

Aristocracy and Monarchy in the First United States Senate and First Federal Congress

Abby Felter

Dr. Nicholas Cole

University of Oxford: History Seminar

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From the comfortable vantage point of postmodernity, it may seem absurd; as though one was tiptoeing down an ancient, if not invisible, conspiratorial line, that the founding generation was concerned with aristocracy corrupting the nation. In truth, however, the vague outlines of a colonial dread hung heavily in the air of anticipated governmental experiment following the Constitutional Convention. While it might be tempting to dismiss it, there was present in those days a pervasive fear of aristocracy and monarchy taking root in the American government and undermining the republican experiment. Indeed, this fear was prevalent throughout the early years of the American republic.

While Congress refined the Legislative branch and established the Federal government, the ways in which those demeanors characteristic of aristocracy emerged throughout debates, and the subsequent manner in which those issues were decided, occurred in a much different way than both the Federalists and the anti-Federalists had anticipated. Consequently, the Senate neither affirmed the anti-Federalists' skepticism of the House being a proper balance to the Senate's aristocratic tendency, nor did the Senate initially embody the characteristics of the "natural aristocracy" intended to promote stability and longevity. Nevertheless, discussions of aristocracy and monarchy did play a role in debates during the first Congress. These two motifs, aristocracy and monarchy, embodied much more than outward pomp and circumstance. Indeed, they represented philosophical landmarks, recognizable to ordinary individuals who found themselves tasked with forming a new republic based on ideals and values quite unwelcome beneath the weight of social aristocracy and a monarchical politic. Thus, it would be a mistake to discount their effect and presence in the formation of the government.

While many Scholars have examined the first Federal Congress, the limited amount of Senate records available for perusal have made developing extensive or critical studies of the early years of the Senate difficult. Few accounts of Senate debates and proceedings exist in full form because the sessions were conducted behind closed doors until 1795. William Maclay from Pennsylvania was one of the few Senators to habitually keep a daily diary, and much of what is known from the first Senate can be credited to his accounts. Additionally, the seminal 20 volume series, *The Documentary History of the First Federal Congress* (DHFFC), published by the John Hopkins University Press, provides a detailed collection of sources from the first Congress,

including Maclay's Diary. My original intent was to highlight aspects of both the Senate and Federal government's manifestation of aristocratic and monarchical dispositions during the formative years following the Constitutional Convention. However, a review of Maclay's Diary and the Senate Legislative Journal found in the DHFFC, along with the *Annals of Congress*, suggested a different tack.

One of the most frequently and widely received explanations of the Senate that would become embodied within the framework of the Constitution was offered by James Madison in *Federalist No. 62*. This document argues that an, "equality of representation [of the States is] evidently the result of a compromise between the opposite pretensions of the large and small States."¹ However, throughout ongoing deliberations, discussions continued to pivot towards the Senate being an institution to guard against the people's "temporary errors and delusions," and to prevent tyranny and anarchy.² It was a search for both a compromise as well as the discovery of a fragile balance between the *natural aristocracy* potentially emanating from the Senate and the social bonds from which its members would be drawn, and the people, i.e., the few and the many. The officially adopted justification for balanced government as articulated in *Federalist No. 51*, asserts that in order prevent a tyranny of the majority, the power will be distributed between the Executive, Legislative, and Judicial branches of government rather than a bifurcated distribution between the aristocratic few and the rapidly expanding mass of the ordinary, or the many.

Curiously, neither the official repudiation of the Senate as an aristocratic institution, nor the attempts to assuage fears by pointing out the clause in the Constitution that forbade titles of nobility and prevented hereditary aristocracy from taking root in America, were able to prevent the Senate from being perceived as a superior upper chamber comprised of the social and financial elite. Correspondingly, while not objecting to the Senate as a body of the natural aristocracy, many anti-Federalists remonstrated that the Constitution did not provide an adequate balance against popular rule. The Federal Farmer summarized these notions, writing;

The people of this country, in one sense, may all be democratic; but if we make the proper distinction between the few men of wealth and abilities, and consider them, as we ought, the natural aristocracy of the country, and the great body of the people, the middle

¹Quoted found in Paul D. Ellenbogen, "Another Explanation for the Senate: The Anti-Federalist, John Adams, and Natural Aristocracy," *Polity*, vol.29 no. 2, (1996), 247-271.

