

DOCUMENTS AND DEBATES IN AMERICAN HISTORY AND GOVERNMENT

Vol. 1, 1493-1865

Selected and Introduced by

Sarah Morgan Smith



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The Ashbrook Center restores and strengthens the capacities of the American people for constitutional self-government. Ashbrook teaches students and teachers across our country what America is and what she represents in the long history of the world. Offering a variety of resources and programs, Ashbrook is the largest university-based educator in the enduring principles and practice of free government. Dedicated in 1983 by President Ronald Reagan, the Ashbrook Center is governed by its own board and responsible for raising all of the funds necessary for its many programs.

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Introduction

This collection of documents presents American history from 1493 to 1865 as a series of fifteen topics. For each of these, a selection of documents recreates a debate over a particular issue critical to understanding the topic and the corresponding period in American history. Taken together, the debates highlight enduring issues and themes in American life, such as the effort to balance freedom and equality as well as liberty and order; the struggle for inclusion and full participation of African-Americans, women, and working people; the conflict over how America should organize its economy and what role government should have in American economic life; and the argument over how America should use its power in the world.

Each chapter has an introduction that provides necessary context and three sets of study questions. The first set (A) cover the documents in the chapter; the second (B), other documents in the volume; and the third (C) documents in the companion volume. Each of the documents is annotated with footnotes that provide biographical information on document authors and identify obscure words, events or individuals.

This volume and its companion, which covers American history after 1865, are part of an ongoing series of document volumes produced by the Ashbrook Center at Ashland University. When the series is complete, it will be comprehensive and also authoritative because it will present America's story in the words of those who wrote it – America's presidents, labor leaders, farmers, philosophers, industrialists, politicians, workers, explorers, religious leaders, judges, and soldiers; its slaveholders and abolitionists; its expansionists and isolationists; its reformers and stand-patters; its strict and broad constructionists; its hard-eyed realists and visionary utopians – all united in their commitment to equality and liberty, yet all also divided often by their different understandings of these most fundamental American ideas. The documents are about all this – the still unfinished American experiment with self-government.

Help with selecting documents for this volume came from Dennis Boman, Rob McDonald, John Moser, Lucas Morel, Sean Sculley, David Tucker, Jace Weaver, and Scott Yenor. Sarah Morgan Smith excerpted the documents and wrote the introductions with the exceptions of Chapter 1 (prepared by David Tucker) and Chapters 5-6 (prepared by Rob McDonald). David Tucker was the volume's General Editor. Joan Livingston and Ellen Tucker did the copyediting. Lisa Ormiston oversaw production. Ali Brosky provided all sorts of help, including getting permissions and organizing the work of the interns who

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Chapter 1

Early Contact

- A. Christopher Columbus to Raphael Sanchez, March 14, 1493
- B. Christopher Columbus to Doña Juana de Torres, 1500
- C. Juan López de Palacios Rubios, Requerimiento, 1513
- D. Francisco de Vitoria, *De Indis*, 1532
- E. Bartolomé de Las Casas, *A Short Description of the Destruction of the Indies*, 1542

How to treat the indigenous people became an issue as soon as the Spanish arrived in the Western Hemisphere. In a letter written soon after his first voyage (Document A), Christopher Columbus explained how he dealt with the natives and revealed his and Spain's religious motive for exploring what he conceived to be, in explicitly religious terms (Document B) a New World. In addition to the converts to Catholicism that Columbus mentions, the Spanish sought gold. What means were allowable in pursuit of these ends? By what authority did the Spanish make claims on the native people and their land? The Requerimiento (Document C) provided the official answer to these questions.

Whatever Spanish justifications, the Spanish conquistadores or conquerors proved brutal and rapacious as the conquest continued. The authorities in Madrid did not approve. For example, laws regulating conduct in the conquest were promulgated in 1513 and 1542 (the latter partially repealed in 1545 because of opposition). They relieved Christopher Columbus of command over land he had discovered in part because of his brutality toward both Spanish settlers and the indigenous people. Columbus complained of the injustice of his removal (Document B), by emphasizing that the New World was not like Spain but was an uncivilized lawless territory. Francisco de Vitoria, on the contrary, (Document D) sought to mitigate the harshness of the conquest by arguing that law – civil, natural and divine – should prevail everywhere. He argued for limits on what could legitimately be done to the indigenous people. In doing so, he helped develop just war theory. Despite de Vitoria's arguments, distance from Madrid, limited means of communication, and the need for colonial wealth reduced the ability and willingness of Spain's monarchs to control what was done in their name thousands of miles away from their palaces. Bartolomé de las Casas (Document E) describes the consequences of the Spanish conquest.

Study Questions

A. How does Christopher Columbus present the natives that he met in the New World? What is the significance of Columbus identifying the New World of the Western Hemisphere with the New World of the Old Testament prophet and the New Testament's Book of Revelation? Who has a better understanding of the role of law in founding new settlements, Columbus or Francisco de Vitoria? On what basis does the *Requerimiento* argue for the authority of the Spanish crown in the lands of the Western Hemisphere? Are de Vitoria's arguments compatible with the *Requerimiento*'s or do they differ? Overall, do both documents encourage the same treatment of the indigenous people? What do both documents say about slavery and the use of force? Do they both legitimate slavery?

B. How do the arguments presented both for and against the conquest of the Native American population compare to those used by abolitionists and pro-slavery advocates (Chapter 12)?

C. Compare the attitudes and policies towards Native Americans expressed here with those of late nineteenth century observers in Volume 2, Chapter 17. What similarities or differences do you see in their underlying assumptions about the role of the native population in the future of what would become the United States?

A. Christopher Columbus to Raphael Sanchez, March 14, 1493¹

A Letter addressed to the noble Lord Raphael Sanchez, Treasurer to their most invincible Majesties, Ferdinand and Isabella, King and Queen of Spain, by Christopher Columbus

... In that island also which I have before said we name Española, there are mountains of very great size and beauty, vast plains, groves, and very fruitful fields, admirably adapted for tillage, pasture, and habitation. The convenience and excellence of the harbors in this island, and the abundance of the rivers, so

¹ *Writings of Christopher Columbus: Descriptive of the Discovery and Occupation of the New World*, Paul Leicester Ford, ed. (New York: C. L. Webster, 1892), 33-51.

indispensable to the health of man, surpass anything that would be believed by one who had not seen it. The trees, herbage, and fruits of Española are very different from those of Juana, and moreover it abounds in various kinds of spices, gold, and other metals. The inhabitants of both sexes in this island, and in all the others which I have seen, or of which I have received information, go always naked as they were born, with the exception of some of the women, who use the covering of a leaf, or small bough, or an apron of cotton which they prepare for that purpose. None of them, as I have already said, are possessed of any iron, neither have they weapons, being unacquainted with, and indeed incompetent to use them, not from any deformity of body (for they are well-formed), but because they are timid and full of fear. They carry however in lieu of arms, canes dried in the sun, on the ends of which they fix heads of dried wood sharpened to a point, and even these they dare not use habitually; for it has often occurred when I have sent two or three of my men to any of the villages to speak with the natives, that they have come out in a disorderly troop, and have fled in such haste at the approach of our men, that the fathers forsook their children and the children their fathers. This timidity did not arise from any loss or injury that they had received from us; for, on the contrary, I gave to all I approached whatever articles I had about me, such as cloth and many other things, taking nothing of theirs in return: but they are naturally timid and fearful. As soon however as they see that they are safe, and have laid aside all fear, they are very simple and honest, and exceedingly liberal with all they have; none of them refusing anything he may possess when he is asked for it, but on the contrary inviting us to ask them. They exhibit great love towards all others in preference to themselves: they also give objects of great value for trifles, and content themselves with very little or nothing in return. I however forbade that these trifles and articles of no value (such as pieces of dishes, plates, and glass, keys, and leather straps) should be given to them, although if they could obtain them, they imagined themselves to be possessed of the most beautiful trinkets in the world. It even happened that a sailor received for a leather strap as much gold as was worth three golden nobles, and for things of more trifling value offered by our men, especially newly coined blancas, or any gold coins, the Indians would give whatever the seller required; as, for instance, an ounce and a half or two ounces of gold, or thirty or forty pounds of cotton, with which commodity they were already acquainted. Thus they bartered, like idiots, cotton and gold for fragments of bows, glasses, bottles, and jars; which I forbade as being unjust, and myself gave them many beautiful and acceptable articles which I had brought with me, taking nothing from them in return; I did this in order that I might the more easily conciliate them, that they might be led to become Christians, and be inclined to entertain a regard for the King and Queen, our Princes and all

Spaniards, and that I might induce them to take an interest in seeking out, and collecting, and delivering to us such things as they possessed in abundance, but which we greatly needed. They practice no kind of idolatry, but have a firm belief that all strength and power, and indeed all good things, are in heaven, and that I had descended from thence with these ships and sailors, and under this impression was I received after they had thrown aside their fears. Nor are they slow or stupid, but of very clear understanding; and those men who have crossed to the neighboring islands give an admirable description of everything they observed; but they never saw any people clothed, nor any ships like ours. On my arrival at that sea, I had taken some Indians by force from the first island that I came to, in order that they might learn our language, and communicate to us what they knew respecting the country; which plan succeeded excellently, and was a great advantage to us, for in a short time, either by gestures and signs, or by words, we were enabled to understand each other. These men are still traveling with me, and although they have been with us now a long time, they continue to entertain the idea that I have descended from heaven; and on our arrival at any new place they published this, crying out immediately with a loud voice to the other Indians, "Come, come and look upon beings of a celestial race": upon which both women and men, children and adults, young men and old, when they got rid of the fear they at first entertained, would come out in throngs, crowding the roads to see us, some bringing food, others drink, with astonishing affection and kindness. . . . In all these islands there is no difference of physiognomy, of manners, or of language, but they all clearly understand each other, a circumstance very propitious for the realization of what I conceive to be the principal wish of our most serene King, namely, the conversion of these people to the holy faith of Christ, to which indeed, as far as I can judge, they are very favorable and well-disposed.

B. Christopher Columbus to Doña Juana de Torres, 1500²

Most Virtuous Lady:

Though my complaint of the world is new, its habit of ill-using is very ancient. I have had a thousand struggles with it, and have thus far withstood them all, but now neither arms nor counsels avail me and it cruelly keeps me

² Letter of Columbus to the Nurse of Prince John, *American Journeys Collection*, Document No. AJ-067, Wisconsin Historical Society Digital Library and Archives, Wisconsin Historical Society, 2003.

under water. Hope in the creator of all men sustains me; His help was always very ready; on another occasion, and not long ago, when I was still more overwhelmed, He raised me with his right arm, saying, O Man of little faith, arise, it is I; be not afraid.³

I came with so much cordial affection to serve these princes, and have served them with such service, as has never been heard of or seen.

Of the new heaven and earth which our Lord made, when Saint John was writing Apocalypse,⁴ after what was spoken by the mouth of Isaiah,⁵ he made me the messenger, and showed me where it lay. In all men there was disbelief, but to the Queen my Lady He gave the spirit of understanding, and great courage, and made her heiress of all, as a dear and much loved daughter. I went to take possession of all this in her royal name. They sought to make amends to her for the ignorance they had all shown by passing over their little knowledge, and talking of obstacles and expenses. Her Highness, on the other hand, approved of it, and supported as far as she was able. . . .

They judge me over there as they would a Governor who had gone to Sicily, or to a city or town placed under regular government, and where the laws can be observed in their entirety without fear of ruining everything; and I am greatly injured thereby. I ought to be judged as a Captain who went from Spain to the Indes to conquer a numerous and warlike people, whose customs and religion are very contrary to ours; who live in rocks and mountains, without fixed settlements, and not like ourselves; and where, by the divine will, I have placed under the dominion of the King and Queen, our sovereigns, another world, through which Spain, which was reckoned a poor country, has become the richest. I ought to be judged as a Captain who for such a long time up to this day has borne arms without laying them aside for an hour, and by gentlemen adventurers and by customs and not by letters, unless they were Greeks or Romans, or others of modern times of whom there are so many and such noble examples in Spain; or otherwise I receive great injury, because in the Indes there is neither town nor settlement. . . .

³ Matthew 14:31

⁴ Revelation 21:1

⁵ Isaiah 65:17

C. Juan López de Palacios Rubios, *Requerimiento*, 1513⁶

On the part of the King, Don Fernando, and of Doña Juana, his daughter, Queen of Castile and León, subduers of the barbarous nations, we their servants notify and make known to you, as best we can, that the Lord our God, Living and Eternal, created the Heaven and the Earth, and one man and one woman, of whom you and we, all the men of the world, were and are descendants, and all those who came after us. But, on account of the multitude which has sprung from this man and woman in the five thousand years since the world was created, it was necessary that some men should go one way and some another, and that they should be divided into many kingdoms and provinces, for in one alone they could not be sustained.

Of all these nations God our Lord gave charge to one man, called St. Peter, that he should be Lord and Superior of all the men in the world, that all should obey him, and that he should be the head of the whole human race, wherever men should live, and under whatever law, sect, or belief they should be; and he gave him the world for his kingdom and jurisdiction.

And he commanded him to place his seat in Rome as the spot most fitting to rule the world from; but also he permitted him to have his seat in any other part of the world, and to judge and govern all Christians, Moors [*Muslims*], Jews, Gentiles, and all other sects. This man was called Pope, as if to say, Admirable Great Father and Governor of men. The men who lived in that time obeyed that St. Peter and took him for Lord, King, and Superior of the universe; so also they have regarded the others who after him have been elected to the pontificate, and so has it been continued even till now and will continue till the end of the world.

One of these Pontiffs [*popes*] who succeeded that St. Peter as Lord of the world, in the dignity and seat which I have before mentioned, made donation of these isles and Tierra-firme to the aforesaid King and Queen and to their successors,⁷ our lords, with all that there are in these territories, as is contained in certain writings which passed upon the subject as aforesaid, which you can see if you wish.

So their Highnesses are kings and lords of these islands and land of Tierra-firme by virtue of this donation: and some islands, and indeed almost all those to whom this has been notified, have received and served their Highnesses, as lords and kings, in the way that subjects ought to do, with good will, without any resistance, immediately, without delay, when they were informed of the

⁶ Juan López de Palacios Rubios (1450–1524) was a Spanish jurist. The text may be found at <https://goo.gl/fQBpta>

⁷ The Papal Bull or Decree “*Inter caetera*” (May 4, 1493) granted certain territory in the Western Hemisphere to the King of Castille.

aforesaid facts. And also they received and obeyed the priests whom their Highnesses sent to preach to them and to teach them our Holy Faith; and all these, of their own free will, without any reward or condition, have become Christians, and are so, and their Highnesses have joyfully and benignantly received them, and also have commanded them to be treated as their subjects and vassals; and you too are held and obliged to do the same. Wherefore, as best we can, we ask and require you that you consider what we have said to you, and that you take the time that shall be necessary to understand and deliberate upon it, and that you acknowledge the Church as the Ruler and Superior of the whole world, and the high priest called Pope, and in his name the King and Queen Doña Juana our lords, in his place, as superiors and lords and kings of these islands and this Tierra-firme by virtue of the said donation, and that you consent and give place that these religious fathers should declare and preach to you the aforesaid.

If you do so, you will do well, and that which you are obliged to do to their Highnesses, and we in their name shall receive you in all love and charity, and shall leave you, your wives, and your children, and your lands, free without servitude, that you may do with them and with yourselves freely that which you like and think best, and they shall not compel you to turn Christians, unless you yourselves, when informed of the truth, should wish to be converted to our Holy Catholic Faith, as almost all the inhabitants of the rest of the islands have done. And, besides this, their Highnesses award you many privileges and exemptions and will grant you many benefits.

But, if you do not do this, and maliciously make delay in it, I certify to you that, with the help of God, we shall powerfully enter into your country, and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their Highnesses; we shall take you and your wives and your children, and shall make slaves of them, and as such shall sell and dispose of them as their Highnesses may command; and we shall take away your goods, and shall do you all the mischief and damage that we can, as to vassals who do not obey, and refuse to receive their lord, and resist and contradict him; and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their Highnesses, or ours, nor of these cavaliers who come with us. And that we have said this to you and made this Requisition, we request the notary here present to give us his testimony in writing, and we ask the rest who are present that they should be witnesses of this Requisition.

D. Francisco de Vitoria, *De Indis*, 1532⁸

The First Reconsideration⁹ of the Reverend Father, Brother Franciscus De Vitoria, on the Indians Lately Discovered.

First Section . . .

. . .

Fourth, . . . I ask first whether the aborigines in question were true owners in both private and public law before the arrival of the Spaniards; that is, whether they were true owners of private property and possessions and also whether there were among them any who were the true princes and overlords of others.

. . .

. . . [I]f the aborigines had not dominion, it would seem that no other cause is assignable therefor except that they were sinners or were unbelievers or were witless or irrational. . . .

[*Appealing to various authorities, de Vitoria argues that the aborigines cannot be deprived of their property because they are sinners.*]

. . .

23. . . . The Indian aborigines are not barred on this ground [*lack of reason*] from the exercise of true dominion. This is proved from the fact that the true state of the case is that they are not of unsound mind, but have, according to their kind, the use of reason. This is clear, because there is a certain method in their affairs, for they have polities which are orderly arranged and they have definite marriage and magistrates, overlords, laws, and workshops, and a system of exchange, all of which call for the use of reason; they also have a kind of religion. Further, they make no error in matters which are self-evident to others; this is witness to their use of reason. Also, God and nature are not wanting in the supply of what is necessary in great measure for the race. Now, the most conspicuous feature of man is reason, and power is useless which is not reducible to action. Also, it is through no fault of theirs that these aborigines have for many centuries been outside the pale of salvation, in that they have been born in sin and void of baptism and the use of reason whereby to seek out the things needful for salvation. Accordingly I for the most part attribute their seeming so unintelligent and stupid to a bad and barbarous upbringing, for even among ourselves we find many peasants who differ little from brutes.

⁸ Francisci de Vitoria, *De Indis et De ivre belli, relectiones*. . . , ed. Ernest Nys (Washington, D. C.: Carnegie Institution of Washington, 1917). Available online at: <https://goo.gl/PsqWPj>.

⁹ The word translated "Reconsideration" is the Latin *Relectio*.

24. The upshot of all the preceding is, then, that the aborigines undoubtedly had true dominion in both public and private matters, just like Christians, and that neither their princes nor private persons could be despoiled of their property on the ground of their not being true owners. It would be harsh to deny to those, who have never done any wrong, what we grant to Saracens and Jews, who are the persistent enemies of Christianity. We do not deny that these latter peoples are true owners of their property, if they have not seized lands elsewhere belonging to Christians.

It remains to reply to the argument . . . that the aborigines in question seem to be slaves by nature because of their incapability of self-government. My answer to this is that Aristotle certainly did not mean to say that such as are not over-strong mentally are by nature subject to another's power and incapable of dominion alike over themselves and other things; for this is civil and legal slavery, wherein none are slaves by nature. Nor does the Philosopher mean that, if any by nature are of weak mind, it is permissible to seize their patrimony and enslave them and put them up for sale; but what he means is that by defect of their nature they need to be ruled and governed by others and that it is good for them to be subject to others, just as sons need to be subject to their parents until of full age, and a wife to her husband. . . .

Second Section

It being premised, then, that the Indian aborigines are or were true owners, it remains to inquire by what title the Spaniards could have come into possession of them and their country. . . .

15. Sixth proposition: Although the Christian faith may have been announced to the Indians with adequate demonstration and they have refused to receive it, yet this is not a reason which justifies making war on them and depriving them of their property. This conclusion is definitely stated by St. Thomas (*Secunda Secundae*, qu. 10, art. 8), where he says that unbelievers who have never received the faith, like Gentiles and Jews, are in no wise to be compelled to do so. This is the received conclusion of the doctors alike in the canon law and the civil law. The proof lies in the fact that belief is an operation of the will. Now, fear detracts greatly from the voluntary (*Ethics*, bk. 3), and it is a sacrilege to approach under the influence of servile fear as far as the mysteries and sacraments of Christ. . . .

Our proposition receives further proof from the use and custom of the Church. For never have Christian Emperors, who had as advisors the most holy and wise Pontiffs, made war on unbelievers for their refusal to accept the Christian religion. Further, war is no argument for the truth of the Christian faith. Therefore the Indians cannot be induced by war to believe, but rather to

feign belief and reception of the Christian faith, which is monstrous and a sacrilege. . . .

Another, and a fifth title¹⁰ is seriously put forward, namely, the sins of these Indian aborigines. For it is alleged that, though their unbelief or their rejection of the Christian faith is not a good reason for making war on them, yet they may be attacked for other mortal sins which (so it is said) they have in numbers, and those very heinous. . . .

16. I, however, assert the following proposition: Christian princes cannot, even by the authorization of the Pope, restrain the Indians from sins against the law of nature or punish them because of those sins. My first proof is that the writers in question build on a false hypothesis, namely, that the Pope has Jurisdiction over the Indian aborigines, as said above. . . .

Further, the Pope cannot make war on Christians on the ground of their being fornicators or thieves or, indeed, because they are sodomites; nor can he on that ground confiscate their land and give it to other princes; were that so, there would be daily changes of kingdoms, seeing that there are many sinners in every realm. And this is confirmed by the consideration that these sins are more heinous in Christians, who are aware that they are sins, than in barbarians, who have not that knowledge. Further, it would be a strange thing that the Pope, who cannot make laws for unbelievers, can yet sit in judgment and visit punishment upon them.

A further and convincing proof is the following: The aborigines in question are either bound to submit to the punishment awarded to the sins in question or they are not. If they are not bound, then the Pope cannot award such punishment. If they are bound, then they are bound to recognize the Pope as lord and lawgiver. Therefore, if they refuse such recognition, this in itself furnishes a ground for making war on them, which, however, the writers in question deny, as said above. And it would indeed be strange that the barbarians could with impunity deny the authority and jurisdiction of the Pope, and yet that they should be bound to submit to his award. Further, they who are not Christians cannot be subjected to the judgment of the Pope, for the Pope has no other right to condemn or punish them than as vicar of Christ. But, the writers in question admit – both Innocent and Augustinus of Ancona, and the Archbishop and Sylvester, too – that they cannot be punished because they do not receive Christ. Therefore [*they cannot be punished*] because they do not receive the judgment of the Pope, for the latter presupposes the former.

The insufficiency alike of this present title and of the preceding one, is shown by the fact that, even in the Old Testament, where much was done by

¹⁰ That is, justification for taking the Indian lands.

force of arms, the people of Israel never seized the land of unbelievers either because they were unbelievers or idolaters or because they were guilty of other sins against nature (and there were people guilty of many such sins, in that they were idolaters and committed many other sins against nature, as by sacrificing their sons and daughters to devils), but because of either a special gift from God or because their enemies had hindered their passage or had attacked them. . . .

. . . There remains another, a sixth title, which is put forward, namely, by voluntary choice. For on the arrival of the Spaniards we find them declaring to the aborigines how the King of Spain has sent them for their good and admonishing them to receive and accept him as lord and king; and the aborigines replied that they were content to do so. . . . I, however, assert the proposition that this title, too, is insufficient. This appears, in the first place, because fear and ignorance, which vitiate every choice, ought to be absent. But they were markedly operative in the cases of choice and acceptance under consideration, for the Indians did not know what they were doing; nay, they may not have understood what the Spaniards were seeking. Further, we find the Spaniards seeking it in armed array from an unwarlike and timid crowd. Further, inasmuch as the aborigines, as said above, had real lords and princes, the populace could not procure new lords without other reasonable cause, this being to the hurt of their former lords. Further, on the other hand, these lords themselves could not appoint a new prince without the assent of the populace. Seeing, then, that in such cases of choice and acceptance as these there are not present all the requisite elements of a valid choice, the title under review is utterly inadequate and unlawful for seizing and retaining the provinces in question.

There is a seventh title which can be set up, namely, by special grant from God. For some (I know not who) assert that the Lord by His especial judgment condemned all the barbarians in question to perdition because of their abominations and delivered them into the hands of the Spaniards, just as of old He delivered the Canaanites into the hands of the Jews. I am loath to dispute hereon at any length, for it would be hazardous to give credence to one who asserts a prophecy against the common law and against the rules of Scripture, unless his doctrine were confirmed by miracles. Now, no such are adduced by prophets of this type. Further, even assuming that it is true that the Lord had determined to bring the barbarians to perdition, it would not follow, therefore, that he who wrought their ruin would be blameless, any more than the Kings of Babylon who led their army against Jerusalem and carried away the children of Israel into captivity were blameless, although in actual fact all of this was by the especial providence of God, as had often been foretold to them. . . .

Let this suffice about false and inadequate titles to seize the lands of the Indians. . . .

Third Section . . .

. . .

6. Fifth proposition: If the Indian natives wish to prevent the Spaniards from enjoying any of their above-named rights under the law of nations, for instance, trade or other above-named matter, the Spaniards ought in the first place to use reason and persuasion in order to remove scandal and ought to show in all possible methods that they do not come to the hurt of the natives, but wish to sojourn as peaceful guests and to travel without doing the natives any harm; – and they ought to show this not only by word, but also by reason, according to the saying, “It behoveth the prudent to make trial of everything by words first.” But if, after this recourse to reason, the barbarians decline to agree and propose to use force, the Spaniards can defend themselves and do all that consists with their own safety, it being lawful to repel force by force. . . .

It is, however, to be noted that the natives being timid by nature and in other respects dull and stupid, however much the Spaniards may desire to remove their fears and reassure them with regard to peaceful dealings with each other, they may very excusably continue afraid at the sight of men strange in garb and armed and much more powerful than themselves. And therefore, if, under the influence of these fears, they unite their efforts to drive out the Spaniards or even to slay them, the Spaniards might, indeed, defend themselves but within the limits of permissible self-protection, and it would not be right for them to enforce against the natives any of the other rights of war (as, for instance, after winning the victory and obtaining safety, to slay them or despoil them of their goods or seize their cities), because on our hypothesis the natives are innocent and are justified in feeling afraid. Accordingly, the Spaniards ought to defend themselves, but so far as possible with the least damage to the natives, the war being a purely defensive one.

There is no inconsistency, indeed, in holding the war to be a just war on both sides, seeing that on one side there is right and on the other side there is invincible ignorance. For instance, just as the French hold the province of Burgundy with demonstrable ignorance, in the belief that it belongs to them, while our Emperor’s right to it is certain, and he may make war to regain it, just as the French may defend it, so it may also befall in the case of the Indians – a point deserving careful attention. For the rights of war which may be invoked against men who are really guilty and lawless differ from those which may be invoked against the innocent and ignorant, just as the scandal of the Pharisees is to be avoided in a different way from that of the self-distrustful and weak.

7. Sixth proposition: If after recourse to all other measures, the Spaniards are unable to obtain safety as regards the native Indians, save by seizing their cities and reducing them to subjection, they may lawfully proceed to these extremities. . . .

8. Seventh proposition: If, after the Spaniards have used all diligence, both in deed and in word, to show that nothing will come from them to interfere with the peace and well-being of the aborigines, the latter nevertheless persist in their hostility and do their best to destroy the Spaniards, then they can make war on the Indians, no longer as on innocent folk, but as against forsworn enemies, and may enforce against them all the rights of war, despoiling them of their goods, reducing them to captivity, deposing their former lords and setting up new ones, yet withal with observance of proportion as regards the nature of the circumstances and of the wrongs done to them. . . .

...

18. There is another title which can indeed not be asserted, but brought up for discussion, and some think it a lawful one. I dare not affirm it at all, nor do I entirely condemn it. It is this: Although the aborigines in question are (as has been said above) not wholly unintelligent, yet they are little short of that condition, and so are unfit to found or administer a lawful State up to the standard required by human and civil claims. . . . It might, therefore, be maintained that in their own interests the sovereigns of Spain might undertake the administration of their country, providing them with prefects and governors for their towns, and might even give them new lords, so long as this was clearly for their benefit. I say there would be some force in this contention. . . . The same principle seems to apply here to them as to people of defective intelligence; and indeed they are no whit or little better than such so far as self-government is concerned, or even than the wild beasts, for their food is not more pleasant and hardly better than that of beasts. Therefore their governance should in the same way be entrusted to people of intelligence. . . . And surely this might be founded on the precept of charity, they being our neighbors and we being bound to look after their welfare. Let this, however, as I have already said, be put forward without dogmatism and subject also to the limitation that any such interposition be for the welfare and in the interests of the Indians and not merely for the profit of the Spaniards. For this is the respect in which all the danger to soul and salvation lies. And herein some help might be gotten from the consideration, referred to above, that some are by nature slaves, for all the barbarians in question are of that type and so they may in part be governed as slaves are.

**The Second Reconsideration of the Reverend Father, Brother
Franciscus De Vitoria,
On The Indians, or On The Law of War Made by the Spaniards on the
Barbarians.**

Inasmuch as the seizure and occupation of those lands of the barbarians whom we style Indians can best, it seems, be defended under the law of war, I propose to supplement the foregoing discussion of the titles, some just and some unjust, which the Spaniards may allege for their hold on the lands in question, by a short discussion of the law of war, so as to give more completeness to that [*first*] reconsideration [*relectio*]. . . .

. . .

13. Fourth proposition: There is a single and only just cause for commencing a war, namely, a wrong received. . . .

14. Fifth proposition: Not every kind and degree of wrong can suffice for commencing a war. . . . As, then, the evils inflicted in war are all of a severe and atrocious character, such as slaughter and fire and devastation, it is not lawful for slight wrongs to pursue the authors of the wrongs with war, seeing that the degree of the punishment ought to correspond to the measure of the offence (Deuteronomy, ch. 25). . . .

. . .

37. . . . Great attention, however, must be paid to the point already taken, namely, the obligation to see that greater evils do not arise out of the war than the war would avert. . . . [I]t is never right to slay the guiltless, even as an indirect and unintended result, except when there is no other means of carrying on the operations of a just war, according to the passage (St. Matthew, ch. 13) "Let the tares grow, lest while ye gather up the tares ye root up also the wheat with them."

. . .

. . .

42. Assuming the unlawfulness of the slaughter of children and other innocent parties, is it permissible, at any rate, to carry them off into captivity and slavery? This can be cleared up in a single proposition, namely: It is in precisely the same way permissible to carry the innocent off into captivity as to despoil them, liberty and slavery being included among the good things of Fortune. And so when a war is at that pass that the indiscriminate spoliation of all enemy-subjects alike and the seizure of all their goods are justifiable, then it is also justifiable to carry all enemy-subjects off into captivity, whether they be guilty or guiltless. And inasmuch as war with pagans is of this type, seeing that it is perpetual and that they can never make amends for the wrongs and damages they have wrought, it is indubitably lawful to carry off both the children and the

women of the Saracens into captivity and slavery. But inasmuch as, by the law of nations, it is a received rule of Christendom that Christians do not become slaves in right of war, this enslaving is not lawful in a war between Christians; but if it is necessary having regard to the end and aim of war, it would be lawful to carry away even innocent captives, such as children and women, not indeed into slavery, but so that we may receive a money-ransom for them. This, however, must not be pushed beyond what the necessity of the war may demand and what the custom of lawful belligerents has allowed.

E. Bartolomé de Las Casas, A Short Description of the Destruction of the Indies, 1542¹¹

... The Fifth Kingdom¹² was Hiquey, over which Queen Hiquanama, an elderly Princess, whom the Spaniards Crucified, presided and governed. I saw an infinite number of these people burned, and dismembered, and racked with various torments, and of those who survived these matchless evils who were then enslaved. But because so much might be said concerning the killing and destruction of these people, as cannot without great difficulty be written (nor do I conceive that one part of 1,000 that is here contained can be fully displayed) I will only add one remark more about the previously mentioned wars, and declare upon my conscience, that notwithstanding all the above-named injustice, profligate enormities and other crimes which I omit, (though sufficiently known to me) the Indians did not, nor was it in their power to, give [*the Spaniards*] any cause for these crimes, any more than the pious religious living in a well-regulated Monastery could give a sacrilegious villain any reason to deprive them of their goods and life. No was there any cause for the Spaniards to enslave in perpetuity those who survived the initial massacre. I really believe and am satisfied by certain undeniable conjectures, that at the very time when all these outrages were committed in this Isle, the Indians were not so much guilty of one single mortal sin of commission against the Spaniards, that might

¹¹ We reproduce here a few pages of Bartolomé de Las Casas' (1484–1566) account of the conquest of Hispaniola, from a modernized version of an early English translation of the work by an individual known only as M.M.S., retitled *The Spanish Colonie* (London: 1583); available online: <https://goo.gl/H2YDtk>. Las Casas participated in the conquest he recounts; he was also in Cuba during the conquest of that island. He eventually became a Dominican friar and worked for the rest of his life to protect the indigenous people of the Americas.

¹² Of Hispaniola, present day Haiti and the Dominican Republic.

deserve from anyone such revenge. And as for those sins, the punishment of which God reserves to himself, such as the immoderate desire of revenge, hatred, envy or inward rancor of spirit, to which [*the Indians*] might be led against such capital enemies as the Spaniards, I judge that very few of [*the Indians*] can justly be accused of them; for their impetuosity and vigor, I know, to be inferior to that of children of ten or twelve years of age. And I can assure you, that the Indians had every just cause to wage war against the Spaniards, and the Spaniards on the contrary never waged a just war against them, but only what was more injurious and groundless than any undertaken by the worst of Tyrants. This was true of all their actions in America.

The wars being over, and the inhabitants all swept away, the Spaniards divided among themselves the young men, women, and children, one taking thirty, another forty, to this man one hundred were given, to the other two hundred. The more one was in favor with the domineering tyrant (whom they styled Governor), the more slaves he got, under the pretense, and on the condition, that he should instruct the slave in the Catholic religion. Yet, those Spaniards to whom the Indians were given were themselves for the most part idiotic, cruel, avaricious, and infected with all sorts of vices. And this was the great care they had of [*the Indians*]: they sent the men to the mines to dig for gold, which is an intolerable labor; the women they turned to tilling and manuring the ground, which is drudgery even to men of the strongest and most robust constitutions. They gave them nothing else to eat but wild grasses and other such insubstantial nutriment, so that the milk of nursing women dried up, which meant that recently born infants all died. Since the females were separated from and did not live with the men, there were no new births among them. The men died in the mines, starved and oppressed with labor, and the women perished in the fields, broken from the same evils and calamities. Thus, the infinite number of inhabitants that formerly peopled this island were exterminated and dwindled away to nothing. They were compelled to carry burdens of eighty or one hundred pound weight a hundred or two hundred miles. They had to carry the Spaniards on their shoulders in a carriage or a kind of bed woven by the Indians. In truth they made use of them as beasts to carry baggage on their journeys, so much so that it frequently happened that the shoulders and backs of the Indians were deeply marked with sores, just as happens with animals that carry heavy burdens. It would take a long time, and many reams of paper to describe the slashes with whips, blows with staves, beatings and curses, and all the other torments they suffered during these backbreaking journeys, and even then it would only create horror and dismay in the reader.

But it is true that the desolation of these islands began only with the death of the most Serene Queen Isabella, about the year 1504. Before that time very few of the provinces situated in that island [*Hispaniola*] were oppressed or spoiled with unjust wars, or violated with general devastation as they were afterwards. Most if not all these things were concealed and masked from the Queen's knowledge (whom I hope God hath crowned with Eternal Glory) for she was transported with fervent and wonderful zeal, in fact, almost Divine desire for the salvation and preservation of these people, as we have seen with our own eyes and cannot easily forget.

Take this also for a general rule, that no matter which coast in the Americas the Spaniards were landed on, they carried out the same cruelties, slaughters, tyrannies and detestable oppressions on the most innocent Indian nations. The more time they spent in the Americas the more they diverted themselves with new ways of tormenting the Indians, improving in barbarism and cruelty. As a consequence, God, incensed at them, allowed them to fall into complete wickedness.

Chapter 2

Merchants and Morality in Colonial Massachusetts

- A. Robert Cushman, *The Sin and Danger of Self-Love*, 1621
- B. William Bradford, *Of Property*, 1623
- C. John Winthrop, “A Model of Christian Charity”, 1630
- D. Passengers Bound for New England, March 20, 1635
- E. Admonishment and Reconciliation of Robert Keayne with the Church, 1639 – 1640
- F. Robert Keayne, *Apologia*, August 1, 1653

Many (although not all) of the early colonists in New England were religious dissenters – persons who had separated from established churches in Great Britain – for whom the New World represented a haven from royal persecution. Particularly in the colonies of Plymouth and Massachusetts, shared religious commitments and the experience of persecution led community leaders to frame their colonies as quasi-utopian places for the faithful to prosper. Given the opportunity to create societies according to their own understandings, they did not hesitate to engage in radical social experiments meant to prove that “godliness” was not only a spiritual virtue but had practical implications for everyday life as well. From the beginning, ministers like Robert Cushman (Document A) and civil magistrates like William Bradford and John Winthrop (Documents B and C) urged their citizens to recognize that they were drawn together for a purpose far beyond their own liberty, or even security, and to place the welfare of the community as a whole above their own.

Cushman and Winthrop, for example, offered advice to the colonists about how to best prepare themselves mentally and spiritually for the arduous task of a godly commonwealth. Both men urged their audiences to embrace the Christian ideal of “brotherly affection.” In response to the extraordinary demands of colonization, they urged their listeners to willingly be generous and abjure “self-love.” This was taken quite literally at Plymouth, where the London-based investors funding the colony required the colonists to agree that everything would be held in common for the first seven years, and then at the end of that term, all property/profits divided equally between colonists and investors. Although this experiment with communalism failed rather spectacularly and was abandoned after only three years (Document B), the ethic of neighborliness continued to be an important touchstone in both colonies throughout the seventeenth century.

New colonists (Document D) continued to arrive regularly throughout the 1630s and 1640s, and as the population increased, the colonists struggled to balance their desire to remain true to their founders' idealized notion of community with the realities of life and commerce. In Massachusetts Bay, for example, merchants such as Robert Keayne were expected to moderate their desire for profit with a due consideration of the extreme needs and limited means of their customers. Keayne, who was both a shrewd businessman and a devout member of his church, apparently struggled his whole life to meet this standard; at various times, he was admonished by both his congregation and the civil government for unjust business practices (Document E). This accusation apparently stung so deeply, Keayne used his last will and testament to present an extensive Apologia for his actions (Document F).

Study Questions

A. What expectations do both Robert Cushman and John Winthrop articulate about the conduct and character of those who will settle in Massachusetts? What reasons do they offer for these expectations? Why did Plymouth's experiment with communal farming fail – and what was it about farming on private property that made it succeed? How might the different settlers seen in the passenger list have responded to these principles, and why? What tensions are seen in the account of Keayne's trial, admonition, and reconciliation? Where is the line between covetousness and commerce? What does his Apologia suggest about the difficulties of adhering to utopian ideals in an increasingly diverse community?

B. How do the concerns about greed and the negative societal repercussions of excess wealth seen here relate to the issues raised about labor and markets in Chapter 10?

C. How might we evaluate these documents in light of the questions about market behavior raised in Volume 2, Chapter 21? What role, if any, do the authors in that chapter see for virtue in the economy? What are the consequences of neglecting to consider virtue in an economic context? How do the visions of a community of shared responsibility for the financial security of all presented in this chapter compare to those presented in Volume 2, Chapter 22?

A. Robert Cushman, *The Sin and Danger of Self-Love*, 1621¹

Let no man seek his own; but every man another's wealth – 1 Cor. x. 24.

...

The meaning then summarily is, as if he had said, the bane of all these mischiefs which arise among you is, that men are too cleaving to themselves and their own matters, and disregard and condemn all others; and therefore I charge you, let this self-seeking be left off, and turn the stream another way, namely, seek the good of your brethren, please them, honor them, reverence them, for otherwise it will never go well among you.

Objection. But does not the Apostle elsewhere say? That he, that cares not for his own, is worse than an infidel.

Answer. True, but by "own" there, he means properly, a man's kindred, and here by "own" he means properly a man's self.

Secondly, he there especially taxes such as were negligent in their labors and callings, and so made themselves unable to give relief and entertainment to such poor widows and orphans as were of their own flesh and blood. . . .

Doctrine 1. All men are too apt and ready to seek themselves too much, and to prefer their own matters and causes beyond the due and lawful measure, even to excess and offense against God, yea danger of their own souls. . . .

Objection. It is a point of good natural policy, for a man to care and provide for himself.

Answer. . . . I say he *must* seek . . . the comfort, profit and benefit of his neighbor, brother, associate, etc. His own good he need not seek, it will offer itself to him every hour; but the good of others must be sought. . . .

As a man may neglect, in some sort the general world, yet those to whom he is bound, either in natural, civil, or religious bands, them he must seek how to do them good. . . . Now for one member in the body to seek himself, and neglect all others, were as if a man should clothe one arm or one leg of his body with gold and purple, and let all the rest of the members go naked.

Now brethren, I pray you, remember yourselves, and know, that you . . . have given your names and promises one to another, and covenanted here to cleave together in the service of God, and the king; what then must you do? May you live as retired hermits? And look after no body? Nay, you must seek still the wealth of one another. . . . [*My neighbor*] is as good a man as I, and we are bound each to other, so that his wants must be my wants, his sorrows my sorrows, his

¹ Robert Cushman, *The Sin and Danger of Self-Love* . . . 1621 (Boston: 1846).

sickness my sickness, and his welfare my welfare, for I am as he is. And such a sweet sympathy were excellent, comfortable, yea, heavenly, and is the only maker and conservator of churches and commonwealths, and where this is wanting, ruin comes on quickly, as it did here in *Corinth*.² . . .

It wonderfully encourages men in their duties, when they see the burden equally borne; but when some withdraw themselves and retire to their own particular ease, pleasure, or profit, what heart can men have to go on in their business? . . . Will not a few idle drones spoil the whole stock of laborious bees; so one idle-belly, one murmurer, one complainer, one self-lover will weaken and dishearten a whole colony. . . .

The present necessity requires it, as it did in the days of the *Jews*, returning from captivity, and as it was here in *Corinth*. The country is yet raw, the land untilled, the cities not builded, the cattle not settled; we are compassed about with a helpless and idle people, the natives of this country, which cannot in any comely or comfortable manner help themselves, much less us.

. . . [I]f your difficulties be great, you had need to cleave the faster together, and comfort and cheer up one another, laboring to make each other's burdens lighter; there is no grief so tedious as a churlish companion, and nothing makes sorrows easy more than cheerful associates. Bear you therefore one another's burden, and be not a burden one to another; avoid all factions, forwardness, singularity and withdrawals, and cleave fast to the Lord, and one to another continually. . . .

B. William Bradford, Of Property, 1623³

All this while no supply was heard of, neither knew they when they might expect any. So they began to think how they might raise as much corn as they could, and obtain a better crop than they had done, that they might not still thus languish in misery. At length, after much debate of things, the Governor (with the advice of the chiefest amongst them) gave way that they should set corn every man for his own particular, and in that regard trust to themselves; in all other things to go on in the general way as before. And so assigned to every family a parcel of land, according to the proportion of their number, for that end, only for present use (but made no division for inheritance) and ranged all boys

² Cushman refers to the Church in Corinth, to which Paul wrote the letter that provides the text of Cushman's sermon.

³ William Bradford, *Of Plimoth Plantation: From the Original Manuscript* (Boston: Wright and Potter, State Printers, 1898), 162-164.

and youth under some family. This had very good success, for it made all hands very industrious, so as much more corn was planted than otherwise would have been by any means the Governor or any other could use, and saved him a great deal of trouble, and gave far better content. The women now went willingly into the field, and took their little ones with them to set corn; which before would allege weakness and inability; whom to have compelled would have been thought great tyranny and oppression.

The experience that was had in this common course and condition, tried sundry years and that amongst godly and sober men, may well evince the vanity of that conceit of Plato's and other ancients applauded by some of later times; that the taking away of property and bringing in community into a commonwealth would make them happy and flourishing; as if they were wiser than God. For this community (so far as it was) was found to breed much confusion and discontent and retard much employment that would have been to their benefit and comfort. For the young men, that were most able and fit for labour and service, did repine that they should spend their time and strength to work for other men's wives and children without any recompense. The strong, or man of parts, had no more in division of victuals and clothes than he that was weak and not able to do a quarter the other could; this was thought injustice. The aged and graver men to be ranked and equalized in labours and victuals, clothes, etc., with the meaner and younger sort, thought it some indignity and disrespect unto them. And for men's wives to be commanded to do service for other men, as dressing their meat, washing their clothes, etc., they deemed it a kind of slavery, neither could many husbands well brook it. Upon the point all being to have alike, and all to do alike, they thought themselves in the like condition, and one as good as another; and so, if it did not cut off those relations that God hath set amongst men, yet it did at least much diminish and take off the mutual respects that should be preserved amongst them. And would have been worse if they had been men of another condition. Let none object this is men's corruption, and nothing to the course itself. I answer, seeing all men have this corruption in them, God in His wisdom saw another course fitter for them.

C. John Winthrop, “A Model of Christian Charity”, 1630⁴

CHRISTIAN CHARITY.

A Model hereof.

GOD ALMIGHTY in his most holy and wise providence, hath so disposed of the condition of mankind, as in all times some must be rich, some poor, some high and eminent in power and dignity; others mean and in submission.

The Reason hereof.

1. *Reason.* First, to hold conformity with the rest of his works, being delighted to show forth the glory of his wisdom in the variety and difference of the creatures, and the glory of his power in ordering all these differences for the preservation and good of the whole; and the glory of his greatness, that as it is the glory of princes to have many officers, so this great king will have many stewards, counting himself more honored in dispensing his gifts to man by man, than if he did it by his own immediate hands.

2. *Reason.* Secondly, that he might have the more occasion to manifest the work of his Spirit: first upon the wicked in moderating and restraining them: so that the rich and mighty should not eat up the poor, nor the poor and despised rise up against their superiors and shake off their yoke. Secondly, in the regenerate, in exercising his graces in them, as in the great ones, their love, mercy, gentleness, temperance etc., in the poor and inferior sort, their faith, patience, obedience, etc.

3. *Reason.* Thirdly, that every man might have need of others, and from hence they might be all knit more nearly together in the bonds of brotherly affection. From hence it appears plainly that no man is made more honorable than another or more wealthy etc., out of any particular and singular respect to himself, but for the glory of his creator and the common good of the creature, man. Therefore, God still reserves the property of these gifts to himself as Ezek. 16:17 – he there calls wealth, *his gold and his silver*,⁵ and Prov. 3:9 – he claims their service as his due, *honor the Lord with thy riches, etc.*⁶ All men being thus (by divine providence) ranked into two sorts, rich and poor; under the first are comprehended all such as are able to live comfortably by their own means duly improved; and all others are poor according to the former distribution.

⁴ John Winthrop, “A Model of Christian Charity”, Collections of the Massachusetts Historical Society (Boston, 1838), 3rd series 7:31-48).

⁵ Ezekiel 16:17.

⁶ Proverbs 3:9.

. . . There is a time when a Christian must sell all and give to the poor, as they did in the Apostles' times. There is a time also when Christians (though they give not all yet) must give beyond their ability. . . . Likewise, a community of peril calls for extraordinary liberality, and so doth community in some special service for the church. Lastly, when there is no other means whereby our Christian brother may be relieved in his distress, we must help him beyond our ability rather than tempt God in putting him upon help by miraculous or extraordinary means.

This duty of mercy is exercised in three kinds: giving, lending and forgiving.

Quest[ion]. What rule shall a man observe in giving in respect of the measure?

Ans[wer]. If the time and occasion be ordinary, he is to give out of his abundance. *Let him lay aside as God hath blessed him.*⁷ If the time and occasion be extraordinary, he must be ruled by them: taking this withal, that then a man cannot likely do too much, especially if he may leave himself and his family under probable means of comfortable subsistence.

Object[ion]. A man must lay up for posterity, the fathers lay up for posterity and children, and *he is worse than an infidel that provideth not for his own.*⁸

Ans[wer]. For the first, it is plain that it being spoken by way of comparison, it must be meant of the ordinary and usual course of fathers, and cannot extend to times and occasions extraordinary. For the other place, the Apostle speaks against such as walked inordinately, and it is without question that he is worse than an infidel who through his own sloth and voluptuousness shall neglect to provide for his family. . . .

Quest[ion]. What rule must we observe in lending?

Ans[wer]. Thou must observe whether thy brother hath present or probable or possible means of repaying thee, if there be none of those, thou must give him according to his necessity, rather than lend him as he requires; if he hath present means of repaying thee, thou art to look at him not as an act of mercy, but by way of Commerce, wherein thou art to walk by the rule of justice; but if his means of repaying thee be only probable or possible, then is he an object of thy mercy, thou must lend him, though there be danger of losing it, Deut. 15:7. *If any of thy brethren be poor etc., thou shalt lend him sufficient. . . .*⁹

Quest[ion]. What rule must we observe and walk by in cause of community of peril?

Ans[wer]. The same as before, but with more enlargement towards others and less respect towards ourselves and our own right. Hence it was that in the

⁷ 1 Corinthians 16:2.

⁸ 1 Timothy 5:8.

⁹ Deuteronomy 15:7-8.

primitive Church they sold all, had all things in common, neither did any man say that which he possessed was his own.¹⁰ Likewise in their return out of the captivity, because the work was great for the restoring of the church and the danger of enemies was common to all, Nehemiah directs the Jews to liberality and readiness in remitting their debts to their brethren, and disposing liberally to such as wanted, and stand not upon their own dues which they might have demanded of them.¹¹ Thus did some of our Forefathers in times of persecution in England, and so did many of the faithful of other churches, whereof we keep an honorable remembrance of them; and it is to be observed that both in Scriptures and latter stories of the churches that such as have been most bountiful to the poor saints, especially in those extraordinary times and occasions, God hath left them highly commended to posterity. . . .

. . . The definition which the Scripture gives us of love is this: *Love is the bond of perfection*. First it is a bond or ligament. Secondly it makes the work perfect. There is no body but consists of parts, and that which knits these parts together, gives the body its perfection, because it makes each part so contiguous to others as thereby they do mutually participate with each other, both in strength and infirmity, in pleasure and pain. To instance in the most perfect of all bodies; Christ and his Church make one body; the several parts of this body considered apart before they were united, were as disproportionate and as much disordering as so many contrary qualities or elements, but when Christ comes, and by his spirit and love knits all these parts to himself and each to other, it is become the most perfect and best proportioned body in the world, Eph. 4:16: *Christ, by whom all the body being knit together by every joint for the furniture thereof, according to the effectual power which is in the measure of every perfection of parts, a glorious body without spot or wrinkle;*¹² the ligaments hereof being Christ, or his love, for Christ is love, 1 John 4:8. So this definition is right. *Love is the bond of perfection*. . . .

The next consideration is how this love comes to be wrought. Adam in his first estate was a perfect model of mankind in all their generations, and in him this love was perfected in regard of the habit. But Adam rent himself from his Creator, rent all his posterity also one from another; whence it comes that every man is borne with this principle in him: to love and seek himself only, and thus

¹⁰ As recounted in Acts 2:44-45.

¹¹ As recounted in Nehemiah 5.

¹² Winthrop here summarizes his reading of Ephesians 4 and 5, in part paraphrasing 4:13-16, which describes the church as a body made of many parts, each member learning to fill a particular role, all striving together in love to become the earthly embodiment of Christ, "the perfect man." He is also remembering 5:27, which likens the church to a body made perfect by Christ's atoning sacrifice.

a man continueth till Christ comes and takes possession of the soul and infuseth another principle, love to God and our brother, and this latter having continual supply from Christ, as the head and root by which he is united, gets the predomining in the soul, so by little and little expels the former. 1 John 4:7: *love cometh of God and every one that loveth is borne of God*,¹³ so that this love is the fruit of the new birth, and none can have it but the new creature. . . .

From the former Considerations arise these conclusions. First, this love among Christians is a real thing, not imaginary. Secondly, this love is as absolutely necessary to the being of the body of Christ, as the sinews and other ligaments of a natural body are to the being of that body. Thirdly, this love is a divine, spiritual, nature; free, active, strong, courageous, and permanent; undervaluing all things beneath its proper object and of all the graces, this makes us nearer to resemble the virtues of our heavenly father. . . .

It rests now to make some application of this discourse, by the present design, which gave the occasion of writing of it. Herein are four things to be propounded; first the persons, secondly the work, thirdly the end, fourthly the means.

For *the persons*. We are a company professing ourselves fellow members of Christ, in which respect only though we were absent from each other many miles, and had our employments as far distant, yet we ought to account ourselves knit together by this bond of love, and, live in the exercise of it, if we would have comfort of our being in Christ. . . .

For the *work* we have in hand. It is by a mutual consent, through a special overvaluing providence and a more than an ordinary approbation of the churches of Christ, to seek out a place of cohabitation and consortship under a due form of Government both civil and ecclesiastical. In such cases as this, the care of the public must over sway all private respects, by which, not only conscience, but mere civil policy, doth bind us. For it is a true rule that particular estates cannot subsist in the ruin of the public.

The end is to improve our lives to do more service to the Lord; the comfort and increase of the body of Christ, whereof we are members; that ourselves and posterity may be the better preserved from the common corruptions of this evil world, to serve the Lord and work out our Salvation under the power and purity of his holy ordinances.

For the means whereby this must be effected: they are twofold, a conformity with the work and end we aim at. These we see are extraordinary, therefore we must not content ourselves with usual ordinary means. Whatsoever we did, or ought to have, done, when we lived in England, the same must we do, and more

¹³ 1 John 4:7, "Beloved, let us love one another: for love is of God; and every one that loveth is born of God, and knoweth God."

also, where we go. That which the most in their churches maintain as truth in profession only, we must bring into familiar and constant practice; as in this duty of love, we must love brotherly without dissimulation, we must love one another with a pure heart fervently. We must bear one another's burdens. We must not look only on our own things, but also on the things of our brethren. Neither must we think that the Lord will bear with such failings at our hands as he dothe from those among whom we have lived. . . .

Thus stands the cause between God and us. We are entered into covenant with Him for this work. We have taken out a commission. The Lord hath given us leave to draw our own articles. We have professed to enterprise these and those accounts, upon these and those ends. We have hereupon besought Him of favor and blessing. Now if the Lord shall please to hear us, and bring us in peace to the place we desire, then hath he ratified this covenant and sealed our Commission, and will expect a strict performance of the articles contained in it; but if we shall neglect the observation of these articles which are the ends we have propounded, and, dissembling with our God, shall fall to embrace this present world and prosecute our carnal intentions, seeking great things for ourselves and our posterity, the Lord will surely break out in wrath against us; be revenged of such a [sinful] people and make us know the price of the breaches of such a covenant.

Now the only way to avoid this shipwreck, and to provide for our posterity, is to follow the counsel of Micah, *to do justly, to love mercy, to walk humbly with our God*.¹⁴ For this end, we must be knit together, in this work, as one man. We must entertain each other in brotherly affection. We must be willing to abridge ourselves of our superfluities, for the supply of other's necessities. We must uphold a familiar commerce together in all meekness, gentleness, patience and liberality. We must delight in each other; make other's conditions our own; rejoice together, mourn together, labor and suffer together, always having before our eyes our commission and community in the work, as members of the same body. So shall we *keep the unity of the spirit in the bond of peace*.¹⁵ The Lord will be our God, and delight to dwell among us, as his own people, and will command a blessing upon us in all our ways. So that we shall see much more of his wisdom, power, goodness and truth, than formerly we have been acquainted with. We shall find that the God of Israel is among us, when ten of us shall be able to resist a thousand of our enemies; when he shall make us a praise and glory that men shall say of succeeding plantations, "the Lord make it like that of *New England*." For we must consider that we shall be as a city upon a hill. The eyes of all people are upon us. So that if we shall deal falsely with our God in this work

¹⁴ Micah 6:8.

¹⁵ Ephesians 4:3.

we have undertaken, and so cause him to withdraw his present help from us, we shall be made a story and a by-word through the world. We shall open the mouths of enemies to speak evil of the ways of God, and all professors for God's sake. We shall shame the faces of many of God's worthy servants, and cause their prayers to be turned into curses upon us till wee be consumed out of the good land whither we are a going.

I shall shut up this discourse with that exhortation of Moses, that faithful servant of the Lord, in his last farewell to Israel, Deut. 30: *Beloved there is now set before us life and good, Death and evil, in that we are commanded this day to love the Lord our God, and to love one another, to walk in his ways and to keep his Commandments and his Ordinance and his laws, and the articles of our Covenant with him, that we may live and be multiplied, and that the Lord our God may bless us in the land whither we go to possess it. But if our hearts shall turn away, so that we will not obey, but shall be seduced, and worship and serve other Gods, our pleasure and profits, and serve them; it is propounded unto us this day, we shall surely perish out of the good land whither we pass over this vast sea to possess it;*¹⁶

Therefore let us choose life – that we, and our seed may live, by obeying His voice and cleaving to Him, for He is our life and our prosperity.¹⁷

D. Passengers Bound for New England, March 20, 1635¹⁸

Bound for New England.

Weymouth, 20th of March 1635.

- 1 Joseph Hull, of Somerset, a Minister, aged 40 years
- 2 Agnes Hull, his wife, aged 25 years
- 3 Joane Hull, his daughter, aged 15 years
- 4 Joseph Hull, his son, aged 13 years
- 5 Tristram, his son, aged 11 years
- 6 Elizabeth Hull, his daughter, aged 7 years
- 7 Temperance, his daughter, aged 9 years
- 8 Grissell Hull, his daughter, aged 5 years
- 9 Dorothy Hull, his daughter, aged 3 years
- 10 Judith French, his servant, aged 20 years
- 11 John Wood, his servant, aged 20 years

¹⁶ Winthrop quotes Deuteronomy 30:15-18, inserting what he understands to be the contemporary application of “other gods”.

¹⁷ A summary of Deuteronomy 30:19-20.

¹⁸ *New England Historical and Genealogical Register*, Volume 25, 1871, pp. 13-15.

