



CHAPTER II

THE “GOLDEN AGE”
OF THE SENATE

1801-1850

February 27, 1801

No Hissing



Thomas Jefferson published A Manual of Parliamentary Practice for the Use of the Senate of the United States in 1801.

On a quiet December morning in 1800, a well-dressed gentleman knocked on the door at the Capitol Hill residence of publisher Samuel Smith. When the publisher's wife, Margaret Bayard Smith, greeted him, she had no idea who he was. But, she liked him at once, "So kind and conciliating were his looks and manners." Then her husband arrived and introduced her to the vice president of the United States, Thomas Jefferson.

Jefferson had come to deliver a manuscript for publication. Mrs. Smith admiringly noted the vice president's "neat, plain, but elegant handwriting." Weeks later, on February 27, 1801, Jefferson returned to receive a copy of his newly printed book. It bore the title, *A Manual of Parliamentary Practice for the Use of the Senate of the United States*.

Three years earlier, in 1797, Jefferson had approached his single vice-presidential duty of presiding over the Senate with feelings of inadequacy. John Adams, who had held the job since the Senate's founding in 1789, knew a great deal about Senate procedure and—of equal importance—about British parliamentary operations. Yet, despite Adams' knowledge, senators routinely criticized him for his arbitrary and inconsistent parliamentary rulings.

In his first days as vice president, Jefferson decided to compile a manual of legislative procedure as a guide for himself and future presiding officers. He believed that such an authority, distilled largely from ancient books of parliamentary procedure used in the British House of Commons, would minimize senators' criticism of presiding officers' rulings, which in those days were not subject to reversal by the full Senate.

Jefferson arranged his manual in 53 topical sections, running alphabetically from "Absence" to "Treaties." He began the section entitled "Order in Debate" with a warning to members based on his own observation of legislative behavior. Even today, his admonition might suitably appear on the wall of any elementary school classroom. "No one is to disturb another [person who is speaking] by hissing, coughing, spitting, speaking or whispering to another."

Although Jefferson's original manuscript has long since disappeared, a personal printed copy, with notes in his own handwriting, survives at the Library of Congress.

Jefferson's Manual, with its emphasis on order and decorum, changed the way the Senate of his day operated. Years later, acknowledging Jefferson's brilliance as a parliamentary scholar, the U.S. House of Representatives adopted his Senate *Manual* as a partial guide to its own proceedings.

Further Reading

U.S. Congress. Senate. *A Manual of Parliamentary Practice for the Use of the Senate of the United States*, by Thomas Jefferson. 103rd Cong., 1st sess., 1993. S. Doc. 103-8.

October 17, 1803

“Dear Diary”

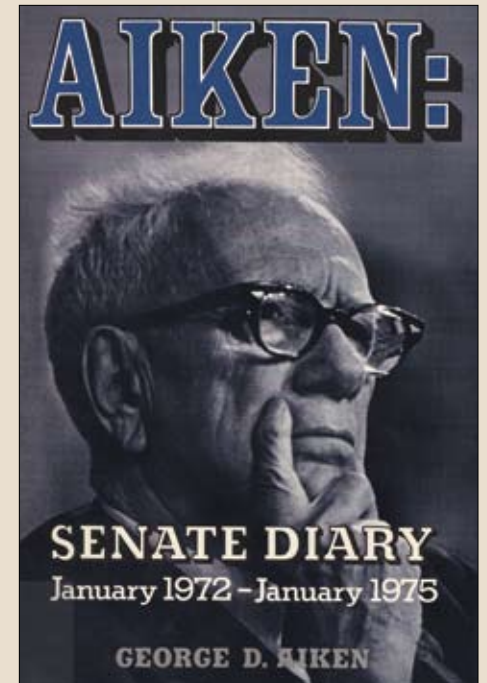
In recent years, courts have taken an active interest in diaries kept by public officials. This has created a “chilling effect” among those who might otherwise be inclined to record their experiences for a future generation and has led some to predict that no senator in her or his right mind would ever again keep a diary. That would be most unfortunate. And it would run counter to a well-established tradition in Senate history.

The first person elected to the U.S. Senate, Pennsylvania’s William Maclay, is remembered for only one thing during his service from 1789 to 1791—that he kept a diary. Without it, we would know next to nothing about what went on behind the Senate’s closed doors during the precedent-setting First Congress. Maclay’s experience gives added force to the truism that one sure way to shape the historical record is to keep a diary. Historians will sooner turn to a richly detailed diary than plow thorough seemingly endless boxes of archived paper or computer disks.

Another of the Senate’s notable diary keepers began his task early in the 19th century. New Hampshire’s Federalist Senator William Plumer first put quill to paper on October 17, 1803, when the Senate met in special session to consider ratification of

the Louisiana Purchase treaty. Decades before the Senate made any regular effort to report its proceedings beyond the sketchy outline of its official journal, Senator Plumer kept a full record of Senate sessions until his term expired three-and-a-half years later. His diary provides unique information on the Louisiana treaty debate, including his outburst at President Thomas Jefferson for taking the Senate’s approval for granted. The president, by publicly supporting the treaty before the Senate had a chance to take it up, was, in Plumer’s words, destroying the Senate’s “freedom of opinion.”

In the 1970s, Vermont Senator George Aiken compiled and published an excellent modern-era Senate diary. Although he first came to the Senate in 1941, he did not begin his diary until 1972, when he was the Senate’s second most senior incumbent. He proceeded by dictating his thoughts every Saturday for 150 weeks until his retirement in 1975. He hoped, above all, that his diary would show “how events can change their appearance from week to week and how the attitude of a Senator can change with them.”



George Aiken of Vermont (1941-1975) published his diary in 1976.

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November 30, 1804

The Senate Tries a Supreme Court Justice

On November 30, 1804, for the third time in its brief history, the Senate began an impeachment trial. The first trial in 1798 and 1799 had involved a senator previously expelled on grounds of treason. Because that senator no longer served, the Senate dismissed the case citing lack of jurisdiction. The second trial, in 1804, removed a federal judge for reasons of drunkenness and probable insanity. More than the first two proceedings, however, this third trial challenged the Senate to explore the meaning of impeachable crimes.

Samuel Chase had served on the Supreme Court since 1796. A staunch Federalist and a volcanic personality, Chase showed no willingness to tone down his bitter partisan rhetoric after Jeffersonian Republicans gained control of Congress in 1801. Representative John Randolph of Virginia orchestrated impeachment proceedings against Chase, declaring he would wipe the floor with the obnoxious justice. The House accused Chase of refusing to dismiss biased jurors and of excluding or limiting defense witnesses in two politically sensitive cases. Its trial managers hoped to prove that Chase had “behaved in an arbitrary, oppressive, and

unjust way by announcing his legal interpretation on the law of treason before defense counsel had been heard.” Highlighting the political nature of this case, the final article of impeachment accused the justice of continually promoting his political agenda on the bench, thereby “tending to prostitute the high judicial character with which he was invested, to the low purpose of an electioneering partizan.”

At the time the Senate took up the case against the Federalist justice, its members included 25 Jeffersonian Republicans and 9 Federalists. Chase appeared before the Senate on January 4, 1805, to declare that he was being tried for his political convictions rather than for any real crime or misdemeanor. His defense team, which included several of the nation’s most eminent attorneys, convinced several wavering senators that Chase’s conduct did not warrant his removal from office. With at least six Jeffersonian Republicans joining the nine Federalists who voted not guilty on each article, the Senate on March 1, 1805, acquitted Samuel Chase on all counts. A majority voted guilty on three of the eight articles, but on each article the vote fell far short of the two-thirds required for conviction. The Senate thereby effectively insulated the judiciary from further congressional attacks based on disapproval of judges’ opinions. Chase resumed his duties at the bench, where he remained until his death in 1811.



