



# Causal inference and American political development: the case of the gag rule

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## Abstract

We investigate the “gag rule”, a parliamentary device that from 1836 to 1844 barred the US House of Representatives from receiving petitions concerning the abolition of slavery. In the mid-1830s, the gag rule emerged as a partisan strategy to keep slavery off the congressional agenda, amid growing abolitionist agitation in the North. Very quickly, however, the strategy backfired, as the gag rule was framed successfully as a mechanism that encroached on *white northerners*’ rights of petition. By 1844, popular pressure had become so great that many northern Democrats, an important bloc of prior gag rule supporters, yielded to electoral pressure, broke party ranks, and voted to rescind the rule, thereby sealing its fate. More generally, the politics of the gag rule provide an interesting causal-inference case study of the interplay between social movement development and congressional politics before the Civil War.

**Keywords** Congress · Gag rule · Slavery · Causal inference

**JEL Classification** D72 · N41

## 1 Introduction

Before strains over American regional differences became so severe as to cause a bloody Civil War, the locus of regional conflict was the US Congress. Tariffs, admission of new states and the regulation of slavery were issues that were centered on congressional action. The speeches and votes of Members of Congress on those issues framed how most Americans viewed the tug of regional interests.

This paper is about one episode in the antebellum regional drama—the so-called “gag rule”, which from 1836 to 1844 barred the House of Representatives from receiving petitions concerning the abolition of slavery. It was an episode of which most students

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of Congress and of antebellum American history are at least dimly aware; yet, it has elicited only a few scholarly treatments (Ludlom 1941; McPherson 1963; Rable 1975; Freehling 1990, pp. 308–352; Frederick 1991; Miller 1996; Wills 2003, pp. 204–225; Meinke 2007; Hoffer 2017).

We identify two decisive movements in determining support for the gag rule in the House, both of which were driven by electoral dynamics. The first was between the 24th Congress (1835–1837), when the gag rule was first adopted, and the 25th Congress (1837–1839), when the rule’s initial partisan intentions were undermined by growing anti-slavery sentiments in the North. The second movement was between the 27th and 28th Congresses (1841–1845), when the contingent of anti-slavery northern Democrats grew sufficiently large (or northern sentiments grew sufficiently strong, or both) that the gag rule’s supporters threw in the towel. The gag rule was intended as a mechanism to help bind the Democratic Party together under a veneer of unity in the face of growing anti-slavery agitation. Instead, the rule only agitated popular sentiments even more, making the device ultimately untenable.

Why study the gag rule? We propose two answers. First, scholarship on the gag rule has almost exclusively been the property of historians; the modern tools of political science can add to the historical account and occasionally clarify some issues that remain murky or unexplored. Second, the dispute over the gag rule is part of a larger pattern that emerges regularly in American politics—the dialectic between highly visible trench warfare on Capitol Hill and public agitation around an issue. Most observers of contemporary politics will agree that at least sometimes words and deeds in Washington spur political activity back home. We believe that the gag rule provides an interesting case study of the relationship between social movement development and congressional politics before the Civil War.

Like many key moments in American political history, analysis of the gag rule episode revolves around a set of causal questions. Among those are:

1. Why did the gag rule appear?
2. Why did some House members oppose the rule, while others supported it? What role did constituency opinion play in causing House member support and opposition?
3. Why did versions of the gag rule increasingly become extreme?
4. Why did the rule originally pass, why did it remain on the books for a span of eight years, and why was it eventually eliminated?

In studying the gag rule, we follow the approach laid out by Schicker (2016, p. 17) to conduct the best causal inference possible in an American political development (APD) setting. That is, we “[draw] on diverse types of evidence and methodological approaches in order to gain insight into a question that is not ideally suited to isolating the causal effect of a single variable.” We will first pursue a qualitative, historical overview of multiple gag-rule votes across several Congresses, and then examine those roll calls using sophisticated methodological tools and techniques. We also will incorporate a series of related data, including anti-slavery society chapters and anti-slavery petitions and memorials sent to Congress over time, as a way to support and buttress the findings from the roll-call analyses. In doing so, we pursue a catholic approach to

causal inference, by “[tracing] the interplay of multiple historical processes ... to understand what happened, why it happened, and what it meant politically” (Schickler 2016, p. 17).<sup>1</sup>

The qualitative, historical overview we offer can be understood as an exercise in inductive process tracing that identifies “critical junctures” in the evolution of gag-rule politics.<sup>2</sup> The narrative identifies moments when causal claims can be sharpened, both by applying theory (such as spatial voting theory to explain one source of declining support for the rule) and noting moments when exogenous membership change further undermined support for the rule.

The remainder of this paper is organized as follows. Section 2 summarizes the events that transpired between the 24th Congress (1835–1837) and 29th Congress (1845–1847) surrounding the gag rule. Section 3 illustrates the patterns of voting on the gag rule over time. Section 4 examines the shifting coalitions on both sides of the gag rule and attempts to explain why it was first enacted and later rescinded. Section 5 concludes.

## 2 History of the gag rule

Agitation over what would eventually be known as the “gag rule” consumed a decade, stretching from January 1836 (24th Congress) to December 1845 (29th Congress). We could personalize the issue, as many historians have, by focusing on the two major protagonists in the story, John Quincy Adams (Whig-Mass.), the former president who by then was a member of the House of Representatives, *versus* John C. Calhoun (Nullifier-S.C.) who, while a member of the Senate, was the intellectual/political leader of the southern House members who sought to bar any discussion of slavery in Congress.<sup>3</sup> Adams especially would prove to be the lightning rod in virtually all of the most dramatic episodes that unfolded during the decade of debate over the gag rule.

Our goal, however, is not to personalize the issue. While it is impossible, for example, to ignore the entrepreneurial role that Adams played in the drama over the gag rule, we seek instead to understand the larger forces that gave rise to the movement to keep the slavery issue off the House floor and the politics that overturned that prohibition. In doing so, we identify macro-level causal processes that help explain the rule’s passage and later defeat. It is that account to which we now turn.

<sup>1</sup> See also Sheingate (2014), which we will refer to specifically in our conclusion.

<sup>2</sup> On the method of process tracing, see Campbell (1975), George and McKeown (1985), King et al. (1994), Gerring (2007), Mahoney (2010) and Collier (2011). On “critical junctures”, see Pierson (2004) and Capoccia and Kelemen (2007). Our use of the term “critical juncture” departs from that of Pierson somewhat, to the degree that much of the politics surrounding the gag rule was about *whether* to set the House on a path that was then difficult to alter. As the narrative makes clear, while the gag remained on the House rulebook, it did so on increasingly narrow margins. In less than a decade of its initial passage, the gag rule was removed, never to reappear.

<sup>3</sup> Throughout the present paper, party labels for individual members of Congress are taken from Martis (1989). Beginning in the 25th Congress, the main parties were the Democrats and the Whigs. In the 24th Congress, however, the partisan breakdowns would include Jacksonians, Anti-Jacksonians, Anti-Masons, and Nullifiers. The Jacksonians would become Democrats in the subsequent Congress, while the Anti-Jacksonians would become Whigs. The Nullifiers would eventually become Democrats in the 26th Congress.

## 2.1 Larger context

The congressional battle over slavery and Missouri statehood in 1819–1820 helped to polarize national politics along regional lines (Forbes 2007). In response, Democratic Party leaders attempted to build a national organization that softened regional divisions (i.e., suppressed the slavery issue), by creating a party around the ideal of a weak national government, states' rights, and incumbency protection (Aldrich 1995). At the beginning of the events covered herein, Andrew Jackson still was the president, but his vice president, Martin Van Buren, the mastermind of the Democratic Party-building strategy, was soon to succeed him. The gag rule itself was a device that had Van Buren's explicit blessing as a party-building strategy.

The menace of anti-slavery petitions, which the gag rule was designed to suppress, was not a random affair, but rather an orchestrated campaign by anti-slavery organizations, most notably the American Anti-Slavery Society (Miller 1996). The Society was a direct descendant of the religious revival in the United States that swept from the cities of the northeast through the farms and small towns of the Midwest in the early nineteenth century. Known as “The Second Great Awakening”, the movement was far less passive than previous revivalist movements. Steered by its spiritual leader Charles Grandison Finney, the movement took on an evangelical tenor, encouraging proponents to work for social change rather than accept a position of disinterested benevolence. For Finney, revival was not a miracle of God, but rather a free choice by man.

Many of Finney's disciples went on to start Sunday schools, establish temperance societies, and promote literacy for white laborers and free blacks. Many others went on to work for the anti-slavery cause. The latter group was led by Lewis and Arthur Tappan, commercial magnates from New York, and Theodore Dwight Weld, son of a New England preacher. Buoyed by the Tappan fortune, Weld traveled across the Midwest in the early 1830s, spreading the anti-slavery message and building a network of converts.

In 1833, with the encouragement of Weld, the Tappan brothers helped establish and underwrite the American Anti-Slavery Society, an organization whose chief goal was the abolition of slavery in the United States. Among other things, the Society organized anti-slavery meetings, printed and distributed anti-slavery propaganda, and sponsored anti-slavery lecture tours around the United States. Thanks to the Tappans' financing and the leadership of Weld, William Lloyd Garrison and James Birney, the Society grew quickly, from 400 chapters in 1835 to 1350 in 1838, then to more than 2000 chapters and 200,000 members by 1840.<sup>4</sup> The 1838 breakdown by state appears in Table 1. The bulk of the Society's membership came from three states: New York, Massachusetts and Ohio. Yet, sizeable followings also were growing in Vermont, New Hampshire and Pennsylvania.

In 1835, the leaders of the Anti-Slavery Society decided to take their message south, to the heart of the “peculiar institution” itself. Throughout the summer, mass anti-slavery mailings were sent to southern citizens, appealing to their religious and moral convictions and attempting to persuade them of the righteousness of abolition.

That strategy backfired. Southern leaders interpreted the anti-slavery mailings as calls for a slave revolution. Under the guidance of Postmaster General Amos Kendall, southern postmasters began a program of censorship by confiscating and destroying anti-slavery mailings. Southern leaders began calling on their northern brethren to follow suit, by

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<sup>4</sup> See *Second Annual Report of the American Anti-Slavery Society* (1835); *Fifth Annual Report of the American Anti-Slavery Society* (1838); and Wesley (1944).

