AMERICAN CONSTITUTIONALISM

VOLUME II: RIGHTS AND LIBERTIES

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Supplementary Material

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

*Frederick Douglass*, **A Plea for Free Speech in Boston** (1860)[[1]](#footnote-1)

*Frederick Douglass was born a slave in Maryland just before the Missouri crisis. On his third attempt, he successfully escaped to New York City at the age of twenty. He married a free black woman from Baltimore who had helped in his escape, and they moved to Massachusetts, where he became a Methodist preacher. Soon he became an active speaker at antislavery gatherings under the tutelage of William Lloyd Garrison and published his first autobiography. After an international speaking tour, he returned to New York and established his own abolitionist newspaper,* The North Star*. He broke from Garrison’s uncompromising critique of the U.S. Constitution and embraced the argument of Lysander Spooner and others that the Constitution could be read as an antislavery document. He attended the Seneca Falls Convention, speaking on behalf of female suffrage, and tried to discourage John Brown from making his raid on Harper’s Ferry. During the electoral campaign of 1860, he was a supporter of Abraham Lincoln and the Republican Party.*

*With the South threatening secession after Lincoln’s election, Douglass was to be the featured speaker at a public meeting in December of 1860 at the Tremont Temple Baptist Church in Boston. When anti-abolitionists disrupted the meeting, Douglass called out, “This is one of the most impudent, barefaced outrages on free speech I ever witnessed in Boston or elsewhere.”[[2]](#footnote-2) As the two sides wrestled for control of the meeting, the police eventually cleared the church. The next week, Douglass spoke at the Twenty-Eighth Congregational Society, a Boston church founded by the abolitionist Theodore Parker. There he delivered his lecture on “self-made men,” but concluded with some remarks about the fracas at the Tremont Temple. It was not the first time that Douglass and other abolitionist speakers and publishers were confronted with hostile mobs intent on silencing them. Douglass insisted on the duty of government officials to protect the right of everyone to speak freely and to hear competing views, no matter their standing in society or the popularity of their views.*

Boston is a great city - and Music Hall has a fame almost as extensive as that of Boston. Nowhere more than here have the principles of human freedom been expounded. But for the circumstances already mentioned, it would seem almost presumption for me to say anything here about those principles. And yet, even here, in Boston, the moral atmosphere is dark and heavy. The principles of human liberty, even if correctly apprehended, find but limited support in this hour of trial. The world moves slowly, and Boston is much like the world. We thought the principle of free speech was an accomplished fact. Here, if nowhere else, we thought the right of the people to assemble and to express their opinion was secure. Dr. Channing had defended the right, Mr. Garrison had practically asserted the right, and Theodore Parker had maintained it with steadiness and fidelity to the last.

But here we are today contending for what we thought we gained years ago. The mortifying and disgraceful fact stares us in the face, that though Faneuil Hall and Bunker Hill Monument stand, freedom of speech is struck down. No lengthy detail of facts is needed. They are already notorious; far more so than will be wished ten years hence.

The world knows that last Monday a meeting assembled to discuss the question: "How Shall Slavery Be Abolished?" The world also knows that that meeting was invaded, insulted, captured by a mob of gentlemen, and thereafter broken up and dispersed by the order of the mayor, who refused to protect it, though called upon to do so. If this had been a mere outbreak of passion and prejudice among the baser sort, maddened by rum and hounded on by some wily politician to serve some immediate purpose - a mere exceptional affair - it might be allowed to rest with what has already been said. But the leaders of the mob were gentlemen. They were men who pride themselves upon their respect for law and order.

These gentlemen brought their respect for the law with them and proclaimed it loudly while in the very act of breaking the law. Theirs was the law of slavery. The law of free speech and the law for the protection of public meetings they trampled under foot, while they greatly magnified the law of slavery.

The scene was an instructive one. Men seldom see such a blending of the gentleman with the rowdy, as was shown on that occasion. It proved that human nature is very much the same, whether in tarpaulin or broadcloth. Nevertheless, when gentlemen approach us in the character of lawless and abandoned loafers - assuming for the moment their manners and tempers - they have themselves to blame if they are estimated below their quality.

No right was deemed by the fathers of the Government more sacred than the right of speech. It was in their eyes, as in the eyes of all thoughtful men, the great moral renovator of society and government. Daniel Webster called it a homebred right, a fireside privilege. Liberty is meaningless where the right to utter one's thoughts and opinions has ceased to exist. That, of all rights, is the dread of tyrants. It is the right which they first of all strike down. They know its power. Thrones, dominions, principalities, and powers, founded in injustice and wrong, are sure to tremble, if men are allowed to reason of righteousness, temperance, and of a judgment to come in their presence. Slavery cannot tolerate free speech. Five years of its exercise would banish the auction block and break every chain in the South. They will have none of it there, for they have the power. But shall it be so here?

Even here in Boston, and among the friends of freedom, we hear two voices: one denouncing the mob that broke up our meeting on Monday as a base and cowardly outrage; and another, deprecating and regretting the holding of such a meeting, by such men, at such a time. We are told that the meeting was ill-timed, and the parties to it unwise.

Why, what is the matter with us? Are we going to palliate and excuse a palpable and flagrant outrage on the right of speech, by implying that only a particular description of persons should exercise that right? Are we, at such a time, when a great principle has been struck down, to quench the moral indignation which the deed excites, by casting reflections upon those on whose persons the outrage has been committed? After all the arguments for liberty to which Boston has listened for more than a quarter of a century, has she yet to learn that the time to assert a right is the time when the right itself is called in question, and that the men of all others to assert it are the men to whom the right has been denied?

It would be no vindication of the right of speech to prove that certain gentlemen of great distinction, eminent for their learning and ability, are allowed to freely express their opinions on all subjects - including the subject of slavery. Such a vindication would need, itself, to be vindicated. It would add insult to injury. Not even an old-fashioned abolition meeting could vindicate that right in Boston just now. There can be no right of speech where any man, however lifted up, or however humble, however young, or however old, is overawed by force, and compelled to suppress his honest sentiments.

Equally clear is the right to hear. To suppress free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker. It is just as criminal to rob a man of his right to speak and hear as it would be to rob him of his money. I have no doubt that Boston will vindicate this right. But in order to do so, there must be no concessions to the enemy. When a man is allowed to speak because he is rich and powerful, it aggravates the crime of denying the right to the poor and humble.

The principle must rest upon its own proper basis. And until the right is accorded to the humblest as freely as to the most exalted citizen, the government of Boston is but an empty name, and its freedom a mockery. A man's right to speak does not depend upon where he was born or upon his color. The simple quality of manhood is the solid basis of the right - and there let it rest forever.

1. Excerpt taken from “Frederick Douglass at Music Hall,” *The Liberator* (December 14, 1860). [↑](#footnote-ref-1)
2. Frederic May Holland, *Frederick Douglass* (New York: Funk & Wagnalls Company, 1891), 281. [↑](#footnote-ref-2)