*Impeached by the House,
Supreme Court Justice
Samuel Chase was acquitted
by the Senate.*

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March 2, 1805

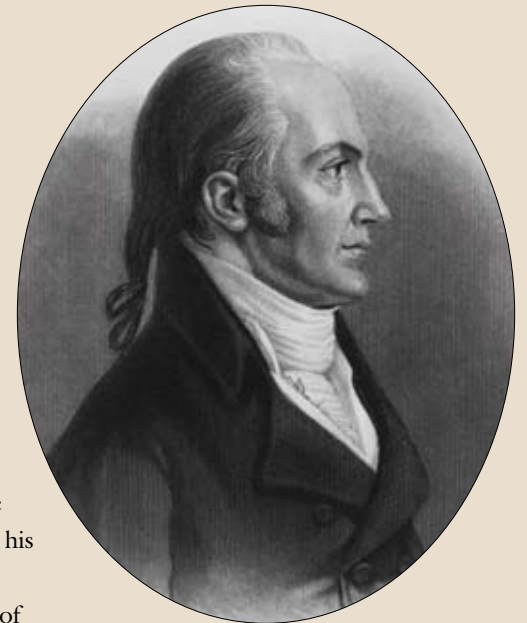
Indicted Vice President Bids Senate Farewell

Aaron Burr continues to fire the imagination. Charming, shrewd, and brilliant, Burr won a Senate seat in 1791 by defeating Treasury Secretary Alexander Hamilton's father-in-law, Philip Schuyler. In the Senate, this brash New Yorker made many enemies among establishment Federalists by vigorously opposing Hamilton's financial system and President George Washington's foreign policy. Although he left the Senate after one term, he returned in 1801 as vice president.

Widely respected as a skilled parliamentarian and an impartial presiding officer, Burr took positions that alienated his fellow Jeffersonian Republicans. In 1804, with no chance of reelection as vice president, he sought the New York governorship. He credited his resulting defeat, in part, to Alexander Hamilton's private comment that he was a dangerous and devious man. This led to the infamous July 1804 duel at which he killed Hamilton. Although indicted for murder in New York and New Jersey, Burr never stood trial. Instead, he returned to Washington in November 1804 for the new congressional session.

Burr's previously chilly relations with President Thomas Jefferson and other key Republicans suddenly warmed and Jefferson even invited him to dine at the White House. This renewed show of respect related to the fact that Burr would be soon be presiding at the Senate impeachment trial of Federalist Supreme Court Justice Samuel Chase. Ignoring Republican efforts to sway him, Burr conducted that trial "with the dignity and impartiality of an angel, but with the rigor of a devil." On March 1, 1805, the Senate acquitted Chase.

Burr chose the following day to bid the Senate farewell. He ended his brief remarks with a singularly brilliant expression of the Senate's uniqueness under the Constitution. The Senate, he said, "is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor." As Burr walked from the chamber, his promising career in ruins, members spontaneously began to weep. Few of those present would ever forget this moment of high drama.



Aaron Burr, senator from New York (1791-1797), vice president of the United States (1801-1805).

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July 19, 1807

First Senator Buried in Congressional Cemetery

In life, Connecticut Senator Uriah Tracy was known as a witty and compelling speaker and a forceful leader of the Federalist Party. In death, he acquired the dubious distinction of becoming the first senator to be buried in Congressional Cemetery.



These sandstone cenotaphs in Congressional Cemetery, designed by Capitol architect Benjamin Latrobe, memorialize members who died in office.

The 30-acre graveyard, overlooking the banks of the Anacostia River, dates from the early 1800s when Washington's Christ Church set aside plots within its cemetery for members of Congress who died in office. Some members were permanently interred there, starting with the 55-year-old Tracy following his death on July 19, 1807. For others, it served only as a temporary resting place until the seasons changed and the dirt roads home became passable. The distinguished Capitol architect Benjamin Latrobe designed massive square memorials—or cenotaphs (literally:

empty tomb)—in memory of each deceased incumbent member. By 1877, more than 150 of these stout monuments dotted the burial ground, although only 80 bodies actually rested beneath them. Latrobe had wanted them built of marble, but Congress chose to save money by using sandstone. As the sandstone monuments discolored and deteriorated, Senator George Hoar

of Massachusetts exclaimed that the mere sight of them added a “new terror to death.” About that time, Congress chose to stop erecting cenotaphs.

Perhaps the most notable among the cemetery's 60,000 residents is Elbridge Gerry, signer of the Declaration of Independence, delegate to the Constitutional Convention, House member, and vice president under James Madison. Gerry became seriously ill late in 1814 as a result of the burdens of the War of 1812 and, according to a biographer, his “relentless socializing.” On November 23, determined to preside over the Senate, he set out for the Capitol, but suffered a fatal stroke on the way.

Near Vice President Gerry's monument is the grave of Samuel Otis, the first secretary of the Senate, who died in office after 25 years of never missing a day on the job. Not far from Otis is the tomb of Isaac Bassett, one of the Senate's first pages, who came to the Senate as a boy in 1831 and remained until 1895, an elderly white-bearded doorkeeper. Several members of the press have joined this congressional gathering, including the first photojournalist, Mathew Brady, and one of the first women journalists in Washington, Anne Royall.

With the establishment of Arlington Cemetery after the Civil War, Congressional Cemetery yielded its active role as the chief national burying ground.

Further Reading

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April 25, 1808

Senator John Smith Resigns Under Fire

He was the first senator to be indicted and he came close to becoming the second senator—after William Blount in 1797—to be expelled. With his political and business careers in shambles, John Smith reluctantly resigned from the Senate on April 25, 1808.

One of Ohio's first two senators, Smith took his oath of office on October 25, 1803. Almost nothing is known of his earliest years, including his parents' names or his place of birth. A large and gregarious man with a talent for impassioned oratory, he established himself as a preacher in the 1790s and then moved on to the greater financial rewards of life as a trader, supplying military posts near Cincinnati. He entered political life and won election to the Ohio territorial legislature where he led a successful campaign for statehood.

While in the Senate, Smith continued his profitable trading ventures in Louisiana and West Florida and pursued numerous land investment schemes. In 1805, former Vice President Aaron Burr sought his support in organizing a military expedition against Spanish Florida. Although Smith claimed he had no interest in Burr's plot to force secession of Spanish territories, he agreed to provide supplies for the proposed expedition. When President Thomas Jefferson later issued an alert, charging

that Burr's actual purpose was an invasion of Mexico, Smith responded patriotically by financing weapons to defend against the Burr expedition and delivering those weapons to New Orleans. These travels caused him to miss weeks of Senate sessions and led the Ohio legislature to charge him with dereliction of duty and to demand his resignation.

Although Smith ignored that demand, he found his troubles increasing as a court in Richmond, Virginia, indicted him in mid-1807 for participating in Burr's conspiracy. As he traveled to Richmond, he learned that the court had acquitted Burr on a technicality and had dropped his own case.

Soon after the Senate convened in late 1807, members opened an investigation into Smith's conduct. A defense team that included prominent Baltimore lawyer Francis Scott Key argued that Smith might have been naive but that he was no traitor. By a vote of 19 to 10—one short of the two-thirds required for expulsion—Smith retained his seat. Concluding that his political career was over, he then resigned. Forced into bankruptcy, he moved to the Louisiana Territory where he lived his remaining years in poverty.

	YEAS	NAYS
Messrs. Adams,		
Anderson,	✓	
Bayard,		
Bradley,		
Cadwallader,		
Crawford,	✓	
Franklin,	✓	
Galliard,		
Giles,		
Gilman,	✓	
Gaulrich,		
Gregg,	✓	
Hillhouse,		
Hudson,		
Ketchum,	✓	
Masley,	✓	
Mathews,	✓	
Millidge,	✓	
Mitchell,		
Moore,	✓	
Parker,		
Pickens,		
Pope,		
Reed,		
Robinson,	✓	
Smith, of Maryland, ✓		
Smith, of New York, ✓		
Smith, of Ohio, ✓		
Smith, of Tennessee, ✓		
Senter,	✓	
Thomson,		
Tiffin,	✓	
Turner,	✓	
White,		
	19	10

John Smith of Ohio (1803-1808), the first senator to be indicted, came one vote short of the two-thirds needed to expel him from the Senate.

