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## Prison Correspondence

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Erik J. Chaput, Ph.D.

On June 24, 1844, Thomas Wilson Dorr gave an elegant, ten-minute address to the courtroom at the end of his high-drama treason trial in Newport, Rhode Island. Dorr's goal was to summarize the doctrine of popular sovereignty, an ideology that he had championed during the 1841-42 rebellion that bears his name. Dorr told the Court that the sentence that they were about to pronounce was "a condemnation of the doctrines of '76 and a reversal of the great principles which sustain and give vitality to our democratic Republic and which are regarded by the great body of our fellow-citizens as a portion of the birthright of a free people."<sup>1</sup> His trial was a "ceremony preceding coronation." In his view there was "no precedents for it in the worst party times in this country."<sup>2</sup>

Chief Justice Job Durfee's answer to the "People's Governor" was life imprisonment. The charge from the Court read that he would be "imprisoned in the State Prison at Providence ... for the term of his life and that there kept at hard labor in permanent confinement."<sup>3</sup> A maneuver to free the People's Governor while an appeal was made to the nation's highest court by George Turner and Samuel Atwell, Dorr's legal counsels, was ultimately denied. The attorneys had attempted to work up a bill of exceptions to obtain a writ of error from the U.S. Supreme Court, but before they could act they needed written consent from Dorr. The Rhode Island authorities prevented this

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<sup>1</sup> George Turner and Walter S. Burges, *The Report of the Trial of Thomas Wilson Dorr for Treason Against the State of Rhode Island* (Providence, 1844), 112.

<sup>2</sup> See Dorr's "Notes of Remarks Before Sentencing" in Dorr Correspondence, Rider Collection, John Hay Library (Box 3, Folder 3).

<sup>3</sup> March 1844 Term 1844 – Record contained at Rhode Island Supreme Court Judicial Records Center in Pawtucket, Rhode Island.

from happening.<sup>4</sup> Dorr was sent to Providence on June 27 to enter the state prison. A petition signed by over 3,500 citizens of the state demanding his release fell on deaf ears in the General Assembly.<sup>5</sup>

The structure was a remodeled city jail on the cove that had been redesigned to house more prisoners. Dorr called it the “halfway house between the living and the dead.”<sup>6</sup> Dorr was placed in a cell measuring nine by twelve by nine feet, furnished with only a bunk (and at times a lamp).<sup>7</sup> The prison log book notes him simply as prisoner number 56, Dorr at times referred to himself by this number.<sup>8</sup> Dorr placed old scraps of paper and copies of prison rules on the door of his cell in order to provide some measure of privacy. Released only to paint decorative hand fans in the prison workshop (he claimed he painted over 10,000), Dorr spent the majority of the day confined to his cell. According to an 1869 account, the prison workshop was a “spacious, and airy room,” with “desks arranged one behind the other.” Visitors to the prison saw only the inmates’ backs from a glass window.<sup>9</sup> Access to Dorr was strictly regulated out of fear that he would orchestrate another uprising from his cell. He was often denied the ability to exercise and was not afforded much access to the prison library.

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<sup>4</sup> George M. Dennison, “Thomas Wilson Dorr: Counsel of Record in Luther v. Borden,” *St. Louis University Law Review* 15 (1970), 415.

<sup>5</sup> See a copy of the petition here: <http://sos.ri.gov/virtualarchives/items/show/69>

<sup>6</sup> TWD to Lydia Dorr, November 1, 1844.

<sup>7</sup> See James C. Garman, *Detention Castles of Stone and Steel: Landscape, Labor and the Urban Penitentiary* (Knoxville, TN: University of Tennessee Press, 2005), 70. For a description of Dorr’s time in prison see: Joseph Brennan, *Social Conditions in Industrial Rhode Island, 1820-1860* (Washington D.C.: Catholic University of America, 1940), 154-155 and Charles Hoffman and Tess Hoffman, *Brotherly Love: Murder and the Politics of Prejudice in Nineteenth Century Rhode Island* (Amherst, MA: University of Massachusetts Press, 1993), 81.

<sup>8</sup> See prison logs in the Rhode Island State Archives.

<sup>9</sup> *Providence Press*, November 5, 1869.

