

“THE MEANING OF THE RIGHT OF PETITION:
NORTHERN OPINION AND THE ANTISLAVERY
GAG RULE, 1836-1844”

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Abstract: In the 1830s, a national movement against slavery organized in the United States. One of the actions taken by slavery opponents was to petition Congress, most commonly for the abolition of slavery in the District of Columbia. Congressmen had occasionally received such petitions in the past, but beginning with the commencement of the 24th Congress in 1835, the number of petitions became overwhelming. Southerners objected to these petitions believing that if Congress seriously entertained abolition in the nation’s capital, then northerners would seek to abolish slavery in the states. Because slavery was such a divisive issue, many northern Democrats concurred that the presentation of antislavery petitions was discordant. Members of the Senate and the House of Representatives attempted to prevent these petitions from becoming contentious and hindering the workings of the federal government. The Senate adopted a successful “receive-and-reject” rule, which received the petitions but rejected their requests. The House established a Gag Rule, which effectively denied Americans the right to petition regarding slavery.

Rather than mute discussion of slavery, the House became embroiled in a nine-year battle over the meaning of the right of petition. Initially, many northern Democrats allied with southerners to support the Gag Rule. This quickly became an untenable position as it only led to more petitions, encouraged abolitionists, and evoked increased outrage in the northern press. Eventually, the resistance in the North was so great that the House rescinded the Gag Rule in December 1844. This dissertation examines northern opinion regarding the Gag Rule, relating the many reasons people opposed it, why northerners supported it, and how it intensified sectionalism in American politics. The petition drive to abolish slavery in the District of Columbia led to the establishment of the Gag Rule, which rapidly became more about placating the interests of the South while restricting the liberties of northern white Americans. Opponents fought ardently against the abridgment of their First Amendment right of petition—and speech as well. This dissertation relates that struggle.

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INTRODUCTION

“Mr. Speaker, am I gagged, or not?” cried Representative John Quincy Adams of Massachusetts. On May 25, 1836, the United States House of Representatives was about to hear the report of the Committee on the District of Columbia led by Henry Laurens Pinckney of South Carolina on the issue of how the House should address antislavery petitions. Succinctly, the Pinckney committee recommended that Congress had no authority to act; the House should table all antislavery petitions without debate.

Approving these recommendations constituted the first in a series of gag rules, known as the “Pinckney gag.”¹ John Quincy Adams feared the House would approve these resolutions, abridging the right of Americans to petition their government for redress of grievances. The previous December, he promised his colleagues that if the House took such action, he would fight it with great determination and deliver incendiary speeches on the floor of the House, which would only be to the detriment of those who supported a gag rule.

This study analyzes northern opinion in the fight to restore Americans’ right of petition, focusing upon the press, congressional debate, and personal correspondence.

¹Although there was a series of gag rules, this study collectively references them with the proper noun, the Gag Rule.

While northern support for the Gag Rule was easiest to obtain in 1836, it was never strong and eroded over time, both in Congress and in the press. Martin Van Buren favored the Gag Rule, seeking Democratic unity across sections in order for his party to achieve its national goals. Using the Gag Rule as a measurement of opinion, getting northern Democrats to align with the South was always problematic. Although northern Democratic votes were easier to get in 1836, the vote on the first Gag Rule reveals a divided North; almost as many representatives opposed it as favored it.² Not only was the North-South Democratic coalition always tenuous, so was support for the Gag Rule. Maintaining northern backing grew more difficult with each Gag Rule vote. The antislavery petition controversy also illustrated division among politicians who formed the Whig Party, exposing division from its beginning. Northern Whigs readily welcomed reformers and antislavery Americans. Southern Whigs deplored anyone who sought to interfere with slavery, an issue they believed only rightly decided by the southerners themselves.

The constitutional right of petition resonates with Americans because it is a cherished right with a rich history. The constitution of the ancient Roman Republic provided that tribunes speak on behalf of plebeians, the most common people of that society. As representatives of the people, the republican nature of the government gave the meekest Romans a voice in government many centuries before Enlightenment philosophers expounded upon the concept of the social contract.³

²Party identity was not always easy to discern in 1836 because the Second Party System was still forming. Vote analyses provided in this work in 1836 only divided congressmen by section and vote with no party distinction.

³Michael Crawford, *The Roman Republic*, 2nd ed. (Cambridge: Harvard University Press, 1993), 25.

For centuries, the British had enjoyed the right of petition. King Edward I (1272-1307) encouraged his subjects to present petitions, as stipulated in the Magna Carta. Members of Parliament had a responsibility to receive and respond to the petitions. After the Glorious Revolution of 1688, Parliament established a Bill of Rights, specifically guaranteeing the right of citizens to petition the king without fear of prosecution.⁴

Americans continued to exercise this right. American colonists utilized it upon the outbreak of hostilities with their mother country. Between 1763 and 1775, they sent countless petitions to the crown and Parliament. The failure of these petitions to secure redress of grievances prevented reconciliation and elevated discord to a more serious threat than passionate discontent.⁵ Yet, the colonists repeatedly returned to the petition. The Second Continental Congress extended the unheeded Olive Branch Petition to King George III in hopes of reconciliation.

During George Washington's presidency, Western Pennsylvanians used petitions to protest the whiskey excise tax, which they believed unfairly burdened them. The petitioners rebelled when the federal government did not address their grievances.⁶ As the fledgling nation entered the nineteenth century, the idea of the petition as a political tool was already an important part of the American psyche. Not only did the petition serve as a method of

⁴David C. Frederick, "John Quincy Adams, Slavery, and the Disappearance of the Right of Petition," *Law and History Review* 9 (Spring 1991): 114; Norman B. Smith, "'Shall Make No Law Abridging . . .': An Analysis of the Neglected, but Nearly Absolute, Right of Petition," *University of Cincinnati Law Review* 54 (1986): 1161-2.

⁵Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of the American Opposition to Britain, 1765-1788* (New York: Alfred A. Knopf, 1972), 208.

⁶Thomas Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986).

protest but it also served to inform. A republican form of government works best with the participation of the people.

In the 1830s, more Americans became uneasy over the presence of slavery in their country and opposed it. The Second Great Awakening had instilled a spirit of reform in many Americans. Viewing all people as equal before God, these new Christians viewed slavery as an injustice. The antislavery movement became nationally organized with an increased number of presses promoting antislavery sentiment. This led to more involvement of Americans opposing slavery and seeking ways to combat it. The slave rebellion led by Nat Turner in 1831 alarmed southerners to the necessity of strict control of slaves while simultaneously committing abolitionists to a sense of urgency.

In 1835, slavery opponents mailed unsolicited flyers, pamphlets, and journals to southern communities promoting abolition. Southerners considered such mailings as insurrectionist materials. Their postmasters responded by censoring the mails, and local citizens broke into post offices to destroy the literature. Even President Andrew Jackson endorsed this censorship. This coincided with anti-abolition violence in the North.

Historian William M. Wiecek posits that the mail censorship and the accompanying anti-abolition violence had three effects. First, it strengthened the antislavery cause. Secondly, it raised questions about legislative authority over slavery. And third, the petition campaign that followed the mail censorship led to greater organization among antislavery\abolition groups.⁷ These events not only reinvigorated the abolitionist cause but also its opponents. The strained tensions on both sides made each more defensive and

⁷William M. Wiecek, *The Sources of Antislavery Constitutionalism in America, 1760-1848* (Ithaca, NY: Cornell University Press), 1977, 183-4. An excellent treatment of the anti-abolition violence in the North is Leonard Richards's, *"Gentlemen of Property and Standing": Anti-abolition Mobs in Jacksonian America* (New York: Oxford University Press, 1970).

assertive. What Wiecek does not mention is that antislavery opposition was partly due to the perceived threat to white man's liberties. When the control of the black man also involved control of the white man, northerners who were not abolitionists fought back.⁸

The Gag Rule controversy, which lasted from 1835-1844, wrestled with two issues important to the antebellum United States: slavery and the First Amendment right of petition. The establishment of the Gag Rule fueled involvement by northerners who believed their First Amendment right of petition violated. Many took no prior interest in the anti-slavery movement, but when Congress instituted gag rules—particularly the contentious ones in the United States House of Representatives—the issue became personal.⁹ Even early on, petitioners perceived the Gag Rule controversy as a threat to white man's liberties, freedom of speech and the right of petition.¹⁰ It also concerned northerners that the South, the “Slave Power,” held too much influence in Washington, D.C. Even white northerners who expressed no opinion regarding slavery saw themselves as losing a “sacred” right as politicians sought either to bury antislavery petitions in committee or deny their reception. Examination of northern opinion reveals that the Gag rule intensified sectionalism and exposed divisions within the major parties.

During the antebellum era, when a member of Congress received a petition, it was his duty to present it. The population of the United States at this time was still relatively small,

⁸For more on white man's liberties see Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000); Russell B. Nye, *Fettered Freedom: Civil Liberties and the Slavery Controversy, 1830-1860* (East Lansing: Michigan State University, 1964); Nicole Etchison, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University of Kansas Press, 2004).

⁹Then Senate passed a gag rule that was far less contentious and stirred up much less public opposition than the House's versions.

¹⁰Newspaper accounts often asserted that the Gag Rule was an abridgement of free speech as well as the right of petition, for it prevented open discussion in Congress.

so this was practical. Both houses of Congress had designated days for the presentation of petitions, especially at the beginning of each session. When a congressman presented a petition, he briefly stated its contents. If he recommended that his colleagues consider the petitioners request, they would then vote to grant or deny the request. If the presenter believed that the request required more study or that it necessitated a formal response, he then recommended referral to the appropriate committee. Once referred to a committee, the petition met one of two fates. First, the committee could provide a reply to the request recommending that the House or Senate—whichever the case may be—consider the request and debate its merits. The other option—and the one most likely to occur—was that the petition would “die” in committee, never heard of again.

The most frequent option was to lay the petition upon “the table.” Some petitioners’ entreaties addressed either what Congress had no power to grant, was not important enough to devote further discussion, or was a matter too delicate or controversial and congressmen chose not to undertake it. In those instances, a congressman recommended that the petition “lay on the table,” a proverbial table which served as a graveyard for “dead” petitions and resolutions. The presenter had fulfilled his obligation in presenting the petition and moved on to other ones. Before the 24th Congress, petitions involving slavery almost always met this fate.

One additional consideration regarding slavery-related petitions during the Gag Rule controversy was the question of reception. Many southerners did not want Congress to receive those petitions. Southerners claimed that receiving antislavery petitions dignified them and encouraged abolitionists. Many northerners of both political parties believed any petition respectful in tone—regardless of content—deserved rightful treatment. Even if

Congress did not grant the request of the petitioners, it should accept the petition.

Furthermore, it was a congressman's duty to present petitions. He was negligent in his duty if he did not. The narrative that follows examines the multiple reasons supporting reception and justifying rejection.¹¹

New Yorker Martin Van Buren experienced difficulty keeping northern Democrats aligned with southerners during the Gag Rule controversy. During the Gag Rule, Van Buren was vice-president, president, and party leader. Andrew Jackson gained the presidency, in part, through the political leadership and Van Buren's skillful dealing. To gain and keep political power, Van Buren sought to unify the Democratic Party on all issues. Whenever the North and South disagreed on legislation or policy, Van Buren aimed to minimize those differences. Van Buren believed it politically prudent to avoid volatile issues between the sections, slavery being the most prominent. Over the course of the Gag Rule controversy, an increasing number of northern Democrats realized that mollifying the South, the Slave Power, and following Van Buren's lead cost them too many votes at home, making compromise with the South a dangerous venture.¹²

By 1844, change within the Democratic Party proved sufficient that most Democrats supported repeal. Several factors contributed to that change. First, Northern Democrats increasingly resented the Slave Power's insistence on always having its way. To ask northerners to surrender the right of petition on topics the southerners did not like jeopardized a fundamental American right and devalued the right of petition itself. White

¹¹This is the author's observation after reading nine years of congressional proceedings.

¹²For Van Buren's presidential aspirations and political maneuvering, see Robert V. Remini, *Martin Van Buren and the Making of the Democratic Party* (New York: Norton and Company, Inc., 1959); John Niven, *Martin Van Buren: The Romantic Age of Politics* (New York: Oxford University Press, 1983); Joel Silbey, *Martin Van Buren and the Emergence of American Popular Politics* (New York: Rowman and Littlefield Publishers, 2002).

Americans had a right to present petitions to Congress, one the northern press often referred to as “sacred.” Secondly, more northern districts had an increasing number of active antislavery societies chapters. Third, more northern Democratic congressmen became worried that support of the South would cost them re-election, especially in those districts won by narrow margins. Fourth, the Gag Rule evolved as an issue. What began as the request of a special interest group seeking to alleviate suffering among slaves quickly became an issue over the limitation of an essential right of white Americans. As awareness of the denial of the right of petition grew, white northerners increasingly opposed it. Fifth, some ardent backers of the Gag Rule—John Hale of New Hampshire, and Martin Van Buren and Samuel Beardsley of New York are examples—no longer supported it by 1844.

The Whigs were coalescing as a party at this time. Although not formally a party in 1836, the people opposed to Jacksonian policies aligned according to an ideology. Lacking a formal party, the press sometimes called these people Whigs and other times “Oppositionists” in reference to their disapproval of the Jackson administration and the president’s policies. This new party had difficulty unifying; northerners and southerners had differing interpretations as to why they opposed Jacksonian Democracy.¹³

With the passage of the Gag Rule, the antislavery petition controversy was no longer just about slavery in the nation’s capital but a denial of the First Amendment right of petition for all Americans. Rather than discourage anti-slavery petitioners, the Gag Rule only increased antislavery activism and the number of petitions demanding the repeal of the Gag Rule. Representative John Quincy Adams, an Oppositionist from Massachusetts, personified

¹³This study refers to Whigs as Oppositionists during the 24th and 25th Congresses. The *Congressional Globe*, one of the two main periodicals reporting detailed congressional proceedings at the time, does not identify congressmen by party until the 26th Congress, and this paper will largely follow that guideline.

this idea. He initially presented anti-slavery petitions out of duty, for he did not share the sentiments of the petitioners. But, the adamant opposition from those supporting the gag rules—North, as well as South—turned Adams into a crusader for the right of petition, promising to fight it fervently.¹⁴

This study examines *northern* opinion about the gag rules. It goes beyond the Capitol, beyond Washington, and beyond politicians. It examines the correspondence of northerners—often between politicians and citizens—commentary of Washington correspondents, letters to editors, editorials, entries in memoirs, legislative and organizational resolutions, and even poetry concerning the Gag Rule. Analysis of these documents reveals much about public perception of the Gag Rule, how northerners saw it as a threat to white liberties, and the divisions the Gag Rule exposed in each of the major political parties, the Whigs and the Democrats. Because this dissertation heavily utilizes antebellum newspapers, a brief background of papers of that era is in order.¹⁵

When Benjamin Henry Day's *New York [City] Sun* made its debut in 1833, it transformed the antebellum press in the United States. Aimed at a popular audience instead of elites, the *Sun* filled its pages with human interest stories, fiction, poetry, anecdotes, and jokes. Gradually, that paper added classified ads, advertisements, and news, including news from Europe as it arrived by boat. The *Sun* sold for an annual subscription of three dollars

¹⁴The most comprehensive work on John Quincy Adams and the Gag Rule is William Lee Miller's *Arguing about Slavery: John Quincy Adams and the Great Battle in the United States Congress* (New York: Vintage Books, 1995).

