

THE ABOLITIONIST CRUSADE

evil, and what can be more glorious in the destiny of  
e!

re an oppressed minority, then, and are men of kindred  
those who oppress us. What has been the fate of oppressed  
es who have resisted oppression? History is full of evidence  
is subject. The Jews, for example, in comparatively modern  
have been persecuted and oppressed very much in a  
European kingdom. The Inquisition of Spain was specially  
ted against them. They were expelled from country  
ry by a series of laws which are the prototypes or precedents  
e Ohio-code. Even at this hour they are excluded from  
ages of citizenship in free, enlightened and philanthropic  
Britain. And yet we find that the Jews, the so pitiless  
d minority, now hold in their hands the rule, the very  
of the kingdoms which were formerly foremost in persecution.  
The very persecutions which they suffered drove them  
that influence—MONEY—which enables them to rule  
r oppressors.

NOTE: James McCune Smith, *The Destiny of a People of Color* (Boston, 1854).  
The allusion above to the "Ohio-code" specifically refers first, to the  
ce of the people of color to mob violence in Cincinnati, and second, to  
in spite of the odious Black Code of Ohio, the colored people of Ohio  
d more rapidly and energetically than the same population in any other  
ording to McCune's calculations. The nonviolent and Christian doctrine  
g "good for evil" is of course an early expression of the doctrine that  
Luther King, Jr., would adopt for the civil rights movement of the 1950s.

*Wendell Phillips (1811–1884)*

Like his contemporary, William Lloyd Garrison, Wendell Phillips was a pioneering reformer who championed a number of unpopular causes, including abolitionism, women's suffrage, prison reform, prohibition, and an improvement in the federal policy toward the displaced Native Americans. Unlike Garrison, Phillips advocated occasional violence in the cause of abolitionism. Both men called for unconditional emancipation and were critics of the U.S. Constitution as a proslavery document, and both men called for secession of the North from the slaveholding South and a rejection of the Compromise of 1850, which included the Fugitive Slave Law, which most abolitionists viewed as a compact with Satan. Unlike Garrison, Phillips was superbly educated, having attended the Boston Latin School and Harvard College (class of 1831). He was also a graduate of the Harvard Law School (1834). As closely as they worked and as many issues as they agreed upon, Garrison and Phillips disagreed on several prominent questions and were eventually disunited in 1865 when the American Anti-Slavery Society elected Phillips as president to succeed Garrison. Phillips's achievement was in his writing and his oratory, not in his political acumen or elected positions. He is represented in this volume by his treatise *The Constitution, a Pro-Slavery Compact* (1845), which engages the legalisms of Lysander Spooner's *The Unconstitutionality of Slavery* (1845), also anti-slavery but different in its approach to the issues. Phillips also wrote *The Philosophy of the Abolitionist Movement* (1854), which is a defense of abolitionism at a time when its principles were under assault not only in the South, but also by conservative abolitionists in the North. Phillips was a powerful speaker—perhaps, with Frederick Douglass, one of the two most effective orators in antebellum America. He died in Boston on February 2, 1884.



THE CONSTITUTION, A PRO-SLAVERY  
COMPACT: SELECTIONS FROM THE  
MADISON PAPERS, &C. (1845)

*from the Introduction*

... These extracts develop most clearly all the details of that "compromise," which was made between freedom and slavery, in 1787, granting to the slaveholder distinct privileges and protection for his slave property, in return for certain commercial concessions on his part toward the North. They prove also that the Nation at large were fully aware of this bargain at the time, and entered into it willingly and with open eyes.

... The clauses of the Constitution to which we refer as of a pro-slavery character are the following:

Art. 1, Sect. 2.—Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free person, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons*.

Art. 1, Sect. 8.—Congress shall have power . . . to suppress insurrections.

Art. 1, Sect. 9.—The migration or importation of such persons as any of the States now existing, shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight: but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Art. 4, Sect. 2.—No person, held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

Art. 4, Sect. 4.—The United States shall guarantee to every State in this Union a republican form of government; and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened) *against domestic violence*.

The first of these clauses, relating to representation, confers on a slaveholding community additional political power for every slave held among them, and thus tempts them to continue to uphold the system: the second and the last, relating to insurrection and domestic violence, perfectly innocent in themselves—yet being made with the fact directly in view that slavery exists among us, do deliberately pledge the whole national force against the unhappy slave if he imitate our fathers and resist oppression—thus making us partners in the guilt of sustaining slavery: the third, relating to the slave-trade, disgraces the nation by a pledge not to abolish that traffic till after twenty years, *without obliging Congress to do so even then*, and thus the slave-trade may be legalized tomorrow if Congress choose: the fourth is a promise on the part of the whole Nation to return fugitive slaves to their masters, a deed which God's law expressly condemns and which every noble feeling of our nature repudiates with loathing and contempt.