- 12 Robert Dabyn, his servant aged, 28 years
- 13 Musachiell Bernard of Batcombe, clothier in the County of Somerset, 24 years
- 14 Mary Bernard, his wife, aged 28 years
- 15 John Bernard, his son, aged 3 years
- 16 Nathaniel, his son, aged 1 year
- 17 Rich. Persons, salter & his servant, 30 years
- 18 Francis Baber, Chandler, aged 36 years
- 19 Jesope, joiner, aged 22 years
- 20 Walter Jesop, weaver, aged 21 years
- 21 Timothy Tabor, in Somerset of Batcombe, tailor, aged 35 years
- 22 Jane Tabor, his wife, aged 35 years
- 23 Jane Tabor, his daughter, aged 10 years
- 24 Anne Tabor, his daughter, aged 8 years
- 25 Sarah Tabor, his daughter, aged 5 years
- 26 Will[ia]m Fever, his servant, aged 20 years
- 27 Jn^o. Whitmarke, aged, 30 years
- 28 Alce Whitmarke, his wife, aged 35 years
- 29 Jm. Whitmarke, his son, aged 11 years
- 30 Jane, his daughter, aged 7 years
- 31 Oaseph Whitmarke, his son, aged 5 years
- 32 Rich: Whitmarke, his son, aged 2 years
- 33 Willm Read, of Batcombe, tailor in Somerset, aged 25 years
- 34 [no name entered]
- 35 Susan Read, his wife, aged 29 years
- 36 Hanna Read, his daughter, aged 3 years
- 37 Susan Read, his daughter, aged 1 years
- 38 Rich: Adams, his servant, 29 years
- 39 Mary, his wife, aged 26 years
- 40 Mary Cheanne, his daughter, aged 1 years
- 41 Zachary Bickewell, aged 45 years
- 42 Aguis Bickewell, his wife, aged 27 years
- 43 Jn^o Bickewell, his son, aged 11 years
- 44 Jn^o Kitchin, his servant, 23 years
- 46 George Allyn, his son, aged 21 years
- 47 Katherin Allyn, his wife, aged 30 years
- 48 George Allyn, his son, aged 10 years
- 49 Willm Allyn, his son, aged 8 years
- 50 Mathew Allyn, his son, aged 6 years
- 51 Edward Poole, his servant, aged 26 years

- 52 Henry Kingman, aged 40 years
- 53 Joane, his wife, being aged 39
- 54 Edward Kingman, his son, aged 16 years
- 55 Joane, his daughter, aged 11 years
- 56 Anne, his daughter, aged 9 years
- 57 Thomas Kingman, his son, aged 7 years
- 58 John Kingman, his son, aged 2 years
- 59 Jⁿ Ford, his servant, aged 30 years
- 60 William Kinge, aged 40 years
- 61 Dorothy, his wife, aged 34 years
- 62 Mary Kinge, his daughter, aged 12 years
- 63 Katheryn, his daughter, aged 10 years
- 64 Willm Kinge, his son, aged 8 years
- 65 Hanna Kinge, his daughter, aged 6 years
- 66 Thomas Holbrooke of Broadway, aged 34 years
- 67 Jane Hobrooke, his wife, aged 34 years
- 68 John Holbrooke, his son, aged 11 years
- 69 Homas Holbrooke, his son, aged 10 years
- 70 Anne Holbrooke, his daughter, aged 5 years
- 71 Elizabeth, his daughter, aged 1 years
- 72 Thomas Dible, husbandman, aged 22 years
- 73 Francis Dible, sawyer, aged 24 years
- 74 Robert Lovell, husbandmen, aged 40 years
- 75 Elizabeth Lovell, his wife, aged 35 years
- 76 Zacheus Lovell, his son, 15 years
- 78 Anne Lovell, his daughter, aged 16 years
- 79 John Lovell, his son, aged 8 years
 - Ellyn, his daughter, aged 1 year
- 80 James, his son, aged 1 year
- 81 Joseph Chickin, his servant, 16 years
- 82 Alice Kinham, aged 22 years
- 83 Angell Hollard, aged 21 years
- 84 Katheryn, his wife, 22 years
- 85 George Land, his servant, 22 years
- 86 Sarah Land, his Kinswoman, 18 years
- 87 Richard Joanes of Dinder
- 88 Robt Martyn of Badcombe, husbandman, 44
- 89 Humfrey Shepheard, husbandman, 32
- 90 John Upham, husbandman, 35
- 91 Joane Martyn, 44

- 92 Elizabeth Upham, 32
- 93 John Upham, Junior, 7
- 94 William Grane, 12
- 95 Sarah Upham, 26
- 96 Nathaniell Upham, 5
- 97 Eliazabeth Upham, 3
- 98 Dorset Richard Wade of Simstuly, cooper, aged 60
- 99 Elizabeth Wade, his wife, 6[?]
- 100 Dinah, his daughter, 22
- 101 Henry Luch, his servant, aged 17
- 102 Andrew Hallett, his servant, 28
- 103 John Hobbble, husbandman, 13
- 104 Robt Huste, husbandman, 40
- 105 John Woodcooke, 2[?]
- 106 Rich: Porter husbandman, 3[?]

E. Trial, Admonishment and Reconciliation of Robert Keayne, 1639 – 1640¹⁹

November 9, 1639: At a general court²⁰ held at Boston, great complaint was made of the oppression used in the country in sale of foreign commodities; and Mr. Robert Keayne, who kept a shop in Boston, was notoriously above others observed and complained of; and, being convented²¹, he was charged with many particulars; in some, for taking above six-pence in the shilling profit; and in some above eight-pence; and in some small things, above two for one; and being hereof convict (as appears by the records), he was fined 200£,²² which came thus

¹⁹ Richard D. Pierce, ed., “The Records of the First Church in Boston, 1630 – 1868,” Colonial Society of Massachusetts, Publications 39 (1961), 26, 29. Details of the case can be found in *John Winthrop’s Journal: A History of New England*, Volume 1, edited by James Kendall Hosmer (New York: Scribner, 1908), 315-318.

²⁰ The Massachusetts legislature throughout the colonial period was known as the General Court (to distinguish it from the county courts). It consisted of an upper house, whose delegates were known as “magistrates,” and a lower house, whose delegates were known as “deputies.”

²¹ That is, a member of a particular congregation, and thereby bound to act in accordance with their teachings, as well as accept their oversight and discipline.

²² Roughly \$50,000 in 2018.

to pass: The deputies considered apart²³ of his fine, and set it at 200£[?]; the magistrates agree to but 100£. So, the court being divided, at length it was agreed, that his fine should be 200£, but he should pay but 100£, and the other should be respited to the further consideration of the next general court.

By this means the magistrates and deputies were brought to an accord, which otherwise had not been likely, and so much trouble might have grown, and the offender escaped censure. For the cry of the country was so great against oppression, and some of the elders²⁴ and magistrates had declared such detestation of the corrupt practice of this man (which was the more observable because he was wealthy and sold dearer than most other tradesman, and for that he was of ill report for the like covetous practice in England, that incensed the deputies very much against him). And sure the course was very evil, especial circumstances considered: 1. He being an ancient professor of the gospel; 2. A man of eminent parts; 3. Wealthy, and having but one child; 4. Having come over for conscience' sake, and for the advancement of the gospel here; 5. Having been formerly dealt with and admonished, both by private friends and also by some of the magistrates and elders, and having promised reformation; being a member of a church and commonwealth now in their infancy, and under the curious observation of all churches and civil states in the world.

These added much aggravation to his sin in the judgment of all men of understanding. Yet most of the magistrates (though they discerned of the offence clothed with all these circumstances) would have been more moderate in their censure: 1. Because there was no law in force to limit or direct men in point of profit in their trade. 2. Because it is the common practice, in all countries, for men to make use of advantages for raising the prices of their commodities. 3. Because (though he were chiefly aimed at, yet) he was not alone in this fault. 4. Because all men through the country, in sale of cattle, corn, labor, etc. were guilty of the like excess in prices. 5. Because a certain rule could not be found out for an equal rate between buyer and seller, though much labor had been bestowed in it, and diverse laws had been made, which, upon experience, were repealed, as being neither safe nor equal. Lastly, and especially, because the law of God appoints no other punishment but double restitution, and in some cases, as where the offender freely confesseth, and brings his offering, only half added to the principal.

²³ Separately from the magistrates; the Massachusetts legislature, known as the General Court, often sat as a single body, so this separation was noteworthy.

²⁴ Within the church polity of Massachusetts, an elder was an elected leader of a particular congregation, either in a teaching capacity (ministers) or in an administrative one (laymen). Elders, whether ministers or laymen, were men respected for their spiritual wisdom and often called upon to offer counsel to the General Court.

After the court had censured him, the church in Boston called him also in question, where (as before he had done in the court) he did, with tears, acknowledge and bewail his covetous and corrupt heart, yet making some excuse for many of the particulars, which were charged upon him, as partly by pretense of ignorance of the true price of some wares, and chiefly by being misled by some false principles, as, 1. that if a man lost in one commodity, he might help himself in the price of another; 2. that if, through want of skill or other occasion, his commodity cost him more than the price of the market in England, he might then sell it for more than the price of the market in New England, etc. These things gave occasion to Mr. Cotton,²⁵ in his public exercise the next lecture day, to lay open the error of such false principles, and to give some rules of direction in the case:

... The rules for trading were these: –

1. A man may not sell above the current price, i.e., such a price as is usual in the time and place, and as another (who knows the worth of the commodity) would give for it, if he had occasion to use it. . . .

2. When a man loseth in his commodity for want of skill, etc. he must look at it as his own fault or cross and therefore must not lay it upon another.

3. When a man loseth by casualty of sea, or etc., it is a loss cast upon himself by providence, and he may not ease himself of it by casting it upon another; for so a man should seem to provide against all providences, etc., that he should never lose; but where there is a scarcity of the commodity, there men may raise their price; for now it is a hand of God upon the commodity, and not the person.

4. A man may not ask any more for his commodity than his selling price.

...

The cause being debated by the church, some were earnest to have him excommunicated; but the most thought an admonition would be sufficient. . . .

November 26, 1639: Being a day of public fast[ing] for our congregation, our brother Mr. Robert Keayne was admonished by our pastor in the name of the church for selling his wares at excessive rates, to the dishonor of God's Name, the Offence of the General Court, and the public scandal of the country.

May 7, 1640: Being a day of Fasting etc., whereas our brother Mr. Robert Keayne was on the 26th day of the 9th Month 1639 being likewise a day of public fast admonished for selling wares at excessive rates; upon his penitential acknowledgment thereof this day and promise of further satisfaction to any that have just offence against him, he is now become reconciled to the Church.

²⁵ John Cotton (1585–1652), a leading minister in the Massachusetts Bay colony.

F. Apologia, Robert Keayne, August 1, 1653²⁶

... I look up to His throne of grace and mercy in the blood of Jesus Christ with some hope and confidence. ... In this faith alone I desire both to live and die and to continue therein to my life's end.

This faith in the Lord Jesus Christ hath been most plainly and sweetly taught in these churches of New England, in which place, though I met with many and deep sorrows and variety of exercises of spirit and hard measures offered to me, yet with unrepentant thoughts I desire to acknowledge it for a great blessing and undeserved favor of God that he hath brought me hither to enjoy His presence in the beauties of holiness, and to see His walkings in his Holy sanctuary. And though there may be failings in both our civil government and churches. ... yet I do unfeignedly approve of the way of the churches of Jesus Christ and the civil government that God hath here set up amongst us, and rejoice therein. ...

I am not ignorant that formerly there hath been many clamors and evil reports raised up against me here and elsewhere as if I had got my estate by unjust dealing and wronging of others. That all might take notice that I durst not allow myself in any such known wickedness as hath been falsely reported against me, I did in some of my former wills and also in my last before this, of anno 1649 ... set apart two hundred pounds out of my own estate, that if any man or woman (not knowing but that I might have died long before this time) young or old, in Old England or New, could justly challenge or make it appear by good proof or reason that I had in anything unjustly wronged or defrauded them, that they might have had full satisfaction allowed them, though I know of no such things that can justly be laid to my charge, nor any pretense of show of it [which], if I were alive to answer for myself, I should [not] easily clear and remove. But having now lived in New England this 17 or 18 years where there is an open passage in church and commonwealth where any that are unjustly wronged may easily right themselves if I should obstinately refuse to do them right, and none such having appeared in so many years, I think it needless to continue any longer what I formerly sequestered out of my estate for such ends. If any should come with such pretenses after I am dead, the falseness of them may the more justly be suspected in that they came not while I was alive. I speak of debts and unjust frauds, not of human infirmities and failings which may be common to myself as to other men. ...

I desire in this my will to give an account of my actions and endeavor to remove all jealousies as near as I can, these being as it were my last words that

²⁶ "Will of Robert Keayne," in *Report of Record Commissioners of the City of Boston, Containing Miscellaneous Papers* (Boston, 1886), pp. 1–54.

will live to speak for me when I am dead and in my grave. And God may be pleased so far to bless something or other that I have had occasion to express in this will, that such which have taken liberty to load me with diverse reproaches and long to lay me under a dark cloud may have cause to see that they have done amiss and now to be sorry for it, though they have not been so before.

The objections are these:

First, if I value my estate to be worth 4000 lb. or thereabouts, how could I get such an estate with good conscience, or without oppression in my calling, seeing it is known to some that I had no portion from my parents or friends to begin the world withal. If none did know of this, I am bound to acknowledge [it], that all may be attributed to the free mercy and kindness of God alone who raiseth up and pulleth down as he pleaseth. . . .

To which I answer, I have now traded for myself about 40 or 50 years and through the favor of God, though I had very little at first to begin with, yet I had good credit and good esteem and respect in the place where I lived so that I did ever drive a great trade not only since I came hither but especially in England.

Now to get 4000 lb. in 40 or 50 years is not 100 lb. a year clear gains, one year with another, which we account to be no great matter. . . . A tradesman or merchant that hath a full trade may get 100 lb. a year above his expenses and a great deal more very honestly without hurting his own conscience or wronging those that he deals with at all.

Since I came into New England . . . I have been no prodigal spender as I have been no niggardly sparer in things needful, as the account of my daily and weekly expenses will testify for me when those books come to be viewed over. . . .

For . . . I have undergone many censures since I came hither according to men's uncharitable and various apprehensions, some looking at me as an oppressor in trading and getting unconscionably by what I sold and others as covetous and niggardly in housekeeping and not so liberal and bountiful as I should be. How those two contraries can justly be charged upon me and yet have increased my estate no more in so long a time, I yet see not, [unless] it be [charged] by such as care not what they say of other men though never so false, so [long as] they may lay others under reproach and magnify themselves and their ways by disgracing others. . . .

But some may further object [that] if I do value my estate at so much as before mentioned, how could I deal honestly in suffering myself to be valued in rates to the country but after a 1000 lb. estate at most, or sometimes less.

To which I answer, first, that I do not think a man is bound in conscience to make known his whole estate and suffer himself to be valued to the uttermost extent thereof if he can honestly prevent it. It is not so in any nation in the world

that I have heard or read of, except in case of great extremity by an enemy in the country. . . .

I know myself and others here pay more to rates and public charges yearly than those that are three times of my estate in England in four or five years. . . . Here we are rated every year, and in some one year I have paid near twenty lb. to country rates. Therefore, though some may judge that men's estates are undervalued, everyone seeking to ease themselves and lay the burden upon others, yet rates did rise so high upon the pound and came so fast about that men may be truly said in that respect to be rated far above and beyond their estates. . . .

Chapter 3

Labor, Servitude and Slavery

- A. Indenture between the four Adventurers and Robert Coopy of North Nibley, 1619
- B. Richard Frethorne to His Parents, March 20 and April 2 – 3, 1623
- C. George Alsop, The Necessariness of Servitude Proved, 1666
- D. Virginia Laws Related to Slavery
- E. Robert Beverley, Of the Servants and Slaves in Virginia, 1722

When the Virginia colony was founded in 1607, the majority of unfree laborers in the colony were indentured servants, men and women who signed a legal contract called an indenture that bound them to work for a certain individual for a certain number of years, in exchange for which they received room, board, and some type of education or training. During their indenture, the servant was legally subject to the rule of their master; although there were laws to protect servants, Virginia's spread-out settlements meant that working conditions in actuality varied widely. No matter how oppressive their master, however, at the end of their indenture period, the individual servant was free to leave (usually with a set of supplies and a sum of money adequate for starting out on his or her own way in the world).

The second class of unfree labor consisted of slaves. At the beginning of the colonial period, records indicate that the most significant difference between slavery and indentured servitude lay in the expectation that, in the latter case, the individual would receive the sort of training and tools necessary to eventually take their place as a free person. In the early seventeenth century, race-based slavery for life did not exist in the Anglo-American world. Instead, where it existed, slavery was linked to the cultural and religious background of the enslaved person: non-Christian captives taken in a war, for example, might be enslaved, but not Christians, regardless of their racial or ethnic background. Nor was slavery always a permanent and inheritable condition: in the early years of the colony, individual slaves were able to win their freedom by demonstrating proof of their conversion to Christianity; in addition, enslaved persons were sometimes able to arrange to purchase their freedom, and policies regarding the status of children born to enslaved persons remained in flux until the mid-seventeenth century.

From the beginning, both forms of unfree labor coexisted in Virginia: the funders of the colony relied upon a mix of incentives (free land in exchange for a period of labor) and the bad economy in England to encourage laborers to come to the new

colony as indentured servants, while the colonists took captives as slave hostages during their frequent conflicts with the local native population. The first slaves from Africa arrived at Jamestown in 1619.

Initially, the majority of the colony's labor force consisted of indentured servants, but over time, as the English expanded their participation in the Atlantic and Indian slave trades and market conditions in the mother country improved, the balance shifted. By the end of the 1670s, black slaves began to replace both white indentured servants and Indian slaves as Virginians' primary source of labor.

Study Questions

A. What can we surmise about Robert Coopy's expectations about indentured servitude, based on his contract? How does Richard Frethorn describe his experience as an indentured servant? How might either of them respond to George Alsop's arguments about the social benefits of such a system? What do we learn about the concepts of unfree labor and race? Why might slavery have become the more prevalent system?

B. How does the labor system described in these documents compare with that we see in Chapters 10 or 12? What about the understandings of freedom and property in each set of documents is similar or different?

C. How does the discussion of the working conditions for laborers in these documents compare to the discussion of the working conditions that led to the Pullman Strike in Volume 2, Chapter 18? How would we evaluate the legacy of these earliest American political leaders and citizens against the arguments about "the end of history" in Volume 2, Chapter 29?

A. Indenture between the four Adventurers and Robert Coopy of North Nibley, 1619¹

This Indenture made the [seventh] day of September, 1619. In the [sixteenth] year of the reign of our [sovereign] Lord King James of England [&c.] Between S' Willm [Thorokmrton] knight and baronet, Richard Berkly Esq., George Thorpe Esq., and John Smith gent, on the one p[ar]t. And Robert Coopy of North Nibly in the county of Gloucester, Husbandman on th'other p[ar]t.

[Witnesseth] that the said Robert doth hereby [covenant] faithfully to serve the said S'Willm, Richard, George, and [John] for three years from the date his landings in the land of Virginia, there to be employed in the lawful and [reasonable] works and labors of them the said S'Willm, Richard, George, and [John] and their assigns, and to be obedient to [such] governors his and their assistants and counsel as they the S'Willm, Richard, George, and [John] shall from time to time, appoint and set over him. In consideration whereof, the said S'Willm, Richard, George, and [John] do covenant with the said Robert to transport him (with God's assistance) with all convenient speed into the said land of Virginia at their cost and charges in all things, and [there] to maintain him with convenient diet and apparel meet for such a servant, and in the end of the said [terms] to make him a free man of the said Country, thereby to enjoy all the liberties, freedoms, and privileges of a freeman there. And to grant to the said Robert thirty acres of land within their territory or a hundred of Barkley in the said land for the term of his life and of two others then by him to be named (if he be then living) [under] the yearly rent of twelve pence for each acre, and such other reasonable [conditions] and services as [at or before the signing thereof shall be agreed between the said parties.] And to pay each quarter of a year ten shillings to the wife of the said Robert at her house in North Nibly aforesaid towards her maintenance during the said term if he so long live, Whereof is already already paid thirty shillings. Given interchangeably under their hands and seals the day and year first above written.

Ric: Berkeley (Seal)

Geo: Thorpe (Seal)

John Smyth (Seal)

¹ "Indenture between the four Adventurers and Robert Coopy of North Nibley," September 7, 1619. New York Public Library Digital Collections, Manuscripts and Archives Division, The New York Public Library. NYPL catalog ID (B-number): b11985437.

B. Richard Frethorne to His Parents, March 20 and April 2 – 3, 1623²

Loving and kind father and mother, my most humble duty remembered to you, hoping in God of your good health. . . . This is to let you understand that I, your child, am in a most heavy case by reason of the nature of the country: [it] is such that it causes much sickness, as the scurvy and the bloody flux, and diverse other diseases, which makes the body very poor, and weak. [A]nd when we are sick there is nothing to comfort us; for since I came out of the ship, I never ate anything but peas, and loblollie [that is water gruel]; as for deer or venison, I never saw any since I came into this land. There is indeed some fowl, but we are not allowed to go and get it, but must work hard both early and late for a mess of water gruel, and a mouthful of bread, and beef. A mouthful of bread for a penny loaf must serve for four men which is most pitiful.

. . . We live in fear of the enemy. . . . [W]e have had a combat with them on the Sunday before Shrovetide [the beginning of Lent], and we took two alive, and made slaves of them, but it was by policy, for we are in great danger, for our plantation is very weak, by reason of the dearth, and sickness, of our company.

. . .

I have nothing to comfort me, nor there is nothing to be gotten here but sickness, and death, except that one had money to lay out in some things for profit; but I have nothing at all, no not a shirt to my back, but two rags, nor no clothes, but one poor suite, nor but one pair of shoes, but one pair of stockings, but one cap, but two band[s], my cloak is stolen by one of my own fellows, and to his dying however would not tell me what he did with it but some of my fellows saw him have butter and beef out of a ship, which my cloak I doubt [not?] paid for, so that I have not a penny, nor a penny worth to help me to either spice, or sugar, or strong waters, without the which one cannot live here, for as strong beer in England doth fatten and strengthen them so water here doth wash and weaken. . . .

I am not half a quarter so strong as I was in England, and all is for want of victuals, for I do protest unto you, that I have eaten more in day at home then I have allowed me here for a week. You have given more than my day's allowance to a beggar at the door; and if M^r [John] Jackson had not relieved me, I should

² Susan Myra Kingsbury, ed., *The Records of the Virginia Company of London* (Washington, D.C.: United States Government Printing Office, 1933), 4:58-60. Richard Frethorne, perhaps little more than a boy when he arrived, was an indentured servant in Virginia for two years before his death there in 1624.

be in a poor case, but he like a father and she like a loving mother doth still help me. . . .

Goodman Jackson . . . much marveled that you would send me a servant to the Company.

He saith, I had been better knocked on the head, and indeed, so I find it now to my great grief and misery, and saith, that if you love me you will redeem me suddenly, for which I do entreat and beg. If you cannot get the merchants to redeem me for some little money, then for God's sake, get a gathering or entreat some good folks to lay out some little sum of money, in meal and cheese and butter and beef, any eating meat will yield great profit. Oil and vinegar is very good, but father there is great loss in leaking, but for God's sake send beef and cheese and butter, or the more of one sort and none of the other. . . . Look, whatsoever you send me, be it never so much, look what I make of it, I will deal truly with you. I will send it over, and beg the profit to redeem me, and if I die before it come, I have entreated Goodman Jackson to send you the worth of it, who hath promised he will. . . .

Good father do not forget me, but have mercy and pity my miserable case. I know if you did but see me you would weep to see me. . . .

Richard Frethorne
Martyns Hundred

C. George Alsop, *The Necessariness of Servitude Proved*, 1666³

The necessariness of Servitude proved, with the common usage of Servants in Mary-Land, together with their Privileges

As there can be no monarchy without the supremacy of a king and crown, nor no king without subjects, nor any parents without it be by the fruitful offspring of children; neither can there be any masters, unless it be by the inferior servitude of those that dwell under them, by a commanding enjoyment: And since it is ordained from the original and superabounding wisdom of all things, that there should be degrees and diversities amongst the sons of men, in acknowledging of a superiority from inferiors to superiors; the servant with a reverent and befitting obedience is as liable to this duty in a measurable performance to him whom he serves, as the loyalest of subjects to his prince.

³ George Alsop, *A Character of the Province of Maryland* (1666) ed. Newton D. Mereness (Cleveland: The Burrows Brothers Company, 1902), 52–61. George Alsop (c. 1636 – c. 1673), was a supporter of Charles I during the English Civil War (1642–1651), emigrated to Maryland following Charles' defeat.

Then since it is a common and ordained fate, that there must be servants as well as masters, and that good servitudes are those colleges of sobriety that checks in the giddy and wild-headed youth from his profuse and uneven course of life, by a limited constraintment, as well as it otherwise agrees with the moderate and discreet servant: Why should there be such an exclusive obstacle in the minds and unreasonable dispositions of many people, against the limited time of convenient and necessary servitude, when it is a thing so requisite, that the best of kingdoms would be unhinged from their quiet and well settled Government without it. . . .

Why then, if servitude be so necessary that no place can be governed in order, nor people live without it, this may serve to tell those which prick up their ears and bray against it, that they are none but asses, and deserve the bridle of a strict commanding power to rein them in: For I'm certainly confident, that there are several thousands in most kingdoms of Christendom, that could not at all live and subsist, unless they had served some prefixed time, to learn either some trade, art, or science, and by either of them to extract their present livelihood. . . .

Then let such, where Providence hath ordained to live as servants, either in England or beyond Sea, endure the prefixed yoke of their limited time with patience, and then in a small computation of years, by an industrious endeavour, they may become masters and mistresses of families themselves. And let this be spoke to the deserved praise of Mary-Land, that the four years I served there were not to me so slavish, as a two years Servitude of a Handicraft Apprenticeship was here in London. . . .

They whose abilities cannot extend to purchase their own transportation over into Mary-Land, (and surely he that cannot command so small a sum for so great a matter, his life must needs be mighty low and dejected) I say they may for the debarment of a four years sordid liberty, go over into this Province and there live plenteously well. And what's a four year's servitude to advantage a man all the remainder of his days, making his predecessors happy in his sufficient abilities, which he attained to partly by the restraintment of so small a time?

Now those that commit themselves unto the care of the merchant to carry them over, they need not trouble themselves with any inquisitive search touching their voyage; for there is such an honest care and provision made for them all the time they remain aboard the ship, and are sailing over, that they want for nothing that is necessary and convenient.

The merchant commonly before they go aboard the ship, or set themselves in any forwardness for their voyage, has conditions of agreements drawn between him and those that by a voluntary consent become his servants, to serve him, his heirs or assigns, according as they in their primitive acquaintance have

made their bargain, some two, some three, some four years and whatever the master or servant ties himself up to here in England by condition, the laws of the province will force a performance of when they come there: Yet here is this privilege in it when they arrive, If they dwell not with the Merchant they made their first agreement withall, they may choose, whom they will serve their prefixed time with; and after their curiosity has pitched on one whom they think fit for their turn, and that they may live well withall, the Merchant makes an Assignment of the Indenture over to him whom they of their free will have chosen to be their Master, in the same nature as we here in England (and no otherwise) turn over Covenant Servants or Apprentices from one Master to another. . . . The Servants here in Mary-Land of all colonies, distant or remote plantations, have the least cause to complain, either for strictness of servitude, want of provisions, or need of apparel: five days and a half in the summer weeks is the allotted time that they work in; and for two months, when the sun predominates in the highest pitch of his heat, they claim an ancient and customary privilege, to repose themselves three hours in the day within the house, and this is undeniably granted to them that work in the Fields.

In the Winter time, which lasteth three months (*viz.*) December, January, and February, they do little or no work or employment, save cutting of wood to make good fires to sit by, unless their ingenuity will prompt them to hunt the deer, or boar, or recreate themselves in fowling, to slaughter the swans, geese, and turkeys (which this country affords in a most plentiful manner:) For every servant has a gun, powder and shot allowed him, to sport him withal on all holidays and leisurable times, if he be capable of using it, or be willing to learn.

Now those servants which come over into this province, being artificers, they never (during their servitude) work in the fields, or do any other employment save that which their handicraft and mechanic endeavors are capable of putting them upon, and are esteemed as well by their masters, as those that employ them, above measure. He that's a tradesman here in Mary-Land (though a Servant), lives as well as most common handicrafts do in London, though they may want something of that liberty which freemen have, to go and come at their pleasure. . . . He that lives in the nature of a servant in this province, must serve but four years by the custom of the country; and when the expiration of his time speaks him a freeman, there's a law in the Province, that enjoins his master whom he hath served to give him fifty acres of land, corn to serve him a whole year, three suites of apparel, with things necessary to them, and tools to work withal; so that they are no sooner free, but they are ready to set up for themselves, and when once entered, they live passingly well.

The women that go over into this province as servants, have the best luck here as in any place of the world besides; for they are no sooner on shore, but

they are courted into a copulative matrimony, which some of them (for aught I know) had they not come to such a market with their virginity, might have kept it by them until it had been mouldy, unless they had to let it out by a yearly rent to some of the Inhabitants of Lewknors-lane [*a disreputable neighborhood in London*] . . . Men have not altogether so good luck as women in this kind, or natural preferment, without they be good rhetoricians, and well versed in the art of persuasion then (probably) they may rivet themselves in the time of their servitude into the private and reserved favor of their mistress, if age speak their master deficient.

In short, touching the Servants of this Province, they live well in the time of their Service, and by their restraintment in that time, they are made capable of living much better when they come to be free; which in several other parts of the world I have observed, that after some servants have brought their indented and limited time to a just and legal period by Servitude, they have been much more incapable of supporting themselves from sinking into the Gulf of a slavish, poor, fettered, and intangled life, then all the fastness of their prefixed time did involve them in before.

D. Virginia Laws Related to Slavery⁴

An Act Declaring Who Shall Be Slaves (1670)

WHEREAS some dispute has arisen whither Indians taken in war by any other nation, and by that nation that taketh them sold to the English, are servants for life or term of years, it is resolved and enacted that all servants not being Christians imported into this colony by shipping shall be slaves for their lives; but what shall come by land shall serve, if boys or girls, until thirty years of age, if men or women, twelve years, and no longer.

An Act to Repeal a Former Law Making Indians and others Free (1682)

WHEREAS by the 12 act of assembly held at James City the 3d day of October, Anno Domini 1670, entitled an act declaring who shall be slaves, it is enacted that all servants not being Christians, being imported into this country by shipping shall be slaves, but what shall come by land shall serve if boys and

⁴ William Waller Hening, ed., *The Statutes at Large; Being a Collection of All the Laws of Virginia from the First Session of the Legislature in the Year 1619* (New York: R. & W. & G. Bartow, 1823), 2:283, 490-492.

girls until thirty years of age, if men or women, twelve years and no longer; and for as much as many negroes, moors, mullatos, and others borne of and in heathenish, idolatrous, pagan and Mahometan parentage and country have heretofore, and hereafter may be purchased, procured, or otherwise obtained as slaves of, from or out of such their heathenish country by some well-disposed Christian, who after such their obtaining and purchasing such negro, moor, or mulatto as their slave out of a pious zeal, have wrought the conversion of such slave to the Christian faith, which by the laws of this country doth not manumit them or make them free, and afterwards, such their conversion, it hath and may often happen that such master or owner of such slave being by some reason enforced to bring or send such slave into this country to sell or dispose of for his necessity or advantage, he the said master or owner of such servant which notwithstanding his conversion is really his slave, or his factor or agent must be constrained either to carry back or export again the said slave to some other place where they may sell him for a slave, or else depart from their just right and title to such slave and sell him here for no longer time than the English or other Christians are to serve, to the great loss and damage of such master or owner, and to the great discouragement of bringing in such slaves for the future, and to no advantage at all to the planter or buyer; and whereas also those Indians that are taken in war or otherwise by our neighboring Indians, confederates or tributaries to his majesty, and this his plantation of Virginia are slaves to the said neighboring Indians that so take them, and by them are likewise sold to his majesties subjects here as slaves, be it therefore enacted by the governor council and burgesses of this general assembly, and it is enacted by the authority aforesaid, that all the said recited act of the third of October 1670 be, and is hereby repealed and made utterly void to all intents and purposes whatsoever. And be it further enacted by the authority aforesaid that all servants except Turks and Moors, whilst in amity with his majesty which from and after publication of this act shall be brought or imported into this country, either by sea or land, whether Negroes, Moors, Mullattos or Indians, who and whose parentage and native country are not Christian at the time of their first purchase of such servant by some Christian, although afterwards, and before such their importation and bringing into this country, they shall be converted to the Christian faith; and all Indians which shall hereafter be sold by our neighboring Indians, or any other trafficking with us as for slaves are hereby adjudged, deemed and taken, and shall be adjudged, deemed and taken to be slaves to all intents and purposes, any law, usage or custom to the contrary notwithstanding.

E. Robert Beverley, *Of the Servants and Slaves in Virginia, 1722*⁵

§50. Their servants they distinguish by the names of slaves for life, and servants for a time.

Slaves are the negroes, and their posterity, following the condition of the mother, according to the maxim, *partus sequitur ventrem*.⁶ They are called slaves, in respect of the time of their servitude, because it is for life.

Servants, are those which serve only for a few years, according to the time of their indenture, or the custom of the country. The custom of the country takes place upon such as have no indentures. The law in this case is, that if such servants be under nineteen years of age, they must be brought into court, to have their age adjudged; and from the age they are judged to be of, they must serve until they reach four and twenty: But if they be adjudged upwards of nineteen, they are then only to be Servants for the term of five years.

§51. The male-servants, and slaves of both sexes, are employed together in tilling and manuring the ground, in sowing and planting tobacco, corn, etc. Some distinction indeed is made between them in their clothes, and food; but the work of both is no other than what the overseers, the freemen, and the planters themselves do.

Sufficient distinction is also made between the female-servants, and slaves; for a white woman is rarely or never put to work in the ground, if she be good for anything else: and to discourage all planters from using any women so, their law makes female-servants working in the ground tithables,⁷ while it suffers all other white women to be absolutely exempted: whereas on the other hand, it is a common thing to work a woman slave out of doors; nor does the law make any distinction in her taxes, whether her work be abroad, or at home.

§52. Because I have heard how strangely cruel, and severe, the service of this country is represented in some parts of England; I can't forbear affirming, that the work of their servants and slaves is no other than what every common freeman does. Neither is any servant required to do more in a day, than his overseer. And I can assure you with great truth, that generally their slaves are not worked near so hard, nor so many hours in a day, as the husbandmen, and day-labourers in England. An overseer is a man, that having served his time, has

⁵ Robert Beverley, *The History of Virginia*, Part 4, Chapter 10 (London: B. and S. Tooke, 1722), 235-239. Online: <https://goo.gl/QCyT67>. Robert Beverley (c. 1662–1722) was a prominent landowner and political figure.

⁶ The offspring follow the condition of the mother.

⁷ That is, a type of property on which one is required to tithe (give back ten percent) to the church.

acquired the skill and character of an experienced planter, and is therefore entrusted with the direction of the servants and slaves.

But to complete this account of servants, I shall give you a short relation of the care their laws take, that they be used as tenderly as possible.

By the Laws of their Country.

1. All Servants whatsoever have their complaints heard without fee, or reward; but if the master be found faulty, the charge of the complaint is cast upon him, otherwise the business is done *ex officio*.

2. Any Justice of Peace may receive the complaint of a servant, and order everything relating thereto, till the next County-Court, where it will be finally determined.

3. All masters are under the correction and censure of the County-Courts, to provide for their servants good and wholesome diet, clothing and lodging.

4. They are always to appear upon the first notice given of the complaint of their servants, otherwise to forfeit the service of them, until they do appear.

5. All servants' complaints are to be received at any time in Court, without process, and shall not be delayed for want of form; but the merits of the complaint must be immediately inquired into by the justices; and if the master cause any delay therein, the Court may remove such servants, if they see cause, until the master will come to Trial.

6. If a master shall at any time disobey an Order of Court made upon any complaint of a servant; the Court is empowered to remove such servant forthwith to another master, who will be kinder; giving to the former master the produce only, (after fees deducted) of what such servants shall be sold for by public outcry.

7. If a master should be so cruel, as to use his servant ill, that is fallen sick, or lame in his, and thereby rendered unfit for labour, he must be removed by the church-wardens out of the way of such cruelty, and boarded in some good planter's house, till the time of his freedom, the charge of which must be laid before the next County-Court, which has power to levy the same from time to time, upon the goods and chattels of the master; after which, the charge of such boarding is to come upon the parish in general.

8. All hired servants are entitled to these privileges.

9. No master of a servant can make a new bargain for service, or other matter with his servant, without the privity⁸ and consent of the County-Court, to prevent the masters over-reaching, or scaring such servant into an unreasonable compliance.

⁸ A relationship recognized in law.

10. The property of all money and goods sent over thither to servants, or carried in with them; is reserved to themselves, and remains entirely at their disposal.

11. Each servant at his freedom receives of his master ten bushels of corn, (which is sufficient for almost a year) two new suits of clothes, both linen and woollen, and a gun 20 s[hillings] value, and then becomes as free in all respects, and as much entitled to the liberties and privileges of the country, as any other of the inhabitants or natives are, if such servants were not aliens.

12. Each servant has then also a right to take up fifty acres of land, where he can find any unpatented.

This is what the laws prescribe in favour of servants, by which you may find, that the cruelties and severities imputed to that country, are an unjust reflection. For no people more abhor the thoughts of such usage, than the Virginians, nor take more Precaution to prevent it now, whatever it was in former Days.

Experiments with Freedom of Conscience

- A. William Penn, Pennsylvania: Frame of Government, 1682
- B. Pennsylvania: An Act for Freedom of Conscience, 1682
- C. John Miller, “As to their religion, they are very much divided,” 1695
- D. Benjamin Franklin, George Whitefield Preaches in Philadelphia, 1739
- E. Elisha Williams, *The Essential Rights and Liberties of Protestants*, 1744
- F. Gottlieb Mittelberger, “Liberty in Pennsylvania is more hurtful than useful,” 1750

When they settled in North America, the colonists brought their religious beliefs with them. In most instances, this was accomplished not only as a matter of social or cultural transmission, but by acts of legislative authority that provided public funding for certain religious denominations and not for others. Only Pennsylvania, Delaware, Rhode Island and (possibly) New Jersey failed to establish a particular denomination at some point during the colonial period: in the other colonies, religious establishments were the norm, and generally seen as for the institutional benefit of both church and state, as well as in accordance with the public good. Some colonies (such as Maryland and New York) combined religious establishments with limited toleration for religious dissenters. Yet even in Pennsylvania (Documents A and B), although the law was ostensibly “tolerant” of religious variety and protective of freedom of conscience in principle, there remained an underlying presumption that individual religious faith in a broadly Protestant sense (sometimes extended to include Catholics and, more rarely, Jews) was a necessary component of civil order.

The difficulty of maintaining this latter assumption while at the same time holding to an expansive understanding of freedom of conscience became even more apparent when, following the Glorious Revolution, William and Mary signed the Toleration Act of 1689 granting freedom of worship to all Protestants regardless of sect throughout the British Empire. England and her Atlantic colonies soon became a haven for religious refugees from less-tolerant European regimes. After their arrival in places like New York, which already had large and religiously diverse non-English populations, the colonies began to seem “very much divided,” at least in the eyes of those used to greater religious conformity (Documents C and F). Indeed, the vibrant but worrisome diversity of religion in the colonies was the impetus behind efforts to

establish the Church of England more strongly as a means of asserting royal authority and creating greater political as well as cultural unity. (See Chapter 5.)

As scholar and statesman Elisha Williams' tract, *The Essential Rights and Liberties of Protestants* (Document E) makes clear, however, for many colonists, religious freedom was seen as a natural and inalienable right, one that they would increasingly associate with other political rights worth fighting for – with words when possible, and weapons when necessary – as the century wore on.

Study Questions

A. What is the proper relationship between religion and government? According to William Penn and Elisha Williams, why is it necessary for man's conscience to be free? According to John Miller and Gottlieb Mittelberger, what are some of the negative consequences of religious diversity? What does Ben Franklin's account of the evangelist George Whitefield add to our understanding of the benefits or harms of religious liberty?

B. How might a commitment to freedom of conscience interact with other civic commitments, such as the commitment to the Union? (See Chapters 14 and 15.)

C. Is there a conflict between the commitment to freedom of conscience and the type of "security mindset" exemplified Volume 2, Chapter 25?

A. William Penn, *Pennsylvania: Frame of Government*, 1682¹

THE PREFACE

... This the Apostle² teaches in diverse of his epistles: "The law (says he) was added because of transgression." In another place, "Knowing that the law was not made for the righteous man, but for the disobedient and ungodly, for sinners, for unholy and profane, for murderers, for whoremongers, for them that

¹ In Donald S. Lutz, *Colonial Origins of the American Constitution: A Documentary History*, ed. Donald S. Lutz (Indianapolis: Liberty Fund 1998). Available online at: <https://goo.gl/QkEqTD>.

² Paul.

defile themselves with mankind, and for man-stealers, for liars, for perjured persons,”³ &c.; but this is not all, he opens and carries the matter of government a little further: “Let every soul be subject to the higher powers; for there is no power but of God. The powers that be are ordained of God: whosoever therefore resisteth the power, resisteth the ordinance of God. For rulers are not a terror to good works, but to evil: wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same.” “He is the minister of God to thee for good.” “Wherefore ye must needs be subject, not only for wrath, but for conscience’ sake.”⁴

This settles the divine right of government beyond exception, and that for two ends: first, to terrify evil doers: secondly, to cherish those that do well; which gives government a life beyond corruption, and makes it as durable in the world, as good men shall be. So that government seems to me a part of religion itself, a thing sacred in its institution and end. For, if it does not directly remove the cause, it crushes the effects of evil, and is as such, (though a lower, yet) an emanation of the same Divine Power, that is both author and object of pure religion; the difference lying here, that the one is more free and mental, the other more corporal and compulsive in its operations: but that is only to evil doers; government itself being otherwise as capable of kindness, goodness and charity, as a more private society. They weakly err, that think there is no other use of government, than correction, which is the coarsest part of it: daily experience tells us, that the care and regulation of many other affairs, more soft, and daily necessary, make up much of the greatest part of government; and which must have followed the peopling of the world, had Adam never fell, and will continue among men, on earth, under the highest attainments they may arrive at, by the coming of the blessed *Second Adam*,⁵ the Lord from heaven. Thus much of government in general, as to its rise and end. . . .

Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But, if men be bad, let the government be never so good, they will endeavor to warp and spoil it to their turn. I know some say, let us have good laws, and no matter for the men that execute them: but let them consider, that though good laws do well, good men do better: for good laws may want good men, and be abolished or evaded by ill men; but good men will never want good laws, nor suffer⁶ ill ones. It is true, good laws have some awe upon ill ministers,

³ 1 Timothy 1:9-10.

⁴ Romans 13:1-5.

⁵ A reference to Christ, 1 Corinthians 15:45.

⁶ The words “want” and “suffer” here carry the older meanings of “lack” and “allow,” respectively.

but that is where they have not power to escape or abolish them, and the people are generally wise and good: but a loose and depraved people (which is the question) love laws and an administration like themselves. That, therefore, which makes a good constitution, must keep it, viz: men of wisdom and virtue, qualities, that because they descend not with worldly inheritances, must be carefully propagated by a virtuous education of youth; for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents, for their private patrimonies. . . .

B. Pennsylvania: An Act for Freedom of Conscience, 1682⁷

Whereas the glory of almighty God and the good of mankind is the reason and end of government and, therefore, government in itself is a venerable ordinance of God. And forasmuch as it is principally desired and intended by the Proprietary⁸ and Governor and the freemen of the province of Pennsylvania and territories thereunto belonging to make and establish such laws as shall best preserve true Christian and civil liberty in opposition to all unchristian, licentious, and unjust practices, whereby God may have his due, Caesar his due,⁹ and the people their due, from tyranny and oppression on the one side and insolence and licentiousness on the other, so that the best and firmest foundation may be laid for the present and future happiness of both the Governor and people of the province and territories aforesaid and their posterity.

Be it, therefore, enacted by William Penn, Proprietary and Governor, by and with the advice and consent of the deputies of the freemen of this province and counties aforesaid in assembly met and by the authority of the same, that these following chapters and paragraphs shall be the laws of Pennsylvania and the territories thereof.

⁷ In Donald S. Lutz, *Colonial Origins of the American Constitution: A Documentary History*, ed. Donald S. Lutz (Indianapolis: Liberty Fund 1998). Available online at: <https://goo.gl/QkEqTD>. As Lutz points out, the sections are misnumbered in the original and there is no Section iv.

⁸ The Penn family, which owned Pennsylvania. It was given to William Penn by King Charles II in 1681 to pay off a debt.

⁹ An allusion to a saying of Jesus quoted in all the synoptic gospels: Matthew 22:21, Mark 12:17, and Luke 20:25. In each version of the story, Jesus resolves a dilemma posed by the Roman requirement that the Jews pay taxes to Caesar.

Chap. i. Almighty God, being only Lord of conscience, father of lights and spirits, and the author as well as object of all divine knowledge, faith, and worship, who can only enlighten the mind and persuade and convince the understandings of people, in due reverence to his sovereignty over the souls of mankind:

Be it enacted, by the authority aforesaid, that no person now or at any time hereafter living in this province, who shall confess and acknowledge one almighty God to be the creator, upholder, and ruler of the world, and who professes him or herself obliged in conscience to live peaceably and quietly under the civil government, shall in any case be molested or prejudiced for his or her conscientious persuasion or practice. Nor shall he or she at any time be compelled to frequent or maintain any religious worship, place, or ministry whatever contrary to his or her mind, but shall freely and fully enjoy his, or her, Christian liberty in that respect, without any interruption or reflection. And if any person shall abuse or deride any other for his or her different persuasion and practice in matters of religion, such person shall be looked upon as a disturber of the peace and be punished accordingly.

But to the end that looseness, irreligion, and atheism may not creep in under pretense of conscience in this province, be it further enacted, by the authority aforesaid, that, according to the example of the primitive Christians and for the ease of the creation, every first day of the week, called the Lord's day, people shall abstain from their usual and common toil and labor that, whether masters, parents, children, or servants, they may the better dispose themselves to read the scriptures of truth at home or frequent such meetings of religious worship abroad as may best suit their respective persuasions.

Chap. ii. And be it further enacted by, etc., that all officers and persons commissioned and employed in the service of the government in this province and all members and deputies elected to serve in the Assembly thereof and all that have a right to elect such deputies shall be such as profess and declare they believe in Jesus Christ to be the son of God, the savior of the world, and that are not convicted of ill-fame or unsober and dishonest conversation and that are of twenty-one years of age at least.

Chap. iii. And be it further enacted, etc., that whosoever shall swear in their common conversation by the name of God or Christ or Jesus, being legally convicted thereof, shall pay, for every such offense, five shillings or suffer five days imprisonment in the house of correction at hard labor to the behoove of the public and be fed with bread and water only during that time.

Chap. v. And be it further enacted, etc., for the better prevention of corrupt communication, that whosoever shall speak loosely and profanely of almighty God, Christ Jesus, the Holy Spirit, or the scriptures of truth, and is legally

convicted thereof, shall pay, for every such offense, five shillings or suffer five days imprisonment in the house of correction at hard labor to the behoove of the public and be fed with bread and water only during that time.

Chap. vi. And be it further enacted, etc., that whosoever shall, in their conversation, at any time curse himself or any other and is legally convicted thereof shall pay for every such offense five shillings or suffer five days imprisonment as aforesaid.

C. John Miller, “As to their religion, they are very much divided,” 1695¹⁰

The number of the inhabitants in this province are about 3,000 families, whereof almost one half are naturally Dutch, a great part English and the rest French. Which how they are seated and what number of families of each nation what churches, meeting houses, ministers or pretended ministers there are in each County may be best discerned by the table here inserted. As to their Religion they are very much divided; few of them intelligent and sincere but the most part ignorant and conceited, fickle & regardless [sic]. . . .

Counties	Churches	Ministers	Familys
New York	Chapel in ye fort	Dr Selinus	90
	Dutch Calvinist	Dr Perot	450
	Dutch Lutheran	Saul Brown	30
	French	Dr Selinus	200
	Jews Synagogue		20
	Harlem		25
			English 40 Dissentrs.
Richmond	A meeting house	Dr Bonrepos	English 40 Dutch 44 French 36
Kings	Flatbush Utrecht	Dr Varick died Aug:1694 &	300 or

¹⁰ John Miller, “New Yorke Considered and Improved” (1695), ed. Victor Hugo Paltsits and Paul Royster. *Electronic Texts in American Studies* 17, pp. 40,55-56, 64-67, 74- 75.

	Brookland	another sent for May 27 1695	400 chiefly Dutch
Queens	Jamaica All Hamsted Meeting Newtown Houses	Mr Philips Without Mr Vesey any Mr Mot Orders	300 Or 400 English most Dissentrs. And Some Dutch
Suffolk	8 or 9 meeting- houses almost one at every Towne	7 Ministers Dissrs. Presb. Or Indep. One lately gone to Scotland	500 or 600 English & Dissentrs for the most part
West- Chester	A Meeting-house at West Chester	A Young man coming to Settle there without Orders	200 or 300 English&Dissrs. Few Dutch
Orange			20 English & Dutch
Dutchess			30 English & Dutch
Ulster	Dutch Calvenist at Kingstone for five or six towns	A Minister to come his bookes brought but he miss'd his passage	300 Dutch mostly Some English & French
Albany	Dutch Calvenist Dutch Lutheran Scanecthade [Schenectady] Kinderhoeck	Dr. Dellius A dutch Minr Sent for	400 or 500 Dutch all Calvenists except 12 or 14 Lutherans

Come we now to consider those things which I have said to be either wanting or obstructive to the happiness of New York, and here I shall not speak of every slight or trivial matter but only those of more considerable importance, which I count to be six: 1, the wickedness and irreligion of the inhabitants; 2, want of Ministers; 3, difference of opinions in religion; 4, a civil dissension; 5, the heathenism of the Indians; and 6, the neighborhood of Canada. . . .

The 1st. is the wickedness & irreligion of the inhabitants which abounds in all parts of the province and appears in so many shapes constituting so many sorts of sin that I can scarce tell which to begin withal. But as a great reason of and inlet to the rest I shall first mention the great negligence of divine things that is generally found in most people of what sect or party soever they pretend to be. Their eternal interests are their least concern, and as if salvation were not a matter of moment when they have opportunities of serving God, they care not for making use thereof or if they go to church, 'tis but too often out of curiosity and to find out faults in him that preaches, rather than to hear their own – or what is yet worse, to slight and deride where they should be serious. If they have none of those opportunities they are well contented and regard it little . . . for though at first they will pretend to have a great regard for God's ordinances and a high esteem for the Ministry whether real or pretended a little time will plainly evidence that they were more pleased at the novelty than truly affected with the benefit. . . . In a soil so rank as this no marvel if the Evil one find a ready entertainment for the seed he is minded to cast in and from a people so inconstant and regardless of Heaven and holy things[!] No wonder if God withdraw his grace and give them up a prey to those temptations which they so industriously seek to embrace. Hence is it, therefore, that their natural corruption without check or hindrance is by frequent acts improved into habits most evil in the practice and difficult in the correction. . . .

Now in New York there are either:

1. No ministers at all, that is of the settled and established religion of the nation. And of such there is not oftentimes one in the whole province nor at any time except the chaplain to his Majesty's forces in N. York that does discharge or pretend to discharge the duty of a minister and he being but one cannot do it everywhere nay, but in very few places. . . . It happens also that he is often changed, which is not without its inconveniences but proves very prejudicial to religion in many cases as is easy to instance. Besides, while he does his duty among them he shall experience their gratitude but very little, and be sure to meet with a great many discouragements except instead of reprehending and correcting he will connive at and soothe people in their sinful courses.

2. Or secondly, if there be any ministers, they are such as only call themselves so and are but pretended Ministers. Many of them have no orders at

all but set up for themselves of their own head and authority. Or if they have orders, are Presbyterians, Independents, etc. Now all these have no other encouragement for the pains they pretend to take than the voluntary contributions of the people or at best a salary by agreement and subscription which yet they shall not enjoy, except they take more care to please the humors and delight the fancies of their hearers than to preach up true religion and a Christian life. Hence it comes to pass that the people live very loosely and they themselves very poorly at best, if they are not forced for very necessity and by the malice of some of their hearers to forsake their congregations besides being of different persuasions and striving to settle such sentiments as they indulge themselves in, in the hearts of those who are under their ministry they do more harm in distracting and dividing ye people than good in the amending their lives and conversations.

3. Or thirdly if there be or have been any ministers and those ministers, they have been here and are in other Provinces many of them such as being of a vicious life and conversation have played so many vile pranks and shown such an ill light as has been very prejudicial to religion in general & the Church of England in particular, or else they have been such as tho' sober yet have been very young, and so instead of doing good have been easily drawn into the commission of evil and become as scandalous as those last mentioned. . . .

The Province of New York being peopled by several nations, there are manifold and different opinions of religion among them as to which though there are but very few of any sect who are either real or intelligent yet several of the partisans of each sort have every one such a desire of being uppermost and increasing the number of their own party that they not only thereby make themselves unhappy by destroying true piety and setting up instead thereof a fond heat and blind zeal for they know not what, but also industriously obstruct the settlement of the established religion of the nation which only can make them happy and have hitherto either by their craft & cunning or their money prospered in their designs and to do thus they have but too much pretense from the scandalous lives of some ministers the matter considered under the former head. . . .

The great, most proper, and as I conceive effectual means to remedy and prevent all the disorders I have already mentioned and promote the settlement & improvement of religion and unity both among the English subjects that are already Christians and the Indians supposed to be made so is that his Majesty will graciously please to send over a Bishop to the Province of New York who, if duly qualified, empowered and settled, may with the assistance of a small force for the subduing of Canada by God's grace and blessing be author of great

happiness not only to New York in particular but to all the English plantations on that part of the continent of America in general. . . .

D. Benjamin Franklin, George Whitefield Preaches in Philadelphia, 1739¹¹

In 1739, arrived among us from England the Rev. Mr. Whitefield, who had made himself remarkable there as an itinerant preacher. He was at first permitted to preach in some of our churches; but the clergy taking a dislike to him, soon refused him their pulpits and he was obliged to preach in the fields. The multitudes of all sects and denominations that attended his sermons were enormous and it was [a] matter of speculation to me who was one of the number, to observe the extraordinary influence of his oratory on his hearers, and how much they admired and respected him, notwithstanding his common abuse of them, by assuring them they were naturally half beasts and half devils. It was wonderful to see the change soon made in the manners of our Inhabitants; from being thoughtless or indifferent about religion, it seemed as if all the world were growing religious; so that one could not walk through the town in an evening without hearing psalms sung in different families of every street.

And it being found inconvenient to assemble in the open air, subject to its inclemencies, the building of a house to meet in was no sooner proposed and persons appointed to receive contributions, but sufficient sums were soon received to procure the ground and erect the building, which was 100 feet long and 70 broad, about the size of Westminster Hall, and the work was carried on with such spirit as to be finished in a much shorter time than could have been expected. Both house and ground were vested in Trustees, expressly for the use of any preacher of any religious persuasion who might desire to say something to the people of Philadelphia, the design in building not being to accommodate any particular sect, but the inhabitants in general, so that even if the Mufti of Constantinople were to send a missionary to preach Mahometism to us, he would find a pulpit at his service. . . .

I happened soon after to attend one of [Whitefield's] sermons, in the course of which I perceived he intended to finish with a collection, and I silently resolved he should get nothing from me. I had in my pocket a handful of copper money, three or four silver dollars, and five pistoles in Gold. As he proceeded I began to soften, and concluded to give the coppers. Another stroke of his

¹¹ Benjamin Franklin, *Autobiography* (Henry Holt and Co: New York, 1916), 78-80.

oratory made me ashamed of that, and determined me to give the silver; and he finished so admirably, that I emptied my pocket wholly into the collector's dish, gold and all. . . .

He had a loud and clear voice, and articulated his words and sentences so perfectly that he might be heard and understood at a great Distance, especially as his auditors, however numerous, observed the most exact silence. He preached one evening from the top of the Court House steps, which are in the middle of Market Street, and on the West Side of Second Street which crosses it at right angles. Both Streets were filled with his Hearers to a considerable distance. Being among the hindmost in Market Street, I had the curiosity to learn how far he could be heard, by retiring backwards down the Street towards the River; and I found his voice distinct till I came near Front Street, when some noise in that Street, obscured it. Imagining then a semicircle, of which my distance should be the radius, and that it were filled with Auditors, to each of whom I allowed two square feet, I computed that he might well be heard by more than thirty thousand. This reconciled me to the newspaper accounts of his having preached to 25,000 People in the fields, and to the ancient histories of generals haranguing whole armies, of which I had sometimes doubted. . . .

E. Elisha Williams, *The Essential Rights and Liberties of Protestants*, 1744¹²

. . . That the sacred scriptures are the alone rule of faith and practice to a Christian, all Protestants are agreed in; and must therefore inviolably maintain, that every Christian has a right of judging for himself what he is to believe and practice in religion according to that rule: Which I think on a full examination you will find perfectly inconsistent with any power in the civil magistrate to make any penal laws in matters of religion. Tho' Protestants are agreed in the profession of that principle, yet too many in practice have departed from it. The evils that have been introduced thereby into the Christian church are more than can be reckoned up. Because of the great importance of it to the Christian and to his standing fast in that liberty wherewith Christ has made him free, you will not fault me if I am the longer upon it. The more firmly this is established in our minds; the more firm shall we be against all attempts upon our Christian liberty, and better practice that Christian charity towards such as are of different sentiments from us in religion that is so much recommended and inculcated in

¹² Elisha Williams, *The Essential Rights and Liberties of Protestants* (1744). Elisha Williams (1694–1755) was a Congregational minister active in colonial politics.

those sacred oracles, and which a just understanding of our Christian rights has a natural tendency to influence us to. . . .