¹⁵On party formation, see Richard P. McCormick, *The Second American Party System: Party Formation in the Jackson Era*. (Chapel Hill: University of North Carolina Press, 1966); Michael Holt, *The Political Crisis of the 1850s* (New York: Wiley Press, 1983); Joel Silbey, *The American Political Nation, 1838-1893* (Stanford, CA: Stanford University Press, 1991).

with individual copies only a penny a day, making it affordable to all. The *Sun* included something for everyone and reached a diverse readership. The paper's success soon brought imitators and competitors. Although not the first of the penny press, it was the first to demonstrate such great success.¹⁶

Taking inspiration from Benjamin Day, James Gordon Bennett created the *New York [City] Herald*. Bennett also wanted to reach the masses, but he built his paper around reporting sensational news stories, writing stories that made it easy for his newsboys to hawk their papers. As a non-partisan paper, he held competing newspapers accountable for their news reporting. According to historian William E. Huntzicker, Bennett created the ideal metropolitan newspaper. In the process, he had made newspapers “both powerful and odious.”¹⁷

Whereas penny press newspapers were independent, relying mainly upon a good product at an affordable price to all, the 1830s also saw the emergence of politically partisan newspapers. Some newspapers supported a candidate and his platform, as did the *Albany [New York] Argus* for Martin Van Buren and the Democrats. *The Log Cabin* was a paper run by Horace Greely to support the Whigs in the Election of 1840. Some politicians owned these papers while others received patronage from a politician or his party. Whereas the penny press sought the sensational or the human-interest story, partisan presses usually

¹⁶William E. Huntzicker, *The Popular Press, 1833-1865* (Westport, CT: Greenwood Press, 1999), 1, 2, 12.

¹⁷*Ibid.*, 19, 20, 23.

reported proceedings of Congress, transcripts of debate and speeches, and correspondence from Washington and legislators.¹⁸

Horace Greely was one of the great editors of this era. He was optimistic about the American future. He endorsed Henry Clay's "American System" for internal improvements to enhance the status of the nation. He saw the frontier as a place of opportunity. After his run with the *Log Cabin*, he established the *New York [City] Tribune* in 1841. Greely promoted the Whig agenda and was an ardent fan of Clay. The *Tribune* endorsed "beneficent capitalism" and supported unions and industry alike. The weekly version of the *Tribune* enjoyed robust circulation in the Old Northwest. With a circulation of about 200,000 there, people said that only the Bible had more copies in print.¹⁹ Along with Thurlow Weed's *Albany Evening Journal*, Greely's *Tribune* was one of the two most influential Whig papers in New York State during the 1840s.

Newspapers from 1835-1844 bore no resemblance to modern ones. Most papers were only four pages long and almost entirely text based. There were occasional icons, but those were usually on the third and fourth pages. Only papers funded by advertising produced images on the front page. There were no photographs, pictures, or maps. Occasionally, there were tables or charts. These were helpful for vote analyses, comparing commodities, or itemizing a town's budget. These limitations reflected available technology at the time. Editors produced text by painstakingly inserting typeface one letter or word at a time. With

¹⁸Richard Davis, *The Press and American Politics: The New Mediator* (New York: Longman Press, 1992), 64.

¹⁹Michael Emery and Edwin Emery, *The Press and America: An Interpretive History of the Mass Media*, 8th edition, (Boston: Allyn and Bacon, 1996), 106, 107.

limited staff, producing four pages of text and printing enough copies for anticipated circulation each day was a laborious undertaking.

Major Democratic papers of the Gag Rule era are worth noting here. Aside from the aforementioned *Albany Argus*, was the New York *Evening Post* edited by William Cullen Bryant and William Leggett, with the former serving fifty years as its editor and the latter as a plainspoken writer that advocated for the poor and disadvantaged who eventually became an abolitionist. In New England, Charles G. Greene managed the Boston *Post* and Isaac Hill, a politician who became a United States senator and governor of New Hampshire, established the *New-Hampshire Patriot*. In the Northwest, the most prominent Democratic paper was the *Ohio Statesman*.²⁰

Horace Greeley's New York *Tribune* was just one of many significant Whig papers in New York. Colonel James Watson Webb headed up the New York *Courier and Enquirer*. He was a colorful character. As a young man, he fought Native Americans and later in life participated in two duels, only avoiding the penitentiary for the latter by the governor's pardon. In spite of it all, he made his newspaper a strong competitor in the New York City market, often besting the New York *Journal of Commerce*. Upstate, Thurlow Weed's *Albany Evening Journal* served as a masterful voice for the Whigs. Allying with New York Governor William H. Seward, newspaper historian Frank Luther Mott judged that Weed's *Evening Journal* ended up more successful than the Whig Party itself.²¹

The selection of the newspapers that appear in this dissertation came with limitations, using those that were most available. Some dailies were consulted over the length of the Gag

²⁰Frank Luther Mott, *American Journalism: A History, 1690-1960*, 3rd edition, (New York: The MacMillan Company, 1962), 257-9.

²¹*Ibid.*, 260-1, 265-6.

Rule, allowing for availability through microfilm and publication dates, for not all were in print from 1835-1844. Others appear as results of database search results. Sometimes, the responses provided to passage of the Gag Rule, for example, only cite Whig papers. That is because those were the most vociferous papers on that issue; northern Whigs usually opposed the Gag Rule and more often wrote about it. In this example, northern Democratic papers might report matter-of-factly and provide no commentary. Conversely, Democrat newspapers would rail at the actions or votes of Whigs while Whig papers might remain silent or laud the action. More Whig papers appear in the bibliography of this dissertation partly because there were more Whig dailies at the time.²² In addition, while some Washington correspondents only reported the factual proceedings of Congress, others included insightful—and sometimes entertaining—commentary. This study cites the latter whenever possible. Nevertheless, the papers presented here include every northern state and represent a mixture of Whig and Democrat, urban and rural, and even abolitionist papers.

In constructing the narrative of the Gag Rule, this dissertation relies heavily upon two sources of congressional proceedings: the *Register of Debates* and the *Congressional Globe*. These were newspaper transcriptions of the proceedings of the House of Representatives and the Senate and nothing else. It was a way to deliver the congressional minutes to the public in print much the way C-SPAN does today through television, radio, and the Internet. Unlike C-SPAN, however, it was not a public service, for these papers sought to make a profit. The *Congressional Globe* appears much more often, for it spanned the entire Gag Rule controversy and beyond while the *Register of Debates* ended with the first session of the 25th

²²Frank Luther Mott, *American Journalism: A History, 1690-1960*, 3rd edition, (New York: The MacMillan Company, 1962), 254fn.

Congress. These periodicals served as an essential, unfiltered communication of the United States Congress to the people, letting readers make political judgment for themselves.

Abolitionist papers had only one cause: fighting slavery. They reported politics only as it related to slavery. Prominent papers included in this study are James G. Birney's *Philanthropist* of Cincinnati, William Lloyd Garrison's *Liberator* of Boston, Arthur Tappan's *Emancipator* of New York City, and the *Signal of Liberty* of the Michigan Anti-Slavery Society in Ann Arbor, among others. The abolitionist press excelled at keeping the Gag Rule in the news by reprinting news from other newspapers, debates, applicable correspondence, publishing roll call votes, and deriding "doughfaces," politicians the papers believed betrayed the North by siding with the South. With each renewal of the Gag Rule, these papers encouraged readers to send even more petitions than they had before. Henry B. Stanton of the American Anti-Slavery Society declared, "Every name signed to a petition is a nail driven into the coffin of slavery." These papers expedited the petition drive by providing forms and models for their readers to use in drafting petitions. Abolitionist papers proved successful at getting approximately 300,000 petitions to Congress in the opening months of the 24th Congress in the winter of 1835-36 with many more to follow.²³

The Second Great Awakening affected the "Burned-Over District," an area arcing from Vermont through upstate New York, northwestern Pennsylvania, and Northeast Ohio, instilled a spirit of reform among many Americans. These people saw reform as their Christian duty. Opposing slavery was one of those reforms, and they pursued the fight against slavery with great zeal. Because religious people are often uncompromising in their

²³Ford Risley, *Abolition and the Press: The Moral Struggle against Slavery* (Evanston, IL: Northwestern University Press, 2008), 51-3.

convictions, these activists believed that any compromise regarding slavery was a betrayal of their own faith, for slavery was sinful and injurious to the slave.

Many historians who have written on the Gag Rule note that it is an overlooked but important chapter in American history. In his 1933 work *The Antislavery Impulse, 1830-1844*, economist Gilbert H. Barnes argues that up until that time, historians dated the beginning of the antislavery movement in the 1840s, but they were incorrect. Instead, Barnes presents much evidence that the antislavery movement was well underway and creating conflict in the 1830s, conflict which contributed to the growing sectional tensions that led to the American Civil War. Barnes also believes that historians overrated William Lloyd Garrison, editor of the abolitionist paper *The Liberator*, and people outside New England, especially in the Old Northwest, were significant contributors to the antislavery impulse. Many Americans in Northeast Ohio, Northwest Pennsylvania, and upstate New York viewed slavery as an injustice and against the will of God. This zeal for reform prompted citizens to petition Congress to end—or at least stop the spread—of slavery. This was more than an issue of sectionalism, more than a political question. To the petitioners, it was a moral imperative, an important part of the organization of the “antislavery impulse.”²⁴

In 1941, historian Robert P. Ludlum also argued that his colleagues had discounted the Gag Rule controversy. In his article, “The Antislavery ‘Gag-Rule’: History and Argument,” Ludlum argued that understanding the Gag Rule was essential in understanding American history. The Gag Rule energized the antislavery cause and gained many sympathizers. Written primarily as a systematic overview of the Gag Rule, Ludlum

²⁴Gilbert H. Barnes, *The Anti-slavery Impulse, 1830-1844* (Chicago: Harcourt, Brace, and World, Inc., 1933), 109-45. The best modern treatment of the abolitionists is James B. Stewart, *Holy Warriors: The Abolitionists and American Slavery* (New York: Hill and Wang, 1976).

examines northern and southern attitudes for and against the Gag Rule in the House of Representatives. Cited often, this work is still relevant, and provides a concise overview of the topic. Ludlum also believes that a greater understanding of the Gag Rule reveals its effect upon later politics.²⁵

The Gag Rule controversy was not only unexpected but also weakened both parties. In a three-chapter section of his work, *The Road to Disunion: Secessionists at Bay, 1776-1854*, William H. Freehling declares that the Gag Rule controversy was “the Pearl Harbor of the slavery controversy.” Although unexpected, the Gag Rule drew sectional battle lines that only hardened over time, setting the stage for the American Civil War. Antislavery petitions were numerous, but there was an efficient means of dealing with them. In an era of nullification and white supremacy, the issue would not easily go away. Freehling believes the Gag Rule was always vulnerable. It provided “too little tyranny to silence antislavery Northerners and too much tyranny for anti-abolitionist Yankees to tolerate.” Southerners were imprudent to insist upon the Gag Rule because they needed northern support for annexation of Texas as a slave state.²⁶ The Gag Rule proved detrimental to both parties because Southern Democrats lost northern support while northern Whigs lost southern support. Sectionalism became more important than party. The contention solved nothing and created bitter feelings.

But the presentation of antislavery petitions brought a clash of interests between northerners and southerners, as William Miller describes in *Arguing over Slavery: John*

²⁵Robert P. Ludlum, “The Antislavery ‘Gag-Rule’: History and Argument,” *The Journal of Negro History* 26 (April 1941): 203–43.

²⁶William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), 309-52.

Quincy Adams and the Great Battle in the United States Congress, the only monograph on the Gag Rule. Antislavery petitioners appealed to Congress out of moral and political imperatives but southerners viewed those petitions as a threat to that way of life and took them as a personal affront. Miller states that northerners had a difficult time understanding how integral slavery was to southern culture. Likewise, southerners both underestimated John Quincy Adams, who became a relentless and tireless champion for the right of petition, and failed to understand how slavery undermined the dignity of the northern white man's labor. Miller chronologically examines the intense conflict in Washington over these petitions that became "an exchange of moral, intellectual, and rhetorical firepower."²⁷

Leonard Richards argues that the Gag Rule controversy was a larger part of sectional tension. In his book, *The Slave Power: The Free North and Southern Domination, 1780-1860*, Richards addresses the source of the importance of northern resistance to the Slave Power as a contributing factor to the animosity the House experienced. Southerners jealously guarded their states' rights and viewed antislavery petitions as a personal attack. Northerners—private citizens as well as politicians—resented the South's constant demand to have her way in national government and politics. As more northerners resented the Slave Power, support for the Gag Rule lessened among northern Democrats. Richards also analyzes how the national Democratic Party's abandonment of Martin Van Buren as a presidential candidate in 1844 led New York congressmen to re-evaluate their previous support of southern interests. Their support for the Gag Rule already diminishing, Democratic New Yorkers who supported Van Buren believed the party had betrayed New

²⁷William Lee Miller, *Arguing about Slavery: John Quincy Adams and the Great Battle in the United States Congress* (New York: Vintage Books, 1995), 3.

York's favorite son. These Democrats had already begun voting based on local or sectional rather than party interest.²⁸

The Senate learned lessons from the discord of the House. While the Slave Power was at work resisting antislavery petitions in the Senate as well, the debate was much calmer than that witnessed in the House. Daniel Wirls's article "'The Only Mode of Avoiding Everlasting Debate': The Overlooked Senate Gag Rule for Antislavery Petitions" demonstrates that the Gag Rule was present in both houses of Congress. Wirls maintains that the overlooked Senate Gag Rule was more indirect, longer lasting, and drew less attention than its House counterpart, but it proved much more effective. This was due to a slight pro-slavery majority in the Senate and its equal representation of the states. It eventually adopted a receive-and-reject method, which accepted antislavery petitions but took no action upon them, thereby rejecting the petitions' requests but not the petitions. That agreement lasted until 1850.²⁹

Two statistical studies on the Gag Rule deserve mention here. Gordon Weiner produced an excellent work in a localized study of Pennsylvania in "Pennsylvania Congressmen and the 1836 Gag Rule: A Quantitative Note." Weiner states that historians often claim that the Pinckney Gag Rule illustrated the first sectional division in Congress. His analysis of the 1836 votes over the Pinckney Gag Rule in Pennsylvania, however, determined that party considerations took priority over sectional ones, at least in 1836.³⁰

²⁸Richards, *The Slave Power*, 134-61.

²⁹Daniel Wirls, "The Only Mode of Avoiding Everlasting Debate: The Overlooked Senate Gag Rule for Antislavery Petitions," *Journal of the Early Republic* 27 (Spring 2007): 115-138.

³⁰Gordon M. Weiner, "Pennsylvania Congressmen and the 1836 Gag Rule: A Quantitative Note," *Pennsylvania History* 36 (January 1969): 335-40.

Scott R. Meinke argues that getting re-elected became more important than loyalty to a party line. He investigated party dynamics in “Slavery, Partisanship, and Procedure in the U.S. House: The Gag Rule, 1836-1845.” This article reveals how the Gag Rule began as a politically partisan measure but soon gave way to the pressures of representatives’ constituencies. When constituents favored the Gag Rule, representatives voted for it. When they were against, representatives reflected that sentiment.³¹

David Frederick examines the relationship between the right of petition and free speech in his article “John Quincy Adams, Slavery, and the Disappearance of the Right of Petition.” Frederick explains how the petition was an effective tool in communicating public concerns to government leaders. While the antislavery petition drive aided the antislavery movement, the contention over the Gag Rule forever changed the usefulness of petitions. No group since has utilized the right of petition on such an important social issue. Frederick maintains that the Gag Rule essentially eliminated the traditional usage and meaning of petitions.³²

The Gag Rule exposed divisions within both major parties based upon representation of regional interests. As a leader of the Democratic Party, Van Buren tried to maintain a delicate alliance between the North and the South and was willing to let the South have its way if it benefited the party. Doing so became more difficult as New York Democrats in contested districts began voting more closely to the wishes of their constituents rather than obeying the party line. The Gag Rule demonstrated a fissure within the Whig Party between

³¹Scott R. Meinke, “Slavery, Partisanship, and Procedure in the U.S. House: The Gag Rule, 1836-1845” *Legislative Studies Quarterly* 32 (February 2007): 33-57.

