CHAPTER ONE

Slavery and the Union, 1789–1833

DOUGLAS R. EGERTON

Once upon a time – and it was not so very long ago – studies of American slavery invariably meant studies of slavery as a system of labor, or slavery and its connection to politics. Now, 140 years after the firing on Fort Sumter, monographs on unwaged labor tend to focus on such topics as resistance and rebellion, the black family and community culture, or enslaved women and the internal economy. Each year brings so many new specialized studies and articles on the varieties of unfree labor in North America that even scholars who pretend to specialize in the field can scarcely keep up. This development is as welcome as it is problematical, for many earlier studies on slavery as a form of labor organization tended to ignore the role that bondpeople played in the creation of southern society and culture. But the historiographical trends since the late 1970s have often tended to obscure the role that politics played in shaping the black community – or that slavery played in shaping the nature of the American Union. Elizabeth Fox-Genovese and Eugene D. Genovese (1983: 212) put it best, if perhaps a bit bluntly: history "is primarily the story of who rides whom and how." As a good many early national politicians rode to fame and political fortune precisely because labor on their estates was performed by enslaved and unwaged workers, any study that ignores the relationship between political ideology and slavery presents at best an incomplete picture.

This chapter seeks to explore the interconnections between slavery and the American political system during the early national years. As such, this unhappy saga presents modern readers with a cautionary tale. While scholars no longer accept the old view that slavery was all but moribund as an economic system in the wake of the American Revolution, there is also little doubt that the chaos of the war, together with the emergence of natural rights philosophy, damaged unfree labor considerably, especially in the North. Yet the 44 years covered by this chapter proved to be one long, if decidedly unsteady, retreat from liberty. Students tend to regard the story of history as a steady march from darkness to daylight, but no simple hosanna to progress may be found here. Instead, as the years turned into decades, American politicians in the North and South sought to refasten the chains of slavery more often than they tried to sever the links. In 1789, it was difficult – although by no means impossible – to find a political theorist who defended American slavery as anything but a

necessary evil. But by 1833, and in some areas even before, white southern leaders were quite nearly unanimous in defending their peculiar institution as a positive good, and far too many northern statesmen were content to sit by and watch as this grim counter-revolution unfolded.

Curiously, a first-rate study of slavery and its tangled relationship to the federal constitution remains to be written. Permanent servitude – although not the term "slavery" itself – appeared at least three times in the original document, in clauses pertaining to runaway slaves, the importation of Africans, and taxation and apportionment (the infamous three-fifths clause). Yet classic studies and law school casebooks on the constitutional convention by Carl Van Doren (1948) and Gerald Gunther (2001) mentioned slavery only in passing; Van Doren's influential monograph contains fewer than 20 scattered references to unfree labor. Until a comprehensive study appears, two collections of essays and documents remain indispensable for understanding decisions made at the Philadelphia meeting. The first, *Slavery and the Law*, edited by legal scholar Paul Finkelman (1997), contains 14 original essays that explore the relationship of bondage to the constitution. The second, John Kaminski's (1995) *A Necessary Evil?*, is an equally massive collection of primary documents that reveals the founders' innermost thoughts on the greatest contradiction to the ideals of the Declaration. Neither collection offers much support to the popular notion that the revolutionary generation did all they could to eradicate slavery from the land of liberty.

Even law students who are dimly aware that the constitution contained veiled references to slavery probably have no idea of just how central unfree labor was to American organic law. The delegates who met in Philadelphia, Finkelman (1997) observes, "talked frankly about slavery." They only decided "not to use the term in the final document because they feared it would undermine support for ratification in the North," where laws for gradual manumission had already been passed in several state assemblies. But despite their preference for euphemistic terms, such as "other Persons" or "person[s] held to Service or Labor," the men who wrote the constitution were careful to insure against federal emancipation (Finkelman 1997: 17–18). The requirement that it take three-quarters of the states to ratify an amendment all but gave the slaveholding states a veto over any future attempts to alter the protections granted in the constitution. As Jack Rakove (1986) writes in his examination of the ideas behind the constitution, even Virginia delegate Edmund Randolph, who publicly "lamented that such a species of property existed," agreed that the constitutional "security" southern states "sought for slavery was legitimate" (p. 85).

Modern defenders of the Philadelphia convention accuse its historical critics of presentism, and indeed it would be both acontextual and unreasonable to insist that the men who fashioned the constitution – a roster that included *northern* slaveholders like Alexander Hamilton – should have eradicated slavery by constitutional fiat. Even had the delegates expressed any desire to do so, such a radical course would have doomed ratification to failure. But the present-day debate should not be about what the founders did *not* do, but rather what they did. Viewed in this light, the documents collected by Kaminski (1995) are damning. For every delegate like Virginia slaveholder George Mason, who argued that "[s]lavery discourages arts and manufactures" and teaches "the poor [to] despise [manual] labor," two voices from the lower South denounced those "who carried their ethics beyond the mere *equality of men*, extending

their humanity to the claims of the whole animal creation" (Kaminski 1995: 59–60, emphasis in original). Nor was this a simple debate between northern and southern delegates. Because many slave ships sailed from New England ports – Captain Joseph Vesey's slaver, the *Prospect*, was fitted out and insured in Boston – it was rare for a northern voice to criticize the Atlantic trade, which in fact continued for at least 20 more years. In Newport, one writer even heard it said that Quaker Moses Brown was "going into this trade in Middletown and Norwich" (Kaminski 1995: 95). The currently fashionable defense of presentism, it seems, covers a multitude of sins. After all, it was not the sons or daughters of the founding fathers who were being sold into bondage in a foreign land; nor, to be blunt, was it the ancestors of those historians now most inclined to embrace the presentism defense.

