# CHRONOLOGY OF THE CONSTITUTION

"There has never been a document of culture,
which is not simultaneously one of barbarism."
— Walter Benjamin's THESES ON THE PHILOSOPHY OF HISTORY (1955)

*»Es ist niemals ein Dokument der Kultur,*
*ohne zugleich ein solches der Barbarei zu sein.«*
— THESEN ÜBER DEN BEGRIFF DER GESCHICHTE (1940)

## 1662

In Flushing, New York, Friend John Bowne was imprisoned and fined for allowing fellow Quakers to meet in the house he had erected in the previous year.


When the prison door was left unlocked so he might escape, Friend John chose not to avail himself of the opportunity. Instead he would appeal the case to the corporate offices of the Dutch West India Company. Although Governor Peter Stuyvesant would inform the Quaker that he might get off the ship anywhere he chose, and Friend John got off the vessel in Ireland, he then traveled through England to Holland for his trial — the result being that the Directors would instruct Governor Peter Stuyvesant that in the future he should overlook such cases where they did not directly interfere with local government: "The consciences of men at least ought ever to remain free and unshackled." This was part of the struggle which now travels under the rubric "Flushing Remonstrance," a significant precedent for the 1st Amendment to the US Constitution.

Friend William Penn would visit the Bowne home in Flushing.

In 1694 Friend John would participate in the erection of a regular meetinghouse for the Flushing Monthly Meeting. Visitors to this structure would include Friend John Woolman, plus once some gentleman stopped by who was calling himself George Washington. These walls would witness the beginnings of organization for the purpose of the elimination of American race slavery. (This structure still stands, as the oldest house of worship in the state of New York and the 2d oldest Quaker meetinghouse in America.)

RELIGIOUS SOCIETY OF FRIENDS

## 1744

*Canassatego*, an Onondaga leader, began to be of considerable influence. At the Lancaster Council in backwoods New York and elsewhere *Canassatego* spoke for the entire Iroquois Confederacy. He was the *Atotarho* or President of the Haudenosaunee (Iroquois) Confederacy — the officer who presided over their Council of the Six Nations. He advised the leaders of several English colonies who had gathered at Lancaster: "Our wise forefathers established union and amity between the Five Nations (Seneca, Cayuga, Onondaga, Oneida, and Mohawk). This has made us formidable. This has given us great weight and authority with our neighboring Nations. We are a powerful Confederacy, and by your observing the same methods our wise forefathers have taken you will acquire much strength and power; therefore, whatever befalls you, do not fall out with one another." This quote is per Benjamin Franklin's account of the meeting as cited in Professor Bruce E. Johansen's FORGOTTEN FOUNDERS: BENJAMIN FRANKLIN, THE IROQUOIS AND THE RATIONALE FOR THE AMERICAN REVOLUTION (Ipswich MA: 1982). According to what we may here term the "Iroquois Influence Thesis," the Iroquois Confederacy was based upon a Constitution that predated ours by about four centuries. Their Constitution, while not written, had been passed on orally and all of their leaders, as well as many other citizens of their nations memorized it in its entirety. They recited it to their people at least once a year. The Haudenosaunee Confederacy also had three branches of government, 50 representatives for the five nations, who were selected by, and could also be impeached by, the respected female elders of each tribe. Veto power was vested in the executive branch (the Onondagas), and the power to override a veto was granted to the two other branches (operating in tandem). Their leaders were considered to be servants of the people, and could be impeached if they did not live up to that expectation. Thus, according to this Iroquois Influence Thesis, the Constitution has a suppressed non-white ethnic origin.[1]

1. This "Iroquois Influence Thesis" has been deconstructed by William A. Starna and George R. Hamell in "History and the Burden of Proof: The Case of the Iroquois Influence on the US Constitution," New York History 77 (1996): 427-52. (Also, there were in that year a couple of articles critical of this thesis in William and Mary Quarterly 53: 587-636.) For scholarly support for this "Iroquois Influence Thesis," refer to:

Donald Grinde's THE IROQUOIS AND THE FOUNDING OF THE AMERICAN NATION (San Francisco: 1977)

Sharon O'Brien's AMERICAN INDIAN TRIBAL GOVERNMENTS (Norman OK: 1989)

Donald Grinde and Bruce Johansen's EXEMPLAR OF LIBERTY: NATIVE AMERICA AND THE EVOLUTION OF DEMOCRACY (Los Angeles: 1991)

Bruce Johansen, NATIVE AMERICAN POLITICAL SYSTEMS AND THE EVOLUTION OF DEMOCRACY: AN ANNOTATED BIBLIOGRAPHY (Westport CT: 1996)

EXILED IN THE LAND OF THE FREE: DEMOCRACY, INDIAN NATIONS, AND THE US CONSTITUTION, ed. Oren Lyons, Vine Deloria, Laurence Hauptman, and several other scholars (Sante Fe NM: 1992).

## 1770

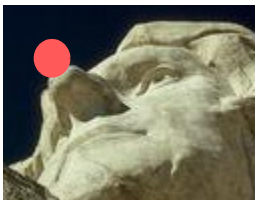
Initially, in their internal political debates, Americans seem to have referred more frequently to Mason's draft Virginia Declaration of Rights, which began by asserting "that all men are born equally free and independent," than to the Declaration of Independence which we now have come to emphasize as having a certain primacy in our national system. It would be Mason's formulations, in most cases by use of the verb "born," rather than Thomas Jefferson's formulations, that would be incorporated into various state bills of rights and, by way of the Pennsylvania Declaration of Rights, into the French Declaration of the Rights of Man. After the Constitution and Bill of Rights had included no statement of basic revolutionary principles, it would be later generations of Americans, not this initial generation, who would find those principles useful in national politics and would gradually be transforming the Declaration from a revolutionary or "external" manifesto into a standard for established "internal" governance akin to a bill of rights. In a sense the Declaration had to be rescued from an initial obscurity before the Americans of the Early Republic began to be able to made their internal political appeals on its basis.

During this period of revolutionary turmoil, in which there would be a whole lot of talk about human rights and a whole lot of taking of human life, a total of 34 Friends would need to be "dealt with" in Pennsylvania, and a total of 9 Friends would need to be "dealt with" in New Jersey, on account of their refusing to give up all involvement in public affairs. That is, a number of Quakers would refuse their society's demand that they "withdraw from being active in civil government" during a period so preoccupied with "the spirit of wars and fighting." They would either continue to hold public office, or would continue to attend town meeting, or would continue to cast votes for persons to hold public office, all of which activities were being proscribed by the Religious Society of Friends as morally unacceptable:

> Friends being in any ways active in government [in the present commotions of public affairs] is inconsistent with our principles [against wars and fightings].

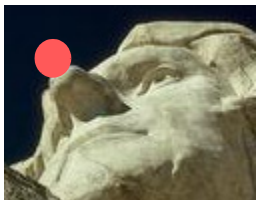
For the duration of the war, no Quaker would be allowed to even serve as an overseer of the poor, without being "dealt with" on account of this implicit involvement in violence by his meeting.

In Virginia, Jefferson was building Monticello on the backs of slave laborers.

"The United States of America had human slavery for almost one hundred years before that custom was recognized as a social disease and people began to fight it. Imagine that. Wasn't that a match for Auschwitz? What a beacon of liberty we were to the rest of the world when it was perfectly acceptable here to own other human beings and treat them as we treated cattle. Who told you we were a beacon of liberty from the very beginning? Why would they lie like that? Thomas Jefferson owned slaves, and not many people found that odd. It was as though he had an infected growth on the end of his nose the size of a walnut, and everybody thought that was perfectly OK."

– Kurt Vonnegut, FATES WORSE THAN DEATH, page 84




THOMAS JEFFERSON

# 1787

Noah Webster, Jr.'s "Examination" attempted to counter certain Quaker scruples upon the fact that human enslavement had just been enshrined in the current draft version of the federal Constitution:

> But, say the enemies of slavery, negroes may be imported for twenty-one years. This exception is addressed to the quakers, and a very pitiful exception it is. The truth is, Congress cannot prohibit the importation of slaves during that period; but the laws against the importation into particular states, stand unrepealed. An immediate abolition of slavery would bring ruin upon the whites, and misery upon the blacks, in the southern states. The constitution has therefore wisely left each state to pursue its own measures, with respect to this article of legislation, during the period of twenty-one years.

INTERNATIONAL SLAVE TRADE

Organization was begun following a paper given by Dr. Benjamin Rush at the home of Benjamin Franklin, entitled, "An Inquiry into the Effects of public punishment upon criminals and upon society." Although the Quakers have always had a deep influence in Philadelphia, the organization would by no means be limited to Quakers. Dr. Rush for instance was a Unitarian, and Franklin wasn't much of any religion. The President of the Philadelphia Society for Alleviating the Miseries of Public Prisons for its first 40 years would be an Episcopal Bishop, William White.[2]

Since Franklin might be termed the grandfather of electroshock therapy on the basis of his early suggestion that persons suffering from insanity be shocked into sanity by the application of electricity, I will insert the following item here: in this year Dr. John Birch made the experiment of administering electroshock to a popular singer who was suffering from melancholia — after daily treatments for a month, he recorded, the singer was able to fulfil his engagements that summer "with his usual applause."

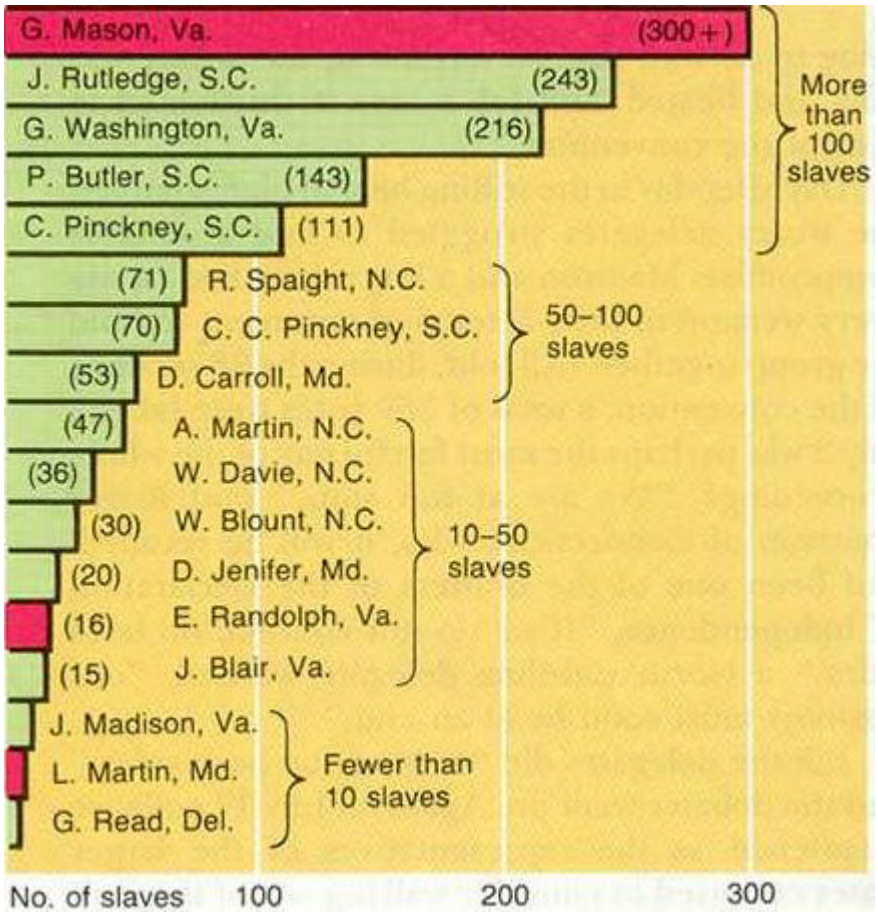
Dr. Benjamin Rush was a member of the "Convention of Pennsylvania for the Adoption of the Federal Constitution."

In this year Virginia was repealing its incorporation of the Protestant Episcopal Church. Fear of powerful and wealthy churches would induce the Virginia legislature to routinely refuse to incorporate any churches,

2. For those who wish to read more, there are two books by Dr. Negley Teeters of Temple University: THEY WERE IN PRISON, a history of the PA Prison Society, and THE CRADLE OF THE PENITENTIARY. Prior to this point, prison as punishment was not known. The motivation of the experiment was to create a substitute for corporal and capital punishment. This group promotes correctional reform and social justice to this day, although now it deems itself the Pennsylvania Prison Society.

seminaries, or religious charities whatever. Such provisions for separation of church and state would make their way into the US federal constitution and would continue through a succession of Virginia constitutional revisions, into the 21st Century.

Franklin was again reelected President of Pennsylvania and went as delegate to the Philadelphia convention for the framing of a Federal Constitution. Here is an indication of the lifestyles of the people who attended this convention. Note that George Mason of Virginia, J. Rutledge of South Carolina, and George Washington of Virginia were three of the largest slaveholders in North America, and that in all, 17 delegates to this convention owned the lives of some 1,400 human beings:




Franklin, who owned slaves and acted as a slave-trader in Philadelphia out of his print-shop, went to the constitutional convention in part as the official representative of the anti-slavery cause — and never once raised this vital issue. Fifty years later, when the sealed proceedings would be disclosed to the American public and it would be revealed that he had betrayed us in this fundamental respect, there would be the greatest outrage at his conduct, and a debate would begin which would be germane to the origin of our civil warfare, a debate as to whether the federal Constitution was a pact with Satan which ought to be dissolved. That is to say, the activities (or lack of activities, for he was possibly already on opium at the time) of Franklin at the constitutional convention would lead directly to the foundation of the Northern Disunionist faction. But he spent his valuable time at this important convention arguing for banal nonce items such as having several executives rather than one and one legislature rather than several. The more important stuff, that he was supposed to be talking about, was precisely what the guy wasn't talking about. As a practical Pennsylvania politician he had found it was sometimes useful to ally with the local Quakers, if this helped him neutralize

the Brit influence, and we may observe in the following quotation from his AUTOBIOGRAPHY not only this government's general attitude toward people who have been pacified but also this "antislavery delegate" Franklin's attitude toward people who have been negrofied:

## Ben Franklin's "Autobiography"

*One afternoon, in the height of this public quarrel, we met in the street. "Franklin," says he, "you must go home with me and spend the evening; I am to have some company that you will like;" and, taking me by the arm, he led me to his house. In gay conversation over our wine, after supper, he told us, jokingly, that he much admir'd the idea of Sancho Panza, who, when it was proposed to give him a government, requested it might be a government of blacks, as then, if he could not agree with his people, he might sell them. One of his friends, who sat next to me, says, "Franklin, why do you continue to side with these damn'd Quakers? Had not you better sell them? The proprietor would give you a good price." "The governor," says I, "has not yet blacked them enough." He, indeed, had labored hard to blacken the Assembly in all his messages, but they wip'd off his coloring as fast as he laid it on, and plac'd it, in return, thick upon his own face; so that, finding he was likely to be negrofied himself, he, as well as Mr. Hamilton, grew tir'd of the contest, and quitted the government.*

We can get a glimpse, in the above, of how it would come to be that Dr. Franklin could go off to the Constitutional Convention in 1787 as the designated representative of the civil rights people of his day — and then, precisely 50 years later, when the articles of secrecy the delegates had sworn to had expired, it would be discovered that this politician had betrayed the people he was supposed to be representing by uttering not one single word at any time during that convention in opposition to the "peculiar institution" of chattel slavery.[3] James Madison took very detailed minutes throughout the Convention, but they were subject to a secrecy

**READ MADISON'S NOTES**

conspiracy to keep the electorate in the dark, with a sworn duration period of precisely 50 years, which was adhered to by all participants. Madison had turned over his notes on the Convention to George Washington, who kept them at Mt. Vernon, and Madison's notes would not see the light of day until 1845. No member of the Constitutional Convention of 1787 would publish any account of the Convention's important deliberations until two years after the death the last member of the Constitutional Convention, Madison, when the notes of Luther Martin of Maryland and of Robert Yates of New York would be published in 1838 as SECRET PROCEEDINGS AND DEBATES OF THE CONSTITUTIONAL CONVENTION, 1787.

**NOTES OF ROBERT YATES**

3. Yes, children, it was our trusted and revered Founding Father Benjamin Franklin, as much as any single American, who caused the bloodletting of our Civil War. Was the guy on drugs during this convention? —No, we don't know for certain sure that he began his heavy use of opium before the year after this one. The only drug we can be quite certain he was on at this point, besides fatheadedness, was racism.

***Son of so-and-so and so-and-so, this so-and-so helped us to gain our independence, instructed us in economy, and drew down lightning from the clouds.***

Incidentally, in using the trope "peculiar institution" today we tend to make an implicit criticism of enslavement. Not so originally! In its initial usages, to refer to slavery as "peculiar" was not in any way to attack it but rather proclaim it to be defensible. "Peculiar," in this archaic usage, indicated merely that the legitimacy of the system was based not upon any endorsement by a higher or more remote legal authority, but based instead upon the "peculiar conditions and history" of a particular district of the country and a particular society and a particular historically engendered set of customs and procedures and conventions. This trope went hand in hand with the Doctrine of States Rights, and went hand in hand with the persistence of the English common law.

When Madison's records were opened on schedule, there was the greatest outrage. We felt totally betrayed. A Northern disunion party of sorts originated, and would constitute one of the causes of the frictions leading eventually to the US Civil War. We found out, belatedly, suddenly, that our Franklin had gone to the convention in part as the representative of the anti-slavery position, and ─old, terminally ill, possibly already under the influence of opium, desiring some peace in his time─ he had simply sold us out. Our guy hadn't even so much as **raised** the central issue of American slavery for **discussion**. We were so surprised, here we've got this slavemaster guy who used to keep the unwanted surplus slaves of his friends and business associates in a pen behind his print shop in Philadelphia, offering their bodies for sale to the highest bidder, and we trust him and we go and send him off to our constitutional convention to be our spokesperson against slavery ── and we're so surprised and we feel so betrayed fifty years after the fact! There's now a book out that alleges that Ben more than any other human being was responsible for the American Revolutionary War. Per the book this was allegedly based upon his resentment at having been being fired as the colonial postmaster general, and publicly humiliated and scorned in Whitehall, on irrefutable charges having to do with the stealing of other people's correspondence. Well, I don't know about that issue ── but, if I had to select out one American citizen who, more than any other, was responsible for the bloodshed of the US Civil War, I think I'd nominate Founding Father Benjamin Franklin for the honor. Well, maybe not. Anybody want to attempt to make a case for Nat Turner? Roger Taney?

Slavery is never directly mentioned in the US Constitution, although the document explicitly regard people coming into the nation from Africa to constitute cargo rather than to constitute prospective citizens. Also,

> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other persons. (Art. I, Sec. 2)

This is usually telegraphed by some comment such as "Our founding fathers believed that black people were subhuman, and evaluated them as $^{3}/_{5}$ths of a human being." That would have been bad enough, but this section is open to another, more accurate, and more pejorist, interpretation. Consider the key words here, "Representatives ... shall be apportioned" in the light of the end of this paragraph, which assigns the number of representatives each state would have until the first census could be taken, and ask yourself the question "So, how many representatives does each state initially get in the US Congress? The formula that was used is that representation was proportional to population, except that only 60% of the slaves were counted. Representatives represent those who elect and re-elect them. Blacks, free white children, and free white women were not allowed to cast ballots. The proper critical question to ask of this passage would not be, Why were slaves counted at only $^{3}/_{5}$ths, when free white children and free white women were counted as whole units? The question would be, Why were they counted at all? Their inclusion in the census only served to inflate the representation of the free citizens of the slave-holding states. It certainly did nothing to promote the representation of the slaves in Congress. It could easily be demonstrated that the political interests of the free white men who were casting ballots had a significant amount of overlap in that period with the political interests of free white children and free white women, but it would be significantly harder to demonstrate a significant amount of overlap between the interests of slaveholders and the interests of their slaves. Of the actual voters in slave-holding states, how many held the same political opinions as the slaves? It might be a good guess that the answer is, close to zero. So why were these voters allowed extra representation, as if they could speak for 60% of the slaves? If we want to make a slogan of it, we shouldn't be saying that the founding fathers considered a slave to be $^{3}/_{5}$ths of a person. We should be saying that they considered a slave a nonperson who increased someone else's, the possessor's, political worth by 60%. Bear in mind that what we are considering here is an era in which voting rights and property rights were still conceptually entangled — simply because in any event only men of property were entitled to cast a ballot.

Why $^{3}/_{5}$ths? –Because on an average you can only get about $^{3}/_{5}$ths as much work out of a slave, through a motivational system primarily consisting of punishments and the threat of punishment, that you can get out of a free person, through a motivational system primarily consisting of rewards and the prospect of rewards! (Also, very practically, because both the North and the South were willing to compromise at $^{3}/_{5}$ths whereas the northern colonies would never have entered the Union had Southern slaves been weighed at $^{5}/_{5}$ths and the southern colonies would never have entered the Union had their slave property been weighed at $^{0}/_{5}$ths.)

On the popular but quite incorrect interpretation of Art. 1 Sec. 2 of the US Constitution, whatever benefit a population received from being counted, the slave population was to receive but $^{3}/_{5}$ths of that benefit. On a more accurate interpretation, the slave population was to receive no positive benefit at all, or was to receive a negative benefit, from being thus counted, for you will notice that the benefit that accrues from counting $^{3}/_{5}$ths of the slave population is a benefit which is assigned to the free voting population of the same state, which is thus even more powerful — and even more capable of abusing those being held in captivity.

In a November 9, 2000 op-ed piece in the New York Times, "The Electoral College, Unfair from Day One," Yale Law School's Akhil Reed Amar would argue that intent of the Founding Fathers in creating the electoral college which was so perplexing us during the Bush/Gore presidential election, like their intent in creating the $^{3}/_{5}$ths rule, had been to protect America's southern white men from the vicissitudes of majority rule:

> In 1787, as the Constitution was being drafted in Philadelphia, James Wilson of Pennsylvania proposed direct election of the president. But James Madison of Virginia worried that such a system would hurt the South, which would have been outnumbered by the North in a direct election system. The creation of the Electoral College got around that: it was part of the deal that Southern states, in computing their share of electoral votes, could count slaves (albeit with a two-fifths discount), who of course were given none of the privileges of citizenship. Virginia emerged as the big winner, with more than a quarter of the electors needed to elect a president. A free state like Pennsylvania got fewer electoral votes even though it had approximately the same free population.
>
> The Constitution's pro-Southern bias quickly became obvious. For 32 of the Constitution's first 36 years, a white slaveholding Virginian occupied the presidency. Thomas Jefferson, for example, won the election of 1800 against John Adams from Massachusetts in a race where the slavery skew of the Electoral College was the decisive margin of victory.
>
> The system's gender bias was also obvious. In a direct presidential election, any state that chose to enfranchise its women would have automatically doubled its clout. Under the Electoral College, however, a state had no special incentive to expand suffrage – each got a fixed number of electoral votes, regardless of how many citizens were allowed to vote.

With the assistance of abolitionist Quakers, in this year the newly freed slaves of the city of Philadelphia formed a Free African Society. The society was intended to enable mutual aid and nourish the development of a cadre of black leaders. The immediate cause of organization of this Free African Society was that in this year the St. George's Methodist Episcopal Church in Philadelphia had segregated its colored members from its white communicants. Blacks to the back: African worshipers were sent to the church's gallery. One Sunday as the African members knelt to pray outside of their segregated area they were actually tugged from their knees, so they understood that they needed to form this new society — and out of this came an Episcopalian group and a Methodist one. The leader of the Methodist group was Richard Allen, and from his group would derive in 1816 the African Methodist Episcopal denomination.

Pennsylvania enacted a gradual emancipation act providing that no child born in Pennsylvania after March 1, 1780 should be a slave. (It would still be possible to purchase and sell slaves in Pennsylvania after the passage of this act, and in fact we can find frequent sale ads in Pennsylvania newspapers as late as 1820. Pennsylvania slaves could not, however, any longer be legally sold out of the state. Anyone who was a slave prior to the passage of this Gradual Emancipation Act was still a slave for life, even if he or she had been a mere newborn infant as of February 1780. Slaveholders could still sell the time of young people born to slave mothers after 1780, subject to the ban on out-of-state sales, until they reached the manumission age of 28. Therefore, as late as the 1830 census, Pennsylvania still sported some 400 slaves. There were many conflicts over enforcing the law, including with slaveholders who attempted to transport pregnant slaves to Maryland so that a child would be born a slave rather than born merely a servant until the age of 28. Slaveholders initiated arguments about whether the grandchildren as well as the children of slaves would be bound to serve until age 28. "Sojourning" slaveholders from other states would raise issues of the status of slaves brought into Pennsylvania.

"It is simply crazy that there should ever have come into being a world with such a sin in it, in which a man is set apart because of his color – the superficial fact about a human being. Who could **want** such a world? For an American fighting for his love of country, that the last hope of earth should from its beginning have swallowed slavery, is an irony so withering, a justice so intimate in its rebuke of pride, as to measure only with God."

– Stanley Cavell, MUST WE MEAN WHAT WE SAY? 1976, page 141

July 17, Tuesday: The Northwest Ordinance was completed in order to provide for government of a still-unorganized national domain. The Reverend Manasseh Cutler, a botanist, and Nathan Dane, an Ohio Company land speculator, had been responsible for the bulk of the work of the creation of this Northwest Ordinance, including its prohibition of slavery:

> Article VI:
> There shall be neither slavery nor involuntary servitude
> in said territory, otherwise than in punishment of crime,
> whereof the party shall have been duly convicted.[4]

In claiming the area now known as Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio, the United States of America pledged that:

> The utmost good faith shall always be observed toward the Indians.

Further,

> Their lands and property shall neer [*sic*] be taken from them

4. Territorial Governor Arthur St. Clair would create a "grandfathering" ruling to the effect that, since this prohibition could not be an *ex post facto* one, any slaves already held in the territory could be held in continuing slavery. The ordinance did not emancipate them. Also, white settlers coming into the territory subsequently could easily evade the ordinance by converting their slaves on paper into their perpetual "apprentices."

without their consent.[5]


Caleb Strong was selected to represent Northampton at the federal Constitutional Convention.

At that Convention, Elbridge Gerry was one of the most vocal delegates, presiding as chair of the committee that produced the Great Compromise but himself disliking this compromise. Ultimately he would refuse to sign the Constitution because it lacked a bill of rights and because it seemed a threat to republicanism, leading a drive against ratification in Massachusetts and denouncing the document as "full of vices" such as inadequate

5. In all fairness even our critics will be forced to admit that the United States of America has never in the course of its long history dishonored any treaty which it had entered into with a native tribe until it became possible to do so.

representation of the people, dangerously ambiguous legislative powers, the blending of the executive and the legislative, and the prospects for an oppressive judiciary. Gerry did consider that such flaws might be remedied through a gradual process of amendment.

One concession that had been made to the slave power was that the new Constitution explicitly stipulated, that no matter how the new federal congress wanted to vote to regulate the international slave trade, it would lack the authority to do anything whatever to regulate this international slave trade, until at least the year 1808. Note that there is no promise, and no implication, that as of 1808 the international slave trade was to be anathema. Not at all!

September 17, Monday: Letter of the President of the Federal Convention to the President of Congress, Transmitting the Constitution.

READ THE FULL TEXT

Resolution of the Federal Convention Submitting the Constitution to Congress.

READ THE FULL TEXT

The framers of the US Constitution, considering including an exemption from military service for conscientious objectors in the 2nd Amendment, struck the clause simply because there was obviously no need for any standing army. To ensure the document's acceptability to the southern colonies whose economies were based upon slave labor, it contained a stipulation that, regardless of whatever, the international slave trade was for the time being protected from any hostility that might arise in the new federal legislature, which would remain powerless to vote to terminate the international slave trade at any point prior to the Year of Our Lord 1808. Although in 1781, the Articles of Confederation had acknowledged "the Great Governor of the World," this new document had made no mention of God. When Alexander Hamilton would be asked, why not, he would quip "We forgot." The proposed US Constitution, in a final draft by Gouverneur Morris, was signed by 39 delegates from 12 states and forwarded to the federal Congress in New-York to be "attested" and sent out to the various states for ratification — whereupon this Constitutional Convention in Philadelphia concluded its business.

He is not a leader, but a follower. His leaders are the men of '87.

DANIEL WEBSTER

## PREAMBLE

We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE ONE

**SECTION 1.** All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**SECTION 2.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by law Direct. The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

**SECTION 3.** The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the expiration of the second Year, of the second Class at the expiration of the fourth Year, and of the third Class at the expiration of the sixth Year, so that one third may be chosen every second Year; and if vacancies happen by Resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next meeting of the Legislature, which shall then fill such Vacancies.

No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice-President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

**SECTION 4.** The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by law appoint a different Day.

**SECTION 5.** Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each house may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member.

Each house shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

**SECTION 6.** The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

**SECTION 7.** All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that house shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

**SECTION 8.** The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dockyards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

**SECTION 9.** The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States; and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

**SECTION 10.** No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## ARTICLE TWO

**SECTION 1.** The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not lie an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a Quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

**SECTION 2.** The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next session.

**SECTION 3.** He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

**SECTION 4.** The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## ARTICLE THREE

**SECTION 1.** The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

**SECTION 2.** The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — between a State and Citizens of another State; — between Citizens of different States; — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

**SECTION 3.** Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have power to declare the punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

# CONSTITUTION OF THE UNITED STATES OF AMERICA

## ARTICLE FOUR

**SECTION 1.** Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

**SECTION 2.** The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, But shall be delivered up on Claim of the Party to whom such Service or Labor may be due.

**SECTION 3.** New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

**SECTION 4.** The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE FIVE

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

## ARTICLE SIX

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States

## ARTICLE SEVEN

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

# CONSTITUTION OF THE UNITED STATES OF AMERICA

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and eighty seven and of the Independence of the United States of America the Twelfth

In Witness whereof We have hereunto subscribed our Names,

Go. **WASHINGTON** — Presid. and deputy from Virginia [George Washington]

New Hampshire

John Langdon
Nicholas Gilman

Massachusetts

Nathaniel Gorham
Rufus King

Connecticut

Wm. Saml. Johnson
Roger Sherman

New York

Alexander Hamilton

New Jersey

Wil: Livingston
David Brearley
Wm. Paterson
Jona: [Jonathan] Dayton

Pennsylvania

B Franklin
Thomas Mifflin
Robt Morris
Geo. Clymer
Thos FitzSimons
Jared Ingersoll
James Wilson
Gouv[ernor] Morris

Delaware

Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: [Jacob] Broom

Maryland

James Mchenry
Dan of St Thos. Jenifer [Daniel of Saint Thomas Jenifer]
Danl Carroll

DR. MCHENRY'S NOTES

Virginia

John Blair —
James Madison Jr.

North Carolina

Wm. Blount
Rich'd Dobbs Spaight
Hu Williamson

South Carolina

J. Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler

Georgia

William Few
Abr[aham] Baldwin

Attest: William Jackson, Secretary[6]

December 7, Friday: Delaware was the 1st state to ratify the Constitution.

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA 1, 2, AND 3:

| | | | |
|---|---|---|---|
| December 7, 1787 | Delaware | YES= 30 | NO= 0 |
| December 12, 1787 | Pennsylvania | YES= 46 | NO= 23 |
| December 18, 1787 | New Jersey | YES= 38 | NO= 0 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATDE.HTM

December 12, Wednesday: Pennsylvania became the 2d state to ratify the Constitution.

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA 1, 2, AND 3:

| | | | |
|---|---|---|---|
| December 7, 1787 | Delaware | YES= 30 | NO= 0 |
| December 12, 1787 | Pennsylvania | YES= 46 | NO= 23 |
| December 18, 1787 | New Jersey | YES= 38 | NO= 0 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATPA.HTM

6. The Constitutional Convention consisted of 65 members, of whom 10 didn't even show up for the Convention and then 16 more refused to sign the document produced by the convention. Rhode Island didn't send a delegate. Of the 16 refuseniks, 6 would state their reasons for so refusing: Robert Yates and John Lansing of New York, Edmund Randolph and George Mason of Virginia, Luther Martin of Maryland, and Elbridge Gerry of Massachusetts.

December 18, Tuesday: New Jersey became the 3d state to ratify the Constitution.

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA 1, 2, AND 3:

| | | | |
|---|---|---|---|
| December 7, 1787 | Delaware | YES= 30 | NO= 0 |
| December 12, 1787 | Pennsylvania | YES= 46 | NO= 23 |
| December 18, 1787 | New Jersey | YES= 38 | NO= 0 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATNJ.HTM

## 1788

January 2, Wednesday: Georgia became the 4th state to ratify the Constitution.

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: 4, 5, AND 6:

| | | | |
|---|---|---|---|
| January 2, 1788 | Georgia | YES= 26 | NO= 0 |
| January 8, 1788 | Connecticut | YES=128 | NO= 40 |
| February 6, 1788 | Massachusetts | YES=187 | NO=168 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATGA.HTM

January 8, Tuesday: Connecticut became the 5th state to ratify the Constitution.

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: 4, 5, AND 6:

| | | | |
|---|---|---|---|
| January 2, 1788 | Georgia | YES= 26 | NO= 0 |
| January 8, 1788 | Connecticut | YES=128 | NO= 40 |
| February 6, 1788 | Massachusetts | YES=187 | NO=168 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATCT.HTM

February 6, Wednesday: Five states had at this point ratified the new Constitution, with Connecticut being the 1st of the New England region to do so. In Massachusetts, many of the opponents of ratification were farmers who had formerly been Shays men. The Reverend Isaac Backus was serving as a delegate from Middleborough. After quite a bit of discussion, the Constitution prevailed in Massachusetts by a vote of 187 over 168, a margin of only 19 votes, and Massachusetts became the 6th of the former English colonies to ratify the Constitution.

**READ THE FULL TEXT**

**RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: 4, 5, AND 6:**

| | | | |
|---|---|---|---|
| January 2, 1788 | Georgia | YES= 26 | NO= 0 |
| January 8, 1788 | Connecticut | YES=128 | NO= 40 |
| February 6, 1788 | Massachusetts | YES=187 | NO=168 |

Karl Marx would express, in his THE CIVIL WAR IN FRANCE, 1848-1850, the sentiment that "The origin of states gets lost in a myth, in which one may believe, but which one may not discuss." On the 1st page of Theodore W. Allen's introduction to his 1st volume,[7] this independent scholar asks our "indulgence for only one assumption, namely, that while some people may desire to be masters, all persons are born equally unwilling and unsuited to be slaves." I find that remark remarkable indeed! When in our Declaration of Independence we said to ourselves "All men are created equal," we were of course writing as lawyers and in a lawyerly manner.


CONGRESS.
DECLARATION
REPRESENTATIVES
UNITED STATES OF AMERICA,
JOHN HANCOCK,

We were purposing to level others, such as those overweening overbred British aristocrats, down to our own lay level, but meanwhile it was no part of our purpose to level others, such as our wives and slaves, up to our own exalted situation —we were doing this to benefit ourselves at the expense of others, and not doing this for the benefit of others. What we meant back there in Philadelphia several centuries ago, by such a trope as "All men are created equal," was "We want, 1st, to sound almost as if we were saying that while some people may desire to be masters, all persons are born equally unwilling and unsuited to be slaves, and we want, 2dly, to sound as if we were struggling to express **something** like that without actually declaring **anything** like that — because it is essential that in this new nation of ours (based as it is upon human enslavement) we avoid any such issue. Our equality here is to be founded upon the inequality of others, and this grand-sounding trope 'All men are created equal' is being provided so that it can function as our cover story, enabling such viciousness to proceed unhindered." As Edmund Burke expressed on February 16, 1788 during the impeachment trial of

7. Allen, Theodore W. THE INVENTION OF THE WHITE RACE, VOLUME ONE: RACIAL OPPRESSION AND SOCIAL CONTROL. London: Verso, 1994

Warren Hastings for maladministration of the British rule in India, "There is a sacred veil to be drawn over the beginnings of all government."

The African Association was founded in England to explore the interior of Africa.

In the usage of the trope "peculiar institution" that is today ordinary or usual, this trope is deployed of course in oblique reference to the unmentionable crime of human chattel bondage. It is nowadays used in implicit criticism of enslavement. Not so originally! In its initial usages, to refer to slavery as "peculiar" was not to attack it but proclaim it to be defensible. "Peculiar," in this archaic usage, indicated merely that the legitimacy of the system was based not upon any endorsement by a higher or more remote legal authority, but based instead upon the "peculiar conditions and history" of a particular district of the country and a particular society and a particular historically engendered set of customs and procedures and conventions. This trope went hand in hand with the Doctrine of States Rights, and went hand in hand with the persistence of the English common law. What Allen, however, refers to by use of this trope "peculiar institution" is, instead, the invention of the so-called "white race" which has here been used to legitimate our local version of thus unmentionable crime, our local version of a solution to the problem of social control. It is for him this biologistic cover story, itself, which constitutes the quintessential "Peculiar Institution" we have been forced to construct. "Only by understanding what was peculiar about the Peculiar Institution can one know what is exceptionable about American Exceptionalism" (Volume I, page 1). In this he acknowledges that he is following a seed that had been planted by W.E.B. Du Bois in his BLACK RECONSTRUCTION.
Allen's 1st volume is made up of an elaborate parallelization of the Irish and Scottish experience under English colonialism, and the American antebellum experience:

> Every aspect of the Ulster Plantation policy aimed at destroying the tribal leadership and dispersing the tribe is matched by typical examples from Anglo-American colonial and United States policy toward the indigenous population, the "American Indians" – a policy we clearly recognize as racial oppression of "the red man."

> I have been looking into an Irish mirror for insights into the nature of racial oppression and its implication for ruling-class social control in the United States.

Brigadier-General Eleazer Brooks of Lincoln was a delegate to the convention at Boston to ratify the Constitution of the United States.

> Hon. Eleazer Brooks, was the son of Mr. Job Brooks, and a descendant of the fourth generation from Capt. Thomas Brooks, one of the first settlers of Concord, was born 10th of September, 1727, and died 19th of November, 1806, aged 79. His grandfather was Daniel, and great-grandfather Joshua Brooks. His father was a respectable farmer, and intended his son for the same employment. The circumstances of the times, when he lived, were such, that his education did not equal that of many of his contemporary young farmers, which at best was very ordinary. Considering that he was self-instructed, his future intellectual improvements were truly remarkable. He early discovered indication of talents; and, before the great work of the Revolution commenced, he was called into office. He was appointed, by Governor Barnard, a lieutenant of a foot company in Lincoln, 11th of May, 1768, and a Captain by Hutchinson, 13th of July, 1773; by the Council, a Colonel of the 3d regiment, 14th of February, 1776, and a Brigadier-General, 15th of October, 1778, and to the same office under the new constitution, 22d of August, 1781. He commanded a regiment of the Middlesex militia at the battle of White Plains, in 1776, and at several other times appeared in the camp, where he distinguished himself for his cool and determined bravery. The laborious duties, which his military office imposed during the revolutionary war, were performed with great ability and decision. He was often chosen a member of the town's committee of safety, and the state's committee of secrecy; was a member of the Provincial Congress in 1774, and was afterwards annually a member of the General Court or executive Council till 1800. He was appointed Justice of the Peace in 1777; and on the 27th of March, 1786, a special Judge of the Court of Common Pleas. He was delegate to the convention at Cambridge in July, 1779, to form the constitution, and at Boston, in 1788, to ratify the Constitution of the United States; and in various other places, during his public life, his services were put in requisition. After being 27 years a public man, he declined, in 1800, being a candidate for the suffrages of his fellow-citizens, and retired to private life. As a military man, he was brave, patriotic, and considerate in designing, but expeditious in executing his plans. His habits of thought and action were systematic and correct; his industry untiring. By a judicious improvement of his faculties, by reading, conversation, and reflection, he compensated for the neglect of his early education. Possessing the confidence of his associates in public life, he acquired great influence, and his opinions were much respected. But for nothing was he more respected than for his strict probity, real goodness of heart, and exemplary piety. He united with the church early in life, and was chosen one of its deacons in 1794. In all his important trusts he set a noble example of what may be accomplished by a judicious application of one's own powers of mind, and left a character worthy of remembrance and imitation.[8]

April 28, Monday: The legislature of Maryland ratified the Constitution of the United States by a 63-11 vote, the 7th state to do so.

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: 7 AND 8

| | | | |
|---|---|---|---|
| April 28, 1788 | Maryland | YES= 63 | NO= 11 |
| May 23, 1788 | South Carolina | YES=149 | NO= 73 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATME.HTM

May 23, Friday: South Carolina became the 8th state to ratify the Constitution.

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: 7 AND 8

| | | | |
|---|---|---|---|
| April 28, 1788 | Maryland | YES= 63 | NO= 11 |
| May 23, 1788 | South Carolina | YES=149 | NO= 73 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATSC.HTM

June 21, Saturday: By a hotly contested 57-over-47 vote the US Constitution came into force as New Hampshire became the 9th and decisive state to ratify.

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: 9, 10, AND 11

| | | | |
|---|---|---|---|
| June 21, 1788 | New Hampshire | YES= 57 | NO= 47 |
| June 26, 1788 | Virginia | YES= 89 | NO= 79 |
| July 26, 1788 | New York | YES= 30 | NO= 27 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATNH.HTM

8. Lemuel Shattuck's 1835 A HISTORY OF THE TOWN OF CONCORD;... Boston: Russell, Odiorne, and Company; Concord MA: John Stacy
(On or about November 11, 1837 Henry Thoreau would indicate a familiarity with the contents of at least pages 2-3 and 6-9 of this historical study.)

James Flatt Melvin was born in Concord to Amos Melvin (2) and Anna Flatt Melvin. (He would remove to Virginia.)

THE MELVINS OF CONCORD

June 26, Thursday: Virginia became the 10th state to ratify the Constitution:

READ THE FULL TEXT

RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: 9, 10, AND 11

| | | | |
|---|---|---|---|
| June 21, 1788 | New Hampshire | YES= 57 | NO= 47 |
| June 26, 1788 | Virginia | YES= 89 | NO= 79 |
| July 26, 1788 | New York | YES= 30 | NO= 27 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATVA.HTM

Our national birthday, Friday the 4th of July: In Marietta in what would become Ohio (then known as the

Northwestern Territory), James M. Varnum delivered the 1st Independence Day oration ever delivered west of the Alleghenies. In Philadelphia, Pennsylvania, Francis Hopkinson had arranged a "Grand Federal Procession" which amounted to the longest parade in the nation to date. In this year the national birthday celebration turned political as factions struggled with one another in regard to approval of the new federal Constitution. This was especially the case in Albany, New York, where pro-Constitution and anti-Constitution factions clashed (New York would ratify the Constitution on the 26th). The Federalists of Providence, Rhode Island had scheduled an Independence Day ox roast in celebration of the fact that, when on June 21st New Hampshire had voted to approve the federal Constitution –the 9th state to do so– the United States of America had officially come into existence. On the night of July 3d, therefore, the anti-Federalist "Country Party," in a belated attempt to intercept that celebration, had begun to assemble in a nearby woodland around Colonel William West's 1st Providence County Brigade (West was also a judge of the Superior Court) marching in from Scituate, Rhode Island. On this morning there had been negotiations, and the insurgent group had disbanded after an agreement that the day's celebration was going to focus exclusively on an issue in regard to which all could agree, that of simple independence — and that local Federalist orators would courteously refrain from making mention either of the ratification of the Constitution or of the recent event in New Hampshire.

When the Reverend John Pitman went into the city on this day, therefore, the dust was already beginning to settle on this dispute, and what he witnessed there amounted to merely "an Ox roasting whole & the tables set," and what he heard rumors of was merely that "General West came down at the head of 2 or 300 men armed with guns & bayonets on Poles to distroy the works but was prevented by the Inhabitants turn.g out armed to defend them."

CELEBRATING OUR B-DAY

1788. The anniversary of Independence and the adoption of the Federal Constitution by nine States, were jointly celebrated on the 4th of July. There was a military parade, bells were rung and cannon fired. An address was delivered by Rev. Dr. Hitchcock, in the First Baptist meeting house; and an ox was roasted whole on the plains North of the Cove, at which five or six thousand persons were present. Some three or four hundred men from the country, of the anti-federal party, which then had the ascendancy on the State, appeared near the ground under arms, and threatened an attack. A committee of citizens was delegated to meet and remonstrate with them - the difficulty was compromised, and the enemy quietly withdrew, and left the citizens to enjoy their feast.

July 26, Saturday: New York, upon learning of Virginia's ratification, over the objections of Governor George Clinton, became the 11th state to ratify the Constitution.

**READ THE FULL TEXT**

**RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: 9, 10, AND 11**

| | | | |
|---|---|---|---|
| June 21, 1788 | New Hampshire | YES= 57 | NO= 47 |
| June 26, 1788 | Virginia | YES= 89 | NO= 79 |
| July 26, 1788 | New York | YES= 30 | NO= 27 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATNY.HTM

## 1789

January 7, Wednesday: The Constitution of the new federal union, ratified by all the formerly English seaboard colonies of North America except North Carolina and Rhode Island, on this day became effective.

**RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA**

| | | | |
|---|---|---|---|
| December 8, 1787 | Delaware | YES= 30 | NO= 0 |
| December 12, 1787 | Pennsylvania | YES= 46 | NO= 23 |
| December 18, 1787 | New Jersey | YES= 38 | NO= 0 |
| January 2, 1788 | Georgia | YES= 26 | NO= 0 |
| January 8, 1788 | Connecticut | YES=128 | NO= 40 |
| February 6, 1788 | Massachusetts | YES=187 | NO=168 |

| | | | |
|---|---|---|---|
| April 28, 1788 | Maryland | YES= 63 | NO= 11 |
| May 23, 1788 | South Carolina | YES=149 | NO= 73 |
| June 21, 1788 | New Hampshire | YES= 57 | NO= 47 |
| June 25, 1788 | Virginia | YES= 89 | NO= 79 |
| July 26, 1788 | New York | YES= 30 | NO= 27 |

W.E. Burghardt Du Bois: The records of the proceedings in the various State conventions are exceedingly meagre. In nearly all of the few States where records exist there is found some opposition to the slave-trade clause. The opposition was seldom very pronounced or bitter; it rather took the form of regret, on the one hand that the Convention went so far, and on the other hand that it did not go farther. Probably, however, the Constitution was never in danger of rejection on account of this clause.

Extracts from a few of the speeches, *pro* and *con*, in various States will best illustrate the character of the arguments. In reply to some objections expressed in the Pennsylvania convention, Wilson said, December 3, 1787: "I consider this as laying the foundation for banishing slavery out of this country; and though the period is more distant than I could wish, yet it will produce the same kind, gradual change, which was pursued in Pennsylvania."[9] Robert Barnwell declared in the South Carolina convention, January 17, 1788, that this clause "particularly pleased" him. "Congress," he said, "has guarantied this right for that space of time, and at its expiration may continue it as long as they please. This question then arises — What will their interest lead them to do? The Eastern States, as the honorable gentleman says, will become the carriers of America. It will, therefore, certainly be their interest to encourage exportation to as great an extent as possible; and if the quantum of our products will be diminished by the prohibition of negroes, I appeal to the belief of every man, whether he thinks those very carriers will themselves dam up the sources from whence their profit is derived. To think so is so contradictory to the general conduct of mankind, that I am of opinion, that, without we ourselves put a stop to them, the traffic for negroes will continue forever."[10]

In Massachusetts, January 30, 1788, General Heath said: "The gentlemen who have spoken have carried the matter rather too far on both sides. I apprehend that it is not in our power to do anything for or against those who are in slavery in the southern States.... Two questions naturally arise, if we ratify the Constitution: Shall we do anything by our act to hold the blacks in slavery? or shall we become partakers of other men's sins? I think neither of them. Each State is sovereign and independent

9. Elliot, DEBATES, II. 452.
10. Elliot, DEBATES, IV. 296-7.

to a certain degree, and they have a right, and will regulate their own internal affairs, as to themselves appears proper."[11] Iredell said, in the North Carolina convention, July 26, 1788: "When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind, and every friend of human nature.... But as it is, this government is nobly distinguished above others by that very provision."[12]

Of the arguments against the clause, two made in the Massachusetts convention are typical. The Rev. Mr. Neal said, January 25, 1788, that "unless his objection [to this clause] was removed, he could not put his hand to the Constitution."[13] General Thompson exclaimed, "Shall it be said, that after we have established our own independence and freedom, we make slaves of others?"[14] Mason, in the Virginia convention, June 15, 1788, said: "As much as I value a union of all the states, I would not admit the Southern States into the Union unless they agree to the discontinuance of this disgraceful trade.... Yet they have not secured us the property of the slaves we have already. So that 'they have done what they ought not to have done, and have left undone what they ought to have done.'"[15] Joshua Atherton, who led the opposition in the New Hampshire convention, said: "The idea that strikes those who are opposed to this clause so disagreeably and so forcibly is, — hereby it is conceived (if we ratify the Constitution) that we become *consenters to* and *partakers in* the sin and guilt of this abominable traffic, at least for a certain period, without any positive stipulation that it shall even then be brought to an end."[16]

In the South Carolina convention Lowndes, January 16, 1788, attacked the slave-trade clause. "Negroes," said he, "were our wealth, our only natural resource; yet behold how our kind friends in the north were determined soon to tie up our hands, and drain us of what we had! The Eastern States drew their means of subsistence, in a great measure, from their shipping; and, on that head, they had been particularly careful not to allow of any burdens.... Why, then, call this a reciprocal bargain, which took all from one party, to bestow it on the other!"[17]

In spite of this discussion in the different States, only one State, Rhode Island, went so far as to propose an amendment directing Congress to "promote and establish such laws and regulations as may effectually prevent the importation of slaves of every description, into the United States."[18]

As in the Federal Convention, so in the State conventions, it is noticeable that the compromise was accepted by the various States from widely different motives.[19] Nevertheless, these motives were not fixed and unchangeable, and there was still discernible a certain underlying agreement in the dislike of slavery. One cannot help thinking that if the devastation of the

11. Published in DEBATES OF THE MASSACHUSETTS CONVENTION, 1788, page 217 ff.
12. Elliot, DEBATES, IV. 100-1.
13. Published in DEBATES OF THE MASSACHUSETTS CONVENTION, 1788, page 208.
14. *Ibid.*
15. Elliot, DEBATES, III. 452-3.
16. Walker, FEDERAL CONVENTION OF NEW HAMPSHIRE, Appendix 113; Elliot, Debates, II. 203.
17. Elliot, DEBATES, IV. 273.
18. Updike's MINUTES, in Staples, RHODE ISLAND IN THE CONTINENTAL CONGRESS, pages 657-8, 674-9. Adopted by a majority of one in a convention of seventy.

> late war had not left an extraordinary demand for slaves in the South, —if, for instance, there had been in 1787 the same plethora in the slave-market as in 1774,— the future history of the country would have been far different. As it was, the twenty-one years of *laissez-faire* were confirmed by the States, and the nation entered upon the constitutional period with the slave-trade legal in three States,[20] and with a feeling of quiescence toward it in the rest of the Union.

June 8, Monday: James Madison made his speech proposing a Bill of Rights for the Constitution.

> Here they are, as they would originally be proposed for ratification, what would become the first 10 Amendments to our Constitution and then in addition, as of 1992, the 27th Amendment to our Constitution:

> THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution
>
> RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution: viz.
>
> ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.
>
> **Article the first...** [This would not be ratified]
>
> *After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one*

19. In five States I have found no mention of the subject (Delaware, New Jersey, Georgia, Connecticut, and Maryland). In the Pennsylvania convention there was considerable debate, partially preserved in Elliot's and Lloyd's DEBATES. In the Massachusetts convention the debate on this clause occupied a part of two or three days, reported in published debates. In South Carolina there were several long speeches, reported in Elliot's DEBATES. Only three speeches made in the New Hampshire convention seem to be extant, and two of these are on the slave-trade: cf. Walker and Elliot. The Virginia convention discussed the clause to considerable extent: see Elliot. The clause does not seem to have been a cause of North Carolina's delay in ratification, although it occasioned some discussion: see Elliot. In Rhode Island "much debate ensued," and in this State alone was an amendment proposed: see Staples, RHODE ISLAND IN THE CONTINENTAL CONGRESS. In New York the Committee of the Whole "proceeded through sections 8, 9 ... with little or no debate": Elliot, DEBATES, II. 406.