³²David C. Frederick, “John Quincy Adams, Slavery, and the Disappearance of the Right of Petition,” *Law and History Review* 9 (Spring 1991): 113-155.

the North and the South. Southern Whigs placed section above party by protecting slavery, while northern Whigs placed party over section, committing themselves to a differing interpretation of anti-Jacksonianism than southern Whigs did. During the 27th Congress, when the Whigs had a majority, southern Whigs adamantly opposed northern Whigs who tried to repeal the Gag Rule.

This dissertation agrees with Barnes, Ludlum, and Miller that the Gag Rule has received too little attention. The antislavery movement in the 1830s created havoc in Congress when it sent an unprecedented number of slavery-related petitions came to Washington. This testifies to the organization and activity of the antislavery and abolitionist causes during this period, as Barnes illustrates. Ludlum was correct in 1941 that historians often slight the Gag Rule. His assessment remains valid; only William Lee Miller has produced a monograph dedicated to the subject. All other works include it just to complement other antebellum topics.

The narrative of the Gag Rule also reveals the presence of the Slave Power and northern bitterness to it. Southern planters had greater representation in the House of Representatives and the Electoral College because of the three-fifths compromise in the Constitution. This led to more southerners elected president and the nomination and approval of federal judges with southern sympathies. Like Richards, this work illustrates the diminishing “doughface” support for the Gag Rule as the controversy became more contentious. Northern public opinion increasingly resented this inordinate influence. For this reason, this dissertation contends with Weiner that party was more important than section for northern Democrats. Northern opinion clearly illustrates a strong dislike for the South and the Slave Power. Meinke concludes that political motivation of northern Democrats was

more local than sectional. It is true that some representatives may have voted against the Gag Rule to honor their constituents' wishes—especially those in closely contested districts—but this is an oversimplification. Voters who opposed the Gag Rule were also opposing the Slave Power and wanted their rights protected against a tyrannical South. This went beyond party as the repeal of the Gag Rule had bipartisan northern support.

This work most resembles Ludlum and Miller's contributions. It differs, however, in that it presents more public opinion across the North. Ludlum never consulted newspapers and Miller occasionally does but only employs a few. Represented here are letters to the editor and personal correspondence from "ordinary" citizens as well as politicians. Editorials and reports of Washington correspondents from every northern state complement congressional proceedings. While trying to sense the pulse of the North on the Gag Rule, sources are understandably partisan. In examining Congress and varied northern opinion, this dissertation seeks to report and synthesize northern views, realizing that multiple sources are often necessary in order to reveal opinion as accurately as possible. Even when four Whigs newspapers rail against the Gag Rule, for example, they often have different reasons for their opposition. This exposes the complexity of the Gag Rule. This dissertation also demonstrates that northern public opinion reveals northerners were keenly aware of the complicated party dynamics between Whigs and Democrats, examining both interparty and intraparty conflict. In retelling the narrative of the Gag Rule, this dissertation interweaves northern public opinion on it more work than any published work.

The Gag Rule was an attempt by a majority to trample on the rights of the minority. While the majority rules in a republic, the United States Constitution provides protections for citizens' civil rights and civil liberties, rights that the majority cannot take away. This paper

also argues that the anger directed at the Gag Rule—and the reason that John Quincy Adams so passionately fought against it—was the abridgement of an essential First Amendment right, the right to petition. What began as a campaign to alleviate the suffering of the black man quickly evolved into a defense of the white man’s right to petition the government on whatever topic he chose. Slavery was a divisive topic, but that did not mean that Congress could rightly deny petitions on that subject. If Congress was not held accountable for banning antislavery petitions, it only made it easier to ban petitions on another topic later. Because southerners were unrelenting on passing the Gag Rule, the defense of the right of petition became entwined with resentment of the Slave Power. For the North, this made the South a target as much as the Gag Rule.

The North was less monolithic than the South; there was not one binding issue that held them together like slavery did for the South. New Hampshire, for example, was a strong Democratic state that gave much support for the Gag Rule and Van Buren while the rest of the New England representatives were nearly uniform in opposition. New York Democrats initially overwhelmingly backed the Gag Rule. By the time of its demise, New York Democrats voted for its repeal in large numbers, regarding re-election, the right of petition, and rebuffing the Slave Power as more important.

The chronology of the Gag Rule provided in this dissertation reveals the reasons why northerners—primarily Democrats—supported them even if they personally disagreed. Keeping northern support, however, proved difficult. Each succeeding gag rule passed with diminishing support as northern Democrats realized that agreement with the South for the sake of party was not as beneficial as voting according to the wishes of their congressional constituents.

The Gag Rule was a watershed event that cracked the brittle political relationship between the North and South. During the 1830s and 1840s, more Americans became increasingly active politically, troubled by the hypocrisy of slavery in a nation founded on the Lockean belief that all men are born with natural rights. The Gag Rule controversy brought attention to the antislavery and abolitionist causes because denying the presentation of these petitions was a blatant abridgement of the First Amendment right of petition. In this respect, white northerners never troubled about slavery became intensely animated about the Gag Rule. It also heightened the North's resentment toward the Slave Power as southerners insisted on silencing antislavery petitions altogether. The animosity and ill will it created fractured northern-southern relations, dividing both parties.

CHAPTER I

“BURIED IN THE TOMB OF THE CAPULETS”

24th Congress, 1st Session—The House
(December 7, 1835-July 4, 1836)

Historian William W. Freehling calls the Gag Rule Crisis an “unexpected explosion,” the “Pearl Harbor of the slavery controversy.”¹ The comparison is valid. For antislavery petitions leaped suddenly from an inconvenience routinely handled to a volatile issue in an election year and the decade that followed. When the 24th Congress first met in December 1835, few gave a second thought to such petitions. By the following spring, candidates received inquiries as to where they stood on the issue. Democratic presidential candidate Martin Van Buren, for example, received letters of inquiry regarding his position from citizens of both sections of the country.² To give the “wrong” answer could cost a candidate votes. And, even before the spring of 1836, the presentation of antislavery petitions had upset the proceedings of both houses of

¹William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), 308.

²James B. Mallory to Martin Van Buren, Richmond, VA, March 5, 1836 and Allen Piersh to Martin Van Buren, Lebanon, OH, March 6, 1836. Martin Van Buren Papers. Library of Congress, Washington, D.C.

Congress. It was in the House of Representatives that the antislavery petitions engendered the greatest discord. Examination of northern opinion discloses that the initial fight over the right of petition in the first session of the 24th Congress transformed the battle over slavery from one regarding slavery in the nation's capital to one which divided northerners over the meaning of the First Amendment right of petition.

Historian Donald Fehrenbacher judges that "the temper of the new Congress when it convened in December 1835 bore some resemblance to the spirit of recent anti-abolitionist mobs." This meant that southern Congressmen "were already fed up to the point of fury with the badgering of anti-slavery petitioners." The presidential campaign heightened emotions even more. In the past, Congress had quietly tabled such petitions. But, the political climate of 1835 did not permit continuation of this procedure.³ The rise of abolition and antislavery groups and their national organization, the emergence of abolitionist presses, the recent controversy over mail censorship of abolitionist literature,⁴ and the religious zeal motivating reform were all contributing factors that prevented the quiet dismissal of antislavery petitions.

Circumstances surround the reception of abolitionist petitions were complicated by the fact that 1836 was an election year. The frontrunner for the nomination of the Jacksonian collation was Martin Van Buren of New York. Andrew Jackson resolved to retire from the presidency, and he bestowed his blessing on Van Buren to succeed him.

Van Buren was known as the "Little Magician," an expert campaigner, and an adroit

³Donald E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York: Oxford University Press, 2001), 74, 75.

⁴Abolitionists knew that they could not legally abolish slavery in the states, so they mailed pamphlets to southerners, which explained the benefits of abolition and its justness. Southerners responded with mob violence and postmasters censoring the mails. President Andrew Jackson even supported censorship of abolitionist literature in his annual address to Congress in 1835.

creator of coalitions that were the foundation of the Jacksonian party, the Democrats. His influence on New York Democrats was enormous and indeed extended well beyond the state. Hence, Van Buren's opinions about how to placate both the North and the South carried much weight—and his opinions were governed by maintaining the North-South alliance that made the Democrats victors in presidential elections.⁵

It all began benignly enough. Representative John Fairfield of Maine rose, on December 16, 1835, to present a petition from 172 ladies praying for the abolition of slavery in the District of Columbia.⁶ In itself, the petition seemed harmless and routine. The House received many such petitions but did not act upon them. It simply recognized the right of citizens to present petitions. One commonly used practice was to have the petitions laid upon the table. It prevented petitions from referral to a committee, which would have then debated their merits to determine whether any deserved the attention of the entire House. To lay a petition on the table, meant the House members agreed to take no further action.

Representative Fairfield informed his colleagues that he neither agreed with the content of the petition nor shared its sentiments. Fairfield and many other House members—North as well as South—believed slavery was a volatile issue.⁷ Anti-abolition

⁵See Robert V. Remini, *Martin Van Buren and the Making of the Democratic Party* (New York: Norton and Company, Inc., 1959); John Niven, *Martin Van Buren: The Romantic Age of Politics* (New York: Oxford University Press, 1983); Joel Silbey, *Martin Van Buren and the Emergence of American Popular Politics* (New York: Rowman and Littlefield Publishers, 2002).

⁶Representative John Fairfield (ME), December 16, 1835, *Congressional Globe*, 24th Congress, 1st session, 24.

⁷For the purpose of this dissertation, North refers to all the states where slavery does not exist: the six states of New England, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, and Michigan. The South refers to all the states where slavery was legal at the time: Delaware, Maryland, Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, and Missouri.

mob violence in the North earlier that year manifested this attitude. The petition of these 172 ladies from Maine did nothing to challenge the right of any state. Their plea concerned the presence of slavery in the District of Columbia. Congress had no constitutional right to interfere with slavery in the states, but it had the responsibility of governing the District, according to Article I, Section 8 of the Constitution.⁸ It was on this point that the ladies from Maine asked the House's indulgence. John Cramer of New York made the motion to lay the petition on the table, which the members agreed to without a roll call vote.⁹

Fairfield then introduced a similar petition signed by 172 men from Maine also praying for the abolition of the slave trade in the District. The congressman recommended that this, too, be laid upon the table. By a vote of 180 to 31, the petition met a similar fate.¹⁰ William Slade of Vermont then asked that the House print the petition. He argued that these men were not radical abolitionists but respectable citizens from "a portion of country as much enlightened and as well informed in regard to the character of human rights, and the extent of rights which belong to the freemen of this country."¹¹ Printing the petition was a common courtesy, and these men of Maine

⁸Article I, Section 8 enumerates powers of Congress. One of those powers creates a separate district for the nation's capital. Regarding its governing, Congress has the authority "To exercise exclusive Legislation in all Cases whatsoever, over such District (not to exceed ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful buildings."

⁹Representatives John Fairfield (ME) and John Cramer (NY), December 16, 1835, *Congressional Globe*, 24th Congress, 1st session, 24.

¹⁰The *Globe* gave no reason why there is a record of this vote and not the prior one.

¹¹Representative William Slade (VT), December 16, 1835, *Congressional Globe*, 24th Congress, 1st session, 24.

deserved no less. Aaron Vanderpoel of New York argued that no further action was necessary, as Congressman Fairfield had read the petition. The House voted to table the motion to print.¹² For the remainder of the day and the next, business proceeded as usual.¹³

But the calm that followed the presentation of the Maine petitions only proved to be a prelude to a storm. On Friday, December 18, William Jackson from Massachusetts presented a petition asking for abolition of the slave trade in the District. Sensing that this petition portended a trend, James Henry Hammond of South Carolina moved that the House not receive the petition. The House had already addressed the two Maine petitions and there was no need to introduce such duplications. To reject this petition would silence all forthcoming petitions. Speaker James K. Polk of Tennessee inserted that he knew of no precedent in the House that provided for the denial of presentation of petitions in accordance with Hammond's wishes. To deny the petitioners' request was commonplace and frequently employed. Denying reception, however, was to essentially throw the petition back at the petitioners, an impolite gesture, to say the least. Hammond, however, was adamant. He responded that it was important to reject the petition because "He could not sit there and see the rights of the southern people assaulted day after day by the ignorant fantasies from whom these memorials proceed." At this point, Polk read the 45th rule of the House which stated that all petitions presented were to be read without debate "unless where the House shall direct otherwise."¹⁴ The Speaker tried to arrest

¹²Representative Aaron Vanderpoel (NY), December 16, 1835, *ibid.*, 24-25.

¹³December 16, 1835, *ibid.*, 25-6.

¹⁴Representatives William Jackson (MA), James H. Hammond (SC), and Speaker James K. Polk (TN), December 18, 1835, *ibid.*, 27.

further discussion but was unsuccessful. Amid southern objections to antislavery petitions, Democrat Samuel Beardsley of New York stated that the right of petition was sacred and that the House had an obligation to respect it.¹⁵

After much debate on rules and parliamentary technicalities, the House finally voted, refusing to lay the petition on the table, voting 95 yeas and 121 nays.¹⁶ Seventy-three of the yeas came from northerners.¹⁷ Hiram Hunt of New York, a lawyer from Troy serving his freshman term in the House,¹⁸ warned that rejection would not end the presentation of petitions for representatives would continue to submit them as a duty to their constituencies. If the House treated these petitions as it customarily had in the past, they would garner little notice. This would protect the petitioners' rights while southerners would see the petitions dismissed quietly. The House adjourned without reaching a conclusion.¹⁹

Vote to Table Petition Presented by William Jackson (MA), December 18, 1835

	Yea	Nay	Total
North	73	56	129
South	22	65	87
Total	95	121	216

¹⁵Representative Samuel Beardsley (NY), December 18, 1835, *ibid.*, 28-29.

¹⁶The *Congressional Globe* does not identify congressmen by party until the 27th Congress. Therefore, vote analyses will not divide in that way. William Lee Miller determined that the 24th Congress consisted of 141 Democrats and 95 Whigs, with no distinction to section in *Arguing About Slavery: John Quincy Adams and the Great Battle in the United States Congress*, (New York: Vintage Books, 1995), 515.

¹⁷December 18, 1835, *Congressional Globe*, 24th Congress, 1st session, 34.

¹⁸United States Congress, *Biographical Dictionary of the American Congress, 1774-1949* (Washington, D.C.: United States Government Printing Office, 1950), 1350.

¹⁹Representative Hiram Hunt (NY), December 18, 1835, *Congressional Globe*, 24th Congress, 1st session, 34.

The narrative of the Gag Rule controversy usually presents northern Democrats as agreeable allies with the South in an attempt to avoid all discussion of slavery in Congress. Yet, this vote reveals that from the earliest days of the controversy, more northern representatives preferred to treat the petition in the customary manner by tabling it rather than rudely throw it back into the petitioners' faces. While party identity in 1835 was still in flux, this vote revealed that most northerners sought to treat the petition in a non-partisan way.

