grow across the South, ultimately finding its way into the secession documents of many Southern states, as well as Confederate President Jefferson Davis’s inaugural address, and the Confederate Constitution.¹⁸

There has been some debate regarding Antebellum Southerners’ devotion to states’ rights and whether the states’ rights argument was nothing more than a front to prevent interference in slavery by the national government. Perhaps this explains the lack of Southern support for Thomas Dorr’s rebellion; Southerners purported to support states’ rights, but they did not, by and large, support Dorr. Perhaps rather than evidencing a lack of true belief, the failure to back Dorr was an indicator that Southerners only supported states’ rights when the states involved were Southern, or at least pro-slavery.¹⁹

One might assume that Southerners, those great supporters of states’ rights, would support the efforts by the Dorrists to expand voting rights in Rhode Island, without interference from the national government. However, this was not the case. Southerners, almost as a body, either spoke out against Dorr or remained silent. There were several reasons for this. White Southerners were wary of democratic revolution in general because of revolutions that had resulted in the emancipation of French West Indian slaves. Events at home increased their fears, including the emergence of the Free Soil Party in 1848 and radical democratic movements like the Dorr Rebellion.²⁰

While John Calhoun, the South’s leading Democratic spokesman,

supported the enlargement of the franchise, at least amongst whites, he spoke for most of his fellow Southerners when he spoke out regarding the extralegal manner in which the franchise was being expanded in Rhode Island. He declared that it would be a “death-blow of constitutional democracy to admit the right of the numerical majority to alter or abolish constitutions at pleasure” by resorting to extra constitutional means.²¹

Southerners were concerned that the expansion of the majoritarian right to dictate to the minority would eventually interfere with the rule of their own states and more importantly, the existence of slavery. Southern opposition to the premise of Dorr’s rebellion was in keeping with their fear of majoritarian domination and their wish to protect the rights of the minority under a popular government.²² As John Calhoun wrote, the “doctrine that a majority has a right at all times, according to its will and pleasure, to subvert the Government of a State, and to alter or change its constitution without observing the forms prescribed for its amendment, is revolutionary in its character, and inconsistent with all ideas of Constitutional government.”²³ One Southerner described the “People’s Constitution” as an illustration of the “very madness of democracy and was a fine example” of the dangers of the “majority principle.”²⁴

Southern concern over majority rule was closely connected to their concern regarding attacks on slavery and the possibility of abolition. Southerners wanted to repudiate the majoritarian right of revolution and provide support for incumbent state governments. They did not support Dorr because the principles of his rebellion “might be construed to take in southern blacks and to aid the abolitionists.”²⁵

Some Southerners may have believed in Dorr’s cause, but would not publicly speak out for fear of also endorsing general principles of majority rights that they did not support because they feared that they could later be interpreted to include blacks in their own states. Dorr understood the way Southerners felt and realized that was the cause of his lack of support in the Senate, writing, “Some of the Southern members . . . are with the People of Rhode Island, but not with all People in asserting a principle, which might be construed to take in the southern blacks and to aid the abolitionists.”²⁶

In a speech given in North Carolina, Henry Clay expressed the feelings of many Southerners, stating “You can readily comprehend and feel what would be the effects and consequences of Dorrism here in the South, if Dorrism were

predominant, any unprincipled adventurer” could merely “collect around him a mosaic majority black and white, aliens and citizens . . . male and female” and “overturn existing governments and set up new ones at his pleasure or caprice.”²⁷

Many Southerners believed that if the Dorr Rebellion was allowed to succeed, “then there must be a dissolution of the Union, that the slaves can alter their laws and govern themselves for they are the majority.”²⁸ Dorr, they believed, opened the door for “any majority without regard to color and condition” to “overturn the existing Government.”²⁹

Even Northerners who did not support slavery saw the flaw in Dorr’s ideas. Former Indiana state representative and future congressman Caleb Blood Smith wrote of Dorr’s philosophy, if “the people of one portion of the country can overturn their government, and adopt a new one, where did the gentleman find the authority to exclude from political rights the negroes of South Carolina and Virginia?”³⁰

Southern concern regarding Dorr did not end with the idea that his philosophy could be used by some future government to interfere with slavery. There was also a serious concern that the entire suffrage movement was an abolitionist plot. Opponents of Dorr promulgated the idea that the suffrage cause was in fact an abolition movement and that Dorr was one of the leaders of the abolition party. This idea gained credence by the fact that during the 1830s Dorr had been “a most staunch and thorough going abolitionist.”³¹ Further supporting the idea of an abolitionist plot, the “People’s” Constitution contained a clause that guaranteed a jury trial for fugitive slaves. Opponents of Dorr’s movement said this clause alone would “dissolve the union.”³²