**Table 1** American Anti-Slavery Society chapters and members, 1838.

Source: American Anti-Slavery Society, *Fifth Annual Report of the Executive Committee of the American Anti-Slavery Society* (May 8, 1838), 129–52. The membership numbers are very likely understated, given the difficulty in assembling reliable accounting during this time

State	Chapters		Members	
	Number	Per 10,000	Number	Per 10,000
Connecticut	46	1.48	1597	51.5
Illinois	13	0.27	272	5.7
Indiana	7	0.10	84	1.2
Maine	48	3.33	1493	212.5
Massachusetts	246	0.96	15,677	29.8
Michigan	19	0.90	638	30.1
New Hampshire	79	2.78	4308	151.4
New Jersey	14	0.38	382	10.2
New York	369	1.52	22,566	92.9
Ohio	251	1.65	12,420	81.7
Pennsylvania	126	0.73	5215	30.2
Rhode Island	26	2.39	2075	190.7
Vermont	104	3.56	6629	227.1

The following states had no chapters: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia

censoring mail as well as outlawing anti-slavery meetings and organizations (Cole 2004, pp. 199–202).<sup>5</sup> While the northern public cared little about blacks' liberties and did not condone the tactics of the American Anti-Slavery Society, it did, however, support whites' liberties strongly and, thus, would protect constitutional rights of free speech and assembly (even in anti-slavery causes). In effect, the northern mainstream suggested that the south had to learn to live with the anti-slavery movement.

As northern and southern opinion leaders debated how to handle anti-slavery activities, the Society's leaders began rethinking their strategy. It had become clear that Christian appeals would not spur change in the South. An alternate tactic was necessary. By late 1835, a decision was made to target Congress directly by the submission of petitions. The petition-based scheme would focus on emancipation in the District of Columbia. Although opinions differed regarding the constitutionality of federal government intervention on the issue of slavery in the states, the Constitution gave the Congress the explicit power to legislate on slavery in the nation's capital.<sup>6</sup> If abolition could gain a foothold in the District of Columbia, the Society's leaders reasoned, then, perhaps, the anti-slavery movement might make inroads further south.

As a result, as Richards (2000: 129) notes, "when Congress met in December 1835, the American Anti-Slavery Society was the hottest issue on the political agenda." Hundreds of petitions flowed into Congress, with thousands of signatures, offering prayers in

<sup>5</sup> More extreme measures also were supported. For example, several southern communities posted a \$50,000 reward for the capture and delivery of Arthur Tappan, dead or alive. See Richards (1970, pp. 50–52).

<sup>6</sup> See Article I, Sect. 8, Clause 17.

the name of slaves and requests for abolition in the District of Columbia.<sup>7</sup> Over the next several years, these figures grew to thousands of petitions with hundreds of thousands of signatures.<sup>8</sup> Women proved to be especially good canvassers, gathering 50% more signatures than men (Carpenter and Moore 2014).

## 2.2 Inside the house

The congressional history of the gag rule began in December 1835, at the start of the 24th Congress, during the traditional call of the states for petitions from constituents.<sup>9</sup> (To help guide the story of the gag rule's history, Fig. 1 summarizes the time line.) For several weeks on petition days, House members from New England rose to submit petitions from local citizens calling for the abolition of slavery—sometimes abolition generally, but often abolition in the District of Columbia specifically.

The traditional method for dealing with controversial petitions had been for the House to refer them to committee, and then to print and ignore them. The method used by the House for dealing with anti-slavery petitions would be even more stringent. When John Fairfield (Jacksonian-Me.) presented a petition from his constituents at the opening of the 24th Congress urging slavery abolition in the District of Columbia, the House moved quickly to table it without a printing.<sup>10</sup> For some southern House members, however, that decision was insufficient. That became apparent two days later, on December 18, 1835, when William Jackson (Anti-Mason-Mass.) offered another anti-slavery petition, to which James Henry Hammond (Nullifier-S.C.), a protege of Calhoun's, moved that it not even be received. As justification for his motion for peremptory rejection, Hammond stated that "he could not sit there and see the rights of the southern people assaulted day after day, by the ignorant fanatics from whom these memorials proceed."<sup>11</sup> Hammond's motion set off a two-month-long battle, which John Quincy Adams and other northern Whigs joined, over the question of House reception of anti-slavery petitions.<sup>12</sup>

<sup>7</sup> According to Miller (1996, pp. 111–112), the select committee to which the petitions eventually were referred (the Pinckney committee)—one that "was not sympathetic to the petitioners"—claimed that 176 petitions were submitted, with around 34,000 signatures. The Massachusetts Anti-Slavery Society, on the other hand, reported larger figures: at least 500 petitions, containing between 75,000 and 100,000 signatures.

<sup>8</sup> For a rundown of various attempts to identify precisely the number of petitions and signatories, see Miller (1996, pp. 305–309) and Carpenter and Moore (2014).

<sup>9</sup> Under the House Rules operating at the time, each day during the first thirty days of a session were petition days. After that, petitions were received every Monday. An important procedural accident is worth noting: the order for the call of states to receive petitions was geographical, starting in the North and proceeding South. Thus, the most anti-slavery part of the country got to lead off on each petition day. Because of that rule, wrangling over anti-slavery petitions served to obstruct action by southern House members who themselves wanted to be seen as helpful to constituents back home, by presenting their own petitions.

<sup>10</sup> *Register of Debates*, 24th Congress, 1st Session (16 Dec. 1835, pp 1961–1963).

<sup>11</sup> *Register of Debates*, 24th Congress, 1st Session (18 Dec. 1835, p. 1967). Also, see Freeman (2018) on the idea of "honor" as understood by southern members of Congress, who tended to conflate attacks on the region's institutions with attacks on the region's legislators. In that context, Hammond's use of the word "assault" was anything but metaphorical.

<sup>12</sup> Similar questions also were being debated throughout January and February 1836 in the Senate. Finally, on March 9, 1836, John Calhoun offered a motion very similar to Hammond's, which called for peremptory rejection of anti-slavery petitions. Calhoun's motion was defeated 36–10. *Register of Debates*, 24th Congress, 1st Session (9 March 1836, p. 779). Five days later, James Buchanan (Jacksonian-Penn.) proposed instead that anti-slavery petitions be received, but that the accompanying prayers for abolition immediately be rejected without consideration, which passed 34–6. *Register of Debates*, 24th Congress, 1st Session (14 March 1836, p. 810).

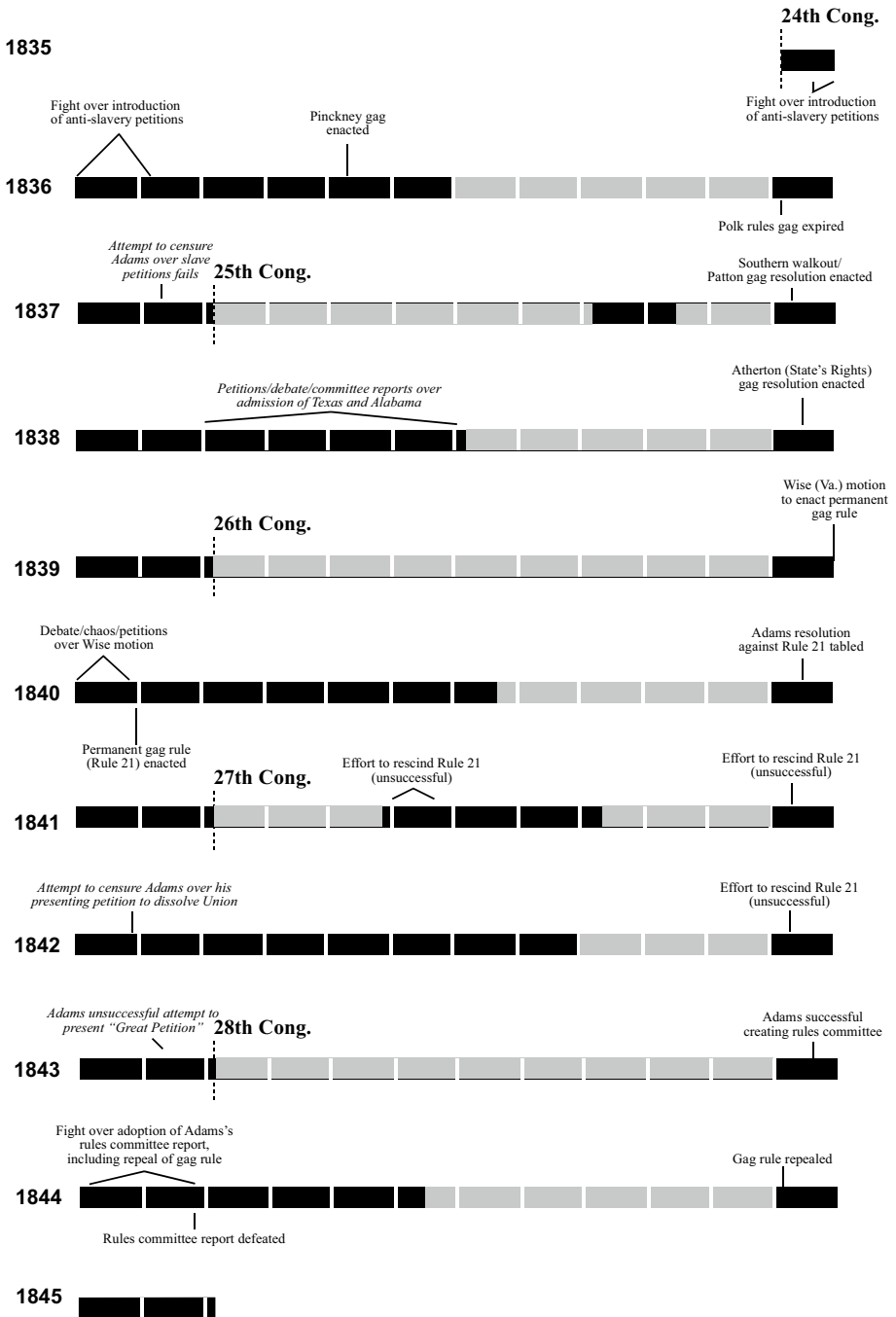


Fig. 1 Gag rule timeline

At the behest of Martin Van Buren, an attempt at a compromise measure eventually was pushed. On February 4, 1836, Henry L. Pinckney (Nullifier-S.C.) introduced a series of resolutions concerning anti-slavery petitions. Pinckney's resolutions involved packaging all anti-slavery petitions together and referring them to a select committee, whose tasks would include determining the constitutionality of congressional action against slavery in the states and the propriety of congressional action against slavery in the District of Columbia. After some debate, which included Pinckney's fellow representatives from South Carolina calling him a "traitor" and an "apostate", Speaker James K. Polk (Jacksonian-Ky.) appointed a nine-man committee pursuant to the request with Pinckney as the chair.<sup>13</sup>

More than three months later, on May 18, 1836, the Pinckney Committee reported back to the chamber. Not surprisingly, it concluded that Congress had no constitutional power to interfere with slavery in the states and that it would be "impolitic" for Congress to interfere with slavery in the District of Columbia. The committee also reported a third resolution, which included the following provisions:

All petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatsoever, to the subject of slavery or the abolition of slavery, shall, without being either printed or referred, be laid on the table and that no further action whatever shall be had thereon.