CONTINETAL CONGRESS

20. South Carolina, Georgia, and North Carolina. North Carolina had, however, a prohibitive duty.

*Representative for every fifty thousand persons.*

**Article the second...** [In 1992 this would become our XXVIIth Amendment]

*No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.*

**Article the third...** [This would become our Ist Amendment]

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

**Article the fourth...** [This would become our IId Amendment]

*A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.*

**Article the fifth...** [This would become our IIId Amendment]

*No Soldier shall, in time of peace be quartered in any house; without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.*

**Article the sixth...** [This would become our IVth Amendment]

*The right of the people to be secure in their persons, houses, papers, and effects; against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

**Article the seventh...** [This would become our Vth Amendment]

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of Grand Jury, except in cases arising in the land or naval forces or in the Militia, when in actual service in time of War or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.*

**Article the eighth...** [This would become our VIth Amendment]

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*

**Article the ninth...** [This would become our VIIth Amendment]

*In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court*

*of the United States than according to the rules of the common law.*

**Article the tenth...** [This would become our VIIIth Amendment]

*Excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

**Article the eleventh...** [This would become our IXth Amendment]

*The enumeration in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.*

**Article the twelfth...** [This would become our Xth Amendment]

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people.*

**ATTEST**,
Frederick Augustus Muhlenberg, Speaker of the
House of Representatives
John Adams, Vice-President of the United States,
and President of the Senate
John Beckley, Clerk of the House of Representatives.
Sam. A Otts, Secretary of the Senate

**[for Madison's speech, click here]**

Having done what I conceived was my duty, in bringing before this house the subject of amendments, and also stated such as wish for and approve, and offered the reasons which occurred to me in their support; I shall content myself for the present with moving, that a committee be appointed to consider of and report such amendments as ought to be proposed by congress to the legislatures of the states, to become, if ratified by three-fourths thereof, part of the constitution of the United States. By agreeing to this motion, the subject may be going on in the committee, while other important business is proceeding to a conclusion in the house. I should advocate greater dispatch in the business of amendments, if I was not convinced of the absolute necessity there is of pursuing the organization of the government; because I think we should obtain the confidence of our fellow citizens, in proportion as we fortify the rights of the people against the encroachments of the government.

I am sorry to be accessary to the loss of a single moment of time by the house. If I had been indulged in my motion, and we had gone into a committee of the whole, I think we might have rose, and resumed the consideration of other business before this time; that is, so far as it depended on what I proposed to bring forward. As that mode seems not to give satisfaction, I will withdraw the motion, and move you, sir, that a select committee be appointed to consider and report such amendments as are proper for Congress to propose to the legislatures of the several States, conformably to the 5th article of the constitution. I will state my reasons why I think it proper to propose amendments; and state the amendments themselves, so far as I think they ought to be proposed. If I thought I could fulfil the duty which I owe to myself and my constituents, to let the subject pass over in silence, I most certainly should not trespass upon the indulgence of this house. But I cannot do this; and am therefore compelled to beg a patient hearing to what I have to lay before you. And I do most sincerely believe that if congress will devote but one day to this subjects, so far as to satisfy the public that we do not disregard their wishes, it will have a salutary influence on the public councils, and prepare the way for a favorable reception of our future measures.

It appears to me that this house is bound by every motive of prudence, not to let the first session pass over without proposing to the state legislatures some things to be incorporated into the constitution, as will render it as acceptable to the whole people of the United States, as it has been found acceptable to a majority of them. I wish, among other reasons why something should be done, that those who have been friendly to the adoption of this constitution, may have the opportunity of proving to those who were opposed to it, that they were as sincerely devoted to liberty and a republican government, as those who charged them with wishing the adoption of this constitution in order to lay the foundation of an aristocracy or depotism. It will be a desirable thing to extinguish from the bosom of every member of the community any apprehensions, that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled. And if there are amendments desired, of such a nature as will not injure the constitution, and they can be ingrafted so as to give satisfaction to the doubting part of our fellow citizens; the friends of the federal government will evince that spirit of deference and concession for which they have hitherto been distinguished.

It cannot be a secret to the gentlemen in this house, that, notwithstanding the ratification of this system of government by eleven of the thirteen United States, in some cases unanimously, in others by large majorities; yet still there is a great number of our constituents who are dissatisfied with it; among whom are many respectable for their talents, their patriotism, and respectable for the jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive. There is a great body of the people falling under this description, who as present feel much inclined to join their support to the cause of federalism, if they were satisfied in this one point: We ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this constitution. The acquiescence which our fellow citizens shew under the government, calls upon us for a like return of moderation. But perhaps there is a stronger motive than this for our going into a consideration of the subject; it is to provide those securities for liberty which are required by a part of the community. I allude in a particular manner to those two states who have not thought fit to throw themselves into the bosom of the confederacy: it is a desirable thing, on our part as well as theirs, that a re-union should take place as soon as possible. I have no doubt, if we proceed to take those steps which would be prudent and requisite at this juncture, that in a short time we should see that disposition prevailing in those states that are not come in, that we have seen prevailing [in] those states which are.

But I will candidly acknowledge, that, over and above all these considerations, I do conceive that the constitution may be amended; that is to say, if all power is subject to abuse, that then it is possible the abuse of the powers of the general government may be guarded against in a more secure manner than is now done, while no one advantage, arising from the exercise of that power, shall be damaged or endangered by it. We have in this way something to gain, and, if we proceed with caution, nothing to lose; and in this case it is necessary to proceed with caution; for while we feel all these inducements to go into a revisal of the constitution, we must feel for the constitution itself, and make that revisal a moderate one. I should be unwilling to see a door opened for a re-consideration of the whole structure of the government, for a re-consideration of the principles and the substance of the powers given; because I doubt, if such a door was opened, if we should be very likely to stop at that point which would be safe to the government itself:

But I do wish to see a door opened to consider, so far as to incorporate those provisions for the security of rights, against which I believe no serious objection has been made by any class of our constituents, such as would be likely to meet with the concurrence of two-thirds of both houses, and the approbation of three-fourths of the state legislatures. I will not propose a single alteration which I do not wish to see take place, as intrinsically proper in itself, or proper because it is wished for by a respectable number of my fellow citizens; and therefore I shall not propose a single alteration but is likely to meet the concurrence required by the constitution.

There have been objections of various kinds made against the constitution: Some were levelled gainst its structure, because the president was without a council; because the senate, which is a legislative body, had judicial powers in trials on impeachments; and because the powers of that body were compounded in other respects, in a manner that did not correspond with a particular theory; because it grants more power than is supposed to be necessary for every good purpose; and controuls the ordinary powers of the state governments. I know some respectable characters who opposed this government on these grounds; but I believe that the great mass of the people who opposed it, disliked it because it did not contain effectual provison against encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercised the sovereign power: nor ought we to consider them safe, while a great number of our fellow citizens think these securities necessary.

It has been a fortunate thing that the objection to the government has been made on the gound I stated; because it will be practicable on that ground to obviate the objection, so far as to satisfy the public mind that their liberties will be perpetual, and this without endangering any part of the constitution, which is considered as essential to the existence of the government by those who promoted its adoption.

The amendments which have occurred to me, proper to be recommended by congress to the state legislatures are these:
First. That there be prefixed to the constitution a declaration--That all power is orginally vested in, and consequently derived from the people.
That government is instituted, and ought to be exercised for the benefit of the people; which consists in the enjoyment of life and liberty, with the right of acquiring and using property, and generally of pursuing and obtaining happiness and safety.
That the people have an indubitable, unalienable, and indefeasible right to reform or change their government, whenever it be found adverse or inadequate to the purposes of its institution.
Secondly. That in article 2st. section 2, clause 3, these words be struck out, to wit, "The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative, and until such enumeration shall be made." And that in place thereof be inserted these words, to wit, "After the first actual enumeration, there shall be one representative for every thirty thousand, until the number amount to after which the proportion shall be so regulated by congress, that the number shall never be less than nor more than but each state shall after the first enumeration, have at least two representatives; and prior thereto."
Thirdly. That in article 2st, section 6, clause 1, there be added to the end of the first sentence, these words, to wit, "But no law varying the compensation last ascertained shall operate before the next ensuing election of representatives."
Fourthly. That in article 2st, section 9, between clauses 3 and 4, be inserted these clauses, to wit, The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience by in any manner, or on any pretext infringed.
The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.
The people shall not be restrained from peaceably assembling and consulting for their common good, nor from applying to the legislature by petitions, or remonstrances for redress of their grievances.
The right of the people to keep and bear arms shall not be infringed; a well armed, and well regulated militia being the best security of a free country: but no person religiously scrupulous of bearing arms, shall be compelled to render military service in person.

No soldier shall in time of peace be quartered in any house without the consent of the owner; nor at any time, but in a manner warranted by law.
No person shall be subject, except in cases of impeachment, to more than one punishment, or one trial for the same office; nor shall be compelled to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor be obliged to relinquish his property, where it may be necessary for public use, without a just compensation.
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
The rights of the people to be secured in their persons, their houses, their papers, and their other property from all unreasonable searches and seizures, shall not be violated by warrants issued without probable cause, supported by oath or affirmation, or not particularly describing the places to be searched, or the persons or things to be seized.
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, to be informed of the cause and nature of the accusation, to be confronted with his accusers, and the witnesses against him; to have a compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.
The exceptions here or elsewhere in the constitution, made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people; or as to enlarge the powers delegated by the constitution; but either as actual limitations of such powers, or as inserted merely for greater caution.
Fifthly. That in article 2st, section 10, between clauses 1 and 2, be inserted this clause, to wit:
No state shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases.
Sixthly. That article 3d, section 2, be annexed to the end of clause 2d, these words to wit: but no appeal to such court shall be allowed where the value in controversy shall not amount to ___ dollars: nor shall any fact triable by jury, according to the course of common law, be otherwise re-examinable than may consist with the principles of common law.

Seventhly. That in article 3d, section 2, the third clause be struck out, and in its place be inserted the classes following, to wit:
The trial of all crimes (except in cases of impeachments, and cases arising in the land or naval forces, or the militia when on actual service in time of war or public danger) shall be by an impartial jury of freeholders of the vicinage, with the requisite of unanimity for conviction, of the right of challenge, and other accustomed requisites; and in all crimes punishable with loss of life or member, presentment or indictment by a grand jury, shall be an essential preliminary, provided that in cases of crimes committed within any county which may be in possession of an enemy, or in which a general insurrection may prevail, the trial may by law be authorised in some other county of the same state, as near as may be to the seat of the offence.
In cases of crimes committed not within any county, the trial may by law be in such county as the laws shall have prescribed. In suits at common law, between man and man, the trial by jury, as one of the best securities to the rights of the people, ought to remain inviolate.
Eighthly. That immediately after article 6th, be inserted, as article 7th, the clauses following, to wit:
The powers delegated by this constitution, are appropriated to the departments to which they are respectively distributed: so that the legislative department shall never exercise the powers vested in the executive or judicial; nor the executive exercise the powers vested in the legislative or judicial; nor the judicial exercise the powers vested in the legislative or executive departments.
The powers not delegated by this constitution, nor prohibited by it to the states, are reserved to the States respectively.
Ninthly. That article 7th, be numbered as article 8th.

The first of these amendments, relates to what may be called a bill of rights; I will own that I never considered this provision so essential to the federal constitution, as to make it improper to ratify it, until such an amendment was added; at the same time, I always conceived, that in a certain form and to a certain extent, such a provision was neither improper nor altogether useless. I am aware, that a great number of the most respectable friends to the government and champions for republican liberty, have thought such a provision, not only unnecessary, but even improper, nay, I believe some have gone so far as to think it even dangerous. Some policy has been made use of perhaps by gentlemen on both sides of the question:

I acknowledge the ingenuity of those arguments which were drawn against the constitution, by a comparison with the policy of Great-Britain, in establishing a declaration of rights; but there is too great a difference in the case to warrant the comparison: therefore the arguments drawn from that source, were in a great measure inapplicable. In the declaration of rights which that country has established, the truth is, they have gone no farther, than to raise a barrier against the power of the crown; the power of the legislature is left altogether indefinite. Altho' I know whenever the great rights, the trial by jury, freedom of the press, or liberty of conscience, came in question in that body, the invasion of them is resisted by able advocates, yet their Magna Charta does not contain any one provision for the security of those rights, respecting which, the people of America are most alarmed. The freedom of the press and rights of conscience, those choicest privileges of the people, are unguarded in the British constitution.

But altho' the case may be widely different, and it may not be thought necessary to provide limits for the legislative power in that country, yet a different opinion prevails in the United States. The people of many states, have thought it necessary to raise barriers against power in all forms and departments of government, and I am inclined to believe, if once bills of rights are established in all the states as well as the federal constitution, we shall find the altho' some of them are rather unimportant, yet, upon the whole, they will have a salutary tendency.

It may be said, in some instances they do no more than state the perfect equality of mankind; this to be sure is an absolute truth, yet it is not absolutely necessary to be inserted at the head of a constitution. In some instances they assert those rights which are exercised by the people in forming and establishing a plan of government. In other instances, they specify those rights which are retained when particular powers are given up to be exercised by the legislature. In other instances, they specify positive rights, which may seem to result from the nature of the compact. Trial by jury cannot be considered as a natural right, but a right resulting from the social compact which regulates the action of the community, but is as essential to secure the liberty of the people as any one of the pre-existent rights of nature. In other instances they lay down dogmatic maxims with respect to the construction of the government; declaring, that the legislative, executive, and judicial branches shall be kept separate and distinct: Perhaps the best way of securing this in practice is to provide such checks, as will prevent the encroachment of the one upon the other.

But whatever may be [the] form which the several states have adopted in making declarations in favor of particular rights, the great object in view is to limit and qualify the powers of government, by excepting out of the grant of power those cases in which the government ought not to act, or to act only in a particular mode. They point these exceptions sometimes against the abuse of the executive power, sometimes against the legislative, and, in some cases, against the community itself; or, in other words, against the majority in favor of the minority.

In our government it is, perhaps, less necessary to guard against the abuse in the executive department than any other; because it is not the stronger branch of the system, but the weaker: It therefore must be levelled against the legislative, for it is the most powerful, and most likely to be abused, because it is under the least controul; hence, so far as a declaration of rights can tend to prevent the exercise of undue power, it cannot be doubted but such declaration is proper. But I confess that I do conceive, that in a government modified like this of the United States, the great danger lies rather in the abuse of the community than in the legislative body. The prescriptions in favor of liberty, ought to be levelled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power: But this [is] not found in either the executive or legislative departments of government, but in the body of the people, operating by the majority against the minority.

It may be thought all paper barriers against the power of the community are too weak to be worthy of attention. I am sensible they are not so strong as to satisfy gentlemen of every description who have seen and examined thoroughly the texture of such a defence; yet, as they have a tendency to impress some degree of respect for them, to establish the public opinion in their favor, and rouse the attention of the whole community, it may be one mean to controul the majority from those acts to which they might be otherwise inclined.

It has been said by way of objection to a bill of rights, by many respectable gentlemen out of doors, and I find opposition on the same principles likely to be made by gentlemen on this floor, that they are unnecessary articles of a republican government, upon the presumption that the people have those rights in their own hands, and that is the proper place for them to rest. It would be a sufficient answer to say that this objection lies against such provisions under the state governments as well as under the general government; and there are, I believe, but few gentlemen who are inclined to push their theory so far as to say that a declaration of rights in those cases is either ineffectual or improper.

I think, at this point, I'll include some commentary about James Madison's "Article the third," which was to become the 1st Amendment of our Bill of Rights. Nowadays we interpret this amendment as declaring a wall of separation between church and state. However, please retain the information that seven of the original thirteen colonies-becoming-states provided legal support to one or another single Protestant church, and Maryland provided legal support to the Catholic church, and that that situation did not immediately alter, with the approval of the federal constitution, and did not immediately alter, with the approval of the Bill of Rights. Also, it must be pointed out that only about 20% of American adults were sufficiently interested in institutional religiosity, to be members of any church. Gradually, in state after state, these churches with established funding relationships with state governments would be brought low — but they would be brought low not as any matter of principle, not because of any newly created wall of separation between church and state, but simply as a result of political squabbles over tax support and incessant struggles over legislative favoritism.

**SEPARATION OF CHURCH AND STATE**

August 24, Monday: The first ten proposed amendments to the Constitution were adopted by the House of Representatives.

September 9, Wednesday: William Cranch Bond was born in Falmouth (which is now Portland, Maine).

Some further amendments to the Constitution seem to have been transmitted to the US House of Representatives by the US Senate. (The printed journals of the Senate do not state the time of the final passage, and the message transmitting them to the State Legislatures speaks of them as adopted at the 1st Session, which had begun on March 4, 1789.)

November 20, Friday: In response to a petition from Ludwig van Beethoven, motivated apparently by his father's increasing alcoholism and inability to perform his duties, the Archbishop-Elector of Cologne banished the father to a country village and specified that half his salary was to be disbursed to his son.

New Jersey became the 1st state to ratify the Bill of Rights to the US Constitution, even before North Carolina had signed the Constitution itself.

November 21, Saturday: William John Broderip was born in Princes-street, Bristol, England, eldest son of William Broderip, a surgeon. After being educated at Bristol Grammar School by the Reverend Samuel Seyer (himself a published author), he would matriculate at Oriel College, Oxford. There he would attend the anatomical lectures of Sir Christopher Pegge and the chemical and mineralogical lectures of Dr. John Kidd.

I zingari in fiera, a dramma per musica by Giovanni Paisiello to words of Palomba, was performed for the initial time, in the Teatro Fondo, Naples.

The former English colony of North Carolina signed aboard the ship of state "United States of America":

**READ THE FULL TEXT**

**RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA**

| | | | |
|---|---|---|---|
| **December 8, 1787** | **Delaware** | **YES= 30** | **NO= 0** |

It has been said that in the federal government they are unnecessary, because the powers are enumerated, and it follows that all that are not granted by the constitution are retained: that the constitution is a bill of powers, the great residuum being the rights of the people; and therefore a bill of rights cannot be so necessary as if the residuum was thrown into the hands of the government. I admit that these arguments are not entirely without foundation; but they are not conclusive to the extent which has been supposed. It is true the powers of the general government are circumscribed; they are directed to particular objects; but even if government keeps within those limits, it has certain discretionary powers with respect to the means, which may admit of abuse to a certain extent, in the same manner as the powers of the state governments under their constitutions may to an indefinite extent; because in the constitution of the United States there is a clause granting to Congress the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested in the government of the United States, or in any department or officer thereof; this enables them to fulfil every purpose for which the government was established. Now, may not laws be considered necessary and proper by Congress, for it is them who are to judge of the necessity and propriety to accomplish those special purposes which they may have in contemplation, which laws in themselves are neither necessary or proper; as well as improper laws could be enacted by the state legislatures, for fulfilling the more extended objects of those governments. I will state an instance which I think in point, and proves that this might be the case. The general government has a right to pass all laws which shall be necessary to collect its revenue; the means for enforcing the collection are within the direction of the legislature: may not general warrants be considered necessary for this purpose, as well as for some purposes which it was supposed at the framing of their constitutions the state governments had in view. If there was reason for restraining the state governments from exercising this power, there is like reason for restraining the federal government.

It may be said, because it has been said, that a bill of rights is not necessary, because the establishment of this government has not repealed those declarations of rights which are added to the several state constitutions: that those rights of the people, which had been established by the most solemn act, could not be annihilated by a subsequent act of the people, who meant, and declared at the head of the instrument, that they ordained and established a new system, for the express purpose of securing to themselves and posterity the liberties they had gained by an arduous conflict.

I admit the force of this observation, but I do not look upon it to be conclusive. In the first place, it is too uncertain ground to leave this provision upon, if a provision is at all necessary to secure rights so important as many of those I have mentioned are conceived to be, by the public in general, as well as those in particular who opposed the adoption of this constitution. Beside some states have no bills of rights, there are others provided with very defective ones, and there are others whose bills of rights are not only defective, but absolutely improper; instead of securing some in the full extent which republican principles would require, they limit them too much to agree with the common ideas of liberty.

It has been objected also against a bill of rights, that, by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration, and it might follow by implication, that those rights which were not singled out, were intended to be assigned into the hands of the general government, and were consequently insecure. This is one of the most plausible arguments I have ever heard urged against the admission of a bill of rights into this system; but, I conceive, that may be guarded against. I have attempted it, as gentlemen may see by turning to the last clause of the 4th resolution.

It has been said, that it is necessary to load the constitution with this provision, because it was not found effectual in the constitution of the particular states. It is true, there are a few particular states in which some of the most valuable articles have not, at one time or other, been violated; but does it not follow but they may have, to a certain degree, a salutary effect against the abuse of power. If they are incorporated into the constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the constitution by the declaration of rights. Beside this security, there is a great probability that such a declaration in the federal system would be enforced; because the state legislatures will jealously and closely watch the operation of this government, and be able to resist with more effect every assumption of power than any other power on earth can do; and the greatest opponents to a federal government admit the state legislatures to be sure guardians of the people's liberty. I conclude from this view of the subject, that it will be proper in itself, and highly politic, for the tranquility of the public mind, and the stability of the government, that we should offer something, in the form I have proposed, to be incorporated in the system of government, as a declaration of the rights of the people.

In the next place I wish to see that part of the constitution revised which declares, that the number of representatives shall not exceed the proportion of one for every thirty thousand persons, and allows one representative to every state which rates below that proportion. If we attend to the discussion of this subject, which has taken place in the state conventions, and even in the opinion of the friends to the constitution, an alteration here is proper. It is the sense of the people of America, that the number of representatives ought to be increased, but particularly that it should not be left in the discretion of the government to diminish them, below that proportion which certainly is in the power of the legislature as the constitution now stands; and they may, as the population of the country increases, increase the house of representatives to a very unwieldy degree. I confess I always thought this part of the constitution defective, though not dangerous; and that it ought to be particularly attended to whenever congress should go into the consideration of amendments.

There are several lesser cases enumerated in my proposition, in which I wish also to see some alteration take place. That article which leaves it in the power of the legislature to ascertain its own emolument is one to which I allude. I do not believe this is a power which, in the ordinary course of government, is likely to be abused, perhaps of all the powers granted, it is least likely to abuse; but there is a seeming impropriety in leaving any set of men without controul to put their hand into the public coffers, to take out money to put in their pockets; there is a seeming indecorum in such power, which leads me to propose a change. We have a guide to this alteration in several of the amendments which the different conventions have proposed. I have gone therefore so far as to fix it, that no law, varying the compensation, shall operate until there is a change in the legislature; in which case it cannot be for the particular benefit of those who are concerned in determining the value of the service.

I wish also, in revising the constitution, we may throw into that section, which interdicts the abuse of certain powers in the state legislatures, some other provisions of equal if not greater importance than those already made. The words, "No state shall pass any bill of attainder, ex post facto law, &c." were wise and proper restrictions in the constitution. I think there is more danger of those powers being abused by the state governments than by the government of the United States. The same may be said of other powers which they possess, if not controuled by the general principle, that laws are unconstitutional which infringe the rights of the community. I should therefore wish to extend this interdiction, and add, as I have stated in the 5th resolution, that no state shall violate the equal right of conscience, freedom of the press, or trial by jury in criminal cases;

| | | | |
|---|---|---|---|
| December 12, 1787 | Pennsylvania | YES= 46 | NO= 23 |
| December 18, 1787 | New Jersey | YES= 38 | NO= 0 |
| January 2, 1788 | Georgia | YES= 26 | NO= 0 |
| January 8, 1788 | Connecticut | YES=128 | NO= 40 |
| February 6, 1788 | Massachusetts | YES=187 | NO=168 |
| April 28, 1788 | Maryland | YES= 63 | NO= 11 |
| May 23, 1788 | South Carolina | YES=149 | NO= 73 |
| June 21, 1788 | New Hampshire | YES= 57 | NO= 47 |
| June 25, 1788 | Virginia | YES= 89 | NO= 79 |
| July 26, 1788 | New York | YES= 30 | NO= 27 |

HTTP://WWW.YALE.EDU/LAWWEB/AVALON/CONST/RATNC.HTM

JOINING LATER IN ADHERENCE TO THE US CONSTITUTION: 12

| | | | |
|---|---|---|---|
| November 21, 1789 | North Carolina | YES=194 | NO= 77 |

(The state motto would be *Esse quam videri*, “to be rather than to seem.”)

because it is proper that every government should be disarmed of powers which trench upon those particular rights. I know in some of the state constitutions the power of the government is controuled by such a declaration, but others are not. I cannot see any reason against obtaining even a double security on those points; and nothing can give a more sincere proof of the attachment of those who opposed this constitution to these great and important rights, than to see them join in obtaining the security I have now proposed; because it must be admitted, on all hands, that the state governments are as liable to attack these invaluable privileges as the general government is, and therefore ought to be as cautiously guarded against.

I think it will be proper, with respect to the judiciary powers, to satisfy the public mind on those points which I have mentioned. Great inconvenience has been apprehended to suitors from the distance they would be dragged to obtain justice in the supreme court of the United States, upon an appeal on an action for a small debt. To remedy this, declare, that no appeal shall be made unless the matter in controvers amounts to a particular sum: This, with the regulations respecting jury trials in criminal cases, and suits at common law, it is to be hoped will quiet and reconcile the minds of the people to that part of the constitution.

I find, from looking into the amendments proposed by the state conventions, that several are particularly anxious that it should be declared in the constitution, that the powers not therein delegated, should be reserved to the several states. Perhaps words which may define this more precisely, than the whole of the instrument now does, may be considered as superfluous. I admit they may be deemed unnecessary; but there can be no harm in making such a declaration, if gentlemen will allow that the fact is as stated. I am sure I understand it so, and do therefore propose it.

These are the points on which I wish to see a revision of the constitution take place. How far they will accord with the sense of this body, I cannot take upon me absolutely to determine; but I believe every gentlemen will readily admit that nothing is in contemplation, so far as I have mentioned, that can endanger the beauty of the government in any one important feature, even in the eyes of its most sanguine admirers. I have proposed nothing that does not appear to me as proper in itself, or eligible as patronised by a respectable number of our fellow citizens; and if we can make the constitution better in the opinion of those who are opposed to it, without weakening its frame, or abridging its usefulness, in the judgment of those who are attached to it, we act the part of wise and liberal men to make such alterations as shall produce that effect.

November 26, Thursday: This was the day which had been set aside as a national day of thanksgiving, by President George Washington, in regard to the adoption of the Constitution of the United States.


By the PRESIDENT

A Proclamation.

W

The original beacon pole on Beacon Hill fell on this day (Charles Bulfinch would propose that it be replaced by a Doric column).

## 1790

At some point during the first part of this year, President George Washington paid another visit to Newport and its synagogue (it was not then known as the "Touro Synagogue"). He sat with the synagogue's President (Parnas) in the place of honor on the raised platform at the side, inside a rail and separate from the congregation. While there, a Jewish inventor named Jacob Isaacs presented the President with a bottle of water which he represented to be drinking water converted by a special secret process from sea water. Sampling this bottle of water, the President expressed himself highly satisfied with the result.[21]

The primary purpose of the great white father, however, in visiting Rhode Island at this point, was to lean on local politicians to get the federal Constitution ratified:

> 1790. A State convention at Newport, in May, voted, to adopt the Federal Constitution; and this State came into the Union, the last of the original thirteen; and the event was commemorated by great public demonstrations of joy. The population of the town was 6380. President Washington again visited this town [Providence], with several distinguished public men in his suite. His arrival was announced by a discharge of artillery and

21. The first record of anyone trying a desalting process is actually to be found in Pentateuch. When Moses and the people of Israel came upon the waters of Marah, which were bitter, "the Lord shewed him a tree, which when he had cast unto the waters, the waters were made sweet." The earliest interest in desalination processes arose from the danger of dying of thirst on the open sea. The US would become involved in 1791 when a technical report would be presented by President George Washington's Secretary of State Thomas Jefferson, describing the results of a simple distillation process. Jefferson as head of the Board of Arts would call in a panel of chemists to test the submitted device and, when it could not be made to function as expected, he would deny the application for patent. Later, when desalination of small quantities of water would become feasible, information on the procedure to be followed would be printed on the back of all the papers on board American vessels so that a source of fresh water might be obtained in an emergency. Then, in a later timeframe, conversion units would begin to be manufactured so that steam ships would not need to fill cargo bays with casks of fresh water with which to refill their boilers.

the ringing of bells. A procession of citizens was formed, and he was conducted to the Golden Ball Inn, kept by Henry Rice, now the Mansion House. He was complimented by a public dinner, at which three hundred citizens attended. A very respectful and cordial address was made to him by a Committee appointed by the town, to which he suitably replied, and departed in the evening.

During the writing of the Constitution, the American inventors and promoters of steamboat schemes had been very persistent and insistent in their lobbying the halls and lobbies and offices of political power, for the immense prizes of monopoly economic power which could be granted to influential citizens by the new national government, and this activity of course continued while the US Patent Act of 1790 was being negotiated and enacted, and while the first American patents were being granted, and while the new governmental department's administrative procedures and policies were being worked out. John Fitch's 2nd, larger steamboat, the *Perseverance*, was already employing its stern crank and paddle propulsion scheme to run on a commercial schedule between Philadelphia and Burlington. Almost immediately Fitch and James Rumsey secured conflicting US steamboat patents, and John Stevens secured three related steamboat patents plus three patents for improvements to the antique design of the Savery engine which seemed at the time to be relevant. In addition, Fitch went to France and got a steamboat patent when he heard that Rumsey was in England getting a steamboat patent. (However, looking ahead, neither Fitch nor Rumsey would succeed during their lifetimes in translating their patents into the monopoly economic power for which they had for so long schemed. Eventually Fitch would off himself.)

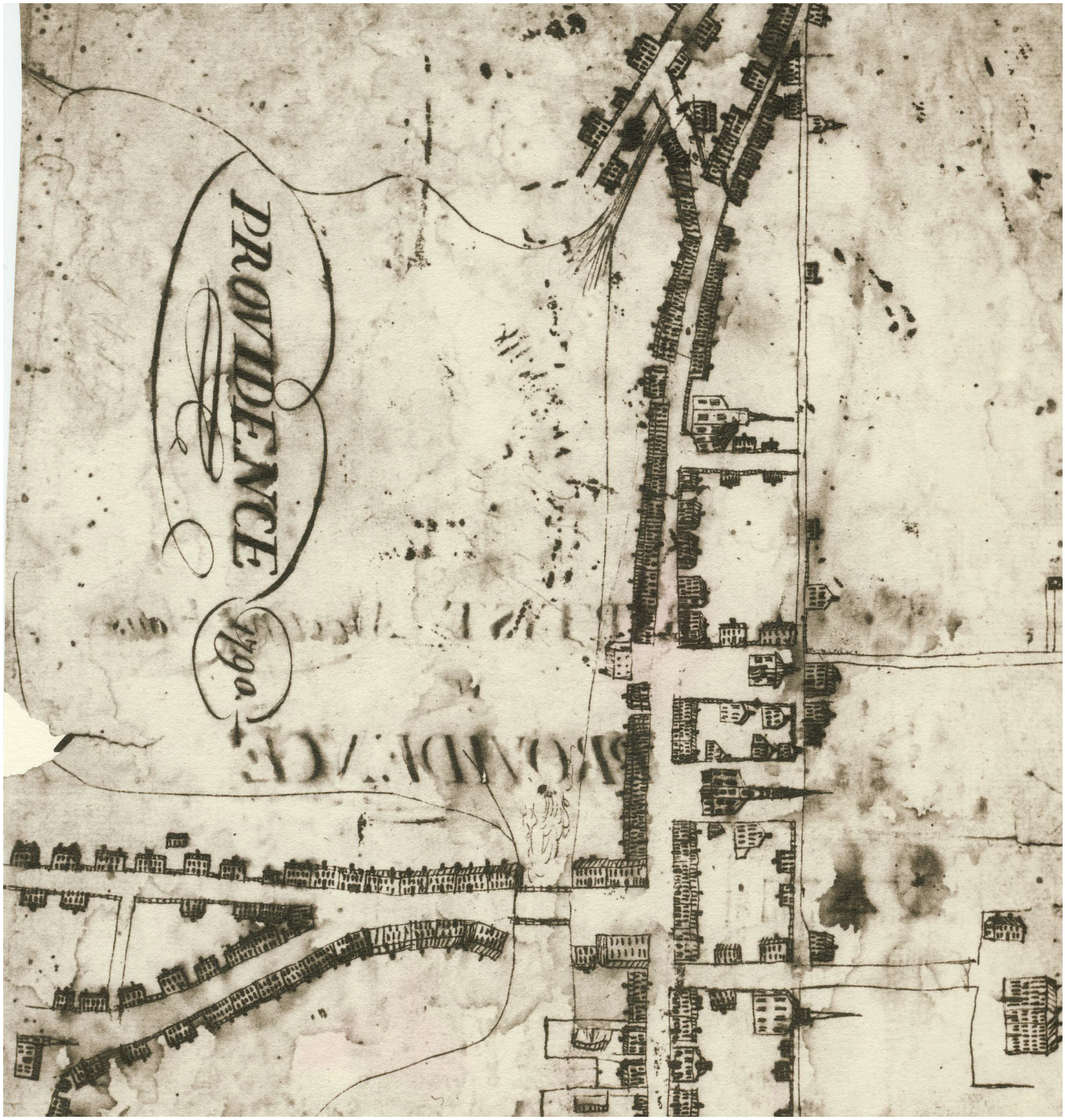
## Self-Murder

| Date | Sex | Method |
|---|---|---|
| March 5, 1786 | Male | hanged self |
| July 5, 1790 | Male | hanged self |
| ditto | Male | shot self |
| March 29, 1791 | Female | method not stated |
| October 11, 1796 | Male | cut throat |
| March 15, 1807 | Male | cut throat |
| April 16, 1807 | Male | hanged self |

During this year a John Fitch (evidently a son or grandson of this steamboat inventor) was a student at Rhode Island College and drew a bird's-eye-view illustration of Providence, Benefit Street, Meeting Street, the wharves, and the College Edifice perched atop College Hill.

BROWN UNIVERSITY

February 4, Thursday: Friend Moses Brown had been going from Quaker meeting to Quaker meeting in Rhode Island, attempting to persuade Quakers to accept the US Constitution, explaining that "it is now only to be first adopted before we can attempt any amendments" and that "the time is come when our acceptance of the new government will be better for us than to any longer stand out being alone." Ratification would be in the best interests of Rhode Island and Providence Plantations, "this poor, divided, lonely state." Once a Bill of Rights set of amendments is passed, he pointed out, this new federal government would be "the best and the most peaceably founded, perhaps in all the world."



February 28, Sunday: John Adams confided to fellow-Federalist John Brown that he was "really much affected by the obstinate infatuation of so great a part of the people of Rhode Island," which had not yet had the common sense to ratify the US Constitution.

May 24, Monday-29, Saturday: During this year, the 1st US national census would be reporting 68,824 people in Rhode Island, 6,380 of whom were in Providence.

The governing figures in the state had been defying the instructions of the nascent federal government and instead of staging a representative convention of delegates had conducted a democratic popular referendum on the new US constitutional document. Since this referendum had been boycotted by the Federalists, it had defeated the constitution by a vote of 2,708 over 237. Finally, however, in mid-January 1790, the requisite convention of delegates had been called together, and an initial inconclusive convention had been held in South Kingstown on March 1-6, and a second convention of delegates was staged in Newport on May 24-29, and a ratification tally of 34 votes over 32 votes was obtained when Providence threatened to secede from the state and unite itself either with Connecticut or with Massachusetts — and, finally, on May 29th, by the slimmest of margins, two votes, Rhode Island became the 13th of the original 13 states to ratify the Constitution:


The Reverend Isaac Backus had offered to his friends for consideration a Bill of Rights for incorporation somehow into the document. His 2d item read as follows:

> As God is the only worthy object of all religious worship, and nothing can be true religion but a voluntary obedience unto His revealed will ... every person has an unalienable right to act in all religious affairs according to the full persuasion of his own mind, where others are not injured thereby....

Might it be said that, in holding out in this way against a new federal union between slaveholding colonies and nonslaveholding colonies, these Rhode Island Quakers were anticipating the civil war which would destroy so many American lives three or four human generations into the future? (By way of radical contrast, the people in the other American colonies were in effect saying to them, "Hey, don't let a little thing like human slavery bother you so much!") Well, you could say that if you believe that Rhode Islanders are by their very nature pure of heart. However, some historians have alleged that the issue can be better understood by observing the Watergate rule, "follow the money" — Rhode Island, they suggest, had needed to uphold state sovereignty in order for its paper money to retain value.

### RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

| | | | |
|---|---|---|---|
| December 8, 1787 | Delaware | YES= 30 | NO= 0 |
| December 12, 1787 | Pennsylvania | YES= 46 | NO= 23 |
| December 18, 1787 | New Jersey | YES= 38 | NO= 0 |
| January 2, 1788 | Georgia | YES= 26 | NO= 0 |
| January 8, 1788 | Connecticut | YES=128 | NO= 40 |
| February 6, 1788 | Massachusetts | YES=187 | NO=168 |
| April 28, 1788 | Maryland | YES= 63 | NO= 11 |
| May 23, 1788 | South Carolina | YES=149 | NO= 73 |
| June 21, 1788 | New Hampshire | YES= 57 | NO= 47 |
| June 25, 1788 | Virginia | YES= 89 | NO= 79 |
| July 26, 1788 | New York | YES= 30 | NO= 27 |

### JOINING LATER IN ADHERENCE TO THE US CONSTITUTION: 12 & 13

| | | | |
|---|---|---|---|
| November 21, 1789 | North Carolina | YES=194 | NO= 77 |
| May 29, 1790 | Rhode Island | YES= 34 | NO= 32 |

**READ THE FULL TEXT**

1790. A State convention at Newport, in May, voted, to adopt the Federal Constitution; and this State came into the Union, the last of the original thirteen; and the event was commemorated by great public demonstrations of joy. The population of the town was 6380. President Washington again visited this town, with several distinguished public men in his suite. His arrival

was announced by a discharge of artillery and the ringing of bells. A procession of citizens was formed, and he was conducted to the Golden Ball Inn, kept by Henry Rice, now the Mansion House. He was complimented by a public dinner, at which three hundred citizens attended. A very respectful and cordial address was made to him by a Committee appointed by the town, to which he suitably replied, and departed in the evening.

June 1, Tuesday: In Providence, Rhode Island there was a "drunken frolick through the streets" in celebration of the new Constitution, and in the evening "the India ship warren was Illuminated with lanterns & rockets were thrown from the great bridge."

READ THE FULL TEXT

During this month George Washington would give his support to a plan by which the new federal government would be assuming and funding the Revolutionary War debts of the several states. Congress would be choosing Philadelphia as the interim capital for the United States but, to assuage Virginia, which was the foremost opponent of this assumption of debt, the federal Congress would select a site on the Potomac River in Virginia for its permanent capital, to be occupied in ten years time.

## 1791

March 4, Friday: Vermont became the 14th state to agree to abide by the United States Constitution. It included land on the western side of Lake Champlain, formerly part of New York's Clinton County.

### RATIFICATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

| | | | |
|---|---|---|---|
| December 8, 1787 | Delaware | YES= 30 | NO= 0 |
| December 12, 1787 | Pennsylvania | YES= 46 | NO= 23 |
| December 18, 1787 | New Jersey | YES= 38 | NO= 0 |
| January 2, 1788 | Georgia | YES= 26 | NO= 0 |
| January 8, 1788 | Connecticut | YES=128 | NO= 40 |
| February 6, 1788 | Massachusetts | YES=187 | NO=168 |
| April 28, 1788 | Maryland | YES= 63 | NO= 11 |
| May 23, 1788 | South Carolina | YES=149 | NO= 73 |
| June 21, 1788 | New Hampshire | YES= 57 | NO= 47 |
| June 25, 1788 | Virginia | YES= 89 | NO= 79 |

| | | | |
|---|---|---|---|
| July 26, 1788 | New York | YES= 30 | NO= 27 |

### JOINING LATER IN ADHERENCE TO THE US CONSTITUTION: 12, 13, & 14

| | | | |
|---|---|---|---|
| November 21, 1789 | North Carolina | YES=194 | NO= 77 |
| May 29, 1790 | Rhode Island | YES= 34 | NO= 32 |
| March 4, 1791 | Vermont | | |

December 15, Thursday: In Washington DC, the Bill of Rights of the Constitution was ratified when Virginia gave its approval:

**The First Amendment to the Federal Constitution, passed in 1791, signaled two important changes in the relationship between government and religion in America: the erosion of the traditional colonial church establishment system, and the redefinition of the term "religion" in public discourse. The first change did not come easily, and the second has often been ignored. Neither was a natural consequence of the Revolution, and both proved to be somewhat less authoritative than they might have been. Certainly the First Amendment did not settle the question of religion and government in America. Instead, it opened a long dialogue –sometimes a heated argument– that has lasted now for almost two centuries. Why this might be the case is suggested in one of the amendment's anomalies. Although it dispensed with the religion question in only sixteen words, the two words that are most commonly used in discussing it –"church" and "state"– are found nowhere in its text.... Connecticut, Massachusetts, and New Hampshire refused to abandon the old state church tradition immediately. Despite vitriolic criticism from Baptists and milder complaints from Anglicans, (who now were becoming Episcopalians), these colonies retained their establishment of state churches.** The 1780 Massachusetts constitution authorized "towns, parishes, precincts, and other bodies politic" to levy taxes "for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion, and morality." Reminiscent of an earlier century, it even authorized legislation demanding compulsory church attendance, although it stipulated "no subordination of any one sect or denomination to the other." Connecticut also authorized taxes for the support of Christian churches, and New Hampshire rationalized previous local practice by providing a constitutional authorization for local levies to support "Christian" churches, without preferring one denomination over another.... The complex colonial pattern of state churches encouraged revolutionary leaders to broaden but not to discard government support for religion in northern

and southern colonies alike. The new establishment schemes in Massachusetts, Connecticut, and New Hampshire allowed some Christian dissenters to escape parish taxes but denied exemptions for atheists and the unchurched. Even Baptists could find government coercion useful. Although Isaac Backus and other Baptist leaders bitterly criticized New England's coercive church establishments, individual congregations sometimes used the courts to collect dues from nonpaying members just as Congregational and Presbyterian congregations did. They found the century-long custom of coercive government support for Christianity more persuasive than abstract principles against it.... Congressman Samuel Livermore from New Hampshire well expressed the intention of the amendment: "that Congress shall make no laws touching religion, or infringing the rights of conscience." In short, the amendment meant what it said and said what it meant. The federal government should not legislate on religious matters and should leave individuals alone in their pursuit of religious truth.... Only Connecticut and Massachusetts sustained multiple establishments after independence, though their byzantine complexity increasingly drained away the grandeur that state support for Christianity was designed to provide. In both states complicated certificate systems that relieved dissenting Presbyterians, Baptists, Quakers, and Episcopalians from parish church rates stimulated mistakes, misunderstandings, and arguments. Congregations vied for tax support or tax exemptions, then sued adherents who did not pay their promised dues. Fissures inside the established congregations, however, not outside agitation, caused the abandonment of multiple establishment. Congregationalist-Unitarian schisms sent established church litigants to court for over three decades, and government support for Protestantism degenerated into unseemly brawls for control of church buildings and tax receipts. Connecticut voters approved a new constitution in 1818 that finally abolished the multiple establishment altogether. Massachusetts voters did not amend their constitution to do so until 1833 and then only after a bitter contest that saw supporters of establishment decry the thorough collapse of morality and public order in an increasingly tendentious republic.

## 1794

Article XI of the amendments to the Constitution was prepared by the 3rd Congress.

## 1795

The 11th Amendment to the Constitution limited some federal judicial power somewhat.

# 1803

- Article XII of the amendments to the Constitution was prepared by the 8th Congress.

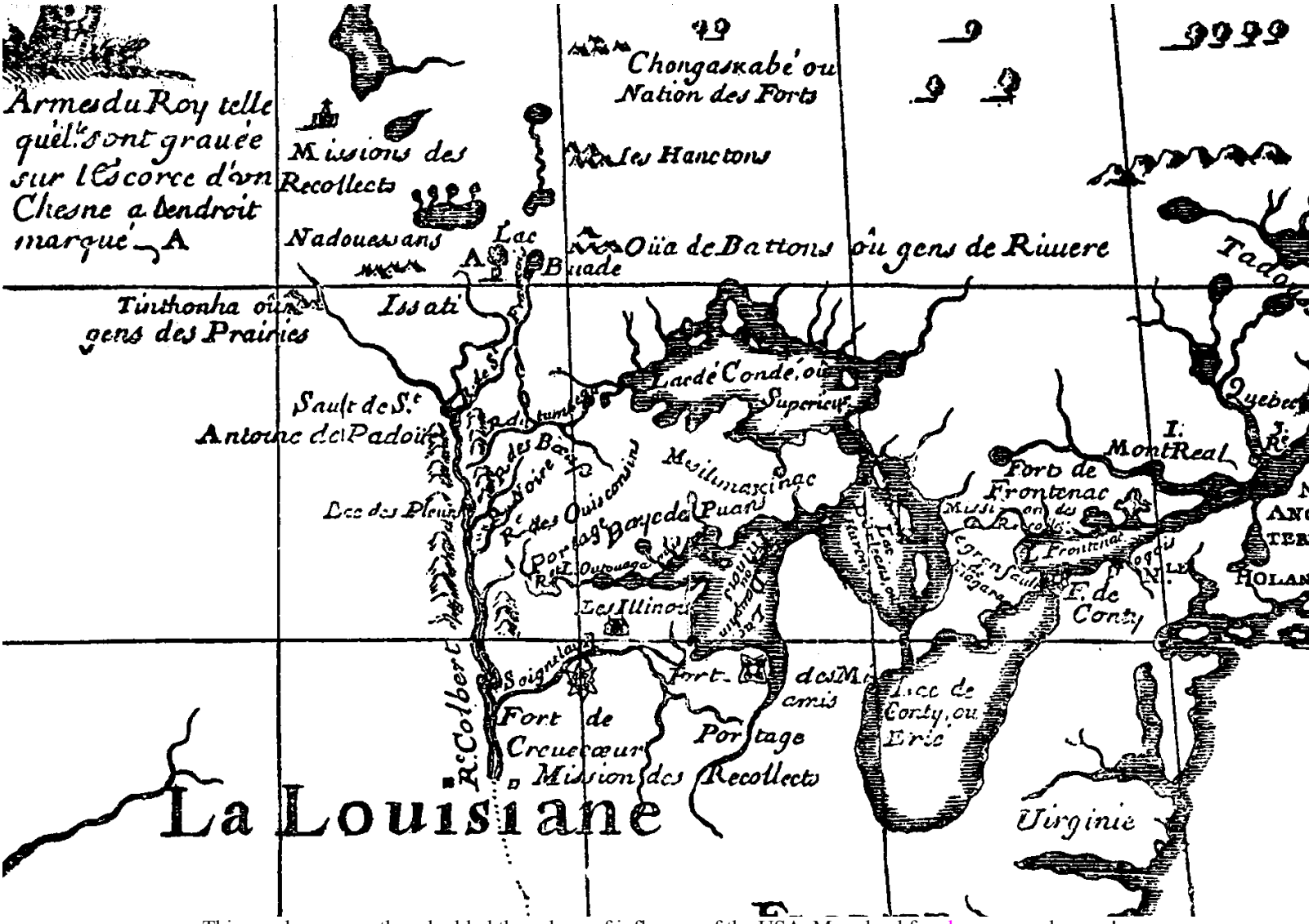
- In Marbury v. Madison the Supreme Court ruled that the US Congress exceeded its power in the Judiciary Act of 1789; thus, the Court established its power to review acts of Congress and declare invalid those it found in conflict with the Constitution.

April 30, Saturday: The United States, under President Thomas Jefferson, paid to France $12,000,000.00 to abandon whatever claim the French might have upon the Louisiana Territory. "Rights" to a general territory of 828,000 square miles[22] which was still going under the name "Louisiana," that is, "Land of Louis XV, King of France" despite the fact that whatever paltry "rights of ownership" Louis XV had had to this real estate, which had always been debatable, had passed to his erstwhile heir Bonaparte, were sold to the national government of the United States of America for the paltry sum of $0.04 per acre.[23] Once that government had procured that land from the peoples who actually lived on it, such as the Dakota nation, that land would belong to them![24]


READ THE FULL TEXT

22. It sounds better to say 828,000 square miles than 914 miles square, since in the conversion from square miles to miles square –as in the conversion from a red nation to our human nation– the relationship is of a power.
23. This was actually a better price per acre than that obtained by the Long Island Canarsie native who had "sold" his nonexistent rights to Manhattan Island to Peter Minuit in 1626 for some cloth, some beads, some hatchets, and some other trade goods worth in total some 60 Dutch guilders, or the equivalent of about a pound and a half of silver. In the case of Manhattan Island, the Dutch would still need to negotiate with the tribespeople who were actually living on the island and in possession of it, whose villages were in the vicinity of what is now Washington Heights, and in the case of Louisiana, the European-Americans would still need to negotiate with the tribespeople who were actually living in this territory and in possession of it.
24. However, when the national government of the United States of America subsequently went about purchasing rights to such territories from weaker people, they weren't in the habit of paying nearly as much as this per acre, even when the rights to the real estate were far more real than whatever rights had devolved from King Louis of France.

This was the Louisiana Territory:




This purchase more than doubled the sphere of influence of the USA. More land for slavery, much more!

Thomas Jefferson would draft a special amendment to the federal Constitution intended to legitimate his purchase.

**READ THE FULL TEXT**

Upon the occasion of the Louisiana Purchase, the government of Mexico made an interesting immigration solicitation to certain disenfranchised citizens of its new northern neighbor: any person whom the *Norteamericanos* considered a "slave," who could make it as far as the border of Mexico, would be **free**.

## 1807

March 3, Tuesday: A British fleet again forced the Dardanelles, hoping to intimidate Turkey into the war. The Turks, their defenses newly strengthened, sank two British ships killing 600 seamen.

Article I of the Constitution had granted the new federal government a power to "suppress insurrections." A federal legislative act of May 2, 1792 had implemented this by authorizing the President to use the militia to suppress insurrections upon notification by a federal associate justice or district judge that the execution of the laws was impeded by combinations too powerful to be suppressed by the ordinary course of judicial proceedings. Then an act of February 28, 1795 had enlarged this by authorizing the President, on application of the legislature of a state, or of that state's Governor if the legislature could not be convened, to call forth the militia of other states to suppress an insurrection against the government of that state. On this day the federal legislature finalized the Insurrection Act of 1807, laying down the procedures by which the federal Administrative branch might federalize local law enforcement in order to suppress an insurrection: first the President was to order the "insurgents to disperse" — then if this did not happen, whatever force the armed agents of the federal power needed to apply would be legitimated. The federal military could considered itself to be part of a *posse comitatus* and act to enforce domestic law: "[I]n all cases of insurrection or obstruction of the laws, either of the United States or of any individual state or territory, where it is lawful for the president of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect," these "prerequisites" being first the notification of an associate justice or district judge that the execution of the laws was being obstructed, and second the application of a legislature or governor. (Further procedures to put down insurrections would not be needed until 1861.)

Friend Stephen Wanton Gould wrote in his journal:

> *3 day 3 of 3 M 1807 / It has been a favor'd day, a current of the precious life has attended my mind for which I desire to render thanks where they are alone due.*

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RELIGIOUS SOCIETY OF FRIENDS

## 1813

The War of 1812 was an unpopular cause in Rhode Island, which as a nautical state expected to bear the brunt of what was expected to be a largely naval war. A privateer, while being fitted out in Providence, was therefore cut loose from its dock during the night, and scuttled, by unknown private citizens. The governor of the state, William Jones, floated trial balloons about the possibility of secession from the new federal union of American states. The state General Assembly appointed a committee to determine whether Rhode Island's acceptance of the Constitution of the United States of America might be declared to have been in fact invalid, and therefore null.

During this war a prison hulk would be moored in the harbor, and British prisoners of war would be kept there.

Documents associated with the "War of 1812":

READ THE FULL TEXT

There is a way to make an effective distinction between the "American War of Independence," on the one hand, and the "War of 1812," on the other, although this continuation of conflict between the former American continental colonies and their British homeland is commonly distinguished by historians merely as "the 1st and 2d Anglo-American wars." In the initial phase of the conflict in the late 1770s and early 1780s, the offer of freedom made by the British forces to Patriot-owned slaves had been contingent only upon their absconding and successfully reaching British lines. At the winding-down of this initial conflict, the British authorities therefore did not return any of these fugitives to their American slavemasters, and did not provide any compensation to the American slavemasters for the loss of their slave property. The American owners were assuming that this would of course happen, and the cease-fire treaty that ended this phase of the conflict had allowed for this to happen — but nevertheless it had not happened. However, by way of a radical distinction between the two phases of the conflict, as part of the post-War of 1812 peace settlement the British authorities would compensate American slavemasters for slaves who had obtained British protection. (What an interesting way this is to distinguish between the two phases of the conflict!)

