

PRIVATE ACCESS AND PUBLIC POWER:

Gentility and Lobbying in the Early Congress

Please cite published version:  
Kenneth R. Bowling and Donald R. Kennon, eds.,  
*Seeking Justice and Influencing Congress in the 1790s*  
(Athens: Ohio University Press  
for the United States Capitol Historical Society, 2002), 57-99.

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Final version submitted to editors and accepted, January 2001

Looking back from the late twentieth century, an era of aggressive, unapologetic interest-group politics, when tens of thousands of people make their livings as lobbyists in the national and state capitals, it is commonly assumed (and asserted in journalistic and social scientific accounts) that lobbying is a natural outgrowth of representative government, that the one must have existed as long as the other. How could any legislative body exist without generating a group of people committed to influencing it?<sup>1</sup>

However, any effort to document this assumption by surveying the historical literature on lobbying in the early United States runs into unexpected roadblocks. There are only a handful of scholarly books on the history of lobbying in America, and none of them deal with Congress before the Civil War. Several works deal with the American colonies' lobbying of the British government, while two others analyze the rise of reformist pressure groups during the Progressive Era. Apparently, only one book in the whole historiography of American politics takes the history of congressional lobbying as its primary subject, and it focuses exclusively on the period when Ulysses S. Grant was president. A few other works cover individual figures who lobbied or individual incidents where lobbying occurred, but mostly long after the 1790s.<sup>2</sup> Some sense of the scale of this problem can be seen in Joel H. Silbey's twenty-three volume compendium of articles on the history of Congress. This extensively indexed series features exactly *two* references to lobbying, and one of these was an article version of the book on lobbying in the age of Grant. To say the least, historians of Congress have not been too interested in lobbying. In going through the literature, one detects a strong preference for great floor debates and high-profile decisions, the kind recorded in roll call votes on big issues like slavery and war, rather than the more prosaic, technical, and financial matters on which lobbyists, like Congress itself, tend to spend most of their time.<sup>3</sup>

It is important to be clear about what is meant here by "lobbying." The word should not be used to denote simply *any* effort to influence Congress. Petitions, letters, newspaper articles, and such are all ways in which Congress can be pressured, and they are certainly tools that

lobbyists may use. However, they are not the kinds of influence on Congress that the political term “lobbying” was invented to describe. The term was inspired by the image of people loitering in the anterooms and hallways of government buildings, especially legislative chambers, hoping to guide government policy.<sup>4</sup> Hence my definition: lobbying occurs when some group or individual, typically a private economic interest seeking benefits or protection, makes its case *personally* to government decisionmakers, often but not necessarily through some sort of specially deputed emissary. This is certainly the kind of lobbying regarded as typical in our time, when virtually all significant economic interest groups, be they industries, professions, occupations, or individual corporations, maintain Washington offices or retain lawyers and consultants to help ensure favorable treatment from the national government. Typical subjects for modern lobbying would be preserving a industry’s tax break or heading off a costly regulation.<sup>5</sup>

It is this type of lobbying — the personal buttonholing of lawmakers by paid agents of special interests — that professional historians have particularly neglected in their studies of early congressional history. One of their reasons has been a conviction (differing sharply from the less well-informed assertions of journalists and political scientists focused on twentieth-century lobbying) that there was not much of it happening in the early period. Former House Historian Raymond Smock has written that in the First Federal Congress, “There were no lobbyists, at least as we describe them today.” The only thing close to lobbying that Smock could detect were the activities of various land companies and the furious politicking of the competitors for the site of the permanent capital, a process that has been described very fully by Kenneth Bowling. Even Bowling found relatively little personal lobbying over the seat of government issue. Most of the site promoters worked through petitions, private letters, and the press, and a few were themselves members of Congress. The only site which had a lobbyist in the sense used here was Lancaster, Pennsylvania, whose chief landowner William Hamilton reluctantly traveled to New York in a futile campaign to entice the government onto his land.<sup>6</sup>

On the surface, then, Smock’s argument that there were no lobbyists seems to have much

merit. By many measures, there was less need for lobbyists in the 1790s than in later periods. Precious few *organized* special interests existed in the early days of the U.S. government — there were no national trade or professional associations or labor unions — and only a handful of lobbying’s traditionally most important constituency, profit-making corporations. Perhaps even more importantly, the United States was simply a small place in the 1790s. The population at the beginning of the decade was a mere 3.9 million, about the size of present-day Alabama. The petition process described by several of the other essays in this volume seems to have worked well enough for most purposes on its own. The right to petition was a well established prerogative by 1789, and the congressional workload was small enough in the 1790s that a mere paper petition often really was enough to get the government’s attention. A brief glance through the records shows that Congress was willing to give serious consideration to all manner of petitioners, be they major business leaders or obscure citizens, from the merchants of Philadelphia at the high end, to the fishermen of Marblehead, Massachusetts, in the middle, and on down to a host of individual Revolutionary soldiers and officers seeking pensions, back pay, or a settlement of their accounts.<sup>7</sup>

This kind of individual attention to petitions became less possible with the expansion of the government during the Civil War, and virtually impossible in the twentieth century, due mostly to the sheer size of the country and the ever-widening range of activities required to govern it. Thus growth alone was a major cause of the rise of the avowed, professional lobbyist in the mid-nineteenth century, and the popular distaste for lobbyists that quickly appeared in response. The Gilded Age “lobby’s” existence documented the fact that, as the government grew, one needed highly paid special representatives in order to truly have a voice at the capital. The paid representatives that one elected at the polls were no longer enough. Since only the wealthiest institutions and individuals could afford such extra representation, the polity seemed to be losing some of its democratic character. This was how the troubadour of American democracy, Walt Whitman, felt in the summer of 1856, when he included “lobbyers” (as he called them) in a list of the types of “politicians” and “nominating dictators” who were sapping the republic of its

democratic vitality. Writing in a time when the party system was cracking apart under the stress of sectional crises and government corruption scandals, Whitman lumped “lobbyers” in with “bribers, compromisers . . . sponges . . . policy backers, monte-dealers . . . [who were all] men, scarred inside from the vile disorder, [but] gaudy outside with gold chains made from the people’s money. . . . crawling, serpentine men, the lousy combings and born freedom sellers of the earth.” Such expressions of disgust against lobbyists would grow only stronger in later decades, when lobbying for the nation’s first giant corporations involved the liberal distribution of money and high-class prostitutes to lawmakers.<sup>8</sup>

Clearly there was nothing like that going on in the 1790s, but perhaps it is a mistake to look for such brazen lobbying in this early period. It would certainly be a mistake to rely solely on the existing historical literature. If one goes beyond the literature into the sources, abundant evidence can be found of more subtle and limited forms of lobbying in the early Congress. For instance, the little-seen documents recently published in the “Petition Histories” volumes of the *Documentary History of the First Federal Congress* reveal that there was often much more to petitioning Congress than citizens putting their wishes on paper. However small the country and government was, Americans who had business before the government, or material interests affected by it, frequently felt the need to augment their written requests with what we would call lobbying.<sup>9</sup>

Most of the early petitions involved not large public policy questions but financial claims made by individuals or small groups ranging from veterans requesting pensions, to military contractors and tradesmen asking payment of old debts, to surveyors, printers, and others seeking new federal contracts. A significant number of these petitioners had their requests professionally drafted and/or personally presented by attorneys. For example, Josiah Simpson was hired by a group of Boston blacksmiths to appeal for back pay related to their wartime service, and former postmaster general Ebenezer Hazard filed a petition as attorney on behalf of some Orange County, New York, farmers who wanted compensation for wood taken from them during the

war. Philadelphia printer Francis Bailey engaged Miers Fisher, one of the city's most eminent attorneys, to help him patent a method of typefounding that could supposedly create uncounterfeitable documents. Fisher seems to have been worth his doubtless exorbitant hire. With no patent procedures or policies yet established, a patent required an act of Congress, so Fisher duly drafted a private bill reflecting his client's desires and shepherded it to passage. A leader of Philadelphia's Quaker elite, Bailey's lawyer also lobbied successfully for at least one other petition, the Wilmington Academy's request to be compensated for damages sustained while the school was used as a Continental Army barracks and hospital.<sup>10</sup> So the notable present-day Washington phenomenon of lawyers working as lobbyists can be traced back to the beginnings of the government. One major difference, however, is that these early lawyer-lobbyists mostly stayed away from policy questions, limiting themselves to individual claims needing congressional action to be settled.

Many other petitioners believed that personal appeals would increase their chances of success, or could not afford a lawyer, and so traveled to New York and Philadelphia themselves, to contact members and monitor the proceedings related to their cases. Several petitioners were urged to this step by one of their own representatives, or another friend on the scene. These temporary lobbyists came from a surprisingly wide cross section of white male American society (in addition to at least one widow), though most had a certain desperation in common. Numerous wounded veterans seeking pensions turned up at the seat of the federal government, including some reduced to rather marginal lives. One of the more pathetic cases was Robert Connelly of Maryland, a former POW who lost his sight from injuries sustained in the failed invasion of Canada and spent the rest of his life indigent, managing the trip to Philadelphia only through the charity of his neighbors.<sup>11</sup> At the other end of the spectrum, well-connected gentlemen came to lobby for a variety of petitions, most of them with a personal financial dimension even if they addressed a policy issue. Merchant, textile manufacturer, and future Massachusetts Senator George Cabot went to New York soon after the new government's inception to lobby against a

duty on foreign cotton and for a higher tax on imported cotton goods, and followed up the next year with a petition along the same lines. Cabot's fellow Massachusetts merchant-aristocrat Nathaniel Tracy, a close associate of several congressmen and Secretary of War Henry Knox, made the journey in 1790 to petition and lobby for a general bankruptcy bill, or, failing that, some personal relief for losses suffered supplying the armies and privateering during the Revolutionary War.<sup>12</sup>

Many of these temporary lobbyists came only to deliver their petitions, but some stayed on for extended periods. Disabled veteran David Cook of Westbrook, Maine, spent the entire two years of the First Congress trying to get his pension; he even followed Congress from New York to Philadelphia, only to have his relief bill killed by the Senate on the last day of the third and final session. Cook had to beg for the money to get back home. The exact nature of these petitioners' lobbying activities while visiting the seat of government is often unclear. One suspects a good deal of loitering around taverns was involved, because in some cases (especially those of the less distinguished petitioners) there is little evidence of extensive or meaningful contact with members of Congress. Lobbying petitioner John Wilson, a Woodstock, Connecticut, farmer, managed to pack remarkably few activities into four months in New York. He first appeared there in March 1790, applied to various individual officials for a military pension, and, on their advice, petitioned Congress in April. Congress immediately referred Wilson's case to Henry Knox, who reported on it unfavorably at the end of May, deeming Wilson insufficiently disabled to qualify for a pension. A month later, Wilson was still in town, writing letters to President Washington asking for a job and to Rep. James Madison seeking support for his doomed petition. Living expenses were high at the seat of government, exacerbating the financial problems that led to the petitions in the first place, but that does not seem to have deterred many of those who were determined to lobby.<sup>13</sup>

A few of the visiting petitioners came as the specially deputed emissaries of organized groups, performing functions much closer to lobbying as we know it than the individual claim seekers. The Providence town meeting appointed and paid Benjamin Bourn and James Manning,

Rhode Island's soon-to-be first congressman and the president of Rhode Island College (later Brown University), respectively, to deliver petitions for relief from the federal impost and tonnage duties. A committee styling itself the "Public Creditors of Pennsylvania" sent Chief Justice Thomas McKean and other prominent citizens to New York to meet with the state delegation and present a petition calling for full payment of the Revolutionary War debt.<sup>14</sup>

