

of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment, is not the sole question, if indeed, it is any part of it. A universal feeling, whether well or ill-founded, can not be safely disregarded. We can not, then, make them equals. It does seem to me that systems of gradual emancipation might be adopted; but for their tardiness in this, I will not undertake to judge our brethren of the south.

When they remind us of their constitutional rights, I acknowledge them, not grudgingly, but fully, and fairly; and I would give them any legislation for the reclaiming of their fugitives, which should not, in its stringency, be more likely to carry a free man into slavery, than our ordinary criminal laws are to hang an innocent one.

But all this, to my judgment, furnishes no more excuse for permitting slavery to go into our own free territory, than it would for reviving the African slave trade by law. The law which forbids the bringing of slaves from Africa; and that which has so long forbid the taking them to Nebraska, can hardly be distinguished on my moral principle; and the repeal of the former could find quite as plausible excuses as that of the latter. . . .

Some men, mostly whigs, who condemn the repeal of the Missouri Compromise, nevertheless hesitate to go for its restoration, lest they be thrown in company with the abolitionist. Will they allow me as an old whig to tell them good humoredly, that I think this is very silly? Stand with anybody that stands RIGHT, stand with him while he is right and PART with him when he goes wrong; Stand WITH the abolitionist in restoring the Missouri Compromise; and stand AGAINST him when he attempts to repeal the fugitive slave law. In the latter case you stand with the southern disunionist. What of that? you are still right. In both cases you are right. In both cases you oppose the dangerous extremes. In both you stand on middle ground and hold the ship level and steady. In both you are national and nothing less than national. This is good old whig ground. To desert such ground, because of any company, is to be less than a whig—less than a man—less than an American.

I particularly object to the NEW position which the avowed principle of this Nebraska law gives to slavery in the body politic. I object to it because it assumes that there CAN be MORAL RIGHT in the enslaving of one man by another. I object to it as a dangerous dalliance for a free people—a sad evidence that, feeling prosperity we forget right—that liberty, as a principle, we have ceased to revere. I object to it because the fathers of the republic eschewed, and rejected it. The argument of "Necessity" was the only argument they ever admitted in favor of slavery; and so far, and so far only as it carried them, did they ever go. They found the institution existing among us, which they could not help; and they cast blame upon the British King for having permitted its introduction. BEFORE the constitution, they prohibited its introduction into the north-western Territory—the only country we owned, then free from it. AT the framing and adoption of the constitution, they forbore to so much as mention the word "slave" or "slavery" in the whole instrument. . . . Thus, the thing is hid away, in the constitution, just as an afflicted man hides away a wen [cyst] or a cancer. . . . Less than this our fathers COULD not do; and MORE they WOULD not do. Necessity drove them so far, and farther, they would not go. But this is not all. The earliest Congress, under the constitution, took the same view of slavery. They hedged and hemmed it in to the narrowest limits of necessity. . . .

Thus we see, the plain unmistakable spirit of that age, towards slavery, was hostility to the PRINCIPLE, and toleration, ONLY BY NECESSITY.

But NOW it is to be transformed into a "sacred right." Nebraska brings it forth, places it on the high road to extension and perpetuity; and, with a pat on its back, says to it, "Go, and God speed you." . . . Little by little, but steadily as man's march to the grave, we have been giving up the OLD for the NEW faith. Near eighty years ago we began by declaring that all men are created equal; but now from that beginning we have run down to the other declaration, that for some men to enslave OTHERS is a "sacred right of self-government." These principles can not stand together. They are as opposite as God and mammon [greed]; and whoever holds to the one, must despise the other. . . .

Let no one be deceived. The spirit of seventy-six and the spirit of Nebraska, are utter antagonisms; and the former is being rapidly displaced by the latter. Fellow countrymen—Americans south, as well as north, shall we make no effort to arrest this? . . . In our greedy chase to make profit of the negro, let us beware, lest we "cancel and tear to pieces" even the white man's charter of freedom.

Our republican robe is soiled, and trailed in the dust. Let us repurify it. Let us turn and wash it white, in the spirit, if not the blood, of the Revolution. Let us turn slavery from its claims of "moral right," back upon its existing legal rights, and its arguments of "necessity." Let us return it to the position our fathers gave it; and there let it rest in peace. Let us re-adopt the Declaration of Independence, and with it, the practices, and policy, which harmonize with it. Let north and south—let all Americans—let all lovers of liberty everywhere—join in the great and good work. If we do this, we shall not only have saved the Union; but we shall have so saved it, as to make, and to keep it, forever worthy of the saving.

QUESTIONS FOR READING AND DISCUSSION

1. In what way did the Kansas-Nebraska Act repeal the Missouri Compromise? Why did Lincoln consider the act the result of "covert real zeal for the spread of slavery"?
2. To what extent did Lincoln oppose slavery? Did he believe slaveholders should emancipate their slaves, and if so, what did he believe should happen to them? Would abolitionists have found his arguments convincing? What about slaveholders?
3. What did Lincoln mean by declaring, "I think I have no prejudice against the Southern people"? What strategies did he use to promote national unity?
4. Why did Lincoln believe "our republican robe is soiled, and trailed in the dust"? How did he use the historical legacy of the founders to support his arguments?

