

FREEDOM'S DEFENCE:

OR

A CANDID EXAMINATION

OF

MR. CALHOUN'S REPORT

ON

THE FREEDOM OF THE PRESS,

MADE TO THE SENATE OF THE UNITED STATES,
FEB. 4, 1836.

BY CINCINNATUS.

Flower White

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FREEDOM'S DEFENCE.

THE REPORT of the Select Committee on the circulation, by the mail, of Anti-Slavery publications, presented to the U. S. Senate, February 4, 1836, by J. C. Calhoun of South Carolina, the chairman of that Committee, and, probably, the writer of the Report, may, perhaps, be regarded as the most important document, which has emanated from the pro-slavery party since the commencement of the present conflict between the advocates of Liberty and the perpetrators of Slavery in this country.

It has surprised me to hear some intelligent and good men speak of it with indifference. They condemn and abhor the Bill contained in it, but content themselves with the belief that it will not pass to be enacted. My apprehensions go beyond the question of enactment, and beyond even the Bill itself. I consider the enactment of the Bill as the least of the evils which may grow out of the Report. The immediate passage of such a law by Congress would alarm the nation. Every freeman would be roused to a sense of his danger. The people would simultaneously spring to their feet in self-defence, to rescue from the hand of tyranny all which is comprehended in the sacred words—OUR LIBERTIES. But, if the Bill should not pass to be enacted, but go down to “the tomb of all the Capulets” with little more of ceremony than the eulogiums and tears of its friends, I tremble for what may follow. The Report must not be classed with ephemerals. It was not the offspring of a passing thought or of a sudden emotion. Neither are its authors men of brief notoriety. Some of them are men whose names, for good or ill, will stand on our political Calendar during the existence of our nation's history. “THE GREAT NULLIFIER,” as I have seen him called with something of that demi-reverence which is by no means a “rara avis”

among men who "cannot but respect magnificent wickedness," is the writer of the Report. I can see in the Report strong proof that his great mind has labored long and intensely in its preparation and production. I can see in it the features of that intellect which overreached the champion of the tariff but two or three years ago, and thrust back the CLAY which began to take a form partial to freedom, into the old mould of slavery. Let others regard it as they will, I deliberately set down the Report as the most ingenious and able attempt ever yet made in this country (would to God it may prove not more successful,) to interweave with the fabric of our government the principles of ruthless despotism, which is designed to be extended to the Southern, Eastern, Northern, and Western boundaries of this Republic.

I leave it to others mainly to settle whatever of controversy may arise from the Report in relation to the character of the publications, to suppress the circulation of which, is its ostensible purpose. "The fanatics" have this to do as their appropriate work, and I feel no disposition to intermeddle with them, either by smiles or frowns. Of their doctrine of "immediate emancipation," I may say that, if by a breath or a volition, I might emancipate all the slaves in the world, I would not do it, unless I could by my breath or my volition, convince the holders of the slaves that it is their duty to emancipate them. If the Abolitionists or Colonizationists meditate any other mode of freeing the slaves, I cannot aid or abet them. The repeal of slave-laws must belong to the Legislatures which enacted them, and it belongs to the people to instruct their Legislatures on this subject. When the people express by petition or otherwise, their desire that such laws be repealed, it becomes strictly proper that the Legislature of each State, so petitioning, repeal them. And, as the exclusive jurisdiction over the District of Columbia is vested in Congress, that national Legislature possesses the power of repealing its own slave-laws, when the people desire them to do so.* I have before me a petition to Congress, which was presented in 1828, by more than one thousand men, inhabitants of the District, among

* "The Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States." U. S. Constitution.

whom I perceive several of the most respectable and worthy citizens, praying for the abolition of slavery and the slave-trade in that District. Thousands of other citizens of the United States have petitioned for the same objects. I cannot, therefore, doubt either the power of Congress to do this, or the propriety of such act.

But it is not any part of my purpose to discuss this question, or to say any thing more than northern men generally are in the habit of saying on the subject of slavery, viz. that it is an enormous evil, morally, politically, and physically, and ought to be removed in the best possible manner, and with the least possible delay.

Without further preface, I ask of the reader a scrutinizing consideration of the following thoughts on the plan recommended by Mr. Calhoun's Report for suppressing the circulation of "any pamphlet, newspaper, hand-bill, or other paper, printed or written, touching the subject of slavery."

I shall introduce copious extracts from the Report, that the reader may have before him the means of judging of the correctness of any strictures I may make.

I shall in the first place take notice of the DENIAL TO CONGRESS of the right to enact any law prohibiting the transmission of the publications spoken of in the Bill, and the reasons given in the Report for such denial.