Just as the definitive monograph on slavery and the constitutional convention remains to be written, so too does the topic of unfree labor and the Federalist party during its heyday require a new writer. Admittedly, fiscal and diplomatic issues dominated the rhetorical landscape throughout the 1790s, yet an historiographical consensus is beginning to suggest that the two emerging parties were divided by more than whiskey taxes and federal banks. According to Fritz Hirschfeld (1997), whose *George Washington and Slavery* is as close as one can come to a study of federal policy toward unwaged labor during the first half of the decade, the president consistently if quietly urged his correspondents to support gradual emancipation on the state level. Typical of his writings on this matter was a 1796 letter to an English correspondent. "[T]here are laws here [in Pennsylvania] for the gradual abolition of Slavery," Washington wrote, "which neither [Maryland nor Virginia] have, at present, but which nothing is more certain than that they must have, and at a period not remote" (Hirschfeld 1997: 190). Washington's strong feelings regarding manumission, however, were characteristically made to a foreign national; as Robert McColley (1973) once observed, early national Virginians tended to sound most like abolitionists when writing to European acquaintances.

Encouraging plans for gradual emancipation in the Chesapeake states was all to the good, but private letters hardly substituted for aggressive federal action. As Hirschfeld (1997) admits, Washington, like far too many modern presidents, consistently delayed action on race relations in the name of sectional harmony and the larger (white) national good. Having listened at the Philadelphia convention as South Carolina delegates threatened to leave the meeting if the further importation of Africans was not allowed, Washington never used his considerable power or prestige "to muster the necessary votes" in Congress "to cripple effectively the commerce in human cargoes." Worse yet, his only official action pertaining to slavery was to affix his signature on the federal Fugitive Slave Act 1793. Here too, of course, context is critical. Early national presidents never vetoed legislation they regarded as constitutional on policy grounds. Still, thousands of young black men and women undoubtedly shared Hirschfeld's judgment that Washington "cannot escape his share of the blame for the pain and suffering inflicted on future generations of African Americans" by putting his signature to this law (Hirschfeld 1997: 190–1).

The high water mark of Federalist antislavery activity, if such a term may be applied to such a moderate policy, came during the single term of President John Adams. The second president's numerous biographers have consistently failed to emphasize this point, beyond the routine observation that the Massachusetts

Calvinist regarded unfree labor as immoral and economically wrongheaded. Yet buried within Alexander DeConde's (1966) classic *The Quasi-War* is the little-studied fact that Adams pursued a policy of détente with Saint Domingue's Toussaint Louverture that not only was free of racial bias but also quite nearly altered the course of slavery's westward expansion. For a variety of obvious reasons, from New England trade to the desire to deny France its crucial privateering base during the last years of the eighteenth century, Adams and Secretary of State Timothy Pickering made peace with the French colony the centerpiece of their Caribbean diplomacy. In early 1799, the administration dispatched Edward Stevens to Le Cap François with promises that America would end its naval blockade of the colony in exchange for promises that General Louverture would quietly pull free of Parisian control. The result, partly negotiated in Philadelphia between Adams and Louverture's agent Joseph Bunel (talks that included the first-ever formal dinner between an American president and a man of color), was the secret treaty of amity and commerce of June 23, 1799, which was signed by Louverture, Stevens, and English diplomat Thomas Maitland (DeConde 1966: 206–12).

At length, Pickering openly encouraged Louverture to drop the façade of loyalty to the Directory and declare independence, which was to be guaranteed by both the English and American navies. According to biographer Gerald H. Clarfield (1980), Pickering worried that as a French subject, Louverture might help to "arouse and organize the slaves of the [American] South for a bloody revolution." But a President Louverture safely within the American orbit could serve to quell slave unrest through-out the Caribbean. To that end, Adams dispatched four frigates to support Louverture in his struggle with mulatto General André Rigaud, who remained loyal to France (Clarfield 1980: 198). Thomas Ott's (1973) study of *The Haitian Revolution* adds that Pickering, for his part, dispatched a model constitution for Louverture's considera-tion, which was penned by Alexander Hamilton. When Rigaud and the colonial agents loyal to Paris were defeated, Stevens assured Pickering, "[a]ll connection with France will soon be broken off" (Ott 1973: 119).

The failure of Adams to achieve reelection in 1800 put an end to the growing understanding between the American government and the all but independent French colony. Despite modern efforts to suggest that the election of Thomas Jefferson ushered in an "empire of liberty" (Boyd 1948), it is hard not to conclude that for Americans of African descent, the Republican victory meant a diminution of liberty both in the Caribbean and on the western frontier. As is suggested below, because French imperial schemes wedded the reenslavement of Saint Domingue to the reacquisition of Louisiana, a continuing détente between the federal government and General Louverture might well have left New Orleans in the weak hands of Madrid. Certainly, a Federalist victory would have left Atlantic diplomacy in the staunchly anticolonial hands of young John Quincy Adams and William Vans Murray, both of whom were deeply sympathetic to Louverture. The younger Adams hoped to "protect [Haitian] independence" with the American and British navies, while "leaving them as to their government totally to themselves" (Egerton 2002: 323).

The single term of John Adams also coincided with the passage of a gradual Emancipation Act in the important state of New York. The ideology of revolutionary republicanism, combined with the impact of mercantile capitalism and a relatively smaller number of slaves in the northern states, had led to a series of gradual

emancipation laws in the North, starting with Pennsylvania in 1783. But conservative as these laws were – most bondpeople born after the passage of these Acts received their freedom only in their mid-twenties – they were especially difficult to pass in those states where unwaged labor remained important to regional economies. Dutch farmers on Long Island were bitterly critical of even the smallest steps toward gradual manumission, and several attempts to pass emancipation laws in the 1790s failed. As Graham Russell Hodges (1997, 1999) demonstrates in a series of monographs on New Jersey and New York, legislation finally achieved a measure of liberation in those states in, respectively, 1804 and 1799, but only after pacifying masters who charged that the states were robbing them of their property. In New York, black men born at the dawn of the new century remained enslaved until their twenty-eighth birthday (at a time when average life expectancy for black males was 33). In New Jersey, where approximately six African Americans remained enslaved as late as 1861, the Democratically controlled state assembly initially defeated ratification of the Thirteenth Amendment.