By far the most elaborate petition and lobbying campaign in the First Congress (and probably for the rest of the 1790s as well) was that mounted against slavery by Philadelphia-area Quakers. Petitions were submitted by the Philadelphia and New York Yearly Meetings and the Quaker-dominated Pennsylvania Abolition Society. An "embassy" of eleven Philadelphia Quaker leaders spent several weeks at New York, employing every possible means of pressuring Congress to abolish or restrict slavery and the slave trade. The Quaker lobbyists wrote supplemental briefs for the committee considering their petition, accosted members outside the doors of Congress, visited them at their lodgings, and invited them for meals, all the while making themselves conspicuous in the House galleries, looming over the proceedings like the spectres of a guilty national conscience. At the same time, their petitions were published in the newspapers, and New York seemed suddenly awash in antislavery pamphlets and broadsides. This onslaught of politicking by such a wealthy and well-connected group left southern congressmen infuriated and suspicious. They resented being pressured so intensely and incessantly by men who were not even their constituents, and they questioned the constitutionality of the whole procedure. The eventual House committee report declared that the federal government had no power to emancipate slaves or (for twenty more years) prevent their importation, and even mild committee resolutions affirming the right of Congress to lay taxes on imported slaves (along with the general principle that slaves should be treated well and educated) were struck down by southern votes.<sup>15</sup>

It is important not to stretch the evidence in the "Petition Histories" volumes too far and fully endorse the popular histories' view that lobbying-as-we-know-it is as old as the national legislature itself. Take away the various individual claims — for pensions, patents, damages

reimbursement of expenses, and settlement of official accounts — and relatively few examples of lobbying remain. Most of these individual claims were small, and of a type that would not be handled by Congress in later decades as administrative bureaucracies developed. The connection of the bulk of this early petitioning to the later history of lobbying, then, may be rather weak. Even counting the claims, there is not enough evidence in the “Petition Histories” to conclude that much of the government’s work or the general direction of public policy was being directed or even heavily influenced by avowed lobbyists.

The Quakers may have been an exception that proved and helped strengthen an unwritten rule against lobbying Congress. Striking as it was, the Quaker antislavery lobby failed.. Moreover, it appears to have been quite unique in its openness, high degree of organization, and goal of effecting broad changes in government policy rather than merely settling claims or securing particular economic benefits. The evidence of other organized, policy-oriented lobbying campaigns is scant, and the Quaker example seems not to have found many immediate imitators, though various forms of antislavery agitation would continue. There are even some indications that the Quakers set the “cause” of lobbying back a few years. After the Quaker lobbying campaign ended, the editors of the *Documentary History of the First Federal Congress* write, “Congress took steps to prevent a repeat of the episode.”<sup>16</sup>

The hostility to, and general absence of, open lobbying in the First Congress was entirely consistent with what we know about the political culture of the early United States. It would have been directly contrary to the hopes of the Federal Constitution’s framers if the new government had been immediately overrun by modern interest or pressure group politics. Most of the men we now know as the Founders disliked political parties and other forms of concerted, aggressive, competitive political action outside of the direst political emergencies.<sup>17</sup> James Madison, Alexander Hamilton, and many other leaders felt that the essence of good government, and virtuous leadership, was *dis*-interestedness, and they had been profoundly disturbed by the self-interested, narrow-minded politics they saw dominating the newly democratized state

governments during the 1780s. This was one of the chief ideas motivating the drive to replace the old confederation with a federal government that would not be under the states' control. While Madison and Hamilton knew that there inevitably would be competing interests in America that would selfishly seek benefits and advantages from the government, they hoped that their new national state would be large, diverse, and distant enough to prevent any particular local interest from amassing the legislative majorities necessary to carry out their schemes.

Lodging supreme authority in a new layer of government above the states, Madison wrote in his famous tenth "Federalist" essay, would result in the "substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and schemes of injustice." Into this category, Madison lumped any efforts by one interest group to profit at the expense, or take the property, of another, even by such now commonly lobbied for means as trying to shift a tax burden from one type of property to another.<sup>18</sup>

Should we conclude then that Madison's plan succeeded? Were private and particular interests unable to project their influence into Congress, leaving enlightened statesmen to choose wise policies for themselves? Our review of the "Petition Histories" suggests that they generally were, but what if we move beyond this particular set of documents? Unfortunately for Madison, there are suggestions that the most significant, expensive, and self-interested lobbying in the early Congress may have taken forms subtler and less readily identifiable than the petitioners and their attorneys. For instance, some of the most effective lobbying on behalf of private economic interests was conducted by the members of Congress themselves. House members and even most senators were elected by relatively small constituencies, places where the political, economic, and social leaders knew each other intimately — when they were not one and the same. Contrary to Madison's expectations, many of these enlightened statesmen showed little hesitation in aggressively promoting the local interests they knew so well.

Let's look at an example. One of the many popular accounts of lobbying mentions, without sources, that the first congressional debate over the tariff was the first time lobbying

appeared in Congress. What the record shows, however, is that not lobbyists but petitions flooded into Congress, asking high or low duties to protect this or that industry, and that congressmen promptly got up on the floor to plead for their local special interests: Pennsylvanians argued for duties high enough to protect the state's manufacturers, but not so high or so strict as to hurt Philadelphia merchants; New Englanders fought against the proposed molasses duty because it would hurt Massachusetts rum distillers. These are only two of many examples. Several of the members making these arguments had personal connections to the industries they were speaking for, and their ability to defend local interests was greatly enhanced by Congress's incestuous tendency to appoint the members most interested in a particular measure to the committee charged with considering it. Merchants were the group most directly affected by import duties, so the House select committee appointed to draft the impost bill was made up of: Philadelphia merchant Thomas Fitzsimons; Massachusetts merchant Elbridge Gerry, who was married to the daughter of a New York merchant; and attorney John Laurance of New York, described perhaps uncharitably by William Maclay as "a mere tool of British agents & factors."<sup>19</sup>

Maclay considered these three "very improper characters" for such a committee, but the rest of Congress must not have agreed because similar standards seemed to rule the selection of many if not most congressional committees. In Congress's defense, there was an important practical advantage to this committee selection practice. Members of Congress had to write their own legislation in those days, and merchant congressmen may have been the only members with the technical knowledge to tackle something as complex as a tariff bill.

Tariff legislation is not the only or even the most stark example in which congressmen acted as lobbyists. Territorial delegates to Congress, for instance, acted almost solely as lobbyists. They had no voting powers and were rarely called upon to do anything other than promote legislation on behalf of local interests, usually those of whatever coterie of territorial officials and politicians had secured them election. The most typical issue they lobbied on was of course statehood, but others came up as well, especially land. In 1799, for instance, twenty-seven-year-

old future president William Henry Harrison was elected Delegate to Congress from the Northwest Territory. Scion of one of Virginia's most aristocratic families and the sitting territorial secretary, Harrison was elected with the support of a group of rising young Republican politicians in the territorial legislature. They were dissatisfied with the existing public land laws, which favored large-scale, well-capitalized eastern speculators. The nearest place to buy public land was Pittsburgh, and the land was sold only in large tracts of at least 640 acres, for cash, no credit extended. The future Ohioans wanted a smaller minimum tract, a lower price, branch land offices near the lands to be sold, and the chance to buy on credit. Though Harrison and his friends cast themselves as tribunes of the settlers, the practical effect of their proposals would be to allow ambitious westerners such as themselves to more easily become small-time land speculators. Almost upon his arrival in Philadelphia, Delegate Harrison broached the idea of changing the land law, and was promptly made chairman of the committee to frame the bill. This was a congressional habit, as we will see. The Harrison Land Act of 1800 passed in May, and in its final form embodied all the western speculators' demands, save for a lower minimum price.<sup>20</sup> While undoubtedly benefitting the special economic interests of himself and others, in this case William Henry Harrison had also probably fulfilled the genuine desires of many of his constituents.

Other examples of lobbying by congressmen seem less benign and less easy to explain away. In 1788, John Cleves Symmes of New Jersey, a delegate to the Confederation Congress in 1785 and 1786, had used his extensive congressional contacts to make himself a major land magnate, securing a contract to buy 1,000,000 acres of land on the Great Miami River, the present Cincinnati, Ohio, area, for roughly 66 2/3 cents an acre. This deal became known as the Miami Purchase. Symmes moved to the Northwest Territory himself (and was promptly appointed territorial judge), but this was not a colonization scheme. Instead, it was a straightforward land speculation, aimed at making money by selling land and town lots to migrants. Symmes's partner and agent in the venture was Jonathan Dayton, a sitting member of the New Jersey delegation to Congress who had also been the youngest member of the

Constitutional Convention. Dayton went on to an illustrious career in the new Congress, including a stint as a speaker of the House in the late 1790s.<sup>21</sup>

The Miami Purchase was eventually doomed by many factors, including Indian wars, rising land prices, and the incompetence, greed, and personality of John Cleves Symmes. Yet the efforts of Dayton and Elias Boudinot, a New Jersey House member who had invested in the project, kept it alive throughout the 1790s despite Symmes's best efforts to alienate congressional affections. Early on, Dayton and Boudinot defeated attempts to summarily retract the contract, and in ensuing years, Dayton especially warded off other threats to Symmes and his purchase. For the first two years of the new government, Dayton acted as an incredibly well-connected private lobbyist, one who lived near the capital in New Jersey near the seat of federal government and, because of his previous service in the Confederation Congress and Constitutional Convention, was on close personal terms with many of the most prominent members of the new Congress. From 1791, he continued this lobbying from within Congress itself, as a member of the House of Representatives. Dayton's exploits in the cause of the Miami Purchase were many. In 1789, he stopped an effort to take away Symmes's judgeship as part of the transition to the new government and then arranged for troops to protect the Miami settlement during the flaring Indian wars. In 1790 and after, Dayton expended much effort "counteracting & frustrating" efforts to open a land office and begin selling federal lands in the Northwest Territory to individual settlers; he and Symmes feared the federal prices would be lower than what they were asking.<sup>22</sup>

Dayton's greatest service to Symmes and himself probably came in 1792. Out in the Northwest Territory, Symmes had been selling overlapping plots and land outside of his boundaries; at the same time, his title to the land itself was in question because of the poor state of his payments to the government. But not to worry — Dayton and Boudinot were on the case. In the midst of sabotaging yet another land office bill in the spring of 1792, they introduced resolutions in favor of Symmes's claims. Dayton himself was appointed chair of the committee to frame a bill and soon reported a measure confirming Symmes's title to his land (along with his

own) and establishing a liberal interpretation of the purchase's disputed boundaries. He then muscled the bill through both houses of Congress. Dayton's personal stake in the Symmes purchase was well known to his fellow congressmen but caused little concern. In fact, Dayton claimed to have won some senators over with the assurance that he, rather than the erratic Symmes, would handle the final payment details.<sup>23</sup>

Still unsatisfied because he had not been granted the full million acres he had contracted for, Symmes pressed for yet more land, and might have gotten it if he and Dayton had not fallen out with each other in the years after 1792. Without Dayton's help, future congressional action on the Miami Purchase, while frequent, was increasingly unfavorable to Symmes. Acts passed in 1797, 1801, 1802, 1803, and 1804 canceled most of Symmes's claims, while granting some rights to innocent purchasers who had bought land he did not own. For a time around 1800, Symmes hoped that his son-in-law, the aforementioned William Henry Harrison, would be able to help. Fresh from his land act triumph, Harrison got himself appointed chair of a committee to consider the Symmes matter and reported a bill giving his father-in-law one more chance to actually acquire the lands he had sold outside his boundaries, the purchasers of which were now suing him in droves. The Symmes relief bill passed the House but got postponed in the Senate, despite herculean efforts by Harrison that extended even to testifying before the committee on the bill. The loyal son-in-law admitted to his constituents that these activities placed him in a "most delicate situation," but assured them that his "whole conduct was meant to be guided by moral integrity."<sup>24</sup>

It is clear that there was much lobbying from outside Congress as well as inside, going far beyond what appears in the "Petition Histories." This lobbying has been easy to miss, however, because it was nearly invisible, so deeply embedded was it in the social and political mores of the late eighteenth century.