As justification for imposing that "gag", the committee argued that "it is extremely important and desirable that the agitation of this subject be finally arrested, for the purpose of restoring tranquility to the public mind."<sup>14</sup>

The Pinckney Committee's third resolution was controversial, to say the least. Northern Whigs, led by Adams, attempted to derail it, but to no avail. The "Pinckney gag" finally came to a vote in the House on May 26, 1836, passing 117–68.<sup>15</sup> The pro-gag forces had won the first round.

Rather than settle the issue of House reception of anti-slavery petitions, that vote merely set the stage for further wrangling. In the very next session of the same Congress the issue came up again when, on December 26, 1836, Speaker Polk ruled that all the special rules that had been adopted in the previous session had expired at the end of the session. Anti-slavery petitions could thus be presented in the second session. Skirmishing between pro- and anti-gag forces began anew and stretched into the middle of the next January. The issue was resolved on January 18, 1837, when Albert G. Hawes (Jacksonian-Ky.) reintroduced the "Pinckney gag", which the House then re-passed, 129–69.<sup>16</sup>

Once again, the pro-gag forces had prevailed. But John Quincy Adams was not easily deterred. Intent on keeping the issue alive, Adams took a different tack by asking the Speaker to rule on whether each individual petition he received fell under the jurisdiction of the rule that had been reintroduced by Hawes. Using that tactic, Adams continued to press matters by presenting a series of anti-slavery petitions, including petitions from slaves themselves. Adams's persistence angered southern representatives, and eventually provoked Waddy Thompson (Anti-Jacksonian-S.C.) on February 6 to move the following:

*Resolved*, That the honorable John Quincy Adams, by the attempt just made by him to introduce a petition purporting on its face to be from slaves, has been guilty of a

<sup>13</sup> *Register of Debates*, 24th Congress, 1st Session (4 Feb. 1836, pp. 2482–2484; 8 Feb. 1836, pp. 2491–2502).

<sup>14</sup> *Register of Debates*, 24th Congress, 1st Session (18 May 1836, p. 3757).

<sup>15</sup> *Register of Debates*, 24th Congress, 1st Session (26 May 1836, pp. 4052–4054).

<sup>16</sup> *Register of Debates*, 24th Congress, 2nd Session (18 Jan. 1837, pp. 1411–1412).



gross disrespect to this House, and that he be instantly brought to the bar to receive the severe censure of the Speaker.<sup>17</sup>

The Thompson motion eventually was defeated, but the House voted in quick order (1) not to receive the Adams petitions and then (2) to deny the right of slaves to petition the House.<sup>18</sup> That action would prove to be the last salvo in the “gag war” in the 24th Congress, as the last three weeks of the session passed uneventfully.

The Panic of 1837 swept the nation in the following spring/summer, causing President Van Buren to call a special session of Congress for exclusive consideration of economic matters. As a result, the House was spared overt agitation over anti-slavery petitions for the first few months of the 25th Congress. However, two weeks after the start of the next (“long”) session, on December 20, 1837, chaos ensued when William Slade (Whig-Vt.) moved to refer an anti-slavery petition to a select committee, with instructions to return a bill abolishing slavery and the slave trade in the District of Columbia.<sup>19</sup> After angry cries of protest, southern members walked out of the chamber over the Slade resolution and reconvened that evening as a “war council”. The next day, John Patton (Dem.-Va.) offered a resolution very similar to the Pinckney and Hawes gags, *except* that its coverage was extended to include not only the states and the District of Columbia, but the *territories* as well. The Patton gag passed by a 122–74 vote.<sup>20</sup> That settled the issue of anti-slavery petitions for the moment, as the remainder of the session largely involved debate over the annexation of Texas.

The start of the third session of the 25th Congress brought a slightly different twist to the gag resolution drama. Rather than wait for Adams and his colleagues to push the anti-slavery petitions issue anew, the Democratic Party’s leadership (led by Van Buren and Polk) launched a first strike (Miller 1996, p. 343). Now, instead of relying on a southern disciple of Calhoun to lead the charge, the Democratic Party’s leadership identified a New Englander to take center stage in support of the gag rule. On December 11, 1838, Charles Atherton (Dem.-N.H.) presented a series of resolutions, with one directly applicable to the gag issue:

*Resolved*, That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principle on which the Union of[?] these states rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall, on the prosecution thereof, without any further action, be laid on the table, without being debated, printed, or referred.<sup>21</sup>

Atherton’s resolution prescribed the same method as Pinckney’s, Hawes’s, and Patton’s for dealing with anti-slavery petitions, but the logic was different. The Atherton gag was based on states’ rights principles, specifically that slavery was the domain of the states,

<sup>17</sup> *Register of Debates*, 24th Congress, 2nd Session (6 Feb. 1837, p. 1590).

<sup>18</sup> *Register of Debates*, 24th Congress, 2nd Session (10 Feb. 1837, p. 1685; 11 Feb. 1837), pp. 1733–1734).

<sup>19</sup> *Congressional Globe*, 25th Congress, 2nd Session (20 Dec. 1837, p. 41).

<sup>20</sup> *Congressional Globe*, 25th Congress, 2nd Session (21 Dec. 1837, p. 45).

<sup>21</sup> *Congressional Globe*, 25th Congress, 3rd Session (11 Dec. 1838, p. 22).

and therefore Congress had no constitutional power to legislate on slavery-related issues.<sup>22</sup> Atherton's reasoning was in clear contrast to previous gag justifications, which relied on political expediency rather than constitutional doctrine.

More than anything else, Atherton's resolution was Van Buren's attempt to maintain party discipline, by taking a controversial issue out of the Congress's feasible set. The Atherton gag passed by a 126–78 vote.<sup>23</sup> Additional attempts throughout the session were made to present anti-slavery petitions (in various forms), but all were tabled summarily.

The 26th Congress got off to a rocky start, as the House took two weeks to organize (Jenkins and Stewart 2013).<sup>24</sup> After the eventual election of Robert M.T. Hunter (Whig-Va.) as Speaker, the membership turned its collective attention to passing House rules. It was here that the conflict over reception of anti-slavery petitions escalated significantly. Not surprisingly, a new gag would be attempted, again in the spirit of the Pinckney gag. It was offered this time by Henry Wise (Whig-Va.). Rather than propose a simple gag resolution as had been customary in the previous two Congresses, Wise moved to change the House Rules in order to institute a *permanent* gag. Waddy Thompson (Whig-S.C.) argued that Wise did not go far enough and called for an even stricter gag. Finally, on January 28, 1840, after a full month's worth of speeches and counter-proposals, William Cost Johnson (Whig-Md.) offered the following amendment to the rules:

*Resolved*, That no petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever.<sup>25</sup>

Johnson thus brought the gag issue to full flower. Echoing James Henry Hammond's resolution from the 24th Congress, the Johnson amendment would have left anti-slavery petitions on the House's doorstep, never to be acknowledged. Sensing the impending doom, Adams moved a postponement, but was ruled out of order. The House then proceeded to vote on the Johnson amendment, which passed by a narrower margin than enjoyed by the gag rule previously, 114–108.<sup>26</sup> The Johnson amendment became Standing Rule 21 of the House—a simple, permanent gag.

Shortly after the second session of the 26th Congress convened, on December 9, 1840, Adams attempted to rescind Rule 21, but his resolution was tabled by a vote of 82–58.<sup>27</sup> The remaining portion of the lame-duck session passed quietly.

The 27th Congress was the first House ever with a Whig majority. Because Whigs had been less inclined to support the gag rule than Democrats, Adams and his followers anticipated greater success this Congress in overturning the gag rule. At first, this prediction was borne out. Shortly after the chamber was organized, on June 7, 1841, the House voted

<sup>22</sup> That logic echoed Calhoun's basic position regarding slavery, which he would maintain throughout the rest of his life. Nearly two decades later, the same position would form the basis of the Supreme Court's decision in the *Dred Scott Case* (1857).

<sup>23</sup> *Congressional Globe*, 25th Congress, 3rd Session (12 Dec. 1838, p. 26).

<sup>24</sup> The delay owed to two related factors: (1) the Whigs had closed the gap between themselves and the Democrats considerably in the prior midterm elections and (2) five of New Jersey's six House seats were being contested.

<sup>25</sup> *Congressional Globe*, 26th Congress, 1st Session (28 Jan. 1840, p. 150).

<sup>26</sup> *Congressional Globe*, 26th Congress, 1st Session (28 Jan. 1840, p. 151).

<sup>27</sup> *Congressional Globe*, 26th Congress, 2nd Session (9 Dec. 1840, pp. 11–12). Adams spent the remainder of the lame-duck session arguing the *Amistad* case before the Supreme Court.

121–95 to adopt the rules of the prior House *except* for Rule 21.<sup>28</sup> The anti-gag forces had their first victory. However, during the next week, the pro-gag forces moved to reconsider the vote by which the House rules had been adopted. Finally, on June 14, they were successful, as Joseph Fornance’s (Dem.-Penn.) reconsideration motion passed narrowly, 104–102.<sup>29</sup>

Two days later, Alexander Stuart (Whig-Va.) moved a resolution to postpone the consideration of all petitions (including anti-slavery petitions) for the remainder of session. Stuart’s motion reflected the Whigs’ desire to end the politicking on the gag rule so they could begin work on their policy agenda (Miller 1996, pp. 393–394). Narrowly construed, Stuart’s motion would continue the rules from the previous House, *including* Rule 21. It passed by a 119–103 vote.<sup>30</sup> Rule 21 was back.