... A few persons, to be sure, of late years, to serve the purposes of a party, have tried to prove that the Constitution makes no compromise with slavery. Notwithstanding the clear light of history; the unanimous decision of all the courts in the land, both State and Federal; the action of Congress and the State Legislatures; the constant practice of the Executive in all its branches; and the deliberate acquiescence of the whole people for half a century, still they contend that the Nation does not know its own meaning, and that the Constitution does not tolerate slavery! Every candid mind, however, must acknowledge that the language of the Constitution is clear and explicit.

Its terms are so broad, it is said, that they include many others beside slaves, and hence it is wisely (!) inferred that they cannot include the slaves themselves! Many persons besides slaves in this country doubtless are "held to service and labor under the laws of the States," but that does not at all show that slaves are not "held to service;" many persons beside the slaves may take part "in insurrections," but that does not prove that when the slaves rise, the National Government is not bound to put them down by force. Such a thing has been heard of before as one description, including a great variety of persons—and this is the case in the present instance.

But granting that the terms of the Constitution are ambiguous—



that they are susceptible of two meanings, if the unanimous, concurrent, unbroken practice of every department of the Government, judicial, legislative, and executive, and the acquiescence of the whole people for fifty years do not prove which is the true construction, then how and where can such a question ever be settled? If the people and the Courts of the land do not know what they themselves mean, who has authority to settle their meaning for them?

If then the people and the Courts of a country are to be allowed to determine what their own laws mean, it follows that at this time and for the last half century, the Constitution of the United States has been, and still is, a pro-slavery instrument, and that any one who swears to support it, swears to do pro-slavery acts, and violates his duty both as a man and as an abolitionist. What the Constitution may become a century hence, we know not; we speak of it *as it is*, and repudiate it *as it is*.

But the purpose, for which we have thrown these pages before the community, is this. Some men, finding the nation unanimously deciding that the Constitution tolerates slavery, have tried to prove that this false construction, as they think it, has been foisted into the instrument by the corrupting influence of slavery itself, tainting all it touches. They assert that the known anti-slavery spirit of revolutionary times never *could* have consented to so infamous a bargain as the Constitution is represented to be, and has in its present hands become. Now these pages prove the melancholy fact, that willingly, with deliberate purpose, our fathers bartered honesty for gain, and became partners with tyrants, that they might share in the profits of their tyranny.

And in view of this fact, will it not require a very strong argument to make any candid man believe, that the bargain which the fathers tell us they meant to incorporate into the Constitution, and which the sons have always thought they found there incorporated, does not exist there, after all? Forty of the shrewdest men and lawyers in the land assemble to make a bargain, among other things, about slaves, after months of anxious deliberations they put it into writing and sign their names to the instrument, fifty years roll away, twenty millions, at least, of their children pass over the stage of life, courts sit and pass judgment, parties arise and struggle fiercely; still all concur in finding in the instrument just that mean-

ing which the fathers tell us they intended to express: must not he be a desperate man, who, after all this, sets out to prove that the fathers were bunglers and the sons fools, and that slavery is not referred to at all?

Besides, the advocates of this new theory of the Anti-slavery character of the Constitution, quote some portions of the Madison Papers in support of their views; and this makes it proper that the community should hear *all* that these Debates have to say on the subject. The further we explore them, the clearer becomes the fact, that the Constitution was meant to be, what it has always been esteemed, a compromise between slavery and freedom.

If then the Constitution be, what these Debates show that our fathers intended to make it, and what, too, their descendants, this nation, say they did make it and agree to uphold, then we affirm that it is a "covenant with death and an agreement with hell," and ought to be immediately annulled. No abolitionist can consistently take office under it, or swear to support it.

But if, on the contrary, our fathers failed in their purpose, and the Constitution is all pure and untouched by slavery, then, Union itself is impossible, without guilt. For it is undeniable that the fifty years passed under this (anti-slavery) Constitution, show us the slaves trebling in numbers; slaveholders monopolizing the offices and dictating the policy of the Government; prostituting the strength and influence of the Nation to the support of slavery here and elsewhere; trampling on the rights of the free States, and making the courts of the country their tools. To continue this disastrous alliance longer is madness. The trial of fifty years with the best of men and the best of Constitutions, on this supposition, only proves that it is impossible for free and slave States to unite on any terms, without all becoming partners in the guilt and responsibility for the sin of slavery. We dare not prolong the experiment, and with double earnestness we repeat our demand upon every honest man to join in the outcry of the American Anti-Slavery Society,—

NO UNION WITH SLAVEHOLDERS!

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SOURCE NOTE: Wendell Phillips, *The Constitution, a Pro-Slavery Compact* (Boston, 1845), in the collections of the Widener Library, Harvard University, and the Boston Public Library.