One way to begin to see this is by tracing the origins of the term lobbying, and especially the extremely revealing circumstances in which the term developed. Though historians have

generally treated lobbying as a Civil War era and Gilded Age phenomenon, the word emerged quite early. The origins can be dated back to sometime before 1808. In that year, Kentucky congressman Matthew Lyon made the first recorded political use of the word “lobby” in a debate on moving the seat of government back to Philadelphia,<sup>25</sup> where the antechambers of Congress had been popular places for upper-crust Philadelphians to congregate. This congregation had collectively been dubbed the “lobby.” This was not meant as a pejorative. The connotation is that this lobby was not so much smoke-filled room as glittering eighteenth-century drawing room. To understand what this could have meant requires some explanation of the setting in which Congress met in Philadelphia.

By all accounts, the Congresses of the 1790s were well integrated into polite Philadelphia society, considered the most sophisticated such scene anywhere in the United States.<sup>26</sup> This was no small matter in a period when, as Richard Bushman has shown in his brilliant book *The Refinement of America*, social refinement was almost a mania in the United States. George Washington and most of his colleagues among the early American elite were obsessed with perfecting and expressing their gentility. They and even relatively middle class people studied, sweated, and spent to meet standards of behavior borrowed from the royal courts of Europe, standards that applied to every conceivable aspect of life: architecture, home furnishings, table manners, movement, cleanliness, conversation, penmanship, clothing, even bowel habits. Americans learned many of these rules from so-called courtesy books, how-to manuals for proper genteel living that were mostly adapted from advice written for European courtiers in earlier centuries. One of the most popular courtesy books in the English-speaking world was based on the letters written by Lord Chesterfield, a British courtier and politician, for the instruction of his illegitimate son. Bearing such titles as *The School of Good Manners* and *Youth's Behaviour, or Decency in Conversation among Men*, courtesy books explained how to behave in a life filled with formal entertainments and situations — balls, dinner parties, etc. — the kind of life that once only courtiers would have ever lived but that an ever widening circle of people were now trying to

create for themselves. The books preached the need to show elaborate respect for others and present a smooth, beautiful appearance by controlling your bodily movements, speech, and mind at all times. George Washington had to copy out a courtesy book as a school boy and listed rules against touching your private parts, rinsing your mouth, or humming in public, among other prohibitions. Americans who could afford it went beyond the self-help books, hiring writing masters to teach their children the fashionable round or Italian hand, and dancing masters to teach them not only the complex group dances they were expected to navigate, but also the genteel approach to the most basic movements of everyday life: how to stand, how to sit, how to walk, how to enter a room. As the courtesy books and dancing masters defined it, gentility involved living your whole life as if it were a public performance, as if one were playing the part of oneself on the stage of a theater. Members of the American gentry, a category that included most members of the early congresses, took this quite seriously, perpetually worrying about the figure they had cut in various situations and mercilessly reviewing the performances of themselves and others in their journals and letters. They greatly admired people who could perform well.<sup>27</sup>

Hence the impressive displays of gentility put on in Philadelphia seriously impressed the congressmen who served there. They not only attended the balls, dinner parties, and concerts of the Philadelphia elite but also apparently took some political guidance from the people they met in those circles. In many ways this made sense, since upper-class Philadelphia included some of the nation's leading scientists, artists, and businessmen, to name only three walks of life; the typical congressman doubtless had much to learn from these cosmopolitan, well-informed people. At any rate, members seem to have so relished hob-nobbing with Philadelphia gentlemen and ladies, and been so eager to seek their insights into pending legislation, as to bring Philadelphia society to the very doorstep of their legislative chambers. It begins to look as if the large number of petitions that came to Congress from Philadelphia, New York, and other nearby urban business communities may well have had more extensive personal assistance than the records show.

The sponsors of the 1808 back-to-Philadelphia resolution held up the ease of access to

“society” and the fund of well-informed opinion out in the lobby as advantages of meeting in Philadelphia. Matthew Lyon and several others denied it, citing that lobby scene as a baneful political influence. “We have heard . . . that if we move to Philadelphia we shall have a commanding lobby,” he said, but to him this was exactly the problem. In Philadelphia, “Congress were almost overawed by that city; measures were dictated by that city” and especially by its polite society. A roughhewn Irish printer by background, Lyon himself had suffered there, as a Representative from Vermont. Blue-blooded Federalists had ostracized and taunted him, and one of them finally beat him savagely with a cane on the floor of Congress; even then it was Lyon who found himself facing censure, for having insulted his gentleman assailant.<sup>28</sup>

Other Representatives were so taken with Lyon’s redefinition of the word lobby as to employ it again and expand on his point. In the rustic setting of early Washington, Virginia’s Joseph Lewis Jr. argued, Congress had no dazzling lobby and they were better off for it. “If members of this House should ever become so dependent that they must be indebted to persons out of doors . . . as to the course of conduct that they should pursue, it will be time for the people to call us home, or . . . alter the Constitution and elect the whole representation of the Union from the city of Philadelphia, because Philadelphians alone are capable of directing legislation for the public good.” Nathaniel Macon of North Carolina took the problem more seriously. Like Matthew Lyon, he recalled the 1790s but went further than Lyon in blaming the Philadelphia lobby not only for mistreating Republicans, but also for helping push hated Federalist legislation through Congress. “We talk of our independence,” chided Macon, “but every man in Congress, when at Philadelphia, knew that city had more than its proportional weight in the councils of the Union.” He considered the proposed move back to Philadelphia as a plot to save Alexander Hamilton’s Bank of the United States, whose charter expired in 1811. Move, Macon said, and there would be two years “to talk and be talked to about this bank” by the Philadelphia lobby. Other rural members saw even more generalized dangers. Otherwise “honorable and independent men,” argued Maryland’s Philip Barton Key, would be induced to “sacrifice agriculture at the

shrine of . . . commerce.” Key saw clearly how Philadelphia’s high society lobbyists would go about their work: “The inhabitants would give us good dinners and handsome entertainments, operating on our prejudices and taking advantage of unguarded moments . . . [and] insensibly bias our better judgment.”<sup>29</sup>

Key’s fears were far from unfounded. Members of Congress do tend to be influenced by the social milieu in which they live, in ways that subtly change their personal sympathies and may in the long run shape their political decisions. By socializing frequently with wealthy Philadelphia merchants and financiers, many almost certainly came to share some of the concerns of wealthy merchants and financiers. At least in the early days, the atmosphere at the Capitol in Washington City was quite different, though Congress was still attended by throngs of people. Surveyor of Public Buildings Benjamin Henry Latrobe estimated that 400-500 persons brought their business to Washington during each session of Congress and for them and many Washington residents the Capitol’s interior “afforded the only shelter during the severity of winter.” It was impossible to tell who did and did not belong in the building, and the literal lobbies of the House chamber were often so loud and crowded with lobbyists, loiterers, and even food vendors that legislative business was sometimes interrupted. What was worse, from Latrobe’s point of view, was that “idle and dissolute persons ranged the whole building,” defacing the walls “with obscenity and . . . libels,” and stealing “the public furniture and utensils.” Yet a majority of the House seems to have found these much more chaotic and democratic surroundings preferable to the “lobby” they knew in Philadelphia, with some members sharply criticizing Latrobe when he tried to regulate access to the House and its galleries. “In a speech of some length,” David R. Williams of South Carolina condemned the “outrageous audacity” of the Surveyor of Public Buildings “in lately altering the arrangement of the Representative Hall in respect to the entrance to the galleries.”<sup>30</sup>

After this 1808 debate, references to the lobby and lobbying pop up more and more frequently, increasing in negativity all the time. The economic development schemes of the post-War of 1812 period, especially bank charters and transportation projects like the Erie Canal, seem

to have been particularly fertile ground for the development of lobbying as an activity and a term.<sup>31</sup> For present purposes, the most important aspect of this early emergence of the idea of the lobby is the implication it carries that outside, special-interest pressure on Congress began long before organized lobbying became infamous after 1865, and that the medium through which lobbyists operated was the society in which congressmen lived at the capital. The key to understanding that society in the 1790s is the culture of gentility. It turns out that genteel values and habits, especially the elaborate sociability that gentlepeople cultivated, could provide ample opportunity and even cover for rather aggressive lobbying efforts. The access to the powerful that modern lobbyists must fight tooth and nail for, an eighteenth-century gentleman could walk into noiselessly and almost automatically.<sup>32</sup>

To begin to see in more detail how this might have worked, let us turn now to an extended discussion of the one person referred to as a lobbyist in the literature of early American history, Rev. Manasseh Cutler of Massachusetts.<sup>33</sup> Cutler was not a professional lobbyist. For more than fifty years, he served as the Congregational pastor of Ipswich. It was in the Rev. Cutler's spare time that he pulled off what is arguably the greatest feat of lobbying in American history, the 1787 purchase of several million acres of public land on behalf of a group of New England Revolutionary War veterans and land speculators calling themselves the Ohio Company of Associates. It is not only the size of this purchase that has impressed its many historians. The deal required abandoning, without even a single trial, the land policy Congress had just set in the very slowly and painfully created Land Ordinance of 1785. The ordinance had envisioned selling relatively small plots of land to individuals, for immediate cash or the return of various types of government debt securities from the Revolutionary War. By contrast, the Ohio Company purchase allowed a *corporation* to obtain a huge tract — an entire region of the Northwest Territory — on credit, and at a lower price than Congress planned to ask for lands that the government itself would sell. The terms of Cutler's deal called for eight payments: \$500,000 when the contract was signed, \$500,000 when the land had been surveyed, and the rest in six

installments spread out over three years. A deed would be issued for the first million dollars' worth once the two initial payments were made. The company would be able to pay in government debt certificates, which in that year of Shays' Rebellion could be had for a fraction of their face value.<sup>34</sup>

Another remarkable aspect of Cutler's feat was the speed with which he was able to induce the Confederation Congress to act, a trait for which that body was even less noted than its successors. The minister-lobbyist arrived in New York on July 5, 1787, presented Congress with his proposal the next day, and was able to leave town, mission accomplished, on July 27. Within that three-week span, he had also found time to make a jaunt to Philadelphia.<sup>35</sup> Massachusetts delegate Samuel Holten was agog at what Cutler had been able to do. "It was impossible for him to conceive," Cutler reported Holten as saying, "by what kind of address I had so soon and so warmly engaged the attention of Congress, for . . . he never knew so much attention paid to anyone who made application to them on any kind of business, nor did he ever know them more pressing to bring it to a close." There were no *three* other men from New England, Holten opined, "even of the first character" who "could have accomplished so much in so short a time."<sup>36</sup>