That anyone would consider Dorr’s rebellion an abolitionist movement is somewhat ironic since abolitionists were “the most ardently opposed” to the People’s Constitution.³³ The People’s Constitution would not allow blacks to vote and many Rhode Island blacks, angry at being excluded, joined the militia units of the Law and Order coalition, which promised that a new constitutional convention would give them the right to vote. Southerners were also distrustful of Dorr because his attempt to take the arsenal on May 18 was too similar to Denmark Vesey’s abortive 1822 attack on the arsenal at Charleston, South Carolina, and to many Southerners the idea of rebellion reminded them less of 1776 and more of Nat Turner’s 1831 revolt in Virginia.³⁴

Dorr and his followers believed that the American Revolution had legitimized extralegal action, citing the sentence in the Declaration of Independence that read, whenever any “form of government becomes destructive of the ends for

which it was established, it is the right of the people to alter or abolish it, and to institute a new government.”³⁵ Opponents drew a different conclusion that the Revolution had been about the ends and not the means. The important conclusion to draw from the Revolution was the establishment of free republican governments, not the resistance and revolution that enabled them. Once the Revolution was over, independence from Great Britain had been gained, and constitutional governments had been established, riots, mobs, and other forms of extralegal action would no longer be tolerated. Although Southerners failed to support Dorr, they later justified their secession from the United States in part, using the same language from the Declaration.³⁶

Some Southerners argued that Dorr’s Rebellion was not a question of states’ rights at all. President Tyler had to walk a tightrope concerning his response to the activities in Rhode Island. As a states’ rights man from Virginia, he believed that allowing the revolt of the majority, even on a local level, would have been an unwelcome precedent that could later endanger the South’s slave system. Tyler believed that the national government had to support and uphold legitimate state governments “to prevent Negroes [from] revolutionizing the South.”³⁷ Tyler, although committed to states’ rights, had earlier rejected the theory of nullification, arguing that if a state believed an act of Congress was unconstitutional, it had to try to have the act overturned by utilizing all legitimate options, and if that failed, they had either to accept the unconstitutional law or to secede from the Union.³⁸

Many white Southerners feared that allowing the federal government to determine which government in Rhode Island was the legitimate one would set a dangerous precedent. Future presidents might utilize this power to disturb the South’s slavery system.³⁹ John Calhoun wrote that if the federal government possessed “the right to establish its own abstract standard of what constitutes a republican form of government . . . it would be made absolute master of the States.”⁴⁰

At first, it might seem surprising that Southerners, those well-known supporters of states’ rights, as evidenced by their arguments in favor of nullification, and later secession, failed to support Dorr’s rebellion. However, their fears regarding attacks on slavery and perhaps more importantly, their alarm over a black majority seizing power, overrode any states’ rights support.

While modern readers might find the idea that slaves would or could hold a constitutional convention, empower themselves, and seize the reins of state

governments far-fetched, Antebellum Southerners had a tendency to see slave plots with alarming regularity. That on occasion, some plots actually manifested themselves gave some truth to their fears. Opposition to Dorr was less about states' rights and more about fears that its ideas could be translated to Southern society and lead to black majoritarian rule. Although Southern support for states' rights was sometimes grudging when the states were not slave states, perhaps as Dorr had written, there was some Southern support for his rebellion; however, fear prevented any expression of such support.

Notes

1. Lex Renda, *Running on the Record: Civil War-era Politics in New Hampshire* (Charlottesville: University Press of Virginia, 1997), 28; David Grimsted, *American Mobbing, 1828-1861: Toward Civil War* (Oxford: Oxford University Press, 1998), 211; Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (Oxford: Oxford University Press, 2009), 599.

2. Howe, 599; Peter Adams, *The Bowery Boys: Street Corner Radicals and the Politics of Rebellion* (Westport, CT: Praeger, 2005), 48; Rory Raven, *The Dorr War: Treason, Rebellion and the Fight for Reform in Rhode Island* (Charleston, SC: The History Press, 2010), 17; Marvin E. Gettleman, *The Dorr Rebellion: A Study in American Radicalism, 1838-1849* (New York: Random House, 1973), 33. For example, Howe gives the percentage of ineligible voters as 40-66%, Raven says 60%, and Gettleman gives it as almost 70%.

