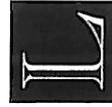


Elizabeth R. Varon

Se Disunion

THE COMING OF THE
AMERICAN CIVIL WAR,
1789-1859

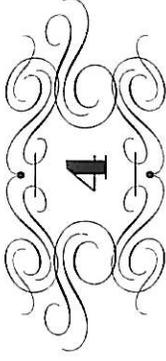


THE LITTLEFIELD HISTORY
OF THE CIVIL WAR ERA

Gary W. Gallagher and T. Michael Parrish, editors

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The Idea Will Become Familiar

DISUNION IN THE ERA OF MASS PARTY POLITICS

In 1837 a new litmus test for loyalty to slavery emerged as the issue of Texas annexation became a centerpiece of the antislavery petition campaign. The Republic of Texas had declared independence from Mexico in 1836; Texans overwhelmingly favored annexation to the United States. Abolitionists vehemently opposed the addition of Texas to the roster of states, and for good reason—the Lone Star Republic was a bastion of slavery. Texans had won their independence from Mexico with the help of militia companies raised in New Orleans, Mobile, Natchez, and other Southern locales. Newspapers such as the *New Orleans Picayune* had fostered sympathy for independence and spurred recruitment by casting Texans as “embattled, ex-patriated” Americans. Most important, Texans had earned the reputation as defenders of slavery—they had vehemently protested efforts by successive Mexican administrations to restrict and gradually dismantle the institution, winning concessions such as an 1828 decree that allowed Texans to register their slaves, in name only, as “indentured servants.” Independence brought with it a swift affirmation of slavery. Texas’s constitution established the legality of hereditary slavery, and its law code featured such measures as a statute that subjected both slaves and free blacks to whipping “not exceeding one hundred” lashes nor “less than twenty-five” for using abusive language

toward whites. Massive Southern immigration to Texas after independence exponentially increased the slave population there from 5,000 in 1836 to 38,753 in 1840.¹

Inspired by the impassioned treatise *The War in Texas*, written by anti-slavery editor and mentor to Garrison, Benjamin Lundy, abolitionists in 1837 flooded Congress with petitions, signed by more than two hundred thousand memorialists, against inviting Texas into the Union. Although hardly an abolitionist, the redoubtable congressman John Quincy Adams vocally supported the right of these petitioners to be heard. The House of Representatives responded by passing a new, more stringent gag rule (alluded to above) that prohibited discussing slavery in the territories. Immediateists had been ambivalent about invoking disunion as a process of sectional alienation—their rhetoric of Northern complicity and complacency emphasized the cultural affinities rather than antipathies of whites in the North and South. But the advent of the annexation issue pushed abolitionists to develop their own emerging interpretation of disunion as a process—one in which a “Slave Power Conspiracy” prosecuted a plan to consolidate its hold over the national government and spread the cotton kingdom. Lundy argued that the Southern bid to annex Texas was part of a “long premediated crusade” to extend slavery, and that the crusade put North and South on a collision course. James Birney asserted in 1837 that Northerners could not accept annexation unless they were willing to “consent to become one great slaveholding nation.” So Northerners should resist, even at the risk of alienating the South. He continued: “Annexation ought to persuade us to look forward to the dissolution of the Union as an event which will in all probability take place, and for which we ought to prepare.” More than any one, John Quincy Adams led the charge in connecting the suppression of petitions to the bid for Texas—again and again he argued in Congress that both were part of a nefarious design. John C. Calhoun and James Henry Hammond had exaggerated the influence of abolitionists in order to close the Southern ranks; now Adams and his allies compiled evidence of slaveholder aggression and dominance to galvanize the North.²

To rebut such claims about the Slave Power Conspiracy, South Carolina’s William Preston argued on the Senate floor that anti-annexation petitioners were “hostile to the institutions of the South, and purpose their destruction.” He defended annexation as a simple bid on the part of the slave states to

achieve parity with the North and maintain, as he pretentiously expressed it, an “equipoise” in the Senate chamber. For Preston, the Texas revolution was another chapter in the Missouri Compromise controversy. It was clear to him and other supporters of annexation that the “distribution of the Louisiana Purchase according to the Missouri Compromise had offered the free states greater opportunity for growth” than the slave states. Ironically, Preston presented bundles of petitions to the Senate, from climes as distant as Louisiana and Pennsylvania, to persuade his colleagues that “all parts of this Union” supported annexation.³

Unfortunately for Preston, many Southern leaders were not yet willing to accept annexation as a loyalty litmus test. Substantial opposition to annexation came from Preston’s fellow proslavery Southern Whigs, who argued that if slavery expanded too quickly into the Southwestern frontier, the older slave states would fall prey to economic decline and marginality. The “equipoise” argument, in other words, cut both ways. So long as the principle of paired admissions of free and slave states prevailed, it was “child’s play” for the South to control the Senate—all it needed was just one crossover vote from the Northern delegation. But trends in the House were more alarming and intractable. Ever since the U.S. victory in the War of 1812, the North had been attracting wave after wave of European immigrants, even as states like Virginia and South Carolina were depopulated by massive emigration to the frontier of the South and West. This had already resulted in the loss of congressional seats in the Old South and the steady consolidation of the North’s dominance in the House. Behind the fear of losing electoral influence was a deeper fear—that as slaveholders and their slaves moved from East to West, the Old South’s commitment to the peculiar institution would be attenuated, and slaveholders would “lose control of the land of Jefferson and Madison.”⁴

Annexationists could not even count on the incoming Democratic administration to do their bidding. Newly elected President Van Buren shunned the project of annexation, as Michael Holt has put it, like a “leprous pariah.” Preoccupied by the severe economic depression that fell over the nation in 1837, aware that the abolitionist anti-annexation campaign was gaining some traction among Northerners, and intent on ensuring that the Democrats had a strong base of support in both sections, Van Buren refrained even from recommending annexation to Congress. The stalemate would persist until a new president, John Tyler, took office in 1841.⁵

Even as the Van Buren administration assumed a holding pattern on the Texas question, debate raged in Congress over anti-annexation petitions. A centerpiece of these wrangles was a new stridency on the question of female loyalty. Proslavery politicians, alarmed that the gag rule had not deterred female petitioners and that women were now signing memorials on an issue (Texas annexation) that fell clearly into the male realm of electoral politics rather than religion and benevolence, issued a series of jarring chastisements to women. Representative Jesse A. Byrum of North Carolina declared in 1837 that it was a "portentous forboding, an awful omen, when women were stepping into the political theatre, calling on men to act." To follow their exhortations was "supreme folly" and would result in "civil war, and one, too, that would drench the fairest fields of this great republic with brothers' blood." He called on Northern men, who in his mind had "little to do with getting up this excitement" over abolitionism and anti-annexation, to put it down. Two years later, Senator Henry Clay would invoke civil war as a tactic of intimidation when he cautioned that the "ink which [women] shed in subscribing with their fair hands abolition petitions may prove to be the prelude to the shedding of the blood of their brethren." Some Northern politicians picked up this refrain. John Norvell, a Virginia-born Democrat representing Michigan, lamented that women had "seized the dagger of Abolitionism, to complete the work of death and desolation in the South."⁷⁶

In response to these attacks, antislavery women and their male allies began to radicalize their rhetoric and elaborate justifications for female petitioning that cast it not simply as a moral duty but as a constitutional right. The most stirring defense of petitioning was a lengthy speech before the House of Representatives by John Quincy Adams in the summer of 1838. Adams reminded his audience of female heroism in the Old Testament and of female patriotic activism during the American Revolution. To the charge that women had no right to petition because they had no right to vote, Adams countered that it "was an injustice" that women did not possess the franchise. Adams also goaded his colleagues from South Carolina by making a reference to the Grimké sisters. He pointedly noted that a great number of antislavery signatures had been "obtained by the influence of two women of South Carolina, natives of that State" who were "well acquainted with the practical operations" of slavery. In response, Representative Pickens (not to be confused with Pinckney) of South Carolina disowned the Grimkés, proclaiming their

antislavery utterances a "issue of prejudice and misrepresentation." Aspersions against their honor would not deter antislavery women, according to Senator Thomas Morris, of Ohio, an antislavery Democrat who resented the hold of the Slave Power Conspiracy over his party. "The liberty of the slave seems to be committed to [woman's] charge, and who can doubt her final triumph?"⁷⁷

THE RADICALISM OF FEMALE ORATORY

Even as Southern and Northern anti-abolitionists in Congress conspired to quash antislavery petitions, Northern clergymen worked to muzzle antislavery speakers—female ones, that is. Female oratory was widely associated with the notorious Fanny Wright, an iconoclastic Scotswoman who had toured the United States in the late 1820s giving theatrical speeches on behalf of radical causes ranging from workmen's rights, to the corruption of American religion, to the amalgamation of the races and "free love" (sexuality outside the confines of marriage). The Northern press branded Wright as a "bold blasphemer and a voluptuous preacher of licentiousness." Only a "female monster" would so overstep the bounds of modesty. Criticism of Wright reveals that the age-old prohibition against female public speaking rested on the notion that oratory was a form of exposure that carried with it, for women, the taint of sexual impropriety.⁸

Thus when Angelina and Sarah Grimké, exiles from South Carolina, embarked on a speaking tour of New England in the spring of 1837, they carried the burden not only of converting listeners to the antislavery creed but also of dissociating female oratory from the dread doctrines of "Fanny Wrightism." To earn a fair hearing from audiences drawn as much by curiosity as by sympathy, the Grimkés stressed their piety and their elite Southern backgrounds—they justified antislavery activism as both a Christian duty and a universal moral imperative. It soon came to light that the two sisters possessed not only social status and strategic savvy, but also genuine talent: Angelina had a "musical, carrying voice and pleasing manner," and Sarah used the "singsong speaking style" of Quaker ministers to sway her listeners. The women, along with their male sponsors in the abolitionist movement, were surprised to discover that their audiences were largely receptive. As the Grimkés' reputations preceded them from town to town, they were "sur-

rounded by an electric atmosphere" that inspired them to greater and greater rhetorical heights.⁹