Further Reading

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September 19, 1814

The Senate Convenes in Emergency Quarters

On September 19, 1814, the Senate began a new session in a state of profound crisis. Four weeks earlier, invading British troops had reduced all but one of Washington's major public buildings to smoking rubble. That August 24 blaze had particularly devastated the Capitol's Senate

wing, honeycombed with rotting wooden floors and containing the Library of Congress' tinder-dry collection of books and manuscripts. The conflagration reduced the Senate Chamber's marble columns to lime, leaving the room, in one description, "a most magnificent ruin."

President James Madison arranged for Congress to meet temporarily at the city's only

available building, Blodgett's Hotel, on Eighth and E Streets, Northwest. The hotel also housed the U.S. Patent Office. At the time of the invasion, a quick-thinking superintendent had saved the building by explaining that it housed a large collection of patent models, which belonged to individual inventors and therefore should be protected as private property.

The 19 senators who gathered in Blodgett's hastily fitted Senate Chamber on that mid-September day had many questions. Should the government remain in Washington? Might it not resettle in the more comfortable city of Philadelphia, its home in the 1790s? If it continued in Washington, should the blistered Capitol and blackened White House be rebuilt? Or should members follow a Louisiana senator's suggestion to construct an "unadorned" capitol, located conveniently near Georgetown? He reasoned, "Our laws to be wholesome need not be enacted in a palace." Should members give priority to funding construction of legislative chambers while leaving the unpopular president's mansion until later? And should they move the cabinet offices closer to Congress? The House of Representatives agreed to this, only to change its mind after hearing stories, dating from Congress' Philadelphia days, of how frequent interruptions by senators and representatives had complicated the work of the all-too-accessible cabinet officers.

Members studied and debated these issues almost until the March 1815 adjournment, when they authorized President Madison to borrow from local banks to rebuild, on their existing sites, the Capitol, White House, and cabinet quarters. When members returned in December, they moved to a new temporary structure on the site of today's Supreme Court Building. They hoped it would be a brief stay, but construction delays and cost overruns kept them there for another four years.



British troops set fire to the Capitol on the evening of August 24, 1814, causing extensive damage.

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October 10, 1814

The Senate Buys Jefferson's Library

When British forces burned the Capitol in August 1814, they fueled the fire with 3,000 books from the small room that then served as the congressional library. Among the Senate's first orders of business, as it convened in temporary quarters 10 blocks from the gutted Capitol, was to obtain a new library. In September, former President Thomas Jefferson had written to offer his own library—the largest personal collection of books in the nation. “I have been fifty years in making it, and have spared no pains, opportunity or expense, to make it what it now is. While residing in Paris I devoted every afternoon . . . in examining all the principal bookstores, turning over every book with my own hands, and putting by everything which related to America . . .” Recognizing that the nation lacked spare funds during the war emergency, Jefferson explained that he would accept whatever price Congress wished to pay and would take his payments in installments. Appraisers valued the nearly 6,500 volumes at \$23,950.

On October 10, 1814, the Senate quickly and unanimously agreed to pay this amount. When the measure reached the House of Representatives, however, it encountered spirited opposition. Reading the collection's inventory, sharp-eyed representatives contended there were too many works in foreign languages. Some titles, including those by Voltaire, Locke, and Rousseau, seemed too philosophical—too literary—for the presumed needs

of Congress. In the midst of a war, they contended, Congress had greater priorities than buying expensive libraries for which it lacked secure housing. With the failure of a first round of crippling amendments, the determined opponents, including New Hampshire Representative Daniel Webster, proposed buying the entire collection and then returning to Jefferson “all books of an atheistical, irreligious, and immoral tendency.”

House members who supported the purchase held a slim majority. They conceded that every major library contained some books “to which gentlemen might take exception,” but argued there was simply no other collection available for purchase to equal this one. One witness to this debate observed that the measure's supporters responded to the zealous and vehement opposition “with fact, wit, and [well-placed] argument.” Ultimately, they prevailed, but by a slim margin of 10 votes. As the supporters predicted, this collection went on to serve as a “most admirable” base upon which to establish a national library.



From 1824 until 1897 the Library of Congress was located in the Capitol's west central portion.

Further Reading

Conway, James. *America's Library: The Story of the Library of Congress, 1800-2000*. New Haven: Yale University Press, 2000.

October 11, 1814

The Senate Elects a New Secretary

Imagine the chaos. Seven weeks earlier, the army of a foreign power had set fire to all but one of Washington's public buildings. The Capitol lay in a smoldering ruin. August 24, 1814, had been one of the darkest days in the war with Great Britain. By September, however, the marauding British had withdrawn and President James Madison had called Congress into emergency session at the Patent Office.



*Secretary of the Senate
Charles Cutts (1814-1825)
directed the relocation of the
Senate to temporary quarters
after British forces burned the
Capitol on August 24, 1814.*

On October 11, the Senate prepared to elect a new secretary—its principal administrative, legislative, and financial officer—to help manage the chaos. Samuel Otis, secretary of the Senate for the past 25 years had recently died. As the first person to hold that office, Otis had firmly stamped the position with his own style and personality. But the 73-year-old Otis had also made a few enemies in recent years among senators who questioned the aging man's competence.

The election of his successor proved to be a contentious affair. After considering 9 candidates through 10 separate ballots, the Senate selected former Senator Charles Cutts of New Hampshire.

Cutts inherited the thankless job of directing two relocations, as the Senate moved through the mud and chaos of a shattered city to larger temporary quarters the following year and then, in 1819, to the restored Capitol.

The Senate took this occasion to strengthen the secretary's accountability for its administrative and financial operations. Early in 1823, members approved legislation requiring the secretary to submit, at the end of each congressional session, a statement of the names and compensation of all persons employed and all expenditures from the contingent fund. (Today, this volume is known to Senate staffers seeking to learn their colleagues' salaries as the "Green Book.")

Secretary Cutts presented his first annual report in 1823. Soon the Senate adopted a rule that suggested unhappiness with Cutts. At the start of the next congressional session, the secretary would be required to stand for reelection at the start of each Congress, rather than continuing to serve "during good behavior." (The indefinite term reflected the need to have officers carry over from one Congress to the next at a time of rapid turnover among members.)

Predictably, at the first opportunity, the Senate retired Cutts in favor of another unemployed former senator, Walter Lowrie of Pennsylvania. (Lowrie had the misfortune of representing a state whose legislature believed service in the Senate to be a temporary honor that should not extend beyond a single six-year term.) Soothing the senatorial distrust that had plagued Cutts, Lowrie easily won reelection through the next five Congresses and served until he chose to retire in 1836.

Further Reading

National Intelligencer, October 13, 1814, front page.

March 19, 1816

Salary Storm

Consider having your salary level tied to the market price of wheat. That was one of the proposals the Constitution's framers considered as they wrestled with the politically explosive issue of how to set pay rates for members of Congress. In the Congress under the Articles of Confederation, which served as the national legislature at the time the framers were meeting, members were paid at various rates by their individual states.

Deciding only that members should be paid from the U.S. Treasury, the framers left it up to Congress to set the actual amounts.

Soon after Congress convened in 1789, both houses agreed to a constitutional amendment that would delay implementation of any congressional salary changes until after the next election for all House members. This would allow the voters an indirect voice in this inherently contentious matter. Unfortunately for members seeking political cover, more than two centuries passed before the necessary number of states ratified this plan as the Constitution's 27th Amendment.