3. Howe, 600.

4. Howe, 600; Adams, 48.

5. Howard Zinn, *A People's History of the United States* (New York: Harper Perennial, 2005), 214; Adams, 50-1; Howe, 600.

6. Howe, 601.

7. Erik J. Chaput, *The People's Martyr: Thomas Wilson Dorr and His 1842 Rhode Island Rebellion* (Lawrence: University Press of Kansas, 2013), 130.

8. Andrew Jackson to Francis P. Blair, 23 May, 1842, in Gettleman, 66.

9. Chaput, *The People's Martyr*, 86; Norma Lois Peterson, *The Presidencies of William Henry Harrison and John Tyler* (Lawrence: University Press of Kansas, 1989), 109.

10. Peterson, 110-1.

11. Erik J. Chaput, "Proslavery and Antislavery Politics in Rhode Island's 1842 Dorr Rebellion," *The New England Quarterly*, 85, no. 4 (December 2012), 674.

12. Howe, 601.

13. John Brown Francis to Elisha R. Potter, Jr., 23 May 1843, quoted in Chaput, *The People's Martyr*.
14. Chaput, *The People's Martyr*, 123; Oliver Perry Chitwood, *John Tyler: Champion of the Old South* (1939; reprint, Newtown, CT: American Political Biography Press, 1990), 327.
15. Adams, 54; Chaput, *The People's Martyr*, 132.
16. Raven, 60; Chaput, *The People's Martyr*, 138-9; Howe, 601-2.
17. Howe, 602.
18. Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville: University Press of Virginia, 2001), 13; Jeffrey Rogers Hummel, *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War* (Chicago: Open Court, 1996), 134; James W. Loewen and Edward H. Sebesta, *The Confederate and Neo-Confederate Reader: The "Great Truth" About the "Lost Cause"* (Jackson: University Press of Mississippi, 2010), 111 & 153.
19. Kenneth M. Stampp, *The Causes of the Civil War* (Englewood Cliffs, NJ: Prentice-Hall, 1974), 42; Arthur M. Schlesinger, "The State Rights Fetish," in Stampp, 50.
20. Andre Fleche, *Revolution of 1861: The American Civil War in the Age of Nationalist Conflict* (Chapel Hill: University of North Carolina Press, 2012), 18.
21. Patrick T. Conley, "Popular Sovereignty or Public Anarchy? America Debates the Dorr Rebellion," *Rhode Island History*, 60, no. 3 (Summer, 2002), 73.
22. Chaput, "Proslavery and Antislavery Politics," 677.
23. Ibid, 686.
24. Ibid, 677.
25. Patrick T. Conley, "No Tempest in a Teapot: The Dorr Rebellion in National Perspective," *Rhode Island History*, 50, no. 3 (August, 1992), 80.
26. Thomas Dorr to Walter S. Burges, 12 May 1842. *The Dorr Letters Project*, accessed November 20, 2014, <http://library.providence.edu:8080/xtf/view?docId=tei/L0018.xml;query=;brand=default>; Conley, "Popular Sovereignty or Public Anarchy?" 73.
27. Paul M. Thompson, "Is There Anything 'Legal' About Extralegal Action? The Debate Over Dorr's Rebellion," *New England Law Review*, 36, no. 2 (Winter 2002): 423.
28. Chaput, "Proslavery and Antislavery Politics," 660.
29. William A. Graham to Paul C. Cameron, May 20, 1842, in Grimsted, 337.
30. Chaput, "Proslavery and Antislavery Politics," 691.
31. Ibid, 666 & 675.
32. Ibid, 670.
33. Ibid, 675.

34. Zinn, 215; Chaput, "Proslavery and Antislavery Politics," 683.

35. Gettleman, 10

36. Thompson, 386 ; Gettleman, 89; *Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union* in The Avalon Project: Documents in Law, History, and Diplomacy, accessed November 21, 2014, http://avalon.law.yale.edu/19th_century/csa_scarsec.asp.

37. Conley, "No Tempest in a Teapot," 78.

38. Forrest McDonald, *States' Rights and the Union: Imperium in Imperio, 1776-1876* (Lawrence: University of Kansas, 2000), 124.

39. Chaput, "Proslavery and Antislavery Politics," 677.

40. John C. Calhoun to William Smith, 3 July, 1843, in *The Works of John C. Calhoun: Volume VI Reports and Public Letters*, ed. Richard Cralle (New York: D. Appleton, 1883), 221.

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