

1

The Founding Fathers and civil rights

Introduction

The Declaration of Independence, signed by the original 13 United States of America on 4 July 1776, proclaimed: 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.' Yet as originally conceived by the Founding Fathers, who formed the wealthy minority of the new American republic, the 'unalienable rights' of the individual were enjoyed only by white, male, Protestant property holders. The rights of others – including Native Americans, American women of all ethnic backgrounds, members of non-Protestant religious denominations, and what became known in the twentieth century as minority ethnic groups – were not considered at that time.

As a result, the political philosophy within the original assertion of independence for Americans in 1776 was fraught with inconsistencies. These were to lead the new and vibrant young nation through over two hundred years of trial and tribulation in search for freedom and equality for all of its citizens. Along the way, the original inhabitants of the North American continent, the Native Americans, were to lose their hunting grounds and suffer the depredations of reservation life. African Americans fought and died for the independence of the new nation during the Revolutionary War and the war of 1812 – caused by naval interference with American shipping during the Royal Navy blockade of France – and then saw their own liberties gradually removed. A civil war was fought between 1861 and 1865; it resulted in 620,000 dead, but culminated in the 13th Amendment to the Constitution, which finally freed all slaves throughout the United States. A further hundred years would elapse during which African Americans suffered the terrible brutalities of the Ku Klux Klan, tolerated the indignation of the 'Jim Crow' laws, and finally gained full recognition as a result of the civil rights campaign of the 1960s.

The concept of civil rights

The concept of civil rights encompasses the belief that human beings have unalienable rights and liberties that cannot justly be violated by others or by the state. Linked to the history of democracy, the idea was first expressed by the philosophers of ancient Greece. Socrates (c.469–399 BC) chose to die rather than

The Founding Fathers and civil rights

give up the right to speak his mind in the search for wisdom and truth. Prior to the rise of Christianity, the Stoic philosophers recognised and advocated the brotherhood of humanity and the natural equality of all human beings. The principles of personal liberty continued to be developed in the writings of the Roman statesman Marcus Tullius Cicero (106–43 BC) and the Greek essayist Plutarch (c.AD 46–120). Nevertheless, such ideas did not obtain a permanent place in the political structure of the Roman Empire and all but vanished during the Middle Ages.

Influenced by the revolutionary changes in thinking in the seventeenth century wrought by the Civil Wars, the Glorious Revolution, and William III's Declaration of Rights, British colonists carried the concepts of limited government and individual freedom to the New World. The events leading to the American and French revolutions of the eighteenth century inspired the work of the French philosophers Voltaire and Jean-Jacques Rousseau, and of the British reformer John Wilkes. Writings such as the *Declaration of Independence*, by Thomas Jefferson (1743–1826), and the *Declaration of the Rights of Man and of the Citizen*, composed principally by Abbé (later Count) Emmanuel Sieyès (1748–1836), formally laid the foundations for modern ideas of civil liberties.

The civil rights and liberties enjoyed by US citizens today are embodied in the Bill of Rights, which represents the first ten amendments to the US Constitution. Based on fear that a strong central government would lead to tyranny, this development was originally inspired by the actions of the Virginia and Massachusetts legislatures, both of which had incorporated a bill of rights into their original state constitutions in 1776 and 1780 respectively. These two states, with New York and Pennsylvania, refused to ratify the new Federal Constitution in 1787 unless it was amended to protect the individual with a similar bill of rights. In 1790 Congress submitted 12 amendments to the Constitution, 10 of which were adopted in 1791 as Articles I to X.

The 1st Amendment guaranteed freedom of speech, press, assembly, and religious exercise, as well as separation of church and state. The 2nd Amendment ensured that each state could form its own militia, while the 3rd Amendment regulated the manner in which soldiers could be billeted with civilians. The 4th Amendment protected the privacy and security of the home and personal effects, and prohibited unreasonable searches and seizures. The 5th to 8th Amendments guaranteed the right to trial by jury, the right to confront hostile witnesses and to have legal counsel, and the privilege of not testifying against oneself. The 5th Amendment also contained the all-important guarantee that no one shall be deprived of life, liberty, or property without due process of law. The 9th and 10th Amendments reserved to the people or to the states powers not allocated to the Federal government under the Constitution.