Even less promising was the way in which many white northerners hoped to eliminate slaves at the same time as they eradicated slavery. In New England especially, whites quickly forgot their involvement in the Atlantic slave trade, and many people, as Joanne Pope Melish (1998) suggests in *Disowning Slavery*, made "an easy leap from the erasure of the experience of slavery to the illusion of the historical absence of people of color generally" (p. xiv). Leonard Bacon of New Haven bristled at suggestions that the poverty of African Americans in Connecticut had anything to do with northern racism. "On the contrary," he wrote, "it would seem far otherwise; inasmuch as slavery never existed here to any considerable extent." Even John Quincy Adams, who had good cause to know better, tried to rewrite New England's history in such a way as to imply that it had always stood as a beacon of individual liberty (Melish 1998: 214–20).

Such comforting untruths to the contrary, the fact remains that by 1804, slavery had become the peculiar institution of the South alone, and that was hardly all to the good. Moreover, if the Adams years may be regarded as a momentary hiatus in the Union's long march toward a national defense of slavery, the election of Virginia planter Thomas Jefferson returned the young republic to its unhappy path toward civil conflict. The extant scholarship on Jefferson and slavery is enormous, and of late tends to focus on personal events at Monticello, most notably his relationship with Sally Hemings, his enslaved sister-in-law. For the purposes of this chapter, however, the proper focus should be on the relationship between Jefferson's administration and slavery as a national issue. Curiously, until the mid-1970s and publication of John Chester Miller's (1977) *The Wolf by the Ears: Thomas Jefferson and Slavery*, no monograph paid much attention to the role that slavery played in the political activity of the third president. (As late as 1961, Thomas P. Abernathy could write a lengthy chapter entitled "Jefferson and the South" in his magisterial *The South in the New Nation, 1789–1819* and mention slavery exactly *once*.) Although Miller's 29 chapters examined Jefferson and unfree labor from every possible angle and over the course of the Virginian's long life, several chapters dealt specifically with Jefferson the president.

Although Miller defended Jefferson on several private issues, he was quick to criticize Jefferson as chief executive. His failure to support proposed legislation in

1806 – at a time when his popularity was at its peak – that would have excluded slavery from Washington City drew Miller's fire. "Had the president exerted himself on this issue," Miller wrote, "he might have spared the country the spectacle of a slavemarket in the shadow of the Capitol and gangs of manacled slaves being driven through the streets of the nation's capital" (Miller 1977: 132). It was certainly not the case that Jefferson favored the internal slave trade. Rather, as Joseph J. Ellis observed, "[m]oral pronouncements aside, Jefferson had also left a long and clear record of procrastination and denial on the slavery issue" (Ellis 1998: 264).

As to the Louisiana Purchase, typically regarded by scholars as Jefferson's greatest accomplishment while president, Miller (1977) takes an equally dim view. Although some writers have argued that the president voiced support of Napoleon Bonaparte's plans to invade Saint Domingue in hopes of persuading the first consul to sell his recently acquired New Orleans and West Florida, Miller suggests that the Virginian was painfully slow to grasp the French connection between the Caribbean sugar colony and the Louisiana breadbasket. Only after informing Paris of his support for a French invasion did Jefferson come to understand "that St. Doming[ue] and Louisiana were part of a master plan so inimical to the interests of the United States that it must be thwarted at all costs" (Miller 1977: 137). More recently, Robert L. Paquette has been even more blunt. Had Bonaparte succeeded in reenslaving the Haitian people, his army was to sail across the Caribbean and take control of New Orleans, which the Treaty of San Ildefonso allowed France to do. "At the very least," Paquette (1997: 211) charges, the "bargaining that might have resulted many months or several years later with Napoleon developing Louisiana from an entrenched position would have looked quite different from that which resulted in the sale of all of Louisiana."

The late Dumas Malone would have none of that. Jefferson's leading biographer conceded – with considerable understatement – that in his conversations with the French charge, Jefferson "appears to have gone farther than was wise or necessary" in commenting that his administration would be happy to help "reduce Toussaint to starvation." Yet scholars who regard the third president as an unusually intelligent leader have a hard time accepting Malone's assertion that Jefferson "could hardly have been aware" that Bonaparte wished to use the American Midwest as a granary for his Haitian laborers (Malone 1970: 251–2). Either Jefferson was particularly obtuse when it came to agrarian policy – and he certainly was not – or his hatred and fear of black rebels in the Caribbean blinded him to French policy. As Robert Tucker and David C. Hendrickson (1990: 301) have written, Jefferson's confused policy toward French designs makes sense only if "he felt obliged to respond to the mounting fears of the southern slaveholders over the spread of the black rebellion" in Saint Domingue.

Malone was on firmer ground, however, in praising Jefferson for moving decisively against the international slave trade. The constitution guaranteed the lower South, as well as New England traders, a 20-year window during which they might import more Africans, but that hardly meant that Congress was compelled to close that window in 1807. In a message to Congress dated December 2, 1806, Jefferson urged an end to "those violations of human rights which have been so long continued on the unoffending inhabitants of Africa." Unhappily, following this rather promising declaration, the president grew silent and totally abstained from the

debate that followed. Malone suggested that Jefferson's refusal to join the dispute "can be readily attributed to political prudence and his desire to maintain the unity of his [sectional] party." Never much given to argument under any circumstances, Jefferson even declined to say whether he still believed, as he had written in 1776, that the Atlantic trade was "piratical," which would have made the smuggling of humans a capital crime. At length, Congress outlawed the trade but refused to establish any mechanism for the enforcement of the Act, which was left to Albert Gallatin and the Treasury Department. Given Jefferson's notorious dislike of federal power, of course, it is hardly "surprising," to borrow Malone's droll term, "that the record of federal action was essentially negative" (1970: 544–7).