"After a most careful and deliberate investigation, they (the Committee) have been constrained to adopt the conclusion that Congress has not the power to pass such a law; that it would be a violation of one of the most sacred provisions of the Constitution, and subversive of RESERVED POWERS essential to the preservation of the domestic institutions of the slave-holding States, and, with them, their peace and security." "The Committee refer to the amended article of the Constitution, which, among other things, provides that Congress shall pass no law, which shall abridge the liberty of the press—a provision which interposes, as will be hereafter shown, an insuperable objection to the measure recommended by the PRESIDENT:" i. e. the enactment by Congress of a prohibitory law. "It is well known that great opposition was made to the adoption of the Constitution." "Among the many objections to its adoption, none were more successfully urged than the absence in the instrument of those general provisions which experience had

shown to be necessary to guard the **OUTWORKS OF LIBERTY**; such as the **FREEDOM OF THE PRESS** and of **SPEECH**, the rights of **CONSCIENCE**, of trial by jury, and others of like character. It was the belief of those **JEALOUS AND WATCHFUL GUARDIANS** of liberty, who viewed the adoption of the Constitution with so much apprehension, that all those sacred barriers, without some positive provision to protect them, would, by the **POWER OF CONSTRUCTION**, be undermined and prostrated. So strong was this apprehension, that it was **IMPOSSIBLE** to obtain a ratification of the instrument in many of the States, without accompanying it with the recommendation to incorporate in the Constitution various articles, as amendments, intended to remove this defect, and guard against the danger apprehended, by placing those important rights **BEYOND THE POSSIBLE ENCROACHMENT** of Congress. One of the most important of these is that which stands at the head of amended articles, and which, among other things, as has been stated, prohibits the passage of **ANY LAW** abridging the freedom of the press, and which left that important barrier against power under the exclusive authority and control of the States.

That it was the object of this provision to place the freedom of the press **BEYOND THE POSSIBLE INTERFERENCE** of Congress, is a doctrine not now advanced for the first time. It is the ground taken, and so ably sustained, by **MR. MADISON** in his celebrated report to the Virginia Legislature, in **1799**, against the alien and sedition law, and which conclusively settled the principle that Congress has no right, **IN ANY FORM, OR IN ANY MANNER**, to interfere with the **FREEDOM OF THE PRESS.**"

This extract from the Report of **MR. CALHOUN** contains sentiments too sound to be controverted, and is it "possible," that after declaring that the "amended article places the Freedom of the Press "beyond the possible encroachment of Congress," so "that Congress has **NO** right in **ANY FORM, OR IN ANY MANNER**, to interfere with the Freedom of the Press,"—is it possible that, after all this, the ingenuity of any man, even **MR. CALHOUN** himself, shall discover **ONE "FORM," ONE "MANNER,"** in which Congress may "interfere with the Freedom of the Press," and yet act Constitutionally? But let us follow the Report a little farther, and behold this champion of Liberty apparently anxious and resolved to make security doubly

sure, touching the freedom of the press. "The object of publishing is circulation; and to prohibit circulation is in effect to prohibit publication, and, of course, would as effectually interfere with the freedom of the press, and be EQUALLY UNCONSTITUTIONAL. It would, in fact, in some respects MORE effectually control the freedom of the press than any sedition law, however severe its penalties. The mandate of the Government alone would be sufficient to close the door against circulation through the MAIL, and thus, at its sole will and pleasure, might intercept all communication between the press and the people. From these remarks it must be apparent, that to prohibit publication on one side and circulation through the mail on the other, of any paper, on account of its religious, moral, or political character, rests on the same principle, and that each is equally an abridgement of the freedom of the press, and a violation of the Constitution."

These extracts show that Congress is prohibited by the Constitution from passing any law abridging the freedom of the press, either by forbidding publication, or circulation by the mail, on account of any thing objectionable in the character of the article, or for any reason or under any pretence whatever. It is natural to inquire why it is that MR. CALHOUN and his COMPEERS on the Committee, are so scrupulously careful to guard the circulation of Anti-Slavery publications against the direct action of Congress. The reason is obvious and is distinctly avowed in the following words of the Report. "Nothing is more clear than that the admission of the right to Congress to determine what papers are incendiary, and, as such, to prohibit their circulation through the mail, necessarily involves THE RIGHT to determine what are NOT incendiary, and to ENFORCE their circulation. Nor is it less certain that to admit such a right, would be VIRTUALLY to clothe Congress with THE POWER to abolish Slavery, by giving it THE MEANS of breaking down all the barriers which the Slave-holding States have erected for the protection of their lives and property. It would give to Congress, without regard to the prohibition laws of the States, the authority to open the gates to the flood of incendiary publications which are ready to break into those States, and to punish all who dare resist as criminals. Fortunately, Congress has no such right." The reason is, not that they care for the Constitution, as will be manifested in my subsequent

remarks, but because they have "the bag, and have what is put therein" by Slavery. And now the way being prepared, Mr. Calhoun goes on to devise a plan by which he pretends that Congress may effectually interfere without violating the Constitution. Let the reader open his eyes to behold, and prepare his mind to consider this wonderful invention.

Here it is. The Legislature of any one State may prohibit by law the introduction within her borders of any publication which she may be disposed to prohibit, and then call on Congress to enact a law prohibiting the transmission through the mail of such publication, and may also "demand" of every other State in the Union the passage of laws in concurrence, i. e. prohibiting discussion and publication; and Congress and the Legislatures of the States are "bound" to yield to the "demand" of the one State. This is Mr. Calhoun's invention, as I shall presently show by extracts from the Report. The ingenuity of the plan, I think, cannot be questioned. Whether its simplicity, practicability, and CONSTITUTIONALITY are as conspicuous as its ingenuity, I shall take the liberty to inquire. "It belongs to them (the States) and not to Congress, to determine what is or is not calculated to disturb their peace and security; and of course, in the case under consideration, it belongs to the slaveholding States to determine what is incendiary and intended to incite to insurrection, and to adopt such defensive measures as may be necessary for their security, with unlimited means of carrying them into effect, except such as may be expressly inhibited to the States by the Constitution." "The compact itself expressly provides that all powers, not delegated, are reserved to the States and the people." "If the right to protect her internal peace and security belongs to a State, the General Government is bound to respect THE MEASURES adopted by her for that purpose, and to co-operate in their execution; as far as its delegated powers may admit, or THE MEASURES MAY REQUIRE."