The First Congress decided to play it safe and compensate senators and representatives at the rate paid to the Constitution's framers—six dollars for every day they attended a session. Before long, however, senators began to argue that they deserved a higher rate than House members. They cited the inconvenience

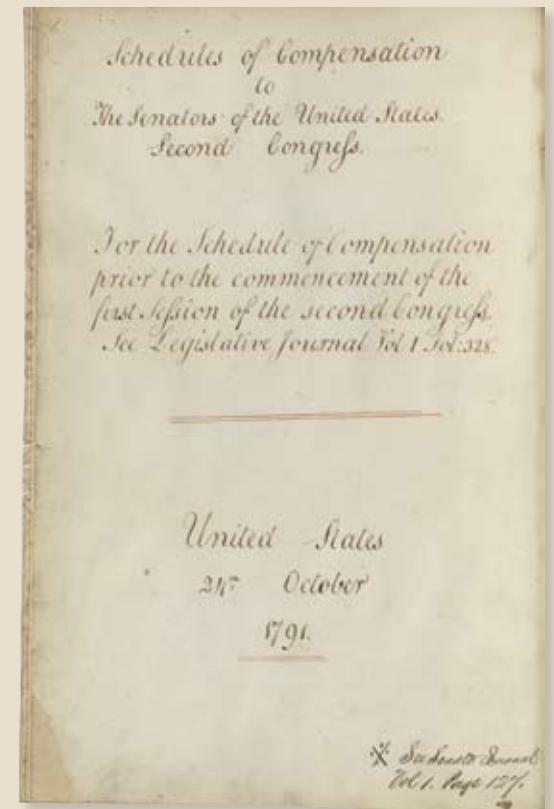
of setting aside their customary livelihoods for the six long years of a Senate term and the presumed extra burdens of advising and consenting to treaties and nominations. The House initially refused to take the Senate proposal seriously, but eventually consented to a seven-dollar Senate rate to take effect five years later and to last only one session.

As the years passed, members became increasingly dissatisfied with their rates of pay.

On March 19, 1816, they voted to abandon the six-dollar daily rate, which had amounted to about \$900 a year for those who attended regularly, in favor of a \$1,500 annual salary. Supporters reasoned that this would make Congress more efficient because members would be less likely to prolong sessions to pile up more daily salary.

Members failed to anticipate the firestorm of public outrage. Georgians hanged their senators in effigy. An unusually large percentage of incumbent House members lost their elections or chose not to run that fall. At the next session, Congress repealed the raise and quietly returned to a daily rate.

Forty years would pass before Congress again dared to adopt a fixed annual salary.



This financial ledger records nearly a century of salary and mileage payments to senators, from 1790 to 1881.

Further Reading

U.S. Congress. Senate. *The Senate, 1789-1989*, Vol. 2, by Robert C. Byrd. 100th Congress, 1st sess., 1991. S. Doc.100-20. Chapter 15.

December 10, 1816

The Senate Creates Permanent Committees

For its first quarter-century, the Senate tried to operate without permanent legislative committees. From 1789 until December 1816, the Senate relied on three-to-five-member temporary—or “select”—committees to sift and refine legislative proposals. A late 18th-century guidebook to “how

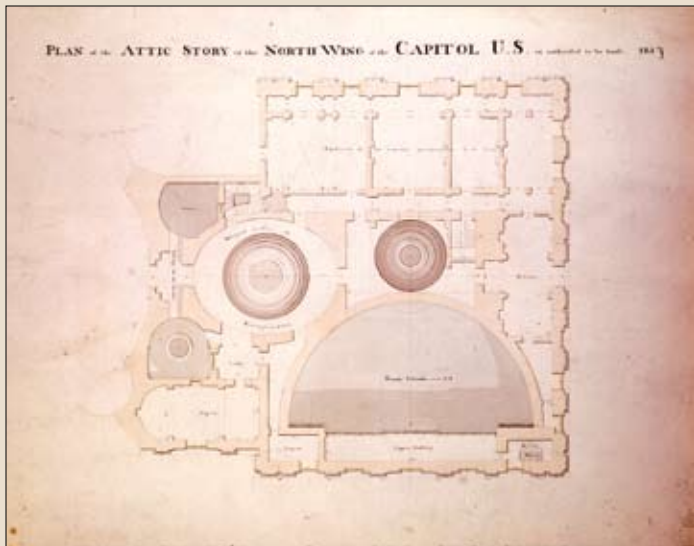
a bill becomes a law” would have explained the process in three steps. First, the full Senate met to discuss the broad objectives of a proposed bill. Next, members elected a temporary committee to convert the general ideas expressed during that floor discussion into specific bill text. The senator who received the most votes automatically became chairman. This system ensured that committees would consist only of those who basically supported the proposed legislation and that activist members would have more committee assignments than those who were

less engaged in the legislative process. In the third step, after the committee sent its recommendations to the full Senate, it went out of existence.

In 1806, concerned over the increasing amounts of time consumed in electing dozens of temporary committees each session, the Senate began to send new legislation to previously appointed select committees that had dealt with similar topics. Soon, the Senate also began dividing the president’s annual State of the Union message into sections by subject matter and referring each section to a different select committee.

The emergency conditions of the War of 1812 accelerated the transition from temporary to permanent committees by highlighting the importance of legislative continuity and expertise. In December 1815, at the start of a new Congress and with the war ended, the Senate appointed the usual select committees to consider the president’s annual message, but, when those panels completed that task, the presiding officer assigned them bills on related subjects, thereby keeping them in operation. During that session, however, the Senate also appointed nearly 100 additional temporary committees. Once again the upper house was spending excessive amounts of time voting on committee members.

On December 10, 1816, the Senate took the final step and formally converted 11 major select panels into permanent “standing” committees. This action ensured that those committees, each with five members, would be available not only to handle immediate legislative proposals, but also to deal with ongoing problems and to provide oversight of executive branch operations.



The rooms along the western side of the north wing’s top floor were designed for Senate committees.

Further Reading

U.S. Congress. Senate. *The Senate, 1789-1989*, Vol. 2, by Robert C. Byrd. 100th Congress, 1st sess., 1991. S. Doc.100-20. Chapter 9.

November 16, 1818

Youngest Senator

When the Senate convened on November 16, 1818, it set a record never likely to be broken. Members on that occasion, however, probably did not realize they were making history—and violating the Constitution—in administering the oath of office to Tennessee’s 28-year-old John Henry Eaton.

The framers of the Constitution set the minimum age of Senate service at 30 years. They arrived at that number by adding five years to the 25-year minimum they had established for House members, reasoning that the deliberative nature of the “senatorial trust” called for a “greater extent of information and stability of character” than would be needed in the House.

Apparently no one asked John Eaton how old he was. In those days of large families and poorly kept birth records, he may not have been able to answer that question. Perhaps it was only later that he determined the birth date that now appears on his tombstone, confirming his less-than-constitutional age. Had someone in 1818 chosen to challenge his seating, Eaton could have pointed to the Senate’s 1816 decision to seat Virginia’s 28-year-old Armistead Mason, or the 1806 precedent to admit 29-year-old Henry Clay.

Within a few years of Eaton’s swearing-in, the Senate began to pay closer attention to such matters. This issue then lay dormant for more than a century until the 1934 election of Rush Holt, a 29-year-old West Virginia Democrat. During his campaign, Holt had pledged to wait six months into the 1935 session until his 30th birthday to be sworn in. While he was waiting, his defeated Republican opponent, former incumbent Senator Henry Hatfield, filed a petition with the Senate charging that Holt’s failure to meet the constitutional age requirement invalidated his election. Hatfield therefore asked that he be declared the winner, having received the highest number of votes among eligible candidates.

The Senate dismissed Hatfield’s arguments, observing that the age requirement applies at the time of oath taking rather than the time of election, or the time the term began. It also reiterated that the ineligibility of the winning candidate gives no title to the candidate receiving the next highest number of votes. On June 21, 1935, Holt followed in the line of Eaton, Mason, and Clay as the Senate’s fourth youngest member. In January 1973, the distinction of becoming the youngest since Holt—at the age of 30 years, 1 month, and 14 days—went to Delaware’s Joseph Biden.



John Henry Eaton, senator from Tennessee (1818-1829).

