

AMERICAN CONSTITUTIONALISM  
VOLUME II: RIGHTS AND LIBERTIES  
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Supplementary Material

Chapter 5: The Jacksonian Era — Equality/Race/Free Persons of Color — Citizenship

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**Appeal of Forty Thousand Citizens, Threatened with Disenfranchisement, to the People of Pennsylvania (1838)<sup>1</sup>**

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*African-Americans fought against efforts to deny their citizenship. In Pennsylvania, a committee led by Robert Purvis (1810–98), issued an eighteen-page pamphlet condemning the judicial decision in Hobbs v. Fogg (PA 1837) and a proposed amendment to the state constitution disenfranchising persons of color. Purvis and his committee failed to secure the ballot for persons of color. The Pennsylvania Constitution of 1838 limited voting to white persons.*

*When reading the following excerpt, consider the following. On what basis did Purvis and his allies claim that free blacks are citizens? “The Appeal of Forty Thousand Citizens” accepted many voting restrictions, most notably voting restrictions based on wealth and gender. Why did the authors believe race is different? Was their defense of nonracial restrictions on voting a political tactic or based on constitutional principle?*

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. . . . 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

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<sup>1</sup> Excerpt taken from Robert Purvis, *Appeal of Forty Thousand Citizens, Threatened with Disfranchisement, to the People of Pennsylvania* (Philadelphia, PA: Merrihew and Gunn, 1838).

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?

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We are CITIZENS. . . .

It may here be objected to us, that in point of fact we have lost by the recent decision of the [Pennsylvania] Supreme Court, in the case of *Fogg vs. Hobbs*, whatever claim to the right of suffrage we may have had under the Constitution of 1790; and hence have no reason to oppose the amended Constitution. Not so. We hold our rights under the present Constitution none the cheaper for that decision.

. . . The Court argues that colored men are not freemen, and hence not entitled by the present Constitution to vote, because under laws prior to the Constitution there might be individuals who were not slaves, and yet were not freemen!

Since the argument above referred to, such as it is, does not rest upon color, it is not less applicable to the descendants of Irish and German ancestors than to ourselves. If there ever have been within the commonwealth, men, or sets of men, who though personally free were not technically freemen, it is unconstitutional, according to the doctrine of the Court, for their descendants to exercise the right of suffrage, pay what taxes they may, till in "the discretion of the judges," their blood has "become so diluted in successive descents as to lose its distinctive character." Is this the doctrine of Pennsylvania freedom?

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What have we done to forfeit the inestimable benefits of this charter? Why should tax-paying colored men, any more than other tax-payers, be deprived of the right of voting for their representatives? It was said in the Convention, that this government belongs to the Whites. We have already shown this to be false, as to the past. Those who established our present government designed it equally for all. It is for you to decide whether it shall be confined to the European complexion in future. Why should you exclude us from a fair participation in the benefits of the republic? Have we oppressed the whites? Have we used our rights to the injury of any class? Have we disgraced it by receiving bribes? Where are the charges written down, and will swear to them? We challenge investigation. We put it to the conscience of every Pennsylvanian, whether there is, or ever has been, in the common wealth, either a political party or religious sect which has less deserved than ourselves to be thus disfranchised. As to the charge of idleness, we fling it back indignantly. Whose brows have sweat for our livelihood but our own? As to vice, if it disqualifies us for civil liberty, why not apply the same rule to the whites, so far as they are vicious? . . . .

. . . 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. . . .

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Be it remembered, fellow citizens, that it is only the "industrious, peaceable, and useful" part of the colored people that we plead. We would have the right of suffrage only as the reward of industry and worth. We care not how high the qualification be placed. All we ask, is that no man shall be excluded on account of his color, that the same rule shall be applied to all.

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