Alarmed by the progress of radicalism, Massachusetts clergymen issued a pastoral letter and delivered a series of sermons condemning the Grimké sisters. In speaking before "promiscuous assemblies" of men and women, they charged, the Grimkés had "perverted" the law of female subjection and displayed "boldness, arrogance, rudeness, [and] indelicacy." One religious journal went so far as to accuse them of "unfortunate hereditary insanity." Criticisms issued from the antislavery press, too. The New York-based *Colored American* charged that the Grimkés had crossed the line into Fanny Wrightism and "furnished a weapon to the . . . infidel"; editor Samuel Cornish urged African American women to avoid such immodesty. The most influential attack on the sisters came from Catharine Beecher, the beloved maven of Northern domesticity, who had become a national celebrity by celebrating the moral virtue and influence of women. Beecher's *Essay on Slavery and Abolitionism, with Reference to the Duty of American Females* (1837), accused abolitionist women of spawning hatred and resentment among Southerners, of undermining gradualist efforts to dismantle slavery, and of actually bringing the country, in what was becoming a ubiquitous image, to the "very verge of the precipice" of disunion. She drew her own dystopian picture of the "dismemberment" of the body politic—of a grim future in which "public credit staggers, . . . commerce furls her slackened sail, [and] when property all over the nation changes its owners and relations." She begged that the North and South stop provoking each other and urged women to play their divinely ordained role of peacemaker.¹⁰

Just as the gag rule had the unanticipated consequence of ratcheting up the petition campaign, such critiques of the Grimkés amplified rather than silenced their voices. The sisters, in a series of speeches and publications, the most important of which was Sarah's *Letters on the Equality of the Sexes*, honed their defense of women's political activism. Indeed, the abolitionist counterattack against the Massachusetts clergymen's pastoral letter was the opening salvo of the woman's rights movement. Garrison's newspaper served as a vehicle for the Grimkés' arguments and for the emerging analogy between the racist oppression of slaves and the sexist oppression of women. In the pages of the *Liberator*, Sarah Grimké refuted the biblical justifications for women's subordination. Jesus's Sermon on the Mount, she reminded read-

ers, had defined the moral duties of his followers without making any distinction between men and women. In the Bible, one finds "nothing like the softness of woman, nor the sternness of man; but both are equally commanded to bring forth the fruits of the Spirit—Love, meekness, gentleness."¹¹

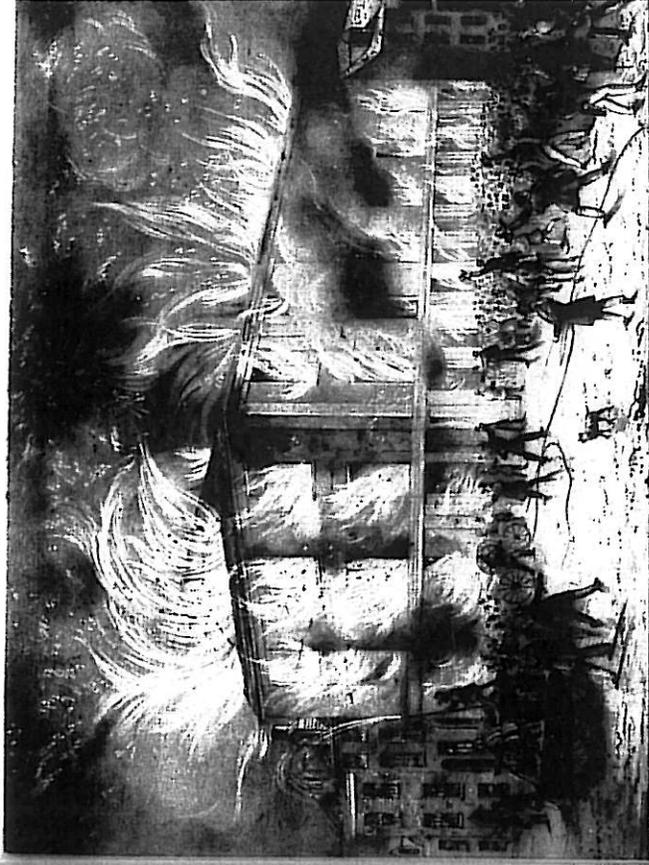
In the eyes of Northern anti-abolition mobs, there was nothing of meekness and gentleness in the activism of antislavery women. Rather, the interracial cooperation of female abolitionist societies appeared to critics as the embodiment of social equality between the races; the nascent dialogue with these societies about the pernicious effects of sexism appeared to be a wholesale revolt against male authority. Moreover, the fact that American abolitionists, women included, had formed alliances with British abolitionists raised anew the specter of "foreign intervention" in U.S. affairs. These fears together proved dangerously volatile. In Boston in 1835, for instance, a mob broke up a meeting of the Boston Female Anti-Slavery Society that was to have featured a speech by visiting British abolitionist George Thompson. These rioters, like other Northern mobs that vented their fury against abolitionists, were led by men of authority and wealth—in this case, members of the Boston mercantile elite, and sympathetic newspaper editors, who wanted to protect their "trading and political connections with the South." They rallied artisans, clerks, apprentices, craftsmen, laborers, and other working-class men as "friends of the Union" to send an unmistakable message to the South: the North valued its ties to the South, and abolitionists were a radical fringe. The official position of leading Democrats and Whigs was to decry mob violence. But abolitionists believed that partisan paeans to law and order were a smokescreen—that "both political parties in the North were using a combination of high-toned resolutions and mob action" to do the bidding of slaveholders.¹²

Violence against antislavery women reached a crescendo in 1838. In May of that year, female abolitionists convened their second annual national convention, at Pennsylvania Hall in Philadelphia, only to find themselves surrounded by an enraged mob of ten thousand opponents. The "few policemen present," Margaret Hope Bacon has noted, "sided with the crowd and made no effort to restrain it." Angelina Grimké Weld (she had recently wed fellow activist Theodore Dwight Weld) and Abbey Kelley delivered their orations in the face of a seething crowd that had surged into the hall, hurling both verbal obscenities and actual stones and brickbats at the participants. Lucretia Mott

adjourned the meeting before any one was injured. The mob that gathered the next morning was even more hostile and intimidating. But the women refused to give way; they conducted their business and, under Mott's direction, left the building in a solemn procession of pairs of white and black women linked arm-in-arm. The women "simply faced down the angry onlookers, relying on the moral force of their own courage and sense of right to protect them from attack." Miraculously, the tactic worked. But the mob, dead set on issuing an unmistakable warning, burned Pennsylvania Hall to the ground after the women had exited it.¹³

The torching of Pennsylvania Hall was especially chilling because it came just seven months after the most shocking mob attack on the antislavery movement: the murder of Elijah Lovejoy in November 1837. Lovejoy had persistently tried to establish an antislavery newspaper in Alton, Illinois, only to see his printing presses repeatedly destroyed by anti-abolition mobs. Seeking to protect his fourth printing press, he and his allies, with the endorsement of the town's mayor, obtained some pistols and steeled themselves to offer violent resistance to the next strike. When it came, Lovejoy never had a chance—he was gunned down before he could discharge his own weapon. On one level, the meaning of Lovejoy's murder was clear: abolitionists were risking their lives. The episode demonstrated how anti-abolition talk could materialize into a deadly reality and thus itself seemed a harbinger of disunion—of a descent into bloodshed. "We have long deluded ourselves with the belief, that there was too much intelligence and virtue in our land, for us to be in danger of general lawlessness or of civil war," a Boston newspaper editorialized, but the Lovejoy slaying had shown that the rule of law was "precarious" and "despotism" ascendant. The *Colored American* blamed the killing not on the "poor and ignorant wretches who consummate the work planned out by 'gentlemen of property and standing,'" but on the press, which had "kept alive by base misrepresentation, the worst passions of the human heart, and pointed at abolitionists as fit subjects for the assassin's dagger."¹⁴

On another level, however, the incident in Alton exposed fault lines within the antislavery movement. On one side, and in the minority, were activists, like the Grimkés, who staunchly opposed any resort to violence, even in self-defense, and who grieved that Lovejoy had ever armed himself. On the other side was a growing cadre of immediatists, including Wendell Phillips, Amos Phelps, and Lydia Maria Child, who embraced Lovejoy as a "martyr of God."



Destruction by Fire of Pennsylvania Hall,

The New Building of the Abolition Society on the night of the 12th May.
Published by J. T. Bowen, 55, Palace Street, and sold by grocers and Condy, 52, Chancery Street.

This 1838 image of Pennsylvania Hall engulfed in flames dramatized the ferocity of the anti-abolition backlash in the North. (Courtesy of the Library of Congress)

They not only defended his resort to arms as justifiable but also saw it as a precursor of a time when abolitionists would have to use violence against the slave system.¹⁵

The controversy over antislavery petitions, over women's public speaking, and over the use of force in the antislavery campaign all reveal that anxieties over gender roles and relations were central to the slavery debates in the North. What comprised a womanly public voice? What constituted a manly defense of principles? How best could men defend the honor of their women? These questions also preoccupied white Southerners, who elaborated their own distinctly sectional responses to them.