Even so, the federal ban on the Atlantic slave trade was a promising new beginning, in that it reinforced the long-dormant idea that the government had the power to move against slavery in at least some areas. Unhappily for the few anti-slavery activists in Washington – exactly none of whom embraced the term "abolitionist" – the 1807 law proved to be an ending rather than a fresh start. To the contrary, as Steven Deyle (1992) observed in an important article, the end of the Atlantic trade only gave rise to an interstate commerce in black bodies designed "to satisfy the frontier planters' insatiable demand for labor" (Deyle 1992: 62). In a much under-appreciated study, *Speculators and Slaves*, Michael Tadman (1989) demonstrates that a small army of buyers worked established rural routes they developed over time. Paying in cash, buyers preferred to purchase bondpeople between the ages of 15 and 25 years of age. For slaves who lived in the upper South, the cumulative chances of being sold away was, over the first 40 years of their lives, nearly 40 percent. Contrary to myth, most sales stemmed not from "special [financial] emergencies" but from the "racist insensitivity" of Chesapeake masters (Tadman 1989: 11–46). Perhaps as few as 5 percent of upper South sales resulted from the death of an owner or a public sale for debt. Instead, savvy planters sold surplus humans during boom times, when they knew labor prices would be high. Most masters, unlike those pictured in antebellum novels, were not in the clutches of cruel traders. They were simply greedy.

The larger importance of this trade was not merely the forced migration of "two-thirds of a million people," a figure that does not include the even larger number of bondpeople who were sold locally, from neighbor to neighbor, or the destruction of countless black families and communities. Politically speaking, this thriving interstate commerce helped to shape both federal and state policies over the decades, from the removal of southern Native Americans in 1830 to Virginia's 1861 vote for secession. Writing in 1999, Walter Johnson suggests that the trade generated "something close to half a billion dollars" before its end during the war. Johnson's figure includes not only the sale price for black Americans, but also the cash spent on transportation, food, clothing, and insurance. "Their sales had to be notarized and their sellers taxed" (1999: 6–9). Not surprisingly, this amount of wealth could hardly fail to attract the attention of southern politicians (as well as northern bankers), who represented districts chronically short of hard currency. Slavery might have been in a state of decline in the Chesapeake, but the sale of black bodies made it abundantly clear to Virginia and Maryland politicians where their loyalties and interests lay.

Even as young bondpeople marched west, some politicians in Washington hoped to ship other slaves east. Seven years after Jefferson began his Monticello retirement,

an idea he first had proposed as a young member of the Virginia Assembly resurfaced in the nation's capital: the idea of colonizing liberated bondpeople on the western shores of Africa. Suspicious scholars doubt that Jefferson was ever serious about this proposal. Joseph Ellis suspects that the Duc de La Rochefoucauld-Liancourt was not far wrong when he criticized Jefferson for chaining gradual emancipation to removal so that liberation was "reduced to the impossible" (Ellis 1998: 175). But the fact remains that in Jefferson's day, the possibility of colonizing the entire African American population was every bit as feasible as it was despicable. White colonizationist Philip Slaughter observed in 1855 that the removal of several million slaves hardly posed a problem to politicians who had watched just over 1 million Irish men and women flood into American ports in a single five-year period (Ellis 1998: x). To that, historian William Freehling (1994: 154) adds that a federal government that herded Native Americans west into Oklahoma was quite capable of herding black Americans out of the republic. "In an age of forced exoduses, forced Americanization, and massive movements of people," Freehling writes, "a purifying federal migration experiment with blacks looked as pragmatically American as the Trail of Tears."

Seen in that light, the American Colonization Society may be regarded as, to borrow the words of Daniel Walker Howe, an "awesomely ambitious [and] rigorously logical" plan to rid the nation of enslaved labor by a "ruthless . . . manipulation of humanity" (1979: 136–7). Founded by border state moderates in December 1816, the Society was the *only* antislavery organization that hoped to receive federal assistance. As Philip J. Staudenraus (1961) argued in what has become the standard treatment of the Society, *The African Colonization Movement*, the group's members established their base in Washington so that they could be "close to the national vaults." Early founders Henry Clay and Congressman-elect Charles Fenton Mercer well understood that their massive undertaking would require national assistance to become reality. Just as he hoped to allocate federal revenues to tie the nation together in an "American System" of roads and canals, Clay and his allies hoped that their "undertaking shall be adopted and patronized by the Government, so as to become essentially national in its means and objects" (Staudenraus 1961: 23–35, 50).

In just three years, the Society, as John Quincy Adams put it, got "their fingers into the [federal] purse." On January 13, 1819, Congressman Mercer introduced legislation requiring the president to remove "beyond the limits of the United States" any Africans illegally imported into the country in violation of the 1807 Act. Mercer also urged President James Monroe to appoint a colonial agent "residing upon the coast of Africa" to receive the slaves. The bill, which was signed by Monroe in early March, authorized the appropriation of 100,000 dollars "to carry this law into effect" (Egerton 1997: 144). Although Monroe probably never knew that the Society's agents used a portion of this money to purchase land in what became Liberia, he was certainly aware that virtually none of the black settlers who sailed for Africa were natives rescued from illegal slavers. The president, according to Staudenraus (1961: 51–3), often repeated the Society's claims that free blacks constituted "a class of very dangerous people" who endangered southern stability (pp. 51–3). The prospect of mass removal, he hoped, might encourage masters to manumit their slaves and thus relocate the entire black population of Virginia.