The members of a civil state or society do retain their natural liberty in all such cases as have no relation to the ends of such a society. . . . Should a government therefore restrain the free use of the scriptures, prohibit men the reading of them, and make it penal to examine and search them; it would be a manifest usurpation upon the common rights of mankind, as much a violation of natural liberty as the attack of a highwayman upon the road can be upon our civil rights. And indeed with respect to the sacred writings, men might not only read them if the government did prohibit the same, but they would be bound by a higher authority to read them, notwithstanding any humane prohibition. The pretense of any authority to restrain men from reading the same, is wicked as well as vain. . . .

II. The members of a civil state do retain their natural liberty or right of judging for themselves in matters of religion. Every man has an equal right to follow the dictates of his own conscience in the affairs of religion. Everyone is under an indispensable obligation to search the scripture for himself (which contains the whole of it) and to make the best use of it he can for his own information in the will of God, the nature and duties of Christianity. And as every Christian is so bound; so he has an unalienable right to judge of the sense and meaning of it, and to follow his judgment wherever it leads him; even an equal right with any rulers be they civil or ecclesiastical. This I say, I take to be an original right of the human nature, and so far from being given up by the individuals of a community that it cannot be given up by them if they should be so weak as to offer it. Man by his constitution as he is a reasonable being capable of the knowledge of his Maker; is a moral & accountable being: and therefore as everyone is accountable for himself, he must reason, judge and determine for himself. That faith and practice which depends on the judgment and choice of any other person, and not on the person's own understanding judgment and choice, may pass for religion in the synagogue of Satan, whose tenet is that ignorance is the mother of devotion; but with no understanding Protestant will it pass for any religion at all. No action is a religious action without understanding and choice in the agent. Whence it follows, the rights of conscience are sacred and equal in all, and strictly speaking unalienable. This right of judging every one for himself in matters of religion results from the nature of man, and is so inseparably connected therewith, that a man can no more part with it than he can with his power of thinking: and it is equally reasonable for him to attempt to strip himself of the power of reasoning, as to attempt the vesting of another with this right. And whoever invades this right of another, be he pope or Cæsar, may with equal reason assume the other's power

of thinking, and so level him with the brutal creation. A man may alienate some branches of his property and give up his right in them to others; but he cannot transfer the rights of conscience, unless he could destroy his rational and moral powers, or substitute some other to be judged for him at the tribunal of God.

But what may further clear this point and at the same time shew the extent of this right of private judgment in matters of religion, is this truth, that the sacred scriptures are the alone rule of faith and practice to every individual Christian. Were it needful I might easily show the sacred scriptures have all the characters necessary to constitute a just and proper rule of faith and practice, and that they alone have them. It is sufficient for all such as acknowledge the divine authority of the scriptures, briefly to observe, that God the author has therein declared he has given and designed them to be our only rule of faith and practice. Thus says the apostle Paul, 2 Tim. 3. 15, 16; That they are given by Inspiration from God, and are profitable for Doctrine, for Reproof, for Correction, for Instruction in Righteousness; that the Man of God may be perfect, thoroughly furnished unto every good Work. . . . Now inasmuch as the scriptures are the only rule of faith and practice to a Christian; hence every one has an unalienable right to read, enquire into, and impartially judge of the sense and meaning of it for himself. For if he is to be governed and determined therein by the opinions and determinations of any others, the scriptures cease to be a rule to him, and those opinions or determinations of others are substituted in the room thereof. . . .

F. Gottlieb Mittelberger, “Liberty in Pennsylvania is more hurtful than useful,” 1750¹³

For there are many doctrines of faith and sects in Pennsylvania which cannot all be enumerated, because many a one will not confess to what faith he belongs.

Besides, there are many hundreds of adult persons who have not been and do not even wish to be baptized. There are many who think nothing of the sacraments and the Holy Bible, nor even of God and his word. Many do not even believe that there is a true God and devil, a heaven and a hell, salvation and damnation, a resurrection of the dead, a judgment and an eternal life; they believe that all one can see is natural. For in Pennsylvania every one may not only believe what he will, but he may even say it freely and openly.

Consequently, when young persons, not yet grounded in religion, come to serve for many years with such free-thinkers and infidels, and are not sent to any church or school by such people, especially when they live far from any school or church. Thus, it happens that such innocent souls come to no true divine recognition, and grow up like heathens and Indians. . . .

Coming to speak of Pennsylvania again, that colony possesses great liberties above all other English colonies, inasmuch as all religious sects are tolerated there. We find there Lutherans, Reformed, Catholics, Quakers, Mennonists or Anabaptists, Herrnhuters or Moravian Brethren, Pietists, Seventh Day Baptists, Dunkers, Presbyterians, Newborn, Freemasons, Separatists, Freethinkers, Jews, Mohammedans, Pagans, Negroes and Indians. The Evangelicals and Reformed, however, are in the majority. But there are many hundred unbaptized souls there that do not even wish to be baptized. Many pray neither in the morning nor in the evening, neither before nor after meals. No devotional book, not to speak of a Bible, will be found with such people. In one house and one family, 4, 5, and even 6 sects may be found. . . .

The preachers throughout Pennsylvania have no power to punish any one, or to compel any one to go to church; nor has anyone a right to dictate to the other, because they are not supported by any Consistorio. Most preachers are hired by the year like cowherds in Germany; and if one does not preach to their liking, he must expect to be served with a notice that his services will no longer be required. It is, therefore, very difficult to be a conscientious preacher, especially as they have to hear and suffer much from so many hostile and often wicked sects. The most exemplary preachers are often reviled, insulted, and

¹³ Gottlieb Mittelberger, *Journey to Pennsylvania in the Year 1750*, Carl Theo. Eben, trans. (Philadelphia: John Jos. McVey, 1898), 31-32, 54-55, 62-63. Gottlieb Mittelberger (1714 – 1758) was a Lutheran pastor in Pennsylvania for several years in the early 1750s.

scoffed at like the Jews, by the young and old, especially in the country. I would, therefore, rather perform the meanest herdsman's duties in Germany than be a preacher in Pennsylvania. Such unheard-of rudeness and wickedness spring from the excessive liberties of the land, and from the blind zeal of the many sects. To many a one's soul and body, liberty in Pennsylvania is more hurtful than useful. There is a saying in that country: Pennsylvania is the heaven of the farmers, the paradise of the mechanics, and the hell of the officials and preachers.

Between Resistance and Revolution

- A. New Yorkers Celebrate “Loyalty” and the Anniversary of the Repeal of the Stamp Act, March 18, 1774
- B. Gouverneur Morris, “We Shall be Under the Domination of a Riotous Mob,” May 20, 1774
- C. Thomas Jefferson, *A Summary View of the Rights of British America*, August 1774
- D. Philadelphia Welcomes the First Continental Congress, September 9, 1774
- E. Joseph Galloway, Plan of Union, September 28, 1774
- F. General Thomas Gage, “I am to Do My Duty,” October 20, 1774

Colonial Americans responded to British attempts to assert additional control over their political and economic affairs with varying degrees of resistance. For the most part, the colonists attempted to balance their desire for imperial recognition of their traditional rights with statements of loyalty and affection towards the British king (and, to a lesser extent, Parliament). Public gatherings, for example, often included toasts that honored individual members of the British nobility, the long heritage of royal governance, the traditional rights of Englishmen, and the achievements of America in rapid succession (Documents A and C). In a tempestuous time, these were not seen as contradictions: indeed, for Gouverneur Morris, the tensions between these concepts might have been all that stood between the colonists and complete anarchy (Document B). On the other hand, neither Thomas Jefferson (Document C) nor General Thomas Gage (Document F) appears to feel any tension over the question of loyalty whatsoever.

Joseph Galloway’s Plan of Union (Document E) attempted to use the political confusion constructively, by proposing a new type of political union between the colonies and Britain in which political sovereignty would be divided more evenly. The Continental Congress ultimately rejected this solution, and it was never proposed to the crown.

Study Questions

A. Consider the enumerated lists of persons and things toasted; what do they suggest about how those attending the celebrations understood the ideas of “loyalty” and “rights”? What issues or concerns do they seem to have? Would you expect such persons to be “revolutionaries”? How do Gouverneur Morris and Thomas Jefferson respectively understand the political moment? How would you characterize the Galloway Plan in light of the other documents? Where does Joseph Galloway’s loyalty seem to lie?

B. Taken as a whole, how do these documents suggest citizens draw the line between “rights” and “loyalty” when considering their political activism? Compare this to the range of responses one might gather from the documents in Chapters 8, 9, and 13. What differentiates these situations from one another?

C. How does the understanding of “loyalty” of those advocating for American security in Volume 2, Chapter 25 compare with the understanding of “loyalty” presented here? How would we evaluate the legacy of these early American political leaders and citizens against the arguments about “the end of history” in Volume 2, Chapter 29?

A. New Yorkers Celebrate “Loyalty” and the Anniversary of the Repeal of the Stamp Act, March 18, 1774¹

Friday last, the 18th of March, being the anniversary of the repeal of the STAMP ACT, the same was celebrated at the house of Mr. Abraham De La Montagne, where a considerable number of gentlemen were assembled, who spent the day in the greatest harmony and good order. The day was celebrated in the like manner by other gentlemen at Protestant Hall, on Long Island; and at Mr. David Grim’s, by the German Protestants in this city. The following loyal toasts were drank, viz.

1. The King. 2. The Queen. 3. The Prince of Wales, and Royal Family. 4. A pleasant passage, and speedy return, to his excellency, our worthy governor, and his family. 5. Prosperity to the province. 6. The lieutenant governor, and the honorable members of his Majesty’s Council. 7. The present worthy General Assembly. 8. The mayor and corporation. 9. Great Britain and her colonies. 10.

¹ *The New-York Journal; or, The General Advertiser* (New York), March 24, 1774.

The navy and army. 11. The Earl of Chatham. 12. Our worthy agent, Mr. Burke. 13. The patriotic ministry of 1766. 14. The glorious majority of both houses of Parliament. 15. The spirited Burgesses of Virginia in 1765. 16. The Pennsylvania Farmer. 17. Loyalty, unanimity, and perseverance to the true Sons of Liberty in America. 18. May the authors of discord, and promoters of intestine feuds, meet with their just demerits. 19. Prosperity to Ireland, and the worthy sons and daughters of St. Patrick. 20. The German Protestants. 21. Trade and navigation. 22. The Chamber of Commerce. 23. The Marine Society. 24. The liberty of the press. 25. The Protestant interest. 26. May the House of Hanover rule the British Empire to the end of time. 27. The day.

B. Gouverneur Morris, "We Shall be Under the Domination of a Riotous Mob," May 20, 1774²

Gouverneur Morris to Thomas Penn

New York, May 20, 1774

You have heard, and you will hear, a great deal about politics, and in the heap of chaff *you* may find some grains of good sense. Believe me, sir, freedom and religion are only watchwords. We have appointed a committee, or rather we have nominated one. Let me give you the history of it. It is needless to premise, that the lower orders of mankind are more easily led by specious appearances than those of a more exalted station. This, and many similar propositions, you know better than your humble servant.

The troubles in *America*, during *Grenville's* administration . . . stimulated some daring coxcombs to rouse the mob into an attack upon the bounds of order and decency. These fellows became . . . the leaders in all the riots, the bellwethers of the flock. . . . On the whole, the shepherds were not much to blame in a politic point of view. The bellwethers jingled merrily, and roared out liberty, and property, and religion, and a multitude of cant terms, which everyone thought he understood, and was egregiously mistaken. . . . That we have been in hot water with the *British* Parliament ever since everybody knows. . . . The port of *Boston* has been shut up. These sheep, simple as they are, cannot be gulled as heretofore. In short, there is no ruling them; and now . . . the heads

² Peter Force, ed., *American Archives: A Documentary History*, 4th ser., 6 vols. (Washington, D.C.: M. St. Clair Clarke and Peter Force, 1837-53), 1:342-43. Gouverneur Morris (1752-1816) was a leading New York politician and signer of the Articles of Confederation and the Constitution.

of the mobility³ grow dangerous to the gentry, and how to keep them down is the question. While they correspond with the other colonies, call and dismiss popular assemblies, make resolves to bind the consciences of the rest of mankind, bully poor printers, and exert with full force all their other tribunitia⁴ powers, it is impossible to curb them.

But art sometimes goes farther than force, and, therefore, to trick them handsomely a committee of patricians was to be nominated, and into their hands was to be committed the majesty of the people, and the highest trust was to be reposed in them. . . . The tribunes, through the want of good legerdemain in the senatorial order, perceived the finesse; and yesterday I was present at a grand division of the city, and there I beheld my fellow citizens very accurately counting all their chickens, not only before any of them were hatched, but before above one half of the eggs were laid. In short, they fairly contended about the future forms of our government, whether it should be founded upon aristocratic or democratic principles.

I stood in the balcony, and on my right hand were ranged all the people of property, with some few poor dependents, and on the other all the tradesmen, etc., who thought it worth their while to leave daily labor for the good of the country. The spirit of the *English* Constitution has yet a little influence left, and but a little. The remains of it, however, will give the wealthy people a superiority this time, but would they secure it they must banish all schoolmasters and confine all knowledge to themselves. This cannot be. The mob begin to think and to reason. Poor reptiles! It is with them a vernal morning; they are struggling to cast off their winter's slough, they bask in the sunshine, and before noon they will bite, depend upon it. The gentry begin to fear this. Their committee will be appointed, they will deceive the people, and again forfeit a share of their confidence. And if these instances of what with one side is policy, with the other perfidy, shall continue to increase, and become more frequent, farewell aristocracy. I see, and I see it with fear and trembling, that if the disputes with *Great Britain* continue, we shall be under the worst of all possible dominions; we shall be under the domination of a riotous mob.

³ The mob, with perhaps a play on the word "nobility."

⁴ Tribune-like. The Tribunes in the Roman republic were officials who represented and protected the interests of the common people.

**C. Thomas Jefferson, *A Summary View of the Rights of British America*,
August 1774⁵**

RESOLVED, that it be an instruction to the said deputies, when assembled in general congress with the deputies from the other states of British America, to propose to the said congress that a humble and dutiful address be presented to his majesty, begging leave to lay before him, as chief magistrate of the British empire, the united complaints of his majesty's subjects in America; complaints which are excited by many unwarrantable encroachments and usurpations, attempted to be made by the legislature of one part of the empire, upon those rights which God and the laws have given equally and independently to all. To represent to his majesty that these his states have often individually made humble application to his imperial throne to obtain, through its intervention, some redress of their injured rights, to none of which was ever even an answer condescended; humbly to hope that this their joint address, penned in the language of truth, and divested of those expressions of servility which would persuade his majesty that we are asking favors, and not rights, shall obtain from his majesty a more respectful acceptance. And this his majesty will think we have reason to expect when he reflects that he is no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government, erected for their use, and consequently subject to their superintendence. And in order that these our rights, as well as the invasions of them, may be laid more fully before his majesty, to take a view of them from the origin and first settlement of these countries.

To remind him that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as to them shall seem most likely to promote public happiness. That their Saxon ancestors had, under this universal law, in like manner left their native wilds and woods in the north of Europe, had possessed themselves of the island of Britain, then less charged with inhabitants, and had established there that system of laws which has so long been the glory and protection of that country. Nor was ever any claim of superiority or dependence asserted over them by that mother country from which they had migrated; and were such a claim made, it is believed that his majesty's subjects in Great Britain have too firm a feeling of the rights derived

⁵ [Thomas Jefferson,] *A Summary View of the Rights of British America: Set Forth in Some Resolutions Intended for the Inspection of the Present Delegates of the People of Virginia, Now in Convention* (Philadelphia: John Dunlap), 1774.

to them from their ancestors, to bow down the sovereignty of their state before such visionary pretensions. And it is thought that no circumstance has occurred to distinguish materially the British from the Saxon emigration. America was conquered, and her settlements made, and firmly established, at the expense of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual; for themselves they fought, for themselves they conquered, and for themselves alone they have right to hold. Not a shilling was ever issued from the public treasures of his majesty, or his ancestors, for their assistance, till of very late times, after the colonies had become established on a firm and permanent footing. . . . Settlements having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws under which they had hitherto lived in the mother country, and to continue their union with her by submitting themselves to the same common sovereign, who was thereby made the central link connecting the several parts of the empire thus newly multiplied.

But that not long were they permitted, however far they thought themselves removed from the hand of oppression, to hold undisturbed the rights thus acquired, at the hazard of their lives, and loss of their fortunes. A family of princes was then on the British throne, whose treasonable crimes against their people brought on them afterwards the exertion of those sacred and sovereign rights of punishment reserved in the hands of the people for cases of extreme necessity, and judged by the constitution unsafe to be delegated to any other judicature. While every day brought forth some new and unjustifiable exertion of power over their subjects on that side the water, it was not to be expected that those here, much less able at that time to oppose the designs of despotism, should be exempted from injury.

Accordingly that country, which had been acquired by the lives, the labors, and the fortunes, of individual adventurers, was by these princes, at several times, parted out and distributed among the favorites and . . . by an assumed right of the crown alone, were erected into distinct and independent governments; a measure which it is believed his majesty's prudence and understanding would prevent him from imitating at this day, as no exercise of such a power, of dividing and dismembering a country, has ever occurred in his majesty's realm of England, though now of very ancient standing; nor could it be justified or acquiesced under there, or in any other part of his majesty's empire.

That the exercise of a free trade with all parts of the world, possessed by the American colonists, as of natural right, and which no law of their own had taken away or abridged, was next the object of unjust encroachment. . . . The

parliament for the commonwealth . . . assumed upon themselves the power of prohibiting their trade with all other parts of the world, except the island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty, entered into on the 12th day of March, 1651, between the said commonwealth by their commissioners, and the colony of Virginia by their house of burgesses, it was expressly stipulated, by the 8th article of the said treaty, that they should have “free trade as the people of England do enjoy to all places and with all nations, according to the laws of that commonwealth.” But that, upon the restoration of his majesty king Charles the second, their rights of free commerce fell once more a victim to arbitrary power; and by several acts . . . of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as show what hopes they might form from the justice of a British parliament, were its uncontrolled power admitted over these states. History has informed us that bodies of men, as well as individuals, are susceptible of the spirit of tyranny. A view of these acts of parliament for regulation, as it has been affectedly called, of the American trade, if all other evidence were removed out of the case, would undeniably evince the truth of this observation. . . . That to heighten still the idea of parliamentary justice, and to show with what moderation they are like to exercise power, where themselves are to feel no part of its weight, we take leave to mention to his majesty certain other acts of British parliament, by which they would prohibit us from manufacturing for our own use the articles we raise on our own lands with our own labor. By an act . . . passed in the 5th year of the reign of his late majesty king George the second, an American subject is forbidden to make a hat for himself of the fur which he has taken perhaps on his own soil; an instance of despotism to which no parallel can be produced in the most arbitrary ages of British history. By one other act . . . passed in the 23d year of the same reign, the iron which we make we are forbidden to manufacture, and heavy as that article is, and necessary in every branch of husbandry, besides commission and insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting not men, but machines, in the island of Great Britain. . . . But that we do not point out to his majesty the injustice of these acts, with intent to rest on that principle the cause of their nullity; but to show that experience confirms the propriety of those political principles which exempt us from the jurisdiction of the British parliament. The true ground on which we declare these acts void is, that the British parliament has no right to exercise authority over us.

That these exercises of usurped power have not been confined to instances alone, in which themselves were interested, but they have also intermeddled with the regulation of the internal affairs of the colonies. . . .

That thus have we hastened through the reigns which preceded his majesty's, during which the violations of our right were less alarming, because repeated at more distant intervals than that rapid and bold succession of injuries which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment into which one stroke of parliamentary thunder has involved us, before another more heavy, and more alarming, is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate and systematical plan of reducing us to slavery.

That the act . . . passed in the 4th year of his majesty's reign, entitled "An act for granting certain duties in the British colonies and plantations in America, &c." One other act . . . passed in the 5th year of his reign, entitled "An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, &c"; one other act . . . passed in the 6th year of his reign, entitled "An act for the better securing the dependency of his majesty's dominions in America upon the crown and parliament of Great Britain;" and one other act . . . passed in the 7th year of his reign, entitled "An act for granting duties on paper, tea, etc.," form that connected chain of parliamentary usurpation, which has already been the subject of frequent applications to his majesty, and the houses of lords and commons of Great Britain; and no answers having yet been condescended to any of these, we shall not trouble his majesty with a repetition of the matters they contained.

But that one other act . . . passed in the same 7th year of the reign, having been a peculiar attempt, must ever require peculiar mention; it is entitled "An act for suspending the legislature of New York." One free and independent legislature hereby takes upon itself to suspend the powers of another, free and independent as itself; thus exhibiting a phenomenon unknown in nature, the creator and creature of its own power. Not only the principles of common sense, but the common feelings of human nature, must be surrendered up before his majesty's subjects here can be persuaded to believe that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned why 160,000 electors in the island of Great Britain should give law to four millions in the states of America, every individual of whom is equal to every individual of them, in virtue, in understanding, and in

bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of 160,000 tyrants, distinguished too from all others by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.

That by “an act . . . to discontinue in such manner and for such time as are therein mentioned the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America,” which was passed at the last session of British parliament; a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin. Let us for a while suppose the question of right suspended, in order to examine this act on principles of justice: An act of parliament had been passed imposing duties on teas, to be paid in America, against which act the Americans had protested as inauthoritative. The East India company, who till that time had never sent a pound of tea to America on their own account, step forth on that occasion the assertors of parliamentary right, and send hither many shiploads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attended to admonition, and returned with their cargoes. In the province of New England alone the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this the master of the vessel was governed by his obstinacy, or his instructions, let those who know, say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known and were amenable to the laws of the land, against which it could not be objected that they had ever, in any instance, been obstructed or diverted from their regular course in favor of popular offenders. They should therefore not have been distrusted on this occasion. But that ill fated colony had formerly been bold in their enmities against the house of Stuart, and were now devoted to ruin by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependents, whose constant office it has been to keep that government embroiled, and who, by their treacheries, hope to obtain the dignity of the British knighthood, without calling for a party accused, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that ancient and wealthy town is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who

had invested in that place the wealth their honest endeavors had merited, found themselves and their families thrown at once on the world for subsistence by its charities. Not the hundredth part of the inhabitants of that town had been concerned in the act complained of; many of them were in Great Britain and in other parts beyond sea; yet all were involved in one indiscriminate ruin, by a new executive power, unheard of till then, that of a British parliament. A property, of the value of many millions of money, was sacrificed to revenge, not repay, the loss of a few thousands. This is administering justice with a heavy hand indeed!

...

By the act . . . for the suppression of riots and tumults in the town of Boston, passed also in the last session of parliament, a murder committed there is, if the governor pleases, to be tried in the court of King's Bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of such a sum as the governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the amount of their recognizance, and that amount may be whatever a governor pleases; for who does his majesty think can be prevailed on to cross the Atlantic for the sole purpose of bearing evidence to a fact? His expenses are to be borne, indeed, as they shall be estimated by a governor; but who are to feed the wife and children whom he leaves behind, and who have had no other subsistence but his daily labor? . . . And the wretched criminal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before judges predetermined to condemn. The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act! . . . That these are the acts of power, assumed by a body of men, foreign to our constitutions, and unacknowledged by our laws, against which we do, on behalf of the inhabitants of British America, enter this our solemn and determined protest; and we do earnestly entreat his majesty, as yet the only mediatory power between the several states of the British empire, to recommend to his parliament of Great Britain the total revocation of these acts, which, however nugatory they be, may yet prove the cause of further discontents and jealousies among us.

That we next proceed to consider the conduct of his majesty, as holding the executive powers of the laws of these states, and mark out his deviations from the line of duty: By the constitution of Great Britain, as well as of the several American states, his majesty possesses the power of refusing to pass into a law any bill which has already passed the other two branches of legislature. His

majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two houses of parliament, while their proceedings were unbiased by interested principles, for several ages past have modestly declined the exercise of this power in that part of his empire called Great Britain. But by change of circumstances, other principles than those of justice simply have obtained an influence on their determinations; the addition of new states to the British empire has produced an addition of new, and sometimes opposite interests. It is now, therefore, the great office of his majesty, to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power which we have seen his majesty practice on the laws of the American legislatures. For the most trifling reasons, and sometimes for no conceivable reason at all, his majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative: Thus preferring the immediate advantages of a few African corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, though in the opposite scale were placed the interests of a whole country. That this is so shameful an abuse of a power trusted with his majesty for other purposes, as if not reformed, would call for some legal restrictions. . . .

One of the articles of impeachment against . . . the . . . judges of Westminster Hall, in the reign of Richard the second, for which they suffered death, as traitors to their country, was, that they had advised the king that he might dissolve his parliament at any time; and succeeding kings have adopted the opinion of these unjust judges. Since the establishment, however, of the British constitution, at the glorious revolution, on its free and ancient principles, neither his majesty, nor his ancestors, have exercised such a power of dissolution in the island of Great Britain; and when his majesty was petitioned, by the united voice of his people there, to dissolve the present parliament, who had become obnoxious to them, his ministers were heard to declare, in open parliament, that his majesty possessed no such power by the constitution. But how different their language and his practice here! To declare, as their duty required, the known rights of their country, to oppose the usurpations of every foreign judicature, to disregard

the imperious mandates of a minister or governor, have been the avowed causes of dissolving houses of representatives in America. But if such powers be really vested in his majesty, can he suppose they are there placed to awe the members from such purposes as these? When the representative body have lost the confidence of their constituents, when they have notoriously made sale of their most valuable rights, when they have assumed to themselves powers which the people never put into their hands, then indeed their continuing in office becomes dangerous to the state, and calls for an exercise of the power of dissolution. Such being the causes for which the representative body should, and should not, be dissolved, will it not appear strange to an unbiased observer, that that of Great Britain was not dissolved, while those of the colonies have repeatedly incurred that sentence?

But your majesty, or your governors, have carried this power beyond every limit known, or provided for, by the laws: After dissolving one house of representatives, they have refused to call another, so that, for a great length of time, the legislature provided by the laws has been out of existence. From the nature of things, every society must at all times possess within itself the sovereign powers of legislation. The feelings of human nature revolt against the supposition of a state so situated as that it may not in any emergency provide against dangers which perhaps threaten immediate ruin. While those bodies are in existence to whom the people have delegated the powers of legislation, they alone possess and may exercise those powers; but when they are dissolved by the lopping off one or more of their branches, the power reverts to the people, who may exercise it to unlimited extent, either assembling together in person, sending deputies, or in any other way they may think proper. We forbear to trace consequences further; the dangers are conspicuous with which this practice is replete. . . .

That in order to enforce the arbitrary measures before complained of, his majesty has from time to time sent among us large bodies of armed forces, not made up of the people here, nor raised by the authority of our laws: Did his majesty possess such a right as this, it might swallow up all our other rights whenever he should think proper. But his majesty has no right to land a single armed man on our shores, and those whom he sends here are liable to our laws made for the suppression and punishment of riots, routs, and unlawful assemblies; or are hostile bodies, invading us in defiance of law. When in the course of the late war it became expedient that a body of Hanoverian troops should be brought over for the defense of Great Britain, his majesty's grandfather, our late sovereign, did not pretend to introduce them under any authority he possessed. Such a measure would have given just alarm to his subjects in Great Britain, whose liberties would not be safe if armed men of

another country, and of another spirit, might be brought into the realm at any time without the consent of their legislature. He therefore applied to parliament, who passed an act for that purpose, limiting the number to be brought in and the time they were to continue. In like manner is his majesty restrained in every part of the empire. He possesses, indeed, the executive power of the laws in every state; but they are the laws of the particular state which he is to administer within that state, and not those of any one within the limits of another. Every state must judge for itself the number of armed men which they may safely trust among them, of whom they are to consist, and under what restrictions they shall be laid.

To render these proceedings still more criminal against our laws, instead of subjecting the military to the civil powers, his majesty has expressly made the civil subordinate to the military. But can his majesty thus put down all law under his feet? Can he erect a power superior to that which erected himself? He has done it indeed by force; but let him remember that force cannot give right.

That these are our grievances which we have thus laid before his majesty, with that freedom of language and sentiment which becomes a free people claiming their rights, as derived from the laws of nature, and not as the gift of their chief magistrate: Let those flatter who fear; it is not an American art. To give praise which is not due might be well from the venal, but would ill beseeem those who are asserting the rights of human nature. They know, and will therefore say, that kings are the servants, not the proprietors of the people. Open your breast, sire, to liberal and expanded thought. Let not the name of George the third be a blot in the page of history. You are surrounded by British counselors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behooves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader; to pursue them requires not the aid of many counselors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to all equal and impartial right. Let no act be passed by any one legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well poised empire. This, sire, is the advice of your great American council, on the observance of which may perhaps depend your felicity and future fame, and the preservation of that harmony which alone can continue both to Great Britain and America the reciprocal advantages of their connection. It is neither our wish, nor our interest, to separate from her. We are willing, on our part, to sacrifice every thing which reason can ask to the

restoration of that tranquility for which all must wish. On their part, let them be ready to establish union and a generous plan. Let them name their terms, but let them be just. . . . The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them. This, sire, is our last, our determined resolution; and that you will be pleased to interpose with that efficacy which your earnest endeavors may ensure to procure redress of these our great grievances, to quiet the minds of your subjects in British America, against any apprehensions of future encroachment, to establish fraternal love and harmony through the whole empire, and that these may continue to the latest ages of time, is the fervent prayer of all British America!

D. Philadelphia Welcomes the First Continental Congress, September 9, 1774⁶

On Friday last the honorable delegates, now met in General Congress, were elegantly entertained by the gentlemen of this city. Having met at the City Tavern about 3 o'clock, they were conducted from thence to the State House by the managers of the entertainment, where they were received by a very large company composed of the clergy, such genteel strangers as happened to be in town, and a number of respectable citizens, making in the whole near 500. After dinner the following toasts were drank, accompanied by music and a discharge of cannon.

1. The KING.
 2. The QUEEN.
 3. The Duke of Gloucester.
 4. The Prince of Wales and Royal Family.
 5. Perpetual union to the colonies.
 6. May the colonies faithfully execute what the Congress shall wisely resolve.
 7. The much injured town of Boston, and province of Massachusetts Bay.
 8. May Great Britain be just, and America free.
 9. No unconstitutional standing armies.
 10. May the cloud which hangs over Great Britain and the colonies, burst *only* on the heads of the present ministry.
 11. May every American hand down to posterity pure and untainted liberty he has derived from his ancestors.
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⁶ *Dunlap's Pennsylvania Packet or, the General Advertiser* (Philadelphia), September 19, 1774.

12. May no man enjoy freedom, who has not spirit to defend it.
13. May the persecuted genius of liberty find a lasting asylum in America.
14. May British swords never be drawn in defense of tyranny.
15. The arts and manufactures of America.
16. Confusion to the authors of the Canada bill.
17. The liberty of the press.
18. A happy reconciliation between Great Britain and her colonies, on a constitutional ground.
19. The virtuous few in both houses of Parliament.
20. The city of London.
21. Lord Chatham.
22. Lord Camden.
23. Bishop of St. Asaph.
24. Duke of Richmond.
25. Sir George Saville.
26. Mr. Burke.
27. General Conway.
28. Mr. Dunning.
29. Mr. Sawbridge.
30. Dr. Franklin.
31. Mr. Dulany.
32. Mr. Hancock.

The acclamations with which several of them were received, not only testified the sense of the honor conferred by such worthy guests, but the fullest confidence in their wisdom and integrity, and a firm resolution to adopt and support such measures as they shall direct for the public good at this alarming crisis.

E. Joseph Galloway, Plan of Union, September 28, 1774⁷

Resolved, That the Congress will apply to his majesty for a redress of grievances under which his faithful subjects in America labor; and assure him, that the colonies hold in abhorrence the idea of being considered independent communities on the British government, and most ardently desire the establishment of a political union, not only among themselves, but with the mother state, upon those principles of safety and freedom which are essential in the constitution of all free governments, and particularly that of the British legislature; and as the colonies from their local circumstances, cannot be represented in the Parliament of Great Britain, they will humbly propose to his majesty and his two houses of Parliament, the following plan, under which the strength of the whole empire may be drawn together on any emergency, the interest of both countries advanced, and the rights and liberties of America secured.

A plan of a proposed union between Great Britain and the colonies

That a British and American legislature, for regulating the administration of the general affairs of America, be proposed and established in America, including all the said colonies; within, and under which government, each colony shall retain its present constitution, and powers of regulating and governing its own internal police, in all cases whatsoever.

That the said government be administered by a president general, to be appointed by the king, and a grand council, to be chosen by the representatives of the people of the several colonies, in their respective assemblies, once in every three years.

That the several assemblies shall choose members for the grand council in the following proportions, viz.

New Hampshire.

Massachusetts Bay.

Rhode Island.

Connecticut.

New York.

New Jersey.

⁷ Worthington C. Ford, et al., eds., *Journals of the Continental Congress, 1774-1789*, 34 vols. (Washington, D.C.: U.S. Government Printing Office, 1904-37), 1:49-51. Joseph Galloway (1731-1803) was a leading Pennsylvania politician, who ultimately became a Loyalist. He eventually relocated to Great Britain in 1778.

Pennsylvania.
 Delaware Counties.
 Maryland.
 Virginia.
 North Carolina.
 South Carolina.
 Georgia.

Who shall meet at the city of _____ for the first time, being called by the president general, as soon as conveniently may be after his appointment.

That there shall be a new election of members for the grand council every three years; and on the death, removal or resignation of any member, his place shall be supplied by a new choice, at the next sitting of assembly of the colony he represented.

That the grand council shall meet once in every year, if they shall think it necessary, and oftener, if occasions shall require, at such time and place as they shall adjourn to, at the last preceding meeting, or as they shall be called to meet at, by the president general, on any emergency.

That the grand council shall have power to choose their speaker, and shall hold and exercise all the like rights, liberties and privileges, as are held and exercised by and in the House of Commons of Great Britain.

That the president general shall hold his office during the pleasure of the king, and his assent shall be requisite to all acts of the grand council, and it shall be his office and duty to cause them to be carried into execution.

That the president general, by and with the advice and consent of the grand council, hold and exercise all the legislative rights, powers, and authorities, necessary for regulating and administering all the general police and affairs of the colonies, in which Great Britain and the colonies, or any of them, the colonies in general, or more than one colony, are in any manner concerned, as well civil and criminal as commercial.

That the said president general and the grand council, be an inferior and distinct branch of the British legislature, united and incorporated with it, for the aforesaid general purposes; and that any of the said general regulations may originate and be formed and digested, either in the parliament of Great Britain, or in the said grand council, and being prepared, transmitted to the other for their approbation or dissent; and that the assent of both shall be requisite to the validity of all such general acts or statutes.

That in time of war, all bills for granting aid to the crown, prepared by the grand council, and approved by the president general, shall be valid and passed into a law, without the assent of the British Parliament.

F. General Thomas Gage, “I am to Do My Duty,” October 20, 1774⁸

Thomas Gage to Peyton Randolph, president of the Continental Congress
Boston, October 20, 1774

Representations should be made with candor, and matters stated exactly as they stand. People would be led to believe, from your letter to me of the 10th instant, that works were raised against the town of Boston, private property invaded, the soldiers suffered to insult the inhabitants, and the communication between the town and country, shut up and molested.

Nothing can be farther from the true situation of this place than the above state. There is not a single gun pointed against the town, no man's property has been seized or hurt, except the king's, by the people's destroying straw, bricks, etc. bought for his service. No troops have given less cause for complaint, and greater care was never taken to prevent it; and such care and attention was never more necessary from the insults and provocations daily given to both officers and soldiers. The communication between the town and country has been always free and unmolested, and is so still.

Two works of earth have been raised at some distance from the town, wide off the road, and guns put in them. The remainder of old works, going out of the town, have been strengthened, and guns placed there likewise. People will think differently, whether the hostile preparation throughout the country, and the menaces of blood and slaughter, made this necessary; but I am to do my duty.

It gives me pleasure that you are endeavoring at a cordial reconciliation with the mother country, which, from what has transpired, I have despaired of. Nobody wishes better success to such measures than myself. I have endeavored to be a mediator, if I could establish a foundation to work upon, and have

⁸ Ford, et al., eds., *Journals of the Continental Congress*, 1:114-15. General Thomas Gage (1719–1787) served in the French and Indian War and was Commander-in-Chief of British forces in North America from 1763 to 1775.

strongly urged it to people here to pay for the tea,⁹ and send a proper memorial to the king, which would be a good beginning on their side, and give their friends the opportunity they seek to move in their support.

I do not believe that menaces, and unfriendly proceedings, will have the effect which too many conceive. The spirit of the British nation was high when I left England, and such measures will not abate it. But I should hope that decency and moderation here, would create the same disposition at home; and I ardently wish that the common enemies to both countries may see, to their disappointment, that these disputes, between the mother country and the colonies, have terminated like the quarrels of lovers, and increased the affection which they ought to bear to each other.

⁹ Gage is referring to the tea that was destroyed in the Boston Tea Party (December 1773); in retribution, the British Parliament passed the Boston Port Act in March 1774, ordering the port of Boston be closed until the city's residents paid for the nearly \$1 million worth (in today's money) of lost revenue.

Revolutionary Considerations of Citizenship and Self-Government

- A. John Adams to Abigail Adams and James Sullivan, March 31 – May 26, 1776
- B. Celebrations of American Independence in Boston and Watertown, Mass., July 18, 1776
- C. To The Honorable Counsel & House of Representatives for the State of Massachusetts Bay in General Court assembled, January 13, 1777
- D. Thomas Jefferson, *Notes on the State of Virginia*, 1781 – 1782
- E. Petition of the Philadelphia Synagogue to the Council of Censors of Pennsylvania, December 23, 1783
- F. Benjamin Rush, *An Enquiry Into the Effects of Spirituous Liquors upon the Human Body, and their Influence upon the Happiness of Society*, 1784

As the Continental Congress moved towards and then declared Independence, it became increasingly important to consider those who would (and would not) benefit from the new nation's commitment to the proposition of human equality. Abigail Adams (Document A) urged her husband to consider the rights of women; Thomas Jefferson (Document D) recognized that the existing institution of slavery presented not only a theoretical but a moral conundrum that would plague the young nation; religious minorities, like the Jewish Synagogue members in Philadelphia, asserted their right to be included as well (Document E). The principles of the Declaration – life, liberty, and the pursuit of happiness – seemed as though they should be open to all.

As John Adams and Benjamin Rush observed (Documents A and F), the very headiness of freedom might prove to be the new nation's downfall. While in theory liberty and equality were open to all, for the sake of political prudence, the number of those who enjoyed full civil rights had to be more limited in practice. Rush appealed not only to prudence but to Providence, observing that these principles were only secure when the citizenry were firm in their commitment to virtue, and would otherwise become dangerous.

Study Questions

A. What sort of expectations do the authors of these documents have for those who will participate in the “self-governing” society they are creating? What groups or categories of people are to be included among the “self-governing citizens” of the new republic? What groups or categories appear to be excluded? What qualifications or attributes are required for citizenship? What is the relationship between virtue and republican citizenship? How is virtue to be measured? How is it to be promoted? What do these documents suggest about the complexity of America’s founding ideals and their application?

B. What is the relationship between citizenship, and labor? (See Chapters 2, 3, 10, and 12, especially) Where else do we see the concern for national virtue raised as a matter of political consequence?

C. How does the discussion of citizenship, and the understanding of the groups included in that concept, compare to that in Volume 2, Chapters 26-27?

A. John Adams to Abigail Adams and James Sullivan, March 31 – May 26, 1776¹

Abigail Adams to John Adams

Braintree, Mass., March 31, 1776

I wish you would ever write me a letter half as long as I write you; and tell me if you may where your fleet are gone? What sort of defense Virginia can make against our common enemy? Whether it is so situated as to make an able defense? Are not the gentry lords and the common people vassals, are they not like the uncivilized natives Britain represents us to be? I hope their riflemen, who have shown themselves very savage and even bloodthirsty, are not a specimen of the generality of the people.

¹ Abigail Adams to John Adams, March 31, 1776, *Founders Online*, National Archives, <https://goo.gl/GuwxiA>; J. Adams to A. Adams, April 14, 1776, in *ibid.*, <https://goo.gl/yWoiUb>; A. Adams to J. Adams, May 7, 1776, in *ibid.*, <https://goo.gl/iv3GBt>; J. Adams to James Sullivan, May 26, 1776, in *ibid.*, <https://goo.gl/XBts4k>.

I am willing to allow the colony great merit for having produced a Washington but they have been shamefully duped by a Dunmore.²

I have sometimes been ready to think that the passion for liberty cannot be equally strong in the breasts of those who have been accustomed to deprive their fellow creatures of theirs. Of this I am certain that it is not founded upon that generous and Christian principle of doing to others as we would that others should do unto us. . . .

I long to hear that you have declared an independency – and by the way in the new code of laws which I suppose it will be necessary for you to make I desire you would remember the ladies, and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember all men would be tyrants if they could. If particular care and attention is not paid to the ladies we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice, or representation.

That your sex are naturally tyrannical is a truth so thoroughly established as to admit of no dispute, but such of you as wish to be happy willingly give up the harsh title of master for the more tender and endearing one of friend. Why then, not put it out of the power of the vicious and the lawless to use us with cruelty and indignity with impunity. Men of sense in all ages abhor those customs which treat us only as the vassals of your sex. Regard us then as beings placed by providence under your protection and in imitation of the Supreme Being make use of that power only for our happiness. . . .

John Adams to Abigail Adams

Philadelphia, April 14, 1776

. . . . As to your extraordinary code of laws, I cannot but laugh. We have been told that our struggle has loosened the bands of government everywhere. That children and apprentices were disobedient – that schools and colleges were grown turbulent that Indians slighted their guardians and Negroes grew insolent to their masters. But your letter was the first intimation that another tribe more numerous and powerful than all the rest were grown discontented. This is rather too coarse a compliment but you are so saucy, I won't blot it out.

Depend upon it, we know better than to repeal our masculine systems. Although they are in full force, you know they are little more than theory. We

² Lord John Murray (1730 - 1809), Earl of Dunmore, last Royal governor of Virginia, who reportedly duped the residents of Williamsburg into leaving their powder supplies unguarded (allowing them to be taken for the crown), and who infamously issued a proclamation promising freedom to any slave belonging to a Patriot who would abandon their master and fight for the British.

dare not exert our power in its full latitude. We are obliged to go fair, and softly, and in practice you know we are the subjects. We have only the name of masters, and rather than give up this, which would completely subject us to the despotism of the petticoat, I hope General Washington, and all our brave heroes would fight. I am sure every good politician would plot, as long as he would against despotism, empire, monarchy, aristocracy, oligarchy, or ochlocracy.³ A fine story indeed. I begin to think the ministry as deep as they are wicked. After stirring up Tories, land-jobbers, trimmers, bigots, Canadians, Indians, Negroes, Hanoverians, Hessians, Russians, Irish Roman Catholics, Scotch renegades, at last they have stimulated them to demand new privileges and threaten to rebel.

Abigail Adams to John Adams

Braintree, Mass., May 7, 1776

How many are the solitary hours I spend, ruminating upon the past, and anticipating the future, whilst you overwhelmed with the cares of state, have but few moments you can devote to any individual. All domestic pleasures and enjoyments are absorbed in the great and important duty you owe your country “for our country is as it were a secondary God, and the first and greatest parent. It is to be preferred to parents, wives, children, friends and all things the Gods only accepted. For if our country perishes it is as impossible to save an individual, as to preserve one of the fingers of a mortified hand.”⁴ Thus do I suppress every wish, and silence every murmur, acquiescing in a painful separation from the companion of my youth, and the friend of my heart. . . .

A government of more stability is much wanted in this colony, and they are ready to receive it from the hands of the congress, and since I have begun with maxims of state I will add another: that a people may let a king fall, yet still remain a people, but if a king let his people slip from him, he is no longer a king. And as this is most certainly our case, why not proclaim to the world in decisive terms your own importance?

Shall we not be despised by foreign powers for hesitating so long at a word?

I cannot say that I think you very generous to the ladies, for whilst you are proclaiming peace and good will to men, emancipating all nations, you insist upon retaining an absolute power over wives. But you must remember that arbitrary power is like most other things which are very hard, very liable to be broken – and notwithstanding all your wise laws and maxims we have it in our power not only to free ourselves but to subdue our masters, and without violence throw both your natural and legal authority at our feet –

³ Government by mob rule

⁴ Adams is apparently quoting the second century Stoic philosopher Hierocles, although in the eighteenth century his fragments were attributed to earlier philosophers.

Charm by accepting, by submitting sway
Yet have our humor most when we obey. . . .

John Adams to James Sullivan

Philadelphia, May 26, 1776

Your favors of May 9th. and 17th. are now before me; and I consider them as the commencement of a correspondence, which will not only give me pleasure, but may be of service to the public, as, in my present station I stand in need of the best intelligence, and the advice of every gentleman of abilities and public principles, in the colony which has seen fit to place me here.

Our worthy friend, Mr. Gerry, has put into my hand, a letter from you, of the sixth of May, in which you consider the principles of representation and legislation, and give us hints of some alterations, which you seem to think necessary, in the qualification of voters.

I wish, sir, I could possibly find time, to accompany you, in your investigation of the principles upon which a representative assembly stands and ought to stand, and in your examination whether the practice of our colony, has been conformable to those principles. But alas! Sir, my time is so incessantly engrossed by the business before me that I cannot spare enough, to go through so large a field: and as to books, it is not easy to obtain them here, nor could I find a moment to look into them, if I had them.

It is certain in theory, that the only moral foundation of government is the consent of the people. But to what an extent shall we carry this principle? Shall we say, that every individual of the community, old and young, male and female, as well as rich and poor, must consent, expressly to every act of legislation? No, you will say. This is impossible. How then does the right arise in the majority to govern the minority, against their will? Whence arises the right of the men to govern women, without their consent? Whence the right of the old to bind the young, without theirs.

But let us first suppose, that the whole community of every age, rank, sex, and condition, has a right to vote. This community, is assembled – a motion is made and carried by a majority of one voice. The minority will not agree to this. Whence arises the right of the majority to govern, and the obligation of the minority to obey? From necessity, you will say, because there can be no other rule. But why exclude women? You will say, because their delicacy renders them unfit for practice and experience, in the great business of life, and the hardy enterprises of war, as well as the arduous cares of state. Besides, their attention is so much engaged with the necessary nurture of their children, that nature has made them fittest for domestic cares. And children have not judgment or will of

their own. True. But will not these reasons apply to others? Is it not equally true, that men in general in every society, who are wholly destitute of property, are also too little acquainted with public affairs to form a right judgment, and too dependent upon other men to have a will of their own? If this is a fact, if you give to every man, who has no property, a vote, will you not make a fine encouraging provision for corruption by your fundamental law? Such is the frailty of the human heart, that very few men, who have no property, have any judgment of their own. They talk and vote as they are directed by some man of property, who has attached their minds to his interest.

Upon my word, sir, I have long thought an army, a piece of clock work and to be governed only by principles and maxims, as fixed as any in mechanics, and by all that I have read in the history of mankind, and in authors, who have speculated upon society and government, I am much inclined to think, a government must manage a society in the same manner; and that this is machinery too.

Harrington has shown that power always follows property. This I believe to be as infallible a maxim, in politicks, as, that action and re-action are equal, is in mechanics. Nay I believe we may advance one step farther and affirm that the balance of power in a society, accompanies the balance of property in land. The only possible way then of preserving the balance of power on the side of equal liberty and public virtue, is to make the acquisition of land easy to every member of society: to make a division of the land into small quantities, so that the multitude may be possessed of landed estates. If the multitude is possessed of the balance of real estate, the multitude will have the balance of power, and in that case the multitude will take care of the liberty, virtue, and interest of the multitude in all acts of government.

I believe these principles have been felt, if not understood in the Massachusetts Bay, from the beginning: And therefore I should think that wisdom and policy would dictate in these times, to be very cautious of making alterations. Our people have never been very rigid in scrutinizing into the qualifications of voters, and I presume they will not now begin to be so. But I would not advise them to make any alteration in the laws, at present, respecting the qualifications of voters.

Your idea, that those laws, which affect the lives and personal liberty of all, or which inflict corporal punishment, affect those, who are not qualified to vote, as well as those who are, is just. But, so they do women, as well as men, children as well as adults. What reason should there be, for excluding a man of twenty years, eleven months and twenty-seven days old, from a vote when you admit one, who is twenty-one? The reason is, you must fix upon some period in life, when the understanding and will of men in general is fit to be trusted by the

public. Will not the same reason justify the state in fixing upon some certain quantity of property, as a qualification?

The same reasoning, which will induce you to admit all men, who have no property, to vote, with those who have, for those laws, which affect the person will prove that you ought to admit women and children: for generally speaking, women and children, have as good judgment, and as independent minds as those men who are wholly destitute of property: these last being to all intents and purposes as much dependent upon others, who will please to feed, clothe, and employ them, as women are upon their husbands, or children on their parents.

As to your idea, of proportioning the votes of men in money matters, to the property they hold, it is utterly impracticable. There is no possible way of ascertaining, at any one time, how much every man in a community, is worth; and if there was, so fluctuating is trade and property, that this state of it, would change in half an hour. The property of the whole community, is shifting every hour, and no record can be kept of the changes.

Society can be governed only by general rules. Government cannot accommodate itself to every particular case, as it happens, nor to the circumstances of particular persons. It must establish general, comprehensive regulations for cases and persons. The only question is, which general rule, will accommodate most cases and most persons.

Depend upon it, sir, it is dangerous to open so fruitful a source of controversy and altercation, as would be opened by attempting to alter the qualifications of voters. There will be no end of it. New claims will arise. Women will demand a vote. Lads from 12 to 21 will think their rights not enough attended to, and every man, who has not a farthing, will demand an equal voice with any other in all acts of state. It tends to confound and destroy all distinctions, and prostrate all ranks, to one common level.

B. Celebrations of American Independence in Boston and Watertown, Massachusetts, July 18, 1776⁵

WATERTOWN, July 22.

Thursday last, pursuant to the orders of the honorable council, was proclaimed, from the balcony of the State House in Boston, the

⁵ *The American Gazette, or the Constitutional Journal* (Salem, Mass.), July 23, 1776.

DECLARATION of the AMERICAN CONGRESS, absolving the United Colonies from their allegiance to the British crown, and declaring them FREE and INDEPENDENT STATES. There were present on the occasion, in the council chamber, the committee of council, a number of the honorable House of Representatives, the magistrates, ministers, selectmen, and other gentlemen of Boston and the neighboring towns; also the committee of officers of the Continental regiments stationed in Boston, and other officers. Two of those regiments were under arms in King Street, formed into three lines on the north side of the street, and in thirteen divisions; and a detachment from the Massachusetts Regiment of Artillery, with two pieces of cannon was on their right wing. At one o'clock the Declaration was proclaimed by the sheriff of the county of Suffolk, which was received with great joy expressed by three huzzahs from the concourse of people assembled on the occasion. After which, on a signal given, thirteen pieces of cannon were fired at the fort on Fort Hill, the forts at Dorchester Neck, the Castle, the Nantasket, and Point Alderton, likewise discharged their cannon. Then the detachment of artillery fired their cannon thirteen times, which was followed by the two regiments giving their fire from the thirteen divisions in succession. These firings corresponded to the number of the American states united. The ceremony was closed with a proper collation to the gentlemen in the council chamber; during which the following toasts were given by the president of the council, and heartily pledged by the company:

1. Prosperity and perpetuity to the United States of America.
2. The American Congress.
3. The general court of the state of Massachusetts Bay.
4. General WASHINGTON, and success to the army of the United States.
5. The downfall of tyrants and tyranny.
6. The universal prevalence of civil and religious liberty.
7. The friends of the United States in all quarters of the globe.

The bells of the town were rung on the occasion; and undissembled festivity cheered and brightened every face.

On the same day a number of the members of the council (who were prevented attending the ceremony at Boston, on account of the small pox being there) together, with those of the House of Representatives who were in town, and a number of other gentlemen assembled at the council chamber in this town, where the said Declaration was also proclaimed by the secretary, from one of the windows; after which, the gentlemen present partook of a decent collation

prepared on the occasion, and drank a number of constitutional toasts, and then retired.

We hear that on Thursday last every king's arms⁶ in Boston, and every sign with any resemblance of it, whether lion and crown, pestle and mortar and crown, heart and crown, etc., together with every sign that belonged to a Tory was taken down, and made a general conflagration of in King Street.

The king's arms, in this town, was on Saturday last, also defaced.

C. To The Honorable Counsel & House of Representatives for the State of Massachusetts Bay in General Court assembled, January 13, 1777⁷

The petition of a great number of blacks detained in a state of slavery in the bowels of a free & Christian country humbly shows that your petitioners apprehend that they have in common with all other men a natural and unalienable right to that freedom which the Great Parent of the Universe hath bestowed equally on all mankind and which they have never forfeited by any compact or agreement whatever – but they were unjustly dragged by the hand of cruel power from their dearest friends and some of them even torn from the embraces of their tender parents – from a populous, pleasant, and plentiful country and in violation of laws of nature and of nations and in defiance of all the tender feelings of humanity brought here to be sold like beasts of burden & like them condemned to slavery for life – among a people professing the mild religion of Jesus, a people not insensible of the secrets of rational being nor without spirit to resent the unjust endeavors of others to reduce them to a state of bondage and subjection. Your honors need not to be informed that a life of slavery like that of your petitioners, deprived of every social privilege, of everything requisite to render life tolerable, is far worse [*than*] nonexistence.

In imitation of the laudable example of the good people of these states your petitioners have long and patiently waited the event of petition after petition by them presented to the legislative body of this state and cannot but with grief reflect that their success hath been but too similar they cannot but express their astonishment that it has never been considered that every principle from which America has acted in the course of their unhappy difficulties with Great Britain pleads stronger than a thousand arguments in favor of your petitioners. They therefore humbly beseech your honors to give this petition its due weight & consideration & cause an act of the legislature to be passed whereby they may

⁶ This name and those that follow were typical Pub names.

⁷ *Collections of the Massachusetts Historical Society*, 5th Ser., 3 (1877): 436-37.

be restored to the enjoyments of that which is the natural right of all men – and their children who were born in this land of liberty may not be held as slaves after they arrive at the age of twenty-one years[. So] may the inhabitants of this state no longer chargeable with the inconsistency of acting themselves the part which they condemn and oppose in others [b]e prospered in their present glorious struggle for liberty and have those blessing to them, etc.

D. Thomas Jefferson, *Notes on the State of Virginia*, 1781 – 1782⁸

Query XVIII: The particular customs and manner that may happen to be received in that state?

It is difficult to determine on the standard by which the manners of a nation may be tried, whether *catholic*, or *particular*. It is more difficult for a native to bring to that standard the manners of his own nation, familiarized to him by habit. There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. 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 submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst of 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. And with what execration should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patriae of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another: in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavors to the evanishment of

⁸ Thomas Jefferson, *Notes on the State of Virginia* ([1781-82]; London: John Stockdale, 1787), 270-75.

the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is destroyed. For in a warm climate, no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labor. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest. But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into everyone's mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.

Query XIX: The present state of manufactures, commerce, interior and exterior trade?

Manufactures: We never had an interior trade of any importance. Our exterior commerce has suffered very much from the beginning of the present contest. During this time we have manufactured within our families the most necessary articles of clothing. Those of cotton will bear some comparison with the same kinds of manufacture in Europe; but those of wool, flax and hemp are very coarse, unsightly, and unpleasant; and such is our attachment to agriculture, and such our preference for foreign manufactures, that be it wise or unwise, our people will certainly return as soon as they can, to the raising of raw materials, and exchanging them for finer manufactures than they are able to execute themselves.

The political economists of Europe have established it as a principle that every state should endeavor to manufacture for itself; and this principle, like many others, we transfer to America, without calculating the difference of circumstance which should often produce a difference of result. In Europe the lands are either cultivated, or locked up against the cultivator. Manufacture must

therefore be resorted to of necessity not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? Those who labor in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus⁹ in which he keeps alive that sacred fire, which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example. It is the mark set on those, who not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on the casualties and caprice of customers. Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances: but, generally speaking, the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good-enough barometer whereby to measure its degree of corruption. While we have land to labor then, let us never wish to see our citizens occupied at a workbench, or twirling a distaff. Carpenters, masons, smiths, are wanting in husbandry; but, for the general operations of manufacture, let our workshops remain in Europe. It is better to carry provisions and materials to workmen there, than bring them to the provisions and materials, and with them their manners and principles. The loss by the transportation of commodities across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigor. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.

⁹ Jefferson uses the Latin word meaning domestic hearth or fireplace.

E. Petition of the Philadelphia Synagogue to Council of Censors of Pennsylvania, December 23, 1783¹⁰

By the tenth section of the frame of government of this commonwealth, it is ordered that each member of the general assembly of representatives of the freemen of Pennsylvania, before he takes his seat, shall make and subscribe a declaration, which ends in these words, "I do acknowledge the scriptures of the old and new testament to be given by divine inspiration," to which is added an assurance, that "no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this state."

Your memorialists beg leave to observe, that this clause seems to limit the civil rights of your citizens to one very special article of the creed; whereas by the second paragraph of the declaration of the rights of the inhabitants, it is asserted without any other limitation than the professing the existence of God, in plain words, "that no man who acknowledges the being of a God can be justly deprived or abridged of any civil rights as a citizen on account of his religious sentiments." But certainly this religious test deprives the Jews of the most eminent rights of freemen, solemnly ascertained to all men who are not professed atheists.

May it please your honors: Although the Jews in Pennsylvania are but few in number, yet liberty of the people in one country, and the declaration of the government thereof, that these liberties are the rights of the people, may prove a powerful attractive to men, who live under restraints in another country. Holland and England have made valuable acquisitions of men, who for their religious sentiments, were distressed in their own countries.