WOMEN AND PROSLAVERY IDEOLOGY

Southern opinion makers characterized women's public speaking before "mixed" audiences (of men and women) as a repugnant transgression, a "Yankee" heresy. So strong were the proscriptions of public opinion in the South that no woman tried to establish a reputation as an orator or go on a public speaking tour there. White Southern women were politically active, but within a clearly delineated field. As we have seen, in the early 1830s they exercised the right to petition state legislatures on behalf of the twin causes of gradual emancipation and colonization. By the mid-1830s, however, male proslavery leaders like Virginians John Tyler and James Garland condemned such petitioning as too close in spirit and intent to the dangerous practices of Northern female immediatists. Instead, Southern women were encouraged to channel their political energies into two safer channels—party politics and the literary defense of slavery. By the late 1830s, at the behest of the Whig Party, women were invited to assert public identities as partisans. Because Whigs were more supportive of the congeries of antebellum moral reform societies, and therefore more attuned to the efficacy of female activism, they urged women in the North and South to attend political rallies, to present banners and other tokens to men, and even to make comments at public events through male proxies. When Whigs ratcheted up their appeals to women in the 1840s, Democrats reluctantly followed suit.¹⁶

If party politics represented a point of convergence between Northern and Southern women, the field of literature showed signs of their divergence. White women in the South contributed essays and novels to the burgeoning genre of "plantation fiction." Painting a rosy picture of estates populated by kind and genteel masters and mistresses and contented, loyal slaves, authors such as Caroline Gilman and Caroline Lee Hentz suggested that the South was the repository of moral virtue and social stability. In some respects, the work of this first generation of Southern female novelists complemented the efforts of Southern men such as John Pendleton Kennedy, William Gilmore Simms, and Beverly Tucker, who put into literary form the proslavery polemics of Thomas Dew and Calhoun and Hammond. But female authors had a special agenda: they focused on the "resourcefulness" of plantation mistresses rather than the "heroism of the planter-cavalier," they asserted that planter women should serve as conservators of the region's values, and they

laid claim to a "feminine" mission—that of easing sectional tensions and fostering mutual sympathy by offering a "realistic" portrait of slaveholders. Moreover, as Michael O'Brien points out, female authors like Gilman were "much more attentive to slaves" than their male counterparts, for it was impossible to depict the domestic sphere without portraying slave characters. To a great extent, the reading public accepted the representation of proslavery novelists as truth tellers. As William R. Taylor explained in his classic book *Cavalier and Yankee*, works of plantation fiction by men and women alike were wildly popular not only in the South but also in the North. Made anxious by the rapid pace of social, economic, and technological changes in their own region, many white Northerners took some psychic comfort in the image of the South as a pastoral paradise, at a safe remove from the strains of modernization.¹⁷

While literature was a sanctioned and popular field of public activity for women in both sections, however, Northern women's own genre of domestic fiction was already diverging from the Southern version, setting the stage for a full-blown literary war over slavery that Harriet Beecher Stowe's *Uncle Tom's Cabin* would provoke in the 1850s. Fiction by Northerners such as Catherine Sedgwick, Susan Warner, and E. D. E. N. Southworth was critical of the status quo, lamenting the dislocations (such as bankruptcies) caused by the rapid changes in the North and seeing them as signs of the corrosive and rampant materialism of men. Female authors featured assertive, independent heroines and provided a blueprint not for conserving existing values but for promoting moral regeneration. The "evangelical tone" of their writing "impelled many northern women to participate in reform activity" and to try to restructure the social order along "protofeminist lines."¹⁸

From the perspective of abolitionists, the incorporation of female authors and readers into a national literary dialogue on slavery and sectionalism posed a distinct challenge. How could the immediatist movement, which had won over only a small fraction of the Northern population, harness the reform energies of middle-class men and women, many of whom had fallen under the spell of plantation fiction? The abolitionists faced a formidable obstacle in the problem of disbelief—the majority of white Northerners simply did not believe that slavery was an inherently brutal, dehumanizing institution or that many slaveholders were systematically cruel. With their credibility under attack from the press, pulpit, legislative halls, and literary industry, three

abolitionist leaders tried a new tack—they used the words of slaveholders themselves to expose the truth about Southern bondage.

AMERICAN SLAVERY AS IT IS

In 1838 Angelina Grimké Weld and her husband Theodore Dwight Weld, with the help of Sarah Grimké, undertook the massive project of collecting clippings from Southern newspapers—more than twenty thousand copies in all—to establish an unimpeachable record of the “actual condition of the slaves in the United States.” They painstakingly arranged this “testimony from a thousand witnesses” under a series of thematic subheadings that described the tribulations of slaves: their suffering from hunger and exposure, the back-breaking toil that was extracted from them, the tortures to which they were submitted in the name of discipline, and the heartless, routine assault on the sanctity of their families. They then presented this evidence to the American public in a slender but explosive volume entitled *American Slavery as It Is*. The book is part legal brief, part sermon, part journalistic exposé, and part political treatise—its authors availed themselves of every rhetorical technique they could devise to frame and analyze their evidence. The introduction begins by asking the reader to imagine that he or she was “enpannelled as a juror” to “bring in an honest verdict” on slavery. The reader’s charge was to determine whether “slavery, as a condition for human beings, [was] good, bad, or indifferent.” In the tone of courtroom prosecutors, the authors asserted that they would disprove, “by the testimony of a multitude of impartial witnesses,” the popular fiction that slaves were well treated. They would “put slaveholders themselves through a course of cross-questioning which shall draw their condemnation out of their own mouths.” Lest anyone doubt the authenticity of this testimony, the Grimkés and Weld deposited the newspaper clippings and other sources for their book at the New York City office of the American Anti-Slavery Society (AASS) to enable the skeptical and the curious to examine it firsthand.¹⁹

American Slavery as It Is delivers what it promises. Over the course of some two hundred pages, the authors lay out their indictment of slavery, drawing on the words of clergymen, judges, merchants, lawyers, physicians, professors, overseers, and drivers. Some of the testimony consists of observations by Northerners who had visited the South, or by Southerners, such as

the Reverend John Rankin and the Grimkés themselves, who had joined the antislavery ranks. The authors also cite court records, highlighting such cases as *State v. Mann* (1830), in which the North Carolina Supreme Court ruled that slaveholders could not be prosecuted for assaulting their slaves. By far the most powerful sources are the runaway advertisements culled from Southern newspapers. Under the heading “BRANDINGS, MAIMINGS, GUN-SHOT WOUNDS, &c.,” for example, are 119 quotations from representative newspapers—covering the Upper South and Deep South during 1837–38—spelling out in gruesome detail the mutilation of slaves. Anticipating the countercharge that slave injuries were the result of accidents, the Grimkés and Weld make it clear that slaves’ scars revealed a pattern of systematic cruelty—they confront the reader with the inescapable fact that ear croppings, brandings, and lashed backs did not result from mere accidents. “Describing the work of their own hands,” the authors note pointedly, slaveholders who penned the runaway advertisements showed a “commendable fidelity to truth.”²⁰

But *American Slavery as It Is* is more than a collage of horrors. In its final section, entitled “Objections Considered—Public Opinion,” its authors probe the psychology of denial and offer cogent insights that have become staples of the modern-day historiography of slavery. This last section tries implicitly to answer two key questions: What were the sources of slaveholders’ barbarity, and what explained Northerners’ willful blindness to it? The authors answer the first question with a proposition—namely, that slaveowners treated their bondsperson worse than they treated their horses and cattle. Why? Because the slaves’ very humanity was a constant reproach and challenge to their owners. “It is impossible for *cattle* to excite in men such tempests of fury as men excite in each other,” the Grimkés and Weld assert. “The greatest provocation to human nature is *opposition to its will*.” To maintain their power, slaveholders had to crush not only the bodies but also the spirit of their slaves and make an example of anyone who defied them. Thus slaves were caught in a terrible trap—the more they asserted their humanity, the more inhumanity was visited upon them.²¹

As for Northern indifference to this suffering, the authors trace it to credulousness and hypocrisy. Northerners were constantly made dupes by Southern slaveholders. Residents of the free states who traveled South, for instance, often reported that slaves had seemed happy, not realizing that their owners

had kept the most shocking aspects of the system from these visitors' gaze and that the slaves, to protect themselves, dissembled when asked how they were treated. Most important, the Grimké and Weld assert that to deny man's capacity for cruelty is to betray a shameful ignorance of human history and, in particular, of America's past. Citing the Salem witch trials, the persecution of religious dissenters such as Baptists and Quakers, the horrors of the transatlantic slave trade, and the recent mobbings of abolitionists in the North, the authors ask how one could acknowledge the existence of such cruelty but at the same time regard Southern slaveholders as incapable of systematic brutality? In its most powerful indictment of Northern hypocrisy, *American Slavery as It Is* reminds readers that the central article of faith of America's beloved doctrine of republicanism was that absolute power was, by definition, arbitrary in its exercise and corrupting in its influence. How could a nation founded to overthrow tyranny deny that slaveholders were tyrants?²²

American Slavery as It Is was, by abolitionist standards, an instant success. Reported to have sold over one hundred thousand copies in the first year, it became a guide for antislavery activists; the book eventually served to inspire none other than Harriet Beecher Stowe. The volume was a fitting capstone to a decade of earnest agitation. But although abolitionists felt justifiable pride as the turbulent 1830s came to a close, in their concerted efforts to overcome Northern disbelief, they would find that the problem persisted in the new decade.

