

Is the Constitution Pro-Slavery? A Debate Between Frederick Douglass, Charles C. Burleigh, Gerrit Smith, Parker Pillsbury, Samuel Ringgold Ward, and Stephen S. Foster in Syracuse, New York, 17 January 1850.

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CALVIN FAIRBANK (1816-98) did not believe the Constitution was a pro-slavery instrument....

FREDERICK DOUGLASS: ... This is the QUESTION OF QUESTIONS, so far as the Anti-Slavery cause was concerned. It is the only barrier between the different Radical Anti-Slavery Organizations of the country....

Does Mr. Smith suppose any Union in 1789 would have been secured, on his construction of the Constitution? That they could not reclaim their fugitives, and that slave insurrections could not be put down by the force of the country? What was, has been, and is the Union? Is the Union the same now as then? The pretension of the Liberty Party to uphold the Union, is to pretend to uphold that which does not exist. The slaveholders know of no such Union as that which Mr. Smith and the Liberty Party support.

I hold that to swear to support a constitution which requires us to put down slave insurrections and send back fugitive slaves, is a sin. It is a sin to swear to support that which is sin -- which can require us to sin.

Mr. Ward asks us, who will alter the laws, if you can elect no one? I refer him to the admission of Daniel O'Connell to the British Parliament. He was a Catholic, and was required to abjure the Pope. He would not do it, and the Parliament was compelled by public sentiment to admit him. Mr. D[ouglass] referred to the law of this State allowing a man to whip his wife with a switch as large as his thumb. Is it of any consequence? No. The moral sentiment of the people will regulate that. There are 5,000 free colored persons in Maryland. How came they to be free? Was it the laws? No. Public sentiment compelled or constrained their masters to free them. I would rather lose my right arm, than to put a vote in an American ballot box, to have another do that which I would not do myself.

Brother Ward believes that the Supreme Court has the power to decide the laws, and that he is bound by its decision. This brings us to the point. It's all very well to talk of what is *to be done by posterity*. What is now to be done? Are we to have no government, until the constitution is what it ought to be? Are we to sin all the intermediate time?

A VOICE -- Resist it.

Mr. DOUGLASS: That is revolution -- insurrection -- no government. They must come on to our ground, while we are revolutionizing the government. If they will show me how I can get along in the meantime without sin, I may come over to them. Here is a great gulf, Mr. Smith.

Mr. SMITH: Very easily bridged. (General laughter.)

Mr. DOUGLASS: I wish I could see it, if it is so; because I would like to be there. I believe the slaves would be more than a match for the enslavers, if left to themselves. LET THE UNION THEN BE DISSOLVED. I wish to see it dissolved at once. It is the union of the white people of this country, who can be summoned in their whole military power to crush the slave, that perpetuates Slavery. Dissolve the Union, and they will raise aloft their unfettered arms, and demand freedom, and, if resisted, would hew their way to Liberty, despite the pale and

puny opposition of their oppressors. In view of the opposition of this union, I welcome the bolt, whether from the North or the South, from Heaven or from Hell, which shall shiver this Union in pieces. Did our Fathers think of holding on to the union with the British? Did they look for theories or precedents to ascertain what were their rights? No! they laid down the doctrines of equality, consent, and that resistance to tyrants is obedience to God. But after they had achieved independence, they attempted to unite Liberty in holy wedlock with the dead body of Slavery, and the whole was tainted. Let this unholy, unrighteous union be dissolved.

We are told of the wisdom and goodness of our ancestors. I know they were slaveholders. This *one fact is* enough for me. Slaveholder! What is a slaveholder? I wish I could portray him. He would not be a man driven by poverty, distress, or passion, to rob and murder his victim. But he would be a cold, hard, obdurate man, who had read his Bible and prayed, and then reached his long, bony fingers into the cradle, and take an object newly stamped with the image of its God, and sell it as a chattel! And he could then take the mother of that blessed little being -- fit to have her name written on the Lamb's Book of Life -- and inflict upon her the severest cruelties. Talk to me of the love of liberty of your Washingtons, Jeffersons, Henrys. They were strangers to any just idea of Liberty! He who does not love Justice and Liberty for all, does not love Liberty and justice. They wrote of Liberty in the Declaration of Independence with one hand, and with the other clutched their brother by the throat! These are the men who formed the union! I cannot enter into it. Give me NO UNION WITH SLAVEHOLDERS! I wish to dissolve the union of these States, and to do it in a direct way....

Mr. Ward: ... We take the Constitution in its plain, common sense, obvious meaning. Now, almost the words of the Declaration are enacted in the Constitution-to be found in the fifth amendment. Truth in the Declaration, and Good in the Constitution, are one.

As to the law of 1793. The very terms of the Constitution are hostile to the idea of Slavery. No "service or labor" can be "due" from a slave. The *plain* language of the Constitution is against Slavery. Wheaton 3, page 5, in a decision of the Supreme Court, tells you that the meaning of the Constitution is to be found in its *letter*. Mr. W[ard] referred to Judge Harrington of Vermont, who told the claimant of a slave that he must bring a bill of sale from Almighty God, before he could substantiate his title.

Our friends say, take the broad and open ground of the Dissolution of the Union. Then they will respect you. Well; may be it will do good. But I have not heard that our friends have yet had much effect upon the South; that they have frightened the chivalry very much.

We were asked, what should be done while we are securing a proper interpretation of the Constitution?

But I ask them HOW they will dissolve the Union? -- and I wait their pleasure for a reply.

They *infer* that the Constitution is so and so-is so pro-slavery because Washington and other slaveholders made it. The only question, *is* -- *What sort of a Constitution did they frame?* What does it say? What are its terms? Not a word has been brought forward here, to show that the Constitution authorizes the recovery of fugitive slaves. It is all about the character of those who made the Constitution, of the action of the Courts, &c., &c. Mr. W[ard] illustrated by a case in Massachusetts, where it was plead[ed] that the Senate did not *intend* the law should be as it read- and the plea was ruled out. It was held good for nothing.