²*Federalist Papers*, no. 63.

and lower classes, as the democracy, this federal representative branch will have but very little democracy in it, [and] even this small representation is not secure on proper principles.³

This concern became a source of political distress. It essentially acknowledged that unless addressed more proactively, the inevitable result might very well be that the Senate would let, what the Federal Farmer and many others referred to as, “the natural aristocracy” to gradually replace the republican government with an oligarchy and eventually a monarchy. Such fears continued to resonate with concerned legislators throughout the First Congress.

From the convening of the first Congress, the Senate conducted business in relation to the House in an anglophilic nature, attempting to sonorously affirm their “dignity and Character” as “true Gentlemen” while promoting their constitutionally elevated status in the upper house.⁴ However, the seemingly superficial Lord-like demeanor was short-lived as the daunting, imperative demands to create and refine the government took priority. The magnitude of the task at hand for the first Congress should not be taken for granted. Nearly every debate was treated as a constitutional issue, and almost every action would have lasting effects for future Congresses. The intense pressures on both houses of Congress to institute lasting precedents in all legislative actions revealed their intentions to set the nation on a course towards perpetuating good governance and stability. Accordingly, these bold and noble impulses overshadowed Senatorial desire to distinguish itself as worthy of a more prominent reputation. Nonetheless, their pretentious pursuit of distinguishing superiority, however transitory, emerged during the first Federal Congress.

Early in the first Federal Congress, amidst deliberation concerning formal communication procedures between the two chambers, the Senate endeavored to formalize its elite stature and perceived prominence over the House. Originally, in a joint committee, it had been decided that when the House sent communication to the Senate, it would be “carried by two members, who, at the bar of the Senate, shall make their obeisance to the President, and thence,

³Quote found in Ellenbogen, “Another Explanation for the Senate,” 253.

⁴Kenneth R. Bowling and Helen E. Veit, editors, “The Diary of William Maclay and other notes on Senate Debates,” of *The Documentary History of the First Federal Congress of the United States of America*, (The John Hopkins University Press, Baltimore, 1992) 9: 133-144. Cited as DHFFC going forward.

advancing to the Chair, make a second obeisance, and deliver it into the hands of the President.”⁵ Conversely, the Senate determined it sufficient that messages being sent to the more modest House of Representatives, would be delegated to the secretary rather than a member.⁶ After such belittling attempts, Senator Maclay humorously recalled, “we now hear the house below laugh at it.”⁷ However, the House was not so amused, and ultimately refused to comply. Nonetheless, as Maclay explained in his diary, when the House had simply sent a message in the form of a letter to the Senate, “the other House had affronted the Senate by sending up the Bill in a letter.”⁸

It was not long until the Senate was forced to confront this unresolved issue of establishing meaningful and appropriate communications protocols with the House. The Senate’s need to send a bill to the House was hindered by a two-hour debate between bickering Senators over an appropriate communication procedure. Despite the Senate determining it impractical for the secretary to interrupt his tasks to deliver the bill, “the dignity of the [Senate]” would be damaged if they allowed a Senator to deliver packages.⁹ In the end, there was no official rule regarding communication. However, tradition was established and has remained that the House sends their clerk, and conversely, the Senate sends whomever is available and willing to go.

Again, from the preferential vantage point of history, such petty machinations seem comical when considering the backdrop of momentous elements of lasting historical and political significance facing such a bickering, but determined group of individuals. Furthermore, it clearly illustrates just how deeply and seriously American patriots considered the issues of the aristocracy and the monarchy in relationship to their attempts to establish a new republic. Although the example cited above was not the last effort to formalize senatorial prestige, the House’s unyielding resistance to the Senate’s vanity from the very beginning set a tone destined to dissuade even the hint of, let alone, the establishment of a permanent aristocracy.

The Senate again attempted to establish a margin of social distance above what they considered the plebeian Representatives in the House by advocating for titles for both Senators and the President. John Adams, the Vice President and accordingly the President of the Senate, along with several other Senators, advocated for affixing grandiose titles such as “Your Highness

⁵Annals of Congress 1:24.

⁶DHFFC 9: 11-163, and Annals of Congress, 1:23-24, 221-222.

