

VOICES OF FREEDOM

A Documentary History

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EDITED BY

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Volume 1



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and proclaim to the world that we are palsied by the will of our constituents, would it not be to cast away the bounties of Providence and doom ourselves to perpetual inferiority? In the course of the year now drawing to its close we have beheld, under the auspices and at the expense of one State of this Union, a new university unfolding its portals to the sons of science and holding up the torch of human improvement to eyes that seek the light. We have seen under the persevering and enlightened enterprise of another State the waters of our great lakes mingle with those of the ocean. If such undertakings like these have been accomplished in the compass of a few years by the authority of single members of our Confederation, can we, the representatives of the whole Union, fall behind our fellow-servants in the exercise of the trust committed to us for the benefit of our common sovereignty by the accomplishment of works so important to the Union and to which neither the authority nor the resources of any one State can be adapted?

Questions

1. Why did President Adams believe that the federal government should promote the sciences and arts?
2. What does Adams mean by the remark, "Liberty is power"?

62. John C. Calhoun, The Concurrent Majority (ca. 1845)

Source: "A Disquisition on Government," in Richard K. Crallé, ed., *The Works of John C. Calhoun* (New York, 1854–1857), Vol. 1, pp. 28–29.

The Nullification Crisis of the early 1830s pitted South Carolina, which claimed the right to nullify a national tariff law of which it disapproved,

against President Andrew Jackson. John C. Calhoun, once a strong nationalist, emerged as the leading theorist of nullification. The national government, he insisted, had been created by an agreement between sovereign states, each of which retained the right to prevent the enforcement within its borders of acts of Congress that exceeded the powers spelled out in the Constitution.

In the aftermath of the crisis, Calhoun began thinking about other constitutional mechanisms that could preserve both the Union and the South's rights, especially as Southerners were becoming a distinct minority. He developed the theory of the "concurrent majority." Rather than relying on a simple numerical majority to ascertain the popular will, Calhoun argued, the only way to ensure the stability of a large, diverse nation was for each major interest (including slaveowners) to have the right to veto all measures that affected it. Calhoun began writing his *Disquisition on Government*, from which the excerpt below is taken, during the 1840s, but it was not published until after his death in 1850.

THERE ARE TWO different modes in which the sense of the community may be taken; one, simply by the right of suffrage, unaided; the other, by the right through a proper organism. Each collects the sense of the majority. But one regards numbers only, and considers the whole community as a unit, having but one common interest throughout; and collects the sense of the greater number of the whole, as that of the community. The other, on the contrary, regards interests as well as numbers;—considering the community as made up of different and conflicting interests, as far as the action of the government is concerned; and takes the sense of each, through its majority or appropriate organ, and the united sense of all, as the sense of the entire community. The former of these I shall call the numerical, or absolute majority; and the latter, the concurrent, or constitutional majority. I call it the constitutional majority, because it is an essential element in every constitutional government,—be its form what it may. So great is the difference, politically speaking, between the two majorities, that they cannot be confounded, without leading to

great and fatal errors; and yet the distinction between them has been so entirely overlooked, that when the term *majority* is used in political discussions, it is applied exclusively to designate the numerical,—as if there were no other. Until this distinction is recognized, the better understood, there will continue to be great liability to error in properly constructing constitutional governments, especially of the popular form, and of preserving them when properly constructed. Until then, the latter will have a strong tendency to slide, first, into the government of the numerical majority, and finally, into absolute government of some other form. To show that such must be the case, and at the same time to mark more strongly the difference between the two, in order to guard against the danger of overlooking it, I propose to consider the subject more at length.

The first and leading error which naturally arises from overlooking the distinction referred to, is, to confound the numerical majority with the people; and this so completely as to regard them as identical. This is a consequence that necessarily results from considering the numerical as the only majority. All admit, that a popular government, or democracy, is the government of the people; for the terms imply this. A perfect government of the kind would be one which would embrace the consent of every citizen or member of the community; but as this is impracticable, in the opinion of those who regard the numerical as the only majority, and who can perceive no other way by which the sense of the people can be taken,—they are compelled to adopt this as the only true basis of popular government, in contradistinction to governments of the aristocratical or monarchical form. Being thus constrained, they are, in the next place, forced to regard the numerical majority, as, in effect, the entire people. . . .