Because Monroe was "deeply sympathetic with the aims of the Colonization Society," notes biographer Harry Ammon, the colony was "largely sustained from funds allocated to the federal agents resident in Liberia" (1971: 522–3). In gratitude, the directors of the organization named the first settlement Monrovia.

For all of its political clout in Washington, the Colonization Society failed to remove many free blacks from the nation. Somewhat more seriously, it failed to motivate many planters to liberate their labor force so that they might be freed in the continent of their ancestors. Ultimately, the organization must be understood to be the most conservative of all solutions to the young republic's racial problem. The "humanitarian proclamations" of young politicians like Clay and Mercer, observes Donald R. Wright, "could not hide [the racism that] was at the heart of the society's existence." Rather than striving to end the racism that supported slavery in America, "the society preferred to remove the objects of the racism" (Wright 1993: 176–7). In the end, the group's moderate approach served only to unite its sectional enemies. As Peter Kolchin writes, both black Americans, who were naturally "hostile" to being sent "back" to a land they had never known, and deep South planters, who regarded *any* federal involvement with their unfree labor force, no matter how mild, as a frighteningly dangerous precedent, refused to cooperate with the Society (Kolchin 1993: 185).

In March 1820, 86 free black colonists – exactly none of them illegally imported Africans – landed on the coast of what would become Liberia. By that date, many of the Society's founders were deeply embroiled in the Missouri debates, a controversy that forced slavery and its westward growth back into the national dialogue. As Glover Moore (1953) described the affair half a century ago in his still-definitive *The Missouri Controversy, 1819–1821*, the debates in Congress forced the white South to put aside their hoary assertions that slavery was an unfortunate, if necessary, evil and articulate a more positive defense of their culture and society. After years of ignoring the issue, or talking around it in the guise of colonization, northern politicians like Congressman James Tallmadge, Jr, of New York lit "the fuse" of sectionalism by refusing to play any further part in an implicit agreement to leave emancipation in the hands of southern moderates. Moore observed that leaders like Jefferson had not only failed to eradicate unfree labor in their own states, they now defended its migration into the northern sections of the Louisiana Purchase territory on the grounds that "diffusion" was the best way to achieve an end to enslaved labor. Even Henry Clay, an avid supporter of removal to Africa, professed to believe "that the condition of the Negroes would be improved if they were spread over a larger area" in the American West (Moore 1953: 47).

Perhaps no better indication of the southern failure to resolve their labor problem existed than the man reading the debates in his Monticello study. That Jefferson, who as a young man had advocated restricting slavery from the public domain – North and South – could now recommend that it be allowed to spread beyond the Mississippi so as to better kill, serves as a sad reminder of how badly the enlightened southern men of the revolutionary generation had bungled this issue. As Joseph Ellis bluntly writes, the "political dimensions of [Jefferson's] thinking are fuzzy" on this issue. "Slavery would migrate into the West and simply disappear in the vastness of empty space" (1998: 269). According to John Chester Miller, when the Marquis de Lafayette heard Jefferson explain how spreading slavery across the frontier would

hasten its extinction, he sadly concluded that his old friend had fallen "victim to a grand illusion" (1977: 239).

Jefferson, unhappily, was hardly alone in defending this latest rationalization for state and federal inactivity regarding slavery. Worse yet, having twisted themselves into the position that the good of the republic demanded the spread of slavery into Missouri, southern politicians found that it was but a short step to the next, and sadly logical proposition: that it was in fact a good thing for slavery to be there. When the aged Nathaniel Macon rose in the Senate in late January 1820, to invite his northern brethren to visit his plantation "and witness the meeting between the slaves and the owner, and see the glad faces," he was not merely defending unwaged labor in his native North Carolina. Macon was defending it in the West as well. Here was the "beginning of the defense of slavery," wrote George Dangerfield (1952: 220) in his masterpiece, *The Era of Good Feelings*, "not as an evil which could not be remedied, but as a positive good." Like Jefferson, James Madison and President Monroe continued to advocate diffusion as a means to emancipation, but Macon's reverse logic was impeccable, and Ellis caught the contradiction. If "diffusion over a greater surface would make [slaves] individually happier," to use Jefferson's words, why bother to eliminate this allegedly benign institution at all (Ellis 1998: 268)?

For many scholars, Madison's support for this dubious proposition is particularly troubling. As Drew R. McCoy put it in his thoughtful *The Last of the Fathers*, if Madison "truly deplored slavery," why did he not at least advocate its geographical restriction, "especially since he had done so earlier in his career" (1989: 266)? McCoy suspects that Madison, unlike his celebrated mentor, quietly harbored grave doubts about the theory that diffusion would somehow bring about the eradication of slavery. What he was quite sure of, however, was that further congressional wrangling over this issue "would most certainly have catastrophic consequences." Faced with the harsh realization that his region, and indeed perhaps his country, could never resolve the matter peacefully, he rather naively chose to remain "a prisoner of his republican idealism and the optimistic temperament that sustained it" (McCoy 1989: 266–7, 272). When faced with the impossible, Madison, like Jefferson before him, embraced the pleasant fiction that time and distance would do away with unfree labor.

For his part, Jefferson had few doubts as to who was behind this unprecedented attack on the southern way of life. Northern voters had been "fanaticized" by Clintonians like Tallmadge – and, thus, closet Federalists in Jefferson's mind – and Federalist stalwarts like Rufus King, who had taken up the issue following Tallmadge's retirement from Congress. Writing without editorial comment, Malone noted that Jefferson stubbornly "denied that morality was at issue" in what he insisted "was really a struggle for [political] power" (1981: 329). Malone's footnotes, of course, reveal that he based much of his analysis on Glover Moore's (1953) richly detailed study. But if Moore's half-century-old monograph now appears somewhat dated, those signs of age may be due to his willingness to accept the charges of partisan politics leveled by southern men like Jefferson. Northern activists who wished to restrict slavery to the Old South were labeled "Anti-Missourian zealots," and Moore praised "the considerable body of Northern Democrats" who came to understand "that the Federalists and Clintonians were seeking to make political capital out of the Missouri question." By employing terms like "zealots," which implied mindless

fanaticism, Moore cast his rhetorical vote with those who denied that Tallmadge and King might have been motivated by any sentiments finer than a desire to escape the political wilderness (Moore 1953: 172, 177–8).