Slavery

But to the Americans who penned the Constitution in 1787, and the Bill of Rights in 1791, a stronger Federal government was the main objective. It was a means of overcoming the weaknesses inherent in the Articles of Confederation, drafted by

The Founding Fathers and civil rights

John Dickinson in 1776 and adopted in 1781, under which the 13 original states had been only loosely bound together in 'a Confederacy of States, each of which must have a separate government'.

The civil rights inherent within the Bill of Rights did not extend to everyone – particularly not to the 500,000 slaves resident in the United States by that time – hence the contradiction between document and deed. Thomas Jefferson, the main author of the declaration, referred to the slave trade as 'this infamous practice' in his instructions to the Virginia delegates in 1776, and even included a tirade against it in the first draft of the document. However, he permitted the offending clauses to be stricken out by the Continental Congress, the newly formed American system of government, commenting that it was done to please the Southern states of South Carolina and Georgia, 'who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it'. Regarding the attitude of the Northern states, some of which had already abolished slavery, Jefferson remarked: 'Our Northern brethren, also, I believe, felt a little tender under these censures; for tho' their people have very few slaves themselves yet they have been pretty considerable carriers of them to others.'

Of slavery, George Washington, the first president of the United States, wrote: 'Among my first wishes is to see some plan adopted by which slavery in this country may be abolished.' The Virginia statesman Patrick Henry declared: 'I will not, I cannot justify it.' Benjamin Franklin became a leader of the Society for Promoting the Abolition of Slavery in Pennsylvania, and Alexander Hamilton, the first US secretary of the Treasury, helped to organise the New York Manumission Society, which raised funds to buy freedom for slaves.

Yet the men who met at Philadelphia to write a constitution for the new nation in 1787 came to build a stronger and more united country, not to solve the question of slavery. In order to retain the loyalty of slave holders and slave traders in the South and North, they promised to protect slave property in three separate sections of the Constitution. Firstly, they gave the small African slave trade 20 years in which to cease operations. After 1807 it would be illegal to import any further slaves into the country. The impact of this measure was minimal as the slave population within the United States had more than quadrupled by 1840. Secondly, via the passage of the Fugitive Slave Act of 1793 they provided that all runaway slaves be returned to their owners. Thirdly, because slave holders were to be taxed for their slaves, as property, they were permitted three votes for every five slaves they owned.

Despite having struck a bargain with those who traded in other human beings, the majority of delegates left the Constitutional Convention in 1787 convinced that slavery would eventually die out in America. This view was supported by the Northwest Ordinance, passed during the same year. Dealing with the settlement of territory beyond the 13 original states, this vital piece of legislature also prohibited slavery in what became Ohio, Indiana, Illinois, Michigan, and Wisconsin. Although the Federal government subsequently watered down this provision of the ordinance, insisting that it was merely a means of stopping the

The Founding Fathers and civil rights

further importation of slaves, the five states did eventually abolish slavery. Encouraged by this, and by the fact that seven of the Northern states had already emancipated their slaves in one form or another, the 55 men who created the American Constitution felt sure that the compromises of 1787 were a temporary arrangement.

Entirely unforeseen was the invention of the cotton gin by Eli Whitney in 1793. A machine that solved the problem of separating the seeds from the fibres of upland or short-staple cotton, it made cotton-growing possible on almost any soil in regions with sufficient rainfall plus two hundred continuous frost-free days. Hence more slaves were needed on the new plantations that spread west into the fertile lands of Alabama, Mississippi, and eastern Texas. Instead of dying out by 1807, the slave trade had received fresh impetus. Ignoring the Constitution, merchants continued to import Africans and violated all legal efforts to halt the trade.

Towards political equality

Extension of white male suffrage

Throughout the first half of the nineteenth century, the acceleration of the economic development of the United States was accompanied by a growing demand among the white population for a more democratic society. By 1831 there were 24 states in the Union. Immigration was running at the rate of 60,000 a year, and the population had risen to 12 million. Throughout New England and Pennsylvania the textile and iron industries were beginning to provide employment for larger numbers of workers. Townships along the eastern seaboard steadily increased in size and in the range and scope of their economic activities. Transport and communications improved rapidly with the building of canals and railroads, while steamboats plied the Mississippi River and its tributaries.