As in the previous Congress, Adams led efforts at the beginning of the next two sessions of the 27th Congress against the gag rule. On the second day of the second session, Adams lost a close vote (84–87) to rescind Rule 21.<sup>31</sup> The following day, the House voted 97–95 to adopt the rules from the previous session, pending the report of a special rules committee. When the rules committee was due to report back, the report was tabled by a 96–88 vote, effectively extending the gag rule.<sup>32</sup> In the third session, Adams again attempted to rescind Rule 21, but was bedeviled by the oddest of parliamentary situations: on three successive days, December 6–8, 1842, the House voted both to refuse to table the Adams resolution and then to refuse to put it to a vote. Eventually, after the chamber finally was organized, the House voted 106–102 to table Adams’s resolution to rescind Rule 21.<sup>33</sup> Thus, the Whig-controlled 27th Congress proved to be a disappointment for the anti-gag forces.

From a strictly partisan standpoint, the 28th Congress should have been more inclined than the 27th to continue the gag rule, as an approximately 50-seat shift in favor of the Democrats had materialized in the 1842–1843 elections. Yet, despite an initial victory for continuing the gag rule, it eventually met its demise.

Upon the organization of the 28th House, Adams moved to exempt Rule 21 from the blanket resolution calling for adoption of all of the rules of the previous Congress. The House rejected Adams’ motion by a 95–91 vote.<sup>34</sup> Two weeks later, on December 21, 1843,

<sup>28</sup> *Congressional Globe*, 27th Congress, 1st Session (7 June 1841, p. 28).

<sup>29</sup> *Congressional Globe*, 27th Congress, 1st Session (14 June 1841, p. 51).

<sup>30</sup> *Congressional Globe*, 27th Congress, 1st Session (16 June 1841, p. 63). It has been argued that the declining fortunes of the anti-gag forces in this series of votes was explained by the slow arrival of House members at the start of the Congress — the arriving stragglers changed the mix of sentiments in the House, tipping the balance in the direction of support for the gag rule. While literally true on the reconsideration vote, that view ignores the larger pattern of votes—the significant shifting in sentiments between the Adams resolution and the Fornance reconsideration motion among House members who *had* arrived on time. Nearly one-quarter of the supporters of the Adams resolution later voted to reconsider their previous support. However, that change in sentiment was not sufficient to force reconsideration. Thus, the ten members who voted on the Fornance reconsideration motion but had not voted on the Adams resolution were pivotal, supporting reconsideration 8–2 and providing the margin necessary for passage. However, it also turns out that the House members who were absent for the Adams resolution, but who voted on the final Stuart resolution, actually *opposed* the resolution 10–3. Of course, had the Fornance reconsideration motion not passed, the Stuart resolution wouldn’t have even been possible. Still, the early absentees would not have been pivotal had a quarter of Adams’s erstwhile support not abandoned him.

<sup>31</sup> *Congressional Globe*, 27th Congress, 2nd Session (7 Dec. 1841, p. 3).

<sup>32</sup> *Congressional Globe*, 27th Congress, 2nd Session (10 Dec. 1841, p. 11). A two-thirds vote was required to take an issue off the table.

<sup>33</sup> *Congressional Globe*, 27th Congress, 3rd Session (12 Dec. 1841, p. 42).

<sup>34</sup> *Congressional Globe*, 28th Congress, 1st Session (4 Dec. 1843, p. 4).

Adams moved that a special committee be appointed to revise the rules.<sup>35</sup> It was here that a crack in the pro-gag forces opened. Henry Wise (Dem.-Va.), a consistent Adams opponent for the past several Congresses, announced that he would no longer fight over the gag rule, and would let Adams have his committee.<sup>36</sup>

Adams chaired the special committee on the rules, which in early January 1844 reported back a set of rules that omitted the gag.<sup>37</sup> For the next 2 months, arguments and counter-arguments were made, with the pro-gag forces trying to postpone consideration of the special committee's report. Finally, votes on various amendments to the rules began. On February 27, 1844, the House considered a motion to add the gag back into the rules, rejecting it by an 86–106 vote.<sup>38</sup> While that action seemed to portend good things for Adams and his supporters, they could not close the deal. The following day, a motion was made to adopt the new rules reported by the special committee. Reuben Chapman (Dem.-Ala.) moved immediately to table the motion, which passed by the slimmest of margins, 88–87.<sup>39</sup> A subsequent motion to reconsider likewise was tabled, leaving the old House rules—including the gag rule—in place.

While disappointed by that outcome, Adams soldiered on. Two days into the second (lame-duck) session, on December 3, 1844, Adams again introduced a resolution rescinding the gag (now House Rule 25). Jacob Thompson (Dem.-Miss.), following the procedural convention to that point, moved to lay Adams's resolution on the table. However, unlike previous attempts, that tabling motion failed badly, 80–104. The House then considered Adams's motion, which passed 108–80.<sup>40</sup>

The gag was dead.<sup>41</sup> After years of struggle, Adams had won. He recorded his feelings in his diary that evening: "Blessed, forever Blessed, be the name of God!" The gag rule's permanent demise was confirmed at the opening of the 29th Congress, when Reuben Chapman (D-Ala.) moved to amend the resolution that carried over the rules of the

<sup>35</sup> *Congressional Globe*, 28th Congress, 1st Session (21 Dec. 1843, p. 62).

<sup>36</sup> For coverage of these interactions, see *The New York Herald*, December 26, 1843, p. 2. Miller (1996, p. 473) offers various reasons why Wise dropped his support for the gag. One fairly plausible explanation is that he was up for a ministerial post to Brazil and was trying to curry favor with northern senators.

<sup>37</sup> *Congressional Globe*, 28th Congress, 1st Session (2 Jan. 1843, p. 96).

<sup>38</sup> *Congressional Globe*, 28th Congress, 1st Session (27 Feb. 1844, p. 333).

<sup>39</sup> *Congressional Globe*, 28th Congress, 1st Session (28 Feb. 1844, p. 335).

<sup>40</sup> *Congressional Globe*, 28th Congress, 2nd Session (3 Dec. 1844, p. 7).

<sup>41</sup> To what extent was the repeal of the gag rule a function of regional divisions within the Democratic Party stemming from its presidential nominating convention in May 1844? In the convention, Martin Van Buren garnered a majority of delegates, but was denied the nomination because of a two-thirds' voting rule that had been instituted to placate southern delegates. In the end, southerners would not support Van Buren because of his lukewarm view of Texas's annexation, leading eventually to the choice of James K. Polk (Tenn.) as the nominee. That southern "veto" created resentment within the northern ranks over the disproportionate influence of the southern "Slave Power". See Silbey (2005). Little evidence exists, however, suggesting that such resentment was the critical factor in the gag rule's repeal, as a result of northern Democrats "punishing" southern Democrats for opposing Van Buren. In fact, as Miller notes, the vote breakdown on the roll call that repealed the gag rule closely mirrored the vote breakdown on the roll call to add the gag back into the House's rules in the first session of the 28th Congress. See Miller (1996, pp. 481–484). In effect, Miller argues that the gag rule was all but finished in the first session of the 28th Congress, long before the convention, but survived (temporarily) on an extremely close vote (88–87) because of a combination of factors, such as deliberate absences, procedural fatigue, and complicated parliamentary maneuvering. The repeal in the second session of the 28th Congress was, therefore, *not* related to a post-convention backlash, but rather was inevitable from a purely preference-based perspective.

28th Congress into the 29th, by restoring the gag rule. Chapman's resolution was defeated 85–121.<sup>42</sup> The gag rule was really, most sincerely dead.

## 2.3 Discussion

We can step back from the foregoing cursory view of gag rule politics to note several related contemporary events. First, growing popular agitation was evident on the anti-slavery front, best symbolized by the activity of the American Anti-Slavery Society that we outlined above. The ongoing controversy undoubtedly provided a compelling rallying point for anti-slavery forces who were trying to expand support for their cause beyond the most dedicated of abolitionists. Because most white northerners were unsympathetic to the plight of southern slaves, the gag rule controversy aided anti-slavery forces by illustrating how the continuation of the South's peculiar institution rested on limiting the rights of *white northerners*. That rhetorical pivot, in turn, led to the electoral manifestation of the American Anti-Slavery Society, the Liberty Party, which began running candidates with the 1840–1841 congressional elections. (The Liberty Party was founded in 1840 to be the political wing of the abolition movement. More on the Liberty Party below.) The Liberty Party also began contesting presidential elections, growing from 0.4% of the vote in states it contested in 1840, to 3.3% of the vote in those same states in 1844.<sup>43</sup>

Second, debate over the gag rule was interwoven with debate and voting on a series of issues that likewise had implications for the future of slavery and north–south relations. Among them were the joint admission of Arkansas and Michigan to the Union, the admission of Texas, and the diplomatic recognition of Haiti. Adams also made a name for himself as an opponent of slavery and advocate of the rights of slaves outside the Halls of Congress. For instance, it was during the same period that he argued the *Amistad* case before the US Supreme Court; between sessions Adams himself frequently was feted during his travels around the country, celebrating his newfound role.

Third, the gag rule was far from the only structural issue in which the House found itself enmeshed during the period. An important, related issue was the attempt by both parties to strengthen party discipline. In 1837, during the special session of the 25th Congress, the Democrats attempted two rule changes in an effort to limit the minority party's procedural rights (Cooper and Young 1989; Binder 1997, pp. 93–99; Dion 1997, pp. 80–92).<sup>44</sup> The first attempt, to prohibit debate on all points of order after the call of the previous question, succeeded. The second attempt, to reduce the vote total required for suspension of the rules from two-thirds to a simple majority, failed. In addition, in the third session of the 25th Congress, a motion to make voting in all elections for House officers public (i.e., *viva voce* voting) was passed (Jenkins and Stewart 2003). (That motion occurred two days before the passage of the Atherton gag.) Finally, in 1841, during the special session of the 27th Congress, the Whigs—now the majority party—made two changes to the House rules to limit minority rights: (1) a new rule was created whereby a simple majority could discharge a bill from the Committee of the Whole before the all debate closed on proposed

<sup>42</sup> *House Journal*, 29th Congress, 1st Session, (1 Dec. 1845, pp. 1–12). The record of Chapman's motion is contained in the *Journal*, but no mention of it occurs in the *Congressional Globe's* proceedings of the day.

<sup>43</sup> The Liberty Party's James Birney's best showing in 1844 was just over 8% of the presidential votes cast in Massachusetts, New Hampshire, and Vermont See Dubin (2002, pp. 88, 89–90, 94–95).

<sup>44</sup> Adams also pushed for a rule change that would have *strengthened* minority rights, but his amendment failed.