When the session resumed the following Monday, action on a petition presented by George N. Briggs from Massachusetts was the first order of business. South Carolinian Henry Laurens Pinckney wanted all discussion of slavery in the federal district suspended. George Owens of Georgia contended the Briggs petition required a bold response and introduced a resolution to table all antislavery petitions. The House eventually laid the petition on the table and rejected Owens's resolution.²⁰

As the bailiff called the members of the Massachusetts delegation, John Quincy Adams expressed his concerns about the right of petition. He recalled how he had presented petitions in prior sessions, and the House had respectfully heard them and laid them on the table or referred them to the Committee on the District of Columbia. This practice preserved the right of petition as well as the serenity of the House. Why could this procedure not continue? The committee was not an abolition committee. "You will have a report . . . and you will hear no more about it," Adams reminded his colleagues. Adams then warned them of the consequences of denying the right of petition.

²⁰Representatives Henry Laurens Pinckney (SC) and George Owens (GA), December 21, 1835, *ibid.*, 38-39.

Southerners had fought against incendiary publications in the southern mails. If they sought to deny the right of petition, Adams would make incendiary speeches on the floor of the House himself. The press would publicize those speeches, which publicized that the House had denied the right of petition. Was it not more logical to dismiss the petitions quietly?²¹ Adams's biographer Michael Traub noted, "Adams appeared to be counseling the slave-state representatives on their self-interest."²² Adams believed firmly in the sanctity of the right of petition. His words were a promise to his fellow representatives that he would defend that right with all his energies.

John Quincy Adams is an anomaly among members of the House of Representatives. He is the only congressman to serve as President of the United States and return to Congress in retirement. Retirement had not treated Adams well. His finances were in straits and he had a troubled mind. Adams found tremendous satisfaction in his work, so retirement had not been pleasant. Having served his country in many capacities as a statesman, a life of leisure did not suit him. So, when the people of his district asked him to serve in the United States House, Adams was only too glad to accept.²³

The next day, business recommenced with the issue of slavery petitions. Francis Granger of New York resented how discussion had "confounded" abolitionists with non-abolitionists. He spoke of the noble character of those who presented anti-slavery petitions and vouched for their integrity. Previous sessions of Congress witnessed the

²¹Representative John Quincy Adams (MA), December 21, 1835, *ibid.*, 40.

²²Michael Traub, *John Quincy Adams: Militant Spirit* (New York: Basic Books, 2016), 429-30.

²³Fred Kaplan, *John Quincy Adams: American Visionary* (New York: HarperCollins Publishers, 2014), 451.

referral of such petitions to the Committee on the District of Columbia. Could the House not take such action again? If, however, it sought to deny the right of petition to expedite—or avoid—the issue of slavery in the District, the matter was no longer just about slavery; it challenged a fundamental right of the American people.²⁴

Some representatives, such as Abijah Mann, Jr. from New York, were concerned that others would label the petitioners as abolitionists. Mann, a former judge and postmaster from Fairfield,²⁵ concurred with Granger that these petitions mischaracterized the people of the states where the petitions originated. As for his home state of New York, “not one person in five hundred among a population of more than two million” favored abolition. At the Constitutional Convention, the states entered an agreement that protected the right of slavery where law did not prohibit it. It was only right that the agreement continue. The rhetoric on the floor of the House was unworthy of that august body. The Constitution came about by compromise and the House should continue in the spirit of compromise, an object that the debate over the petitions sought to destroy.²⁶ Granger and Mann were both uneasy their colleagues were labeling people from their state—people they did not even know—as abolitionists; it was an epithet.

Antislavery men and abolitionists were a minority often looked upon with disdain as extremists who were willing to risk disunion or civil war to gain their ends. Whenever northern representatives presented antislavery petitions, they carefully distanced

²⁴Representative Francis Granger (NY), December 22, 1835, *Congressional Globe*, 24th Congress, 1st session, 40-41.

²⁵U.S. Congress, *Biographical Directory*, 1498.

²⁶Representative Abijah Mann, Jr. (NY), December 22, 1835, *Congressional Globe*, 24th Congress, 1st session, 44.

themselves from the petitioners. On January 11, 1836, the Democratic *Daily Albany Argus* reported a fatality that occurred.

Death by Freezing—Mr. Oran Clapp, of Easthampton, Mass[achusetts], aged 75, on his way from an anti-slavery meeting, on the evening of the 22nd [of December] ult. there being a high wind and the snow flying at the time, lost his way, and was found next morning frozen to death. He was feeble in health and subject to aberrations of mind. [As most people are who attend those meetings.]²⁷

The editor's sentiment was common in the North; these radicals were mentally deficient. It was for this reason that the representatives introducing the antislavery petitions did so with care. None of them wanted to associate with a people who were "subject to aberrations of mind" or to have their colleagues think they condoned abolitionism. To retain the respect of their peers and constituencies, they did not want others to perceive them as adopting irrational and extremist ideology.

Despite their personal feelings, northern representatives had a duty to present these petitions. This was a fundamental right, one that politicians had to honor even if it caused discomfort among southern members of the House. The prolonged debate ensnared these northern congressmen in a fight to defend the presentation of petitions they did not support. That same evening, Representative Fairfield wrote home to his wife regarding the delicacy of presenting antislavery petitions:

We have had another exciting debate in the House today upon the subject of slavery in the Dist. Of Col. It appears to me if the abolitionists or those who got up these petitions, many of them at least, knew what mischief they were doing, that they would abstain. The South will not have that question meddled with, and if we persist in attempting it, a dissolution of the Union must follow.²⁸

²⁷*Daily Albany* [NY] *Argus*, January 11, 1836 (brackets in original).

²⁸Representative John Fairfield (ME) to Anna Fairfield, December 22, 1835, Arthur G. Staples, ed., *Letters of Representative John Fairfield, A Representative in Congress from 1835 to 1837; a Member*

On the morning of December 23, William Slade of Vermont re-entered the debate stating several reasons that dismissing antislavery petitions was insufficient. To refer the petitions to a committee on the District of Columbia—where, in the words of John Quincy Adams, they would “be buried in ‘the tomb of the Capulets’”—was not a responsible course of action. The petitioners deserved an answer. Even an outright rejection, as his southern colleagues recommended, was, at least, a definitive answer. The petitioners were not “intermeddlers.” “We must not bury these petitions. And let me say to you, gentlemen, that such a policy will certainly defeat itself. You cannot smother investigation of this subject. . . . The spirit of free enquiry is the master spirit of the age. It bows to the authority of truth and reason and Revelation; but it bows to nothing else. It must have free course, and it will have it,” Slade argued with great conviction. His motive was not only concern for the right of petition but also for the slaves themselves. While Slade favored abolition in the District, he was a gradualist. He believed the logistics of abolition were problematic and white Americans owed it to the slaves to prepare them for emancipation. The dramatic increase in the number of slaves and the inflated representation of the southern states in the House of Representatives due to the three-fifths compromise also troubled Slade. Slavery had guaranteed the South greater power in American politics and government, a fact which troubled Slade. Furthermore, the argument that abolition would “disturb the balance of the Constitution” was incorrect. The continuance of slavery not only perpetuated an evil but also gave southern states

of the Senate of the United States from 1843 to 1847, and a Governor of Maine in 1839, 1840, 1842 and a part of 1843 (Lewiston, ME: Lewiston Journal Company, 1922), 38.

increasing power and representation. He recommended all the antislavery petitions be referred to a House committee.²⁹

Slade's position was not typical of all New Englanders. He came from Vermont, a state sympathetic to abolitionism. He had served in Vermont government and even edited the Middlebury *Columbian Patriot* for three years, so his writing there likely taught him how to write a good speech.³⁰

While votes on the petitions periodically arrested debate in the House, the vote was never on the merits of the question. The response of Boston's *Patriot* to Slade's speech was an example. Submission of these petitions "keeps alive a pernicious agitation, and that it is incidentally prejudicial to the best interests of the Union." *The Patriot* demonstrated no concern with the right of petition, just the disruption of the business of the House.³¹

During the anti-slavery petition deliberations, John Greenleaf Whittier and Caleb Cushing corresponded with one another voicing his frustration at the treatment of antislavery and abolitionist Americans.

I perceive that an attempt has been made, probably a successful one—to deprive the Abolitionists of the North of the *right of petition!*—I allude to the resolution of Hammond of S.C. on the Wrentham petition. The language applied to the anti-Slavery citizens of New England . . . was, *it seems to me*, in the highest degree deserving of indignant rebuke. Abolitionist though we be, we have the feelings of *men*. And we hope that the representatives of New England—they who know us . . . will at least vindicate our character as men, as christians, as republicans, so far as

²⁹Representative William Slade (VT), December 23, 1835, *Register of Debates*, 24th Congress, 1st session, 2057-62.

³⁰U. S. Congress, *Biographical Directory*, 1819.

³¹*The [Boston] Patriot*, December 23, 1835, reprinted in the [Rutland, Vermont] *Herald* January 5, 1836.

Truth and impartial justice will allow . . . that we are neither physically nor morally monsters.³²

Cushing wanted to do his part to present antislavery petitioners in a positive light. To do otherwise would undermine the antislavery cause. While he willingly presented antislavery petitions, he did so with the stipulation that they be respectful. He cautioned, “I beg of you, if any Petitions are to be sent to me, that they may be brief *business papers*, free of the bitter language good Mr. G[arrison] cultivates in the *Liberator*.”³³

A recurring theme in the Gag Rule debates was the respectful tone of the language of petitions. Petitioners were often diplomatic, using tactful wording for a subject they knew was a delicate one. Incendiary wording led to incendiary responses, a problem petitioners sought to avoid to get their petitions heard. Moreover, as Whittier mentioned, the signers of the petitions desired respect of those who disagreed with the object of those petitions. Each side was sensitive and took offense easily, neither wanting misrepresentation or “indignant rebuke.”

As the debate continued, Governor William Marcy of New York addressed the activity of abolitionists in his annual message to the New York State Assembly in January 1836. Marcy asserted, “The abolitionists, and all their works, are loudly and universally denounced as seditious, incendiary and wicked; and the bonds of amity and concord which unite us to the people of the South, are threatened with severance because we tolerate within our borders these disturbers of their peace and violators of their

³²John Greenleaf Whittier to Representative Caleb Cushing (MA), December 28, 1835, John B. Pickard, ed. *The Letters of John Greenleaf Whittier*, (Cambridge: Harvard University Press, 1975), 1: 182 (italics in the original).

³³Representative Caleb Cushing (MA) to John Greenleaf Whittier, December 24, 1835, *ibid.*, 1: 183n (italics in the original).

laws.”³⁴ “All their works” included petitions against slavery. Governor Marcy further decried the work of abolitionists as “displaying a morbid and fanatical spirit of false philanthropy.”³⁵ As tensions mounted over presenting anti-slavery petitions in Congress, the Governor of New York criticized abolitionist agitation. The Democratic *Daily Albany Argus* supported Governor Marcy in his efforts to put down abolitionists.³⁶

With the exception of a couple of thwarted attempts by John Quincy Adams to revive the issue, the House avoided all mention of slavery in the District of Columbia until January 1836. This time, the tone was different. Leonard Jarvis of Maine introduced a resolution that forbade all discussion of slavery in the federal district and proposed that all future anti-slavery petitions “ought to be laid upon the table without being referred or printed.”³⁷ The divisiveness in the House over this issue troubled Jarvis. He was certain that the majority of his colleagues hoped to avoid debate over slavery in Washington, D.C. Therefore, he presented a resolution adopted by the state legislature of Maine, which stated that free states had no right to interfere on the subject of slavery. The Maine legislature held “it to be the duty of every patriot to ‘frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties hold together its various parts.’” To meddle with slavery was

³⁴Governor William Marcy, State of the State Address, January 5, 1836, Charles Z. Lincoln, ed. *Messages from the Governors, Comprising Executive Communications to the Legislature and Other Papers Relating to Legislation from Organization of the First Colonial Assembly in 1683 to and Including the Year 1906, with Notes, Volume III, 1823-1842*. State of New York. (Albany: J.B. Lyon Company, State Printers, 1909), 577.

³⁵*Ibid.*, 579.

³⁶The *Daily Albany* [NY] *Argus*, January 5, 1836.

³⁷Representative Leonard Jarvis (ME), January 6, 1836, *Congressional Globe*, 24th Congress, 1st session, 73.

“incompatible with the preservation of the Union.”³⁸ For the House to adopt his resolution would neither be an act that favored the South nor meant to appease his southern brethren but rather a practical measure that better represented public sentiment, preserved good will, and increased the efficiency of Congress.³⁹ John Quincy Adams immediately moved to table Jarvis’s resolution. The House overwhelmingly refused, 66-123.⁴⁰ Jarvis chose to portray abolitionists as extremists, hoping this would satisfy southerners. Although the wording of his resolution indicated a conciliatory tone, Henry Wise of Virginia believed it needed even stronger language.⁴¹

The next morning, Jarvis’s motion, amended by Wise, was in order. Wise’s amendment prohibited the discussion of slavery in any way and provided that all slavery petitions be laid upon the table without referral or printing.⁴² The House agreed to postpone the issue. Once again, the delegates failed to reach a consensus.⁴³

While the mere mention of abolishing slavery in the District of Columbia sent the House into a frenzy, contemporary northern newspaper accounts were mixed. The Opposition *Vermont Phoenix* of Brattleboro, for example, only made a passing comment. “In the House of Representatives,” the paper reported, “the several resolutions heretofore

³⁸Ibid.

³⁹Ibid.

⁴⁰Representative John Quincy Adams (MA), January 6, 1836, *ibid.*

⁴¹Representative Henry A. Wise (VA), January 6, 1836, *ibid.*

⁴²Representative Leonard Jarvis (ME), January 13, 1836, *ibid.*, 100, 101.

⁴³January 13, 1836, *ibid.*, 100, 101.

submitted in relation to slavery in the District of Columbia, were taken up and make the special order of the day for Tuesday next.”⁴⁴ This report displayed no interest or opinion. The Democratic *New-Hampshire Sentinel* cited a private letter written by its own representative Franklin Pierce and apparently shared his sentiment: “A more stupid, unprofitable or contemptible debate, I have never witnessed.”⁴⁵ The Democratic *New-York Spectator* referred to the events of the House as “The Progress of Despotism.” The House essentially “DENIED THE SACRED RIGHT OF PETITION!” The Constitution guaranteed the right of petition, “one of the most essential privileges derived from those natural rights which are common to all mankind.”⁴⁶ While the Oppositionist *Greenfield* [Massachusetts] *Mercury* lamented inaction in Washington regarding slavery in the nation’s capital, it proposed the presentation of petitions requesting that Congress guarantee free African-Americans in the District of Columbia be accorded the right to move about freely without persecution.⁴⁷

The *Boston Recorder* observed that the contention in the House came not between North and South or Democrats and Oppositionists. Instead, there were three groups seeking dominance in the issue. The first desired discussion on the matter. While professing civility, these people were agitators. The second group consisted of the Van Burenites. These representatives endeavored to avoid conflict to avoid alienating voters during the 1836 election. The third group consisted of Northern and Middle State Whigs

⁴⁴Brattleboro *Vermont Phoenix*, January 22, 1836.

⁴⁵Keene *New-Hampshire Sentinel*, January 14, 1836.

⁴⁶*New-York* [City] *Spectator*, January 11, 1836.

⁴⁷*Greenfield* [MA] *Mercury*, n.d., reprinted in the [Worcester] *Massachusetts Spy*, January 6, 1836.

who voted their convictions, save William Slade of Vermont.⁴⁸ *The Recorder* considered the first group as disingenuous. The second was willing to “be all things to all people” to avoid controversy during an election year. The last group voted according to conscience rather than party influence. With the petition controversy less than a month old, there were already divisions among northerners, divisions that only deepened over the coming years.