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The necessary consequence of taking the sense of the community by the concurrent majority is, as has been explained, to give to each interest or portion of the community a negative on the others. It is this mutual negative among its various conflicting interests, which invests each with the power of protecting itself;—and places the

rights and safety of each, where only they can be securely placed, under its own guardianship. Without this there can be no systematic, peaceful, or effective resistance to the natural tendency of each to come into conflict with the others: and without this there can be no constitution. It is this negative power,—the power of preventing or arresting the action of the government,—be it called by what term it may,—veto, interposition, nullification, check, or balance of power,—which, in fact, forms the constitution. They are all but different names for the negative power.

Questions

1. How does Calhoun distinguish between the “numerical” and “concurrent” majorities?
2. Which Americans would be most likely to object to Calhoun’s proposed constitutional system?

63. Virginia Petition for the Right to Vote (1829)

Source: *Proceedings and Debates of the Virginia State Convention of 1829* (Richmond, 1829), pp. 27–31.

The challenge to property qualifications for voting, which began during the American Revolution, reached its culmination in the first decade of the nineteenth century. No state that entered the Union after the original thirteen qualified ownership of property to vote. In the older states, constitutional conventions during the 1820s and 1830s debated once again in who should be eligible to participate in American democracy.

By the 1820s, only North Carolina, Rhode Island, and Virginia still retained property qualifications for voting. One of the first actions of Virginia’s constitutional convention of 1829–30 was to consider a memorial from non-freeholders of Richmond—men who did not possess enough

proscribed classes. They may be permitted, however, without disrespect, to remark, that of the latter, not a few possess land: many, though not proprietors, are yet cultivators of the soil: others are engaged in avocations of a different nature, often as useful, presupposing no less integrity, requiring as much intelligence, and as fixed a residence, as agricultural pursuits. Virtue, intelligence, are not among the products of the soil. Attachment to property, often a sordid sentiment, is not to be confounded with the sacred flame of patriotism. The love of country, like that of parents and offspring, is engrafted in our nature. It exists in all climates, among all classes, under every possible form of Government, Riches oftener impair it than po

Let us concede that the right of suffrage is a social right; that it must of necessity be regulated by society. Still the question recurs, is the exclusion of certain classes of persons, by reason of their color, universal or partial? If universal, it is a denial of the principle of equality. If partial, it is a denial of the principle of justice. It were a mockery to say that the property of a rule that excludes a class of persons of diverse opinions. What is occurred in by those who constitute the society, the body politic, must be taken to be right. But the exclusion of these classes for reasons potentially applicable to them, is no argument for excluding others to whom no one of the reasons applies.

It is said to be expedient, however, to exclude non-freeholders also. Who shall judge of this expediency? The society, and does that embrace the proprietors of certain portions of land only? Or is it for those who are the freeholders. A householder would deserve, who, on the plea of expediency, should take from another his property: what, then, should be said of him who, on that plea, takes from another his rights, upon which the security, not of his property only, but of his life and liberty depends?...

They alone deserve to be called free, or have a guarantee for their rights, who participate in the formation of their political institutions, and in the control of those who make and administer the laws.

Questions

1. What "classes of persons" exclude women, children, non-freeholders, and slaves from the right to vote, and why do the non-freeholders not qualify?
2. How do we define political freedom?

64. Appeal of the Cherokee Nation (1830)

Source: E. C. Tracy, *Memoir of the Life of Jeremiah Evarts* (Boston, 1845), pp. 149–58.

One of the early laws of Andrew Jackson's administration, the Indian Removal Act of 1830, provided for uprooting the Cherokee and four other tribes, with a total population of around 60,000 living in the Southeast. The Cherokee had made great efforts to become citizens, establishing schools, adopting a constitution modeled on that of the United States, and becoming successful farmers, many of whom owned slaves. But in his messages to Congress, Jackson referred to them as "savages" and supported Georgia's effort to seize Cherokee land and nullify the tribe's laws.