And if Jews in Europe or elsewhere, should incline to transport themselves to America, and would, for reason of some certain advantage of the soil, climate, or the trade of Pennsylvania, rather become inhabitants thereof, than of any other state; yet the disability of Jews to take seat among the representatives of the people, as worded by the said religious test, might determine their free choice to go to New York, or to any other of the United States of America, where there is no such like restraint laid upon the nation and religion of the Jews, as in Pennsylvania.

Your memorialists cannot say that the Jews are particularly fond of being representatives of the people in assembly or civil officers and magistrates in the state; but with great submission they apprehend that a clause in the constitution, which disables them to be elected by their fellow citizens to represent them in assembly, is a stigma upon their nation and religion, and it is inconsonant with

¹⁰ *The Freeman's Journal or The North-American Intelligencer* (Philadelphia), January 21, 1784.

the second paragraph of the said bill of rights; otherwise Jews are as fond of liberty as their religious societies can be, and it must create in them a displeasure, when they perceive that for their professed dissent to doctrine, which is inconsistent with their religious sentiments, they should be excluded from the most important and honorable part of the rights of a free citizen.

Your memorialists beg further leave to represent, that in the religious books of the Jews, which are or may be in every man's hands, there are no such doctrines or principles established as are inconsistent with the safety and happiness of the people of Pennsylvania, and that the conduct and behavior of the Jews in this and the neighboring states, has always tallied with the great design of the Revolution; that the Jews of Charlestown, New York, Newport, and other posts, occupied by the British troops, have distinguishedly suffered for their attachment to the Revolution principles; and their brethren at St. Eustatius, for the same cause, experienced the most severe resentments of the British commanders.

The Jews of Pennsylvania, in proportion to the number of their members, can count with any religious society whatsoever, the Whigs among either of them; they have served some of them in the Continental army; some went out in the militia to fight the common enemy; all of them have cheerfully contributed to the support of the militia, and of the government of this state; they have no inconsiderable property in lands and tenements, but particularly in the way of trade, some more, some less, for which they pay taxes; they have, upon every plan formed for public utility, been forward to contribute as much as their circumstances would admit of; and as a nation or a religious society, they stand unimpeached of any matter whatsoever, against the safety and happiness of the people.

And your memorialists humbly pray, that if your honors, from any consideration than the subject of this address, should think proper to call a convention for revising the constitution, you would be pleased to recommend this to the notice of that convention.

F. Benjamin Rush, *An Enquiry Into the Effects of Spirituous Liquors upon the Human Body, and their Influence upon the Happiness of Society, 1784*¹¹

A people corrupted with strong drink cannot long be a *free* people. The rulers of such a community will soon partake of the vices of that mass from which they are secreted, and all our laws and governments will sooner or later bear the same marks of the effects of spirituous liquors. . . . [as] individuals. I submit it therefore to the consideration of our legislatures, whether more laws should not be made to increase the expense and lessen the consumption of spirituous liquors, and whether some mark of public infamy should not be inflicted by law upon every man convicted, before a common magistrate, of drunkenness.

The second and last observation I shall offer, is of a serious nature. It has been remarked that the Indians have diminished everywhere in America since their connection with the Europeans. This has been justly ascribed to the Europeans having introduced spirituous liquors among them. Let those men who are every day turning their backs upon all the benefits of cultivated society, to seek habitations in the neighborhood of Indians, consider how far this wandering mode of life is produced by the same cause which has scattered and annihilated so many Indian tribes. Long life, and the secure possession of property, in the land of their ancestors, was looked upon as a blessing among the ancient Jews. For a son to mingle his dust with the dust of his father, was to act worthy of his inheritance; and the prospect of this honor often afforded a consolation even in death. However exalted, my countrymen, your ideas of liberty may be, while you expose yourselves by the use of spirituous liquors to this consequence of them, you are nothing more than the pioneers, or in more slavish terms, the “hewers of wood” of your more industrious neighbors.

If the facts that have been stated, should produce in any of my readers who have suffered from the use of spirituous liquors, a resolution to abstain from them hereafter, I must beg leave to inform them that they must leave them off *suddenly* and *entirely*. No man was ever *gradually* reformed from drinking spirits. He must not only avoid tasting, but even smelling them, until long habits of abstinence have subdued his affection for them. To prevent his feeling any inconveniences from the sudden loss of their stimulus upon his stomach, he should drink plentifully of chamomile or of any other bitter tea, or a few glasses of sound old wine every day. I have great pleasure in adding, that I have seen a

¹¹ Benjamin Rush, *An Enquiry Into the Effects of Spirituous Liquors upon the Human Body, and their Influence upon the Happiness of Society* (Philadelphia: Thomas Bradford, [1784]), 8-9. Benjamin Rush (1746–1813), a signer of the Declaration of Independence, was a physician, reformer, and politician in Philadelphia.

number of people who have been *effectually* restored to health, to character, and to usefulness to their families and to society, by following this advice.

The Debate over Ratification

- A. (Robert Yates), *Brutus* 1, October 18, 1787
- B. Publius (James Madison), *Federalist* 10, November 22, 1787
- C. Thomas Jefferson and James Madison, “If we cannot secure all our rights, let us secure what we can,” October 1788 – March 1789

After the Constitution was presented to the states for ratification in September 1787, a widespread period of public debate over the merits of the plan began. Newspapers ran editorial essays by both proponents of the new system (who became known as Federalists) and those who opposed it for various reasons (who became known as Anti-Federalists). Among the many points of contention, the most fundamental issue was whether or not the more energetic national government proposed by the Constitution would (either immediately or eventually) subsume the state governments. And related to that: could the people of the United States maintain their freedom under such a powerful national government, without the intervening layers of accountability and representation? These concerns dominated the exchange between the two factions, and, as Robert Yates pointed out in Brutus I (Document A), they were fundamental to the discussion of any other features of the plan.

The ratification debates opened up an ongoing reflection on the regional differences between the various member states of the Union that would not be resolved until well after the Civil War. Federalist 10 (Document B) considers this important political question of the relationship between liberty and faction, observing that insofar as men are free, they are liable to adopt different opinions and interests that put them into conflict with one another.

Even the proponents of the Constitution did not find the system flawless: among others, Thomas Jefferson and James Madison (Document C) shared anti-Federalists’ concerns about the lack of a Bill of Rights in the draft presented to the states for ratification. Explicit protections for individual rights against the power of the new federal government would, they argued, work to mitigate any tendencies towards consolidation and tyranny the new system of government might have.

Study Questions

A. How do the various authors conceive of the relationship between the people and the power(s) of the state and federal governments? What did the opponents of the Constitution fear would be lost if it was adopted? What did its supporters fear would be lost if it was not adopted? How did each side respond to the considerations raised by the other? What are the potential problems and advantages of a large republic? How do Thomas Jefferson and James Madison envision a Bill of Rights will work to mitigate the potential threats to liberty presented by the new system?

B. Consider Joseph Galloway's Plan of Union (Chapter 5) in light of the debate over ratification. How might the legacy of this document have affected Anti-Federalists' responses to the Constitution?

C. How are the concerns raised by Brutus reflected in those raised by conservative critics of the New Deal in Volume 2, Chapter 22?

A. (Robert Yates), *Brutus I*, October 18, 1787¹

... We have felt the feebleness of the ties by which these United-States are held together, and the want of sufficient energy in our present confederation, to manage, in some instances, our general concerns. Various expedients have been proposed to remedy these evils, but none have succeeded. At length a Convention of the states has been assembled; they have formed a constitution which will now, probably, be submitted to the people to ratify or reject, who are the fountain of all power, to whom alone it of right belongs to make or unmake constitutions, or forms of government, at their pleasure. The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you, and you are to decide upon it by men of your own election, chosen specially for this purpose. If the constitution, offered to [your acceptance], be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed.

¹ In *The American Republic: Primary Sources*, ed. Bruce Frohnen (Indianapolis: Liberty Fund, 2002); available online <https://goo.gl/i5bEMh>. Robert Yates (1738–1801) was a leading jurist and anti-Federalist in New York.

You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favored land, will fast advance to the highest point of perfection; the human mind will expand in knowledge and virtue, and the golden age be, in some measure, realized. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty – if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining asylum for liberty will be [shut] up, and posterity will execrate your memory. . . .

With these few introductory remarks I shall proceed to a consideration of this constitution:

The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and control of a supreme federal head for certain defined national purposes only?

This enquiry is important, because, although the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to it, that it must, if executed, certainly and infallibly terminate in it.

This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared “that the Congress shall have power 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 office thereof.” And by the 6th article, it is declared “that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the 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 law of any state to the contrary notwithstanding.” It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution, or the laws made in pursuance of it, or with treaties made under the authority of the United States. The government then, so far as it extends, is a complete one, and not a confederation.

It is as much one complete government as that of New-York or Massachusetts, has as absolute and perfect powers to make and execute all laws, to appoint officers, institute courts, declare offences, and annex penalties, with respect to every object to which it extends, as any other in the world. So far therefore as its powers reach, all ideas of confederation are given up and lost.

. . . It has authority to make laws which will affect the lives, the liberty, and property of every man in the United States; nor can the constitution or laws of any state, in any way prevent or impede the full and complete execution of every power given. The legislative power is competent to lay taxes, duties, imposts, and excises; there is no limitation to this power, unless it be said that the clause which directs the use to which those taxes, and duties shall be applied, may be said to be a limitation; but this is no restriction of the power at all, for by this clause they are to be applied to pay the debts and provide for the common defense and general welfare of the United States; but the legislature have authority to contract debts at their discretion; they are the sole judges of what is necessary to provide for the common defense, and they only are to determine what is for the general welfare: this power therefore is neither more nor less, than a power to lay and collect taxes, imposts, and excises, at their pleasure. . . . In the business therefore of laying and collecting taxes, the idea of confederation is totally lost, and that of one entire republic is embraced. It is proper here to remark, that the authority to lay and collect taxes is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all other after it; it is the great mean of protection, security, and defense, in a good government, and the great engine of oppression and tyranny in a bad one. . . .

The judicial power of the United States is to be vested in a supreme court, and in such inferior courts as Congress may from time to time ordain and establish. The powers of these courts are very extensive; their jurisdiction comprehends all civil causes, except such as arise between citizens of the same state; and it extends to all cases in law and equity arising under the constitution. One inferior court must be established, I presume, in each state at least, with the necessary executive officers appendant thereto. It is easy to see, that in the common course of things, these courts will eclipse the dignity, and take away from the respectability, of the state courts. These courts will be, in themselves, totally independent of the states, deriving their authority from the United States, and receiving from them fixed salaries; and in the course of human events it is to be expected, that they will swallow up all the powers of the courts in the respective states.

How far the clause in the 8th section of the 1st article may operate to do away all idea of confederated states, and to effect an entire consolidation of the

whole into one general government, it is impossible to say. The powers given by this article are very general and comprehensive, and it may receive a construction to justify the passing almost any law. A power to make all laws, which shall be necessary and proper, for carrying into execution, all powers vested by the constitution in the government of the United States, or any department or officer thereof, is a power very comprehensive and definite, and may, for ought I know, be exercised in a such manner as entirely to abolish the state legislatures.

. . . [T]he legislature of the United States are vested with the great and uncontrollable powers, of laying and collecting taxes, duties, imposts, and excises; of regulating trade, raising and supporting armies, organizing, arming, and disciplining the militia, instituting courts, and other general powers. And are by this clause invested with the power of making all laws, proper and necessary, for carrying all these into execution; and they may so exercise this power as entirely to annihilate all the state governments, and reduce this country to one single government. And if they may do it, it is pretty certain they will; for it will be found that the power retained by individual states, small as it is, will be a clog upon the wheels of the government of the United States; the latter therefore will be naturally inclined to remove it out of the way. Besides, it is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over everything that stands in their way. . . .

Let us now proceed to enquire, as I at first proposed, whether it be best the thirteen United States should be reduced to one great republic, or not? It is here taken for granted, that all agree in this, that whatever government we adopt, it ought to be a free one; that it should be so framed as to secure the liberty of the citizens of America, and such a one as to admit of a full, fair, and equal representation of the people. The question then will be, whether a government thus constituted, and founded on such principles, is practicable, and can be exercised over the whole United States, reduced into one state? . . .

In every government, the will of the sovereign is the law. In despotic governments, the supreme authority being lodged in one, his will is law, and can be as easily expressed to a large extensive territory as to a small one. In a pure democracy the people are the sovereign, and their will is declared by themselves; for this purpose, they must all come together to deliberate, and decide. This kind of government cannot be exercised, therefore, over a country of any considerable extent; it must be confined to a single city, or at least limited to such bounds as that the people can conveniently assemble, be able to debate, understand the subject submitted to them, and declare their opinion concerning it.

In a free republic, although all laws are derived from the consent of the people, yet the people do not declare their consent by themselves in person, but by representatives, chosen by them, who are supposed to know the minds of their constituents, and to be possessed of integrity to declare this mind.

... If the people are to give their assent to the laws, by persons chosen and appointed by them, the manner of the choice and the number chosen, must be such, as to possess, be disposed, and consequently qualified to declare the sentiments of the people; for if they do not know, or are not disposed to speak the sentiments of the people, the people do not govern, but the sovereignty is in a few. Now, in a large extended country, it is impossible to have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy, as to be subject in great measure to the inconveniency of a democratic government.

The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving against those of the other. This will retard the operations of government, and prevent such conclusions as will promote the public good. If we apply this remark to the condition of the United States, we shall be convinced that it forbids that we should be one government. The United States includes a variety of climates. The productions of the different parts of the union are very variant, and their interests, of consequence, diverse. Their manners and habits differ as much as their climates and productions; and their sentiments are by no means coincident. The laws and customs of the several states are, in many respects, very diverse, and in some opposite; each would be in favor of its own interests and customs, and, of consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogenous and discordant principles, as would constantly be contending with each other. . . .

... The confidence which the people have in their rulers, in a free republic, arises from their knowing them, from their being responsible to them for their conduct, and from the power they have of displacing them when they misbehave: but in a republic of the extent of this continent, the people in general would be acquainted with very few of their rulers: the people at large would

know little of their proceedings, and it would be extremely difficult to change them. . . . The different parts of so extensive a country could not possibly be made acquainted with the conduct of their representatives, nor be informed of the reasons upon which measures were founded. The consequence will be, they will have no confidence in their legislature, suspect them of ambitious views, be jealous of every measure they adopt, and will not support the laws they pass. Hence the government will be nerveless and inefficient, and no way will be left to render it otherwise, but by establishing an armed force to execute the laws at the point of the bayonet – a government of all others the most to be dreaded.

In a republic of such vast extent as the United-States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising. . . .

These are some of the reasons by which it appears, that a free republic cannot long subsist over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted. . . .

B. Publius (James Madison), *Federalist 10*, November 22, 1787²

Among the numerous advantages promised by a well-constructed union, none deserves to be more accurately developed, than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. . . . Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the

² George W. Carey and James McClellan, eds., *The Federalist: The Gideon Edition*, (Indianapolis: Liberty Fund, 2001), 42-49.

evidence of known facts will not permit us to deny that they are in some degree true. . . .

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: The one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said, than of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an element, without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to an uniformity of interests. The protection of these faculties, is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice . . . have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind, to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of factions, has been the

various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society. . . . The regulation of these various and interfering interests, forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government. . . .

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm: nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.

The inference to which we are brought, is, that the causes of faction cannot be removed; and that relief is only to be sought in the means of controlling its effects.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views, by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. . . .

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority, at the same time, must be prevented; or the majority, having such co-existent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know, that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together; that is, in proportion as their efficacy becomes needful. . . .

A republic, by which I mean a government in which the scheme of representation takes place . . . promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the union.

The two great points of difference, between a democracy and a republic, are, first, the delegation of the government, in the latter, to a small number of

citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen, that the public voice, pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations.

In the first place, it is to be remarked, that however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the constituents, and being proportionally greatest in the small republic, it follows, that if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts, by which elections are too often carried; and the suffrages of the people being more free, will be more likely to center in men who possess the most attractive merit, and the most diffusive and established characters.

It must be confessed, that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal constitution forms a happy combination in this respect; the great and aggregate interests, being referred to the national, the local and particular to the state legislatures.

The other point of difference is, the greater number of citizens, and extent of territory, which may be brought within the compass of republican, than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former, than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked, that where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust, in proportion to the number whose concurrence is necessary.

Hence it clearly appears, that the same advantage, which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic, – is enjoyed by the union over the states composing it. . . .

In the extent and proper structure of the union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit, and supporting the character of federalists.

C. Thomas Jefferson and James Madison, “If we cannot secure all our rights, let us secure what we can,” October 1788 – March 1789³

Madison to Jefferson: New York, October 17, 1788

... The little pamphlet⁴ herewith enclosed will give you a collective view of the alterations which have been proposed for the new Constitution. Various and numerous as they appear they certainly omit many of the true grounds of opposition. The articles relating to Treatises, to paper money, and to contracts, created more enemies than all errors in the System positive and negative put together. It is true nevertheless that not a few, particularly in Virginia have contended for the proposed alterations from the most honorable and patriotic motives; and that among the advocates for the Constitution there are some who wish for further guards to public liberty and individual rights. As far as these may consist of a constitutional declaration of the most essential rights, it is probable they will be added; though there are many who think such addition unnecessary, and not a few who think it misplaced in such a Constitution. There is scarce any point on which the party in opposition is so much divided as to its importance and its propriety.

My own opinion has always been in favor of a bill of rights; provided it be so framed as not to imply powers not meant to be included in the enumeration.⁵ At the same time I have never thought the omission a material defect nor been anxious to supply it even by subsequent amendment, for any other reason than that it is anxiously desired by others. I have favored it because I supposed it might be of use, and if properly executed could not be of disservice.

I have not viewed it in an important light. 1. Because I conceive that in a certain degree, though not in the extent argued by Mr. Wilson, the rights in question are reserved by the manner in which the federal powers are granted. 2. Because there is great reason to fear that a positive declaration of some of the most essential rights could not be obtained in the requisite latitude. I am sure that the rights of conscience in particular, if submitted to the public definition[,]

³ “From James Madison to Thomas Jefferson, 17 October 1788,” *Founders Online*, National Archives, last modified February 1, 2018, <https://goo.gl/pYa9C3>; “From Thomas Jefferson to James Madison, 15 March 1789,” *Founders Online*, National Archives, last modified February 1, 2018, <https://goo.gl/cNvZRt>.

⁴ Edmund Randolph, *The Ratifications of the New Federal Constitution, Together with the Amendments, Proposed by the Several States* (Richmond, VA: Published by Augustine Davis, 1788).

⁵ By “the enumeration,” Madison means the powers explicitly given to the federal government by the Constitution.

would be narrowed much more than they are likely ever to be by an assumed power. One of the objections in New England was that the Constitution by prohibiting religious tests opened a door for Jews, Turks and infidels. 3. Because the limited powers of the federal Government and the jealousy of the subordinate Governments, afford a security which has not existed in the case of the State Governments, and exists in no other. 4. Because experience proves the inefficacy of a bill of rights on those occasions when its control is most needed. Repeated violations of these parchment barriers have been committed by overbearing majorities in every State. In Virginia I have seen the bill of rights violated in every instance where it has been opposed to a popular current. Notwithstanding the explicit provision contained in that instrument for the rights of Conscience it is well known that a religious establishment would have taken place and on narrower ground than was then proposed, notwithstanding the additional obstacle which the law has since created. Wherever the real power in a Government lies, there is the danger of oppression.

In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the majority of the constituents. This is a truth of great importance, but not yet sufficiently attended to: and is probably more strongly impressed on my mind by facts, and reflections suggested by them, than on yours which has contemplated abuses of power issuing from a very different quarter. Wherever there is an interest and power to do wrong, wrong will generally be done, and not less readily by a powerful and interested party than by a powerful and interested prince. The difference, so far as it relates to the superiority of republics over monarchies, lies in the less degree of probability that interest may prompt abuses of power in the former than in the latter; and in the security in the former against oppression of more than the smaller part of the Society, whereas in the former [*Madison seems to have erred, writing "former" when he meant "latter" – ie., in monarchies*] it may be extended in a manner to the whole. The difference so far as it relates to the point in question – the efficacy of a bill of rights in controlling abuses of power – lies in this: that in a monarchy the latent force of the nation is superior to that of the Sovereign, and a solemn charter of popular rights must have a great effect, as a standard for trying the validity of public acts, and a signal for rousing and uniting the superior force of the community; whereas in a popular Government, the political and physical power may be considered as vested in the same hands, that is in a majority of the people, and consequently the tyrannical will of the sovereign is not to be controlled by the dread of an appeal to any other force within the community.

What use then it may be asked can a bill of rights serve in popular Governments? I answer the two following, which, though less essential than in other Governments, sufficiently recommend the precaution. 1. The political truths declared that in solemn manner acquire by degrees the character of fundamental maxims of free Government, and as they become incorporated with the national sentiment, counteract the impulses of interest and passion. 2. Although it be generally true as above stated that the danger of oppression lies in the interested majorities of the people rather than in usurped acts of the Government, yet there may be occasions on which the evil may spring from the latter sources; and on such, a bill of rights will be a good ground for an appeal to the sense of the community. Perhaps too there may be a certain degree of danger, that a succession of artful and ambitious rulers, may by gradual and well-timed advances, finally erect an independent Government on the subversion of liberty. Should this danger exist at all, it is prudent to guard against it, especially when the precaution can do no injury. At the same time I must own that I see no tendency in our governments to danger on that side. It has been remarked that there is a tendency in all Governments to an augmentation of power at the expense of liberty. But the remark as usually understood does not appear to me well founded. Power when it has attained a certain degree of energy and independence goes on generally to further degrees. But when below that degree, the direct tendency is to further degrees of relaxation, until the abuses of liberty beget a sudden transition to an undue degree of power. With this explanation the remark may be true; and in the latter sense only is it in my opinion applicable to the Governments in America. It is a melancholy reflection that liberty should be equally exposed to danger whether the Government have too much or too little power; and that the line which divides these extremes should be so inaccurately defined by experience.

Supposing a bill of rights to be proper, the articles which ought to compose it admit of much discussion. I am inclined to think that absolute restrictions in cases that are doubtful, or where emergencies may overrule them, ought to be avoided. The restrictions however strongly marked on paper will never be regarded when opposed to the decided sense of the public; and after repeated violations in extraordinary cases, they will lose even their ordinary efficacy. Should a Rebellion or insurrection alarm the people as well as the Government, and a suspension of the Hab. Corp.⁶ be dictated by the alarm, no written prohibitions on earth would prevent the measure. Should an army in time of peace be gradually established in our neighborhood by Britain or Spain, declarations on paper would have as little effect in preventing a standing force

⁶ habeas corpus

for the public safety. The best security against these evils is to remove the pretext for them.

With regard to Monopolies, they are justly classed among the greatest nuisances in Government. But is it clear that as encouragements to literary works and indigenous discoveries, they are not too valuable to be wholly renounced? Would it not suffice to reserve in all cases a right to the public to abolish the privilege at a price to be specified in the grant of it? Is there not also infinitely less danger of this abuse in our Governments than in most others? Monopolies are sacrifices of the many to the few. Where the power is in the few it is natural for them to sacrifice the many to their own partialities and corruptions. Where the power, as with us, is in the many not in the few, the danger cannot be very great that the few will be thus favored. It is much more to be dreaded that the few will be unnecessarily sacrificed to the many. . . .

Jefferson to Madison: Paris, March 15, 1789

. . . The declaration of rights is, like all other human blessings, alloyed with some inconveniences, and not accomplishing fully its object. But the good of this instance vastly overweighs the evil. I cannot refrain from making short answers to the objections which your letter states to have been raised.

1. That the rights in question are reserved by the manner in which the federal powers are granted. Answer: A constitutive act may, certainly, be so formed, as to need no declaration of rights. The act itself has the force of a declaration, as far as it goes; and if it goes to all material points, nothing more is wanting. In the draught⁷ of a constitution which I had once a thought of proposing in Virginia, and printed afterwards, I endeavored to reach all the great objects of public liberty, and did not mean to add a declaration of rights. Probably the object was imperfectly executed; but the deficiencies would have been supplied by others, in the course of discussion. But in a constitutive act which leaves some precious articles unnoticed, and raises implications against others, a declaration of rights becomes necessary, by way of supplement. This is the case of our new federal Constitution. This instrument forms us into one State, as to certain objects, and gives us a legislative and executive body for these objects. It should, therefore, guard us against their abuses of power, within the field submitted to them.

2. A positive declaration of some essential rights could not be obtained in the requisite latitude. Answer: Half a loaf is better than no bread. If we cannot secure all our rights, let us secure what we can.

⁷ draft

3. The limited powers of the federal government, and jealousy of the subordinate governments, afford a security which exists in no other instance. Answer: The first member of this seems resolvable into the first objection before stated. The jealousy of the subordinate governments is a precious reliance. But observe that those governments are only agents. They must have principles furnished them, whereon to found their opposition. The declaration of rights will be the text, whereby they will try all the acts of the federal government. In this view, it is necessary to the federal government also; as by the same text they may try the opposition of the subordinate governments.

4. Experience proves the inefficacy of a bill of rights. True. But though it is not absolutely efficacious under all circumstances, it is of great potency always, and rarely inefficacious. A brace the more will often keep up the building which would have fallen with that brace the less. There is a remarkable difference between the characters of the inconveniencies which attend a declaration of rights, and those which attend the want of it. The inconveniences of the declaration are, that it may cramp government in its useful exertions. But the evil of this is short-lived, moderate and reparable. The inconveniencies of the want of a declaration are permanent, afflicting and irreparable. They are in constant progression from bad to worse. The executive, in our governments, is not the sole, it is scarcely the principal object of my jealousy. The tyranny of the legislatures is the most formidable dread at present, and will be for many years. That of the executive will come in its turn; but it will be at a remote period. . . .

The Whiskey Rebellion

- A. Anonymous, *An Exciseman*, c. 1791
- B. Alexander Hamilton to George Washington, “The Disagreeable Crisis in the Western Counties,” August 5, 1794
- C. George Washington, Whiskey Rebellion Proclamation, August 7, 1794
- D. (Alexander Hamilton), *Tully Essays*, August 23, 26, 28 and September 2, 1794
- E. William Findley, *Defense of the Insurgents*, 1796
- F. *Washington Reviewing the Western Army at Fort Cumberland, Maryland, oil on canvas*, c. 1795, attributed to Frederick Kemmelmeyer

In 1791, the first Congress passed an excise tax on distilled alcohol, the first tax ever levied by the national government on a domestic manufacture. Farmers in the nation’s frontier counties (who commonly turned much of their grain crop into whiskey for easier transportation to eastern markets) bore the brunt of the tax and rapidly made their dissatisfaction with the policy known. Resistance was best organized in the four western counties of Pennsylvania, whose residents held a series of public meetings to draft petitions urging their representatives to repeal the law. At the same time, these meetings adopted resolutions advising individual non-compliance with the law, framing it as an unjust imposition upon the liberties of the people.

The conflict dragged on for several years, and when their initial efforts at peaceful non-compliance failed to secure the repeal of the excise, some western Pennsylvanians adopted tactics of violent resistance to the enforcement of the law. A number of excisemen (Document A) were accosted in the line of duty, tarred and feathered and (in at least one instance) tied up outside overnight in an attempt to coerce them into renouncing their commissions. When accounts of the violence reached the national government in Philadelphia, Secretary of the Treasury Alexander Hamilton (whose department was ultimately responsible for the revenues collected by the excise) prepared a report for President George Washington.

Hamilton’s report (Document B) begins by describing the situation as a “disagreeable crisis” but ends by labeling the parties involved as insurgents, and their resistance as a domestic insurrection. He is frequently credited with convincing the president that matters would not be resolved apart from the use of military force, with the result that Washington issued a presidential proclamation (Document C) to that

effect. Meanwhile, Hamilton's pseudonymous Tully essays (Document D) were meant to turn public opinion against the rebellion and bolster public support for the president's decision to send in the militia. (In actuality, Washington himself took command of the nearly 13,000 troops that were marched to the West in October 1794, the only time an American president has actually served as a combat commander while in office; see Document F).

Hamilton's essays and the marshaling of troops succeeded in quelling the rebellion without further violence. Yet the central question raised by the insurgency remained: to what extent and in what ways can citizens in a republic organize to resist laws they find unjust or immoral before becoming rebels or traitors? In the years following the incident, moderate opponents of the excise tax and other strongly national policies like it would offer opposing narratives of the insurrection in which they attempted to present the national government as oppressive.

William Findley (a Republican from Western Pennsylvania who served as a long-time member of the House of Representatives), for example, downplays the violence of the rebels and instead focuses on the government's attempt to restrict the freedoms of speech and association of individual citizens (Document G). Such interpretations were repeated by many others over the course of John Adams's presidency and doubtlessly helped to bolster the rise of the Jeffersonian Republicans as a substantial opposition party within national politics.

Study Questions

A. What are some of the grievances raised by opponents of the excise tax? In what ways do they attempt to make their feelings known to the new government? What are some of the justifications offered to support those activities? How do supporters of the government's right to issue the tax view these arguments? How might we evaluate the role of the public gatherings in advancing the cause of the insurgency?

B. How might we compare the Whiskey Rebellion to the Hartford Convention (Chapter 9) or the Nullification Crisis (Chapter 11), focusing particularly on the question of the federal government's right to regulate commerce? How does the image of President George Washington leading the militia to put down the rebellion compare with the image of the president as peacekeeper presented by Abraham Lincoln in his First Inaugural Address (Chapter 16)?

C. What do both President Washington's decision to call out the militia to end the Whiskey Rebellion and the dropping of the atomic bomb (Volume 2, Chapter 23) tell us about the evolving understanding of executive power in the United States? Would the organized dissent meetings discussed here have been "legal" under the terms of the National Security Act? (See Volume 2, Chapter 25)

A. Anonymous, *An Exciseman*, c. 1791¹

See illustration on page 135.

An Exciseman, carrying off two kegs of Whiskey, is pursued by two farmers, intending to tar and feather him, he runs for Squire Vultures to divide with him; but is met on the way by his evil genius who claps an [sic] hook in his nose, leads him off to a Gallows, where he is immediately hanged. The people seeing him hang, puts [sic] a barrel of whiskey underneath him and blows him up. etc.

The Distillers and Farmers pay[ing] all due deference and respect to Congress will not refuse to contribute amply for support of government but resolve not to be harassed by the opprobrious character (in all free governments), Viz., an Exciseman, [*a class of characters*] who are mostly forged out of old pensioners, who are already become burdensome drones to the community.

Epitaph

Beneath this tar and feathers, lies as great a knave
 As e'er the infernal legions did receive
 A bum exciseman despicable name
 Fierce as ten thousand furies to these ports he came
 To make the farmers pay for drinking their own grog
 But thank the fates that left him in the bog.

For his bad genius coaxed him to a tree

¹ Photo by Fotosearch/Getty Images, from an original in the National Archives.

Where he was hanged and burned, just as you see.
 Launched off quick to gauge the River Styx²
 Where he'll get Sulphur all his drink to mix.
 Ah! Farmers come and drop the tear of woe
 'Cause Pluto³ did get him long ago.

Just where he hung the people meet,
 To see him swing was music sweet
 A barrel of whiskey at his feet
 Without the head.
 They brought him for a winding sheet⁴,
 When he was dead.

They clap'd a match unto the same
 It flew about him in a flame,
 Like shrouding⁵ for to hide his shame
 Both face and head.
 The whiskey now will bear the blame;
 It burn'd him dead.

This elegy was made August 13, 1792 per Philo bonus Aqua Vitae, Poet Laureate

² In Greek mythology, the River Styx was the boundary between the land of the living and the realm of the dead.

³ The god of the underworld; this name was more commonly used in Roman than in Greek mythology.

⁴ A winding sheet is simply a large length of cloth used to wrap a body prior to burial.

⁵ The poet here plays on the double meaning of "shrouding" – it can refer either to the sheet used to wind around the dead body, in essence hiding it from the eyes of the mourners, or to the act of hiding something from sight more generally.

B. Alexander Hamilton to George Washington, “The Disagreeable Crisis in the Western Counties,” August 5, 1794⁶

Sir,

The disagreeable crisis at which matters have lately arrived in some of the western counties of Pennsylvania, with regard to the laws laying duties on spirits distilled within the United States and on stills, seems to render proper a review of the circumstances which have attended those laws in that scene, from their commencement to the present time – and of the conduct which has hitherto been observed on the part of the government, its motives and effect; in order to a better judgement of the measures necessary to be pursued in the existing emergency.

The opposition to those laws in the four most western counties of Pennsylvania (Alleghany, Washington, Fayette and Westmoreland) commenced as early as they were known to have been passed. It has continued, with different degrees of violence, in the different counties, and at different periods. . . .

The opposition first manifested itself in the milder shape of the circulation of opinions unfavorable to the law – and calculated by the influence of public disesteem to discourage the accepting or holding of offices under it, or the complying with it by those who might be so disposed; to which was added the show of a discontinuance of the business of distilling.

These expedients were shortly after succeeded by private associations to *forbear* compliances with the law. But it was not long before these more negative modes of opposition were perceived to be likely to prove ineffectual. And in proportion as this was the case, and as the means of introducing the laws into operation were put into execution, the disposition to resistance became more turbulent and more inclined to adopt and practice violent expedients. The officers now began to experience marks of contempt and insult. Threats against them became frequent and loud; and after some time, these threats were ripened into acts of ill treatment and outrage.

These acts of violence were preceded by certain meetings of malcontent persons, who entered into resolutions calculated at once to confirm, inflame and systematize the spirit of opposition.

The first of these meetings was holden at a place called Red Stone Old Fort on the 27th of July 1791, where it was concerted, that county committees should

⁶ Source: “To George Washington from Alexander Hamilton, 5 August 1794,” Founders Online, National Archives, <https://goo.gl/kUFNMp>.

be convened in the four counties at the respective seats of justice therein. On the 23d of August following, one of these committees assembled in the County of Washington. . . .

This meeting passed some intemperate resolutions, which were afterwards printed in the Pittsburgh Gazette, containing a strong censure on the law, declaring that any person *who had accepted or might accept an office under congress in order to carry it into effect, should be considered as inimical to the interests of the country; and recommending to the citizens of Washington County to treat every person who had accepted or might thereafter accept any such office with contempt, and absolutely to refuse all kind of communication or intercourse with the officers, and to withhold from them all aid, support or comfort.*

Not content with this vindictive proscription of those, who might esteem it their duty, in the capacity of officers, to aid in the execution of the constitutional laws of the land – The meeting proceeded to pass another resolution on a matter essentially foreign to the object which had brought them together, namely the salaries and compensations allowed by Congress to the officers of government generally, which they represent as enormous, manifesting by their zeal to accumulate topics of censure, that they were actuated, not merely by the dislike of a particular law, but by a disposition to render the government itself unpopular and odious.

This meeting, in further prosecution of their plan, deputed three of their members to meet delegates from the counties of Westmoreland, Fayette, and Alleghany on the first Tuesday of September following for the purpose of expressing the sense of the people of those Counties, in an address to the Legislature of the United States, upon the subject of the Excise Law and *other grievancies. . . .*

This meeting entered into resolutions more comprehensive in their objects & not less inflammatory in their tendency, than those which had before passed the meeting in Washington. Their resolutions contained severe censures not only on the law which was the immediate subject of objection; but upon what they termed the exorbitant salaries of Officers; the unreasonable interest of the public debt, the want of discrimination between original holders and transferees, and the institution of a National Bank. . . .

A representation to Congress and a remonstrance to the Legislature of Pennsylvania against the Law more particularly complained of were prepared by this meeting – published together with their other proceedings in the Pittsburgh Gazette & afterwards presented to the respective bodies to whom they were addressed.

These meetings composed of very influential individuals and conducted without moderation or prudence are justly chargeable with the excesses, which

have been from time to time committed; serving to give consistency to an opposition which has at length matured to a point, that threatens the foundations of the government and of the Union, unless speedily & effectually subdued.

On the 6th of the same month of September, the opposition broke out in an act of violence upon the person and property of Robert Johnson Collector of the Revenue for the Counties of Alleghany and Washington.

A party of men armed and disguised way-laid him at a place on Pidgeon Creek in Washington County, seized, tarred and feathered him, cut off his hair, and deprived him of his horse, obliging him to travel on foot a considerable distance in that mortifying and painful situation. . . .

It seemed highly probable ... that the ordinary course of civil process would be ineffectual for enforcing the execution of the law in the scene in question – and that a perseverance in this course might lead to a serious concussion. The law itself was still in the infancy of its operation and far from established in other important portions of the Union. Prejudices against it had been industriously disseminated – misrepresentations diffused, misconceptions fostered. The Legislature of the United States had not yet organized the means, by which the Executive could come in aid of the Judiciary, when found incompetent to the execution of the laws. If neither of these impediments to a decisive exertion had existed, it was desirable, especially in a republican government, to avoid what is in such cases the ultimate resort, ‘till all the milder means had been tried without success.

Under the United influence of these considerations, it appeared advisable to forbear urging coercive measures, till the laws had gone into more extensive operation, till further time for reflection and experience of its operation had served to correct false impressions and inspire greater moderation and till the Legislature had had an opportunity by a revision of the law to remove as far as possible objections and to reinforce the provisions for securing its execution.

...

Not long after a person of the name of Roseberry underwent the humiliating punishment of tarring and feathering with some aggravations; for having in conversation hazarded the very natural and just, but unpalatable remark, that the inhabitants of that country could not reasonably expect protection from a Government, whose laws they so strenuously opposed. . . .

In the session of Congress, which commenced in October 1791, the law laying a duty on distilled spirits and stills came under the revision of Congress as had been anticipated. By an Act passed May 8th 1792, during that session, material alterations were made in it – Among these the duty was reduced to a rate so moderate, as to have silenced complaint on that head – and a new and

very favorable alternative was given to the distiller, that of paying a monthly, instead [of] a yearly rate, according to the capacity of his still, with liberty to take a license for the precise term, which he should intend to work it, & to renew that license for a further term or terms.

At the same time, another engine of opposition was in operation – Agreeable to a previous notification, there met at Pittsburgh on the 21st of August a number of persons styling themselves “A meeting of sundry Inhabitants of the Western Counties of Pennsylvania” who appointed John Canon Chairman and Albert Gallatin Clerk.

This Meeting entered into resolutions not less exceptionable than those of its predecessors – The preamble suggests that a tax on *spirituous liquors* is unjust in itself and oppressive upon the poor, that *internal taxes upon consumption* must in the end destroy the liberties of every Country in which they are introduced – that the law in question, from certain local circumstances which are specified, would bring immediate distress and ruin upon the Western Country, and concludes with the sentiment, that they think it their duty to persist in remonstrances to Congress, and in every other *legal* measure, that may obstruct the *operation* of the law.

The resolutions then proceed, first, to appoint a committee to prepare and cause to be presented to Congress an address stating objections to the Law, and praying for its repeal – Secondly to appoint committees of correspondence for Washington, Fayette and Alleghany, charged to correspond together and with such committee as should be appointed for the same purpose in the County of Westmoreland, or with any committees of a similar nature, that might be appointed in other parts of the United States; and also if found necessary to call together either general meetings of the people, in their respective counties, or conferences of the several committees; And lastly to declare, that they will in future consider those who hold offices for the collection of the duty as unworthy of their friendship, that they will have *no intercourse nor dealings with them*, will *withdraw* from them *every assistance*, *withhold* all the *comforts of life which depend upon those duties*, *that as men and fellow citizens we owe to each other*, and will upon *all occasions treat them with contempt*; *earnestly recommending it to the people at large to follow the same line of Conduct towards them*.

The idea of pursuing *legal* measures to *obstruct* the *operation* of a law needs little comment: legal measures may be pursued to procure the repeal of a law, but to *obstruct its operation* presents a contradiction in terms. The *operation* or what is the same thing, the *execution* of a law cannot be *obstructed*, after it has been constitutionally enacted, without illegality and crime. The expression quoted is one of those phrases which can only be used to conceal a disorderly & culpable intention under forms that may escape the hold of the law.

Neither was it difficult to perceive, that the Anathema pronounced against the officers of the revenue placed them in a state of virtual outlawry, and operated as a signal to all those who were bold enough to encounter the guilt and the danger to violate both their lives and their properties.

. . . In June following the Inspector of the Revenue was burnt in Effigy in Alleghany County at a place and on a day of some public election, with much display, in the presence of and without interruption from Magistrates and other public Officers.

. . . About twelve persons armed & painted black, in the night of the 6th of June, broke into the house of John Lynn, where the office was kept, and after having treacherously seduced him to come downstairs and put himself in their power by a promise of safety to himself and his house – they seized and tied him, threatened to hang him – took him to a retired spot in the neighboring wood and there after cutting off his hair, tarring and feathering him, swore him never again to allow the use of his house for an office, never to disclose their names, and never again to have any sort of agency in aid of the excise – having done which, they bound him naked to a tree and left him in that situation, till morning, when he succeeded in extricating himself. Not content with this, the malcontents some days after made him another visit, pulled down part of his house – and put him in a situation to be obliged to become an exile from his own home and to find an asylum elsewhere.

The increasing energy of the opposition rendered it indispensable to meet the evil with proportional decision – The idea of giving time for the law to extend itself in Scenes where the dissatisfaction with it was the effect not of an improper spirit, but of causes which were of a nature to yield to reason, reflection, and experience (which had constantly weighed in the estimate of the measures proper to be pursued) had had its effect, in an extensive degree. The experiment too had been long enough tried to ascertain, that where resistance continued, the root of the evil lay deep; and required measures of greater efficacy than had been pursued. The laws had undergone repeated revisions of the Legislative representatives of the Union, and had virtually received their repeated sanction with none or very feeble attempts to effect their repeal; affording an evidence of the general sense of the community in their favor. Complaint began to be loud from complying quarters, against the impropriety and injustice of suffering the laws to remain unexecuted in others.

Under the united influence of these considerations, there was no choice but to try the efficiency of the laws in prosecuting with vigor delinquents and offenders. . . .

C. George Washington, Whiskey Rebellion Proclamation, August 7, 1794⁷

Whereas, combinations to defeat the execution of the laws laying duties upon spirits distilled within the United States and upon stills have from the time of the commencement of those laws existed in some of the western parts of Pennsylvania.

And whereas, the said combinations, proceeding in a manner subversive equally of the just authority of government and of the rights of individuals, have hitherto effected their dangerous and criminal purpose by the influence of certain irregular meetings whose proceedings have tended to encourage and uphold the spirit of opposition by misrepresentations of the laws calculated to render them odious; by endeavors to deter those who might be so disposed from accepting offices under them through fear of public resentment and of injury to person and property, and to compel those who had accepted such offices by actual violence to surrender or forbear the execution of them; by circulation of vindictive menaces against all those who should otherwise, directly or indirectly, aid in the execution of the said laws, or who, yielding to the dictates of conscience and to a sense of obligation, should themselves comply therewith; by actually injuring and destroying the property of persons who were understood to have so complied; by inflicting cruel and humiliating punishments upon private citizens for no other cause than that of appearing to be the friends of the laws; by intercepting the public officers on the highways, abusing, assaulting, and otherwise ill-treating them; by going into their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages, employing for these unwarrantable purposes the agency of armed banditti disguised in such manner as for the most part to escape discovery;

And whereas . . . the endeavors of the executive officers to conciliate a compliance with the laws by explanations, by forbearance, and even by particular accommodations founded on the suggestion of local considerations, have been disappointed of their effect by the machinations of persons whose industry to excite resistance has increased with every appearance of a disposition among the people to relax in their opposition and to acquiesce in the laws, insomuch that many persons in the said western parts of Pennsylvania have at length been hardy enough to perpetrate acts, which I am advised amount to treason, being overt acts of levying war against the United States. . . .

⁷ *Claypoole's Daily Advertiser*, August 11, 1794.

And whereas, it is in my judgment necessary under the circumstances of the case to take measures for calling forth the militia in order to suppress the combinations aforesaid, and to cause the laws to be duly executed; and I have accordingly determined so to do, feeling the deepest regret for the occasion, but withal the most solemn conviction that the essential interests of the Union demand it, that the very existence of government and the fundamental principles of social order are materially involved in the issue, and that the patriotism and firmness of all good citizens are seriously called upon, as occasions may require, to aid in the effectual suppression of so fatal a spirit;

Therefore, and in pursuance of the proviso above recited, I, George Washington, President of the United States, do hereby command all persons, being insurgents, as aforesaid, and all others whom it may concern, on or before the 1st day of September next to disperse and retire peaceably to their respective abodes. And I do moreover warn all persons whomsoever against aiding, abetting, or comforting the perpetrators of the aforesaid treasonable acts; and do require all officers and other citizens, according to their respective duties and the laws of the land, to exert their utmost endeavors to prevent and suppress such dangerous proceedings. . . .

G. WASHINGTON

D. (Alexander Hamilton), *Tully Essays*, August 23, 26, 28 and September 2, 1794⁸

LETTER I.

It has from the first establishment of your present constitution been predicted, that every occasion of serious embarrassment which should occur in the affairs of the government – every misfortune which it should experience, whether produced from its own faults or mistakes, or from other causes, would be the signal of an attempt to overthrow it, or to lay the foundation of its overthrow, by defeating the exercise of constitutional and necessary authorities. The disturbances which have recently broken out in the western counties of Pennsylvania furnish an occasion of this sort. It remains to see whether the prediction which has been quoted, proceeded from an unfounded jealousy excited by partial differences of opinion, or was a just inference from causes inherent in the structure of our political institutions. . . .

⁸ *Dunlap and Claypoole's American Daily Advertiser*, August 23, 26, 28, and September 2, 1794.

LETTER II.

. . . The Constitution *you* have ordained for yourselves and your posterity contains this express clause, “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.” You have then, by a solemn and deliberate act, the most important and sacred that a nation can perform, pronounced and decreed, that your Representatives in Congress shall have power to lay Excises. You have done nothing since to reverse or impair that decree.

. . . But the four western counties of Pennsylvania, undertake to rejudge and reverse your decrees[. Y]ou have said, “The Congress *shall have power* to lay *Excises*.” They say, “The Congress *shall not have this power*.” Or what is equivalent – they shall not exercise it: – for a *power* that may not be exercised is a nullity. Your Representatives have said, and four times repeated it, “an excise on distilled spirits *shall be collected*.” They say it *shall not be collected*. We will punish, expel, and banish the officers who shall attempt the collection. We will do the same by every other person who shall dare to comply with your decree expressed in the Constitutional character; and with that of your Representative expressed in the Laws. The sovereignty shall not reside with you, but with us. If you presume to dispute the point by force – we are ready to measure swords with you. . . .

If there is a man among us who shall . . . inculcate directly, or indirectly, that force ought not to be employed to compel the Insurgents to a submission to the laws, if the pending experiment to bring them to reason (an experiment which will immortalize the moderation of the government) shall fail; such a man is not a good Citizen; such a man however he may prate and babble republicanism, is not a republican; he attempts to set up the *will* of a part against the *will* of the whole, the *will* of a *faction*, against the *will* of *nation*, the pleasure of a *few* against *your* pleasure; the violence of a lawless combination against the sacred authority of laws pronounced under your indisputable commission.

Mark such a man, if such there be. The occasion may enable you to discriminate the *true* from *pretended Republicans*; *your* friends from the friends of *faction*. ‘Tis in vain that the latter shall attempt to conceal their pernicious principles under a crowd of odious invectives against the laws. *Your* answer is this: “We have already in the Constitutional act decided the point against you, and against those for whom you apologize. We have pronounced that *excises* may be laid and consequently that they are not as you say inconsistent with Liberty. Let our will be first obeyed and then we shall be ready to consider the reason which can be afforded to prove our judgement has been erroneous. . . . We have not neglected the means of amending in a regular course the Constitutional act.

... In a full respect for the laws we discern the reality of our power and the means of providing for our welfare as occasion may require; in the contempt of the laws we see the annihilation of our power; the possibility, and the danger of its being usurped by others & of the despotism of individuals succeeding to the regular authority of the nation.”

That a fate like this may never await *you*, let it be deeply imprinted in your minds and handed down to your latest posterity, that there is no road to *despotism* more sure or more to be dreaded than that which begins at *anarchy*.

LETTER III.

If it were to be asked, What is the most sacred duty and the greatest source of security in a Republic? the answer would be, An inviolable respect for the Constitution and Laws – the first growing out of the last. It is by this, in a great degree, that the rich and powerful are to be restrained from enterprises against the common liberty – operated upon by the influence of a general sentiment, by their interest in the principle, and by the obstacles which the habit it produces erects against innovation and encroachment. It is by this, in a still greater degree, that caballers, intriguers, and demagogues are prevented from climbing on the shoulders of faction to the tempting seats of usurpation and tyranny.

... Government is frequently and aptly classed under two descriptions, a government of force and a government of laws; the first is the definition of despotism – the last, of liberty. But how can a government of laws exist where the laws are disrespected and disobeyed? Government supposes controul. It is the power by which individuals in society are kept from doing injury to each other and are bro't to co-operate to a common end. The instruments by which it must act are either the authority of the Laws or force. If the first be destroyed, the last must be substituted; and where this becomes the ordinary instrument of government there is an end to liberty.

Those, therefore, who preach doctrines, or set examples, which undermine or subvert the authority of the laws, lead us from freedom to slavery; they incapacitate us for a government of laws, and consequently prepare the way for one of force, for mankind must have government of one sort or another.

There are indeed great and urgent cases where the bounds of the constitution are manifestly transgressed, or its constitutional authorities so exercised as to produce unequivocal oppression on the community, and to render resistance justifiable. But such cases can give no color to the resistance by a comparatively inconsiderable part of a community, of constitutional laws distinguished by no extraordinary features of rigor or oppression, and acquiesced in by the body of the community.

Such a resistance is treason against society, against liberty, against everything that ought to be dear to a free, enlightened, and prudent people. To tolerate were to abandon your most precious interests. Not to subdue it, were to tolerate it. . . .

LETTER IV.

. . . Fellow Citizens – You are told, that it will be intemperate to urge the execution of the laws which are resisted – what? will it be indeed intemperate in your Chief Magistrate, sworn to maintain the Constitution, charged faithfully to execute the Laws, and authorized to employ for that purpose force when the ordinary means fail – will it be intemperate in him to exert that force, when the constitution and the laws are opposed by force? Can he answer it to his conscience, to you not to exert it?

Yes, it is said; because the execution of it will produce civil war, the consummation of human evil.

Fellow-Citizens – Civil War is undoubtedly a great evil. It is one that every good man would wish to avoid, and will deplore if inevitable. But it is incomparably a less evil than the destruction of Government. The first brings with it serious but temporary and partial ills – the last undermines the foundations of our security and happiness – where should we be if it were once to grow into a maxim, that force is not to be used against the seditious combinations of parts of the community to resist the laws? . . . The Hydra Anarchy would rear its head in every quarter. The goodly fabric you have established would be rent assunder, and precipitated into the dust. . . . You know that the power of the majority and liberty are inseparable – destroy that, and this perishes. . . .

Tully.

E. William Findley, Defense of the Insurgents, 1796⁹

. . . It is true, it may be pled that popular meetings are often conducted with indiscretion, and have a tendency to promote licentiousness. This is admitted; but it does not therefore follow that such meetings should be prohibited by law

⁹ William Findley, *History of the Insurrection in the Four Western Counties of Pennsylvania: in the Year M.DCC.XCIV. With a Recital of the Circumstances Specifically Connected Therewith: and an Historical Review of the Previous Situation of the Country* (Philadelphia: Samuel Harrison Smith, 1796), pp. 47-50, 53-55; 130-131, 166-167. Online at: <https://goo.gl/pmQyGc>.

or denounced by government. Doing so, would be reducing the people to mere machines, and subverting the very existence of liberty. It is the duty of the legislature not only to accommodate the laws to the people's interests, but even, as far as possible, to their preconceptions; for as a republican government rests on the people's confidence, whatever weakens that confidence saps the foundations of the government as effectually as treason and rebellion, though not so rapidly. There are few instances of treason and rebellion which may not be traced to indiscreet laws as their source. It is generally one indiscretion exciting another.

It will not do to say, that to hold meetings to remonstrate against the passing of a law is admissible, but that to remonstrate against an existing law is improper. Such doctrine in this extensive country is absurd, for it must always happen, that a great proportion of the people, who are to be governed by the laws, know nothing about them 'til they are enacted or in operation, consequently cannot petition against their passage.

It is equally absurd to assert, that because our laws are enacted by our own representatives, therefore we ought to submit to them without remonstrance, 'til our representatives, who know our circumstances, and partake of our interests, think proper to repeal them. This doctrine is supported by a presumption, that a government of representatives can never mistake the true interests of their constituents, not be corrupted or fall into partial combinations, whereas the contrary is presumable from the nature of man, and verified by immemorial experience.

If the people have a right to petition for the repeal of a law, or remonstrate against its injustice or inexpediency, surely, they have a right to meet, publish their sentiments, and correspond through the whole extent of the country affected by the laws, without the imputation of combining against the government. Their characters indeed are responsible to public opinion for the indiscrete use of that right, and their persons and property to the laws for the infractions committed on them.

Experience will not justify the claim of implicit obedience to the laws even of a representative legislature. Even in such there may be combinations so strong as to subvert the constitution itself; and as the disposal of the public property and the administration of the national force is necessarily vested in the government, temptations, too strong for the ordinary portion of virtue enjoyed by mankind, may present themselves too successfully to the avarice or ambition of those vested with the power of dispensing the public will. Instances of this are to be found in the history of all nations, and proofs of it are not wanting even among ourselves, though as a nation we are yet in our infancy.

We are certainly under a moral obligation to preserve our own life and the life of our neighbours. Every instance of actual opposition to government, obliges it to have recourse to force and coercion for its own preservation, for the authority of government cannot be distinguished from the government itself. Though forcible opposition has often been made to particular laws, without the remotest intention in those who opposed the law to overturn the government, yet it is not to be supposed, that those who administer the government will be moved to change their measures by a defiance of their power to support them. Nor indeed can this be done in a republican government, without such an imputation of weakness as will invite to forcible opposition from every discontented party. Therefore citizens who conceive themselves oppressed by partial laws, should consider that a defiance of the power of government, by forcible opposition to the authority of the laws, eventually leads to hostility and bloodshed, and that there is no telling the end of those measures from their beginning. Everything that has a tendency to agitate the public mind to an unusual degree, ought to be avoided, because when the mind is highly agitated with respect to public measures it is too much disturbed to judge deliberately and is predisposed to act without discretion. The public mind may be agitated by those who cannot direct or control its exertions. We are under a moral obligation to respect government, not only as a divine ordinance, but also as a moral compact, binding the people to one another for its support.

It is certain, however, that the government and law of some countries are not worth preserving, and even where a government is good in itself it may be perverted in the administration. As it is for the promoting of mutual happiness and security only that government is valuable, therefore the power of altering or amending governments is expressly declared to be in the people, who are the judges of their own happiness, by some constitutions. It is, however, radically in them, whether expressed in a written instrument or not.

When the change of a government, a revolt from it, or a temporary opposition to its laws, such as the opposition of the colonies to the stamp and tea acts was, is believed to be morally right, it is yet a matter of the greatest delicacy, to calculate with accuracy with respect to the prudence or policy of commencing the opposition contemplated. When the mind is highly agitated, it is very unfit to examine the resources to support opposition, or to calculate with precision the probable consequences of it. . . .

. . . A democratic society had been erected at Washington town, a few months preceding the insurrection, and it published some intemperate resolutions respecting the conduct of government relative to the navigation of the Mississippi, the appointment of a chief justice and a senator as ambassadors to Europe, etc. But I do not remember that they said anything against the excise

law. Their resolutions were written in imitation of resolutions that had been published in Kentucky. Though there is no proof that these publications had any influence in promoting the insurrections, yet the damned democratic societies, as they were called, were considered as the cause of it by many in the army, from the generals down to the privates. I found too, that it was generally thought that the country was full of those societies, though in fact, there was but one, and that one had been of short duration and composed of but few members. . . .

The journals of Congress and the debates published in the newspapers in the winter following will give a standing testimony of the irritation that prevailed at that time against democratic societies, not only in the army, but in the councils of the United States. The attempt in government to suppress popular societies had a tendency to revive them when they were on the decline. I have ever thought it impolitic in government to denounce where it cannot punish. Societies cannot be suppressed in a free government, nor should it be attempted. They will do good or ill according to the sense and discretion of those who compose them: therefore, in order to reform societies we must begin with making men wiser and better; when they blazon the measures of administration or panegyryze the persons who conducted them, they are not denounced, therefore, when they do otherwise they must be tolerated.

. . . In June 1791, the operation of the excise was to commence . . . an advertisement was published, inviting the citizens of the western counties to meet at Redstone Old Fort, to consider and give advice how they should proceed with respect to the excise law . . . I never yet knew who first promoted the meeting, but the design was lawful and proper, it was to conduct measures for petitioning Congress in order to quiet the minds of the people.

. . . The great error among the people was an opinion that an immoral law might be opposed and yet the government respected, and all the other laws obeyed, and they firmly believed that the excise law was an immoral one. . . .

F. Washington Reviewing the Western Army at Fort Cumberland, Maryland, Attributed to Frederick Kemmelmeyer, c. 1795¹⁰

See illustration on page 136.

¹⁰ The Metropolitan Museum of Art, Gift of Edgar William and Bernice Chrysler Garbisch, 1963, 63.201.2. <https://goo.gl/SPptzS>

The Hartford Convention

- A. Noah Webster, *The Origin of the Hartford Convention*, 1843
- B. William Charles, *Leap or No Leap*, c. 1814
- C. John Adams to William Plumer, December 4, 1814
- D. William H. Crawford to Jonathan Fisk, New England “approaches the confines of treason,” December 8, 1814
- E. Report of the Hartford Convention, 1815

The trade embargoes put into place by Presidents Thomas Jefferson and James Madison in an effort to keep the United States out of the Napoleonic Wars between France and Britain were particularly unpopular with the largely mercantile population of the New England states whose economic vitality depended largely upon international commerce. Madison’s decision to declare war on Great Britain in June 1812, although intended as a defense of American shipping and sailors being targeted by British warships, was similarly unpopular in the region. Indeed, the governors of the New England states largely refused Madison’s request to nationalize the state militia, on the grounds that it was an unconstitutional imposition on their right to defend their own borders and interests. Madison’s subsequent failure to prevent the British from blockading New England’s ports only exacerbated the political tensions.