Amidst this industrial revolution grew a desire for greater political equality. Property qualifications for voting in the older eastern states were gradually being replaced by the introduction of universal white manhood suffrage in the new western territories entering the Union after 1812. During this 'era of the common man', 28 per cent of the adult white, male electorate had gained the vote by 1828. By 1840, and following the period of 'Jacksonian Democracy' under President Andrew Jackson during the 1830s, this had risen to 70 per cent. In some Southern states the motive behind the extension of the vote was undoubtedly the desire to encourage support for slavery among the white population in the face of growing pressure from the abolitionists in the North.

Antebellum discrimination

Meanwhile, free blacks in both North and South had been guaranteed civil rights in return for service in the Continental Army raised to fight for American independence between 1775 and 1781. Instead, they saw these rights being

The Founding Fathers and civil rights

eroded in the pre-Civil War, or antebellum, period during the first half of the nineteenth century. Most states disenfranchised blacks while extending the vote to whites. In 1802 Thomas Jefferson, by then the third president of the United States, signed a bill that excluded free blacks from the polls in the newly designated capital of Washington DC. Between 1790 and 1820 free blacks were also barred from jury service in every territory and in the District of Columbia. Blacks who had voted for years in Maryland, Tennessee, North Carolina, and Pennsylvania were barred from doing so in 1810, 1834, 1835, and 1838 respectively. Between 1819 and 1865, every new state granted suffrage to white males only. By 1840, 93 per cent of the small free black population of the United States had been disenfranchised.

During the same period, African Americans were excluded from the better-paid skilled trades. They were barred from the militia and, increasingly, from government service. They were also denied opportunities to expand westwards. To enter the territory of Iowa in 1839 blacks had to present a \$500 bond and proof that they were free. Few had such proof and even fewer had \$500. By 1844 Iowans announced that they would 'never consent to open the doors of our beautiful state' to people of colour, for equality would lead to 'discord and violence'. Two years later Iowa entered the Union as a free state, but prejudices remained.

On the political scene, support for civil rights began to fail as the two-party system disintegrated. Until the 1840s the Democratic and Whig parties had each drawn support from North and South. But as Southern commitment to the 'peculiar institution' of slavery grew, and opposition to it developed elsewhere, the parties inevitably began to reform along sectional, or North-South, lines. Most significantly, the Democrats had by 1844 omitted the Declaration of Independence from their party political platform, and consequently began to win back the wealthy cotton planters who had been part of the Whig coalition. The civil rights of US citizens were sacrificed for the sake of party unity.

Missouri Compromise of 1820

The first large-scale intrusion of the slavery issue into American politics occurred in 1817, by which time there were 22 states in the Union, of which half were free and half were slave. In that year the territorial legislature of Missouri, a section of the Louisiana Purchase which was part of 828,000 square miles of territory in the mid west purchased from France in 1803, applied to Congress for admission to the Union. Settled mainly by Southerners by 1817, Missouri had 66,000 inhabitants, 6,000 of them slaves. Its application to Congress threatened to upset the balance of free and slave states in the Union. Supporters of the constitution proposed for the state were happy therefore to recognise and protect slavery.

Northern opposition to this development crystallised on 13 February 1819, when Representative James Tallmadge, of New York, introduced an amendment to the Missouri constitution that would prohibit the further introduction of slaves into the state, and provide for the gradual emancipation of slaves already there. Northerners like Tallmadge wished to bar slavery from the entire mid west

The Founding Fathers and civil rights

because emigrants from free states were unwilling to settle in slave areas.

The debate that followed spanned two sessions of Congress and came, the ageing Thomas Jefferson wrote, 'like a fireball in the night', which 'awakened me and filled me with terror. I considered it at once the knell of the union.' To another former US president, John Quincy Adams, it seemed to be 'a title page to a great tragic volume'. The main question of the debate was whether Congress had the right to regulate slavery in territories applying for admission as states.

The nation was eventually calmed in 1820 by the moderation of Whig senator Henry Clay, of Kentucky. Clay offered a compromise which permitted Missouri to be admitted to the Union as a slave state on 10 August 1821, whilst Maine – hitherto part of Massachusetts – would come into the Union as a free state on 15 May 1820. Furthermore, a demarcation line would be drawn from east to west at latitude 36 degrees 30 minutes north of the equator. The eastern end of this invisible line ran along the Mason-Dixon line established by Charles Mason and Jeremiah Dixon, who had surveyed and mapped it in the 1760s to settle a border dispute between the colonies of Pennsylvania and Maryland. Henceforth, all new states created from Louisiana Purchase territory north of that line would be free, while those below it would be permitted to hold slaves.