Cutler and his associates spent the late summer and early fall of 1787 gathering up \$500,000 in federal debt certificates, and in October, the savvy cleric returned to New York to make the first payment to the board of treasury. On the night this was accomplished, he celebrated with a large group of former Continental Army officers, many of them Ohio Company investors and fellow land speculators, and noted in his journal that he had just completed "the greatest private contract ever made in America." This was not just a down payment. In a critical provision only implied in the original July agreement, the \$500,000 bought the Ohio Company the right to actually occupy and improve 750,000 acres of the purchase, without need of a formal deed. This further testament to Cutler's lobbying skill went nearly unmentioned in his records, though it virtually guaranteed that the company would hold a very large chunk of land whether or not it made any other payments. The sweetness of the Ohio Company deal naturally caught the

attention of other speculators, and soon new proposals from other large-scale speculators began to surface, including the already mentioned one from John Cleves Symmes.<sup>37</sup>

Cutler's lobbying for the Ohio Company continued into the 1790s. In the new Congress, the pastor faced a more typical type of lobbying problem, not engineering a massive transaction but instead quietly pressing for many small legislative adjustments in favor of his company. As the new government was forming in 1789, the company found its ability to make payments severely impaired by the increased value of the federal debt certificates that its shareholders intended to use as their currency.<sup>38</sup> It was widely expected that Congress would take immediate action to restore the nation's credit, by paying off the debt at its face value, perhaps even with interest. Suddenly U.S. government securities became attractive investments again. This was good for the country, but it was bad for the Ohio Company. Its scheme would become totally unfeasible if the \$500,000 in debt certificates they needed to make the next payment actually cost that much.<sup>39</sup>

At any rate, in the spring of 1789, with government securities becoming more expensive and harder to find, sale of Ohio Company shares declined and many earlier purchasers were not fulfilling their promises to pay. Cutler and the company directors determined to ask the new Congress for a reduction in the per-acre price agreed to in 1787 and an extension of the deadline for its next payment.<sup>40</sup> In 1790, Cutler's cohort Rufus Putnam came east from the Ohio Company settlement at Marietta to oversee the new push, but he soon realized that it was really a job for the company's master lobbyist. Believing that "our prospects are good if we are ready to strike when the Iron is hot," Putnam sent a breathless letter to Ipswich in early February calling Cutler into action: "Your presence here is very much wanted. I have not time to explain to you the necessity of your being on the spot as soon as possible, can only tell you that if you have any regard to your own interest" or the company's, "you will set out for New York without loss of time — I repeat it my dear friend come on without loss of time — Come my dear friend don't fail."<sup>41</sup>

Rev. Cutler swept into New York two weeks after Putnam's letter had been sent, but he soon found that his lobbying magic worked less swiftly on the new Congress, which was engaged

in a lengthy debate on Secretary of the Treasury Alexander Hamilton's proposed financial program. Certain that their proposal would never get serious consideration on the floor of Congress in the midst of the Sturm und Drang over public finance, Cutler and Putnam delayed formally submitting it and focused on laying solid groundwork. For weeks, they visited members in their homes, quietly rounding up support for a rather cheeky request that the contract price be knocked down to twenty cents per acre, "a saving to the Company," Cutler pointed out, "of more than \$500,000."<sup>42</sup> The positive-minded cleric was still optimistic after a month of this. As winter turned to spring and his stay in New York approached two months, however, the tone of his letters turned to self-pity for those doomed to "adventure in this wild goose chase." He and Putnam had "been making every exertion to engage the interest of members in support of" the Company, but "[they] dare[d] not . . . promise anything." It now seemed "very doubtful whether Congress will act upon it in this session. The members to whom I have mentioned it, appear disposed to give it support," but there was no prospect of Congress having the "leisure to take it up."<sup>43</sup> In late April, Cutler gave up, settling some company accounts with the War Department and hopping a ship back to New England.<sup>44</sup>

Thanks to the Northwestern Indians, the Ohio Company's fortunes were about to get much worse. In 1790 and 1791, American military expeditions under Josiah Harmer and then Arthur St. Clair met humiliating defeats at the hands of Little Turtle and his force of Miami, Shawnee, and Delaware warriors. The fighting mostly took place hundreds of miles away from Marietta and the other settlements, but there were some murders of settlers in the countryside and much panic. Thousands had to be spent fortifying the company's settlements. All these events — especially St. Clair's Defeat, by some measures the worst drubbing the United States received in the whole history of Indian warfare — gained wide publicity in the East, dampening the public's ardor for settling on or even speculating in western lands. In response, the market price of Ohio land dropped below what the company had contracted to pay for it, and this problem was exacerbated by Congress, where a land bill had passed the House (but then stalled in the Senate)

setting the price of public land at 25 cents per acre, a fraction of what the Ohio Company was supposed to pay. The question for the company was no longer when its payments would be made — that was an impossibility — but whether it would ever get title to any land in return for the \$500,000 already paid.<sup>45</sup>

Salvaging this situation was another stern lobbying challenge for Rev. Cutler. The company needed immediately relief to avoid ruin, and its chief lobbyist arrived at the seat of government, now Philadelphia, in early 1792. Cutler had bumbled with praise for the leaders he met on his previous trips, but now he began to suffer from the jaundice felt by many a lobbyist under the stress of round-the-clock truckling to powerful men who knew all too well that desperate supplicants could be kept waiting indefinitely. It was tiresome, Cutler wrote, to spend every waking moment “trotting after their High Mightinesses” only to have them dawdle over one’s important business. The slothful work habits of Congress were “intolerably provoking.” One day, a committee meeting on his petition was suddenly suspended by the lack of quorum on the floor of Congress, leaving the good pastor fuming and helpless. “These idle, lazy, six dollars per day men,” the usually sunny Cutler complained to his wife, “cannot rise in the morning, sip their coffee, and dismiss their barbers early enough to attend Congress at eleven o’clock.” Didn’t they know there were lobbyists who had work to do?

Of course, Cutler was well aware of one reason that some members of Congress had a hard time getting started in the morning. It was the strenuous night life they endured in various Philadelphia parlors and dining rooms. These were the venues in which Cutler had been doing much of his “trotting after,” and he himself had found it rather taxing. “I am now pretty well,” he wrote his wife, “but the constant routine of four and five o’clock dinners at the most sumptuous tables almost kills me. I had infinitely rather sit down with you to a piece of salt junk at one o’clock than be tormented with the parade and delay of Philadelphia entertainments.”<sup>46</sup>

Despite these complaints, Cutler still managed to have his way with the legislators to an astonishing degree. The ease of it, in fact, left him feeling almost contemptuous. “However

important” members of Congress “may appear abroad,” he assured his wife, “they appear here, when you converse freely with them, as small as other people.” Perhaps smaller, he seemed to imply, because, in their vanity, they were so easily manipulated by the attentions of a skilled lobbyist like himself. “It is not easy to conceive,” he went on, “how much a very *little being* may, if disposed, work upon their caprice and whims.” One High Mightiness whom Cutler found especially vulnerable, apparently, was Senate President John Adams, who turned out to be a key to Cutler’s success in this particular project.<sup>47</sup>

The legislative action began March 2, 1792, when Cutler and two other emissaries presented a memorial to the House reviewing their troubles and asking for relief. Among other favors, they asked that the company not be required to meet the terms of the original contract, and that it be granted title the full 1.5 million acres at the rate of twenty cents an acre. At that price the company had actually overpaid.<sup>48</sup> Though overloaded with work and rushing to adjourn by April 1, the House took up Cutler’s memorial immediately and referred it, as per his wishes, to a special committee instead of the Secretary of the Treasury. Cutler and friends were allowed to handpick the membership of this committee, which included Theodore Sedgwick from the Ohio Company’s home state of Massachusetts and two other members (Amasa Learned and Abraham Baldwin) who, like Cutler, were Yale men from Connecticut (though Baldwin represented Georgia in Congress). Learned had even grown up in Cutler’s own hometown of Killingly. (The other two members of the committee were William Findley of Pennsylvania and Egbert Benson of New York.) With Sedgwick, Learned, and Baldwin making a majority of the committee, it acted favorably and expeditiously on Cutler’s memorial. Sedgwick reported to the House only six days later, urging that action be taken in the present session of Congress and essentially endorsing the Company’s position, except for a slightly higher per-acre price. Legislation was drafted that granted the Ohio Company 750,000 acres outright, and gave it various options to buy the rest: some for military bounty warrants and some for 25 cents per acre, if it could pay within six years. The bill passed, without enough opposition to even demand a roll-call vote, on April 6. There

was more opposition in the Senate, but the process moved even more swiftly than it had in the House. The final section allowing the six-year option to buy more land was stripped out, but the Ohio Company relief bill was passed by April 16, barely six weeks after Cutler's arrival. The deciding vote in the Senate was cast by Vice President Adams.<sup>49</sup>

The Ohio Company's ace lobbyist was not entirely pleased with the outcome, having gone in believing he could save the whole 1.5 million acre grant, but it was in fact another remarkable victory. The other land companies who had received congressional grants in the late 1780s all came to nothing, but Cutler and friends walked away with nearly a million acres of land, at a cost of something on the order of twelve cents per acre, if the depreciated nature of the securities in which they had originally paid are taken into account. Since the government later set the price of the public lands at two dollars per acre, the Ohio Company Associates got more than a bargain, and the many would-be real estate magnates among them remained more than competitive with the government land offices.<sup>50</sup> Manasseh Cutler personally secured possession of many thousands of acres, including enough to give his eldest son Ephraim a large and potentially prosperous Ohio farm. Ephraim made money on the side as local agent for his father and other Massachusetts-based western land speculators. Later, he became a judge and prominent southern Ohio politician.<sup>51</sup>

The obvious question raised by this tale is: what was the secret of Manasseh Cutler's success? How do we account for his near-mind-control of both the old Congress in 1787 and the new one in 1792? It seems especially surprising in this period when politicians sincerely prided themselves on their intellectual independence and political "virtue," a word they used to mean something much closer to its Latin roots than our understanding of the term. The word implied virility, the manly quality (as they defined it) of being able to withstand whatever outside forces might try to bend a man's political will away from the common good, be they threats of violence, the temptation to join a party, or the blandishments of a lobbyist.<sup>52</sup>

In answer to this question, Walt Whitman and other detractors of lobbying would probably

point to the weakness of human nature, often considered especially weak in politicians, and the inherent wickedness and perfidy of the lobbyist breed. And in all truth, if Rev. Cutler did not go to the lengths of his Gilded Age descendants, he did occasionally enter some dark moral territory. In negotiating his original contract, Cutler had essentially bought the support of two key members of the Confederation government. A relatively innocent bit of logrolling was throwing the Ohio Company's support behind Gen. Arthur St. Clair, the sitting president of Congress, for governor of the new Northwest Territory. Much less innocent was the deal he made with the unscrupulous William Duer, who as secretary of the board of treasury was one of the principals in Cutler's negotiations. Duer would go on to be Alexander Hamilton's second-in-command at the treasury department and then the first U.S. government official to be forced to resign, after the discovery of a vast insider-trading scheme involving government securities.<sup>53</sup> At a key point in the Ohio Company negotiations, Duer came to Cutler with a proposal, to be kept "a profound secret," that the Ohio Company join himself and "a number of the principal characters" in New York in forming another land company that would buy an even larger chunk of Northwest Territory land. This Scioto Company was highly leveraged to say the least, and close to an outright con game. It possessed no capital and was predicated financially on the dubious and devious proposition of selling western lands in Europe before said lands had even been bought, a practice known in the land business as "dodging." Cutler went along because he understood that giving Duer a piece of the action would "forward the negotiations." The Scioto Company never bought an acre of land, but its agents still sold some to a group of French settlers. The buyers only received any land through the charity of Congress in the 1790s.<sup>54</sup>

The Duer connection acknowledged, it would be wrong to attribute Cutler's success to simple corruption. Indeed, what is striking is that Cutler managed to commit such deeds as cutting key decisionmakers in on his business venture while fully retaining his standing as a gentleman and a clergyman. In fact, there was an almost complete lack of negative reaction (except years later among political opponents) to any aspect of Cutler's lobbying.