By late 1814, the situation had become so dire that a group of wealthy New England Federalists, led by Joseph Lyman, and others from Massachusetts felt justified in enjoining their state legislatures to call a regional convention to organize a formal protest of the administration’s war policy (Document A). Held in Hartford, Connecticut, from December 15, 1814 – January 5, 1815, the convention garnered significant attention both prior to and during its sessions. To many observers, the convention seemed poised on the very edge of treason, as in the cartoon by William Charles, which depicts representatives of Massachusetts, Connecticut, and Rhode Island (the three New England States who dominated the Hartford Convention) poised on the edge of a cliff, indecisively looking toward the open arms of England’s King George III (Document B; see also Documents C-D).

The delegates to the convention held their meetings in such complete secrecy that no record of any speeches given or motions discussed on the floor survives. At the conclusion of their gathering, they did pass a series of resolutions that they intended to present to Congress in the spring of 1815. The urgency of the convention’s concerns was dissipated, however, when news reached the United States that the Treaty of

Ghent ending the war had been signed in late December 1814. Their agenda rapidly faded into relative oblivion, to be remembered primarily as a specter of the dangers of rampant regionalism.

Study Questions

A. What are some of the grievances raised by the Hartford Convention against the policies of the national government? What role do they see for the states in evaluating the constitutionality of acts of Congress? In what ways do they attempt to make their feelings known to the new government? How do the critics of the convention see them? How might we explain the tension between these two understandings of the Constitution? Was the Hartford Convention treasonous or not? If the war had continued, what might have been the ramifications of their suggested amendments?

B. How do the concerns of the Hartford Convention delegates shed new light on the issues raised in the Mexican-American War (Chapter 13)? How might Abraham Lincoln have responded to the Hartford Convention (Chapter 15)?

C. Would the Hartford Convention have been “legal” under the terms of the National Security Act? (See Volume 2, Chapter 25)

A. Noah Webster, “Origin of the Hartford Convention in 1814,” 1843¹

Few transactions of the federalists, during the early periods of our government, excited so much the angry passions of their opposers, as the Hartford Convention (so called), during the presidency of Mr. Madison. As I was present at the first meeting of the gentlemen who suggested such a convention; as I was a member of the House of Representatives in Massachusetts when the resolve was passed for appointing the delegates, and advocated that resolve; and further, as I have copies of the documents, which no other person may have preserved, it seems to be incumbent on me to present to

¹ Noah Webster, “Origin of the Hartford Convention in 1814,” in *A Collection of Papers on Political, Literary, and Moral Subjects* (Tappan and Dennett, Boston: 1843), 311-315. Noah Webster (1758–1843) was a lexicographer, educator, writer, and politician.

the public the real facts in regard to the origin of the measure, which have been falsified and misrepresented.

After the war of 1812 had continued two years, our public affairs were reduced to a deplorable condition. The troops of the United States, intended for defending our sea-coast, had been withdrawn to carry on the war in Canada; a British squadron was stationed in the Sound² to prevent the escape of a frigate from the harbor of New London, and to intercept our coasting trade; one town in Maine was in possession of the British force; the banks south of New England had all suspended the payment of specie; our shipping lay in our harbors embargoed, dismantled, and perishing; the treasury of the United States was exhausted to the last cent; and a general gloom was spread over the country.

In this condition of affairs, a number of gentlemen in Northampton in Massachusetts, after consultation, determined to invite some of the principal inhabitants of the three counties on the river, formerly composing the old county of Hamilton, to meet and consider whether any measures could be taken to arrest the continuance of the war, and provide for the public safety. In pursuance of this determination, a circular letter was addressed to several gentlemen in the three counties, requesting them to meet at Northampton. The following is a copy of the letter:

Northampton, January 5, 1814

Sir –

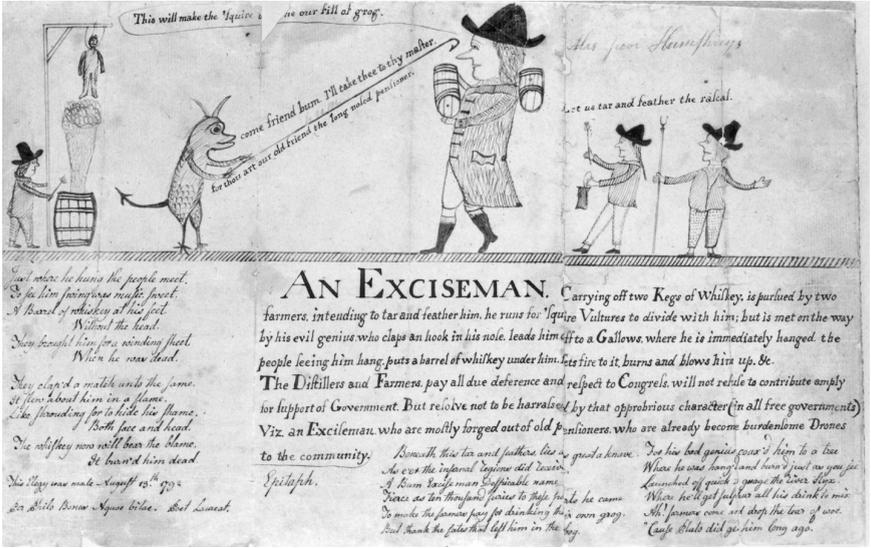
In consequence of the alarming state of our public affairs, and the doubts which have existed, as to the correct course to be pursued by the friends of peace, it has been thought advisable by a number of gentlemen in the vicinity, who have conversed together upon the subject, that a meeting should be called of some few of the most discreet and intelligent inhabitants of the old country of Hampshire, for the purpose of a free and dispassionate discussion touching our public concerns. . . .

We have therefore ventured to propose that it should be held at Col. Chapman's in this town, on Wednesday, the nineteenth day of January current, at 12 o'clock in the forenoon, and earnestly request your attendance at the above time and place, for the purpose before stated.

² the Long Island Sound, a body of water between Connecticut, Rhode Island and Long Island, New York

Chapter 8 - The Whiskey Rebellion

Photo 1



Anonymous, *An Exciseman*, c. 1791. Photo by Fotosearch/Getty Images.

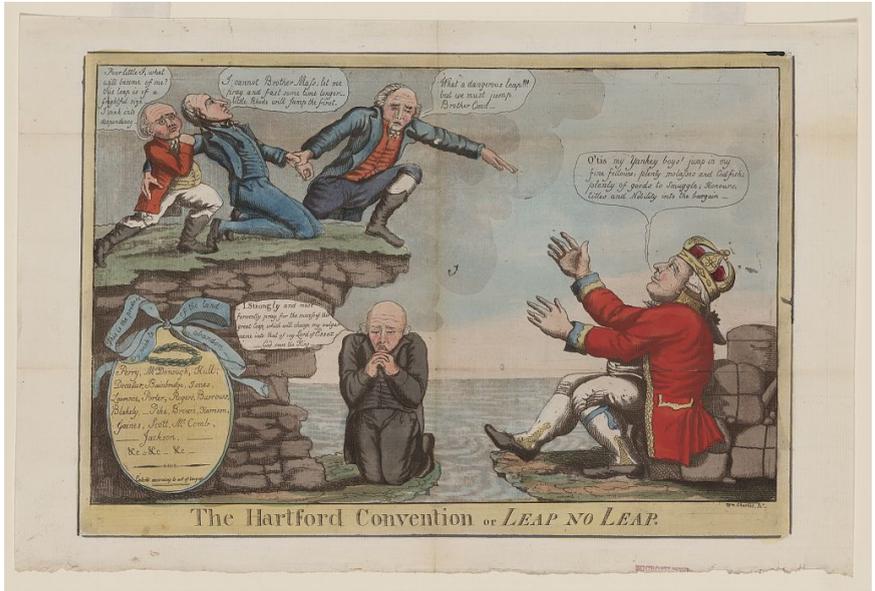
Chapter 8 - The Whiskey Rebellion

Photo 2



Washington Reviewing the Western Army at Fort Cumberland, Maryland, oil on canvas, c. 1795, attributed to Frederick Kemmelmeyer. The Metropolitan Museum of Art, Gift of Edgar William and Bernice Chrysler Garbisch, 1963, 63.201.2. <https://goo.gl/y9ZR3x>

Chapter 9 The Hartford Convention



William Charles, *The Hartford Convention, or Leap or No Leap*, etching and aquatint, c. 1814. Library of Congress Prints and Photographs Division, LC-DIG-ppmsca-10755.

Chapter 10 - The Market Revolution and (The Myth of?) Free Labor

TIME TABLE OF THE LOWELL MILLS,

To take effect on and after Oct. 21st, 1851.

The Standard time being that of the meridian of Lowell, as shown by the regulator clock of JOSEPH RAYNES, 43 Central Street.

	From 1st to 10th inclusive.				From 11th to 20th inclusive.				From 21st to last day of month.			
	1st Bell	2d Bell	3d Bell	Eve. Bell	1st Bell	2d Bell	3d Bell	Eve. Bell	1st Bell	2d Bell	3d Bell	Eve. Bell
January,	5.00	6.00	6.50	*7.30	5.00	6.00	6.50	*7.30	5.00	6.00	6.50	*7.30
February,	4.30	5.30	6.40	*7.30	4.30	5.30	6.25	*7.30	4.30	5.30	6.15	*7.30
March,	5.40	6.00		*7.30	5.20	5.40			5.05	5.25		6.35
April,	4.45	5.05		6.45	4.30	4.50		6.55	4.30	4.50		7.00
May,	4.30	4.50		7.00	4.30	4.50		7.00	4.30	4.50		7.00
June,	"	"		"	"	"		"	"	"		"
July,	"	"		"	"	"		"	"	"		"
August,	"	"		"	"	"		"	"	"		"
September,	4.40	5.00		6.45	4.50	5.10		6.30	5.00	5.20		*7.30
October,	5.10	5.30		*7.30	5.20	5.40		*7.30	5.35	5.55		*7.30
November,	4.30	5.30	6.10	*7.30	4.30	5.30	6.20	*7.30	5.00	6.00	6.35	*7.30
December,	5.00	6.00	6.45	*7.30	5.00	6.00	6.50	*7.30	5.00	6.00	6.50	*7.30

* Excepting on Saturdays from Sept. 21st to March 20th inclusive, when it is rung at 20 minutes after sunset.

YARD GATES,

Will be opened at ringing of last morning bell, of meal bells, and of evening bells; and kept open Ten minutes.

MILL GATES.

Commence hoisting Mill Gates, Two minutes before commencing work.

WORK COMMENCES,

At Ten minutes after last morning bell, and at Ten minutes after bell which "rings in" from Meals.

BREAKFAST BELLS.

During March "Ring out".....at....7.30 a. m....."Ring in" at 8.05 a. m.
 April 1st to Sept. 20th inclusive.....at....7.00 " " " " at 7.35 " "
 Sept. 21st to Oct. 31st inclusive.....at....7.30 " " " " at 8.05 " "

Remainder of year work commences after Breakfast.

DINNER BELLS.

"Ring out".....12.30 p. m....."Ring in".... 1.05 p. m.

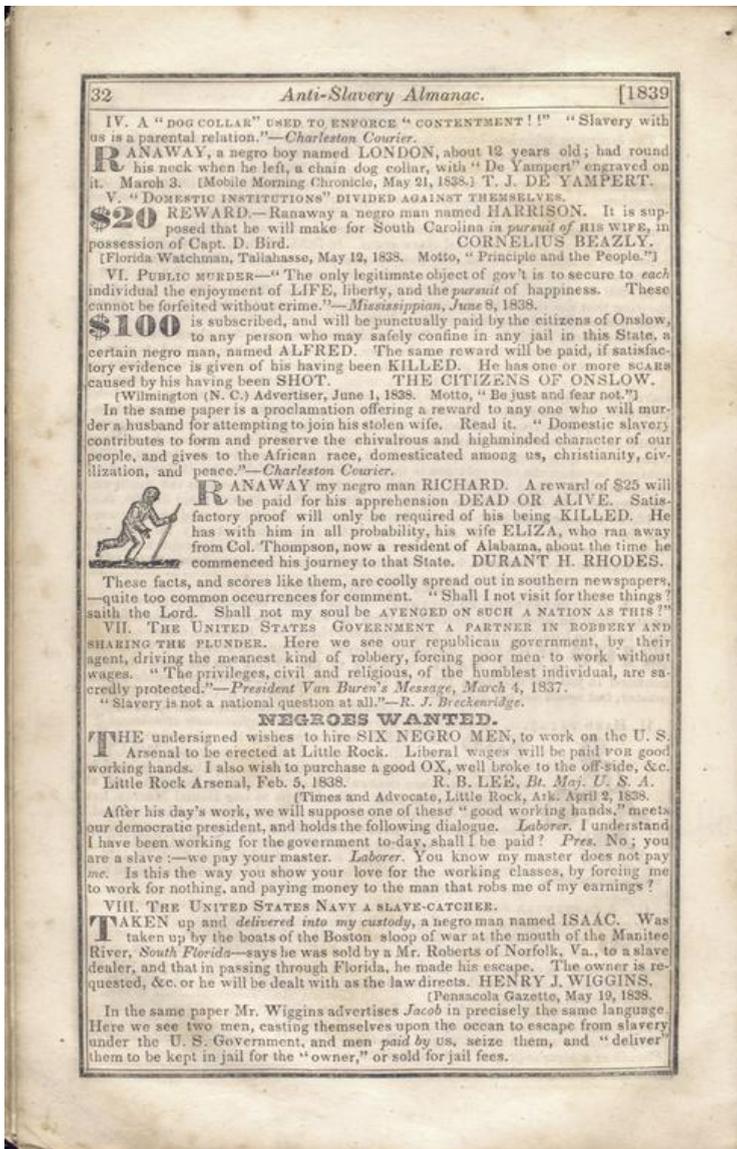
In all cases, the *first* stroke of the bell is considered as marking the time.

B. H. Penhallow, Printer, 28 Merrimack Street.

Time table of the Lowell mills, to take effect on and after Oct. 21st, 1851. Lowell, Mass.: B. H. Penhallow, Printer, 1851. Reproduced by permission of the Cornell University Library, accession number 0033.60.17.526 in the 6896 G, Stevens Companies Graphics collection.

Chapter 12 - The Peculiar Institution: Positive Good or Pernicious Sin?

Photo 1



Southern Runaway Slave Notices (Boston: Webster & Southard), 1839.

Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, The New York Public Library Digital Collections. NYPL catalog ID (B-number): b11995838.

Chapter 14 – John Brown’s Raid on Harper’s

D. H. Strother, *A Southern Planter Arming His Slaves to Resist Invasion*. From the cover of *Harper's Weekly*, November 19, 1859, page 737. Library of Congress Prints and Photographs Division, LC-USZ62-132560.

With much respect, I am, sir, your obedient servant,

Joseph Lyman

In compliance with the request in this letter, several gentlemen met at Northampton, on the day appointed, and after a free conversation on the subject of public affairs, agreed to send to the several towns in the three counties on the river, the following circular address.

Sir –

The multiplied evils in which the United States have been involved by the measures of the late and present administration, are subjects of general complaint, and in the opinion of our wisest statesmen, call for some effectual remedy. His excellency, the governor of the commonwealth, in his address to the General Court,¹ at the last and present session, has stated, in temperate but clear and decided language, his opinion of the injustice of the present war, and intimated that measures ought to be adopted by the legislature to bring it to a speedy close. He also calls the attention of the legislature to some measures of the general government, which are believed to be unconstitutional. In all the measures of the general government, the people of the United States have a common concern; but there are some laws and regulations which call more particularly for the attention of the northern states, and are deeply interesting to the peoples of this commonwealth. Feeling this interest, as it respects the present and future generations, a number of gentlemen from various towns in the old country of Hampshire, have met and conferred on the subject, and upon full conviction that the evils we suffer are not wholly of a temporary nature, springing from the war, but some of them of a permanent character, resulting from a perverse construction of the constitution of the United States, we have thought it a duty we owe to our country, to invite the attention of the good people of the

¹ The Massachusetts General Court is the state legislature.

counties of Hampshire, Hampden, and Franklin, to the radical causes of these evils.

We know indeed that a negotiation for peace has been recently set on foot, and peace will remove many public evils. It is an event we ardently desire. But when we consider how often the people of the country have been disappointed in their expectations of peace, and of wise measures; and when we consider the terms which our administration has hitherto demanded, some of which it is certain cannot be obtained, and some of which, in the opinion of able statesmen, ought not to be insisted on, we confess our hopes of a speedy peace are not very sanguine.

But still, a very serious question occurs, whether without an amendment of the federal constitution, the northern and commercial states can enjoy the advantages to which their wealth, strength, and white population justly entitle them. By means of the representation of slaves, the southern states have an influence in our national councils, altogether disproportionate to their wealth, strength, and resources; and we presume it to be a fact capable of demonstration, that for about twenty years past, the United States have been governed by a representation of about two fifths of the actual property of the country.

In addition to this, the creation of new states in the south, and out of the original limits of the United States, has increased the southern interest, which has appeared so hostile to the peace and commercial prosperity of the northern states. This power, assumed by Congress, of bringing into the Union new states, at the time of the federal compact, is deemed arbitrary, unjust, and dangerous, and a direct infringement of the constitution. This is a power which may hereafter be extended, and the evil will not cease with the establishment of peace. We would ask then, ought the northern states to acquiesce in the exercise of this power? To what consequences would it lead? How can the people of the northern states answer to themselves and to their posterity, for an acquiescence in the exercise of this power, that augments an influence already destructive of our prosperity, and will, in time, annihilate the best interests of the northern people?

There are other measures of the general government, which, we apprehend, ought to excite serious alarm. The power assumed to lay a permanent embargo appears not to be constitutional, but an encroachment on the rights of our citizens, which calls for decided opposition. It is a power, we believe, never before exercised by a commercial nation; and how can the northern states, which are habitually commercial, and whose active foreign trade is so necessarily connected with the interest of farmer and mechanic, sleep in tranquility under such a violent infringement of their rights? But this is not all. The late act imposing an embargo, is subversive of the first principles of civil liberty. The trade coast-wise between different ports in the *same state*, is arbitrarily and unconstitutionally prohibited; and the subordinate officers of government are vested with powers altogether inconsistent with our republican institutions. It arms the President and his agents with complete control of persons and property, and authorizes the employment of military force to carry its extraordinary provisions into execution.

We forbear to enumerate all the measures of the federal government, which we consider as violations of the constitution, and encroachments upon the rights of the people, and which bear particularly hard upon the commercial people of the north. But we would invite our fellow citizens to consider whether peace will remedy our public evils, without some amendments of the constitution, which shall secure to the northern states their due weight and influence in our national councils.

The northern states acceded to the representation of slaves as a matter of compromise, upon the express stipulation in the constitution that they should be protected in the enjoyment of their commercial rights. These stipulations have been repeatedly violated; and it cannot be expected that the northern states should be willing to bear their proportion of the burdens of the federal government without enjoying the benefits stipulated.

If our fellow citizens should concur with us in opinion, we would suggest whether it would not be expedient for the people in town meetings, to address memorials to the General

Court, at their present session petitioning that honorable body to propose a convention of all the northern and commercial states, by delegates to be appointed by their respective legislatures, to consult upon measures in concert, for procuring such alterations in the federal constitution, as will give to the northern states a due proportion of representation, and secure them from the future exercise of such powers injurious to their commercial interests; or if the General Court shall see fit, that they should pursue such other course as they, in their wisdom, shall deem best calculated to effect the objects.

The measure is of such magnitude that we apprehend a concert of states will be useful, and even necessary to procure the amendments proposed; and should the people of the several states concur in this opinion, it would be expedient to act on the subject without delay.

We request you, sir, to consult with your friends on the subject, and if it should be thought advisable, to lay this communication before the people of your town. In behalf, and by direction of the gentlemen assembled,

Joseph Lyman, Chairman

In compliance with the request and suggestions in this circular, many town meetings were held, and with great unanimity addresses and memorials were voted to be presented to the General Court, stating the sufferings of the country in consequence of the embargo, the war, and arbitrary restrictions on our coasting trade, with the violations of our constitutional rights, and requesting the legislature to take measures for obtaining redress, either by a convention of delegates from the northern and commercial states, or by such other measures as they should judge to be expedient.

These addresses and memorials were transmitted to the General Court, then in session; but as commissioners had been sent to Europe for the purpose of negotiating a treaty of peace, it was judged advisable not to have any action upon them, until the result of the negotiation should be known. But during the following summer, no news of peace arrived; and the distresses of the country increasing, and the sea-coast remaining defenseless, Governor Strong summoned a special meeting of the legislature in October, in which the petitions

of the towns were taken into consideration, and resolve was passed, appointing delegates to a convention to be held in Hartford. The subsequent history of that convention is known by their report.²

This measure of resorting to a convention for the purpose of arresting the evils of a bad administration, roused the jealousy of the advocates of the war, and called forth the bitterest invectives. The convention was represented as a treasonable combination, originating in Boston, for the purpose of dissolving the Union. But citizens of Boston had no concern in originating the proposal for a convention; it was wholly the project of the people in old Hampshire County; as respectable and patriotic republicans as ever trod the soil of a free country. The citizens who first assembled in Northampton, convened under the authority of the bill of rights which declares, that the people have a right to meet in a peaceable manner and consult for the public safety. The citizens had the same right then to meet in convention, as they have now; the distresses of the country demanded extraordinary measures for redress; the thought of dissolving the Union never entered the head of any of the projectors, or of the members of the convention; the gentlemen who composed it, for talents and patriotism, have never been surpassed by any assembly in the United States; and beyond a question, the appointment of the Hartford Convention had a very favorable effect in hastening the conclusion of a treaty of peace.

All reports which have been circulated respecting the evil designs of that convention, I know to be the foulest misrepresentations. . . .

B. William Charles, *Leap or No Leap*, c. 1815³

See illustration on page 137.

² Document E.

³ William Charles, *The Hartford Convention, or Leap or No Leap*, etching and aquatint, c. 1814. Library of Congress Prints and Photographs Division, LC-DIG-ppmsca-10755.

C. John Adams to William Plumer, December 4, 1814⁴

Dear Sir

. . . The Convention at Hartford is to resemble the Congress at Vienna; at least as much as an Ignis fatuus⁵ resembles a Volcano. Already we are informed that Mr. Randolph and Mr. Harper are at New York on their way to the grand Caucus. The Delegates from your Chester will meet Philosophers, Divines, Lawyers, Physicians, Merchants, Farmers, fine Ladies, Pedlars and Beggars, from various parts of the World not excepting Vermont, or Canada, as well as the legislative Sages from Massachusetts, Connecticut, and Rhode Island. You see, I cannot write soberly upon this subject. It is ineffably ridiculous. As an electioneering, a canvassing, or more expressively, a parliamenteering intrigue it is a cunning device, but even in this view it is the cunning of the ostrich.

Do they mean to declare New England neutral? New England neutrality has been the cause of the War. New England canvass, New England seamen, have excited British jealousy and alarmed British fears. Britain had rather Spain, France, Holland, or Russia should be neutral, than New England. Britain dreads a neutral more than a belligerent. Canvass and Seamen are the enemies that Britain fears more than all the Armies of Europe.

Do they mean to erect New England into an independent Power?

Let me see! New England is a Nation, a sovereign, a power, at war with Nova Scotia, Canada, fourteen states to the Southward and Westward of her, and Great Britain at the same time. This new state which has taken its equal station among the nations of the earth, sends ambassadors to London and to Washington to make peace and solicit neutrality. What will be their reception? Will they make their public entry like Venetian ambassadors? Their ambassadors are received at St. James's or Carlton House. They demand neutrality. "What do you mean by Neutrality? Says the British Minister? Do you mean to fish, and carry your fish to France, Spain, Portugal, and Italy, and to the French, Spanish, Dutch, Danish, Swedish, and English Islands in the West Indies? Do you mean to trade to China, India, and carry your Cargoes to all Europe and all the World? even to Canada, Nova Scotia, and your own Southern States? or do you mean to unite with us, become loyal Subjects and go to war with all our Enemies"? I wish I could pursue this conference in detail. But forces fail. . . .

⁴ "From John Adams to William Plumer, 4 December 1814," *Founders Online*, National Archives, last modified November 26, 2017, <https://goo.gl/1FVzET>.

⁵ Latin for foolish fire, a phrase used for the fleeting lights sometimes visible at night over marshy ground; hence, something that is misleading.

D. William H. Crawford to Jonathan Fisk, New England “approaches the confines of treason,” December 8, 1814⁶

Paris 8th Dec^{re} 1814

Dear Sir.

... From the letters & News Papers which I have Recd by the Fingal, & the Ajax, public spirit Seems to be good, everywhere, but in old Massachusetts.

The attempt to form a New England confederacy under the pretext, that the general government refuses them protection, when they have labored assiduously to prevent the execution of the measures which were calculated to afford that protection, approaches the confines of treason. The execution of their threat to withhold their taxes, & to apply them for their defense, will be an overt act which will rend the veil which their hypercritical canting has hitherto thrown over their insidious measures. Their mode of calling a convention is certainly irregular & unconstitutional. I do not believe that they will do more than menace. Whilst New York remains sound, the New England states dare not move, even if they were united. The federalism of Connecticut, is constitutional, & will not be seduced by the intentional flattery of selecting one of its towns, for the assembling of this unconstitutional Convention. Independent of the steady habits of Connecticut, it is notorious that the majority in the other States, is a very inconsiderable one, upon general questions – upon the question of separation, or of performing any act which amounts to treason or Rebellion, these majorities would immediately dwindle into contemptible minorities. There is therefore no danger of Rebellion or treason. The Essex Junto⁷ disappointed in all their schemes of ambition; convinced of their incapacity to carry the people with them in their treasonable views, will not dare to act, but will continue to snarl and shew their teeth.

⁶ William H. Crawford to Jonathan Fisk, December 8, 1814. 12-08, 1814. Manuscript/Mixed Material, *The Thomas Jefferson Papers* at the Library of Congress. Retrieved from the Library of Congress, <https://goo.gl/1VwTX7>. William H. Crawford (1772–1834) was a U.S. Senator from Georgia, Secretary of War and of the Treasury, Minister to France when he wrote this letter, and a presidential candidate in 1824. Jonathan Fisk (1778–1832) was a senator from New York.

⁷ An influential group of Federalists who resided in Massachusetts.

E. Report of the Hartford Convention, 1815⁸

The Delegates from the Legislatures of the States of Massachusetts, Connecticut, and Rhode-Island, and from the Counties of Grafton and Cheshire in the State of New-Hampshire and the County of Windham in the State of Vermont, assembled in Convention, beg leave to report the following result of their conference.

The Convention is deeply impressed with a sense of the arduous nature of the commission which they were appointed to execute, of devising the means of defense against dangers, and of relief from oppressions proceeding from the act of their own Government, without violating constitutional principles, or disappointing the hopes of a suffering and injured people. To prescribe patience and firmness to those who are already exhausted by distress, is sometimes to drive them to despair, and the progress towards reform by the regular road, is irksome to those whose imaginations discern, and whose feelings prompt, to a shorter course. But when abuses, reduced to system and accumulated through a course of years have pervaded every department of Government, and spread corruption through every region of the State; when these are clothed with the forms of law, and enforced by an Executive whose will is their source, no summary means of relief can be applied without recourse to direct and open resistance. This experiment, even when justifiable, cannot fail to be painful to the good citizen; and the success of the effort will be no security against the danger of the example. Precedents of resistance to the worst administration, are eagerly seized by those who are naturally hostile to the best. Necessity alone can sanction a resort to this measure; and it should never be extended in duration or degree beyond the exigency, until the people, not merely in the fervor of sudden excitement, but after full deliberation, are determined to change the Constitution.

It is a truth, not to be concealed, that a sentiment prevails to no inconsiderable extent, that Administration have given such constructions to that instrument, and practiced so many abuses under color of its authority, that the time for a change is at hand. Those who so believe, regard the evils which surround them as intrinsic and incurable defects in the Constitution. They yield to a persuasion, that no change, at any time, or on any occasion, can aggravate the misery of their country. This opinion may ultimately prove to be correct. But as the evidence on which it rests is not yet conclusive, and as measures adopted upon the assumption of its certainty might be irrevocable, some general considerations are submitted, in the hope of reconciling all to a course of

⁸ Public Documents, Containing Proceedings of the Hartford Convention of Delegates . . . (Massachusetts Senate: 1815), 3-22.

moderation and firmness, which may save them from the regret incident to sudden decisions, probably avert the evil, or at least insure consolation and success in the last resort.

The Constitution of the United States, under the auspices of a wise and virtuous Administration, proved itself competent to all the objects of national prosperity, comprehended in the views of its framers. No parallel can be found in history, of a transition so rapid as that of the United States from the lowest depression to the highest felicity – from the condition of weak and disjointed republics, to that of a great, united, and prosperous nation.

Although this high state of public happiness has undergone a miserable and afflicting reverse, through the prevalence of a weak and profligate policy, yet the evils and afflictions which have thus been induced upon the country, are not peculiar to any form of Government. The lust and caprice of power, the corruption of patronage, the oppression of the weaker interests of the community by the stronger, heavy taxes, wasteful expenditures, and unjust and ruinous wars, are the natural offspring of bad Administrations, in all ages and countries. It was indeed to be hoped, that the rulers of these States would not make such disastrous haste to involve their infancy in the embarrassments of old and rotten institutions. Yet all this have they done; and their conduct calls loudly for their dismissal and disgrace. But to attempt upon every abuse of power to change the Constitution, would be to perpetuate the evils of revolution. . . .

Finally, if the Union be destined to dissolution, by reason of the multiplied abuses of bad administrations, it should, if possible, be the work of peaceable times, and deliberate consent. – Some new form of confederacy should be substituted among those States, which shall intend to maintain a federal relation to each other. – Events may prove that the causes of our calamities are deep and permanent. They may be found to proceed, not merely from the blindness of prejudice, pride of opinion, violence of party spirit, or the confusion of the times; but they may be traced to implacable combinations of individuals, or of States, to monopolize power and office, and to trample without remorse upon the rights and interests of commercial sections of the Union. Whenever it shall appear that these causes are radical and permanent, a separation by equitable arrangement, will be preferable to an alliance by constraint, among nominal friends, but real enemies, inflamed by mutual hatred and jealousy, and inviting by intestine divisions, contempt, and aggression from abroad. But a severance of the Union by one or more States, against the will of the rest, and especially in a time of war, can be justified only by absolute necessity. These are among the principal objections against precipitate measures tending to disunite the States, and when examined in connection with the farewell address of the Father of his country, they must, it is believed, be deemed conclusive. . . .

That acts of Congress in violation of the Constitution are absolutely void, is an undeniable position. It does not, however, consist with the respect and forbearance due from a confederate state towards the General Government, to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition, should always conform to the nature of the violation, the intention of its authors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger of delay. But in cases of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a State, and liberties of the people; it is not only the right but the duty of such a State to interpose its authority for their protection, in the manner best calculated to secure that end. When emergencies occur, which are either beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, states, which have no common umpire, must be their own judges, and execute their own decisions. It will thus be proper for the several states to await the ultimate disposal of the obnoxious measures, recommended by the Secretary of War, or pending before Congress, and so to use their power according to the character these measures shall finally assume, as effectually to protect their own sovereignty, and the rights and liberties of their citizens. . . .

The last inquiry, what course of conduct ought to be adopted by the aggrieved states, is in a high degree momentous. When a great and brave people shall feel themselves deserted by their Government, and reduced to the necessity either of submission to a foreign enemy, or of appropriating to their own use, those means of defense which are indispensable to self-preservation, they cannot consent to wait passive spectators of approaching ruin, which it is in their power to avert, and to resign the last remnant of their industrious earnings, to be dissipated in support of measures destructive of the best interests of the nation.

This Convention will not trust themselves to express their conviction of the catastrophe to which such a state of things inevitably tends. Conscious of their high responsibility to God and their country, solicitous for the continuance of the Union, as well as the sovereignty of the states, unwilling to furnish obstacles to peace – resolute never to submit to a foreign enemy, and confiding in the Divine care and protection, they will, until the last hope shall be extinguished, endeavor to avert such consequences. . . .

[T]he duty incumbent on this Convention will not have been performed, without exhibiting some general view of such measures as they deem essential to secure the nation against a relapse into difficulties and dangers, should they, by the blessing of Providence, escape from their present condition, without absolute ruin. . . .

To investigate and explain the means whereby this fatal reverse has been effected, would require a voluminous discussion. Nothing more can be attempted in this Report, than a general allusion to the principal outlines of the policy which has produced this vicissitude. Among these may be enumerated

First. – A deliberate and extensive system for effecting a combination among certain states, by exciting local jealousies and ambition, so as to secure to popular leaders in one section of the Union, the controul of public affairs in perpetual succession. To which primary object most other characteristics of the system may be reconciled.

Secondly. – The political intolerance displayed and avowed, in excluding from office men of unexceptionable merit, for want of adherence to the executive creed.

Thirdly. – The infraction of the judiciary authority and rights, by depriving judges of their offices in violation of the Constitution.

Fourthly. – The abolition of existing taxes, requisite to prepare the Country for those changes to which nations are always exposed, with a view to the acquisition of popular favour.

Fifthly. – The influence of patronage in the distribution of offices, which in these States has been almost invariably made among men the least entitled to such distinction, and who have sold themselves as ready instruments for distracting public opinion, and encouraging administration to hold in contempt the wishes and remonstrances of a people thus apparently divided.

Sixthly. – The admission of new States into the Union, formed at pleasure in the western region, has destroyed the balance of power which existed among the original States, and deeply affected their interest.

Seventhly. – The easy admission of naturalized foreigners, to places of trust, honour or profit, operating as an inducement to the malcontent subjects of the old world to come to these States, in quest of executive patronage, and to repay it by an abject devotion to executive measures.

Eighthly. – Hostility to Great-Britain, and partiality to the late government of France, adopted as coincident with popular prejudice, and subservient to the main object, party power. Connected with these must be ranked erroneous and distorted estimates of the power and resources of those nations, of the probable results of their controversies, and of our political relations to them respectively.

Lastly and principally. – A visionary and superficial theory in regard to commerce, accompanied by a real hatred but a feigned regard to its interests, and a ruinous perseverance in efforts to render it an instrument of coercion and war.

But it is not conceivable that the obliquity of any administration could, in so short a period, have so nearly consummated the work of national ruin, unless favored by defects in the Constitution.

To enumerate all the improvements of which that instrument is susceptible, and to propose such amendments as might render it in all respects perfect, would be a task, which this Convention has not thought proper to assume. – They have confined their attention to such as experience has demonstrated to be essential, and even among these, some are considered entitled to a more serious attention than others. They are suggested without any intentional disrespect to other States, and are meant to be such as all shall find an interest in promoting. Their object is to strengthen, and if possible to perpetuate, the Union of the States, by removing the grounds of existing jealousies, and providing for a fair and equal representation and a limitation of powers, which have been misused.

The first amendment proposed, relates to the apportionment of Representatives among the slave holding States. This cannot be claimed as a right. Those States are entitled to the slave representation, by a constitutional compact. It is therefore merely a subject of agreement, which should be conducted upon principles of mutual interest and accommodation, and upon which no sensibility on either side should be permitted to exist. It has proved unjust and unequal in its operation. . . .

The next amendment relates to the admission of new States into the union.

. . . The object is merely to restrain the constitutional power of Congress in admitting new states. At the adoption of the Constitution, a certain balance of power among the original parties was considered to exist, and there was at that time, and yet is among those parties, a strong affinity between their great and general interests. – By the admission of these States that balance has been materially affected, and unless the practice be modified, must ultimately be destroyed. . . .

The next amendments proposed by the Convention, relate to the powers of Congress, in relation to Embargo and the interdiction of commerce.

Whatever theories upon the subject of commerce, have hitherto divided the opinions of statesmen, experience has at last shewn that it is a vital interest in the United States, and that its success is essential to the encouragement of agriculture and manufactures, and to the wealth, finances, defense, and liberty of the nation. Its welfare can never interfere with the other great interests of the State, but must promote and uphold them. Still those who are immediately concerned in the prosecution of commerce, will of necessity be always a minority of the nation.

... [T]hey are entirely unable to protect themselves against the sudden and injudicious decisions of bare majorities, and the mistaken or oppressive projects of those who are not actively concerned in its pursuits. Of consequence, this interest is always exposed to be harassed, interrupted, and entirely destroyed, upon pretense of securing other interests. Had the merchants of this nation been permitted, by their own government, to pursue an innocent and lawful commerce, how different would have been the state of the treasury and of public credit! ... No union can be durably cemented, in which every great interest does not find itself reasonably secured against the encroachment and combinations of other interests. When, therefore, the past system of embargoes and commercial restrictions shall have been reviewed ... the reasonableness of some restrictions upon the power of a bare majority to repeat these oppressions, will appear to be obvious.

The next amendment proposes to restrict the power of making offensive war. In the consideration of this amendment, it is not necessary to inquire into the justice of the present war. But one sentiment now exists in relation to its expediency, and regret for its declaration is nearly universal. ... In this case, as in the former, those more immediately exposed to its fatal effects are a minority of the nation. The commercial towns, the shores of our seas and rivers, contain the population, whose vital interests are most vulnerable by a foreign enemy. Agriculture, indeed, must feel at last, but this appeal to its sensibility comes too late. Again, the immense population which has swarmed into the West, remote from immediate danger, and which is constantly augmenting, will not be averse from [*insulated from*] the occasional disturbances of the Atlantic States. Thus interest may not unfrequently combine with passion and intrigue, to plunge the nation into needless wars, and compel it to become a military, rather than a happy and flourishing people. These considerations which it would be easy to augment, call loudly for the limitation proposed in the amendment.

Another amendment, subordinate in importance, but still in a high degree expedient, relates to the exclusion of foreigners, hereafter arriving in the United States, from the capacity of holding offices of trust, honour or profit.

... [W]hy admit to a participation in the government aliens who were no parties to the compact – who are ignorant of the nature of our institutions, and have no stake in the welfare of the country, but what is recent and transitory? It is surely a privilege sufficient, to admit them after due probation to become citizens, for all but political purposes. ...

The last amendment respects the limitation of the office of President, to a single constitutional term, and his eligibility from the same state two terms in succession.

Upon this topic, it is superfluous to dilate. The love of power is a principle in the human heart which too often impels to the use of all practicable means to prolong its duration. The office of President has charms and attractions which operate as powerful incentives to this passion. The first and most natural exertion of a vast patronage is directed towards the security of a new election. The interest of the country, the welfare of the people, even honest fame and respect for the opinion of posterity, are secondary considerations. All the engines of intrigue; all the means of corruption, are likely to be employed for this object. A President whose political career is limited to a single election, may find no other interest than will be promoted by making it glorious to himself, and beneficial to his country. But the hope of reelection is prolific of temptations, under which these magnanimous motives are deprived of their principal force. . . .

Such is the general view which this Convention has thought proper to submit, of the situation of these States, of their dangers and their duties. . . . The peculiar difficulty and delicacy of performing, even this undertaking, will be appreciated by all who think seriously upon the crisis. Negotiations for Peace, are at this hour supposed to be pending, the issue of which must be deeply interesting to all. No measures should be adopted, which might unfavorably affect that issue; none which should embarrass the Administration, if their professed desire for peace is sincere; and none, which on supposition of their insincerity, should afford them pretexts for prolonging the war, or relieving themselves from the responsibility of a dishonorable peace. It is also devoutly to be wished, that an occasion may be afforded to all friends of the country, of all parties, and in all places, to pause and consider the awful state to which pernicious counsels, and blind passions, have brought this people. The number of those who perceive, and who are ready to retrace errors, must it is believed be yet sufficient to redeem the nation. It is necessary to rally and unite them by the assurance that no hostility to the Constitution is meditated, and to obtain their aid, in placing it under guardians, who alone can save it from destruction. Should this fortunate change be effected, the hope of happiness and honor may once more dispel the surrounding gloom. Our nation may yet be great, our union durable. But should this prospect be utterly hopeless, the time will not have been lost, which shall have ripened a general sentiment of the necessity of more mighty efforts to rescue from ruin, at least some portion of our beloved Country.

THEREFORE RESOLVED –

. . . Resolved, That the following amendments of the Constitution of the United States, be recommended to the states represented as aforesaid, to be

proposed by them for adoption by the State Legislatures, and, in such cases as may be deemed expedient, by a Convention chosen by the people of each State.

And it is further recommended, that the said states shall persevere in their efforts to obtain such amendments, until the same shall be effected.

First. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers of free persons, including those bound to serve for a term of years and excluding Indians not taxed, and all other persons.

Second. No new state shall be admitted into the union by Congress in virtue of the power granted by the Constitution, without the concurrence of two thirds of both Houses.

Third. Congress shall not have power to lay any embargo on the ships or vessels of the citizens of the United States, in the ports or harbours thereof, for more than sixty days.

Fourth. Congress shall not have power, without the concurrence of two thirds of both Houses, to interdict the commercial intercourse between the United States and any foreign nation or the dependencies thereof.

Fifth. Congress shall not make or declare war, or authorize acts of hostility against any foreign nation without the concurrence of two thirds of both Houses, except such acts of hostility be in defense of the territories of the United States when actually invaded.

Sixth. No person who shall hereafter be naturalized, shall be eligible as a member of the Senate or House of Representatives of the United States, nor capable of holding any civil office under the authority of the United States.

Seventh. The same person shall not be elected President of the United States a second time; nor shall the President be elected from the same state two terms in succession.

Resolved. That if the application of these States to the government of the United States, recommended in a foregoing Resolution, should be unsuccessful, and peace should not be concluded, and the defense of these States should be neglected, as it has been since the commencement of the war, it will in the opinion of this Convention be expedient for the Legislatures of the several States to appoint Delegates to another Convention, to meet at Boston, in the State of Massachusetts, on the third Thursday of June next, with such powers and instructions as the exigency of a crisis so momentous may require. . . .

The Market Revolution and (The Myth of?) Free Labor

- A. Orestes Bronson, *The Laboring Classes*, 1840
- B. “Song of the Spinners,” *Lowell Offering*, April 1841
- C. Massachusetts Lawmakers Investigate Working Conditions, 1845
- D. William West, “Wages Slavery and Chattel Slavery,” April 2 and 23, 1847
- E. Time Table for Lowell Mills, c. 1851

Founded in the 1820s and named after Francis Cabot Lowell, the inventor of the American power loom, Lowell, Massachusetts, was one of the nation’s most ambitious planned industrial projects. There, at the convergence of two rivers, a group of investors known as the Boston Associates constructed a number of large brick workshops to house the water-powered equipment necessary for each stage of the textile manufacturing process. By consolidating all the stages (cleaning and carding the cotton or wool fibers, spinning them into threads, and finally weaving them into cloth) into one location and relying on the water-powered machines, the Associates were able to produce yardage more efficiently and economically than companies that relied on traditional methods.

By 1840, the city was among the largest manufacturing centers in the United States, its various mills employing thousands of workers. Most of the factory hands were single women, a mixture of immigrants and girls from farming communities around the state who were looking for an opportunity to either contribute to their family’s economic success or to achieve a little bit of financial independence (Document B). The “factory girls,” as they were called, signed annual contracts with the companies that owned the mills, which specified that they would live in the company-run boardinghouses, attend church, and follow the time tables and other rules and regulations for moral community living (Document E).

As the Lowell system of factory work became more prevalent, so too did the public debate over the justice and morality of such labor. Labor organizers routinely called for a reduction in working hours, citing the ill effects upon the health and morale of workers (Documents C and E). Although legislators were often slow to intervene in freely-entered contracts between management and labor (Document C), in most states, protective legislation of various kinds did eventually pass, if only to

alleviate the concerns and criticisms of labor reformers like Orestes Bronson and William West (Documents A and D).

Study Questions

A. What do Orestes Bronson and William West mean by the phrase “wages slavery”? What reasons do they offer to support the claim that the conditions of northern factory workers are equivalent to those of southern slaves? How would the author of the “Song of the Spinners” respond to his claim? What benefits do she and the members of the state investigative committee see for the factory girls? What rights are at stake on either side of the labor-management conflict? Should government intervene in labor relationships? If so, to what extent and under what conditions? What assumptions do the various authors have about the roles and rights of women in their society?

B. Compare the experience of the Lowell girls to that of the indentured servants and slaves in the colonial period (Chapter 3), or to that of slaves in the antebellum south (Chapter 12). What implications would the arguments raised here have on the sectional conflict over slavery (Chapters 13 and 15)?

C. Compare the attitudes about labor presented here with those in Volume 2, Chapter 18. Do they seem to reflect the same set of underlying assumptions about the role of the government in the economic relationships between labor and management?

A. Orestes Bronson, *The Laboring Classes*, 1840¹

It may be laid down as a general rule, with but few exceptions, that men are rewarded in an inverse ratio to the amount of actual service they perform. Under every government on earth the largest salaries are annexed to those offices, which demand of their incumbents the least amount of actual labor either mental or manual. And this is in perfect harmony with the whole system of

¹ Orestes Bronson, *The Laboring Classes: An Article from the Boston Quarterly Review*, (Boston: Benjamin H. Greene, 1840). Orestes Bronson (1803–1876) was a prominent writer and reformer in Massachusetts. Associated for some time with the Transcendentalist movement, he later converted to Catholicism.

repartition of the fruits of industry, which obtains in every department of society. Now here is the system which prevails, and here is its result. The whole class of simple laborers are poor, and in general unable to procure anything beyond the bare necessities of life.

In regard to labor two systems obtain; one that of slave labor, the other that of free labor. Of the two, the first is, in our judgment, except so far as the feelings are concerned, decidedly the least oppressive. If the slave has never been a free man, we think, as a general rule, his sufferings are less than those of the free laborer at wages. As to actual freedom one has just about as much as the other. The laborer at wages has all the disadvantages of freedom and none of its blessings, while the slave, if denied the blessings, is freed from the disadvantages. We are no advocates of slavery, we are as heartily opposed to it as any modern abolitionist can be; but we say frankly that, if there must always be a laboring population distinct from proprietors and employers, we regard the slave system as decidedly preferable to the system at wages. It is no pleasant thing to go days without food, to lie idle for weeks, seeking work and finding none, to rise in the morning with a wife and children you love, and know not where to procure them a breakfast, and to see constantly before you no brighter prospect than the almshouse. . . .

We pass through our manufacturing villages; most of them appear neat and flourishing. The operatives are well dressed, and we are told, well paid. They are said to be healthy, contented, and happy. This is the fair side of the picture; the side exhibited to distinguished visitors. There is a dark side, moral as well as physical. Of the common operatives, few, if any, by their wages, acquire a competence. . . . [T]he great mass wear out their health, spirits, and morals, without becoming one whit better off than when they commenced labor. The bills of mortality in these factory villages are not striking, we admit, for the poor girls when they can toil no longer go home to die. The average life, working life we mean, of the girls that come to Lowell, for instance, from Maine, New Hampshire, and Vermont, we have been assured, is only about three years. What becomes of them then? Few of them ever marry; fewer still ever return to their native places with reputations unimpaired. "She has worked in a Factory," is almost enough to damn to infamy the most worthy and virtuous girl. We know no sadder sight on earth than one of our factory villages presents, when the bell at break of day, or at the hour of breakfast, or dinner, calls out its hundreds or thousands of operatives. We stand and look at these hard-working men and women hurrying in all directions, and ask ourselves, where go the proceeds of their labors? The man who employs them, and for whom they are toiling as so many slaves, is one of our city nabobs, reveling in luxury; or he is a member of our legislature, enacting laws to put money in his own pocket; or he is a member

of Congress, contending for a high Tariff to tax the poor for the benefit of the rich; or in these times, he is shedding crocodile tears over the deplorable condition of the poor laborer, while he docks his wages twenty-five per cent building miniature log cabins, shouting Harrison and "hard cider." And this man too would fain pass for a Christian and a republican. He shouts for liberty, stickles for equality, and is horrified at a Southern planter who keeps slaves. . . .

The slave system . . . in name and form, is gradually disappearing from Christendom. It will not subsist much longer. But its place is taken by the system of labor at wages, and this system, we hold, is no improvement upon the one it supplants. Nevertheless the system of wages will triumph. It is the system which in name sounds honester [sic] than slavery, and in substance is more profitable to the master. It yields the wages of iniquity, without its opprobrium. It will therefore supplant slavery, and be sustained for a time.

Now, what is the prospect of those who fall under the operation of this system? We ask, is there a reasonable chance that any considerable portion of the present generation of laborers, shall ever become owners of a sufficient portion of the funds of production, to be able to sustain themselves by laboring on their own capital, that is, as independent laborers? We need not ask this question, for everybody knows there is not. Well, is the condition of a laborer at wages the best that the great mass of the working people ought to be able to aspire to? Is it a condition, nay can it be made a condition, with which a man should be satisfied, in which he should be contented to live and die? . . .

Let us not be misinterpreted. We deny not the power of Christianity. Should all men become good Christians, we deny not that all social evils would be cured. But we deny in the outset that a man, who seeks merely to save his own soul, merely to perfect his own individual nature, can be a good Christian. The Christian forgets himself, buckles on his armor, and goes forth to war against principalities and powers, and against spiritual wickedness in high places. No man can be a Christian who does not begin his career by making war on the mischievous social arrangements from which his brethren suffer. He who thinks he can be a Christian and save his soul, without seeking their radical change, has no reason to applaud himself for his proficiency in Christian science, nor for his progress towards the kingdom of God. Understand Christianity, and we will admit, that should all men become good Christians, there would be nothing to complain of. But one might as well undertake to dip the ocean dry with a clamshell, as to undertake to cure the evils of the social state by converting men to the Christianity of the Church.

The evil we have pointed out, we have said, is not of individual creation, and it is not to be removed by individual effort, saving so far as individual effort induces the combined effort of the mass. . . .

Now the evils of which we have complained are of a social nature. That is, they have their root in the constitution of society as it is . . . the action of government, of laws, and of systems and institutions upheld by society, and of which individuals are the slaves. This being the case, it is evident that they are to be removed only by the action of society, that is, by government, for the action of society is government.

But what shall government do? Its first doing must be an undoing.

There has been thus far quite too much government, as well as government of the wrong kind. The first act of government we want, is a still further limitation of itself. It must begin by circumscribing within narrower limits its powers. And then it must proceed to repeal all laws which bear against the laboring classes, and then to enact such laws as are necessary to enable them to maintain their equality. We have no faith in those systems of elevating the working classes, which propose to elevate them without calling in the aid of government. We must have government, and legislation expressly directed to this end.

But again what legislation do we want so far as this country is concerned? We want first the legislation which shall free the government, whether State or Federal, from the control of the Banks. The Banks represent the interest of the employer, and therefore of necessity interests adverse to those of the employed; that is, they represent the interests of the business community in opposition to the laboring community. So long as the government remains under the control of the Banks, so long it must be in the hands of the natural enemies of the laboring classes, and may be made, nay, will be made, an instrument of depressing them yet lower. It is obvious then that, if our object be the elevation of the laboring classes, we must destroy the power of the Banks over the government, and place the government in the hands of the laboring classes themselves, or in the hands of those, if such there be, who have an identity of interest with them.

B. "Song of the Spinners," *Lowell Offering*, April 1841²

The day is over, no longer will we toil and spin;
 For evening's hush withdraws from the daily din.
 And how we sing with gladsome hearts,

² *Lowell Offering*, April 1841 (Lowell, Mass.: Printed by A. Watson), p. 32. Courtesy American Antiquarian Society.

The theme of the spinner's song,
That labor to leisure a zest imparts,
Unknown to the idle throng.

We spin all day, and then, in the time for rest,
Sweet peace is found, A joyous and welcome guest.
Despite of toil we all agree, or out of the Mills or in,
Dependent on others we never will be,
So long as we are able to spin.

C. Massachusetts Lawmakers Investigate Working Conditions, 1845³

The Special Committee to which was referred sundry petitions relating to the hours of labor, have considered the same and submit the following Report:

The first petition which was referred to your committee, came from the city of Lowell, and was signed by Mr. John Quincy Adams Thayer, and eight hundred and fifty others, "peaceable, industrious, hard working men and women of Lowell." The petitioners declare that they are confined "from thirteen to fourteen hours per day in unhealthy apartments," and are thereby "hastening through pain, disease and privation, down to a premature grave." They therefore ask the Legislature "to pass a law providing that ten hours shall constitute a day's work," and that no corporation or private citizen "shall be allowed except in cases of emergency, to employ one set of hands more than ten hours per day."

The second petition came from the town of Fall River, and is signed by John Gregory and four hundred and eighty-eight others. These petitioners ask for the passage of a law to constitute "ten hours a day's work in all corporations created by the Legislature."

The third petition signed by Samuel W. Clark and five hundred others, citizens of Andover, is in precisely the same words as the one from Fall River.

³ *Massachusetts House Document* no. 50, March, 1845, reprinted in John Commons, ed., *A Documentary History of American Industrial Society* (1910).

The fourth petition is from Lowell, and is signed by James Carle and three hundred others. The petitioners ask for the enactment of a law making ten hours a day's work, where no specific agreement is entered into between the parties.

The whole number of names on the several petitions is 2,139, of which 1,151 are from Lowell. A very large proportion of the Lowell petitioners are females. Nearly one half of the Andover petitioners are females. The petition from Fall River is signed exclusively by males.

In view of the number and respectability of the petitioners who had brought their grievances before the Legislature, the Committee asked for and obtained leave of the House to send for "persons and papers," in order that they might enter into an examination of the matter, and report the result of their examination to the Legislature as a basis for legislative action, should any be deemed necessary.

On the 13th of February, the Committee held a session to hear the petitioners from the city of Lowell. Six of the female and three of the male petitioners were present, and gave in their testimony.

The first petitioner who testified was Eliza R. Hemmingway. She had worked 2 years and 9 months in the Lowell Factories; 2 years in the Middlesex, and 9 months in the Hamilton Corporations. Her employment is weaving-works by the piece. The Hamilton Mill manufactures cotton fabrics. The Middlesex, woollen fabrics. She is now at work in the Middlesex Mills, and attends one loom. Her wages average from \$16 to \$23 a month exclusive of board. She complained of the hours for labor being too many, and the time for meals too limited. In the summer season, the work is commenced at 5 o'clock, a.m., and continued till 7 o'clock, p.m., with half an hour for breakfast and three quarters of an hour for dinner. During eight months of the year, but half an hour is allowed for dinner. The air in the room she considered not to be wholesome. There were 293 small lamps and 61 large lamps lighted in the room in which she worked, when evening work is required. These lamps are also lighted sometimes in the morning. About 130 females, 11 men, and 12 children (between the ages of 11 and 14) work in the room with her. She thought the children enjoyed about as good health as children generally do. The children work but 9 months out of 12. The other 3 months they must attend school. Thinks that there is no day when there are less than six of the females out of the mill from sickness. Has known as many as thirty. She, herself, is out quite often, on account of sickness. There was more sickness in the Summer than in the Winter months; though in the Summer, lamps are not lighted. She thought there was a general desire among the females to work but ten hours, regardless of pay. Most of the girls are from the country, who work in the Lowell Mills. The average time which they remain there is about three years. She knew one girl who had worked there 14

years. Her health was poor when she left. Miss Hemmingway said her health was better where she now worked, than it was when she worked on the Hamilton Corporation. She knew of one girl who last winter went into the mill at half past 4 o'clock, a.m., and worked till half past 7 o'clock, p.m. She did so to make more money. She earned from \$25 to \$30 per month. There is always a large number of girls at the gate wishing to get in before the bell rings. On the Middlesex Corporation one fourth part of the females go into the mill before they are obliged to. They do this to make more wages. A large number come to Lowell to make money to aid their parents who are poor. She knew of many cases where married women came to Lowell and worked in the mills to assist their husbands to pay for their farms. The moral character of the operatives is good. There was only one American female in the room with her who could not write her name.

Miss Sarah G. Bagley said she had worked in the Lowell Mills eight years and a half, six years and a half on the Hamilton Corporation, and two years on the Middlesex. She is a weaver, and works by the piece. She worked in the mills three years before her health began to fail. She is a native of New Hampshire, and went home six weeks during the summer. Last year she was out of the mill a third of the time. She thinks the health of the operatives is not so good as the health of females who do house-work or millinery business. The chief evil, so far as health is concerned, is the shortness of time allowed for meals. The next evil is the length of time employed – not giving them time to cultivate their minds. She spoke of the high moral and intellectual character of the girls. That many were engaged as teachers in the Sunday schools. That many attended the lectures of the Lowell Institute; and she thought, if more time was allowed, that more lectures would be given and more girls attend. She thought that the girls generally were favorable to the ten hour system. She had presented a petition, same as the one before the Committee, to 132 girls, most of whom said that they would prefer to work but ten hours. In a pecuniary point of view, it would be better, as their health would be improved. They would have more time for sewing. Their intellectual, moral and religious habits would also be benefited by the change. Miss Bagley said, in addition to her labor in the mills, she had kept evening school during the winter months, for four years, and thought that this extra labor must have injured her health. . . .

Miss Elizabeth Rowe has worked in Lowell 16 months, all the time on the Lawrence Corporation, came from Maine, she is a weaver, works by the piece, runs four looms. "My health," she says, "has been very good indeed since I worked there, averaged three dollars a week since I have been there besides my board; have heard very little about the hours of labor being too long." She consented to have her name put on the petition because Miss Phillips asked her to. She would prefer to work only ten hours. Between 50 and 60 work in the

room with her. Her room is better ventilated and more healthy than most others. Girls who wish to attend lectures can go out before the bell rings; my overseer lets them go, also Saturdays they go out before the bell rings. It was her wish to attend four looms. She has a sister who has worked in the mill seven years. Her health is very good. Don't know that she has ever been out on account of sickness. The general health of the operatives is good. Have never spoken to my employers about the work being too hard, or the hours too long. Don't know any one who has been hastened to a premature grave by factory labor. . . .

