

THE PARDONING GOVERNOR¹

AUTHOR UNKNOWN

Published in *The Broadway Journal*
February 22, 1845 (1:8)

Edited and Annotated by Jacob Winkelman
University of Arizona Antebellum Magazine Edition Project
March 29, 2015

We have often seen notices of pardons by the late² Governor of Pennsylvania, but we had no suspicion of the extent to which he had stained his mercy, until we saw the official statement of the exact number of convicts whom he set free before their term of confinement expired. The whole number of pardons granted by Governor Porter is eight hundred, of these, fifty-five were granted before trial. Among the pardoned were several murderers, counterfeiters, burglars, horse thieves, bigamists, incendiaries, and fraudulent voters³. A fearful list of freedmen. Of what use are laws that must be executed by lawless men? These eight hundred rogues whom Governor Porter set free, the great part of them beyond doubt to rob and murder again, had been conceited at great expense to the state; and the neighborhoods which they had infested, had no doubt looked upon themselves as happily rid of dangerous members: but the expense must all be incurred again by the state, and throats must be cut, and houses fired again, because the governor, one weak-minded or dishonest man to whom the people gave power over their lives and fortunes, chose to have it so. Another Governor is the very opposite of Governor Porter, either very honest or very hard hearted, and will grant no pardons under any circumstances, and convicts who had been accidentally condemned must suffer years of confinement, because the Governor (the one man again) will have it so.

¹ See editor's note for a more in-depth explanation of how audiences of the time would have identified the subject of this piece only from the title, "The Pardoning Governor".

² "Late" in this instance refers to the end of Governor Porter's career as governor rather than his death. Governor Porter served from 1839-1845 and did not pass away until 1867. (National Governor Association).

³ Based on concurring accounts from David Grimstead's book, *American Mobbing, 1828-1861 toward Civil War*, these are accurate numbers and not an exaggeration to bolster the author's claims.

What absurdity to talk of justice, when the execution of the law depends upon the whim of an individual! If one Governor may pardon eight hundred convicts, why may not some other Governor hereafter make a general jail delivery and pardon all convicts. If Governor Porter may pardon fifty-five indicted criminals before trial⁴, what is there to prevent some other Governor releasing all offenders before trial? Nothing could more plainly show the folly of the majority of the whole people making a law, and then giving one man the power to render it null, than the exposure of Governor Porter's suspicious mercy. The Americans are strangely reckless of power: having it in their own hands, and having never felt the want of it themselves, nor suffered much from its abuse by others, they gave it away as though it were little worth. They give it to their rulers as though their rulers were angels, and could not use it improperly. They are credulous to a degree⁴ passing belief. It never seems to have occurred to the people of the United States, that their executive officers could do wrong; to think so would be a reflection upon the people themselves, for the officers, are they not taken from the people? But the conduct of Governor Porter of Pennsylvania has caused a suspicion in some mind that the State Executive enjoys too much power, and a proposition has already been introduced into the Pennsylvania legislature requiring the consent of the Senate to a pardon by the Governor⁵. In the most democratic state in the Union, Massachusetts, the advice and consent of the Governor's council is necessary to a pardon.

Governor Porter must be a singularly weak-headed man, or the courts in Pennsylvania must be strangely corrupt, to allow of eight hundred men being sent wrongfully to prison. We flatter ourselves that we are governed by our own laws, but we are mainly governed by the whims of one man to whom we give power to render null and void all our laws. An elective monarchy⁶ is certainly an improvement, and a slight one too; our people are almost as far from believing that all power rests with them, and that they have power to govern themselves, as the subjects of Nicholas or Queen Victoria⁷.

We do not condemn governor Porter; he may have been moved by merciful considerations in setting the rogues free that the court had condemned to imprisonment; but he or the judiciary of the state must have been strangely wanting in honesty or capacity, or so great a number of men could not have been convicted unjustly, or unjustly set at liberty.

⁴ David Grimstead's book, *American Mobbing, 1828-1861 toward Civil War*, discusses these "fifty-five indictments before trial", which were all given to political friends of Governor Porter who had committed various crimes of bribery, embezzlement, and voter fraud.

⁵ According to the Pennsylvania Board of Pardons, this proposition most likely failed. The law regarding government pardons in Pennsylvania was not changed until the Pennsylvania Constitutional Convention of 1872 in which the Board of Pardons was created under Article IV of the Pennsylvania Constitution.

⁶ The phrase "elective monarchy" may be an allusion to President Andrew Jackson who was often criticized by political opponents for his abuse of executive power. In fact, his opponents dubbed him "King Andrew I" as demonstrated by a comic strip from 1833. Preserved by the Library of Congress.