**Table 2** Petitions and memorials presented on the floor of the House, 19th–30th Congresses, with comparison to the number of petitions submitted, whether or not they were presented on the floor.

Sources: Petitions presented on the floor: *House Journal*, various years, accessed at the Library of Congress Web site, “A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates”, URL <http://lcweb2.loc.gov/ammem/amlaw/lawhome.html>. All petitions: Data used to plot Fig. 3 in Blackhawk (2017–2018) graciously provided by Daniel Carpenter. The dataset is described in Blackhawk et al. (2018)

Congress	Years	Presented on the floor			All petitions
		Petitions	Memorials	Total	Total
19	1825–1827	1296	176	1472	1493
20	1827–1829	1239	559	1798	2095
21	1829–1831	1802	319	2121	2740
22	1831–1833	1946	550	2496	2514
23	1833–1835	2121	554	2675	2746
24	1835–1837	2461	677	3138	3244
25	1837–1839	2782	849	3631	7932
26	1839–1841	1952	453	2405	2637
27	1841–1843	1017	239	1256	4219
28	1843–1845	418	103	511	4434
29	1845–1847	167	168	335	3518
30	1847–1849	25	28	53	3483

The data grouped under “Presented on the floor” was created by parsing the text of House Journals as downloaded from the Century of Lawmaking website. It pertains to all petitions and memorials that were presented on the floor. The data under the “All petitions” column was constructed through archival sources, and includes petitions not presented on the House floor

amendments and (2) a one-hour rule was imposed on members’ floor speeches (Binder 1997, pp. 99–104; Dion 1997, pp. 160–162).<sup>45</sup>

One additional piece of historical data deserves mention. In our examination of the congressional proceedings on the gag rule, we discovered that a significant change in the method of presenting petitions and memorials occurred during the second session of the 27th Congress.<sup>46</sup> On March 29, 1842, John Quincy Adams moved that petitions and memorials be handed to the Clerk of the House and entered into the *House Journal*, without requiring that they be presented from the floor.<sup>47</sup> Adams’s motion passed under suspension of the rules, and had a profound effect on the number of petitions and memorials subsequently submitted from the floor. As Table 2 reports, we observe an order-of-magnitude drop in the number of petitions and memorials presented on the floor as a consequence of that rule. But, as Blackhawk et al. (2018) report, the number of petitions submitted to the House did not decline, just the *manner* of their submission.

<sup>45</sup> Interestingly, the passage of the rule changes and the subsequent organization of the House were held up by the Whigs’ efforts to repeal the gag rule. For 2 weeks, the Whigs and Democrats battled over the gag, but the Whigs could not muster enough support to overcome the Democrats’ opposition. Finally, Whig party leaders decided that the organization of the chamber and the pursuance of their legislative agenda could be put off no longer, and they agreed to postpone the fight to repeal the gag rule until the following session.

<sup>46</sup> We thank Joe Cooper for pointing this out to us.

<sup>47</sup> *Congressional Globe*, 27th Congress, 2nd Session (29 March 1842, p. 367). Floor presentation would be at the Speaker’s discretion.

Why the change? And why did Adams so move? Unfortunately, no hard evidence exists to answer either of those questions, so we are left to speculate. One possibility is that the increasing number of motions/petitions had been gumming up congressional proceedings, leading eventually to the passage of a rule for efficiency's sake.<sup>48</sup> The timing also had strategic overtones—the 27th Congress was the first (and only) Congress of unified Whig control. Thus, the Whigs had enjoyed the position-taking benefits of the flood of petitions/motions during their minority-party period. However, now in the majority, they needed to streamline the environment in order to move on their legislative agenda.<sup>49</sup> Potentially a quid pro quo may have been arranged, whereby Adams made his motion in exchange for a promise by Whig leaders for due consideration of gag-repeal legislation later.

### 3 Patterns of voting

To return to the gag rule itself, we can track support for the rule using the roll-call record in a very summary fashion. Table 3 reports the “key” roll calls on the various gag rule proposals as well as proposals to overturn the gag rule, during the relevant period. (The roll-call number identifier is taken from ICPSR Study Number 9822.) By “key”, we mean the roll-call vote that was most closely responsible for the passage or defeat of the measure in each session (and which clearly was related to the gag rule itself). The easiest roll call to identify is the first in the table—a vote on passage of the Pinckney gag resolution. Several straightforward passage votes like that can be identified. Once, in the 27th Congress (3rd session) the vote was on a motion to table.

The key roll calls were chosen from a larger set identified during the period pertaining to parliamentary wrangling on the gag rule, and to slavery more generally. On the parliamentary wrangling, usually whenever a key roll call appears, numerous related votes to adjourn, amend, table, and so on, were taken, whose contours generally follow the patterns that are associated with the key votes. For instance, in the adoption of the Pinckney gag in the 24th Congress, the House actually voted on a series of resolutions related to slavery and the Union, and each of those resolutions produced a roll-call record of its own.<sup>50</sup> And, of course, roll calls on matters related to the overall anti-slavery drama are observed, such as those during the attempt to censure Adams in the 24th Congress.

All told, the House voted on slavery-related matters more than 250 times during the six Congresses that we analyze. An examination of each of those votes would be interesting and informative for understanding the larger institutional ramifications of anti-slavery agitation during this period. But, here, we confine ourselves to the narrower set of gag-rule votes themselves; among those votes, we focus on a single critical vote in each session.<sup>51</sup>

The series of key votes reveals a number of important patterns. First, support for the initial Pinckney and Atherton gag rules exceeded the support for the later versions of the rule. Even if opinion about excluding anti-slavery petitions had not shifted in the House over

<sup>48</sup> The *Congressional Globe* reports that Adams proposed the motion “in order to save time.” Adams notes the motion in his diary, but offers no commentary beyond the facts: “In the House there was adopted, at my motion, a resolution for the sending of all petitions to the Clerk’s table to be disposed of by the Speaker, and all admissible under the rule to be referred to the appropriate committees”.

<sup>49</sup> Such streamlining went hand-in-hand with the minority-right restrictions passed earlier in the Congress.

<sup>50</sup> A total of eleven roll-call votes were associated with the Pinckney resolution.

<sup>51</sup> The exception is the first session of the 28th Congress, in which we examine two “key” votes.

**Table 3** Key roll-call votes on the gag rule

Cong.	Sess.	Date	ICPSR study 9822 vote #	Subject	Pct. supporting gag			Total
					Dem.	Whig	Other	
24	1	5/26/36	207	Pass Pinckney (SC) gag resolution that "all petitions, memorials, resolutions, propositions, or papers relating to slavery shall without being either printed or referred be laid upon the table, and that no further action whatever shall be had thereon." (117-68)	82% (114)	40% (57)	7% (14)	63% (185)
24	2	1/18/37	365	Passage of Hawes (KY) gag resolution; language identical to the Pinckney gag. (129-69)	90% (116)	38% (63)	5% (19)	65% (198)
25	2	12/21/37	72	Passage of Patton (VA) gag resolution "to table without any further action all petitions, memorials, and papers concerning the abolition of slavery." (122-74)	82% (105)	41% (81)	30% (10)	62% (196)
25	3	12/12/38	363	Passage of Atherton (NH) "rights of the south resolution" that would have tabled, without debate or consideration, any petitions relating to slavery or its abolition. (128-78)	85% (105)	37% (91)	50% (10)	62% (206)
26	1	1/28/40	107	Adoption of Johnson (MD) amendment to the rules excluding any matter requesting the abolition of slavery or slave trade in any state. Becomes House Rule 21. (114-108)	65% (112)	38% (102)	25% (8)	51% (222)
26	2	12/9/40	639	Table Adams (MA) motion to rescind Rule 21. (82-58)	80% (65)	42% (72)	0% (3)	59% (140)
27	1	6/7/41	25*	Adopt rules from previous Congress, excluding Rule 21. (121-95)	65% (81)	31% (134)	100% (1)	44% (216)
27	2	12/6/41	277*	Adopt Adams (MA) motion to except Rule 21 from adoption of rules. (84-87)	80% (61)	35% (109)	0% (1)	51% (171)
27	3	12/12/42	818	Table Adams (MA) resolution to rescind Rule 21. (106-102)	80% (86)	30% (121)	100% (1)	51% (208)
28	1	12/4/43	13*	Adopt Adams (MA) motion to except Rule 21 from adoption of rules. (91-95)	64% (126)	25% (57)	0% (3)	51% (186)
28	2	2/27/44	141	Add gag back into the House rules. (85-107)	54% (123)	28% (65)	0% (4)	44% (192)
28	2	12/3/44	433*	Pass Adams motion rescinding the gag rule. (108-80)	54% (119)	25% (65)	0% (4)	43% (188)
29	1	12/3/45	13	Amend the resolution adopting the rules of the 28th House as the rules of the 29th House to restore the gag rule	54% (124)	23% (75)	0% (6)	41% (205)

\*\*"Nay" vote is pro-gag



the decade, support for a gag rule would have declined secularly because the later gags were more extreme—they moved the propose of the rule further from the median voter than either Pinckney or Atherton had placed it. The Pinckney and Atherton gags allowed the presentation of petitions on the floor, but then automatically tabled them, whereas Rule 21 denied the right of the petitions to be presented in the first place. That basic difference apparently accounted for a drop in support for a gag by about 20 House members. The growing extremity of gag resolutions is a critical strategic factor, because shifting the severity of the gag rule moved it from being easily sustained by the House to being attacked more readily because of its extremity.<sup>52</sup>

Second, support for the more extreme Rule 21 itself eroded gradually. Indeed, soon after its passage, it occasionally was possible for Adams to muster a short-term parliamentary victory for the anti-gag forces, such as the momentary exclusion of Rule 21 from the initial resolution adopting the House's rules at the beginning of the 27th Congress. Continued support for the gag rule never amounted to much more than 50% of the chamber, which meant that even a small shift in sentiment against the gag would eventually kill it. Therefore, the final defeat of the gag rule can be viewed as a major change in House rules brought on by a minuscule change in preferences among House members for the rule.<sup>53</sup>

Finally, Democrats by and large supported the gag rule, while Whigs mainly opposed it. Yet, splits were apparent in each party. None of the key roll calls fell strictly along party lines. Some ancillary votes were party line, presumably because they were not strictly about the gag, but rather about the ability of the majority party to maintain its procedural control over the House.<sup>54</sup> But, until the very end, between one-fourth and one-third of Democrats opposed the gag rule, while between one-third and two-fifths of the Whigs supported it.