The Missouri Compromise glossed over the problem of the extension of slavery, and was satisfactory to no one. This was the first time in American history that an action by Congress had aligned the states against each other on a sectional basis. It led to increased suspicion on both sides, and foretold what lay ahead. At very best, the Missouri Compromise gave the United States about 25 years of reasonably peaceful internal growth, but the ultimate price for this was paid during the Civil War from 1861 to 1865.

States' rights

Historians have argued at length about whether the states have the constitutional right to secede, or break away, from the Union. According to one interpretation, the Constitution was a compact between sovereign states that retained all the powers not specifically surrendered to the Federal government. This was implied in the 10th Amendment. Furthermore, as nothing was mentioned about secession in the Constitution, it might be regarded by Southerners as one of the reserved powers. On the other hand, the Constitution had been framed by the people of the United States to form 'a more perfect Union' and hence was a binding contract that could not be broken.

The first real test regarding the rights of the various states to secede from the Union came in 1832 during the 'nullification crisis', which was caused by a series of acts imposing duties on American imports. The Tariff of 1816 introduced the principle of protection in order to safeguard the infant industries of the United States from British competition, and had received general approval because the South as well as the North expected to develop industry. This expectation was not fully realised. While the North built up new industries at a phenomenal rate, the South remained mainly agricultural. It exported large quantities of cotton to

The Founding Fathers and civil rights

England and imported necessary manufactured goods. On 19 May 1828 ‘an act in alteration of the several acts imposing duties on imports’, which the South called the ‘Tariff of Abominations’, was passed by the government of Andrew Jackson. It increased duties on goods coming into the United States.

The nullification crisis finally came to a head after the passage on 14 July 1832 of yet another Tariff Act, which was designed to decrease pressure on the South by reducing existing rates slightly. But South Carolina was by this time in no mood to be appeased. Led by John C. Calhoun, who resigned as vice-president in order to fight for Southern rights on the floor of the Senate, the state responded by declaring the Tariffs of 1828 and 1832 ‘null and void’ via an ordinance passed on 29 November 1832. The state also threatened to secede from the Union if the Federal government attempted to collect customs duties within its borders.

There followed a period of posturing and military preparation on the part of both the government in Washington DC and the state of South Carolina, during which Jackson threatened to enact a ‘force bill’ empowering him to use the armed forces to collect customs duties in South Carolina. A compromise was reached when Henry Clay (‘the great pacificator’), in liaison with Calhoun, suggested a measure providing for the gradual reduction of all tariffs over a nine-year period to a uniform level of 20 per cent, which by 1842 would bring rates down to 1816 levels. The Force Bill and the Compromise Tariff were simultaneously passed by Congress and approved by Jackson on 1 March 1833. This compromise was accepted by the South Carolina Convention on 15 March 1833, after which the state withdrew its nullification ordinance but defiantly nullified the Force Act – a face-saving gesture that Jackson chose to ignore.

Thus both sides claimed victory, with Jackson declaring that no state could defy Federal authority with impunity, whilst South Carolina had been able to change Federal policy. Civil war had been averted, but the fundamental issues of states’ rights, nullification, and secession remained unsolved.

Compromise of 1850

The issue of states’ rights, slavery, and secession came to a head again in 1849. As a result of the American defeat of Mexico between 1846 and 1848, and territory subsequently being ceded to the United States, California and New Mexico were admitted to the Union as free states. This development angered the South as the admission of both territories as free states would upset the sectional balance in the Senate, the number of free and slave states still being equal up to that time – 15 of each. With a lack of control in the House of Representatives, and little prospect of any of the remaining territories being admitted to the Union as slave states, the South reacted by threatening to leave the Union. South Carolina and Mississippi, the two states with the largest slave populations, led the movement. A Southern rights convention met at Nashville, Tennessee, in June 1850 to consider the possibility of secession. After a seven-month debate in Congress, Henry Clay once again suggested a compromise. It included an improved fugitive slave law. This resulted in the Compromise of 1850, and once more the break-up of the Union was averted.