February: The Rhode Island general assembly appointed a committee to consider whether this nation's declaration of war on Great Britain had been in violation of the compact by which this colony had accepted the US Constitution.

READ EDWARD FIELD TEXT

Another Article was proposed as an amendment to the Constitution by the 11th Congress, prohibiting citizens from receiving titles of nobility, presents or offices, from foreign nations. This is printed as one of the amendments, but was in fact never ratified, never having been approved by the requisite number of states, having been approved at any point by but a dozen of the States.

## 1814

December 15, Thursday: A group of New Englanders assembled in the chamber of the State House in Hartford, Connecticut to consider the implications of the War of 1812 for their section of the American nation. This "Hartford Convention," which included official and unofficial delegations from the New England States, would be meeting until January 4, 1815.

READ THE FULL TEXT

This Hartford Convention, which would discuss separatism (regional secession from the federal union), would be proposing that as an alternative there might be a series of amendments to the federal Constitution:

READ THE FULL TEXT

Friend Stephen Wanton Gould wrote in his journal:

> *5th day 15th of 12 M 1814 / Soon After taking my seat in Meeting I thought I felt life arise & spread from Vessel to Vessel among us & it proved a season of favor - The Word was preached in the*

*power & demonstration of the Spirit first by H Dennis & then by A Robinson & father R had a few words which felt pertinent & lively. — After I came our of meeting I compared notes with J F Mitchell & found his sense of the forepart of the Meeting was similar to Mine.*

RELIGIOUS SOCIETY OF FRIENDS

## 1815

January 5, Thursday: Sir Bysshe Shelley died. During the subsequent 18 months, Percy Bysshe Shelley was involved in negotiations with his father over the settlement of the will, ultimately receiving money to pay his debts (some cash he diverts to Godwin), as well as an annual income of 1,000 pounds (200 earmarked for Harriet; later 120 for her children).

La gioventù di Enrico quinto, an opéra comique by Louis Joseph Ferdinand Hérold to his own words and Landriani's after Pineux-Duval, was performed for the initial time, in the Teatro del Fondo of Naples. Hérold's first work for the stage was warmly received.

When the final report of the Hartford Convention was disclosed, the American public learned that the delegates had stopped well short of advocating that New England secede from the federal union. Seven amendments to the United States Constitution had instead been agreed upon (all seven would be stillborn).

Friend Stephen Wanton Gould wrote in his journal:

*5th day 5 of 1st M 1815 / Our Meeting was silent & to me allmost Blank, but I believe some others Experienced a season of favor for I thought divine help & goodness was near but the enjoyment was to be held from me. — This evening my mind has been favord with the quickenings of life —*

RELIGIOUS SOCIETY OF FRIENDS

## 1818

February 4, Wednesday: Message of President James Monroe about the condition of amendments to the Constitution.

Augustus Goddard Peabody was born in Boston, the initial child of Augustus Peabody and Miranda Goddard Peabody. The father was a member of the Suffolk bar. The son would be fitted for college at the Public Latin School in Boston, and matriculate at Harvard College in 1833 (Class of 1837, same as Henry Thoreau).

Friend Stephen Wanton Gould wrote in his journal:

*4th day / After attending to a little buisness which I had with several people in Providence, I took a horse & sleigh & rode out to Daniel Lymans to visit an old relation vizt Mary Wanton widow of John Wanton late of this Town who now wants but a Month or*

*two of being 90 Years of Age - I spent a little time very agreeably she retains her powers of mind, but is now so lame as to be unable to Walk - She recollects all the Ancients of this Town particularly Gov*[ernor] *John Wanton who died in this place in the Year 1740. I inquired about him, of whom & several others she related several Anecdotes- I staid & dined with them who seemed to welcome me as a relation in a respectable branch of the Wanton family. After gowing* [*sic*] *to Lymans factory & examining the curious machinery there rode to Providence again & took tea with Joseph Anthony whose wife was a Gould & a relation of Mine & there I lodged, but in the evening set a little while at O Browns, where was Avis Keene & Betsy Purinton with her companion R Dean having just returned from a religious visit to the Westward Job Hanes of Jersey accompanied them thus far homeward*

RELIGIOUS SOCIETY OF FRIENDS

## 1837

The conspiracy of secrecy entered into by the founding fathers, not to discuss the work done at the Constitutional Convention for fifty years, expired. It was revealed that the founding fathers had not intended, in employing vague phrases such as "We the People," that the protections would gradually be expanded until they included blacks, and Indians, and women.

> Interest alone [by which was meant prosperity, was] the governing principle.

It was revealed, by the expiration of this oath of secrecy in regard to the machinations that had produced the federal Constitution, that the president of the Pennsylvania Society for the Abolition of Slavery, Benjamin Franklin, had betrayed the American slave. During the course of the Constitutional Convention he had not so much as **brought the topic up for discussion**. The convention had simply capitulated to the American slaveholders — and the freedom of women of course never crossed anyone's mind. The only consideration given to the fact that some Americans were being held in bondage was to allow those who were chaining them to cast more weighty votes than non-slaveholders –in their behalf– in all the national elections!

"It is simply crazy that there should ever have come into being a world with such a sin in it, in which a man is set apart because of his color – the superficial fact about a human being. Who could **want** such a world? For an American fighting for his love of country, that the last hope of earth should from its beginning have swallowed slavery, is an irony so withering, a justice so intimate in its rebuke of pride, as to measure only with God."

– Stanley Cavell, MUST WE MEAN WHAT WE SAY? 1976, page 141

The Constitution of the United States of America was thus revealed to have been a "Covenant with Death and an Agreement with Hell," to paraphrase ISAIAH 28:15 in the manner favored by abolitionists.[25]

What to do? —To replace the expired 50-year gag agreement on discussing the proceedings of the 1887 Constitutional Convention, Congress enacted a new gag rule that would effectively suppress any and all congressional debate on anything and everything having to do with the national slavery issue.

As the result of a Connecticut trial, *Jackson v. Bullock*, any slave brought into Connecticut from a slave state of the federal union would be considered to be immediately free. This followed the 1836 Massachusetts case of *Commonwealth v. Aves* which in turn followed the 1772 British case, *Somerset v. Stewart*. New York and Pennsylvania overrode the Somerset decision by statutory enactments, according to which Pennsylvania granted 9 months transit until 1847 and New York granted 9 months transit until 1841.

In this year the Reverend Horace Bushnell was warning America to protect its Anglo-Saxon blood from the

25. In a sense, the correct answer to the standard classroom question "What caused the Civil War?" would be "Uh, Ben Franklin?"

> *Son of so-and-so and so-and-so, this*
> *so-and-so helped us to gain our independence,*
> *instructed us in economy,*
> *and drew down lightning from the clouds.*

Repeat after me, class: "***Nobody ever does just one thing***."

immigrant tide.

RACISM


The Reverend Hosea Easton, a black abolitionist, warned sensibly that doing away with human slavery in itself would not correct America's wrong, for after that it would still be necessary for the US's whites to overcome their color prejudice which made dusky skin "a mark of degradation."

One might suppose that the *La Amistad* slaves would, under such an arrangement, have been free the moment they set foot on Connecticut soil, but no, they had been brought there not from a slave state of our federal union but across the Middle Passage from Africa by way of Cuba, and perhaps they weren't really slaves in not having been legally enslaved, and therefore there were two significant considerations bearing upon whether this Connecticut law having to do with slaves brought into Connecticut from a slave state of the federal union could be made to stick in court.

During this year 11 American negreros would clear from the port of Havana on their way to the coast of Africa to pick up slave cargo (HOUSE DOCUMENT, 26th Congress, 2d session V, No. 115, page 221). In particular the negrero *Washington*, named of course in honor of our founding father, was enabled by the American consul at Havana, himself (what are buddies for?), to proceed to the coast of Africa to pick up slave cargo (HOUSE DOCUMENT, 26th Congress, 2d session V, No. 115, pages 488-90, 715 ff; HOUSE DOCUMENT, 27th Congress, 1st session, No. 34, pages 18-21).

INTERNATIONAL SLAVE TRADE

## 1838

The notes of Luther Martin of Maryland and of Robert Yates of New York in regard to the secret deliberations of the Continental Congress in the creation of the federal Constitution were published as SECRET PROCEEDINGS AND DEBATES OF THE CONSTITUTIONAL CONVENTION, 1787. This was the very first breach of the silence about the manner in which those important decisions had been made that had been tolerated. (The notes kept by James Madison, and turned over to George Washington for safekeeping at Mount Vernon, would not see the light until 1845, two years after his death as the last surviving delegate.)

## 1839

February 25, Monday: Representative John Quincy Adams proposed a constitutional amendment abolishing hereditary enslavement in the United States, prohibiting admission of new slave states, and abolishing slavery and the slave trade in the District of Columbia.

## 1845

Horatio Greenough's statue of George Washington in the District of Columbia was moved to a little floral island in the middle of East Capitol Street.

This being two years subsequent to the death of James Madison (he being the last surviving delegate to the Constitutional Convention of 1787), the notes that he had kept in regard to the secret deliberations of the Convention, that he had turned over to George Washington for safekeeping at Mount Vernon, were finally published.

The American Anti-Slavery Society put out the 12th issue of its "omnibus" entitled The Anti-Slavery Examiner, entitled "Disunion. Address of the American Anti-Slavery Society and F. Jackson's Letter on the Pro-Slavery Character of the Constitution;" containing, also, a republication of "Chattel Principle / The Abhorrence of Jesus Christ and the Apostles; Or No Refuge for American Slavery in the New Testament," by the Reverend Beriah Green:

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THE CONSTITUTION

**No. 12.**
**THE**
**ANTI-SLAVERY EXAMINER.**
*** * * * ***

**DISUNION.**
**ADDRESS OF THE AMERICAN ANTI-SLAVERY SOCIETY**
**AND**
**F. JACKSON'S LETTER ON THE PRO-SLAVERY CHARACTER OF THE CONSTITUTION**

**NEW YORK:**

**AMERICAN ANTI-SLAVERY SOCIETY.**
**142 NASSAU STREET.**
**1845.**

**BOSTON: PRINTED BY DAVID H. ELA, NO. 37, CORNHILL.**

ADDRESS OF THE EXECUTIVE COMMITTEE OF THE AMERICAN ANTI-SLAVERY SOCIETY TO Friends of Freedom and Emancipation in the U. States.

At the Tenth Anniversary of the American Anti-Slavery Society, held in the city of New-York, May 7th, 1844,—after grave deliberation, and a long and earnest discussion,—it was decided, by a vote of nearly three to one of the members present, that fidelity to the cause of human freedom, hatred of oppression, sympathy for those who are held in chains and slavery in this republic, and allegiance to God, require that the existing national compact should be instantly dissolved; that secession from the government is a religious and political duty; that the motto inscribed on the banner of Freedom should be, NO UNION WITH SLAVEHOLDERS; that it is impracticable for tyrants and the enemies of tyranny to coalesce and legislate together for the preservation of human rights, or the promotion of the interests of Liberty; and that revolutionary ground should be occupied by all those who abhor the thought of doing evil that good may come, and who do not mean to compromise the principles of Justice and Humanity.

A decision involving such momentous consequences, so well calculated to startle the public mind, so hostile to the established order of things, demands of us, as the official representatives of the American Society, a statement of the reasons which led to it. This is due not only to the Society, but also to the country and the world.

It is declared by the American people to be a self-evident truth, "that all men are created equal; that they are endowed BY THEIR CREATOR with certain inalienable rights; that among these are life, LIBERTY, and the pursuit of happiness." It is further maintained by them, that "all governments derive their just powers from the consent of the governed;" that "whenever any form of government becomes destructive of human rights, it is the right of the people to alter or to abolish it, and institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." These doctrines the patriots of 1776 sealed with their blood. They would not brook even the menace of oppression. They held that there should be no delay in resisting, at whatever cost or peril, the first encroachments of power on their liberties. Appealing to the great Ruler of the universe for the rectitude of their course, they pledged to each other "their lives, their fortunes and their sacred honor," to conquer or perish in their struggle to be free.

For the example which they set to all people subjected to a despotic sway, and the sacrifices which they made, their

descendants cherish their memories with gratitude, reverence their virtues, honor their deeds, and glory in their triumphs.

It is not necessary, therefore, for us to prove that a state of slavery is incompatible with the dictates of reason and humanity; or that it is lawful to throw off a government which is at war with the sacred rights of mankind.

We regard this as indeed a solemn crisis, which requires of every man sobriety of thought, prophetic forecast, independent judgment, invincible determination, and a sound heart. A revolutionary step is one that should not be taken hastily, nor followed under the influence of impulsive imitation. To know what spirit they are of—whether they have counted the cost of the warfare—what are the principles they advocate—and how they are to achieve their object—is the first duty of revolutionists.

But, while circumspection and prudence are excellent qualities in every great emergency, they become the allies of tyranny whenever they restrain prompt, bold and decisive action against it.

We charge upon the present national compact, that it was formed at the expense of human liberty, by a profligate surrender of principle, and to this hour is cemented with human blood.

We charge upon the American Constitution, that it contains provisions, and enjoins duties, which make it unlawful for freemen to take the oath of allegiance to it, because they are expressly designed to favor a slaveholding oligarchy, and, consequently, to make one portion of the people a prey to another.

We charge upon the existing national government, that it is an insupportable despotism, wielded by a power which is superior to all legal and constitutional restraints—equally indisposed and unable to protect the lives or liberties of the people—the prop and safeguard of American slavery.

These charges we proceed briefly to establish:

I. It is admitted by all men of intelligence,—or if it be denied in any quarter, the records of our national history settle the question beyond doubt,—that the American Union was effected by a guilty compromise between the free and slaveholding States; in other words, by immolating the colored population on the altar of slavery, by depriving the North of equal rights and privileges, and by incorporating the slave system into the government. In the expressive and pertinent language of scripture, it was "a covenant with death, and an agreement with hell"—null and void before God, from the first hour of its inception—the framers of which were recreant to duty, and the supporters of which are equally guilty.

It was pleaded at the time of the adoption, it is pleaded now, that, without such a compromise there could have been no union; that, without union, the colonies would have become an easy prey to the mother country; and, hence, that it was an act of necessity, deplorable indeed when viewed alone, but absolutely indispensable to the safety of the republic.

To this we reply: The plea is as profligate as the act was tyrannical. It is the jesuitical doctrine, that the end sanctifies the means. It is a confession of sin, but the denial of any guilt in its perpetration. It is at war with the government of God, and subversive of the foundations of morality. It is to make lies our refuge, and under falsehood to hide ourselves, so that we may escape the overflowing scourge. "Therefore, thus saith the Lord God, Judgment will I lay to the line, and righteousness to the plummet; and the bail shall sweep away the refuge of lies, and the waters shall overflow the hiding place." Moreover, "because ye trust in oppression and perverseness, and stay thereon; therefore this iniquity shall be to you as a breach ready to fall, swelling out in a high wall, whose breaking cometh suddenly at an instant. And he shall break it as the breaking of the potter's vessel that is broken in pieces; he shall not spare."

This plea is sufficiently broad to cover all the oppression and villany that the sun has witnessed in his circuit, since God said, "Let there by light." It assumes that to be practicable, which is impossible, namely, that there can be freedom with slavery, union with injustice, and safety with blood guiltiness. A union of virtue with pollution is the triumph of licentiousness. A partnership between right and wrong, is wholly wrong. A compromise of the principles of Justice, is the deification of crime.

Better that the American Union had never been formed, than that it should have been obtained at such a frightful cost! If they were guilty who fashioned it, but who could not foresee all its frightful consequences, how much more guilty are they, who, in full view of all that has resulted from it, clamor for its perpetuity! If it was sinful at the commencement, to adopt it on the ground of escaping a greater evil, is it not equally sinful to swear to support it for the same reason, or until, in process of time, it be purged from its corruption?

The fact is, the compromise alluded to, instead of effecting a union, rendered it impracticable; unless by the term union we are to understand the absolute reign of the slaveholding power over the whole country, to the prostration of Northern rights. In the just use of words, the American Union is and always has been a sham—an imposture. It is an instrument of oppression unsurpassed in the criminal history of the world. How then can it be innocently sustained? It is not certain, it is not even probable, that if it had not been adopted, the mother country would have reconquered the colonies. The spirit that would have chosen danger in preference to crime,—to perish with justice rather than live with dishonor,—to dare and suffer whatever might betide, rather than sacrifice the rights of one human being,—could never have been subjugated by any mortal power. Surely it is paying a poor tribute to the valor and devotion of our revolutionary fathers in the cause of liberty, to say that, if they had sternly refused to sacrifice their principles, they would have fallen an easy prey to the despotic power of England.

II. The American Constitution is the exponent of the national compact. We affirm that it is an instrument which no man can

innocently bind himself to support, because its anti-republican and anti-Christian requirements are explicit and peremptory; at least, so explicit that, in regard to all the clauses pertaining to slavery, they have been uniformly understood and enforced in the same way, by all the courts and by all the people; and so peremptory, that no individual interpretation or authority can set them aside with impunity. It is not a ball of clay, to be moulded into any shape that party contrivance or caprice may choose it to assume. It is not a form of words, to be interpreted in any manner, or to any extent, or for the accomplishment of any purpose, that individuals in office under it may determine. *It means precisely what those who framed and adopted it meant*—NOTHING MORE, NOTHING LESS, *as a matter of bargain and compromise*. Even if it can be construed to mean something else, without violence to its language, such construction is not to be tolerated *against the wishes of either party*. No just or honest use of it can be made, in opposition to the plain intention of its framers, *except to declare the contract at an end, and to refuse to serve under it*.

To the argument, that the words "slaves" and "slavery" are not to be found in the Constitution, and therefore that it was never intended to give any protection or countenance to the slave system, it is sufficient to reply, that though no such words are contained in that instrument, other words were used, intelligently and specifically, TO MEET THE NECESSITIES OF SLAVERY; and that these were adopted *in good faith, to be observed until a constitutional change could be effected*. On this point, as to the design of certain provisions, no intelligent man can honestly entertain a doubt. If it be objected, that though these provisions were meant to cover slavery, yet, as they can fairly be interpreted to mean something exactly the reverse, it is allowable to give to them such an interpretation, *especially as the cause of freedom will thereby be promoted*—we reply, that this is to advocate fraud and violence toward one of the contracting parties, *whose co-operation was secured only by an express agreement and understanding between them both, in regard to the clauses alluded to*; and that such a construction, if enforced by pains and penalties, would unquestionably lead to a civil war, in which the aggrieved party would justly claim to have been betrayed, and robbed of their constitutional rights.

Again, if it be said, that those clauses, being immoral, are null and void—we reply, it is true they are not to be observed; but it is also true that they are portions of an instrument, the support of which, AS A WHOLE, is required by oath or affirmation; and, therefore, *because they are immoral*, and BECAUSE OF THIS OBLIGATION TO ENFORCE IMMORALITY, no one can innocently swear to support the Constitution.

Again, if it be objected, that the Constitution was formed by the people of the United States, in order to establish justice, to promote the general welfare, and secure the blessings of liberty to themselves and their posterity: and therefore, it is to be so construed as to harmonize with these objects; we reply, again, that its language is *not to be interpreted in a sense*

*which neither of the contracting parties understood*, and which would frustrate every design of their alliance—to wit, *union at the expense of the colored population of the country*. Moreover, nothing is more certain than that the preamble alluded to never included, in the minds of those who framed it, *those who were then pining in bondage*—for, in that case, a general emancipation of the slaves would have instantly been proclaimed throughout the United States. The words, "secure the blessings of liberty to ourselves and our posterity," assuredly meant only the white population. "To promote the general welfare," referred to their own welfare exclusively. "To establish justice," was understood to be for their sole benefit as slaveholders, and the guilty abettors of slavery. This is demonstrated by other parts of the same instrument, and by their own practice under it.

We would not detract aught from what is justly their due; but it is as reprehensible to give them credit for *what they did not possess*, as it is to rob them of what is theirs. It is absurd, it is false, it is an insult to the common sense of mankind, to pretend that the Constitution was intended to embrace the entire population of the country under its sheltering wings; or that the parties to it were actuated by a sense of justice and the spirit of impartial liberty; or that it needs no alteration, but only a new interpretation, to make it harmonize with the object aimed at by its adoption. As truly might it be argued, that because it is asserted in the Declaration of Independence, that all men are created equal, and endowed with an inalienable right to liberty, therefore none of its signers were slaveholders, and since its adoption, slavery has been banished from the American soil! The truth is, our fathers were intent on securing liberty *to themselves*, without being very scrupulous as to the means they used to accomplish their purpose. They were not actuated by the spirit of universal philanthropy; and though *in words* they recognized occasionally the brotherhood of the human race, *in practice* they continually denied it. They did not blush to enslave a portion of their fellow-men, and to buy and sell them as cattle in the market, while they were fighting against the oppression of the mother country, and boasting of their regard for the rights of man. Why, then, concede to them virtues which they did not posses. *Why cling to the falsehood, that they were not respecters of persons in the formation of the government*?

Alas! that they had no more fear of God, no more regard for man, in their hearts! "The iniquity of the house of Israel and Judah [the North and South] is exceeding great, and the land is full of blood, and the city full of perverseness; for they say, the Lord hath forsaken the earth, and the Lord seeth not."

We proceed to a critical examination of the American Constitution, in its relations to slavery.

In ARTICLE 1, Section 9, it is declared – "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

In this Section, it will be perceived, the phraseology is so guarded as not to imply, *ex necessitate*, any criminal intent or inhuman arrangement; and yet no one has ever had the hardihood or folly to deny, that it was clearly understood by the contracting parties, to mean that there should be no interference with the African slave trade, on the part of the general government, until the year 1808. For twenty years after the adoption of the Constitution, the citizens of the United States were to be encouraged and protected in the prosecution of that infernal traffic—in sacking and burning the hamlets of Africa—in slaughtering multitudes of the inoffensive natives on the soil, kidnapping and enslaving a still greater proportion, crowding them to suffocation in the holds of the slave ships, populating the Atlantic with their dead bodies, and subjecting the wretched survivors to all the horrors of unmitigated bondage! This awful covenant was strictly fulfilled; and though, since its termination, Congress has declared the foreign slave traffic to be piracy, yet all Christendom knows that the American flag, instead of being the terror of the African slavers, has given them the most ample protection.

The manner in which the 9th Section was agreed to, by the national convention that formed the constitution, is thus frankly avowed by the Hon. Luther Martin,[26] who was a prominent member of that body:

"The Eastern States, notwithstanding their aversion of slavery, (!) *were very willing to indulge the Southern States* at least with a temporary liberty to prosecute the slave trade, provided the Southern States would, in the return, *gratify* them by laying no restriction on navigation acts; and, after a very little time, the committee, by a great majority, agreed on a report, *by which the general government was to be prohibited from preventing the importation of slaves* for a limited time; and the restrictive clause relative to navigation acts was to be omitted."

Behold the iniquity of this agreement! How sordid were the motives which led to it! what a profligate disregard of justice and humanity, on the part of those who had solemnly declared the inalienable right of all men to be free and equal, to be a self-evident truth!

It is due to the national convention to say, that this section was not adopted "without considerable opposition." Alluding to it, Mr. Martin observes—

"It was said we had just assumed a place among the independent nations in consequence of our opposition to the attempts of Great Britain to *enslave us*; that this opposition was grounded upon the preservation of those rights to which God and nature has entitled us, not in *particular*, but in *common with all the rest of mankind*; that we had appealed to the Supreme Being for his assistance, as the God of freedom, who could not but approve our efforts to preserve the rights which he had thus imparted to his creatures; that now, when we had scarcely risen from our knees, from supplicating his mercy and protection in forming our

26. Speech before the Legislature of Maryland in 1787.

government over a free people, a government formed pretendedly on the principles of liberty, and for its preservation,—in that government to have a provision, not only of putting out of its power to restrain and prevent the slave trade, even encouraging that most infamous traffic, by giving the States the power and influence in the Union in proportion as they cruelly and wantonly sported with the rights of their fellow-creatures, ought to be considered as a solemn mockery of, and insult to, that God whose protection we had thus implored, and could not fail to hold us up in detestation, and render us contemptible to every true friend of liberty in the world. It was said that national crimes can only be, and frequently are, punished in this world by *national punishments*, and that the continuance of the slave trade, and thus giving it a national character, sanction, and encouragement, ought to be considered as justly exposing us to the displeasure and vengeance of him who is equally the Lord of all, and who views with equal eye the poor *African slave* and his *American master*![27]

"It was urged that, by this system, we were giving the general government full and absolute power to regulate commerce, under which general power it would have a right to restrain, or totally prohibit, the slave trade: it must, therefore, appear to the world absurd and disgraceful to the last degree that we should except from the exercise of that power the only branch of commerce which is unjustifiable in its nature, and contrary to the rights of mankind. That, on the contrary, we ought to prohibit expressly, in our Constitution, the further importation of slaves, and to authorize the general government, from time to time, to make such regulations as should be thought most advantageous for the gradual abolition of slavery, and the emancipation of the slaves already in the States. That slavery is inconsistent with the genius of republicanism, and has a tendency to destroy those principles on which it is supported, as it lessens the sense of the equal rights of mankind, and habituates to tyranny and oppression. It was further urged that, by this system of government, every State is to be protected both from foreign invasion and from domestic insurrections; and, from this consideration, it was of the utmost importance it should have the power to restrain the importation of slaves, since in proportion as the number of slaves increased in any State, in the same proportion is the State weakened and exposed to foreign invasion and domestic insurrection: and by so much less will it be able to protect itself against either, and therefore by so much, want aid from, and be a burden to, the Union.

"It was further said, that, in this system, as we were giving the general government power, under the idea of national character, or national interest, to regulate even our weights and measures, and have prohibited all possibility of emitting paper money, and passing insolvent laws, &c., it must appear still more extraordinary that we prohibited the government from interfering with the slave trade, than which nothing could more effect our national honor and interest.

27. How terribly and justly has this guilty nation been scourged, since these words were spoken, on account of slavery and the slave trade! SECRET PROCEEDINGS, page 64.

"These reasons influenced me, both in the committee and in the convention, most decidedly to oppose and vote against the clause, as it now makes part of the system."[28]

Happy had it been for this nation, had these solemn considerations been heeded by the framers of the Constitution! But for the sake of securing some local advantages, they choose to do evil that good may come, and to make the end sanctify the means. They were willing to enslave others, that they might secure their own freedom. They did this deed deliberately, with their eyes open, with all the facts and consequences arising therefrom before them, in violation of all their heaven-attested declarations, and in atheistical distrust of the overruling power of God. "The Eastern States were very willing to *indulge* the Southern States" in the unrestricted prosecution of their piratical traffic, provided in return they could be *gratified* by no restriction being laid on navigation acts!!—Had there been no other provision of the Constitution justly liable to objection, this one alone rendered the support of that instrument incompatible with the duties which men owe to their Creator, and to each other. It was the poisonous infusion in the cup, which, though constituting but a very slight portion of its contents, perilled the life of every one who partook of it.

If it be asked to what purpose are these animadversions, since the clause alluded to has long since expired by its own limitation—we answer, that, if at any time the foreign slave trade could be *constitutionally* prosecuted, it may yet be renewed, under the Constitution, at the pleasure of Congress, whose prohibitory statute is liable to be reversed at any moment, in the frenzy of Southern opposition to emancipation. It is ignorantly supposed that the bargain was, that the traffic *should cease* in 1808; but the only thing secured by it was, the *right* of Congress (not any obligation) to prohibit it at that period. If, therefore, Congress had not chosen to exercise that right, *the traffic might have been prolonged indefinitely, under the Constitution*. The right to destroy any particular branch of commerce, implies the right to re-establish it. True, there is no probability that the African slave trade will ever again be legalized by the national government; but no credit is due the framers of the Constitution on this ground; for, while they threw around it all the sanction and protection of the national character and power for twenty years, *they set no bounds to its continuance by any positive constitutional prohibition*.

Again, the adoption of such a clause, and the faithful execution of it, prove what was meant by the words of the preamble — "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity"—namely, that the parties to the Constitution regarded only their own rights and interests, and never intended that its language should be so interpreted as to interfere with slavery, or to make it unlawful for one portion of the people to enslave another, *without an express alteration in that instrument, in the manner therein set forth*. While,

28. SECRET PROCEEDINGS, page 64.

therefore, the Constitution remains as it was originally adopted, they who swear to support it are bound to comply with all its provisions, as a matter of allegiance. For it avails nothing to say, that some of those provisions are at war with the law of God and the rights of man, and therefore are not obligatory. Whatever may be their character, they are *constitutionally* obligatory; and whoever feels that he cannot execute them, or swear to execute them, without committing sin, has no other choice left than to withdraw from the government, or to violate his conscience by taking on his lips an impious promise. The object of the Constitution is not to define *what is the law of God*, but WHAT IS THE WILL OF THE PEOPLE—which will is not to be frustrated by an ingenious moral interpretation, by those whom they have elected to serve them.

ARTICLE 1, Sect. 2, provides — "Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons.*"

Here, as in the clause we have already examined, veiled beneath a form of words as deceitful as it is unmeaning in a truly democratic government, is a provision for the safety, perpetuity and augmentation of the slaveholding power—a provision scarcely less atrocious than that which related to the African slave trade, and almost as afflictive in its operation—a provision still in force, with no possibility of its alteration, so long as a majority of the slave States choose to maintain their slave system—a provision which, at the present time, enables the South to have twenty-five additional representatives in Congress on the score of *property*, while the North is not allowed to have one—a provision which concedes to the oppressed three-fifths of the political power which is granted to all others, aid then puts this power into the hands of their oppressors, to be wielded by them for the more perfect security of their tyrannous authority, and the complete subjugation of the non-slaveholding States.

Referring to this atrocious bargain, ALEXANDER HAMILTON remarked in the New York Convention—

"The first thing objected to, is that clause which allows a representation for three-fifths of the negroes. Much has been said of the impropriety of representing men who have no will of their own: whether this is *reasoning* or *declamation*, (!!) I will not presume to say. It is the *unfortunate* situation of the Southern States to have a great part of their population, as well as *property*, in blacks. The regulation complained of was one result of *the spirit of accommodation* which governed the Convention; and without this *indulgence*, NO UNION COULD POSSIBLY HAVE BEEN FORMED. But, sir, considering some *peculiar advantages* which we derive from them it is entirely JUST that they should be *gratified*—The Southern States possess certain staples,—tobacco, rice, indigo, &c.—which must be *capital* objects in treaties of commerce with foreign nations; and the advantage

which they necessarily procure in these treaties will be felt throughout the United States."

If such was the patriotism, such the love of liberty, such the morality of ALEXANDER HAMILTON, what can be said of the character of those who were far less conspicuous than himself in securing American independence, and in framing the American Constitution?

Listen, now, to the opinions of JOHN QUINCY ADAMS, respecting the constitutional clause now under consideration:—

"'In outward show, it is a representation of persons in bondage; in fact, it is a representation of their masters,—the oppressor representing the oppressed.' — 'Is it in the compass of human imagination to devise a more perfect exemplification of the art of committing the lamb to the tender custody of the wolf?' — 'The representative is thus constituted, not the friend, agent and trustee of the person whom he *represents*, but the most inveterate of his foes.' — 'It was *one* of the curses from that Pandora's box, adjusted at the time, as usual, by a *compromise*, the whole advantage of which inured to the benefit of the South, and to aggravate the burdens of the North.' — 'If there be a parallel to it in human history, it can only be that of the Roman Emperors, who, from the days when Julius Caesar substituted a military despotism in the place of a republic, among the offices which they always concentrated upon themselves, was that of tribune of the people. A Roman Emperor tribune of the people, is an exact parallel to that feature in the Constitution of the United States which makes the master the representative of his slave.' — 'The Constitution of the United States expressly prescribes that no title of nobility shall be granted by the United States. The spirit of this interdict is not a rooted antipathy to the grant of mere powerless empty *titles*, but to titles of *nobility*; to the institution of privileged orders of men. But what order of men under the most absolute of monarchies, or the most aristocratic of republics, was ever invested with such an odious and unjust privilege as that of the separate and exclusive representation of less than half a million owners of slaves, in the Hall of this House, in the Chair of the Senate, and in the Presidential mansion?' — 'This investment of power in the owners of one species of property concentrated in the highest authorities of the nation, and disseminated through thirteen of the twenty-six States of the Union, constitutes a privileged order of men in the community, more adverse to the rights of all, and more pernicious to the interests of the whole, than any order of nobility ever known. To call government thus constituted a democracy, is to insult the understanding of mankind. To call it an aristocracy, is to do injustice to that form of government. Aristocracy is the government of *the best*. Its standard qualification for accession to power *is merit*, ascertained by popular election recurring at short intervals of time. If even that government is prone to degenerate into tyranny, what must be the character of that form of polity in which the standard qualification for access to power is wealth in the possession of slaves? It is doubly tainted with the infection of riches and of slavery. *There is no name in the*

*language of national jurisprudence that can define it*—no model in the records of ancient history, or in the political theories of Aristotle, with which it can be likened. It was introduced into the Constitution of the United States by an equivocation—a representation of property under the name of persons. Little did the members of the Convention from the free States foresee what a sacrifice to Moloch was hidden under the mask of this concession.' — 'The House of Representatives of the United States consists of 223 members—all, by the *letter* of the Constitution, representatives only of *persons*, as 135 of them really are; but the other 88, equally representing the *persons* of their constituents, by whom they are elected, also represent, under the name of *other persons*, upwards of two and a half millions of *slaves*, held as the *property* of less than half a million of the white constituents, and valued at twelve hundred millions of dollars. Each of these 88 members represents in fact the whole of that mass of associated wealth, and the persons and exclusive interests of its owners; all thus knit together, like the members of a moneyed corporation, with a capital not of thirty-five or forty or fifty, but of twelve hundred millions of dollars, exhibiting the most extraordinary exemplification of the anti-republican tendencies of associated wealth that the world ever saw,' — 'Here is one class of men, consisting of not more than one fortieth part of the whole people, not more than one-thirtieth part of the free population, exclusively devoted to their personal interests identified with their own as slaveholders of the same associated wealth, and wielding by their votes, upon every question of government or of public policy, two-fifths of the whole power of the House. In the Senate of the Union, the proportion of the slaveholding power is yet greater. By the influence of slavery, in the States where the institution is tolerated, over their elections, no other than a slaveholder can rise to the distinction of obtaining a seat in the Senate; and thus, of the 52 members of the federal Senate, 26 are owners of slaves, and as effectively representatives of that interest as the 88 members elected by them to the House.' — 'By this process it is that all political power in the States is absorbed and engrossed by the owners of *slaves*, and the overruling policy of the States is shaped to strengthen and consolidate their domination. The legislative, executive, and judicial authorities are all in their hands—the preservation, propagation, and perpetuation of the black code of slavery—every law of the legislature becomes a link in the chain of the slave; every executive act a rivet to his hapless fate; every judicial decision a perversion of the human intellect to the justification of *wrong*.—Its reciprocal operation upon the government of the nation is, to establish an artificial majority in the slave representation over that of the free people, in the American Congress, and thereby to make the PRESERVATION, PROPAGATION, AND PERPETUATION OF SLAVERY THE VITAL AND ANIMATING SPIRIT OF THE NATIONAL GOVERNMENT.—The result is seen in the fact that, at this day, the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and five out of nine of the Judges of the Supreme Judicial Courts of the United States, are not only citizens of slaveholding States, but individual slaveholders

themselves. So are, and constantly have been, with scarcely an exception, all the members of both Houses of Congress from the slaveholding States; and so are, in immensely disproportionate numbers, the commanding officers of the army and navy; the officers of the customs; the registers and receivers of the land offices, and the post-masters throughout the slaveholding States.—The Biennial Register indicates the birth-place of all the officers employed in the government of the Union. If it were required to designate the owners of this species of property among them, it would be little more than a catalogue of slaveholders.'"

It is confessed by Mr. Adams, alluding to the national convention that framed the Constitution, that "the delegation from the free States, in their extreme anxiety to conciliate the ascendency of the Southern slaveholder, did listen to a *compromise between right and wrong—between freedom and slavery*; of the ultimate fruits of which they had no conception, but which already even now is urging the Union to its inevitable ruin and dissolution, by a civil, servile, foreign, and Indian war, all combined in one; a war, the essential issue of which will be between freedom and slavery, and in which the unhallowed standard of slavery will be the desecrated banner of the North American Union—that banner, first unfurled to the breeze, inscribed with the self-evident truths of the Declaration of Independence."

Hence, to swear to support the Constitution of the United States, *as it is*, is to make "a compromise between right and wrong," and to wage war against human liberty. It is to recognize and honor as republican legislators, *incorrigible men-stealers*, MERCILESS TYRANTS, BLOOD THIRSTY ASSASSINS, who legislate with deadly weapons about their persons, such as pistols, daggers, and bowie-knives, with which they threaten to murder any Northern senator or representative who shall dare to stain their *honor*, or interfere with their *rights*! They constitute a banditti more fierce and cruel than any whose atrocities are recorded on the pages of history or romance. To mix with them on terms of social or religious fellowship, is to indicate a low state of virtue; but to think of administering a free government by their co-operation, is nothing short of insanity.

Article IV., Section 2, declares, — "No person held to service or labor in one State, *under the laws thereof*, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

Here is a third clause, which, like the other two, makes no mention of slavery or slaves, in express terms; and yet, like them, was intelligently framed and mutually understood by the parties to the ratification, and intended both to protect the slave system and to restore runaway slaves. It alone makes slavery a national institution, a national crime, and all the people who are not enslaved, the body-guard over those whose liberties have been cloven down. This agreement, too, has been fulfilled to the letter by the North.

Under the Mosaic dispensation it was imperatively commanded, — "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: he shall dwell with thee, even among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shalt not oppress him." The warning which the prophet Isaiah gave to oppressing Moab was of a similar kind: "Take counsel, execute judgment; make thy shadow as the night in the midst of the noon-day; hide the outcasts; bewray not him that wandereth. Let mine outcasts dwell with thee, Moab; be thou a covert to them from the face of the spoiler." The prophet Obadiah brings the following charge against treacherous Edom, which is precisely applicable to this guilty nation: — "For thy violence against thy brother Jacob, shame shall come over thee, and thou shalt be cut off for ever. In the day that thou stoodest on the other side, in the day that the strangers carried away captive his forces, and foreigners entered into his gates, and cast lots upon Jerusalem, *even thou wast as one of them*. But thou shouldst not have looked on the day of thy brother, in the day that he became a stranger; neither shouldst thou have rejoiced over the children of Judah, in the day of their destruction; neither shouldst thou have spoken proudly in the day of distress; neither shouldst thou have *stood in the cross-way, to cut off those of his that did escape*; neither shouldst thou have *delivered up those of his that did remain*, in the day of distress."

How exactly descriptive of this boasted republic is the impeachment of Edom by the same prophet! "The pride of thy heart hath deceived thee, thou whose habitation is high; that sayeth in thy heart, Who shall bring me down to the ground? Though thou exalt thyself as the eagle, and though thou set thy nest among the stars, thence will I bring thee down, saith the Lord." The emblem of American pride and power is the *eagle*, and on her banner she has mingled *stars* with its *stripes*. Her vanity, her treachery, her oppression, her self-exaltation, and her defiance of the Almighty, far surpass the madness and wickedness of Edom. What shall be her punishment? Truly, it may be affirmed of the American people, (who live not under the Levitical but Christian code, and whose guilt, therefore, is the more awful, and their condemnation the greater,) in the language of another prophet — "They all lie in wait for blood; they hunt every man his brother with a net. That they may do evil with both hands earnestly, the prince asketh, and the judge asketh for a reward; and the great man, he uttereth his mischievous desire: *so they wrap it up*." Likewise of the colored inhabitants of this land it may be said, — "This is a people robbed and spoiled; they are all of them snared in holes, and they are hid in prison-houses; they are for a prey, and none delivereth; for a spoil, and none saith, Restore."

By this stipulation, the Northern States are made the hunting ground of slave-catchers, who may pursue their victims with blood-hounds, and capture them with impunity wherever they can lay their robber hands upon them. At least twelve or fifteen thousand runaway slaves are now in Canada, exiled from their native land, because they could not find, throughout its vast extent, a single road on which they could dwell in safety, *in*

*consequence of this provision of the Constitution*? How is it possible, then, for the advocates of liberty to support a government which gives over to destruction one-sixth part of the whole population?

It is denied by some at the present day, that the clause which has been cited, was intended to apply to runaway slaves. This indicates either ignorance, or folly, or something worse. JAMES MADISON as one of the framers of the Constitution, is of some authority on this point. Alluding to that instrument, in the Virginia convention, he said:—

"Another clause *secures us that property which we now possess*. At present, if any slave elopes to those States where slaves are free, *he becomes emancipated by their laws*; for the laws of the States are *uncharitable*(!) to one another in this respect; but in this constitution, 'No person held to service or labor in one State, under the laws thereof, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered upon claim of the party to whom such service or labor away be due. THIS CLAUSE WAS EXPRESSLY INSERTED TO ENABLE THE OWNERS OF SLAVES TO RECLAIM THEM. *This is a better security than any that now exists*. No power is given to the general government to interfere with respect to the property in slaves now held by the States."

In the same convention, alluding to the same clause, GOV. RANDOLPH said:—

"Every one knows that slaves are held to service or labor. And, when authority is given to owners of slaves to *vindicate their property*, can it be supposed they can be deprived of it? If a citizen of this State, in consequence of this clause, can take his runaway slave in Maryland, can it be seriously thought that, after taking him and bringing him home, he could be made free?"

It is objected, that slaves are held as property, and therefore, as the clause refers to persons, it cannot mean slaves. But this is criticism against fact. Slaves are recognized not merely as property, but also as persons—as having a mixed character—as combining the human with the brutal. This is paradoxical, we admit; but slavery is a paradox—the American Constitution is a paradox—the American Union is a paradox—the American Government is a paradox; and if any one of these is to be repudiated on that ground, they all are. That it is the duty of the friends of freedom to deny the binding authority of them all, and to secede from them all, we distinctly affirm. After the independence of this country had been achieved, the voice of God exhorted the people, saying, "Execute true judgment, and show mercy and compassion every man to his brother: and oppress not the widow, nor the fatherless, the stranger, nor the poor; and let none of you imagine evil against his brother in your heart. But they refused to hearken, and pulled away the shoulder, and stopped their ears, that they should not hear; yea, they made their hearts as an adamant stone." "Shall I not visit for these things? saith the Lord. Shall not my soul be avenged on such a nation as this?"

Whatever doubt may have rested on any honest mind, respecting

the meaning of the clause in relation to persons held to service or labor, must have been removed by the unanimous decision of the Supreme Court of the United States, in the case of Prigg versus The State of Pennsylvania. By that decision, any Southern slave-catcher is empowered to seize and convey to the South, without hindrance or molestation on the part of the State, and without any legal process duly obtained and served, any person or persons, irrespective of caste or complexion, whom he may choose to claim as runaway slaves; and if, when thus surprised and attacked, or on their arrival South, they cannot prove by legal witnesses, that they are freemen, their doom is sealed! Hence the free colored population of the North are specially liable to become the victims of this terrible power, and all the other inhabitants are at the mercy of prowling kidnappers, because there are multitudes of white as well as black slaves on Southern plantations, and slavery is no longer fastidious with regard to the color of its prey.

As soon as that appalling decision of the Supreme Court was enunciated, in the name of the Constitution, the people of the North should have risen *en masse*, if for no other cause, and declared the Union at an end; and they would have done so, if they had not lost their manhood, and their reverence for justice and liberty.

In the 4th Sect. of Art. IV., the United States guarantee to protect every State in the Union "*against domestic violence*." By the 8th Section of Article 1., congress is empowered "to provide for calling forth the militia to execute the laws of the Union, *suppress insurrections*, and repel invasions." These provisions, however strictly they may apply to cases of disturbance among the white population, were adopted with special reference to the slave population, for the purpose of keeping them in their chains by the combined military force of the country; and were these repealed, and the South left to manage her slaves as best she could, a servile insurrection would ere long be the consequence, as general as it would unquestionably be successful. Says Mr. Madison, respecting these clauses:—

"On application of the legislature or executive, as the case may be, the militia of the other States are to be called to suppress domestic insurrections. Does this bar the States from calling forth their own militia? No; but it gives them a *supplementary* security to suppress insurrections and domestic violence."

The answer to Patrick Henry's objection, as urged against the constitution in the Virginia convention, that there was no power left to the States to quell an insurrection of slaves, as it was wholly vested in congress, George Nicholas asked:—

"Have they it now? If they have, does the constitution take it away? If it does, it must be in one of those clauses which have been mentioned by the worthy member. The first part gives the general government power to call them out when necessary. Does this take it away from the States? No! but *it gives an additional security*; for, beside the power in the State government to use their own militia, it will be *the duty of the general government*

to aid them WITH THE STRENGTH OF THE UNION, when called for."

This solemn guaranty of security to the slave system, caps the climax of national barbarity, and stains with human blood the garments of all the people. In consequence of it, that system has multiplied its victims from five hundred thousand to nearly three millions—a vast amount of territory has been purchased, in order to give it extension and perpetuity—several new slave States have been admitted into the Union—the slave trade has been made one of the great branches of American commerce—the slave population, though over-worked, starved, lacerated, branded, maimed, and subjected to every form of deprivation and every species of torture, have been over awed and crushed,—or, whenever they have attempted to gain their liberty by revolt, they have been shot down and quelled by the strong arm of the national government; as, for example, in the case of Nat Turner's insurrection in Virginia, when the naval and military forces of the government were called into active service. Cuban bloodhounds have been purchased with the money of the people, and imported and used to hunt slave fugitives among the everglades of Florida. A merciless warfare has been waged for the extermination or expulsion of the Florida Indians, because they gave succor to those poor hunted fugitives—a warfare which has cost the nation several thousand lives, and forty millions of dollars. But the catalogue of enormities is too long to be recapitulated in the present address.

We have thus demonstrated that the compact between the North and the South embraces every variety of wrong and outrage,—is at war with God and man, cannot be innocently supported, and deserves to be immediately annulled. In behalf of the Society which we represent, we call upon all our fellow-citizens, who believe it is right to obey God rather than man, to declare themselves peaceful revolutionists, and to unite with us under the stainless banner of Liberty, having for its motto — "EQUAL RIGHTS FOR ALL—NO UNION WITH SLAVEHOLDERS!"

It is pleaded that the Constitution provides for its own amendment; and we ought to use the elective franchise to effect this object. True, there is such a proviso; but, until the amendment be made, that instrument is binding as it stands. Is it not to violate every moral instinct, and to sacrifice principle to expediency, to argue that we may swear to steal, oppress and murder by wholesale, because it may be necessary to do so only for the time being, and because there is some remote probability that the instrument which requires that we should be robbers, oppressors and murderers, may at some future day be amended in these particulars? Let us not palter with our consciences in this manner—let us not deny that the compact was conceived in sin and brought forth in iniquity—let us not be so dishonest, even to promote a good object, as to interpret the Constitution in a manner utterly at variance with the intentions and arrangements of the contracting parties; but, confessing the guilt of the nation, acknowledging the dreadful specifications in the bond, washing our hands in the waters of repentance from all further participation in this criminal alliance, and resolving that we will sustain none other than a free and

righteous government, let us glory in the name of revolutionists, unfurl the banner of disunion, and consecrate our talents and means to the overthrow of all that is tyrannical in the land,—to the establishment of all that is free, just, true and holy,—to the triumph of universal love and peace.

If, in utter disregard of the historical facts which have been cited, it is still asserted, that the Constitution needs no amendment to make it a free instrument, adapted to all the exigencies of a free people, and was never intended to give any strength or countenance to the slave system—the indignant spirit of insulted Liberty replies: — "What though the assertion be true? Of what avail is a mere piece of parchment? In itself, though it be written all over with words of truth and freedom—though its provisions be as impartial and just as words can express, or the imagination paint—though it be as pure as the gospel, and breathe only the spirit of Heaven—it is powerless; it has no executive vitality; it is a lifeless corpse, even though beautiful in death. I am famishing for lack of bread! How is my appetite relieved by holding up to my gaze a painted loaf? I am manacled, wounded, bleeding dying! What consolation is it to know, that they who are seeking to destroy my life, profess in words to be my friends?" If the liberties of the people have been betrayed—if judgment is turned away backward, and justice standeth afar off, and truth has fallen in the streets, and equality cannot enter—if the princes of the land are roaring lions, the judges evening wolves, the people light and treacherous persons, the priests covered with pollution—if we are living under a frightful despotism, which scoffs at all constitutional restraints, and wields the resources of the nation to promote its own bloody purposes—tell us not that the forms of freedom are still left to us! Would such tameness and submission have freighted the May-Flower for Plymouth Rock? Would it have resisted the Stamp Act, the Tea Tax, or any of those entering wedges of tyranny with which the British government sought to rive the liberties of America? The wheel of the Revolution would have rusted on its axle, if a spirit so weak had been the only power to give it motion. Did our fathers say, when their rights and liberties were infringed — "*Why, what is done cannot be undone*. That is the first thought." No, it was the last thing they thought of: or, rather, it never entered their minds at all. They sprang to the conclusion at once — "*What is done* SHALL *be undone*. That is our FIRST and ONLY thought."

"Is water running in our veins? Do we remember still Old Plymouth Rock, and Lexington, and famous Bunker Hill? The debt we owe our fathers' graves? and to the yet unborn, Whose heritage ourselves must make a thing of pride or scorn?"

"Gray Plymouth Rock hath yet a tongue, and Concord is not dumb; And voices from our fathers' graves and from the future come: They call on us to stand our ground—they charge us still to be Not only free from chains ourselves, but foremost to make free!"

It is of little consequence who is on the throne, if there be behind it a power mightier than the throne. It matters not what is the theory of the government, if the practice of the government be unjust and tyrannical. We rise in rebellion

against a despotism incomparably more dreadful than that which induced the colonists to take up arms against the mother country; not on account of a three-penny tax on tea, but because fetters of living iron are fastened on the limbs of millions of our countrymen, and our most sacred rights are trampled in the dust. As citizens of the State, we appeal to the State in vain for protection and redress. As citizens of the United States, we are treated as outlaws in one half of the country, and the national government consents to our destruction. We are denied the right of locomotion, freedom of speech, the right of petition, the liberty of the press, the right peaceably to assemble together to protest against oppression and plead for liberty—at least in thirteen States of the Union. If we venture, as avowed and unflinching abolitionists, to travel South of Mason and Dixon's line, we do so at the peril of our lives. If we would escape torture and death, on visiting any of the slave States, we must stifle our conscientious convictions, bear no testimony against cruelty and tyranny, suppress the struggling emotions of humanity, divest ourselves of all letters and papers of an anti-slavery character, and do homage to the slaveholding power—or run the risk of a cruel martyrdom! These are appalling and undeniable facts.

Three millions of the American people are crushed under the American Union! They are held as slaves—trafficked as merchandise—registered as goods and chattels! The government gives them no protection—the government is their enemy—the government keeps them in chains! There they lie bleeding—we are prostrate by their side—in their sorrows and sufferings we participate—their stripes are inflicted on our bodies, their shackles are fastened on our limbs, their cause is ours! The Union which grinds them to the dust rests upon us, and with them we will struggle to overthrow it! The Constitution, which subjects them to hopeless bondage, is one that we cannot swear to support! Our motto is, "NO UNION WITH SLAVEHOLDERS," either religious or political. They are the fiercest enemies of mankind, and the bitterest foes of God! We separate from them not in anger, not in malice, not for a selfish purpose, not to do them an injury, not to cease warning, exhorting, reproving them for their crimes, not to leave the perishing bondman to his fate—O no! But to clear our skirts of innocent blood—to give the oppressor no countenance—to signify our abhorrence of injustice and cruelty—to testify against an ungodly compact—to cease striking hands with thieves and consenting with adulterers—to make no compromise with tyranny—to walk worthily of our high profession—to increase our moral power over the nation—to obey God and vindicate the gospel of his Son—hasten the downfall of slavery in America, and throughout the world!