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March 4, 1825

Presiding Officer Stripped of Powers

The 1820s brought a decided shift away from the previously unhurried pace of Senate Chamber floor activity. Debates over the Missouri Compromise suddenly thrust issues of slavery and territorial expansion onto the Senate's agenda. The resulting turmoil caused the body's leaders to look for ways to streamline floor procedures.

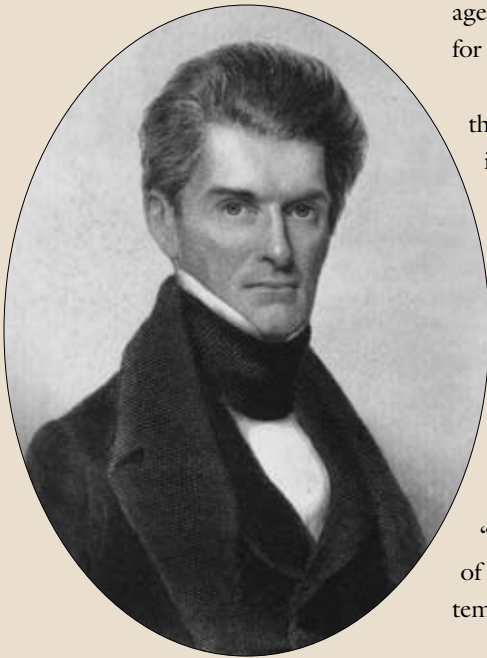
They decided that the time had come to change the way that the Senate selected its committee chairmen and members. From its earliest years, the Senate had laboriously voted separately for each chairman and each member. With the emergence of stronger political parties in the early 1820s, this slow process offered unlimited opportunities for endless partisan wrangles.

In 1823, the Senate abandoned this system in favor of allowing the presiding officer to appoint committees. At a time when the vice presidency was vacant for several years, or otherwise occupied by infirm individuals who seldom appeared in the Senate Chamber, members thought of the "presiding officer" as the Senate president pro tempore—one of their own number. No one doubted that the president pro tempore would make selections satisfying to the majority.

All of this abruptly changed in March 1825 with the arrival of a vigorous new vice president—South Carolina's John C. Calhoun, a former House member and war secretary, and active presidential aspirant. Senators immediately recognized his brilliance and its attendant dangers.

By the time he took office, Calhoun had split with President John Quincy Adams and the president's powerful ally, Secretary of State Henry Clay. He believed Adams and Clay had corruptly influenced the outcome of the 1824 presidential election, which had been decided in the House of Representatives. Allies of Adams and Clay watched carefully as Calhoun became the first vice president to make Senate committee assignments under the 1823 rules change. To no one's surprise in that bitterly partisan era, Calhoun appointed prominent administration opponents to the chairmanships of the Senate's major standing committees.

Within weeks, Adams and Clay partisans arranged for a Senate rules change. Once again, the full Senate would elect all committee chairmen and members. And, for the first time, the Senate allowed its members to appeal and reverse decisions made by the presiding officer. Never again would a vice president enjoy the power that, ever so briefly, had fallen into the hands of John C. Calhoun.



John C. Calhoun, senator from South Carolina (1832-1843, 1845-1850), vice president of the United States (1825-1832).

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January 26, 1830

The Most Famous Senate Speech

When the debate started, it focused on the seemingly prosaic subjects of tariff and public land policy. By the time it ended nine days later, the focus had shifted to the vastly more cosmic concerns of slavery and the nature of the federal Union. Observers then and since have considered Massachusetts Senator Daniel Webster's closing oration, beginning on January 26, 1830, as the most famous speech in Senate history.

The debate began with a proposal by a Connecticut senator to limit federal land sales in the West. Responding for the West, Missouri Senator Thomas Hart Benton condemned this as a trick to safeguard the supply of cheap labor for manufacturers in the Northeast.

South Carolina Senator Robert Hayne entered the debate at that point as a surrogate for Vice President John C. Calhoun. Hayne agreed that land sales should be ended. In his opinion, they enriched the federal treasury for the benefit of the North, while draining wealth from the West. At the heart of his argument, Hayne asserted that states should have the power to control their own lands and—ominously—to disobey, or “nullify” federal laws that they believed were not in their best interests. Hayne continued that the North was intentionally trying to destroy the South through a policy of high tariffs and its increasingly vocal opposition to slavery.

Daniel Webster rose to Hayne's challenge. In a packed Senate Chamber, Webster used his organ-like voice to great effect as he began a two-day speech known as his “Second Reply to Hayne.” In response to Hayne's argument that the nation was simply an association of sovereign states, from which individual states could withdraw at will, Webster thundered that it was instead a “popular government, erected by the people; those who administer it are responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be.”

The impact of Webster's oration extended far beyond the Senate Chamber to establish him as a national statesman who would lead the debate over the nature of the Union for the next tumultuous 20 years.

Following his speech, Webster encountered Hayne at a White House reception. When Webster asked the South Carolina senator how he was doing, Hayne replied, “None the better for you, sir.”



Webster's Reply to Hayne, by George P. A. Healy, portrays Webster's famous floor speech.

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December 13, 1831

Henry Clay Celebrates a First

Question: Who was the first U.S. senator to win the presidential nomination of his political party?

In December 1831, that senator's party—known as the National Republicans—met in Baltimore to conduct the first major national political convention. In previous presidential elections, parties had produced candidates through state conventions, and caucuses held in state legislatures and in the U.S. Congress. The last congressional caucus had taken place in 1824 and included only 66 of Congress' 261 members.

As the nation grew and means of communication improved, parties realized the importance of orchestrating a national event to energize supporters. The National Republicans chose Baltimore because it was conveniently near Washington, where many of their delegates also served in Congress.

As a former House Speaker and secretary of state, Henry Clay in 1831 could easily have won the necessary number of electoral votes without the added formality of a national convention. But his party wanted to take no chances in its campaign to dislodge Democrat Andrew Jackson from the White House.

In addition to supporting the innovation of a national party convention, Clay had decided that his standing would be enhanced if he could return to public office as a member of the United States Senate. This move reflected the growing stature of the Senate in that era as it moved out of the shadow of the House of Representatives. Eight years earlier, Andrew Jackson had made the same tactical decision. In doing this, both men risked humiliation at the hands of political opponents in their state legislatures. A defeat for a Senate seat would certainly tarnish a subsequent presidential bid. Indeed, the Kentucky legislature elected Henry Clay to the Senate in November 1831 by a margin of only nine votes.

Clay remained in Washington during the December Baltimore convention, at which 155 delegates from 18 of the nation's 24 states met in a large saloon and chose him unanimously on December 13, 1831.

The following spring, as the campaign got underway, 300 young National Republicans visited Washington to support their candidate. Known as "Clay's Infant-School," they experienced an unexpected treat on May 7, 1832, when the candidate himself rode down from the Senate to accept their ceremonial nomination.

Since 1832, 14 other incumbent senators, including three Republicans and four Democrats, have received their parties' nomination. In 1920, Warren Harding became the first among them to win the presidency; in 1960 John F. Kennedy became the second.



Henry Clay ran for president of the United States in 1824, 1832, and 1844. This 1844 Whig election banner features Clay and his running mate, Theodore M. Frelinghuysen.