The Founding Fathers and civil rights

Kansas–Nebraska crisis

The uneasy truce established between North and South in 1850 was brought to an end in January 1854 by a measure introduced to Congress by Stephen A. Douglas, a Democratic senator from Illinois. In his capacity as chairman of the Senate Committee on Territories, Douglas organised a bill to provide civil government to a huge area of territory in the Nebraska country, an area of the Great Plains lying west of Iowa and Missouri which stretched north to the Canadian border and west to the Rocky Mountains. An amendment to the bill subsequently divided this area into two separate territories called Kansas and Nebraska. As both of these territories lay north of the 36 degrees 30 minutes line of latitude, it was assumed by many that they would be free of slavery, as stipulated by the Missouri Compromise of 1820. But the Douglas Bill, reported from the Senate Committee on Territories on 4 January 1854, provided that the question of slavery in these territories would be settled by ‘popular sovereignty’, that is by the people of Kansas and Nebraska. A further amendment to the bill, introduced by Senator Dixon of Kentucky, recommended the repeal of the Missouri Compromise. Hoping for Southern support in his attempt to run for president, Douglas accepted Dixon’s measure.

After a five-month debate, the Kansas–Nebraska Act finally became law in May 1854 by a narrow margin of 113 to 100. In the North the repeal of the Missouri Compromise caused a storm of popular anger, and Douglas was condemned as a traitor. The division caused by the passage of this Act shattered political party lines. Every Northern Whig had opposed the bill, while nearly every Southern Whig supported it. All the Southern Democrats voted for it, whilst the Northern Democrats were split, with 44 in favour and 43 against it. Thus sectionalism had virtually destroyed the Whig Party, and was beginning to undermine the Democrats. The Kansas–Missouri Border War that erupted in 1856 between free-soil and pro-slavery elements who flooded westwards was further proof that the American nation was on a collision course.

Formation of the anti-slavery Republican Party

The years 1854–56 witnessed a period of flux and change on the American political landscape as new parties rose in response to the times. Opposition to the passage of the Kansas–Nebraska Act resulted in the organisation of a new political party pledged to oppose the further extension of slavery in the territories. The new Republican Party was organised by the merger of the remnants of the Liberty Party, formed in 1840 to secure the abolition of slavery; the Free Soil Party, launched in 1848 to oppose the extension of slavery; the Northern Whigs, who were discouraged by their party’s indecision on the slavery issue; and anti-slavery Democrats, called ‘Barnburners’, who were angered by the Kansas–Nebraska Act.

At Ripon, Wisconsin, on 28 February 1854, a small group of people representing these various factions met to express their outrage over the Kansas–Nebraska Bill, and adopted a motion to call themselves Republicans. The Republicans soon began to draw support from the North and the west – which

The Founding Fathers and civil rights

together possessed most of the nation's population; much of its food supply; and the bulk of its industry, commerce, and railroads. During the presidential election of 1856, which saw the election of Democrat James Buchanan, the Republicans nominated as their candidate the explorer John C. Frémont, whose surname lent itself to the popular slogan 'Free soil, Free speech, Free men and Frémont'. Carrying only 11 out of 16 free-soil states, their platform predictably denounced the Kansas–Nebraska Act and demanded that Congress prohibit slavery in that territory.

The 'John Brown' rebellion

In 1859 a fanatical white abolitionist called John Brown, who had already made his mark by murdering several pro-slavery settlers during the Kansas–Missouri Border War in 1856, attempted to start a slave rebellion by seizing the government armoury at Harper's Ferry, Virginia. The slaves did not rise, but angry townsfolk did – surrounding Brown's small 'freedom army', which sought refuge in the town fire-engine house. This building was eventually stormed by 90 US Marines led by Robert E. Lee, who later commanded the Confederate Army during the Civil War. Brown was wounded and captured, and nine of his followers were killed – including two of his sons and two blacks. John Brown and his accomplices were publicly hanged at Charles Town, Virginia, during November that year. Although many Northerners disapproved of Brown's methods, his attempted rebellion at Harper's Ferry persuaded many people that slavery in the US had to be abolished, and convinced many Southerners that slavery had to be defended.

The Civil War, 1861–65

The final straw for the South came in 1860, when Abraham Lincoln was elected the first Republican president on a platform of hostility to the expansion of slavery. The reaction in South Carolina was swift. On 20 December a special state convention unanimously passed an ordinance of secession that dissolved 'the Union now subsisting between South Carolina and other States'. The ordinance passed by South Carolina was concerned wholly with ways in which the North had violated the constitutional rights of slave holders. During January and February 1861 six other cotton states – Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas – followed suit and seceded from the Union, forming themselves into short-lived republics. Finally, on 4 February, the seven seceded states met at Montgomery, Alabama, in order to draw up a constitution and choose a president for the Confederate States of America. They were joined by Virginia, Arkansas, Tennessee, and North Carolina, four slave states in the Upper South. The break-up of the Union was complete, and the possibility of achieving freedom and civil rights for all in America seemed more remote than ever.