We are not acting under a blind impulse. We have carefully counted the cost of this warfare, and are prepared to meet its consequences. It will subject us to reproach, persecution, infamy—it will prove a fiery ordeal to all who shall pass through it—it may cost us our lives. We shall be ridiculed as fools, accused as visionaries, branded as disorganizers, reviled as madmen, threatened and perhaps punished as traitors. But we shall bide our time. Whether safety or peril, whether victory

or defeat, whether life or death be ours, believing that our feet are planted on an eternal foundation, that our position is sublime and glorious, that our faith in God is rational and steadfast, that we have exceeding great and precious promises on which to rely, THAT WE ARE IN THE RIGHT, we shall not falter nor be dismayed, "though the earth be removed, and though the mountains be carried into the midst of the sea,"—though our ranks be thinned to the number of "three hundred men." Freemen! are you ready for the conflict? Come what may, will you sever the chain that binds you to a slaveholding government, and declare your independence? Up, then, with the banner of revolution! Not to shed blood—not to injure the person or estate of any oppressor—not by force and arms to resist any law—not to countenance a servile insurrection—not to wield any carnal weapons! No—ours must be a bloodless strife, excepting *our* blood be shed—for we aim, as did Christ our leader, not to destroy men's lives, but to save them—to overcome evil with good—to conquer through suffering for righteousness' sake—to set the captive free by the potency of truth!

Secede, then, from the government. Submit to its exactions, but pay it no allegiance, and give it no voluntary aid. Fill no offices under it. Send no senators or representatives to the national or State legislature; for what you cannot conscientiously perform yourself, you cannot ask another to perform as your agent. Circulate a declaration of DISUNION FROM SLAVEHOLDERS, throughout the country. Hold mass meetings—assemble in conventions—nail your banners to the mast!

Do you ask what can be done, if you abandon the ballot-box? What did the crucified Nazarene do without the elective franchise? What did the apostles do? What did the glorious army of martyrs and confessors do? What did Luther and his intrepid associates do? What can women and children do? What has Father Mathew done for teetotalism? What has Daniel O'Connell done for Irish repeal? "Stand, having your loins girt about with truth, and having on the breast-plate of righteousness," and arrayed in the whole armor of God!

The form of government that shall succeed the present government of the United States, let time determine. It would be a waste of time to argue that question, until the people are regenerated and turned from their iniquity. Ours is no anarchical movement, but one of order and obedience. In ceasing from oppression, we establish liberty. What is now fragmentary, shall in due time be crystallized, and shine like a gem set in the heavens, for a light to all coming ages.

Finally—we believe that the effect of this movement will be,—First, to create discussion and agitation throughout the North; and these will lead to a general perception of its grandeur and importance.

Secondly, to convulse the slumbering South like an earthquake, and convince her that her only alternative is, to abolish slavery, or be abandoned by that power on which she now relies for safety.

Thirdly, to attack the slave power in its most vulnerable point,

and to carry the battle to the gate.

Fourthly, to exalt the moral sense, increase the moral power, and invigorate the moral constitution of all who heartily espouse it.

We reverently believe that, in withdrawing from the American Union, we have the God of justice with us. We know that we have our enslaved countrymen with us. We are confident that all free hearts will be with us. We are certain that tyrants and their abettors will be against us.

In behalf of the Executive Committee of the American Anti-Slavery Society,

WM. LLOYD GARRISON, *President*.

WENDELL PHILLIPS, } *Secretaries*.
MARIA WESTON CHAPMAN, }

*Boston, May* 20, 1844.

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LETTER FROM FRANCIS JACKSON.

BOSTON, 4TH July, 1844

*To His Excellency George N. Briggs*:

SIR—Many years since, I received from the Executive of the Commonwealth a commission as Justice of the Peace. I have held the office that it conferred upon me till the present time, and have found it a convenience to myself, and others. It might continue to be so, could I consent longer to hold it. But paramount considerations forbid, and I herewith transmit to you my commission, respectfully asking you to accept my resignation.

While I deem it a duty to myself to take this step, I feel called on to state the reasons that influence me.

In entering upon the duties of the office in question, I complied with the requirements of the law, by taking an oath "*to support the Constitution of the United States.*" I regret that I ever took that oath. Had I then as maturely considered its full import, and the obligations under which it is understood, and meant to lay those who take it, as I have done since, I certainly never would have taken it, seeing, as I now do, that the Constitution of the United States contains provisions calculated and intended to foster, cherish, uphold and perpetuate *slavery*. It pledges the country to guard and protect the slave system so long as the slaveholding States choose to retain it. It regards the slave code as lawful in the States which enact it. Still more, "it has done that, which, until its adoption, was never before done for African slavery. It took it out of its former category of municipal law and local life, adopted it as a national institution, spread around it the broad and sufficient shield of national law, and thus gave to slavery a national existence." Consequently, the oath to support the Constitution of the United States is a solemn promise to do that which is morally wrong; that which is a violation of the natural rights of man, and a sin in the sight of God.

I am not, in this matter, constituting myself a judge of others. I do not say that no honest man can take such an oath, and abide by it. I only say, that *I* would not now deliberately take it; and that, having inconsiderately taken it, I can no longer suffer it to lie upon my soul. I take back the oath, and ask you, sir, to take back the commission, which was the occasion of my taking it.

I am aware that my course in this matter is liable to be regarded as singular, if not censurable; and I must, therefore, be allowed to make a more specific statement of those *provisions of the Constitution* which support the enormous wrong, the heinous sin of slavery.

The very first Article of the Constitution takes slavery at once under its legislative protection, as a basis of representation in the popular branch of the National Legislature. It regards slaves under the description "of all other *persons*"—as of only three-fifths of the value of free persons; thus to appearance undervaluing them in comparison with freemen. But its dark and involved phraseology seems intended to blind us to the consideration, that those underrated slaves are merely a *basis*, not the *source* of representation; that by the laws of all the States where they live, they are regarded not as *persons*; but as *things*; that they are not the *constituency* of the representative, but his property; and that the necessary effect of this provision of the Constitution is, to take legislative power out of the hands of *men*, as such, and give it to the mere possessors of goods and chattels. Fixing upon thirty thousand persons, as the smallest number that shall send one member into the House of Representatives, it protects slavery by distributing legislative power in a free and in a slave State thus: To a congressional district in South Carolina, containing fifty thousand slaves, claimed as the property of five hundred whites, who hold, on an average, one hundred apiece, it gives one Representative in Congress; to a district in Massachusetts containing a population of thirty thousand five hundred, one Representative is assigned. But inasmuch as a slave is never permitted to vote, the fifty thousand persons in a district in Carolina form no part of "the constituency;" that is found only in the five hundred free persons. Five hundred freemen of Carolina could send one Representative to Congress, while it would take thirty thousand five hundred freemen of Massachusetts, to do the same thing: that is, one slaveholder in Carolina is clothed by the Constitution with the same political power and influence in the Representatives Hall at Washington, as sixty Massachusetts men like you and me, who "eat their bread in the sweat of their own brows."

According to the census of 1830, and the ratio of representation based upon that, slave property added twenty-five members to the House of Representatives. And as it has been estimated, (as an approximation to the truth,) that the two and a half million slaves in the United States are held as property by about two hundred and fifty thousand persons—giving an average of ten slaves to each slaveholder, those twenty-five Representatives, each chosen, at most, by only ten thousand voters, and probably

by less than three-fourths of that number, were the representatives, not only of the two hundred and fifty thousand persons who chose them; but of *property* which, five years ago, when slaves were lower in market, than at present, were estimated, by the man who is now the most prominent candidate for the Presidency, at twelve hundred millions of dollars—a sum, which, by the natural increase of five years, and the enhanced value resulting from a more prosperous state of the planting interest, cannot now be less than fifteen hundred millions of dollars. All this vast amount of property, as it is "peculiar," is also identical in its character. In Congress, as we have seen, it is animated by one spirit, moves in one mass, and is wielded with one aim; and when we consider that tyranny is always timid, and despotism distrustful, we see that this vast money power would be false to itself, did it not direct all its eyes and hands, and put forth all its ingenuity and energy, to one end—self-protection and self-perpetuation. And this it has ever done. In all the vibrations of the political scale, whether in relation to a Bank or Sub-Treasury, Free Trade or a Tariff, this immense power has moved, and will continue to move, in one mass, for its own protection.

While the weight of the slave influence is thus felt in the House of Representatives, "in the Senate of the Union," says John Quincy Adams, "the proportion of slaveholding power is still greater. By the influence of slavery in the States where the institution is tolerated, over their elections, no other than a slaveholder can rise to the distinction of obtaining a seat in the Senate; and thus, of the fifty-two members of the federal Senate, twenty-six are owners of slaves, and are as effectually representatives of that interest, as the eighty-eight members elected by them to the House."

The dominant power which the Constitution gives to the slave interest, as thus seen and exercised in the *Legislative Halls* of our nation, is equally obvious and obtrusive in every other department of the National government.

In the *Electoral colleges*, the same cause produces the same effect—the same power is wielded for the same purpose, as in the Halls of Congress. Even the preliminary nominating conventions, before they dare name a candidate for the highest office in the gift of the people, must ask of the Genius of slavery, to what votary she will show herself propitious. This very year, we see both the great political parties doing homage to the slave power, by nominating each a slaveholder for the chair of the State. The candidate of one party declares. "I should have opposed, and would continue to oppose, any scheme whatever of emancipation, either gradual or immediate;" and adds, "It is not true, and I rejoice that it is not true, that either of the two great parties of this country has any design or aim at abolition. I should deeply lament it, if it were true."[29]

The other party nominates a man who says, "I have no hesitation in declaring that I am in favor of the immediate re-annexation of Texas to the territory and government of the United States."

29. Henry Clay's speech in the United States Senate in 1839, and confirmed at Raleigh, N.C. 1844.

Thus both the political parties, and the candidates of both, vie with each other, in offering allegiance to the slave power, as a condition precedent to any hope of success in the struggle for the executive chair; a seat that, for more than three-fourths of the existence of our constitutional government, has been occupied by a slaveholder.

The same stern despotism overshadows even the sanctuaries of *justice*. Of the nine Justices of the Supreme Court of the United States, five are slaveholders, and of course, must be faithless to their own interest, as well as recreant to the power that gives them place, or must, so far as *they* are concerned, give both to law and constitution such a construction as shall justify the language of John Quincy Adams, when he says — "The legislative, executive, and judicial authorities, are all in their hands—for the preservation, propagation, and perpetuation of the black code of slavery. Every law of the legislature becomes a link in the chain of the slave; every executive act a rivet to his hapless fate; every judicial decision a perversion of the human intellect to the justification of wrong."

Thus by merely adverting but briefly to the theory and the practical effect of this clause of the Constitution, that I have sworn to support, it is seen that it throws the political power of the nation into the hands of the slaveholders; a body of men, which, however it may be regarded by the Constitution as "persons," is in fact and practical effect, a vast moneyed corporation, bound together by an indissoluble unity of interest, by a common sense of a common danger; counselling at all times for its common protection; wielding the whole power, and controlling the destiny of the nation.

If we look into the legislative halls, slavery is seen in the chair of the presiding officer of each, and controlling the action of both. Slavery occupies, by prescriptive right, the Presidential chair. The paramount voice that comes from the temple of national justice, issues from the lips of slavery. The army is in the hands of slavery, and at her bidding, must encamp in the everglades of Florida, or march from the Missouri to the borders of Mexico, to look after her interests in Texas.

The navy, even that part that is cruising off the coast of Africa, to suppress the foreign slave trade, is in the hands of slavery.

Freemen of the North, who have even dared to lift up their voice against slavery, cannot travel through the slave States, but at the peril of their lives.

The representatives of freemen are forbidden, on the floor of Congress, to remonstrate against the encroachments of slavery, or to pray that she would let her poor victims go.

I renounce my allegiance to a Constitution that enthrones such a power, wielded for the purpose of depriving me of my rights, of robbing my countrymen of their liberties, and of securing its own protection, support and perpetuation.

Passing by that clause of the Constitution, which restricted Congress for twenty years, from passing any law against the

African slave trade, and which gave authority to raise a revenue on the stolen sons of Africa, I come to that part of the fourth article, which guarantees protection against "*domestic violence*," and which pledges to the South the military force of the country, to protect the masters against their insurgent slaves: binds us, and our children, to shoot down our fellow-countrymen, who may rise, in emulation of our revolutionary fathers, to vindicate their inalienable "right to life, *liberty* and the pursuit of happiness,"—this clause of the Constitution, I say distinctly, I never will support.

That part of the Constitution which provides for the surrender of fugitive slaves, I never have supported and never will. I will join in no slave-hunt. My door shall stand open, as it has long stood, for the panting and trembling victim of the slave-hunter. When I shut it against him, may God shut the door of his mercy against me! Under this clause of the Constitution, and designed to carry it into effect, slavery has demanded that laws should be passed, and of such a character, as have left the free citizen of the North without protection for his own liberty. The question, whether a man seized in a free State as a slave, *is* a slave or not, the law of Congress does not allow a jury to determine: but refers it to the decision of a Judge of a United States' Court, or even of the humblest State magistrate, it may be, upon the testimony or affidavit of the party most deeply interested to support the claim. By virtue of this law, freemen have been seized and dragged into perpetual slavery—and should I be seized by a slave-hunter in any part of the country where I am not personally known, neither the Constitution nor laws of the United States would shield me from the same destiny.

These, sir, are the specific parts of the Constitution of the United States, which in my opinion are essentially vicious, hostile at once to the liberty and to the morals of the nation. And these are the principal reasons of my refusal any longer to acknowledge my allegiance to it, and of my determination to revoke my oath to support it. I cannot, in order to keep the law of man, break the law of God, or solemnly call him to witness my promise that I will break it.

It is true that the Constitution provides for its own amendment, and that by this process, all the guarantees of Slavery may be expunged. But it will be time enough to swear to support it when this is done. It cannot be right to do so, until these amendments are made.

It is also true that the framers of the Constitution did studiously keep the words "Slave" and "Slavery" from its face. But to do our constitutional fathers justice, while they forebore—from very shame—to give the word "Slavery" a place in the Constitution, they did not forbear—again to do them justice—to give place in it to the *thing*. They were careful to wrap up the idea, and the substance of Slavery, in the clause for the surrender of the fugitive, though they sacrificed justice in doing so.

There is abundant evidence that this clause touching "persons held to service or labor," not only operates practically, under

the judicial construction, for the protection of the slave interest; but that it was intended so to operate by the framers of the Constitution. The highest judicial authorities—Chief Justice Shaw, of the Supreme Court of Massachusetts, in the Latimer case, and Mr. Justice Story, in the Supreme Court of the United States, in the case of *Prigg* vs. *The State of Pennsylvania*,—tell us, I know not on what evidence, that without this "compromise," this security for Southern slaveholders, "the Union could not have been formed." And there is still higher evidence, not only that the framers of the Constitution meant by this clause to protect slavery, but that they did this, knowing that slavery was wrong. Mr. Madison[30] informs us that the clause in question, as it came out of the hands of Dr. Johnson, the chairman of the "committee on style," read thus: "No person legally held to service, or labor, in one State, escaping into another, shall," &c., and that the word "legally" was struck out, and the words "under the laws thereof" inserted after the word "State," in compliance with the wish of some, who thought the term *legal* equivocal, and favoring the idea that slavery was legal "*in a moral view*." A conclusive proof that, although future generations might apply that clause to other kinds of "service or labor," when slavery should have died out, or been killed off by the young spirit of liberty, which was *then* awake and at work in the land; still, slavery was what they were wrapping up in "equivocal" words; and wrapping it up for its protection and safe keeping: a conclusive proof that the framers of the Constitution were more careful to protect themselves in the judgment of coming generations, from the charge of ignorance, than of sin; a conclusive proof that they knew that slavery was *not* "legal in a moral view," that it was a violation of the moral law of God; and yet knowing and confessing its immorality, they dared to make this stipulation for its support and defence.

This language may sound harsh to the ears of those who think it a part of their duty, as citizens, to maintain that whatever the patriots of the Revolution did, was right; and who hold that we are bound to *do* all the iniquity that they covenanted for us that we *should* do. But the claims of truth and right are paramount to all other claims.

With all our veneration for our constitutional fathers, we must admit,—for they have left on record their own confession of it,—that in this part of their work they intended to hold the shield of their protection over a wrong, knowing that it was a wrong. They made a "compromise" which they had no right to make—a compromise of moral principle for the sake of what they probably regarded as "political expediency." I am sure they did not know—no man could know, or can now measure, the extent, or the consequences of the wrong, that they were doing. In the strong language of John Quincy Adams,[31] in relation to the article fixing the basis of representation, "Little did the members of the Convention, from the free States, imagine or foresee what a sacrifice to Moloch was hidden under the mask of this concession."

30. MADISON PAPERS, page 1589
31. See his REPORT ON THE MASSACHUSETTS RESOLUTIONS.

I verily believe that, giving all due consideration to the benefits conferred upon this nation by the Constitution, its national unity, its swelling masses of wealth, its power, and the external prosperity of its multiplying millions; yet the *moral* injury that has been done, by the countenance shown to slavery by holding over that tremendous sin the shield of the Constitution, and thus breaking down in the eyes of the nation the barrier between right and wrong; by so tenderly cherishing slavery as, in less than the life of man, to multiply her children from half a million to nearly three millions; by exacting oaths from those who occupy prominent stations in society, that they will violate at once the rights of man and the law of God; by substituting itself as a rule of right, in place of the moral laws of the universe;—thus in effect, dethroning the Almighty in the hearts of this people and setting up another sovereign in his stead—more than outweighs it all. A melancholy and monitory lesson this, to all timeserving and temporising statesmen! A striking illustration of the *impolicy* of sacrificing *right* to any considerations of expediency! Yet, what better than the evil effects that we have seen, could the authors of the Constitution have reasonably expected, from the sacrifice of right, in the concessions they made to slavery? Was it reasonable in them to expect that after they had introduced a vicious element into the very Constitution of the body politic which they were calling into life, it would not exert its vicious energies? Was it reasonable in them to expect that, after slavery had been corrupting the public morals for a whole generation, their children would have too much virtue to *use* for the defence of slavery, a power which they themselves had not too much virtue to *give*? It is dangerous for the sovereign power of a State to license immorality; to hold the shield of its protection over any thing that is not "legal in a moral view." Bring into your house a benumbed viper, and lay it down upon your warm hearth, and soon it will not ask you into which room it may crawl. Let Slavery once lean upon the supporting arm, and bask in the fostering smile of the State, and you will soon see, as we now see, both her minions and her victims multiply apace till the politics, the morals, the liberties, even the religion of the nation, are brought completely under her control.

To me, it appears that the virus of slavery, introduced into the Constitution of our body politic, by a few slight punctures, has now so pervaded and poisoned the whole system of our National Government, that literally there is no health in it. The only remedy that I can see for the disease, is to be found in the *dissolution of the patient*.

The Constitution of the United States, both in theory and practice, is so utterly broken down by the influence and effects of slavery, so imbecile for the highest good of the nation, and so powerful for evil, that I can give no voluntary assistance in holding it up any longer.

Henceforth it is dead to me, and I to it. I withdraw all profession of allegiance to it, and all my voluntary efforts to sustain it. The burdens that it lays upon me, while it is held up by others, I shall endeavor to bear patiently, yet acting

with reference to a higher law, and distinctly declaring, that while I retain my own liberty, I will be a party to no compact, which helps to rob any other man of his.

Very respectfully, your friend,

FRANCIS JACKSON.

* * * * *

FROM MR. WEBSTER'S SPEECH AT NIBLO'S GARDENS.

"We have slavery, already, amongst us. The Constitution found it among us; it recognized it and gave it SOLEMN GUARANTIES. To the full extent of these guaranties we are all bound, in honor, in justice, and by the Constitution. All the stipulations, contained in the Constitution, *in favor of the slaveholding States* which are already in the Union, ought to be fulfilled, and so far as depends on me, shall be fulfilled, in the fullness of their spirit, and to the exactness of their letter."!!!

* * * * *

EXTRACTS FROM JOHN Q. ADAMS'S ADDRESS

AT NORTH BRIDGEWATER, NOV. 6, 1844.

The benefits of the Constitution of the United States, were the restoration of credit and reputation, to the country—the revival of commerce, navigation, and ship-building—the acquisition of the means of discharging the debts of the Revolution, and the protection and encouragement of the infant and drooping manufactures of the country. All this, however, as is now well ascertained, was insufficient to propitiate the rulers of the Southern States to the adoption of the Constitution. What they specially wanted was *protection*.—Protection from the powerful and savage tribes of Indians within their borders, and who were harassing them with the most terrible of wars—and protection from their own negroes—protection from their insurrections—protection from their escape—protection even to the trade by which they were brought into the country—protection, shall I not blush to say, protection to the very bondage by which they were held. Yes! it cannot be denied—the slaveholding lords of the South prescribed, as a condition of their assent to the Constitution, three special provisions to secure the perpetuity of their dominion over their slaves. The first was the immunity for twenty years of preserving the African slave-trade; the second was the stipulation to surrender fugitive slaves—an engagement positively prohibited by the laws of God, delivered from Sinai; and thirdly, the exaction fatal to the principles of popular representation, of a representation for slaves—for articles of merchandise, under the name of persons.

The reluctance with which the freemen of the North submitted to the dictation of these conditions, is attested by the awkward and ambiguous language in which they are expressed. The word slave is most cautiously and fastidiously excluded from the whole instrument. A stranger, who should come from a foreign land, and read the Constitution of the United States, would not believe that slavery or a slave existed within the borders of

our country. There is not a word in the Constitution *apparently* bearing upon the condition of slavery, nor is there a provision but would be susceptible of practical execution, if there were not a slave in the land.

The delegates from South Carolina and Georgia distinctly avowed that, without this guarantee of protection to their property in slaves, they would not yield their assent to the Constitution; and the freemen of the North, reduced to the alternative of departing from the vital principle of their liberty, or of forfeiting the Union itself, averted their faces, and with trembling hand subscribed the bond.

Twenty years passed away—the slave markets of the South were saturated with the blood of African bondage, and from midnight of the 31st of December, 1807, not a slave from Africa was suffered ever more to be introduced upon our soil. But the internal traffic was still lawful, and the *breeding* States soon reconciled themselves to a prohibition which gave them the monopoly of the interdicted trade, and they joined the full chorus of reprobation, to punish with death the slave-trader from Africa, while they cherished and shielded and enjoyed the precious profits of the American slave-trade exclusively to themselves.

Perhaps this unhappy result of their concession had not altogether escaped the foresight of the freemen of the North; but their intense anxiety for the preservation of the whole Union, and the habit already formed of yielding to the somewhat peremptory and overbearing tone which the relation of master and slave welds into the nature of the lord, prevailed with them to overlook this consideration, the internal slave-trade having scarcely existed while that with Africa had been allowed. But of one consequence which has followed from the slave representation, pervading the whole organic structure of the Constitution, they certainly were not prescient; for if they had been, never—no, never would they have consented to it.

The representation, ostensibly of slaves, under the name of persons, was in its operation an exclusive grant of power to one class of proprietors, owners of one species of property, to the detriment of all the rest of the community. This species of property was odious in its nature, held in direct violation of the natural and inalienable rights of man, and of the vital principles of Christianity; it was all accumulated in one geographical section of the country, and was all held by wealthy men, comparatively small in numbers, not amounting to a tenth part of the free white population of the States in which it was concentrated.

In some of the ancient, and in some modern republics, extraordinary political power and privileges have been invested in the owners of horses; but then these privileges and these powers have been granted for the equivalent of extraordinary duties and services to the community, required of the favoured class. The Roman knights constituted the cavalry of their armies, and the bushels of rings gathered by Hannibal from their dead bodies, after the battle of Cannae, amply prove that the

special powers conferred upon them were no gratuitous grants. But in the Constitution of the United States, the political power invested in the owners of slaves is entirely gratuitous. No extraordinary service is required of them; they are, on the contrary, themselves grievous burdens upon the community, always threatened with the danger of insurrections, to be smothered in the blood of both parties, master and slave, and always depressing the condition of the poor free laborer, by competition with the labor of the slave. The property in horses was the gift of God to man, at the creation of the world; the property in slaves is property acquired and held by crimes, differing in no moral aspect from the pillage of a freebooter, and to which no lapse of time can give a prescriptive right. You are told that this is no concern of yours, and that the question of freedom and slavery is exclusively reserved to the consideration of the separate States. But if it be so, as to the mere question of right between master and slave, it is of tremendous concern to you that this little cluster of slave-owners should possess, besides their own share in the representative hall of the nation, the exclusive privilege of appointing two-fifths of the whole number of the representatives of the people. This is now your condition, under that delusive ambiguity of language and of principle, which begins by declaring the representation in the popular branch of the legislature a representation of persons, and then provides that one class of persons shall have neither part not lot in the choice of their representatives; but their elective franchise shall be transferred to their masters, and the oppressors shall represent the oppressed. The same perversion of the representative principle pollutes the composition of the colleges of electors of President and Vice President of the United States, and every department of the government of the Union is thus tainted at its source by the gangrene of slavery.

Fellow-citizens,—with a body of men thus composed, for legislators and executors of the laws, what will, what must be, what has been your legislation? The numbers of freemen constituting your nation are much greater than those of the slaveholding States, bond and free. You have at least three-fifths of the whole population of the Union. Your influence on the legislation and the administration of the government ought to be in the proportion of three to two.—But how stands the fact? Besides the legitimate portion of influence exercised by the slaveholding States by the measure of their numbers, here is an intrusive influence in every department, by a representation nominally of persons, but really of property, ostensibly of slaves, but effectively of their masters, overbalancing your superiority of numbers, adding two-fifths of supplementary power to the two-fifths fairly secured to them by the compact, CONTROLLING AND OVERRULING THE WHOLE ACTION OF YOUR GOVERNMENT AT HOME AND ABROAD, and warping it to the sordid private interest and oppressive policy of 300,000 owners of slaves.

From the time of the adoption of the Constitution of the United States, the institution of domestic slavery has been becoming more and more the abhorrence of the civilized world. But in proportion as it has been growing odious to all the rest of

mankind, it has been sinking deeper and deeper into the affections of the holders of slaves themselves. The cultivation of cotton and of sugar, unknown in the Union at the establishment of the Constitution, has added largely to the pecuniary value of the slave. And the suppression of the African slave-trade as piracy upon pain of death, by securing the benefit of a monopoly to the virtuous slaveholders of the ancient dominion, has turned her heroic tyrannicides into a community of slave-breeders for sale, and converted the land of George Washington, Patrick Henry, Richard Henry Lee, and Thomas Jefferson, into a great barracoon—a cattle-show of human beings, an emporium, of which the staple articles of merchandise are the flesh and blood, the bones and sinews of immortal man.

Of the increasing abomination of slavery in the unbought hearts of men at the time when the Constitution of the United States was formed, what clearer proof could be desired, than that the very same year in which that charter of the land was issued, the Congress of the Confederation, with not a tithe of the powers given by the people to the Congress of the new compact, actually abolished slavery for ever throughout the whole Northwestern territory, without a remonstrance or a murmur. But in the articles of confederation, there was no guaranty for the property of the slaveholder—no double representation of him in the Federal councils—no power of taxation—no stipulation for the recovery of fugitive slaves. But when the powers of *government* came to be delegated to the Union, the South—that is, South Carolina and Georgia—refused their subscription to the parchment, till it should be saturated with the infection of slavery, which no fumigation could purify, no quarantine could extinguish. The freemen of the North gave way, and the deadly venom of slavery was infused into the Constitution of freedom. Its first consequence has been to invert the first principle of Democracy, that the will of the majority of numbers shall rule the land. By means of the double representation, the minority command the whole, and a KNOT OF SLAVEHOLDERS GIVE THE LAW AND PRESCRIBE THE POLICY OF THE COUNTRY. To acquire this superiority of a large majority of freemen, a persevering system of engrossing nearly all the seats of power and place, is constantly for a long series of years pursued, and you have seen, in a period of fifty-six years, the Chief-magistracy of the Union held, during forty-four of them, by the owners of slaves. The Executive departments, the Army and Navy, the Supreme Judicial Court and diplomatic missions abroad, all present the same spectacle:—an immense majority of power in the hands of a very small minority of the people—millions made for a fraction of a few thousands.

* * * * *

From that day (1830), SLAVERY, SLAVEHOLDING, SLAVE-BREEDING AND SLAVE-TRADING, HAVE FORMED THE WHOLE FOUNDATION OF THE POLICY OF THE FEDERAL GOVERNMENT, and of the slaveholding States, at home and abroad; and at the very time when a new census has exhibited a large increase upon the superior numbers of the free States, it has presented the portentous evidence of increased influence and ascendancy of the slaveholding power.

Of the prevalence of that power, you have had continual and conclusive evidence in the suppression for the space of ten years of the right of petition, guarantied, if there could be a guarantee against slavery, by the first article amendatory of the Constitution.

## No. 12.
## ANTI-SLAVERY EXAMINER.

## CHATTEL PRINCIPLE
## THE ABHORRENCE OF JESUS CHRIST AND THE APOSTLES; OR, NO REFUGE FOR AMERICAN SLAVERY IN THE NEW TESTAMENT.
## BY BERIAH GREEN.
## NEW YORK
## PUBLISHED BY THE AMERICAN ANTI-SLAVERY SOCIETY, NO. 143 NASSAU STREET
## 1839

This No. contains 4-1/2 sheet—Postage under 100 miles, 7 cts. over 100, 10 cts.

Please Read and circulate.

THE NEW TESTAMENT AGAINST SLAVERY.

"THE SON OF MAN IS COME TO SEEK AND TO SAVE THAT WHICH WAS LOST."

Is Jesus Christ in favor of American slavery? In 1776 THOMAS JEFFERSON, supported by a noble band of patriots and surrounded by the American people, opened his lips in the authoritative declaration: "We hold these truths to be SELF-EVIDENT, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, LIBERTY, and the pursuit of happiness." And from the inmost heart of the multitudes around, and in a strong and clear voice, broke forth the unanimous and decisive answer: Amen—such truths we do indeed hold to be self-evident. And animated and sustained by a declaration, so inspiring and sublime, they rushed to arms, and as the result of agonizing efforts and dreadful sufferings, achieved under God the independence of their country. The great truth, whence they derived light and strength to assert and defend their rights, they made the foundation of their republic. And in the midst of this republic, must we prove, that He, who was the Truth, did not contradict "the truths" which He Himself; as their Creator, had made self-evident to mankind?

Is Jesus Christ in favor of American slavery? What, according to those laws which make it what it is, is American slavery? In the Statute-book of South Carolina thus it is written:[32] "Slaves shall be deemed, held, taken, reputed and adjudged in law to be chattels personal in the hands of their owners and possessors, and their executors, administrators and assigns, to all intents, construction and purposes whatever." The very root of American

32. Stroud's SLAVE LAWS, page 23.

slavery consists in the assumption, that law has reduced men to chattels. But this assumption is, and must be, a gross falsehood. Men and cattle are separated from each other by the Creator, immutably, eternally, and by an impassable gulf. To confound or identify men and cattle must be to lie most wantonly, impudently, and maliciously. And must we prove, that Jesus Christ is not in favor of palpable, monstrous falsehood?

Is Jesus Christ in favor of American slavery? How can a system, built upon a stout and impudent denial of self-evident truth—a system of treating men like cattle—operate? Thomas Jefferson shall answer. Hear him. "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions; the most unremitting despotism on the one part, and degrading submission on the other. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives loose to his worst passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy, who can retain his manners and morals undepraved by such circumstances."[33] Such is the practical operation of a system, which puts men and cattle into the same family and treats them alike. And must we prove, that Jesus Christ is not in favor of a school where the worst vices in their most hateful forms are systematically and efficiently taught and practiced? Is Jesus Christ in favor of American slavery? What, in 1818, did the General Assembly of the Presbyterian church affirm respecting its nature and operation? "Slavery creates a paradox in the moral system—it exhibits rational, accountable, and immortal beings, in such circumstances as scarcely to leave them the power of moral action. It exhibits them as dependent on the will of others, whether they shall receive religious instruction; whether they shall know and worship the true God; whether they shall enjoy the ordinances of the gospel; whether they shall perform the duties and cherish the endearments of husbands and wives, parents and children, neighbors and friends; whether they shall preserve their chastity and purity, or regard the dictates of justice and humanity. Such are some of the consequences of slavery; consequences not imaginary, but which connect themselves with its very existence. The evils to which the slave is *always* exposed, *often take place* in their very worst degree and form; and where all of them do not take place, still the slave is deprived of his natural rights, degraded as a human being, and exposed to the danger of passing into the hands of a master who may inflict upon him all the hardship and injuries which inhumanity and avarice may suggest."[34] Must we prove, that Jesus Christ is not in favor of such things?

Is Jesus Christ in favor of American slavery? It is already widely felt and openly acknowledged at the South, that they cannot support slavery without sustaining the opposition of universal Christendom. And Thomas Jefferson declared, "I tremble for my country when I reflect that God is just; that his justice can not sleep forever; that considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an

33. NOTES ON VIRGINIA, Boston Ed. 1832, pp. 169, 170.
34. Minutes of the General assembly for 1818, page 29.

exchange of situation, is among possible events; that it may become practicable by supernatural influences! The Almighty has no attribute which can take sides with us in such a contest."[35] And must we prove, that Jesus Christ is not in favor of what universal Christendom is impelled to abhor, denounce, and oppose; is not in favor of what every attribute of Almighty God is armed against?

"YE HAVE DESPISED THE POOR."

It is no man of straw, with whom, in making out such proof, we are called to contend. Would to God we had no other antagonist! Would to God that our labor of love could be regarded as a work of supererogation! But we may well be ashamed and grieved to find it necessary to "stop the mouths" of grave and learned ecclesiastics, who from the heights of Zion have undertaken to defend the institution of slavery. We speak not now of those, who amidst the monuments of oppression are engaged in the sacred vocation; who, as ministers of the Gospel, can "prophesy smooth things" to such as pollute the altar of Jehovah with human sacrifices; nay, who themselves bind the victim and kindle the sacrifice. That they should put their Savior to the torture, to wring from his lips something in favor of slavery, is not to be wondered at. They consent to the murder of the children; can they respect the rights of the Father? But what shall we say of distinguished theologians of the north—professors of sacred literature at our oldest divinity schools—who stand up to defend, both by argument and authority, southern slavery! And from the Bible! Who, Balaam-like, try a thousand expedients to force from the mouth of Jehovah a sentence which they know the heart of Jehovah abhors! Surely we have here something more mischievous and formidable than a man of straw. More than two years ago, and just before the meeting of the General Assembly of the Presbyterian church, appeared an article in the Biblical Repertory,[36] understood to be from the pen of the Professor of Sacred Literature at Princeton, in which an effort is made to show, that slavery, whatever may be said of any abuses of it, is not a violation of the precepts of the Gospel. This article, we are informed, was industriously and extensively distributed among the members of the General Assembly—a body of men, who by a frightful majority seemed already too much disposed to wink at the horrors of slavery. The effect of the Princeton Apology on the southern mind, we have high authority for saying, has been most decisive and injurious. It has contributed greatly to turn the public eye off from the sin—from the inherent and necessary evils of slavery to incidental evils, which the abuse of it might be expected to occasion. And how few can be brought to admit, that whatever abuses may prevail nobody knows where or how, any such thing is chargeable upon them! Thus our Princeton prophet has done what he could to lay the southern conscience asleep upon ingenious perversions of the sacred volume!

35. NOTES ON VIRGINIA, Boston Ed. 1832, pp. 170, 171.
36. For April, 1836. The General Assembly of the Presbyterian Church met in the following May, at Pittsburgh, where, in pamphlet form, this article was distributed. The following appeared upon the title page:

PITTSBURGH: 1836. *For gratuitous distribution.*

About a year after this, an effort in the same direction was jointly made by Dr. Fisk and Professor Stuart. In a letter to a Methodist clergyman, Mr. Merrit, published in Zion's Herald, Dr. Fisk gives utterance to such things as the following:—

"But that you and the public may see and feel, that you have the ablest and those who are among the honestest men of this age, arrayed against you, be pleased to notice the following letter from Prof. Stuart. I wrote to him, knowing as I did his integrity of purpose, his unflinching regard for truth, as well as his deserved reputation as a scholar and biblical critic, proposing the following questions:—

1. Does the New Testament directly or indirectly teach, that slavery existed in the primitive church?

2. In 1 Tim. vi. 2, And they that have believing masters, &c., what is the relation expressed or implied between "they" (servants) and "believing masters?" And what are your reasons for the construction of the passage?

3. What was the character of ancient and eastern slavery?—Especially what (legal) power did this relation give the master over the slave?"

PROFESSOR STUART'S REPLY.
ANDOVER, 10th Apr., 1837

REV. AND DEAR SIR,—Yours is before me. A sickness of three month's standing (typhus fever) in which I have just escaped death, and which still confines me to my house, renders it impossible for me to answer your letter at large.

1. The precepts of the New Testament respecting the demeanor of slaves and of their masters, beyond all question, recognize the existence of slavery. The masters are in part "believing masters," so that a precept to them, how they are to behave as masters, recognizes that the relation may still exist, *salva fide et salva ecclesia*, ("without violating the Christian faith or the church.") Otherwise, Paul had nothing to do but to cut the band asunder at once. He could not lawfully and properly temporize with a *malum in se*, ("that which is in itself sin.")

If any one doubts, let him take the case of Paul's sending Onesimus back to Philemon, with an apology for his running away, and sending him back to be his servant for life. The relation did exist, may exist. The *abuse* of it is the essential and fundamental wrong. Not that the theory of slavery is in itself right. No; "Love thy neighbor as thyself," "Do unto others that which ye would that others should do unto you," decide against this. But the relation once constituted and continued, is not such a *malum in se* as calls for immediate and violent disruption at all hazards. So Paul did not counsel.

2. 1 Tim. vi. 2, expresses the sentiment, that slaves, who are Christians and have Christian masters, are not, on that account, and because *as Christians they are brethren*, to forego the reverence due to them as masters. That is, the relation of master and slave is not, as a matter of course, abrogated between all Christians. Nay, servants should in such a case, *a fortiori*, do

their duty cheerfully. This sentiment lies on the very face of the case. What the master's duty in such a case may be in respect to *liberation*, is another question, and one which the apostle does not here treat of.

3. Every one knows, who is acquainted with Greek or Latin antiquities, that slavery among heathen nations has ever been more unqualified and at looser ends than among Christian nations. Slaves were *property* in Greece and Rome. That decides all questions about their *relation*. Their treatment depended, as it does now, on the temper of their masters. The power of the master over the slave was, for a long time, that of *life and death*. Horrible cruelties at length mitigated it. In the apostle's day, it was at least as great as among us.

After all the spouting and vehemence on this subject, which have been exhibited, the *good old Book* remains the same. Paul's conduct and advice are still safe guides. Paul knew well that Christianity would ultimately destroy slavery, as it certainly will. He knew, too, that it would destroy monarchy and aristocracy from the earth: for it is fundamentally a doctrine of *true liberty and equality*. Yet Paul did not expect slavery or anarchy to be ousted in a day; and gave precepts to Christians respecting their demeanor *ad interim*.

With sincere and paternal regard,

Your friend and brother,

M. STUART.

—This, sir, is doctrine that will stand, because it is *Bible doctrine*. The abolitionists, then, are on a wrong course. They have traveled out of the record; and if they would succeed, they must take a different position, and approach the subject in a different manner.

Respectfully yours,

W. FISK

"SO THEY WRAP [SNARL] IT UP."

What are we taught here? That in the ecclesiastical organizations which grew up under the hands of the apostles, slavery was admitted as a relation that did not violate the Christian faith; that the relation may now in like manner exist; that "the abuse of it is the essential and fundamental wrong;" and of course, that American Christians may hold their own brethren in slavery without incurring guilt or inflicting injury. Thus, according to Prof. Stuart, Jesus Christ has not a word to say against "the peculiar institutions" of the South. If our brethren there do not "abuse" the privilege of enacting unpaid labor, they may multiply their slaves to their hearts' content, without exposing themselves to the frown of the Savior or laying their Christian character open to the least suspicion. Could any trafficker in human flesh ask for greater latitude! And to such doctrines, Dr. Fisk eagerly and earnestly subscribes. He goes further. He urges it on the attention of his brethren, as containing important truth, which they ought to embrace. According to him, it is "*Bible doctrine*," showing, that

"the abolitionists are on a wrong course," and must, "if they would succeed, take a different position."

We now refer to such distinguished names, to show, that in attempting to prove that Jesus Christ is not in favor of American slavery, we contend with something else than a man of straw. The ungrateful task, which a particular examination of Professor Stuart's letter lays upon us, we hope fairly to dispose of in due season. Enough has now been said to make it clear and certain, that American slavery has its apologists and advocates in the northern pulpit; advocates and apologists, who fall behind few if any of their brethren in the reputation they have acquired, the stations they occupy, and the general influence they are supposed to exert.

Is it so? Did slavery exist in Judea, and among the Jews, in its worst form, during the Savior's incarnation? If the Jews held slaves, they must have done in open and flagrant violation of the letter and the spirit of the Mosaic Dispensation. Whoever has any doubts of this may well resolve his doubts in the light of the Argument entitled "The Bible against Slavery." If, after a careful and thorough examination of that article, he can believe that slaveholding prevailed during the ministry of Jesus Christ among the Jews and in accordance with the authority of Moses, he would do the reading public an important service to record the grounds of his belief—especially in a fair and full refutation of that Argument. Till that is done, we hold ourselves excused from attempting to prove what we now repeat, that if the Jews during our Savior's incarnation held slaves, they must have done so in open and flagrant violation of the letter and spirit of the Mosaic Dispensation. Could Christ and the Apostles every where among their countrymen come in contact with slaveholding, being as it was a gross violation of that law which their office and their profession required them to honor and enforce, without exposing and condemning it?

In its worst forms, we are told, slavery prevailed over the whole world, not excepting Judea. As, according to such ecclesiastics as Stuart, Hodge and Fisk, slavery in itself is not bad at all, the term "*worst*" could be applied only to "*abuses*" of this innocent relation. Slavery accordingly existed among the Jews, disfigured and disgraced by the "worst abuses" to which it is liable. These abuses in the ancient world, Professor Stuart describes as "horrible cruelties." And in our own country, such abuses have grown so rank, as to lead a distinguished eye-witness—no less a philosopher and statesman than Thomas Jefferson—to say, that they had armed against us every attribute of the Almighty. With these things the Savior every where came in contact, among the people to whose improvement and salvation he devoted his living powers, and yet not a word, not a syllable, in exposure and condemnation of such "horrible cruelties" escaped his lips! He saw—among the "covenant people" of Jehovah he saw, the babe plucked from the bosom of its mother; the wife torn from the embrace of her husband; the daughter driven to the market by the scourge of her own father;—he saw the word of God sealed up from those who, of all men, were especially entitled to its enlightening, quickening influence;—nay, he saw men

beaten for kneeling before the throne of heavenly mercy;—such things he saw without a word of admonition or reproof! No sympathy with them who suffered wrong—no indignation at them who inflicted wrong, moved his heart!

From the alleged silence of the Savior, when in contact with slavery among the Jews, our divines infer, that it is quite consistent with Christianity. And they affirm, that he saw it in its worst forms; that is, he witnessed what Professor Stuart ventures to call "horrible cruelties." But what right have these interpreters of the sacred volume to regard any form of slavery which the Savior found, as "worst," or even bad? According to their inference—which they would thrust gag-wise into the mouths of abolitionists—his silence should seal up their lips. They ought to hold their tongues. They have no right to call any form of slavery bad—an abuse; much less, horribly cruel! Their inference is broad enough to protect the most brutal driver amidst his deadliest inflictions!

"THINK NOT THAT I AM COME TO DESTROY THE LAW OR THE PROPHETS; I AM NOT COME TO DESTROY, BUT TO FULFIL."

And did the Head of the new dispensation, then, fall so far behind the prophets of the old in a hearty and effective regard for suffering humanity? The forms of oppression which they witnessed, excited their compassion and aroused their indignation. In terms the most pointed and powerful, they exposed, denounced, threatened. They could not endure the creatures, "who used their neighbors' service without wages, and gave him not for his work;"[37] who imposed "heavy burdens"[38] upon their fellows, and loaded them with "the bands of wickedness;" who, "hiding themselves from their own flesh," disowned their own mothers' children. Professions of piety joined with the oppression of the poor, they held up to universal scorn and execration, as the dregs of hypocrisy. They warned the creature of such professions, that he could escape the wrath of Jehovah only by heart-felt repentance. And yet, according to the ecclesiastics with whom we have to do, the Lord of these prophets passed by in silence just such enormities as he commanded them to expose and denounce! Every where, he came in contact with slavery in its worst forms— "horrible cruelties" forced themselves upon his notice; but not a word of rebuke or warning did he utter. He saw "a boy given for a harlot, and a girl sold for wine, that they might drink,"[39] without the slightest feeling of displeasure, or any mark of disapprobation! To such disgusting and horrible conclusions, do the arguings which, from the haunts of sacred literature, are inflicted on our churches, lead us! According to them, Jesus Christ, instead of shining as the light of the world, extinguished the torches which his own prophets had kindled, and plunged mankind into the palpable darkness of a starless midnight! O savior, in pity to thy suffering people, let thy temple be no longer used as a "den of thieves!"

"THOU THOUGHTEST THAT I WAS ALTOGETHER SUCH AN ONE AS THYSELF."

37. JEREMIAH xxii. 13.
38. ISAIAH lviii. 6, 7.
39. JOEL iii. 3.

In passing by the worst forms of slavery, with which he every where came in contact among the Jews, the Savior must have been inconsistent with himself. He was commissioned to preach glad tidings to the poor; to heal the broken-hearted; to preach deliverance to the captives; to set at liberty them that are bruised; to preach the year of Jubilee. In accordance with this commission, he bound himself, from the earliest date of his incarnation, to the poor, by the strongest ties; himself "had not where to lay his head;" he exposed himself to misrepresentation and abuse for his affectionate intercourse with the outcasts of society; he stood up as the advocate of the widow, denouncing and dooming the heartless ecclesiastics, who had made her bereavement a source of gain; and in describing the scenes of the final judgment, he selected the very personification of poverty, disease and oppression, as the test by which our regard for him should be determined. To the poor and wretched; to the degraded and despised, his arms were ever open. They had his tenderest sympathies. They had his warmest love. His heart's blood he poured out upon the ground for the human family, reduced to the deepest degradation, and exposed to the heaviest inflictions, as the slaves of the grand usurper. And yet, according to our ecclesiastics, that class of sufferers who had been reduced immeasurably below every other shape and form of degradation and distress; who had been most rudely thrust out of the family of Adam, and forced to herd with swine; who, without the slightest offence, had been made the footstool of the worst criminals; whose "tears were their meat night and day," while, under nameless insults and killing injuries they were continually crying, O Lord, O Lord:—this class of sufferers, and this alone, our biblical expositors, occupying the high places of sacred literature, would make us believe the compassionate Savior coldly overlooked. Not an emotion of pity; not a look of sympathy; not a word of consolation, did his gracious heart prompt him to bestow upon them! He denounces damnation upon the devourer of the widow's house. But the monster, whose trade it is to make widows and devour them and their babes, he can calmly endure! O Savior, when wilt thou stop the mouths of such blasphemers!

"IT IS THE SPIRIT THAT QUICKENETH."

It seems that though, according to our Princeton professor, "the subject" of slavery "is hardly alluded to by Christ in any of his personal instructions,"[40] he had a way of "treating it." What was that? Why, "he taught the true nature, DIGNITY, EQUALITY, and destiny of men," and "inculcated the principles of justice and love."[41] And according to Professor Stuart, the maxims which our Savior furnished, "decide against" "the theory of slavery." All, then, that these ecclesiastical apologists for slavery can make of the Savior's alleged silence is, that he did not, in his personal instructions, "*apply his own principles to this particular form of wickedness*." For wicked that must be, which the maxims of the Savior decide against, and which our Princeton professor assures us the principles of the gospel, duly acted on, would speedily extinguish.[42] How remarkable it is, that a

40. Pittsburg pamphlet, (already alluded to,) page 9.
41. Pittsburg pamphlet, page 9.

teacher should "hardly allude to a subject in any of his personal instructions," and yet inculcate principles which have a direct and vital bearing upon it!—should so conduct, as to justify the inference, that "slaveholding is not a crime,"[43] and at the same time lend its authority for its "speedy extinction!"

Higher authority than sustains *self-evident truths* there cannot be. As forms of reason, they are rays from the face of Jehovah. Not only are their presence and power self-manifested, but they also shed a strong and clear light around them. In their light, other truths are visible. Luminaries themselves, it is their office to enlighten. To their authority, in every department of thought, the same mind bows promptly, gratefully, fully. And by their authority, he explains, proves, and disposes of whatever engages his attention and engrosses his powers as a reasonable and reasoning creature. For what, when thus employed and when most successful, is the utmost he can accomplish? Why, to make the conclusions which he would establish and commend, *clear in the light of reason*;—in other words, to evince that *they are reasonable*. He expects that those with whom he has to do will acknowledge the authority of principle—will see whatever is exhibited in the light of reason. If they require him to go further, and, in order to convince them, to do something more than show that the doctrines he maintains, and the methods he proposes, are accordant with reason—are illustrated and supported with "self-evident truths"—they are plainly "beside themselves." They have lost the use of reason. They are not to be argued with. They belong to the mad-house.

"COME NOW, LET US REASON TOGETHER, SAITH THE LORD."

Are we to honor the Bible, which Professor Stuart quaintly calls "the good old book," by turning away from "self-evident truths" to receive its instructions? Can these truths be contradicted or denied there? Do we search for something there to obscure their clearness, or break their force, or reduce their authority? Do we long to find something there, in the form of premises or conclusions, of arguing or of inference, in broad statement or blind hints, creed-wise or fact-wise, which may set us free from the light and power of first principles? And what if we were to discover what we were thus in search of?—something directly or indirectly, expressly or impliedly prejudicial to the principles, which reason, placing us under the authority of, makes self-evident? In what estimation, in that case, should we be constrained to hold the Bible? Could we longer honor it as the book of God? *The book of God opposed to the authority of* REASON! Why, before what tribunal do we dispose of the claims of the sacred volume to divine authority? The tribunal of reason. *This every one acknowledges the moment he begins to reason on the subject*. And what must reason do with a book, which reduces the authority of its own principles—breaks the force of self-evident truths? Is he not, by way of eminence, the apostle of infidelity, who, as a minister of the gospel or a professor of sacred literature, exerts himself, with whatever arts of

42. The same, page 34.
43. The same, page 13.

ingenuity or show of piety, to exalt the Bible at the expense of reason? Let such arts succeed and such piety prevail, and Jesus Christ is "crucified afresh and put to an open shame."

What saith the Princeton professor? Why, in spite of "general principles," and "clear as we may think the arguments against DESPOTISM, there have been thousands of ENLIGHTENED *and good men*, who *honestly* believe it to be of all forms of government the best and most acceptable to God."[44] Now these "good men" must have been thus warmly in favor of despotism, in consequence of, or in opposition to, their being "enlightened." In other words, the light, which in such abundance they enjoyed, conducted them to the position in favor of despotism, where the Princeton professor so heartily shook hands with them, or they must have forced their way there in despite of its hallowed influence. Either in accordance with, or in resistance to the light, they became what he found them—the advocates of despotism. If in resistance to the light—and he says they were "enlightened men"—what, so far as the subject with which alone he and we are now concerned, becomes of their "honesty" and "goodness?" Good and honest resisters of the light, which was freely poured around them! Of such, what says Professor Stuart's "good old Book?" Their authority, where "general principles" command the least respect, must be small indeed. But if in accordance with the light, they have become the advocates of despotism, then is despotism "the best form of government and most acceptable to God." It is sustained by the authority of reason, by the word of Jehovah, by the will of Heaven! If this be the doctrine which prevails at certain theological seminaries, it must be easy to account for the spirit which they breathe, and the general influence which they exert. Why did not the Princeton professor place this "general principle" as a shield, heaven-wrought and reason approved, over that cherished form of despotism which prevails among the churches of the South, and leave the "peculiar institutions" he is so forward to defend, under its protection?