The explanation for both Cutler's success as a lobbyist and his ability to escape censure for it lies in his mastery of the culture of gentility in which the early Congresses were steeped. Many New England clergymen criticized gentility as it took hold in America during the eighteenth century, but Manasseh Cutler, resplendent in his black velvet suit and silver shoe buckles, was a thoroughgoing, self-conscious practitioner of it. The journals Cutler kept on his travels for the Ohio Company read like a series of reviews from one of the polite literary journals of the day, as Cutler measured everything and everybody he met according to genteel standards of taste. Little escaped the clergyman's keen eye as he ranged across the full breadth of lifestyle topics over which a gentleman was supposed to have command: the fashions worn by a genteel widow innkeeper and her "tasty" daughter; the draperies in the hall where Congress met; the hairstyle of Lucy Knox, the secretary of war's wife; the arrangement of William Bartram's formal gardens; Kitty (Mrs. William) Duer's table manners; a visiting French nobleman's conversational skills; and the quality of the food served everywhere he dined.<sup>55</sup>

The journal's highest praise was reserved for those people and places who clearly qualified as genteel. For instance, there was a riding companion on the way into New York whom Cutler suspected of being a Tory but enthused over in any case as "perfectly intelligent and well informed, much of a gentleman, and of most pleasing address." By contrast, Cutler found many of the numerous fellow clergymen he met on his travels rather dull. One he rather liked was Rev. John Rogers of New York's Wall Street Presbyterian Church, whom he found "certainly the most accomplished gentleman, for a clergyman, I have ever been acquainted with. He lives in elegant style and entertains company as genteelly as the first gentleman in this city." For sheer excellence in the arts of gentility, however, Cutler found no one to top William Duer. Duer made a strong first impression on Cutler by inviting him to an impossibly sumptuous dinner: Afterwards, the cleric gushed that his host "lives in the style of a nobleman . . . I presume he had not less than 15 different sorts of wine at dinner . . . besides most excellent cider, porter, and several other kinds of strong beer." Over time, Cutler discovered even more sterling qualities in Duer. The night

after signing the Ohio Company contract, Cutler bid his new friend an affectionate farewell and rhapsodized about Duer in his journal: “He is a gentleman of the most sprightly abilities, and has a soul filled with the warmest benevolence and generosity. He is made both for business and the enjoyment of life, his attachments [are] strong and sincere, and [he] diffuses happiness among his friends, while he enjoys a full share of it himself.”<sup>56</sup>

As Cutler saw him, Duer was the embodiment of “complaisance,” one of gentility’s, and, Cutler’s, favorite qualities. This was the ability to please other people, not necessarily by flattery or servility, but by making them feel at ease with themselves and with whatever others happened to be present. Complaisance was at the heart of genteel culture because it served what Richard Bushman calls the ultimate purpose of gentility, besides elevating the gentry above everyone else. This was the promotion of “harmonious and easy intercourse” in a society prone to irritation, misunderstanding, and conflict.<sup>57</sup>

By all accounts, Manasseh Cutler was an especially complaisant man. His particular strength as a gentleman was his skill at conversation. One of his grandchildren remembered him as “a man of consummate prudence in speech and conduct; of courtly manners, a favorite in [the] drawing room” and a noted dining table raconteur.<sup>58</sup> Conversation was the central activity of genteel life. Along with dancing, card-playing, and eating and drinking, it was what one did on those very frequent occasions when gentry gathered to perform for and acknowledge each other. People built parlors in their houses as arenas for conversation, went on country outings to hold conversations, and read books, patronized museums, and bought curios to provide material for conversations. Conversation allowed gentry to show each other their parts: their cultivated tastes, their extensive information, their quickness of intellect.<sup>59</sup> One source of Cutler’s strength as a conversationalist is that he himself was a man of many parts: besides his work in religion, land speculation, and politics, he, like so many eighteenth-century gentlemen, was a dedicated amateur scientist. A member of several scientific societies, his particular interest was botany. Like Thomas Jefferson, he kept a demonstration garden at his house and collected plant samples

wherever he traveled. He worked on a natural history of New England for much of his life and had classified some 350 species before the manuscript of his book was consumed in a fire. Science was a sure-fire conversation starter among the eighteenth-century gentry, and Cutler found many of his contacts with powerful men greatly facilitated by their interest in his scientific activities.<sup>60</sup>

Courtesy book authors stressed the paramount importance of conversation, describing it in such terms as “the Cement and Soul of Society,” because conversation was the primary means by which complaisance could be exercised and social ease and harmony promoted.<sup>61</sup> It may be more accurate to say that polite conversation was the cement of gentry society, that it created cohesion and a sense of distinctness among the particular stratum of society that had the money and knowledge to be genteel. Of course, this excluded the vast majority of Americans, but what is more relevant to the subject of lobbying is the way that polite conversation, and gentility generally, were also *inclusive*. They created a national and even international community of gentry who could recognize and easily interact with each other even across thick barriers of nationality, region, language, and occupation. Manasseh Cutler found this an invaluable asset on his lobbying tours. After a day in Philadelphia, pleasantly and productively spent with powerful politicians he barely knew, Cutler sang hosannas to gentility in his journal: “What advantages are derived from a finished education and the best of company! How does it banish that awkward stiffness when strangers meet . . . ! How does it engage the most perfect strangers in all the freedom of an easy and pleasing sociability, common only to the most intimate friends.”<sup>62</sup>

Thus we come to the major advantage gentility gave Cutler in his lobbying. It provided him what all lobbyists and other political supplicants need most, even today: access to key legislators and policymakers. In the 1790s, a lobbyist whose manners, appearance, and knowledge seemed to mark him as a gentleman had virtually unlimited access to any member of Congress he chose. Gentility created a kind of imaginary club, and one of the key benefits of membership was the right to be treated hospitably, as a friend, an equal and honored guest, by

other gentry wherever you happened to go.<sup>63</sup> Once acknowledged as a fellow gentleman, a lobbyist could not only see congressmen but join fully in their social life at the seat of government, providing all sorts of nonofficial settings where contacts could be built and sensitive business matters could be discussed discreetly and effectively. Gaining access was not always quite so simple as walking the walk and talking the talk. It helped to have evidence of gentility beyond one's personal qualities, such as a noble title, a well-known family name, or recommendations from other members of the club. Cutler took the latter route, bringing so many letters of introduction with him to New York that it takes an entire page of the published edition of his journal just to list them all.<sup>64</sup>

Admitted to the club, Cutler used his membership privileges to the hilt. Almost all of his lobbying took place at private homes or social gatherings. On his first lobbying trip to New York in 1787, he ate virtually every meal with members of Congress and/or key officials of the Confederation Government. He ate with Treasury Board President Samuel Osgood two nights in a row, once by himself, to talk and perhaps eat turkey. On another night, British Consul-General Sir John Temple had him to dinner and "was so complaisant" as to also invite the Massachusetts congressional delegation, at least one of whom was wavering on the deal. Then there were social outings. On one occasion, Duer took the lobbyist and some others over to Brooklyn, to see the sights and enjoy an elegant oyster dinner. Cutler also made valuable contacts on a side trip to Philadelphia when, among other star-studded encounters, he took an outing to see William Bartram's gardens with a platoon of delegates to the Constitutional Convention, including both Madison and Hamilton. On the same trip, he made lengthy social visits to Benjamin Franklin and Benjamin Rush, who were both eager to meet a fellow man of science. Summing up his 1787 trip, Cutler had to admit that "I passed away my time, notwithstanding all my labor and fatigue, in a constant round of pleasure."<sup>65</sup> His later lobbying trips were longer, less enjoyable, and less well documented, but they were no less full of social gatherings where subtle but effective lobbying might occur. In fact, Cutler turned his earlier luck into a settled strategy. Trying to get the Ohio

Company's contract altered in 1790, he wrote to a cohort that his time had been spent "securing the interest of the members . . . at their private lodgings."<sup>66</sup>

That brings us to the other advantage that gentility provided for lobbyists and those they lobbied: wide latitude, even cover, for dealings that in retrospect were shot through with conflict of interest and even corruption. The basic reason for this is that, while gentlemen often evaluated one another's characters, genteel culture was fundamentally superficial in its standards of character judgment. Its standards were almost exclusively external. Gentry were judged by how successfully they projected the qualities of gentility in their speech, dress, manners, and tastes. When they referred to someone's character, they meant something much closer to our term "reputation." Sometimes, they talked about a person's character in the same manner we might speak of a character played by an actor in a drama. But that was just it. Gentlepeople *were* actors, on stage before the rest of the society. Genteel characters were not made up or false — the way to ruin a character was to commit some deed that revealed the public self to be hiding a more sordid reality inconsistent with the character played — but they were quite explicitly taken at face value. Gentlepeople really were what they ate and wore, in addition to how well they danced and wrote and spoke. In a sense, the generation of American gentlemen who founded the United States were especially superficial. Having rejected objective and inflexible standards of gentility such as membership in a titled nobility — you either were the Earl of Shaftesbury or not, no matter how you behaved — American gentry were left to rely exclusively on outward, learned characteristics.<sup>67</sup>

The most serious problem with this in terms of government was that the members of the American gentry did not know they were superficial. Their assumption was that the genteel mask really did reflect the inner person, or else that the beast within had been effectively repressed. Genteel standards of taste and beauty were all about imposing smoothness, order, and harmony on rough nature, about putting an overlay of beautiful serenity on the harsh, chaotic realities of human life, about valuing and believing in those exteriors rather than the things they covered.

Richard Bushman writes that “the attempt to control nature and society for the sake of a beautiful appearance made denial and repression essential traits of gentility. . . . Gentility hid what it could not countenance and denied whatever caused discomfort.”<sup>68</sup> Gentility assumed integrity but it did not necessarily teach honesty, which as we all know is often not very complaisant. Samuel Johnson growled that Lord Chesterfield’s letters, one of the bibles of gentility, taught “the morals of a whore, and the manners of a dancing master.”<sup>69</sup>

It is easy to see how this type of thinking could cause problems when employed by men in power and those who wanted things from them: If a man had been accepted by society as a gentleman, he was assumed to be a man of honor and integrity, and therefore was safe to put in office. There was no need for close oversight or regulation of such a man’s official conduct, because his gentlemanly regard for his own character would automatically preclude any misbehavior.<sup>70</sup> To question an official gentleman’s integrity or even appear to doubt it, was to question his gentility, along with that of everyone who had acknowledged it. That was the kind of insult that duels were fought over. Therefore, a gentleman’s official integrity was rarely questioned, safeguards or even taboos against conflict of interest were rare, and the Manasseh Cutlers and William Duers and Jonathan Daytons could wheel and deal and lobby with near *carte blanche*. It took overwhelming, absolutely incontrovertible evidence of a legislator’s or official’s criminality before the genteel world would admit that its standards of character judgment had failed. The dazzling gentility of William Duer covered up his chicanery for years, allowing him to remain outwardly respectable even after he was forced from office. Things did not finally fall apart for Duer until his speculations finally caused a national economic crisis that sent him to debtor’s prison. Jonathan Dayton’s ethically challenged behavior would go nearly unchecked until he was caught up in the Aaron Burr conspiracy in 1807. A gentleman lobbyist who avoided those extremes, like Manasseh Cutler, could expect no problems at all, and it is likely that there were many others whose activities escaped even detection, much less disapproval. We would probably never have known about Cutler’s lobbying if his family had not saved and published his journals

and letters.