⁷DHFFC, 9:12-15.

⁸DHFFC, 9: 23-24.

⁹DHFFC 9: 23-24.

of the Senate” or “Most Gracious” next to Senator’s names in the minutes.¹⁰ Maclay, one of the opponents to this gesture of grandeur, vowed to “use the Resentment of the Representatives, to defeat Mr. Adams.”¹¹ The proponents of titles argued that without a stronger title for the President of the United States, other nations would not acknowledge or respect the nation’s legitimacy.¹² Some, like Senator Izard alluded to antiquity, and according to the debate recorded by Maclay, he justified titles in the Senate by appealing to Roman antiquity, urging “something equivalent to Nobility” which was common among the Romans.¹³ During the debate, Maclay pointed out the clause in the Constitution prohibiting titles of nobility, and showed that “the Spirit of it” was against such titles.¹⁴ He wrote in his diary “as to kingly Government it was equally out of the question, as a republican Government was guaranteed to every state of the Union that they were both equally forbidden. In the Constriction.”¹⁵

In the end, with the pressure and mockery from the House, the Senate decided against such ostentatious titles for both the Senate and the President. One of the original intentions for the House being separate from the Senate was to create a tension ensuring appropriate checks and balances upon both institutions. In the early days of the First Senate, the House successfully inhibited detrimental actions attempted by the Senate in what very well could have been a precipitous slide towards aristocracy.

Members of the Senate continued to champion the cause of establishing a formalized “mark of superiority” when several Senators abrasively insisted on higher pay.¹⁶ Senator Izard of South Carolina advocated for the increased pay of six dollars opposed to the House’s five dollars based on their perception of occupying a higher status in the Legislature. Senators deserved to “live like gentlemen,” meriting more than living in the same “boarding Houses lodged in holes and Corners” with other “improper company.”¹⁷ Even some members of the House, such as Representatives James Madison and Richard Henry Lee of Virginia, agreed that “a discrimination was necessary” and the Senate deserved a slightly higher pay because “Senators

¹⁰DHFFC 9: 16-19.

¹¹DHFFC 9:16-20.

¹²DHFFC, 9:35-40

¹³DHFFC, 9: 27-29.

¹⁴ DHFFC 9: 27-29.

¹⁵ DHFFC, 9: 27-29.

¹⁶ DHFFC, 9: 138-149.

¹⁷ DHFFC, 9:133-144.

are selected with peculiar care; they are the purified choice of the people, and the best men are likely to be preferred by such a choice.”¹⁸ The pay difference was eventually agreed to, however, it would not go into effect until 1795 so that no current members of the Senate would benefit from the legislation.¹⁹ Although it was agreed that the Senate should benefit from higher salary, this distinguishing aspect corresponded with the framers’ intentions as summarized by James Madison, to favor the Senate, “men of abilities and firm principles” that should be “induced to devote the experience of years, and the acquisition of study, to the service of their country.”²⁰ The higher pay was not to simply entertain superiority and reinforce aristocracy, but it was correlating with the precept that Senator’s should be more deserving due to their age, experience, and longer terms.

On the surface level, the Senate’s initial practice of conducting daily business in secret may in itself be evident of aristocratic tendencies of the upper chamber of Congress. Its role in corroborating the presence of a latent perception of aristocracy cannot be discredited completely. Interestingly, this method was more normative among legislative bodies than the exception. In fact, it was the House of Representatives’ open door policy that was more unique during the time period.²¹ Not only did both the House of Lords and Commons, but also many colonial legislative bodies excluded non-members from chambers while conducting business. Elizabeth McPherson pointed out in her study of the American Senate that “prior to 1766 no legislative body in America had admitted the public to its sessions.”²² State constitutions during the early years of America's experiment in independence typically allowed each legislative body to determine their own rules and procedures. Daniel and Stephen Wirls pointed out that “Only New York and Pennsylvania required the doors of the legislature to be open to the public.”²³ There was a common belief among delegates to the Constitutional Convention that the closed door

¹⁸ Annals of Congress, 1:701-14, 678,

¹⁹ HR-19, also called Salaries-Legislative Act.

²⁰Annals of Congress, 1:24.