The Opposition *Eastern Argus* of Portland, Maine accused both major parties of staging the debate for political gain. The editors asked, “Is there a conspiracy between Northern Whiggery and Southern Nullification, on the slave question, to secure an ‘available candidate,’ or to sever the Union?” The paper referred to the northern Whigs as “malcontents” and southern Democrats as “disorganizers.” The Whigs of the North presented a slavery petition and the Whigs of the South moved to lay it on the table. The Democrats—“the piebald opposition”—then moved to reject the petition to discuss the issue.⁴⁹

As the opening weeks of the first session of the 24th Congress demonstrated, unrest portended a coming storm. What followed were not just parliamentary procedures, arguments over semantics, and harsh words spoken out of resentment. These were fundamental questions about the First Amendment right of petition. It was undeniably a civil right, but how could these men guarantee it? In their attempt to answer that question, the representatives embroiled themselves in constitutional interpretation, not just the right of petition. Southerners considered the presentation of antislavery petitions

⁴⁸*Boston Recorder*, January 15, 1836.

⁴⁹*Eastern Argus* (Portland, ME), January 19, 1836.

as an attack on the South and a betrayal of constitutional compromise. Northerners like Slade and Adams believed that denying antislavery petitions was a denial of free speech as well as the right of petition as guaranteed in the First Amendment.

As the business of the House continued, the issue of slavery in the District remained a recurrent theme. On January 18, 1836, John Quincy Adams of Massachusetts, William Slade of Vermont, David Abel Russell of New York, and Thomas M. T. McKennan and William Hiester of Pennsylvania all presented petitions praying for the abolition of slavery in the District of Columbia. Rather than spend the entire day in debate, the House agreed to New Yorker Gideon Lee's recommendation that the House deal with petitions the next day.⁵⁰ The following day, however, the House did not address those petitions but deliberated Henry Wise's amendment to the motion introduced earlier by Leonard Jarvis. Once again, discussion was futile. The House adjourned without a resolution.⁵¹

On January 25, 1836, John Quincy Adams presented yet another petition praying⁵² for the abolition of slavery in the District. Adams was content to have his petition referred to the committee on the District, but he did not want it to be a mere formality. He wanted the committee to produce a meaningful response. By accepting and replying to it, the committee would honor the right of petition and preserve the

⁵⁰Representatives John Quincy Adams (MA), William Slade (VT), David Abel Russell (NY), Thomas M. T. McKennan (PA), William Heister (PA), and Gideon Lee (NY), January 18, 1836, *Congressional Globe*, 24th Congress, 1st session, 116-7.

⁵¹January 19, 1836, *ibid.*, 123-4.

⁵²During this era, petitioners to Congress frequently referred to their requests as "prayers." This had no spiritual significance.

harmony of the House.⁵³ While southerners decried acceptance of the petition, Speaker Polk judged that reception did not violate House rules. The House then voted on the motion “Shall the decision of the Chair stand as the judgment of the House?” easily deciding in the affirmative 142-59. Seventy-seven of the yea votes were northern and sixty-five southern while northerners also outvoted southerners 42-17 in the negative.⁵⁴ All of the southerners who voted with Adams were Whigs and from the Upper South.⁵⁵

Vote to Support Speaker Polk’s Decision to Accept Adams’s Petition, January 25, 1836

	Yea	Nay	Total
North	77	42	119
South	65	17	82
Total	142	59	201

Adams then specified that he wished an orderly way to expedite anti-slavery petitions. He professed no intention of disrupting the harmony of the House but believed that representatives had a duty to petitioners. This preserved the sacred right⁵⁶ of petition while preventing abolition from becoming a “stumbling block” in the House.⁵⁷

⁵³Representative John Quincy Adams (MA), January 25, 1836, *Congressional Globe*, 24th Congress, 1st session, 136-7.

⁵⁴Ibid.

⁵⁵Throughout the Gag Rule controversy, when southerners vote against it, they are customarily from Border States or the Upper South. Almost always, congressmen from the Deep South supported the Gag Rule.

⁵⁶Congressmen and newspapers often referred to the right of petition as a “sacred” right. This bore no spiritual significance. Instead, it meant that it was untouchable.

⁵⁷Representative John Quincy Adams (MA), January 25, 1836, *Congressional Globe*, 24th Congress, 1st session, 137.

Because John Quincy Adams still had the floor, he continued to present petitions. The next one was from Pennsylvanians. It, too, was laid on the table. Adams then presented others from Pennsylvania and Indiana. They were also tabled.⁵⁸ Abijah Mann of New York wondered, “Why bring this subject, here every day, every hour, after the decisions that had been given there again and again? Was not the gentleman satisfied?”⁵⁹

Taking Adams’s lead, Caleb Cushing of Massachusetts announced that he had three petitions to present. As he introduced them, Cushing remarked that he was against Jarvis’s resolution. The petitioners “look to me to obtain them a hearing. . . . They have a right to require this office of me; they have, in my judgment, a right to be heard,” Cushing asserted. The issue at hand was not slavery but of the right of petition. He argued for the right of petition, citing its heritage among English-speaking peoples. It was important to the Framers of the Constitution, so it should be important to the House of Representatives. The least the House could do was recommend these petitions to the appropriate committee. The House then adjourned. The right of petition had consumed yet another day.⁶⁰

Cushing’s speech drew praise in the Opposition press; many papers described his oratory as “eloquent.” The *Portland* [Maine] *Advertiser* described Cushing’s speech as “very ingenious, and ably written . . . and delivered with great eloquence and force.”⁶¹ *The* [New York] *Mercury* was glad to see Cushing argue the case for the right of petition.

⁵⁸Representative John Quincy Adams (MA), January 25, 1836, *ibid.*, 137-8.

⁵⁹Representatives Abijah Mann (NY) and John Quincy Adams (MA), January 25, 1836, *ibid.*, 138.

⁶⁰Representative Caleb Cushing (MA), January 25, 1836, *Register of Debates*, 24th Congress, 1st session, 2322-2334. The *Congressional Globe* only gave a one-paragraph summary.

⁶¹*Portland* [ME] *Advertiser*, February 2, 1836.

It believed representatives would be more open to Cushing than Adams, for the ex-president was “too irritable, and his style of talking too desultory to be charged with any grave and important duty.” Conversely, members received Cushing’s speech well. Most importantly, the paper judged, Cushing argued for reception based upon constitutional right.⁶² The *Essex Gazette* of Haverhill, Massachusetts lauded Cushing’s remarks as “beyond question one of the ablest speeches which has been made in either branch of Congress.”⁶³

In isolation, Cushing’s speech seems insignificant, but it represented a turning point in the petition controversy. Although a growing number of northerners viewed abolition as a moral imperative, Cushing knew that no oratory—no matter how masterful—advocating an antislavery position would gain a majority of votes in the House. “Slavery” was a word that caught the attention of southerners and allied them in a defensive position against a common adversary. While other northerners had earlier argued for the right of petition, Cushing’s speech sought common ground with the southerners. By arguing on constitutional principal, he appealed to the First Amendment. Cushing attempted to take southerners’ attention away from slavery to unite with them in honoring the First Amendment.⁶⁴

On February 1, 1836, the House considered the petition introduced by Cushing. James Henry Hammond of South Carolina believed that Cushing had faithfully done his duty and Hammond argued—as others had before him—that the House should refuse the

⁶²New York City *Mercury*, January 28, 1836.

⁶³*Essex Gazette* (Haverhill, MA), February 6, 1836.

⁶⁴Even before the passage of the Gag Rule, the debate on antislavery petitions had already turned to the rights of white Americans.

petitions not to deny the right of petition but for the simple fact that the petitions asked the House to act unconstitutionally. The constitutional guarantee of the protection of property placed the reception of antislavery petitions outside of the jurisdiction of Congress. Abolishing slavery in the federal district would destroy property.⁶⁵

The Fifth Amendment states that no one shall “be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.” Southerners often argued that this protected slaveholders in the District of Columbia from interference by Congress. Their slaves are their property. If the slaveholder is a law-abiding citizen, the government cannot take their slaves away from them without “just compensation.” The slaveholder could only lose his slaves if a court determined through “due process.” Southerners employed the Fifth Amendment frequently and many northerners would challenge this interpretation.

On February 4, 1836, Henry Laurens Pinckney of South Carolina asked the House to approve a resolution intended to deal with antislavery petitions. Pinckney was a man of great status in South Carolina. He came from two prestigious families in that state—the Laurenses and the Pinckneys. He likely hoped that northerners and southerners alike would seriously consider his resolution out of their respect for him. The resolution authorized the referral of all these petitions to a committee on the District of Columbia, which would report that Congress had no authority to act. Pinckney hoped in this way “to reestablish harmony and tranquility amongst the various sections of the Union.”⁶⁶

⁶⁵Representative James Henry Hammond (SC), February 1, 1836, *Congressional Globe*, 24th Congress, 1st session, 157-58.

⁶⁶Representative Henry Laurens Pinckney (SC), February 4, 1836, *ibid.*, 165.

The House needed to suspend the rules temporarily, however, in order to take further action on Pinckney's resolution, which it did not.⁶⁷

Two newspapers illustrated differing northern views on Pinckney's resolution. The Democrat *Boston Courier* was pleased it did not pass. "But supposed it had been adopted?" the *Courier* asked. "It would have been received as an attempt to muzzle the North, and it would have added to the strength and importance of the Anti-slavery party."⁶⁸ The *New-York Journal of Commerce*, an Opposition newspaper, took a more moderate stance, believing that only the abolitionists and nullifiers—the "ultras"—would vote against it, the House seemed "sick of the discussion."⁶⁹

By the time Pinckney introduced his compromise resolution, word had spread of the debates in Congress. Northern newspapers began printing letters to the editors regarding the antislavery petition controversy. The *Liberator* published a letter from Hoxsie Perry and Joseph Stanton, two men from Charlestown, Rhode Island appealing to the president of the Anti-Slavery Convention.

When we are required to surrender up freedom of speech and of the press and the right of petition, to enable the South to hold her slaves in quiet, the question then presented to us is not merely whether the slaves of the South are entitled to their inalienable rights, but whether the freemen of the North shall be permitted [*sic*] to exercise their rights. If slavery and free discussion cannot both exist together, then, as men professing to be republicans, we say let slavery fall.⁷⁰

⁶⁷February 4, 1836, *ibid.*

⁶⁸*Boston Courier*, February 11, 1836.

⁶⁹*New-York [City] Journal of Commerce*, February 4, 1836 as appeared in *The Liberator*, February 13, 1836.

⁷⁰Hoxsie Perry and Joseph Stanton of Charlestown, Rhode Island, January 26, 1836, to the president of the Anti-Slavery Convention to assemble in Providence February 2, 1836, as appeared in the *Liberator*, February 6, 1836.

Writing under the pseudonym “The Puritan,” John Oldburg complained in the *Newburyport* [Massachusetts] *Herald* that one party (the Democrats) denied the sacred right of petition. He was also troubled that even people of his own state repudiated free discussion and suppressed the voice of the minority.⁷¹ Both of these letters indicate—like Cushing’s speech—that the issue was no longer about slavery in the nation’s capital. Rather, the attack on the right of petition energized white northerners who now saw the antislavery movement as personally affecting them. They also expressed resentment of the Slave Power.

The *Boston Courier* predicted that if Pinckney was able to get his resolution passed, it would have had two effects. First, “it would have been received [by northerners] as an attempt to muzzle the North.” This was resentment of the Slave Power. Southerners demanded the North’s cooperation. Northerners resented the South trying to impose its way upon the North, and that resentment would only increase. The North would not be muzzled; it would not be silenced; it would not be told what to do. Secondly, the *Courier* believed Pinckney’s resolution was futile. Instead of silencing antislavery petitions, the *Courier* predicted it would have “added to the strength and importance” of the abolitionist cause.⁷²

On February 8, Pinckney again requested suspension of the rules to present his resolution. This time he succeeded. His resolution had three goals. First, it would refer all antislavery petitions to the Committee on the District of Columbia. Second, it recognized that the House had no right to interfere regarding slavery in the nation’s

⁷¹*Newburyport* [MA] *Herald*, February 9, 1836.

⁷²*Boston Courier*, February 11, 1836.

capital. Third, that such interference would be a “violation of the public faith, unwise, impolitic, and dangerous to the Union.” It was therefore necessary to “reestablish harmony and tranquility among the various sections of the Union.”⁷³

In additional comments, Pinckney gave three reasons for his resolution. First, he wanted to end the discussion of slavery not only on the floor of the House but also nationally. Second, he wanted the problem of anti-slavery petitions brought to a conclusion, one satisfactory to the North as well as the South. And third, he wanted to “put down fanaticism”—something anti-slavery petitions only encouraged. The last point was crucial. Legislatures required a spirit of camaraderie—built upon mutual respect—and compromise to work. This course was “best for the South, and best for the Union.”⁷⁴ The House voted on each of Pinckney’s points separately, easily passing all of them.⁷⁵ There would now be a committee, headed by Pinckney, which would address these meddlesome petitions.

On February 15, Virginia’s Henry Wise attacked Pinckney unmercifully. Timoleon, the Washington correspondent of the Democrat *Boston Courier* was furious. Wise had called Pinckney a traitor saying, “I hiss and scorn him a deserter from the interests of the South.” Wise believed that Pinckney’s attempt at national unity was a betrayal of the South, and Timoleon perceived that Wise spoke for many southerners. “The Hon. Henry A. Wise is at liberty to say hereafter whatever hard things he may of the Hon. Henry L. Pinckney with perfect impunity.” As the correspondent continued, his

⁷³Representative Henry Laurens Pinckney (SC), February 8, 1836, *Congressional Globe*, 24th Congress, 1st session, 170.

⁷⁴*Ibid.*, February 8, 1836, *ibid.*, 170-1.

⁷⁵February 8, 1836, *ibid.*, 172.

tone turned ominous and foreboding. “The precedent has been established, and it will of right become a valuable precedent in the progress of future legislation,” he wrote with a note of sadness; all civility seemed lost.⁷⁶

Timoleon’s commentary reveals the sectional tension that existed in 1836. Southerners had benefitted from having five two-term presidents elected and accustomed to enjoying southern power in American government and politics. This had been the norm. For a southerner to present a compromise that yielded to the North out of goodwill and unity represented—in the southern mind, at least—a traitorous act which considered the North an equal partner in expected government. Even if Pinckney’s resolution achieved its goals and muted the antislavery and abolitionist movements, even if it gained the support of the North and kept the discussion of slavery out of the House, southerners saw the resolution as a concession.

The editors of the Democrat *Albany Daily Argus* praised the House’s decision to support Pinckney.

THE ABOLITION QUESTION has been put at rest in the house of representatives.—It has been most happily disposed of. The resolution offered by MR. PINCKNEY, of S.C., and adopted by a vote, triumphant as well as decisive, will be approved, throughout the union, as it has been in the house, by all who desire to put an end to these agitations, and indeed by all who do not desire to employ them as the means of provoking and perpetuating sectional animosities, and of advancing personal and political designs, a the hazard of the tranquility of the country and the preservation of the union. We are not surprised at the attacks of the U.S. Telegraph upon MR. PINCKNEY, for his patriotic and elevated course on this subject. We are desirous to see what combinations constitute the small party of the *nays* on this occasion.⁷⁷

⁷⁶*Boston Courier*, February 22, 1836.

⁷⁷*Albany [NY] Daily Argus*, February 13, 1836.