What is the "general principle" to which, whatever may become of despotism, with its "honest" admirers and "enlightened" supporters, human governments should be universally and carefully adjusted? Clearly this—*that as capable of, man is entitled to, self government*. And this is a specific form of a still more general principle, which may well be pronounced self-evident—*that every thing should be treated according to its nature*. The mind that can doubt this, must be incapable of rational conviction. Man, then,—it is the dictate of reason, it is the voice of Jehovah—must be treated as *a man*. What is he? What are his distinctive attributes? The Creator impressed his own image on him. In this were found the grand peculiarities of his character. Here shone his glory. Here REASON manifests its laws. Here the WILL puts forth its volitions. Here is the crown of IMMORTALITY. Why such endowments? Thus furnished—the image of Jehovah—is he not capable of self-government? And is he not to be so treated? *Within the sphere where the laws of reason place him*, may he not act according to his choice—carry out his own volitions?—may he not enjoy life, exult in freedom, and

44. Pittsburg pamphlet, page 12.

pursue as he will the path of blessedness? If not, why was he so created and endowed? Why the mysterious, awful attribute of will? To be a source, profound as the depths of hell, of exquisite misery, of keen anguish, of insufferable torment! Was man, formed "according to the image of Jehovah," to be crossed, thwarted, counteracted; to be forced in upon himself; to be the sport of endless contradictions; to be driven back and forth forever between mutually repellant forces; and all, all "at the discretion of another!"[45] How can man be treated according to his nature, as endowed with reason or will, if excluded from the powers and privileges of self-government?—if "despotism" be let loose upon him, to "deprive him of personal liberty, oblige him to serve at the discretion of another" and with the power of "transferring" such "authority" over him and such claim upon him, to "another master?" If "thousands of enlightened and good men" can so easily be found, who are forward to support "despotism" as "of all governments the best and most acceptable to God," we need not wonder at the testimony of universal history, that "the whole creation groaneth and travaileth in pain together until now." Groans and travail pangs must continue to be the order of the day throughout "the whole creation," till the rod of despotism be broken, and man be treated as man—as capable of, and entitled to, self-government.

But what is the despotism whose horrid features our smooth professor tries to hide beneath an array of cunningly selected words and nicely-adjusted sentences? It is the despotism of American slavery—which crushes the very life of humanity out of its victims, and transforms them to cattle! At its touch, they sink from men to things! "Slaves," saith Professor Stuart, "were *property* in Greece and Rome. That decides all questions about their *relation*." Yes, truly. And slaves in republican America are *property*; and as that easily, clearly, and definitely settles "all questions about their *relation*," why should the Princeton professor have put himself to the trouble of weaving a definition equally ingenious and inadequate—at once subtle and deceitful. Ah, why? Was he willing thus to conceal the wrongs of his mother's children even from himself? If among the figments of his brain, he could fashion slaves, and make them something else than property, he knew full well that a very different pattern was in use among the southern patriarchs. Why did he not, in plain words and sober earnest, and good faith, describe the thing as it was, instead of employing honied words and courtly phrases, to set forth with all becoming vagueness and ambiguity, what might possibly be supposed to exist in the regions of fancy.

"FOR RULERS ARE NOT A TERROR TO GOOD WORKS, BUT TO THE EVIL."

But are we, in maintaining the principle of self-government, to overlook the unripe, or neglected, or broken powers of any of our fellow-men with whom we may be connected?—or the strong passions, vicious propensities, or criminal pursuits of others? Certainly not. But in providing for their welfare, we are to exert influences and impose restraints suited to their character. In wielding those prerogatives which the social of

45. Pittsburg pamphlet, page 12.

our nature authorizes us to employ for their benefit, we are to regard them as they are in truth, not things, not cattle, not articles of merchandize, but men, our fellow-men—reflecting, from however battered and broken a surface, reflecting with us the image of a common Father. And the great principle of self-government is to be the basis, to which the whole structure of discipline under which they may be placed, should be adapted. From the nursery and village school on to the work-house and state-prison, this principle is ever and in all things to be before the eyes, present in the thoughts, warm on the heart. Otherwise, God is insulted, while his image is despised and abused. Yes, indeed; we remember, that in carrying out the principle of self-government, multiplied embarrassments and obstructions grow out of wickedness on the one hand and passion on the other. Such difficulties and obstacles we are far enough from overlooking. But where are they to be found? Are imbecility and wickedness, bad hearts and bad heads, confined to the bottom of society? Alas, the weakest of the weak, and the desperately wicked, often occupy the high places of the earth, reducing every thing within their reach to subserviency to the foulest purposes. Nay, the very power they have usurped, has often been the chief instrument of turning their heads, inflaming their passions, corrupting their hearts. All the world knows, that the possession of arbitrary power has a strong tendency to make men shamelessly wicked and insufferably mischievous. And this, whether the vassals over whom they domineer, be few or many. If you cannot trust man with himself, will you put his fellows under his control?—and flee from the inconveniences incident to self-government, to the horrors of despotism?

"THOU THAT PREACHEST A MAN SHOULD NOT STEAL, DOST THOU STEAL."

Is the slaveholder, the most absolute and shameless of all despots, to be entrusted with the discipline of the injured men who he himself has reduced to cattle?—with the discipline with which they are to be prepared to wield the powers and enjoy the privileges of freemen? Alas, of such discipline as *he* can furnish, in the relation of owner to property, they have had enough. From this sprang the very ignorance and vice, which in the view of many, lie in the way of their immediate enfranchisement. He it is, who has darkened their eyes and crippled their powers. And are they to look to him for illumination and renewed vigor!—and expect "grapes from thorns and figs from thistles!" Heaven forbid! When, according to arrangements which had usurped the sacred name of law, he consented to receive and use them as property, he forfeited all claims to the esteem and confidence, not only of the helpless sufferers themselves, but also of every philanthropist. In becoming a slaveholder, he became the enemy of mankind. The very act was a declaration of war upon human nature. What less can be made of the process of turning men to cattle? It is rank absurdity—it is the height of madness, to propose to employ *him* to train, for the places of freemen, those whom he has wantonly robbed of every right—whom he has stolen from themselves. Sooner place Burke, who used to murder for the sake of selling bodies to the dissector, at the head of a hospital. Why, what have our slaveholders been about these two hundred years? Have they not

been constantly and earnestly engaged in the work of education?—training up their human cattle? And how? Thomas Jefferson shall answer. "The whole commerce between master and slave, is a perpetual exercise of the most boisterous passions; the most unremitting despotism on the one part, and degrading submission on the other." Is this the way to fit the unprepared for the duties and privileges of American citizens? Will the evils of the dreadful process be diminished by adding to its length? What, in 1818, was the unanimous testimony of the General Assembly of the Presbyterian Church? Why, after describing a variety of influences growing out of slavery, most fatal to mental and moral improvement, the General Assembly assure us, that such "consequences are not imaginary, but connect themselves WITH THE VERY EXISTENCE[46] of slavery. The evils to which the slave is *always* exposed, *often* take place in fact, and IN THEIR VERY WORST DEGREE AND FORM; and where all of them do not take place," "still the slave is deprived of his natural right, degraded as a human being, and exposed to the danger of passing into the hands of a master who may inflict upon him all the hardships and injuries which inhumanity and avarice may suggest." Is this the condition in which our ecclesiastics would keep the slave, at least a little longer, to fit him to be restored to himself?

"AND THEY STOPPED THEIR EARS."

The methods of discipline under which, as slaveholders; the Southrons now place their human cattle, they with one consent and in great wrath, forbid us to examine. The statesman and the priest unite in the assurance, that these methods are none of our business. Nay, they give us distinctly to understand, that if we come among them to take observations, and make inquiries, and discuss questions, they will dispose of us as outlaws. Nothing will avail to protect us from speedy and deadly violence! What inference does all this warrant? Surely, not that the methods which they employ are happy and worthy of universal application. If so, why do they not take the praise, and give us the benefit of their wisdom, enterprise, and success? Who, that has nothing to hide, practices concealment? "He that doeth truth cometh to the light, that his deeds may be manifest, that they are wrought in God." Is this the way of slaveholders? Darkness they court—they will have darkness. Doubtless "because their deeds are evil." Can we confide in methods for the benefit of our enslaved brethren, which it is death for us to examine? What good ever came, what good can we expect, from deeds of darkness?

Did the influence of the masters contribute any thing in the West Indies to prepare the apprentices for enfranchisement? Nay, verily. All the world knows better. They did what in them lay, to turn back the tide of blessings, which, through emancipation, was pouring in upon the famishing around them. Are not the best minds and hearts in England now thoroughly convinced, that slavery, under no modification, can be a school for freedom?

We say such things to the many who allege, that slaves cannot at once be entrusted with the powers and privileges of self-

46. The words here marked as emphatic, were so distinguished by ourselves.

government. However this may be, they cannot be better qualified under the *influence of slavery*. *That must be broken up* from which their ignorance, and viciousness, and wretchedness proceeded. That which can only do what it has always done, pollute and degrade, must not be employed to purify and elevate. *The lower their character and condition, the louder, clearer, sterner, the just demand for immediate emancipation*. The plague-smitten sufferer can derive no benefit from breathing a little longer an infected atmosphere.

In thus referring to elemental principles—in thus availing ourselves of the light of self-evident truths—we bow to the authority and tread in the foot-prints of the great Teacher. He chid those around him for refusing to make the same use of their reason in promoting their spiritual, as they made in promoting their temporal welfare. He gives them distinctly to understand, that they need not go out of themselves to form a just estimation of their position, duties, and prospects, as standing in the presence of the Messiah. "Why, EVEN OF YOURSELVES," he demands of them, "judge ye not what is *right*?"[47] How could they, unless they had a clear light, and an infallible standard within them, whereby, amidst the relations they sustained and the interests they had to provide for, they might discriminate between truth and falsehood, right and wrong, what they ought to attempt and what they ought to eschew? From this pointed, significant appeal of the Savior, it is clear and certain, that in human consciousness may be found self-evident truths, self-manifested principles; that every man, studying his own consciousness, is bound to recognize their presence and authority, and in sober earnest and good faith to apply them to the highest practical concerns of "life and godliness." It is in obedience to the Bible, that we apply self-evident truths, and walk in the light of general principles. When our fathers proclaimed these truths, and at the hazard of their property, reputation, and life, stood up in their defence, they did homage to the sacred Scriptures—they honored the Bible. In that volume, not a syllable can be found to justify that form of infidelity, which in the abused name of piety, reproaches us for practising the lessons which nature teacheth. These lessons, the Bible requires us[48] reverently to listen to, earnestly to appropriate, and most diligently and faithfully to act upon in every direction, and on all occasions.

Why, our Savior goes so far in doing honor to reason, as to encourage men universally to dispose of the characteristic peculiarities and distinctive features of the Gospel in the light of its principles. "If any man will do his will, he shall know of the doctrine, whether it be of God, or whether I speak of myself."[49] Natural religion—the principles which nature reveals, and the lessons which nature teaches—he thus makes a test of the truth and authority of revealed religion. So far was he, as a teacher, from shrinking from the clearest and most piercing rays of reason—from calling off the attention of those around him from the import, bearings, and practical application

47. LUKE xii. 57.
48. CORINTHIANS xi. 14.
49. JOHN vii. 17.

of general principles. And those who would have us escape from the pressure of self-evident truths, by betaking ourselves to the doctrines and precepts of Christianity, whatever airs of piety they may put on, do foul dishonor to the Savior of mankind.

And what shall we say of the Golden Rule, which, according to the Savior, comprehends all the precepts of the Bible? "Whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets."

According to this maxim, in human consciousness, universally, may be found,

1. The standard whereby, in all the relations and circumstances of life, we may determine what Heaven demands and expects of us.

2. The just application of this standard, is practicable for, and obligatory upon, every child of Adam.

3. The qualification requisite to a just application of this rule to all the cases in which we can be concerned, is simply this—*to regard all the members of the human family as our brethren, our equals*.

In other words, the Savior here teaches us, that in the principles and laws of reason, we have an infallible guide in all the relations and circumstances of life; that nothing can hinder our following this guide, but the bias of *selfishness*; and that the moment, in deciding any moral question, we place *ourselves in the room of our brother*, before the bar of reason, we shall see what decision ought to be pronounced. Does this, in the Savior, look like fleeing self-evident truths!—like decrying the authority of general principles!—like exalting himself at the expense of reason!—like opening a refuge in the Gospel for those whose practice is at variance with the dictates of humanity!

What then is the just application of the Golden Rule—that fundamental maxim of the Gospel, giving character to, and shedding light upon, all its precepts and arrangements—to the subject of slavery?—*that we must "do to" slaves as we would be done by*, AS SLAVES, *the* RELATION *itself being justified and continued*? Surely not. A little reflection will enable us to see, that the Golden Rule reaches farther in its demands, and strikes deeper in its influences and operations. The *natural equality* of mankind lies at the very basis of this great precept. It obviously requires *every man to acknowledge another self in every other man*. With my powers and resources, and in my appropriate circumstances, I am to recognize in any child of Adam who may address me, another self in his appropriate circumstances and with his powers and resources. This is the natural equality of mankind; and this the Golden Rule requires us to admit, defend, and maintain.

"WHY DO YE NOT UNDERSTAND MY SPEECH; EVEN BECAUSE YE CANNOT HEAR MY WORD."

They strangely misunderstand and grossly misrepresent this doctrine, who charge upon it the absurdities and mischiefs which *any "levelling system"* cannot but produce. In all its bearings,

tendencies, and effects, it is directly contrary and powerfully hostile to any such system. EQUALITY OF RIGHTS, the doctrine asserts; and this necessarily opens the way for *variety of condition*. In other words, every child of Adam has, from the Creator, the inalienable right of wielding, within reasonable limits, his own powers, and employing his own resources, according to his own choice;—the right, while he respects his social relations, to promote as he will his own welfare. But mark—HIS OWN powers and resources, and NOT ANOTHER'S, are thus inalienably put under his control. The Creator makes every man free, in whatever he may do, to exert HIMSELF, and not another. Here no man may lawfully cripple or embarrass another. The feeble may not hinder the strong, nor may the strong crush the feeble. Every man may make the most of himself, in his own proper sphere. Now, as in the constitutional endowments; and natural opportunities, and lawful acquisitions of mankind, infinite variety prevails, so in exerting each HIMSELF, in his own sphere, according to his own choice, the variety of human condition can be little less than infinite. Thus equality of rights opens the way for variety of condition.

But with all this variety of make, means, and condition, considered individually, the children of Adam are bound together by strong ties which can never be dissolved. They are mutually united by the social of their nature. Hence mutual dependence and mutual claims. While each is inalienably entitled to assert and enjoy his own personality as a man, each sustains to all and all to each, various relations. While each owns and honors the individual, all are to own and honor the social of their nature. Now, the Golden Rule distinctly recognizes, lays its requisitions upon, and extends its obligations to, the whole nature of man, in his individual capacities and social relations. What higher honor could it do to man, as *an individual*, than to constitute him the judge, by whose decision, when fairly rendered, all the claims of his fellows should be authoritatively and definitely disposed of? "Whatsoever YE WOULD" have done to you, so do ye to others. Every member of the family of Adam, placing himself in the position here pointed out, is competent and authorized to pass judgment on all the cases in social life in which he may be concerned. Could higher responsibilities or greater confidence be reposed in men individually? And then, how are their *claims upon each other* herein magnified! What inherent worth and solid dignity are ascribed to the social of their nature! In every man with whom I may have to do, I am to recognize the presence of *another self*, whose case I am to make *my own*. And thus I am to dispose of whatever claims he may urge upon me.

Thus, in accordance with the Golden Rule, mankind are naturally brought, in the voluntary use of their powers and resources, to promote each other's welfare. As his contribution to this great object, it is the inalienable birthright of every child of Adam, to consecrate whatever he may possess. With exalted powers and large resources, he has a natural claim to a correspondent field of effort. If his "abilities" are small, his task must be easy and his burden light. Thus the Golden Rule requires mankind mutually to serve each other. In this service, each is to exert

*himself*—employ *his own* powers, lay out his own resources, improve his own opportunities. A division of labor is the natural result. One is remarkable for his intellectual endowments and acquisitions; another, for his wealth; and a third, for power and skill in using his muscles. Such attributes, endlessly varied and diversified, proceed from the basis of a *common character*, by virtue of which all men and each—one as truly as another—are entitled, as a birthright, to "life, liberty, and the pursuit of happiness." Each and all, one as well as another, may choose his own modes of contributing his share to the general welfare, in which his own is involved and identified. Under one great law of mutual dependence and mutual responsibility, all are placed—the strong as well as the weak, the rich as much as the poor, the learned no less than the unlearned. All bring their wares, the products of their enterprise, skill and industry, to the same market, where mutual exchanges are freely effected. The fruits of muscular exertion procure the fruits of mental effort. John serves Thomas with his hands, and Thomas serves John with his money. Peter wields the axe for James, and James wields the pen for Peter. Moses, Joshua, and Caleb, employ their wisdom, courage, and experience, in the service of the community, and the community serve Moses, Joshua, and Caleb, in furnishing them with food and raiment, and making them partakers of the general prosperity. And all this by mutual understanding and voluntary arrangement. And all this according to the Golden Rule.

What then becomes of *slavery*—a system of arrangements in which one man treats his fellow, not as another self, but as a thing—a chattel—an article of merchandize, which is not to be consulted in any disposition which may be made of it;—a system which is built on the annihilation of the attributes of our common nature—in which man doth to others what he would sooner die than have done to himself? The Golden Rule and slavery are mutually subversive of each other. If one stands, the other must fall. The one strikes at the very root of the other. The Golden Rule aims at the abolition of THE RELATION ITSELF, in which slavery consists. It lays its demands upon every thing within the scope of *human action*. To "whatever MEN DO." it extends its authority. And the relation itself, in which slavery consists, is the work of human hands. It is what men have done to each other—contrary to nature and most injurious to the general welfare. This RELATION, therefore, the Golden Rule condemns. Wherever its authority prevails, this relation must be annihilated. Mutual service and slavery—like light and darkness, life and death—are directly opposed to, and subversive of, each other. The one the Golden Rule cannot endure; the other it requires, honors, and blesses.

"LOVE WORKETH NO ILL TO HIS NEIGHBOR."

Like unto the Golden Rule is the second great commandment— "*Thou shalt love thy neighbor as thyself.*" "A certain lawyer," who seems to have been fond of applying the doctrine of limitation of human obligations, once demanded of the Savior, within what limits the meaning of the word "neighbor" ought to be confined. "And who is my neighbor?" The parable of the good Samaritan set

that matter in the clearest light, and made it manifest and certain, that every man whom we could reach with our sympathy and assistance, was our neighbor, entitled to the same regard which we cherished for ourselves. Consistently with such obligations, can *slavery, as a* RELATION, be maintained? Is it then a *labor of love*—such love as we cherish for ourselves—to strip a child of Adam of all the prerogatives and privileges which are his inalienable birthright? To obscure his reason, crush his will, and trample on his immortality?—To strike home to the inmost of his being, and break the heart of his heart?—To thrust him out of the human family, and dispose of him as a chattel—as a thing in the hands of an owner, a beast under the lash of a driver? All this, apart from every thing incidental and extraordinary, belongs to the RELATION, in which slavery, as such, consists. All this—well fed or ill fed, underwrought or overwrought, clothed or naked, caressed or kicked, whether idle songs break from his thoughtless tongue or "tears be his meat night and day," fondly cherished or cruelly murdered;—*all this* ENTERS VITALLY INTO THE RELATION ITSELF, *by which every slave*, AS A SLAVE, *is set apart from the rest of the human family*. Is it an exercise of love, to place our "neighbor" under the crushing weight, the killing power, of such a relation?—to apply the murderous steel to the very vitals of his humanity?

"YE THEREFORE APPLAUD AND DELIGHT IN THE DEEDS OF YOUR FATHERS; FOR THEY KILLED THEM, AND YE BUILD THEIR SEPULCHRES."[50]

The slaveholder may eagerly and loudly deny, that any such thing is chargeable upon him. He may confidently and earnestly allege, that he is not responsible for the state of society in which he is placed. Slavery was established before he began to breathe. It was his inheritance. His slaves are his property by birth or testament. But why will he thus deceive himself? Why will he permit the cunning and rapacious spiders, which in the very sanctuary of ethics and religion are laboriously weaving webs from their own bowels, to catch him with their wretched sophistries?—and devour him, body, soul, and substance? Let him know, as he must one day with shame and terror own, that whoever holds slaves is himself responsible for *the relation*, into which, whether reluctantly or willingly, he thus enters. *The relation cannot be forced upon him*. What though Elizabeth countenanced John Hawkins in stealing the natives of Africa?—what though James, and Charles, and George, opened a market for them in the English colonies?—what though modern Dracos have "framed mischief by law," in legalizing man-stealing and slaveholding?—what though your ancestors, in preparing to go "to their own place," constituted you the owner of the "neighbors" whom they had used as cattle?—what of all this, and as much more like this, as can be drawn from the history of that dreadful process by which men are "deemed, held, taken, reputed, and adjudged in law to be *chattels personal*?" Can all this force you to put the cap upon the climax—to clinch the nail by doing that, without which nothing in the work of slave-making would be attempted? *The slaveholder is the soul of the whole system*. Without him, the chattel principle is a lifeless abstraction. Without him, charters, and markets, and laws, and testaments,

50. You join with them in their bloody work. They murder, and you bury the victims.

are empty names. And does *he* think to escape responsibility? Why, kidnappers, and soul-drivers, and law-makers, are nothing but his *agents*. He is the guilty *principal*. Let him look to it.

But what can he do? Do? Keep his hands off his "neighbor's" throat. Let him refuse to finish and ratify the process by which the chattel principle is carried into effect. Let him refuse, in the face of derision, and reproach, and opposition. Though poverty should fasten its bony hand upon him, and persecution shoot forth its forked tongue; whatever may betide him—scorn, flight, flames—let him promptly and steadfastly refuse. Better the spite and hate of men than the wrath of Heaven! "If thy right eye offend thee, pluck it out and cast it from thee; for it is profitable for thee, that one of thy members should perish, and not that thy whole body should be cast into hell."

Professor Stewart admits, that the Golden Rule and the second great commandment "decide against the theory of slavery, as being in itself right." What, then, is their relation to the particular precepts, institutions, and usages, which are authorized and enjoined in the New Testament? Of all these, they are the summary expression—the comprehensive description. No precept in the Bible, enforcing our mutual obligations, can be more or less than *the application of these injunctions to specific relations or particular occasions and conditions*. Neither in the Old Testament nor the New, do prophets teach or laws enjoin, any thing which the Golden Rule and the second great command do not contain. Whatever they forbid, no other precept can require; and whatever they require, no other precept can forbid. What, then, does he attempt, who turns over the sacred pages to find something in the way of permission or command, which may set him free from the obligations of the Golden Rule? What must his objects, methods, spirit be, to force him to enter upon such inquiries?—to compel him to search the Bible for such a purpose? Can he have good intentions, or be well employed? Is his frame of mind adapted to the study of the Bible?—to make its meaning plain and welcome? What must he think of God, to search his word in quest of gross inconsistencies, and grave contradictions! Inconsistent legislation in Jehovah! Contradictory commands! Permissions at war with prohibitions! General requirements at variance with particular arrangements!

What must be the moral character of any institution which the Golden Rule decides against?—which the second great command condemns? *It cannot but be wicked*, whether newly established or long maintained. However it may be shaped, turned, colored—under every modification and at all times—*wickedness must be its proper character. It must be*, IN ITSELF, *apart from its circumstances*, IN ITS ESSENCE, *apart from its incidents*, SINFUL.

"THINK NOT TO SAY WITHIN YOURSELVES, WE HAVE ABRAHAM FOR OUR FATHER."

In disposing of those precepts and exhortations which have a specific bearing upon the subject of slavery, it is greatly important, nay, absolutely essential, that we look forth upon the objects around us from the right post of observation. Our stand we must take at some central point, amidst the general

maxims and fundamental precepts, the known circumstances and characteristic arrangements, of primitive Christianity. Otherwise, wrong views and false conclusions will be the result of our studies. We cannot, therefore, be too earnest in trying to catch the general features and prevalent spirit of the New Testament institutions and arrangements. For to what conclusions must we come, if we unwittingly pursue our inquiries under the bias of the prejudice, that the general maxims of social life which now prevail in this country, were current, on the authority of the Savior, among the primitive Christians! That, for instance, wealth, station, talents, are the standard by which our claims upon, and our regard for, others, should be modified?—That those who are pinched by poverty, worn by disease, tasked in menial labors, or marked by features offensive to the taste of the artificial and capricious, are to be excluded from those refreshing and elevating influences which intelligence and refinement may be expected to exert; that thus they are to constitute a class by themselves, and to be made to know and keep their place at the very bottom of society? Or, what if we should think and speak of the primitive Christians, as if they had the same pecuniary resources as Heaven has lavished upon the American churches?—as if they were as remarkable for affluence, elegance, and splendor? Or, as if they had as high a position and as extensive an influence in politics and literature?—having directly or indirectly, the control over the high places of learning and of power?

If we should pursue our studies and arrange our arguments—if we should explain words and interpret language—under such a bias, what must inevitably be the results? What would be the worth of our conclusions? What confidence could be reposed in any instruction we might undertake to furnish? And is not this the way in which the advocates and apologists of slavery dispose of the bearing which primitive Christianity has upon it? They first ascribe, unwittingly, perhaps, to the primitive churches; the character, relations, and condition of American Christianity, and amidst the deep darkness and strange confusion thus produced, set about interpreting the language and explaining the usages of the New Testament!

"SO THAT YE ARE WITHOUT EXCUSE."

Among the lessons of instruction which our Savior imparted, having a general bearing on the subject of slavery, that in which he sets up the *true standard of greatness*, deserves particular attention. In repressing the ambition of his disciples, he held up before them the methods by which alone healthful aspirations for eminence could be gratified, and thus set the elements of true greatness in the clearest light. "Ye know, that they which are accounted to rule over the Gentiles, exercise lordship over them; and their great ones exercise authority upon them. But so shall it not be among you; but whosoever will be great among you, shall be your minister; *and whosoever of you will be the chiefest, shall be servant of all*." In other words, through the selfishness and pride of mankind, the maxim widely prevails in the world, that it is the privilege, prerogative, and mark of greatness, TO EXACT SERVICE; that our superiority to others,

while it authorizes us to relax the exertion of our own powers, gives us a fair title to the use of theirs; that "might," while it exempts us from serving, "gives the right" to be served. The instructions of the Savior open the way to greatness for us in the opposite direction. Superiority to others, in whatever it may consist, gives us a claim to a wider field of exertion, and demands of us a larger amount of service. We can be great only as we *are useful*. And "might gives right" to bless our fellow men, by improving every opportunity and employing every faculty, affectionately, earnestly, and unweariedly, in their service. Thus the greater the man, the more active, faithful, and useful the servant.

The Savior has himself taught us how this doctrine must be applied. He bids us improve every opportunity and employ every power, even through the most menial services, in blessing the human family. And to make this lesson shine upon our understandings and move our hearts, he embodied in it a most instructive and attractive example. On a memorable occasion, and just before his crucifixion, he discharged for his disciples the most menial of all offices—taking, *in washing their feet*, the place of the lowest servant. He took great pains to make them understand, that only by imitating this example could they honor their relations to him as their Master; that thus only would they find themselves blessed. By what possibility could slavery exist under the influence of such a lesson, set home by such an example? *Was it while washing the disciples' feet, that our Savior authorized one man to make a chattel of another*?

To refuse to provide for ourselves by useful labor, the apostle Paul teaches us to regard as a grave offence. After reminding the Thessalonian Christians, that in addition to all his official exertions he had with his own muscles earned his own bread, he calls their attention to an arrangement which was supported by apostolical authority, "that if any would not work, neither should he eat." In the most earnest and solemn manner, and as a minister of the Lord Jesus Christ, he commanded and exhorted those who neglected useful labor, "*with quietness to work and eat their own bread.*" What must be the bearing of all this upon slavery? Could slavery be maintained where every man eat the bread which himself had earned?—where idleness was esteemed so great a crime, as to be reckoned worthy of starvation as a punishment? How could unrequited labor be exacted, or used, or needed? Must not every one in such a community contribute his share to the general welfare?—and mutual service and mutual support be the natural result?

The same apostle, in writing to another church, describes the true source whence the means of liberality ought to be derived. "Let him that stole steal no more; but rather let him labor, working with his hands the thing which is good, that he may have to give to him that needeth." Let this lesson, as from the lips of Jehovah, be proclaimed throughout the length and breadth of South Carolina. Let it be universally welcomed and reduced to practice. Let thieves give up what they had stolen to the lawful proprietors, cease stealing, and begin at once to "labor, working with their hands," for necessary and charitable

purposes. Could slavery, in such a case, continue to exist? Surely not! Instead of exacting unpaid services from others, every man would be busy, exerting himself not only to provide for his own wants, but also to accumulate funds, "that he might have to give to" the needy. Slavery must disappear, root and branch, at once and forever.

In describing the source whence his ministers should expect their support, the Savior furnished a general principle, which has an obvious and powerful bearing on the subject of slavery. He would have them remember, while exerting themselves for the benefit of their fellow men, that "the laborer is worthy of his hire." He has thus united wages with work. Whoever renders the one is entitled to the other. And this manifestly according to a mutual understanding and a voluntary arrangement. For the doctrine that I may force you to work for me for whatever consideration I may please to fix upon, fairly opens the way for the doctrine, that you, in turn, may force me to render you whatever wages you may choose to exact for any services you may see fit to render. Thus slavery, even as involuntary servitude, is cut up by the root. Even the Princeton professor seems to regard it as a violation of the principle which unites work with wages.

The apostle James applies this principle to the claims of manual laborers—of those who hold the plough and thrust in the sickle. He calls the rich lordlings who exacted sweat and withheld wages, to "weeping and howling," assuring them that the complaints of the injured laborer had entered into the ear of the Lord of Hosts, and that, as a result of their oppression, their riches were corrupted, and their garments moth-eaten; their gold and silver were cankered; that the rust of them should be a witness against them, and should eat their flesh as it were fire; that, in one word, they had heaped treasures together for the last days, when "miseries were coming upon them," the prospect of which might well drench them in tears and fill them with terror. If these admonitions and warnings were heeded there, would not "the South" break forth into "weeping and wailing, and gnashing of teeth?" What else are its rich men about, but withholding by a system of fraud, his wages from the laborer, who is wearing himself out under the impulse of fear, in cultivating their fields and producing their luxuries! Encouragement and support do they derive from James, in maintaining the "peculiar institution" which they call patriarchal, and boast of as the "corner-stone" of the republic?

In the New Testament, we have, moreover, the general injunction, "*Honor all men.*" Under this broad precept, every form of humanity may justly claim protection and respect. The invasion of any human right must do dishonor to humanity, and be a transgression of this command. How then, in the light of such obligations, must slavery be regarded? Are those men honored, who are rudely excluded from a place in the human family, and shut up to the deep degradation and nameless horrors of chattelship? *Can they be held as slaves, and at the same time be honored as men*?

How far, in obeying this command, we are to go, we may infer

from the admonitions and instructions which James applies to the arrangements and usages of religious assemblies. Into these he can not allow "respect of persons" to enter. "My brethren," he exclaims, "have not the faith of our Lord Jesus Christ, the Lord of glory, with respect of persons. For if there come unto your assembly a man with a gold ring, in goodly apparel; and there come in also a poor man in vile raiment; and ye have respect to him that weareth the gay clothing, and say unto him, sit thou here in a good place; and say to the poor, stand thou there, or sit here under my footstool; are ye not then partial in yourselves, and are become judges of evil thoughts?" *If ye have respect to persons, ye commit sin, and are convinced of the law as transgressors*. On this general principle, then, religious assemblies ought to be regulated—that every man is to be estimated, not according to his *circumstances*—not according to anything incidental to his *condition*; but according to his *moral worth*—according to the essential features and vital elements of his *character*. Gold rings and gay clothing, as they qualify no man for, can entitle no man to, a "good place" in the church. Nor can the "vile raiment of the poor man," fairly exclude him from any sphere, however exalted, which his heart and head may fit him to fill. To deny this, in theory or practice, is to degrade a man below a thing; for what are gold rings, or gay clothing, or vile raiment, but things, "which perish with the using?" And this must be "to commit sin, and be convinced of the law as transgressor."

In slavery, we have "respect of persons," strongly marked, and reduced to system. Here men are despised not merely for "the vile raiment," which may cover their scarred bodies. This is bad enough. But the deepest contempt of humanity here grows out of birth or complexion. Vile raiment may be, often is, the result of indolence, or improvidence, or extravagance. It may be, often is, an index of character. But how can I be responsible for the incidents of my birth?—how for my complexion? To despise or honor me for these, is to be guilty of "respect of persons" in its grossest form, and with its worst effects. It is to reward or punish me for what I had nothing to do with; for which, therefore, I cannot, without the greatest injustice, be held responsible. It is to poison the very fountains of justice, by confounding all moral distinctions. What, then, so far as the authority of the New Testament is concerned, becomes of slavery, which cannot be maintained under any form nor for a single moment, without "respect of persons" the most aggravated and unendurable? And what would become of that most pitiful, silly, and wicked arrangement in so many of our churches, in which worshippers of a dark complexion are to be sent up to the negro pew?[51]

Nor are we permitted to confine this principle to religious assemblies. It is to pervade social life everywhere. Even where plenty, intelligence and refinement, diffuse their brightest rays, the poor are to be welcomed with especial favor. "Then

51. In Carlyle's REVIEW OF THE MEMOIRS OF MIRABEAU, we have the following anecdote illustrative of the character of a "grandmother" of the Count. "Fancy the dame Mirabeau sailing stately towards the church font; another dame striking in to take precedence of her; the dame Mirabeau despatching this latter with a box on the ear, and these words, '*Here, as in the army*, THE BAGGAGE *goes last*!'" Let those who justify the negro-pew arrangement, throw a stone at this proud woman—if they dare.

said he to him that bade him, when thou makest a dinner or a supper, call not thy friends, nor thy brethren, neither thy kinsmen, nor thy rich neighbors, lest they also bid thee again, and a recompense be made thee. But when thou makest a feast, call the poor and the maimed, the lame and the blind, and thou shalt be blessed; for they cannot recompense thee, but thou shalt be recompensed at the resurrection of the just."

In the high places of social life then—in the parlor, the drawing-room, the saloon—special reference should be had, in every arrangement, to the comfort and improvement of those who are least able to provide for the cheapest rites of hospitality. For these, ample accommodations must be made, whatever may become of our kinsmen and rich neighbors. And for this good reason, that while such occasions signify little to the latter, to the former they are pregnant with good—raising their drooping spirits, cheering their desponding hearts, inspiring them with life, and hope, and joy. The rich and the poor thus meeting joyfully together, cannot but mutually contribute to each other's benefit; the rich will be led to moderation, sobriety, and circumspection, and the poor to industry, providence, and contentment. The recompense must be great and sure.

A most beautiful and instructive commentary on the text in which these things are taught, the Savior furnished in his own conduct. He freely mingled with those who were reduced to the very bottom of society. At the tables of the outcasts of society he did not hesitate to be a cheerful guest, surrounded by publicans and sinners. And when flouted and reproached by smooth and lofty ecclesiastics, as an ultraist and leveler, he explained and justified himself by observing, that he had only done what his office demanded. It was his to seek the lost, to heal the sick, to pity the wretched;—in a word, to bestow just such benefits as the various necessities of mankind made appropriate and welcome. In his great heart, there was room enough for those who had been excluded from the sympathy of little souls. In its spirit and design, the gospel overlooked none—least of all, the outcasts of a selfish world.

Can slavery, however modified, be consistent with such a gospel?—a gospel which requires us, even amidst the highest forms of social life, to exert ourselves to raise the depressed by giving our warmest sympathies to those who have the smallest share in the favor of the world?

Those who are in "bonds" are set before us as deserving an especial remembrance. Their claims upon us are described as a modification of the Golden Rule—as one of the many forms to which its obligations are reducible. To them we are to extend the same affectionate regard as we would covet for ourselves, if the chains upon their limbs were fastened upon ours. To the benefits of this precept, the enslaved have a natural claim of the greatest strength. The wrongs they suffer spring from a persecution which can hardly be surpassed in malignancy. Their birth and complexion are the occasion of the insults and injuries which they can neither endure nor escape. It is for *the work of God*, and not their own deserts, that they are loaded with chains. *This is persecution*.

Can I regard the slave as another self—can I put myself in his place—and be indifferent to his wrongs? Especially, can I, thus affected, take sides with the oppressor? Could I, in such a state of mind as the gospel requires me to cherish, reduce him to slavery or keep him in bonds? Is not the precept under hand naturally subversive of every system and every form of slavery?

The general descriptions of the church, which are found here and there in the New Testament, are highly instructive in their bearing on the subject of slavery. In one connection, the following words meet the eye: "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female; for ye are all one in Christ Jesus."[52] Here we have—

1. A clear and strong description of the doctrine of *human equality*. "Ye are all ONE;"—so much alike, so truly placed on common ground, all wielding each his own powers with such freedom, *that one is the same as another*.

2. This doctrine, self-evident in the light of reason, is affirmed on divine authority. "IN CHRIST JESUS, *ye are all one*." The natural equality of the human family is a part of the gospel. For—

3. All the human family are included in this description. Whether men or women, whether bond or free, whether Jews or Gentiles, all are alike entitled to the benefit of this doctrine. Whether Christianity prevails, the *artificial* distinctions which grow out of birth, condition, sex, are done away. *Natural* distinctions are not destroyed. *They* are recognized, hallowed, confirmed. The gospel does not abolish the sexes, forbid a division of labor, or extinguish patriotism. It takes woman from beneath the feet, and places her by the side of man; delivers the manual laborer from "the yoke," and gives him wages for his work; and brings the Jew and the Gentile to embrace each other with fraternal love and confidence. Thus it raises all to a common level, gives to each the free use of his own powers and resources, binds all together in one dear and loving brotherhood. Such, according to the description of the apostle, was the influence, and such the effect of primitive Christianity. "Behold the picture!" Is it like American slavery, which, in all its tendencies and effects, is destructive of all oneness among brethren?

"Where the spirit of the Lord is," exclaims the same apostle, with his eye upon the condition and relations of the church, "*where the spirit of the Lord is*, THERE IS LIBERTY." Where, then, may we reverently recognize the presence, and bow before the manifested power, of this spirit? *There*, where the laborer may not choose how he shall be employed!—in what way his wants shall be supplied!—with whom he shall associate!—who shall have the fruit of his exertions! *There*, where he is not free to enjoy his wife and children! *There*, where his body and his soul, his very "destiny,"[53] are placed altogether beyond his control! *There*, where every power is crippled, every energy blasted, every hope

52. GALATIANS iii. 28.
53. "The legislature (of South Carolina) from time to time, has passed many restricted and penal acts, with a view to bring under direct control and subjection the DESTINY of the black population." See the REMONSTRANCE of James S. Pope and 352 others against home missionary efforts for the benefit of the enslaved—a most instructive paper.

crushed! *There*, where in all the relations and concerns of life, he is legally treated as if he had nothing to do with the laws of reason, the light of immortality, or the exercise of will! Is the spirit of the Lord *there*, where liberty is decried and denounced, mocked at and spit upon, betrayed and crucified! In the midst of a church which justified slavery, which derived its support from slavery, which carried on its enterprises by means of slavery, would the apostle have found the fruits of the Spirit of the Lord! Let that Spirit exert his influences, and assert his authority, and wield his power, and slavery must vanish at once and for ever.

In more than one connection, the apostle James describes Christianity as "*the law of liberty*." It is, in other words, the law under which liberty cannot but live and flourish—the law in which liberty is clearly defined, strongly asserted, and well protected. As the law of liberty, how can it be consistent with the law of slavery? The presence and the power of this law are felt wherever the light of reason shines. They are felt in the uneasiness and conscious degradation of the slave, and in the shame and remorse which the master betrays in his reluctant and desperate efforts to defend himself. This law it is which has armed human nature against the oppressor. Wherever it is obeyed, "every yoke is broken."

In these references to the New Testament we have a *general description* of the primitive church, and the *principles* on which it was founded and fashioned. These principles bear the same relation to Christian *history* as to Christian *character*, since the former is occupied with the development of the latter. What then is Christian character but Christian principle *realized*, acted out, bodied forth, and animated? Christian principle is the soul, of which Christian character is the expression—the manifestation. It comprehends in itself, as a living seed, such Christian character, under every form, modification, and complexion. The former is, therefore, the test and interpreter of the latter. In the light of Christian principle, and in that light only we can judge of and explain Christian character. Christian history is occupied with the forms, modifications, and various aspects of Christian character. The facts which are there recorded serve to show, how Christian principle has fared in this world—how it has appeared, what it has done, how it has been treated. In these facts we have the various institutions, usages, designs, doings, and sufferings of the church of Christ. And all these have of necessity, the closest relation to Christian principle. They are the production of its power. Through them, it is revealed and manifested. In its light, they are to be studied, explained, and understood. Without it they must be as unintelligible and insignificant as the letters of a book scattered on the wind.

In the principles of Christianity, then, we have a comprehensive and faithful account of its objects, institutions, and usages—of how it must behave, and act, and suffer, in a world of sin and misery. For between the principles which God reveals, on the one hand, and the precepts he enjoins, the institutions he establishes, and the usages he approves, on the other, there

must be consistency and harmony. Otherwise we impute to God what we must abhor in man—practice at war with principle. Does the Savior, then, lay down the *principle* that our standing in the church must depend upon the habits formed within us, of readily and heartily subserving the welfare of others; and permit us *in practice* to invade the rights and trample on the happiness of our fellows, by reducing them to slavery. Does he, *in principle* and by example, require us to go all lengths in rendering mutual service, or comprehending offices that most menial, as well as the most honorable; and permit us *in practice* to EXACT service of our brethren, as if they were nothing better than "articles of merchandize!" Does he require us *in principle* "to work with quietness and eat our own bread;" and permit us *in practice* to wrest from our brethren the fruits of their unrequited toil? Does he *in principle* require us, abstaining from every form of theft, to employ our powers in useful labor, not only to provide for ourselves but also to relieve the indigence of others; and permit us *in practice*, abstaining from every form of labor, to enrich and aggrandize ourselves with the fruits of man-stealing? Does he require us *in principle* to regard "the laborer as worthy of his hire"; and permit us *in practice* to defraud him of his wages? Does he require us *in principle* to honor ALL men; and permit us *in practice* to treat multitudes like cattle? Does he *in principle* prohibit "respect of persons;" and permit us *in practice* to place the feet of the rich upon the necks of the poor? Does he *in principle* require us to sympathize with the bondman as another self; and permit us *in practice* to leave him unpitied and unhelped in the hands of the oppressor? *In principle*, "where the Spirit of the Lord is, there is liberty;" *in practice*, is *slavery* the fruit of the Spirit? *In principle*, Christianity is the law of liberty; *in practice*, it is the law of slavery? Bring practice in these various respects into harmony with principle, and what becomes of slavery? And if, where the divine government is concerned, practice is the expression of principle, and principle the standard and interpreter of practice, such harmony cannot but be maintained and must be asserted. In studying, therefore, fragments of history and sketches of biography—in disposing of references to institutions, usages, and facts in the New Testament, this necessary harmony between principle and practice in the government *of God*, should be continually present to the thoughts of the interpreter. Principles assert what practice must be. Whatever principle condemns, God condemns. It belongs to those weeds of the dung-hill which, planted by "an enemy," his hand will assuredly "root up." It is most certain then, that if slavery prevailed in the first ages of Christianity, it could nowhere have prevailed under its influence and with its sanction.

* * * * *

The condition in which in its efforts to bless mankind, the primitive church was placed, must have greatly assisted the early Christians in understanding and applying the principles of the gospel. Their *Master* was born in great obscurity, lived in the deepest poverty, and died the most ignominious death. The

place of his residence, his familiarity with the outcasts of society, his welcoming assistance and support from female hands, his casting his beloved mother, when he hung upon the cross, upon the charity of a disciple—such things evince the depth of his poverty, and show to what derision and contempt he must have been exposed. Could such an one, "despised and rejected of men—a man of sorrows and acquainted with grief," play the oppressor, or smile on those who made merchandize of the poor!

And what was the history of the *apostles*, but an illustration of the doctrine, that "it is enough for the disciple, that he be as his Master?" Were they lordly ecclesiastics, abounding with wealth, shining with splendor, bloated with luxury! Were they ambitious of distinction, fleecing, and trampling, and devouring "the flocks," that they themselves might "have the pre-eminence!" Were they slaveholding bishops! Or did they derive their support from the wages of iniquity and the price of blood! Can such inferences be drawn from the account of their condition, which the most gifted and enterprising of their number has put upon record? "Even unto this present hour, we both hunger, and thirst, and are naked, and *are buffetted*, and have *no certain dwelling place, and labor working with our own hands*. Being reviled, we bless; being persecuted, we suffer it; being defamed, we entreat; we are made as *the filth of the world*, and are THE OFFSCOURING OF ALL THINGS unto this day."[54] Are these the men who practised or countenanced slavery? *With such a temper, they* WOULD NOT; *in such circumstances, they* COULD NOT. Exposed to "tribulation, distress, and persecution;" subject to famine and nakedness, to peril and the sword; "killed all the day long; accounted as sheep for the slaughter,"[55] they would have made but a sorry figure at the *great-house* or slave-market.

Nor was the condition of the brethren, generally, better than that of the apostles. The position of the apostles doubtless entitled them to the strongest opposition, the heaviest reproaches, the fiercest persecution. But derision and contempt must have been the lot of Christians generally. Surely we cannot think so ill of primitive Christianity as to suppose that believers, generally, refused to share in the trials and sufferings of their leaders; as to suppose that while the leaders submitted to manual labor, to buffeting, to be reckoned the filth of the world, to be accounted as sheep for the slaughter, his brethren lived in affluence, ease, and honor! despising manual labor and living upon the sweat of unrequited toil! But on this point we are not left to mere inference and conjecture. The apostle Paul in the plainest language explains the ordination of Heaven. "But *God hath* CHOSEN the foolish things of the world to confound the wise; and God hath CHOSEN the weak things of the world to confound the things which are mighty; and base things of the world, and things which are despised hath God CHOSEN, yea, and THINGS WHICH ARE NOT, to bring to nought things that are."[56] Here we may well notice,

1. That it was not by *accident*, that the primitive churches were made up of such elements, but the result of the DIVINE CHOICE—

54. 1 CORINTHIANS iv. 11-13.
55. ROMANS viii. 35, 36.
56. 1 CORINTHIANS i. 27, 28.

an arrangement of His wise and gracious Providence. The inference is natural, that this ordination was co-extensive with the triumphs of Christianity. It was nothing new or strange, that Jehovah had concealed his glory "from the wise and prudent, and had revealed it unto babes," or that "the common people heard him gladly," while "not many wise men after the flesh, not many mighty, not many noble, had been called."

2. The description of character, which the apostle records, could be adapted only to what are reckoned the *very dregs of humanity*. The foolish and the weak, the base and the contemptible, in the estimation of worldly pride and wisdom—these were they whose broken hearts were reached, and moulded, and refreshed by the gospel; these were they whom the apostle took to his bosom as his own brethren.

That *slaves* abounded at Corinth, may easily be admitted. *They* have a place in the enumeration of elements of which, according to the apostle, the church there was composed. The most remarkable class found there, consisted of "THINGS WHICH ARE NOT"—mere nobodies, not admitted to the privileges of men, but degraded to a level with "goods and chattels;" of whom *no account* was made in such arrangements of society as subserved the improvement, and dignity, and happiness of MANKIND. How accurately the description applies to those who are crushed under the chattel principle!

The reference which the apostle makes to the "deep poverty of the churches of Macedonia,"[57] and this to stir up the sluggish liberality of his Corinthian brethren, naturally leaves the impression, that the latter were by no means inferior to the former in the gifts of Providence. But, pressed with want and pinched by poverty as were the believers in "Macedonia and Achaia, it pleased them to make a certain contribution for the poor saints which were at Jerusalem."[58] Thus it appears, that Christians everywhere were familiar with contempt and indigence, so much so, that the apostle would dissuade such as had no families from assuming the responsibilities of the conjugal relation![59]

Now, how did these good people treat each other? Did the few among them, who were esteemed wise, mighty, or noble, exert their influence and employ their power in oppressing the weak, in disposing of the "things that are not," as marketable commodities!—kneeling with them in prayer in the evening, and putting them up at auction the next morning! Did the church sell any of the members to swell the "certain contribution for the poor saints at Jerusalem!" Far other wise—as far as possible! In those Christian communities where the influence of the apostles was most powerful, and where the arrangements drew forth their highest commendations, believers treated each other as *brethren*, in the strongest sense of that sweet word. So warm was their mutual love, so strong the public spirit, so open-handed and abundant the general liberality, that they are set forth as "*having all things common.*"[60] Slaves and their holders

57. 2 CORINTHIANS viii. 2.
58. ROMANS xviii. 18-25.
59. CORINTHIANS vii. 26, 27.

here? Neither the one nor the other could, in that relation to each other, have breathed such an atmosphere. The appeal of the kneeling bondman, "Am I not a man and a brother," must here have met with a prompt and powerful response.

The *tests* by which our Savior tries the character of his professed disciples, shed a strong light upon the genius of the gospel. In one connection,[61] an inquirer demands of the Savior, "What good thing shall I do that I may have eternal life?" After being reminded of the obligations which his social nature imposed upon him, he ventured, while claiming to be free from guilt in his relations to mankind, to demand, "what lack I yet?" The radical deficiency under which his character labored, the Savior was not long or obscure in pointing out. "If thou wilt be perfect, go and sell that thou hast and give to the poor, and thou shall have treasure in heaven; and come and follow me." On this passage it is natural to suggest—

1. That we have here a *test of universal application*. The rectitude and benevolence of our Savior's character forbid us to suppose, that he would subject this inquirer, especially as he was highly amiable, to a trial, where eternal life was at stake, *peculiarly* severe. Indeed, the test seems to have been only a fair exposition of the second great command, and of course it must be applicable to all who are placed under the obligations of that precept. Those who cannot stand this test, as their character is radically imperfect and unsound, must, with the inquirer to whom our Lord applied it, be pronounced unfit for the kingdom of heaven.

2. The least that our Savior can in that passage be understood to demand is, that we disinterestedly and heartily devote ourselves to the welfare of mankind, "the poor" especially. We are to put ourselves on a level with *them*, as we must do "in selling that we have" for their benefit—in other words, in employing our powers and resources to elevate their character, condition, and prospects. This our Savior did; and if we refuse to enter into sympathy and co-operation with him, how can we be his *followers*? Apply this test to the slaveholder. Instead of "selling that he hath" for the benefit of the poor, he BUYS THE POOR, and exacts their sweat with stripes, to enable him to "clothe himself in purple and fine linen, and fare sumptuously every day;" or, HE SELLS THE POOR to support the gospel and convert the heathen!

What, in describing the scenes of the final judgment, does our Savior teach us? *By what standard* must our character be estimated, and the retributions of eternity be awarded? A standard, which both the righteous and the wicked will be surprised to see erected. From the "offscouring of all things," the meanest specimen of humanity will be selected—a "stranger" in the hands of the oppressor, naked, hungry, sickly; and this stranger, placed in the midst of the assembled universe, by the side of the sovereign Judge, will be openly acknowledged as his representative. "Glory, honor, and immortality," will be the reward of those who had recognized and cheered their Lord

60. ACTS iv. 32.
61. LUKE xviii. 18-25.

through his outraged poor. And tribulation, anguish, and despair, will seize on "every soul of man" who had neglected or despised them. But whom, within the limits of our country, are we to regard especially as the representatives of our final Judge? Every feature of the Savior's picture finds its appropriate original in our enslaved countrymen.

1. They are the LEAST of his brethren.

2. They are subject to thirst and hunger, unable to command a cup of water or a crumb of bread.

3. They are exposed to wasting sickness, without the ability to procure a nurse or employ a physician.

4. They are emphatically "in prison," restrained by chains, goaded with whips, tasked, and under keepers. Not a wretch groans in any cell of the prisons of our country, who is exposed to a confinement so vigorous and heartbreaking as the law allows theirs to be continually and permanently.

5. And then they are emphatically, and peculiarly, and exclusively, STRANGERS—*strangers* in the land which gave them birth. Whom else do we constrain to remain aliens in the midst of our free institutions? The Welch, the Swiss, the Irish? The Jews even? Alas, it is the *negro* only, who may not strike his roots into our soil. Every where we have conspired to treat him as a stranger—every where he is forced to feel himself a stranger. In the stage and steamboat, in the parlor and at our tables, in the scenes of business and in the scenes of amusement—even in the church of God and at the communion table, he is regarded as a stranger. The intelligent and religious are generally disgusted and horror-struck at the thought of his becoming identified with the citizens of our republic—so much so, that thousands of them have entered into a conspiracy to send him off "out of sight," to find a home on a foreign shore!—and justify themselves by openly alleging, that a "single drop" of his blood, in the veins of any human creature, must make him hateful to his fellow citizens!—That nothing but banishment from "our coasts," can redeem him from the scorn and contempt to which his "stranger" blood has reduced him among his own mother's children!