THE ELECTION OF 1840

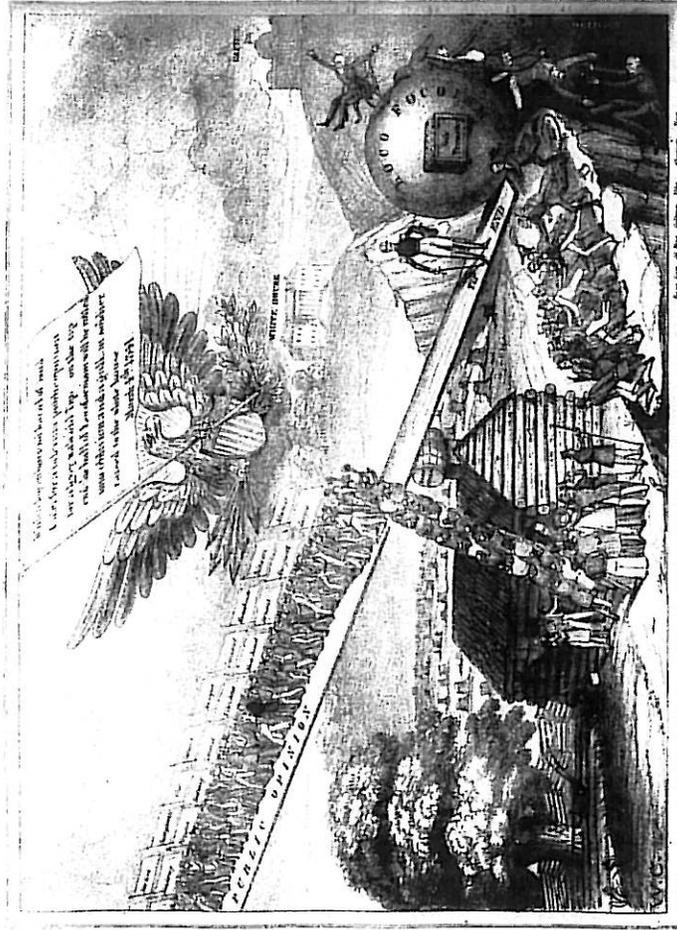
The years 1840 to 1844 comprised the "zenith" of the two-party system, the heyday of competition between the established Whigs and Democrats. Voter turnout reached an unprecedented level (80 percent of the electorate voted in 1840), and economic issues dominated political campaigns, with the pro-modernization Whigs offering a clear alternative to the antimodernization Democrats. Partisan allegiances transcended sectional ones, and each party claimed to represent the nation. The Whigs' base of support was in the North, but their standard-bearer in Congress was Southerner Henry Clay; the Democrats were strongest in the South, but their leader was Northerner Martin Van Buren. Most important, the issue of slavery's territorial expansion

did not yet out the economic debates over banking, tariffs, and the like, which were the parties' stock-in-trade.²³

In the presidential campaign of 1840, the candidate of the Democrats was the incumbent, Van Buren. As president, he had tried to burnish his credentials as a defender of the Northern workingman and of the Southern slaveholder. He made legislation restricting the workday of government employees to ten hours and the creation of an "Independent Treasury" his signature economic issues. An extension of Andrew Jackson's "hard money" philosophy—which favored replacing paper or "soft" money with specie, or metal coins, in an effort to restrain the flow of credit and check rampant speculation—the independent or "subtreasury" would hold government deposits and thus control federal revenues. To preempt the charge that such an institution represented the very federal "consolidation" Democrats claimed to oppose, Van Buren and his administration cast the Independent Treasury as the vehicle of the "people" and banks as tools of the Northeastern Whig elite.²⁴

Southern Democrats as well as Northern ones accepted this rationale—as a Richmond campaign paper put it, the "Sub-Treasury bill was passed in accordance with the will of the people, expressed at the polls." Even Calhoun, who had been drifting back into the Democratic fold, lined up behind Van Buren. To further shore up his Southern base, Van Buren continued to tout his record as a defender of slavery. He had opposed abolitionist efforts, for example, to win the freedom of the *Amistad* captives—Africans who had seized control of the schooner *Amistad*, on which they were being transported illegally from one Cuban port to another by Spanish slave traders. After the mutiny, the slave traders misled the rebels, who wanted to return home to Africa, about the ship's trajectory, navigating it into U.S. waters. The ship was captured by U.S. authorities off the coast of Long Island in June 1839, and the fate of the African mutineers lay in the hands of the American judicial system. Van Buren's administration tried a series of maneuvers to deny the *Amistad* rebels due process and favored returning them to Cuba—and Spanish jurisdiction—where they would face the harshest possible punishment.²⁵

The Whig choice for president in 1840 was General William Henry Harrison. A renowned Indian fighter who as governor of the Indiana Territory and a U.S. senator from Ohio had fashioned himself a plain-spoken



THE ALMIGHTY LEVER

In this 1840 Whig cartoon, public opinion is a lever sliding the "Loco Foco" Democrats off the precipice into the abyss of electoral defeat and poised to lift Harrison ("Tip") to victory. (Courtesy of the Library of Congress)

Midwesterner (despite his elite upbringing in Tidewater Virginia), Harrison had made a respectable showing in 1836 and was poised to co-opt Van Buren's tactics and capitalize on his weaknesses. Harrison and the Whigs tore a page from Van Buren's book of party discipline and voter mobilization and launched the legendary "Log Cabin" campaign, offering an endless array of public spectacles and slogans to arouse the enthusiasm of the electorate. Although this "flummery, mummery, and hoopla" led some observers to deride the Whigs for lack of substance, the party did have a cogent, and potent, message for voters. The heart of that message was that the disastrous economic policies of "Martin Van Ruin" were responsible for plunging the country into a depression that had begun in 1837 and showed no signs of

abating. Whigs maintained that the subtreasury was an "odious" scheme calculated to "paralyse the efforts of the industrious classes of the community." They tarnished Van Buren with the same charge they had leveled against Andrew Jackson—that of executive tyranny. Van Buren's somewhat haughty, foppish personal style and fondness for luxury made him vulnerable to portrayal as "a dissipated, effete monarch." Is it any wonder, Whigs argued, that such a figure would adopt economic policies that favored the rich over the common man?²⁶

Whigs offered promises not just of recovery but of progress, and they tailored those promises to sectional constituencies. When Daniel Webster, campaigning for Harrison, made a stop in Richmond in the fall of 1840, he avoided defining clear positions on divisive issues such as tariffs and banking. He knew that some Virginia Whigs, in the Clay school, favored developing Southern industry and diversifying the region's economy (and thus finding new outlets for slave labor), while others, the nullifier-defectors from the Democratic Party, had no patience for the "American System." Instead, Webster in his public pronouncements, including a speech to a throng of Whig "ladies," gave voice to the party's distinctive "political pietism"—the notion that the government, in the right hands, would promulgate "sound morals" and redeem the people from "falsehoods." This was a message that his Richmond sponsors could manipulate as they chose—to some, Webster seemed to be aligning the government with the "benevolent" reform societies that many Whigs, including urban Southerners, considered the answer to moral decay. To others, Webster seemed, by his visit to the state and his critique of Van Buren's unconstitutional "executive tyranny," to have come around to the "Virginia Standard" of "Strict Construction."²⁷

As the Whiggish *New York World* put it in an analysis of the Log Cabin campaign: "In one quarter of the Union the Whigs represented their candidate as a friend, in another an enemy to a National Bank—here he was an abolitionist, there a slaveholder—in the East a champion of domestic industry, in the South a foe to the Tariff." Harrison did indeed try to finesse the slavery issue. In the South, Harrison supporters could trumpet his Virginia roots and the unimpeachable proslavery credentials of his running mate John Tyler, an elite Virginian and a representative of the states' rights wing of the Whig Party. To Northerners, Harrison could tout his support for colonization, which still commanded the support of many self-styled moderates on

the slavery issue, and downplay Tyler's presence on the ticket. Southern Democrats scrambled to expose this duplicity and to indict Harrison as unsound on slavery. One campaign pamphlet, addressed to the Democrats of Alabama, claimed that the "notorious Garrison" exulted in the choice of Harrison as the "Whig Abolitionist" party's candidate.²⁸

This was a specious claim. For even as Americans in the political main-stream were swept up in the excitement of the campaign, abolitionists were experiencing a schism over the issue of political action. In the face of the anti-abolition onslaught in both North and South, Garrison and his followers had grown ever more alienated by and cynical about electoral politics. By 1839, Garrison was saying that abolitionists should repudiate the political process altogether and refrain from voting. At some distant time, he predicted in the *Liberator*, antislavery voters would possess the numerical strength to vote out the slaveholding interests and to change the laws. But first the movement had to effect a moral reformation of the people—and it could not do so by practicing the corrupt art of partisan campaigning. Rather, abolitionists should remain committed to the tactics of moral suasion and work to make the American people see that slavery was but the worst symptom of a terrible affliction. American culture, as Garrison saw it, was suffused with violence and coercion—the church, the state, the military, the prison system, the schools, and the political parties all used force to command the obedience of citizens. Following the lead of the Grimké and other female reformers, Garrison went so far as to label the patriarchal family as coercive and to draw the analogy between the racist oppression of slaves and the sexist oppression of women.²⁹

"We were too many and too popular, and it is well that our ranks have been winnowed out. God does not save by the many, but by the few," Garrison wrote of the 1840 schism. His stance of "nonresistance," with its call to reject rather than resist the political system and to embed antislavery pronouncements within a broader critique of American society, precipitated a split within the movement and the formation of two new antislavery organizations: the American and Foreign Anti-Slavery Society (AFASS) and the Liberty Party. The leading lights of both organizations believed that Garrison's extreme moral perfectionism "tended to tar all of abolition with its radicalism and thus frightened off many potential recruits." Lewis Tappan, leader of the AFASS, advocated a strategy of moderation, working within the churches and the