"Within their limits the rights of the slave-holding States are as full to DEMAND of the States within whose limits and jurisdiction their peace is assailed, to adopt the measures necessary to prevent the same, and, if refused, or neglected, to resort to means to protect themselves, as if they were separate and independent communities." Those States, on the other hand, are not only under all the obliga-

tions which independent communities would be to adopt such measures, but also under the obligation which the Constitution superadds, rendered more sacred, if possible, by the fact that, while the Union imposes restrictions on the right of the slave-holding states to defend themselves, it affords the medium through which their peace and security are assailed." I wish the Committee had told us what those "restrictions" are, but they are careful to say that "it is not their intention to inquire what those restrictions are." I find it difficult to conceive of any "restrictions," while I look at the all comprehending CLAIMS of those States, as set forth in the Report, to defend themselves and to "demand" of the General and State Governments "unlimited" co-operation. I cannot refrain from inquiring, at this point, why it is that the slave-holding States consider themselves so needy of "defence," while they seem to regard the non-slave-holding States as perfectly safe without any protection? If, however, the Report intends that the latter are equally entitled to the species of defence "demanded" with the former, then it may be the duty of the non-slave-holding States speedily to pass conservative laws for their own "peace and security," and require the aid of the General and State Governments to protect them against the introduction within these States of such publications as the Southern press teems with at present in favor of Slavery, even recommending the establishment of it, or something analogous to it, among us; to wit, such publications as McDuffie's Message and the Messages of other slave-holding Governors, and the pro-slavery Newspapers of the Slave States, and above all, the ingenious Report now under review. That all such publications are calculated to disturb "the peace and security" of the non-slave-holding States has already been evinced in mobs and riots which they have tended to create. But perhaps, these are among "THE MEASURES" necessary for the "peace and security" of the slave-holding States, and, therefore, we are "bound" to tolerate them at the "demand" of the South. It may be necessary to establish them by law and, if State authority should not be sufficiently potent to render them effectual, a slave-holding State may invoke the aid of the General Government. Why not, if the doctrines of the Report are correct? Why not, if slave-holding States may devise whatever measures they please, and "demand" the "co-operation" of the other States and of the General Government? I am not trifling. The "demands" of Southern Governors for the delivery into their power of some of the most respectable

citizens of the North, are a solemn and awful commentary on the principles of the part of the report we are now examining. The slave-holding States have already devised "measures" which they deem necessary, and, among these, are "the enactment, by the legislatures of the North, of laws to punish, under severe penalties," our own citizens for publishing their sentiments on slavery, and these "demands" are at this moment under consideration in our legislatures.

As to the practicability of the plan recommended in the Report, it may be duly appreciated, if we inquire whether any laws passed by the non-slave-holding states, "abridging the freedom of the press," would be in agreement with the Constitutions of those States. If I am not mistaken, there is in every State Constitution at the North an express article as strictly prohibiting the passage of such a law by the State legislature as the first article of amendments in the U. S. Constitution prohibits the passage of a like law by Congress. The Constitution of Massachusetts has the following article. "The liberty of the press is essential to the security of freedom in a State; it ought not, therefore, to be restrained in this Commonwealth." New Hampshire. "The liberty of the press is essential to the security of freedom in a State: It ought therefore, to be inviolably preserved." Ohio. "The printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer. Every citizen has an indisputable right to speak, write, or print upon any subject as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publications respecting the official conduct of men in public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases." The Constitutions of the other States contain similar provisions. Even the Constitution of South Carolina has the following article, and let the reader judge whether by parity of reason the Legislature of that State is not, equally with Congress, prohibited from enacting any law abridging, in any form or in any manner, "the freedom of the press, "even by restraining the "circulation" of publications.

The truth is, and with this truth the Report is in irreconcilable hostility, that THE PEOPLE have every where reserved this right of

using the press to themselves. The same is the case with the freedom of speech. Constitution of South Carolina. "The trial by jury, as heretofore used in this State, and the LIBERTY OF THE PRESS shall be forever inviolably preserved." Other slave-holding States have like provisions.

