

DANIEL PEART

Rethinking the Role of the Speaker: Power, Institutional Development, and the Myth of the “Impartial Moderator” in the Early US House of Representatives

Abstract: The early Speakers of the US House of Representatives, most historians and political scientists have agreed, aspired only to facilitate legislative business; the office served as an “impartial moderator,” its functions were “largely ceremonial,” and its occupants of no more consequence than a mere “traffic cop.” This article challenges that conclusion by presenting episodes from the tenures of four early Speakers—Jonathan Dayton, Theodore Sedgwick, Nathaniel Macon, and Joseph B. Varnum—to illustrate their contributions to debates that still occupy us today: the relationship between Congress and president; the scope of federal power; the extent of constitutional freedoms; and the functions and limitations of party government. At a moment when scholars are showing renewed interest in the historical mechanics of lawmaking, this article argues for reinserting the Speakership back into the heart of that process, where it has always belonged.

Keywords: Speaker, US House of Representatives, Jonathan Dayton, Theodore Sedgwick, Nathaniel Macon, Joseph Bradley Varnum

At a 2011 conference on “The Role of the Speaker of the House,” three modern Speakers—John Boehner, Nancy Pelosi, and Dennis Hastert—united in

The author would like to thank Colin Jones, David Sim, the anonymous readers, and all the editorial staff at *Journal of Policy History* for their very welcome advice, encouragement, and support in the preparation of this article.

JOURNAL OF POLICY HISTORY, Vol. 33, No. 1, 2021.
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doi:10.1017/S0898030620000226

tribute to Henry Clay, the seventh Speaker who served with two short interruptions from 1811 to 1825. Clay, declared Boehner, “was the first real Speaker of the House that had some power.” His six predecessors, whose collective tenure encompassed the first eleven Congresses from 1789 to 1811, were “more of a referee, didn’t have any real power.” And lest anyone doubt Boehner’s historiographical *bona fides*, he explained that he was somewhat of an expert on the subject, “because I know I’ve read at least ten biographies of Clay.”¹

These remarks are suggestive of the extent to which a Clay-centric scholarship has skewed perceptions of the historical Speakership, even beyond the academy. The three-time presidential candidate was undoubtedly the most talented and charismatic of its pre-Civil War incumbents, and his biographers have long claimed for him a transformative impact that “would become legendary.”² In this at least they were correct, for their interpretation is now entrenched in the wider literature on the institutional development of Congress. The early Speakers, most historians and political scientists have agreed, aspired only to facilitate legislative business; the office served as an “impartial moderator,” its functions were “largely ceremonial,” and its occupants of no more consequence than a mere “traffic cop.”³ Robert V. Remini, who was subsequently appointed as the official House Historian, concisely articulated this consensus at a 2003 Congressional Research Service conference, “The Changing Nature of the Speakership,” when he dismissed Clay’s predecessors as “practically insignificant.”⁴

This article challenges that conclusion by presenting episodes from the tenures of four early Speakers to illustrate their contributions to party, sectional, and institutional development during this formative era. The circumstances surrounding a threatened duel between Jonathan Dayton and a fellow member shatter the illusion of the Speaker as “impartial moderator.” Theodore Sedgwick’s exclusion of a Republican newspaper editor from reporting House debates provides an illuminating parallel to better-known Federalist restrictions on freedom of the press. A decisive vote cast by Nathaniel Macon during debate over the 1807 bill to prohibit the trans-Atlantic slave trade, against a provision that would have freed slaves seized from contraveners of that act, highlights deep divisions over this supposedly harmonious measure, and also harbored important implications for Congress’s power to legislate for the peculiar institution. And a long-running row over a House committee chair, which finally resulted in Macon’s replacement by Joseph B. Varnum, reveals the secrets of President Thomas Jefferson’s management of the legislature, as well as underscoring the significance that contemporaries attached to the office even at this early date.

Like so much of the American experiment in self-government, the Speakership has been evolving since its very inception. These four episodes put Clay's often-cited "transformation" of the office in a different perspective, by demonstrating that his predecessors did grasp its political potential and were willing to employ its powers for their own ends. Of course, their opportunities to do so were shaped by the attributes each brought to the role, and by the shifting constraints within which they and their peers were required to operate. But it was this first generation of American legislators, as much as the architects of the Constitution, who laid down guiding principles for debates that still occupy us today: the relationship between Congress and president; the scope of federal power; the extent of constitutional freedoms; and the functions and limitations of party government. At a moment when scholars are showing renewed interest in the historical mechanics of lawmaking, this article argues for reinserting the Speakership back into the heart of that process, where it has always belonged.⁵

"In all legislative assemblies the greater the number composing them may be, the fewer will be the men who will in fact direct their proceedings," declared "Publius" in *The Federalist* number 58.⁶ James Madison's perceptive observation captures the potential inherent in the Speakership, the office formally charged with directing the proceedings of the United States House of Representatives. Yet the Constitution, which Madison had a major hand in writing, is strangely silent as to the powers and responsibilities that attend this role. Article I, Section 2 simply states that "the House of Representatives shall chuse their Speaker and other Officers," and the subject was apparently not discussed further at the Philadelphia Convention.⁷ Historians have debated, rather inconclusively, whether the Founders' expectations for the Speakership were influenced more by the British House of Commons, which favored the "impartial moderator" model, or by their own colonial assemblies, where Speakers had often been prominent in struggles with imperial government.⁸ Thereafter their interest in the office generally wanes, only to wax full again when Clay assumed the chair. But in the absence of clear constitutional directives, his predecessors possessed their own opportunities to shape the role to suit their purposes. As another House Historian Raymond W. Smock has observed, "the early Speakers . . . are all but invisible men in the history of Congress. This is unfortunate; closer study may show that they played a larger role in House institutional development than they have been given credit for."⁹

The First Congress (1789–91) has been described by both contemporaries and scholars as a "second" or "continuing" constitutional convention.¹⁰ As Madison himself observed, "among other difficulties, the exposition of the

Constitution is frequently a copious source, and must continue so until its meaning on all great points shall have been settled by precedents.”¹¹ This was certainly true for the sole clause covering the Speakership. Upon finally achieving a quorum on 1 April 1789, the first action of the House was to “chuse their Speaker,” which it did by ballot.¹² The victor was Frederick A. C. Muhlenberg of Pennsylvania, but the reasons for his election remain a mystery. Historians have variously speculated that it ensured regional balance with the expected choice of a president from Virginia and vice president from Massachusetts, that it recognized his experience as Speaker of the Pennsylvania Assembly, or that it was Muhlenberg’s “clear, penetrating voice, which probably helped him win election as the first Speaker.”¹³ The latter at least can be discounted if we believe the gripe of a fellow-member that “our Speaker tho’ a worthy man has not one Talent for his office. He has no grace, dignity, or propriety in his conduct. He has the German pronunciation and is hardly to be understood when he speaks.”¹⁴

The day following Muhlenberg’s elevation to the chair, the House engaged a committee “to prepare and report such standing rules and orders of proceedings as may be proper to be observed in this House.” The resulting report, adopted on April 7, furnished some of the specifics of the Speaker’s role that were lacking in the Constitution. The Speaker was authorized to “decide questions of order.” He was charged with preserving “decorum and order” in the chamber. In cases where the House divided equally, the Speaker would have the decisive vote. And he was also assigned the task of appointing members to committees. Various additional responsibilities were enumerated, but these four in particular would prove critical to shaping the exercise of power by the early Speakers.¹⁵

The first two Speakers most closely approximate the “impartial moderator” model familiar from the existing literature. Muhlenberg’s major contribution was establishing the ceremonial forms of the office, just as George Washington was compelled to do for the presidency. He took no part in public debates, and privately expended most energy in unison with the rest of the Pennsylvania delegation in seeking the removal of the federal capital to Philadelphia. The achievement of this collective ambition, which no commentator then or since seems to have credited particularly to Muhlenberg’s involvement, prompted one New York paper to bid him farewell with the following lines of verse: “*Fred Augustus*, God bless his red nose and fat Head / Has little more influence than a Speaker of lead.”¹⁶ He was replaced in the Second Congress (1791–93) by Jonathan Trumbull Jr. of Connecticut, only to return to the chair in the Third Congress (1793–95). Again, these elections

received little mention in either members' correspondence or the columns of the press; historians have generally found their explanation in the republican principle of rotation in office.¹⁷ Like his predecessor, Trumbull left more of a mark upon the social life of the capital than the statute book. A fellow member pronounced his "prevailing foible" as a fondness for "capers . . . in the chambers of ladies," and regretted that he "has not at the age of 55 discovered that he is not a fit companion for Girls & Boys of 15."¹⁸

A number of factors may have contributed to the political insignificance of the first two Speakers. One is the absence of clear party divisions, which would provide both a powerful motive for the coalition-building required to capture the Speakership and a standard against which the conduct of future incumbents might be measured. Instead, when Federalist and Republican groupings did begin to coalesce in the Third Congress, Muhlenberg's conduct seems to have satisfied neither side. One of Trumbull's pro-administration colleagues from Connecticut denounced the returning Speaker as a "Jacobin," but Madison, who led the opposition in the House, complained that he appointed to key committee positions "a majority infected by the fiscal errors which threaten so ignominious and vexatious a system to our country."¹⁹ A second factor may have been the two Speakers' unfamiliarity with the powers of their recently created office, which underwent modification with every new iteration of rules adopted by the House. It is possible too that both men, neither of whom boasted a lengthy record of legislative accomplishments, simply lacked the inclination to take a more active role, or truly believed that to do so would be inconsistent with the responsibilities of their station. In a short speech delivered following his selection, Trumbull admitted "the diffidence I feel in my abilities to discharge, with propriety, the duties of the Chair," and pledged to conduct himself with "impartiality, integrity, and assiduity."²⁰ Many of his successors would use near-identical language on the occasion of their own election. As the following episodes will illustrate, however, they would interpret those promises quite differently.

