AMERICAN CONSTITUTIONALISM

VOLUME II: RIGHTS AND LIBERTIES

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Supplementary Material

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

*Gerrit Smith*, **The Crime of the Abolitionists** (1835)[[1]](#footnote-1)

*Gerrit Smith was the son of a successful fur trader and land speculator in New York. He was born in Utica in 1797 and became part of an extended family or activists and reformers that included his cousin, the feminist Elizabeth Cady Stanton. Upon graduating from Hamilton College, he took up the family business and drove it to new heights. In the 1820s, he became a proponent of the temperance movement. In the 1830s, he threw himself into the abolitionist movement. He was a founder of the Liberty Party, headed its presidential ticket in 1848, and helped fund the advocacy work of Frederick Douglass. In the 1850s, his reformist efforts took an even more radical form, and he became a supporter of abolitionist vigilante John Brown, though he eventually worked for reconciliation with the secessionists after the Civil War. He died in 1874.*

*In October 1835, a group of abolitionists planned to hold a state convention in Utica, New York to organize an antislavery society. When some residents of the town objected, the town council withdrew its permission to use the courthouse for the convention. A Presbyterian Church was made available as an alternative site. A mob led by a Democratic congressman disrupted the meeting and a riot broke out. Gerrit Smith invited the antislavery convention delegates to reassemble at his family’s nearby settlement of Peterboro. He launched the new meeting with a speech in support of a resolution endorsing free speech.*

What is the Crime of the Abolitionists? It is not that they are bloody men – for they are preeminently men of peace. It is not that they make unconstitutional or unjust laws – for they are too few to be able to make any laws. It is that they presume to discuss Slavery. This is their crime – their only crime. . . .

Mr. SMITH rose to move and advocate the adoption of the following Resolution, viz:

*Resolved, that the right of free discussion, given to us by God, and asserted and guarded by the laws of our country, is a right so vital to man’s freedom, and dignity, and usefulness, that we can never be guilty of its surrender, without consenting to exchange that freedom for slavery, and that dignity and usefulness for debasement and worthlessness.*

Mr. SMITH remarked . . . .

I love the free and happy form of civil government under which I live: not because it confers new rights on me. My rights all spring from an infinitely nobler source – from the favor and grade of God. Our political and constitutional rights, so called, are but the natural and inherent rights of man, asserted, carried out, and secured by modes of human contrivance. To no human character am I indebted for my rights. They pertain to my original constitution: and I read them in that Book of books, which is the great Charter of man’s rights. No, the constitutions of my nation and state create none of my rights. They do, at the most, but recognize what it was not theirs to give.

My reason, therefore, for loving a republican form of government, and for preferring it to any other – to monarchical and despotic governments – is, not that it clothes me with rights, which these withhold from me; but, that it makes fewer encroachments than they do, on the rights, which God gave me – on the divinely appointed scope of man’s agency. I prefer, in a word, the republican system, because it comes up more nearly to God’s system. It is not then to the constitution of my nation and state, that I am indebted for the right of free discussion: though I am thankful for the glorious defense with which those instruments surround that right. No, God himself gave me this right: and a sufficient proof that He did so, is to be found in the fact, that He requires me to exercise it. Take from the men, who compose the church of Christ on earth, the right of free discussion, and you disable them for His service. They are now the lame and the dumb and the blind. In vain is it now, that you bid them “hold forth the word of life” – in vain that you bid them “not to suffer sin upon a neighbor, but in any wise to rebuke him” – in vain is it, that you bid them “go into all the world, and preach the gospel to every creature.” If God made me to be one of his instruments for carrying forward the salvation of the world, then is the right of free discussion among my inherent rights: then may I, must I, speak of sin, any sin, every sin, that comes in my way – any sin, every sin, which it is my duty to search out and to assail. When, therefore, this right is called into question, then is the invasion, not of something obtained from human convention and human concession; but the invasion of a birthright – of that which is as old as our being, and a part of the original man.

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There is one class of men, whom it especially behooves to be tenacious of the right of free discussion. I mean the poor. The rich and the honorable, if divested of this right, have still their wealth and their honors to repose on, and to solace them. But, when the poor are stripped of this right, they are poor indeed. The unhappy men, who composed the mob in Utica yesterday, are of this class. May they yet learn, and before it is too late, how suicidal was the violence, TO WHICH THE LIPS AND PENS OF THEIR SUPERIORS STIMULATED THEM; and, that, in attacking this most precious right in your persons, they were efficiently contributing to hasten its destruction in their own; a right too in respect to which the poor man is the equal of the richest and the proudest; and his possession of which is all, that saves him from being trampled upon in Republican America by the despotism of wealth and titles, as that despotism tramples upon him elsewhere, where he is not permitted to tell the story of his wrongs, and to resist oppression by that power, which even weal and titles cannot withstand – *the power of the lips and the Press*. Let the poor man count as his enemy, and his worst enemy, every invader of the right of free discussion.

We are threatened with legislative restraints on this right. Let us tell our legislators in advance, that this is right, restraints on which, we will not, cannot bear; and that every attempt to restrain it is a palpable wrong against God and man. Submitting to these restraints, we could not be what god made us to be; we could not perform the service, to which He has appointed us; we could not be *men*. Laws to gag a man – to congeal the gushing fountains of his heart’s sympathy – and to shrivel up his soul by extinguishing its ardor and generosity – are laws not to assist him in carrying out God’s high ad holy purposes in calling him into being; but they are laws to throw him a passive, mindless, worthless being at the feet of despotism.

And to what end is it that we are called on to hold our tongues, and throw down our pens, and give up our influence? Were it for a good object, and could we conceive that such a sacrifice would promote it, there would be a color of fitness in asking us to do so. But, this is a sacrifice, which righteousness and humanity never invoke. Truth and mercy require the exertion – never the suppression, of man’s noble rights and powers. We are called on to degrade and unman ourselves, and to withhold from others that influence, which we are bound to exert upon them, to the end that the victim of oppression may lie more quietly beneath the foot of huis oppressor; to the end, that one sixth of our countrymen, plundered of their dearest rights – of their bodies, and minds and souls – may never know of those rights; to the end, that TWO MILLIONS AND A HALF of our fellow men, crushed in the iron folds of slavery, may remain in all their suffering and debasement and despair. . . .

We knew before, that slavery could not survive free discussion; that the minds of men could not remain firm and their consciences quiet under the continued appeals fo truth, and justice, and mercy; but the demand, which slaveholders now make on us to surrender the right of free discussion, together with their avowed reasons for this demand, involves their own full concession, that free discussion is incompatible with slavery. The South now admits by their own showing, that slavery cannot live, unless the North be tongue-tied. But we have two objections to being tongue-tied. One is, that we desire and purpose to exert all our powers and influence – lawfully, temperately, kindly – to persuade the slaveholders of the South to deliver our colored brethren from their bonds; nor shall we give rest to our lips and pens, until this righteous object is accomplished; and the other is, that we are not willing to be slaves ourselves. . . . And thus, while we are endeavoring to break the yokes, which are on others’ necks, we are to see to it, that yokes are not imposed on our own.

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1. Excerpt taken from Gerrit Smith, *The Crime of the Abolitionists* (Peterboro, NY: n.p., 1862). [↑](#footnote-ref-1)