"benevolent empire" of evangelical charities. Tappanites also bitterly opposed conflating the cause of abolition with that of woman's rights. In fact, it was the appointment of reformer Abbey Kelley to the business committee of the AASS at its annual convention in May 1840 that prompted Tappan, Amos Phelps, C. W. Denison, and others to walk out of the meeting and form the AFASS. Giving a woman like Kelley a leadership position in the movement, they held, was "contrary to the gospels and to their consciences." Tension over the "woman question" grew more acute when, in June 1840, female delegates who accompanied Garrison to the World Antislavery Convention in London, England, were refused permission to participate in its proceedings. Garrisonians were outraged. In the pages of the *Liberator*, Garrison thundered: "What *are* women, and who *are* slaves? Are not the rights of both identical? *Human* rights!—that is the great question which agitates the age."³⁰

The second organization formed to provide an alternative to Garrison's "come-outer" radicals was a new political entity, the Liberty Party. Its leaders—James Birney, Gerrit Smith, William Goodell, Joshua Leavitt, and Alvan Stewart, among others—shared with the AFASS faction a distaste for Garrison's penchant to mix the antislavery question with controversial issues such as woman's rights. But Liberty Party men were driven as much by frustration with the existing parties as they were by antipathy to Garrison. Both the tenor of electoral politics and the ongoing gag rule debacle furnished proof, as Birney and his cadre saw it, that abolitionists needed to "develop a more efficient political engine." Supporters of the new party feared that the duplicitous tactics of Democrats and Whigs were dangerously seductive. A writer using the pen name "Liberty" thus lamented to the *Colored American* that not only were Van Buren and the Democrats (whose *Amistad* machinations the writer exposed) pledged to keep slaves "forever bound," but also that Northern Whigs were unaware of John Tyler's true proslavery record. The Whig Party attempted to "keep [Tyler] back from the public gaze as much as possible, that the friends of freedom may not see the hideousness of the bear."³¹

If the state of the presidential campaign were not discouraging enough, the antislavery cause also had to contend with setbacks in Congress. On January 28, 1840, the House, on a motion by Whig representative William Cost Johnson of Maryland, made it a standing rule that no antislavery petition would "be received by the House, or entertained in any way whatever." This

Johnson gag was no mere resolution that would expire with each session, but a rule that would apply to all sessions of a given Congress. As William Lee Miller explains, "The onus would now be on Adams and his group to try to exclude that one rule from adoption, in the bundle of rather routinely adopted rules of the previous Congress, at the start of a Congress." This "undiluted" gag passed because of the support of Southern Whigs who wanted to prove their soundness on slavery in an election year and Northern Democrats who wanted to preserve their party's reputation for loyalty to the South. The rule's sponsor, Representative Johnson, positioned himself as a moderate who favored colonization and condemned the abolitionists for having "retarded" the "humane efforts" of the state of Maryland to send blacks back to Africa.³²

Abolitionists naturally denounced the new rule as a travesty; in the pages of the *Pennsylvania Freeman*, Samuel Cornish wrote that "never before has an outrage so unblushingly profligate been perpetrated upon the Federal Constitution." But they knew well that the new gag rule, like its predecessors, would actually escalate the conflict between antislavery and anti-abolition forces. With John Quincy Adams ignoring its Whig sponsorship and assailing the rule as a Democratic trick, the Johnson gag sparked bitter debate in the House and Senate. In a presidential year, the opposing forces could not resist the temptation to make the new rule a partisan weapon. On February 13, 1840, the Senate floor was the scene of an "extraordinary debate" over whether the Whig Party was controlled by abolitionists. It began when Henry Clay presented an antislavery petition to his colleagues, along with an implicit critique of the gag rule that the House had just enacted—if there was not so much "harshness of language" used in condemning petitions, he had decided, there would have been "much less excitement" over the slavery question. Clay was immediately set upon by Calhoun, who made the familiar case that the right to petition was not unlimited, but who also took the opportunity to accuse Whigs like Clay of using the free speech issue "for the sake of victory at the elections." When Whig senator James Tallmadge of New York denied that his party was abolitionist, he was challenged by Senator Bedford Brown, a North Carolina Democrat, who dredged up old Senate votes to prove that the Democrats had consistently "sustained" the South while the Federalist/Whigs had taken the antislavery side. Connecticut's Senator Perry Smith, another Democrat, joined the chorus, alleging that the Northern

Whigs had the "benefit of Abolition votes." This left Clay, whose motion had started the fracas, to reassert his commitment to the "rights of the South" and mutter in exasperation that "he thought the day had been very unprofitably spent." The debate eventually fizzled out, and the Senate continued its "informal" gag rule practice of tabling abolition petitions. But such debates confirmed the view of commentators like "Liberty" that the Whig Party was not a reliable vehicle for abolition policies.³³

After a series of false starts, "political antislavery" men met in Albany, New York, in April 1840 and nominated a ticket—James Birney for president and Thomas Earle, a Quaker and a Democrat, for vice president. The Liberty Party never became, Michael D. Pierson argues, a "modern, centralized political party" led by a large cadre of elected officials; instead, the party's "most effective apparatus proved to be its independently edited, partially subsidized newspapers." Organs such as the *Signal of Liberty* and *Free American* expounded the party's doctrine, the central tenet of which was that antislavery forces, if they acted in concert, were already strong enough, as Gerrit Smith put it, to "extort concessions" from Whigs and Democrats. If the numerical significance of the antislavery voting bloc could be demonstrated, the two established parties could be induced to compete for its support. To avoid the pitfalls of Garrison's approach, Liberty Party leaders vowed to focus exclusively on the slavery issue and to remain neutral on all others; the party also stood, at least initially, for adherence to traditional gender roles rather than for woman's rights.³⁴

A key distinction between the approach of the Liberty Party and that of the Garrisonians was that the Liberty Party "made a special point of slavery's threat to the rights of *white* Americans." The Southern "Slave Power," they stressed, was comprised of a small oligarchy that, thanks to the shameful three-fifths compromise, wielded a disproportionate power within the federal government. This Slave Power was to blame for the economic depression that gripped the country; for it opposed the creation of financial institutions (such as a national bank) and fiscal policies (such as high tariffs) that would foster economic development and fund Northern industry, in particular; slavery drained away the economic vitality of the North. Though such an emphasis made the Liberty Party vulnerable to the charge that it had lost sight of the plight of blacks and watered down the antislavery message, from the start it received the support both of antislavery moderates who sought for the new

party mass appeal in the North, and bona fide radicals, such as Gerrit Smith, who favored "aggressive action against slavery in the South." Liberty Party radicalism is exemplified in an 1842 speech that Smith gave at a party convention in New York. Inspired by evidence that slave escapes were on the rise, Smith urged white abolitionists to venture into the South to aid the Underground Railroad, and he encouraged slaves to assert their manhood and resist slavery by taking flight. This call for interracial cooperation in slave rescues was more "practically radical" than the Garrisonians' pacifist stance of non-resistance and "moral suasion."³⁵

To the dismay of Smith, Birney, and their allies, the Liberty Party's mixed messages did not catch on with voters. In the 1840 presidential election the party garnered a mere 7,000 votes, and its showing in 1844—65,000 votes for Birney—was only modestly better. Harrison commanded 234 electoral votes to Van Buren's 60 and won 19 of the 26 states. In his lengthy inaugural address, Harrison articulated his mandate to preserve the "cordial, confiding, fraternal union." He warned, in words implicitly aimed at abolitionists, that any "attempt of those of one State to control the domestic institutions of another can only result in feelings of distrust and jealousy, the certain harbingers of disunion, violence, and civil war."³⁶

Despite the new president's determination to keep the issue of slavery out of national politics, the early 1840s would provide no lull in the sectional crisis. Instead, Northerners and Southerners alike experienced these years as a time of sharply rising sectional tensions, of instability, uncertainty, and even chaos. Everywhere one looked—in the halls of Congress, courts of law, churches, and press rooms—new battles over slavery and disunion were being joined.

TYLER AND PARTY POLITICS

The Whig Party had precious little time to savor Harrison's victory in the 1840 presidential contest. His death from pneumonia on April 4, 1841, just one month after his inaugural address, resulted in the accession of his running mate, John Tyler. The nation held its breath to see whether Tyler would ally himself with the Clay-led group of Whig nationalists in Congress or defy them in the name of states' rights. The Democratic *Richmond Enquirer*, which had condemned the Harrison-Tyler ticket as an "abolition" slate and

could barely muster a few respectful words on Harrison's demise ("It is wonderful, indeed, that more [presidents] have not perished in office," the paper editorialized), had low expectations that Tyler would champion Southern rights. The Whiggish *New York Tribune*, led by moderate antislavery editor Horace Greeley, was initially hopeful that Tyler would line up behind his party's prodevelopment economic policies. Both prognostications were confounded when Tyler, in August and September 1841, vetoed two key banking measures passed by the Whig Congress and thus thwarted Whig efforts to engineer an economic recovery. Clay's allies were appalled; the *Tribune* noted that the very exercise of the veto was "especially obnoxious to Whigs," who had earlier railed against President Andrew Jackson's abuse of the veto power. The fact that Tyler was an imperious slaveholder added insult to injury. The president exercised his veto power "contemptuously," Greeley wrote, and with "the authority of a master." Greeley took to referring to Tyler as the "deplorable Accidency." In September 1841 the Whigs literally read Tyler out of the party, leaving Clay as its acknowledged leader.³⁷