Mr. Gilman Gale, a member of the city council, and who keeps a provision store, testified that the short time allowed for meals he thought the greatest evil. He spoke highly of the character of the operatives and of the agents; also of the boarding houses and the public schools. He had two children in the mills who enjoyed good health. The mills are kept as clean and as well ventilated as it is possible for them to be. . . .

The above testimony embraces all the important facts which were elicited from the persons who appeared before the Committee.

On Saturday the 1st of March, a portion of the Committee went to Lowell to examine the mills, and to observe the general appearance of the operatives therein employed. They arrived at Lowell after an hour's ride upon the railroad. They first proceeded to the Merrimack Cotton Mills, in which are employed usually 1,200 females and 300 males. They were permitted to visit every part of the works and to make whatever inquiries they pleased of the persons employed. They found every apartment neat and clean, and the girls, so far as personal appearance went, healthy and robust, as girls are in our country towns.

The Committee also visited the Massachusetts and Boott Mills, both of which manufacture cotton goods. The same spirit of thrift and cleanliness, of personal comfort and contentment, prevailed there. The rooms are large and well lighted, the temperature comfortable, and in most of the window sills were numerous shrubs and plants, such as geraniums, roses, and numerous varieties of the cactus. These were the pets of the factory girls, and they were to the Committee convincing evidence of the elevated moral tone and refined taste of the operatives.

The Committee also visited the Lowell and the Middlesex mills; in the first of which carpets are manufactured, and in the second, broadcloths, cassimeres,⁴ &c. These being woolen mills, the Committee did not expect to find that perfect cleanliness which can be and has been attained in cotton mills. It would, however, be difficult to institute a comparison between the mills on this point, or to suggest an improvement. Not only is the interior of the mills kept in the

⁴ A closely woven, smooth twilled, usually wool fabric (often used for suits).

best order, but great regard has been paid by many of the agents to the arrangement of the enclosed grounds. Grass plats have been laid out, trees have been planted, and fine varieties of flowers in their season, are cultivated within the factory grounds. In short, everything in and about the mills, and the boarding houses appeared, to have for its end, health and comfort. The same remark would apply to the city generally. Your committee returned fully satisfied, that the order, decorum, and general appearance of things in and about the mills, could not be improved by any suggestion of theirs, or by any act of the Legislature.

During our short stay in Lowell, we gathered many facts, which we deem of sufficient importance to state in this report, and first, in relation to the Hours of Labor.

From Mr. Clark, the agent of the Merrimack Corporation, we obtained the following table of the time which the mills run during the year.

Begin work. From 1st May to 31st August, at 5 o'clock. From 1st September to 30th April, as soon as they can see.

Breakfast. From 1st November to 28th February, before going to work. From 1st March to 31st of March, at 7 1/2 o'clock. From 1st April to 19th September, at seven o'clock. From 20th September to 31st October, at 7 1/2 o'clock. Return in half an hour.

Dinner. Through the year at 12 1/2 o'clock. From 1st May to 31st August, return in 45 minutes. From 1st September to 30th April, return in 30 minutes.

Quit work. From 1st May to 31st August, at 7 o'clock. From 1st September to 19th September, at dark. From 20th September to 19th March, at 7 1/2 o'clock. From 20th March to 30th April, at dark.

Lamps are never lighted on Saturday evenings. The above is the time which is kept in all the mills in Lowell, with a slight difference in the machine shop; and it makes the average daily time throughout the year, of running the mills, to be twelve hours and ten minutes.

There are four days in the year which are observed as holidays, and on which the mills are never put in motion. These are Fast Day, Fourth of July, Thanksgiving Day, and Christmas Day. These make one day more than is usually devoted to pastime in any other place in New England. The following table shows the average hours of work per day, throughout the year, in the Lowell Mills:

	HOURS	MIN		HOURS	MIN
January	11	24	July	12	45
February	12		August	12	45
March	11	52	September	12	23
April	13	31	October	12	10
May	12	45	November	11	56
June	12	45	December	11	24

...

In Lowell, but very few (in some mills none at all) enter into the factories under the age of fifteen. None under that age can be admitted, unless they bring a certificate from the school teacher, that he or she has attended school at least three months during the preceding twelve. Nine-tenths of the factory population in Lowell come from the country. They are farmers' daughters. Many of them come over a hundred miles to enter the mills. Their education has been attended to in the district schools, which are dotted like diamonds over every square mile of New England. Their moral and religious characters have been formed by pious parents, under the paternal roof. Their bodies have been developed, and their constitutions made strong by pure air, wholesome food, and youthful exercise.

After an absence of a few years, having laid by a few hundred dollars, they depart for their homes, get married, settle down in life, and become the heads of families. Such, we believe, in truth, to be a correct statement of the Lowell operatives, and the hours of labor.

THE GENERAL HEALTH OF THE OPERATIVES. In regard to the health of the operatives employed in the mills, your Committee believe it to be good. The testimony of the female petitioners does not controvert this position, in general, though it does in particular instances. The population of the city of Lowell is now rising 26,000, of which number, about 7,000 are females employed in the mills. It is the opinion of Dr. Kimball, an eminent physician of Lowell, with whom the Committee had an interview, that there is less sickness among the persons at work in the mills, than there is among those who do not work in the mills; and that there is less sickness now than there was several years ago, when the number was much less than at present. This we understood to be also the opinion of the city physician, Dr. Wells, from whose published report for the present year, we learn that the whole number of deaths in Lowell, during the year 1844, was 362, of which number, 200 were children under ten years of age.

DISEASES	1840	1841	1842	1843	1844
Consumption	40	54	70	73	77
Inflammation of Lungs	17	20	38	16	24
Cholera Infantum	12	30	34	27	31
Scarlet Fever	7	43	32	6	3
Measles	0	4	12	0	10
Dysentery	47	18	17	11	2
Inflammation of Brain	7	11	6	8	4
Croup	7	10	12	6	11
Total mortality each year*	426	456	473	363	362

*Totals of enumerated diseases are: 1840, 137; 1841, 190; 1842, 221; 1843, 147; 1844, 161 – ED.

The preceding table shows the comparative mortality in Lowell during the past five years, enumerating some of the principal diseases.

The population of Lowell, in May, 1840, was 7,341 males and 13,740 females; total, 20,981. The population in May, 1844, was 9,432 males, 15,637 females; total, 25,163; increase of population in four years, 4,182. Notwithstanding this increase of population, the number of deaths has decreased. There being fewer the past year than in any of the four preceding years, and 64 less in 1844 than in 1840. Yet, during the past year, the mills have been in more active operation than during either of the four years preceding. The decrease in the mortality of Lowell, Dr. Wells attributes, in part, to “the enlightened policy of the city government, in directing the construction of common sewers, and the enterprise of individuals, in multiplying comfortable habitations, the establishment of a hospital, supported by the liberality of the corporations, for the accommodation of the sick in their employ. The more general diffusion of a knowledge of the laws of health, is also conducive to the same end.”

The petitioners thought that the statements made by our city physician, as to the number of deaths, were delusive, inasmuch as many of the females when taken sick in Lowell do not stay there, but return to their homes in the country and die. Dr. Kimball thought that the number who return home when seized with sickness was small. Mr. Cooper, whose testimony we have given, and who is a gentleman of great experience, says that he has known but one girl who,

during the last eight years, went home from Lowell and died. We have no doubt, however, that many of the operatives do leave Lowell and return to their homes when their health is feeble, but the proportion is not large. Certainly it has created no alarm, for the sisters and acquaintances of those who have gone home return to Lowell to supply the vacancies which their absence had created.

In the year 1841, Mr. French, the agent of the Boott Mills, adopted a mode of ascertaining from the females employed in that mill the effect which factory labor had upon their health. The questions which he put were: "What is your age?" "How long have you worked in a cotton mill?" "Is your health as good as before?"

These questions were addressed to every female in "No. 2, Boott Mill." The committee have the names of the females interrogated, and the answers which they returned, and the result is as follows:

LIST OF GIRLS IN BOOTT MILL, NO. 2 - May 1st, 1841

WHERE EMPLOYED	No. OF GIRLS	AVERAGE AGE*		AVERAGE TIME EMPLOYED IN MILL*		EFFECT UPON HEALTH		
		y.	d.	y.	d.	Imp'd	As good	Not as good
Carding room	20	23	30	5	25	3	12	5
Spinning room	47	28	38	4	10	14	29	4
Dressing room	25	26	60	7	25	2	16	7
Weaving room	111	22	98	3	84	10	62	39
Whole No.	203	22	85	4	29	29	119	55

*The [overall] averages above computed [in the line labeled "Whole No."] are incorrect. "Average Age" should be 24 years, 330 days; "Average time employed" should be 4 years, 310 days. – ED.

To these questions, several of the girls appended remarks. One girl, named S. Middleton, had worked in a mill nine years. She says, "health quite as good; has not been sick in the time." Miss Proctor says, "have worked fourteen years; health a great deal better; sick when out of the mill." A Miss Lawrence says, "have been five years in a mill; health quite as good; not a day's sickness in the time." A Miss Clark says, "have been seventeen years in the mill; health quite as

good; hasn't hurt her a mite." The Boott Mill employs about nine hundred girls, not half a dozen of whom are under fifteen years of age. . . .

There are many interesting facts connected with this inquiry which your Committee have not included in the foregoing remarks, and which we could not include without making our report of too voluminous a character.

We will state, however, in this connection, that the evidence which we obtained from gentlemen connected with the Lowell Mills all goes to prove that the more intelligent and moral the operatives are, the more valuable they are to the employers, and the greater will be the amount of their earnings.

Your Committee have not been able to give the petitions from the other towns in this State a hearing. We believed that the whole case was covered by the petition from Lowell, and to the consideration of that petition we have given our undivided attention, and we have come to the conclusion unanimously, that legislation is not necessary at the present time, and for the following reasons:

1st. That a law limiting the hours of labor, if enacted at all, should be of a general nature. That it should apply to individuals or co-partnerships as well as to corporations. Because, if it is wrong to labor more than ten hours in a corporation, it is also wrong when applied to individual employers, and your Committee are not aware that more complaint can justly be made against incorporated companies in regard to the hours of labor, than can be against individuals or co-partnerships. But it will be said in reply to this, that corporations are the creatures of the Legislature, and therefore the Legislature can control them in this, as in other matters. This to a certain extent is true, but your Committee go farther than this, and say, that not only are corporations subject to the control of the Legislature but individuals are also, and if it should ever appear that the public morals, the physical condition, or the social well-being of society were endangered, from this cause or from any cause, then it would be in the power and it would be the duty of the Legislature to interpose its prerogative to avert the evil.

2d. Your Committee believe that the factory system, as it is called, is not more injurious to health than other kinds of indoor labor. That a law which would compel all of the factories in Massachusetts to run their machinery but ten hours out of the 24, while those in Maine, New Hampshire, Rhode Island and other States in the Union, were not restricted at all, the effect would be to close the gate of every mill in the State. It would be the same as closing our mills one day in every week, and although Massachusetts capital, enterprise and industry are willing to compete on fair terms with the same of other States, and, if needs be, with European nations, yet it is easy to perceive that we could not compete with our sister States, much less with foreign countries, if a restriction of this nature was put upon our manufactories.

3d. It would be impossible to legislate to restrict the hours of labor, without affecting very materially the question of wages; and that is a matter which experience has taught us can be much better regulated by the parties themselves than by the Legislature. Labor in Massachusetts is a very different commodity from what it is in foreign countries. Here labor is on an equality with capital, and indeed controls it, and so it ever will be while free education and free constitutions exist. And although we may find fault, and say, that labor works too many hours, and labor is too severely tasked, yet if we attempt by legislation to enter within its orbit and interfere with its plans, we will be told to keep clear and to mind our own business. Labor is intelligent enough to make its own bargains, and look out for its own interests without any interference from us; and your Committee want no better proof to convince them that Massachusetts men and Massachusetts women, are equal to this, and will take care of themselves better than we can take care of them, than we had from the intelligent and virtuous men and women who appeared in support of this petition, before the Committee.

4th. The Committee do not wish to be understood as conveying the impression, that there are no abuses in the present system of labor; we think there are abuses; we think that many improvements may be made, and we believe will be made, by which labor will not be so severely tasked as it now is. We think that it would be better if the hours for labor were less, if more time was allowed for meals, if more attention was paid to ventilation and pure air in our manufactories, and work-shops, and many other matters. We acknowledge all this, but we say, the remedy is not with us. We look for it in the progressive improvement in art and science, in a higher appreciation of man's destiny, in a less love for money, and a more ardent love for social happiness and intellectual superiority. Your Committee, therefore, while they agree with the petitioners in their desire to lessen the burthens imposed upon labor, differ only as to the means by which these burthens are sought to be removed. . . .

WILLIAM SCHOULER, Chairman.

D. William West, “Wages Slavery and Chattel Slavery,” April 2 and 23, 1847⁵

. . . There may be those who believe that wages slaves work when and for whom they please – make their own contracts, are protected by law, etc. . . . [T]his apparent freedom of the wages slaves is wholly fictitious. Instead of working when, and for whom they please, they are glad to work whenever they can get it to do, and for almost anybody who may be willing to employ them. . . . Instead of being free to make their own contracts, they are not allowed to make any, except such as bitter necessity forces upon them. Is not the price of their labor fixed by the wants (real or imaginary) of their employers? Is it not afterwards regulated by the law of demand and supply? Who pays them more than the market prices? Or who hesitates to discharge them, when their services are no longer needed? . . . How much longer must the just require the passage of laws placing woman (in respect to labor and property) upon terms of equality with man, removing as far as possible, (in this state of society) every temptation to prostitute their persons, either legally or illegally? How much longer must the good and wise demand the abolition of these laws which authorize the traffic in, and monopoly of the LAND? – those laws, but for which, neither wages, not chattel, nor any other form of slavery could exist a moment? How long? how long? . . .

Slavery has been called the “sum of all villainies.” This description of it does not apply to chattel slavery. That is, at least, free from hypocrisy. It does not disguise itself. It appears to be precisely what it is. The whips and the chains, the cruelties of the internal traffic, and the “horrors of the middle passage,” all of the crimes and enormities peculiar to that system, are seen and known of all men. Give even the devil his due. He does not here assume the form of divinity. *Wages* slavery only is that system of it, to which the above description is justly applicable. Is not that *so deceptive* in its character, that even many lovers of liberty (yourself among the number) have mistaken it for freedom? Do but consider this question fairly. . . . Is there *one* evil produced by the chattel system, which is not also produced by the wages? . . .

⁵ Excerpt taken from William West, “Wages Slavery and Chattel Slavery,” *The Liberator* (April 2, 1847); “Wages Slavery and Chattel Slavery,” *The Liberator* (April 23, 1847). William West (birth and death dates unknown) was a prominent labor reformer from the northeast.

E. Time Table of the Lowell Mills, c. October 1851⁶

See illustration on page 138.

⁶Time table of the Lowell mills, to take effect on and after Oct. 21st, 1851. Lowell, Mass.: B. H. Penhallow, Printer, 1851. Reproduced by permission of the Cornell University Library, accession number 0033.60.17.526 in the 6896 G, Stevens Companies Graphics collection.

The Nullification Crisis

- A. Excerpts from Ratification Documents of Virginia and New York
- B. (John C. Calhoun), Rough Draft of What is Called the South Carolina Exposition, December 19, 1828
- C. Senator Robert Y. Hayne, Remarks in Congress, January 25 and 27, 1830
- D. James Madison, On the Nullifying Doctrine, April 3, 1830
- E. Lyrics to Jackson and the Nullifiers, 1832
- F. Epitaph for the Constitution, 1832

Because the government of the United States under the Constitution was designed to be neither wholly national nor wholly federal, the question of how much sovereignty was retained by each of the individual states vis-à-vis the national government remained unresolved even after ratification. Indeed, some states, like Virginia and New York, explicitly included provisions outlining the right of the people either organically, or through their state governments, to resume their political authority in the event the national government proved unable to affect the purposes for which it had been established (Document A). A less dramatic version of this understanding underlay the Virginia and Kentucky Resolves of 1798/1799. Authored by James Madison and Thomas Jefferson, respectively, these documents upheld a robust vision of the states as constitutional interpreters, even (in the case of Kentucky) asserting that within its own borders, a state had the ability to nullify (or, in effect, to disregard) any federal law it believed to be unconstitutional.

Although the 1803 Marbury v. Madison decision helped claim for the Supreme Court the power to declare laws unconstitutional, the idea that the states had a legitimate ability to weigh in on the constitutionality of federal measures (previously manifested in the Hartford Convention, Chapter 9) gained ground in the 1820s, particularly in the agricultural South, where people viewed national economic policies as unfairly partial toward northern manufacturing. South Carolinians took the lead in protesting the federal “tariff of abominations” in 1828 (Documents B and C).

President Andrew Jackson publicly refuted all arguments in favor of nullification, and brought a swift end to South Carolina’s rhetorical rebellion by threatening to use military force against the state if it did not comply with federal law. Many Northerners believed that nullification was not only a philosophical absurdity, but also directly linked to the perpetuation of the institution of slavery. They

applauded Jackson's actions as a defense of not only the Union, but also of freedom itself (Document F). The theory of state sovereignty at the heart of nullification continued to appeal to many Americans and contributed to the deepening divide between northerners and southerners during the antebellum period, leading at least one pessimistic wag to pen an "Epitaph for the Constitution" in which he (or she) imagined the issue leading to the collapse of the Union (Document F).

Study Questions

A. Explain the ways in which the various documents understand the relationship between the states and the federal government. Which is the more legitimate reflection of the people's authority? What is the "great and leading principle" upon which the Constitution and Union were founded according to John C. Calhoun? Why do Calhoun and Robert Y. Hayne believe the states must have the final say regarding the powers of Congress? What arguments do Madison and the author of the Epitaph for the Constitution use to counter this position?

B. How do the arguments about the relationship between the states and the federal government presented here reflect those raised at the time of ratification (Chapter 7) and the Hartford Convention (Chapter 9)? How do they differ? In what ways are these issues similar to the ones raised by the Imperial Crisis between Britain and the Colonies (Chapter 5)?

C. Would the type of political dissent exemplified in these documents have been "legal" under the terms of the National Security Act? (See Volume 2, Chapter 25) How do the idealized understandings of union illustrated by the texts here relate to the comments of Carter and Reagan (Volume 2, Chapter 28) on what Americans owe to one another and to their government?

A. Excerpts from Ratification Documents of Virginia and New York¹

Virginia Ratification Statement, June 26, 1788

We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the General Assembly, and now met in Convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared as well as the most mature deliberation hath enabled us, to decide thereon, DO in the name and on behalf of the people of Virginia, declare and make known that the powers granted under the Constitution, being derived from the people of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them and at their will. . . .

New York Ratification Statement, July 26, 1788

We, the delegates of the people of the state of New York, duly elected and met in Convention, having maturely considered the Constitution of the United States of America . . . and having also seriously and deliberately considered the present situation of the United States, – do declare and make known –

That all power is originally vested in, and consequently derived from, the people, and that government is instituted by them for their common interest, protection, and security.

That the enjoyment of life, liberty, and the pursuit of happiness, are essential rights, which every government ought to respect and preserve.

That the powers of government may be reassumed by the people whensoever it shall become necessary to their happiness; that every power, jurisdiction, and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remains to the people of the several states, or to their respective state governments, to whom they may have granted the same; and that those clauses in the said Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitutions; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

. . .

¹ *Documentary History of the Constitution*, Vol. II (1894), pp. 145, 190.

B. (John C. Calhoun), Rough Draft of What is Called the South Carolina Exposition, December 19, 1828²

... [T]he present disordered state of our political system originated in the diversity of interests which exists in the country – a diversity recognized by the Constitution itself, and to which it owes one of its most distinguished and peculiar features – the division of the delegated powers between the State and General Governments. Our short experience, before the formation of the present Government, had conclusively shown that, while there were powers which in their nature were local and peculiar, and which could not be exercised by all, without oppression to some of the parts – so, also, there were those which, in their operation, necessarily affected the whole, and could not, therefore, be exercised by any of the parts, without affecting injuriously the others. On this different character, by which powers are distinguished in their geographical operation, our political system was constructed. Viewed in relation to them, to a certain extent we have a community of interests, which can only be justly and fairly supervised by concentrating the will and authority of the several States in the General Government; while, at the same time, the States have distinct and separate interests, over which no supervision can be exercised by the general power without injustice and oppression. Hence the division in the exercise of sovereign powers. . . . In the primary division of the sovereign powers, and in their exact and just classification, as stated, are to be found the first provisions or checks against the abuse of authority on the part of the absolute majority. The powers of the General Government are particularly enumerated and specifically delegated; and all powers not expressly delegated, or which are not necessary and proper to carry into effect those that are so granted, are reserved expressly to the States or the people. The Government is thus positively restricted to the exercise of those general powers that were supposed to act uniformly on all the parts – leaving the residue to the people of the States, by whom alone, from the

² John C. Calhoun, *Union and Liberty: The Political Philosophy of John C. Calhoun*, ed. Ross M. Lence (Indianapolis: Liberty Fund, 1992). Available online at: <https://goo.gl/8wm7MJ>. John C. Calhoun (1782–1850) was a leading South Carolina politician, U.S. congressman, senator, secretary of state and war, and vice president. He was also the leading theorist of states' rights, the view that the states retained sovereign power equal to the federal government's. Although he is now known to be the author of this document, at the time of its original publication, his authorship was only suspected, not verified.

very nature of these powers, they can be justly and fairly exercised, as has been stated.

Our system, then, consists of two distinct and independent Governments. The general powers, expressly delegated to the General Government, are subject to its sole and separate control; and the States cannot, without violating the constitutional compact, interpose their authority to check, or in any manner to counteract its movements, so long as they are confined to the proper sphere. So, also, the peculiar and local powers reserved to the States are subject to their exclusive control; nor can the General Government interfere, in any manner, with them, without violating the Constitution.

In order to have a full and clear conception of our institutions, it will be proper to remark that there is, in our system, a striking distinction between Government and Sovereignty. The separate governments of the several States are vested in their Legislative, Executive, and Judicial Departments; while the sovereignty resides in the people of the States respectively. The powers of the General Government are also vested in its Legislative, Executive, and Judicial Departments, while the sovereignty resides in the people of the several States who created it. But, by an express provision of the Constitution, it may be amended or changed by three-fourths of the States; and thus each State, by assenting to the Constitution with this provision, has modified its original right as a sovereign, of making its individual consent necessary to any change in its political condition; and, by becoming a member of the Union, has placed this important power in the hands of three-fourths of the States – in whom the highest power known to the Constitution actually resides. Not the least portion of this high sovereign authority resides in Congress, or any of the departments of the General Government. They are but the creatures of the Constitution, and are appointed but to execute its provisions; and, therefore, any attempt by all, or any of these departments, to exercise any power which, in its consequences, may alter the nature of the instrument, or change the condition of the parties to it, would be an act of usurpation.

It is thus that our political system, resting on the great principle involved in the recognized diversity of geographical interests in the community, has, in theory, with admirable sagacity, provided the most efficient check against their dangers. Looking to facts, the Constitution has formed the States into a community only to the extent of their common interests; leaving them distinct and independent communities as to all other interests, and drawing the line of separation with consummate skill, as before stated. It is manifest that, so long as this beautiful theory is adhered to in practice, the system, like the atmosphere, will press equally on all the parts. But reason and experience teach us that theory

of itself, however excellent, is nugatory, unless there be means of efficiently enforcing it in practice – which brings under consideration the highly important question – What means are provided by the system for enforcing this fundamental provision? . . .

A system like ours, of divided powers, must necessarily give great importance to a proper system of construction; but it is perfectly clear that no rule of construction, however perfect, can, in fact, prescribe bounds to the operation of power. All such rules constitute, in fact, but an appeal from the minority to the justice and reason of the majority; and if such appeals were sufficient of themselves to restrain the avarice or ambition of those vested with power, then may a system of technical construction be sufficient to protect against the encroachment of power; but, on such supposition, reason and justice might alone be relied on, without the aid of any constitutional or artificial restraint whatever. Universal experience, in all ages and countries, however, teaches that power can only be restrained by power, and not by reason and justice; and that all restrictions on authority, unsustained by an equal antagonist power, must forever prove wholly inefficient in practice. . . . But that protection, which the minor interests must ever fail to find in any technical system of construction, may be found in the reserved rights of the States themselves, if they be properly called into action; and there only will they ever be found of sufficient efficacy. The right of protecting their powers results, necessarily, by the most simple and demonstrative arguments, from the very nature of the relation subsisting between the States and General Government. . . .

How is the remedy to be applied by the States? In this inquiry a question may be made – whether a State can interpose its sovereignty through the ordinary Legislature, but which the committee do not deem it necessary to investigate. It is sufficient that plausible reasons may be assigned against this mode of action, if there be one (and there is one) free from all objections. Whatever doubts may be raised as to the question – whether the respective Legislatures fully represent the sovereignty of the States for this high purpose, there can be none as to the fact that a Convention³ fully represents them for all purposes whatever. Its authority, therefore, must remove every objection as to form, and leave the question on the single point of the right of the States to interpose at all. When convened, it will belong to the Convention itself to determine, authoritatively, whether the acts of which we complain be unconstitutional; and, if so, whether they constitute a violation so deliberate, palpable, and dangerous, as to justify the interposition of the State to protect its rights. If this question be decided in the affirmative, the Convention will then

³ Calhoun is arguing that a convention representing the people of a state would represent their sovereign power. Conventions ratified the Constitution.

determine in what manner they ought to be declared null and void within the limits of the State; which solemn declaration, based on her rights as a member of the Union, would be obligatory, not only on her own citizens, but on the General Government itself; and thus place the violated rights of the State under the shield of the Constitution. . . .

It may be objected, then – in the first place, that the right of the States to interpose rests on mere inference, without any express provision in the Constitution; and that it is not to be supposed – if the Constitution contemplated the exercise of powers of such high importance – that it would have been left to inference alone. In answer, the committee would ask, whether the power of the Supreme Court to declare a law unconstitutional is not among the very highest and most important that can be exercised by any department of the Government – and if any express provision can be found to justify its exercise? Like the power in question, it also rests on mere inference – but an inference so clear, that no express provision could render it more certain. The simple fact, that the Judges must decide according to law, and that the Constitution is paramount to the acts of Congress, imposes a necessity on the court to declare the latter void whenever, in its opinion, they come in conflict, in any particular case, with the former. So, also, in the question under consideration. The right of the States – even supposing it to rest on inference, stands on clearer and stronger grounds than that of the Court. In the distribution of powers between the General and State Governments, the Constitution professes to enumerate those assigned to the former, in whatever department they may be vested; while the powers of the latter are reserved in general terms, without attempt at enumeration. It may, therefore, constitute a presumption against the former – that the Court has no right to declare a law unconstitutional, because the power is not enumerated among those belonging to the Judiciary – while the omission to enumerate the power of the States to interpose in order to protect their rights – being strictly in accord with the principles on which its framers formed the Constitution, raises not the slightest presumption against its existence. Like all other reserved rights, it is to be inferred from the simple fact that it is not delegated – as is clearly the case in this instance.

Again – it may be objected to the power, that it is inconsistent with the necessary authority of the General Government – and, in its consequences, must lead to feebleness, anarchy, and finally disunion.

It is impossible to propose any limitation on the authority of governments, without encountering, from the supporters of power, this very objection of feebleness and anarchy. . . . It is, in fact, not at all surprising that, to a people unacquainted with the nature of liberty, and inexperienced in its blessings, all

limitations on supreme power should appear incompatible with its nature, and as tending to feebleness and anarchy. . . . With us, however, who know from our own experience . . . that power can only be rendered useful and secure by being properly checked – it is, indeed, strange that any intelligent citizen should consider limitations on the authority of government incompatible with its nature – or should fear danger from any check properly lodged, which may be necessary to guard against usurpation or abuse, and protect the great and distinct interests of the country. That there are such interests represented by the States, and that the States are the only competent powers to protect them, has been sufficiently established; and it only remains, in order to meet the objection, to prove that, for this purpose, the States may be safely vested with the right of interposition. . . .

But it may be objected, that the exercise of the power would have the effect of placing the majority under the control of the minority. If the objection were well founded, it would be fatal. If the majority cannot be trusted, neither can the minority: and to transfer power from the former to the latter, would be but the repetition of the old error, in taking shelter under monarchy or aristocracy, against the more oppressive tyranny of an illy [sic] constructed republic. But it is not the consequence of proper checks to change places between the majority and minority. It leaves the power controlled still independent; as is exemplified in our political institutions, by the operation of acknowledged checks. The power of the Judiciary to declare an act of Congress, or of a State Legislature, unconstitutional, is, for its appropriate purpose, a most efficient check; but who that is acquainted with the nature of our Government ever supposed that it ever really vested (when confined to its proper object) a supreme power in the Court over Congress or the State Legislatures? Such was neither the intention, nor is it the effect. . . .

That there exists a case which would justify the interposition of this State, in order to compel the General Government to abandon an unconstitutional power, or to appeal to this high authority to confer it by express grant, the committee do not in the least doubt; and they are equally clear in the necessity of its exercise, if the General Government should continue to persist in its improper assumption of powers belonging to the State – which brings them to the last point they propose to consider – viz.: When would it be proper to exercise this high power?

If the committee were to judge only by the magnitude of the interests at stake, they would, without hesitation, recommend the call of a Convention without delay. But they deeply feel the obligation of respect for the other members of the confederacy, and the necessity of great moderation and forbearance in the exercise even of the most unquestionable right, between

parties who stand connected by the closest and most sacred political compact. With these sentiments, they deem it advisable, after presenting the views of the Legislature in this solemn manner (if the body concur with the committee), to allow time for further consideration and reflection, in the hope that a returning sense of justice on the part of the majority, when they come to reflect on the wrongs which this and the other staple States have suffered, and are suffering, may repeal the obnoxious and unconstitutional acts – and thereby prevent the necessity of interposing the veto of the State.

The committee are further induced, at this time, to recommend this course, under the hope that the great political revolution, which will displace from power, on the 4th of March next, those who have acquired authority by setting the will of the people at defiance – and which will bring in an eminent citizen, distinguished for his services to his country, and his justice and patriotism, may be followed up, under his influence, with a complete restoration of the pure principles of our Government.⁴ But, in thus recommending delay, the committee wish it to be distinctly understood, that neither doubts of the rightful power of the State, nor apprehension of consequences, constitute the smallest part of their motives. They would be unworthy of the name of freemen – of Americans – of Carolinians, if danger, however great, could cause them to shrink from the maintenance of their constitutional rights. But they deem it preposterous to anticipate danger under a system of laws, where a sovereign party to the compact, which formed the Government, exercises a power which, after the fullest investigation, she conscientiously believes to belong to her under the guarantee of the Constitution itself – and which is essential to the preservation of her sovereignty. The committee deem it not only the right of the State, but her duty, under the solemn sanction of an oath, to interpose, if no other remedy be applied. They interpret the oath to defend the Constitution, not simply as imposing an obligation to abstain from violation, but to prevent it on the part of others. In their opinion, he is as guilty of violating that sacred instrument, who permits an infraction, when it is in his power to prevent it, as he who actually perpetrates the violation. The one may be bolder, and the other more timid – but the sense of duty must be weak in both.

With these views the committee are solemnly of the impression – if the present usurpations and the professed doctrines of the existing system be persevered in – after due forbearance on the part of the State – that it will be her sacred duty to interpose – a duty to herself – to the Union – to the present, and to future generations – and to the cause of liberty over the world, to arrest the

⁴ March 4, 1829 was the date of the Inauguration of Andrew Jackson, who turned out to be a strong opponent of nullification.

progress of a usurpation which, if not arrested, must, in its consequences, corrupt the public morals and destroy the liberty of the country.

C. Senator Robert Y. Hayne, Remarks in Congress, January 25 and 27, 1830⁵

... [W]e ask nothing of our Northern brethren but to “let us alone;” leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more. . . .

The honorable gentleman from Massachusetts [Mr. Webster⁶] while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. . . . Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold. I will struggle while I have life, for our altars and our fire sides, and if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border; I will carry the war into the enemy’s territory, and not consent to lay down my arms, until I shall have obtained “indemnity for the past, and security for the future.”⁷ It is with unfeigned reluctance that I enter upon the performance of this part of my duty. I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings, and sectional jealousies. But, sir, the task has been forced upon me, and I proceed right onward to the performance of my duty; be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. . . .

Who, then, Mr. President, are the true friends of the Union? Those who would confine the federal government strictly within the limits prescribed by the constitution – who would preserve to the States and the people all powers not expressly delegated – who would make this a federal and not a national Union – and who, administering the government in a spirit of equal justice, would make

⁵ *The Webster-Hayne Debate on the Nature of the Constitution: Selected Documents*, ed. Herman Belz (Indianapolis: Liberty Fund, 2000). 3/26/2018. Available online at: <https://goo.gl/7Pbesa>. Robert Y. Hayne (1791–1839) was a U.S. senator from South Carolina.

⁶ Daniel Webster (1782–1852) was a lawyer, U.S. senator from Massachusetts and a secretary of state.

⁷ A phrase used subsequently in American history with regard to Mexico and the defeated South, which appears to have originated in British Parliamentary debate with reference to Britain’s attitude toward the American colonies.

it a blessing and not a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the States and adding strength to the federal government; who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. . . .

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy by the exercise of its sovereign authority against “a gross, palpable, and deliberate violation of the Constitution.” He called it “an idle” or “a ridiculous notion,” or something to that effect; and added, that it would make the Union “a mere rope of sand” . . .

Sir, as to the doctrine that the Federal Government is the exclusive judge of the extent as well as the limitations of its powers, it seems to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court, are invested with this power. If the Federal Government, in all or any of its departments, are to prescribe the limits of its own authority; and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the Constitution shall be overleaped, this is practically “a Government without limitation of powers;” the States are at once reduced to mere petty corporations, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved – a firm, manly, and steady resistance against usurpation. The measures of the Federal Government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. . . .

. . . It cannot be doubted, and is not denied, that before the formation of the constitution, each State was an independent sovereignty, possessing all the rights and powers appertaining to independent nations; nor can it be denied that, after the constitution was formed, they remained equally sovereign and independent, as to all powers, not expressly delegated to the Federal Government. This would have been the case even if no positive provision to that effect had been inserted in that instrument. But to remove all doubt it is expressly declared, by the 10th article of the amendment of the constitution, “that the powers not delegated to the States, by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” . . .

The whole form and structure of the Federal Government, the opinions of the framers of the Constitution, and the organization of the State Governments,

demonstrate that though the States have surrendered certain specific powers, they have not surrendered their sovereignty. . . .

No doubt can exist, that, before the States entered into the compact, they possessed the right to the fullest extent, of determining the limits of their own powers – it is incident to all sovereignty. Now, have they given away that right, or agreed to limit or restrict it in any respect? Assuredly not. They have agreed, that certain specific powers shall be exercised by the Federal Government; but the moment that Government steps beyond the limits of its charter, the right of the States “to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties, appertaining to them,”⁸ is as full and complete as it was before the Constitution was formed. It was plenary then, and never having been surrendered, must be plenary now.

. . .

The gentleman has made an eloquent appeal to our hearts in favor of union. Sir, I cordially respond to that appeal. I will yield to no gentleman here in sincere attachment to the Union, – but it is a Union founded on the Constitution, and not such a Union as that gentleman would give us, that is dear to my heart. If this is to become one great “consolidated government,” swallowing up the rights of the States, and the liberties of the citizen, “riding and ruling over the plundered ploughman, and beggared yeomanry,”⁹ the Union will not be worth preserving. Sir, it is because South Carolina loves the Union, and would preserve it forever, that she is opposing now, while there is hope, those usurpations of the Federal Government, which, once established, will, sooner or later, tear this Union into fragments. . . .

D. James Madison, On the Nullifying Doctrine, April 3, 1830¹⁰

But there are doctrines espoused from which I am constrained to dissent. I allude particularly to the doctrine . . . that the States (perhaps their Governments) have, singly, a constitutional right to resist, and by force annul within itself, acts of the Government of the United States, which [they] deem unauthorized by the Constitution of the United States; although such acts be

⁸ A quotation from the Virginia Resolves, written by James Madison.

⁹ A quotation from a letter of Thomas Jefferson to William Branch Giles, (December 26, 1825) criticizing a consolidated federal government.

¹⁰ “[Copy of James Madison] to Robert Y. Hayne [as enclosed in James Madison to Edward Everett, April 17, 1830], 3 April 1830,” *Founders Online*, National Archives, last modified November 26, 2017, <https://goo.gl/g9tLLB>.

not within the extreme cases of oppression, which justly absolve the State from the Constitutional compact to which it is a party.

. . . [I]t is believed that by keeping in view distinctions, (an inattention to which is often observable in the ablest discussions of the subjects embraced in those proceedings) between the Governments of the States, and the States in the sense in which they were parties to the Constitution; between the several modes and objects of interposition against the abuses of power; and more especially between interpositions within the purview of the Constitution; and interpositions appealing from the Constitution to the rights of nature, paramount to all Constitutions; with these distinctions kept in view, and an attention always of explanatory use, to the views and arguments which are combatted, a confidence is felt that the Resolutions of Virginia as vindicated in the Report on them, are entitled to an exposition shewing a consistency in their parts, and an inconsistency of the whole with the doctrine under consideration.

On recurring to the printed Debates in the House of Delegates on the occasion, which were ably conducted, and are understood to have been, for the most part at least, revised by the Speakers; the tenor of them does not disclose any reference to a Constitutional right in an individual State, to arrest by force, the operation of a law of the United States. . . .

In this review I have not noticed the idea entertained by some, that disputes between the Government of the United States and those of the Individual States may and must be, adjusted by negotiation, as between independent powers.

Such a mode as the only one of deciding such disputes, would seem to be as expressly at variance with the language and provisions of the Constitution, as in a practical view, it is pregnant with consequences subversive of the Constitution. It may have originated in a supposed analogy to the negotiating process, in cases of disputes between separate branches or departments of the same Government: but the analogy does not exist. In the case of disputes between independent parts of the same Government, neither of them being able to consummate its pretensions, nor the Government to proceed without a co-operation of the several parts, necessity brings about an adjustment. In disputes between a State Government and the Government of the United States, the case is both theoretically and practically different; each party possessing all the Departments of an organized Government, Legislative, Executive & Judiciary; and having, each, a physical force at command.

This idea of an absolute separation and independence between the Government of the United States and the State Governments, as if they belonged to different nations alien to each other, has too often tainted the reasoning applied to constitutional questions. Another idea not less unsound and sometimes presenting itself is, that a cession of any part of the rights of

sovereignty, is inconsistent with the nature of sovereignty, or at least a degradation of it. This would certainly be the case, if the cession was not both mutual and equal: but where there is both mutuality and equality, there is no real sacrifice on either side, each gaining as much as it grants; and the only point to be considered is the expediency of the compact, and that, to be sure, is a point that ought to be well considered. On this principle it is that treaties are admissible between independent powers, wholly alien to each other, altho' privileges may be granted by each of the parties at the expense of its internal jurisdiction. On the same principle it is, that individuals entering into the social State, surrender a portion of their equal rights as men. If a part only made the surrender, it would be a degradation; but the surrenders being mutual, and each gaining as much authority over others as is granted to others over him, the inference is mathematical, that in theory nothing is lost by any; however different the result may be in practice.

I am now brought to the proposal which claims for the States respectively, a right to appeal against an exercise of power by the Government of the United States, which by the State is decided to be unconstitutional, to a final decision by three fourths of the parties to the Constitution. With every disposition to take the most favorable view of the expedient that a high respect for its Patrons could prompt, I am compelled to say that it appears to be either not necessary, or utterly inadmissible.

I take for granted it is not meant that pending the appeal, the offensive law of the United States is to be suspended within the State. Such an effect would necessarily, arrest its operation everywhere; a uniformity in the operation of the laws of the United States being indispensable, not only in a Constitutional and equitable, but, in most cases, in a practicable point of view; and a final decision adverse to that of the appellant State, would afford grounds and kinds of complaints that need not be traced.

But aside from those considerations, it is to be observed that the effect of the appeal will depend wholly on the form in which the case is proposed to the Tribunal which is to decide it.

If three fourths of the States can sustain the State in its decision, it would seem, that this extra constitutional course of proceeding might well be spared; inasmuch as two thirds can institute, and three fourths can effectuate, an amendment of the Constitution, which would establish a permanent rule of the highest authority, instead of a precedent of construction only.

If, on the other hand, three fourths are required to reverse the decision of the State, it will then be in the power of the smallest fraction over one fourth; of seven states for example out of twenty-four; to give the law to seventeen States, each of the seventeen having, as parties to the Constitutional compact, an equal

right with each of the seven, to expound and insist on its exposition. That the seven might in particular cases be right and the seventeen wrong, is quite possible. But to establish a positive and permanent rule, giving such power, to such a minority, over such a majority, would overturn the first principle of a free Government, and in practice could not fail to overturn the Government itself.

It must be recollected that the Constitution was proposed to the people of the States, as a whole, and unanimously adopted as a whole; it being a part of the Constitution, that not less than three fourths should be competent to make any alteration in what had been unanimously agreed to. So great is the caution on this point, that in two cases, where peculiar interests were at stake, a majority even of three fourths are distrusted, and a unanimity required to make any change affecting those cases.

When the Constitution was adopted as a whole, it is certain there are many of its parts, which if proposed by themselves would have been promptly rejected. It is far from impossible, that every part of a whole would be rejected by a majority, and yet the whole be unanimously accepted. Constitutions will rarely, probably never, be formed without mutual concessions; without articles conditioned on and balancing each other. Is there a Constitution of a single State out of the twenty-four, that would bear the experiment of having its component parts, submitted to the people separately, and decided on according to their insulated merits?

What the fate of the Constitution of the United States would be, if a few States could expunge parts of it most valued by the great majority, and without which the great majority would never have agreed to it – can have but one answer.

The difficulty is not removed by limiting the process to cases of construction. How many cases of that sort, involving vital texts of the Constitution, have occurred? How many now exist? How many may hereafter spring up! How many might be plausibly created, if entitled to the privilege of a decision in the mode proposed.

Is it certain that the principle of that mode may not reach much farther than is contemplated? If a single State can of right require three fourths of its co-States, to overrule its exposition of the Constitution, because that proportion is authorized to amend it; is the plea less plausible, that as the Constitution was unanimously formed, it ought to be unanimously expounded.

The reply to all such suggestions must be, that the Constitution is a compact; that its text is to be expounded according to the provision for it, making part of the compact; and that none of the parties can rightfully violate the expounding provision more than any other part. When such a right accrues

as may be the case, it must grow out of abuses of the Constitution, amounting to a release of the sufferers from their allegiance to it. . . .

E. Lyrics to “Jackson and the Nullifiers,” 1832¹¹

Why Yankee land is at a stand,
 And all in consternation;
 For in the South they make a rout,
 And all about Nullification.
 Sing Yankee doodle doodle doo,
 Yankee doodle dandy,
 Our foes are few, our hearts are true,
 And Jackson is quite handy.

...

Nat Turner’s plan¹², the daring man,
 May soon reach South Carolina,
 Then would the black, their bodies hack,
 Cæsar, Cato, Pomp, and Dinah,
 Sing Yankee doodle doodle doo,
 Yankee doodle dandy.
 These Southern folks, may crack their jokes,
 If notherners are so handy.

...

Their cotton bags, may turn to rags,

¹¹ Jackson and the nullifiers . . . Printed and sold, wholesale and retail, at 257 Hudson-street, and 138 Division-street. 1832. 1832. Library of Congress, <https://goo.gl/xVTerL>.

¹² A reference to Nat Turner’s Rebellion; see Chapter 12.

If Eastern men don't buy them,
For all their gold, they may be sold,
Or their slaves may yet destroy them.
Sing Yankee doodle doodle doo,
Yankee doodle dandy,
If their cotton bags don't find a sale,
Their cash wont be so handy.

When we our glorious Constitution form'd,
These Southern men declined it,
But soon they found they were unarmed,
And petitioned to sign it.
Sing Yankee doodle doodle doo,
Yankee doodle dandy,
Now like the snake torpid in a brake,
They think Nullification it is handy.

...

Our country's cause, our country's laws,
We ever will defend, Sir,
And if they do not gain applause,
My song was never penned, Sir.
So, sound the trumpet, beat the drum,
Play Yankee doodle dandy,
We Jackson boys will quickly come,
And be with our rifles handy.

...

F. Epitaph for the Constitution, 1832¹³*Philadelphia Feb. 22, 1832.*

Should the nullifiers succeed in their views of separation, and the Union be in consequence dissolved, the following will be an appropriate epitaph.

(Anticipation.)*Disunited States, January 1, 1834.***EPITAPH.**

HERE,

To the ineffable joy of Despots, and Friends of Despotism,
throughout the world,

and the universal distress and mortification

OF THE FRIENDS OF HUMAN LIBERTY AND HAPPINESS

LIE THE SHATTERED REMAINS

of the noblest fabric of Government, ever devised by man,

The Constitution of the United States.

The fatal result of its dissolution was chiefly produced,

by the unceasing efforts of some of the most highly gifted men in the U.S.

whose labors, for a series of years have had this sinister tendency,

by the most exaggerated statements of the distress

and sufferings of South Carolina

(unjustly ascribed to the tariffs of duties on imports)

which, whatever they were, arose from the blighting, blasting, withering
effects of SLAVERY;

together with the depreciation of the great Staple of the State,

THE INEVITABLE CONSEQUENCE OF OVER-PRODUCTION :

caused, in a great degree, by the depression of the Manufacturers of the
country, in 1816, 1817, 1818, 1819, 1820 & 1821, for want

of the protection of the government,

WITHHELD BY THE MISERABLE TARIFF OF 1816:

which overspread the land

with distress, and wretchedness, and bankruptcy;

and produced in three years more decay and ruin of national prosperity,

than a war of equal duration would have done.

It reduced the value of real estate in Pennsylvania in that space of time,

¹³ Anonymous, *Dissolution of the Union* (Philadelphia: 1832), 21-24.

100,000,000 of dollars,
 and in all of the grain-growing states probably \$300,000,000.
 It drove thousands and tens of thousands of Manufacturers to farming;
 And thus, by the conversion of customers to rivals,
 DEPRESSED AND RUINED A LARGE PORTION OF FARMERS,
 who "were driven to seek, in the uncultivated forests of the west, that
 shelter of which they were deprived in their native states."
 Numbers of those depressed farmers
 devoted themselves to the culture of Cotton;
 hence production so far outran consumption, that our export of uplands,
 which in 1819 was only 80,508,270 lbs.
 rose in 1823 to 161,586,583 lbs and in 1827 to 279,169,217.
 Although the distresses of South Carolina were charged
 To the Tariffs of 1824 and 1828,
 It has been established, beyond the possibility of doubt,
 That there was at least as much distress in 1823, as the seceders complained
 Of, to justify their secession, in 1832.
 By the dissolution of the Union are profusely sowed the seeds of Servile,
 Social, and Peloponnesian wars,
 which will arm father against son, son against father, and brother
 against brother; and make this (now) peaceful land
 flow with rivers of blood,
 transforming these tranquil scenes into objects of horror to superior beings,
 rendering us tools and puppets to foreign nations,
 and will probably subject the nation finally to some Caesar or Cromwell.

To produce the calamitous result to which this STONE bears record,
 other causes almost equally contributed:
 that is to say, the *withering apathy, unworthy parsimony,*
dire and fatuitous impolicy
as respected their own interests, together
 with an utter destitution of regard for the public welfare, of a large
 portion of the MANUFACTURING CAPITALISTS,
 on whom the powers of
 language were for twelve years exhausted in vain,
 to excite them to make the few sacrifices necessary to dipel the errors
 under which the southern states laboured, although
 their fortunes and those of their
 children, and the peace, prosperity, and union of their country
 were at stake.

A MORE GLORIOUS CAUSE

has rarely existed; and scarcely ever was a great cause so miserably
and pettifoggingly managed.

A more dire instance of infatuation, or one attended with more disastrous
consequences, is seldom to be met with in history.

The folly – perhaps the guilt would be a more proper term –
will carry its own punishment;

for losses will inevitably arise to the parties to an extent one hundred fold
beyond what would have operated as an infallible preventive.

Men worth hundreds of thousands of dollars,
who would not sacrifice

30, 20, 10, or even five dollars a year, to pay for paper
and printing to enlighten the public mind, to avert the calamities of their
country, and secure their own prosperity, will lose thousands;
and many of the body probably be swallowed up
in bankruptcy.

Here, then, at length, is the problem solved,

WHETHER MAN BE FIT FOR SELF GOVERNMENT;

And, alas!

DETERMINED IN THE NEGATIVE.

For no country ever had,
and it is utterly improbable any country ever will have, equal advantages
with those we enjoyed.

We started in our career a comparatively pure people,
with free and liberal forms of government;
have been blessed with boundless prosperity;

Our citizens were more enlightened than those of the nations
of the old world.

We have had before our eyes most powerful admonitions:
the tremendous examples of anarchy,
of rapine, lust, and slaughter, in France, where hundreds of thousands
have been immolated to satanic revenge-infuriate hatred –
devouring cupidity – and wild ambition;
and where the nation,
in the vain search after liberty, exhausted
and wearied out by the rapine, and cruelty, and ambition
of a succession of monsters, finally sunk into torpid submission to the
uncontrolled domination of a single DESPOT;
and after a succession of sanguinary wars, in which

human blood flowed like water, recalled their ancient, expelled
dynasty.

Our WESTERN HEMISPHERE held out equal warnings.

Here, the various REPUBLICS,

as they are ludicrously styled, after a series of most
sanguinary struggles, marked with all the horrors and abominations
of which man in his most depraved state is capable, have
been the prey of a succession of
military usurpers,

whose career has been almost uniformly and
ingloriously closed, by the dagger, by poison, or by the musket.

To have shut our eyes and our ears
against such warnings, required a stupendous degree
of stupid blindness,
rarely equalled in the dark annals of the miserable animal, MAN.
SIC TRANSIT GLORIA MUNDI.¹⁴

¹⁴ Latin phrase meaning, "Thus passes the glory of the world."

The Peculiar Institution: Positive Good or Pernicious Sin?

- A. American Anti-Slavery Society, Declaration of Sentiments, December 6, 1833
- B. Angelina Grimké, *Appeal to Christian Women of the South*, 1836
- C. Southern Runaway Slave Notices, 1839 and “Our Peculiar Domestic Institutions,” 1840
- D. Frederick Douglass, “I have as much right in this country as any other man,” June 8, 1849
- E. George Fitzhugh, *Sociology for the South, or, The Failure of Free Society*, 1854
- F. Number of Slaves in the Territory Enumerated, 1790 to 1850, US Census Bureau

By 1830, slavery had become very much a regional, as opposed to a national institution (Document F). The New England and Middle States had, through a combination of gradual abolition and immediate emancipation measures, dramatically decreased the number of slaves in their territories, while the Southern states had increased their reliance upon slave labor in the production of various cash crops, chief among them “King Cotton.” Nevertheless, there were individuals in both sections of the country who recognized the need for continued prudential reform. In December 1833, dozens of Northern activists met in Philadelphia to found the American Anti-Slavery Society (Document A). Although the group called for the immediate and uncompensated emancipation of all enslaved persons, they also denounced the use of violent resistance – an important concession to Southern slaveholders fearful of additional armed uprisings like Nat Turner’s Rebellion (1831). Southern activist Angelina Grimke addressed similar fears in her *Appeal to the Christian Women of the South* (Document B). Grimke urged Southern women to speak out against slavery as an unjust and oppressive system, but also counseled them to encourage patience and submission on the part of their slaves until freedom was obtained.

As the decade wore on, such moderate positions were eclipsed by a hardening of views and greater entrenchment on both sides. Southern newspapers carried advertisements for runaway slaves that described them in horrific, brutalizing terms, which Northern publishers delighted in reprinting to highlight the inhumanity of

slaveholders (Document C). In 1849, Frederick Douglass – a self-emancipated former slave – emphatically denounced all plans related to abolition that did not also aim at ending racial prejudice and lead towards the formal equality of blacks and whites (Document D). Yet five years later, Southern sociologist George Fitzhugh was still defending race-based slavery as positive good, arguing that it benefited the slave as well as the owner (Document E).

Study Questions

A. How might the shifting demographics of slavery in the United States have contributed to the regional tensions and the escalating rhetoric on the issue? Looking at Document C, what can we conclude about the treatment of southern slaves? How do the various authors view the slave experience; how do they view enslaved individuals? What reasons do they offer for ending or supporting slavery?

B. How are the arguments about slavery in this chapter like or unlike those in Chapter 10 about wage slavery and slavery?

C. How true does President Abraham Lincoln's remark in Document B of Volume 2, Chapter 16 that both Northerners and Southerners prayed to the same God and read the same Bible appear in light of the very different interpretations of the Bible on the question of slavery, as evidenced here? In what ways are the arguments about eugenics in Volume 2, Chapter 19 reminiscent of the arguments in favor of slavery? How might either set of arguments be evaluated in light of the Declaration of Independence (Appendix A)? In what ways do the arguments for and against containment of the Soviet Union in Volume 2, Chapter 24 recall earlier arguments for and against the containment of slavery hinted at by the documents here? How might we evaluate the discussion of African American Civil Rights in Volume 2, Chapter 26 in light of the texts in this chapter: how have attitudes from the earlier time period remained in force? How have they changed?

A. American Anti-Slavery Society, Declaration of Sentiments, December 6, 1833¹

The Convention assembled in the city of Philadelphia, to organize a National Anti-Slavery Society, promptly seize the opportunity to promulgate the following Declaration of Sentiments, as cherished by them in relation to the enslavement of one-sixth portion of the American people.

More than fifty-seven years have elapsed, since a band of patriots convened in this place, to devise measures for the deliverance of this country from a foreign yoke. The corner-stone upon which they founded the Temple of Freedom was broadly this – “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.” At the sound of their trumpet-call, three millions of people rose up as from the sleep of death, and rushed to the strife of blood; deeming it more glorious to die instantly as freemen, than desirable to live one hour as slaves. They were few in number – poor in resources; but the honest conviction that Truth, Justice and Right were on their side, made them invincible.

We have met together for the achievement of an enterprise, without which that of our fathers is incomplete; and which, for its magnitude, solemnity, and probable results upon the destiny of the world, as far transcends theirs as moral truth does physical force.

In purity of motive, in earnestness of zeal, in decision of purpose, in intrepidity of action, in steadfastness of faith, in sincerity of spirit, we would not be inferior to them.

Their principles led them to wage war against their oppressors, and to spill human blood like water, in order to be free.

Ours forbid the doing of evil that good may come, and lead us to reject, and to entreat the oppressed to reject, the use of all carnal weapons for deliverance from bondage; relying solely upon those which are spiritual, and mighty through God to the pulling down of strong holds. Their measures were physical resistance – the marshalling in arms – the hostile array – the mortal encounter. Ours shall be such only as the opposition of moral purity to moral corruption – the destruction of error by the potency of truth – the overthrow of prejudice by the power of love – and the abolition of slavery by the spirit of repentance.

Their grievances, great as they were, were trifling in comparison with the wrongs and sufferings of those for whom we plead. Our fathers were never slaves

¹ Declaration of Sentiments of the American Anti-Slavery Convention, *Selections from the Writings of W. L. Garrison* (Boston:1852), 66–71.

– never bought and sold like cattle – never shut out from the light of knowledge and religion – never subjected to the lash of brutal taskmasters.

But those, for whose emancipation we are striving – constituting at the present time at least one-sixth part of our countrymen – are recognized by law, and treated by their fellow-beings, as marketable commodities, as goods and chattels, as brute beasts; are plundered daily of the fruits of their toil without redress; really enjoy no constitutional nor legal protection from licentious and murderous outrages upon their persons; and are ruthlessly torn asunder – the tender babe from the arms of its frantic mother – the heart-broken wife from her weeping husband – at the caprice or pleasure of irresponsible tyrants. For the crime of having a dark complexion, they suffer the pangs of hunger, the infliction of stripes, the ignominy of brutal servitude. They are kept in heathenish darkness by laws expressly enacted to make their instruction a criminal offence.

These are the prominent circumstances in the condition of more than two millions of our people, the proof of which may be found in thousands of indisputable facts, and in the laws of the slaveholding States.

Hence we maintain – that, in view of the civil and religious privileges of this nation, the guilt of its oppression is unequalled by any other on the face of the earth; and, therefore, that it is bound to repent instantly, to undo the heavy burdens, and to let the oppressed go free.

We further maintain – that no man has a right to enslave or imbrute his brother – to hold or acknowledge him, for one moment, as a piece of merchandise – to keep back his hire by fraud – or to brutalize his mind, by denying him the means of intellectual, social and moral improvement.

The right to enjoy liberty is inalienable. To invade it is to usurp the prerogative of Jehovah. Every man has a right to his own body – to the products of his own labor – to the protection of law – and to the common advantages of society. It is piracy to buy or steal a native African, and subject him to servitude. Surely, the sin is as great to enslave an American as an African.

Therefore we believe and affirm – that there is no difference, in principle, between the African slave trade and American slavery:

That every American citizen, who detains a human being in involuntary bondage as his property, is, according to Scripture, (Ex. xxi. 16,) a man-stealer:

That the slaves ought instantly to be set free, and brought under the protection of law:

That if they had lived from the time of Pharaoh down to the present period, and had been entailed through successive generations, their right to be free could never have been alienated, but their claims would have constantly risen in solemnity:

That all those laws which are now in force, admitting the right of slavery, are therefore, before God, utterly null and void; being an audacious usurpation of the Divine prerogative, a daring infringement on the law of nature, a base overthrow of the very foundations of the social compact, a complete extinction of all the relations, endearments and obligations of mankind, and a presumptuous transgression of all the holy commandments; and that therefore they ought instantly to be abrogated.