From these facts the inference is inevitable that, in order to meet the "demands" put forth in the Report, the Legislatures of the States must USURP a power expressly reserved to THE PEOPLE by the Constitutions of these States; although the Report affirms that the Article in the United States Constitution guarding "the freedom of the press," "places this right beyond the possible encroachment of Congress." Does not a similar article in each State Constitution "place the" same "right beyond the possible encroachment of" the State legislature? It certainly does. Judge, then, of the practicability and CONSTITUTIONALITY of Mr. Calhoun's ingenious plan. Will the people of the non-slave-holding States, for the sake of perpetuating slavery, consent that "those provisions, which experience has shown to be necessary to guard the outworks of liberty," be abolished, and thus leave all the "sacred barriers" against the "encroachments" of power "without any positive provision to protect them," so that they may "by the power of CONSTRUCTION be undermined and prostrated?" What, but "the power of" most perverse "construction," has furnished Mr. J. C. Calhoun and his associates with a single material for the bill recommended by them to the Senate? "CONSTRUCTION!" Because the provisions of the Constitution contain "insuperable objections" to the enactment of a prohibitory law, the Committee assume to invent a north west passage to get round the obstacle, and rising above all Constitution tell us, as a part of their scheme, of INTERNATIONAL law as affording means for compassing their object; as though they might by a mere "demand" of a State compel Congress to do what the Constitution forbids being done, and, as though some law of nations requires that one nation restrain the freedom of its own press, as a matter of comity towards another nation, at the same time that it will not restrain that freedom touching its own internal affairs, however strongly the passions of the citizens may be excited towards each other by the use of that freedom? And this, too, is from a Committee which talks much about "guarding the outworks of liberty!" "The great Nullifier" indeed! This the man which has before openly nullified the laws of his country, now commencing his Report by a mighty flourish of the

guardian fiery sword of the Constitution about the head of **THE PRESIDENT** for presuming to recommend a measure which is unconstitutional; but, in the sequel, introducing into the same Report a **BILL** constructed of materials which, if allowed to be kindled and to burn around the Constitution, would reduce it to ashes in an hour! It was truly a gracious Providence which saved this nation from ever coming under the **PRESIDENTIAL** grasp of "the great **NULLIFIER!**" The same gracious Providence save the nation from the tortuous folds of his ingenious chicanery. I rejoice that, if some of our Senators have not sufficient perspicacity to detect the wishes of this giant in wrong, there is in the yeomanry of our country clear-sightedness enough to see through the fleecy covering which envelopes the wolf. The following extract from the Report is sufficient to open the eyes of **THE LABORING CLASSES** to a full view of the evil meditated against them, by the Slave-holders of the South, conspiring with that portion of men at the North, who imagine that, with "a very slight modification," they bear the same relation to the working men among them, that the slave-holders bear to their slaves. Every reader will see that it forms no part of the Committee's inquiry whether it is right or wrong for "one portion of community to live on the labor of another." It is enough for them that such oppression has long and extensively existed. With them a long continued wrong is no sin, instead of being so much the more flagrant, and demanding the earliest and most vigorous efforts for its overthrow now the wrong is known. Before introducing the extract, I may, to prevent misapprehension, remark that the laborer, who receives "just and equal" wages, suffers no oppression from his employer, however "wealthy" that employer may be. Now comes the tug of war.

"The sober and considerate portions of citizens of non-slave-holding States, who have a **DEEP STAKE** in the existing institutions of the country, would have little forecast not to see that the assaults, which are now directed against the institutions (slavery?) of the Southern States, may be very easily directed against those which uphold their own property and security. A **VERY SLIGHT MODIFICATION** of the arguments used against the institutions which sustain the property (slaves) and security of the South (against slaves), would make them equally effectual against the institutions of the North, including **BANKING**, in which so vast an amount of its property and capital is invested." Wherein lies the analogy? Nowhere. It is impossible to believe that such a mind as that of J. C. Calhoun can admit

an idea of analogy between Slave laws which wrest from the Slave every farthing of the profits of his labor, and the laws which establish Banks and so regulate their operations that the Free Laborer, if himself wise, may find in them a happy means of promoting his own interests. Of course, I speak of the Laws in both cases, and not of abuses, it being the intentional operation of Slave laws to deprive the Slave of his earnings, whereas it is an abuse of Bank laws which may wrong the Freeman. It is absurd to compare the Slave-system with an abuse of the Banking system, or other institution. "It would be well for those interested" (are the wealthy the only persons interested?) "to reflect whether there now exists, or ever has existed, a wealthy and civilized community, in which ONE PORTION did not LIVE ON the labor of ANOTHER; and whether THE FORM in which SLAVERY exists in the South is not BUT ONE MODIFICATION of this UNIVERSAL CONDITION; and finally, whether any other, under all the circumstances of the case, is MORE DEFENSIBLE, or stands on stronger ground of necessity. It is time to look these questions in the face." So it is high time: let me suggest to the FREE LABORERS of the North, that they "look these questions in the face," and see to what they tend. "Let those who are interested" (the rich only?) "remember that labor is the only source of wealth, and how small a portion of it, in all old and civilized countries, even the best governed, is left to those by whose labor wealth is created." I aver that the poorest man has as deep a stake is as deeply interested, in Laws protecting "Life, Liberty and the pursuit of happiness"—aye, in Laws protecting property, if it is only adequate to purchase a single meal for his family, as the owner of millions. The most stupid cannot but acknowledge this to be true on a moment's reflection. Here is no exhortation to those who have grown rich by oppression "to reflect" whether "the laborer is worthy of his hire," or whether a "wo" is on "him who useth his neighbor's service without wages," in the South or in the North. Was there ever so barefaced an avowal of a tyrants purpose? Who ever before has so dared to stand out before the world as an avowed advocate of "oppressing the hireling in his wages?" The reader will not fail to observe that all distinction of COLOR is left out of the account in the Report. The slaves are spoken of as being as really a part of the community as the other "operatives," and as truly MEN as they. But let us hear the Report a little further on this point. "Let them" ("the interested," the rich, who live on the labor of other men) "also reflect how

little VOLITION OR AGENCY THE OPERATIVES" (the laboring men) "in any country have in the question of the distribution of wealth; as little, with a few exceptions, as THE AFRICAN of the slave-holding States has in the distribution of the proceeds of his labor."