Southern rights papers such as the *Richmond Enquirer* praised Tyler for his "moral courage." Though on the face of it, neither of the vetoed bills touched on the issue of slavery, states' rights Southerners saw Clay's measures, particularly his proposal for a national bank, as efforts, like the hated tariff, to benefit the Northeastern "monied aristocracy" at the expense of the agrarian South. In the eyes of Southern Democrats, Clay's program also represented an attempt by Congress to exceed its constitutionally mandated role and, in the words of Representative Robert Barnwell Rhett, "consolidate this Government"—namely, extend its power over the states. Moreover, Tyler "had been a committed expansionist for some time" and traded on this reputation by currying favor among Democrats who endorsed annexing Texas. While Democrats praised Tyler, they did not claim him as one of their own, preferring to take the position that the Whigs, as the price of their duplicity in 1840, were stuck with the traitor. The *Charleston Mercury* gloated that Whigs looked in vain for any sign that Tyler was in league with the Democrats and reminded its readers that the Whigs "are responsible—*they* vouched for [Tyler]—*they* placed him where he is." As the Democrats approached the 1844 presidential contest, three candidates—Calhoun, Van Buren, and newcomer James K. Polk—contended for leadership of the party, leaving Tyler out in the cold.³⁸

Against the backdrop of the Whigs' White House woes, congressional debates over the gag rule and slavery intensified. In 1841 John Quincy Adams's efforts to rescind the Johnson gag were met with a new round of partisan mudslinging and of speeches on the widening rift between North and South. Representative Henry A. Wise of Virginia echoed William Preston's 1836 pro-gag peroration in invoking the example of Wilberforce and the British abolitionists; American abolitionists, too, by "keeping up agitation," would "gain their point, as certainly as that the solid marble would wear away by the constant running of the stream." They would not stop until "public sentiment was affected in the slaveholding states."³⁹

In 1842 the discourse on disunion and on British influence took on new dimensions when Representative Adams essayed a daring new tactic to capture public attention. On January 24 he presented a petition from forty-six citizens of Haverhill, Massachusetts, "praying for a dissolution of the Union." Adams made it perfectly clear that he opposed the goals of the petitioners and that he presented the memorial both in deference to the rights of free speech and to seize an opportunity to defend the Union. His disclaimers were resoundingly rejected by anti-abolitionists, who rallied in support of a series of motions to censure him. The *Richmond Enquirer* charged that Adams's petition was no mere rhetorical ploy, but that he was eagerly trying to lay the groundwork for actual disunion. "By degrees the idea will grow familiar, and the spirit of the people will be subdued," it predicted. The *Enquirer* also endorsed the view championed by the leading critic of Adams, Henry Wise. Wise fulminated in endless disquisitions on the floor of the House that Adams and the Northern Whigs were in league with the British government to effect its long-standing goal of breaking apart the Union; Adams's Whig faction was simply the old English Tory Party in disguise. Witness the proceedings of the recent annual World Antislavery Convention in London in 1841, Wise noted—there you would find American abolitionists inviting British agents to meddle with the domestic politics of the United States. This same "Anglo-American Abolition Dissolution party," Wise inelegantly added, was also fomenting opposition to the annexation of Texas. Representative Thomas Dickens Arnold of Tennessee expressed the feelings of many of his exasperated colleagues when he accused Wise of incendiary and unfounded accusations. He said that the Virginian's anti-British ramblings "sounded

very much like the remnant of an old stump speech prepared for some obscure neighborhood where the people do not read much."⁴⁰

The debate got even more bizarre when John Minor Botts, a Virginia Whig nationalist, rose to defend Adams. Botts was at pains to note that he opposed the antislavery movement. But he also opposed censuring Adams, both because the avowed purpose of Adams's gambit was to demonstrate the folly of disunion and because the old man's "dignity, and long service" entitled him to "so much kindness and forbearance." In a gutsy ploy worthy of Adams himself, Botts then charged two fellow Southerners—Representative Robert Barnwell Rhett and Secretary of the Navy Abel P. Upshur—with having advocated disunion. For consistency's sake, shouldn't they be branded with treason just as Adams was? Rhett and Upshur were symbols of the militant nullifier wing of the Southern rights movement. How could such militants have supported nullification and yet condemn Adams? The responses of Rhett and Upshur and their supporters are profoundly revealing. Rhett conceded that he had drafted some disunion resolutions in 1837, to be presented to his constituents, in response to William Slade's fiery anti-slavery speech in December of that year. But, Rhett argued, they were a rhetorical gambit to draw attention to the high stakes of the slavery debate; he knew the resolutions would never be voted on. In support of his colleague, Representative Thomas Marshall of Kentucky made the same distinction—Rhett's invocation of disunion, like that of the nullifiers, was a political lever, a parliamentary ploy. Adams, by contrast, had actually *proposed* disunion. Marshall accused the former president of going "a whole stone's cast beyond any thing the Southern nullifiers ever dreamed of;" for Adams was actually suggesting that Congress had the power to dissolve the Union. Upshur took a different tack against Botts. He maintained that he had never been an unconditional advocate of immediate disunion, but he "would sooner see the Union dissolved, than witness the success of this very abolition movement." Botts wrote a series of letters to the friendly *Richmond Whig* claiming that Upshur's defense actually proved Botts's point. Botts's sense that he and Adams had won this round of the slavery debate was confirmed when, on February 7, 1842, the resolution to censure Adams was tabled and the matter dropped. The "censurers [had been] censured," proclaimed the *New York Tribune*.⁴¹

“NO UNION WITH SLAVEHOLDERS”

While Adams’s parliamentary gambit was simply an effort to provoke another Southern overreaction and abridgment of free speech, Garrison and his followers began, in this same period, to embrace disunion. After the antislavery schism of 1840, Garrison gave full vent to his disgust with the political system and made calls for the “repeal of the Union” his editorial mantra. Calhoun and his ilk, we have seen, spoke of disunion in three registers—when invoked as a threat, it was a tool for extracting concessions from the North; when invoked as an accusation, it was a tool for branding abolitionists as treasonous and insurrectionary; and when invoked as a process of sectional divergence and alienation, it was meant to promote Southern solidarity. For Garrison, his biographer Henry Mayer has explained, “disunion began [in the late 1830s] as an angry change of attitude rather than a political remedy,” a repudiation of any compromises wrought by “unholy alliances” of Northerners and Southern slaveowners. Many other immediatists, radicalized by the backlash against their campaign, experienced this “angry change of attitude” and drew out the argument that disunion was preferable to immoral compromises and cowardly submission. Addressing a convention of his fellow ministers in Worcester, Massachusetts, in January 1838, George Allen, a prominent immediatist clergyman, intoned: “If it has come to this, that the price of union is to be dumb when God calls for a voice . . . if we may not speak our minds against the most horrible atrocity with which earth is afflicted, let not the price be paid. . . . In such alternative let the Union expire, though the giving up of the ghost be with a nation’s agony.” A February 1839 article in the *Colored American* captured this growing spirit of defiance: “Far better that such dismemberment should take place, than that the ‘freemen’ of the North . . . should longer be held as convenient vassals of the South.”⁴²

By 1842, however, Garrison was using the lecture circuit to push disunion not only as a gesture of defiance but also as “a measure for adoption by various abolitionist bodies”—as a positive good, a process that human agency could and should expedite, not forestall. Although he “gained no group endorsements,” Garrison believed that his hammering away at the disunion theme nonetheless brought political dividends: as Adams’s victory in the House showed, antislavery forces could use disunionist language to counter Southern threats and expose Southern hypocrisy. At the heart of Garrison’s

disunion advocacy was his critique of the U.S. Constitution as a “covenant with death” and an “agreement with hell.” Its protections for the slave trade, three-fifths compromise, and fugitive slave provisions were an attempt, “monstrous and impractical, to blend the light of heaven with the darkness of the bottomless pit.” Garrison’s attack on the Constitution had considerable shock value and served to distinguish his disunionism from the Southern states’ rights version. Calhoun and Hammond viewed the Union as a compact embodied by the Constitution and premised on the protection of the property rights of slaveholders; they threatened to break the Union—as a last resort, so they said—in order to preserve those constitutional guarantees. But, they believed, whether or not political disunion ever became necessary, a cultural disunion was already under way, driven by the abolitionists’ corrosive contempt for Southerners. In their reckoning, even if Southerners one day made good on their threats to withdraw from the Union, Northerners would bear the responsibility for the calamity, for Northerners had betrayed both the letter and the spirit of the original compact.⁴³

Garrison’s view was even more complicated, for he drew a distinction between the false Union—the “hollow mockery” created by the Constitution—and the true Union, a “glorious reality” that had never yet been achieved. The false Union, he repeated again and again, was not divinely ordained but rather “the work of men’s hands”: quoting the Bible, he declared that “it is only those things which are made, that can be shaken down.” As Garrison saw it, slavery depended on the false Union for its survival—Northerners furnished Southern slaveholders with the markets for the slaves’ produce, with the laws and slave-catching mobs that policed the boundaries of the system, with the votes to give slaveholders control of the federal government, and with the moral approbation to embolden slaveholders to spread their pernicious labor system. If this Northern support were withdrawn, slavery would be doomed. The spirit of the true Union, by contrast, was present in the preamble of the Declaration of Independence—it was the spirit of equality. A binding and valid compact between freedom and slavery was, for Garrison, a moral impossibility, and thus, in a sense, disunion already prevailed. With slaveholders campaigning aggressively to extend their domain and to curtail the rights of Northern citizens, it was inevitable and fitting that political disunion would flow from moral disunion. An 1842 antislavery meeting in Boston, presided over by Garrison, resolved that “the time is rapidly

approaching when the American Union will be dissolved in form, as it now is in fact." In this formulation, disunion connoted not failure, shame, and anarchy but the necessary prelude to a national rebirth: the demise of the false, corrupt Union would prepare the way for the establishment of the true, righteous one. From the early 1840s on, then, disunion for Garrison connoted not only a threat and an accusation, but also a process by which Northerners were coming to see that only a total repudiation of the South could purge the nation of sin.⁴⁴