Not surprisingly, as Table 4 documents, support for and opposition to the gag rule followed regional lines. However, each party's regional configuration tells a separate, and interesting, story. Both northern and southern Democrats supported the gag rule strongly in the 24th and 25th Congresses. Although southerners supported it a greater extent, the voting pattern is consistent with the view that Democrats valued the gag rule because it was seen as fostering party unity. By the 26th Congress, however, northern resolve began to dissipate. The largest shift in sentiment in the 28th Congress, which led to the rule's demise, owed to the collapse in support for the gag rule among northern Democrats.

Whigs were much less supportive of the gag rule—even southern Whigs rarely supported it unanimously. Opposition to the rule was centered in the North, symbolized by John Quincy Adams's dogged determination on the issue.

<sup>52</sup> Why did the various gag rules become more extreme over time? Freehling (1990) argues that the stringency of the gag became a "litmus test" for southern House members. That is, southern Whigs painted the southern Democrats' support for the initially less stringent gags as evidence of their "softness" on the slavery issue, and made electoral hay on the claim in subsequent congressional elections. As a result, southern Whigs were forced to push for more stringent gags (like what became Rule 21) to prove their mettle.

<sup>53</sup> The converse also needs to be considered: a small shift *in favor* of the gag rule probably would have sealed its permanence. Consequently, it is telling that southern representatives pushed the extremity of the gag rule to the point that it barely was sustainable in the House. A more moderate rule likely would have excited less outside mobilization and would have brought along with it a few more northern Democrats.

<sup>54</sup> One example of the preference shift was the vote in the 27th Congress (1st session) to reconsider the previous passage of the House rules. That is the vote that led, through a long string of parliamentary maneuvers, from the short-term repeal of the gag rule back to its reinstatement.

**Table 4** Key roll-call votes on the gag rule, by party and region

Cong.	Sess.	Date	ICPSR vote #	Pct. supporting gag rule					
				Dem.		Whig		Other	
				North	South	North	South	North	South
24	1	5/26/36	207	82% (87)	81% (27)	28% (46)	91% (11)	0% (12)	50% (2)
24	2	1/18/37	365	90% (91)	88% (25)	39% (49)	36% (14)	0% (14)	20% (5)
25	2	12/21/37	72	76% (78)	100% (27)	28% (67)	100% (14)	13% (8)	100% (2)
25	3	12/12/38	363	81% (77)	96% (28)	26% (74)	88% (17)	0% (5)	100% (5)
26	1	1/28/40	107	51% (79)	100% (33)	20% (79)	100% (23)	0% (6)	100% (2)
26	2	12/9/40	639	75% (53)	100% (12)	28% (58)	100% (14)	0% (2)	0% (1)
27	1	6/7/41	25*	53% (58)	96% (23)	14% (104)	87% (30)	– (0)	100% (1)
27	2	12/6/41	277*	74% (47)	100% (14)	23% (90)	89% (19)	0% (1)	– (0)
27	3	12/12/42	818	72% (60)	100% (26)	17% (99)	86% (22)	100% (1)	– (0)
28	1	12/4/43	13*	50% (90)	100% (36)	14% (49)	87% (8)	0% (3)	– (0)
	1	2/27/44	141	36% (88)	100% (35)	16% (55)	90% (10)	0% (4)	– (0)
28	2	12/3/44	433*	35% (84)	100% (35)	16% (57)	87% (8)	0% (4)	– (0)
29	1	12/3/45	13	34% (86)	100% (38)	14% (65)	80% (10)	14% (7)	– (0)

\*“Nay” vote is pro-gag

The final summary of voting support for the gag rule is provided in Table 5, which reports a series of probit analyses of the key votes, using D-NOMINATE scores as the covariates (Poole and Rosenthal 1997).<sup>55</sup> The first D-NOMINATE dimension represents the standard “partisan” dimension, which tapped support for an expansive role for the federal government. The second dimension is correlated highly with slavery votes during the six Congresses, and occasionally with votes on internal improvements and the election of House officers (Poole and Rosenthal 1997, p. 49). The second dimension also is correlated with the number of American Anti-Slavery Society chapters in each northern congressional district and the number of members in those chapters.<sup>56</sup> It

<sup>55</sup> For more on the D-NOMINATE procedure, see Poole and Rosenthal (1997). For examples of APD research that incorporates D-NOMINATE scores, see Carpenter and Sin (2007), Jenkins and Nokken (2008) and Valelly (2009).

<sup>56</sup> Among *all* House members, the correlation between the number of Society chapters in a district and the second dimension averaged D-NOMINATE score is  $-0.37$  (24th Cong.),  $-0.45$  (25th),  $-0.47$  (26th),  $-0.49$  (27th),  $-0.40$  (28th), and  $-0.35$  (29th). Not surprisingly, if we confine ourselves to northern districts, the correlations are lower, but still substantial:  $-0.27$  (24th),  $-0.36$  (25th),  $-0.39$  (26th),  $-0.42$  (27th), and  $-0.29$  (28th).

**Table 5** Support of key gag-rule votes as a function of NOMINATE scores (probit)

Cong.	Sess.	ICPSR vote #	NOMINATE dimension 1	NOMINATE dimension 2	Int.	N	Pseudo-R <sup>2</sup>	Lln
24	1	207	-3.54 (0.45)	0.86 (0.21)	0.21 (0.13)	185	0.40	-73.2
24	2	365	-3.87 (0.46)	0.46 (0.19)	0.26 (0.12)	198	0.43	-72.7
25	2	72	-4.83 (0.69)	2.88 (0.46)	0.70 (0.20)	196	0.67	-42.7
25	3	363	-5.17 (0.67)	2.24 (0.35)	0.59 (0.16)	206	0.68	-43.6
26	1	107	-3.97 (0.71)	2.96 (0.38)	-0.03 (0.17)	222	0.68	-50.0
26	2	639	-3.83 (0.61)	2.40 (0.38)	0.61 (0.19)	140	0.64	-34.1
27	1	25*	-3.70 (0.54)	2.02 (0.26)	-0.28 (0.13)	216	0.56	-64.8
27	2	277*	-3.95 (0.58)	2.37 (0.35)	0.18 (0.15)	171	0.65	-41.8
27	3	818	-9.88 (2.14)	4.44 (0.92)	-0.21 (0.22)	208	0.81	-27.7
28	1	13*	-5.31 (0.89)	2.36 (0.34)	-0.06 (0.18)	186	0.65	-45.5
	1	141	-5.48 (0.98)	2.78 (0.37)	-0.46 (0.20)	192	0.74	-34.5
28	2	433*	-4.97 (0.84)	3.02 (0.41)	-0.34 (0.19)	188	0.76	-31.2
29	1	13	-3.78 (0.58)	2.18 (0.27)	-0.49 (0.14)	205	0.59	-56.8

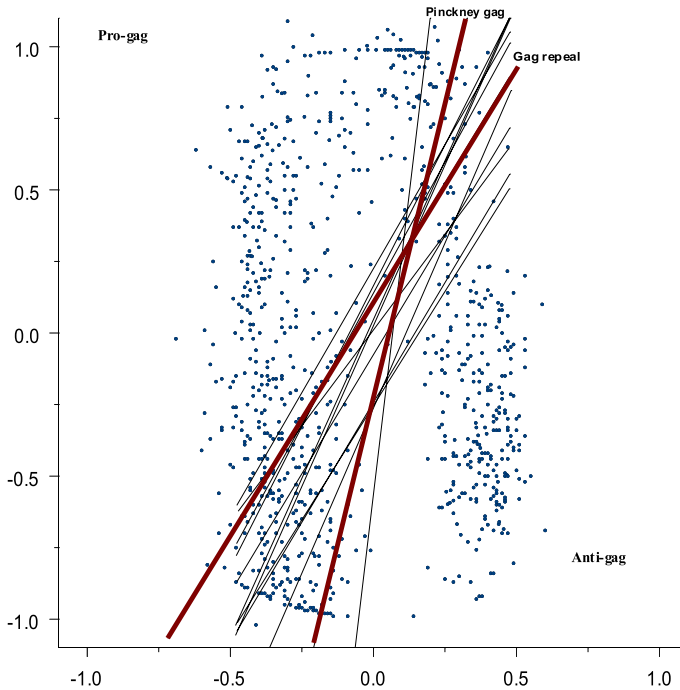
\*“Nay” vote is pro-gag. Coding has been reversed

Results are probit coefficients with standard errors in parentheses

also is correlated with the Liberty Party’s presidential vote in 1840, mapped onto the congressional districts.<sup>57</sup> Therefore, for the remainder of this paper, we are confident in using the second D-NOMINATE dimension as a proxy for anti-slavery sentiment among members’ constituents.

The coefficient on the first D-NOMINATE dimension quantifies the degree to which support for the gag rule was correlated with the same factors that divided the two parties in general. The second D-NOMINATE dimension quantifies the degree to which support for the gag rule was correlated with regional factors that split the parties. The second dimension coefficients all are statistically significant, although smaller in absolute value than the first dimension coefficients. Taken together, they indicate that support for the gag was strongest in the “northwest” of the choice space, occupied by southern Democrats, and weakest in the “southeast,” occupied by northern Whigs.

<sup>57</sup> The correlations are -0.44 (24th Congress), -0.48 (25th), -0.48 (26th), -0.49 (27th), -0.37 (28th) and -0.34 (29th).

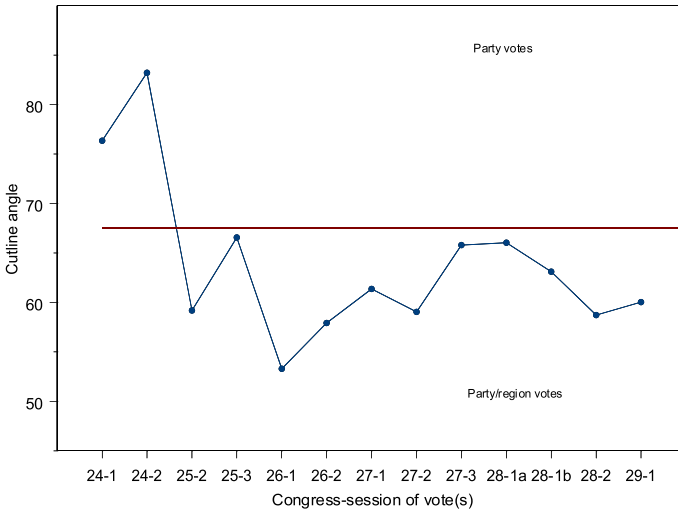


**Fig. 2** Summary of D-NOMINATE cutting lines for key roll-call votes on the gag rule

The coefficients can be used to calculate “cutting lines” in issue space, separating predicted supporters and opponents of the gag rule based on their D-NOMINATE scores. Those cutting lines appear in Fig. 2, along with the ideal points of all House members who served between the 24th and 29th Congresses. Two lines are drawn darker than the others and are labeled. The first line (identified with its ICPSR Vote Number, 24-207), was the very first vote on the Pinckney gag in the 24th Congress. The second line (28-433) was the vote in the 28th Congress that abolished the gag rule. Note the clockwise rotation between these two cutting lines. The only other cutting line that is parallel to the first is the second key gag-rule vote in the 24th Congress (on the “Hawes gag”). All of the other cutting lines are roughly parallel to the rotated cutting line in the 28th Congress, on the vote that rescinded the gag rule.