Jonathan Dayton was making ready to depart the capital when he received the challenge, written in the hand of a man he had considered a friend. William C. C. Claiborne of Tennessee had taken offense at some brief remarks offered by Dayton in response to the House's resolution of thanks on his relinquishing the chair for a second time in March 1799. If the retiring Speaker did not disavow "whether any part of the expression was intended by you, to attach to me," the note read, "I shall regard myself as so intended, and expect from you that *satisfaction* which alone can satisfy the feelings of a man of honour."²¹

As Dayton immediately perceived, this was what historian Joanne B. Freeman has termed the “language of the duel.”²² The events that led to this extraordinary challenge, addressed to the presiding officer of the House for words spoken in his official capacity, will show that the myth of the Speaker as “impartial moderator” was dead long before Henry Clay first occupied the chair.

Dayton was elected Speaker in December 1795 in a deliberate Federalist strategy to strengthen their party’s position in the Fourth Congress (1795–97). The Republicans held a slim majority of seats in the lower chamber, but the late arrival of several members from southern and western districts handed the opportunity to their opponents. The evening prior to the commencement of the session, in the first national party caucus on record, the latter shrewdly passed over their unanimous preference for Federalist stalwart Theodore Sedgwick of Massachusetts in favor of the more independent-minded Dayton, who might win over undeclared legislators. Something of a political prodigy, the Representative from New Jersey had been the youngest delegate at the Philadelphia Convention, where a fellow-member described him as “a young Gentleman of talents, with ambition to exert them,” but also “an impetuosity in his temper that is injurious to him.”²³ As Sedgwick explained to a friend, “it was however for reasons some of which will be obvious to you though[t] best to relinquish that wish [for himself] & we finally fixed on Dayton.” In consequence, he exulted, “we completely [*sic*] prevailed agt. the disorganizers [i.e., Republicans] in the election of a Speaker.”²⁴ The significance of this victory was appreciated beyond the confines of the capitol. The Federalist *Columbian Centinel* trumpeted that “the election of Mr. Dayton, to the Speakership of the House of Representatives is a favourable omen,” while a correspondent of Madison, who had rallied Republican members in support of the previous incumbent, observed that “the commencement. with you does not augur well finding Muhlingurb [*sic*, Muhlenberg] outvoted.”²⁵

The decisive moment that precipitated Dayton’s emergence as an open partisan came during the House debate over the Jay Treaty in April 1796. John Jay had negotiated this commercial accord with Great Britain at the behest of the Washington administration, and it was swiftly ratified by the Federalist-controlled Senate. But Republicans still hoped to wreck the Treaty by refusing the necessary appropriations for it in the House. Indeed, some of the latter party had likely been willing to accept Dayton’s election as Speaker precisely because they interpreted certain Anglophobic declarations he had previously let fly in one of his periodic bouts of petulance as a signal that he would support them on this critical issue.²⁶

In this expectation they were to be disappointed. Federalist leaders lobbied the Speaker hard, warning him that “the people [of New Jersey] would tear any of their representatives to peices [*sic*] who should vote against the treaty.”²⁷ This appeal to Dayton’s political ambition had the desired effect; “he will no longer remain an indifferent spectator, but will take a decided part,” rejoiced Sedgwick after consulting privately with the Speaker, adding that Dayton had been specifically tasked with detaching the irresolute William Findley of Pennsylvania from the opposition ranks.²⁸ When the House finally acted on the subject, the Speaker broke a tie by voting against the addition of a Republican-sponsored preamble that would have declared the Treaty “objectionable.” Immediately thereafter, on the crucial funding question itself, the Federalists eked out a narrow 51–48 victory, with Findley one of several critics of the appropriation notably absent; his subsequent claim to have “stepped out of the house, to make some arrangements respecting a trunk, which he was about to send home to his family,” was greeted with derision.²⁹ The embarrassing publication of a portion of Dayton’s correspondence in a subsequent lawsuit involving dubious land speculations would reveal that he had also urged “sending persons even into the districts” of the five Republican members of the New York delegation, “in order to engage influential men to be active” and “to remonstrat seriously with them, against their opposition to making the proper provision for carrying the treaty into effect”; two of those targeted in this manner contributed critical votes for the appropriation.³⁰ The result was an important triumph for the Federalists on an issue that historians have agreed was pivotal in stimulating popular participation in politics, accelerating party development across the country, and determining the outcome of the presidential election that same year.³¹

Having committed his political future to the Federalists, for the remainder of his two terms as Speaker Dayton repeatedly intervened in the lawmaking process to promote a partisan agenda. If he had been a “political weathervane” prior to the Jay Treaty vote, thereafter he was “gone over compleatly [*sic*],” as Thomas Jefferson lamented. One manifestation of this was Dayton’s speaking record in Congress.³² As presiding officer, the Speaker is expected to refrain from participation in debate before the House, and both Muhlenberg and Trumbull had interpreted this restriction as extending to Committee of the Whole, where most business is actually transacted. Their successor showed no such restraint, however. A quantitative study by three political scientists reveals that no Speaker in the first half-century of Congress spoke more frequently and on a broader-range of policy-related matters in Committee of the Whole than Dayton. As the authors note, these findings suggest that

“the true ‘moderator’ Speakership was very short-lived,” and “call into question accounts of the Speakership that have attributed the pioneering role in floor participation to Clay.”³³

But it was not just the quantity of Dayton’s remarks that is striking, for their belligerent tone was also calculated to further stoke tensions between the contending parties. When war with France threatened in the spring of 1798, he took the floor to advocate for a controversial Federalist proposal to raise an army of ten thousand men, and “called on those gentlemen who were desirous of providing for the defence of this country, . . . to unite with him in defending, inch by inch, the important provisions of this bill in all its parts.”³⁴ The Swiss-born Albert Gallatin’s leadership of Republican opposition to military measures provoked the Speaker to question “if that member had ever made himself acquainted with the principles that actuated the Americans in 1776.”³⁵ Several weeks later it was Abraham Baldwin, a fellow delegate at the Philadelphia Convention, who incurred his wrath by denying the constitutionality of the Alien and Sedition Acts. Dayton accused him of “wilful misrepresentation” of the proceedings of that convention, leading Baldwin to complain of “some degree of harshness and personal disrespect” in his treatment, a charge which the Speaker dismissed as “unmanly.”³⁶ To Sedgwick, it appeared that “the Speaker has become *violently* federal,” and “is now in advance of the first rank of federalism.”³⁷

Dayton’s critics were also convinced that he was fulfilling his responsibility to preserve order in the House only when it suited the interests of his party. During debate over the appropriate punishment for Republican member Matthew Lyon, who had spat in the face of Federalist Roger Griswold in the chamber, Dayton urged Lyon’s expulsion in so violent a manner that he earned a reprimand from the temporary occupant of the chair, prompting the Speaker to huffily declare that “he knew when he was in order.”³⁸ But three days later, when Griswold caned Lyon on the floor in retribution, witnesses testified that the Speaker refused to intervene despite repeated calls on him to do so, and even chastised members for laying hands on the assailant.³⁹ A contemporary cartoon of the incident, entitled “Congressional Pugilists,” depicts a smiling Dayton in the Speaker’s Chair as the protagonists spar in front of him.⁴⁰ Then, in the waning days of the Fifth Congress (1797–99), the Speaker was apparently complicit in a plot to prevent Republicans making political capital out of a growing number of petitions calling for repeal of the Alien and Sedition Acts. As Jefferson reported the “scandalous scene,” Federalist members “began to enter into loud conversation, laugh, cough &c.” whenever their opponents sought to debate the subject in Committee of the

Whole, and then once the committee had been forced to rise, Dayton ruled further attempts to speak out of order.⁴¹ This latest ill-tempered incident occurred just days before the events that would culminate in Claiborne's challenge to Dayton.

On March 3, 1799, as the final day of the Fifth Congress drew to a close, Christopher Champlin of Rhode Island moved the customary resolution that "the thanks of this House be presented to Jonathan Dayton, in testimony of their approbation of his conduct in discharging the arduous and important duties assigned him whilst in the Chair." Similar motions had always passed unanimously, but on this occasion Republicans disgusted by Dayton's manipulation of the office for partisan advantage refused to give it their support. The resolution was adopted, but with twenty-two votes against. In response, Dayton gave a short speech during which, with characteristic lack of grace, he declared that "far from being displeased, I have, on the contrary, been very much gratified at hearing that the resolution of thanks has not been passed, as a mere matter of form, unanimously. As in all public bodies, there have ever been found men whose approbation must be considered by the meritorious as a censure, so in this body, there are, unhappily, some whose censure will be regarded by all whose esteem I value, as the highest testimony of merit."⁴² It was this remark that drew from Claiborne, one of the twenty-two dissenters, his challenge delivered the following day.

Fortunately, as was often in the case in these affairs of honor, the dispute between the two men was resolved without violence. Dayton responded with a note expressing his regret that a man who "had even asked & obtained from me a portrait to commemorate [our] friendship" should have joined in the censure of his conduct. "There was no one of the opposers of the resolution whose vote surprised & pained me more than yours," he wrote.⁴³ Claiborne seized on this opening for reconciliation; "if *this* was intended to acquit me, from the general reproach of unworthiness, which your expressions as quoted in my note of yesterday conveyed," he suggested, "a declaration to this effect, will heal the wound, which my feelings have received."⁴⁴ In reply, Dayton assured his correspondent that "you ought to have considered my note of yesterday as acquitting you entirely from any imputation of unworthiness," and that "all appears to me to be done that ought to be required by either to heal the difference between us." "We shall meet the next Session," he concluded this final missive on the subject, "but whether as friends or enemies, I leave it to you entirely to decide."⁴⁵

Though no blood was spilled, this episode is still significant in revising the conventional interpretation of the early Speakership. The circumstances

surrounding Claiborne's challenge directly contradict claims that Dayton was "not [an] aggressive political leader," and that "the opposition never charged him with being unduly partial in his rulings."⁴⁶ As Speaker, Dayton lobbied to secure the success of Federalist measures—most notably the Jay Treaty appropriation —spoke out in support of the party's signature legislation, and employed the powers of the chair to aid its prospects on the floor. In so doing, he broke decisively with the "impartial moderator" model of the Speakership. And as the remaining episodes will show, his three successors would each in different ways follow that example.