Certainly Moore was correct, however, in his assessment that the rancorous Missouri debates served to silence those moderate southern voices who persisted in regarding unfree labor as a necessary evil. Like George Dangerfield, Moore regarded 1821 as a political dividing line, not merely between North and South, but within the southern states as well. "The Missouri Controversy marked the end of the liberal phase of antebellum Southern history," he wrote, "during which the thinking of Southern statesmen had been dominated by the philosophy of the Age of Enlightenment," even if, he conceded, "that philosophy had not been put into practice." Over the next four decades, southern men would polish and refine their proslavery arguments, but nothing was said after 1821 that had not already been uttered during the previous two years. The republic had witnessed positive good theory on display, together with threats of disunion and civil war should the planter class not be allowed to carry their peculiar institution into the western territories. At the very least, Tallmadge's failed amendment allowed many leading politicians to rationalize their defense of a system they professed to dislike. As the eccentric John Randolph of Roanoke put it: "These Yankees have almost reconciled me to negro slavery" (Moore 1953: 347–9).

Randolph was right to be concerned. On the day that Rufus King delivered his second speech on the Missouri question, the Senate gallery was crowded with African Americans who came to hear the one-time presidential candidate announce that he felt degraded at having to sit in the same chamber as slaveholders. Reading the debates in far-off Charleston, free black carpenter Denmark Vesey came to understand that America was two countries; perhaps, he thought, northern whites might prove a bit tardy in riding to the defense of the southern planter class. According to Edward A. Pearson's (1999) comprehensive new collection of documents, *Designs Against Charleston: The Trial Record of the Denmark Vesey Slave Conspiracy of 1822*, Vesey used the debates "to convince other men to join" his plot. By (disingenuously) interpreting the compromise solution as "an emancipation proclamation," Pearson argues, "the rebel leader held out a promise of liberation that may have ameliorated the subordination of some slaves" (1999: 120). Certainly there can be no doubt that the old abolitionist was a close student of events in Washington. "Mr. King was the black man's friend," Vesey told one slave, as the New Yorker had publicly pronounced slavery "a great disgrace to the country" (Egerton 1999: 131).

In the same way that the Missouri controversy played a role, however small, in inspiring Denmark Vesey to plan for black freedom, the Charleston slavery conspiracy played a role, probably very large, in the nullification controversy of the early 1830s. According to William W. Freehling, whose prize-winning study of nullification, *Prelude to Civil War*, begins in 1816, Vesey's massive conspiracy convinced the South Carolina planter class that they needed to find a method to keep antislavery activism at bay while yet keeping "the distressing subject buried." By using the increasingly high federal tariff – which the planter class indeed regarded as a tax on their way of life – as a test case, lower South politicians could develop a strategy of single-state nullification as "a weapon" to "check the abolitionists without

discussing slavery" (Freehling 1965: 85–6). It was, Freehling argues, no coincidence that many of the leading nullifiers, including James Hamilton (who used the Vesey affair to rise from mayor to state governor), were veterans of the two Charleston tribunals that blamed slave unrest on congressional interference in Missouri.

For the nullification crisis to have an impact on the course of proslavery disunionism, it had to be, at bottom, about slavery. Biographer Robert V. Remini, whose five superb volumes on Andrew Jackson (1977–84), Henry Clay (1991), and Daniel Webster (1997) require 11 inches of shelf space in every research library, suspects that it was not. The postwar tariffs of protection, he suggests, were largely responsible for South Carolina's economic woes. Proto-industrial tariffs may not have driven down cotton prices, as most nullifiers liked to argue, but they undoubtedly made it more expensive to run a plantation and purchase products manufactured abroad. Whereas Freehling (1965: x) argues that a defense of slavery was the "hidden reason motivating these events," Remini believes that Freehling "overstates his thesis" (Remini 1984: 535). Echoing Paul Bergeron's (1976) influential article Remini regards the Tariff of Abominations 1828 as *the* central issue here. In this view, the thesis that the need to advance a theoretical defense against the rising tide of militant antislavery, or indeed "that slavery motivated much of the politics of the South" or the Democratic party, is simply "to take a totally wrong tack on the question" (1988: 83).

For many deep South politicians, however, the tariff question was inseparable from a range of related issues – from African colonization to economic modernization – that all implied federal intrusions into their plantation world. As evidence for what he calls "the indirect defense of slavery," Freehling quotes the *Winyaw Intelligencer* at length: "[I]t ought to be understood, that the Tariff is only one of the subjects of complaint at the South. The Internal Improvement" and "the interference with our domestic policy – most especially the latter – are things" that will, "if necessary, be met with something more than words." For more than a decade prior to the nullification crisis, Carolina statesmen, Freehling observes, emphasized that "the problem of public confidence in slavery seemed in part a crucial economic question" (1965: 87, 110–11). In short, modern attempts to identify the *single* greatest cause of nullification are probably doomed to failure. Since the Missouri debates, states' rights advocates fretted about northern antislavery, just as hard-pressed upcountry yeomen complained about the impact of tariff laws passed for the benefit of free state industrialists. The memory of Denmark Vesey haunted lowcountry planters and Charleston residents, most of whom already feared the capitalist market revolution implicit in federally supported internal improvements and national banking systems. The possibility of employing single state nullification as a weapon to maintain the southern status quo, in short, unified most white Carolinians in a common cause.