²¹ Daniel Wirls and Stephen Wirls, “Reality: Early Senate,” in *The Invention of the United States Senate*, (Baltimore: The John Hopkins University Press, 2004), 166.

²²McPherson quote found in, Wirls and Wirls, “Reality,” 166.

²³Wirls and Wirls, “Reality,” 166.

proceedings produced an environment that would cultivate honest debate, and accordingly, it would be more productive.²⁴

There is also some weight to the suggestion that the secrecy of the Senate revealed the closely held desire to communicate an aristocratic and elitist impression. The difficult task is weighing the two positions against each other in order to decipher the extent the practice of closed doors was continued out of practicality and precedence, or if it was in fact ongoing in order to show a level of superiority in the Senate.

During a remodeling project in New York of what would eventually become the Federal Hall, housing both chambers of Congress, the Senate was placed on the second story floor, in a more intimate room without space for a gallery. When the Senate moved to Philadelphia, the Senate chamber was prepared in a similar manner, without a gallery to accommodate the public.²⁵ Additionally, during the Constitutional Convention, the compromises that came together to give birth to the House and Senate made clear that the House was to be representative of its constituents and closer related to the people. On the other hand, the less democratic Senate was to be representative of individual States. The inaugural Senators might have easily thought the Senate's proceedings to be somewhat unsuited to the undiscerning gaze of the public eye. Even Senator Maclay, one of the members who typically pushed for more transparency and guarded against aristocracy did not see an inherent need for an open door policy. One of his proposed rules drafted for the committee tasked to prepare procedural rules stated that, "Inviolable Secrecy shall be observed with respect, to all Matters transacted in the Senate, While the doors are shut, or as often as the same is enjoined from the Chair."²⁶ This rule by Maclay has been the center of some debate, however, his diction describing the secrecy as "inviolable" shows respect or at least acknowledgement of the benefit of closed door policy.²⁷ Similar to other Senators in the First session of Congress, Senator Maclay found the secrecy of proceedings to be a double-edged proposition. It was clearly more beneficial to the integrity of the task of

²⁴Wirls and Wirls, "Reality," 166.

²⁵Discussion of Swanstrom found in Wirls and Wirls, "Reality," 168.

²⁶DHFFC 9: 404.

²⁷The editors of DHFFC interpreted this rule to be evident to Maclay's support for an open door policy, (9:405) however, Swanstorm 1985, 68, takes it to be indication of his initial support for secrecy.

governance, yet it must not be understood to be a means of establishing the false notion of the superiority of one body over another.

It was not until state legislature's demanded more control over their respective state's senator that the senate's closed door proceedings began to be interpreted as an assertion of superiority and elitism. Secrecy also proved problematic as the Senate began to lose publicity consequently, reinforcing the elitist reputation. As partisan divides widened, secrecy was becoming detrimental public opinion as the populace was not privy to Senate debates.²⁸ After several attempts, it was not until December 9, 1795 that the Senate doors would open to the public.

Perceptions of the Senate's superiority were in some ways inevitable; however, these apprehensions can be misleading when examining the first Congress at the surface level. The Senate, by constitutional design was intended to be the "upper" chamber, and the anglophilic design of the Legislative branch was inevitably going to propagate a superior image. The constitutionally higher status is reinforced by the higher age requirement, longer-term limits, smaller size, and its greater distance from constituents as being representative of the States as opposed to the populace. Despite several confusing gestures of the first Congress, and the provisions in the Constitution that could be construed to permit the propagation of "pompous and Lordly distinctions," beneath the surface the Senate was far from slipping into a hereditary aristocracy that the anti-Federalists feared. The House did not indulge the Senate's magisterial demands underlying the method of communication between the two chambers, nor did they afford the upper house with pretentious titles of grandeur. Similarly, the secrecy of Senatorial debates was not to affirm their superiority, as previously discussed, there were many elements of practicality and precedence that argued for closed door sessions. Arguably, many of the seemingly aristocratic pretensions during the first Congress, did not propagate an aristocratic branch of government. The closest realization of this was averted when the House refused to entertain several of the Senators' desires for imperious titles.

²⁸Wirls and Wirls, "Reality," 169-70.