Nothing would define Theodore Sedgwick's legacy like his run-in with a newspaper correspondent. The request of Samuel Harrison Smith, editor of the *National Intelligencer*, for a seat within the chamber from which to report the debates of the House seemed innocuous. But Sedgwick was determined to show no favor to a man he was convinced "had no other object than to disgrace me and the government."⁴⁷ Their protracted quarrel, stretching throughout the second session of the Sixth Congress (1799–1801), provided a backdrop to the high-stakes drama of the 1800 presidential election and offers fresh insight into the two contending parties' attitudes toward freedom of the press.

"I remember well looking upon a Democrat as an enemy to his country, and the party as sure, if it prevailed, to work its destruction," recalled the nineteenth-century novelist Catharine Sedgwick of the childhood notions she imbibed from her father.⁴⁸ Having purposefully overlooked him in search of more temperate candidates on several previous occasions, the Federalist caucus surely knew what it was getting when it selected Sedgwick in December 1799, as did the Republican commentator who grieved "there can be few greater evils than having Mr. Sedgwick Speaker of congress."⁴⁹ Writing to a friend before the session commenced, the soon-to-be Speaker succinctly summarized the philosophy that would govern his conduct: "I never liked half measures, and at present I think them disgraceful and dangerous."⁵⁰ Once installed in the chair, he packed important committees with Federalists, delivered casting votes for the party's flagship Bankruptcy Act and against repeal of the Sedition Act, and intrigued to elevate Aaron Burr to the presidency when the election of 1800 devolved upon the House.⁵¹ But it was his stewardship of the chamber that would prove most controversial.

When Congress relocated to Washington for the second session of the Sixth Congress, it was accompanied by Smith, who had been solicited by leading Republicans to establish a party newspaper in the new national capital. But when Smith privately requested Sedgwick's permission for a seat within

the bar of the House, something he was assured had always been granted to previous stenographers, he was refused. Encouraged by sympathetic members, Smith then publicly renewed his request by a petition to the House. This petition was referred to a committee, which of course was appointed by the Speaker, and its report predictably endorsed his original decision. The House vote on adopting the committee's recommendation largely followed party lines and resulted in a tie, which left Sedgwick to cast the decisive vote for a report written by his friends and approving of his own conduct. Accepting defeat, Smith resorted to chronicling the debates from an inferior situation at the rear of the chamber, but four weeks later he was summarily instructed to depart that position also. Relocating to the public gallery won him only three days respite, before the Speaker ejected him from the House entirely, a ban that remained in place for the rest the session.⁵²

Sedgwick's exclusion of Smith provoked comment within and without the capitol. Taking the floor in his own defense, the Speaker claimed that it was "impossible to preserve the dignity of the House, and maintain the convenience of the members" if reporters were admitted within the bar, as they had been when Congress resided in Philadelphia.⁵³ This presumption was challenged by Republican members, but in any case it hardly justified Smith's subsequent removal from the gallery. Pressed on that point in an interview with the editor, Sedgwick acknowledged the true reason for his expulsion. "I can have no doubt," he told Smith, "that either through incompetency, or intentionally, you grossly misrepresented my conduct as well as that of the House [in reporting the debates]. . . . The object of the order was to prevent you from giving any further statements of the proceedings of the House."⁵⁴

This conversation between Federalist Speaker and Republican editor, duly recounted by the latter in his paper, helps illustrate the conflicting assumptions that underpinned the difference in attitudes toward freedom of the press that historians have ascribed to the two parties.⁵⁵ Sedgwick lectured Smith on his duty as a reporter. "In cases in which the house has come to a decision, you may publish what is decided upon," he explained, but "it would be manifestly wrong to publish papers that relate to transactions in an incipient state." By way of example, he suggested "a member may make a motion that refers to a particular subject. It may be made inadvertently. Its meaning may be equivocal. To publish it in this immature state, before the house has decided upon it, might be to produce misconceptions, and might essentially injure the respect of the people for the government."⁵⁶ This proscription was therefore, from Sedgwick's perspective, consistent with the intent of the Federalist-sponsored Sedition Act of 1798, which expressly

prohibited writings intended “to defame” the government, to bring it “into contempt or disrepute,” or excite against it “the hatred of the good people of the United States.”⁵⁷

Lest Smith be thought guilty of caricaturing his opponent, it must be said that the views attributed to Sedgwick in the *Intelligencer* match those expressed in his own writings. In a public letter announcing his political retirement on the expiry of his term as Speaker, Sedgwick identified the most potent weapon of “the enemies of government” to be “their malignant slander of the characters of those whom they believed possessed the public confidence; and . . . their misrepresentations of the measures of the government.”⁵⁸ And in his private correspondence, he also condemned “the jacobin papers attack [on] the government,” and complained of the difficulties of securing a successful prosecution under the Sedition Act from Republican-leaning juries in Philadelphia. Perhaps Sedgwick saw the move to Washington as a fresh opportunity to wage war on irresponsible reporting in the nation’s capital.⁵⁹

If so, the Speaker would be disappointed. “The only respect which the government of a republican country ought to receive, is that, which flows from a knowledge of its acts, and of the manner in which those acts are passed,” Smith insisted.⁶⁰ The editor assured his readers that “while he continues to conduct a print at the seat of government, designed to diffuse correct political statements, it shall not be said that the centinels [*sic*] of the public liberty are inattentive to the official conduct or sentiments of those who are its constituted guardians.”⁶¹ These declarations were in accord with Republican legislators’ criticism of the Sedition Act, that “the proper weapon to combat error was truth, and that to resort to coercion and punishments in order to suppress writings attacking their measures was to confess that these could not be defended by any other means.”⁶²

Those same critics seized upon Sedgwick’s treatment of Smith as more evidence of Federalist contempt for freedom of the press, and by extension for government of the people. They first proposed a formal resolution of censure against the Speaker, a course of action that was resorted to on only one other occasion prior to the Civil War.⁶³ When that threat was nullified by the parliamentary legerdemain of Sedgwick’s friends, they once again contested the customary end-of-session resolution of thanks, offering as justification “the improprieties in the conduct of the Speaker while in the Chair” and “the many inconsistencies his presidency had been marked with.”⁶⁴ Dayton’s supporters had prevailed by a margin of eighteen votes, but in this instance, to the *Intelligencer*’s glee, Sedgwick’s could muster only five; an ally later admitted that it took “three or four of the speaker’s anti-Federal colleagues, who, by civilly retiring from the floor, enabled us to carry the resolution.”⁶⁵

Sedgwick, like his predecessor in the chair, was a partisan politician who used the powers of his office to promote the Federalist cause. In his confrontation with Smith, however, the Speaker's zeal proved to be his undoing. Voters preferred the Republican conception of freedom of the press, a factor that historians have identified as contributing to their victory in the election of 1800, and Smith was promptly readmitted to the Republican-controlled Seventh Congress.⁶⁶ Another important contributor to the long-term success of that party was its expanding network of newspapers, at the center of which stood the *National Intelligencer*, whose bulletins from the capital were republished throughout the country.⁶⁷ But Smith's reach extended beyond even his contemporaries, to every historian who refers to the *Annals of Congress* for an authoritative record of early congressional debates. In fact, there was no official reporting of debates in the First through Eighteenth Congresses (1789–1825), and the *Annals* were retrospectively compiled decades later from contemporary newspaper accounts, chiefly those of Smith's *Intelligencer*. This hardly bodes well for the reputation of Sedgwick, of whom the editor once snidely remarked that “he did not profess to understand the Speaker always, even when he hear'd distinctly, *all* that he uttered.”⁶⁸ In this case, history was literally written by the victor.

If abolitionist orators on the eve of the Civil War sought early examples of the Slave Power at work in the federal capital, they might justifiably have cited Nathaniel Macon's casting vote on the 1807 bill to prohibit the transatlantic slave trade. Macon's intervention did not settle the fate of the bill, for it would pass by a wide margin. But it decisively shaped that legislation in such a way that served the South's interests, in both the short and long term. His actions as Speaker, and the circumstances that placed him there, illustrate the pervasive influence of slavery in national politics and the determination of its partisans to defend it.

Macon was a North Carolina planter of “unchangable [*sic*] simplicity candor & integrity,” who took pride in laboring in the fields alongside his slaves.⁶⁹ He was also the first Southern Speaker, easily elected following the Republican triumph in 1800, and continuing in office through three successive Congresses (Seventh–Ninth, 1801–7). It was during the closing months of the Ninth Congress, in early 1807, that a bill was enacted to prohibit the transatlantic trade. In light of later sectional divisions over legislation touching slavery, historians have emphasized the unusual unanimity that prevailed on this occasion.⁷⁰ Macon declared on the floor that “every member in this House is solicitous to put a complete stop to this nefarious traffic,” and the bill

passed with only five dissenting votes.⁷¹ This apparent consensus obscures considerable controversy over the specifics of the measure, however, which led another lawmaker to remark that “I can scarcely recollect an instance in which the members seem so generally to agree in the principles of a bill, and yet differ so widely as to its details.”⁷²

The chief problem facing Congress was what to do with slaves confiscated from attempted smugglers. The original legislation, reported from a Southern-dominated committee appointed by Macon and chaired by Georgia Representative Peter Early, proposed that these unfortunate persons, which this very law defined as illegally enslaved, would nonetheless be disposed of at auction. Early acknowledged this to be “a melancholy truth,” but avowed that “we, who live in that part of the United States, where the evil referred to principally exists, know from experience that this is the only effectual plan that can be pursued.”⁷³ Critics objected, however, that it would make the federal government complicit in the very crime it sought to prevent. “Shall we, while we are attempting to put a stop to this traffic, take upon ourselves the odium of becoming slave traders?” demanded Pennsylvania Representative John Smilie, reflecting the concerns of many of his colleagues from Northern states where slavery was already on the road to extinction.⁷⁴ After prolonged debate, this faction united behind an amendment proposed by Massachusetts Representative Barnabas Bidwell, “that no person shall be sold as a slave by virtue of this act.”⁷⁵ On this question, the House divided equally. It fell to Macon, the model republican who Thomas Jefferson approvingly designated as *Ultimus Romanonem* (The Very Last of the Romans), to reveal the true face of Jeffersonian antislavery by giving his casting vote against.⁷⁶