This bracing political vision, Garrisonian abolitionists believed, was the only antidote to a new doctrine that gained support in antislavery circles in the years 1842 to 1844—the view that the Constitution was actually an antislavery document that empowered Congress not only to restrict the spread of slavery but also to dismantle it in the South. Advanced by Liberty Party men like Alvan Stewart, James Birney, and William Goodell, antislavery constitutionalism claimed that certain provisions of the Constitution and the Bill of Rights (such as the due process clause of the Fifth Amendment and the guarantee to each state of a “republican form of government”) invalidated slavery, and that the egalitarian spirit of the Declaration of Independence—the true gauge of the Founders’ intentions—had been incorporated into the Constitution. Garrison rejected this as wishful thinking. In his view, that the judicial system was more committed than ever to upholding the proslavery principles of the nation’s shameful covenant.⁴⁵

SLAVERY AND THE COURTS:

THE *AMISTAD*, *PRIGG*, AND *CREOLE* CASES

The issue of slavery’s constitutionality had a special urgency in the early 1840s, thanks to a series of highly publicized judicial decisions. The first of these was the Supreme Court’s ruling in the *Amistad* case. After the schooner’s seizure by U.S. authorities in 1839, the African rebels aboard had been imprisoned in Connecticut to await trial on charges of piracy and murder. The Van Buren administration hoped to circumvent the American courts and return the *Amistad* rebels to the Spanish government, on the grounds that they were slaves belonging to Spanish masters and thus legally fell under Spanish jurisdiction; as intended, this interpretation found favor from Southern rights newspapers like the *Charleston Mercury* and *Richmond*

Enquirer. But abolitionists rallied to the cause of the Africans, prompting the *New York Herald*, an openly hostile paper, to marvel at their “immense exertions.” Abolitionists were “raising subscriptions, collecting money, clothing and feeding [the Africans]; employing the most able counsel; riding over the country, by night and day, to get interpreters who can converse alike in their language and in English; [and] rummaging over musty records, old statutes, treaties and laws” in order to craft a case for their freedom. Anti-slavery papers, for their part, embraced the Africans as heroes. The *Colored American* declared that the rebel leader, Cinqué, had “placed himself side by side with Patrick Henry, John Hancock, Thomas Jefferson,” and the other “fathers of the Revolution.” The impressive way that the prisoners were learning English and embracing Christianity would be, the paper hoped, “a consuming fire to prejudice.”⁴⁶

The heart of the abolitionists’ legal argument was that the *Amistad* blacks were not Cuban slaves who were being legally transported to another Spanish holding and thus the rightful possession of Spain. Rather, they were Africans, speaking a variety of African languages, who had been seized from their homelands and taken to Cuba in defiance of Spanish and U.S. treaties and statutes prohibiting the international slave trade. This view prevailed in the January 1840 ruling of district court judge Andrew T. Judson that the *Amistad* rebels be “freed under the rule of self-defense in international waters” and that the president return them to Africa. Van Buren’s attorney general appealed the decision, setting the stage for a showdown in the Supreme Court.

None other than John Quincy Adams championed the cause of the Africans when the Court heard the case in February 1841. Calling the Declaration of Independence, a copy of which was on display in the courtroom, the only “law that reaches the case of my clients,” Adams charged that the Van Buren administration had conspired to rob the *Amistad* mutineers of their fundamental natural rights. In some respects, Adams’s bravura performance represented a high-water mark for the antislavery cause, for it was the culmination of a long collaboration between the various antislavery factions. Followers of Tappan, Garrison, Birney, and the growing Whig antislavery lobby in Congress saw in the *Amistad* case a special opportunity to win support for the movement. Henry Mayer has explained why: “As Africans who sought to return home, the captives struck a sympathetic chord with colonizationists; as

blacks were slaves. If it had been possible to prove that they were Cubans and not Africans, Story would have acceded to the administration's request that they be remanded into Spanish custody, however grim the consequences. There were no grounds for claiming that Story's decision endorsed Adams's interpretation of natural law. To make matters worse, the executive branch itself, under Tyler and each of his successors until Abraham Lincoln, rejected the Court's finding and recommended payment of reparations to Spain. This campaign was the hobbyhorse of proslavery politicians interested in the possible annexation of Cuba.⁴⁹

Garrison's anticonstitutionalism only deepened as he witnessed the Court's—and Story's—handling of a new controversy. The case of *Prigg v. Pennsylvania*, taken up by the Supreme Court early in 1842, brought to an end a long period in which the federal government had remained aloof from the issue of fugitive slaves and their recapture. Constitutional provisions on fugitive slaves had been clarified by a 1793 federal law that held that a slaveowner, or his or her appointed agent, who had captured an alleged fugitive in a free state, could appear before a federal judge or local magistrate and provide “proof” of ownership, and thereby obtain permission (in the form of a certificate) to take the runaway back into slavery. Because the “proof” could consist of as little as an oral claim of ownership (“Yes, that is my slave”), the law “set aside normal legal process, such as the writ of habeas corpus and trial by jury.” While the law imposed a financial penalty on anyone who interfered with the recapture of a fugitive, it did not specify a punishment for reenslaving a runaway without the proper certificate of proof. As a result, many Northern states regarded the law as an invitation to kidnap free blacks and thus passed “personal liberty laws” to protect them. In Pennsylvania, such a law passed in 1826 made it a felony to “carry away . . . any negro or mulatto” in order “by fraud or false pretences . . . [to make] him or her a slave or servant for life” (by 1843, ten Northern states had passed some kind of “personal liberty” measures). The *Prigg* case represented a clash between the federal law and the Pennsylvania law. Edward Prigg had been indicted by the state's supreme court for kidnapping, after he, in his capacity as the agent of a Maryland slaveowner, had taken the fugitive Margeret Moran back into slavery without first having obtained the proper certificate.⁵⁰

Justice Story, chosen by Chief Justice Roger B. Taney to write the majority opinion, again delivered an ambiguous decision; if his *Amistad* verdict had

been a Pyrrhic victory for abolitionists, in that it freed the captives but rejected Adams's interpretation of natural law, the *Prigg* judgment was a kind of Pyrrhic victory for slaveholders. On the face of it, Story's ruling was proslavery: in finding for Edward Prigg, he upheld the constitutionality of the 1793 Fugitive Slave Law, pronounced unconstitutional the 1826 Pennsylvania personal liberty law, and construed the Constitution's fugitive slave clauses to assert the “positive, unqualified right” of a slaveowner to recover his property.⁵¹ These pronouncements naturally provoked the ire of radical abolitionists. In the *Liberator* of March 11, 1842, Garrison fumed that the decision “is not law. . . . It is to be spit upon, hooted at, trampled in the dust resolutely and openly.” But precisely because the *Prigg* verdict sparked a “more determined opposition to the fugitive slave law itself,” Donald E. Fehrenbacher points out, it “proved to be of dubious proslavery value.” By vesting the power to legislate on fugitive slave recapture solely in the federal government, Story implied that states could wash their hands of the matter and permit their officials to stand aloof from the process. Exploiting this loophole, Massachusetts led the Northern states in passing a new kind of personal liberty law in 1843, one that prohibited state officials from assisting in the recapture of slaves, thus leaving slaveholders to rely on the small number of federal judges and marshals. Southern demands for more federal assistance in recapturing slaves would eventually lead to the Compromise of 1850—another effort to settle the issue that only escalated tensions. As for Story, a Massachusetts native whose personal distaste for slavery was well known, he could defend his *Amistad* and *Prigg* rulings as fully consistent with his centrist, nationalist outlook—that international slave trading should be prohibited but that domestic slavery, and the private property rights of slaveholders, should be preserved.⁵²

The winter that brought forth the *Prigg* decision also witnessed a new congressional skirmish over slavery. This one was sparked by the *Creole* case. In November 1841 slaves aboard the *Creole*, bound from Newport News, Virginia, to New Orleans, mutinied and killed one of the slave traders. They demanded that the ship's crew take them to the British port of Nassau in the Bahamas; when they arrived there, the British authorities tried and executed those charged with the murder. But to the horror of American slaveholders, and over the objections of the U.S. government, the British emancipated the rest of the *Creole* slaves. The issue's potentially explosive implications both

for domestic debates over slavery and for Anglo-American diplomacy became obvious when the owners of the freed slaves demanded compensation for their lost property. The Tyler administration took up their cause, with Secretary of State Daniel Webster issuing an angry protest to Great Britain claiming compensation “for the property loss on the ground that the ship’s deck should have been considered an extension of American soil.”⁵³

Proslavery senators and congressmen rallied to support the executive branch’s claim for compensation and called for “the punishment of the guilty.” Senator Preston of South Carolina warned that the United States could ill afford to send the message that “the slaves on board the *Creole* acted in accordance with the decision of the Supreme Court in the case of the *Amistad*, and proved themselves worthy of their freedom.” Calhoun was characteristically alarmist, arguing that if Britain denied the South’s right to hold property in slaves, wasn’t the next step to “extend the same rule to our cotton and other staples?” In a remarkable rhetorical question that reveals how well he understood the logic of the antislavery argument, Calhoun asked: “If we have no right to those whose labor produced them, what better right have we to the product of their labor?” Clay, for his part, rose above his feud with Webster and said it “was expressly desirable, that in all conflicts with a foreign power, whether actually existing or merely threatened, [the Congress] should present an unbroken phalanx.”⁵⁴