Cherokee leaders petitioned Congress, proclaiming their desire to "remain on the land of our fathers," as guaranteed in treaties with the federal government. They also went to court to protect their rights. Chief Justice John Marshall held that Georgia's action in extending its jurisdiction over the Cherokee violated the tribe's treaties with Washington. But presidents Jackson and Van Buren refused to recognize the ruling's validity. Eventually, nearly all the Cherokee, along with the other "civilized tribes," were forced to leave their homes. More than 4,000 Indians perished during the winter of 1838–1839 on the Trail of Tears, as the removal route to present-day Oklahoma came to be called.

WE ARE AWARE that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our

people universally think otherwise. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to Congress, deprecating the necessity of a removal. This question was distinctly before their minds when they signed their memorial. Not an adult person can be found, who has not an opinion on the subject; and if the people were to understand distinctly, that they could be protected against the laws of the neighboring States, there is probably not an adult person in the nation, who would think it best to remove; though possibly a few might emigrate individually. There are doubtless many who would flee to an unknown country, however beset with dangers, privations and sufferings, rather than be sentenced to spend six years in a Georgia prison for advising one of their neighbors not to betray his country. And there are others who could not think of living as outlaws in their native land, exposed to numberless vexations, and excluded from being parties or witnesses in a court of justice. It is incredible that Georgia should ever have enacted the oppressive laws to which reference is here made, unless she had supposed that something extremely terrific in its character was necessary, in order to make the Cherokees willing to remove. We are not willing to remove; and if we could be brought to this extremity, it would be, not by argument; not because our judgment was satisfied; not because our condition will be improved—but only because we cannot endure to be deprived of our national and individual rights, and subjected to a process of intolerable oppression.

We wish to remain on the land of our fathers. We have a perfect and original right to claim this, without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guaranty our residence, and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed.

But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us. From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are pre-

occupied by various Indian nations, to which it has been assigned. They would regard us as intruders, and look upon us with an evil eye. The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practice different customs. The original possessors of that region are now wandering savages, lurking for prey in the neighborhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. Were the country to which we are urged much better than it is represented to be, and were it free from the objections which we have made to it, still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

Questions

1. What reasons do the Cherokee give for rejecting the idea of moving beyond the Mississippi River?
2. How do the Cherokee understand their “national and individual rights”?

65. Appeal of Forty Thousand Citizens (1838)

Source: Appeal of Forty Thousand Citizens Threatened with Disfranchisement, to the People of Pennsylvania (Philadelphia, 1838), pp. 3–11.

The expansion of political democracy for white men went hand in hand with the elimination of democratic participation for blacks. Every state that entered the Union between 1800 and 1860, with the single exception of Maine, limited the right to vote to whites. And several states that had

allowed black men to vote, including Connecticut, New York, and Tennessee, either eliminated the right entirely or added such high property qualifications that few could qualify. In 1837, a constitutional convention in Pennsylvania, home to the largest free black community in the North, stripped blacks of the right to vote. (Thaddeus Stevens, later a leading advocate of emancipation and black suffrage in Congress, refused to sign the document because of this provision.) In response, a large gathering in Philadelphia issued a protest to "fellow citizens" of Pennsylvania.

FELLOW CITIZENS:—We appeal to you from the decision of the "Reform Convention," which has stripped us of a right peaceably enjoyed during forty-seven years under the Constitution of this commonwealth. We honor Pennsylvania and her noble institutions too much to part with our birthright as her free citizens without a struggle. To all her citizens the right of suffrage is valuable in proportion as she is free; but surely there are none who can so ill afford to spare it as ourselves.

Was it the intention of the people of this commonwealth that the convention to which the Constitution was committed for revision and amendment, should tear up and cast away its first principles? Was it made the business of the Convention to deny "that all men are born equally free," by making political rights depend upon the skin in which a man is born? Or to divide what our fathers bled to unite, to wit, TAXATION and REPRESENTATION? We will not allow ourselves for one moment to suppose, that the majority of the people of Pennsylvania are not too respectful of the rights and too liberal towards the feelings of others as well as too much enlightened to their own interests, to deprive of the right of suffrage a single individual who may safely be trusted with it. And we cannot believe that you have found among those who bear the burdens of taxation any who have proved, by their abuse of the right, that it is not safe in their hands. This is a question, fellow-citizens, in which we plead *your* cause as well as our own. It is the safeguard of the strongest that