It is hardly surprising that the Speaker voted with the South on this issue, but it is significant for a number of reasons. Throughout his career, Macon’s stance on slavery was quintessentially Jeffersonian. “No one regretted the evil more than he did,” he had previously claimed on the floor of the House, but “it was an evil which our forefathers had felt, and to which we must submit until an adequate cure was found.”⁷⁷ To this end, he had voted for the Fugitive Slave Act of 1793, against Congress receiving petitions authored by slaves, and had already as Speaker condemned a proposal to tax South Carolina’s reopening of the transatlantic trade as “an attempt in the General Government to correct a State for the undisputed exercise of its Constitutional powers.”⁷⁸ Even prior to his casting vote, during debate over the 1807 bill, far from positioning himself as an “impartial moderator,” Macon repeatedly spoke out in Committee of the Whole against efforts to amend the sale at auction provision. “It is in vain to talk of turning these creatures loose to cut our throats,” he exhorted his

colleagues, adding that “all the arguments which I have yet heard have served to confirm the opinion that a forfeiture is the only effectual mode of prohibition.”⁷⁹

The Speaker’s intervention ensured that the interests of the South would be protected in the implementation of legislation abolishing the transatlantic slave trade. According to a compromise muddled out following his casting vote, confiscated slaves would be turned over to the state in which they disembarked, which almost invariably resulted in their sale at auction but preserved the fiction of federal noninvolvement. In principle, writes the legal historian Paul Finkelman, “Such confiscations had the triple advantage of discouraging slave smugglers (who would, after all, lose all their cargo), enriching the southern states, which would profit from the sale of the illegally imported slaves, and also giving individual southerners the opportunity to acquire new slaves.”⁸⁰ As a practical deterrent, however, the provision was so ill-conceived that one trader even boasted of tipping off the authorities to his own cargoes so that he could collect the bounty paid to informers and then buy his contraband back at auction, which had the added advantage of laundering his forfeits into legally acquired property.⁸¹ Nonetheless, it continued to govern the fate of the thousands of Africans illegally imported into the country up to 1819, when the act was finally amended to guarantee confiscated slaves their freedom after even influential Southern voices began to question its wisdom.⁸²

The Speaker’s intervention also served the interests of the South by confining the federal government’s scope to legislate on the subject of slavery in future. Northerners had repudiated the original forfeiture clause for impressing upon the statute book “a false principle, which neither the Constitution, nor the laws of the United States, have ever authorized, to wit: that a property may be had in human beings.” This antislavery interpretation of the Founders’ intent, that “the Constitution and laws have always left the disposition of slaves to the States, and hitherto have never recognised the principle of slavery,” would find favor with a subsequent generation of abolitionists.⁸³ But Bidwell and his supporters went further still, for their own counterproposal would have transformed the federal government, albeit in a limited capacity, into an agent of emancipation. “The power of the General Government might not, it was admitted, be competent to [confiscated slaves’] liberation in the former States [where slavery was permitted],” they argued, “but becoming by their forfeiture, the property of the United States, they would possess the right of removing them to those States with whose laws there would be no interference.”⁸⁴

Macon's vote, in marked contrast, was for a proslavery reading of the founding compact. He insisted on treating the issue as a "commercial question," for "if it is not a commercial question, I would thank the gentleman to show us what part of the Constitution gives us any right to legislate on this subject."⁸⁵ In vain did Smilie quote from the Declaration of Independence "that all men are created equal; that they are endowed by their Creator, with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness," and demand "will the honorable Speaker tell us how these rights are connected with commercial principles?"⁸⁶ Macon's sympathies lay with those who opposed Bidwell's amendment "because the principle on which it was advocated went to affect nine-tenths of the property of the Southern States, and might in its effects strike at all property held in slaves."⁸⁷ His private correspondence is filled with warnings that while "under a fair and honest construction of the constitution the negro property is safe and secure," nonetheless "if the general government shall continue to stretch their powers," they would ultimately and inevitably "try the question of emancipation."⁸⁸ On this occasion, the Speaker acted consistently with that conviction to ensure that legislation intended to prohibit the importation of slaves would also serve to limit the potential for a federal program of emancipation in future.

Finally, Macon's vote is significant because it draws attention to the South's dominance of national politics, even at this early period. At the commencement of the Ninth Congress, Northern Republicans dissatisfied with their subordinate station in the party had sought to substitute Joseph B. Varnum of Massachusetts as Speaker. Macon only retained his office with the aid of New England Federalists eager to embarrass a local rival. William Plumer, Federalist Senator for New Hampshire, lamented that his associates in the House had refused to support Varnum. "I think the eastern States have an interest different from that of the southern, & I really wish we might support that interest," he recorded in his journal. "In Virginia a federalist is still a Virginian; but in New England a federalist does not feel or act as a New Englandman," and "this division will ensure the re-election of Macon."⁸⁹ But it was not merely petty rancor that placed Macon in the Speaker's chair, for the structure of national politics was also tilted in his favor. The persistence of Federalism in the North ensured that Southerners would dominate the Republican Party in caucus, and the Constitution's "three-fifths clause" granting Southern states additional representation for their slave population secured them disproportionate strength on the House floor, including in ballots for Speaker.⁹⁰ It was that strength, combined with Northern members'

customary disunity on slavery issues that saw thirteen of them vote against Bidwell's amendment—prototype “doughfaces” before the term was even conceived—which proved sufficient to create the tie necessary for Macon's casting vote. Southerners would go on to occupy the Speakership for nineteen and a half of the twenty-seven succeeding Congresses, until the Civil War finally shattered that section's hold on the federal government.

Yet all the South's advantages could not prevent the ouster of Macon from the Speakership at the outset of the Tenth Congress, as we shall see in the following episode. Had Varnum's friends not been denied by the meddling of Northern Federalists two years previously, or had the slave-trade legislation been delayed for another session—recall that the Constitution barred it from taking effect until 1808 in any case—then a New Englander with a proven antislavery record would have occupied the chair to oversee its passage. Timing matters. For Henry Adams was wrong in his dismissive verdict that “no man in American history left a better name than Macon; but the name was all he left.”⁹¹ The Speaker's casting vote on the 1807 act to prohibit the transatlantic slave trade forestalled the transformation of the federal government into an agent of emancipation, and that legacy would be felt by generations to come.

Joseph B. Varnum, a rare New England Republican and possessor of a modest legislative record, owed his election to the high office of Speaker to a dispute over the naming of a committee chair. The committee was Ways and Means, the most important in the House, charged with supervising all federal taxing and spending. The chair, ever since the Republican takeover in the Seventh Congress, had been occupied by John Randolph, described by one member as “our great premier or self created democratic [i.e., Republican] manager of the House.”⁹² The mercurial Virginian obtained this promotion through his close friendship with Speaker Macon; “Jonathan did not love David, more than I have Randolph,” the latter once observed.⁹³ But the party rank and file grew restless under his leadership, and decided that Randolph had to go. Their efforts to remove him would focus attention on the powers of the Speakership, and also have important repercussions for the relationship between executive and legislature.

The origins of Republican divisions over the Speakership may be found in their climactic victory in 1800, notwithstanding the party's near-unanimous support of Macon for the office in the Seventh Congress. Randolph himself predicted that “the dissolution of the republican party would commence with its [*sic*] elevation to power,” adding that “without a *substantial reform*, we shall

have little reason to congratulate ourselves on the mere change of *men*.”⁹⁴ Despite these reservations, as chair of Ways and Means he took on the responsibility for guiding President Jefferson’s legislative program through Congress. “John Randolph Jr of Virginia is evidently the leader of the Democrats in the House,” recorded Senator Plumer. “Profuse in censuring the *motives* of his opponents—artful in evading their arguments, & peremptory in demanding the vote—sitting on his seat insolently & frequently exclaiming *I hope this motion will not prevail*—or when it suited his views, *I hope this will be adopted*.”⁹⁵ This passage is suggestive of the informal methods of legislative leadership in the early Congress, when parties lacked modern institutional mechanisms for coordinating their action on the floor, and relied instead on nods and winks from senior members. The initial cooperation between Randolph and Jefferson also illustrates that for all the Republican campaign rhetoric about the dangers of executive manipulation of the legislative branch, the new president hoped to manage his party in Congress just as his Federalist *bête noire* Alexander Hamilton had done previously.⁹⁶

The strong-willed Randolph chafed in this subordinate role, however. He doubted Jefferson’s commitment to what he considered the true principles of republican government, and resented the President’s poorly concealed efforts to cultivate a more reliable floor leader.⁹⁷ One of the candidates for that role was Varnum, who Randolph cuttingly styled as “*sworn interpreter of Presidential Messages*” for his clumsy attempts to take control of the legislative agenda.⁹⁸ As his breach with the executive widened, Randolph took to openly declaiming the effect of “back-stairs’ influence” on Congress, resurrecting the charge previously employed by his own party against successive Federalist administrations.⁹⁹ This prompted Jefferson to remark that “when a gentleman, through zeal for the public service undertakes to do the public business, we know that we shall hear the cant of backstairs counsellors, but we never heard this while the declaimer was himself, a backstairs man as he calls it.” He defended the practice of taking selected lawmakers into “the confidence & views of the administration” on the grounds that “if the Executive is to keep all other information to himself, & the house to plunge on in the dark, it becomes a government of chance & not of design.”¹⁰⁰ Randolph, meanwhile, faced mounting dissatisfaction among Republicans loyal to the president, to add to existing Northern resentment over their lack of standing within the party; the latter “conceive themselves treated with neglect & contempt. They are certainly not treated with much respect by those who lead,” admitted one Southerner.¹⁰¹

Despite his waning hold over Republican members, however, Randolph’s power was sustained by his position at the head of Ways and Means, which

was in turn dependent upon the favor of the Speaker. This fact was made plain to Jefferson in an illuminating letter from Representative Bidwell, who the president also considered as a potential replacement for Randolph as floor leader, a move that would gratify his Northern supporters. "In every legislature, the introduction, progress & conclusion of business depend much upon committees; and, in the House of Representatives of the U.S, more than in any other legislative body within my knowledge, the business referred to Committees, & reported on by them, is, by usage and common consent, controlled by their chairman," explained Bidwell. "As the Speaker, according to the standing rules of the House, has the appointment of Committees, he has it in his power to place whom he pleases in the foreground, and whom he pleases, in the back-ground, and thus, in some measure, affect their agency in the transactions of the House." It was not the hostility of Randolph that threatened to check Bidwell's legislative career, therefore, for "the cant of back-stairs influence has no terrors." However, he continued, "from the connections and attachments of the present Speaker, I have, at least, no reason to expect to be very favourably considered, in his distributions of committee business," and consequently "you appear to expect more from my exertions, as a member of the House of Representatives, than it will be in my power to perform."¹⁰² As this communication reveals, if the President's friends were to triumph over Randolph, they would first have to contend with Speaker Macon.

