

Supplementary Material

Chapter 5: The Jacksonian Era – Democratic Rights/Free Speech/Suppressing Abolitionist Speech

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**States Debate Prohibiting Abolitionist Speech**

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*Southern politicians insisted that northern states had a constitutional obligation to outlaw abolitionist speech. Many slave states passed resolutions demanding sympathetic northern laws. In 1835, the legislature of South Carolina adopted resolutions concluding, "We would fain believe, that the northern liberty of the press, would never be construed into a liberty, to lay the South in ashes." No northern state passed any statute in response to these slave state demands. The New York legislature suggested that additional regulation was "inexpedient." George Wolf, the governor of Pennsylvania, asserted that such regulations violated the freedom of speech.*

*Most northern politicians detested abolitionism and abolitionists. Nevertheless, they refused to punish abolitionist speech. How do you explain this? Were northerners more committed than southerners to freedom of speech? Were they worried that speech suppressing abolitionism might create more dangerous precedents? Were both parties competing for the anti-slavery vote, which held the balance of power in some northern states?*

*Resolutions of South Carolina, December 16, 1835<sup>1</sup>*

The present condition of the slave question in the states of this confederacy, presents one of the most extraordinary spectacles which, your committee will venture to assert, has ever challenged the notice of the civilized world. We see sovereign states united by a common league, in about one-half of which states the institution of slavery not only exists, but its legal existence is solemnly recognized and guaranteed by their compact of union. Yet in the face of this compact, and the clear and distinct admission that the non-slaveholding states have not the slightest right, either constitutionally or otherwise, to interfere with this institution, the most incendiary associations are tolerated or permitted to exist within their limits, the object and ends of which not only strike at the prosperity and happiness of eleven states in the confederacy, but at their very social existence.

. . . Are we to wait until our enemies have built up, by the grossest misrepresentations and falsehoods, a body of public opinion against us, which it would be almost impossible to resist, without separating ourselves from the social system of the rest of the civilized world? . . . This is impossible. No people can live in a state of perpetual excitement and apprehension, although real danger may be long deferred. Such a condition of the public mind is destructive of all social happiness, and consequently must prove essentially injurious to the prosperity of a community that has the weakness to suffer under a perpetual panic. . . .

We have, therefore, a claim on the governments of the nonslaveholding states, not only moral and social, but of indispensable constitutional obligation, that this nuisance shall be abated. . . .

Your committee are aware, that it has been said, that no legislation can be adapted to arrest the proceedings of the abolitionists by the non-slaveholding states, without violating the great principles of the liberty of the press. We consider that this objection rests on no just foundation. There is certainly some difference between the freedom of discussion, and the liberty to deluge a friendly and coterminous state with seditious and incendiary tracts, pamphlets and pictorial representations, calculated to excite a

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<sup>1</sup> *Documents of the Senate of the State of New York, 59th Sess., vol. I (Albany, NY: E. Croswell, 1836), 20–24.*

portion of its population to revolt, rapine and bloodshed. We would fain believe, that the northern liberty of the press, would never be construed into a liberty, to lay the south in ashes. . . .

...

1. *Resolved*, That the formation of the abolition societies, and the acts and doings of certain fanatics, calling themselves abolitionists, in the non-slaveholding states of this confederacy, are in direct violation of the obligations of the compact of union, dissocial, and incendiary in the extreme.

...

3. *Resolved*, That the Legislature of South Carolina, having every confidence in the justice and friendship of the non-slaveholding states, announces to her co-states her confident expectation, and she earnestly requests that the governments of these states will promptly and effectually suppress all those associations within their respective limits, purporting to be abolition societies, and that they will make it highly penal to print, publish and distribute newspapers, pamphlets, tracts and pictorial representations calculated and having an obvious tendency to excite the slaves of the southern states to insurrection and revolt.

*New York in Reply to the South, (1836)*<sup>2</sup>

...

*Resolved*, That the people of this state, by responding with unexampled unanimity, to those views and sentiments, and manifesting their determination to abstain from, and to discountenance those political agitations and public discussions of the subject of domestic slavery, which were calculated to produce an exciting, an improper and a pernicious influence within the limits of other states, have given to the Union stronger guarantees than law could furnish, and rendered present legislation upon the subject by their representatives unnecessary and inexpedient.

*George Wolf, "Annual Message to the Assembly – 1835"*<sup>3</sup>

For some time past certain individuals under the cognomen of abolitionists, few in number but manifesting a zeal worthy of a better cause, have been laboring most assiduously to impress upon the public mind the necessity of immediate emancipation of that portion of our population now held in bondage by the people of the south. As might well be supposed, the promulgation of such doctrines produced an excitement of no ordinary character in that portion of the Union where slavery exists; and it has excited feelings of sympathy to a very great extent in other parts of the United States, which have called forth expressions of public sentiment on the subject of a most decided character. . . . There is, I believe, very little difference of feeling in regard to the question of slavery in the abstract, among us; we all deplore its existence; we deprecate it as an evil, and it is presumed there are but few of us who would not rejoice if there was not a remnant of it left upon our soil. Inhabiting a state which was the first to abolish slavery, we cannot be affected by the existing excitement, otherwise than as members of the great American confederacy, and as forming a link in the great chain which binds it together; as such we are deeply interested in the peace, the unity and integrity of the whole. . . .

The doctrines of universal emancipation, no doubt, had their origin in motives of the purest humanity and in the most benevolent designs, and would, if left to themselves, by their mild and benignant influences, have greatly ameliorated the condition of both master and slave: indeed, they had already contributed to that desirable end, and might, eventually, have produced the very object which is now professedly held out as the one desired to be accomplished. But the present crusade against slavery is the offspring of fanaticism of the most dangerous and alarming character; which if not speedily

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<sup>2</sup> *Journal of the Senate of the State of New York*, 59th Sess. (Albany, NY: E. Croswell, 1836), 539.

<sup>3</sup> *Papers of the Governors 1832–1845*, ed. George Edward Reed, vol. VI (Harrisburg: The State of Pennsylvania, 1901), 241–43.

checked, may kindle a fire which it may require the best blood of the country to quench; and engender feelings which may prove fatal to the integrity of the Union itself. It must, however, be left to public opinion alone to check and to control the further progress of this misdirected enthusiasm.—Legislation cannot be brought to bear upon it without endangering other rights and privileges, in which every individual in this great confederacy is deeply and solemnly interested. The freedom of speech and of the press, which after all is the safeguard to free discussion, and the best expositor of public opinion, must not be infringed upon or controlled by enactments intended to remedy some temporary mischief only.



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