The antislavery lobby in the House begged to differ. It proceeded to endorse a series of resolutions by Ohio’s Joshua Giddings that extended Adams’s *Amistad* arguments about natural law. According to Giddings, when a ship belonging to citizens of a given state left the territories and waters of that state, the persons on board the ship “cease to be subject to the slave laws” of that state. Hence, once the *Creole* left Virginian waters, natural law superseded the slave codes of Virginia, and thus the slaves who revolted on the high seas were asserting their God-given freedom. Giddings’s resolutions were resoundingly rejected by the House, but the matter did not rest there. Instead, John Minor Botts proposed to censure Giddings for fomenting “dissatisfaction, and division” within the United States at a time of delicate negotiations with Britain. (Those negotiations were protracted: more than a decade later, in 1855, the British government conceded that Bahamian officials should not have freed the *Creole* slaves and awarded American slave-owners \$110,330 in compensation for their lost property.) The 1842 censure

bid won by a vote of 125–69, and Giddings promptly tendered his resignation to the Speaker of the House.⁵⁵

The victory over Giddings proved short-lived, as his constituents soon returned him to his vacated House seat. But for antislavery activists, the *Prigg* and *Creole* controversies together seemed to cloud the results of the *Amistad* case and to raise anew the specter of a federal government—in its executive, legislative, and judicial branches alike—committed not only to preserving slavery but even to extending its domain. The abolitionists’ sense that America had arrived at a point of crisis in its race relations was given further credence by two incidents—the Philadelphia race riot in the summer of 1842 and the Latimer controversy in Boston that fall—that highlighted Northern complicity in the oppression of blacks. The Philadelphia riot, the fifth anti-black uprising in the city since 1834, erupted on August 1, 1842. Some 1,200 African Americans had gathered to march on behalf of the temperance cause and in commemoration of Britain’s abolition of slavery in the West Indies. They were attacked by an irate mob of whites who burned down Smith’s Hall on Lombard Street (where abolitionists had been meeting since Pennsylvania Hall was torched back in 1838), destroyed the Second African Presbyterian Church, and ransacked private residences in black neighborhoods, viciously beating countless individuals. An article in the *Liberator* described the scene: “Unoffending colored women were attacked in the streets, their furniture broken, destroyed or *stolen* . . . colored men and boys, having given no offence, except that of wearing the skin the Creator gave them . . . were beaten until their persecutors believed them to be dead.”⁵⁶

Prominent among these persecutors were recently arrived Irish immigrants who competed with blacks for the insufficient number of unskilled jobs in the city; the prejudice of white Protestants relegated Irish Catholics and blacks alike to the lowest economic rung. The rioters—both Irish and non-Irish—were fired by class resentments as well as racial antipathy; they targeted for destruction the homes of relatively affluent middle-class African Americans, while passing over the residences of working-class blacks. The very presence of a growing black middle class aroused concern among some whites of a “black threat” to white dominance. Together with the city police, state troops quelled the riot the next day, but not before blacks had been sent a chilling message. Robert Purvis, a leading African American abolitionist in the city, wrote in despair to his ally Henry C. Wright. “I know not where I

should begin, nor how, or when to end in a detail of the wantonness, brutality and murderous spirit” of the mob; the “Press, Church, Magistrates, Clergy-men and Devils are against us.” He concluded, “I am sick—miserably sick—everything around me is as dark as the grave.”¹⁵⁷

A few months later, the tenuousness of freedom for blacks in the North was again dramatized in Boston, this time by a fugitive slave controversy. Early in October 1842 George Latimer, his wife Rebecca, and their young child had escaped from slavery in Norfolk, Virginia, and made their way to Boston. Their freedom was short-lived, as they were identified by a former associate of their master, James B. Gray; Gray posted a runaway advertisement and reward and made his way to Boston to reclaim his property. He soon had Latimer arrested, on trumped-up charges of larceny, and incarcerated in the Leverett Street jail, where he remained while Gray applied to the federal court for the requisite permission to return South with his three slaves. Remarkably, the judge in charge of the federal circuit in Boston at that time was none other than Joseph Story of the *Amistad* and *Prigg* decisions. Story proceeded to cement his reputation as a traitor to his own antislavery principles by ruling that Latimer was to remain in jail while Gray compiled the necessary proof of ownership. Abolitionists got wind of these machinations and agitated to make Latimer’s a cause célèbre. Gray was reviled as a symbol of the long reach of the Slave Power. James W. C. Pennington, a former slave who had settled in Connecticut and established himself as a church pastor and leading black intellectual, decried the fact that Latimer was denied not only due process but also the benefit of clergy. “Ministers are not allowed to visit him on the subject of the salvation of his immortal soul!,” Pennington declared in a sermon in Hartford. “But where is this scene? In Virginia? No! But in Massachusetts!”¹⁵⁸

Abolitionists held rallies outside the jail and lobbied the Massachusetts chief justice, Lemuel Shaw, to intervene. To the disgust of Garrison and his allies, Shaw demurred, claiming that the case rightly belonged in federal court. But the Garrisonians did not let up. On October 30 they held a mass meeting at Faneuil Hall. With Wendell Phillips’s cursing of the Constitution ringing in their ears, and the looming prospect of another mass meeting and possibly mob action to free Latimer from jail, the sheriff and Latimer’s owner retreated. Latimer was set free from jail, then manumitted by Gray, who claimed four hundred dollars from abolitionists as the price for this gesture.

The effect on the antislavery movement was electric. According to Henry Mayer, “the mass movement had never before secured so rapid an antislavery victory.” But this victory, too, was clouded—for it ratcheted up tensions between the Garrisonian and Liberty Party wings of the abolitionist movement. Liberty men in Massachusetts had rallied around the case as enthusiastically as Garrisonians, forming a committee to sponsor meetings and demonstrations, and rushing to print *The Latimer Journal and North Star* to publicize the case. Garrison resented this competition and accused Libertyites of exploiting the case. The Libertyites, for their part, not only “bore Garrisonian anger with some magnanimity,” but also, writes Bruce Laurie, “reaped a political dividend from the Latimer affair” by picking up enough seats in the fall 1842 state elections to hold the balance of power in a House equally divided between Whigs and Democrats. Moreover, Libertyites engineered the passage in 1843 of the personal liberty law mentioned above—dubbed the “Latimer Law”—that exploited the loophole in Story’s *Prigg* decision. Those antislavery men who advocated participation in the political process felt that this success vindicated their stand that the antislavery movement had to change not only men’s hearts but also the laws—and that only political engagement could achieve such legal reform. Indeed, Laurie argues, the Latimer Law symbolized the broad commitment of Liberty Party men and women in Massachusetts to fight segregation and other forms of racial discrimination in the Bay State.¹⁵⁹

Garrisonians drew a different set of conclusions and emerged from the battles of 1841 and 1842 more committed than ever both to their critique of the Constitution and to tactics of civil disobedience. They believed that by pushing their case that the fugitive slave measures of the Constitution were illegitimate, they had set the stage for the public outcry over Latimer. Delivered at the height of the Latimer controversy, Pennington’s sermon, entitled “Covenants Involving Moral Wrong Not Obligatory upon Man,” captured the essence of the Garrisonian position: the Constitution was not “sovereign” over the people but a “creature of [their] will and power” and therefore could be amended and even rejected by them in accordance with the true principles of morality. Like Garrison, Pennington located those true principles in the Declaration of Independence, with its affirmation of human equality. The Latimer case was analyzed in song as well as sermon: an antislavery songbook compiled by black abolitionist William Wells Brown featured “The Bigot

Fire," with lyrics composed "on the occasion of George Latimer's Imprisonment in Leverett Street Jail, Boston." The first two stanzas present the views of a typical anti-abolition Northerner, who feared the consequences of alienating the South:

O, kindle not that bigot fire
'Twill bring disunion, fear and pain;
'Twill rouse at last the southerner's ire
And burst our starry land in twain.

Theirs is the high, the noble worth
The very soul of chivalry;
Rend not our blood-bought land apart,
For such a thing as slavery.

In the third stanza, an abolitionist's voice provides commentary on such conservative invocations of disunion:

This is the language of the North;
I shame to say it but 'tis true;
And anti-slavery calls it forth,
From some proud priests and laymen too.

The rest of the song is a pledge and a call to arms. New England's proud sons will not "bend forsooth to Southern rule . . . and be the base, the supple tool, of hell-begotten slavery." They would rather see the country "ripen" into a "thousand fragments" than stoop before the "haughty" Slave Power. The last line promises to cast down on slaveowners "a curse so loud, so stern, so deep, / Shall start ye in your guilty sleep." As the public's attention turned to the issue of Texas and the coming presidential campaign, Garrisonians hoped that the moderate antislavery contingent would catch this ardent spirit of disunion and prove willing to defy the Slave Power.⁶⁰



Oh for a Man Who Is a *Man*

DEBATING SLAVERY'S EXPANSION

When the fractious Twenty-seventh Congress came to a close, the antislavery lobby in the House (Adams, Slade, Giddings, and ten others) promulgated an address to the "people of the free states" on the subject of Texas annexation. The project of annexing Texas may have been on the political backburner during the 1841-43 session, they warned, but it was "by no means abandoned." Rather, proslavery forces were steadily mounting an annexation campaign by which the "undue ascendancy of the Slave-holding power in the Government [would] be secured and riveted beyond all redemption." As proof, John Quincy Adams and his allies quoted from speeches and letters by Henry Wise, Thomas W. Gilmer, and others in which they professed that annexation was constitutional and was the perfect means to extend slavery. Sounding an alarm in tones conspicuously similar to proslavery appeals for vigilance against abolitionist encroachments, the antislavery lobby implored Northerners not to be lulled into a "false and dangerous security." Unless Northerners united, without distinction of party, the "nefarious project" of annexation would succeed; this would not only "result in a dissolution of the union," the authors of the address proclaimed, "but fully . . . justify it." The address found favor among moderates as well as hardcore abolitionists. Horace Greeley's antislavery Whig newspaper, the *New York Tribune* (which