⁷ Tsar Nicholas I of Russia and Queen Victoria of England.



EDITOR'S NOTE

“The Pardoning Governor,” a seemingly contrite and minor piece in the scheme of historical works and even this specific periodical, offers a unique viewpoint into the political ideals and disagreements of the antebellum era. The subject governor of the piece, Governor David Porter who served Pennsylvania from 1839-1845, was indeed responsible for the pardoning of 800 people including murderers, rapists, counterfeiters, burglars, and arsonists, in addition to 55 of his political friends before they even stood trial (Grimsted 194). His most notable pardons, however, came from the Muncy Abolition Riot, in which he pardoned 13 rioters who attacked an abolitionist speaker and his followers. Porter justified this decision by accusing abolitionists of using the trial for political ends and for purposefully provoking these riots. This particular pardoning decision led to the nicknames of “Previous Pardon Porter” and “The Pardoning Governor” (Anspach). With all of this as background into Governor Porter’s gubernatorial career, it is safe to assume that the common reader of the time would have identified the subject of this piece from only the title.

Before looking at the specific position and grievances outlined in this article, the modern reader must attempt to understand the political climate of the period. This issue of the *Broadway Journal* was written in February 1845— only a few months after the gubernatorial and presidential elections of 1844. The 1840s was in the center of the “Jacksonian Political Era” (≈ 1828-1860); a period marked by slavery concern, statehood expansions, a push for voting rights, and, most directly related to this article, the beginnings of patronage in established political parties. Corruption is nothing new in the political arena, but the Jacksonian Era marked a substantial uptick in governor pardons for the sake of political favors. Additionally, the Democrat and Whig parties each began using elections to appoint high-ranking members of their own parties to political positions whether qualified or not. This was an especially turbulent political time for the country, with parties merging, breaking down, or creating new factions every election, and intense feuding between the Jacksonians and Anti-Jacksonians (Widmer). James Polk, a true Jacksonian Democrat, just won election succeeding John Tyler, a moderate Whig.

This article specifically taps into the fear of an overly powerful executive— a political fear held by many Americans of the time. Andrew Jackson, although a harsh critic of “big government”, markedly expanded the powers of the presidency out of unwillingness to work with congress, which he despised. Jackson vetoed more bills than any President before him, and congress officially censored him— the only time in the history of the United States that

this has happened. Critics of Andrew Jackson often referred to him as “King Andrew I” for his frequent unilateral actions and refusal to treat congress as an equal branch to the executive (Library of Congress Prints and Photographs Division). Governor Porter, as a Democrat, would have been aligned with the Jacksonian legacy of the Democratic Party and consequently associated with the platforms, stereotypes, and accomplishments of his party. The relevance of questioning the power of the executive during this time adds subtext to this piece. Not only is this a critique of Governor Porter, but “The Pardoning Governor” offers a repudiation of this entire political era in which executives acted closer to monarchs, and Governor Porter was a product of an Andrew Jackson presidency in which power no longer rested with the people.

In the climax of his piece the author writes, “We flatter ourselves that we are governed by our own laws, but we are mainly governed by the whims of one man to whom we give power to render null and void all our laws” (“The Pardoning Governor”). This line more than any other in the piece articulates the frustrations and fears of Americans who worry governors and presidents wield too much authority. Patronage and political spoils rose in the Jacksonian era and have since then continued to permeate into the modern political landscape. Since this article was written after Governor Porter finished his term, the author clearly had other purposes for writing it besides rallying opposition to someone no longer in office. This is a piece looking to caution complacent Americans from placing too much faith in elected officials and allowing unchecked power to go unnoticed.

JACOB WINKELMAN



WORKS CITED

- Anspach, Marshall R. *An Account of the Muncy Abolition Riot of 1842: Including the Narrative of One of the Jurymen.* , 1941. Print.
- Grimsted, David. *American Mobbing, 1828-1861 toward Civil War.* New York: Oxford UP, 1998. Print.
- King Andrew the First.* Library of Congress Prints and Photographs Division, Washington, D.C.
By Bernard Reilly.
- Sobel, Robert, and John Raimo, eds. *Biographical Directory of the Governors of the United States, 1789-1978, Vol. 4.* Westport, CT: Meckler Books, 1978.
- Widmer, Ted. "The Age of Jackson." The Gilder Lerhman Institute of American History, 1 Jan. 2015. Web.
- Wolf, Tom. "History of the Board of Pardons." Pennsylvania Board of Pardons. Commonwealth of Pennsylvania, 1 Jan. 2015. Web.¹