Two days later, the *Argus* quoted the *Albany Evening Journal*, which hailed Pinckney's resolutions as "an olive branch of peace, on this troublesome question."⁷⁸ The *Argus* took "peculiar satisfaction" that support of Pinckney had been so emphatic.⁷⁹ It reminded readers that all New York representatives who voted against the Pinckney resolution were Whigs. "It ought not to be forgotten that every opposition member of the delegation in congress from this state, voted *against* the declaration that 'congress ought not to interfere with slavery in the District of Columbia.' They are well understood here, as elsewhere, to be not only the friends of agitation, but among the agitators," the *Argus* warned.⁸⁰ On March 8, the *Argus* published an editorial, which described the presentation of anti-slavery petitions as a political ploy that Whigs and southern Democrats alike played for gain and eroded harmony and good will among the members of the House. The editors of the *Argus* blamed not only northern representatives for presenting the petitions—whether they agreed with them or not—but also House members from the South who kept up the agitation.⁸¹

On February 13, John Greenleaf Whittier wrote an open letter to Governor Edward Everett of Massachusetts. Whittier and William Lloyd Garrison had used their newspapers—*The Essex Gazette* and *The Liberator*, respectively—to hold politicians accountable on antislavery and promote open discussion. Whittier's letter to Everett was to inform the governor that he "failed the litmus test and

⁷⁹Ibid.

⁸⁰Ibid., (*italics in the original*).

⁸¹Ibid., March 8, 1836.

became an enemy of abolitionism.”⁸² The proceedings of Congress troubled Whittier. “Destroy [the Constitution’s] guaranty of free discussion and the right of the people to assemble and petition for the redress of grievances, and the very life of that instrument will be lost,” he warned. If Massachusetts did not stand up for free inquiry, discussion, and investigation of issues, it dishonored the memory of the Founding Fathers. “We cannot yield ‘the home bred right of free discussion’ to the threats of Slave holders, or the demands of interested politicians. We can neither permit the GAG to be thrust in our mouths by others, nor deem it the part of ‘patriotism’ to place it there ourselves. The more fiercely our rights are assailed, the closer will we hold them to our hearts,” Whittier warned, calling his countrymen to action.⁸³ Whittier addressed an idea that was key to many who opposed the Gag Rule: a free republic depended upon free exchange of ideas, even when those ideas were uncomfortable to discuss. This also addressed that abridgement of the right of petition also denied free speech.

Pinckney’s resolution—which provided that all slavery-related petitions be referred to the Committee on the District of Columbia—had passed easily and proved effective in abating the dissention, and two Opposition papers were glad. The Opposition *Portland [Maine] Advertiser* expressed gratitude: “Let this ‘vexed question’ have rest, for a while at least.”⁸⁴ The Opposition *New York [City] Commercial Advertiser* concurred with *The Baltimore Patriot* that “our halls of Congress are rapidly losing all

⁸²John M. Belohlavek, *Broken Glass: Caleb Cushing and the Shattering of the Union* (Kent, OH: Kent State University Press, 2005), 74-5.

⁸³John Greenleaf Whittier to Governor Edward Everett, *Essex Gazette* (Haverhill, MA), February 13, 1836.

⁸⁴*Portland [ME] Advertiser*, February 16, 1836.

the character for decorum they once possessed.” Even the boisterous House of Commons did not “outstrip” the 24th Congress.⁸⁵

The Washington correspondent of the *Commercial Advertiser* offered his own evaluation and determined another factor at work in the petition controversy: Martin Van Buren’s presidential campaign. The correspondent asserted that Van Burenites worked on both sides. “On the one hand, they denounce and deprecate the abolitionists,” he contended. “They then do their utmost to keep the way open for them, or their petitions, to the committee rooms, and to the future action of congress,” he warned. On the other hand, “in the north Van Buren is for abolition—in the south, against it. Any thing that disturbs the balance of these opposites . . . throws the Van Burenites into ecstasies of distress.” As the Democratic candidate for president, this was Van Buren’s way to gain support from the North and the South. The correspondent’s candor was too blatant for the editors of the *Advertiser*, who attached a disclaimer to the correspondent’s report. The editor of the *Advertiser* vehemently disagreed. Van Buren was not an abolitionist, but he was for the right of petition. He saw slavery as a topic to be avoided and regarded abolitionists as extremists.⁸⁶

The Democrat *Boston Courier* questioned southern logic. Southerners purported that antislavery petitions were essentially the equivalent of dissolving the Union. The North should stop sacrificing its best interests to appease the South and quit bowing to the Slave Power. “The *modus operandi* of the South has always been, to threaten to

⁸⁵*Baltimore Patriot* as reporting the proceedings of Congress of February 15 reprinted in the *New-York [City] Commercial Advertiser*, February 19, 1836.

⁸⁶*New-York [City] Commercial Advertiser*, February 20, 1836. While some Washington correspondents of this era reported factual proceedings of Congress, others commonly provided commentary, as the *Advertiser*’s did.

make war, if the North do not yield to their demands, and then argue to the North that, for the sake of peace, *they* should yield. As if a highwayman should demand your purse, and tell you that the responsibility of your murder will belong to yourself and not to him, if you do not give it to him,” the *Courier* declared.⁸⁷ The South demanded its way. When it did not get it, it frequently threatened disunion or accused the North of thrusting it upon the South, as southerners interpreted reception of antislavery petitions. The *Boston Courier* was a Democratic paper. This criticism even came from within Pinckney’s party, illustrating that sectionalism was deeply involved in the Gag Rule controversy even before the institution of the first Gag Rule.

The Opposition *Ohio State Journal and Columbus Gazette* reported that the action taken on Adams’s antislavery petition of February 23 illustrated that the Democratic Party was already having difficulty in managing the petition controversy. The House voted to postpone any action on Adams’s petition until the following Monday. Surprisingly, Democrat Abijah Mann of New York, “one of the most obsequious of the Regency tools” called for reconsideration of the vote and Jesse Miller of Pennsylvania, who had originally moved to postpone the vote, seconded it. The House made a complete turnabout and agreed to reconsider. Samuel Beardsley of New York vehemently objected to Speaker Polk’s decision to permit reconsideration. The *Ohio State Journal and Columbus Gazette* stated that while southern Van Buren men found it advantageous to oppose reception of antislavery petitions, Van Buren men in the North realized that for them to do so was politically hazardous. They preferred the Pinckney resolution of referral without reception. “The Speaker’s decision would have the effect

⁸⁷*Boston Courier*, February 29, 1836 (italics in the original).

of bringing up the question of receiving, whenever a petition was presented; and it had already been found to be fruitful of a species of discussion that would have the inevitable effect of prostrating Van Buren in the South, and also showing to the abolitionists his deep hypocrisy,” the paper asserted.⁸⁸

While still young, the petition controversy was already alarming northerners. On March 4, *The Newburyport* [Massachusetts] *Herald* printed a letter to the editor on the right of petition. A reader identifying himself as “Equal Rights” argued that Cushing defended a *vital* question: the right of petition. The people have carefully preserved that right and it should not be nullified by “a cold and contemptuous rejection of such petitions when presented.” “Equal Rights” continued, “The *subject* of the petition cannot affect the *right*; and if this latter be *nullified*, (to use a Southern phrase,) on one subject, it may on all; there is no *right* left to us but simply the courtesy . . . of our delegates to maintain, and not to deprive us of our rights.” “Equal Rights” criticized Hammond for stating he supported the right of petition but that Congress need not receive or hear a petition.⁸⁹ The Democratic *Rhode-Island Republican* accused southerners of both houses of Congress of provoking agitation “till the Union is shaken to its centre, and disunion crowns dissension.”⁹⁰

The longer this issue remained, the more important it was for candidates to state their positions. Van Buren received a letter in February from a group of North Carolina men expressing their “deep anxiety” and wondering if they could depend upon him—a

⁸⁸*The Ohio State Journal and Columbus Gazette* (Columbus), March 1, 1836. The Albany Regency was a New York State political machine run by Martin Van Buren.

⁸⁹*The Newburyport* [MA] *Herald*, March 4, 1836 (italics in the original).

⁹⁰*The Rhode-Island Republican* (Newport, RI), March 9, 1836.

northern Democrat—to protect their interests.⁹¹ In his response, Van Buren replied that he believed that if the framers could have anticipated the present dilemma, they would have made regulation of slavery in the District of Columbia an exception to congressional authority. Furthermore, many Maryland and Virginia would not have ceded the territory for the nation’s capital if they thought abolition a possibility. In addition, abolition in the District of Columbia would violate the spirit of compromise in the Constitution.⁹² Van Buren was a prototype politician; one who stated what people wanted to hear and reassured them when they became fearful, even if his statements and reassurances changed depending upon the group, seeking to unify Democrats throughout the country and ease sectional tensions in an effort to win the presidency.

On May 18, 1836, a new development unfolded. Henry Laurens Pinckney of South Carolina presented a report from the Committee on the District of Columbia that read:

Resolved, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of the Confederacy.

Resolved, That Congress ought not to interfere in any way with slavery in the District of Columbia.

And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested for the purpose of restoring tranquility to the public mind, your committee respectfully recommend the adoption of the following resolution, viz:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatsoever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or

⁹¹Junis Amis, Isaac Hall, John Wall, C. Yellowby, Samuel B. Spirrill, and James W. Puizinn, Jackson, NC to Martin Van Buren, Washington City, February 23, 1836. Martin Van Buren Papers, Library of Congress, Washington, D.C.

⁹²Martin Van Buren to Junis Amis, Isaac Hall, John Wall, C. Yellowby, Samuel B. Spirrill, and James W. Puizinn, Washington City, March 6, 1836. *ibid.*

referred, be laid upon the table, and that no further action whatever shall be had thereon.⁹³

This last resolution was stricter than the one Pinckney presented on February 4. Under these new resolutions, the House would no longer refer anti-slavery petitions to the committee. There would be neither discussion nor debate of them; they would be laid upon the table without any action. The justification for this new resolution was “restoring tranquility to the public mind.” It was not a matter of disruption of House proceedings; it was not a matter of efficiency; it was not a matter of avoiding animosity between representatives. The Gag Rule was the only way to preserve comity in the House.

The Democratic *Boston Courier* agreed with Francis Granger and Abijah Mann that abolitionists were extremists and did not deserve attention was not just a southern sentiment. The paper observed that approximately thirty-four thousand Americans⁹⁴ were sending antislavery petitions to Congress. Because each state gets a House representative for each forty-seven thousand people, the abolitionists would not even fill a single district if they all lived in one place. While defending the sacred right of petition, the *Courier* asserted that the Gag Rule was prudent. To permit presentation of abolition petitions was destructive, “the direct effect of which is to excite a servile war, with all its unutterable horrors. The fire will, we hope, even yet burn out, if we do not fan its flame by unnecessary opposition.”⁹⁵ The anxiousness with which the *Courier*

⁹³Representative Henry Laurens Pinkney (SC), May 18, 1836, *Congressional Globe*, 24th Congress, 1st session, 469.

⁹⁴This was the number stated by Pinckney, May 18, 1836, *ibid.*, 469.

⁹⁵*Boston Courier*, May 26, 1836.

readily accepted Pinckney’s number without evidence indicated not just partisanship but also the willingness to discredit abolitionists.

On May 25, the House finally voted on the first resolution: “*Resolved*, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of the Confederacy.” The resolution passed resoundingly 182-9. All nine of the nays came from representatives from New England and Pennsylvania Oppositionists.⁹⁶

On May 26, the House proceeded to consider the second resolution: “*Resolved*, That Congress ought not to interfere in any way with slavery in the District of Columbia.” Without further debate, the House approved the resolution 132-45, with many abstentions. Southerners voted by section, casting all sixty-two votes in favor of the resolution. All but three of the seventy northern votes were Democrats. All forty-five of the nays were from the North.⁹⁷

Roll Call Vote on Pinckney Committee’s Second Resolution, May 26, 1836

	Yea	Nay	Total
North	70	45	115
South	62	0	62
Total	132	45	177

The House then proceeded to act upon the third resolution: “*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatsoever, to the subject of slavery, or the abolition of slavery, shall, without being

⁹⁶May 25, 1836, *Congressional Globe*, 24th Congress, 1st session, 499.

⁹⁷May 26, 1836, *ibid.*, 505.

either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.”⁹⁸ Before any voting could take place, Stephen Clarendon Phillips of Massachusetts sent the following question to the Chair:

Can a committee, specially instructed to report two resolutions, the form of which was given by the House, report another resolution, changing the rules and orders of the House disregards to the management of its business, and depriving citizens of the privilege of obtaining the usual consideration of petitions on subjects other than those referred to the committee?⁹⁹

Speaker Polk replied: “it was not within the competency of the Speaker to draw within the vortex of order the question raised by the gentleman from Massachusetts.” More directly, he answered that if Phillips believed the committee exceeded its responsibilities, it was for the House members to determine, not the Speaker. Phillips responded by moving that the House lay the third resolution and its preamble on the table. This was rejected 69-118.¹⁰⁰

The House then took a roll call vote upon the Pinckney committee’s third resolution. When the clerk called John Quincy Adams, Adams rose and said, “I hold the resolution to be a direct violation of the Constitution of the United States, the rules of this House, and the rights of my constituents.” Near chaos erupted with loud cries of “Order!” throughout the chamber. When the hall quieted, the third resolution passed 117-68, the yeas nearly evenly divided with sixty-two northern votes to fifty-five southern ones. Sixty northerners opposed the resolution while only eight southerners

⁹⁸Ibid.

⁹⁹Representative Stephen Clarendon Phillips (MA), May 26, 1836, *ibid.*, 506.

¹⁰⁰Speaker of the House James K. Polk (TN) and Representative Stephen Clarendon Phillips (MA), May 26, 1836, *ibid.*, 506. No roll call vote recorded.

did.¹⁰¹ As the table below indicates, the North was nearly even divided on the issue, revealing again that there was always strong opposition in the North to the Gag Rule.

Roll Call Vote for the Pinckney Committee's Third Resolution, May 26, 1836

	Yea	Nay	Total
North	62	60	122
South	55	8	63
Total	117	68	185

The Opposition *Essex* [Massachusetts] *Gazette* regarded the Pinckney committee's report as contradictory: "*The report tacitly admits the right of congress to abolish Slavery in the District.* It vehemently insists however, that Congress *ought* not to exercise this right." The *Gazette* called upon Cushing and Phillips to fight the decision. The report went against the founding principle that "all men are created equal."¹⁰² The *Gazette* stated with pride, "The stand which the Massachusetts Delegation have taken on this subject is honorable to themselves and to the state."¹⁰³

The Opposition Philadelphia *Pennsylvania Inquirer and Daily Courier* took exception to the third resolution, which tabled all antislavery petitions. "I, as an American citizen—as a freeman, cannot consent to any thing of the kind," the editor declared. He warned that the people of the North would not tolerate their representatives

¹⁰¹Representative John Quincy Adams (MA), May 26, 1836, *ibid.*, 506.

¹⁰²*Essex Gazette* (Haverhill, MA), May 28, 1836 (italics in the original).