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June 24, 1834

First Cabinet Rejection

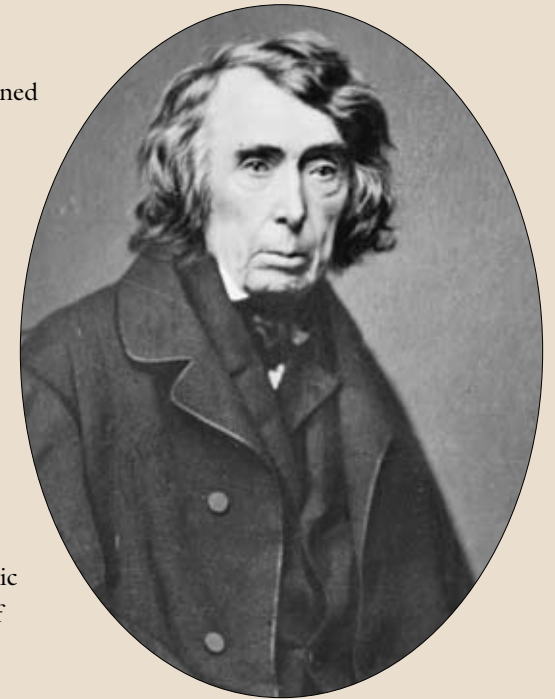
Relations between the Senate and the president had become so embittered that the president delayed submitting the names of his recent cabinet appointees for confirmation until the final week of the congressional session. By June of 1834, the Senate stood evenly divided between supporters of President Andrew Jackson and anti-Jackson men. The president's assault on the Second Bank of the United States, launched two years earlier, had precipitated this split and led to the formation of the opposition Whig Party. In March, the Senate had censured Jackson for his efforts to remove government funds from that federally chartered quasi-private institution. When Jackson formally protested this extra-constitutional act, the Senate refused to print his message in its journal.

Nine months earlier, Jackson had selected Roger Taney, the architect of his anti-bank policies, as secretary of the treasury. Senators complained that the unconfirmed Taney held his office illegally. As Jackson biographer Robert Remini has written, "Whether this was true did not disturb Jackson one whit." Yet Jackson knew that sooner or later he would have to send Taney's name to the Senate and, in Remini's words, "he knew that senators would tear into the nomination like ravenous wolves to get revenge for the removal of the deposits and poor Taney would be made to bear much of the pain and humiliation."

Finally, on June 23, 1834, Jackson sent forth Taney's nomination. On the next day a pro-bank majority in the Senate, including both senators from Taney's Maryland, denied him the post by a vote of 18 to 28, making him the first cabinet nominee in history to suffer the Senate's formal rejection.

The following year the deeply insulted Jackson returned Taney's name to the Senate as associate justice of the Supreme Court. Opponents blocked a vote on the last day of that session and tried unsuccessfully to eliminate one seat from the Court. When the Senate reconvened in December 1835, under a slim margin of Democratic control, Jackson sent it a new Taney nomination, this time to fill a vacancy for chief justice of the United States. Following extended maneuvering and bitter debate, the Senate confirmed Taney.

In preparing to leave office a year later, Jackson wrote to a friend that he was greatly looking forward to seeing his loyal supporter, president-elect Martin Van Buren, whom the Senate had rejected for a diplomatic post in his first administration, sworn into office by Chief Justice Taney.



The Senate rejected Roger B. Taney's nomination as secretary of the treasury.

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March 16, 1836

Senate Rejects Calhoun's "Gag Rule"

On March 16, 1836, South Carolina's John C. Calhoun stormed out of the Senate Chamber. The Senate had just rejected a proposal that he believed would save the nation unnecessary bloodshed.

In a speech delivered several days earlier, Calhoun had warned Congress against interfering with the South's system of slave labor. "The relation which now exists between the two races," he said, "has existed for two centuries. It has grown with our growth and strengthened with our strength. It has entered into and modified all our institutions, civil and political. We will not, cannot permit it to be destroyed."

Resolved, that all petitions, memorials, and papers touching the abolition of slavery or the buying, selling, or transferring of slaves, in any state, district or Territory of the United States, be laid upon the table without being debated, printed, read or referred and that no further action whatever shall be had thereon -

Gag rule motion from the House of Representatives, 1837.

A growing number of petitions to Congress demanding the abolition of slavery in the District of Columbia had caused Calhoun to speak out. While many believed that slavery could not be abolished in the states where it existed without a constitutional amendment, the senders of those petitions reasoned that since Congress had exclusive jurisdiction over the District, it had the power to outlaw slavery there.

Few members in the Senate of 1836 cared about abolishing slavery in the District of Columbia. Yet, they faced two options. One was to accept the petitions and then bury them in a committee. This procedure preserved the basic right of citizens to petition their government, while protecting the interests of members from the slave states.

John C. Calhoun believed it was time to end this hypocrisy. Under his plan, the Senate would accept no anti-slavery petitions. In his opinion, Congress had no business considering emancipation. If that issue ever reached the floor of the Senate or House, there would be no end to it; it would shake the Union at its foundations.

Most senators wanted this irritating issue to disappear. They feared that Calhoun's proposal to bar the Senate door to these petitions would inadvertently benefit the small and regionally isolated anti-slavery movement. Overnight, the troublesome enemies of slavery could be transformed into noble champions of civil liberties.

After rejecting Calhoun's plan on March 16, the Senate devised a curious, complex, and obscure delaying procedure. It would vote not on whether to receive the petition itself—this would dignify the petition—but on whether to accept the question of receiving the petition.

This indirect method produced enough confusion to provide political cover for all members regardless of position. It was a classic example—a quarter century before the Civil War—of postponing the inevitable.

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January 16, 1837

The Senate Reverses a Presidential Censure

A unique sheet of time-weathered paper rests in a green steel vault at the National Archives Building. Careful inspection reveals that it was originally created as page 552 of the Senate's 1834 handwritten legislative journal. Because of the document's great significance, someone later sliced it out of the bound journal to make it easier to display.

The yellowed document symbolizes a titanic struggle in the Senate of the 1830s between allies of Democratic President Andrew Jackson and the forces of Whig Senator Henry Clay. Its most striking visual feature is a rectangular box, formed of thin black lines, which encloses 34 words. Inscribed by the secretary of the Senate on March 28, 1834, they read as follows: "Resolved that the President in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

This message was placed in the journal following the Senate's vote to censure Jackson for refusing to provide documents related to his plan to remove government funds from the privately run Bank of the United States. This censure, totally without constitutional authorization, united the Senate's "Great Triumvirate" of Clay, Daniel Webster, and John C. Calhoun against Jackson and his Senate ally, Missouri's Thomas Hart Benton.

For the next three years, Benton worked tirelessly to remove this blot from Jackson's record and from the Senate's official journal. Early in 1837, with less than two months remaining in the president's final term, and with majority control back in Democratic hands, Benton called for a vote.

By a five-vote margin, the Senate agreed to reverse its earlier censure. On January 16, 1837, the secretary of the Senate carried the 1834 Senate Journal into the chamber, drew careful lines around its text, and wrote, "Expunged by order of the Senate."

Pandemonium swept the galleries. When a disgruntled Whig sympathizer ignored the presiding officer's repeated calls for order, that officer directed the sergeant at arms to arrest the man and haul him onto the Senate floor. After the Senate voted to free the demonstrator, he approached the presiding officer and demanded, "Am I not permitted to speak in my own defense?" The outraged presiding officer ordered him removed from the chamber and the Senate adjourned amidst the tumult.



The Great Tumble Bug of Missouri, Bent-on Rolling his Ball, depicts Missouri Senator Thomas Hart Benton as an insect rolling a large ball labeled "Expunging Resolution" uphill toward the Capitol.

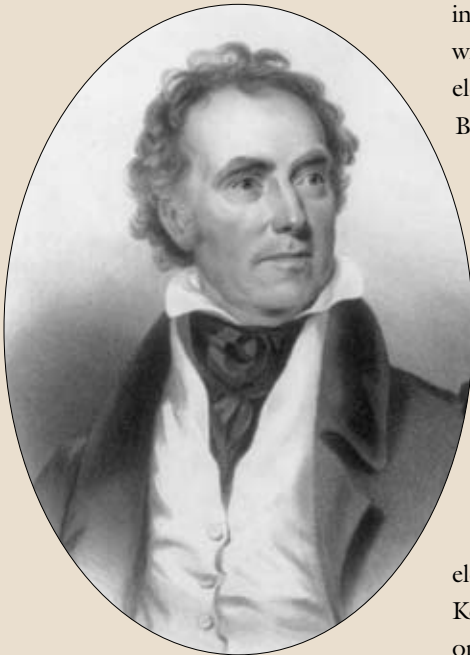
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February 8, 1837

The Senate Elects a Vice President



Richard M. Johnson, senator from Kentucky (1819-1829), vice president of the United States (1837-1841).