We further believe and affirm – that all persons of color, who possess the qualifications which are demanded of others, ought to be admitted forthwith to the enjoyment of the same privileges, and the exercise of the same prerogatives, as others; and that the paths of preferment, of wealth, and of intelligence, should be opened as widely to them as to persons of a white complexion.

We maintain that no compensation should be given to the planters emancipating their slaves:

Because it would be a surrender of the great fundamental principle, that man cannot hold property in man:

Because slavery is a crime, and therefore is not an article to be sold:

Because the holders of slaves are not the just proprietors of what they claim; freeing the slave is not depriving them of property, but restoring it to its rightful owner; it is not wronging the master, but righting the slave – restoring him to himself:

Because immediate and general emancipation would only destroy nominal, not real property; it would not amputate a limb or break a bone of the slaves, but by infusing motives into their breasts, would make them doubly valuable to the masters as free laborers; and

Because, if compensation is to be given at all, it should be given to the outraged and guiltless slaves, and not to those who have plundered and abused them.

We regard as delusive, cruel and dangerous, any scheme of expatriation which pretends to aid, either directly or indirectly, in the emancipation of the slaves, or to be a substitute for the immediate and total abolition of slavery.

We fully and unanimously recognize the sovereignty of each State, to legislate exclusively on the subject of the slavery which is tolerated within its limits; we concede that Congress, under the present national compact, has no right to interfere with any of the slave States, in relation to this momentous subject:

But we maintain that Congress has a right, and is solemnly bound, to suppress the domestic slave trade between the several States, and to abolish slavery in those portions of our territory which the Constitution has placed under its exclusive jurisdiction.

We also maintain that there are, at the present time, the highest obligations resting upon the people of the free States to remove slavery by moral and political action, as prescribed in the Constitution of the United States. They are now living under a pledge of their tremendous physical force, to fasten the galling fetters of tyranny upon the limbs of millions in the Southern States; they are liable to be called at any moment to suppress a general insurrection of the slaves; they authorize the slave owner to vote for three-fifths of his slaves as property, and thus enable him to perpetuate his oppression; they support a standing army at the South for its protection and they seize the slave, who has escaped into their territories, and send him back to be tortured by an enraged master or a brutal driver. This relation to slavery is criminal, and full of danger: IT MUST BE BROKEN UP.

These are our views and principles – these our designs and measures. With entire confidence in the overruling justice of God, we plant ourselves upon the Declaration of our Independence and the truths of Divine Revelation, as upon the Everlasting Rock.

We shall organize Anti-Slavery Societies, if possible, in every city, town and village in our land.

We shall send forth agents to lift up the voice of remonstrance, of warning, of entreaty, and of rebuke.

We shall circulate, unsparingly and extensively, anti-slavery tracts and periodicals.

We shall enlist the pulpit and the press in the cause of the suffering and the dumb.

We shall aim at a purification of the churches from all participation in the guilt of slavery.

We shall encourage the labor of freemen rather than that of slaves, by giving a preference to their productions: and

We shall spare no exertions nor means to bring the whole nation to speedy repentance.

Our trust for victory is solely in God. We may be personally defeated, but our principles never. Truth, Justice, Reason, Humanity, must and will gloriously triumph. Already a host is coming up to the help of the Lord against the mighty, and the prospect before us is full of encouragement.

Submitting this Declaration to the candid examination of the people of this country, and of the friends of liberty throughout the world, we hereby affix our signatures to it; pledging ourselves that, under the guidance and by the help of Almighty God, we will do all that in us lies, consistently with this Declaration of our principles, to overthrow the most execrable system of slavery that has ever been witnessed upon earth; to deliver our land from its deadliest curse; to wipe

out the foulest stain which rests upon our national escutcheon; and to secure to the colored population of the United States, all the rights and privileges which belong to them as men, and as Americans – come what may to our persons, our interests, or our reputation – whether we live to witness the triumph of Liberty, Justice and Humanity, or perish untimely as martyrs in this great, benevolent, and holy cause.

B. Angelina Grimké, *Appeal to Christian Women of the South*, 1836²

RESPECTED FRIENDS,

It is because I feel a deep and tender interest in your present and eternal welfare that I am willing thus publicly to address you. . . . I feel an interest in you, as branches of the same vine from whose root I daily draw the principle of spiritual vitality – Yes! Sisters in Christ I feel an interest in you, and often has the secret prayer arisen on your behalf, Lord “open thou their eyes that they may see wondrous things out of thy Law” – It is then, because I do feel and do pray for you, that I thus address you upon a subject about which of all others, perhaps you would rather not hear anything; but, “would to God ye could bear with me a little in my folly, and indeed bear with me, for I am jealous over you with godly jealousy.”³ Be not afraid then to read my appeal; it is not written in the heat of passion or prejudice, but in that solemn calmness which is the result of conviction and duty. It is true, I am going to tell you unwelcome truths, but I mean to speak those truths in love, and remember Solomon says, “faithful are the wounds of a friend.”⁴ I do not believe the time has yet come when Christian women “will not endure sound doctrine,”⁵ even on the subject of Slavery, if it is spoken to them in tenderness and love, therefore I now address you.

. . . It will be, and that very soon, clearly perceived and fully acknowledged by all the virtuous and the candid, that in principle it is as sinful to hold a human being in bondage who has been born in Carolina, as one who has been born in Africa. All that sophistry of argument which has been employed to prove, that although it is sinful to send to Africa to procure men and women as slaves, who, have never been in slavery, that still, it is not sinful to keep those in bondage who

² Angelina Grimké, *Appeal to Christian Women of the South* (New York: American Anti-Slavery Society, 1836).

³ 2 Corinthians 11:1.

⁴ Proverbs 27:6.

⁵ 2 Timothy 4:3.

have come down by inheritance, will be utterly overthrown. We must come back to the good old doctrine of our fore fathers who declared to the world, "this self-evident truth that all men are created equal, and that they have certain inalienable rights among which are, life, liberty, and the pursuit of happiness." It is even a greater absurdity to suppose a man can be legally born a slave under our free Republican Government, than under the petty despotisms of barbarian Africa. If then, we have no right to enslave an African, surely we can have none to enslave an American; if a self-evident truth that all men everywhere and of every color are born equal, and have an inalienable right to liberty, then it is equally true that no man can be born a slave, and no man can ever rightfully be reduced to involuntary bondage and held as a slave, however fair may be the claim of his master or mistress through wills and title-deeds. . . .

But perhaps you will be ready to query, why appeal to women on this subject? We do not make the laws which perpetuate slavery. No legislative power is vested in us; we can do nothing to overthrow the system, even if we wished to do so. To this I reply, I know you do not make the laws, but I also know that you are the wives and mothers, the sisters and daughters of those who do; and if you really suppose you can do nothing to overthrow slavery, you are greatly mistaken. You can do much in every way: four things I will name. 1st. You can read on this subject. 2d. You can pray over this subject. 3d. You can speak on this subject. 4th. You can act on this subject. I have not placed reading before praying because I regard it more important, but because, in order to pray aright, we must understand what we are praying for; it is only then we can "pray with the understanding, and the spirit also."⁶

1. Read then on the subject of slavery. Search the Scriptures daily, whether the things I have told you are true. Other books and papers might be a great help to you in this investigation, but they are not necessary, and it is hardly probable that your Committees of Vigilance⁷ will allow you to have any other. The Bible then is the book I want you to read in the spirit of inquiry, and the spirit of prayer. Even the enemies of Abolitionists, acknowledge that their doctrines are drawn from it. In the great mob in Boston, last autumn, when the books and papers of the Anti-Slavery Society, were thrown out of the windows of their office, one individual laid hold of the Bible and was about tossing it out to the ground, when another reminded him that it was the Bible he had in his hand. "O! 'tis all one," he replied, and out went the sacred volume, along with the rest. We thank him for the acknowledgment. Yes, "it is all one," for our books

⁶ 1 Corinthians 14:15.

⁷ Groups of private citizens acting outside the law but supposedly in support of it. In this case, Grimke is probably referring to committees set up to restrict the circulation of abolitionist writings.

and papers are mostly commentaries on the Bible, and the Declaration. Read the Bible then, it contains the words of Jesus, and they are spirit and life. Judge for yourselves whether he sanctioned such a system of oppression and crime.

2. Pray over this subject. When you have entered into your closets, and shut the doors, then pray to your Father, who sees in secret, that he would open your eyes to see whether slavery is sinful, and if it is, that he would enable you to bear a faithful, open and unshrinking testimony against it, and to do whatsoever your hands find to do, leaving the consequences entirely to him, who still says to us whenever we try to reason away duty from the fear of consequences, "What is that to thee, follow thou me."⁸ Pray also for that poor slave, that he may be kept patient and submissive under his hard lot, until God is pleased to open the door of freedom to him without violence or bloodshed. Pray too for the master that his heart may be softened and he made willing to acknowledge, as Joseph's brethren did, "Verily we are guilty concerning our brother,"⁹ before he will be compelled to add in consequence of Divine judgment, "therefore is all this evil come upon us."¹⁰ Pray also for all your brethren and sisters who are laboring in the righteous cause of Emancipation in the Northern States, England and the world. There is great encouragement for prayer in these words of our Lord. "Whatsoever ye shall ask the Father in my name, he will give it to you"¹¹ – Pray then without ceasing, in the closet and the social circle.

3. Speak on this subject. It is through the tongue, the pen, and the press, that truth is principally propagated. Speak then to your relatives, your friends, your acquaintances on the subject of slavery; be not afraid if you are conscientiously convinced it is sinful, to say so openly, but calmly, and to let your sentiments be known. If you are served by the slaves of others, try to ameliorate their condition as much as possible; never aggravate their faults, and thus add fuel to the fire of anger already kindled, in a master and mistress's bosom; remember their extreme ignorance, and consider them as your Heavenly Father does the less culpable on this account, even when they do wrong things. Discountenance all cruelty to them, all starvation, all corporal chastisement; these may brutalize and break their spirits, but will never bend them to willing, cheerful obedience. If possible, see that they are comfortably and seasonably fed, whether in the house or the field; it is unreasonable and cruel to expect slaves to wait for their breakfast until eleven o'clock, when they rise at five or six. Do all you can, to induce their owners to clothe them well, and to allow them many little indulgences which would contribute to their comfort. Above all, try to persuade

⁸ John 21:22.

⁹ Genesis 42:21.

¹⁰ Jeremiah 32:23, but other passages as well.

¹¹ John 16:23.

your husband, father, brothers and sons, that slavery is a crime against God and man, and that it is a great sin to keep human beings in such abject ignorance; to deny them the privilege of learning to read and write. The Catholics are universally condemned, for denying the Bible to the common people, but, slaveholders must not blame them, for they are doing the very same thing, and for the very same reason, neither of these systems can bear the light which bursts from the pages of that Holy Book. And lastly, endeavor to inculcate submission on the part of the slaves, but whilst doing this be faithful in pleading the cause of the oppressed.

4. Act on this subject. Some of you own slaves yourselves. If you believe slavery is sinful, set them at liberty, “undo the heavy burdens and let the oppressed go free.”¹² If they wish to remain with you, pay them wages, if not let them leave you. Should they remain teach them, and have them taught the common branches of an English education; they have minds and those minds ought to be improved. So precious a talent as intellect, never was given to be wrapped in a napkin and buried in the earth.¹³ It is the duty of all, as far as they can, to improve their own menial faculties, because we are commanded to love God with all our minds, as well as with all our hearts, and we commit a great sin, if we forbid or prevent that cultivation of the mind in others, which would enable them to perform this duty. Teach your servants then to read &c, and encourage them to believe it is their duty to learn, if it were only that they might read the Bible.

But some of you will say, we can neither free our slaves nor teach them to read, for the laws of our state forbid it. Be not surprised when I say such wicked laws ought to be no barrier in the way of your duty, and I appeal to the Bible to prove this position. . . .

I know that this doctrine of obeying God, rather than man, will be considered as dangerous, and heretical by many, but I am not afraid openly to avow it, because it is the doctrine of the Bible; but I would not be understood to advocate resistance to any law however oppressive, if, in obeying it, I was not obliged to commit *sin*. If for instance, there was a law, which imposed imprisonment or a fine upon me *if I manumitted a slave*, I would on no account resist that law, I would set the slave free, and then go to prison or pay the fine. *If a law commands me to sin I will break it; if it calls me to suffer, I will let it take its course unresistingly.* The doctrine of blind obedience and unqualified submission to *any human power*, whether civil or ecclesiastical, is the doctrine of despotism, and ought to have no place among Republicans and Christians.

...

¹² Isaiah 58:6.

¹³ An allusion to Matthew 5:14–30

The *women of the South can overthrow* this horrible system of oppression and cruelty, licentiousness and wrong. Such appeals to your legislatures would be irresistible, for there is something in the heart of man which *will bend under moral suasion*. There is a swift witness for truth in his bosom, which *will respond to truth* when it is uttered with calmness and dignity. If you could obtain but six signatures to such a petition in only one state, I would say, send up that petition, and be not in the least discouraged by the scoffs, and jeers of the heartless, or the resolution of the house to lay it on the table. It will be a great thing if the subject can be introduced into your legislatures in any way, even by *women*, and *they will* be the most likely to introduce it there in the best possible manner, as a matter of morals and *religion*, not of expediency or politics. You may petition, too, the different ecclesiastical bodies of the slave states. Slavery must be attacked with the whole power of truth and the sword of the spirit. You must take it up on *Christian* ground, and fight against it with Christian weapons, whilst your feet are shod with the preparation of the gospel of peace. And you *are now* loudly called upon by the cries of the widow and the orphan, to arise and gird yourselves for this great moral conflict, with the whole armor of righteousness upon the right hand and on the left.¹⁴ . . .

I have appealed to your sympathies as women, to your sense of duty as *Christian women*. . . . I have sowed the seeds of truth, but I well know, that even if an Apollos were to follow in my steps to water them, “*God only* can give the increase.”¹⁵ To Him then who is able to prosper the work of his servant’s hand, I commend this Appeal in fervent prayer, that as he hath “*chosen the weak things of the world*, to confound the things which are mighty,”¹⁶ so He may cause His blessing, to descend and carry conviction to the hearts of many Lydias¹⁷ through these speaking pages. Farewell – Count me not your “enemy because I have told you the truth,”¹⁸ but believe me in unfeigned affection,

Your sympathizing Friend,
Angelina Grimké

¹⁴ This passage alludes to Ephesians 6: 11 – 17.

¹⁵ 1 Corinthians 3:6-9.

¹⁶ 1 Corinthians 1:27

¹⁷ Grimke refers to the conversion of Lydia in Acts 16:14.

¹⁸ Galatians 4:16.

C. Southern Runaway Slave Notices, 1839 and “Our Peculiar Domestic Institutions,” 1840¹⁹

See photos on pages 139 and 140.

D. “I have as much right in this country as any other man,” Frederick Douglass, June 8, 1849²⁰

... It is because the American Colonization Society²¹ cherishes and fosters this feeling of hatred against the black man, that I am opposed to it. And I am especially disposed to speak out my opposition to this colonization scheme to-night, because not only of the renewed interest excited in the colonization scheme by the efforts of Henry Clay and others, but because there is a lecturer in the shape of the Rev. Mr. Miller, of New Jersey, now in England, soliciting funds for our expatriation from this country, and going about trying to organize a society, and to create an impression in favor of removing us from this country. I would ask you, my friends, if this is not mean and impudent in the extreme, for one class of Americans to ask for the removal of another class? I feel, sir, I have as much right in this country as any other man. I feel that the black man in this land has as much right to stay in this land as the white man. Consider the matter in the light of possession in this country. Our connection with this country is contemporaneous with your own. From the beginning of the existence of this people, as a people, the colored man has had a place upon the American soil. To be sure, he was not driven from his home in pursuit of a greater liberty than he enjoyed at home, like the Pilgrim fathers; but in the same year that the Pilgrims were landing in this State, slaves were landing on the James River, in Virginia.

¹⁹ “Runaway slave notices” (Boston: Webster & Southard, C.), 1839. Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, The New York Public Library Digital Collections. NYPL catalog ID (B-number): b11995838; “Our peculiar domestic institutions,” c. 1840. Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, The New York Public Library Digital Collections, b11995838.

²⁰ Frederick Douglass, “The American Colonization Society,” *The Liberator*, June 8, 1849. Frederick Douglass (1818–1895) was a former slave who became a leading abolitionist.

²¹ The American Colonization Society was founded in 1816 with the goal of relocating freed slaves to Africa.

We feel on this score, then, that we have as much right here as any other class of people.

We have other claims to being regarded and treated as American citizens. Some of our number have fought and bled for this country, and we only ask to be treated as well as those who have fought against it. We are lovers of this country, and we only ask to be treated as well as the haters of it. We are not only told by Americans to go out of our native land to Africa, and there enjoy our freedom – but Irishmen newly landed on our soil, who know nothing of our institutions, nor of the history of our country, whose toil has not been mixed with the soil of the country as ours – have the audacity to propose our removal from this, the land of our birth. For my part, I mean, for one, to stay in this country; I have made up my mind to live among you. I had a kind offer, when I was in England, of a little house and lot, and the free use of it, on the banks of the river Eden. I could easily have stayed here, if I had sought for ease, undisturbed, unannoyed by American skin-aristocracy; for it is an aristocracy of skin – those passengers on board the *Alida* only got their dinners that day in virtue of their color; if their skins had been of my color, they would have had to fast all day. Whatever denunciations England may be entitled to on account of their treatment of Ireland and her own poor, one thing can be said of her, that no man in that country, or in any of her dominions, is treated as less than a man of account of his complexion. I could have lived there; but when I remembered this prejudice against color, as it is called, and slavery, and saw the many wrongs inflicted on my own people at the North that ought to be combated and put down, I felt a disposition to lay aside ease, to turn my back on the kind offer of my friends, and to return among you – deeming it more noble to suffer along with my colored brethren, and meet these prejudices, than to live at ease, undisturbed, on the other side of the Atlantic. I had rather be here now, encountering this feeling, bearing my testimony against it, setting it at defiance, than to remain in England undisturbed. I have made up my mind wherever I go, I shall go as a man, not as a slave. When I go on board of your steamboats, I shall always aim to be courteous and mild in my deportment towards all with whom I come in contact, at the same time firmly and constantly endeavoring to assert my equal right as a man and a brother.

But the Colonization Society says this prejudice can never be overcome – that it is natural – God has implanted it. Some say so; others declare that it can only be removed by removing us to Liberia.²² I know this is false, from my own experience in this country. I remember that, but a few years ago, upon the railroads from New Bedford and Salem and in all parts of Massachusetts, a most

²² Located on the western coast of Africa, Liberia was founded as a colony by the ACS in 1822; it became independent in 1847.

unrighteous and proscriptive rule prevailed, by which colored men and women were subjected to all manner of indignity in the use of those conveyances. Antislavery men, however, lifted up their testimony against this principle from year to year; and from year to year, he whose name cannot be mentioned without receiving a round of applause, Wendell Phillips²³ went abroad, exposing this proscription in the light of justice. What is the result? Not a single railroad can be found in any part of Massachusetts, where a colored man is treated and esteemed in any other light than that of a man and a traveler. Prejudice has given way and must give way. The fact that it is giving way proves that this prejudice is not invincible. The time was when it was expected that a colored man, when he entered a church in Boston, would go into the Jim Crow pew – and I believe such is the case now, to a large extent; but then there were those who would defend the custom. But you can scarcely get a defender of this proscription in New England now.

The history of the repeal of the intermarriage law shows that the prejudice against color is not invincible. The general manner in which white persons sit with colored persons shows plainly that the prejudice against color is not invincible. When I first came here, I felt the greatest possible diffidence of sitting with whites. I used to come up from the shipyard, where I worked, with my hands hardened with toil, rough and uncomely, and my movements awkward (for I was unacquainted with the rules of politeness), I would shrink back, and would not have taken my meals with the whites had they not pressed me to do so. Our president, in his earlier intercourse with me, taught me, by example his abhorrence of this prejudice. He has, in my presence, stated to those who visited him, that if they did not like to sit at the table with me, they could have a separate one for themselves.

The time was, when I walked through the streets of Boston, I was liable to insult if in company with a white person. To-day I have passed in company with my white friends, leaning their arm and they on mine, and yet the first word from any quarter on account of the color of my skin I have not heard. It is all false, this talk about the invincibility of prejudice against color. If any of you have it, and no doubt some of you have, I will tell you how to get rid of it.

Commence to do something to elevate and improve and enlighten the colored man, and your prejudice will be going to vanish. The more you try to make a man of the black man, the more you will begin to think him a man. . . .

²³ Wendell Phillips (1811–1884) was a lawyer, abolitionist, advocate of women's rights and, after the Civil War, of the rights of Native Americans.

E. George Fitzhugh, *Sociology for the South, or, The Failure of Free Society*, 1854²⁴

... But the chief and far most important enquiry is, how does slavery affect the condition of the slave? One of the wildest sects of Communists in France proposes not only to hold all property in common, but to divide the profits, not according to each man's in-put and labor, but according to each man's wants. Now this is precisely the system of domestic slavery with us. We provide for each slave, in old age and in infancy, in sickness and in health, not according to his labor, but according to his wants. The master's wants are more costly and refined, and he therefore gets a larger share of the profits. A Southern farm is the beau ideal of Communism; it is a joint concern, in which the slave consumes more than the master, of the coarse products, and is far happier, because although the concern may fail, he is always sure of a support; he is only transferred to another master to participate in the profits of another concern; he marries when he pleases, because he knows he will have to work no more with a family than without one, and whether he live or die, that family will be taken care of; he exhibits all the pride of ownership, despises a partner in a smaller concern, "a poor man's negro," boasts of "our crops, horses, fields and cattle;" and is as happy as a human being can be. And why should he not? – he enjoys as much of the fruits of the farm as he is capable of doing, and the wealthiest can do no more. Great wealth brings many additional cares, but few additional enjoyments. Our stomachs do not increase in capacity with our fortunes. We want no more clothing to keep us warm. We may create new wants, but we cannot create new pleasures. The intellectual enjoyments which wealth affords are probably balanced by the new cares it brings along with it.

There is no rivalry, no competition to get employment among slaves, as among free laborers. Nor is there a war between master and slave. The master's interest prevents his reducing the slave's allowance or wages in infancy or sickness, for he might lose the slave by so doing. His feeling for his slave never permits him to stint him in old age. The slaves are all well fed, well clad, have plenty of fuel, and are happy. They have no dread of the future – no fear of want. A state of dependence is the only condition in which reciprocal affection can exist among human beings – the only situation in which the war of competition ceases, and peace, amity and good will arise. A state of independence always begets more or less of jealous rivalry and hostility. A man loves his children because they are weak, helpless and dependent; he loves his wife for similar

²⁴ George Fitzhugh, *Sociology for the South, or, The Failure of Free Society* (Richmond: Morris, 1854). George Fitzhugh (1806–1881), who spent almost all of his life in Virginia, was a lawyer and prominent defender of slavery.

reasons. When his children grow up and assert their independence, he is apt to transfer his affection to his grand-children. He ceases to love his wife when she becomes masculine or rebellious; but slaves are always dependent, never the rivals of their master. Hence, though men are often found at variance with wife or children, we never saw one who did not like his slaves, and rarely a slave who was not devoted to his master. "I am thy servant!" disarms me of the power of master. Every man feels the beauty, force and truth of this sentiment of Sterne.²⁵ But he who acknowledges its truth, tacitly admits that dependence is a tie of affection, that the relation of master and slave is one of mutual good will. Volumes written on the subject would not prove as much as this single sentiment. It has found its way to the heart of every reader, and carried conviction along with it. The slave-holder is like other men; he will not tread on the worm nor break the bruised reed. The ready submission of the slave, nine times out of ten, disarms his wrath even when the slave has offended. The habit of command may make him imperious and fit him for rule; but he is only imperious when thwarted or ordered by his equals; he would scorn to put on airs of command among blacks, whether slaves or free; he always speaks to them in a kind and subdued tone. We go farther, and say the slave-holder is better than others – because he has greater occasion for the exercise of the affection. His whole life is spent in providing for the minutest wants of others, in taking care of them in sickness and in health. Hence he is the least selfish of men. Is not the old bachelor who retires to seclusion, always selfish? Is not the head of a large family almost always kind and benevolent? And is not the slave-holder the head of the largest family? Nature compels master and slave to be friends; nature makes employers and free laborers enemies.

The institution of slavery gives full development and full play to the affections. Free society chills, stints and eradicates them. In a homely way the farm will support all, and we are not in a hurry to send our children into the world, to push their way and make their fortunes, with a capital of knavish maxims. We are better husbands, better fathers, better friends, and better neighbors than our Northern brethren. The tie of kindred to the fifth degree is often a tie of affection with us. First cousins are scarcely acknowledged at the North, and even children are prematurely pushed off into the world. Love for others is the organic law of our society, as self-love is of theirs. . . .

²⁵ Laurence Sterne (1713–1768) was an Irish novelist and Anglican minister.

**F. Number of Slaves in the Territory Enumerated, 1790 to 1850, US
Census Bureau²⁶**

	1790	1800	1810	1820	1830	1840	1850
New England							
Maine					2		
New Hampshire	157	8			3	1	
Vermont							
Massachusetts					1		
Rhode Island	958	380	108	48	17	5	
Connecticut	2,648	951	310	97	25	17 ²⁷	
Middle States							
New York	21,193	20,903	15,017	10,088	75	4	
New Jersey	11,423	12,422	10,851	7,557	2,254	674	236
Pennsylvania	3,707	1,706	795	211	403	64	
Delaware	8,887	6,153	4,177	4,509	3,292	2,605	2,290
Southern States							
Maryland and District of Columbia	103,036	107,707	115,056	111,917	107,499	93,057	94,055
Virginia	287,959	339,796	383,521	411,886	453,698	431,873	472,028
West Virginia ²⁸	4,668	7,172	10,836	15,119	17,673	18,488	20,500

²⁶ United States Bureau of the Census, *A Century of Population Growth, From the First Census of the United States to the Twelfth, 1790-1900* (Government Printing Office, Washington, DC: 1909), 133.

²⁷ Exclusive of 37 slaves captured on the slaver *Amistad*.

²⁸ The totals for the counties which in 1863 and 1866 were set off from Virginia to form West Virginia are here shown separately, because of the marked difference between the two sections of the state with respect to slavery.

War with Mexico

- A. President James K. Polk, “Special Message to Congress on Mexican Relations,” May 11, 1846
- B. Representative Abraham Lincoln, Spot Resolutions, December 12, 1846
- C. Thomas N. Lord, *Cause, Character and Consequences of the War with Mexico*, 1847.
- D. Great Speech of Clay, Cartoon, 1847
- E. Representative Andrew Kennedy, Speech on the Mexican War, December 16, 1846
- F. Ulysses S. Grant, *Recollections of the War*, 1885

In the early nineteenth century, many “second sons” of slave-holding families (who would not inherit the family plantations) moved west into the Mexican state of Texas, where land was plentiful and well suited for many of the same cash crops as were grown in other parts of the American South. Although these settlers were at first welcomed by the Mexican government, when the country abolished slavery in 1829, they instigated an independence movement that quickly escalated into a war. In 1836, after the Battle of San Jacinto, Mexico recognized Texas as an independent republic; yet tensions remained between the two nations over the disputed territory between the Nueces River and the Rio Grande, some 150 miles to the south.

When the United States agreed to the annexation of Texas in 1845, it also adopted the Rio Grande as the border, leading to a break in diplomatic relations with Mexico and, eventually, to Democratic President James K. Polk’s request for a war declaration in 1847 (Document A). Polk asserted that the Mexican army had attacked on American soil; skeptical Whigs, including the freshman congressman from Illinois, Abraham Lincoln, questioned the veracity of Polk’s claim (Document B). Lincoln and his political compatriots accused Polk of illegitimately escalating a conflict over disputed territory for the sole purpose of extending slave territory. Indeed, Lincoln presented a series of resolutions on the floor of Congress, challenging Polk to identify the very spot where the alleged Mexican attack had occurred and to prove that it was, in fact, on America soil. The “spot resolutions,” as they became known, showcase Lincoln’s famous wit, but with a degree of acerbity that ultimately proved fatal to Lincoln’s career in the House, as Democrats charged him with being unpatriotic, unsupportive of the Army, and even disloyal.

Lincoln's senior colleague, Henry Clay, also opposed the war publically, but since his son fought and died in the battle of Vera Cruz, the Democratic press regularly portrayed Clay as two-faced and his opposition as insincere and politically motivated. In one political cartoon with this trope (Document D), Clay's anti-war audience (to the right) includes Horace Greeley, editor of the New York Tribune, who compares the position of anti-war Whigs with that of the New England Federalists who organized the Hartford Convention (see Chapter 9). This trope was taken up by at least one member of Congress in a speech haranguing his fellow legislators for their faithlessness to the war effort they had voted to commence only a short time before (Document E).

Not all opposition to the war was politically motivated, however: many Northern religious leaders, some of whom were pacifists on principle and some of whom were ardent anti-slavery advocates, freely denounced the war as an act of imperialism and a blatant attempt to increase the territory available to Southern slaveholders (Document C). Interestingly, Ulysses S. Grant's account of the mindset of the troops on the ground in Texas during the conflict supports the latter interpretation (although it is worth noting that the date of Grant's memoir is significantly after the fact; see Document F).

Study Questions

A. What, exactly, does James K. Polk accuse Mexico of doing in his request for a declaration of war? Why do you think Abraham Lincoln was skeptical of these claims? Would the war seem more or less just depending upon the answers to the questions posed in the spot resolutions? Having once voted to authorize a declaration of war, are congressmen morally obligated, as Andrew Kennedy suggests, to see the thing through to the end, even if they come to see the war as unjust? Was the war with Mexico a legitimate war to protect American territory, or an illegitimate attempt to use federal power to protect and promote the expansion of slavery? Does Ulysses S. Grant's account seem trustworthy as a reflection of the mindset of the troops on their mission at the time, or does it seem like an example of revisionist history, given his later experiences in the Civil War?

B. How might we connect the anti-war arguments presented here to the abolitionists' denunciations of armed resistance (Chapter 14)?

C. In what ways do the arguments for and against the Mexican-American War compare with the arguments for and against the Spanish-American War (see Volume 2, Chapter 20)?

A. President James K. Polk, “Special Message to Congress on Mexican Relations,” May 11, 1846¹

The existing state of the relations between the United States and Mexico renders it proper that I should bring the subject to the consideration of Congress. In my message at the commencement of your present session, the state of these relations, the causes which led to the suspension of diplomatic intercourse between the two countries in March, 1845, and the long-continued and unredressed wrongs and injuries committed by the Mexican Government on citizens of the United States in their persons and property were briefly set forth.

As the facts and opinions which were then laid before you were carefully considered, I cannot better express my present convictions of the condition of affairs up to that time than by referring you to that communication.

The strong desire to establish peace with Mexico on liberal and honorable terms, and the readiness of this Government to regulate and adjust our boundary and other causes of difference with that power on such fair and equitable principles as would lead to permanent relations of the most friendly nature, induced me in September last to seek the reopening of diplomatic relations between the two countries. Every measure adopted on our part had for its object the furtherance of these desired results. In communicating to Congress a succinct statement of the injuries which we had suffered from Mexico, and which have been accumulating during a period of more than twenty years, every expression that could tend to inflame the people of Mexico or defeat or delay a pacific result was carefully avoided. An envoy of the United States repaired to Mexico with full powers to adjust every existing difference. But though present on the Mexican soil by agreement between the two Governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican Government not only refused to receive him or listen to his propositions, but

¹ James K. Polk, “Special Message to Congress on Mexican Relations,” May 11, 1846. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <https://goo.gl/o9uAFh>.

after a long-continued series of menaces have at last invaded our territory and shed the blood of our fellow-citizens on our own soil. . . .

In my message at the commencement of the present session I informed you that upon the earnest appeal both of the Congress and convention of Texas I had ordered an efficient military force to take a position "between the Nueces and the Del Norte."² This had become necessary to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union, and under these circumstances it was plainly our duty to extend our protection over her citizens and soil.

This force was concentrated at Corpus Christi, and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican Government would refuse to receive our envoy.

Meantime Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the boundary of that Republic. . . . This river, which is the southwestern boundary of the State of Texas, is an exposed frontier. From this quarter invasion was threatened; upon it and in its immediate vicinity, in the judgment of high military experience, are the proper stations for the protecting forces of the Government. In addition to this important consideration, several others occurred to induce this movement. Among these are the facilities afforded by the ports at Brazos Santiago and the mouth of the Del Norte for the reception of supplies by sea, the stronger and more healthful military positions, the convenience for obtaining a ready and a more abundant supply of provisions, water, fuel, and forage, and the advantages which are afforded by the Del Norte in forwarding supplies to such posts as may be established in the interior and upon the Indian frontier.

The movement of the troops to the Del Norte was made by the commanding general under positive instructions to abstain from all aggressive acts toward Mexico or Mexican citizens and to regard the relations between that Republic and the United States as peaceful unless she should declare war or commit acts of hostility indicative of a state of war. He was specially directed to protect private property and respect personal rights. . . .

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed, and solemn treaties pledging her public faith for this redress have been disregarded. A government either unable

² the Rio Grande

or unwilling to enforce the execution of such treaties fails to perform one of its plainest duties.

Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations, but our merchants have been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, whilst their appeals through their own Government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved.

Instead of this, however, we have been exerting our best efforts to propitiate her good will. Upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own she has affected to believe that we have severed her rightful territory, and in official proclamations and manifestoes has repeatedly threatened to make war upon us for the purpose of reconquering Texas. In the meantime, we have tried every effort at reconciliation. The cup of forbearance had been exhausted even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country.

Anticipating the possibility of a crisis like that which has arrived, instructions were given in August last, "as a precautionary measure" against invasion or threatened invasion, authorizing General Taylor, if the emergency required, to accept volunteers, not from Texas only, but from the States of Louisiana, Alabama, Mississippi, Tennessee, and Kentucky, and corresponding letters were addressed to the respective governors of those States. These instructions were repeated, and in January last, soon after the incorporation of "Texas into our Union of States," General Taylor was further "authorized by the President to make a requisition upon the executive of that State for such of its militia force as may be needed to repel invasion or to secure the country against apprehended invasion." On the 2d day of March he was again reminded, "in the event of the approach of any considerable Mexican force, promptly and efficiently to use the authority with which he was clothed to call to him such auxiliary force as he might need." War actually existing and our territory having

been invaded, General Taylor, pursuant to authority vested in him by my direction, has called on the governor of Texas for four regiments of State troops, two to be mounted and two to serve on foot, and on the governor of Louisiana for four regiments of infantry to be sent to him as soon as practicable.

In further vindication of our rights and defense of our territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers to serve for not less than six or twelve months unless sooner discharged. A volunteer force is beyond question more efficient than any other description of citizen soldiers, and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force and furnishing it with supplies and munitions of war.

The most energetic and prompt measures and the immediate appearance in arms of a large and overpowering force are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination.

In making these recommendations I deem it proper to declare that it is my anxious desire not only to terminate hostilities speedily, but to bring all matters in dispute between this Government and Mexico to an early and amicable adjustment; and in this view I shall be prepared to renew negotiations whenever Mexico shall be ready to receive propositions or to make propositions of her own. . . .

B. Representative Abraham Lincoln, Spot Resolutions, December 22, 1847³

Mr. LINCOLN moved the following preamble and resolutions, which were read and laid over under the rule:

Whereas the President of the United States, in his message of May 11, 1846, has declared that “the Mexican Government not only refused to receive him, [the envoy of the United States,] or listen to his propositions, but after a long-

³ Printed Resolution and Preamble on Mexican War: “Spot Resolutions,” *Abraham Lincoln Papers: Series 1, General Correspondence, 1833 to 1916*, December 22, 1847. Manuscript/Mixed Material. Library of Congress, <https://goo.gl/oFoVkv>.

continued series of menaces, have at last invaded our territory and shed the blood of our fellow-citizens on our own soil.”

And again, in his message of December 8, 1846, that “we had ample cause of war against Mexico long before the breaking out of hostilities; but even then we forbore to take redress into our own hands until Mexico herself became the aggressor, by invading our soil in hostile array and shedding the blood of our citizens.”

And yet again, in his message of December 7, 1847, that the Mexican Government refused even to hear the terms of adjustment which he [our minister of peace] was authorized to propose, and finally, under wholly unjustifiable pretexts, involved the two countries in war, by invading the territory of the State of Texas, striking the first blow, and shedding the blood of our citizens on our own soil.” And whereas this House is desirous to obtain a full knowledge of all the facts which go to establish whether the particular spot on which the blood of our citizens was so shed was or was not at that time our own soil: Therefore, Resolved by the House of Representatives, That the President of the United States be respectfully requested to inform this House –

1st. Whether the spot on which the blood of our citizens was shed, as in his messages declared, was or was not within the territory of Spain, at least after the treaty of 1819 until the Mexican revolution.

2d. Whether that spot is or is not within the territory which was wrested from Spain by the revolutionary Government of Mexico.

3d. Whether that spot is or is not within a settlement of people, which settlement has existed ever since long before the Texas revolution, and until its inhabitants fled before the approach of the United States army.

4th. Whether that settlement is or is not isolated from any and all other settlements by the Gulf and the Rio Grande on the south and west, and by wide uninhabited regions on the north and east.

5th. Whether the people of that settlement, or a majority of them, or any of them, have ever submitted themselves to the government or laws of Texas or of the United States, by consent or by compulsion, either by accepting office, or voting at elections, or paying tax, or serving on juries, or having process served upon them, or in any other way.

6th. Whether the people of that settlement did or did not flee from the approach of the United States army, leaving unprotected their homes and their growing crops, before the blood was shed, as in the messages stated; and whether the first blood, so shed, was or was not shed within the enclosure of one of the people who had thus fled from it.

7th. Whether our citizens, whose blood was shed, as in his messages declared, were or were not, at that time, armed officers and soldiers, sent into

that settlement by the military orders of the President, through the Secretary of War.

8th. Whether the military force of the United States was or was not so sent into that settlement after Gen. Taylor had more than once intimated to the War Department that, in his opinion, no such movement was necessary to the defence or protection of Texas.

C. Thomas N. Lord, *Cause, Character and Consequences of the War with Mexico, 1847*⁴

I am aware that the subject I have chosen is intimately connected with the politics of parties. But the subject is not political merely. It has its moral and religious aspects. Its political bearings I leave in the hands of politicians. Its moral and religious aspects come within the province of the ministers of the gospel, and it is in reference to these that I shall speak at this time, confining myself to the cause, character and consequences of the present war.

What then has been the procuring cause of the war in which this nation is now engaged? The same which involved the people of Israel in war. The procuring cause of their calamity was their choosing new gods. They forsook the Lord God of their fathers, and served other gods. They bowed down to idols, and provoked the Lord to anger, and he suffered them to fall into the hands of the spoilers, that spoiled them.

The history of events which have transpired in reference to the war we are waging, shows most conclusively, that it is reckless disregard to God's authority, the spirit of daring impiety which has brought us to our present position. If, as a nation, we had heeded the teachings of the Bible, if those who fill our most important public stations, and direct out great national interests, had regarded God's law, we should have been saved from the curse of war, "the abomination which maketh desolate."⁵

We have a system of iniquity among us as hateful to god, as unreasonable, cruel, and destructive, as any system of idolatry and heathenism which ever existed. I mean American Slavery. This is the Moloch which our national government have long worshipped, and the demon to which is sacrificed the peace, prosperity, and purity of the nation. This monster of deformity and cruelty has so much beauty and benevolence in the eyes of many politicians, that

⁴ Thomas N. Lord, *Cause, Character and Consequences of the War with Mexico* (Portland: Thurston and Co., 1847), 5-7, 10-12.

⁵ Matthew 24:15; Daniel 9:27; 11:31; 12:11

they cannot endure the expression of a sentiment against it. – Those who will not bow down and worship it, must be cast into the midst of the burning fiery furnace of political reprobation, heated seven times hotter than usual. Every northern statesman who has dared to open his mouth against the iniquitous policy of slavery has been brow beaten, and insulted. Hideous as the monster slavery has become in the eyes of Christianity, cruel as are the sacrifices it demands, wide spread as are the scenes of desolation it has caused, powerful as has been its influence to corrupt and destroy our fair inheritance, yet it received the patronage of the general government, and is nourished as the child of promise. Whenever a decision is to be made between slavery and freedom, that decision proves that the sympathy of the government is with slavery, and that its energies are employed to sustain and extend it.

It is the “evil genius” of slavery that has led us into war with Mexico. Had it not been for the “peculiar institution,” and a fixed determination of the government to strengthen and perpetuate it, we should have remained in the enjoyment of peace, and all the waste of property, and profusion of blood, and sacrifice of life which have occurred, would have been prevented. Why was Texas annexed to this Union? The interests of slavery demand it. And what has the annexation of Texas to do with our war with Mexico? It was the fatal step which led to this war. These are stubborn facts which wily politicians in vain attempt to gainsay or resist. It is already acknowledged by some of the chief actors in the scene, that taking Texas as we did, is the real cause of our war; and that the South desired the war, and has enlisted its energies in its prosecution, for the sake of promoting the interests of slavery.

It was then that rapacious, devouring spirit of slavery that led to the present hostile movements against Mexico. The spirit of liberty could not have perpetrated the deeds of selfishness and injustice which have resulted in the present war. Slavery has done it, and it is a work worthy of itself, and in bringing about which, it has revealed its odious nature, and given its hateful character to the civilized world. It has shown itself in its violation of the constitution, in its reckless disregard of solemn treaties, in its readiness to trample upon the rights of others, and most of all in its bold defiance of the law of God. It has written its own disgraceful history, and stamped upon its forehead the mark of its abominations.

I am aware that many are slow to believe that the present war is owing to slavery, and is encouraged for the purpose of perpetuating it. We are told of wrongs which Mexico has done of us, of redress she has been slow to make. Yes, after slavery has obtained her main object, and placed things in a train to secure all the rest, as she hopes; after she has taken a whole province from Mexico, and sent an army of invaders to plant themselves a hundred miles upon her territory,

and driven the inhabitants from their own land; then she raises a huge cry of the wrongs which Mexico has inflicted upon this country. These doings of slavery will not bear the light. There is the spirit which is not of God, that has directed this whole affair; and I tremble for my country,⁶ when I behold what slavery has done for it, and what my countrymen are willing to do for slavery. I am alarmed, when I reflect, that the devotion of this government to a system which bids defiance to the Almighty, and dethrones the noblest workmanship of his hands, has subjected us to the scourge of war. It is for such a system that we are spending millions of dollars, sacrificing thousands of lives, and dooming a multitude of souls to the perdition of hell. What a record are we making for the generations which shall come after us, when, in the light of truth, they shall see what American Slavery was in its nature and its effects. The fact that slavery is the real cause of the present war, and that the extent and perpetuity of this unchristian, and heaven-condemned institution were the objects for which the crusade was undertaken, makes it a terrible wicked enterprise. The cause of it is horrible, the motives which led to it detestable. . . .

With the gospel as my guide, I do not hesitate to call the present war wicked. On no principle of religion can it be justified. Reason about it as we may, it is not only a war with Mexico, it is a war with Jehovah, with the eternal principles of rectitude which He has established. It cannot be called a war of resistance. Mexico has not invaded our territory, attempted to lay waste our cities and villages, plunder our treasures, and destroy our lives. She has not committed depredations upon the province which has rebelled against her, and which we have received. This was, on our part, is anything else, but a war of resistance. We ourselves are the invaders, and Mexico is struggling to repel an invading army.

But we are told it is a war for redress. Mexico owes us, and does not seem inclined to make payment. Admit it, and does this justify America in sending an invading army into her territory, in desolating her cities, in destroying her inhabitants? When we consider the character and condition of Mexico, the withering influence of her religious system, the instability of her government, the disorder which pervades the instability of her government, the disorder which pervades all her public affairs, does she not deserve forbearance and compassion at the hands of this government? Has our treatment of her been Christian? Was it right for this government to undertake a crusade against her, for the purpose of revenge, and labor to make her confusion, worse confused, and increase the dregs in her bitter cup of misery? The right to do this, is the same that the South has to reduce millions of men to chattels; the same that England has to extend her iron hand of tyranny over India and China; the same

⁶ An echo of Thomas Jefferson's remark about slavery in *Notes on the State of Virginia*. See Chapter 6, Document D.

that every high-way robber has to strip the defenseless traveler; “that is, in respect to god and intrinsic justice, no right at all.”⁷ I envy not the man, either his head or his heart, who attempts to justify this war on the principles of the gospel. I pronounce it wrong, wicked, because our grievances might have been peaceably adjusted, and because everything at stake was not of sufficient importance to compensate for the sacrifice of life, the increase of wickedness, the detriment to civil, literary and religious institutions it occasions, it must be plain that nothing short of “obvious necessity” can justify a nation in resorting to it.

I pronounce the war unrighteous because it is evidently aggressive, waged for the purpose of acquiring territory. – The object of the war is to force Mexico, to renounce her title to certain possessions which she claims. There has been a determination to acquire certain territory, without regard to right or wrong. The object of the war is to get it. The devouring “genius,” slavery, demands it, and means to have it. In reference to this whole affair with Mexico, the spirit of Southern injustice and oppression has goaded the government to desperation. It has changed the policy of the republic, and instigated to deeds which will bring down upon us the reproach of nations. Usually, when there has been a dispute about a territory, our government has manifested no disposition to over-reach and defraud. It has not rushed madly to arms, and involved the country in war. Contrast the conduct of Congress, when the question of the North Eastern Boundary and the Oregon Territory were being discussed, with its conduct in reference to Texas, and the war it has produced. Why the forbearance, and disposition to seek the things which make for peace in the former cases, and such rashness and readiness to rush to mortal combat in the latter? The simple reason is found in the fact that slavery was immediately interested in the latter case and not in the former. Slavery caused the war. The motive for which it was undertaken was to extend this system of abominations. The object which slavery means to accomplish, is to acquire empire and domination. To everything in her path, no matter how valuable or sacred, she says, bow, or be crushed beneath my iron hoof.

But let us remember that might does not make right. We may prosecute this war till we force the objects of our vengeance to sue for mercy. We may yet gain, what we term “splendid victories.” But all these things do not prove our cause righteous. The best soldiers, the most destructive weapons, the greatest success, are not always on the side of justice. The tribunal before which the moral character of every contest must be decided, is the tribunal of the Sovereign Ruler of the Universe. He is a God of truth, without iniquity, just and right is He. He

⁷ The source of this quotation is not known.

sees the cause of the war we are waging, the motives which led to it and the objects it was designed to secure. If they meet his approval we have nothing to fear. If he condemn them, we have nothing to boast of in the past, nothing to hope for in the future.

D. Great Speech of Clay (Cartoon), 1847⁸

See illustration on page 141.

E. Representative Andrew Kennedy, Speech on the Mexican War, December 16, 1846⁹

What are we, who declared this war, now doing? Here we are in the second week of this short session, denouncing the President for causing an unholy, impious, and vindictive war, and cavilling and carping at the manner in which he has protected the Mexican people who have yielded to the resistless shock of our victorious arms. Oh, shame. The very ashes of our fathers cry out against us! Are we, indeed, so degenerated that we are afraid to meet the responsibility of our own acts, and meanly attempt to throw the responsibility on other shoulders?

There was a time, according to my reading, when a portion of this policy was pursued by those who preceded the gentleman's school of politics. The Federalists, in 1812, opposed, denounced, and vilified the Government, and those who then administered it, in much the same terms as those used now. But what was their fate? The virtuous indignation of a patriotic people consigned them and their names to the eternal infamy which their conduct so justly merited. And yet their conduct was honorable when compared to the conduct of those who voted for, and now oppose, this war. They opposed the war, from its inception; they voted against its declaration; but you voted for this war – you yourselves voted to plunge your country into what you now call an unholy war: one of infamy, commenced, as you now aver, with a view to conquest. And now

⁸ John L Magee (presumed), *Great speech of Clay – bran bread is riz!!!* (N.Y.: Lithograph published by James Baillie, 1847). Library of Congress, Prints and Photographs Division, LC-DIG-ppmsca- 34494.

⁹ *Speech of Hon. A[ndrew] Kennedy, of Indiana, on The Mexican War. Delivered in the House of Representatives, December 16, 1846* (Washington: Printed at the Office of Blair and Rives, 1846), 5ff.

you turn round and oppose it, and strain every nerve to convince the world that your own country is wholly in the wrong. Suppose it were possible for you to succeed, what then? Why, you have disgraced your Government, and yourselves with it! Is this the employment of patriots? But do gentlemen believe what they say, in relation to the iniquity of this war? I submit that it is impossible for any well-informed man honestly to take that view of the subject. He must know better. The causes which produced this war, and the justice of our cause, have been so fully and powerfully set forth by the President in his annual message, that shall not be guilty of the egregious folly of trying to render it more plain. But I ask all those who have not read that document, and who entertain any doubt on this subject, to read it. The evidence is clear, powerful, and conclusive. This Government had borne outrages, indignities, and insults, from that Government, longer than she would have done from any other Government upon earth.

Had England or France, or any other respectable Government, treated us with half the indignity, outrage, and insult, manifested by Mexico, long since would the honor of the country have been vindicated. But Mexico was a feeble Government, distracted by internal factions and feuds; beside, it approximated, to some extent, to a republican form, and excited our sympathies. Hence it was that this Government bore with her outrages and insults until forbearance ceased to be a virtue. Mexico took advantage of this forbearance, and repeated her injuries, and, as if for the purpose of filling the cup of outrages to overflowing, she finally crossed our territorial lines, and attacked our armies and citizens upon our own soil. Thus was our Government driven to the wall. National dishonor or a prompt punishment of the offender was the only alternative.

But, I repeat, do the gentlemen on the opposite side doubt the justness of our cause? It is my candid opinion that they do not. The lameness of their assaults upon the President shows that they do not believe their own assertions. First, they complain that the President moved our army to the left bank of the Rio Grande contrary to law, and thereby brought on the war. A moment's investigation will prove the absurdity of their position. It was not the President, but Congress, which made the Rio Grande our boundary line. By the annexation of Texas we bound the President to defend that as our territory. The State of Texas claimed the territory to that line. Under that claim we annexed her to the Union.

But as we were determined to give to Mexico no just cause of complaint against us, and as she claimed territory on this side of the Rio Grande, we stipulated with Texas that after annexation we should have the right to settle all questions of boundary with the Mexican Government. So soon as Texas was annexed, the President informed Mexico of this power, now resting in the

United States, and of his willingness to settle the question by negotiation. She refused to negotiate, but declared she would settle it by the sword. In the meantime, this very Congress passed a law establishing a collection district between the Nueces River and the Rio Grande, and directed the President to appoint a custom-house officer to reside in that country. By this act, on our part, we said to the President, in the strongest possible language, "This is our country, and it is your duty to see that our jurisdiction is maintained over it." The Mexican Government, in the meantime, was concentrating a strong force on the south bank of the Rio Grande, and constantly fulminating her threats of slaughter and reconquest even to the Sabine. What, in the name of all that is sacred, was the President to do but exactly what he did do – move our army to the extreme limit of our boundary, and there await the onslaught, if Mexico chose to make it? If he had done otherwise, he would have been justly censurable; and in that event I make no doubt that the very men who are now denouncing him for having defended our soil, would have clamored in this House for an impeachment against him for having suffered its pollution by the hostile tread of a foreign foe. Foiled at this point, the next complaint is, that the President has conquered a large portion of Mexico and established civil governments therein. Well, where does the shoe pinch here, gentlemen? Are you horrified at the success of the American arms? I verily believe that many of you would have been better pleased if the results of this war had been the defeat of our armies and a loss of American territory, and more especially if it had secured the defeat of the dominant party. Or are your feelings of humanity outraged that the President has restrained the stern mandate of the military law in favor of the civil? Did you desire him to stain his character with cruelty, which the emergencies of the army did not demand, that you might have more cause to denounce the action of your own Government? In this again you are disappointed. All this your actions authorized us to charge, but I will not believe you as unpatriotic as your conduct imports. The truth probably is, that the actions of your Government you would have heartily approved, if the same acts had been performed by a President of your own choice. But such is your rooted and settled hostility to democratic measures, that you are willing to hazard the cause of your country, in the hope that you may render a democratic President unpopular, and thereby secure your own elevation to power. If this be your object – and it is the most charitable one which I can impute to you – I submit it to the country whether your elevation may not cost more than your services may be worth.

Since the commencement of this war there has been, in and out of this House, many and pathetic appeals by those who oppose it to the sympathy of the moral and religious portion of our people against the horrors necessarily

resulting from a state of war. I profess to be as much opposed to a useless and unnecessary war as the most devout Christian can be. I believe war should never be resorted to when honor can be preserved without it. And I now arraign before the bar of public opinion those selfsame men, as being the sole cause of this war. I hold them responsible for every drop of blood which has been, or will be, shed in this contest. Does any man in his senses believe that Mexico would have commenced this war, if she had not been induced to believe, by the course of the opponents of the Executive, that this Government would not be suffered to chastise them for their injustice and insolence? . . . By this have you opened the veins and destroyed the lives of many of our bravest soldiers! And you will deceive them still further. Are they not now publishing in their papers that there is a probability of a revolution in the north of this Republic – that the New England States would secede from the Union – and other such nonsense? Will they ever treat with us whilst they believe this? And what is to be the result? Will you fulfil the hopes which your conduct has inspired? Never! You cannot, if you would, and you would not, if you could, make your Government recede. No, an honorable peace, with indemnity for the past and security for the future, or an utter annihilation of the Mexican Government, will be the end of this war. . . .

There was one allusion made by the gentleman from Tennessee, which rather horrified than surprised me. He, with something like a sneer, referred to what he seemed to hope would be the ultimate result of the acquisition of Mexican territory. He said the Northern Democrats would never suffer any other slave territory to exist in this, country, and that the Southern Democrats would not suffer any free States to exist west of Texas. And he seemed to gloat over the possible dissolution of the Union. Had this come from a northern Abolitionist, I could have accounted for and excused it. But coming from the quarter it did, it seemed like the patricide inviting the onslaught upon the devoted heads of his defenseless parents. . . . This was done avowedly for the purpose of securing, if possible, a bad feeling towards the President. And does the gentleman really think so poorly of our patriotism as to suppose that he could thereby induce us to quarrel with the President whilst he is engaged in the conduct of a foreign war? I feel myself under no obligation to defend the President in all his acts, nor does he need my defense. But if I had any little pique . . . I would wait until my country was extricated from this foreign war before I would wrangle with its Executive.

Such is the course duty points out to me, and I will follow it. And in conclusion, I say to the gentlemen on the other side, go on, if you choose, in this constant denunciation of your country's cause; the end of it all will be, either you will render your constituents wholly mercenary and unpatriotic, which God in his mercy forefend; or, which is more likely, you will sink yourselves and your

very names to that infamy which always overtakes those who are capable of sacrificing their country to self, and sinking the patriot into the partisan.

F. Ulysses S. Grant, Recollections of the War, 1885¹⁰

There was no intimation given that the removal of the 3rd and 4th regiments of infantry to the western border of Louisiana was occasioned in any way by the prospective annexation of Texas, but it was generally understood that such was the case. Ostensibly, we were intended to prevent filibustering¹¹ into Texas, but really as a menace to Mexico in case she appeared to contemplate war. Generally, the officers of the army were indifferent to whether the annexation was consummated or not; but not so all of them. For myself, I was bitterly opposed to the measure, and to this day regard the war, which resulted, as one of the most unjust ever waged by a stronger against a weaker nation. It was an instance of a republic following the bad example of European monarchies, in not considering justice in their desire to acquire more territory.

Texas was originally a state belonging to the republic of Mexico. It extended from the Sabine River on the east to the Rio Grande on the west, and from the Gulf of Mexico on the south and east to the territory of the United States and New Mexico – another Mexican state at that time – on the north and west. An empire in territory, it had but a very sparse population, until settled by Americans who had received authority from Mexico to colonize. These colonists paid very little attention to the supreme government, and introduced slavery into the state almost from the start, though the constitution of Mexico did not, nor does it now, sanction that institution. Soon they set up an independent government of their own, and war existed, between Texas and Mexico, in name from that time until 1836, when active hostilities very nearly ceased upon the capture of Santa Anna, the Mexican President. Before long, however, the same people – who with permission of Mexico had colonized Texas, and afterwards set up slavery there, and then seceded as soon as they felt strong enough to do so – offered themselves and the State to the United States, and in 1845 their offer was accepted. The occupation, separation, and annexation were, from the inception of the movement to its final consummation, a conspiracy to acquire territory out of which slave states might be formed for the American Union.

¹⁰ Ulysses S. Grant, *Personal Memoirs* (New York: Charles Webster and Company, 1894), 37-40.

¹¹ unauthorized action by Americans to foment revolution in South American countries

Even if the annexation itself could be justified, the manner in which the subsequent war was forced upon Mexico cannot. The fact is, annexationists wanted more territory than they could possibly lay any claim to, as part of the new acquisition. Texas, as an independent State, never had exercised jurisdiction over the territory between the Nueces River and the Rio Grande. Mexico had never recognized the independence of Texas, and maintained that, even if independent, the State had no claim south of the Nueces. I am aware that a treaty, made by the Texans with Santa Anna while he was under duress, ceded all the territory between the Nueces and the Rio Grande; but he was a prisoner of war when the treaty was made, and his life was in jeopardy. . . .

In taking military possession of Texas after annexation, the army of occupation, under General Taylor, was directed to occupy the disputed territory. The army did not stop at the Nueces and offer to negotiate for a settlement of the boundary question, but went beyond, apparently in order to force Mexico to initiate war. It is to the credit of the American nation, however, that after conquering Mexico, and while practically holding the country in our possession, so that we could have retained the whole of it, or made any terms we chose, we paid a round sum for the additional territory taken; more than it was worth, or was likely to be, to Mexico. To us it was an empire and of incalculable value; but it might have been obtained by other means. The Southern rebellion was largely the outgrowth of the Mexican war. Nations, like individuals, are punished for their transgressions. We got our punishment in the most sanguinary and expensive war of modern times. . . .