The cutting lines are summarized a different way in Fig. 3, which is a graph of the angle of each line.<sup>58</sup> We would consider a cutting line at  $90^\circ$  to be a pure party vote,  $0^\circ$  to be a pure regional vote, and  $45^\circ$  to be a perfect balance between party and region. Therefore, in Fig. 3 we classify cutting lines between  $90^\circ$  and  $67.5^\circ$  (half-way between  $45^\circ$  and  $90^\circ$ ) as party votes and cutting lines between  $67.5^\circ$  and  $22.5^\circ$  (half-way between  $0^\circ$  and  $45^\circ$ ) as party/regional hybrids. (No roll calls were classified as predominantly regional.)

<sup>58</sup> The cutting line angles are calculated as follows. Define  $\beta_1$  as the probit coefficient associated with the first dimension D-NOMINATE score, likewise for  $\beta_2$ . The tangent of the cutting line is defined as  $-\beta_1/\beta_2$ . The angle is the arctangent of that ratio.



**Fig. 3** Summary of cutting line angles from Fig. 2

Both of the key gag-rule votes in the 24th Congress were party votes, which is entirely consistent with the view that the gag initially was considered to be a strategic party-building device. After that vote, the cutting lines shifted decisively clockwise, reflecting the introduction of regional concerns (slavery in the territories, states' rights, and so on) into the votes.

The rotation of cutting lines after the 24th Congress is important in understanding how the gag rule eventually was overturned. Had the votes largely been along the first dimension, then the gag rule would have been at the mercy of shifting partisan tides. Instead, the demise of the gag rule rested on increasing the number of Democrats in the southwest quadrant. We return to this point below.

#### 4 Shifting support for the gag rule

Why did the House adopt the gag rule in 1836, only to repeal it in 1844? Usually, when we try to explain why Congress adopted a given policy after years of opposition to it, we look to one of two mechanisms (or a combination of the two): *conversion* of previous opponents to supporters or the *replacement* of previous opponents with supporters.<sup>59</sup>

In a trivial sense, the answer as to why the gag rule eventually was rescinded must rest with replacement, since electoral turnover was so high during the period covered in the present analysis. More than half the House was new during each Congress we study. Turnover in the 28th House was 75%, the highest in American history (Fiorina et al. 1975).<sup>60</sup>

<sup>59</sup> The following argument contrasts with the work of Scott Meinke (2007), who posits a predominantly conversion-based explanation of the voting changes depicted herein.

<sup>60</sup> Such high turnover between the 27th and 28th Congresses, driven largely by the economic downturn during the early 1840s, occurred amidst reapportionment of seats. The Apportionment Act of 1842 reduced the size of the House from 242 to 223. Of the 19 seats lost, ten were from states that later would comprise the Confederacy.

**Table 6** Changing positions on gag-rule key votes

Vote 1*	Vote 2*	Shift in gag rule support, among vote changers**				
		N. Dem.	S. Dem.	N. Whig	S. Whig	Total***
24-207	24-365	8-1	1-0	2-0	0-4	11-5
24-365	25-72	0-6	3-0	0-1	7-0	10-7
25-72	25-363	5-1	-	0-1	-	5-3
25-363	26-107	0-10	-	1-0	1-0	2-10
26-107	26-639	10-1	-	5-0	-	15-2
26-639	27-25	0-2	1-0	0-4	-	1-6
27-25	27-277	6-3	1-0	7-0	2-0	16-3
27-277	27-818	3-0	-	0-7	0-1	4-8
27-818	28-13	0-2	-	1-0	-	1-2
28-13	28-141	1-10	-	-	-	1-10
28-141	28-433	2-3	-	-	-	2-3
28-433	29-13	0-1	-	1-2	-	1-3

\*Votes are designated by [Congress]-[ICPSR roll-call vote number]. The ICPSR roll call study used here is study 9822

\*\*The first number is the number of House members who shifted in a pro-gag rule direction between the two roll-call votes. The second number is the number of House members who shifted in an anti-gag rule

\*\*\*Total column includes switchers who were neither Democrats nor Whigs

Of the 188 House members who participated in the vote to rescind the gag rule in the 28th Congress, only ten had voted in the 24th Congress on the Pinckney gag resolution. Of them, all but one took a consistent position across the two votes.

Before turning to the dynamics of the macro shift in support for the gag rule, we examine the micro effects of conversion and replacement on support for the gag rule. Specifically, we examine who stayed pat and who shifted on successive gag rule votes. That analysis is possible because the gag rule was voted on continually during the relevant period, owing to the practice of voting to adopt House rule each session. Virtually every session afforded supporters and opponents of the gag rule an opportunity to take a public position on the issue.

Table 6 reports how House members shifted in their support for the gag rule between consecutive votes on the matter. For instance, the first row compares voting on the Pinckney gag (vote 24-207) with voting on the Hawes gag (vote 24-365) in the 24th Congress. Nine northern Democrats who voted on both measures changed their positions on the gag rule between the two votes. (Sixty-eight others, not reflected in the table, took the same position on both gag rule votes.) Eight shifted in a pro-gag direction (i.e., opposing Pinckney but supporting Hawes) while one shifted in an anti-gag direction.

Table 6 is constructed to emphasize two types of paired roll calls. The shaded roll-call votes are paired across Congresses. The unshaded votes are intra-Congress votes.

From the 24th to 27th Congress, whenever northern Democrats shifted their positions on the gag rule *within a Congress*, it almost always was in a direction favorable to retaining the rule. In other words, the northern Democrats who shifted their positions on the gag rule during the course of a Congress tended to be those who had abandoned the party early in the Congress, only to return to it later. Those position shifts had the effect of producing

more net support for the gag rule among all Democrats as each of the four Congresses progressed.

The story was different between Congresses. In each case, the net inter-Congress shift among northern Democrats was detrimental to the Democratic goal of party unity on slavery matters. That problem was most evident in the first two congressional transitions in the sequences examined, from the 24th to the 25th Congress and from the 25th to the 26th Congress. In the transition from the 24th to 25th Congress, six Democrats who had supported the gag rule in the 24th Congress returned to oppose it in the opening days of the new Congress. Likewise, ten northern Democrats who had supported the Atherton “states’ rights gag” in the 25th Congress failed to support the adoption of Rule 21 in the 26th, even though the Rule 21 vote was, in some ways, an “easier” vote than the Atherton resolution.<sup>61</sup>

Thus, the general gag rule pattern in the first four Congresses represented a dynamic equilibrium among the northern Democrats. Election pulled some northern Democrats away from the gag, then those delinquent members gradually would return to the party fold during the course of a Congress.<sup>62</sup>

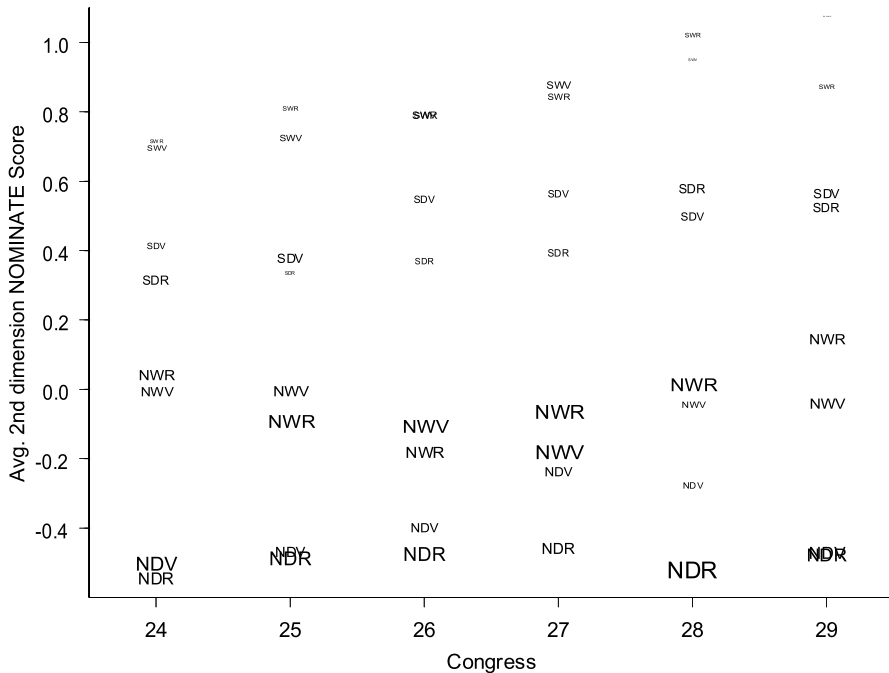
The pattern of vote switching between the 24th and 27th Congresses disappeared in the 28th. Consistent with the previous history, a few northern Democrats retreated from supporting the gag rule during the inter-Congress adjournment. (Ten other returning northern Democrats retained the position they had taken on the issue in the 27th Congress.) Unlike previous Congresses, however, support among northern Democrats continued to erode across the course of the Congress. For example, northern Democrats were split evenly (45–45) on the original Adams motion to except Rule 21 from adoption of the rules in the first session. Nearly three months later, on the vote to add the gag back into the House rules, northern Democrats abandoned it by a 56–32 margin. On the vote in the following session that rescinded the gag rule for good, northern Democrats favored rescinding by a similar 55–29 margin.

The shift in northern Democratic support away from the gag rule in the 28th Congress appears superficially consistent with a policy conversion story—northern Democrats who had supported the gag rule previously started going over to the opposition. However, that interpretation would be vastly overselling the data pattern here. First, keep in mind that very few House members who served in the 27th Congress returned for the 28th. Although returning northern Democrats were trending away from the gag rule, a majority continued to support the gag until the bitter end. Of the 90 northern Democrats who joined the vote eventually to rescind the gag rule for good, only 12 actually served in the previous Congress, and they voted 8–4 to *retain* the gag rule.