The results could be very different for those who tried to lobby without benefit of gentility. In 1795, two men showed up in Philadelphia with a proposition not unlike Cutler's Ohio Company deal. Robert Randall and Charles Whitney appeared on behalf of some British fur traders in Detroit who offered to extinguish the Indian title to "all the Western lands lying between Lakes Michigan, Erie, and Huron" (the present lower peninsula of Michigan) if Congress would grant them much of the land. Like Cutler, Randall and Whitney made their pitch at congressmen's private lodgings and offered to let sympathetic members share in the profits of the project. However, Randall and Whitney could not get admittance to the gentlemen's club. They knew no one, had no letters of recommendation, and distinctly lacked Cutler's knack for genteel socializing. Instead of his easy conversation, Randall came to members' homes (without benefit of dinner invitations) and spoke of Michigan "in the terms that he might have employed from a pulpit," one member sniffed. This was too much. Such clownish behavior afforded Randall and Whitney no cover for their activities and earned them instant disgrace and even a trial on the floor of Congress.<sup>71</sup> Lobbying without gentility could be given the different labels of bribery and corruption. It was in bad taste, because it allowed self-interest to come into Congress without the mask that had made its presence bearable so many times before.

Even in those cases of lobbying where there was no question of corruption, gentility clearly made a difference. Gentlepeople who wanted or needed something from Congress simply seem to have been more likely to get it than those less well versed in the codes and practices of gentility. No scientific survey has been attempted but some suggestively contrasting examples can be offered. Though neither got everything they wanted, both Baron Frederick William von Steuben and Catharine Greene, the widow of Gen. Nathanael Greene, were compensated by Congress for massive private debts incurred during the Revolutionary War. Steuben and especially Nathanael Greene both suffered financially in the course of their wartime duties, but it was also clear that in compensating them, Congress was going beyond what it legally obligated to do, and

far beyond what had been done for the thousands of less prominent Americans who also sacrificed for the cause. Major lobbying campaigns were mounted on behalf of both claims, with numerous sitting members of Congress and cabinet secretaries involved; correspondingly lavish amounts of congressional time and energy were expended in considering the petitions. Steuben's claim was aided immeasurably by his status as one of America's few resident titled aristocrats and as a leader of both high New York society and the Society of the Cincinnati. These impeccable social credentials allowed Steuben to maintain his retinue of prominent supporters despite criticism of his claim and to counteract the many un-mitigating factors surrounding his case. These included the uncertain nature and origins of the "contract" Steuben claimed to have made with the Continental Congress, the petulant sense of entitlement with which he pursued his claim, and the fact that his dire financial situation obviously stemmed more from failed land speculations and an unrepentantly luxurious lifestyle than wartime sacrifices. The Greene petition was less controversial and better founded — Nathanael had used his private credit to supply the southern Continental Army — but it benefitted no less from the good offices of important people who were also social peers and friends of the petitioner. Connecticut Rep. Jeremiah Wadsworth was an executor of Greene's estate and his wife's chief advocate in Congress. Secretaries Hamilton and Knox helped draw up her petition and (as they did for Steuben) issued political guidance as the document made its way to passage.<sup>72</sup>

The success of Steuben and Greene can be contrasted with the fate of John Fitch, self-proclaimed inventor of the steamboat. An uneducated man who had grown up poor in Connecticut and worked variously as a surveyor, gunmaker, and all-purpose metalsmith, Fitch spent the late 1780s investing all his hopes, energies, and money in an attempt to perfect a method of steam-driven navigation. He produced several working steamboats and even ran a steam-driven packet service on the Delaware River for a time, but he never managed to make his steamboat design economically viable. While Fitch was partly doomed by technology (his steamboat never went fast enough to outstrip horse-drawn stages), politics and gentility also played important

roles, for the inventor was highly unskilled in both of those areas.<sup>73</sup>

Hard-drinking, blunt, and given to openly expressing his often intensely negative emotions, Fitch was far from a complaisant man. Moreover, while mechanically brilliant, Fitch's lack of education and breeding left him (by his own admission) so "unfortunate that I am not able to communicate my Ideas by word of mouth," and his written communication skills were only a little better.<sup>74</sup> These social deficits proved to be insuperable barriers to the success of his steamboat project. Needing to finance construction of his steamboat, Fitch first submitted his ideas to the American Philosophical Society, a gentleman's club as well as a scientific organization, but was rejected. Benjamin Franklin received Fitch politely but brushed him off, though the inventor went away erroneously convinced that he had the great man's support. Similar encounters followed with George Washington, James Madison, and other prominent men. Fitch had to move forward with only a handful of middle-class Philadelphia businessmen (including grocers and tavernkeepers) as his backers, and by 1788, his resources had begun to run dry. Fitch had unsuccessfully petitioned the Confederation Congress four times for support, but with the new government organizing, his best hope of attracting major investment seemed to be obtaining a federal patent that would guarantee him exclusive rights to steam navigation nationwide. He would submit four petitions to the First Congress asking for his patent.

Meanwhile, a Virginia tavernkeeper named James Rumsey (who had no more formal education than Fitch but had clearly mastered the basics of genteel social interaction) emerged to make a competing claim on the steamboat patent and quickly gathered the kind of high-level support that always eluded Fitch. Rumsey gained the sponsorship of Washington while working on the latter's pet project to open the upper Potomac River to navigation. He picked up the endorsement of Benjamin Franklin by complaisantly adopting Franklin's idea of a jet-propelled steamboat. While his boats were considerably less successful than Fitch's, technologically and commercially, Rumsey was elected to the American Philosophical Society in 1788. Several APS members then organized the Rumseian Society to back his steamboat project, with Franklin as

chair and such other Philadelphia social leaders as Miers Fisher, Levi Hollingsworth, William Bingham, and Benjamin Rush among the membership. Rumsey, who also managed to win Thomas Jefferson over to his cause, published a pamphlet taking credit for the steamboat idea himself and labeling Fitch a plagiarist.

Fitch defended himself fiercely, writing pamphlets (with some editing and rewriting from a better-educated investor) and lobbying Congress in favor of his petitions, but he was politically and socially outclassed by his myriad opponents. Financially, he had no possibility of hiring an expensive lawyer as his fellow patent-seeker Francis Bailey did, and, personally, he had few powerful friends to help. Rumsey went to England to negotiate a steamboat monopoly there and still defeated Fitch in absentia. Though Fitch was by now a longtime Philadelphia area resident, the eastern Pennsylvania congressional delegation was against him, a situation to which the inventor responded by uncomplaisantly naming Representatives George Clymer and Thomas Fitzsimons in the newspapers “as my avowed enemies.” This ham-fisted tactic seems to have been characteristic of Fitch the politician, whose surviving letters to the public officials whose support he needed are full of a thoroughly off-putting form of belligerent self-pity, roughly but luridly expressed. A smooth gentleman lobbyist like Manasseh Cutler would never have written, to his chief congressional supporter, that “if my just Rights must be taken from me . . . may I not as well be delivered over to the Rude Savage . . . to sport with and put an end to my wretched Existence to quench their thirst for blood.” Fitch ended a later lobbying letter by wailing that “it is too evident that my Country hates and despises me for what I have done,” a fact which would “demand the serious Pity and Censure of future Generations.”<sup>75</sup>

Hectoring when he should have hobnobbed, Fitch’s campaign failed miserably. Increasingly destitute, dependent on the charity of his landlady, his clothing going to pieces, the inventor saw Congress frame a patent law partly the result of his requests, then table all of his own petitions. Finally, a patents commission made up of cabinet members Secretary of State Jefferson, Secretary of War Knox, and Attorney General Edmund Randolph settled the steamboat

dispute by issuing patents to both Fitch and Rumsey, dated on the same day, effectively crushing Fitch's hopes of ever finding investors or profiting from his invention. Fitch argued loudly with the commission, and later tried to appeal to Jefferson, but in effect he was finished.<sup>76</sup> His steamboat company ceased business; construction a new, large boat intended to navigate the Mississippi River (a plan that would have revolutionized the western economy and surely made Fitch's fortune) was abandoned. Never well respected, Fitch became a more pathetic figure than ever in genteel eyes. "Often I have seen him stalking about like a troubled spectre," remembered Philadelphia merchant Thomas P. Cope, evaluating Fitch according to the typically external standards of gentility, "with downcast eye and lowering countenance, his coarse, soiled linen, peeping through the elbows of a tattered garment."<sup>77</sup>

Applying desperately for government jobs in this state, Fitch was, unsurprisingly, turned down. After failed efforts to renew his steamboat dreams in Europe and then Kentucky, Fitch settled down in a Bardstown, Kentucky, tavern and decided to implement perhaps long-entertained thoughts of taking his own life. (A frequent thought from the period when Fitch was battling Rumsey and lobbying Congress was the wish "that Heaven had rather put it in my mind to have cut my own throat, than to have put me in mind of building Steam Boats.") When drinking himself to death seemed to be moving too slowly in 1798, Fitch finished the job by collecting twelve opium pills, prescribed by a physician for an illness, and then swallowing them all at once.<sup>78</sup>

The "buying" of Congress by highly organized special interest lobbies is often lamented in our time, and not without cause. Yet John Fitch's bitter experience should alert to us to the fact that the less tawdry-seeming, relatively unorganized lobbying culture of 200 years ago had its costs and injustices as well. Gentility was a club to which only some belonged, yet the access of all citizens to the favor of their government was structured by it. It concealed some forms of influence and excluded others, and did it all without much necessary reference to the real merits of any particular case or person. We should not romanticize or whitewash the political culture of the Founding Era any more than we should assume that politics and government were always

conducted as they are today.

## NOTES

1. A typical statement comes from the political scientist Lester W. Milbrath: "Lobbying is probably as old as government," he writes, then briskly carries his historical narrative from the dawn of government to 1946 in two paragraphs. [Lester W. Milbrath, *The Washington Lobbyists* (1963; reprint, Westport, Conn.: Greenwood Press, 1976), 12-13.] For other examples, all using some variation of the "old as government" line, see James Deakin, *The Lobbyists* (Washington, D.C.: Public Affairs Press, 1966), 52-77, especially 53; Karl Schriftgiesser, *The Lobbyists: The Art and Business of Influencing Lawmakers* (Boston: Little, Brown & Co., 1951), 3-21, especially 3; Colleen McGuinness, ed., *The Washington Lobby*, 5th ed. (Washington, D.C.: Congressional Quarterly Inc., 1987), 1-3.

2. A survey of library catalogs and electronic databases turned up the following works: Alison Gilbert Olson, *Anglo-American Politics, 1660-1775: The Relationship Between Parties in England and Colonial America* (London: Oxford University Press, 1973); Alison Gilbert Olson, *Making the Empire Work: London and American Interest Groups, 1690-1790* (Cambridge, Mass.: Harvard University Press, 1992); Michael G. Kammen, *A Rope of Sand: The Colonial Agents, British Politics, and the American Revolution* (New York: Vintage Books, 1974); Rebecca Starr, *A School for Politics: Commercial Lobbying and Political Culture in Early South Carolina* (Baltimore: Johns Hopkins University Press, 1998); Margaret Susan Thompson, *The "Spider Web": Congress and Lobbying in the Age of Grant* (Ithaca: Cornell University Press, 1985); Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877-1917* (Chicago: University of Chicago Press, 1999); and Elisabeth S. Clemens, *The People's Lobby: Organizational Innovation and the Rise of Interest Group Politics in the United States, 1890-1925* (Chicago: University of Chicago Press, 1997). There are also two biographies of prominent nineteenth-century lobbyists: Lately Thomas, *Sam Ward: "King of the Lobby"* (Boston: Houghton Mifflin, 1965); and Glyndon G. Van Deusen, *Thurlow Weed: Wizard of the Lobby* (Boston: Little, Brown & Co., 1947). Only a few of these works take lobbying as their primary subject, and only one (Thompson) can really be considered a history of lobbying Congress. The historical literature on lobbying in the 1790s is limited to studies of particular incidents and individuals. These will be cited below. The works listed in note 1 all contain breezy, journalistic capsule histories of lobbying. For the early period, they typically content themselves with mentioning the constitutional guarantee of the right to petition.