Is the sentiment here involved worthy of a Great Statesman? Reduced to plain English, it is to say that, because, in other countries, and in former times, the men in power have "universally" abused that power, THEREFORE, they who have the power in this country have an undoubted RIGHT to abuse that power; and, lest the oppressed classes should, by using the freedom of the press, assert their rights, those powerful men, who have already so much control over the press, ought to seize on more power that they may be more secure in holding what, according to the Report itself, has been unjustly obtained; and be more able to persist in the same course of oppression undisturbed. Because others generally steal, I may steal if I can. Because there is a class of men who are wronged out of a part of their earnings, it is right for me to wrong another class out of all theirs. Instead of rebuking my neighbors for their partial oppression, I may screen myself by their example in the practice of entire oppression; and, that my screen may be as broad as my crime, I may exhort my neighbors to carry out their oppression to the unlimited extent of my own. If this is not the real sentiment contained in the extracts last made, the reader is at perfect liberty to correct my error. The Report grants, in the extract which follows, that there is something "oppressive" in this almost universal practice of wringing from the hand of labor its hard earnings, but quiets all alarm in the mind of the oppressor by the consideration that others are nearly or quite as oppressive as he. "Nor is it the less oppressive," adds the Committee, "that, in the one case, it" (the "keeping back of the hire of the laborers") "is effected by the stern and powerful will of the Government; and, in the other, by the more feeble and flexible will of the master. If one be an evil, so is the other." A noble excuse for robbery!—is it not, reader? "The only difference is the amount and mode of the exaction and distribution, and the agency by which they are effected." It is all very well, Mr. Calhoun. "Thou reasonest well!" O wiser than all who have gone before thee in the way of grinding the faces of the laboring classes. Let me raise a SPIRIT before thy face, and lay him, if thou canst. WASHINGTON! I invoke thee. Thine aid is needed—thy return to earth is called for—come to the rescue of thy dishonor-

ed country. He comes, invoked by thousands who love and glory in his memory; for, though once a legal slave-holder, he has left it on record that it was his earnest prayer, and so did afterwards, the gifted writer of the Declaration of Independence, that some plan might be devised to free his beloved country of this curse of Slavery. Speak, father of thy country, and in tones at which rising Tyranny shall grow pale and lose its being. He speaks. Hear him, ye enemies, as well as ye lovers of his truth. He speaks to those who would perpetuate Slavery, and for the comfort of the oppressed. "Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of PATRIOTISM, who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. A volume could not trace all their connexions with private and public felicity. Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which enobles human nature. Alas! is it rendered impossible by its VICES!! I dare not hope the strong and lasting impression I could wish. But, if . . . some partial benefit . . . to guard against the impostures of PRETENDED PATRIOTISM . . . this hope——."*

Spirit of the illustrious dead!—gone? Alas! thou didst catch a glimpse of "VICES"—vices crimsoning the very capitol. A voice issued thence and interrupted thee, and it said—"We will perpetuate Slavery! One portion may live on the labor of another! Other nations—old countries, have done it, and we will do it. We will hear no more about virtues and vices—right or wrong, nothing more against Slavery."

Washington is indeed gone, and his counsels are disregarded. But we who live have a word more for the Great Nullifier. Others, poor men! seemed to think it necessary to make at least some show of a rightful claim on the property of those whom they intended to cheat out of their earnings; but thy scheme rises triumphant above all obstacles, and brings the oppressor at once to his prey. The fact of very general oppression, which, probably, few will dispute, is assumed by thee as the foundation rock, and there thou rearest thy superstructure without labor, as thou eatest thy bread without labor. Most ingenious scheme! Most righteous states-

* Washington's Farewell Address.

man! Pity that the helm of State were not committed to thy wise head and tender heart and powerful hand. Thy word would constitute all needful law, and all thy fellow citizens would be saved the labor of devising or executing any State regulations. Thou wouldest have only to say—"I have the example of many tyrants—my word is law—I say to my subjects, your property, though indeed earned by you, ought to be cheerfully poured into my coffers—for, under the reign of other despots, reflect how small a portion of the wealth earned has been left to those by whose labor that wealth was created. If my reign is oppressive, that of other tyrants, with few exceptions, has been no less so. The only difference is the amount and mode of the exaction and distribution, and the agency by which they are effected. True, they did not distraint all the profits of labor, and my "mode" is somewhat more thorough going and rigid, and the agency employed by me is more ductile and pliant to my will. But these things are only accidental and very unimportant differences. The object is, with very little modification, the same. In some cases, the oppression has been purely governmental, effected by the stern and powerful will of the government, and, in this case it is effected by the more feeble and flexible will of a domestic master. I intentionally omit the fact that each master is backed up by the stern and powerful will of the Government." In reply to this most ruthless of Tyrants I aver, the oppression which the Report advocates (domestic slavery) is not left to the feeble and flexible will of an individual "master," as it is represented to be in the Report, but is the most rigid oppression ever practised, having in its support the power of the master, aided by the combined power of all the slave-holders, by the power of the State, and by the power of all the States, the union, for all these powers are pledged to keep in subjection to his master each individual slave. The Report itself claims all this.