The presidential election of 1800 revealed a need to amend the U.S. Constitution. The original system for electing presidents provided that the candidate receiving a majority of Electoral College votes would become president, while the runner up would become vice president. The 1800 election resulted in a tie between Thomas Jefferson and Aaron Burr. Under the Constitution, this stalemate sent the election to the House of Representatives, which chose Jefferson. The states soon ratified a 12th amendment to the Constitution, requiring separate contests for the offices of president and vice president.

To balance the role of the House in electing a president when the Electoral College fails to do so, the 12th Amendment requires the Senate to handle that responsibility for vice-presidential contests. The Senate must choose between the two top electoral vote getters, with at least two-thirds of its members present.

The Senate has exercised this power only once. In the election of 1836, which made Martin Van Buren president, Kentucky's former Democratic Senator Richard M. Johnson fell one electoral vote short of a majority among four vice-presidential candidates.

A controversial figure, who openly acknowledged his slave mistress and their daughters, Johnson had served in Congress for 30 years and was a close friend of the outgoing president, Andrew Jackson. His many detractors alleged that he owed his vice-presidential nomination to his dubious claim that during the War of 1812 he killed the Indian chieftain Tecumseh. This claim produced his vice-presidential campaign slogan, "Rumpsey, Dumpsey, Colonel Johnson killed Tecumseh."

On February 8, 1837, by a vote of 33 to 16, the Senate elected Johnson vice president. Johnson apologized to the Senate for not having paid more attention to its procedures while a senator and hoped that "the intelligence of the Senate will guard the country from any injury that might result from the imperfections of its presiding officer."

During his four years in office, Johnson broke 17 tie votes, a record exceeded by only one of his vice-presidential successors (Schuyler Colfax, 1869-1873). When not presiding over the Senate, Johnson could regularly be found in Kentucky, operating his tavern.

Johnson's erratic behavior—believing his slave mistress had been unfaithful, he sold her and married her sister—combined with his chronic financial problems added to President Martin Van Buren's political difficulties and contributed to the defeat of their ticket in the election of 1840.

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March 14, 1841

A Senate Leader Apologizes

Three major portraits of Henry Clay occupy prime space in the Capitol. In each of them, the Kentucky statesman wears the genial look of a man confident about his place in history. In March of 1841, however, Clay looked worried. He was in deep trouble.

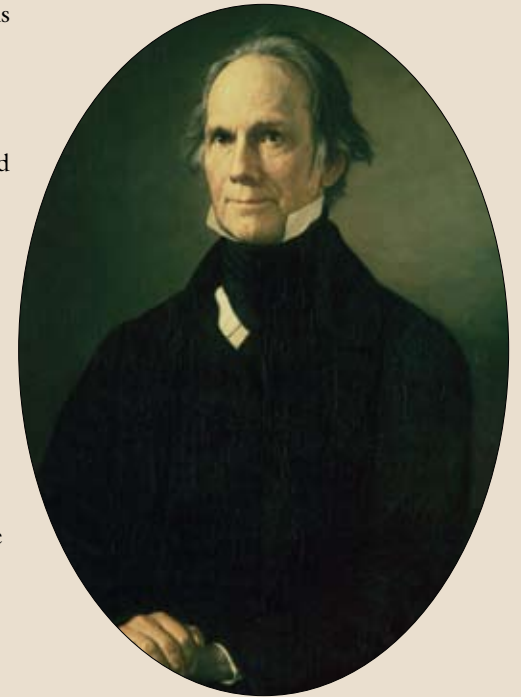
The trouble began when Senator William King of Alabama rose on the Senate floor to defend a fellow Democrat against a verbal attack by Clay, a leader of the Whig Party. For years, the two men had clashed over the era's great polarizing issues.

The issue that divided King and Clay at the start of the new Congress in March 1841 related to selection of a private contractor to handle the Senate's printing needs. With the Whigs now in control of the Senate's majority, Clay as their leader had sought to dismiss Democrat Francis Blair, editor of the *Washington Globe*, as official Senate printer and to hire a Whig printer. Clay said he "believed the *Globe* to be an infamous paper, and its chief editor an infamous man." When King responded that Blair's character would "compare gloriously" to that of Clay, the Kentucky senator jumped to his feet and shouted, "That is false, it is a slanderous base and cowardly declaration and the senator knows it to be so."

King answered ominously, "Mr. President, I have no reply to make—none whatever. But Mr. Clay deserves a response." King then wrote out a challenge to a duel and delivered it to Clay. Only then did Clay realize what trouble his hasty words had unleashed.

As Clay and King selected seconds and prepared for the imminent encounter, the Senate sergeant at arms arrested both men and turned them over to a local court. Clay posted a \$5,000 bond as assurance that he would keep the peace, "and particularly towards William R. King." King insisted on "an unequivocal apology."

On March 14, 1841, Clay formally apologized to King and noted that he should have kept his intense feelings to himself. King then delivered his own apology. After King finished, Clay walked to the Alabama senator's desk and said sweetly, "King, give us a pinch of your snuff." As both men shook hands, senators burst into applause. Clay brightened and once again looked as if he were ready for the portrait painter.



Henry Clay, senator from Kentucky (1806-1807, 1810-1811, 1831-1842, 1849-1852).

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July 31, 1841

Vagabond Statue

On July 31, 1841, a sailing vessel from Leghorn, Italy, docked at the Washington Navy Yard. It carried a massive 10-foot-high, 12-ton marble statue of a seated man wearing only a Roman toga. The artist was the noted American sculptor Horatio Greenough; the marble man, modeled after the Greek god Zeus, was President George Washington. Several years earlier, Congress had commissioned Greenough to prepare this work for permanent display in the recently completed Capitol Rotunda.



Statue of George Washington, by Horatio Greenough, 1841.

Controversy erupted almost immediately. Capitol officials directed that the piece be placed at the center of the Rotunda. Sculptor Greenough protested. He wanted it moved off to the side so that light coming through an opening at the top of the wooden dome, which at that time covered the Rotunda, would strike Washington's face at a flattering angle. By placing the statue in the center, the nearly vertical light would, he feared, shade the lower portions of the face "and give a false and constrained effect to the whole monument." He lost that argument.

The second point of controversy related to the work's design. Despite the era's neo-classical revival, few on Capitol Hill seemed ready for a half-naked father-of-the-country with well-developed and fully exposed shoulder muscles. His upraised right arm, draped with what appeared to be a towel across his biceps, gave the impression that he was preparing for a bath. Within weeks, incensed members of Congress demanded the work's removal. Sculptor Greenough seized the opportunity for a better location and suggested a perch on the Capitol's west front. He also lost that argument.

Two years after workmen had hauled the 12-ton statue up the east-front stairs, they hauled the work back down and placed it in the center of the Capitol's eastern plaza. During the winter of 1844, carpenters built a small shed to protect the underdressed patriarch from snow and ice. Come spring, the unsightly shed was removed; it was seldom replaced in the winters that followed.

As decades passed, the elements pitted and discolored the marble. Finally, a charitable Congress took pity on the snow-covered president in the parking lot. In 1908, the sculpture made another journey—to the indoor warmth of the Smithsonian Institution. Today, this historical curiosity resides on the second floor of the National Museum of American History. While the setting is less grand than that of the Capitol Rotunda, at least the lighting is perfect.

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March 26, 1848

The Senate Arrests a Reporter

On March 26, 1848, the Senate arrested a journalist and imprisoned him in a Capitol committee room. This unusual event occurred during one of the most turbulent decades in American history. Throughout the 1840s, territorial disputes with Mexico over the Republic of Texas, and with Great Britain over Oregon, inflamed the Senate's proceedings. Out of this agitation emerged a question that the framers of the Constitution, 60 years earlier, thought they had answered affirmatively: Could the Senate keep a secret?