¹⁰³*Ibid.*, June 6, 1836.

consenting to such a prohibition. “The majority of the People cannot be insulted without impunity,” he observed. He also blamed the “Van Buren party”—the Democrats—for voting for the “degrading and insolent gag resolution.”¹⁰⁴

During the summer of 1836, the sixtieth anniversary of the signing of the Declaration of Independence, *The People’s Echo* of Cincinnati published the “Declaration of Independence of the Jackson Reform Club.” Modeled after the original, the document listed grievances against the Jackson administration. The authors were disillusioned citizens who disagreed with Democratic leaders on many issues, the Gag Rule included. They believed it abolished free speech in Congress by denying freedom of debate.¹⁰⁵

The Opposition *Hampshire Gazette* declared, “A great battle is to be fought therefore by the people—not for abolition, but for the sacred right of petition,—the right of being heard in Congress.” The paper was proud of Adams for declaring defiantly the report of the Committee on the District of Columbia to be a violation of the Constitution. The paper was aghast not only in that it deemed the vote a support of slavery but that the vote was one-sided.¹⁰⁶

In an open letter addressed “To the People of the United States; or, to such Americans as Value Their Rights, and Dare to Maintain Them,” the abolitionist *Anti-Slavery Examiner* of New York City, in its August 1836 issue, expressed outrage at the passage of the Pinckney Gag Rule because of “the contempt of personal obligations and

¹⁰⁴Philadelphia *Pennsylvania Inquirer and Daily Courier*, May 28, 1836.

¹⁰⁵*The People’s Echo* (Cincinnati), n.d., reprinted in the Indianapolis *Indiana Journal*, July 23, 1836 and Columbus *Ohio State Journal*, July 9, 1836.

¹⁰⁶*Hampshire Gazette* (Northampton, MA), June 1, 1836.

the hardened cruelty involved in this detestable resolution.”¹⁰⁷ The *Examiner* argued that the right of petition, inherited from the English, was so much a part of American culture that when the Constitution did not provide for it, the people included it in the Bill of Rights. The purpose of petitions was “to inform the Government of the wishes of the people. . . . The information thus mutually given and received is essential to a faithful and enlightened exercise of the right of legislation on the one hand, and of suffrage on the other.”¹⁰⁸ Understandably biased in matters of slavery, the *Examiner* was concerned with the right of petition: “If Congress may thus dispose of petitions on one subject, they may make the same disposition of petitions on any and every other subject.”¹⁰⁹ For those unconcerned with slavery, the Gag Rule threatened the suppression of petitions and discussion on any subject. Americans should not tolerate the Gag Rule for “this resolution not only violates the rights of the people, but it nullifies the privileges and obligations of their representatives.”¹¹⁰ Here again, is an example of the threat of the white American’s liberties. This would be a theme throughout the Gag Rule controversy. It was often more about the First Amendment than about slavery.

In January 1836, the Reverend Elijah P. Lovejoy had addressed his fellow citizens regarding abolition. “No man has a moral right to do any thing improper,” he asserted. “Whether, therefore, he has the moral right to discuss the question of slavery is a point with which human legislation or resolutions, has nothing to do. The true issue to be

¹⁰⁷“To the People of the United States; or, to such Americans as Value Their Rights, and Dare to Maintain Them,” *The Anti-Slavery Examiner* (New York City), August 1836, 1-8.

¹⁰⁸*Ibid.*, 3.

¹⁰⁹*Ibid.*

¹¹⁰*Ibid.*, 4.

decided is, whether he has the civil, the political right to discuss it, or not.”¹¹¹ The question that remained before the House of Representatives was the one Lovejoy purported: does an individual have a civil or political right to discuss the issue of slavery? Or, was this a topic politicians could not address for the sake of the greater good? For the time being, at least, the House of Representatives had answered emphatically that members would not discuss slavery, and they came to that agreement for the greater good. The controversy over the right of petition upset proceedings of the House for months. But, the fight for the right of petition was far from over. The House continued to wrestle with these two questions for the next decade. And, the petition controversy similarly disrupted the Senate.

¹¹¹*The Herald* (Rutland, VT) January 5, 1836.

CHAPTER II

“Treat the Subject as Its Great Importance Demands”

24th Congress, 1st Session—The Senate
(December 7, 1835-July 4, 1836)

The same events that precipitated the tumult in the House of Representatives from December 1835 through May 1836 also had an effect on the Senate. Despite the mail controversy about abolitionist literature, the emerging national organization of the anti-slavery movement, and the accompanying violence of anti-abolitionist groups in 1835, the introduction of antislavery petitions and the intensity of the ensuing debate astonished many senators. Many northerners viewed those who adopted antislavery\abolitionist ideology as extremists who endangered the Union. Dismissing the petitions emboldened abolitionists and angered Americans who resented denial of the right of petition, even those who did not support the petitioners' requests. Before this session ended, however, the Senate determined—led by the unanimous vote of northerners—that it should receive antislavery petitions while denying the petitioners' requests.

Senators responded to the demand for abolition of slavery in the District of Columbia more calmly than their colleagues in the House of Representatives did. While the issue was no less controversial, the Senate's commitment to address the issue in an agreeable and decisive manner prevented the seemingly endless rancor experience in the House. Although tempers flared, the Senate did not permit the commentary on the petitions to dominate the question of how best to deal with them. The Senate's temporary solution proved a compromise more palatable to senators than the Pinckney resolutions in the House of Representatives and avoided weeks of contentious debate.

On January 7, 1836, Thomas Morris of Ohio introduced several petitions, including one signed by women of his state requesting the abolition of slavery in the District of Columbia. Morris, having dutifully presented the petitions, did not seek further action but requested that the Senate refer them to the Committee on the District of Columbia. "The Southern members, and especially the nullification-interest, instantly raised the *cri de guerre*, demanding, provoking, nay by their extravagance and ultraism compelling debate," observed the correspondent of the Opposition *New-York [City] Commercial Advertiser*.¹

Morris reassured the Senate that these petitions threatened no one and did not challenge the constitutional agreement among the states regarding slavery; they only asked Congress to legislate in the nation's capital. He had no interest in creating animosity. The petitioners from Ohio had a right to be heard, Morris argued, as guaranteed by the Constitution, provided the petitions contained a respectful tone. What his colleagues thought of the content was of no consequence. To reject these petitions

¹*New-York [City] Commercial Advertiser*, n.d., reprinted in the *Boston Recorder*, January 15, 1836.

was unconscionable, for it was an abridgement of a First Amendment right. Therefore, he preferred to have the Senate accept the petitions and refer them to the appropriate committee. Morris warned, “Let us take care, then, how we tread on the ground, that in our attempts to make petitions palatable to ourselves we do not abridge the sacred right of petition.”²

Coming from a state sympathetic to the antislavery and abolitionist causes, Morris knew that these petitions were a delicate matter. The abolitionist press was active in Ohio as exemplified with the *Philanthropist* of Cincinnati. Many Quakers, a people firmly opposed to slavery, lived in Ohio. Buckeye abolitionist organizations were growing in size and number. Students of Lane Seminary in Cincinnati dedicated themselves to educating free blacks. The Oberlin College student body was also receptive to the antislavery cause.³ Northeastern Ohio, the Western Reserve, was the westernmost point of the “Burned-Over District” of the Second Great Awakening, an area which welcomed reform.

Morris was also the first open abolitionist in the United States Senate. He entered the Senate as a strong Jackson man: against monopolies, the tariff, nullification, and the Bank of the United States. Morris disliked banks because he believed that they were instruments of oppression, a Money Power, in which the privileged dictate to the unprivileged. From this, Morris saw a parallel to slavery. The bank served as a master

²Senator Thomas Morris (OH), January 7, 1836, *Congressional Globe*, 24th Congress, 1st session, 75.

³Gilbert H. Barnes, *The Anti-Slavery Impulse, 1830-1844* (Chicago: Harcourt, Brace & World, Inc., 1933), 64-78.

and kept people in economic bondage just as the slaveholder kept the slave in bondage. In his mind, white liberties meant nothing if all people were not free.⁴

At this point, James Buchanan of Pennsylvania admitted that he had similar petitions but had been waiting for the proper moment to present them, having first consulted privately with members of the Senate in hopes that his colleagues could take a united stand. Now that Morris had broached the subject, Buchanan asserted that Congress should not interfere with slavery. He cited that the First Congress resolved on March 23, 1790, “That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States; it remaining with the several States alone to provide any regulations therein which humanity and true policy may require.” Buchanan further defended the rights of slaveholders and decried the efforts of abolitionists to foster discord.⁵

The Opposition New York City *Mercury* expressed surprise at the developments in the Senate. The “cool and dispassionate manner” demonstrated by the Senate during its treatment of abolitionist literature in southern mails was promising. “But the course of the House has had its effect upon the Senate, and that body of ‘potent, grave, and reverend seignors’ have rushed headlong into a discussion of which this session will scarcely see the end, and which, perhaps, may contribute more to disturb the peace of the country than any thing *they* ever did or can do to establish it.”⁶

⁴Jonathan H. Earle, *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854* (Chapel Hill: University of North Carolina Press, 2004), 37, 38.

⁵Senator James Buchanan (PA), January 7, 1836, *Congressional Globe*, 24th Congress, 1st session, *ibid.*, 76-7.

⁶[New York City] *Mercury*, January 21, 1836, (italics in the original).

While Buchanan stated he believed it unwise to discuss slavery, on January 11, he presented a “respectful” petition from Pennsylvania Quakers asking Congress to abolish slavery and the slave trade in the nation’s capital. He recommended that he read the petition and the Senate reject it. To Buchanan, this logical compromise protected the right of petition and avoided a bitter debate. This solution proved unacceptable to many senators, however.⁷

The Senate now had three options to address antislavery petitions effectively. Buchanan favored receiving the petitions and rejecting their requests. This preserved harmony between the North and the South. John C. Calhoun of South Carolina wanted outright rejection of all antislavery petitions. Some northerners considered this as intolerable as an earlier demand to imprison all abolitionists. William W. Freehling observes that “If representatives could not discuss their constituents’ wishes, representative government was arguably destroyed.”⁸

On January 19, the Senate returned to the Ohio petitions. At the outset, the question was “Shall the petitions be received?” Silas Wright, Jr. of New York, who once headed Martin Van Buren’s Albany Regency, preferred that the Senate treat the Ohio petitions the way it would any others: allow their presentation and refer them to a committee, as had been the custom. Wright then cautioned his southern colleagues not to react in a way that would encourage the agitators. The question before the Senate was a

⁷Senators James Buchanan (PA), William Campbell Preston (SC), Daniel Webster (MA), and John C. Calhoun (SC), January 11, 1836, *Congressional Globe*, 24th Congress, 1st session, 83-4.

⁸William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), 324.

delicate one and senators should handle it as such.⁹ Morris then apologetically confessed that the day's discussion had been exactly what he hoped to avoid when he presented the petitions. He merely wanted to honor his constituents' First Amendment right. He then offered to withdraw the petitions, which the chair permitted.¹⁰

Buchanan wanted to bring opposing sides together. Although often characterized negatively as a "doughface," a northern man with southern principles, Buchanan tried to reconcile differences. On January 19, he reminded his colleagues that the right of petition and slavery were off limits. While the latter was a constitutional compromise, the former was necessary for the existence of a republic as breathing air was to humans. The people had a right to petition and the Senate was bound to consider it. Buchanan reminded his peers of the danger of refusing to receive a petition. "We would thus place the constitutional right of our constituents to petition at the mercy of our discretion," he warned.¹¹

On January 28, Benjamin Swift of Vermont announced he, too, had a petition requesting the abolition of slavery in the District of Columbia. He had been hesitant to present it, for he was waiting for the Senate to make a decision regarding Buchanan's earlier petition. Because no action had been forthcoming, Swift, a Vermont lawyer who had previously served as a Federalist in the 20th and 21st Congresses,¹² decided to present

⁹Senator Silas Wright, Jr. (NY), January 19, 1836, *Congressional Globe*, 24th Congress, 1st session, 120-1.

¹⁰Senator Thomas Morris (OH), January 19, 1836, *ibid.*, 122.

¹¹George Ticknor Curtis, ed., *Life of James Buchanan, Fifteenth President of the United States* (New York: Harper & Brothers, 1883), 1: 321, 325.

¹²United States Congress, *Biographical Dictionary of the American Congress, 1774-1949* (Washington, D.C.: United States Government Printing Office, 1950), 1888.

it because he had an obligation to his constituents. He added that he believed rejection and refusal were the same. Furthermore, the petitioners were neither “fanatics nor incendiaries.” They had no desire to interfere with slavery in the states “but where they thought they had the right to interfere, they would not be prevented from so doing by being termed fanatics or incendiaries.” Questions arose concerning the propriety of the language of the petition. To honor the right of petition, Swift asserted he must dutifully present the petition and refer it. James Buchanan moved to lay the question of reception on the table, to which the Senate agreed.¹³

In February, Buchanan received a letter from two Quaker constituents in Philadelphia, Dellwyn Parrish and Charles C. Jackson, which accompanied a petition asking Congress to abolish slavery in the District of Columbia. These men told Buchanan that there were several hundred similar petitions circulating in Philadelphia that would follow “in due season.” Parrish and Jackson had heard of remarks in the Senate that “no sensible man at the North would advocate the right of Congress to interfere with the subject of Slavery in the Slave States” and wanted Buchanan’s assurance that he would present their petition. Most Philadelphians, according to Parrish and Jackson, favored abolition and wanted their representatives to “treat the Subject as its great importance demands.” If the Senate found the petition inconsistent with the Constitution, senators could disregard it. But, if this petition and others like it “can be

¹³Senators Benjamin Swift (VT) and James Buchanan (PA), January 28, 1836, *Congressional Globe*, 24th Congress, 1st session, 147.

sustained by Sound argument, [those petitions] must ultimately prevail in spite of all the efforts of our opponents.”¹⁴

The editors of the Democratic *Boston Courier* took exception to Senator Calhoun’s attack on the North regarding antislavery petitions. The northern states were not subservient to the South, as southerners often claimed.

The policy that leads the South to assume the position, that the North is bound to yield obedience to her will and pleasure, is a most sad and mistaken one. . . . The people of the North, are free, independent, and high-minded, and they will not yield to dictation, come from what source it may. New-England has not been accustomed to dictation—she is now too old to be taught lessons from any section of the country.¹⁵

The northern press again resented the demands of the Slave Power. The editorial above reflected the offense northerners took when the South treated the North as a child. As a free and independent people, northerners would not take orders from southerners. Politics must be achieved through compromise, not through dictation of the South to the North. Northerners were “high-minded” people who were worthy of respect. This editorial is an example of how northerners perceived the petition controversy as bringing out the southerners’ worst traits.

The Philadelphia *Evening Star* considered Calhoun’s challenge to the right of petition unbelievable. “Had anyone predicted this, he would have been laughed to scorn as ‘a minion of the Moon,’” the *Evening Star* reported. The right of petition is a “reserved right,” one that Americans will neither vote away nor abandon. Echoing the sentiments of the *Boston Courier*, the *Star* asserted, “We are neither ‘hewers of wood nor

¹⁴Dellwyn Parrish and Charles C. Jackson to Senator James Buchanan, Philadelphia, February 4, 1836. James Buchanan Papers. Historical Society of Pennsylvania, Philadelphia. The Buchanan papers do not indicate a response by the senator.

¹⁵*Boston Courier*, February 11, 1836.

drawers of water' to any portion of the Union.” Calhoun knew that Congress possessed the right to govern the District of Columbia as well as he knew that he could not deny the right of petition. The slave states would use any measure to protect slavery. “If the right of petition be abridged or annulled, we shall have made the first step towards despotism,” the *Evening Star* warned.¹⁶

Historian George Rable judges that four factions divided the Senate. The first consisted of southern supporters of Calhoun. The second group was northern Van Buren administration Democrats who supported Buchanan. This group “attempted to convince the southerners of their loyalty by vigorously denouncing abolition.” Their view was: reject the petition’s request but not the petition. The third group consisted of southern Democrats who supported the right of petition but believed that Calhoun’s solution was counterproductive and would not reduce abolition agitation. The last group included northern Oppositionists who supported neither Calhoun nor Buchanan’s solution. These senators were keenly aware of the growing strength of antislavery voters and organizations in the North. Abolition of slavery in the nation’s capital was a legitimate cause deserving the attention of the Senate.¹⁷

Newspapers in the North cited political posturing by both parties. On February 15, Nathaniel Tallmadge of New York made a speech calling for moderation on antislavery petitions, which the Opposition *New-York [City] Commercial Advertiser* viewed as disingenuous. Tallmadge “took his cue” from Van Buren by deprecating the abolitionists while receiving the petitions. This was not done out of sympathy for the

¹⁶Philadelphia *Evening Star*, n.d., reprinted in the *Liberator*, February 13, 1836.