As Dorr himself noted, he faced “perpetual imprisonment and seclusion from the face of men.”<sup>10</sup> He was forbidden to write though he did manage to sneak letters out of his cell into the hands of friends (including Catharine Williams) and his lawyers and friend (most likely Walter Burges), who then passed them along to his beloved mother Lydia Dorr. “Visitors must be very cautious how they attempt to drop anything into the cell for me, or they may get me into difficulty, and redouble the vigilance of my police,” wrote Dorr.<sup>11</sup>

The Thomas Wilson Dorr-Lydia Dorr correspondence digitized below provides an in-depth look into the period from June 1844-June 1845. The “Dear M.” correspondence reveals a side of Thomas Dorr not often found in his other letters, including information about his brothers Sullivan, Jr. and Henry. His younger brother Sullivan apparently spent time traveling in Egypt while his older brother led a rebellion! And it is only in the prison correspondence that a researcher will find a mention of Dorr’s sister Mary, who was married to Samuel Ames, the quartermaster general of Rhode Island charged with capturing her brother in the spring of 1842. On May 15, 1842, just a few days before Dorr attempted to attack the state arsenal in Providence, nearly killing members of his own family, Mary gave birth to her son William (he would later serve with distinction throughout the entirety of the Civil War).

Despite his difficult situation Dorr did his best to soldier on. “Being in prison for the good cause of freedom and justice, & with spirits unbroken, it seems to be a part of my duty to administer consolation to desponding friends on the outside.”<sup>12</sup> He spoke

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<sup>10</sup> See Dorr’s “Remarks Before Sentencing” June 25, 1844 in Thomas Wilson Dorr Papers, John Hay Library, Brown University.

<sup>11</sup> TWD to Lydia Dorr, November 12, 1844.

<sup>12</sup> TWD to Lydia Dorr, November 1, 1844.

fondly of his close friend Walter S. Burges. He often wished his mother and father well (the latter referred to as “F.” in the correspondence). It was clear that although his parents strongly disapproved of his actions in 1841-42, they never stopped loving their son or working towards his release.

Students will note that Dorr’s ill health was a frequent topic of conversation with his mother. Dorr often talked at length about his physical struggles, describing the actions of the prison warden and the attending physician. As Dorr told Lydia, the prison was “not a place to gain strength,” rather it was a place “remarkably adapted to bilious and rheumatic cases, especially when air and exercise on the outside are interdicted.”<sup>13</sup>

In February and March 1845, Dorr complained to Lydia of pain in both his knees. In March 1845 he wrote of an excruciating pain in his left side that often prevented him from moving.<sup>14</sup> The doctor who ministered to the “People’s Governor,” reminded the famed suffrage leader of “the surgeon of the inquisition, who is, or used to be called upon to say how many more turns of the machine the heretic can bear.”<sup>15</sup> Dorr was most likely suffering from severe rheumatoid arthritis.

Dorr often thanked his mother for sending him sarsaparilla which was thought of at the time to help with the condition. Lydia and Sullivan Dorr did at times come to see her son in prison with Sullivan working behind the scenes with members of the state assembly to orchestrate his son’s release. Thomas Dorr, however, wanted to stand firm and not accept an offer of release lest it mean the renouncement of his professed principles.

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<sup>13</sup> TWD to Lydia Dorr, October 11, 1844. Thomas Wilson Dorr Papers, John Hay Library.

<sup>14</sup> Letter from TWD to Lydia Dorr, February 15, 1845 & letter from TWD to Lydia Dorr, March 23, 1845 Thomas Wilson Dorr Papers.

<sup>15</sup> Letter from TWD to Lydia Dorr, February 14, 1845. Thomas Wilson Dorr Papers.

Since he was a political animal by nature, Dorr could not help but comment on local and national politics. Students will read about the presidential election of 1844 that pitted Whig candidate Henry Clay against Democrat James K. Polk. Dorr's imprisonment was skillfully used by the Democrats in the campaign. A common slogan in the North and West was "Polk, Dallas and Dorr" (Alexander Dallas was Polk's running mate). Dorr was kept informed of maneuvers in Washington to bring the "Rhode Island Question" up for a vote.