As Congress moved beyond, what historian William Chambers considered “housewarming chores,”²⁹ the Legislative branch turned its focus to issues of the Executive and Judicial branch, along with Congress’s relationship to these branches. The deliberate ambiguity of the Constitution left the first Federal Congress with a daunting task; establishing the federal government literally from the ground up.

Unlike the House of Representatives, the Senate was given distinct executive and judicial prerogatives, coupled with the anticipated intimate relations between the Senate and the President. Based on these realities, it was inevitable that the superior reputation of the Senate was augmented. At the Constitutional Convention the role of the Senate as connecting the Legislature to the Executive branch became hotly debated as anti-Federalists anticipated the relationship would be corrupted into a distrustful cabal controlling the President. Even though a literal reading of the Constitution does not direct the Senate to act as an executive council, many of the framers had envisioned a close relationship between the two.³⁰ Approving executive and judicial appointments, and finalizing treaties comprise the two non-legislative powers the Constitution conferred to the Senate. Due to the vague language of the Constitution, disputes regarding the locus of authority and extent of the Senate’s executive jurisdiction materialized during the first Congress.

While Congress continued to address these questions, the House was faced with the opportunity to diminish the Senate’s authority. Notable controversy emerged when questions surfaced regarding the identity of those who maintained the authority required to remove the executive department appointees. Advocates of presidential removal power, like Madison, alluded to the separation of powers limiting the Senate from extending control in executive matters, except for powers expressly stated in the Constitution.³¹ On the other hand, opponents like Representative Gerry argued that if Congress affirmed presidential removal powers, it would be an “encroachment on the right... of the Legislature” and be reflective of a hereditary

²⁹Quote William Chambers, *Political Parties in a New Nation* (New York: Oxford University Press) 1963, found in John H. Aldrich and Ruth W. Grant, “The Anti-Federalist, the First Congress, and the First Parties,” *The Journal of Politics*, vol.5 no.2 (May 1993): 300.

³⁰Wirls and Wirls, “Reality,” 169-70.

³¹Elaine K. Swift, “The Development of an American House of Lords: Congress One through Ten (1789-1809),” in *The Making of an American Senate: Reconstitute Change in Congress, 1787-1841*, (Ann Arbor: The University of Michigan Press, 1996), 55-82.

monarchy.³² Representative Page echoed these concerns stating, “this clause of the bill contains in it the seeds of royal prerogative,” and that “everything which has been said in favor of energy in the Executive, may go to the destruction of freedom.”³³ During the final debate, Senator Grayson of Virginia concluded that, “the matter predicted by Mr. Henry is now coming to pass: consolidation is the object of the new Government, and the first attempt will be to destroy the Senate.”³⁴ Although Grayson’s hyperbolic fear that the Senate would be eliminated never came to pass, the nationalist success in both houses of Congress would set the tone against an aristocratic Senate and in favor of a more centralized executive power.

The intentional design of the Senate yielding a wider range of executive and judicial prerogative was inevitably going to precipitate an elevated view of the its reputation. This calculated element was effectively balanced by the House and several senators role in advocating the value of a centralized executive checked by the Senate not overpowered.

One of the first issues addressed by Congress after attending to the “housewarming chores” and questions of executive power was the issue of a national bank, however, Alexander Hamilton’s plan to establish a national bank was perceived by his opponents as an attempt to create a financial elite while weakening the democratic role the House of Representatives played in the government. Not only did Hamilton’s bill to establish a national bank create a distinct partisan divide that would eventually give way to the Jeffersonian Republicans, it also reignited the fears of many who had fought during the Constitutional Convention to warn against elitist tendency that would subvert democracy in favor of aristocracy. Even Hamilton readily admitted that his proposed funding system appealed to “that description of men, who are in every society the only firm supporters of government.”³⁵ In fervent opposition, Representative Jackson stated that “this plan of a National Bank... is calculated to benefit a small part of the United States, the mercantile interest only; the farmers, the yeomanry, will derive no advantage from it.”³⁶ Additionally, many anti-Federalists in Congress saw the bank as unconstitutional in that it advanced a monopoly intended to place the wealth in the hands of “a moneyed interest at the

³²Annals of Congress, 1: 587.

³³Annals of Congress, 1: 509.

³⁴DHFFC 9:113.

³⁵Hamilton Quoted in Aldrich and Grant, “The Antifederalist, the First Congress, and the First Parties,” 309.