Thus, the transformation of northern Democrats from supporters to opponents of the gag between the two Congresses did not come principally from conversion. If the northern Democratic shift to gag-rule opposition is to be explained, it is in terms of the influx of rookies into the 28th Congress.

<sup>61</sup> We consider the latter vote to have been “easier” for northern Democrats because the Atherton “states’ rights gag” contained a declaration of principles to accompany the suppression of anti-slavery petitions. The latter vote merely suppressed the petitions without any declaration of principles. The removal of the inflammatory principles should have resulted in a few northern Democrats supporting the gag rule, as a party-building matter; the opposite in fact occurred.

<sup>62</sup> It would be illuminating to identify the vote switchers in this sequence of votes more precisely; for instance, explaining vote switching in terms of local constituency pressure, party, D-NOMINATE scores, or electoral insecurity. The number of vote switchers is so small, however, that all of our efforts to throw the data at multivariate statistical techniques came to naught.



**Fig. 4** Average second dimension D-NOMINATE score for party and regional factions, 24th–28th Congress. (Graph tokens are proportional to the size of the party-region-longevity contingent in the House). NDR = Northern Democrat Rookie; NDV = Northern Democrat Veteran; SDR = Southern Democrat Rookie; SDV = Southern Democrat Veteran; NWR = Northern Whig Rookie; NWV = Northern Whig Veteran; SWR = Southern Whig Rookie; SWV = Southern Whig Veteran

The effect of the influx of new members into the 28th Congress was first seen when the House voted to except Rule 21 from the adoption of the chamber's rules. The 77 rookie northern Democrats who took part in that roll call voted 40–37 in favor of rescinding the gag rule. That vote margin contrasts with the 13 returning northern Democrats, who voted 8–5 in favor of *retaining* the gag.

Three months later, the House voted to add the gag back into the House's rules. In that vote, nine rookie northern Democrats who previously had favored retaining the gag joined the gag-rule opposition, whereas only one of the veteran northern Democrats shifted. Overall, on that vote the rookie northern Democrats now favored repeal of the gag rule 50–25, whereas the veterans favored its retention 7–6.

The same pattern continued into the second session, when the gag rule was killed once and for all. On the final vote, rookie northern Democrats favored repeal 51–21, whereas veteran northern Democrats favored its retention 8–4.

Thus, the gag rule fell because of the surge of new northern Democrats into the 28th Congress. Those new members were not nearly as invested in the gag rule as a partisan strategy as their predecessors had been. They also were less inclined to take a pro-slavery stance. That conclusion is illustrated in Fig. 4, which graphs the average value of the second D-NOMINATE dimension for each regional party faction during the period, further subdividing the factions by rookie and veteran members. (The token “NDR” means northern Democratic rookie.) Note that northern Democratic veterans



and rookies virtually were identical along the second dimension from the 24th to the 26th Congresses. Therefore, it is unsurprising that both factions usually viewed the gag rule in similar terms (whatever those might be) in those Congresses.

In the 27th Congress, the two cohorts diverged. The new class of northern Democrats was much more anti-slavery than the veteran class. Stated more accurately, northern Democrats who were reelected to the 27th Congress were much more pro-slavery than the newly elected northern Democrats, who more resembled northern Whigs than their new northern co-partisans. However, because the Democrats in both North and South were routed in the elections of 1840 and 1841, the generational split was not so apparent in the chamber's politics. When the Democrats reclaimed the House in the ensuing mid-term elections, the much larger contingent of northern Democrats in the 28th Congress made the split even more apparent.

The new generation of northern Democrats was quite different from the older generation that had helped to knit the party together by mechanisms such as the gag rule. Although precisely why *southern* Democrats abandoned their insistence that northern Democrats support the gag rule in the 28th Congress remains a mystery to historians, one clear possibility, given the present analysis, is that the southern leadership recognized that the electoral circumstances of their northern brethren were changing. Northern Democrats were finding that it was unsustainable for them to join together with southern Democrats to support party-cohesion mechanisms like the gag rule.

Part of the pressure on northern Democrats was constituency and electorally based.<sup>63</sup> On the American Anti-Slavery Society front, rookie northern Democrats had more chapters back home than the veterans did—an average of 3.1 chapters in their districts compared to 2.4 for veteran northern Democrats. In addition, northern Democrats also were beginning to face the voice of the Liberty Party (Volpe 1990). Liberty Party candidates appeared in 37 races for the 27th Congress, peaking at 120 races in the elections of 1842–1843 for the 28th Congress.

Just over half the northern members of the 28th Congress faced a Liberty Party opponent (Dubin 1998). Among the Democrats, 56% of the rookies, but only 43% of the veterans, drew Liberty Party opposition. Liberty Party strength was greater in the rookies' districts than in the veterans'—3.6% average vote share in rookie districts versus 2% in veteran districts.

The Liberty Party's vote was small, but in the early 1840s no one knew how far the party's fortunes would extend, and at whose expense. Although Liberty Party candidates rarely received more than 5% of the vote, in a few cases they were decisive in determining the outcomes of races. In fifteen northern races for the 28th Congress, for instance, the number of votes received by the Liberty Party's candidate exceeded the vote margin separating the Whig and Democratic candidates. Thus, electoral pressures not only were pulling northern Democrats away from southern Democrats, but also the new generation of Democrats away from the old guard.

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<sup>63</sup> For evidence of an “electoral connection” between Members of Congress and their constituents during the antebellum era, see Bianco, Spence and Wilkerson (1996) and Carson and Engstrom (2005).

## 5 Discussion

An important theme in the new political science literature addressing antebellum party building is the desire by party leaders, especially Martin Van Buren and his followers, to craft institutional mechanisms that would knit together a national party (Aldrich 1995; Jenkins and Stewart 2013). The primary obstacle facing them was the looming issue of slavery. If they could solve the slavery problem as a political issue, then their political success could be assured.

Of course, we know from history that those institutional plans eventually came to naught. Cartels tend to disintegrate over time, and the antebellum Democratic Party was not an exception. Democratic party leaders never could overcome the fact that they led a mass *electoral* party, which made attempts to build intra-party mechanisms to suppress the slavery issue always vulnerable to electoral pressures. The gag rule was one such mechanism that was subject to electoral pressure.

In articulating the emergence and evolution of the gag rule over time, we have pursued a causal approach to the study of APD, which Sheingate (2014) characterizes as “an emphasis on the composite character of institutions created at different times with a view highlighting the role of creative actors in promoting change.” The path of the gag rule within the US House of Representatives is fairly simple. When it originally appeared in the 24th Congress, it was a party mechanism and was received as such. Two events in the 25th Congress changed all of that. First, the wording of the gag became more extreme, so that the political rights of white northern voters clearly were threatened. Those threats made support for the gag rule untenable for a small, but significant, contingent of northern Democrats. Second, popular agitation, centered on the activities of the American Anti-Slavery Society, likely caused further political pressure to be exerted on northerners, most importantly northern Democrats.

It is the constituency link that makes the gag-rule episode in the House’s history of more general interest to political science. Observers of social issues such as abortion rights and women’s rights—not to mention recipients of direct mail solicitations for political contributions—are aware that the “outrageous” behavior of Congress oftentimes is a perfect foil for rallying the troops. As such, we are convinced that critical moments in antebellum politics are not part of a unique and tragic story of regime disintegration and civil war, but rather fit cleanly into a series of sturdy regularities in American politics.<sup>64</sup>

Our close reading of the gag-rule case cannot settle the causal question of why southern House members chose the 24th Congress for picking a fight over anti-slavery petitions, but it does help us to identify what appears to have been a necessary, though not sufficient,

<sup>64</sup> Professor Daniel Carpenter at Harvard University has undertaken a project focused on anti-slavery petitions during the era and has drawn our attention to a similar argument that makes the episode we examine of interest to students of American politics and history more generally. See Carpenter (2003, 2016). One interpretation of the anti-slavery movement’s strategy is that abolitionists attempted to use petitions to create and mobilize mass public opinion—arguably a first in American politics. Heretofore, petitions to Congress, as was generally true of petitions to legislators in Anglo-American politics, were almost entirely confined to the redress of particular grievances—pressing foreign spoliation claims, requesting pensions, claiming a patent for an invention, requesting relief from a tariff, and so on. Rarely did constituents mention general issues, such as the state of the economy, and the continuation of the Bank of the United States, unless those issues impinged materially on an individual’s well-being. On the role of petitions in the creation of the “public sphere”, see Zaret (1996).

condition for its demise—the framing of the gag rule as part of anti-slavery politics, rather than as an internal party matter.<sup>65</sup> The roll call analysis presented herein confirms that the initial array of support for and opposition to the gag rule was motivated less by anti-slavery feelings per se than by partisan calculations about what slavery *as an issue* could do to Democratic Party unity. Continued popular anti-slavery mobilization worked, primarily through member turnover, to replace a pivotal set of northern Democrats with new members who were inclined to view the gag rule primarily as about anti-slavery politics. Had the Liberty Party and other instrumentalities of anti-slavery agitation been less successful electorally, it is likely that the gag rule would have stood longer than it did.

Our examination of the gag rule helps to illustrate how causally informed analysis of key moments from American political history can proceed even without the ability to manipulate independent variables. On the last point, we are again drawn to the general argument made by Schickler (2016, p. 18) in assessing the role of causal inference in studies of American political development:

Put simply, the inability to construct a satisfactory identification strategy to isolate the effect of a particular causal variable should not lead us to avoid efforts to understand large-scale political developments. Instead, it should be an invitation for broad-reaching efforts to gather the appropriate data needed to gain leverage, however incomplete, toward a fuller understanding of what happened and what it happened.

Our hope in tackling the case of the gag rule, which involved strategic behavior in both the Congress and the mass public over the course of more than a decade, is that others will follow Schickler's advice and engage in similar broad-reaching efforts to understand large-scale political developments.

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<sup>65</sup> The framing evokes Riker's (1982, 1986) idea of "heresthetics". Ours is not strictly a case of successful heresthetic maneuvering, however, because the shift in dimensionality on the gag rule appears not to have happened through the agency of any one political actor, but rather through the follow-on effects of electing a growing number of northern Democrats whose electoral success depended on pleasing anti-slavery voters.

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