Let the reader give particular attention to the use made in the Report of the word "OPERATIVES," by which is meant all men and women who are employed in any species of labor by which wealth is produced. Who are the "operatives" of the South? SLAVES! who are by law denied all right of willing and acting for themselves. SLAVES! who by law "can possess nothing, nor acquire any thing, which does not belong to their masters." SLAVES! who are by law "THE PROPERTY, goods and chattels, to all intents and purposes, of the masters to whom they belong." And who are the operatives of the North? FREEMEN! who by law will and act for themselves,

restrained only from crime by which they may molest the rights of others. FREEMEN! who by law can possess every thing they earn. FREEMEN! who by law, though poor to-day, may be affluent tomorrow—who, though, at present, moving, as did once many of the noblest spirits and most honored statesmen of our country, in the humble walks of laborious, not slavish or dishonorable, life, may ascend by merit to an eminence of true honor which slave-holding “nobility” will always have room enough to envy. And these are the two classes which, by the Committee, are made to take rank together—these the two conditions, which, “by a very slight modification,” are assimilated and made the ONE “UNIVERSAL CONDITION.” Go, then, and chain a CINCINNATUS to his plough, and a FRANKLIN to his printing press, that the chivalrous “cracker” of a slave-whip may be accounted their superior.

The SOPHISTRY of the Report will be made manifest by a reference to the attempts made in it to show that the co-operation of the General Government with the slave-states to suppress the transmission by the mail of certain publications, is analogous to certain acts of the General Government, in other cases. The Report says—“The practice of the General Government has been in conformity to these views. By the act of the 24th of February, 1803, entitled ‘an act to prevent the importation of certain persons into certain States,’ where, by the laws of those States, their importation is prohibited, masters or captains of vessels are forbidden, under severe penalty, to import or bring, or cause to be imported or brought, any negro,” &c. The Committee say—“This provision speaks for itself, and requires no illustration.” On the contrary, I think the act requires illustration, by reference to the article in the U. S. Constitution on which it was founded; viz. “The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808.”

The words, “think proper to admit” clearly imply that Congress might prohibit importation in such States as should not “think proper to admit” &c. before the year 1818, when the article left Congress free to abolish “the migration or importation” to all the States, whether they did or did not “think proper to admit” &c. Let the Committee show any article in the Constitution implying that Congress may prohibit, or, “in any form or in any manner,” “abridge the freedom of the press,” if any State shall not “think proper to admit” publications

of sister States. I "demand" such an article, before I can grant that the two cases have ANY analogy; for the Report truly states that by the Constitution "all powers are reserved to the States or THE PEOPLE, which are not by the constitution expressly delegated to the United States." No power is delegated to Congress to aid any State in abridging the freedom of the press, although a State may not think proper to admit certain publications from other States. So, as we have shown that the Constitutions of the several States forbid the abridgment of the freedom of the press by the State Legislatures, this invaluable right is "placed beyond the possible encroachment" of any STATE government or of the General Government. The press is the property of "the people," and by "those jealous and watchful guardians of liberty," who framed the Constitution, this point of attack on the liberties of the people was guarded "beyond all possible encroachment," but that of usurped power. "To the same effect," says the Report, "is the act of the 25th of February, 1790, respecting quarantine and health laws, which, as belonging to the internal police of the States, stand on the same ground. The act, among other things, directs the collectors and all other revenue officers, &c. and to co-operate faithfully in the execution of the quarantine and other restrictions which the health laws of the State may establish. The principles embraced by these acts, in relation to the commercial intercourse of the country, are equally applicable to the intercourse by mail. There may, indeed, be more difficulty in co-operating with the States in the latter case than in the former, but that cannot possibly affect the principle."

Let me begin the examination of this extract by asking what is "the principle" alluded to? If I can reach it at all, the principle involved in the claim set forth in the Report, is that it is the duty of the General Government to co-operate with the States in every measure, which any States may think to be necessary for their peace and security. But to what would not this principle conduct us, if reduced to practice? Apply it in a case or two. Suppose that South Carolina should think it necessary to her peace and security to prevent the citizens of Georgia from coming into that State, and request the co-operation of the General Government to carry this measure into effect. Would it be the duty of the General Government to exercise such co-operation? Look into the Constitution. Art. IV. Sec. 2. "The citizens of each State shall be entitled to all the privileges and immunities of all the citizens of the several States."

So "the principle" is seen to be limited. A citizen of Massachusetts or any other State may travel through and abide in all of the States, and the General Government, instead of co-operating with a State to prohibit this, is bound to protect that citizen from being divested of this privilege by State power.

I have already supposed it possible that the non-slave-holding States might consider Southern publications in favor of slavery as dangerous to their peace and security, as do the slave-holding States the publications of the non-slave-holding States to their peace and security. I have no doubt that they are far more "incendiary." Let "the principle" be reduced to practice, therefore, and the Union is sundered at a blow, and, in unavoidable connexion with this grossest of all political absurdities, that it would be done with "the co-operation of the General Government" with both classes of States, the Northern and the Southern; the General Government helping the South against the North and the North against the South, and so annihilating itself. The Congress was CONSTITUTIONALLY authorized to co-operate with the Governments of such States as did not "think proper to admit the importation" of certain foreigners, as we have seen. And I will now refer to a clause in the Constitution expressly empowering Congress to act on "quarantine and health regulations;" viz. "The Congress shall have power to regulate commerce with foreign nations and among the several States." "Quarantine and health laws" are comprised in regulations of commerce as admitted by the Committee, and, therefore, it becomes the duty of the General Government to adopt such quarantine regulation as the health of any part of the sea-board may require, particularly, to make it the duty of "collectors and all other revenue officers," which are officers of the General Government, to co-operate with State Governments in carrying such State laws into effect. I ask again for any article in the Constitution which empowers Congress to "interfere in any form or in any manner with the freedom of the press, though requested so to do by a State?"