In recent years, even Freehling has modified his decades-old thesis, although he continues to maintain – and no doubt with considerable justification – that the "fallout from Denmark Vesey put the coastal gentry on the road to nullification" (1990: 599). But as William J. Cooper, Jr, noted in 1978, outside "of South Carolina, few saw nullification as a necessary protection for slavery," although after Nat Turner's bloody uprising, most whites were concerned about slave insurrections (Cooper 1978: 46). Certainly the precise relationship between proslavery ideology and political activity is both difficult to prove and "murky" at best, to borrow the

words of Richard E. Ellis. But even as critics nibble away at the edges of Freehling's much-debated theory, a consensus of sorts has emerged that lower South politicians like John C. Calhoun came to understand "that planter insecurity over the future of slavery could be put to political use." Certainly Calhoun and the nullifiers were not the first southerners to recognize that states' rights might protect slavery. But as Ellis (1987) argues in his *The Union at Risk*, Old Republicans like John Taylor or even John Randolph of Roanoke "never made the defense of slavery a central political concern the way Calhoun and his followers began to do after 1833." Initially, Andrew Jackson might have thought that the tariff and its constitutionality was the central question on the minds of the nullifiers, but by the end of the congressional debates in 1833, the Jacksonians finally understood "that the slavery question had indeed been very much involved" (Ellis 1987: 189–94).

What remains beyond dispute is that all of these factors produced what Lacy K. Ford, Jr (1988) calls "an unusual" level of "political unity among white South Carolinians" in the immediate post-nullification era. Although almost all southern states had counties dominated by plantation agriculture and unfree labor, in the Carolina lowcountry "the size of the black majorities was overwhelming." As Ford observes in *Origins of Southern Radicalism*, the coastal parishes from Georgetown to Beaufort boasted an African American population of roughly 85 percent. "Indeed, the population distribution in a number of the Lowcountry parishes resembled that of the West Indies and other parts of the Caribbean slave empires far more than it did that of the Southern black belt." Such demographic realities made Carolina planters suspicious of any reform movement, black revolutionary, or tariff that might endanger their way of life. But certainly "fears that a racial bloodbath along the lines of the Haitian revolution might occur" explains much about the lowcountry's growing estrangement from a federal government they believed cared too little about either their livelihood or their lives (Ford 1988: 123).

As Ford notes, South Carolina's "uniquely radical response" to northern challenges was largely "shaped by the towering political presence of John C. Calhoun" (1988: 123). As author of the historic *South Carolina Exposition and Protest*, Calhoun could hardly escape, as biographer Irving H. Bartlett (1993) puts it, "being known as the mastermind of nullification." In the most balanced study yet available of the cast-iron man, Bartlett clearly admires Calhoun's intellectual abilities – as well as his determination to find some middle ground between unionist and "fire-eater" in South Carolina. But he is blunt as to the danger that nullification posed to both the republic and Calhoun's own political career. While his abandonment of his youthful nationalist tendencies saved his career in his native state, Calhoun's adoption of nullification ruined his reputation as a national leader. How such an extreme, regional position "could have taken him to the presidency defies comprehension," Bartlett writes. "Not even a man of iron can be sustained forever on reason" (1993: 183). More to the point, if Calhoun regarded the implied threat of disunion as the formula by which the republic might hold together, he was sadly mistaken. As George Dangerfield observed of the *Exposition*'s curiously dated nature, the "Hartford Convention had taught the lesson that the compact theory of the Constitution was something people pulled out of its pigeonhole when they were disgruntled," only to turn their back on it "when times got better and feelings were less exacerbated." If South Carolina never returned the concept to its "pigeonhole," it was only because

their seigneurial way of life, and the modern world's growing assaults upon it, never allowed them to do so (Dangerfield 1952: 411).

By 1833, as Andrew Jackson's shrewd combination of a lower tariff and the Force Bill led an isolated South Carolina to back down, white southerners began to pull together – even as they began to pull away from the federal Union. As northern activists increasingly abandoned the conservative solution of African American colonization in Liberia, militant antislavery remained as the only answer to the republic's rising number of slaves. Black abolitionists like Vesey and Turner refused to distinguish between planters and yeomen in their struggles to liberate their followers, which served to further unify the region behind a Democratic party that hoped to avoid further sectional animosity. In short, the truce of 1833 was not only the end of one era, but also the beginning of another, during which the Old South stood unified on the importance of defending its peculiar institution. On this steely new determination, last words go to editor and author John B. Boles. When South Carolina rescinded its Ordinance of Nullification on March 15, a possibly calamitous national crisis was averted. "But South Carolina did not feel chastised and perhaps learned too well another lesson: nullification was no option for discontented states, which left only secession" (Boles 1995: 257).

BIBLIOGRAPHY

Abernathy, Thomas P. (1961) *The South in the New Nation, 1789–1819*. Baton Rouge, La.: Louisiana State University Press.

Ammon, Harry (1971) *James Monroe: The Quest for National Identity*. New York: McGraw-Hill.

Bartlett, Irving H. (1993) *John C. Calhoun: A Biography*. New York: Norton.

Bergeron, Paul (1976) "The Nullification Controversy Revisited," *Tennessee Historical Quarterly* 35: 263–75.

Boles, John B. (1995) *The South through Time: A History of an American Region*. Englewood Cliffs, NJ: Prentice-Hall.

Boyd, Julian P. (1948) "Thomas Jefferson's Empire of Liberty," *Virginia Quarterly Review* 24: 549–50.

Clarfield, Gerald H. (1980) *Timothy Pickering and the American Republic*. Pittsburgh, Pa.: University of Pittsburgh Press.

Cooper, William J., Jr (1978) *The South and the Politics of Slavery, 1828–1856*. Baton Rouge, La.: Louisiana State University Press.

Dangerfield, George (1952) *The Era of Good Feelings*. New York: Harcourt.