Initially, their efforts were directed at curtailing the powers of the office, rather than displacing its occupant. It was during the first session of the Ninth Congress that Randolph broke decisively with the administration, taking with him his band of Quids, a nickname adapted from the Latin *tertium quid*, meaning a "third something," between the Federalist and Republican parties. "Mr. Randolph has passed the rubicon. He can no longer be considered as the confidant, the friend or advocate of Mr. Jefferson," reported Plumer.¹⁰³ On the final day of that session, Macon watched on from the chair as Randolph was "roundly attacked without any cause" by member after member, until the final orator announced just prior to adjournment that he would offer a resolution that "hereafter all standing committees of the House of Representatives shall be appointed by ballot."¹⁰⁴ It was clear to Plumer that the resolution "was bro't forward to prevent John Randolphs being chairman of the committee of ways & means," because "the Speaker, who appoints the committees, is friendly to Randolph."¹⁰⁵

At the commencement of the second session, this resolution was duly called up, but before it could be acted on its author unexpectedly withdrew it, on the cryptic advice of a colleague that "the object of the mover might be

attained in a different way.” The latter had spotted that Randolph had not yet arrived at the House, and since custom dictated that the Speaker appoint no member to a committee who was not present when the order was made, the Virginian’s enemies insisted that Macon proceed directly to this task.¹⁰⁶ It was in “the most anxious state of mind that I ever felt,” that the Speaker wrote to a confidant that same evening of the “awkward and disagreeable situation” in which he found himself, “compelled from what I think right to act in a way that may hurt the feelings of those whom I love as well as my own.”¹⁰⁷ The following day he dispatched a second note: “In the disagreeable seat of Speaker, I write. I have been obliged to hear the journal read, in which the name of J. R. was not on the Comtee of Ways and Means. Many may no doubt think my feelings were too nice on this occasion, but such was my sense of duty, that I could not act otherwise.”¹⁰⁸

But the success of Randolph’s detractors would prove short-lived. Though prevented from appointing the Virginian, Macon had made sure to pack the committee with his supporters. Just days later, one of that number asked to be excused from service, creating a vacancy to which the Speaker immediately named the now-present Randolph. The latter’s friends then resorted to a little-used House rule that permitted committees to choose their own chair, and with the connivance of the current occupant of that post they reelected his predecessor.¹⁰⁹ Thus the affair ended in farce, but its implications were considerable. Randolph was convinced that the president had instigated the whole plot, recording among his confidential papers “information from the most direct and authentic sources” that Jefferson had been heard to declare that Randolph “would never do” as chair of Ways and Means, and that “Macon will not have an opportunity of appointing him as the Committees will be selected by ballot.”¹¹⁰ Randolph’s enemies, meanwhile, must surely have concluded that they must capture the Speakership for themselves if they were ever to remove him from power.

All eyes then turned to the opening of the Tenth Congress (1807–9). “I never felt more solicitude on the subject of our national concerns,” wrote one friend of the administration two weeks before the members assembled. “Indeed I have long believed the choice of a Speaker & the organization of Committees in our House would give a turn to affairs & most essentially change the character of our proceedings.”¹¹¹ When the time for the critical ballot arrived, a spectator noted the presence of “a greater number of both houses than I have known to be here on the first day of the Session, at any former period.”¹¹² Macon, however, was not among them; the only occasion in his four-decade-long career when he missed the opening of Congress. He

had been severely afflicted by illness, and by the death of his beloved grandson, but must also have known he would face a hard battle, and quite possibly a humiliating defeat, if he sought to retain the Speakership.¹¹³ Instead, his absence handed an easy victory to Varnum.¹¹⁴ One of Randolph's friends immediately moved to embarrass the new Speaker by reviving the old proposal that committees be appointed by ballot, declaring that "he only wished to see how gentlemen who had so strenuously advocated the balloting for these committees heretofore would now vote." But this was comprehensively defeated, and Varnum proceeded not only to replace every single member of Ways and Means but also to strip Randolph of all his other assignments.¹¹⁵ Friends of the latter protested that "Old Varnum has taken a mean advantage," but the Speaker was unperturbed, remarking only that "I hope, that the new organization of the House, will not prove a subject of regret to my friends, nor unpropitious to the public."¹¹⁶

The outcome of this struggle for the Speakership was certainly propitious for the president. Varnum was "one of the most obsequious tools of the Administration, elected through the influence of Jefferson," a member of the Tenth Congress subsequently recalled. "He was just capable of going through the routine of the office,—an automaton ready to move in any direction the magician who pulled the strings jerked him."¹¹⁷ This episode underscores the emptiness of the president's frequent paeans to the constitutional separation of powers; according to one observer, "his whole system of administration seems founded upon this principle of carrying through the legislature measures by his personal or official influence."¹¹⁸ So long as Macon occupied the Speaker's chair, he had clothed Randolph with sufficient authority as chair of the powerful Ways and Means committee to challenge Jefferson's sway over lawmakers. But with his replacement by Varnum, that final obstacle to the supremacy of the executive was removed. It would take the elevation of the forceful and charismatic Henry Clay to the Speakership to restore, and even reverse, the balance between the two branches of government.

The "impartial moderator" model of the pre-Clay Speakership—favored by historians, political scientists, and avid Clay fan John Boehner—implies that we should take the Speaker out of the equation of early United States politics. The hold that this interpretation exerts over the wider literature on this period is manifest; studies of the Jay Treaty, Federalist restrictions on freedom of expression, the abolition of the transatlantic slave trade, and Jefferson's presidency proliferate, but rarely does the Speaker make an appearance within their pages.¹¹⁹ Yet from the outset of the First Congress, the occupants of that

office enjoyed various prerogatives—to determine parliamentary questions, to preserve order, to cast the decisive vote in cases of a tie, and to appoint committees, among others—which held enormous potential to shape the political agenda. By their positive exercise of these powers in the four episodes recounted above, Jonathan Dayton, Theodore Sedgwick, Nathaniel Macon, and Joseph B. Varnum each in different ways demonstrated the fallibility of the “impartial moderator” model. Subsequent Speakers might still commence their terms, as Clay himself did, with promises of “an undeviating aim at impartiality,” and critics might use the same language to measure their departures from that standard, but all sides recognized the increasing separation between rhetoric and reality in the evolution of the Speakership.¹²⁰

The latter is important because the time has come to put Clay’s much-celebrated “transformation” of the office in proper perspective. One reason the conventional portrait of the early Speaker as “traffic cop” has proved so persistent is because it provides a convenient contrast for those who wish to underscore the significance of the Kentuckian’s six terms in the chair. Yet it is telling that having declared that “the office would never be the same again,” or words to similar effect, these scholars then typically fail to discover another “strong” Speaker until after the Civil War.¹²¹ Clay was an exceptional Speaker and politician (the two were not unconnected, as they would be under the “impartial moderator” model). He proved uniquely effective at utilizing the advantages that possession of the chair bestowed to further his own ambitions, while at the same time retaining the respect, if not always the affection, of his fellow lawmakers. None of his antebellum successors possessed the same combination of personal attributes, or operated in the same vacuum of party and presidential leadership, and consequently even with the benefit of his example before them none would prove capable of wielding the power of the Speakership as successfully as Clay.

But Clay was not “the first real Speaker of the House that had some power,” and the prerogatives of the office actually remained largely unchanged from the commencement to the conclusion of his tenure. Far from being a pioneer, in many respects the Kentuckian merely improved on the precedents set by his predecessors. Like Dayton, he was ready when required to rally his supporters from the floor.¹²² Like Sedgwick, he would seek to influence the reporting of congressional debates in the press.¹²³ Like Macon, he intervened to shape the details of pending legislation to suit his interests.¹²⁴ And like Varnum, he employed the appointing power to stack committees with members sympathetic to his agenda.¹²⁵ That Clay did all these things better than

those who occupied the office before him should not obscure the fact that they were willing to try; nor does it necessitate the conclusion that the impact of their efforts to use its powers for political ends was “practically insignificant.” The “impartial moderator” was a myth that did not outlive the first two Speakers, if it had ever applied at all. In consequence, as Madison’s dictum in *Federalist* 58 reminds us, if we are to understand the process of lawmaking in the early U.S. House of Representatives, and the development of its relationship with the executive branch, then we must no longer ignore the role of the Speakership.

Queen Mary University of London, United Kingdom

NOTES

1. John Boehner, Nancy Pelosi, and Dennis Hastert, “The Role of the Speaker of the House: A Tribute to Henry Clay,” panel discussion as part of “Henry Clay Week” (Transylvania University, Lexington, KY, 24 June 2011), *C-Span*, <https://www.c-span.org/video/?300391-1/henry-clay-role-speaker-house>, 15:39–17:02.

2. David S. Heidler and Jeanne T. Heidler, *Henry Clay: The Essential American* (New York, 2011), 88. For similar claims about Clay’s impact on the office by his other biographers, see Clement Eaton, *Henry Clay and the Art of American Politics* (Boston, 1957), 22–23; Bernard Mayo, *Henry Clay: Spokesman of the New West* (Boston, 1937), 408–9; Merrill D. Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York, 1987), 51; Robert V. Remini, *Henry Clay: Statesman for the Union* (New York, 1991), 79.