Who, then, in this land "of milk and honey," is "hungry and athirst," but the man from whom the law takes away the last crumb of bread and the smallest drop of water?

Who "naked," but the man whom the law strips of the last rag of clothing?

Who "sick," but the man whom the law deprives of the power of procuring medicine or sending for a physician?

Who "in prison," but the man who, all his life, is under the control of merciless masters and cruel keepers!

Who a "stranger," but the man who is scornfully denied the cheapest courtesies of life—who is treated as an alien in his native country?

There is one point in this awful description which deserves particular attention. Those who are doomed to the left hand of

the Judge, are not charged with inflicting *positive* injuries on their helpless, needy, and oppressed brother. Theirs was what is often called *negative* character. What they *had done* is not described in the indictment. Their *neglect* of duty, what they *had* NOT *done*, was the ground of their "everlasting punishment." The representative of their Judge, they had seen a hungered and they gave him no meat, thirsty and they gave him no drink, a stranger and they took him not in, naked and they clothed him not, sick and in prison and they visited him not. In as much as they did NOT yield to the claims of suffering humanity—did NOT exert themselves to bless the meanest of the human family, they were driven away in their wickedness. But what if the indictment had run thus: I was a hungered and ye snatched away the crust which might have saved me from starvation; I was thirsty and ye dashed to the ground the "cup of cold water," which might have moistened my parched lips; I was a stranger and ye drove me from the hovel which might have sheltered me from the piercing wind; I was sick and ye scourged me to my task; in prison and you sold me for my jail-fees—to what depths of hell must not those who were convicted under such charges be consigned! And what is the history of American slavery but one long indictment, describing under ever-varying forms and hues just such injuries!

Nor should it be forgotten, that those who incurred the displeasure of their Judge, took far other views than he, of their own past history. The charges which he brought against them, they heard with great surprise. They were sure that they had never thus turned away from his necessities. Indeed, when had they seen him thus subject to poverty, insult, and oppression? Never. And as to that poor friendless creature, whom they left unpitied and unhelped in the hands of the oppressor, and whom their Judge now presented as his own representative, they never once supposed, that *he* had any claims on their compassion and assistance. Had they known, that he was destined to so prominent a place at the final judgment, they would have treated him as a human being, in despite of any social, pecuniary, or political considerations. But neither their *negative virtue* nor their *voluntary ignorance* could shield them from the penal fire which their selfishness had kindled.

Now amidst the general maxims, the leading principles, the "great commandments" of the gospel; amidst its comprehensive descriptions and authorized tests of Christian character, we should take our position in disposing of any particular allusions to such forms and usages of the primitive churches as are supported by divine authority. The latter must be interpreted and understood in the light of the former. But how do the apologists and defenders of slavery proceed? Placing themselves amidst the arrangements and usages which grew out of the *corruptions* of Christianity, they make these the standard by which the gospel is to be explained and understood! Some Recorder or Justice. without the light of inquiry or the aid of a jury, consigns the negro whom the kidnapper has dragged into his presence to the horrors of slavery. As the poor wretch shrieks and faints, Humanity shudders and demands why such atrocities are endured. Some "priest" or "Levite," "passing by on the other side," quite self-possessed and all complacent,

reads in reply from his broad phylactery, *Paul sent back Onesimus to Philemon*! Yes, echoes the negro-hating mob, made up of "gentlemen of property and standing" together with equally gentle-men reeking from the gutter; *Yes—Paul sent back Onesimus to Philemon*! And Humanity, brow-beaten, stunned with noise and tumult, is pushed aside by the crowd! A fair specimen this of the manner in which modern usages are made to interpret the sacred Scriptures?

Of the particular passages in the New Testament on which the apologists for slavery especially rely, the epistle to Philemon first demands our attention.

1. This letter was written by the apostle Paul while a "prisoner of Jesus Christ" at Rome.

2. Philemon was a benevolent and trustworthy member of the church at Colosse, at whose house the disciples of Christ held their assemblies, and who owed his conversion, under God, directly or indirectly to the ministry of Paul.

3. Onesimus was the servant of Philemon; under a relation which it is difficult with accuracy and certainty to define. His condition, though servile, could not have been like that of an American slave; as, in that case, however he might have "wronged" Philemon, he could not also have "owed him ought."[62] The American slave is, according to law, as much the property of his master as any other chattel; and can no more "owe" his master than can a sheep or a horse. The basis of all pecuniary obligations lies in some "value received." How can "an article of merchandise" stand on this basis and sustain commercial relations to its owner? There is no *person* to offer or promise. *Personality is swallowed up in American slavery*!

4. How Onesimus found his way to Rome it is not easy to determine. He and Philemon appear to have parted from each other on ill terms. The general character of Onesimus, certainly, in his relation to Philemon, had been far from attractive, and he seems to have left him without repairing the wrongs he had done him or paying the debts which he owed him. At Rome, by the blessing of God upon the exertions of the apostle, he was brought to reflection and repentance.

5. In reviewing his history in the light of Christian truth, he became painfully aware of the injuries he had inflicted on Philemon. He longed for an opportunity for frank confession and full restitution. Having, however, parted with Philemon on ill terms, he knew not how to appear in his presence. Under such embarrassments, he naturally sought sympathy and advice of Paul. *His* influence upon Philemon, Onesimus knew must be powerful, especially as an apostle.

6. A letter in behalf of Onesimus was therefore written by the apostle to Philemon. After such salutations, benedictions, and thanksgiving as the good character and useful life of Philemon naturally drew from the heart of Paul, he proceeds to the object of the letter. He admits that Onesimus had behaved ill in the service of Philemon; not in running away, for how they had parted with each other is not explained; but in being unprofitable and

62. PHILEMON, 18.

in refusing to pay the debts[63] which he had contracted. But his character had undergone a radical change. Thenceforward fidelity and usefulness would be his aim and mark his course. And as to any pecuniary obligations which he had violated, the apostle authorized Philemon to put them on his account.[64] Thus a way was fairly opened to the heart of Philemon. And now what does the apostles ask?

7. He asks that Philemon would receive Onesimus, How? "Not as a *servant*, but above a *servant*."[65] How much above? Philemon was to receive him as "a son" of the apostle— "as a brother beloved"—nay, if he counted Paul a partner, an equal, he was to receive Onesimus as he would receive *the apostle himself*.[66] *So much* above a servant was he to receive him!

8. But was not this request to be so interpreted and complied with as to put Onesimus in the hands of Philemon as "an article of merchandise," CARNALLY, while it raised him to the dignity of a "brother beloved," SPIRITUALLY? In other words, might not Philemon consistently with the request of Paul have reduced Onesimus to a chattel, as A MAN, while he admitted him fraternally to his bosom, as a CHRISTIAN? Such gibberish in an apostolic epistle! Never. As if, however to guard against such folly, the natural product of mist and moonshine, the apostle would have Onesimus raised above a servant to the dignity of a brother beloved, "BOTH IN THE FLESH AND IN THE LORD;"[67] as a man and Christian, in all the relations, circumstances, and responsibilities of life.

It is easy now with definiteness and certainty to determine in what sense the apostle in such connections uses the word "*brother*". It describes a relation inconsistent with and opposite to the *servile*. It is "NOT" the relation of a "SERVANT." It elevates its subject "above" the servile condition. It raises him to full equality with the master, to the same equality, on which Paul and Philemon stood side by side as brothers; and this, not in some vague, undefined, spiritual sense, affecting the soul and leaving the body in bonds, but in every way, "both in the FLESH and in the Lord." This matter deserves particular and earnest attention. It sheds a strong light on other lessons of apostolic instruction.

9. It is greatly to our purpose, moreover, to observe that the apostle clearly defines the *moral character* of his request. It was fit, proper, right, suited to the nature and relation of things—a thing which *ought* to be done.[68] On this account, he might have urged it upon Philemon in the form of an *injunction*, on apostolic authority and with great boldness.[69] *The very nature* of the request made it obligatory on Philemon. He was sacredly bound, out of regard to the fitness of things, to admit Onesimus to full equality with himself—to treat him as a brother both in

63. Verse 18.
64. Verse 16.
65. Verse 10, 16, 17.
66. Verse 11, 18.
67. Verse 16.
68. Verse 8. To [Greek: anaekon]. See Robinson's NEW TESTAMENT LEXICON; "*it is fit, proper, becoming, it ought*." In what sense King James' translators used the word "convenient" any one may see who will read ROMANS i. 28 and EPHESIANS v. 3, 4.
69. Verse 8.

the Lord and as having flesh—as a fellow man. Thus were the inalienable rights and birthright privileges of Onesimus, as a member of the human family, defined and protected by apostolic authority.

10. The apostle preferred a request instead of imposing a command, on the ground of CHARITY.[70] He would give Philemon an opportunity of discharging his obligations under the impulse of love. To this impulse, he was confident Philemon would promptly and fully yield. How could he do otherwise? The thing itself was right. The request respecting it came from a benefactor, to whom, under God, he was under the highest obligations.[71] That benefactor, now an old man, and in the hands of persecutors, manifested a deep and tender interest in the matter and had the strongest persuasion that Philemon was more ready to grant than himself to entreat. The result, as he was soon to visit Collosse, and had commissioned Philemon to prepare a lodging for him, must come under the eye of the apostle. The request was so manifestly reasonable and obligatory, that the apostle, after all, described a compliance with it, by the strong word "*obedience*."[72]

Now, how must all this have been understood by the church at Colosse? —a church, doubtless, made up of such materials as the church at Corinth, that is, of members chiefly from the humblest walks of life. Many of them had probably felt the degradation and tasted the bitterness of the servile condition. Would they have been likely to interpret the apostle's letter under the bias of feelings friendly to slavery!—And put the slaveholder's construction on its contents! Would their past experience or present sufferings—for doubtless some of them were still "under the yoke"—have suggested to their thoughts such glosses as some of our theological professors venture to put upon the words of the apostle! Far otherwise. The Spirit of the Lord was there, and the epistle was read in the light of "*liberty*." It contained the principles of holy freedom, faithfully and affectionately applied. This must have made it precious in the eyes of such men "of low degree" as were most of the believers, and welcome to a place in the sacred canon. There let it remain as a luminous and powerful defence of the cause of emancipation!

But what saith Professor Stuart? "If any one doubts, let him take the case of Paul's sending Onesimus back to Philemon, with an apology for his running away, and sending him back to be his servant for life."[73]

"Paul sent back Onesimus to Philemon." By what process? Did the apostle, a prisoner at Rome, seize upon the fugitive, and drag him before some heartless and perfidious "Judge," for authority to send him back to Colosse? Did he hurry his victim away from the presence of the fat and supple magistrate, to be driven under chains and the lash to the field of unrequited toil, whence he had escaped? Had the apostle been like some teachers in the American churches, he might, as a professor of sacred literature in one of our seminaries, or a preacher of the gospel to the

70. Verse 9—[Greek: dia taen agapaen]
71. Verse 19.
72. Verse 21.
73. See his letter to Dr. Fisk, supra pp. 7, 8.

rich in some of our cities, have consented thus to subserve the "peculiar" interests of a dear slaveholding brother. But the venerable champion of truth and freedom was himself under bonds in the imperial city, waiting for the crown of martyrdom. He wrote a letter to the church a Colosse, which was accustomed to meet at the house of Philemon, and another letter to that magnanimous disciple, and sent them by the hand of Onesimus. So much for *the way* in which Onesimus was sent back to his master.

A slave escapes from a patriarch in Georgia, and seeks a refuge in the parish of the Connecticut doctor of Divinity, who once gave public notice that he saw no reason for caring for the servitude of his fellow men.[74] Under his influence, Caesar becomes a Christian convert. Burning with love for the son whom he hath begotten in the gospel, our doctor resolves to send him back to his master. Accordingly, he writes a letter, gives it to Caesar, and bids him return, staff in hand, to the "corner-stone of our republican institutions." Now, what would my Caesar do, who had ever felt a link of slavery's chain? As he left his *spiritual father*, should we be surprised to hear him say to himself, What, return of my own accord to the man who, with the hand of a robber, plucked me from my mother's bosom!—for whom I have been so often drenched in the sweat of unrequited toil!—whose violence so often cut my flesh and scarred my limbs!—who shut out every ray of light from my mind!—who laid claim to those honors to which my Creator and Redeemer only are entitled! And for what am I to return? To be cursed, and smitten, and sold! To be tempted, and torn, and destroyed! I cannot thus throw myself away—thus rush upon my own destruction.

Who ever heard of the voluntary return of a fugitive from American oppression? Do you think that the doctor and his friends could persuade one to carry a letter to the patriarch from whom he had escaped? And must we believe this of Onesimus?

"Paul sent back Onesimus to Philemon." On what occasion?— "If," writes the apostle, "he hath wronged thee, or oweth the aught, put that on my account." Alive to the claims of duty, Onesimus would "restore" whatever he "had taken away." He would honestly pay his debts. This resolution the apostle warmly approved. He was ready, at whatever expense, to help his young disciple in carrying it into full effect. Of this he assured Philemon, in language the most explicit and emphatic. Here we find one reason for the conduct of Paul in sending Onesimus to Philemon.

If a fugitive slave of the Rev. Dr. Smylie, of Mississippi, should return to him with a letter from a doctor of divinity in New York, containing such an assurance, how would the reverend slaveholder dispose of it? What, he exclaims, have we here? "If Cato has not been upright in his pecuniary intercourse with you—if he owes you any thing—put that on my account." What ignorance of southern institutions! What mockery, to talk of pecuniary intercourse between a slave and his master! *The slave himself, with all he is and has, is an article of merchandise*. What can *he* owe his master? A rustic may lay a wager with his mule, and give the creature the peck of oats which he has permitted it to win. But who, in sober earnest, would call this a pecuniary

74. "Why should I care?"

transaction?

"TO BE HIS SERVANT FOR LIFE!" From what part of the epistle could the expositor have evolved a thought so soothing to tyrants—so revolting to every man who loves his own nature? From this? "For perhaps he therefore departed for a season, that thou shouldst receive him for ever." Receive him how? *As a servant*, exclaims our commentator. But what wrote the apostle? "NOT *now as a servant, but above a servant*, a brother beloved, especially to me, but how much more unto thee, both in the flesh and in the Lord." Who authorized the professor to bereave the word "*not*" of its negative influence? According to Paul, Philemon was to receive Onesimus "*not* as a servant;"—according to Stuart, he was to receive him "*as a servant*!" If the professor will apply the same rules of exposition to the writings of the abolitionists, all difference between him and them must in his view presently vanish away. The harmonizing process would be equally simple and effectual. He has only to understand them as affirming what they deny, and as denying what they affirm.

Suppose that Professor Stuart had a son residing, at the South. His slave, having stolen money of his master, effected his escape. He fled to Andover, to find a refuge among the "sons of the prophets." There he finds his way to Professor Stuart's house, and offers to render any service which the professor, dangerously ill "of a typhus fever," might require. He is soon found to be a most active, skilful, faithful nurse. He spares no pains, night and day, to make himself useful to the venerable sufferer. He anticipates every want. In the most delicate and tender manner, he tries to sooth every pain. He fastens himself strongly on the heart of the reverend object of his care. Touched with the heavenly spirit, the meek demeanor, the submissive frame, which the sick bed exhibits, Archy becomes a Christian. A new bond now ties him and his convalescent teacher together. As soon as he is able to write, the professor sends Archy with the following letter to the South, to Isaac Stuart, Esq.:—

"MY DEAR SON,—With a hand enfeebled by a distressing and dangerous illness, from which I am slowly recovering, I address you on a subject which lies very near my heart. I have a request to urge, which our mutual relation to each other, and your strong obligations to me, will, I cannot doubt, make you eager fully to grant. I say a request, though the thing I ask is, in its very nature and on the principles of the gospel, obligatory upon you. I might, therefore, boldly demand, what I earnestly entreat. But I know how generous, magnanimous, and Christ-like you are, and how readily you will 'do even more than I say'—I, your own father, an old man, almost exhausted with multiplied exertions for the benefit of my family and my country and now just rising, emaciated and broken, from the brink of the grave. I write in behalf of Archy, whom I regard with the affection of a father, and whom, indeed, 'I have forgotten in my sickness.' Gladly would I have retained him, to be *an Isaac* to me; for how often did not his soothing voice, and skilful hand, and unwearied attention to my wants remind me of you! But I chose to give you an opportunity of manifesting, voluntarily, the goodness of your heart; as, if I had retained him with me, you

might seem to have been forced to grant what you will gratefully bestow. His temporary absence from you may have opened the way for his permanent continuance with you. Not now as a slave. Heaven forbid! But superior to a slave. Superior, did I say? Take him to your bosom, as a beloved brother; for I own him as a son, and regard him as such, in all the relations of life, both as a man and a Christian. 'Receive him as myself.' And that nothing may hinder you from complying with my request at once, I hereby promise, without adverting to your many and great obligations to me, to pay you every cent which he took from your drawer. Any preparation which my comfort with you may require, you will make without much delay, when you learn, that I intend, as soon as I shall be able 'to perform the journey,' to make you a visit."

And what if Dr. Baxter, in giving an account of this letter should publicly declare that Professor Stuart, of Andover regarded slaveholding as lawful; for that "he had sent Archy back to his son Isaac, with an apology for his running away" to be held in perpetual slavery? With what propriety might not the professor exclaim: False, every syllable false. I sent him back, NOT TO BE HELD AS A SLAVE, *but recognized as a dear brother, in all respects, under every relation, civil and ecclesiastical*. I bade my son receive *Archy as myself*. If this was not equivalent to a requisition to set him fully and most honorably free, and that, too, on the ground of natural obligation and Christian principle, then I know not how to frame such a requisition.

I am well aware that my supposition is by no means strong enough fully to illustrate the case to which it is applied. Professor Stuart lacks apostolical authority. Isaac Stuart is not a leading member of a church consisting, as the early churches chiefly consisted, of what the world regard as the dregs of society— "the offscouring of all things." Nor was slavery at Colosse, it seems, supported by such barbarous usages, such horrid laws as disgrace the South.

But it is time to turn to another passage which, in its bearing on the subject in hand, is, in our view, as well as in the view of Dr. Fisk. and Prof. Stuart, in the highest degree authoritative and instructive. "Let as many servants as are under the yoke count their own masters worthy of all honor, that the name of God and his doctrines be not blasphemed. And they that have believing masters, let them not despise them because they are brethren; but rather do them service, because they are faithful and beloved, partakers of the benefit."[75]

1. The apostle addresses himself here to two classes of servants, with instructions to each respectively appropriate. Both the one class and the other, in Professor Stuart's eye, were slaves. This he assumes, and thus begs the very question in dispute. The term servant is generic, as used by the sacred writers. It comprehends all the various offices which men discharge for the benefit of each other, however honorable, or however menial; from that of an apostle[76] opening the path to heaven, to that of washing "one another's feet."[77] A general term it is, comprehending every office which belongs to human relations and Christian character.[78]

A leading signification gives us the manual laborer, to whom, in the division of labor, muscular exertion was allotted. As in his exertions the bodily powers are especially employed—such powers as belong to man in common with mere animals—his sphere has generally been considered low and humble. And as intellectual power is superior to bodily, the manual laborer has always been exposed in very numerous ways and in various degrees to oppression. Cunning, intrigue, the oily tongue, have, through extended and powerful conspiracies, brought the resources of society under the control of the few, who stood aloof from his homely toil. Hence his dependence upon them. Hence the multiplied injuries which have fallen so heavily upon him. Hence the reduction of his wages from one degree to another, till at length, in the case of millions, fraud and violence strip him of his all, blot his name from the record of *mankind*, and, putting a yoke upon his neck, drive him away to toil among the cattle. *Here you find the slave.* To reduce the servant to his condition, requires abuses altogether monstrous—injuries reaching the very vitals of man—stabs upon the very heart of humanity. Now, what right has Professor Stuart to make the word "*servants*," comprehending, even as manual laborers, so many and such various meanings, signify "*slaves*," especially where different classes are concerned? Such a right he could never have derived from humanity, or philosophy, or hermeneutics. It is his by sympathy with the oppressor?

75. 1 TIM. vi. 1. 2. The following exposition of this passage is from the pen of ELIZUR WRIGHT, JR.:—

"This word [Greek: antilambanesthai] in our humble opinion, has been so unfairly used by the commentators, that we feel constrained to take its part. Our excellent translators, in rendering the clause 'partakers of the benefit,' evidently lost sight of the component preposition, which expresses the *opposition of reciprocity*, rather than the *connection of participation*. They have given it exactly the sense of [Greek: metalambanein], (2 Tim. ii. 6.) Had the apostle intended such a sense, he would have used the latter verb, or one of the more common words, [Greek: metochoi, koinonomtes, &c.] (See Heb. iii. 1, and 1 Tim. v. 22, where the latter word is used in the clause, 'neither be partaker of other men's sins.' Had the verb in our text been used, it might have been rendered, 'neither be the *part-taker* of other men's sins.') The primary sense of [Greek: antilambans] is *to take in return—to take instead of, &c.* Hence, in the middle with the genitive, it signifies *assist*, or *do one's part towards* the person or thing expressed by that genitive. In this sense only is the word used in the New Testament,—(See Luke i. 54, and Acts, xx. 35.) If this be true, the word [Greek: emsgesai] cannot signify the benefit conferred by the gospel, as our common version would make it, but the *well doing* of the servants, who should continue to serve their believing masters, while they were no longer under the *yoke* of compulsion. This word is used elsewhere in the New Testament but once (Acts. iv. 3.) in relation to the '*good deed*' done to the impotent man. The plain import of the clause, unmystified by the commentators, is, that believing masters would not fail to do their part towards, or encourage by suitable returns, the free service of those who had once been under the yoke."

Yes, different classes. This is implied in the term "as many,"[79] which sets apart the class now to be addressed. From these he proceeds to others, who are introduced by a particle,[80] whose natural meaning indicates the presence of another and a different subject.

2. The first class are described as "*under the yoke*"—a yoke from which they were, according to the apostle, to make their escape if possible.[81] If not, they must in every way regard the master with respect—bowing to his authority, working his will, subserving his interests so far as might be consistent with Christian character.[82] And this, to prevent blasphemy—to prevent the pagan master from heaping profane reproaches upon the name of God and the doctrines of the gospel. They should beware of rousing his passions, which, as his helpless victims, they might be unable to allay or withstand.

But all the servants whom the apostle addressed were not "*under the yoke*"[83]—an instrument appropriate to cattle and to slaves. These he distinguishes from another class, who instead of a "yoke"—the badge of a slave—had "*believing masters*." *To have a "believing master," then, was equivalent to freedom from "the yoke."* These servants were exhorted not *to despise* their masters. What need of such an exhortation, if their masters had been slaveholders, holding them as property, wielding them as mere instruments, disposing of them as "articles of merchandise." But this was not consistent with believing. Faith, "breaking every yoke," united master and servants in the bonds of brotherhood. Brethren they were, joined in a relation which, excluding the yoke,[84] placed them side by side on the ground of equality, where, each in his appropriate sphere, they might exert themselves freely and usefully, to the mutual benefit of each other. Here, servants might need to be cautioned against getting above their appropriate business, putting on airs, despising their masters, and thus declining or neglecting their service.[85] Instead of this, they should be, as emancipated slaves often have been,[86] models of enterprise, fidelity, activity, and usefulness—especially as their masters were "worthy of their confidence and love," their helpers in this well-doing.

Such, then, is the relation between those who, in the view of Professor Stuart, were Christian masters and Christian slaves[87]—the relation of "brethren," which, excluding "the yoke," and of course conferring freedom, placed them side by side on the common ground of mutual service, both retaining, for convenience sake, the one while giving and the other while receiving employment, the correlative name, *as is usual in such cases*,

76. MAT. xx, 26-28.
77. CORINTHIANS iv. 5.
78. JOHN xiii, 14.
79. [Greek: Ochli] See Passow's Schneider.
80. [Greek: Dd.] See Passow.
81. See 1 CORINTHIANS vii, 21—[Greek: All' ei kai dunasai eleuphoros genesthai].
82. See 1 CORINTHIANS vii, 23—[Greek: Mae ginesthe doulos anthroton].
83. See LEV. xxvi. 13; ISA lviii. 6, 9.
84. Supra page 44.
85. See MAT. vi. 24.
86. Those, for instance, set free by that "believing master" James G. Birney.
87. Letter to Dr. Fisk, supra, page 7.

under which they had been known. Such was the instruction which Timothy was required, as a Christian minister, to give. Was it friendly to slaveholding?

And on what ground, according to the Princeton professor, did these masters and these servants stand in their relation to each other? On that *of a "perfect religious equality."*[88] In all the relations, duties, and privileges—in all the objects, interests, and prospects, which belong to the province of Christianity, servants were as free as their master. The powers of the one, were allowed as wide a range and as free an exercise, with as warm encouragements, as active aids, and as high results, as the other. Here, the relation of a servant to his master imposed no restrictions, involved no embarrassments, occasioned no injury. All this, clearly and certainly, is implied in *"perfect religious equality,"* which the Princeton professor accords to servants in relation to their master. Might the *master*, then, in order more fully to attain the great ends for which he was created and redeemed, freely exert himself to increase his acquaintance with his own powers, and relations, and resources—with his prospects, opportunities, and advantages? So might his *servants*. Was *he* at liberty to "study to approve himself to God," to submit to his will and bow to his authority, as the sole standard of affection and exertion? So were *they*. Was *he* at liberty to sanctify the Sabbath, and frequent the "solemn assembly?" So were *they*. Was *he* at liberty so to honor the filial, conjugal, and paternal relations, as to find in them that spring of activity and that source of enjoyment, which they are capable of yielding? So were *they*. In every department of interest and exertion, they might use their capacities, and wield their powers, and improve their opportunities, and employ their resources, as freely as he, in glorifying God, in blessing mankind, and in laying up imperishable treasures for themselves! Give perfect religious equality to the American slave, and the most eager abolitionist must be satisfied. Such equality would, like the breath of the Almighty, dissolve the last link of the chain of servitude. Dare those who, for the benefit of slavery, have given so wide and active a circulation to the Pittsburg pamphlet, make the experiment?

In the epistle to the Colossians, the following passage deserves earnest attention:— "Servants, obey in all things your masters according to the flesh; not with eye-service, as men-pleasers; but in singleness of heart, fearing God: and whatsoever ye do, do it heartily, as to the Lord, and not unto men; knowing, that of the Lord ye shall receive the reward of the inheritance; for ye serve the Lord Christ. But he that doeth wrong shall receive for the wrong which he hath done: and there is no respect of persons.—Masters, give unto your servants that which is just and equal; knowing that ye have a Master in heaven."[89]

Here it is natural to remark—

1. That in maintaining the relation, which mutually united them, both masters and servants were to act in conformity with the principles of the divine government. Whatever *they* did, servants

88. Pittsburg Pamphlet, page 9.
89. COL. iii. 22 to iv. 1.

were to do in hearty obedience to the Lord, by whose authority they were to be controlled and by whose hand they were to be rewarded. To the same Lord, and according to the same law, was the *master* to hold himself responsible. *Both the one and the other were of course equally at liberty and alike required to study and apply the standard, by which they were to be governed and judged.*

2. The basis of the government under which they thus were placed, was *righteousness*—strict, stern, impartial. Nothing here of bias or antipathy. Birth, wealth, station,—the dust of the balance not so light! Both master and servants were hastening to a tribunal, where nothing of "respect of persons" could be feared or hoped for. There the wrong-doer, whoever he might be, and whether from the top or bottom of society, must be dealt with according to his deservings.

3. Under this government, servants were to be universally and heartily obedient; and both in the presence and absence of the master, faithfully to discharge their obligations. The master on his part, in his relations to the servants, was to make JUSTICE AND EQUALITY the *standard of his conduct*. Under the authority of such instructions, slavery falls discountenanced, condemned, abhorred. It is flagrantly at war with the government of God, consists in "respect of persons" the most shameless and outrageous, treads justice and equality under foot, and in its natural tendency and practical effects is nothing else than a system of wrong-doing. What have *they* to do with the just and the equal who in their "respect of persons" proceed to such a pitch as to treat one brother as a thing because he is a servant, and place him, without the least regard to his welfare here, or his prospects hereafter, absolutely at the disposal of another brother, under the name of master, in the relation of owner to property? Justice and equality on the one hand, and the chattel principle on the other, are naturally subversive of each other—proof clear and decisive that the correlates, masters and servants, cannot here be rendered slaves and owners, without the grossest absurdity and the greatest violence.

"Servants, be obedient to them that are *your* masters according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ; not with eye-service, as men-pleasers; but as the servants of Christ, doing the will of God from the heart; with good will doing service, as to the Lord, and not to men: knowing that whatsoever good thing any man doeth, the same shall he receive of the Lord, whether *he be* bond or free. And, ye masters, do the same things unto them, forbearing threatening: knowing that your Master also is in heaven; neither is there respect of persons with him."[90]

Without repeating here what has already been offered in exposition of kindred passages, it may be sufficient to say:—

1. That the relation of the servants here addressed, to their master, was adapted to make him the object of their heart-felt attachment. Otherwise they could not have been required to render him an affectionate service.

90. EPHESIANS vi. 5-9.

2. This relation demanded a perfect reciprocity of benefits. It had its soul in *good-will*, mutually cherished and properly expressed. Hence "THE SAME THINGS," the same in principle, the same in substance, the same in their mutual bearing upon the welfare of the master and the servants, was to be rendered back and forth by the one and the other. It was clearly the relation of mutual service. Do we here find the chattel principle?

3. Of course, the servants might not be slack, time-serving, unfaithful. Of course, the master must "FORBEAR THREATENING." Slavery without threatening! Impossible. Wherever maintained, it is of necessity a *system of threatening*, injecting into the bosom of the slave such terrors, as never cease for a moment to haunt and torment him. Take from the chattel principle the support, which it derives from "threatening," and you annihilate it at once and forever.

4. This relation was to be maintained in accordance with the principles of the divine government, where "RESPECT OF PERSONS" could not be admitted. It was, therefore, totally inconsistent with, and submissive of, the chattel principle, which in American slavery is developed in a system of "respect of persons," equally gross and hurtful. No Abolitionist, however eager and determined in his opposition to slavery, could ask for more than these precepts, once obeyed, would be sure to confer.

"The relation of slavery," according to Professor Stuart, is recognized in "the precepts of the New Testament," as one which "may still exist without violating the Christian faith or the church."[91] Slavery and the chattel principle! So our professor thinks; otherwise his reference has nothing to do with the subject—with the slavery which the abolitionist, whom he derides, stands opposed to. How gross and hurtful is the mistake into which he allows himself to fall. The relation recognized in the precepts of the New Testament had its basis and support in "justice and equality;" the very opposite of the chattel principle; a relation which may exist as long as justice and equality remain, and thus escape the destruction to which, in the view of Professor Stuart, slavery is doomed. The description of Paul obliterates every feature of American slavery, raising the servant to equality with his master, and placing his rights under the protection of justice; yet the eye of Professor Stuart can see nothing in his master and servant but a slave and his owner. With this relation he is so thoroughly possessed, that, like an evil angel, it haunts him even when he enters the temple of justice!

"It is remarkable," saith the Princeton professor, "that there is not even an exhortation" in the writings of the apostles "to masters to liberate their slaves, much less is it urged as an imperative and immediate duty."[92] It would be remarkable, indeed, if they were chargeable with a defect so great and glaring. And so they have nothing to say upon the subject? *That* not even the Princeton professor has the assurance to affirm. He admits that KINDNESS, MERCY, AND JUSTICE, were enjoined with a *distinct reference to the government of God*.[93] "Without respect

91. Letter to Dr. Fisk, supra page 7.
92. Pittsburg pamphlet, page 9.

of persons," they were to be God-like in doing justice. They were to act the part of kind and merciful "brethren." And whither would this lead them? Could they stop short of restoring to every man his natural, inalienable rights?—of doing what they could to redress the wrongs, sooth the sorrows, improve the character, and raise the condition of the degraded and oppressed? Especially, if oppressed and degraded by any agency of theirs. Could it be kind, merciful, or just to keep the chains of slavery on their helpless, unoffending brother? Would this be to honor the Golden Rule, or obey the second great command of "their Master in Heaven?" Could the apostles have subserved the cause of freedom more directly, intelligibly, and effectually, than *to enjoin the principles, and sentiments, and habits, in which freedom consists—constituting its living root and fruitful germ*!

The Princeton professor himself, in the very paper which the South has so warmly welcomed and so loudly applauded as a scriptural defence of "the peculiar institution," maintains, that the "GENERAL PRINCIPLES OF THE GOSPEL *have* DESTROYED SLAVERY *throughout the greater part of Christendom*"[94] — "THAT CHRISTIANITY HAS ABOLISHED BOTH POLITICAL AND DOMESTIC BONDAGE WHEREVER IT HAS HAD FREE SCOPE—*that it* ENJOINS *a fair compensation for labor; insists on the mental and intellectual improvement of* ALL *classes of men; condemns* ALL *infractions of marital or parental rights; requires, in short, not only that* FREE SCOPE *should be allowed to human improvement, but that* ALL SUITABLE MEANS *should be employed for the attainment of that end.*"[95] It is indeed "remarkable," that while neither Christ nor his apostles ever gave "an exhortation to masters to liberate their slaves," they enjoined such "general principles as have destroyed domestic slavery throughout the greater part of Christendom;" that while Christianity forbears "to urge" emancipation "as an imperative and immediate duty," it throws a barrier, heaven high, around every domestic circle; protects all the rights of the husband and the father; gives every laborer a fair compensation; and makes the moral and intellectual improvement of all classes, with free scope and all suitable means, the object of its tender solicitude and high authority. This is not only "remarkable," but inexplicable. Yes and no—hot and cold, in one and the same breath! And yet these things stand prominent in what is reckoned an acute, ingenious, effective defence of slavery!

In his letter to the Corinthian church, the apostle Paul furnishes another lesson of instruction, expressive of his views and feelings on the subject of slavery. "Let every man abide in the same calling wherein he was called. Art thou called being a servant? care not for it; but if thou mayest be made free, use it rather. For he that is called in the Lord, being a servant, is the Lord's freeman: likewise also he that is called, being free, is Christ's servant. Ye are bought with a price; be not ye the servants of men."[96]

In explaining and applying this passage, it is proper to

93. The same, page 10.
94. Pittsburg pamphlet, page 18, 19.
95. The same, page 31.
96. 1 CORINTHIANS vii. 20-23.

suggest:

1. That it *could* not have been the object of the apostle to bind the Corinthian converts to the stations and employments in which the gospel found them. For he exhorts some of them to escape, if possible, from their present condition. In the servile state, "under the yoke," they ought not to remain unless impelled by stern necessity. "If thou canst be free, use it rather." If they ought to prefer freedom to bondage and to exert themselves to escape from the latter for the sake of the former, could their master consistently with the claims and spirit of the gospel have hindered or discouraged them in so doing? Their "brother" could *he* be, who kept "the yoke" upon their neck, which the apostle would have them shake off if possible? And had such masters been members of the Corinthian church, what inferences must they have drawn from this exhortation to their servants? That the apostle regarded slavery as a Christian institution?—or could look complacently on any efforts to introduce or maintain it in the church? Could they have expected less from him than a stern rebuke, if they refused to exert themselves in the cause of freedom?

2. But while they were to use their freedom, if they could obtain it, they should not, even on such a subject, give themselves up to ceaseless anxiety. "The Lord was no respecter of persons." They need not fear, that the "low estate," to which they had been wickedly reduced, would prevent them from enjoying the gifts of his hand or the light of his countenance. *He* would respect their rights, sooth their sorrows, and pour upon their hearts, and cherish there, the spirit of liberty. "For he that is called in the Lord, being a servant, is the Lord's freeman." In *him*, therefore, should they cheerfully confide.

3. The apostle, however, forbids them so to acquiesce in the servile relation, as to act inconsistently with their Christian obligations. To their Savior they belonged. By his blood they had been purchased. It should be their great object, therefore, to render *Him* a hearty and effective service. They should permit no man, whoever he might be, to thrust in himself between them and their Redeemer. "*Ye are bought with a price*; BE NOT YE THE SERVANTS OF MEN."

With his eye upon the passage just quoted and explained, the Princeton professor asserts that "Paul represents this relation"—the relation of slavery— "as of comparatively little account."[97] And this he applies—otherwise it is nothing to his purpose—to *American* slavery. Does he then regard it as a small matter, a mere trifle, to be thrown under the slave-laws of this republic, grimly and fiercely excluding their victim from almost every means of improvement, and field of usefulness, and source of comfort; and making him, body and substance, with his wife and babes, "the servant of men?" Could such a relation be acquiesced in consistently with the instructions of the apostle?

To the Princeton professor we commend a practical trial of the bearing of the passage in hand upon American slavery. His regard for the unity and prosperity of the ecclesiastical

97. Pittsburg pamphlet, page 10.

organizations, which in various forms and under different names, unite the southern with the northern churches, will make the experiment grateful to his feelings. Let him, then, as soon as his convenience will permit, proceed to Georgia. No religious teacher[98] from any free State, can be likely to receive so general and so warm a welcome there. To allay the heat, which the doctrines and movements of the abolitionists have occasioned in the southern mind, let him with as much despatch as possible, collect, as he goes from place to place, masters and their slaves. Now let all men, whom it may concern, see and own that slavery is a Christian institution! With his Bible in his hand and his eye upon the passage in question, he addresses himself to the task of instructing the slaves around him. Let not your hearts, my brethren, be overcharged with sorrow, or eaten up with anxiety. Your servile condition cannot deprive you of the fatherly regards of Him "who is no respecter of persons." Freedom you ought, indeed, to prefer. If you can escape from "the yoke," throw it off. In the mean time rejoice that "where the Spirit of the Lord is, there is liberty;" that the gospel places slaves "on a perfect religious equality" with their master; so that every Christian is "the Lord's freeman." And, for your encouragement, remember that "Christianity has abolished both political and domestic servitude wherever it has had free scope. It enjoins a fair compensation for labor; it insists on the moral and intellectual improvement of all classes of men; it condemns all infractions of marital or parental rights; in short it requires not only that free scope be allowed to human improvement, but that all suitable means should be employed for the attainment of that end."[99] Let your lives, then, be honorable to your relations to your Savior. He bought you with his own blood; and is entitled to your warmest love and most effective service. "Be not ye the servants of men." Let no human arrangements prevent you, as citizens of the kingdom of heaven, from making the most of your powers and opportunities. Would such an effort, generally and heartily made, allay excitement at the South, and quench the flames of discord, every day rising higher and waxing hotter, in almost every part of the republic, and cement "the Union?"

In an extract from an article in the Southern Christian Sentinel, a new Presbyterian paper established in Charleston, South Carolina, and inserted in the Christian Journal for March 21, 1839, we find the following paragraphs from the pen of Rev. C.W. Howard, and, according to Mr. Chester, ably and freely endorsed by the editor. "There is scarcely any diversity of sentiment at the North upon this subject. The great mass of the people, believing slavery to be sinful, are clearly of the opinion that, as a system, it should be abolished throughout this land and throughout the world. They differ as to the time and mode of abolition. The abolitionists consistently argue, that whatever is sinful should be instantly abandoned. The

98. Rev. Mr. Savage, of Utica, New York, had, not very long ago, a free conversation with a gentleman of high standing in the literary and religious world from a slaveholding State, where the "peculiar institution" is cherished with great warmth and maintained with iron rigor. By him, Mr. Savage was assured, that the Princeton professor had, through the Pittsburg pamphlet, contributed most powerfully and effectually to bring the "whole South" under the persuasion, *that slaveholding is in itself right*—a system *to which the Bible gives countenance and support*.
99. Pittsburg pamphlet, page 31.

others, *by a strange sort of reasoning for Christian men*, contend that though slavery is sinful, *yet it may be allowed to exist until it shall he expedient to abolish it*; or, if, in many cases, this reasoning might be translated into plain English, the sense would be, both in Church and State, *slavery, though sinful, may be allowed to exist until our interest will suffer us to say that it must be abolished*. This is not slander; it is simply a plain way of stating a plain truth. It does seem the evident duty of every man to become an abolitionist, who believes slavery to be sinful, for the Bible allows no tampering with sin.

"To these remarks, there are some noble exceptions, to be found in both parties in the church. *The South owes a debt of gratitude to the Biblical Repertory, for the fearless argument in behalf of the position, that slavery is not forbidden by the Bible*. The writer of that article is said, without contradiction, to be *Professor Hodge, of Princeton*—HIS NAME OUGHT TO BE KNOWN AND REVERED AMONG YOU, *my brethren, for in a land of anti-slavery men, he is the* ONLY ONE *who has dared to vindicate your character from the serious charge of living in the habitual transgression of God's holy law.*"]

"It is," affirms the Princeton professor, "on all hands acknowledged, that, at the time of the advent of Jesus Christ, slavery in its worst forms prevailed over the whole world. *The Savior found it around him* IN JUDEA."[100] To say that he found it *in Judea*, is to speak ambiguously. Many things were to be found "*in* Judea," which neither belonged to, nor were characteristic of *the Jews*. It is not denied that *the Gentiles*, who resided among them, might have had slaves; *but of the Jews this is denied*. How could the professor take that as granted, the proof of which entered vitally into the argument and was essential to the soundness of the conclusions to which he would conduct us? How could he take advantage of an ambiguous expression to conduct his confiding readers on to a position which, if his own eyes were open, he must have known they could not hold in the light of open day!

We do not charge the Savior with any want of wisdom, goodness, or courage,[101] for refusing to "break down the wall of partition between Jews and Gentiles" "before the time appointed." While this barrier stood, he could not, consistently with the plan of redemption, impart instruction freely to the Gentiles. To some extent, and on extraordinary occasions, he might have done so. But his business then was with "the lost sheep of the house of Israel."[102] The propriety of this arrangement is not the matter of dispute between the Princeton professor and ourselves.

In disposing of the question whether the Jews held slaves during our Savior's incarnation among them, the following points deserve earnest attention:—

1. Slaveholding is inconsistent with the Mosaic economy. For the proof of this, we would refer our readers, among other arguments more or less appropriate and powerful, to the tract already

100. The same, page 9.
101. Pittsburg pamphlet, page 10.
102. MATT. xv. 24.

alluded to.[103] In all the external relations and visible arrangements of life, the Jews, during our Savior's ministry among them, seem to have been scrupulously observant of the institutions and usages of the "Old Dispensation." They stood far aloof from whatever was characteristic of Samaritans and Gentiles. From idolatry and slaveholding—those twin-vices which had always so greatly prevailed among the heathen—they seem at length, as the result of a most painful discipline, to have been effectually divorced.

2. While, therefore, John the Baptist; with marked fidelity and great power, acted among the Jews the part of a *reprover*, he found no occasion to repeat and apply the language of his predecessors,[104] in exposing and rebuking idolatry and slaveholding. Could he, the greatest of the prophets, have been less effectually aroused by the presence of "the yoke," than was Isaiah?—or less intrepid and decisive in exposing and denouncing the sin of oppression under its most hateful and injurious forms?

3. The Savior was not backward in applying his own principles plainly and pointedly to such forms of oppression as appeared among the Jews. These principles, whenever they have been freely acted on, the Princeton professor admits, have abolished domestic bondage. Had this prevailed within the sphere of our Savior's ministry, he could not, consistently with his general character, have failed to expose and condemn it. The oppression of the people by lordly ecclesiastics, of parents by their selfish children, of widows by their ghostly counsellors, drew from his lips scorching rebukes and terrible denunciations.[105] How, then, must he have felt and spoke in the presence of such tyranny, if *such tyranny had been within his official sphere*, as should *have made widows*, by driving their husbands to some flesh-market, and their children not orphans, *but cattle*?

4. Domestic slavery was manifestly inconsistent with the *industry*, which, *in the form of manual labor*, so generally prevailed among the Jews. In one connection, in the Acts of the Apostles, we are informed, that, coming from Athens to Corinth, Paul "found a certain Jew, named Aquila, born in Pontus, lately come from Italy, with his wife Priscilla; (because that Claudius had commanded all Jews to depart from Rome;) and came unto them. And because he was of the same craft, he abode with them and wrought: (for by their occupation they were tent-makers.")[106] This passage has opened the way for different commentators to refer us to the public sentiment and general practice of the Jews respecting useful industry and manual labor. According to *Lightfoot*, "it was their custom to bring up their children to some trade, yea, though they gave them learning or estates." According to Rabbi Judah, "He that teaches not his son a trade, is as if he taught him to be a thief."[107] It was, *Kuinoel* affirms, customary even for Jewish teachers to unite labor (opificium) with the study of the law. This he confirms by the highest

103. "The Bible against Slavery."
104. PSALM lxxxii; ISA. lviii. 1-12 JER. xxii. 13-16.
105. MATT. xxiii; MARK vii. 1-13.
106. ACTS xviii. 1-3.
107. Henry on ACTS xviii. 1-3.

Rabbinical authority.[108] *Heinrichs* quotes a Rabbi as teaching, that no man should by any means neglect to train his son to honest industry.[109] Accordingly, the apostle Paul, though brought up at the "feet of Gamaliel," the distinguished disciple of a most illustrious teacher, practised the art of tent-making. His own hands ministered to his necessities; and his example is so doing, he commends to his Gentile brethren for their imitation.[110] That Zebedee, the father of John the Evangelist, had wealth, various hints in the New Testament render probable.[111] Yet how do we find him and his sons, while prosecuting their appropriate business? In the midst of the hired servants, "in the ship mending their nets."[112]

Slavery among a people who, from the highest to the lowest, were used to manual labor! What occasion for slavery there? And how could it be maintained? No place can be found for slavery among a people generally inured to useful industry. With such, especially if men of learning, wealth, and station, "labor, working with their hands," such labor must be honorable. On this subject, let Jewish maxims and Jewish habits be adopted at the South, and the "peculiar institution" would vanish like a ghost at daybreak.

5. Another hint, here deserving particular attention, is furnished in the allusions of the New Testament to the lowest casts and most servile employments among the Jews. With profligates, *publicans* were joined as depraved and contemptible. The outcasts of society were described, not as fit to herd with slaves, but as deserving a place among Samaritans and publicans. They were "*hired servants*," whom Zebedee employed. In the parable of the prodigal son we have a wealthy Jewish family. Here servants seem to have abounded. The prodigal, bitterly bewailing his wretchedness and folly, described their condition as greatly superior to his own. How happy the change which should place him by their side? His remorse, and shame, and penitence made him willing to embrace the lot of the lowest of them all. But these—what was their condition? They were HIRED SERVANTS. "Make me as one of thy hired servants." Such he refers to as the lowest menials known in Jewish life.

Lay such hints as have now been suggested together; let it be remembered, that slavery was inconsistent with the Mosaic economy; that John the Baptist in preparing the way for the Messiah makes no reference "to the yoke" which, had it been before him, he would, like Isaiah, have condemned; that the Savior, while he took the part of the poor and sympathized with the oppressed, was evidently spared the pain of witnessing within the sphere of his ministry, the presence, of the chattel principle, that it was the habit of the Jews, whoever they might be, high or low, rich or poor, learned or rude, "to labor, working with their hands;" and that where reference was had to the most menial employments, in families, they were described as carried on by hired servants; and the question of slavery "in

108. Kuinoel on ACTS.
109. Heinrichs on ACTS.
110. ACTS xx. 34, 35; 1 THESS. iv. 11.
111. See Kuinoel's PROLEGOM. TO THE GOSPEL OF JOHN.
112. MARK i. 19, 20.

Judea," so far as the seed of Abraham were concerned, is very easily disposed of. With every phase and form of society among them slavery was inconsistent.

The position which, in the article so often referred to in this paper, the Princeton professor takes, is sufficiently remarkable. Northern abolitionists he saw in an earnest struggle with southern slaveholders. The present welfare and future happiness of myriads of the human family were at stake in this contest. In the heat of the battle, he throws himself between the belligerent powers. He gives the abolitionists to understand, that they are quite mistaken in the character of the objections they have set themselves so openly and sternly against. Slaveholding is not, as they suppose, contrary to the law of God. It was witnessed by the Savior "in its worst forms"[113] without extorting from his laps a syllable of rebuke. "The sacred writers did not condemn it."[114] And why should they? By a definition[115] sufficiently ambiguous and slippery, he undertakes to set forth a form of slavery which he looks upon as consistent with the law of Righteousness. From this definition he infers that the abolitionists are greatly to blame for maintaining that American slavery is inherently and essentially sinful, and for insisting that it ought at once to be abolished. For this labor of love the slaveholding South is warmly grateful and applauds its reverend ally, as if a very Daniel had come as their advocate to judgment.[116]

A few questions, briefly put, may not here be inappropriate.

1. Was the form of slavery which our professor pronounces innocent *the form* witnessed by our Savior "in Judea?" That, *he* will by no means admit. The slavery there was, he affirms, of the "worst" kind. *How then does he account for the alleged silence of the Savior?—a silence covering the essence and the form—the institution and its "worst" abuses*?

2. Is the slaveholding, which, according to the Princeton professor, Christianity justifies, the same as that which the abolitionists so earnestly wish to see abolished? Let us see.

| *Christianity in supporting Slavery, according to Professor Hodge,* | *The American system for supporting Slavery,* |
|---|---|
| "Enjoins a fair compensation for labor" | Makes compensation impossible by reducing the laborer to a chattel. |
| "It insists on the moral and intellectual improvement of all classes of men" | It sternly forbids its victim to learn to read even the name of his Creator and Redeemer. |
| "It condemns all infractions of marital or parental rights." | It outlaws the conjugal and parental relations. |
| "It requires that free scope | It forbids any effort, on |

113. Pittsburg pamphlet, page 9.
114. The same, page 13.
115. The same, page 12.
116. Supra, page 58.

| | |
|---|---|
| should be allowed to human improvement." | on the part of myriads of the human family, to improve their character, condition, and prospects. |
| "It requires that all suitable means should be employed to improve mankind" | It inflicts heavy penalties for teaching letters to the poorest of the poor. |
| "Wherever it has had free scope, it has abolished domestic scope, bondage." | Wherever it has free it perpetuates domestic bondage. |

*Now it is slavery according to the American system* that the abolitionists are set against. *Of the existence of any* such form of slavery as is consistent with Professor Hodge's account of the requisitions of Christianity, they know nothing. It has never met their notice, and of course, has never roused their feelings or called forth their exertions. What, then, have *they* to do with the censures and reproaches which the Princeton professor deals around? Let those who have leisure and good nature protect the man of *straw* he is so hot against. The abolitionists have other business. It is not the figment of some sickly brain; but that system of oppression which in theory is corrupting, and in practice destroying both Church and State;—it is this that they feel pledged to do battle upon, till by the just judgment of Almighty God it is thrown, dead and damned, into the bottomless abyss.

3. *How can the South feel itself protected by any shield which may be thrown over* SUCH SLAVERY, *as may be consistent with what the Princeton professor describes as the requisitions of Christianity*? Is *this* THE *slavery* which their laws describe, and their hands maintain? "Fair compensation for labor"— "marital and parental rights"— "free scope" and "all suitable means" for the "improvement, moral and intellectual, of all classes of men;"—are these, according to the statutes of the South, among the objects of slaveholding legislation? Every body knows that any such requisitions and American slavery are flatly opposed to and directly subversive of each other. What service, then, has the Princeton professor, with all his ingenuity and all his zeal, rendered the "peculiar institution?" Their gratitude must be of a stamp and complexion quite peculiar, if they can thank him for throwing their "domestic system" under the weight of such Christian requisitions as must at once crush its snaky head "and grind it to powder."