he lives under a government which is obliged to respect the voice of the weakest. When you have taken from an individual his right to vote, you have made the government, in regard to him, a mere despotism; and you have taken a step towards making it a despotism to all.—To your women and children, their inability to vote at the polls may be no evil, because they are united by the consanguinity and affection with those who can do it. To foreigners and paupers the want of the right may be tolerable because a little time or labor will make it theirs. They are candidates for the privilege, and hence substantially enjoy its benefits. But when a distinct class of the community, already sufficiently the objects of prejudice, are wholly, and for ever, disfranchised and excluded, to the remotest posterity, from the possibility of a voice in regard to the laws under which they are to live—it is the same thing as if their abode were transferred to the dominions of the Russian Autocrat, or of the Grand Turk. They have lost their check upon oppression, their wherewith to but friends, their panoply of manhood; in short, they are thrown upon the mercy of a despotic majority. Like every other despot, this despot majority, will believe in the mildness of its own sway; but who will the more willingly submit to it for that? . . .

By the careful inquiry of a committee appointed by the "Pennsylvania Society for Promoting the Abolition of Slavery," it has been ascertained that the colored population of Philadelphia and its suburbs, numbering 18,768 souls, possess at the present time, of real and personal estate, not less than \$1,350,000. They have paid for taxes during the last year \$3,232.83, for house, water, and ground rent, \$166,963.50. This committee estimate the income of the holders of real estate occupied by the colored people, to be 7½ per cent on a capital of about \$2,000,000. Here is an addition to the wealth of their white brethren. But the rents and taxes are not all; to pay them, the colored people must be employed in labor, and here is another profit to the whites, for no man employs another unless he can make his labor profitable to himself. For a similar reason, a profit is made by all the whites who sell to colored people the necessities or luxuries

of life. Though the aggregate amount of the wealth derived by the whites from our people can only be conjectured, its importance is worthy of consideration by those who would make it less by lessening our motive to accumulate for ourselves. . . .

That we are not neglectful of our religious interests, nor of the education of our children, is shown by the fact that there are among us in Philadelphia, Pittsburg, York, West Chester, and Columbia, 22 churches, 48 clergymen, 26 day schools, 20 Sabbath schools, 125 Sabbath school teachers, 4 literary societies, 2 public libraries, consisting of about 800 volumes, besides 8,333 volumes in private libraries, 2 tract societies, 2 Bible societies, and 7 temperance societies.

In other parts of the State we are confident our condition will compare very favorably with that in Philadelphia, although we are not furnished with accurate statistics.

Our fathers shared with yours the trials and perils of the wilderness. Among the facts which illustrate this, it is well known that the founder of your capital, from whom it bears the name of Harrisburg, was rescued by a *colored man*, from a party of Indians, who had captured, and bound him to the stake for execution. In gratitude for this act, he *invited colored persons* to settle in his town, and offered them land on favorable terms. When our common country has been invaded by a foreign foe, colored men have hazarded their lives in its defence. Our fathers fought by the side of yours in the struggle which made us an independent republic.

Questions

1. What evidence do the free blacks present to establish that they are worthy of the right to vote?
2. How do the protesters link their claims to the legacy of the American Revolution?

CHAPTER 11

The Peculiar Institution

66. Frederick Douglass on the Desire for Freedom (1845)

Source: Narrative of the Life of Frederick Douglass, an American Slave (Boston, 1845)

No American of the nineteenth century spoke more eloquently and effectively against slavery and racial inequality than Frederick Douglass. Born into slavery in 1818, he became a major figure in the crusade for abolition, the drama of emancipation, and the effort during Reconstruction to give meaning to black freedom. He was also active in other reform movements, such as the campaign for women's rights.

Douglass experienced slavery in all its variety, from work as a servant and a skilled craftsman in a Baltimore shipyard to life as a plantation field hand. In 1838, having borrowed the free papers of a sailor, he escaped to the North. He went on to become perhaps the most prominent antislavery orator and editor, and wrote three versions of his autobiography. The first, which appeared in 1845, offered an eloquent, brief account of his experiences in slavery and his escape.

I WAS NOW about twelve years old, and the thought of being a *slave for life* began to bear heavily upon my heart. Just about this time, I got hold of a book entitled "The Columbian Orator." Every opportunity I got, I used to read this book. Among much of other interesting