John Brown's Raid on Harper's Ferry

- A. Lydia Maria Child, Governor Henry Wise of Virginia, and John Brown, Correspondence, October 1859
- B. D. H. Strother, A Southern Planter Arming His Slaves to Resist Invasion, November 19, 1859
- C. Horace Greeley, "The Whole Affair Seems the Work of a Madman," October 19, 1859
- D. Frederick Douglass, "John Brown Not Insane," November 1859
- E. Abraham Lincoln, Cooper Union Address, February 27, 1860
- F. William W. Patton, Lyrics to *John Brown's Body*, December 16, 1861

After months of planning, in the late evening of October 16, 1859, radical abolitionist John Brown and his followers attacked the federal armory, arsenal, and rifle factory in Harpers Ferry, Virginia. From there, they had planned to arm and lead the local slaves in rebellion, but for a number of reasons, were unable to spread the alarm. Instead, the insurrectionists swiftly found themselves blockaded within the armory under attack from local and federal forces. Fighting continued intermittently for the next few days with casualties on both sides. Finally, on October 18, Brown and the remaining members of his band were overwhelmed and arrested.

Reports of the incident immediately aroused a heated public discourse. Even many Northerners sympathetic to Brown's abolitionist tendencies found his methods deplorable and labeled him a madman; although others insisted on not only the sanity but righteousness of his actions (Documents A, C, D). Southerners like Governor Henry Wise insisted that Brown be treated as a cold-blooded murderer (Document A) and observers on both sides made much of the fact that no actual slaves joined in the insurrection (Documents B and E). Brown's eventual execution did not end the furor, as the Southern leaders insisted that the policies advocated by the new Republican Party would inevitably result in more such violence (Document E; see also Chapter 15). Despite the efforts of Abraham Lincoln and others to downplay the significance of the event, Brown's name and story became a rallying cry for the anti-slavery cause and eventually, for the Union troops in the Civil War (Document F).

Study Questions

A. Was Brown a martyr or a madman (or both)? Was radical abolitionism (either rhetorically or in fact) either morally or constitutionally justifiable? When Lincoln suggests that John Brown's raid was an aberration because the slaves did not lead it, what does he mean to suggest about the legitimacy (or illegitimacy) of such political activism?

B. As an example of politically motivated resistance, how might we compare Brown's raid to the American Revolution or the Whiskey Rebellion? (Chapters 5 and 8)

C. How do you suppose Brown's actions would have been evaluated in the atmosphere of heightened security-consciousness exemplified in Volume 2, Chapter 25?

A. Lydia Maria Child, Governor Henry Wise of Virginia, and John Brown, Correspondence, October 1859¹

Lydia Maria Child to Governor Henry A. Wise, October 26, 1859

Governor Wise,

I have heard that you were a man of chivalrous sentiments, and I know you were opposed to the iniquitous attempt to force upon Kansas a Constitution abhorrent to the moral sense of her people. Relying upon these indications of honor and justice in your character, I venture to ask a favor of you. Inclosed is a letter to Captain John Brown. Will you have the kindness, after reading it yourself, to transmit it to the prisoner?

I and all my large circle of abolition acquaintances were taken by surprise when news came of Captain Brown's recent attempt; nor do I know of a single person who would have approved of it, had they been apprised of his intention. But I and thousands of others feel a natural impulse of sympathy for the brave and suffering man. Perhaps God, who sees the inmost of our souls, perceives some such sentiment in your heart also. He needs a mother or sister to dress his

¹ Lydia Maria Child, *Letters of Lydia Maria Child*, ed. John Greenleaf Whittier, Wendell Phillips, Harriet Winslow Sewall (Boston, Houghton Mifflin: 1884).

wounds, and speak soothingly to him. Will you allow me to perform that mission of humanity? If you will, may God bless you for the generous deed!

I have been for years an uncompromising abolitionist, and I should scorn to deny it or apologize for it as much as John Brown himself would do. Believing in peace principles, I deeply regret the step that the old veteran has taken, while I honor his humanity towards those who became his prisoners. But because it is my habit to be as open as the daylight, I will also say, that if I believed our religion justified men in fighting for freedom, I should consider the enslaved everywhere as best entitled to that right. Such an avowal is a simple, frank expression of my sense of natural justice.

But I should despise myself utterly if any circumstances could tempt me to seek to advance these opinions in any way, directly or indirectly, after your permission to visit Virginia has been obtained on the plea of sisterly sympathy with a brave and suffering man. I give you my word of honor, which was never broken, that I would use such permission solely and singly for the purpose of nursing your prisoner, and for no other purpose whatsoever.

Yours respectfully, L. Maria Child.

Governor Wise to L. Maria Child, October 29, 1859

Madam,

Yours of the 26th was received by me yesterday, and at my earliest leisure I respectfully reply to it, that I will forward the letter for John Brown, a prisoner under our laws, arraigned at the Circuit Court for the county of Jefferson, at Charlestown, Va., for the crimes of murder, robbery, and treason, which you ask me to transmit to him. I will comply with your request in the only way which seems to me proper, by inclosing it to the Commonwealth's attorney, with the request that he will ask the permission of the court to hand it to the prisoner. Brown, the prisoner, is now in the hands of the judiciary, not of the executive, of this Commonwealth.

You ask me, further, to allow you to perform the mission "of mother or sister, to dress his wounds, and speak soothingly to him." By this, of course, you mean to be allowed to visit him in his cell, and to minister to him in the offices of humanity. Why should you not be so allowed, Madam? Virginia and Massachusetts are involved in no civil war, and the Constitution which unites them in one confederacy guaranties to you the privileges and immunities of a citizen of the United States in the State of Virginia. That Constitution I am sworn to support, and am, therefore, bound to protect your privileges and

immunities as a citizen of Massachusetts coming into Virginia for any lawful and peaceful purpose.

Coming, as you propose, to minister to the captive in prison, you will be met, doubtless, by all our people, not only in a chivalrous, but in a Christian spirit. You have the right to visit Charlestown, Va., Madam; and your mission, being merciful and humane, will not only be allowed, but respected, if not welcomed. A few unenlightened and inconsiderate persons, fanatical in their modes of thought and action to maintain justice and right, might molest you, or be disposed to do so; and this might suggest the imprudence of risking any experiment upon the peace of a society very much excited by the crimes with whose chief author you seem to sympathize so much. But still, I repeat, your motives and avowed purpose are lawful and peaceful, and I will, as far as I am concerned, do my duty in protecting your rights in our limits. Virginia and her authorities would be weak indeed – weak in point of folly, and weak in point of power – if her State faith and constitutional obligations cannot be redeemed in her own limits to the letter of morality as well as of law; and if her chivalry cannot courteously receive a lady’s visit to a prisoner, every arm which guards Brown from rescue on the one hand, and from lynch law on the other, will be ready to guard your person in Virginia.

I could not permit an insult even to woman in her walk of charity among us, though it be to one who whetted knives of butchery for our mothers, sisters, daughters, and babes. We have no sympathy with your sentiments of sympathy with Brown, and are surprised that you were “taken by surprise when news came of Captain Brown’s recent attempt.” His attempt was a natural consequence of your sympathy, and the errors of that sympathy ought to make you doubt its virtue from the effect on his conduct. But it is not of this I should speak. When you arrive at Charlestown, if you go there, it will be for the court and its officers, the Commonwealth’s attorney, sheriff and jailer, to say whether you may see and wait on the prisoner. But, whether you are thus permitted or not (and you will be, if my advice can prevail), you may rest assured that he will be humanely, lawfully, and mercifully dealt by in prison and on trial.

Respectfully, Henry A. Wise.

L. Marie Child to Governor Wise, n.d.

In your civil but very diplomatic reply to my letter, you inform me that I have a constitutional right to visit Virginia, for peaceful purposes, in common with every citizen of the United States. I was perfectly well aware that such was the theory of constitutional obligation in the slave States; but I was also aware

of what you omit to mention, viz.: that the Constitution has, in reality, been completely and systematically nullified, whenever it suited the convenience or the policy of the slave power. Your constitutional obligation, for which you profess so much respect, has never proved any protection to citizens of the free States who happened to have a black, brown, or yellow complexion; nor to any white citizen whom you even suspected of entertaining opinions opposite to your own, on a question of vast importance to the temporal welfare and moral example of our common country. This total disregard of constitutional obligation has been manifested not Merely by the lynch law of mobs in the slave States, but by the deliberate action of magistrates and legislators. . . . Slavery is, in fact, an infringement of all law, and adheres to no law, save for its own purposes of oppression.

You accuse Captain John Brown of “whetting knives of butchery for the mothers, sisters, daughters, and babes” of Virginia; and you inform me of the well-known fact, that he is “arraigned for the crimes of murder, robbery, and treason.” I will not here stop to explain why I believe that old hero to be no criminal, but a martyr to righteous principles which he sought to advance by methods sanctioned by his own religious views, though not by mine. Allowing that Captain Brown did attempt a scheme in which murder, robbery, and treason were, to his own consciousness, involved, I do not see how Governor Wise can consistently arraign him for crimes he has himself commended. You have threatened to trample on the Constitution, and break the Union, if a majority of the legal voters in these confederated States dared to elect a President unfavorable to the extension of slavery. Is not such a declaration proof of premeditated treason? In the spring of 1842 you made a speech in Congress, from which I copy the following:

Once set before the people of the great valley the conquest of the rich Mexican provinces, and you might as well attempt to stop the wind. This government might send its troops, but they would run over them like a herd of buffalo. Let the work once begin, and I do not know that this House would hold me very long. Give me five millions of dollars, and I would undertake to do it myself. Although I do not know how to set a single squadron in the field, I could find men to do it. Slavery should pour itself abroad, without restraint, and find no limit but the southern ocean. . . .

When you thus boasted that you and your “booted loafers” would overrun the troops of the United States “like a herd of buffalo,” if the government sent

them to arrest your invasion of a neighboring nation, at peace with the United States, did you not pledge yourself to commit treason? Was it not by robbery, even of churches, that you proposed to load the mules of Mexico with gold for the United States? Was it not by the murder of unoffending Mexicans that you expected to advance those schemes of avarice and ambition? What humanity had you for Mexican “mothers and babes,” whom you proposed to make childless and fatherless? And for what purpose was this wholesale massacre to take place? Not to right the wrongs of any oppressed class; not to sustain any great principles of justice, or of freedom; but merely to enable “slavery to pour itself forth without restraint.”

... If Captain Brown intended, as you say, to commit treason, robbery, and murder, I think I have shown that he could find ample authority for such proceedings in the public declarations of Governor Wise. And if, as he himself declares, he merely intended to free the oppressed, where could he read a more forcible lesson than is furnished by the state seal of Virginia? I looked at it thoughtfully before I opened your letter; and though it had always appeared to me very suggestive, it never seemed to me so much so as it now did in connection with Captain John Brown. A liberty-loving hero stands with his foot upon a prostrate despot; under his strong arm, manacles and chains lie broken; and the motto is, “*Sic Semper Tyrannis*,” “Thus be it ever done to tyrants.” And this is the blazon of a State whose most profitable business is the internal slave-trade! – in whose highways coffles of human chattels, chained and manacled, are frequently seen! And the seal and the coffles are both looked upon by other chattels, constantly exposed to the same fate! What if some Vesey, or Nat Turner,² should be growing up among those apparently quiet spectators? It is in no spirit of taunt or of exultation that I ask this question. I never think of it but with anxiety, sadness, and sympathy. I know that a slave-holding community necessarily lives in the midst of gunpowder; and, in this age, sparks of free thought are flying in every direction. You cannot quench the fires of free thought and human sympathy by any process of cunning or force; but there is a method by which you can effectually wet the gunpowder. England has already tried it, with safety and success. Would that you could be persuaded to set aside the prejudices of education, and candidly examine the actual working of that

² Denmark Vesey (1767–1822) led a planned slave revolt in South Carolina. The plot was uncovered and he and others were executed. Nat Turner (1800–1831) led a slave rebellion in Virginia in 1831. Turner, an enslaved field hand and a lay preacher, believed he had a divine calling to liberate the slaves of Southampton County; along with his followers, he killed approximately sixty white men, women, and children before being forced into hiding, finally caught, and executed. In retaliation, nearly two hundred slaves were executed as suspected conspirators.

experiment! Virginia is so richly endowed by nature that free institutions alone are wanting to render her the most prosperous and powerful of the States.

In your letter you suggest that such a scheme as Captain Brown's is the natural result of the opinions with which I sympathize. Even if I thought this to be a correct statement, though I should deeply regret it, I could not draw the conclusion that humanity ought to be stifled, and truth struck dumb, for fear that long-successful despotism might be endangered by their utterance. But the fact is, you mistake the source of that strange outbreak. No abolition arguments or denunciations, however earnestly, loudly, or harshly proclaimed, would have produced that result. It was the legitimate consequence of the continual and constantly-increasing aggressions of the slave power. The slave States, in their desperate efforts to sustain a bad and dangerous institution, have encroached more and more upon the liberties of the free States. Our inherent love of law and order, and our superstitious attachment to the Union, you have mistaken for cowardice; and rarely have you let slip any opportunity to add insult to aggression.

The manifested opposition to slavery began with the lectures and pamphlets of a few disinterested men and women, who based their movements upon purely moral and religious grounds; but their expostulations were met with a storm of rage, with tar and feathers, brickbats, demolished houses, and other applications of lynch law. When the dust of the conflict began to subside a little, their numbers were found to be greatly increased by the efforts to exterminate them. They had become an influence in the State too important to be overlooked by shrewd calculators. Political economists began to look at the subject from a lower point of view. They used their abilities to demonstrate that slavery was a wasteful system, and that the free States were taxed to an enormous extent to sustain an institution which, at heart, two thirds of them abhorred. The forty millions, or more, of dollars expended in hunting fugitive slaves in Florida, under the name of the Seminole War, were adduced, as one item of proof, to which many more were added. At last politicians were compelled to take some action on the subject. It soon became known to all the people that the slave States had always managed to hold in their hands the political power of the Union. . . .

Through these and other instrumentalities, the sentiments of the original Garrisonian³ abolitionists became very widely extended, in forms more or less diluted. But by far the most efficient co-laborers we have ever had have been the slave States themselves. By denying us the sacred right of petition, they roused the free spirit of the North as it never could have been roused by the loud

³ William Lloyd Garrison (1805–1879) was a leading abolitionist.

trumpet of Garrison or the soul-animating bugle of Phillips.⁴ They bought the great slave, Daniel, and, according to their established usage, paid him no wages for his labor⁵. By his cooperation they forced the Fugitive Slave Law upon us in violation of all our humane instincts and all our principles of justice. And what did they procure for the abolitionists by that despotic process? A deeper and wider detestation of slavery throughout the free States, and the publication of “Uncle Tom’s Cabin,” an eloquent outburst of moral indignation, whose echoes wakened the world to look upon their shame.

By filibustering⁶ and fraud they dismembered Mexico, and, having thus obtained the soil of Texas, they tried to introduce it as a slave State into the Union. Failing to effect their purpose by constitutional means, they accomplished it by a most open and palpable violation of the Constitution, and by obtaining the votes of senators on false pretenses.

Soon afterward a Southern slave administration ceded to the powerful monarchy of Great Britain several hundreds thousands of square miles that must have been made into free States,⁷ to which that same administration had declared that the United States had “an unquestionable right” and then they turned upon the weak republic of Mexico, and, in order to make more slave States, wrested from her twice as many hundred thousands of square miles, to which we had not a shadow of right.

Notwithstanding all these extra efforts, they saw symptoms that the political power so long held with a firm grasp was in danger of slipping from their hands, by reason of the extension of abolition sentiments, and the greater prosperity of free States. Emboldened by continual success in aggression, they made use of the pretense of “squatter sovereignty”⁸ to break the league into which they had formerly cajoled the servile representatives of our blinded people, by which all the territory of the United States south of 36° 30' was guaranteed to slavery, and all north of it to freedom. Thus Kansas became the battle-ground of the antagonistic elements in our government. Ruffians hired by the slave power were sent thither temporarily to do the voting and drive from the polls the legal voters, who were often murdered in the process. Names copied from the directories of cities in other States were returned by thousands as legal voters in Kansas, in order to establish a Constitution abhorred by the people. This was

⁴ Wendell Phillips (1811–1884) was a lawyer, abolitionist, advocate of women’s rights, and after the Civil War, of the rights of Native Americans.

⁵ Perhaps a reference to Daniel Webster (1782–1852), senator from Massachusetts.

⁶ unauthorized action by Americans to foment revolution in South American countries

⁷ an apparent reference to the settlement of the northwest border of the United States

⁸ popular sovereignty, the idea that the settlers in a territory should decide whether it would allow slavery

their exemplification of squatter sovereignty. A Massachusetts senator, distinguished for candor, courtesy, and stainless integrity, was half murdered by slave-holders merely for having the manliness to state these facts to the assembled Congress of the nation.⁹ Peaceful emigrants from the North, who went to Kansas for no other purpose than to till the soil, erect mills, and establish manufactories, schools, and churches, were robbed, outraged, and murdered. For many months a war more ferocious than the warfare of wild Indians was carried on against a people almost unresisting, because they relied upon the central government for aid. And all this while the power of the United States, wielded by the slave oligarchy, was on the side of the aggressors. This was the state of things when the hero of Ossawatimie¹⁰ and his brave sons went to the rescue. It was he who first turned the tide of border-ruffian triumph, by showing them that blows were to be taken as well as given.

You may believe it or not, Governor Wise, but it is certainly the truth that, because slave-holders so recklessly sowed the wind in Kansas, they reaped a whirlwind at Harper's Ferry.

The people of the North had a very strong attachment to the Union; but by your desperate measures you have weakened it beyond all power of restoration. They are not your enemies, as you suppose, but they cannot consent to be your tools for any ignoble task you may choose to propose. . . . A majority of them would rejoice to have the slave States fulfill their oft-repeated threat of withdrawal from the Union. It has ceased to be a bugbear, for we begin to despair of being able, by any other process, to give the world the example of a real republic. The moral sense of these States is outraged by being accomplices in sustaining an institution vicious in all its aspects; and it is now generally understood that we purchase our disgrace at great pecuniary expense. If you would only make the offer of a separation in serious earnest, you would hear the hearty response of millions,

Go, gentlemen, and Stand not upon the order of your going, But go at once!

Yours, with all due respect, L. Maria Child.

⁹ South Carolina Congressman Preston Brooks (1819–1857) attacked Senator Charles Sumner (1811–1874) on the floor of the Senate on May 22, 1856 because in his speech on Kansas Sumner had insulted another Senator, who was related to Brooks.

¹⁰ In 1856, John Brown tried to defend the town of Osawatimie, Kansas from a raid by a pro-slavery force.

L. Marie Child to John Brown, October 26, 1859

Dear Captain Brown: Though personally unknown to you, you will recognize in my name an earnest friend of Kansas, when circumstances made that Territory the battle-ground between the antagonistic principles of slavery and freedom, which politicians so vainly strive to reconcile in the government of the United States.

Believing in peace principles, I cannot sympathize with the method you chose to advance the cause of freedom. But I honor your generous intentions, – I admire your courage, moral and physical. I reverence you for the humanity which tempered your zeal. I sympathize with you in your cruel bereavement, your sufferings, and your wrongs. In brief, I love you and bless you.

Thousands of hearts are throbbing with sympathy as warm as mine. I think of you night and day, bleeding in prison, surrounded by hostile faces, sustained only by trust in God and your own strong heart. I long to nurse you – to speak to you sisterly words of sympathy and consolation. I have asked permission of Governor Wise to do so. If the request is not granted, I cherish the hope that these few words may at least reach your hands, and afford you some little solace. May you be strengthened by the conviction that no honest man ever sheds blood for freedom in vain, however much he may be mistaken in his efforts. May God sustain you, and carry you through whatsoever may be in store for you! Yours, with heartfelt respect, sympathy and affection,

L. Maria Child.

Reply of John Brown

Mrs. L. Maria Child:

My dear friend,

Such you prove to be, though a stranger, – your most kind letter has reached me, with the kind offer to come here and take care of me. Allow me to express my gratitude for your great sympathy, and at the same time to propose to you a different course, together with my reasons for wishing it. I should certainly be greatly pleased to become personally acquainted with one so gifted and so kind, but I cannot avoid seeing some objections to it, under present circumstances. First, I am in charge of a most humane gentleman, who, with his family, has rendered me every possible attention I have desired, or that could be of the least advantage; and I am so recovered of my wounds as no longer to require nursing.

Then, again, it would subject you to great personal inconvenience and heavy expense, without doing me any good. . . .

I am quite cheerful under all my afflicting circumstances and prospects; having, as I humbly trust, "the peace of God which passeth all understanding"¹¹ to rule in my heart. You may make such use of this as you see fit. God Almighty bless and reward you a thousand fold

Yours in sincerity and truth, John Brown.

**B. D. H. Strother, *A Southern Planter Arming His Slaves to Resist Invasion,*
November 19, 1859¹²**

See illustration on page 142.

**C. Horace Greeley, "The Whole Affair Seems the Work of a Madman,"
October 19, 1859¹³**

The insurrection, so called, at Harper's Ferry, proves a verity. Old Brown of Osawatamie, who was last heard of on his way from Missouri to Canada with a band of runaway slaves, now turns up in Virginia, where he seems to have been for some months plotting and preparing for a general stampede of slaves. How he came to be in Harper's Ferry, and in possession of the U. S. Armory, is not yet clear; but he was probably betrayed or exposed, and seized the Armory as a place of security until he could safely get away. The whole affair seems the work of a madman; but John Brown has so often looked death serenely in the face that what seems madness to others doubtless wore a different aspect to him. He had twenty-one men with him, mostly white, who appear to have held the Armory from 9 P. M. of Sunday till 7 of Tuesday (yesterday) morning, when it was stormed by Col. Lee¹⁴ and a party of U. S. Marines, and its defenders nearly all killed or mortally wounded Of the original twenty-two, fifteen were killed,

¹¹ Philippians 4:7

¹² From the cover of *Harper's Weekly*, November 19, 1859, page 737; Library of Congress Prints and Photographs Division, LC-USZ62-132560.

¹³ Editorial, *New York Tribune*, October 19, 1859.

¹⁴ Robert E. Lee, Commander of the Army of Northern Virginia and of Confederate forces during the Civil War.

two mortally wounded, and two unhurt. The other three had pushed northward on Monday morning guiding a number of fugitive slaves through Maryland. These were of course sharply pursued and fired on, but had not been taken at our last advices¹⁵ . . .

There will be enough to heap execration on the memory of these mistaken men. We leave this work to the fit hands and tongues of those who regard the fundamental axioms of the Declaration of Independence as “glittering generalities.” Believing that the way to Universal Emancipation lies not through insurrection, civil war and bloodshed, but through discussion, and the quick diffusion of sentiments of humanity and justice, we deeply regret this outbreak; but remembering that, if their fault was grievous, grievously have they answered it, we will not, by one reproachful word, disturb the bloody shrouds wherein John Brown and his compatriots are sleeping. They dared and died for what they felt to be the right, though in a manner which seems to us fatally wrong. Let their epitaphs remain unwritten until the not distant day when no slave shall clank his chains in the shades of Monticello or by the graves of Mount Vernon.

D. Frederick Douglass, “John Brown Not Insane,” November 1859¹⁶

One of the most painful incidents connected with the name of this old hero is the attempt to prove him insane. Many journals have contributed to this effort from a friendly desire to shield the prisoner from Virginia’s cowardly vengeance. This is a mistaken friendship, which seeks to rob him of his true character and dim the glory of his deeds, in order to save his life. Was there the faintest hope of securing his release by this means, we would choke down our indignation and be silent. But a Virginia court would hang a crazy man without a moment’s hesitation, if his insanity took the form of hatred of oppression; and this plea only blasts the reputation of this glorious martyr of liberty, without the faintest hope of improving his chance of escape.

It is an appalling fact in the history of the American people, that they have so far forgotten their own heroic age, as readily to accept the charge of insanity against a man who has imitated the heroes of Lexington, Concord, and Bunker Hill.

It is an effeminate and cowardly age, which calls a man a lunatic because he rises to such self-forgetful heroism, as to count his own life worth nothing in comparison with the freedom of millions of his fellows. Such an age would have

¹⁵ information

¹⁶ *Douglass’s Monthly*, November 1859. Available online <https://goo.gl/h7rv7A>.

sent Gideon to a mad-house and put Leonidas in a strait-jacket.¹⁷ Such a people would have treated the defenders of Thermopylae as demented, and shut up Caius Marcus in bedlam. Such a marrowless population as ours has become under the debaucheries of Slavery, would have struck the patriot's crown from the brow of Wallace, and recommended blisters and bleeding to the heroic Tell. Wallace was often and again as desperately forgetful of his own life in defense of Scotland's freedom, as was Brown in striking for the American slave; and Tell's defiance of the Austrian tyrant was as far above the appreciation of cowardly selfishness, as was Brown's defiance of the Virginia pirates. . . . Posterity will owe everlasting thanks to John Brown for lifting up once more to the gaze of a nation grown fat and flabby on the garbage of lust and oppression, a true standard of heroic philanthropy, and each coming generation will pay its installment of the debt. No wonder that the aiders and abettors of the huge, overshadowing and many-armed tyranny, which he grappled with in its own infernal den, should call him a mad man; but for those who profess a regard for him, and for human freedom, to join in the cruel slander "is the unkindest cut of all."¹⁸

Nor is it necessary to attribute Brown's deeds to the spirit of vengeance invoked by the murder of his brave boys. That the barbarous cruelty from which he has suffered had its effect in intensifying his hatred of slavery, is doubtless true. But his own statement, that he had been contemplating a bold strike for the freedom of the slaves for ten years, proves that he had resolved upon his present course long before he, or his sons, ever set foot in Kansas. His entire procedure in this matter disproves the charge that he was prompted by an impulse of mad revenge, and shows that he was moved by the highest principles of philanthropy. His carefulness of the lives of unarmed persons – his humane and courteous treatment of his prisoners – his cool self-possession all through his trial – and especially his calm, dignified speech on receiving his sentence, all conspire to show that he was neither insane or actuated by vengeful passion; and we hope that the country has heard the last of John Brown's madness.

The explanation of his conduct is perfectly natural and simple on its face. He believes the Declaration of Independence to be true, and the Bible to be a guide to human conduct, and acting upon the doctrines of both, he threw himself against the serried ranks of American oppression, and translated into heroic deeds the love of liberty and hatred of tyrants, with which he was inspired from both these forces acting upon his philanthropic and heroic soul. This age is too gross and sensual to appreciate his deeds, and so calls him mad; but the

¹⁷ Gideon was a Biblical hero, Leonidas a Greek hero.

¹⁸ In Shakespeare's *Julius Caesar*, Antony uses these words to describe Brutus' participation in the assassination of Julius Caesar.

future will write his epitaph upon the hearts of a people freed from slavery, because he struck the first effectual blow.

Not only is it true that Brown's whole movement proves him perfectly sane and free from merely revengeful passion, but he has struck the bottom line of the philosophy which underlies the abolition movement. He has attacked slavery with the weapons precisely adapted to bring it to the death. Moral considerations have long since been exhausted upon slaveholders. It is in vain to reason with them. One might as well hunt bears with ethics and political economy for weapons as to seek to "pluck the spoiled out of the hand of the oppressor"¹⁹ by the mere force of moral law. Slavery is a system of brute force. It shields itself behind might, rather than right. It must be met with its own weapons. Capt. Brown has initiated a new mode of carrying on the crusade of freedom, and his blow has sent dread and terror throughout the entire ranks of the piratical army of slavery. His daring deeds may cost him his life, but priceless as is the value of that life, the blow he has struck will, in the end, prove to be worthy its mighty cost. Like Samson, he has laid his hands upon the pillars of this great national temple of cruelty and blood, and when he falls, that temple will speedily crumple to its final doom, burying its denizens in its ruins.

E. Abraham Lincoln, Cooper Union Address, February 27, 1860²⁰

... I would address a few words to the Southern people. ...

You charge that we stir up insurrections among your slaves. We deny it; and what is your proof? Harper's Ferry! John Brown!! ...

Some of you admit that no Republican designedly aided or encouraged the Harper's Ferry affair; but still insist that our doctrines and declarations necessarily lead to such results. We do not believe it. ...

Slave insurrections are no more common now than they were before the Republican party was organized. What induced the Southampton insurrection, twenty-eight years ago, in which, at least, three times as many lives were lost as at Harper's Ferry?²¹ ... In the present state of things in the United States, I do not think a general, or even a very extensive slave insurrection, is possible. The

¹⁹ Jeremiah 22:3.

²⁰ *Speech of Hon. Abraham Lincoln, in New York, in Vindication of the Policy of the Framers of the Constitution and the Principles of the Republican Party. Delivered in the Cooper Institute, Feb. 27th, 1860.* (Springfield, IL: Bailhache & Baker, 1860.) Rare Book and Special Collections Division, Library of Congress, 047.00.00.

²¹ Here Lincoln refers to Nat Turner's Rebellion of 1833 (see above).

indispensable concert of action cannot be attained. The slaves have no means of rapid communication; nor can incendiary freemen, black or white, supply it. . . .

Much is said by Southern people about the affection of slaves for their masters and mistresses; and a part of it, at least, is true. A plot for an uprising could scarcely be devised and communicated to twenty individuals before some one of them, to save the life of a favorite master or mistress, would divulge it. . . . Occasional poisonings from the kitchen, and open or stealthy assassinations in the field, and local revolts extending to a score or so, will continue to occur as the natural results of slavery; but no general insurrection of slaves, as I think, can happen in this country for a long time. Whoever much fears, or much hopes for such an event, will be alike disappointed. . . .

John Brown's effort was peculiar. It was not a slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves refused to participate. In fact, it was so absurd that the slaves, with all their ignorance, saw plainly enough it could not succeed. That affair, in its philosophy, corresponds with the many attempts, related in history, at the assassination of kings and emperors. An enthusiast broods over the oppression of a people till he fancies himself commissioned by Heaven to liberate them. He ventures the attempt, which ends in little else than his own execution. . . .

F. William W. Patton, Lyrics to *John Brown's Body*, 1861²²

Old John Brown's body lies moldering in the grave,
While weep the sons of bondage whom he ventured all to save;
But tho he lost his life while struggling for the slave,
His soul is marching on.

John Brown was a hero, undaunted, true and brave,
And Kansas knows his valor when he fought her rights to save;
Now, tho the grass grows green above his grave,
His soul is marching on.

²² *Chicago Tribune*, December 16, 1861.

He captured Harper's Ferry, with his nineteen men so few,
And frightened "Old Virginny" till she trembled thru and thru;
They hung him for a traitor, themselves the traitor crew,
But his soul is marching on.

John Brown was John the Baptist of the Christ we are to see,
Christ who of the bondmen shall the Liberator be,
And soon thruout the Sunny South the slaves shall all be free,
For his soul is marching on.

The conflict that he heralded he looks from heaven to view,
On the army of the Union with its flag red, white and blue.
And heaven shall ring with anthems o'er the deed they mean
to do,
For his soul is marching on.

Ye soldiers of Freedom, then strike, while strike ye may,
The death blow of oppression in a better time and way,
For the dawn of old John Brown has brightened into day,
And his soul is marching on.

War for Union or Abolition?

- A. Republican National Platform, May 17, 1860
- B. Declaration of the Immediate Causes which Induce and Justify the Secession of the State of Mississippi from the Federal Union, January 9, 1861
- C. President Abraham Lincoln, First Inaugural Address, March 4, 1861
- D. Alexander H. Stephens, “Cornerstone Speech,” March 21, 1861
- E. Freedom Songs from North and South, 1861 – 1862

After decades of sectional conflict centered on the question of slavery, the 1860 presidential election appeared to many Americans on both sides of the Mason Dixon Line to represent a point of no return in the ongoing national debate over critical issues ranging from the first principles to territorial governance. Abraham Lincoln’s electoral victory on the Republican ticket (Document A) was seen by some Southerners as the beginning of the end of their ability to determine the course of national politics, and the governments of South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas responded by declaring their intention to secede from the Union during the winter of 1860–1861. Each of these states passed a resolution outlining the justifications for their action; as in the case of Mississippi, these tended to emphasize the centrality of slavery as an institution to the Southern way of life (Document B) and to paint Northern policies as not only a political but an existential threat.

When Lincoln delivered his First Inaugural Address on March 4, 1861 (Document C), he sought to alleviate such fears by promising Southerners their regional and state practices would be as safe under his administration as they ever had been. Nevertheless, he also spoke stirringly of the permanent nature of the Union, and promised to defend it against any and all efforts to dismantle it. Although the speech concluded with an invocation of political friendship, Southern leaders such as Vice President of the Confederate States of America (CSA) Alexander Stephens rejected Lincoln’s overtures on the grounds that the Union as it had existed could never be resumed. That government had been fundamentally flawed, Stephens argued, because it was founded upon the principle of human equality. Peace, were it to be achieved, he insisted, could come only at the expense of the Union and the principles of the Declaration of Independence (Document D).

The competing principles of North and South were not only the preserve of political leaders; they were deeply engrained in the culture of both areas as seen in the

lyrics of the two “unofficial anthems” of the war: *The Bonnie Blue Flag* (CSA) and *the Battle Cry of Freedom* (USA) (Document E). Here, as in the political texts, competing understandings of liberty and rights emerge as justifications for the war.

Study Questions

A. Was the Civil War a conflict over the nature of the Union, or a conflict over the future expansion and legitimacy of slavery as an institution within the Union? Are there other causes raised in the documents that seem equally (or perhaps even more) significant than either of these? How would you explain the Southern understanding of the Union and slavery? How would you explain the Northern understanding of the Union and slavery? Which issue seems more significant to which section? How would you assess the causes of the war on the balance; do they appear to be more about pragmatic policy considerations or philosophical conflicts?

B. How do the documents in the previous chapters hint at the developing issues that would lead to the Civil War? How is what the Southerners proposed in seceding different from what had been threatened in earlier conflicts between the states and the federal government (see Chapters 8, 9, and 11)?

C. How are the themes of this chapter rearticulated in later discussions of race and union in American history? (See, for example, the debates about reconstruction and civil rights in Volume 2, Chapters 16 and 26.)

A. Republican National Platform, May 17, 1860¹

Resolved, that we, the delegated representatives of the Republican electors of the United States in Convention assembled, in discharge of the duty we owe to our constituents and our country, unite in the following declarations:

1. That the history of the nation during the last four years, has fully established the propriety and necessity of the organization and perpetuation of

¹ *National republican platform. Adopted by the National Republican Convention, held in Chicago, May 17, 1860.* Chicago Press and Tribune Office, Chicago, Illinois, 1860.) Library of Congress, Rare Book and Special Collections Division, Alfred Whital Stern Collection of Lincolniana, <https://goo.gl/LCbFpA>.

the Republican party, and that the causes which called it into existence are permanent in their nature, and now, more than ever before, demand its peaceful and constitutional triumph.

2. That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution, "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; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed," is essential to the preservation of our Republican institutions; and that the Federal Constitution, the Rights of the States, and the Union of the States must and shall be preserved.

3. That to the Union of the States this nation owes its unprecedented increase in population, its surprising development of material resources, its rapid augmentation of wealth, its happiness at home and its honor abroad; and we hold in abhorrence all schemes for disunion, come from whatever source they may. And we congratulate the country that no Republican member of Congress has uttered or countenanced the threats of disunion so often made by Democratic members, without rebuke and with applause from their political associates; and we denounce those threats of disunion, in case of a popular overthrow of their ascendancy as denying the vital principles of a free government, and as an avowal of contemplated treason, which it is the imperative duty of an indignant people sternly to rebuke and forever silence.

4. That the maintenance inviolate of the rights of the states, and especially the right of each state to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any state or territory, no matter under what pretext, as among the gravest of crimes. . . .

...

7. That the new dogma that the Constitution, of its own force, carries slavery into any or all of the territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency, and subversive of the peace and harmony of the country.

8. That the normal condition of all the territory of the United States is that of freedom: That, as our Republican fathers, when they had abolished slavery in all our national territory, ordained that "no persons should be deprived of life, liberty or property without due process of law," it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of

the Constitution against all attempts to violate it; and we deny the authority of Congress, of a territorial legislature, or of any individuals, to give legal existence to slavery in any territory of the United States.

9. That we brand the recent reopening of the African slave trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity and a burning shame to our country and age; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

10. That in the recent vetoes, by their Federal Governors, of the acts of the legislatures of Kansas and Nebraska, prohibiting slavery in those territories, we find a practical illustration of the boasted Democratic principle of Non-Intervention and Popular Sovereignty, embodied in the Kansas-Nebraska Bill, and a demonstration of the deception and fraud involved therein. . . .

B. A Declaration of the Immediate Causes Which Induce and Justify the Secession of the State of Mississippi from the Federal Union, January 9, 1861²

In the momentous step which our State has taken of dissolving its connection with the government of which we so long formed a part, it is but just that we should declare the prominent reasons which have induced our course.

Our position is thoroughly identified with the institution of slavery – the greatest material interest of the world. Its labor supplies the product which constitutes by far the largest and most important portions of commerce of the earth. These products are peculiar to the climate verging on the tropical regions, and by an imperious law of nature, none but the black race can bear exposure to the tropical sun. These products have become necessities of the world, and a blow at slavery is a blow at commerce and civilization. That blow has been long aimed at the institution, and was at the point of reaching its consummation. There was no choice left us but submission to the mandates of abolition, or a dissolution of the Union, whose principles had been subverted to work out our ruin.

That we do not overstate the dangers to our institution, a reference to a few facts will sufficiently prove.

² *Journal of the State Convention* (Jackson, MS: E. Barksdale, State Printer, 1861), pp. 86-88.

The hostility to this institution commenced before the adoption of the Constitution, and was manifested in the well-known Ordinance of 1787, in regard to the Northwestern Territory.

The feeling increased, until, in 1819-20, it deprived the South of more than half the vast territory acquired from France.

The same hostility dismembered Texas and seized upon all the territory acquired from Mexico.

It has grown until it denies the right of property in slaves, and refuses protection to that right on the high seas, in the Territories, and wherever the government of the United States had jurisdiction.

It refuses the admission of new slave States into the Union, and seeks to extinguish it by confining it within its present limits, denying the power of expansion.

It tramples the original equality of the South under foot.

It has nullified the Fugitive Slave Law in almost every free State in the Union, and has utterly broken the compact which our fathers pledged their faith to maintain.

It advocates negro equality, socially and politically, and promotes insurrection and incendiaryism in our midst.

It has enlisted its press, its pulpit and its schools against us, until the whole popular mind of the North is excited and inflamed with prejudice.

It has made combinations and formed associations to carry out its schemes of emancipation in the States and wherever else slavery exists.

It seeks not to elevate or to support the slave, but to destroy his present condition without providing a better.

It has invaded a State, and invested with the honors of martyrdom the wretch whose purpose was to apply flames to our dwellings, and the weapons of destruction to our lives.

It has broken every compact into which it has entered for our security.

It has given indubitable evidence of its design to ruin our agriculture, to prostrate our industrial pursuits and to destroy our social system.

It knows no relenting or hesitation in its purposes; it stops not in its march of aggression, and leaves us no room to hope for cessation or for pause.

It has recently obtained control of the Government, by the prosecution of its unhallowed schemes, and destroyed the last expectation of living together in friendship and brotherhood.

Utter subjugation awaits us in the Union, if we should consent longer to remain in it. It is not a matter of choice, but of necessity. We must either submit to degradation, and to the loss of property worth four billions of money, or we must secede from the Union framed by our fathers, to secure this as well as every

other species of property. For far less cause than this, our fathers separated from the Crown of England.

Our decision is made. We follow their footsteps. We embrace the alternative of separation; and for the reasons here stated, we resolve to maintain our rights with the full consciousness of the justice of our course, and the undoubting belief of our ability to maintain it.

C. President Abraham Lincoln, First Inaugural Address, March 4, 1861³

... Apprehension seems to exist among the people of the Southern States, that by the accession of a Republican Administration, their property, and their peace, and personal security, are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed, and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." Those who nominated and elected me did so with full knowledge that I had made this, and many similar declarations, and had never recanted them.

...

I now reiterate these sentiments: and in doing so, I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace and security of no section are to be in anywise endangered by the now incoming Administration. I add too, that all the protection which, consistently with the Constitution and the laws, can be given, will be cheerfully given to all the States when lawfully demanded, for whatever cause – as cheerfully to one section, as to another. . . .

A disruption of the Federal Union heretofore only menaced, is now formidably attempted.

I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper, ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our national

³ Abraham Lincoln, First Inaugural Address, Final Version, March, 1861 (*Abraham Lincoln papers: Series 1. General Correspondence. 1833 to 1916*), Library of Congress, Manuscript Division. Available online at: <https://goo.gl/aP8zAJ>.

Constitution, and the Union will endure forever – it being impossible to destroy it, except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade, by less than all the parties who made it? One party to a contract may violate it – break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution, was “to form a more perfect union.”

But if destruction of the Union, by one, or by a part only, of the States, be lawfully possible, the Union is less perfect than before the Constitution, having lost the vital element of perpetuity.

It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union, – that resolves and ordinances to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend, and maintain itself.

In doing this there needs to be no bloodshed or violence; and there shall be none, unless it be forced upon the national authority. The power confided to me, will be used to hold, occupy, and possess the property, and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion – no using of force against, or among the people anywhere. . . .

That there are persons in one section, or another who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm or

deny; but if there be such, I need address no word to them. To those, however, who really love the Union, may I not speak?

Before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories, and its hopes, would it not be wise to ascertain precisely why we do it? Will you hazard so desperate a step, while there is any possibility that any portion of the ills you fly from, have no real existence? Will you, while the certain ills you fly to, are greater than all the real ones you fly from? Will you risk the commission of so fearful a mistake?

All profess to be content in the Union, if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily, the human mind is so constituted, that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution – certainly would, if such right were a vital one. But such is not our case. All the vital rights of minorities, and of individuals, are so plainly assured to them, by affirmations and negations, Warranties and prohibitions, in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain express provisions for all possible questions. Shall fugitives from labor be surrendered by national or by State authority? The Constitution does not expressly say. May Congress prohibit slavery in the territories? The Constitution does not expressly say. Must Congress protect slavery in the territories? The Constitution does not expressly say.

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative; for continuing the government, is acquiescence on one side or the other. If a minority, in such case, will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them, whenever a majority refuses to be controlled by such minority. For instance, why may not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it. All who cherish disunion sentiments, are now being educated to the exact temper of doing this. Is there such perfect identity of interests among the States to compose a new Union, as to produce harmony only, and prevent renewed secession?

Plainly, the central idea of secession, is the essence of anarchy. A majority, held in restraint by constitutional checks, and limitations, and always changing easily, with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people, Whoever rejects it, does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy, or despotism in some form, is all that is left.

I do not forget the position assumed by some, that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding in any case, upon the parties to a suit, as to the object of that suit, while they are also entitled to very high respect and consideration, in all parallel cases, by all other departments of the government. And while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be over-ruled, and never become a precedent for other cases, can better be borne than could the evils of a different practice. At the same time the candid citizen must confess that if the policy of the government, upon vital questions, affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made, in ordinary litigation between parties, in personal actions, the people will have ceased, to be their own rulers, having, to that extent, practically resigned their government, into the hands of that eminent tribunal. Nor is there, in this view, any assault upon the court, or the judges. It is a duty, from which they may not shrink, to decide cases properly brought before them; and it is no fault of theirs, if others seek to turn their decisions to political purposes.

One section of our country believes slavery is right, and ought to be extended, while the other believes it is wrong, and ought not to be extended. This is the only substantial dispute. The fugitive slave clause of the Constitution, and the law for the suppression of the foreign slave trade, are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, cannot be perfectly cured; and it would be worse in both cases after the separation of the sections, than before. The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction, in one section; while fugitive slaves, now only partially surrendered, would not be surrendered at all, by the other.

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence, and beyond the

reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible then to make that intercourse more advantageous, or more satisfactory, after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens, than laws can among friends? Suppose you go to war, you cannot fight always; and when, after much loss on both sides, and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember, or overthrow it. I cannot be ignorant of the fact that many worthy, and patriotic citizens are desirous of having the national constitution amended.

...

I understand a proposed amendment to the Constitution – which amendment, however, I have not seen, has passed Congress, to the effect that the federal government, shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express, and irrevocable. . . .

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better, or equal hope, in the world? In our present differences, is either party without faith of being in the right? If the Almighty Ruler of nations, with his eternal truth and justice, be on your side of the North, or on yours of the South, that truth, and that justice, will surely prevail, by the judgment of this great tribunal, the American people. . . .

My countrymen, one and all, think calmly and well, upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you, in hot haste, to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied, still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied, hold the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him, who has never yet forsaken this favored land, are still competent to adjust, in the best way, all our present difficulty.

In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you, You can have no conflict, without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it.

I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield, and patriot grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

D. Alexander Stephens, Cornerstone Speech, March 21, 1861⁴

. . . I was remarking that we are passing through one of the greatest revolutions in the annals of the world. Seven States have within the last three months thrown off an old government and formed a new. This revolution has been signally marked, up to this time, by the fact of its having been accomplished without the loss of a single drop of blood.

This new constitution or form of government, constitutes the subject to which your attention will be partly invited. In reference to it, I make this first general remark: it amply secures all our ancient rights, franchises, and liberties. All the great principles of Magna Charta are retained in it. No citizen is deprived of life, liberty, or property, but by the judgment of his peers under the laws of the land. . . All the essentials of the old constitution, which have endeared it to the hearts of the American people, have been preserved and perpetuated. Some changes have been made. Some of these I should have preferred not to have seen made; but other important changes do meet my cordial approbation. They form great improvements upon the old constitution. So, taking the whole new constitution, I have no hesitancy in giving it as my judgment that it is decidedly better than the old.

Allow me briefly to allude to some of these improvements. The question of building up class interests, or fostering one branch of industry to the prejudice of another under the exercise of the revenue power, which gave us so much trouble under the old constitution, is put at rest forever under the new. We allow the imposition of no duty with a view of giving advantage to one class of persons,

⁴ Henry Cleveland, *Alexander H. Stephens, in Public and Private: With Letters and Speeches, Before, During, and Since the War* (Philadelphia, 1886), pp. 717-729.

in any trade or business, over those of another. All, under our system, stand upon the same broad principles of perfect equality. Honest labor and enterprise are left free and unrestricted in whatever pursuit they may be engaged. This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new.

Again, the subject of internal improvements, under the power of Congress to regulate commerce, is put at rest under our system. The power, claimed by construction under the old constitution, was at least a doubtful one; it rested solely upon construction. We of the South, generally apart from considerations of constitutional principles, opposed its exercise upon grounds of its inexpediency and injustice. Notwithstanding this opposition, millions of money, from the common treasury had been drawn for such purposes. Our opposition sprang from no hostility to commerce, or to all necessary aids for facilitating it. With us it was simply a question upon whom the burden should fall. In Georgia, for instance, we have done as much for the cause of internal improvements as any other portion of the country, according to population and means. We have stretched out lines of railroads from the seaboard to the mountains; dug down the hills, and filled up the valleys at a cost of not less than \$25,000,000. All this was done to open an outlet for our products of the interior, and those to the west of us, to reach the marts of the world. No State was in greater need of such facilities than Georgia, but we did not ask that these works should be made by appropriations out of the common treasury. The cost of the grading, the superstructure, and the equipment of our roads was borne by those who had entered into the enterprise. . . . The true principle is to subject the commerce of every locality, to whatever burdens may be necessary to facilitate it. . . . This is again the broad principle of perfect equality and justice, and it is especially set forth and established in our new constitution. . . .

But not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other though last, not least. The new constitution has put at rest, forever, all the agitating questions relating to our peculiar institution, African slavery as it exists amongst us – the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson in his forecast, had anticipated this, as the “rock upon which the old Union would split.” He was right. What was conjecture with him, is now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands, may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general

opinion of the men of that day was that, somehow or other in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the constitution, was the prevailing idea at that time. The constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell when the "storm came and the wind blew."⁵

Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man; that slavery subordination to the superior race is his natural and normal condition. This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even amongst us. Many who hear me, perhaps, can recollect well, that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North, who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises; so with the anti-slavery fanatics. Their conclusions are right if their premises were. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man. If their premises were correct, their conclusions would be logical and just but their premise being wrong, their whole argument fails. . . .

As I have stated, the truth of this principle may be slow in development, as all truths are and ever have been, in the various branches of science. . . . May we not, therefore, look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests? It is the first government ever instituted upon the principles in strict conformity to nature, and the ordination of Providence, in furnishing the materials of human society. Many governments have been founded upon the principle of the subordination and serfdom of certain classes of the same race; such were and are in violation of the laws of nature. Our system commits no such violation of nature's laws. With us, all of

⁵ Matthew 7:24–27.

the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro. Subordination is his place. He, by nature, or by the curse against Canaan,⁶ is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper material – the granite; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it, and by experience we know that it is best, not only for the superior, but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of His ordinances, or to question them. For His own purposes, He has made one race to differ from another, as He has made “one star to differ from another star in glory.”⁷ The great objects of humanity are best attained when there is conformity to His laws and decrees, in the formation of governments as well as in all things else. Our confederacy is founded upon principles in strict conformity with these laws. This stone which was rejected by the first builders “is become the chief of the corner”⁸ – the real “corner-stone” in our new edifice. I have been asked, what of the future? It has been apprehended by some that we would have arrayed against us the civilized world. I care not who or how many they may be against us, when we stand upon the eternal principles of truth, if we are true to ourselves and the principles for which we contend, we are obliged to, and must triumph. . . .

But to return to the question of the future. What is to be the result of this revolution? . . .

The process of disintegration in the old Union may be expected to go on with almost absolute certainty if we pursue the right course. We are now the nucleus of a growing power which, if we are true to ourselves, our destiny, and high mission, will become the controlling power on this continent. To what extent accessions will go on in the process of time, or where it will end, the future will determine. So far as it concerns States of the old Union, this process will be upon no such principles of reconstruction as now spoken of, but upon reorganization and new assimilation. Such are some of the glimpses of the future as I catch them. . . .

As to whether we shall have war with our late confederates, or whether all matters of differences between us shall be amicably settled, I can only say that the prospect for a peaceful adjustment is better, so far as I am informed, than it has been. The prospect of war is, at least, not so threatening as it has been. The idea of coercion, shadowed forth in President Lincoln’s inaugural, seems not to

⁶ An allusion to the supposed Biblical justification for enslaving Blacks. See Genesis 9:20–27.

⁷ 1 Corinthians 15:41.

⁸ Psalm 118:22.

be followed up thus far so vigorously as was expected. Fort Sumter, it is believed, will soon be evacuated. What course will be pursued toward Fort Pickens, and the other forts on the gulf, is not so well understood. It is to be greatly desired that all of them should be surrendered. Our object is peace, not only with the North, but with the world. All matters relating to the public property, public liabilities of the Union when we were members of it, we are ready and willing to adjust and settle upon the principles of right, equity, and good faith. War can be of no more benefit to the North than to us. . . .

The surest way to secure peace, is to show your ability to maintain your rights. The principles and position of the present administration of the United States – the republican party – present some puzzling questions. While it is a fixed principle with them never to allow the increase of a foot of slave territory, they seem to be equally determined not to part with an inch “of the accursed soil.” Notwithstanding their clamor against the institution, they seemed to be equally opposed to getting more, or letting go what they have got. They were ready to fight on the accession of Texas, and are equally ready to fight now on her secession. Why is this? How can this strange paradox be accounted for? There seems to be but one rational solution and that is, notwithstanding their professions of humanity, they are disinclined to give up the benefits they derive from slave labor. Their philanthropy yields to their interest. The idea of enforcing the laws, has but one object, and that is a collection of the taxes, raised by slave labor to swell the fund necessary to meet their heavy appropriations.

...

E. Freedom Songs from North and South, 1861 – 1862⁹

The Bonnie Blue Flag, Harry McCarthy, 1861

We are a band of brothers
 And native to the soil,
 Fighting for the property
 We gained by honest toil;
 And when our rights were threatened,
 The cry rose near and far –
 “Hurrah for the Bonnie Blue Flag

⁹ Harry McCarthy, “The Bonnie Blue Flag,” sheet music by A. E. Blackmar (New Orleans, 1861); George F. Root, “The Battle Cry of Freedom,” sheet music by Root and Cady (Chicago, 1862).

That bears a single star!”

CHORUS:

Hurrah! Hurrah!
 For Southern rights hurrah!
 Hurrah for the Bonnie Blue Flag
 That bears a single star.

As long as the Union
 Was faithful to her trust,
 Like friends and like brothers
 Both kind were we and just;
 But now, when Northern treachery
 Attempts our rights to mar,
 We hoist on high the Bonnie Blue Flag
 That bears a single star.

CHORUS

...

Then here's to our Confederacy,
 Strong are we and brave;
 Like patriots of old we'll fight
 Our heritage to save.
 And rather than submit to shame,
 To die we would prefer;
 So cheer for the Bonnie Blue Flag
 That bears a single star.

CHORUS

The Battle Cry of Freedom, George F. Root, 1862

Yes, we'll rally round the flag, boys,
 We'll rally once again,
 Shouting the battle cry of Freedom,
 We will rally from the hillside,
 We'll gather from the plain,
 Shouting the battle cry of Freedom.

CHORUS:

The Union forever,
Hurrah! boys, hurrah!
Down with the traitors,
Up with the stars;
While we rally round the flag, boys,
Rally once again,
Shouting the battle cry of Freedom.

...

We will welcome to our numbers
The loyal, true and brave,
Shouting the battle cry of Freedom;
And although they may be poor,
Not a man shall be a slave,
Shouting the battle cry of Freedom.

CHORUS. . .

Appendices

Appendix A: Declaration of Independence

In CONGRESS, July 4, 1776

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute 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. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, THEREFORE, the Representatives of the UNITED STATES OF AMERICA, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by

Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

[Georgia:]	Thomas Nelson, Jr.	John Witherspoon
Button Gwinnett	Francis Lightfoot Lee	Francis Hopkinson
Lyman Hall	Carter Braxton	John Hart
George Walton		Abraham Clark
	[Pennsylvania:]	
[North Carolina:]	Robert Morris	[New Hampshire:]
William Hooper	Benjamin Rush	Josiah Bartlett
Joseph Hewes	Benjamin Franklin	William Whipple
John Penn	John Morton	Matthew Thornton
	George Clymer	
[South Carolina:]	James Smith	[Massachusetts:]
Edward Rutledge	George Taylor	John Hancock
Thomas Heyward, Jr.	James Wilson	Samuel Adams
Thomas Lynch, Jr.	George Ross	John Adams
Arthur Middleton		Robert Treat Paine
	[Delaware:]	Elbridge Gerry
[Maryland:]	Caesar Rodney	
Samuel Chase	George Read	[Rhode Island:]
William Paca	Thomas McKean	Stephen Hopkins
Thomas Stone		William Ellery
Charles Carroll of Carrollton	[New York:]	
	William Floyd	[Connecticut:]
	Philip Livingston	Roger Sherman
[Virginia:]	Francis Lewis	Samuel Huntington
George Wythe	Lewis Morris	William Williams
Richard Henry Lee		Oliver Wolcott
Thomas Jefferson	[New Jersey:]	
Benjamin Harrison	Richard Stockton	

Appendix B:

Constitution of the United States of America

September 17, 1787

[Editors' note: Bracketed sections in the text of the Constitution have been superceded or modified by Constitutional amendments.]

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. I.

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.]¹ 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

¹ modified by Section 2 of the Fourteenth Amendment

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,]² 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.]³

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 chuse 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

² superseded by the Seventeenth Amendment

³ modified by the Seventeenth Amendment

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,]⁴ 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 Behaviour, 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 encreased 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

⁴ modified by Section 2 of the Twentieth Amendment

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 a 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, dock-Yards, 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.⁵

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.

⁵ modified by the Sixteenth Amendment

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. II.

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 be 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.]⁶

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 Persons 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.]⁷

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased 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.”

⁶ modified by the Twelfth Amendment

⁷ modified by the Twenty-Fifth Amendment

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 Offences 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. III.

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 Behaviour, 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;—]⁸ 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.]⁹

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 attained.

Article. IV.

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 Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein,

⁸ superseded by the Eleventh Amendment

⁹ superseded by the Eleventh Amendment

be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]¹⁰

Section. 3. New States may be admitted by the Congress into this Union; but no new State 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. V.

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 its equal Suffrage in the Senate.

Article. VI.

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.

¹⁰ superseded by the Thirteenth Amendment

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. VII.

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

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—
Presidt. and deputy from Virginia

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: Dayton

Pennsylvania

B Franklin
Thomas Mifflin
Robt. Morris

Geo. Clymer
Thos. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris

Delaware

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

Maryland

James McHenry
Dan of St Thos. Jenifer
Danl. Carroll

Virginia

John Blair—
James Madison Jr.

North Carolina

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

South Carolina

J. Rutledge
Charles Cotesworth
Pinckney
Charles Pinckney
Pierce Butler

Georgia

William Few
Abr Baldwin

Attest William Jackson Secretary

AMENDMENTS TO THE CONSTITUTION OF
THE UNITED STATES OF AMERICA

Amendment I.

Ratified December 15, 1791

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.

Amendment II.

Ratified December 15, 1791

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.

Amendment III.

Ratified December 15, 1791

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.

Amendment IV.

Ratified December 15, 1791

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.

Amendment V.

Ratified December 15, 1791

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a 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.

Amendment VI.

Ratified December 15, 1791

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.

Amendment VII.

Ratified December 15, 1791

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 reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VIII.

Ratified December 15, 1791

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

Amendment IX.

Ratified December 15, 1791

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

Amendment X.

Ratified December 15, 1791

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.

DOCUMENTS AND DEBATES IN AMERICAN HISTORY AND GOVERNMENT

Vol. 1, 1493-1865

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