3. The compendium mentioned is Joel H. Silbey, ed., *The Congress of the United States, 1789-1989*, 23 vols. (Brooklyn, N.Y.: Carlson Publishing Co., 1991).

4. H. L. Mencken, *The American Language: An Inquiry into the Development of English in the United States*, 4th ed. (New York: Alfred A. Knopf, 1965), 148; William A. Craigie and James R. Hulbert, eds., *A Dictionary of American English on Historical Principles* (Chicago: University of Chicago Press, 1942), 3:1436-37; Mitford Matthews, ed., *A Dictionary of Americanisms on Historical Principles* (Chicago: University of Chicago Press, 1951), 2:1951; J.A. Simpson and E.S.C. Weiner, *The Oxford English Dictionary* (Oxford, Eng. & New York: Clarendon Press, Oxford University Press, 1989), 2d ed., 8:1074.

5. Jeffrey H. Birnbaum and Alan S. Murray, *Showdown at Gucci Gulch: Lawmakers, Lobbyists, and the Unlikely Triumph of Tax Reform* (New York: Random House, 1987); Jeffrey H. Birnbaum, *The Lobbyists: How Influence Peddlers Get Their Way in Washington* (New York:

Times Books, 1992).

6. Raymond W. Smock, "The House of Representatives: First Branch of the New Government," *Prologue* 21 (1989): 292; Kenneth R. Bowling, *The Creation of Washington, D.C.: The Idea and Location of the American Capital* (Fairfax, Va.: George Mason University Press, 1991).

7. U.S. Congress, House of Representatives, Committee on Energy and Commerce, *Petitions, Memorials and Other Documents Submitted for the Consideration of Congress, March 4, 1789 to December 1795* (Washington: Government Printing Office, 1986), 103, 220, 331

8. Schriftgiesser, *Lobbyists*, 3-21; Walt Whitman, *The Eighteenth Presidency!* (Lawrence: University of Kansas Press, 1956), 26-29; Edward Winslow Martin, *Behind the Scenes in Washington* (Philadelphia: Continental Publishing Co. & National Publishing Co., 1873), 215-247. On the scandals of the 1850s, see Mark W. Summers, *The Plundering Generation: Corruption and the Crisis of the Union, 1849-1861* (New York: Oxford University Press, 1987).

9. Kenneth R. Bowling, William Charles diGiacomantonio, and Charlene Bangs Bickford, eds., *Petition Histories: Revolutionary War-Related Claims* (Baltimore: Johns Hopkins University Press, 1997) and *Petition Histories and Nonlegislative Official Documents* (Baltimore: Johns Hopkins University Press, 1998), vols. 7 and 8 of *Documentary History of the First Federal Congress of the United States of America, 4 March 1789-3 March 1791* [hereafter cited by volume number as *DHFFC*].

10. The specific examples mentioned can be found in *DHFFC*, 7:22, 107, 117-18, 8:73-84, but see also *ibid.*, 7:21, 22, 31, 38, 75, 84, 98, 133, 171, 183, 273, 287, 316, 335, 356, 378, 380, 381, 392, 405n, 445, 446, 490, 599; 8:xxv, 40, 318, 555, 557, 558, 776.

11. *Ibid.*, 7:356-57, 8:53

12. *Ibid.*, 8:365-71, 86-89.

13. *Ibid.*, 7:395-99, 346-48, 460. Both Cook and Wilson did eventually get pensions from later congresses.

14. *Ibid.*, 8:389-90, 258-64.

15. *Ibid.*, 314-338; William C. diGiacomantonio, "'For the Gratification of a Volunteering Society': Antislavery and Pressure Group Politics in the First Federal Congress," *Journal of the Early Republic* 15 (Summer 1995): 169-97.

16. *DHFFC*, 8:314.

17. Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840* (Berkeley: University of California Press, 1969); Ralph Ketcham, *Presidents Above Party: The First American Presidency, 1789-1829* (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture, 1984); William Nisbet Chambers and Walter Dean Burnham, eds., *The American Party Systems: Stages of Political Development* (New York: Oxford University Press, 1967), 56-89.

18. This general interpretation of the constitutional movement appears in Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (1969; reprint, New York: W.W. Norton & Co., 1972). The Madison quotation can be found in Jacob E. Cooke, ed., *The Federalist* (Middletown,

CT: Wesleyan University Press, 1961), 64.

19. Margaret C. S. Christman, *The First Federal Congress, 1789-1791* (New York: Smithsonian Institution Press for the National Portrait Gallery and the United States Congress, 1989), 119-125; Edward Stanwood, *American Tariff Controversies in the Nineteenth Century* (1903; reprint, New York: Russell & Russell, 1967), 39-71; Kenneth R. Bowling and Helen E. Veit, eds., *The Diary of William Maclay and Other Notes on Senate Debates* (Baltimore: Johns Hopkins University Press, 1988), 50. These trade petitions take up more than 80 pages of the "Petition Histories," the longest chunk of the volumes devoted to any single policy subject. See *DHFFC*, 8:339-421, 445-47.

20. Malcolm Rohrbough, *The Land Office Business: The Settlement and Administration of the American Public Lands, 1789-1837*, 2d ed. (Belmont, Calif.: Wadsworth, 1990), 16-22; Freeman Cleaves, *Old Tippecanoe: William Henry Harrison and His Time* (1939; reprint, Norwalk, Conn.: Easton Press, 1986), 22-32; Payson Jackson Treat, *The National Land System, 1785-1820* (New York: E.B. Treat & Co., 1910), 94-100; William Henry Harrison to Constituents, 14 May 1800, Logan Esarey, ed., *Messages and Letters of William Henry Harrison* (Indianapolis: Indiana Historical Commission, 1922), 1:12-13.

21. Beverley W. Bond, Jr., ed., *The Correspondence of John Cleves Symmes, Founder of the Miami Purchase* (New York: Macmillan, for the Historical and Philosophical Society of Ohio, 1926), 1-16, 197n1; A. M. Sakolski, *The Great American Land Bubble: The Amazing Story of Land-Grabbing, Speculations, and Booms From Colonial Days to the Present Time* (New York: Harper & Brothers, 1932), 100-119; Treat, *National Land System*, 52, 54.

22. John Cleves Symmes to Elias Boudinot, 18 July 1788, Symmes to Jonathan Dayton, 21 Aug. 1788, Dayton to Symmes, 12 Sept. 1788, 2 Feb., 15 Aug. 1789, 16 March, 13 Sept. 1790, Bond, ed., *Correspondence of Symmes*, 27, 37-38, 198-99, 210-11, 219, 225, 228, 248, 259.

23. Beverley W. Bond, Jr., "John Cleves Symmes, Pioneer," Jonathan Dayton to John Cleves Symmes, 6 May 1792, Bond, ed., *Correspondence of Symmes*, 13-16, 267-69.

24. Bond, "Symmes, Pioneer," 16-21; Treat, *National Land System*, 60-62; Esarey, ed., *Messages and Letters of Harrison*, 1:15-17.

25. See the histories of "lobby" and related words in the works cited in note 4 above.

26. For an old but still useful account of Philadelphia high society in the 1790s, see Rufus Wilmot Griswold, *The Republican Court; or, American Society in the Days of Washington*, new ed. (1867; New York: Haskell House, 1971), 365-412. For a modern history of Philadelphia's tenure as the nation's political, cultural, and economic metropolis, see Richard G. Miller, "The Federal City, 1783-1800" and Edgar P. Richardson, "The Athens of America, 1800-1825," in Russell F. Weigley, ed., *Philadelphia: A 300-Year History* (New York: Norton, 1982), 155-205, 208-257. Several previous contributions to U.S. Capitol Historical Society volumes have dealt more specifically with the social setting of congressional life at Philadelphia and its political ramifications. See Fredrika J. Teute, "Roman Matron on the Banks of Tiber Creek: Margaret Bayard Smith and the Politicization of Spheres in the Nation's Capital," in Donald R. Kennon, ed., *A Republic for the Ages: The United States Capitol and the Political Culture of the Early Republic* (Charlottesville: University Press of Virginia for the United States Capitol Historical Society, 1999), 95-98; Kenneth R. Bowling, "The Federal Government and the Republican Court Move to Philadelphia, November 1790-March 1791," and Anna Coxe Toogood, "Philadelphia as the Nation's Capital, 1790-1800," in Kenneth R. Bowling, and Donald R. Kennon, eds., *Neither*

*Separate nor Equal: Congress in the 1790s* (Athens, Ohio: Ohio University Press with United States Capitol Historical Society, 2000), 3-57.

27. Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Vintage Books, 1993). Washington's school exercise has been published as Charles Moore, ed., *George Washington's Rules of Civility and Decent Behaviour in Company and Conversation* (Cambridge, Mass.: Houghton Mifflin, 1926). For a modern edition of one of the most popular courtesy books, see David Roberts, ed., *Lord Chesterfield's Letters* (Oxford, Eng. & New York: Oxford University Press, 1992).

28. *Annals of Congress*, 10<sup>th</sup> Cong., 1<sup>st</sup> sess., House, 1531-37. On Matthew Lyon's history, see Aleine Austin, *Matthew Lyon: "New Man" of the Democratic Revolution, 1749-1822* (University Park: Pennsylvania State University Press, 1981).

29. *Annals of Congress*, 10<sup>th</sup> Cong., 1<sup>st</sup> sess., House, 1538-48. There was a long history and many subtexts underlying these attacks on the Philadelphia "lobby." The corrupting influence of Philadelphia society had been complained of during and between the periods when it was the seat of government in the 1780s and 90s. The animus that southern Representatives like Macon, Lewis, and Key felt against Philadelphia also stemmed from its status as the center of abolitionism in this period. Wealthy antislavery Quakers of the type who had lobbied Congress in New York doubtless had plenty of opportunities to proselytize congressmen amid the Philadelphia social whirl. See Bowling, *Creation of Washington, D.C.*, 30, 159, 191, 198, 203, 211-12. Another issue was the powerful role that certain elite women enjoyed in the heyday of the Philadelphia "lobby," when the fashionable drawing room "salons" of society hostesses such as Anne Willing Bingham became important sites of intellectual and political exchange, and of socialization into the ways of the would-be national elite. Jefferson and many other Republicans saw this salon culture as too European, monarchical, and corrupting for the American republic (as well as an inappropriate activity for women), and sought to end it once the government moved to Washington City. See Teute, "Roman Matron," 95-98; and Rosemarie Zagari, "Gender and the First Party System," in Doron Ben-Atar and Barbara B. Oberg, eds., *Federalists Reconsidered* (Charlottesville: University Press of Virginia, 1998), 118-134.

30. U.S. Congress, House of Representatives, *Documentary History of the Construction and Development of the United States Capitol*, Report No. 646 (Washington, D.C.: Government Printing Office, 1904), 129-30, 139.