DeConde, Alexander (1966) *The Quasi-War: The Politics and Diplomacy of the Undeclared War with France, 1797–1801*. New York: Charles Scribner's & Sons.

Deyle, Steven (1992) "The Irony of Liberty: Origins of the Domestic Slave Trade," *Journal of the Early Republic* 12 (1): 37–62.

Egerton, Douglas R. (1997) "Averting a Crisis: The Proslavery Critique of the American Colonization Society," *Civil War History* 43: 142–56.

Egerton, Douglas R. (1999) *He Shall Go Out Free: The Lives of Denmark Vesey*. Madison, Wis.: Madison House.

Egerton, Douglas R. (2002) "The Empire of Liberty Reconsidered," in Peter Onuf and Jan Lewis (eds.) *The Revolution of 1800*. Charlottesville, Va.: University of Virginia Press.

Ellis, Joseph J. (1998) *American Sphinx: The Character of Thomas Jefferson*. New York: Alfred A. Knopf.

Ellis, Richard E. (1987) *The Union at Risk: Jacksonian Democracy, States' Rights and the Nullification Crisis.* New York: Oxford University Press.

Finkelman, Paul (ed.) (1997) *Slavery and the Law.* Madison, Wis.: Madison House.

Ford, Lacy K., Jr (1988) *Origins of Southern Radicalism: The South Carolina Upcountry, 1800–1860.* New York: Oxford University Press.

Fox-Genovese, Elizabeth and Genovese, Eugene D. (1983) *Fruits of Merchant Capital: Slavery and Bourgeois Property in the Rise and Expansion of Capitalism.* New York: Oxford University Press.

Freehling, William W. (1965) *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816–1836.* New York: Harper and Row.

Freehling, William W. (1990) *The Road to Disunion: Secessionists at Bay, 1776–1854.* New York: Oxford University Press.

Freehling, William W. (1994) *The Reintegration of American History: Slavery and the Civil War.* New York: Oxford University Press.

Gunther, Gerald (2001) *Constitutional Law*, 3rd edn. New York: Foundations Press.

Hirschfeld, Fritz (1997) *George Washington and Slavery: A Documentary Portrayal.* Columbia, Mo.: University of Missouri Press.

Hodges, Graham Russell (1997) *Slavery and Freedom in the Rural North: African Americans in Monmouth County, New Jersey, 1665–1865.* Madison, Wis.: Madison House.

Hodges, Graham Russell (1999) *Root and Branch: African Americans in New York and East Jersey, 1613–1863.* Chapel Hill, NC: University of North Carolina Press.

Howe, Daniel Walker (1979) *The Political Culture of the American Whigs.* Chicago: University of Chicago Press.

Johnson, Walter (1999) *Soul by Soul: Life Inside the Antebellum Slave Market.* Cambridge, Mass.: Harvard University Press.

Kaminski, John P. (ed.) (1995) *A Necessary Evil? Slavery and the Debate over the Constitution.* Madison, Wis.: Madison House.

Kolchin, Peter (1993) *American Slavery, 1619–1877.* New York: Hill and Wang.

McColley, Robert (1973) *Slavery and Jeffersonian Virginia*, 2nd edn. Urbana, Ill.: University of Illinois Press.

McCoy, Drew (1989) *The Last of the Fathers: James Madison and the Republican Legacy.* New York: Cambridge University Press.

Malone, Dumas (1948–81) *Jefferson and his Time*, six vols. Boston, Mass.: Little, Brown.

Melish, Joanne Pope (1998) *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780–1860.* Ithaca, NY: Cornell University Press.

Miller, John Chester (1977) *The Wolf by the Ears: Thomas Jefferson and Slavery.* New York: Free Press.

Moore, Glover (1953) *The Missouri Controversy, 1819–1821.* Lexington, Ky.: University Press of Kentucky.

Ott, Thomas (1973) *The Haitian Revolution, 1789–1804.* Knoxville, Tenn.: University of Tennessee Press.

Paquette, Robert L. (1997) "Saint Domingue and the Making of Territorial Louisiana," in David Barry Gaspar and David Patrick Geggus (eds.) *A Turbulent Time: The French Revolution and the Greater Caribbean.* Bloomington, Ind.: Indiana University Press.

Pearson, Edward A. (ed.) (1999) *Designs against Charleston: The Trial Record of the Denmark Vesey Slave Conspiracy of 1822.* Chapel Hill, NC: University of North Carolina Press.

Rakove, Jack N. (1986) *Original Meanings: Politics and Ideas in the Making of the Constitution.* New York: Alfred A. Knopf.

Remini, Robert V. (1984) *Andrew Jackson and the Course of American Democracy, 1833–1845*, 3 vols. New York: Harper and Row.

Remini, Robert V. (1988) *The Legacy of Andrew Jackson: Essays on Democracy, Indian Removal, and Slavery.* Baton Rouge, La.: Louisiana State University Press.

Remini, Robert V. (1991) *Henry Clay*. New York: Norton.

Remini, Robert V. (1997) *Daniel Webster: The Man and His Time*. New York: Norton.

Slaughter, Philip (1855) *The Virginian History of African Colonization*. Richmond, Va.: MacFarlane.

Staudenraus, P. J. (1961) *The African Colonization Movement, 1816–1865*. New York: Columbia University Press.

Tadman, Michael (1989) *Speculators and Slaves: Masters, Traders, and Slaves in the Old South*. Madison, Wis.: University of Wisconsin Press.

Tucker, Robert W. and Hendrickson, David C. (1990) *Empire of Liberty: The Statecraft of Thomas Jefferson*. New York: Oxford University Press.

Van Doren, Carl (1948) *The Great Rehearsal: The Story of the Making and Ratifying of the Constitution of the United States*. New York: Viking.

Wright, Donald R. (1993) *African Americans in the Early Republic, 1789–1831*. Arlington Heights, Ill.: Harlan Davidson.