All that the Constitution contains on this subject, is that amended article which forbids the abridging of the freedom of the press by Congress. This article the Committee have justly adduced in support of their position that "Congress can pass no law in any form or in any manner abridging the freedom of the press, by restraining the circulation of any publications on account of their religious or moral or political character." Of course Congress can not pass any law co-operating with any State to accomplish the same object.

The freedom of speech and of the press is not a right reserved from Congress and vested in a State Legislature, but is reserved both from Congress and all State Legislatures, by the United States Constitution and by the Constitutions of the States, to the PEOPLE; for it is a right which eternally belongs to the people, and was never and will never be, by any free people, surrendered into the hands of their Rulers. The day they should do that, would number the days of their freedom. And it will not do to say that "the character" of these publications is such as to require the prohibition of either their printing or circulation by a State Legislature, for, as I have already shown, there exists in the State Constitutions the same prohibition of such enactment as that contained in the United States Constitution, which the Committee themselves consider an insuperable obstacle to the enactment of any such law by Congress. An article in the United States Constitution, which prevents CONGRESS from enacting a certain law, prevents equally, when found in the Constitution of a State, the State Government from enacting a like law. Is this position deniable? I think not.

"It remains," says the Report, "next to inquire into the duty of the States from within whose limits and jurisdiction the internal peace and security of the slave-holding States are endangered." It is unnecessary to go much farther into inquiry on this part of the Report, than to refer to the view which I have given of the prohibitions, contained in all the State Constitutions, of the enactment of any law abridging the freedom of speech and the press. Certainly there exists nothing in the U. S. Constitution which requires that the several States shall silence their own citizens from the discussion, in conversation, from the rostrum, or through the press, of any religious or moral or political subject whatever, at the dictation of any other State. The pretence urged in the Report that common international law requires such suppression, is so glaring a misstatement that it scarcely deserves a passing notice. Since, however, it comes from men of so high standing, and may, therefore, be presumed to have some foundation in truth, I feel bound to take a brief notice of it. What, in a case like the present, is the law of nations? Any man, who will take the trouble to inquire whether any similar claim has ever been set up by one nation upon another will soon be satisfied that no law of nations, analagous to what is here claimed, is in existence. Was France restrained by any such law, during her revolution, from publishing to the world her principles? Some of those

principles were highly dangerous to the peace and security of her sister States in Europe. Thrones of long established despotism trembled and were nigh subversion by the influence of the Gallic press. Tyrants grew pale and gnashed upon her. But she went on unchecked by any international law, for no such law existed. Take one case more, and a better one. Great Britain is no longer a slave-holding government. Let American slave-holders send over to her their proud remonstrance against the licentiousness of her press, which is at this moment, teeming with most "incendiary" publications on the subject of slavery, and put in their claim, on the authority of international law, that she shall not allow more of these publications to cross the Atlantic to our shores. How would such an appeal be received? The grave of the dead Wilberforce would open and send forth a voice of withering rebuke and condemnatory thunder, and the united voice of the living nation would cry, "Shame! Hypocrisy! Go, read the declaration your fathers made, that all men have an unalienable right to Liberty! And do you presume to call on us, against whom, when we were your Lawgivers, you asserted the freedom of speech and the press, and sent out by the press, to all mankind, your sentiments of Republican Liberty,—do you require of us silence, that you may perpetuate slavery? We have formed a powerful society for the extinction of slavery throughout the world. Tell us, if we have ever subscribed to any international law, abridging our freedom to utter, to print, to publish and to circulate, anywhere and through the world, our sentiments on slavery. Read to us that law, and we will then be silent, and will leave you with your hypocrisy to stand against the silent but scorching gaze of all nations!" So much for the silly pretence that the Laws of Nations require the non-slave-holding States to suppress discussion, so that slavery may be perpetuated in good comfort to the oppressor.

But again hear the Report, "Those States, on the other hand, are not only under all the obligations which independent communities would be, to adopt such measures, but, also, under the obligation which the Constitution superadds," &c. I need only "demand" that the words of the Constitution, superadding any such obligation, be cited. If the Committee had not anticipated a fatal reaction upon themselves, they would, perhaps, have attempted to use the article in the Constitution which makes it the duty of the General Government to protect the States, when invoked by them, "against domestic violence." They might have endeavored to per-