31. The term lobbying seems to have been decisively popularized by a widely-read satirical poem published in 1819, "The State Triumvirate" by New York literary politician Gulian C. Verplanck. The lobby had seemingly become less subtle and more sinister than it had seemed to the participants in the 1808 debate. Verplanck attacked De Witt Clinton as "chief of all the lobby tribe" for the unseemly scramble that the Erie Canal and other development projects had generated around the state government. In a footnote to this line, Verplanck defined lobbyists as a distinct occupational category for the first time. There was a "class of men," he wrote, "whose profession and trade it is to attend at Albany during the sessions of the Legislature, with a view of soliciting or opposing the passing of bills, banks, insurance companies, &c. . . . They are generally known by the name of Lobby members. These men have been the principal agents in the scenes of corruption which for a few years past have disgraced this state." See Gulian C. Verplanck, *The State Triumvirate, A Political Tale* (New York: For the author, 1819), 44, 67-68. From the New York state capital of 1819, "lobby members" and "lobby agents" fanned out (at least in political rhetoric) to stalk the nation.

32. Imposing gentility on the government was a major role of capital society, and particularly its elite female leaders. Political gentility included a moderation of partisanship that naturally pushed government officials toward more conservative and wealth-oriented views. This was especially true in Philadelphia, and but it soon developed in Washington despite the efforts of many male Republicans and Democrats to counteract it, and the qualms of some Washington women. See Teute, "Roman Matron"; Jan Lewis, "Politics and the Ambivalence of the Private Sphere: Women in Early Washington, D.C.," in Kennon, ed., *Republic for the Ages*, 122-151; Barbara G. Carson, *Ambitious Appetites: Dining, Behavior, and Patterns of Consumption in Federal Washington* (Washington, D.C.: American Institute of Architects Press, 1990); E[lizabeth] F[ries] Ellet, *The Court Circles of the Republic; or, The Beauties and Celebrities of the Nation; Illustrating Life and Society under Eighteen Presidents; Describing the Social Features of the Successive Administrations from Washington to Grant* (Hartford: Hartford Publishing Co., 1869); and Francis J. Grund, *Aristocracy in America* (1839; reprint, New York: Harper & Row, 1959). Recent interpretations of the Peggy Eaton affair have depicted it as Andrew Jackson's partly victorious showdown with the forces of female-powered gentility that had come to dominate Washington society: see Teute, "Roman Matron," 115-17; and Kirsten E. Wood, "'One Woman So Dangerous to Public Morals': Gender and Power in the Eaton Affair," *Journal of the Early Republic* 17 (1997): 237-75.

33. The principal source on Cutler's life and career is William Parker Cutler and Julia Perkins Cutler, eds., *Life, Journals, and Correspondence of Rev. Manasseh Cutler, L.L.D.* (1888; reprint, Athens, Ohio: Ohio University Press, 1987), which reprints much material from the Manasseh Cutler Collection, Northwestern University. Secondary accounts include Louis W. Potts, "Manasseh Cutler, Lobbyist," *Ohio History* 96 (1987): 101-123, and Janice Goldsmith Pulsifer, "The Cutlers of Hamilton," *Essex Institute Historical Collections* 107 (1971): 335-408.

34. Treat, *National Land System*, pp. 35-40, 48-49; Sakolski, *Great American Land Bubble*, 101-104; Potts, "Cutler, Lobbyist."

35. Cutler & Cutler, ed., *Journals and Correspondence*, 1:225, 242-290, 309.

36. *Ibid.*, 1:302.

37. *Ibid.*, 1:320, 325-327. The July agreement and the October contract can be compared in Clarence Edwin Carter, ed., *The Territorial Papers of the United States* (Washington, D.C.: Government Printing Office, 1934-), 2:61-63 and 2:80-81.

38. A brief explanation may be in order here: The Ohio Company sold shares rather than land to settlers and speculators, with the idea that the ownership of the land would be distributed once the contract was completed. It was really an enlarged version of New England's traditional system of community migration.

39. Cutler explains the problem in Manasseh Cutler to Rufus Putnam, Ipswich, 9 April 1789, Cutler & Cutler, ed., *Journals and Correspondence*, 1:443-444. See also, Sakolski, *Great American Land Bubble*, 105-106; Treat, *National Land System*, 55-56.

40. Cutler & Cutler, ed., *Journals and Correspondence*, 1:443-446.

41. Rufus Putnam to Manasseh Cutler, New York, 3 Feb. 1790, Manasseh Cutler Collection, Northwestern University.

42. Cutler & Cutler, ed., *Journals and Correspondence*, 1:454-461.

43. Manasseh Cutler to Daniel Story, New York, 7 April 1790, Manasseh Cutler Collection, Northwestern University.

44. Cutler & Cutler, ed., *Journals and Correspondence*, 1:457.

45. Treat, *National Land System*, 55-56; Sakolski, *Great American Land Bubble*, 104-106; Beverley W. Bond Jr., *The Civilization of the Old Northwest: A Study of Political, Social, and Economic Development, 1788-1812* (New York: Macmillan, 1934), 242-254; Wiley Sword, *President Washington's Indian War: The Struggle for the Old Northwest, 1790-1795* (Norman: University of Oklahoma Press, 1985).

46. Manasseh Cutler to Mary Balch Cutler, Philadelphia, 5 March 1792, Cutler & Cutler, ed., *Journals and Correspondence*, 1:482-486.

47. *Ibid.*, 1:484-486.

48. Cutler & Cutler, ed., *Journals and Correspondence*, 1:471-477.

49. *Annals of Congress*, 2d Cong., 1<sup>st</sup> sess., House, 433-434, 437, 539, Senate, 123, Appendix, 1363-64; Cutler & Cutler, ed., *Journals and Correspondence*, 1:477-479, 482.

50. Treat, *National Land System*, 57.

51. Pulsifer, "Cutlers of Hamilton," 335; Julia Perkins Cutler, ed., *Life and Times of Ephraim Cutler* (Cincinnati: Robert Clarke & Co., 1890).

52. On the evolution and many permutations of "virtue" in European and American thought, see J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975). On the virile independence expected of virtuous republican statesmen, see Ketcham, *Presidents Above Party*.

53. On William Duer, see Robert F. Jones, *"The King of the Alley": William Duer, Politician, Entrepreneur, and Speculator, 1768-1799* (Philadelphia: American Philosophical Society, 1992).

54. Cutler & Cutler, ed., *Journals and Correspondence*, 1:295-98; Treat, *National Land System*, 58-60; Sakolski, *Great American Land Bubble*, 106-110; Theodore Thomas Belote, *The Scioto Speculation and the French Settlement at Gallipolis: A Study in Ohio Valley History* (1907; reprint, New York: Burt Franklin, 1971).

55. Cutler & Cutler, ed., *Journals and Correspondence*, 225, 231, 238, 240, 273, and *passim*.

56. *Ibid.*, 1:237, 240-41, 306.

57. Bushman, *Refinement of America*, 44-45.

58. Pulsifer, "Cutlers of Hamilton," 361, 363.

59. Bushman, *Refinement of America*, 83-89.

60. Cutler's scientific activities are covered at many points in Cutler and Cutler, eds., *Journals and Correspondence*; and Pulsifer, "Cutlers of Hamilton."

61. Bushman, *Refinement of America*, 84.

62. Cutler & Cutler, ed., *Journals and Correspondence*, 1:263.

63. For examples of this principle in action, see Hunter Dickinson Farish, ed., *The Journal and Letters of Philip Vickers Fithian, 1773-1774: A Plantation Tutor of the Old Dominion* (Charlottesville: University Press of Virginia, 1957), 161; and Nicholas Cresswell, *The Journal of Nicholas Cresswell, 1774-1777* (1924; reprint, Port Washington, N.Y.: Kennikat Press, 1968), 270. Traveling in status-conscious Virginia, Cresswell found that a genteel exterior was his passport and meal ticket: "If a stranger went among them, no matter of what country, if he behaved decently, had a good face, a good coat and a tolerable share of good-nature, would dance with the women and drink with the men . . . with these qualifications he would be entertained amongst them with the greatest friendship as long as he pleased to stay. If he is a traveller he is recommended from one Gentleman's house to another to his journey. I believe it is possible to travel through both the Carolinas, Virginia and Maryland without a single shilling."

64. Cutler & Cutler, ed., *Journals and Correspondence*, 1:228-230.

65. *Ibid.*, 1:305-306.

66. *Ibid.*, 1:461.

67. Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1992), 189-212.

68. Bushman, *Refinement of America*, 99.

69. James Boswell, *Life of Johnson*, ed. R.W. Chapman (Oxford, Eng. & New York: Oxford University Press, 1980), 188.

70. Federal statutes prohibited, and prescribed condign punishments, for many different kinds of official malfeasance, but there was no apparatus for detecting such crimes other than the cumbersome process of auditing and settling official accounts. Even when there was a discrepancy in the accounts of a gentleman official, government managers often preferred to deal with the problem privately rather than through legal action. The assumption of official integrity shows in the fact that Washington removed only 17 officials during his eight years as president, many of them diplomats who were recalled for various policy reasons. See Leonard D. White, *The Federalists: A Study in Administrative History* (New York: Macmillan, 1956), 284-290, 341-347, 424-433.

71. *Annals of Congress*, 4<sup>th</sup> Cong., 1<sup>st</sup> sess., House, 166-195, 200-229, 232-233, 243-245, quotations on 165-67; *Proceedings of the House . . . in the Case of Robert Randall and Charles Whitney, Published by Order of the House* (Philadelphia: n.p., 1796). Brief secondary accounts of the Randall-Whitney case can be found in William T. Hutchinson, et al, eds., *The Papers of James Madison* (Vols. 1-10, Chicago: University of Chicago Press, 1962-1977; vols. 11-17, Charlottesville: University Press of Virginia, 1977-1991), 16:175; and Treat, *National Land System*, 77-78. The congressional reaction to Randall and Whitney was also probably influenced by contemporaneous exposure of the Yazoo land frauds, in which the Georgia legislature had been bribed *en masse* by land speculators. Significantly, the involvement of numerous prominent political figures in purchasing the corruptly obtained Yazoo lands eventually led to a federal bail-out of the buyers, a much more sympathetic reaction than that received by the friendless schemes of Randall and Whitney. See C. Peter Magrath, *Yazoo: Law and Politics in the New Republic* --

*The Case of "Fletcher V. Peck"* (New York: Norton, 1967).

72.*DHFFC*, 7: 201-246, 493-542.

73.The general information on John Fitch, James Rumsey, and their battle to patent the steamboat in this and the following paragraphs is based on: *DHFFC*, xxi-xxii, xxv, 8:39-43, 48-55, 60-65, 68-73; Frank D. Prager, ed., *The Autobiography of John Fitch*, Memoirs of the American Philosophical Society, vol. 113 (Philadelphia: American Philosophical Society, 1976); Thompson Westcott, *The Life of John Fitch, The Inventor of the Steamboat* (Philadelphia: J.B. Lippincott, 1857); Thomas Boyd, *Poor John Fitch, Inventor of the Steamboat* (1935; reprint, Freeport, N.Y.: Books for Libraries Press, 1971); John A. Garraty and Mark C. Carnes, eds., *American National Biography*, 24 vols. (New York: Oxford University Press, 1999), q.v. "Fitch, John," and "Rumsey, James."

74.Prager, ed., *Autobiography of Fitch*, 181.

75.Ibid., 180-89; John Fitch to William Samuel Johnson, 30 May 1789, Fitch to [unknown], 16 Feb. 1791, *DHFFC*, 8:54, 68.

76.Prager, ed., *Autobiography of Fitch*, 197-99; Westcott, *Life of Fitch*, 340-41; Boyd, *Poor John Fitch*, 241.

77.Westcott, *Life of Fitch*, 338.

78.Ibid., 356-70; Prager, ed., *Autobiography of Fitch*, 184.