3. Judith Bentley, *Speakers of the House* (New York, 1994), 32; Fergus M. Bordewich, *The First Congress: How James Madison, George Washington, and a Group of Extraordinary Men Invented the Government* (New York, 2016), 31; David P. Currie, *The Constitution in Congress: The Jeffersonians, 1801–1829* (Chicago, 2001), 345. For more subscribers to the “impartial moderator” model of the pre–Clay Speakership, see Richard B. Cheney and Lynne V. Cheney, *Kings of the Hill: How Nine Powerful Men Changed the Course of American History* (New York, 1996), 2; Herbert Bruce Fuller, *The Speakers of the House* (1909; New York, 1974), 31; George B. Galloway, *History of the House of Representatives*, revised by Sidney Wise (New York, 1976), 109; Mark Grossman, *Speakers of the House of Representatives, 1789–2009* (Amenia, New York, 2009), 11; Jeffrey A. Jenkins and Charles Stewart III, *Fighting for the Speakership: The House and the Rise of Party Government* (Princeton, 2013), 13; Neil MacNeil, *Forge of Democracy: The House of Representatives* (New York, 1963), 67; Booth Mooney, *Mr. Speaker: Four Men Who Shaped the United States House of Representatives* (Chicago, 1964), 5; Ronald M. Peters Jr., *The American Speakership: The Office in Historical Perspective* (Baltimore, 1997), 5, 34; Donald A. Ritchie, *The U.S. Congress: A Very Short Introduction* (Oxford, 2010), 8; Raymond W. Smock, “The Institutional Development of the House of Representatives, 1789–1801,” in *The House and Senate in the 1790s: Petitioning, Lobbying, and Institutional Development*, ed. Kenneth R. Bowling and Donald R. Kennon (Athens, OH, 2002), 330–31; Elaine K. Swift, “The Start

of Something New: Clay, Stevenson, Polk, and the Development of the Speakership, 1789–1869,” in *Masters of the House: Congressional Leaders over Two Centuries*, ed. Roger H. Davidson, Susan Webb Hammond, and Raymond W. Smock (Boulder, CO, 1998), 10–11.

A small number of scholars have argued that Clay’s transformation of the office has been overstated, though usually in respect to one of its specific functions. See Joseph Cooper *The Origins of the Standing Committees and the Development of the Modern House* (Houston, 1970); Mary P. Follett, *The Speaker of the House of Representatives* (New York, 1909); Asher C. Hinds, “The Speaker of the House of Representatives,” *American Political Science Review* 3 (May 1909): 155–66; Norman K. Risjord, “Partisanship and Power: House Committees and the Powers of the Speaker, 1789–1801,” *William and Mary Quarterly* 49 (October 1992): 628–51; and Randall Strahan, Matthew Gunning, and Richard L. Vining Jr., “From Moderator to Leader: Floor Participation by U.S. House Speakers, 1789–1841,” *Social Science History* 30 (Spring 2006): 51–74.

4. Robert V. Remini, “The Historical Speakership,” paper delivered at “The Cannon Centenary Conference: The Changing Nature of the Speakership” (Cannon House Office Building, Washington, D.C., 12 November 2003), *U.S. Government Printing Office*, <https://www.govinfo.gov/content/pkg/CDOC-108hdoc204/pdf/CDOC-108hdoc204.pdf>, 91.

5. For examples of this interest, see David A. Bateman, Ira Katznelson, and John S. Lapinski, *Southern Nation: Congress and White Supremacy after Reconstruction* (Princeton, 2018); Corey M. Brooks, *Liberty Power: Antislavery Third Parties and the Transformation of American Politics* (Chicago, 2016); Alice Elizabeth Malavasic, *The F Street Mess: House Southern Senators Rewrote the Kansas-Nebraska Act* (Chapel Hill, 2017); Daniel Peart, “System, Process, Agency, and Contingency in the Study of Antebellum Policymaking: The Tariff of 1846,” *Journal of the Civil War Era* 7 (June 2017), 181–205; Pearl T. Ponce, *To Govern the Devil in Hell: The Political Crisis in Territorial Kansas* (DeKalb, IL, 2014); and Rachel A. Sheldon, *Washington Brotherhood: Politics, Social Life, and the Coming of the Civil War* (Chapel Hill, 2013). These works build on an older literature, most obviously Michael F. Holt’s magisterial *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (Oxford, 1999). On the importance of lawmakers’ contribution to constitutional debates during this period, see David P. Currie, *The Constitution in Congress*, 4 vols. (Chicago, 1997–2005).

6. Publius [James Madison], “*The Federalist*, 58” (1788), in Alexander Hamilton, John Jay, and James Madison, *The Federalist Papers*, ed. Lawrence Goldman (Oxford, 2008), 290.

7. “The Constitution of the United States,” Article I, Section 2, *National Archives*, <https://www.archives.gov/founding-docs/constitution-transcript>.

8. For Britain as the Founders’ model for the Speakership, see Remini, “Historical Speakership,” 89–90; and Risjord, “Partisanship and Power,” 629. For the colonies, see Follett, *Speaker of the House of Representatives*, 1–26; Fuller, *Speakers of the House*, 1–21; and Hinds, “Speaker of the House of Representatives,” 155–57. And for a hybrid argument that they were more influenced by their experience of the colonial assemblies, but reacted against that by adopting the “impartial moderator” model for Congress, see Peters, *American Speakership*, 18–20; and Swift, “Start of Something New,” 11–13.

9. Smock, “Institutional Development of the House of Representatives,” 331.

10. Samuel Osgood to Elbridge Gerry, 19 February 1789, cited in Charlene Bangs Bickford and Kenneth R. Bowling, *Birth of the Nation: The First Federal Congress, 1789–1791* (Madison, 1989), 5; David P. Currie, *The Constitution in Congress: The Federalist Period, 1789–1801* (Chicago, 1997), 3.
11. James Madison to Samuel Johnston, 21 June 1789, *Founders Online*, <https://founders.archives.gov/documents/Madison/01-12-02-0150>.
12. *Annals of Congress*, 1st Cong., 1st sess., 1 April 1789, 100.
13. Regional balance is the reason given for Muhlenberg's election by Follett, *Speaker of the House of Representatives*, 65; Fuller, *Speakers of the House*, 23; and Bickford and Bowling, *Birth of the Nation*, 16. Legislative experience is preferred by William Henry Smith, *Speakers of the House of Representatives of the United States with Personal Sketches of the Several Speakers* (1928; New York, 1971), 18. Both are mentioned in Jenkins and Stewart III, *Fighting for the Speakership*, 26–27; and Peters, *American Speakership*, 24–25. And Muhlenberg's "clear penetrating voice" is cited in Robert V. Remini, *The House: The History of the House of Representatives* (New York, 2007), 15.
14. Zephaniah Swift to David Daggett, 31 December 1793, in "Selections from Letters Received by David Daggett, 1786–1802," ed. Franklin B. Dexter, *Proceedings of the American Antiquarian Society* 4 (December 1887), 370.
15. *Annals of Congress*, 1st Cong., 1st sess., 2, 7 April 1789, 101, 102–6. The appointing power was initially limited to committees of three members or fewer, with larger bodies appointed by ballot, but this exception was eliminated at the following session, presumably to end the delays incurred in balloting.
16. "The Valedictory," [New York] *Morning Post and Daily Advertiser*, 21 August 1790. The efforts of the Pennsylvania delegation to remove the federal capital can be followed in William Maclay, *Documentary History of the First Federal Congress, 1789–1791*, vol. 7: *The Diary of William Maclay and Other Notes on Senate Debates*, ed. Kenneth R. Bowling and Helen E. Veit (Baltimore, 1988). On the "vacuum of institutionalized leadership" in the first House, see also Bordewich, *The First Congress*, 31.
17. Fuller, *Speakers of the House*, 25; Jenkins and Stewart III, *Fighting for the Speakership*, 27; and Gerald R. Lientz, "House Speaker Elections and Congressional Parties, 1789–1860," *Capitol Studies* 6 (Spring 1978): 63–64.
18. Theodore Sedgwick to Pamela Sedgwick, 30 December 1794, folder 18, box 1, Sedgwick Family Papers (Massachusetts Historical Society, Boston).
19. Zephaniah Swift to David Daggett, 13 December 1794, folder 314, box 11, David Daggett Papers (Manuscripts and Archives, Yale University Library, New Haven); James Madison to Thomas Jefferson, 14 April 1794, *Founders Online*, <http://founders.archives.gov/documents/Madison/01-15-02-0203>.
20. *Annals of Congress*, 2nd Cong., 1st sess., 24 October 1791, 141–42. Muhlenberg's remarks on his two elections to the chair are unfortunately not recorded.
21. William C. C. Claiborne to Jonathan Dayton, 4 March 1799, folder 37, Jonathan Dayton Papers (New Jersey Historical Society, Newark).
22. Joanne B. Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven, 2001), 176–77. Freeman's is the best study of political duelling during this period, though she does not mention the Dayton–Claiborne correspondence specifically.
23. William Pierce, "Character Sketches of Delegates to the Federal Convention" (1787), in Max Farrand, ed., *The Records of the Federal Convention of 1787* (3 vols., New Haven, 1911), 3:90.

24. Theodore Sedgwick to Ephraim Williams, 7 December 1795, folder 21, box 5, Sedgwick Family Papers. See also *Annals of Congress*, 4th Cong., 1st sess., 7 December 1795, 126.

25. "From Philadelphia," dated 8 December, [Boston] *Columbian Centinel*, 19 December 1795; Joseph Jones to James Madison, 19 December 1795, *Founders Online*, <http://founders.archives.gov/documents/Madison/01-16-02-0086>.

26. Albert Gallatin to Hannah N. Gallatin, 7 April 1794, in Henry Adams, *The Life of Albert Gallatin* (Philadelphia, 1880), 221–22; William Branch Giles to Thomas Jefferson, 20 December 1795, *Founders Online*, <http://founders.archives.gov/documents/Jefferson/01-28-02-0434>.