And what, moreover, is the bearing of the Christian requisitions, which Professor Hodge quotes, upon the definition of slavery which he has elaborated? "All the ideas which necessarily enter into the definition of slavery are, deprivation of personal liberty, obligation of service at the discretion of another, and the transferable character of the authority and claim of service of the master."[117]

| | |
|---|---|
| *According to Professor Hodge's account of the requisitions* | *According to Professor Hodge's definition* |

117. Pittsburg pamphlet page 12.

| *of Christianity,* | *of Slavery,* |
|---|---|
| The spring of effort in the laborer is a fair compensation. | The laborer must serve at the discretion of another. |
| Free scope must be given for his moral and intellectual improvement. | He is deprived of personal liberty—the necessary condition, and living soul of improvement, without which he has no control of either intellect or morals. |
| His rights as a husband and a father are to be protected. | The authority and claims of the master may throw an ocean between him and his family, and separate them from each other's presence at any moment and forever. |

Christianity, then, requires such slavery as Professor Hodge so cunningly defines, to be abolished. It was well provided for the peace of the respective parties, that he placed *his definition* so far from *the requisitions of Christianity*. Had he brought them into each other's presence, their natural and invincible antipathy to each other would have broken out into open and exterminating warfare. But why should we delay longer upon an argument which is based on gross and monstrous sophistry? It can mislead only such as *wish* to be misled. The lovers of sunlight are in little danger of rushing into the professor's dungeon. Those who, having something to conceal, covet darkness, can find it there, to their heart's content. The hour cannot be far away, when upright and reflective minds at the South will be astonished at the blindness which could welcome such protection as the Princeton argument offers to the slaveholder.

But *Professor Stuart* must not be forgotten. In his celebrated letter to Dr. Fisk, he affirms that "*Paul did not expect slavery to be ousted in a day.*"[118] *Did not* EXPECT! What then! Are the *requisitions* of Christianity adapted to any EXPECTATIONS which in any quarter and on any ground might have risen to human consciousness? And are we to interpret the *precepts* of the gospel by the expectations of Paul? The Savior commanded all men every where to repent, and this, though "Paul did not expect" that human wickedness, in its ten thousand forms would in any community "be ousted in a day." Expectations are one thing; requisitions quite another.

In the mean time, while expectation waited, Paul, the professor adds, "gave precepts to Christians respecting their demeanor." *That* he did. Of what character were these precepts? Must they not have been in harmony with the Golden Rule? But this, according to Professor Stuart, "decides against the righteousness of slavery" even as a "theory." Accordingly, Christians were required, *without respect of persons*, to do each other justice—to maintain equality as common ground for all to stand upon—to cherish and express in all their intercourse that tender love and disinterested charity which one *brother*

118. Supra, page 7.

naturally feels for another. These were the "ad interim precepts."[119] which cannot fail, if obeyed, to cut up slavery, "root and branch," at once and forever.

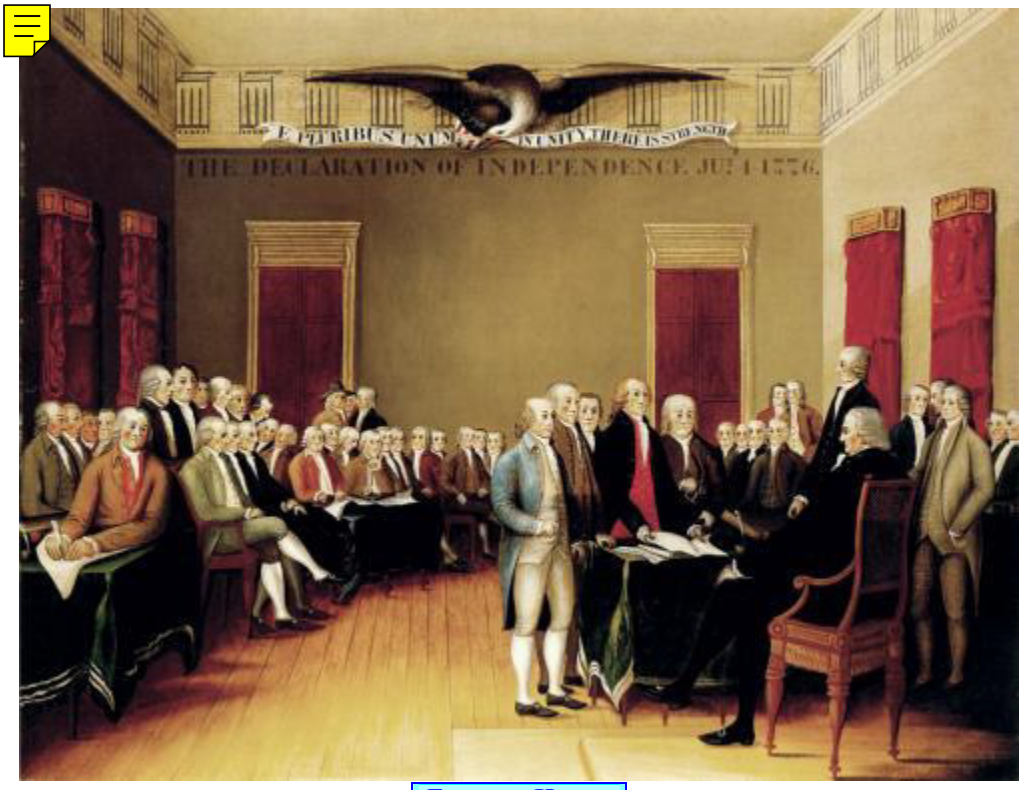
Professor Stuart comforts us with the assurance that "*Christianity will ultimately certainly destroy slavery.*" Of this *we* have not the feeblest doubt. But how could *he* admit a persuasion and utter a prediction so much at war with the doctrine he maintains, that "*slavery may exist without* VIOLATING THE CHRISTIAN FAITH OR THE CHURCH?"[120] What, Christianity bent on the destruction of an ancient and cherished institution which hurts neither her character nor condition?[121] Why not correct its abuses and purify its spirit; and shedding upon it her own beauty, preserve it, as a living trophy of her reformatory power? Whence the discovery that, in her onward progress, she would trample down and destroy what was no way hurtful to her? This is to be *aggressive* with a witness. Far be it from the Judge of all the earth to whelm the innocent and guilty in the same destruction! In aid of Professor Stuart, in the rude and scarcely covert attack which he makes upon himself, we maintain that Christianity will certainly destroy slavery on account of its inherent wickedness—its malignant temper—its deadly effects—its constitutional, insolent, and unmitigable opposition to the authority of God and the welfare of man.

"Christianity will *ultimately* destroy slavery." "ULTIMATELY!" What meaneth that portentous word? To what limit of remotest time, concealed in the darkness of futurity, may it look? Tell us, O watchman, on the hill of Andover. Almost nineteen centuries have rolled over this world of wrong and outrage—and yet we tremble in the presence of a form of slavery whose breath is poison, whose fang is death! If any one of the incidents of slavery should fall, but for a single day, upon the head of the prophet, who dipped his pen in such cold blood, to write that word "ultimately," how, under the sufferings of the first tedious hour, would he break out in the lamentable cry, "How *long*, O Lord, HOW LONG!" In the agony of beholding a wife or daughter upon the table of the auctioneer, while every bid fell upon his heart like the groan of despair, small comfort would he find in the dull assurance of some heartless prophet, quite at "ease in Zion," that "ULTIMATELY *Christianity would destroy slavery.*" As the hammer falls, and the beloved of his soul, all helpless and most wretched, is borne away to the haunts of *legalized* debauchery, his hearts turns to stone, while the cry dies upon his lips, "*How* LONG, *O Lord*, HOW LONG!"

"*Ultimately*!" In *what circumstances* does Professor Stuart assure himself that Christianity will destroy slavery? Are we, as American citizens, under the sceptre of a Nero? When, as integral parts of this republic—as living members of this community, did we forfeit the prerogatives of *freemen*? Have we not the right to speak and act as wielding the powers which the privileges of self-government has put in our possession? And without asking leave of priest or statesman of the North or the South, may we not make the most of the freedom which we enjoy

119. Letter to Dr. Fisk, page 7.
120. Letter to Dr. Fisk, page 7.
121. Professor Stuart applies here the words, *salva fide et salva ecclesia*.

under the guaranty of the ordinances of Heaven and the Constitution of our country! Can we expect to see Christianity on higher vantage-ground than in this country she stands upon? In the midst of a republic based on the principle of the equality of mankind, where every Christian, as vitally connected with the state, freely wields the highest political rights and enjoys the richest political privileges; where the unanimous demand of one-half of the members of the churches would be promptly met in the abolition of slavery, what "*ultimately*" must Christianity here wait for before she crushes the chattel principle beneath her heel? Her triumph over slavery is retarded by nothing but the corruption and defection so widely spread through the "sacramental host" beneath her banners! Let her voice be heard and her energies exerted, and the *ultimately* of the "dark spirit of slavery" would at once give place to the *immediately* of the Avenger of the Poor.




EDWARD HICKS

# 1853

April 19, Tuesday: In Constantinople, Russian emissary Prince A. S. Menshikov iterated his country's demand that the Ottoman Empire agree to a treaty giving Russia the right to protect Christians in Ottoman territory.

Hoping to attract the attention of influential musicians, and a little money, Johannes Brahms and his violinist friend Eduard Hoffmann (Reményi) set out from Hamburg on a concert tour of nearby cities.

Floris Adriaan van Hall and Dirk Donker Curtius replaced Johann Rudolf Thorbecke as chief ministers of the Netherlands.

William Lloyd Garrison, never much of a detail person, claimed in one of his abolitionist speeches that Thomas Jefferson had authored The Constitution of the United States of America.

# 1854

Our national birthday, the 4th of July, Tuesday: This was Nathaniel Hawthorne's 50th birthday.

Rowland Hussey Macy (1822-1919) had gotten started in retail in 1851 with a dry goods store in downtown Haverhill. Macy's policy from the very first was "His goods are bought for cash, and will be sold for the same, at a small advance." On this date Macy's 1st parade marched down the main drag of the little New England village. It was too hot and only about a hundred people viewed his celebration. In 1858 Macy would sell this store and, with the financial backing of Caleb Dustin Hunking of Haverhill, relocate the retail business to easier pickings in New-York. (So, have you heard of the New York Macy's department store? –Have you shopped there?)

When the mayor of Wilmington, Delaware jailed City Council member Joshua S. Valentine for setting off firecrackers, he was mobbed by a group of indignant citizens.

CELEBRATING OUR B-DAY

Henry Thoreau went at "8 A.M. –To Framingham."

At this abolitionist picnic celebrating our nation's birthday and the Declaration of Independence, attended by some 600, a man the Standard described as "a sort of literary recluse," name of Henry David Thoreau, **declared for dissolution of the federal union**.

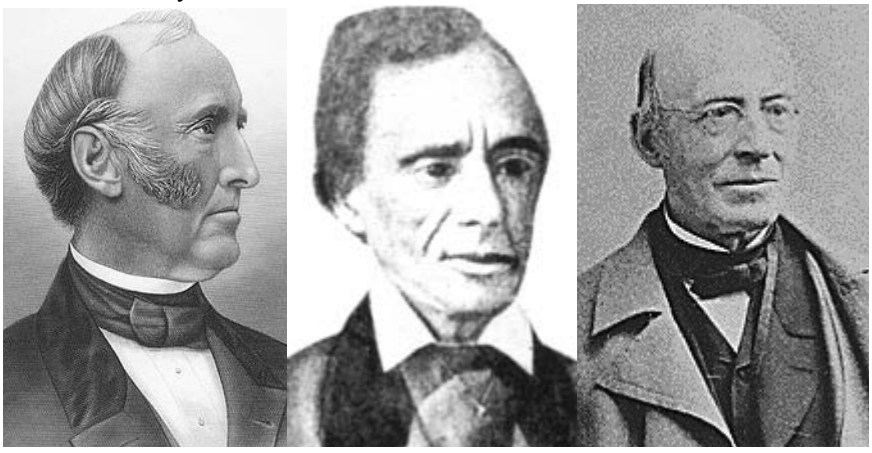
Sojourner Truth was another of the speakers, although we do not know whether she spoke before of after Thoreau (the newspaper reporter who was present failed entirely to notice that Sojourner took part), nor

whether he sat on the platform beside her. Stephen Symonds Foster and Abby Kelley Foster were present

(Abby probably brought her daughter Alla to the pic nic, for it was always a family affair, with swings for the children, boating on a nearby pond, and a convenient refreshment stand since the day would be quite hot,

and confined her remarks to an appeal for funds), and Lucy Stone, as were Wendell Phillips, Charles Lenox

Remond, and William Lloyd Garrison.[122]



When the meeting in the shady amphitheater was called to order at 10:45AM by Charles Jackson Francis, the first order of business had to be election of officials for the day. William Lloyd Garrison became the event's president and Francis Jackson of Boston, William Whiting of Concord, Effingham L. Capron of Worcester, Dora M. Taft of Framingham, Charles Lenox Remond of Salem, John Pierpont of Medford, Charles F. Hovey of Gloucester, Jonathan Buffum of Lynn, Asa Cutler of Connecticut, and Andrew T. Foss of New Hampshire its vice presidents. The Reverend Samuel J. May, Jr., of Leicester, William H. Fish of Milford, and R.F. Wallcut of Boston became its secretaries. Abby Kelley Foster, Ebenezer D. Draper, Lewis Ford, Mrs. Olds of Ohio, Lucy Stone, and Nathaniel B. Spooner would constitute its Finance Committee. Garrison then read from Scripture, the assembly sang an Anti-Slavery hymn, and Dr. Henry O. Stone issued the Welcome.

122. There was an active agent of the Underground railroad on that platform, we may note, and it was not the gregarious Truth but the "sort of literary recluse" Thoreau. That is, please allow me to state the following in regard to the existence of eyewitness testimony, that the Thoreau home in Concord was in the period prior to the Civil War a waystation on the Underground Railway: we might reappraise Thoreau's relationship with Sojourner Truth, of whom it has been asserted by Ebony Magazine that she was a "Leader of the Underground Railroad Movement" (February 1987), by asking whether there is any comparable eyewitness testimony, that Truth ever was involved in that risky and illegal activity? Her biographer refers to her as a "loose cannon," not the sort of close-mouthed person who could be relied upon as a participant in a quite secret and quite illegal and quite dangerous endeavor, and considers also that no such evidence has ever been produced. The Thoreaus, in contrast, not only were never regarded as loose in this manner, but were, we know, regarded as utterly reliable — and in the case of the Thoreau family home the evidence for total involvement exists and is quite conclusive.

I will quote a couple of paragraphs about the course of the meeting from the Foster biography, AHEAD OF HER TIME:

> *Heading the finance committee, Abby made her usual appeal for funds, Stephen called on the friends of liberty to resist the Fugitive Slave Law, "each one with such weapons as he thought right and proper," and Wendell Phillips, Sojourner Truth, and Lucy Stone held the audience in thrall with their "soul-eloquence." After an hour's break for refreshments Henry Thoreau castigated Massachusetts for being in the service of the Slaveholders and demanded that the state leave the Union. "I have lived for the last month –and I think that every man in Massachusetts capable of the sentiment of patriotism must have had a similar experience– with the sense of having suffered a vast and indefinite loss. I did not know what ailed me. At last it occurred to me that what I had lost was a country."*
>
> Thoreau's speech is still reprinted, but William Lloyd Garrison provided the most dramatic moment of that balmy July day. Placing a lighted candle on the lectern, he picked up a copy of the Fugitive Slave Law and touched it to the flame. As it burned, he intoned a familiar phrase: "And let all the people say **Amen.**" As the shouts of "Amen" echoed, he burned the U.S. commissioner's decision in the Burns case. Then he held a copy of the United States Constitution to the candle, proclaiming, "So perish all compromises with tyranny." As it burned to ashes, he repeated, "And let all the people say **Amen.**" While the audience responded with a tremendous shout of "Amen," he stood before them with arms extended, as if in blessing. No one who was present ever forgot the scene; it was the high point of unity among the Garrisonian abolitionists.

This biography of Abby Kelley, with its suggestion that Thoreau's speech, which it condenses to three sentences, must have been significant because it is "still reprinted," overlooks the fact that Thoreau had not been granted an opportunity to read his entire lecture. A contemporary comment on the speech was more accurate:

> Henry Thoreau, of Concord, read portions of a racy and ably written address, the whole of which will be published in the Liberator.

That is, Thoreau delivered a 4th-of-July oration at Framingham MA on "SLAVERY IN MASSACHUSETTS", criticizing the governor and the chief justice of Massachusetts who were in the audience. –But, he was not

allowed the opportunity to read his entire essay.

> *The whole military force of the State is at the service of a Mr. Suttle, a slaveholder from Virginia, to enable him to catch a man whom he calls his property; but not a soldier is offered to save a citizen of Massachusetts from being kidnapped! Is this what all these soldiers, all this training has been for these seventy-nine years past? Have they been trained merely to rob Mexico, and carry back fugitive slaves to their masters? These very nights, I heard the sound of a drum in our streets. There were men training still; and for what? I could with an effort pardon the cockerels of Concord for crowing still, for they, perchance, had not been beaten that morning; but I could not excuse this rub-a-dub of the "trainers." The slave was carried back by exactly such as these, i.e., by the soldier, of whom the best you can say in this connection is that he is a fool made conspicuous by a painted coat.*

Note that on paper, at least, if not verbally as well, he made a reference to martyrdom by hanging: "I would side with the light, and let the dark earth roll from under me, calling my mother and my brother to follow." Here is another account of the actual speech, as opposed to what was printed later, from one who was there in the audience standing before that platform draped in mourning black:

> *He began with the simple words, "You have my sympathy; it is all I have to give you, but you may find it important to you." It was impossible to associate egotism with Thoreau; we all felt that the time and trouble he had taken at that crisis to proclaim his sympathy with the "Disunionists" was indeed important. He was there a representative of Concord, of science and letters, which could not quietly pursue their tasks while slavery was trampling down the rights of mankind. Alluding to the Boston commissioner who had surrendered Anthony Burns, Edward G. Loring, Thoreau said, "The fugitive's case was already decided by God, –not Edward G. God, but simple God." This was said with such serene unconsciousness of anything shocking in it that we were but mildly startled.*
>
> – AUTOBIOGRAPHY, MEMORIES, AND EXPERIENCES OF MONCURE DANIEL CONWAY (Boston MA: Houghton, Mifflin & Co.), Volume I, pages 184-5.
> [Moncure Daniel Conway]

DISUNION
ANTHONY BURNS
EDWARD GREELEY LORING

At the end of the morning meeting Thoreau was on the platform while William Lloyd Garrison, the featured

speaker, burned the federal Constitution on a pewter plate as a "covenant with death" because it countenanced the return of runaway slaves to their owners — Margaret Fuller's grandfather Timothy Fuller Sr., who had refused to consent to that document when it was originally promulgated because of its ridiculous mincing about slavery, would have been proud of him! Thoreau's inflammatory oratory was less inflammatory than addresses made on that occasion by Garrison, Wendell Phillips, and Charles Lenox Remond, for their speeches drew comments but Thoreau's did not.
On our nation's birthday the platform had been draped in black crepe as a symbol of mourning, as at a state funeral, and carried the insignia of the State of Virginia, which stood as the destination of Anthony Burns, and this insignia of the State of Virginia was decorated with — with, in magnificent irony, ribbons of triumph! Above the platform flew the flags of Kansas and Nebraska, emblematic of the detested new Kansas/Nebraska Act. As the background of all this, the flag of the United States of America was hung, but it was upside down, the symbol of distress, and it also was bordered in black, the symbol of death.

> I think no great public calamity, not the death of Daniel Webster, not the death of Charles Sumner, not the loss of great battles during the War, brought such a sense of gloom over the whole State as the surrender of Anthony Burns.

William Lloyd Garrison placed a lighted candle on the lectern, and touched a corner of the Fugitive Slave Law to the flame. As it burned, he orated "And let all the people say **Amen"** and the crowd shouted "Amen!" Then he touched a corner of the US commissioner's decision in the Burns case to the candle flame. Then he touched a corner of a copy of the federal Constitution to the candle flame, and orated "So perish all compromises with tyranny." As the paper was reduced to ashes, he orated "And let all the people say **Amen"**

and stood with his arms extended as if in blessing.


William Lloyd Garrison (in 1865)

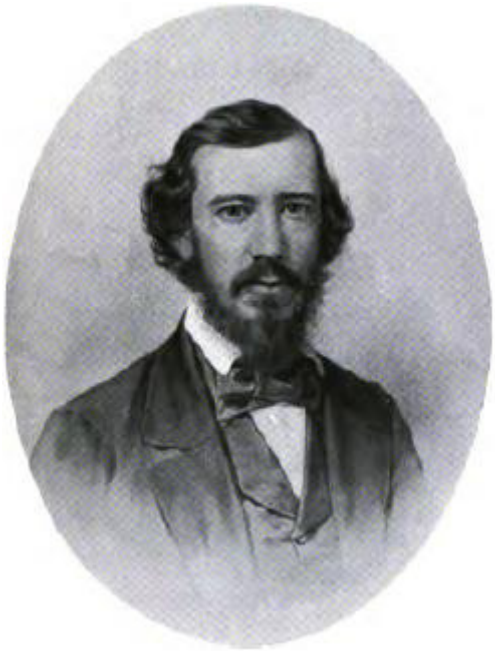
Moncure Daniel Conway's comment, later, about the moment when William Lloyd Garrison set the match to the constitution, and the few scattered boos and hisses were drowned out by the thunderous "Amen" of the crowd, was:

> That day I distinctly recognized that the antislavery cause was a religion.

In the afternoon Moncure Daniel Conway spoke, as a Virginian aristocrat, a child of position and privilege. Look at me! It was his 1st antislavery attempt at identity politics grandstanding. Leaning on the concept, he insisted that the force of public opinion in his home state was so insane and so hotheaded that every white man with a conscience, "or even the first throbbings of a conscience," was a **slave** to this general proslavery public posture. He offered that to resist this Southern certitude, each Northerner would need to "abolish slavery in his

heart."[123]





(So, you see, the white man has been self-enslaved: the problem is not so much that slavery harms the black man as that slavery harms the white man, shudder.)

Then Wendell Phillips spoke.

We know that Sojourner Truth spoke from that mourning-draped platform after a white man from Virginia had described his being thrown in jail there on account of his antislavery convictions, because in her speech she commented on this: how helpful it was for white people to obtain some experience of oppression. She warned that "God would yet execute his judgments upon the white people for their oppression and cruelty." She asked why it was that white people hated black people so. She said that the white people owed the colored race a debt so huge that they would never be able to pay it back — but would have to repent so as to have this debt forgiven them. Nell Painter has characterized this message as "severe and anguished," and has commented that despite the cheers and applause, "Her audiences preferred not to grapple with all she had to say." Her humor must have been such, Painter infers, as to allow her white listeners to exempt themselves from this very general denunciation:

> They did not hear wrath against whites, but against the advocates of slavery. It is understandable, no doubt, that Truth's audiences, who wanted so much to love this old black woman who had been a slave, found it difficult to fathom the depths of her bitterness.

123. We may note how different this was from the Reverend Theodore Parker's "kill the Negro in us."

## Carleton Mabee's BLACK FREEDOM

Americans at large often held the abolitionists responsible for the war. They argued that the abolitionists' long agitation, strident as it often was, had antagonized the South into secession, thus beginning the war, and that the abolitionists' insistence that the war should not end until all slavery had been abolished kept the war going. In 1863 the widely read New York Herald made the charge devastatingly personal. It specified that by being responsible for the war, each abolitionist had in effect already killed one man and permanently disabled four others. … While William Lloyd Garrison preferred voluntary emancipation, during the war he came to look with tolerance on the abolition of slavery by military necessity, saying that from seeming evil good may come. Similarly, the Garrisonian-Quaker editor, Oliver Johnson, while also preferring voluntary emancipation, pointed out that no reform ever triumphed except through mixed motives. But the Garrisonian lecturer Pillsbury was contemptuous of such attitudes. Freeing the slaves by military necessity would be of no benefit to the slave, he said in 1862, and the next year when the Emancipation Proclamation was already being put into effect, he said that freeing the slaves by military necessity could not create permanent peace. Parker Pillsbury won considerable support for his view from abolitionist meetings and from abolitionist leaders as well. Veteran Liberator writer Edwin Percy Whipple insisted that "true welfare" could come to the American people "only through a **willing** promotion of justice and freedom." Henry C. Wright repeatedly said that only ideas, not bullets, could permanently settle the question of slavery. The recent Garrisonian convert, the young orator Ezra Heywood, pointed out that a government that could abolish slavery as a military necessity had no antislavery principles and could therefore re-establish slavery if circumstances required it. The Virginia aristocrat-turned-abolitionist, Moncure Daniel Conway, had misgivings that if emancipation did not come before it became a fierce necessity, it would not reflect true benevolence and hence could not produce true peace. The Philadelphia wool merchant, Quaker Alfred H. Love, asked, "Can so sublime a virtue as … freedom … be the offspring of so corrupt a parentage as war?" The long-time abolitionist Abby Kelley Foster –the speak-inner and Underground Railroader– predicted flatly, if the slave is freed only out of consideration for the safety of the Union, "the hate of the colored race will still continue, and the poison of that wickedness will destroy us as a nation." Amid the searing impact of the war –the burning fields, the mangled bodies, the blood-splattered hills and fields– a few abolitionists had not forgotten their fundamental belief that to achieve humanitarian reform, particularly if it was to be thorough and permanent reform, the methods used to achieve it must be consistent with the nature of the reform. … What abolitionists often chose to brush aside was that after the war most blacks would still be living in the South, among the same Confederates whom they were now trying to kill.

# 1865

Susan B. Anthony tried to make out that Sojourner Truth's injury to her right hand had occurred when "one of her fingers was chopped off by her cruel master in a moment of anger."

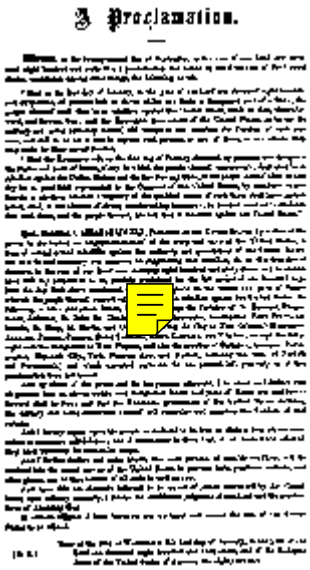
In the aftermath of the Civil War, Susan B. Anthony and Elizabeth Cady Stanton would find themselves increasingly at odds with many of their former reform allies. Many reformers would be wanting to focus on winning rights –including the right to vote– for newly emancipated African-American men. Their efforts would be leading to the passing of the 14th and 15th Amendments to the Constitution. Anthony and Stanton were, however, opposed to such amendments because they included the word "male," introducing gender discrimination into a document which had heretofore been gender-neutral. The amendments were, basically, a political trade-off similar to the political trade-off that had been made in Rhode Island in the "Dorr War" of 1841 (that the black man of property had been allowed to vote in order to forestall the immigrant Irish laboring man from voting): "We'll let the black man vote when and only when we can simultaneously make certain that no woman will ever be allowed to vote." These things are never innocent! Anthony and Stanton therefore feared, realistically, that once the word "male" had been written into the federal Constitution via these amendments, it would be even more difficult for them to obtain the franchise for women.

FEMINISM

December 18, Monday: As the Emancipation Proclamation of January 1, 1863 had not even ostensibly ended slavery in America, having been a mere temporary Civil War martial law measure applying only to a restricted group with a restricted geographical area, at this point a XIIIth Amendment to the federal Constitution was ratified, granting to the US Congress whatever authority it required to eventually enact legislation as part of Reconstruction to outlaw and proscribe the practices of human enslavement in the United States of America, thus effectively denying under our separation-of-powers doctrine as well as under our *expressio-unius-est-exclusio-alterius*[124] legal principle such authority to the executive and judicial branches of the government.[125] This amendment rendered the Emancipation Proclamation, therefore, unconstitutional.[126] If it had not ceased its effectiveness prior to this date, it ceased it as of this date. There could never again be such an executive pronouncement. Actual enslavements would continue, of course, for there would be no penalty for failing to inform one's slave (as happened for instance in regions of East Texas), and as persons would still be being for many decades bought and sold openly in such venues as the Los Angeles market.

> Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted,[127] shall exist within the United States, or any place subject to their jurisdiction.[128]
>
> Section 2. Congress shall have power to enforce this article by appropriate legislation.[129]

124. One of the bedrock understandings of American law has ever been the legal principle that anytime one and only one thing is expressly mentioned in an enactment, implicitly all other things are being excluded: "*expressio unius est exclusio alterius*."
125. This was not legislation outlawing slavery, but permission to enact such legislation. Actually, the federal congress would never get around to this. As far as our federal government is concerned, human enslavement is just as legal in 1997 as it had been in 1797. The only function possessed by the words of the amendment as above is to intercept and prevent our thought.
126. The Emancipation Proclamation had set up an elaborate procedure by which slaves who performed work for the federal army would receive a manumission document, but the Executive branch of the federal government had never in fact implemented any such freedom program, and therefore no such documents had ever been granted. Had the administrative procedure actually been implemented, and had such administrative freedom documents actually been granted, they would have been granted by the Executive branch of the federal government and would therefore at this point have been rendered null and void by this XIIIth Amendment, since it assigned such power exclusively to the Legislative branch of the federal government.
127. We may note that even had this amendment been implemented by a positive federal criminal statute (which it to date has not since the constructs deployed, "slavery" and "involuntary servitude," have never been defined either by statutory definition or as a result of the piling up of case law and precedent), there can never be any federal prohibition of enslavement that is accomplished by duly constituted authority after due process of law when said enslavement is ostensibly a punishment for crime.
128. We may note that the federal government is specifically not empowered here to punish the crimes of US citizens, if these crimes are committed in, say, Guatemala. Thus if a US citizen commits child molestation in Guatemala and Guatemala law permits child molestation, the US citizen cannot be prosecuted in a US court, and likewise, if a US citizen enslaves another US citizen while present not in the United States of America or Guam or Puerto Rico, but instead in, say, the Shah's Iran, since Iran is allegedly not a place subject to the jurisdiction of the United States, that enslavement of one US citizen by another would be perfectly OK according to our constitution.
129. The states of the south were allowed back into the federal union before any such law was enacted, and allowing them back into the federal union so altered the voting parameters of the federal congress that subsequent enactment of any such federal criminal statute against human enslavement became quite impossible.



A Proclamation.

I need for you to notice how different the wording of this first clause was, from what would be the wording of the first clause of the XIXth Amendment in 1920 when it would extend the voting privilege to American adult female citizens not guilty of crime: "`The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.`" One would have supposed that this XIIIth amendment extending the rights of citizenship to Americans of color would have been similarly worded, one would have supposed that such an amendment would have been declaring something as emphatic and noteworthy as "`The rights of citizens of the United States shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.`" But no, words that positive and emphatic were not employed. Instead, a carefully entirely negative wording was employed. Was this the fault of some Washington clerk unfamiliar with the English language? No. Weasel words were deliberately being chosen, to pull the wool over your eyes.

Thus even to this date in the 21st Century, despite everything that has been said about our having "outlawed slavery," there is no federal criminality attached to the enslavement of humans, nor has there ever come to be any formal legal definition of what it is that enslavement or involuntary servitude might consist in.[130]

Nowhere, for instance specifically, nowhere in the series of federal enactments that are known to the general public as "Fugitive Slave Laws" (that is only a popular name, and does not appear in the actual legislation as written) will you find any mention of slavery. It's not there. Such federal legislation speaks only of "persons bound to service," a pot category which primarily includes apprentices and other contract laborers, with –wink wink, nudge nudge– runaway slaves merely "understood" to be implicitly included.

Please make careful note of the fact that the proscription of a thing we term "slavery" in the XIIIth Amendment to the US Constitution as of 1865 happens actually to be **the very first reference** to any such construct as "slave" or "slavery" or "enslavement" in the entire corpus of federal legislation and jurisprudence — at no prior point had such a construct been formally and officially "written down on paper" as part of our structure of laws at the federal level. One might have supposed that, having written such a term into our foundational

130. There is a specific disqualification in regard to a topic near and dear to many a heart, to wit, the military draft. Since the military draft was in existence prior to this XIIIth Amendment, and since the amendment does not specifically outlaw the military draft, it has always been presumed in our courts that the military draft cannot be construed to amount to either enslavement or involuntary servitude. —It is a well established, standard, even non-controversial judicial parameter, that an existing practice that is well known to legislators is simply **not** prohibited by their legislation, unless in their legislation they **specifically** mention it as prohibited.

document, the Constitution of the United States of America, by way of a formal amendment, and, having stipulated in Clause 2 of that Amendment XIII that the federal legislature was empowered to enact such laws as to make this proscription effective, then the very first thing which we would have accomplished was, we would have arrived at a formal definition of this construct "slavery" and of this construct "involuntary servitude." We would have enacted legislation stating precisely what constituted this construct "slavery" and precisely what constituted this construct "involuntary servitude" which had just been proscribed. –But, we didn't do that. It's precisely what we did not do. Instead what we did was, we extended the previous "gag rule," which had quite prevented debate on the subject in the US House of Representatives for a number of decades, making this "gag rule" apply to our entire national life. Whatever we did at the federal level, whatever we did at the state level, whatever we did at the local level, there was one thing we might **never** do: no one could in the future legitimately deploy such a construct as "slavery" to describe any official doing. This gag rule effectively made it impossible for any of us in the United States of America to **know** whether or not slavery had effectively been ended. Very frequently I hear citizens claiming that we have "outlawed slavery." To understand what they mean, it would seem necessary to parse this interesting term "outlawed" which arises so frequently in such a context. What does such a term mean to such a speaker, when in point of fact no US citizen has ever been punished, or sentenced, or found guilty, or prosecuted, or arraigned, or even so much as taken under arrest, charged with a crime of enslavement? One very well known usage came while President Ronald Reagan was preparing for one of his neato Saturday radio broadcasts from his ranch in California, while the technicians were doing what they call a "voice check" to make sure that all the mikes were turned on and all the wire connections snug. Reagan said into an open mike, that is, one which turned out to be on the air nationwide: "My fellow Americans, I am pleased to tell you I have signed legislation to outlaw Russia forever. We begin bombing in five minutes." I gather that at a minimum, what must be meant by this construct "outlawed slavery" in the common belief "We must have outlawed slavery" is that we must have criminalized such a thing as one citizen of the US enslaving another citizen of the US while on US soil. To criminalize some conduct, it is necessary to define an offense of enslavement and make that offense be prohibited behavior under the US criminal code. It seems most interesting to me that the US Congress, despite the permissions given to it in 1865 in the 2d clause of the XIIIth Amendment to the federal constitution, the implementation clause, has never done anything even remotely approaching that. Our legal system literally has no awareness of slavery. No federal judge **has** ever taken any situation whatever, and interpreted that situation as being a proscribed situation of enslavement. No federal judge **could** ever take any such situation whatever, and interpret it as a proscribed enslavement. The groundwork for this simply is not present, simply has not been put into place. There's no there there. I would think that it would be one prime objective of our public educational system, to make certain that all Americans are well aware of such a fact as this one, that although there are federal laws against kidnapping which proscribe and punish a violent taking from one place to another, and that although there are federal laws against murder which proscribe and punish an unjustified taking of human life, there are no federal laws against an enslavement even when it takes place on US soil, so long as said enslavement 1.) does not deprive its victim of life itself, thus constituting in addition murder, and so long as 2.) this is not initiated by a violent removal of the person from one place to another, thus constituting in addition kidnapping. –Would you disagree?

Why do you suppose it would be that the XIIIth Amendment contained the interesting limiting clause "`within the United States, or any place subject to their jurisdiction`" making it inapplicable in locations outside the United States which are not subject to our jurisdiction? The reason is, the only limitations on the power of the federal government of the USA that are contained in the Constitution as its foundational document are those limiting its power in internal affairs, that is to say, in relation to the pre-existent state governments, and in relation to the specified individual rights of citizens. Thus, when this amendment was added to the Constitution, granting to the federal congress a new authority to enact legislation against human enslavement within the territories of the respective states of the federal union, but not granting the federal congress power to enact such legislation against the enslavement of American citizens **abroad**, this was because any such granting of power would have added to the authorities of the legislative arm by subtracting from those of the executive. The amendment did not need to reassign a power

already inhering perfectly in the legislative branch of the federal government. Not only did the federal government already possess complete authority to take action in regard to any discovered cases of enslavement of American citizens abroad, it had already in at least one circumstance exercised that authority.[131]

Before the civil war and this amendment to the US Constitution, the American whites had arranged that although there would be slavery in the USA, it would not apply to them, merely to somebody other than them. They arranged for their own safety by implementing a color convention, in accordance with which any degree of blackness of skin was going to equate to slavery. This led initially to Americans with only the lightest tinge of color being defined as vulnerable to enslavement, and culminated, in the Dred Scott decision of the US Supreme Court, with the declaration that no person of color had ever had (historically, of course, this was a factual falsehood), had, or would ever have any citizenship rights which any white American citizen would be obliged to respect. The XIIIth Amendment did not change this "even one drop" concept. Just as before the amendment, slavery and negritude were equated. However, after the amendment, this worked to the disadvantage of the whites, rather than to their advantage, for the federal government now insists that what laws exist against enslavement can be considered to protect only persons of color: since slavery is something which only happens to persons of color, therefore, whatever happens to a white person in life, whatever victimizations they suffer, it cannot be considered that they are enslaved.

SLAVERY
PEONAGE

Well, but Friend John Greenleaf Whittier was very, very impressed by the bells pealing on this day, and wrote the following poem of praise to God:

### *Laus Deo*

It is done!
Clang of bell and roar of gun
Send the tidings up and down.
How the belfries rock and reel!
How the great guns, peal on peal,
Fling the joy from town to town!

Ring, O bells!
Every stroke exulting tells
Of the burial hour of crime.
Loud and long, that all may hear,
Ring for every listening ear
Of Eternity and Time!

Let us kneel:
God's own voice is in that peal,
And this spot is holy ground.
Lord, forgive us! What are we
That our eyes this glory see,
That our ears have heard this sound!

For the Lord
On the whirlwind is abroad;
In the earthquake He has spoken;
He has smitten with His thunder
The iron walls asunder,
And the gates of brass are broken!

131. We were so eager to get hostile that we actually dispatched a punitive naval expedition from New-York harbor on May 20, 1815 to retrieve or take vengeance for a supposed American supposedly enslaved by the "Barbary pirates" of the north coast of Africa, without first having made sure what the man's name really was, or that he actually was an American citizen, or even that indeed he had been enslaved. Even today our historians aren't sure of the man in question's name or nationality, or of whether he was anything other than a manipulative homosexual lover of a local bey. As in the case of our recent attack on Iraq, we perceived no need to allow any facts to get in our way.

Loud and long
Lift the old exulting song;
Sing with Miriam by the sea,
He has cast the mighty down;
Horse and rider sink and drown;
‘He hath triumphed gloriously!’

Did we dare,
In our agony of prayer,
Ask for more than He has done?
When was ever His right hand
Over any time or land
Stretched as now beneath the sun?

How they pale,
Ancient myth and song and tale,
In this wonder of our days
When the cruel rod of war
Blossoms white with righteous law,
And the wrath of man is praise!

Blotted out!
All within and all about
Shall a fresher life begin;
Freer breathe the universe
As it rolls its heavy curse
On the dead and buried sin!

It is done!
In the circuit of the sun
Shall the sound thereof go forth.
It shall bid the sad rejoice,
It shall give the dumb a voice,
It shall belt with joy the earth!

Ring and swing,
Bells of joy! On morning’s wing
Sound the song of praise abroad!
With a sound of broken chains
Tell the nations that He reigns,
Who alone is Lord and God!

# 1868

Ratification of XIVth amendment defining citizenship. Despite the plain unequivocal language, the U.S. Supreme Court in its infinite wisdom would rule in Elk v. Wilkins, 112 U.S. 94, 1884 that, despite the universal grant of citizenship, the term "all persons" somehow had not encompassed native Americans.

"There has never been a document of culture,
which is not simultaneously one of barbarism."
— Walter Benjamin's THESES ON THE PHILOSOPHY OF HISTORY (1955)

*»Es ist niemals ein Dokument der Kultur,*
*ohne zugleich ein solches der Barbarei zu sein.«*
— THESEN ÜBER DEN BEGRIFF DER GESCHICHTE (1940)

July 21, Tuesday: The readmission of the Southern states to the federal Union had been delayed due to the fact that, with black citizens now being counted as whole persons rather than being counted, as they had before the civil war, as three-fifths of a person (by the infamous original Constitutional compromise), the Southern states would of necessity come to have a larger number of Representatives in the US House of Representatives than they had had before the civil war. The impact of this, if the Southern states succeeded in denying the voting franchise to newly freed black citizens on the basis of being black or on the basis of not being property owners, would be to reward them for seceding by granting to their propertied white men **an even more disproportionate political influence than they had before they had seceded**. Also, the XIVth Amendment to the federal Constitution had been considerably delayed due to a conflict over the probably behavior of the Southern states. Its Section 2 was therefore negotiated to provide that if any state were to restrict the voting franchise (as it was anticipated that these Southern states were likely to attempt to do), its representation in the US Congress would punitively be slashed. The effect of this provision would be twofold: 1st, it would effectively prevent the congressmen representing the coalition of Southern states from again dominating the Congress, and 2d, it would effectively encourage the enfranchisement of the black freedmen. Finally on this day the Amendment was ratified granting citizenship to any person born or naturalized in the United States and granting an enumerated and restricted set of civil rights to such citizens. This amendment would travel informally under the name "the civil rights amendment."

It is commonly said that this XIVth Amendment of the Reconstruction Era *in re* the "civil rights" of US citizens is what has implemented the prohibition of enslavement found in the XIIIth Amendment of 1865. By this view we would have a constitutional right not to be "enslaved" — whatever it is we decide that being enslaved amounts to. That attitude is of course absurd on its face, for a nation does not implement one constitutional amendment by enacting yet another constitutional amendment. (In the same line, would we implement a law against, say, prostitution, by enacting a 2d law that declared once again that prostitution was illegal? –No, we would not, for our legal system does not operate by the Red Queen's dictum "What I tell you

twice is true." We tell people once and then, if they ignored us, we put them in prison to allow their organ of


hearing to gradually become more sensitive against a background of silence.) In fact **there is no civil right not to be enslaved**, as such a civil right is not on this enumerated list and as it is a principle in law that an enumerated list is an exhaustive one. Had the XIVth amendment used the legally coded word "includes," of course, the matter would be entirely different, because if the amendment had allowed that we had civil rights, and that among them were the following, *x*, *y*, and *z*, then it would have allowed that there might well be some civil right *a*, which we had, which was in supplement to the declared *x*, *y*, and *z*. By default, however, since the amendment does not employ the legally coded word "includes," the legally coded word "exclude" applies. Nothing not on this short, declarative list can be added to it for anything and everything else is excluded by it. Subsequently to having fought and died in a Civil War that was said to have been about ending slavery, stuff like that, we have been forbidden any civil right not listed, such as, say, a civil right not to be enslaved.

But you're such a fool that you didn't even know about this, right? Pulled the wool right over your eyes, didn't they? –Yeah you can go right ahead and get enraged at this messenger.

## Amendment XIV

**Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2.** Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime,

the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

**Section 3.** No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

**Section 4.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

**Section 5.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

SLAVERY
PEONAGE

It had been in civil war times that the fatal steps had begun to be taken, that for the first time constructively accorded to soulless corporations all the constitutional rights that previously had been reserved to the individual citizen human being, such as freedom of speech and of the press, freedom of religion, freedom from self-incrimination, whatever. It was, therefore, due to our preoccupation with civil war, that we must now all dance with elephants as we do — and be very very careful where we place our feet. The simple lesson to be drawn is that our civil war was the first occurrence of what is now an unavoidable rule of war: through war corporations can make themselves rich and powerful. This is true not only because of war profiteering but also because of huge orders for the production of capital goods (ships, locomotives, cannons) rather than of consumer goods. Since civil war times the elephants of commerce and the ants of commerce (us individual human beings) have acquired “equal rights,” to tread upon one another’s toes.

What happened was that during civil war times, in the background, while everyone was preoccupied with fighting and nobody was paying much attention to business, there had been truly immense land grants to railroads. Mostly, these grants had resulted from the Transcontinental Railroad Act of 1862 and from an even more lucrative Act of 1864 — both of which President Lincoln had signed without a whole lot of fanfare. Private railroad corporations had been unwilling to build a transcontinental railroad unless they owned the rights-of-ways their tracks would cross. And during the war and Reconstruction, the federal government had not been in any position to span the continent with a government owned and built railroad. Consequently, the federal government had given away 128,000,000 acres of land, to the railroad megacorporations, between 1862 and 1871. To give you an idea of how much the railroads came away with, for much of the century after 1862 the Central Pacific Railroad Company was the largest private landowner in the State of California. The Central Pacific Railroad owned 11,600,000 acres, more than 10 percent of the total area of the state. Today, California’s largest private landowner (the 2d largest private landowner in the USA) is Sierra Pacific

Industries, a timber corporation. Sierra Pacific Industries owns 1,500,000 acres, or about 1 percent of California. Imagine: a single railroad once owned ten times that much! We might smell conspiracy and/or corruption here, in that before his presidency, Lincoln had been a very successful corporate lawyer whose major clients had included the Illinois Central Railroad (and its Vice President had been George B. McClellan, soon to become Lincoln's troublesome general). Fishier still, Lincoln also had signed the National Banking Act of 1863, which had created the first coherent, national monetary system, something Lincoln had deemed necessary to the war effort. But basically, the most one could charge Lincoln with in these matters was benign neglect and/or tunnel vision. Lincoln had been preoccupied with winning a war and had simply never gotten around to formulating a set of economic policies.

This sets us up for what is going to happen next, in Santa Clara County v. Southern Pacific Railroad in 1888 — the US Supreme Court is going to award corporate "personhood" to such invented mega-entities. This coming case was going to construe or misconstrue the "equal protection" clause of the new 14th Amendment that had been enacted in June 1866 and ratified by the states in July 1868 by turning it in the direction of fake individuals and thus turing it away from real individuals.

We can't blame the whole thing on President Lincoln. He would have lots of help. Only two of Lincoln's high court appointees (Samuel F. Miller and Stephen J. Field) would still be serving in 1886. The 1886 "Santa Clara" opinion's author would be Associate Justice John Marshall Harlan (not to be confused with his grandson of the same name, who would serve on the Earl Warren court from the mid-1950s to 1971). Lincoln's appointee for Chief Justice, Salmon P. Chase, would die in 1873 and Justice Harlan would get appointed in 1877 by President Rutherford B. Hayes. Food for thought, however, is that we are still coping with the results of the railroads' land-grab that began with the help of President Lincoln. Today's controversies between environmentalists and ranchers over "grazing rights," for instance, are centered on precisely this same land: millions of acres owned by railroad companies that still exist on paper, but have not operated trains for decades. Because the old track rights of way are now unneeded, the railroads have been leasing grazing rights to private ranchers. In this way, federal giveaways to wealthy individuals and corporations continue unabated.

> Meanwhile, the growth of radical feeling in the North on the question of reconstruction and the desire of the Republicans to gain the black vote made Congress insist that the Southern states must give blacks the ballot. They had to do this before they were allowed to send representatives to sit in Congress. It was generally believed, however, that the South planned to circumvent this provision. In 1869, therefore, Congress passed the 15th amendment, which declared that the right of citizens to vote should not be denied on account of race, color, or previous condition of servitude. Much to the anger of most Southern whites, this became a part of the Constitution in March 1870.
>
> Many years passed without further amendment. Then within a decade, in the Taft and Wilson administrations, four more were added. One, the 16th, enabled Congress to impose an income tax. Such taxes had actually been levied during the Civil War. When Congress passed a new income tax law in the early 1890s, however, the Supreme Court declared it unconstitutional. This produced much indignation, especially in the West. The agitation for an amendment authorizing such a law grew until it became part of the Constitution in February 1913. In the same year the 17th amendment provided that United States senators should be elected by vote of the people instead of the legislatures. It was believed that this would give the country abler and more honest

senators.

## Amendment XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

## Amendment XVII

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

In the United States there are two methods, other than amendment, of adjusting the Constitution to new conditions. One is by custom. It was custom, for example, that established a method of electing presidents different from that laid down in the Constitution.

Reconstruction Period

The victory of the North in the American Civil War put an end to slavery and to the South's effort to secede from the Union. However, for more than a decade after the Civil War the status of the liberated slaves and the terms on which the defeated states would be restored to the Union--that is, the way in which the South and the Union would be reconstructed--remained a source of conflict. The years during which the Civil War settlement continued to be contested are known as the Reconstruction period. Reconstruction lasted roughly from the end of the war in April 1865 to the withdrawal of the last federal troops from the South in April 1877.

Although large portions of the South had been untouched by military action during the Civil War, the problems of the postwar South were widespread and severe. Public structures, private homes, and farm buildings had been burned, railroad tracks uprooted, cotton gins wrecked, and the earth scorched in many sections of the defeated land.

Perhaps the most important result of the Civil War was the emancipation of nearly 4 million Southern slaves. The sudden release of so many people would have been a tremendous problem even in an atmosphere free from the bitterness that had been created by a civil war. About 185,000 blacks--most of them newly freed--had fought on the Union side. Many white Southerners

feared that the liberated slaves would rise in bloody revolt. The freedmen, however, were too busy trying to eke out a living and searching for loved ones to be concerned about revenge.

Postwar demobilization of the victorious Union army occurred at such a rapid rate that soon after the Civil War there was only a token occupation force in the South. The rapidity with which the Union soldiers were mustered out of service encouraged the Southern states to enact legislation that threatened to plunge the freed black people into a state of virtual bondage. These measures were known as Black Codes. In many ways they resembled the slave codes that had existed before emancipation.

The Black Codes permitted the freedmen to have legal marriages and legitimate offspring but did not allow them to vote or to serve on juries. Blacks could testify in court only in cases involving members of their own race. Vagrancy provisions of the codes compelled blacks to work, no matter what the terms or the conditions under which they worked. The areas in which the freed slaves could purchase or rent property were specified. Punishments were imposed on blacks who owned firearms, were absent from work, or were "insulting" to white people.

Presidential Reconstruction

The first Northern efforts to reconstruct the South took place during the Civil War itself. On Dec. 8, 1863, President Abraham Lincoln issued his Proclamation of Amnesty and Reconstruction. Lincoln was prepared to recognize Southern state governments established by only one tenth the number of voters in the 1860 presidential election. These persons were simply required to take an oath supporting the United States Constitution and the Union.

Free blacks were not given the right to vote in elections conducted under the terms of Lincoln's proclamation in Louisiana, Arkansas, and Tennessee, three Confederate states which had been occupied by Union troops before the Civil War ended. In a letter written in 1864 to Michael Hahn, the newly elected governor of Louisiana, Lincoln suggested--but did not insist--that among the blacks "the very intelligent, and especially those who have fought gallantly in our ranks," be permitted to vote.

Furthermore, Lincoln had no intention of distributing the estates of the masters among the freedmen. Under Lincoln confiscated lands in some parts of the South were for a time distributed among the freedmen. Subsequently, however, much of this land was restored to its former owners. The failure to provide land to the freedmen helped make them the easy victims of economic exploitation and political intimidation during and after Reconstruction.

Like Lincoln, President Andrew Johnson thought that Reconstruction should proceed by presidential rather than Congressional initiative. Johnson's Reconstruction plan was even more lenient toward the former Confederates. For the restoration of a state to the Union he merely required the writing of a constitution and the establishment of a government

by the loyal portion of its people. The states that had not taken action under Lincoln's plan hastened to meet Johnson's requirements.

Both Lincoln and Johnson excepted certain Confederate groups from amnesty--for example, army officers above the rank of colonel. Nevertheless, under Johnson, former Confederates in the excepted groups found the road back to participation in politics extremely smooth. Johnson, moreover, made wholesale grants of presidential pardons to members of these groups. By the time the United States Congress convened in December 1865 the all-white electorate of the former Confederate states had elected as Congressional representatives the vice-president of the Confederacy, 6 Confederate cabinet officers, 4 Confederate generals, 5 Confederate colonels, and 58 members of the Confederate congress.

Congressional Reconstruction

Northerners and black people found Johnson's clemency to leading Confederates particularly alarming because he had done little to stop a campaign of terror that extralegal organizations had launched against Southern freedmen and pro-Union whites. In addition, Johnson vetoed a Civil Rights bill, as well as a bill to extend the life of the Freedmen's Bureau, which Congress established just before the end of the Civil War to aid and protect the freed slaves. He also condemned the proposed 14th Amendment. Johnson's veto of the Civil Rights bill was overridden, and the 14th Amendment--which, like the Civil Rights bill, conferred citizenship upon the freedmen--was eventually ratified. Although later efforts to remove Johnson from office proved unsuccessful, Congress was able to act over his opposition to protect the rights of the freedmen in the Southern states.