Ten days before Dorr's transfer from Providence to Newport for trial, New Hampshire Congressman Edmund Burke, a staunch ally of Dorr's, presented a petition from the Democratic members of the General Assembly. While Dorr was awaiting trial, Burke informed Dorr that he was determined "to give to the country the full history of the Suffrage movement and to put in my report the true doctrines of Democracy upon the great question involved."<sup>16</sup> What Burke meant, however, was that he was prepared to write a Democratic manifesto to be used against the Whig Party.

Dorr acknowledged that "nothing" would do "Mr. Van Buren," the favorite for the party nomination at this point, more good or the democracy more good than the full, faithful, earnest discussion of the whole matter in Congress." Dorr continued: "If they [the Whigs] sustain the Algerines, they ally themselves at once with the Tories of the Revolution, and they recommend Clay to the People as an enemy of popular sovereignty and free suffrage."<sup>17</sup> Eventually Burke, with help from Dorr, Walter S. Burges, and Benjamin Hallett, put together a 1,000-page report on the "Rhode Island Question." Also

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<sup>16</sup> Edmund Burke to Dorr, April 7, 1844. Rider Collection, Dorr Correspondence.

<sup>17</sup> Dorr to Edmund Burke, February 26, 1844. Edmund Burke Papers. Library of Congress. See also Dorr to Walter S. Burges, April 12, 1844. Sidney S. Rider Papers. John Hay Library. Dorr asked Aaron White, who had the votes for the People's Constitution, to go to Washington to assist Burke. See White to Dorr, April 17, 1844. Sidney S. Rider Papers.

of note in the correspondence between Thomas Dorr and his mother is a discussion of the somewhat comic opera affair of multiple, simultaneous movements to get Dorr released from prison.

Within weeks of Dorr's conviction for treason, an opportunistic lawyer initiated an appeal on his behalf to the U.S. Supreme Court. Francis Treadwell appealed to the Court for a writ of habeas corpus on the grounds that the court that convicted Dorr had refused to admit argument on what was, in his mind, the key issue — whether treason could be committed against a state.<sup>18</sup> Treadwell believed there was a conspiracy in Rhode Island to prevent Dorr from signing a writ of error to the U.S. Supreme Court on this point.<sup>19</sup> Dorr momentarily lost control of the appeal process because of the efforts of Treadwell and his employer, the National Reform Association. The newly formed NRA was under the leadership of John Commerford and George Henry Evans, an English-born reformer and activist living in New York City.<sup>20</sup>

Treadwell was also working closely with the female-led Dorr Liberation Society, which was under the direction of its president Abby Lord.<sup>21</sup> “I owe much gratitude to the goodwill of the suffrage ladies to which you allude. Had they taken up the cudgels in 1842, and kept the men at home to do the chores, affairs might have ended differently,” wrote Dorr to his mother from prison in November 1844.<sup>22</sup> A member of the Benevolent

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<sup>18</sup> Francis Treadwell, *The Conspiracy to Defeat the Liberation of Governor Dorr* (New York: John Windt, 1845), 21-4. See also *Working Man's Advocate*, December 21, 1844.

<sup>19</sup> See Francis Treadwell to Abby Lord, February 21, 1845. Sidney S. Rider Manuscripts (microfilm, reel A).

<sup>20</sup> See John Commerford to TWD, July 26, 1844. Rider Collection, Dorr Correspondence.

<sup>21</sup> For the connection between the Dorr Liberation movement and the National Reform Association see *Workingman's Advocate*, July 13, July 27, and August 10, 1844. See also the notebook containing “Documents of the Dorr Liberation Society, 1844-1845” in Sidney Rider manuscripts (microfilm, reel A).

<sup>22</sup> Thomas Dorr to Lydia Dorr, November 12, 1844. Thomas Wilson Dorr Papers .

Suffrage Association, Lord had communicated frequently with Dorr while he was in exile in New Hampshire.