snade the people that forcible, and, possibly, sometimes "indiscreet" discussion of the delicate subject of slavery is "domestic violence." But at this point the Committee seem to have exercised a good degree of quick-sighted forethought. They were aware that, when there has been heard at the North so much as a whispering breeze, the blustering of the South has swelled to a tornado. What Northern publication has menaced a dissolution of the Union, if slavery should not be abolished? Or set a price on the heads of the Southerners, if they should persist in advocating it? Or has awaked the spirit of mobs at the South to overthrow Slavery? Or has tempted the assassin to do deeds of blood there? If, then, Congress were by law to interfere to suppress "domestic violence," it would be first to check the violent proceedings of the pro-slavery press. But even that, Congress may not do, since the Constitution guards against all possible encroachment, in any form, or in any manner, on the freedom of the press. Let the Southern press be free to pour out its most violent and incendiary publications, and let the mail transport to the North the most flagrant Southern abuse of our citizens, and we will be content, if we may be free to repel the attack by truth and by manly argument through the press and the mail. We ask no suppression of foreign publications, however incendiary. The despots of the old world shall have the liberty to scatter among us, thick as the leaves of the autumnal forest, essays, disquisitions, orations, sermons, pamphlets, duodecimos and folios, illustrated by "pictorial representations" of our customs or their own, even for the express purpose of overturning our Republic and erecting a despotism on its ruins. We have no objection—we have nothing to fear. Our Free Press is fully adequate to "guard the outworks of liberty" against all such foreign influence. All danger lies in being denied the liberty of rebutting error by truth; of exposing the sophistry "which makes the worse appear the better reason," and of sounding an alarm to wake to a due care of their rights a slumbering people.

Tyrants well understand this, and make their calculations and fabricate their schemes accordingly, for the subversion of liberty. They begin by calling liberty licentiousness. They talk of a "capacity for the enjoyment of liberty as among the rarest endowments of inscrutable wisdom." They pretend to urge the necessity of restraining the liberty of speech and the press. If they once succeed in circumscribing this liberty, their purpose is more than half accomplished. They may now multiply their encroachments on the

liberties of the people, for the power of resistance is diminished. As these encroachments multiply and the power of resistance is reduced, they march with more and more rapid strides towards absolute power, till they reach this object of their burning desires.

Was it not to be expected that this uniform mode of subverting the liberties of the people would be resorted to in this country? What may be reasonably anticipated, if that may not, which every former age and nation have experienced? The Report itself will be found, I doubt not, to be one of the most potent engines ever contrived for the overthrow of liberty. Its avowed object is the perpetuation of **SLAVERY** and, beneath the cover of loud professions of attachment to the Constitution and the highest reverence for liberty, it labors to accomplish its avowed object. And now, if any man can be persuaded that **LIBERTY** and **SLAVERY** can be advocated in the same breath and by the same arguments; if he can believe that a suppression of the freedom of the press, for the sake of perpetuating **SLAVERY**, is, at the same time, a measure adapted to the promotion of **LIBERTY**, that man is prepared to adopt and to disseminate the sentiments and principles of the foulest despotism. He may imagine that his own liberty is made more secure, while he assists the power which controls him, in putting the fetters on his fellow citizens. That man will, probably, awake to a sense of the truth, when that truth may be that chains are riveted on himself, and the earlier, on account of the aid he had rendered to fasten them on others.

Fellow citizens, awake to the dangers which threaten your own liberties at the present alarming crisis. They come in the form of opposition to one particular mode of employing the freedom of speech and the press. Be not deceived by this fact. It is the well-known policy of tyrants to single out some one act or system of operations which meets with general dislike in the community, and, by adding to what is already considered objectionable in it, some things of a still more forbidding character, which do not belong to it, but which they persuade the people constitute the most essential features in it, to augment their dislike to the utmost possible degree. Then, they call upon the people to restrain the freedom of speech and the press so far only as is necessary to remove this evil from among them. Instead of leaving truth and error alike free to combat, till truth gain the ascendancy, they enchain both, and, in so doing, they, to a certain extent, abridge the freedom of all in the community, excepting

those only who are free to hold the chains of those whom they have bound. The precious "few," who alone "are qualified to enjoy freedom," as they have persuaded themselves, become the regulators, not only of the actions, but, also, of the opinions of the multitude. The landmarks of our liberties are well defined in the National and State Constitutions, and the people have only to acquaint themselves with these and to require that their rulers abide by them, in order to preserve to themselves and for their posterity the blessings of freedom. Instead of having anything to fear from free discussion, we have every thing to hope from it, and every thing to fear from its suppression. The security of the people lies in guarding, with eyes always awake, the very "outworks of liberty." Their danger lies in allowing themselves to suppose that, if the enemy has not yet reached them in the citadel, they are safe. I said, at the beginning, that I tremble for what may follow, if Calhoun's Bill should not become a law, much as I deprecate such an usurpation of power by Congress; but, if its iniquitous provisions and the principles of flagrant wickedness embodied in the Report, should remain unexposed to settle down into the minds of many in the community as possibly innocent. If they are allowed so to settle themselves into the opinions of our citizens, the disastrous consequences, which sooner or later will, probably, flow from them, are too fearful to be contemplated. Gladly, indeed, would the designing authors of the Report and others like them have all discussion suppressed by the strong arm of a nation's power, for therein lies their hope of reducing to their will the people whom they design to subjugate. That such is their purpose the Report itself furnishes sorrowful and all needful proof. Fellow citizens, study the Report. Subject every principle avowed in it to the most candid yet rigid scrutiny. Judge for yourselves. I ask you not to take on trust the opinions of so humble an individual as the writer of these strictures.

Freedom is, by the gift of God, your present invaluable inheritance. Preserve it for your CHILDREN, and that by your influence and example the WORLD may be FREE.