27. Theodore Sedgwick to Ephraim Williams, 5 April 1796, folder 23, box 5, Sedgwick Family Papers.

28. Theodore Sedgwick to Ephraim Williams, 1 April 1796 (quotation), and 5 April 1796, *ibid*.

29. *Annals of Congress*, 4th Cong., 1st sess., 30 April 1796, 1289–90, 1291–92. For Findley and his trunk, see "A Political Free Thinker" to "Mr. Scull," *Pittsburgh Gazette*, 9 July 1796. If Dayton's casting vote had been required on the appropriation too, Federalist were confident the Speaker would have delivered. For that, and also another report of Findley's having "sneaked off," see Jonathan Trumbull Jr. to Jeremiah Wadsworth, 2 May 1796, Correspondence with Congressmen, vol. 1: 1780–1801, Jonathan Trumbull Jr. Papers (Connecticut Historical Society, Hartford).

30. Jonathan Dayton to [no addressee], 19 April 1796, in Francis Childs and William Denning, *Public Speculation Unfolded; in Sixteen Letters, Addressed to F. Childs and J. H. Lawrence, of New-York; by Jonathan Dayton, of New-Jersey; while Speaker of the House of Representatives of the Congress of the United States* (New York, 1800), Letter No. XV, 18. The New York Republicans were Theodorus Bailey and Philip Van Cortlandt, who voted for the appropriation, and John Hathorn, Jonathan N. Havens, and Edward Livingston, who did not.

31. Joseph Charles, "The Jay Treaty: The Origins of the American Party System," *William and Mary Quarterly* 12 (October 1955), 581–630; Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers* (Berkeley, 1970); Todd Estes, *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture* (Amherst, 2006); and Jeffrey L. Pasley, *The First Presidential Contest: 1796 and the Founding of American Democracy* (Lawrence, KS, 2013).

32. Pasley, *The First Presidential Contest*, 171; Thomas Jefferson to James Madison, 15 February 1798, *Founders Online*, <http://founders.archives.gov/documents/Madison/01-17-02-0057>.

33. Strahan, Gunning, and Vining, "From Moderator to Leader," 60 (second quotation), 61 (fig. 1), 65 (fig. 5), and 68 (first quotation).

34. *Annals of Congress*, 5th Cong., 2nd sess., 10 May 1798, 1679.

35. *Ibid.*, 19 April 1798, 1473.

36. *Ibid.*, 19, 21 June 1798, 1993, 2003, 2004.

37. Theodore Sedgwick to Rufus King, 9 April, 1 July 1798, in Charles R. King, *Life and Correspondence of Rufus King* (6 vols., New York, 1894–1900), 2:311, 353.

38. *Annals of Congress*, 5th Cong., 2nd sess., 12 February 1798, 1004.

39. *Ibid.*, 20 Feb. 1798, 10451, 1053–54, 1056, 1057. Thomas Jefferson concluded that "the testimony bears hard on the Speaker." Thomas Jefferson to John Wayles Eppes, 18 February 179 [8], *Founders Online*, <https://founders.archives.gov/documents/Jefferson/01-30-02-0077>.

40. "Congressional Pugilists" (1798), cartoon, *United States House of Representatives: History, Art, and Archives*, <https://history.house.gov/Collection/Listing/2004/2004-089-000/>. On this incident, see also Freeman, *Affairs of Honor*, 174–75.
41. Thomas Jefferson to James Madison, 26 February, 1799, *Founders Online*, <http://founders.archives.gov/documents/Madison/01-17-02-0151>; *Annals of Congress*, 5th Cong., 3rd sess., 25 February 1799, 2985–3017.
42. *Annals of Congress*, 5th Cong., 3rd sess., 3 March 1799, 3054–55.
43. Jonathan Dayton to William C. C. Claiborne (draft), March [5], 1799, folder 36, Dayton Papers.
44. William C. C. Claiborne to Jonathan Dayton, 5 March 1799, folder 38, *ibid.*
45. Jonathan Dayton to William C. C. Claiborne (draft), March 6, 1799, folder 39, *ibid.* We have no record of whether the two men did resume their friendship, though Dayton's elevation to the Senate in the Sixth Congress at least reduced the opportunities for further collision between them in the House.
46. Peters, *American Speakership*, 30; Smith, *Speakers of the House of Representatives of the United States*, 29.
47. Theodore Sedgwick, quoted in "Washington City," [Washington] *National Intelligencer*, 19 January 1801.
48. Catharine M. Sedgwick, *Life and Letters of Catharine M. Sedgwick*, ed. Mary E. Dewey (New York, 1871), 34.
49. "Speaker of the House of Representatives, of the United States," signed "W.W.," [Philadelphia] *Aurora*, 28 November 1799.
50. Theodore Sedgwick to Rufus King, 26 July 1799, in King, *Life and Correspondence of Rufus King*, III: 70.
51. For a further enumeration of Sedgwick's faults, from a Republican perspective, see "Historical Fact: Theodore Sedgwick, Speaker of the House of Representatives, From Dec. 1799 to March 3, 1801," [Washington] *National Intelligencer*, 2 March 1801.
52. For these events, see *Annals of Congress*, 6th Cong., 2nd sess., 4, 9 December 1800, 797–99, 806–17; "Statement of facts attending the application of the Editor for permission to occupy a position within the bar of the House of Representatives, that he might be enabled to report with fidelity their proceedings," [Washington] *National Intelligencer*, 12 December 1800; untitled editorials, *ibid.*, 14, 16 January 1801; and William E. Ames, *A History of the National Intelligencer* (Chapel Hill, 1972), 23–27.
53. *Annals of Congress*, 6th Cong., 2nd sess., 4 December 1800, 797.
54. "Washington City," [Washington] *National Intelligencer*, 19 January 1801.
55. Carol Berkin, *The Crises of the 1790s and the Birth of American Nationalism* (New York, 2017); David Currie, *The Constitution in Congress: The Federalist Period, 1789–1801* (Chicago, 1997); Terri Diane Halperin, *The Alien and Sedition Acts of 1798: Testing the Constitution* (Baltimore, 2016); Jeffrey L. Pasley, "The Tyranny of Printers": *Newspaper Politics in the Early American Republic* (Charlottesville, 2001); James Smith, *Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties* (Ithaca, New York, 1956).
56. "Washington City," [Washington] *National Intelligencer*, 19 January 1801.
57. "An Act in addition to the act, entitled 'An Act for the punishment of certain crimes against the United States,'" *Statutes at Large of the United States of America, 1789–1873* (1845), I, 596–97.

58. Theodore Sedgwick, "To the Electors of the First Western District," 4 June 1800, folder 2, box 10, Sedgwick Family Papers.
59. Theodore Sedgwick to Henry Van Schaack, 4 January 1800, folder 3, box 5, *ibid*.
60. "Washington City," [Washington] *National Intelligencer*, 19 January 1801.
61. Untitled editorial, [Washington] *National Intelligencer*, 12 December 1800.
62. *Annals of Congress*, 5th Cong., 2nd sess., 10 July 1798, 2164.
63. *Ibid.*, 6th Cong., 2nd sess., 18, 20 February 1801, 1036, 1041–44; Follett, *Speaker of the House of Representatives*, 123–24.
64. *Annals of Congress*, 6th Cong., 2nd sess., 3 March 1801, 1079–80.
65. Untitled editorial, [Washington] *National Intelligencer*, 4 March 1801; John Cotton Smith, "Washington in 1800, with a Brief Notice of the First Session of Congress in that City," in *The Correspondence and Miscellanies of the Hon. John Cotton Smith, LL.D., Formerly Governor of Connecticut*, ed. William W. Andrews (New York, 1847), 221. The *Intelligencer* actually reports the margin as four votes, but the *Annals of Congress* and *House Journal* both record it as five.
66. John Ferling, *Adams vs. Jefferson: The Tumultuous Election of 1800* (Oxford, 2004); Halperin, *Alien and Sedition Acts of 1798*; and James Roger Sharp, *The Deadlocked Election of 1800: Jefferson, Burr, and the Union in the Balance* (Lawrence, KS, 2010).
67. Ames, *History of the National Intelligencer*; Pasley, "Tyranny of Printers"; Donald A. Ritchie, *Press Gallery: Congress and the Washington Correspondents* (Cambridge, Mass., 1991), 7–34.
68. William Henry Smith, quoted in Thomas Boylston Adams to William Smith Shaw, 21 January 1801, *Founders Online*, <http://founders.archives.gov/documents/Adams/99-03-02-0867>. Even Adams, a Federalist, admitted that he "could not help Laughing at the keen Satyre."
69. Jonathan Roberts, "Memoirs of a Senator from Pennsylvania: Jonathan Roberts, 1771–1854," ed. Philip S. Klein, *Pennsylvania Magazine of History and Biography* 62 (July 1938): 381.
70. Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (Oxford, 2001), 136.
71. *Annals of Congress*, 9th Cong., 2nd sess., 29 December 1806, 13 February 1807, 225 (quotation), 486–87.
72. *Ibid.*, 31 December 1806, 232.
73. *Ibid.*, 17 December 1806, 169.
74. *Ibid.*, 170.
75. *Ibid.*, 7 January 1807, 265.
76. Thomas Jefferson to Nathaniel Macon, 24 March 1826, *Founders Online*, <http://founders.archives.gov/documents/Jefferson/98-01-02-5980>; *Annals of Congress*, 9th Cong., 2nd sess., 7 January 1807, 266. Either Jefferson's Latin or the transcription of his letter is faulty, for the correct translation would be *Ultimus Romanorum*.
77. *Annals of Congress*, 9th Cong., 1st sess., 21 January 1806, 361.
78. *Ibid.*, 8th Cong., 1st sess., 14 February 1804, 998.
79. *Ibid.*, 9th Cong., 2nd sess., 17, 23, 29 December 1806, 172–73, 176–77, 200, 225 (quotation).
80. Paul Finkelman, "Regulating the African Slave Trade," *Civil War History* 54 (December 2008), 401.