The abolition of slavery was not the sole cause of the Civil War that began with the bombardment of Fort Sumter, in Charleston Harbor, during April 1861. In

The Founding Fathers and civil rights

fact, most Northerners were not abolitionists and discriminated against blacks as readily as many in the South. Furthermore, factory and mill owners in the North feared a rise in the cost of Southern goods if the plantation owners were forced to pay wages to freed African Americans, while Northern factory workers were afraid that freed slaves would deprive them of jobs by toiling for lower wages. However, the struggle to free the slaves had superseded these political and economic considerations by 1863 to become the major reason why fellow Americans were at war.

At the beginning of the conflict, African Americans who escaped across the battle lines, or were liberated by invading Union armies, were treated with contempt and treated as 'contraband of war' – that is as captured enemy property. Throughout 1861–62 blacks were used by both sides merely as a labour force to build fortifications and to man-handle the munitions of war. But towards the end of 1862 there was a growing awareness that a Union army with African-American soldiers in its ranks might have a greater motivation to win the Civil War. The large-scale recruitment of black troops was mainly the work of ex-slave Frederick Douglass, self-educated lawyer John M. Langston, and Martin Delany, a doctor who later became an officer in the Union Army. During the last three years of the conflict, black Northern regiments took part in more than 30 major battles. Of the 178,892 African Americans who fought for the Union, 32,369 – more than a sixth of their number – died in uniform.

At the same time, President Lincoln faced increasing pressure from the abolitionists to emancipate the slaves, at least in the Confederate states. On 17 September 1862 the Union Army at last achieved a partial victory, when it stopped General Robert E. Lee's army at Antietam in Maryland. Lincoln then felt strong enough to issue the Emancipation Proclamation, which proclaimed that if any state (or part of a state) was still in rebellion by New Year's Day 1863, the slaves there would be 'forever free'. With the arrival of the deadline not a single Southern state had re-entered the Union. Meanwhile, the slaves in the border states of Maryland, Kentucky, and Missouri were unaffected by the proclamation. As a result, Lincoln's edict had failed to free a single slave. None the less, the Emancipation Proclamation extended the nation's commitment to freedom and set in motion the events that finally brought about the legal abolition of slavery via the 13th Amendment to the Constitution in 1865. But little did the four million black Americans whose lives were transformed by the passage of this measure realise that it would take over a hundred years of struggle to secure fully their civil rights as American citizens. The following chapters examine this struggle, along with that of the other minority groups in the United States.

Document case study

The Founding Fathers and civil rights

1.1 Congressman William Eustis describes the role of African Americans in the Revolutionary War

At the commencement of the Revolutionary War, there were found in the Middle and Northern States, many blacks, and other people of color, capable of bearing arms; a part of them free, the greater part slaves. The freemen entered our ranks with the whites. The time of those who were slaves was purchased by the states; and they were induced to enter the service in consequence of a law, by which, on condition of their serving in the ranks during the war, they were made freemen. In Rhode Island, where their numbers were more considerable, they were formed, under the same considerations, into a regiment commanded by white officers; and it is required, in justice to them, to add, that they discharged their duty with zeal and fidelity . . .

The war over, and peace restored, these men returned to their respective states; and who could have said to them, on their return to civil life, after having shed their blood in common with the whites in the defense of the liberties of the country: 'You are not to participate in the rights secured by the struggle, or in the liberty for which you have been fighting?' Certainly no white man in Massachusetts.

Source: George Livermore, *An historical research respecting the opinions of the founders of the republic on negroes as slaves, as citizens and as soldiers*, Annals of Congress, 16th Congress, 2nd Session, Boston, 1862, p. 154

1.2 Students at Lane Seminary, near Cincinnati, Ohio, report on the conditions under which free blacks lived in that city in 1834

A respectable master mechanic stated to us . . . that in 1830 the President of the Mechanical Association was publicly tried by the Society for the crime of assisting a colored young man to learn a trade. Such was the feeling among the mechanics that no colored boy could learn a trade, or colored journeyman find employment. A young man of exceptional character and an excellent workman purchased his freedom and learned the cabinet making business in Kentucky. On coming to this city, he was refused work by every man to whom he applied. At last he found a shop carried on by an Englishman, who agreed to employ him—but on entering the shop, the workmen threw down their tools and declared that he should leave or they would . . . The unfortunate youth was accordingly dismissed.