DOCUMENT 14-2

The Antislavery Constitution

The political debate between North and South pivoted on the question of what the Constitution permitted—or required—the federal government to do about slavery. Abolitionist William Lloyd Garrison publicly burned the Constitution in 1854 because, he said, by permitting slavery it runs "a covenant with death, an agreement with hell." Frederick

Douglass, a former slave and prominent black abolitionist, declared that, on the contrary, the Constitution was opposed to slavery. In countless speeches to northern antislavery audiences, Douglass set forth his views of the Constitution, which he summarized in a pamphlet published in 1860, the source of the following excerpt.

Frederick Douglass

The Constitution of the United States: Is It Proslavery or Antislavery? 1860

I only ask you to look at the American Constitution . . . and you will see with me that no man is guaranteed a right of property in man, under the provisions of that instrument. If there are two ideas more distinct in their character and essence than another, those ideas are "persons" and "property," "men" and "things." Now, when it is proposed to transform persons into "property" and men into beasts of burden, I demand that the law that contemplates such a purpose shall be expressed with irresistible clearness. The thing must not be left to inference, but must be done in plain English . . .

[Many Americans] are in the habit of treating the negro as an exception to general rules. When their own liberty is in question they will avail themselves of all rules of law which protect and defend their freedom; but when the black man's rights are in question they concede everything, admit everything for slavery, and put liberty to the proof. They reverse the common law usage, and presume the negro a slave unless he can prove himself free. I, on the other hand, presume him free unless he is proved to be otherwise. Let us look at the objects for which the Constitution was framed and adopted, and see if slavery is one of them. Here are its own objects as set forth by itself: "We, the people of these United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our prosperity, do ordain and establish this Constitution for the United States of America. . . . These are all good objects, and, slavery, so far from being among them, is a foe of them. But it has been said that negroes are not included within the benefits sought under this declaration. This is said by the slaveholders in America . . . but it is not said by the Constitution itself. Its language is "we the people"; not we the white people, not even we the citizens, not we the privileged class, not we the high, not we the low, but we the people; not we the horses, sheep, and swine, and wheel-barrows, but we the people, we the human inhabitants; and, if negroes are people, they are included in the benefits for which the Constitution of America was ordained and established. . . .

[T]he constitutionality of slavery can be made out only by disregarding the plain and common-sense reading of the Constitution itself; by discrediting and casting away as worthless the most beneficent rules of legal interpretation; by ruling the negro outside of these beneficent rules; by claiming everything for slavery; by denying everything for freedom; by assuming that the Constitution does not mean what it says, and that it says what it does not mean, by disregarding the written Constitution, and interpreting it in the light of a secret understanding. It

From Frederick Douglass, *The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?* (1860).

is in this mean, contemptible, and underhand method that the American Constitution is pressed into the service of slavery. They go everywhere else for proof that the Constitution is pro-slavery but to the Constitution itself. The Constitution declares that no person shall be deprived of life, liberty, or property without due process of law; it secures to every man the right of trial by jury, the privilege of the writ of habeas corpus . . . [and] it secures to every State a republican form of government. Any one of these provisions, in the hands of abolition statesmen, and backed up by a right moral sentiment, would put an end to slavery in America. The Constitution forbids the passing of a bill of attainder: that is, a law entailing upon the child the disabilities and hardships imposed upon the parent. Every slave law in America might be repealed on this very ground. The slave is made a slave because his mother is a slave. But to all this it is said that the practice of the American people is against my view. I admit it. They have given the Constitution a slavesholding interpretation. I admit it. They have committed innumerable wrongs against the negro in the name of the Constitution. Yes, I admit it all; and I go with him who goes farthest in denouncing these wrongs. But it does not follow that the Constitution is in favour of these wrongs because the slaveholders have given it that interpretation. . . .

My argument against the dissolution of the American Union is this: It would place the slave system more exclusively under the control of the slavesholding States, and withdraw it from the power in the Northern States which is opposed to slavery. Slavery is essentially barbarous in its character. It, above all things else, dreads the presence of an advanced civilisation. It flourishes best where it meets no reproving frowns, and hears no condemning voices. While in the Union it will meet with both. Its hope of life, in the last resort, is to get out of the Union. I am, therefore, for drawing the bond of the Union more closely, and bringing the Slave States more completely under the power of the Free States. What they most dread, that I most desire. I have much confidence in the instincts of the slaveholders. They see that the Constitution will afford slavery no protection when it shall cease to be administered by slaveholders. They see, moreover, that if there is once a will in the people of America to abolish slavery, there is no word, no syllable in the Constitution to forbid that result. . . .

The American people in the Northern States have helped to enslave the black people. Their duty will not have been done till they give them back their plundered rights. . . . My position now is one of reform, not of revolution. I would act for the abolition of slavery through the Government. . . . If slaveholders have ruled the American Government for the last fifty years, let the anti-slavery men rule the nation for the next fifty years.

QUESTIONS FOR READING AND DISCUSSION

1. According to Douglass, what were the antislavery provisions of the Constitution? Was Douglass's interpretation a "plain and common-sense reading of the Constitution itself," as he claimed?
2. In his view, why did slavery exist? Why were Americans "in the habit of treating the negro as an exception to general rules"? Why was slavery "essentially barbarous"?
3. Why was Douglass "against the dissolution of the American Union"?
4. What needed to be done to put the antislavery powers of the Constitution into effect? Why did he advocate "reform, not revolution"?