81. Fehrenbacher, *Slaveholding Republic*, 385n64.
82. "What right have we to sell a poor wretch, as a slave, whom we punish another person for attempting to sell?" editorialized the *Richmond Enquirer*, 1 September 1818. For that quotation, and on the 1819 amendment of the act, see Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill, 2006), 170–71; and also Hazel Akehurst, "Sectional Crises and the Fate of Africans Illegally Imported into the United States, 1806–1860," *American Nineteenth Century History* 9 (June 2008): 103–5.
83. *Annals of Congress*, 9th Cong., 2nd sess., 29 December 1806, 221.
84. *Ibid.*, 7 January 1807, 266.
85. *Ibid.*, 29 December 1806, 225.
86. *Ibid.*, 226.
87. *Ibid.*
88. Nathaniel Macon to Bartlett Yancey, 8 March 1818, in Edward Mood Wilson, *The Congressional Career of Nathaniel Macon* (Chapel Hill, 1900), 48–50. The constitutional implications of Bidwell's amendment are also discussed in Pdraig Riley, *Slavery and the Democratic Conscience: Political Life in Jeffersonian America* (Philadelphia, 2016), 121–22.
89. Entry for 1 December 1805, William Plumer, *William Plumer's Memorandum of Proceedings in the United States Senate, 1803–1807*, ed. Everett Somerville Brown (New York, 1923), 337. For the perspective of one of those Federalists who backed Macon, see Edmund Quincy, *Life of Josiah Quincy of Massachusetts* (Boston, 1869), 94.
90. Leonard Richards, *The Slave Power: The Free North and Southern Domination, 1780–1860* (Baton Rouge, 2000), 60–61.
91. Henry A. Adams, *History of the United States During the Administrations of Thomas Jefferson and James Madison* (9 vols., New York, 1889–91), I, 267.
92. Thomas Dwight to John Williams, 28 January 1804, folder "1804 Jan," box 2, Dwight-Howard Papers (Massachusetts Historical Society, Boston).
93. Nathaniel Macon to Joseph H. Nicholson, Feb. 1, 1815, in "Nathaniel Macon Correspondence," ed. William E. Dodd, *John P. Branch Historical Papers*, 3 (June 1909), 71. This is a reference to the Biblical story of David and Jonathan. Other contemporaries also ascribed Randolph's swift rise to his friendship with the Speaker. See James A. Bayard to John Rutledge Jr., Dec. 20, 1801, Reel 1, John Rutledge Jr. Papers (Library of Congress, Washington, D.C., originals at the University of North Carolina).
94. John Randolph to Joseph H. Nicholson, 18 July 1801, Container 2, Joseph H. Nicholson Papers (Library of Congress, Washington, D.C.).
95. Entry for 24 October 1803, Plumer, *William Plumer's Memorandum of Proceedings in the United States Senate*, 24–25.
96. On Jefferson's management of the legislature, see Noble E. Cunningham Jr., *The Process of Government under Jefferson* (Princeton, 1978), 188–94; and Ralph Volney Harlow, *The History of Legislative Methods in the Period Before 1825* (New Haven, 1917), 165–93.
97. For two different perspectives on Randolph's breach with Jefferson, see William A. Burwell, "'Strict Truth': The Narrative of William Armistead Burwell," ed. Gerard W. Gawalt, *Virginia Magazine of History and Biography* 101 (January 1993): 121–23; and Timothy Pickering to Rufus King, 13 January 1806, in King, *Life and Correspondence of Rufus King*, IV, 476.
98. John Randolph, quoted in Benjamin Tallmadge to Manasseh Cutler, 19 February 1806, in William Parker Cutler and Julia Perkins Cutler, *Life, Journals and Correspondence of Rev. Manasseh Cutler, L.L.D.* (2 vols., Cincinnati, 1888), II, 327.

99. *Annals of Congress*, 9th Cong., 1st sess., 7 April 1806, 982.
100. Thomas Jefferson to Barnabas Bidwell, 5 July 1806, *Founders Online*, <https://founders.archives.gov/documents/Jefferson/99-01-02-3958>.
101. Samuel Smith to [no addressee], 14 December 1805, Letterbook 2 December 1805—18 April 1807, Reel 1, Samuel Smith Family Papers (Library of Congress, Washington, D.C.).
102. Barnabas Bidwell to Thomas Jefferson, 28 July 1806, <http://founders.archives.gov/documents/Jefferson/99-01-02-4095>.
103. William Plumer to William Plumer Jr., 11 March 1806, Letterbook 1804–1807, Reel 3, William Plumer Papers (Library of Congress, Washington, D.C.). The “Rubicon” expression was also used by one of Randolph’s friends. See Joseph Bryan to John Randolph, 23 April 1806, Reel 1, Bryan Family Papers (Library of Virginia, Richmond). On the Quids, see David A. Carson, “The Ground Called Quiddism: John Randolph’s War with the Jefferson Administration,” *Journal of American Studies* 20 (April 1986): 71–92.
104. Nathaniel Macon to Joseph H. Nicholson, 21 April 1806, Container 3, Nicholson Papers; *Annals of Congress*, 9th Cong., 1st sess., 21 April 1806, 1115.
105. Entry for 9 December 1806, Plumer, *William Plumer’s Memorandum of Proceedings in the United States Senate*, 525.
106. *Annals of Congress*, 9th Cong., 2nd sess., 1 December 1806, 111. It was not until the Thirty-Seventh Congress (1861–63) that the rules were changed so that committee assignments were made for the entire life of a Congress rather than for a single session.
107. Nathaniel Macon to Joseph H. Nicholson, 1 December 1806, Container 3, Nicholson Papers.
108. Nathaniel Macon to Joseph H. Nicholson, 2 December 1806, Container 3, Nicholson Papers.
109. The whole charade is recounted in *Annals of Congress*, 9th Cong., 2nd sess., 5, 9 December 1806, 115, 130; entry for 9 December 1806, Plumer, *William Plumer’s Memorandum of Proceedings in the United States Senate*, 525–26; and John Rutledge to [no addressee], 10 December 1806, Reel 2, Rutledge Jr. Papers.
110. Memorandum of John Randolph, quoted in William Cabell Bruce, *John Randolph of Roanoke, 1773–1833* (2 vols., New York, 1922), I, 307–8.
111. John George Jackson to James Madison, 11 October 1807, *Founders Online*, <https://founders.archives.gov/documents/Madison/99-01-02-2213>.
112. John Quincy Adams to Abigail Smith Adams, 27 October 1807, *Founders Online*, <http://founders.archives.gov/documents/Adams/99-03-02-1613>.
113. Nathaniel Macon to Joseph H. Nicholson, 19 November 1807, Container 4, Nicholson Papers.
114. *Annals of Congress*, 10th Cong., 1st sess., 26 October 1807, 782.
115. *Ibid.*, 27, 28 October, 789–94 (quotation 791).
116. Joseph Bryan to John Randolph, 24 November 1807, Reel 1, Bryan Family Papers; Joseph B. Varnum to William Plumer, 6 December 1807, Letterbook 1791–1817, Reel 2, Plumer Papers.
117. Quincy, *Life of Josiah Quincy of Massachusetts*, 116.
118. Entry for 7 February 1806, John Quincy Adams, *Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848*, ed. Charles Francis Adams (12 vols., Philadelphia, 1874–77), I, 403. For a similar view on Jefferson’s management of the

legislature, see John Marshall to Alexander Hamilton, 1 January 1801, *Founders Online*, <http://founders.archives.gov/documents/Hamilton/01-25-02-0154>.

119. In addition to those cited previously, recent works on these subjects include Wendell Bird, *Press and Speech Under Assault: The Early Supreme Court Justices, the Sedition Act of 1798, and the Campaign Against Dissent* (Oxford, 2016); Todd Estes, "Shaping the Politics of Public Opinion: Federalists and the Jay Treaty Debate," *Journal of the Early Republic* 20 (Autumn 2000): 393–422; Leonardo Marques, *The United States and the Transatlantic Slave Trade to the Americas, 1776–1867* (New Haven, 2016); Matthew E. Mason, "Slavery Overshadowed: Congress Debates Prohibiting the Atlantic Slave Trade to the United States, 1806–1807," *Journal of the Early Republic* 20 (Spring 2000): 59–81; and innumerable biographies of Thomas Jefferson. Indeed, anyone seeking further illustration of this point need only compare the total number of published biographies for the first six Speakers (four) with that for the first six presidents.

120. *Annals of Congress*, 15th Cong., 1st sess., 1 December 1817, 399.

121. Swift, "The Start of Something New," 22. Swift identifies only James K. Polk and Andrew Stevenson as strong leaders among the sixteen pre-Civil War Speakers that followed Henry Clay. Polk is also included in Cheney and Cheney, *Kings of the Hill*. No pre-Civil War examples apart from Clay feature in Bentley, *Speakers of the House*; Mooney, *Mr. Speaker*; and Randall Strahan, *Leading Representatives: The Agency of Leaders in the Politics of the U.S. House* (Baltimore, 2007).

122. Floor participation actually dropped after Clay departed the chair. Only Stevenson and Polk of the six succeeding Speakers addressed the House on policy-related matters at all, and then only infrequently compared to Dayton, Macon, and Varnum. See Strahan, Gunning, and Vining, "From Moderator to Leader," 61–62.

123. On Clay's efforts to buy the support of the [Washington] *National Intelligencer* see Ames, *A History of the National Intelligencer*, 109–11; and entry for July 28, 1822, Adams, *Memoirs of John Quincy Adams*, VI, 47.

124. For Clay's role the shaping of tariff policy, to take one example, see Daniel Peart, *Lobbyists and the Making of US Tariff Policy, 1816–1861* (Baltimore, 2018).

125. Clay's use of the appointing power is the subject of extensive discussion among political scientists as well as historians. This literature is summarized in Charles Stewart III, "Architect or Tactician? Henry Clay and the Institutional Development of the U.S. House of Representatives," in *Party, Process, and Political Change in Congress, Volume 2: Further New Perspectives on the History of Congress*, ed. David W. Brady and Mathew D. McCubbins (Stanford, 2007).