Dorr was thoroughly dismayed, however, when the Liberation Society issued stock in order to raise money in his name. He labeled Treadwell “a miserable fellow and impostor.”<sup>23</sup> Walter Danforth, chairman of the Rhode Island Democratic Party, issued an order to Lord to stop printing the liberation script. Referring to the episode as a “schism that occurred in the female ranks,” Catharine Williams identified six or eight women who advocated raising money for the purposes of bringing Dorr’s case before the U.S. Supreme court. Williams, however, maintained that such unsanctioned measures were sure to fail.<sup>24</sup> “What is to become of one man, lame and rheumatic, between two parties of angry women?” Dorr lamented after receiving reports from his mother.<sup>25</sup>

By 1845, liberation was the major issue in Rhode Island politics. Democrat Charles Jackson, elected governor on a “Liberation” ticket in April 1845, helped to secure Dorr’s release with assistance, ironically, from some of Dorr’s bitterest opponents. U.S. Senator James Simmons believed that the Whig Party had been taken over by Law and Order Democrats and they were determined to break the hold.<sup>26</sup>

A move was actually made in the General Assembly in early January 1845 to release Dorr if he swore an oath of allegiance. After learning of the movement in the Assembly, which was being orchestrated behind the scenes by his parents, Dorr informed Walter Burges that he could not “dishonor” himself “to regain” his “liberty.”<sup>27</sup> The

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<sup>23</sup> See Dorr’s verso comments on letters relating to the Liberation Society written after his release from prison. Sidney Rider Manuscripts (microfilm, reel A).

<sup>24</sup> Susan Graham, “‘Call Me a Female Politician, I Glory in the Name’: Women Dorrites and Rhode Island’s 1842 Suffrage Crisis” (Ph.D. diss., University of Minnesota, 2006), 292.

<sup>25</sup> Thomas Dorr to Lydia Dorr, January 1, 1845. Thomas Wilson Dorr Papers.

<sup>26</sup> Man to Simmons, January 22, 1845. James Fowler Simmons Papers. Library of Congress.

<sup>27</sup> TWD to Walter Burges, January 18, 1845. Thomas Wilson Dorr Papers.



People's Governor wanted nothing, but unconditional liberation. Still in hiding in New Boston, Connecticut, the always colorful Aaron White, a close friend of Dorr's proclaimed that he would rather see the People's Governor "dead" and the city of Providence "a blazing pyre" than to see him make the "slightest submission or recantation while he has his soul left."<sup>28</sup> Dorr never quite indicated that he wished to go up in flames, but he did not want to backtrack on his ideology.

Exactly one year after entering the state prison in Providence, Dorr was released when the Assembly passed an act "to pardon certain offences against the sovereign power of this State and to quiet the minds of the good people thereof."<sup>29</sup> The Ladies Benevolent Suffrage Association of Providence was relieved to find that the "lethargy that had for so many months weighed down the eye lids of our countrymen ... has been shaken off and ... the American people have awakened to a sense of their rights."<sup>30</sup> Rhode Island's Equal Rights Democrats wasted no time in organizing celebrations. Even though Dorr was released from prison in 1845, the General Assembly refused for years to restore his civil and political rights. His political rights would not be restored until 1851 when the Democrats took control of the Assembly.<sup>31</sup>

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<sup>28</sup> Aaron White to Walter S. Burges, May 15, 1845. Sidney Rider manuscripts (microfilm, reel A).

<sup>29</sup> *Rhode Island Acts and Resolves*, June 27, 1845. Rhode Island State Archives. See also Thomas Wilson Dorr, "Record of Thoughts Upon Being Released from Prison," June 27, 1845. Thomas Wilson Dorr Diary, 1845-1854. John Hay Library.

<sup>30</sup> Ladies of the Benevolent Suffrage Association to Dorr, July 1, 1845. Rider Collection, Dorr Correspondence.

<sup>31</sup> See records in Rhode Island State Archives. In 1854, the Rhode Island General Assembly reversed Dorr's treason conviction. However, as Patrick Conley writes, "in a move both tragic and ironic, the [state] Supreme Court, still under Algerine control, responded by asserting its independence — for which Dorr had fought — by denying the power of the General Assembly to reverse its judgment." Conley, *Democracy in Decline: Rhode Island's Constitutional Development, 1776-1841* (Providence: Rhode Island Historical Society Publications, 1977), 371. See also TWD to Lewis Cass, June 21, 1854 and Aaron White to TWD, June 30, 1854. Rider Collection, Dorr Correspondence.