Congress refused to recognize the state governments established under the Reconstruction policies of Lincoln and Johnson or to seat the congressmen sent to Washington, D.C., by the presidentially reconstructed states. Under the First Reconstruction Act of March 2, 1867--also passed over Johnson's veto--military rule was to be imposed on the South until new state constitutional conventions were called and new state constitutions written. White Southerners who had participated in the rebellion were disenfranchised, while blacks, Southern Unionists, and Northern whites enjoyed the franchise and assumed political leadership in the Southern states.

The Reconstruction governments were not, as many have argued, controlled by black legislators. Only in the lower house of the South Carolina state legislature did blacks achieve a majority--a short-lived majority. Many black legislators proved extremely capable, and black political leaders played key roles in the enactment of progressive legislation during the Reconstruction period.

Misconceptions also exist regarding the character and purposes of the white supporters of Congressional Reconstruction. The so-called "scalawags"--Southern whites who had opposed secession and later supported the Reconstruction governments--were by no

means confined to the dregs of Southern white society. In their ranks, at least at the outset of Reconstruction, could be found men who had played an important part in the antebellum political and social life of the South. Confederate Lieut. Gen. James Longstreet, for example, was a scalawag. The "carpetbaggers"--Northerners who moved South after the Civil War--were animated by a variety of motives. Many came in quest of economic opportunities. Others wanted to help the freedmen by giving them economic assistance and by establishing schools and churches for them. The number of carpetbaggers who sought political power so that they could plunder the public treasury was relatively small.

Corruption did exist in the Reconstruction governments, but corruption in Southern politics neither began nor ended with Reconstruction. Although some dishonest white and black Reconstruction politicians raided the public treasury in the Southern states, these depredations occurred at a time when graft and corruption existed on a staggering scale in other parts of the nation. The enormous expansion of the Northern economy, coupled with the increasingly active role of government in stimulating and assisting economic development, attracted all kinds of people and ventures. This was the period in which William M. "Boss" Tweed and his associates stole more than 100 million dollars from New York City, the period of the Credit Mobilier and Whiskey Ring scandals, of the financial machinations of Jay Gould and James Fisk, of corruption involving members of the United States Congress and even a vice-president of the United States.

By comparison, political corruption in the Southern Reconstruction legislatures was petty. Moreover, the misuse of public funds that did take place was fought by both black and white members of the Reconstruction governments. Yet political corruption served as one of the major issues on which the enemies of the Reconstruction governments sought and eventually achieved their overthrow.

The governments established under Congressional Reconstruction made notable and lasting achievements. They established free public schools in which many thousands of blacks and poor whites began to learn to read and write. They removed property qualifications for voting and abolished imprisonment for debt. Cruel and extreme forms of punishment were declared illegal. Crimes punishable by death were drastically reduced in number. Large sums of money were spent on valuable public-works projects. Provisions making many of these achievements possible were incorporated into the constitutions drafted during Reconstruction, and these provisions were retained almost wholly intact by a number of Southern states when the Reconstruction period came to an end.

Accomplishments of the Freedmen's Bureau

The work of the Freedmen's Bureau was vital to the survival of a great many people in the Southern states. Between 1865 and 1869, the bureau issued about 15 million rations to blacks and 5 million to whites. By 1867 it had established 45 hospitals

staffed with doctors and nurses. Its medical department treated about one million sick people. The bureau also resettled some freedmen on confiscated or abandoned lands and helped others negotiate contracts with employers.

The most significant accomplishments of the Freedmen's Bureau were achieved in the field of education. In addition to establishing day, night, industrial, and Sunday schools, the bureau aided such newly established institutions of higher education as Hampton Institute and Howard, Fisk, and Atlanta universities. By 1870, when the bureau's educational work came to an end, about 250,000 blacks were enrolled in some 4,300 schools. The educational successes of the bureau were largely brought about by the devoted efforts of its agents, by the striving of blacks, and by the aid of philanthropists.

Economic Recovery of the South

For the most part the freed slaves were without financial resources. Their hopes for a redistribution of the large Southern estates were not realized. Many of the freedmen were compelled to become sharecroppers, tenant farmers, and farm workers. The very low incomes provided by the grueling sharecropping system forced on blacks a miserable, heartrending existence that was little better than slavery.

In 1870 cotton production in the South nearly equaled that of the peak years of the pre-Civil War period. A decade later all prewar records were surpassed. Even under Reconstruction, cheap labor, especially that provided by blacks, was laying the foundations for a profitable agricultural economy. The principal problem of the Southern economy was not its failure to recover quickly following the war but the threat of its becoming an economic dependent of the more advanced industrial North.

July 9, Thursday: Mayne Reid's father the Reverend Thomas Mayne Reid, Sr. died at the age of 92.

Amendment XIV to the federal Constitution of the United States of America was adopted, requires each state to provide equal protection under the law to all people within its jurisdiction and, cynically we may add, on this day South Caroline and Louisiana were readmitted to the federal union despite the fact that they blatantly had no intention of ever providing such equal protection under the law.

# THE MATTER, EXPLAINED

| | |
|---|---|
| Unionist govt. appointed by Missouri Constitutional Convention 1861 | Missouri |
| Elected Union & unelected rump CSA governments from 1861 | Kentucky |
| July 24, 1866 | Tennessee |
| June 22, 1868 | Arkansas |
| June 25, 1868 | Florida |
| July 4, 1868 | North Carolina |
| July 9, 1868 | South Carolina |
| July 9, 1868 | Louisiana |
| July 13, 1868 | Alabama |
| July 21, 1868; July 15, 1870 | Georgia |
| January 26, 1870 | Virginia |
| February 23, 1870 | Mississippi |
| March 30, 1870 | Texas |

## 1870

May 19, Thursday: The XVth Amendment to the federal Constitution recognized the right of American adult black males to vote, theoretically, potentially, maybe, if they could get away with it:

"Recite the United States Constitution without errors. –OK, great, now backward."

Frederick Douglass was hailed at a great Ratification-of-the-XVth-Amendment party in Baltimore.

### Amendment XV

**Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation.

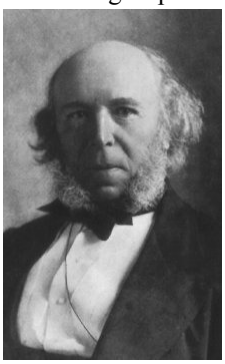
Did such a constitutional amendment establish once and for all that citizens were entitled to vote regardless of the color of their skins? Would it prevent either private individuals or state officials from attempting to discourage anyone qualified to vote in a state or local election from voting or from completing any prerequisite to voting? Soon the US Congress would enact an Enforcement Act, an act stating the obvious, that now citizens were entitled to vote regardless of the color of their skins, that now no private individuals or state officials would be allowed to attempt to discourage anyone qualified to vote in a state or local election from voting or from completing any prerequisite to voting! After all, what would be the point of erasing the word "white" from state suffrage laws if state governments would continue to disfranchise their African-American citizens by other means and if this erasure provided no protection to those who sought to vote, or to those who sought to assume offices to which they had been legally elected? –Such a law safely enacted, the job would be done, and the bleeding heart liberals would be able to go safely to sleep! Nothing to worry about! Therefore, three years later in Colfax, Louisiana on the holy Sunday of Easter, the largest peacetime massacre of African-Americans in 19th-Century America would be enabled to take place — and there would be no punishment whatever of the white genocidal murderers. It would be the US Supreme Court that would see to it that none of the white men involved would ever receive a slap on the wrist for this cold-blooded mass racial murder.

Ask yourself, therefore, whether this constitutional amendment, and this enforcement act of the same, amounted to 1.) effective legislation, to 2.) casual lip service, or to 3.) a cover story for continued viciousness.

On the basis of the fact that this legislation sailed through easily, without really being greatly resisted by our more racist legislators, I would myself venture the opinion that #3 was the case: that this legislation amounted to a cover story for continued viciousness. My supposition is that if it had not amounted to a mere cover story for continued viciousness — it would not have been possible to get it enacted!

**1873**

In the "Slaughter-House Cases" 83 U.S. (16 Wall.) 36, 21 L.Ed. 394, the Supreme Court discussed the purpose of the Reconstruction Era's XIIIth Amendment to the federal Constitution and the meaning of "involuntary servitude" in a manner which is totally unintelligible unless one takes into account the geist of the age as expressed in the sociological ruminations of that age's philosophaster of record, Herbert Spencer, and as



expressed in the scientisic ruminations of that age's pseudoscientist of record, Sir Francis Galton. (For an illustration of how this Amendment is treated even today in consequence of the neglect of subsequent enabling legislation by the federal congress, consider Jones v. Alfred H. Mayer Co. (1968) 392 U.S. 409, 88 S.Ct. 2186.)


Effectively, what the XIIIth had outlawed was a mere word, a mere concept. From the point of enactment of this amendment forward, anything referred to within the law of the United States of America as "slavery" would be ipso facto vulnerable to legal interception; however, all one needed to do to avoid these legal

cancellations of one's dominion over others here was, to carefully refrain from ever referring to these dominations by employment of that legally proscribed term, "slavery." This situation had been implemented very simply, merely by our never having assigned to the constructs "slave," "slavery," and/or "enslavement" any specific legalistic definition within our state and/or federal criminal statutes, or within our body of case-law precedent. In all of America in all of the years subsequent to our Civil War, not one single American citizen has ever been punished, or even convicted, or even arraigned, or even taken under arrest, for any crime of having enslaved another American citizen. It is as if this never ever was the case. The perfect out has been, that whatever we do to others, we are very simply not ever to refer to this as an "enslaving" of them. You're home free regardless of who you exploit or of how you exploit, so long as you watch your mouth while you do so.

## 1876

The 1st prohibition amendment to the federal Constitution was introduced in the US Congress.

### Amendment XVIII

**Section 1.** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

**Section 2.** The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

**Section 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

READ THE FULL TEXT

## 1909

July 12, Monday: Joey Faye, comedian of "Joey Faye's Follies," was born on Henry Thoreau's birthday in New York City, and the 16th Amendment to the federal Constitution was confirmed, granting to the national government the power to tax incomes.

## 1911

NEBRASKA COMPILED STATUTES, Chapter 25, Section 31, Consanguinity or Miscegenation: "Upon the dissolution by decree or sentence of nullity of any marriage that is prohibited on account of consanguinity between the parties, or of any marriage between a white person and a negro, the issue of the marriage shall be deemed to be illegitimate."
In Bailey v. Alabama, the Supreme Court struck down a peonage statute under which an employee could be compelled to work in order to discharge a debt. Over the objection of Justice Oliver Wendell Holmes, the Supremes declared that such a statute violated the XIIIth Amendment to the federal Constitution, in that it imposed involuntary servitude.

The Reverend Thomas Dixon, Jr.'s THE ROOT OF EVIL. Racial conflict is an epic struggle with the future of civilization at stake. Maybe we can't have human slavery anymore but American blacks cannot be allowed to be politically equal with American whites as that would lead to social equality, and social equality would lead to miscegenation, and miscegenation would lead to the destruction of the family, and the destruction of the family would lead to the destruction of civilized society. Everything we admire and respect would fall like a row of damn dominoes, you fool.

## 1912

December: Thomas Hardy began to read and destroy the secret diaries that had been faithfully maintained by the neglected Emma Lavinia Gifford Hardy during the 38 unhappy years of her marriage, entitled by her "What I Think of My Husband," diaries that were succinctly being characterized by his much younger 2d wife, his secretary Florence Emily Dugdale Hardy, as "diabolical." (This history-destruction project must have been nerve-wracking; it would not be completed until February of the following year.)

White women were consorting with a black prizefighter, Jack Johnson! Representative Seaborn Roddenbury of Georgia proposed a "sanctity of marriage" amendment to the federal Constitution:

> Intermarriage between Negroes or persons of color and Caucasians ... is forever prohibited.

MISCEGENATION
RACISM

## 1918

President Woodrow Wilson issued a statement supporting an amendment to the federal Constitution to grant woman's suffrage.

Montana Representative Jeanette Rankin opened debate in the US House of Representatives on a new suffrage amendment, which passed. Although President Wilson addressed the United States Senate in support of the 19th Amendment, it failed to win the required 2/3 majority of Senate votes.

FEMINISM

## 1919

Michigan, Oklahoma, and South Dakota joined the full suffrage states.

The National American association held its convention in St. Louis, where Carrie Chapman Catt rallied to transform the association into the League of Women Voters.


For a 3d time, the US House of Representatives voted to enfranchise women. The US Senate finally passed the 19th Amendment to the federal Constitution, and suffragists began a ratification campaign.

FEMINISM

January: The 18th amendment to the federal Constitution, prohibiting the manufacture and sale of intoxicating liquor for beverage purposes, was ratified and would go into effect a year later.

### Amendment XVIII

**Section 1.** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

**Section 2.** The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

**Section 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the

Constitution, within seven years from the date of the submission hereof to the states by the Congress.

READ THE FULL TEXT

## 1920

January 16/17, midnight: Prohibition, which is to say, the 18th Amendment to the federal Constitution, went into effect.

### Amendment XVIII

**Section 1.** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

**Section 2.** The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

**Section 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

READ THE FULL TEXT

During Prohibition, nonalcoholic "near beer" and soft drinks would be frequently spiked with ether for greater narcotic effect.

August 18, Wednesday: British Lord Milner and Egyptian nationalist Saad Zaghlul agreed that there would need to be a treaty whereby Britain could recognize Egypt as an independent constitutional monarchy.

Completing a 75-year campaign, despite the political subversion of anti-suffragists (particularly in Tennessee[132]) the number of state legislatures ratifying the 19th Amendment to the federal Constitution reached ¾ and adult American female citizens not guilty of crime thereby achieved full voting privileges (the only thing remaining would amount to a few days of paperwork).

FEMINISM

August 26, Thursday: The 19th Amendment to the federal Constitution went into effect.

### Amendment XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on

132. Also, in the case of Hawk vs. Smith, anti-suffragists protested the ratification process in the Ohio legislature but the Supreme Court decided in favor of the constitutionality of Ohio's ratification process.

account of sex.

Congress shall have power to enforce this article by appropriate legislation.

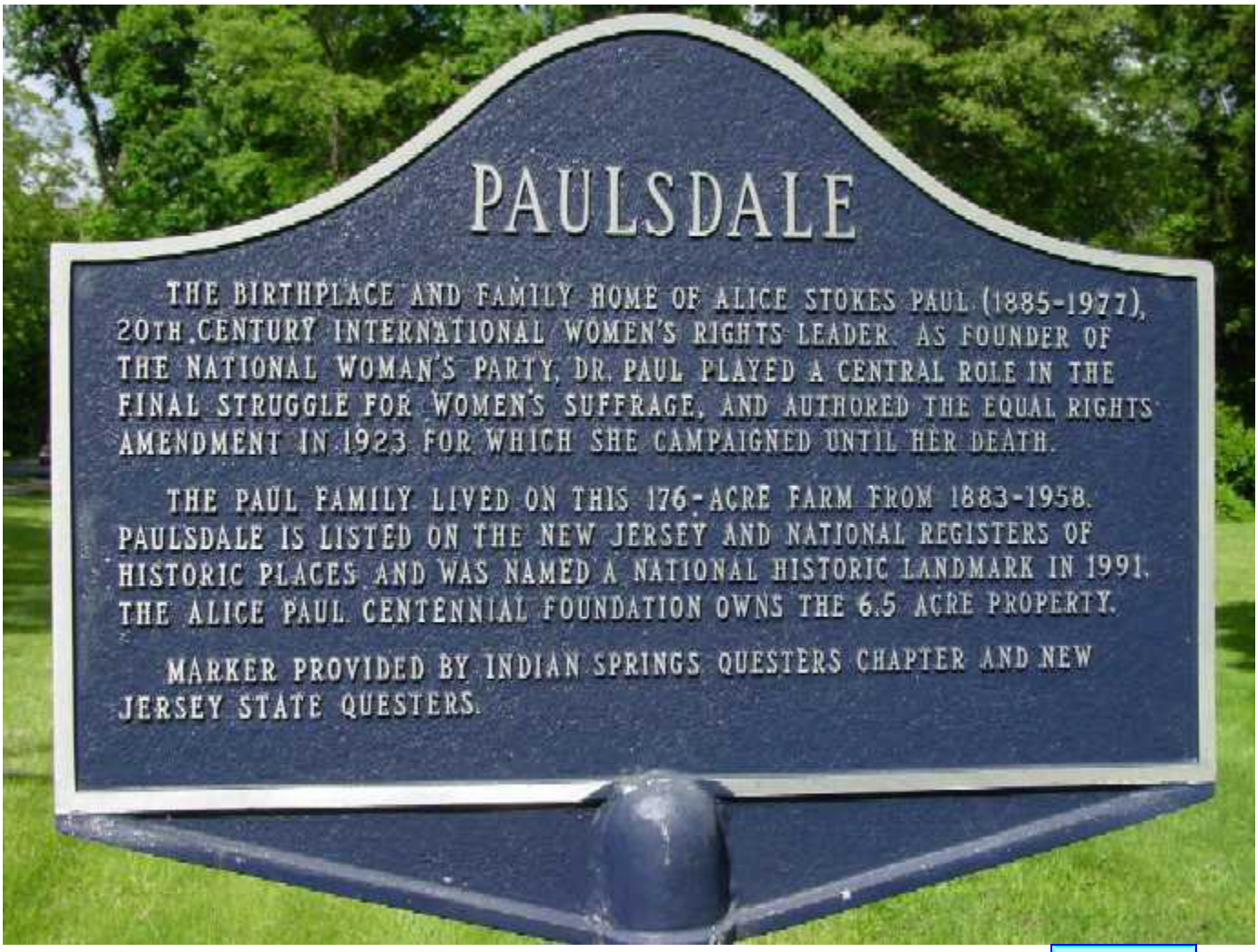
FEMINISM

Charlotte Woodward and Rhoda Palmer, the only surviving attendees of the 1848 women's rights convention in Seneca Falls, were in attendance at the ceremony marking the completion of this process (only Woodward would live long enough actually to be able to insert a ballot in a ballot box).

CIVIL DISOBEDIENCE

# 1923

Proposal of the Equal Rights Amendment to the federal Constitution:




FEMINISM

(We're still not there yet. The amendment has faced most fiercely determined opposition, opposition that seems to be fueled by the principled objection that since American women already enjoy equal rights, they have no need for equal rights.)

## 1933

December 5, Tuesday: The committee from the League of Nations departed Asuncion heading for La Paz, Bolivia by way of Formosa, Argentina.

The 20th and 21st amendments to the federal Constitution changed the dates on which the president and members of Congress were taking office in order to eliminate so-called "lame duck" sessions of Congress, and repealed the prohibition amendment (the 18th). The Du Pont family, and John D. Rockefeller, had reason to celebrate, for as might be readily anticipated, the resumption of federal tax revenues from alcohol would enable them to lobby for reductions in their income-tax and corporate-tax burdens (it's an ill wind that blows nobody any good).

## 1951

The 22d amendment to the federal Constitution limited the president to two terms or to a maximum of ten years in office.

## 1961

The 23d amendment to the federal Constitution recognized the right of residents of the District of Columbia to vote in presidential elections.

At the White House in Washington DC, President John F. Kennedy has the Rose Garden redesigned to serve presidential functions.

## 1964

The 24th amendment to the federal Constitution provided that citizens could not be denied the right to vote in presidential or congressional elections because of failure to pay a tax (the so-called "poll tax," or any other).

## 1967

The 25th amendment to the federal Constitution established procedures for the appointment of a vice-president, if that office should fall vacant, and for the vice-president to become acting president if the president should prove unable to perform his duties.

## 1971

The 26th amendment to the federal Constitution reduced the voting age to 18 years.

A Department of Defense study found that 69% of the United States military personnel queried used marijuana while stationed in Southeast Asia. Another 29% used barbiturates or amphetamines, and 38% used heroin or other opiates. These staggering levels of drug abuse were motivated by the soldiers' desire to chemically escape stress and fear. In the words of one 'nam veteran, "We'd sit around smoking grass and getting stoned and talking about when we'd get to go home." This said, alcoholism was an even bigger problem. Another 'nam veteran commented, "You can't forget... but booze makes it go away for awhile."

## 1992

The 27th amendment to the federal Constitution barring the federal Congress from giving itself midterm pay raises (in point of fact, James Madison had recognized more than two centuries earlier that such a restriction was going to prove to be necessary).

## 1996

Paul Finkelman's SLAVERY AND THE FOUNDERS: RACE AND LIBERTY IN THE AGE OF JEFFERSON (Armonk NY and London: M.E. Sharpe, 1996).[133]

Virtually every American loves the Constitution, but more often than not their love for it is inversely proportional to their knowledge of it — and all too many love it dearly. In his volume, SLAVERY AND THE FOUNDERS: RACE AND LIBERTY IN THE AGE OF JEFFERSON, Paul Finkelman provides a fine antidote for a portion of that ignorance. His is a well-reasoned, extensively researched, and eminently readable account of slavery in the 1787 Constitution and its legal status in the new nation's early years. According to Finkelman, the writing and ratifying of the Constitution were conditioned on slavery's protection. Agreeing with the Garrisonians, he contends that the Constitution was a "slaveholder's compact" (page ix). He also argues that the 1787 Northwest Ordinance and the 1793 Fugitive Slave Act reflected the intellectual and moral environment that produced the proslavery Constitution. Finally, he contends that the proslavery constitutional and legal system faithfully registered Thomas Jefferson's notions about slavery.
Finkelman analyzes the Constitution's direct and indirect protection of slavery in supporting his argument that the Philadelphia conclave accorded it an exalted status. Proslavery delegates won slavery's protection, in good part, by linking it with representation, through the three-fifths clause of Article I, Section 2. From the nation's beginning slavery enjoyed enhanced power in the House of Representatives, which translated into a comparably enlarged power in the Electoral College, without which Jefferson would have lost the election of

133. Reviewed for H-Law@msu.edu (July 1996) by Lester Lindley, Nova Southeastern University <lindley@polaris.ncs.nova.edu>

1800. Additional direct protections include the prohibition against ending the international slave trade before 1808, the fugitive slave clause, the "direct tax" clause, which assured that slaves could be taxed at only three-fifths the rate of whites, and the Article V provision that prohibited slave importation and tax clause amendments before 1808. Ironically, the new frame of government, designed to replace the virtually unamendable Articles of Confederation, had but one unamendable feature, which went to slavery's protection. In addition to the Constitution's direct protections, Finkelman also found thirteen indirect protections, such as requiring three-fourths of the states to amend the Constitution, a provision that gave slave states a "perpetual veto over any constitutional changes" (page 5), and the "full faith and credit" clause, which required free states to recognize and honor slave-state law. He contends that slaveholders won without giving major concessions to anti-slavery delegates, except for the "dirty compromise" (page 22), by which southerners agreed to allow commercial acts by a simple majority instead of a two-thirds vote in exchange for clauses protecting the slave trade and prohibiting an export tax. Other than this compromise and sporadic, disjointed verbal attacks on the institution, slavery's defenders won its protection with relative ease from the Framers.

In the same year that the Framers wrote the Constitution, Congress, which continued meeting under the Articles of Confederation, passed the Northwest Ordinance, which prohibited slavery north of the Ohio River and east of the Mississippi. On first blush the Ordinance was antislavery, but Finkelman argues that it had little negative impact on slavery until the 1830s and 1840s. The Ordinance passed with broad support from southerners, who believed that it "actually fortified slavery" (page 36). The same clause that prohibited slavery included a fugitive slave clause, the first recognition by the national government that masters had a right to recover slaves who absconded to northern free states. In addition, the absence of an enforcement clause in the antislavery provision and Congress's lack of will to implement the Ordinance made it ineffectual.

In careful case studies of the measure's impact in Indiana and Illinois, Finkelman shows that quasi-slavery persisted in the Northwest into the 1830s and 1840s. Congressional indifference to black servitude, demands for labor to promote economic development, arguments that diffusion of slavery foretold slavery's eventual demise, and the migration of slaveowners into the Northwest conspired to assure that the Ordinance had no immediate impact. The territorial assemblies of Indiana and Illinois adopted laws, based in part on southern slave codes, that assured slavery's persistence. Legislation in both territories protected and nurtured "bondage and de facto slavery" (page 71). Eventually, both ended slavery, but well after statehood: Indiana effectively by the 1830s, forty years after the Ordinance; Illinois in 1848 in the state's second constitution.

Evasion of the Ordinance protected slavery's interests; the 1793 Fugitive Slave Act supplemented that protection. In the only detailed consideration of the act in book form, Finkelman argues that the measure was "one of the first fruits of the proslavery Constitution" (page 80). He notes that the act issued from an attempt to protect free blacks from kidnapping. Ironically, however, it probably improved the chances of such kidnappings. The Bill of Rights, with its limitations on federal power and procedural protections, had become part of the Constitution in 1791, yet the act did not honor the amendments' requirements for fair trials and due process. Equally ironic, the measure expanded federal power, probably beyond what the Constitution actually sanctioned. The fugitive slave clause did not delegate power to Congress; it was in the only section of Article IV that did not grant power to the national government. States' rights southerners, who might oppose the Federalists' use of national power on economic issues, effectively used that power to protect and preserve slavery. Most slave owners and slave traders were Jeffersonians, but whatever their constitutional scruples on other matters, they wanted broad national powers to protect slavery. The Constitution was conditioned on protecting slavery; perhaps it was only logical that the same condition be imposed on its interpretation. Such an interpretation, Finkelman concludes, "made the Constitution even more proslavery than it perhaps was" (page 81).

In addition to arguing that slavery was central to the nation's founding, he also asserts that it created a "tension between the professed ideals of America, as stated in the Declaration of Independence, and the reality of early national America" (page ix). No one reflected that tension better than Jefferson. In spite of the ideals that he expressed in the Declaration, Jefferson was a slaveholder—simply a slaveholder—with general slaveholder values. Rhetorically, Finkelman notes, Jefferson hated slavery, but that hatred was based on several factors which demonstrated Jefferson's inability to transcend class and race or to honor the principles of his Declaration. He hated slavery because he despised blacks; they were, Jefferson believed, of a different order

from whites. "Race, more than their status as slaves, doomed blacks to permanent inequality" (page 108). He hated slavery because it brought Africans to the nation and made them permanent residents. He hated slavery because of its impact on whites, not because of what it did to blacks.

Above all, for one who affirmed independence to be the ultimate political and social value and one who celebrated the yeoman farmer for his independence, Jefferson hated slavery because it made him dependent on his slaves; dedicating his life to independence, he lived a life of dependency. Finkelman argues that Jefferson could not continue his "extravagant life-style" without slaves (page 107). The natural rights of slaves had to be subordinated to his grand style of living, his unrestrained spending habits and his compulsively acquisitive character. He contends that historians have misconstrued one of Jefferson's more famous quotes about slavery: "[W]e have the wolf by the ear, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other." The quote, Finkelman argues, did not reflect fears of a slave revolt. The self-preservation to which Jefferson alluded went to his way of life, premised as it was on slavery. The "wolf" he was holding was probably "the wolf of gluttony and greed" (page 150).

The Declaration of Independence and Constitution had powerful antislavery potential and, given his status in the new nation's history, Jefferson could have energized that potential. Finkelman contends that the test for Jefferson's views on slavery should not be whether he was better "than the worst of his generation but whether he was the leader of the best," not whether he embodied the values of southern planters, but whether he transcended his economic and sectional interests. In both cases, Finkelman concludes that "Jefferson fails the test" (page 105). Indeed, he argues, Jefferson was behind his time. He sold slaves and broke up families to preserve his high-living style and to pay his debts; after a shopping spree in France, he sold eighty-five slaves (page 150). Morally, Finkelman implies, he was also a laggard. For all the debate about Jefferson's relationship with Sally Hemings, his half-sister-in-law, scholars have missed a more critical issue than whether Hemings bore him children: "for most of his adult life, Jefferson enslaved a generation of people—Sally Hemings and her siblings—who were his in-laws." This causes Finkelman to wonder whether it mattered "[f]or the sake of character...whether Jefferson enslaved his own children or merely his blood relatives and his wife's blood relatives" (page 142).

Rhetorically, Jefferson insisted that future generations must end slavery and vindicate the hopes of the Declaration of Independence and the Constitution for liberty. Unfortunately, however, instead of nurturing their potential for liberating slaves, Jefferson committed treason to the very cause that he ardently advocated for whites. Slavery must end, he thought, but only on the condition of "expatriation" of the slaves (page 128). It was not simply slavery that Jefferson found so repugnant, but race. The one, a temporary status created by law, could be ended; the other, a reflection of a sub-human or nearly sub-human species, could not be. The "all" men in the Declaration meant "only white men;" in his scale of values blacks had no legitimate place in the nation's future. If slavery trumped the Constitution, race trumped the future that Jefferson envisioned. Instead of being a prophetic voice for extending benefits of the Revolution to slaves, by word and deed he became "the intellectual godfather of the racist pseudoscience of the American school of anthropology" (page 110).

Finkelman's work has a compelling ring of plausibility, even truth, when placed in its larger historical context. Edmund S. Morgan demonstrated that before colonial America moved "toward the republic," it had already moved from slavery "toward racism." He noted that race-based slavery made it safer to preach equality, because slaves could not become part of a leveling mob. He continued, "This is not to say that a belief in republican equality had to rest on slavery, but only that in Virginia (and probably in other southern colonies) it did."[134] And in its move "toward the republic," to use Morgan's phrase, Gordon S. Wood observed that "No political conception was more important to Americans in the entire Revolutionary era than representation."[135] Strategically, slaveowners probably could not have done better than using the three-fifths clause to link their race-based institution with the key political ideal of the Revolution. Central to the Revolutionary movement against England as early as the 1765 Stamp Act controversy, representation was yoked by slaveowners to protecting and preserving slavery in the Constitution. In the 1760s Americans linked representation to liberty;

134.Edmund S. Morgan, AMERICAN SLAVERY, AMERICAN FREEDOM: THE ORDEAL OF COLONIAL VIRGINIA (NY: W.W. Norton, 1974), pages 363, 316, 381.

135.Gordon S. Wood, THE CREATION OF THE AMERICAN REPUBLIC, 1776-1787 (Chapel Hill: U of North Carolina P, 1969), page 164.

twenty years later, they joined it to slavery, an unholy alliance that continued into the Civil War era. And just as slavery trumped the Constitution in 1787, it threatened to trump the Constitution's "more perfect Union" in 1860-61.

Referring to the concentration of slaves "in the southern part" of the Union in his second inaugural, Abraham Lincoln noted that "these slaves constituted a peculiar and powerful interest." "Peculiar" implies something unique, distinctive, out of the ordinary or particular. However peculiar slavery became in the last few decades before the Civil War, it had long been a "powerful interest," to use Lincoln's phrase, but was far from being peculiar. Echoing the notion of its peculiarity, Kenneth M. Stampp described slavery as THE PECULIAR INSTITUTION in his classic 1956 work. But in spite of the "peculiarity" that developed in the second quarter of the nineteenth century, slavery's power threatened the Union like nothing before or since. It is very difficult, if not impossible, to explain how a sectional, peculiar institution could have so seriously imperiled the Union without having had a determining, if tragic role, in shaping that Union from its beginning. Finkelman's book focuses on slavery's shaping power —but lack of peculiarity— at the Constitutional Convention.

Race-based slavery was a fatal flaw in the 1787 document; that flaw was so inextricably ingrained in the Constitution that it took the terrible scourge of war and major constitutional amendments to remove it. "[A]ll knew that this interest was somehow the cause of the war," Lincoln affirmed in his second inaugural. Likewise, all who wanted to remove the war's cause and the Constitution's corruption knew that amendments to correct the flaws of 1787 had to become part of the Constitution. If slavery began about 1660 and ended, at least officially, in the 1860s, Finkelman provides a powerful and poignant perspective on slavery's terrible career at its midpoint in the nation's experience. In addition, he provides a sharp focus from which to examine slavery's larger impact in American history and to consider the role of the nation's most famous revolutionary leader, Jefferson.

In his 1963 volume, JEFFERSON AND CIVIL LIBERTIES: THE DARKER SIDE, Leonard Levy challenged the then-prevailing notion about Jefferson's legacy to freedom and liberty. Finkelman challenges that legacy at an even deeper level than did Levy. He notes that Jefferson's admirers "would like him to be one of us—an opponent of slavery," but he was not (page 138). Most of Jefferson's biographers have tried to shape Jefferson into an antislavery liberal, ignoring or fudging evidence to the contrary. He observes that critics of Levy's JEFFERSON AND CIVIL LIBERTIES: THE DARKER SIDE work rejected his conclusions because such verdicts did not "bolster their modern political agendas" (page 143). Very likely Finkelman's assessment of Jefferson will also be challenged on grounds of being presentist revisionism. Finkelman, however, rightly rejects that notion in his concluding chapter, a brilliant essay on Jefferson, historians, and myths. He examines Jefferson's ideas about race and slavery, not by modern notions, but "on **his** terms" (page 145, emphasis in the original).

By raising the issue of presentism, Finkelman puts in sharp relief history's fundamental question: does history matter? Perhaps understandably, he insists that it does. However, he is cautious about how history might be used. He notes that James Parton, Jefferson's first professional biographer, wrote that "If Jefferson was wrong, America is wrong. If America is right, Jefferson was right," and observes that "The historian who questions Jefferson, it would seem, implicitly questions America" (page 143). Acceptance of this logic presents the nation with a daunting challenge that probably could never be satisfactorily met. At the conclusion of his analysis of the way that revolutionary Virginians linked racism with republican ideology, Edmund Morgan raised a haunting question: "Is America still colonial Virginia writ large? More than a century after Appomattox the question lingers."[136]

If Parton's logic controls, it forces one of several conclusions. First, accepting Parton's presumption that Jefferson was right, it reinforces the inclination of most of Jefferson's modern biographers to shape Jefferson into a late-twentieth-century, antislavery liberal. However, with the evidence that Finkelman presents, such an image can at best be a gross distortion of the historical record. It would transform Jefferson into a reverse modern doughface. A "doughface" in pre-Civil War America was a northern man whose contours had been shaped by proslavery principles, so a reverse doughface would be a southern man with antislavery sentiments. Bingo! Jefferson fits the picture and gives a usable past. On another occasion, using the same tactic, he becomes the Revolutionary precursor to the National Association of Manufacturers. But if such is the case,

136.Edmund S. Morgan, AMERICAN SLAVERY, AMERICAN FREEDOM: THE ORDEAL OF COLONIAL VIRGINIA (NY: W.W. Norton, 1974), page 387.

history is little more than using the past, indeed, inventing the past, for present needs.
Second, Parton's logic and presumption that Jefferson was right, if applied to Finkelman's analysis of Jefferson's principles, force a troubling, haunting answer to Morgan's question: there would be no escaping the assertion that America is still colonial Virginia writ large. They carry an even more haunting implication: not only is the nation colonial Virginia writ large, but there is not much anyone can do about it. If Jefferson was right, and if Finkelman's analysis of his attitudes about race and slavery are correct, then Jefferson was not only the intellectual vanguard of the pseudoscientific proslavery argument of the pre-Civil War era, but he was also the prophet for late-twentieth-century racism in the United States. If such is the case, either history must be the new "dismal science" or both Jefferson and America are wrong.
But Finkelman insists that a third option exists. Scholars have created "a mythical man—someone who in [Merrill] Peterson's words went up to Mount Olympus." After creating the Jeffersonian myth, they "further burdened him with an image that carries with it our conception of the United States" (page 167). But as Levy did in 1963, Finkelman does in 1996: he argues that it is time to look at Jefferson as an important Revolutionary leader, a person with virtues and faults. From this perspective, Jefferson's views on race "are embarrassing, not just by the standards of our age but by the standards of his own age" (page 165). However, though Jefferson failed to join the best of his generation to end slavery and challenge racism, it is possible to see his virtues and the power of his ideas "because we will see them in the context of his own humanity" (page 167).
Put differently, if history is important, at least one element of that importance has to be the insights that it offers. But if those insights, or perspectives, are to be valid, it is important that scholars give heed to the full weight of historical evidence. Precisely because history seems to offer insights and perspectives on the present, it becomes a battleground—often a heated one—on what we remember and what we forget. History creates a common memory that holds individuals and institutions together and binds them in a common enterprise. "Selective" forgetting can distort the past as much as creative invention. To question Jefferson's ideas about slavery and racism is not to question America. To question Jefferson is to follow the best of the Jeffersonian tradition of examining institutions, with the hope of preserving the best ones, reforming others, and rebelling against the rest.
Perhaps no better instruction exists for that daunting task than using "Experience," a notion that figures prominently in Jefferson's Declaration of Independence. However, if that experience is derived—another good Jeffersonian term from the Declaration—from a contrived past, it would convey misguided perspectives, perhaps as pernicious in their impact as those derived from abstract reasoning. If Jefferson has relevance to modern America on race and slavery, it is not because he stood outside of history by ascending Mt. Olympus, but because he was a major historical figure who continues to inform the present. Our image of Jefferson matters but, in insisting on his humanity, "we can better understand something about ourselves and our country's past" (page 167).
Rhetorically, Jefferson looked to slavery's end at some undefined future. Tragically, it was left to Lincoln's generation to begin ending slavery and to start "bind[ing] up the nation's wounds" that slavery and racism caused. The scourge of the "terrible war" that Lincoln memorialized at Gettysburg has passed, but the quest for that "new birth of freedom" and the realization of the Jeffersonian "proposition that all men are created equal," remain "unfinished work," to use Lincoln's memorable phrases. Perhaps that unfinished work is at the heart of any shared memory and common enterprise for late-twentieth-century Americans. If it is, then it seems imperative that a precise definition of that work be carefully limned. History is important to Finkelman—vitally important—so in writing this volume he assumed that it was an imperative to be careful and precise.
By some standards, Finkelman's is a slim volume. The text is only 167 pages, supported by extensive notes and bibliography. More important, his is a compelling account of the history of slavery and racism at the

nation's founding and of Jefferson's place in that history. It is written by a discerning scholar who has devoted his professional career to examining the constitutional and legal dimensions of slavery, but presented in clear, readable form. Happily, this volume could be used in survey courses, in period courses on the Revolutionary or the Early National eras, and in courses on constitutional history. With its many references to the works of other scholars, it would fit nicely into courses on historiography and historical method. Graduate students would profit from its use in their courses, as would law students; indeed, graduate and law school seminars could be organized around it. It deserves a wide readership. Anyone who wants to talk intelligently about the history of slavery and ideas about race in the nation's history should feel compelled to come to terms with his book. And the publisher, M.E. Sharpe, is to be congratulated for simultaneously offering the volume in paper and hardcover formats.

## 2001

March 11, Sunday: In the Washington Post, Professor Ira Berlin of the University of Maryland, the author of MANY THOUSANDS GONE: THE FIRST TWO CENTURIES OF SLAVERY IN AMERICA, reviewed Don E. Fehrenbacher's THE SLAVEHOLDING REPUBLIC: AN ACCOUNT OF THE UNITED STATES GOVERNMENT'S RELATIONS TO SLAVERY, as revised by Ward M. McAfee and published by Oxford University Press:

> ...Fehrenbacher states his case directly. The Founding Fathers had not intended to make slavery a national institution supported by the nation's fundamental charter. However, they believed that any attempt to grapple with the issue of slavery would frustrate what they understood to be their great achievement –the creation of a republic in a world of monarchies– so they left the issue to be resolved by future generations. The Constitution, for Fehrenbacher, in its language and its various stipulations was neutral with respect to slavery. None of its key provisions –the three-fifths clause, the slave importation clause and the fugitive slave clause– was intended to defend slavery. At the birth of the Republic, slavery was a "municipal," not a national, institution.
>
> Fehrenbacher's view of the Constitution is controversial, and, despite his close reading of the debates of the Constitutional Convention of 1787, it will doubtless remain so. What is certain is that during the 19th Century the federal government became increasingly subservient to slaveholding interests. The great strength of THE SLAVEHOLDING REPUBLIC is its tracing of the "multiple little decisions and unconscious drift" by which the slaveholders' views slowly –sometimes absentmindedly– became federal policy on one issue after another: the question of slavery in the national capital, the role of slavery in foreign affairs, the matter of the international slave trade, the various fugitive slave laws and the question of slavery in the territories.
>
> When federal authorities failed to do the slave masters' bidding, Southern representatives asserted that they had entered into the national compact only upon condition that their peculiar interests would be respected. To this assertion –which, from Fehrenbacher's perspective, was constructed out of whole cloth– slaveholders appended a threat to leave the Union if that original agreement was violated....

It was precisely over the matter of original intent that the more moderate opponents of slavery –the so-called free-soilers– challenged the received consensus. Denying that the founders had created a slaveholding republic, they wanted to return the United States to its original commitment to universal freedom. As Abraham Lincoln and other antislavery politicians well understood, such a view, with its implicit contention that slaveholders had perverted the founders' great work, had enormous appeal to conservative Northerners eager to embrace antislavery as a restoration of the founders' vision that "all men are created equal." But what Northerners viewed as a conservative restoration, slaveholding Southerners understood as a radical revolution, directed against the slaveholding republic that they had created.

Fehrenbacher also reveals how each side used the question of states' rights and federal power. Far from clinging to the power of the locality, Southern representatives gladly draped themselves in the mantle of national authority as long as it protected slavery. Indeed, well into the 1850s, it was Northerners who employed states' rights –especially in their efforts to protect fugitive slaves– as a means of advancing the cause of freedom.

Only as the opponents of slavery gained strength with the emergence of the Liberty, the Free Soil, and the Republican parties did slaveholders consistently seek the cover of states' rights. Even then, they were pleased to call upon national power when it served their interest. In short, Fehrenbacher demonstrates that neither South nor North allowed a principled commitment to local governance or states rights to trump its larger interest.

THE SLAVEHOLDING REPUBLIC not only advances our knowledge of the critical relationship of slavery to the American government, placing it in perspective and explaining its meaning, but it also helps frame contemporary debates over the perennial question about the relative power of the nation and the locality. One could hardly ask for more.

# 2003

March 19, Wednesday: When an attempt was made to sell North Carolina's official copy of the US Constitution's Bill of Rights to the new National Constitution Center museum in center-city Philadelphia for $4,000,000, the FBI recovered this stolen document under the law of "replevin." However, no arrest was made. The document in question had originated in 1789 as one of the 14 copies of the proposed Bill of Rights scribed by clerks of the 1st House of Representatives and Senate and signed by Senate Secretary Samuel A. Otis, House Clerk John Beckley, House Speaker Frederick Augustus Muhlenberg, and Vice-President John Adams. (In 1789, the 1st federal Congress meeting in New-York had been considering a "sweetener" to get several holdout states to ratify the Constitution and join in the union, the "sweetener" being adoption of 10 or 11 amendments to the newly drafted constitutional document — a batch of amendments that have since come to be referred to collectively as our Bill of Rights. The federal government retained one of these initial 14 official copies and sent out the other 13 to the prospective signees. Of these 13, North Carolina's copy had been retained in their statehouse, but it is believed that in 1865 it must have been stolen by some Union soldier of General William Tecumpseh Sherman's army who took it home with him to Tippecanoe, Ohio. In 1866 this veteran found a buyer for the document he had looted. Over the decades one owner after another would offer, through intermediaries, to sell the purloined paper back to the state of North Carolina. Most recently it had turned up again in 2000 when some people came to George Washington University's First Federal Congress Project with armed bodyguards, making an attempt to authenticate the document.)

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution: viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

**Article the first...** [This would not be ratified]

*After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.*

**Article the second...** [In 1992 this would become our XXVIIth Amendment]

*No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.*

**Article the third...** [This would become our Ist Amendment]

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

**Article the fourth...** [This would become our IId Amendment]

*A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.*

**Article the fifth...** [This would become our IIId Amendment]

*No Soldier shall, in time of peace be quartered in any house; without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.*

**Article the sixth...** [This would become our IVth Amendment]

*The right of the people to be secure in their persons, houses, papers, and effects; against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

**Article the seventh...** [This would become our Vth Amendment]

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of Grand Jury, except in cases arising in the land or naval forces or in the Militia, when in actual service in time of War or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.*

**Article the eighth...** [This would become our VIth Amendment]

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*

**Article the ninth...** [This would become our VIIth Amendment]

*In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States than according to the rules of the common law.*

**Article the tenth...** [This would become our VIIIth Amendment]

*Excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

**Article the eleventh...** [This would become our IXth Amendment]

*The enumeration in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.*

**Article the twelfth...** [This would become our Xth Amendment]

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people.*

**ATTEST**,
Frederick Augustus Muhlenberg, Speaker of the
House of Representatives
John Adams, Vice-President of the United States,
and President of the Senate
John Beckley, Clerk of the House of Representatives.
Sam. A Otts, Secretary of the Senate

## 2005

September 24, Saturday: During a massive anti-war rally in Washington DC, six "Granite Shadow" military biological-weapons sensors detected in the crowd of protestors small amounts of a biological agent engineered for use as a weapon, *Francisella tularensi*. Was this a false alarm, or did someone among the protestors have access to such a weapon — or was this agent being used on them by covert action of our military?

September 26, Sunday: In the "The Talk of the Town" section of The New Yorker, the dean of the Graduate School of Journalism of Columbia University, Nicholas Lehman, wrote about the history of the Katrina hurricane in terms of the development of US constitutional law:

> Article I of the United States Constitution gives the federal government the power to "suppress insurrections." This has always been a touchy subject – especially in the South, and most especially during the Reconstruction period, after the biggest insurrection in American history had been successfully suppressed. The Insurrection Act of 1807 outlines the script that the Administration evidently wanted Governor Blanco [of Louisiana] to follow [in September 2005]: a governor asks the President to federalize local law enforcement in order to suppress an insurrection; the President issues a proclamation ordering the "insurgents to disperse"; they don't; the cavalry rides to the rescue [of New Orleans from the devastation of hurricane Katrina].
> But the President has the option of sending in troops without being asked when the law isn't being enforced or the rights of a class of people are being denied – which was clearly the case in New Orleans, not just because crime was rampant but because so many people were trapped in hellish conditions. In 1992,

President George H.W. Bush, who liked to build alliances before invading, sent federal troops to quell the Los Angeles riots after the governor [of California] requested him to. In 1957 and 1963, however, Presidents Eisenhower and Kennedy sent troops to the South to enforce the civil rights of African-Americans without gubernatorial invitations. It's no accident that all three invocations of the Insurrection Act had to do with the American dilemma: throughout our history, the moments of greatest contention about federal power have involved race.

The Reconstruction period ended with a protracted and bloody conflict over the question of deploying federal troops into the South. In the Southern states with the largest black populations, organized terrorist groups arose that would do whatever it took, including murder, to insure election victories by the Democratic Party, which was dominated by unrepentant former Confederates. The best means of suppressing the terrorists and insuring free elections was to sent in the Army. Congress made the use of troops easier for harder depending on who was in power in Washington. Laws passed in 1870 and 1871, the heyday both of the Ku Klux Klan and of Radical Republicanism, made it easier to use troops in the South; the post-Reconstruction Posse Comitatus Act of 1878 –an attempt to eviscerate the Insurrection Act by requiring an act of Congress before federal troops could be used– made it more difficult. The issue of federal intervention and the issue of whether freed slaves and their descendants would fully be citizens were essentially the same. Reconstruction ended with the withdrawal of federal troops in 1877. They were withdrawn, supposedly, to restore normal governance in the former Confederate states, but the consequence was that those states, once there was nobody on hand to force them to obey the Constitution, took full citizenship away from African-Americans.

No state saw more conflict over federal power than Louisiana. A massacre of politically active blacks in New Orleans in the summer of 1866 helped set in motion the passage of constitutional amendments that made it illegal to deny civil rights and the right to vote to anyone on the basis of race. President Grant sent federal troops to the Red River Valley after notorious massacres there in 1873 and 1874; in 1874, federal troops were ordered to New Orleans after a Democratic white militia tried to overthrow the Republican state government; in 1875, federal troops were marched onto the floor of the state legislature to restore the Republicans to power after another coup d'état by the Democrats. This last intervention was a pivotal event – not because it enforced order once and for all but because it horrified the nation, which in those days was not at all sure that it was in favor of Negro rights. Before long, federal intervention in the South in the name of civil rights became a taboo so absolute that no President violated it for more than three-quarters of a century.

## 2006

September 5, Tuesday: The Providence, Rhode Island newspaper, the "ProJo," published a column by Dave McCarthy entitled "Westerly trust acquires cemetery" which seriously misrepresented the history of the Quaker faith. McCarthy claimed in this article that:

> Quakers signed the Declaration of Independence and the U.S. Constitution, pushing issues of equality, tolerance, religious freedom and separation of church and state.

I have since corresponded with the Providence Journal, pointing out that our "Declaration of Independence," so called, was in fact a declaration of war, and that no matter how one chops one's logic, declaring war on someone is usually considered to be counterindicated per the Quaker Peace Testimony. I pointed out to this newspaper that we Quakers had, during the revolutionary period, been seriously persecuted for our total unwillingness to participate in these hostilities. I pointed out that George Clymer of Pennsylvania, John Dickinson of Delaware, and Joseph Hewes of North Carolina, who signed the Declaration of Independence or

the federal Constitution, although said to have been Quakers, are also being said by historians to have been Episcopalians.[137] I pointed out that Thomas Mifflin of Pennsylvania, who signed the Constitution, was a disowned Quaker who had become a Lutheran, and that he had signed the Constitution not as a Quaker but as a Lutheran. (I did not point out to these people how little "equality" for women or blacks or redskins was to be found in our original constitutional document, and I did not point out to these people that the idea that the document contained "separation of church and state" was an idea that could at best be said to have come along years afterward, through a process of reinterpretation.) I pointed out that the supposed Rhode Island Quaker who signed the Declaration of Independence, Friend Stephen Hopkins, the governor of this state, was subsequently disowned by the Providence monthly meeting of the Religious Society of Friends, a group which was then meeting in Smithfield. I pointed out that this man had talked the talk but hadn't walked the walk, and that they should therefore be listing him as what he in fact was, an Episcopalian slavemaster of Baptist ancestry. I pointed out that he had been his century's version of Friend Richard Nixon, in the sense that he wore the cloth but dishonored the testimony. I summarized:

> This sort of remark, in your newspaper, is simply false, and is simply offensive.

137. Hewes, as a case in point, had indeed been the product of a New Jersey Quaker family of origin — but he had become a Mason (which would have been entirely impossible because as a general rule any Quaker who was caught mingling with non-Quakers in such a grouping was always immediately disowned), and he was a lifelong slavemaster (which would have been entirely impossible because meetinghouse discipline had required that all Quakers divest themselves of their slaves), and he was a warmonger, demanding war with Britain (which would have been entirely impossible because of the Quaker Peace Testimony). Eleven ways from Sunday, this guy was not a Friend.

There has been, of course, no response, either in private or in public. This newspaper apparently does not care about the truth, nor care overmuch if its lies are offensive to someone's religion.

This information has been brought to the attention of the Meeting for Business of the Providence, Rhode Island Monthly Meeting of the Religious Society of Friends. They have made no attempt to contact this newspaper to set the record straight as to the Peace Testimony of their Quaker ancestors.



"It's all now you see. Yesterday won't be over until tomorrow and tomorrow began ten thousand years ago."

– Remark by character "Garin Stevens" in William Faulkner's INTRUDER IN THE DUST

Prepared: October 15, 2013

# ARRGH AUTOMATED RESEARCH REPORT

# GENERATION HOTLINE


This stuff presumably looks to you as if it were generated by a human. Such is not the case. Instead, upon someone's request we have pulled it out of the hat of a pirate that has grown out of the shoulder of our pet parrot "Laura" (depicted above). What these chronological lists are: they are research reports compiled by ARRGH algorithms out of a database of data modules which we term the Kouroo Contexture. This is data mining. To respond to such a request for information, we merely push a button.

Commonly, the first output of the program has obvious deficiencies and so we need to go back into the data modules stored in the contexture and do a minor amount of tweaking, and then we need to punch that button again and do a recompile of the chronology — but there is nothing here that remotely resembles the ordinary "writerly" process which you know and love. As the contents of this originating contexture improve, and as the programming improves, and as funding becomes available (to date no funding whatever has been needed in the creation of this facility, the entire operation being run out of pocket change) we expect a diminished need to do such tweaking and recompiling, and we fully expect to achieve a simulation of a generous and untiring robotic research librarian. Onward and upward in this brave new world.

First come first serve. There is no charge.
Place your requests with <Kouroo@kouroo.info>.
Arrgh.

# Complete Books Present in the Kouroo Contexture

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