³⁶Annals of Congress, 1:1941.

devotion of the government.”³⁷ The plan to establish a national bank was perceived by some to have exacerbated the perceived threat of those unavoidable hereditary forms of government that the anti-Federalists had warned against, i.e., to aristocracy or monarchy. Although the Senate was not solely the focus of this aristocratic distress, if the anti-Federalist’s cynicism had not already been reignited, the plea for the passage and establishment of the National Bank in Congress would have.

The unabated fear of aristocracy and monarchy that the anti-Federalists fought in the Constitutional Convention continued to swell in several other issues facing the first Federal Congress. Prior to Hamilton’s appointment to the Treasury department, a number of legislative efforts in the Congress sought to limit potential corruption in the Treasury Department. One bill, proposed by Representative Burke successfully passed to limit the department’s employees from having involvement in commerce with aim to dissuade “foundations for an aristocracy or a detestable monarchy.”³⁸ Additional debates occurred in August of 1789, with the anti-Federalists arguing that an establishment of inferior federal courts and concurrent powers of taxation would eventually undermine liberty in the republican experiment.³⁹

To summarize the initial question underlying this investigation, this paper has endeavored to address an issue that may seem to be largely insignificant in the light of history and the magnitude of subsequent events through which the American experiment has endured. The writer presented this query: “How did aristocratic or monarchical tendencies in the first Senate affect the formation and execution of the first Federal Congress?”

Even a cursory review of key events transpiring during the initial months and years of the republic’s formation will reveal the presence of an underlying conviction that addressed two themes that had enduring and profound significance and impact on human life. The examples presented herein, along with the scholarly insights of those engaged in the analysis of the literature, illustrate the prodigious power embedded in the constructs of aristocracy and monarchy. The Senate was more closely associated with aristocracy and the executive associated with monarchy. Accordingly, the focus of this paper has emphasized primarily the facets of

³⁷ Annals of Congress, 1:1981.

³⁸ Annals of Congress, 1: 611, and Aldrich and Grant, “The Antifederalist, the First Congress, and the First Parties,” 303.

³⁹ Annals of Congress, 1: 815-880.

aristocracy in the early republic, however that is not to say the threat of a monarchy did not occupy a place of intellectual curiosity or concern in the minds of those shaping the new government. The early republic was concerned with potential institutionalization of a new aristocracy made up of individuals who managed to move materially, financially, and socially, beyond the often crude world of ordinary citizens.

Those individuals and groups comprising the majority of citizens who did not enjoy the largesse of wealth, property, and power, envisioned the striking of a balance between classes. Their vision was not one of a “classless” society, rather, it was one in which the ideology of the new republic would acknowledge variation and diversity without the denigration of those occupying different social, economic, and educational locations on the social spectrum. They saw in a system of checks and balances a means of ensuring liberty and freedom while embracing constructive ideas from whatever quarter they may originate.

Ironically, the development of a bicameral legislative system offered fertile ground in which some individuals envisioned planting the seeds of an emerging aristocracy that could be favorably compared to any aristocracy in the world. At the same time, fiery proponents of populism would scrutinize any and all efforts to institutionalize even the slightest bit of aristocratic ideology.

Whether it was a question of titles, powers, or the development of a national bank, members of both the Senate and the House prevailed to serve the nation as architects of national policy ensuring a political system in which tyranny and the establishment of a ruling class would be discouraged. It is possible that exhaustive examination of all documents associated with the formative period of the American system of government, which is beyond the scope of this paper, would show the range and impact of the creative energies that were released in the struggle to discourage aristocratic ideology. Both those embracing and even desiring aristocratic position, privilege, and power, as well as those embracing a populist vision of equal opportunity modeled a constructive pattern by which disagreements could be addressed, and creative compromises could lead to even more efficient, effective, models of governance.

The examples presented in this paper have been selected to not only address the thesis question, but to show how one nation of immigrants and explorers came to terms with polar social and political constructs, and by great effort, sometimes in fits and starts, envisioned a

national system of government that one day would be characterized by one of its future presidents as, “Government of the people, by the people, for the people, shall not perish from the Earth.”⁴⁰

⁴⁰Abraham Lincoln, *Gettysburg Address*, November 19, 1863.

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