By the 1840s, many political observers believed the framers had been overly optimistic. In 1844, the Senate censured a member for releasing confidential treaty documents to a newspaper. Two years later, senators investigated the *Washington Daily Times* for unauthorized publication of the Oregon boundary settlement. When the reporter willingly identified his sources, including a Senate doorkeeper, the accused individuals heatedly swore to their innocence. Tired of this finger pointing, the Senate punished the *Times* by banning its reporters from the press gallery. The last straw fell in March 1848, when the *New York Herald* published the secret treaty ending the war with Mexico.

Denying that Secretary of State James Buchanan leaked the document, President James Polk guessed that the culprit must be a senator. John Nugent, the reporter who prepared the treaty

story for the *Herald*, added weight to the president's theory by observing that the best leakers were those same senators who most strongly defended the Senate's practice of considering treaties behind closed doors.

Under questioning, Nugent refused to disclose his sources to Senate investigators, saying only that in this instance they were neither senators nor Senate officers. The frustrated investigating committee thereupon ordered him to be arrested and confined to one of the Senate's committee rooms. As the *Herald* retaliated by publishing the names of the Senate's most cooperative leakers, Nugent spent his captivity in comfort, receiving a doubled salary while issuing his regular columns under the dateline "Custody of the Sergeant at Arms." Each evening he accompanied the sergeant at arms to that officer's home for a good meal and a comfortable night's sleep. From time to time, the full Senate summoned Nugent to answer questions, but always without success. After a month, the Senate realized the futility of further incarceration and released its prisoner on the face-saving grounds of protecting his health. Who actually leaked the treaty? The historical evidence points to Secretary of State Buchanan.



James Buchanan, senator from Pennsylvania (1834-1845), secretary of state (1845-1849), president of the United States (1857-1861).

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March 4, 1849

President for a Day?

On a statue in Kansas City, Missouri, an inscription reads, “David Rice Atchison, 1807–1886, President of the U.S. [for] one day.” The day of President Atchison’s presumed presidency occurred on March 4, 1849.

A proslavery Democrat, David Atchison served in the U.S. Senate from 1843 to 1855. His colleagues elected him president pro tempore on 13 occasions. In those days, the vice president regularly attended Senate sessions. Consequently, the Senate chose a president pro tempore to serve only during brief vice-presidential absences.

Until the 1930s, presidential and congressional terms began at noon on March 4. In 1849, that date fell on a Sunday, causing President Zachary Taylor to delay his inauguration until the next day. For some, this raised the question of who was president from noon of March 4 to noon of March 5. Today, we understand that Taylor automatically became president on the fourth and could have begun to execute the duties of his office after taking the oath privately.

In 1849, the Senate president pro tempore immediately followed the vice president in line of presidential succession. That era’s ever-present threat of sudden death made it essential to keep an unbroken order of succession. To ensure that there was a president pro tempore in office during adjournment periods, the vice president customarily left the Senate Chamber in an annual session’s final days so that the Senate could elect this constitutional officer. Accordingly, the Senate duly elected Atchison on March 2, 1849. His supporters, to the present day, claim that the expiration of the outgoing president’s and vice president’s terms at noon on March 4 left Atchison with clear title to the job.

Unfortunately for Atchison’s shaky claim, his Senate term also expired at noon on March 4. When the Senate of the new Congress convened the following day to swear in the new senators and vice president, with no president pro tempore, the secretary of the Senate called members to order.

No one planning to attend Taylor’s March 5 inauguration seems to have realized that there had been a President Atchison in charge. Nonetheless, for the rest of his life, Atchison enjoyed polishing this story, describing his presidency as “the honestest administration this country ever had.”



David Rice Atchison, senator from Missouri (1843-1855).

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March 7, 1850

Speech Costs Senator his Seat

Ask anyone familiar with the Senate's history to name a famous floor speech that is commonly identified by the date on which it was given and you will almost certainly receive one answer, "The Seventh of March Speech."

On March 7, 1850, Massachusetts Senator Daniel Webster rose in the Senate Chamber to stake his career, his reputation, and perhaps the nation's future on the success of a speech that he hoped would unite moderates of all sections in support of Kentucky Senator Henry Clay's proposed "Compromise of 1850."

He began his "Seventh of March" address with the immortal lines, "Mr. President, I wish to speak today, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. . . . I speak for the preservation of the Union. Hear me for my cause." The Massachusetts statesman then spoke for three and a half hours—a relatively brief performance for one known to have given an after dinner speech lasting five hours.

Webster contended that it was pointless to argue about the continuation of slavery where it already existed—it was not going away—or to worry about extending slavery into the arid lands of the southwest, where plantation agriculture stood no chance of flourishing. Asserting that slaveholders were entitled to the protection of their property, he urged strengthening of fugitive slave statutes.

Thanks to the recently introduced telegraph, Webster's address quickly appeared in newspapers throughout the nation. Nearly everywhere but in his native New England, Webster won high praise for moral courage. It was said that his speech slammed into New England with the force of a hurricane. Many there believed that he must have cut a deal with southern leaders to win their promised support for the presidency. Horace Mann called it a "vile catastrophe," that Webster, who had walked with the gods, had now descended to consort with "harlots and leeches." Ralph Waldo Emerson cried, "'Liberty! Liberty!' Pho!

Let Mr. Webster, for decency's sake shut his lips for once and forever on this word. The word 'Liberty' in the mouth of Mr. Webster sounds like the word 'love' in the mouth of a courtesan."

His political base in ruins, Webster soon resigned from the Senate and finished his public career as secretary of state.



The United States Senate, A.D. 1850, by Robert Whitechurch, depicts Henry Clay presenting his program of compromise to the Senate. Daniel Webster is seated with head in hand, left foreground.

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April 3, 1850

Bitter Feelings in the Senate Chamber

John C. Calhoun died on March 31, 1850. Two days later, Vice President Millard Fillmore conducted his funeral in the Senate Chamber. On April 3, 1850, responding to the deeply unsettled atmosphere spawned by the South Carolina statesman's death and the festering slavery issue, the vice president addressed the Senate.

His voice tinged with disappointment, he noted that when he first became the Senate's presiding officer a year earlier, he had assumed he would not be burdened with maintaining order in a body famous for its courtesy and collegiality. Times had changed.

In the earliest years, the Senate had given its presiding officer the sole power to call senators to order for inappropriate

language or behavior. The decision was not subject to appeal to the full Senate. This practice changed in 1828, thanks to John C. Calhoun, who at that time was proving to be an unusually active vice president—too active to suit the taste of many senators. The Senate revised its rule to allow members, as well as the vice president, to call other members to order for offensive behavior. If the Senate objected to the vice president's subsequent ruling on that call, it could overrule him by majority vote.

In his April 1850 address, Vice President Fillmore lamented that, since many senators appeared reluctant to call their colleagues to order, he would do his duty to contain the first spark of disorder before it ignited a conflagration that would be more difficult to control. "A slight attack, or even insinuation, of a personal character, often provokes a more severe retort, which brings out a more disorderly reply, each Senator feeling a justification in the previous aggression."

Two weeks later, Fillmore's worst fears were realized. When he ruled Missouri Senator Thomas Hart Benton out of order, Kentucky's Henry Clay, no friend of Benton, angrily charged that the vice president's action was an attack on the power and dignity of the Senate. The ensuing debate sparked a bitter exchange between Benton and Mississippi Senator Henry Foote. As the burly Benton pushed aside his chair and moved menacingly up the center aisle toward the diminutive Foote, Foote pulled a pistol. Pandemonium swept the chamber. Benton bellowed, "I have no pistols! Let him fire! Stand out of the way and let the assassin fire!" Fillmore quickly entertained a motion to adjourn, a bit wiser about the near impossibility of maintaining order in a deeply fractured Senate.



Cartoonist Edward Clay lampooned the dramatic scene on the Senate floor between Henry Foote and Thomas Hart Benton.

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