In this extremity, having spent his last cent, he found a slave-holder who gave him employment in an iron store as a common laborer. Here he remained two years, when the gentleman finding he was a mechanic, exerted his influence and procured work for him as a rough carpenter. This man, by dint of perseverance and industry, has now become a master workman, employing at times six or eight journeymen. But, he tells us, he has not yet received a single job of work from a native born citizen of a free state.

Source: *Proceedings of Ohio Anti-slavery Convention, Cincinnati, 1835*, p. 19

The Founding Fathers and civil rights

1.3 Ex-slave Dr James W. C. Pennington protests against segregation on a horse-drawn streetcar in New York in 1856

... as the doctor took his seat on the right side of the car, the [white] passengers near him rose up and left a vacant space on both sides of him for three or four seats. A number of the passengers went to the conductor and requested him to turn Dr. P. out. [Pennington denied this.] He was approached and asked civilly to take a seat on the front platform, as that was the regulation on the road. He declined, but the conductor insisted on his leaving his seat to which he replied that he would maintain his rights ...

The conductor then asked the driver to stop the car, and remove the doctor. He stopped, took Dr. P. in his arms, embraced him, and carried him backward through the car, the doctor apparently making all the resistance in his power. He was, however, forced through the car, over the platform and into the street, near the sidewalk.

Source: *New York Daily Tribune*, 19 December 1856

1.4 Letter published in South Carolina in 1832, entitled 'Now's the time & now the hour to strike for liberty'

... Less than 50 years have passed away, and the sovereign *rights* which our fathers achieved for Carolina, by their blood, are *called into question*. We must maintain those rights THIS DAY, or we are lost forever. We shall be brought back to a state of 'colonial vassalage,' certainly not less acceptable from the reflection that we will have 'forged the chains' ourselves, with which our liberties will be manacled.—What, my countrymen, is THE QUESTION now to be decided? Is it not whether South Carolina shall give up the glorious contest for our rights, in which we have been engaged for eight years past, and be reduced to 'unconditional submission?' or maintain that contest with all her heart, and mind, and soul? ... Are we not struggling to maintain the CONSTITUTION, which has been perverted by Congress to the unholy purpose of levying contributions upon the South, that the North and West may 'divide the spoils?'

Source: *Charleston Mercury* (South Carolina), 3 September 1832

1.5 President Abraham Lincoln's letter of 26 August 1863 in response to a Union Army officer opposed to freeing the slaves and using them as soldiers

I know, as fully as one can know the opinions of others, that some of the commanders of our armies in the field, who have given us our most important success, believe the emancipation policy and the use of the colored troops constitute the heaviest blow yet dealt to the rebellion, and that at least one of these important successes could not have been achieved when it was but for the aid of black soldiers ... You say you will not fight to free Negroes. Some of them seem willing to fight for you—but no matter. Fight you, then, exclusively to save the Union. Whenever you shall have conquered all resistance to the Union, if I shall urge you to continue fighting, it will be an apt time then for you to declare you will not fight to free Negroes ... I thought that whatever Negroes can be got to do as soldiers leaves just so much less for white soldiers to do in saving the Union. Does it appear otherwise to you? But Negroes, like other people, act upon

Document case study

motives. Why should they do anything for us, if we will do nothing for them? If they stake their lives for us, they must be prompted by the strongest motives, even the promise of freedom. And the promise, being made, must be kept . . .

Source: John G. Nicolay and John Hay, *Abraham Lincoln, A history*, vol. 7, New York, 1904, pp. 382–84

Document case-study questions

- 1** To what extent do you think the view expressed by Congressman William Eustis in Document 1.1 regarding civil rights might be representative of all African Americans by 1850?
- 2** What does Document 1.2 tell you about the attitude towards skilled free blacks in the antebellum United States?
- 3** Explain how the conductor and driver in Document 1.3 might have justified their actions in a free state in the 1850s.
- 4** In what ways does Document 1.4 explain the position the state of South Carolina adopted regarding states' rights in 1832?
- 5** What reasons does President Abraham Lincoln give in Document 1.5 for recruiting African Americans into the Union Army?