

UNITED STATES SENATE
ELECTION, EXPULSION
AND CENSURE CASES

 1793-1990 

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Case 1

Albert Gallatin

(1761–1849)

Pennsylvania

Election Case

December 2, 1793 to February 28, 1794

Issues

Qualifications: citizenship

Result: Unseated

Chronology:

Protest filed: Dec. 2, 1793

Referred to committee:

Dec. 11, 1793; Jan. 13, 1794

Committee report:

Dec. 31, 1793 (Federalist);

Feb. 10, 1794 (Elections)

Senate vote: Feb. 28, 1794

Background

During the nation's formative years, an increasing number of adherents to the Republican party, led by Thomas Jefferson, threatened the initial superiority of the Federalists. In 1793, Pennsylvania's Albert Gallatin, who had emigrated from his native Switzerland during the American Revolution, made a dynamic addition to Republican forces in the Senate.

Upon his election by the Federalist legislature of Pennsylvania, Gallatin unwittingly provided those same Federalists with the ammunition to reverse their earlier action. The new senator publicly questioned whether his credentials would pass the constitutional requirement of a nine-year United States residency for senators. His untimely query opened to debate the question of national citizenship, not previously an issue for members of the earliest congresses. On December 2, 1793, at the opening of the Third Congress, Gallatin took the oath of office, but that same day nineteen Pennsylvania Federalists filed a protest that Gallatin had not been a citizen for nine years at the time he was elected.

Federalist senators felt uncertain about the correctness of the election protest, since all national citizenship was still in its infancy. On the other hand, they recognized that the presence of the aggressive and outspoken Gallatin boded ill for Federalist policies. On December 11, 1793, the Senate referred the petition of protest to a committee of five Federalists.

Statement of the Case

On December 31, 1793, the Federalist committee predictably reported that Albert Gallatin failed to meet the constitutional residency requirement when he was elected to the United States Senate, citing his European birth and his continued personal ties there. In support of his position, Gallatin cited his uninterrupted United States residency of thirteen years, his

substantial property holdings, his 1785 oath of allegiance to the state of Virginia, and his service in the Pennsylvania legislature.

Response of the Senate

The Federalists in the full Senate hesitated to proceed upon this report, but Gallatin's conduct soon spurred them into action. An incisive, relentless Republican and a financial wizard, Gallatin launched a complex attack upon the monetary practices of Federalist Treasury Secretary Alexander Hamilton. Fearing this powerful adversary in a Senate where they held only a slim advantage, Federalist senators activated plans to unseat Gallatin. On January 13, 1794, the Senate established a seven-member Committee of Elections to review the case. Although the committee represented both parties, Federalists controlled it by a four-to-three majority. In response to the committee's inquiries, Gallatin presented a detailed report of the events of his life, but stated that it would be prohibitively troublesome and costly for him to collect substantial evidence in his own behalf from distant sources. He also insisted that he had a right to have his case decided before the full Senate.

Propelled by Gallatin's comments and the report of the Committee of Elections on February 10, 1794, that again supported the Pennsylvania petitioners, the issue came before the full Senate for debate. The Federalists, anxious to eliminate Hamilton's troublesome opponent, appealed to a budding spirit of American nativism by suggesting that Gallatin was a sinister alien. More directly, they charged that Gallatin's Virginia oath did not satisfy naturalization laws for that state and that the new senator had not presented conclusive proof of his citizenship.

Faced with some confusion over a technical point of citizenship, Federalists saw no reason to rescue a dangerous foe. When the issue finally came to a vote on February 28, 1794, the Senate voted on party lines, 14 to 12, to unseat Gallatin. Even his Pennsylvania colleague, Robert Morris, failed him. Earlier, the mercurial Morris had declared himself neutral and had refused to present the original petition of complaint against Gallatin. Now, however, Morris shifted his position and voted with his Federalist friends.

Conclusion

The Gallatin case, in part, stemmed from a weakness in the system of choosing senators, since each state could develop its own methods for senatorial elections. The roots of Gallatin's problem lay in bitter controversy within the Pennsylvania legislature. Not until 1866, after similar contests continued to plague the Senate, did Congress enact a law to regularize state procedures for the selection of senators.

Additionally, some senators used the debate in the Gallatin dispute as an opportunity to repeat their demands that the Senate chamber be open to the public during legislative business. At that time, the Senate met behind closed

doors, while the House opened its debates to those who wished to observe. Since the First Congress, efforts had been made to open the Senate's sessions. Increasingly, the state legislatures that elected senators, the press, the public, and even the president were demanding a change in the closed-door policy. Because of concerns that holding secret discussions regarding an individual senator would feed suspicions that the Senate intended to create a legislative aristocracy hidden from popular view, the Senate opened its doors for the Gallatin debate. Soon afterward, the Senate adopted a final resolution permitting open sessions and authorizing construction of public galleries, which were finally completed in 1795.

Although Gallatin's service in the United States Senate was markedly short, the episode served him well. It enhanced his already substantial reputation and gave him considerable publicity. Pennsylvania Republicans viewed him as a champion, and two years later the state's voters elected him to the House of Representatives. Later in his long and distinguished career, Gallatin served as secretary of the treasury under Thomas Jefferson, was United States delegate to the negotiations for the Treaty of Ghent, and saw diplomatic duty in France and Great Britain. Upon his retirement from public life, Gallatin moved to New York, where he headed a bank. He died on August 12, 1849.

Sources

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