¹⁷George C. Rable, “Slavery, Politics, and the South: The Gag Rule as a Case Study,” *Capitol Studies* 3 (1975): 78-80.

abolitionist cause but for political expediency, appeasing the South while placating the North. “It is a poor Van Buren man that cannot ride two asses at a time,” the *Commercial Advertiser* reported, also noting that Van Buren men played a “double-game” on many subjects.¹⁸ The *Boston Courier* faulted the Oppositionists for the same reasons the *Commercial Advertiser* faulted Van Buren men: they decried abolitionists to gain support for their party in the South while, at the same time, “keep[ing] the way open for [the abolitionists] to the committee rooms and to future and farther action by Congress. All this latter must be trumpeted through the north. The Vanites must all become circuit riders, skilled to make vaults and somersets,” the correspondent stated.¹⁹ One example of a Van Buren paper supporting the right of petition while not challenging slavery was the *Albany Argus*. The paper praised Tallmadge for supporting the right of petition but concluded that Congress was justified not to receive them “when partizan [*sic*] and incendiary spirits, combining, in a common purpose of mischief and agitation, throw in daily upon congress exciting petitions, ostensibly for objects which they know, and which all know, cannot be entertained for the moment.” The *Argus* supported the right of petition, but not for extremists.²⁰

The Senate was trying its best to avoid replicating the debacle over antislavery petitions that was occurring in the House. This resulted in much posturing by the North and the South, by Democrats and Oppositionists. Of the four factions listed by Rable above, no one group had enough support to put the petition issue to rest. Southern

¹⁸ *New-York [City] Commercial Advertiser*, n.d., reprinted in *The New-York [City] Spectator*, February 18, 1836.

¹⁹ *Boston Courier*, February 22, 1836.

²⁰ *Albany [NY] Argus*, February 26, 1836.

senators were split between those that supported Calhoun and those that thought his outright rejection of petitions was too extreme. As always, “doughfaces,” straddled the lines between the North and the South hoping to satisfy both sections. There were also men like Morris—although none were abolitionists as he was—who believed that antislavery petitions deserved a fair hearing and treatment. With so much disagreement, it was difficult to take any action at all. For the time being, the Senate kept avoiding doing anything on these petitions.

Ohio was a state with a growing number of abolitionists, but not all supported those views. *The Elyria Republican and Working Men’s Advocate* decried abolitionists who presented the petitions as hypocrites and fanatics who were willing to sacrifice the nation for the sake of free discussion. Why? “We had exercised that very right [free discussion] in canvassing the merits of their philosophy and the expediency of their conduct. . . ! With them it is ‘free discussion on *our side* forever, but moral death to those who oppose our schemes, or doubt our infallibility.’”²¹ This was an example, as Gilbert Barnes noted, that while Americans grew increasingly indifferent toward slavery, they often disparaged abolitionists rather than slaveholders.²² This editorial also reveals that some northerners saw the abolitionists and the Slave Power in a similar light. Both groups demanded their way and refused to compromise. Free discussion was only permissible on one side of an issue: theirs. Perceived behavior such as this fails to win converts.

On February 15, John Niles of Connecticut attempted to focus the petition debate by asking what the Senate was addressing. Personally, he favored either tabling all

²¹*Elyria [OH] Republican and Working Men’s Advocate*, March 3, 1836.

²²Barnes, *The Anti-Slavery Impulse*, 60.

antislavery petitions or referring them to a committee, but the Senate was taking a different course. If the object of debate was constitutional principle, then he believed it was a waste of time. He recalled an instance years earlier when the Senate “called forth the most profound talent and great erudition [and] occupied a large portion of one session of Congress” on the issue of public lands and the Constitution. The debates generated much publicity but served no purpose. If the purpose was to put the public mind at ease, then Niles and many others agreed. It was in the best interests of the nation that the “agitation” end. But many seemed to be trying to stop the agitation by exacerbating it in the Senate. To continue the fruitless discourse only served “to keep the public mind in an excited and feverish state,” which was contrary to what many senators preferred. Sometimes, citizens of one state interfered with interests and concerns of other states. “But this never can be demanded as a right; it must emanate from a spirit of comity and that sense of justice which the councils of every State must be supposed to entertain,” Niles argued. He considered interference in the affairs of other states as “evil.” “If such evil exists,” he continued, “it must be conceded that the State where they exist is the rightful and best judge of the most suitable and efficacious means to repress [those evils].” In this case, if people of the North send petitions to Congress asking to abolish slavery in another part of the nation, it is a violation of the sovereignty of those people who live where slavery exists. It is for residents of those states and territories to decide.²³

Outside of Connecticut, Niles received much ridicule after his speech; inside his state, the response was tepid, perhaps indicating disagreement through polite silence. Most state newspapers, seemingly embarrassed by his comments, omitted mention. The

²³Senator John Niles (CT), February 15, 1836, *Register of Debates*, 24th Congress, 1st session, 512-6.

Times of Hartford proudly set aside space for the speech.²⁴ Other papers, however, were derisive. The *Gloucester* [Massachusetts] *Telegraph* judged that the best response to Niles's speech was a recall vote so that he could no longer embarrass his state.²⁵ The Democrat *Boston Courier* observed that people already held Niles in as much contempt as the cold, Boston weather.²⁶ These newspapers cited his ineptitude. He stammered, muttered, and chitchatted while most around him paid no attention. The *Telegraph* reported that Niles gave his speech "very much in the manner of the song and recitative of an Irish doggerel."²⁷

According to an adage, March sometimes comes in like a lion; the subject of slavery entered the Senate in March with a roar. On March 1, Samuel Prentiss of Vermont asserted that Buchanan's proposed receive-and-reject method of dealing with antislavery petitions as "too refined and abstract . . . for a subject of such common and universal interest to the people, as the privilege and right of petition. . . . If we are bound to receive, we are bound to hear and consider; and an abrupt and premature rejection of the prayer of the petition, if not a denial of the right to petition, is a denial of every thing belonging to the right which is of any importance."²⁸ Prentiss's assessment echoes Vermont Representative William Slade's position. Congress should treat each legitimate petition respectfully.

²⁴*Times* (Hartford, CT), March 5, 1836.

²⁵*Gloucester* [MA] *Telegraph*, February 24, 1836.

²⁶*Boston Courier*, February 22, 1836.

²⁷*Gloucester* [MA] *Telegraph*, February 24, 1836.

²⁸Senator Samuel Prentiss (VT), March 1, 1836, *Register of Debates*, 24th Congress, 1st session, 666.

When Oppositionist Daniel Webster of Massachusetts recommended what he considered a practical compromise, even the press of Webster's own party gave a mixed response. The Senate should refer all antislavery petitions to a committee because it avoided problems and was "the most quiet course." If agitating this subject was likely to end in severing the Union, then all senators must work to avoid it. The correspondent of the Opposition *Commercial Advertiser* commented, "Here is a bone for the Van Buren *ambiguities* and double constructionists."²⁹ The Opposition New Bedford *Mercury* supported Webster's reasoning that Congress cannot just "shut the door against petitions, and expect in that way to avoid discussion." The subject could not be stifled and referral to a committee was most plausible.³⁰ The *Albany Evening Journal* also concurred with Webster as well.³¹

On March 2, a Quaker memorial was again the last item on the agenda.³² But, before tabling the issue, Buchanan asserted that "the sacred right of petition and the cause of the abolitionists must rise or must fall together, and the consequences may be fatal. . . . We have just as little right to interfere with slavery in the South as we have to touch the right of petition." Southerners, Buchanan insisted, needed to understand that northerners valued the right of petition and would defend it just as vehemently as southerners defended slavery. "No Government," Buchanan continued, "possessing any of the

²⁹New York [City] *Commercial Advertiser*, March 3, 1836 (italics in the original).

³⁰*Mercury* (New Bedford, MA), March 11, 1836.

³¹Albany [NY] *Evening Journal*, March 12, 1836.

³²March 2, 1836, *Congressional Globe*, 24th Congress, 1st session, 219.

elements of liberty, has ever existed, or can ever exist, unless its citizens or subjects enjoy this right [of petition].”³³

On March 3, when the Senate finally addressed the Lancaster petition in a meaningful way, Alabaman William R. D. King used the words of Democrat New York Governor William Marcy as evidence of northern support of opposition of reception of antislavery petitions.³⁴ In Marcy’s recent address to the State Assembly, he stated that the United States was a republic built upon compromises meant to benefit all. Cooperation was essential to the well-being of all the states, and each state must fulfill its obligation to the federal compact in good faith. Not doing so breaks the bonds between the states and betrays good faith. “As we value the immense advantages that spring from this Union, so we should cultivate the feelings and interests that give it strength, and abstain from all practices that tend to its dissolution,” Marcy argued.³⁵ Senators voted to postpone further consideration of the Lancaster petition.³⁶

When the Senate opened discussion of the Quaker petition on March 7, Henry Hubbard of New Hampshire expressed that the South was “unnecessarily alarmed.” If Congress freed the slaves of the District of Columbia, it would not have the outcome southerners feared. Abolishing slavery in Washington would not lead to the slaves’ freedom because the slaveholders would sell their slaves to people in slaveholding states.

³³Senator James Buchanan (PA), March 2, 1836, *ibid.*, 733.

³⁴Senator William Rufus de Vane King (AL), March 3, 1836, *ibid.*, 221.

³⁵Governor William L. Marcy, (*State of New York*) *Messages from the Governors Comprising Executive Communications to the Legislature and Other Papers Relating to Legislation from the Organization of the First Colonial Assembly in 1683 to and Including the Year 1906*, ed. by Charles Z. Lincoln, (Albany, NY: J. B. Lyon Company, 1909), 570-1, 578.

³⁶March 3, 1836, *Congressional Globe*, 24th Congress, 1st session, 221.

Hubbard supported Calhoun's wish to reject all antislavery petitions outright if it would effectively put down the abolitionist movement, but he knew it would not. He agreed with Webster that to accept and refer all antislavery petitions to a committee was the best solution. In this way, the Senate would say to the petitioners, "We cannot grant your request, as it would put in jeopardy the peace and tranquility of the country."³⁷

On March 8, Thomas Ewing of Ohio stated that the Senate presently had two options. The first was Calhoun's recommendation that the Senate reject all antislavery petitions outright. The other was Buchanan's alternative to receive the petitions but reject their requests. Ewing could not support Calhoun's idea, for it denied the right of petition. Buchanan's proposal was no better, for it rejected petitions without stating the reasons for rejection and disrespected the petitioners.³⁸ The refusal to receive would "present a new issue and lead to mischief." Ewing recommended two other possibilities. The first was to state the reasons for rejection. The second was South Carolinian William Preston's proposal that Congress divide the federal district and return it to Maryland and Virginia, based on a referendum of the residents of the District of Columbia.³⁹ The former was the more practical solution. It let the petitioners know that Congress had heard their petitions and addressed their requests. The latter created more problems than it solved, abdicating congressional responsibility. Maryland and Virginia ceded land to the federal government to create the District of Columbia. While a referendum of Washington residents would permit those most directly affected to make the decision

³⁷Senator Henry Hubbard (NH), March 7, 1836, *ibid.*, 230.

³⁸Daniel Webster (MA) had already recommended this course of action on March 1.

³⁹Senator Thomas Ewing (OH), March 8, 1836, *Congressional Globe*, 24th Congress, 1st session, 235.

regarding slavery in the District of Columbia, it would not resolve the crisis. First, a referendum betrayed the good faith of the states that surrendered land to create a national capital, which would create bitterness in Maryland and Virginia. Second, it either divided the capital city between two states or necessitated relocation, introducing a new set of problems.

After remaining quiet for over two weeks, John C. Calhoun of South Carolina re-entered the debate on March 9. There was no requirement that the Senate do anything beyond presentation. There was no conflict, according to Calhoun, between the question of reception and presentation. The Senate could deny receiving a petition without abridging First Amendment rights. In fact, the Senate had always exercised discrimination in deciding which petitions merited action. Both the North and the South must unite against abolitionists, Calhoun argued; this was the only way to stop their movement.⁴⁰

The *Albany* [NY] *Argus* attacked Calhoun, calling him a “factious and desperate” leader acting like a “foiled and pouting boy.” “What, for instance,” it continued, “can be more absurd, or more significant of the fallen character of the prostrate Nullifier, than the pretence [*sic*] that the vote to receive the petition conceded the constitutionality of an interference by congress with slavery in the District of Columbia?” *The Argus* characterized Calhoun as a desperate and confused man.⁴¹ This paper repeatedly maligned abolitionists and their activities. The right of petition, however, was a “great right” that must be preserved. This illustrates how difficult it was for the Democratic

⁴⁰Senator John C. Calhoun (SC), March 9, 1836, *ibid.*, 238-9.

⁴¹*Daily Albany* [NY] *Argus*, March 18, 1836.

Party to maintain unity. While this Van Buren newspaper from Albany agreed with Calhoun on abolition, it believed that he went too far by trying to deny abolitionists the right of petition.

While many northerners saw Calhoun as too defensive of slavery, he and his followers believed he was being practical. There was no attempt to regulate slavery in the states, so Calhoun should realize that it was not a personal attack. Calhoun, however, believed that if the South even entertained the idea of abolishing slavery in the nation's capital, it would only encourage abolitionists to try to overturn the constitutional compromise regarding slavery. Then, they would enlist northern congressmen to push for abolition in the states. This is why it was so difficult to get Calhoun and his men to compromise on antislavery petitions.

After weeks of deliberation, members finally voted on the question "Shall the petition be received?" It passed 36 to 10, with no northerners voting in the negative. All ten votes against were from the Deep South,⁴² except Benjamin Leigh of Virginia.⁴³ The editors of the *Daily Albany Argus* were relieved. "Mr. Calhoun's proposition not to receive the Abolition petitions has been rejected by the Senate. . . . The question, having been fairly exhausted, and being no longer 'available' as a topic of agitation, we hope may now be permitted to 'rest from its labors.'"⁴⁴ But, it would not rest, even though it

⁴²States of the Deep South included South Carolina, Georgia, Florida, Mississippi, Alabama, Louisiana, and Arkansas.

⁴³March 9, 1836, *ibid.*, 239.

⁴⁴*Daily Albany [NY] Argus*, March 15, 1836.

was a topic “so *hot* that it burnt the fingers of almost *every* one that ventured to touch it.”⁴⁵

Before members voted on the amendment, Buchanan asked to make few remarks. He expressed relief and gratitude that the Senate had addressed the question of reception. Now, abolitionists could never use the denial of the right of petition to argue their cause. “Another happy consequence of this vote is, that abolition is forever separated from the right of petition,” Buchanan observed. Why should senators refer the petition to a committee unless more information on the subject was necessary? If the senators were already decided on the matter, referral was pointless. When the committee returned its report, it would only encourage further rancor. Before presenting the petition, Buchanan had discussed it with his colleagues. He found them to be of four opinions. The first was opposed to the petition because granting the petitioners’ request was unconstitutional. The second opposed it because it betrayed the good faith of Virginia and Maryland, which ceded the land for the nation’s capital. The third believed it “inexpedient and unjust” to abolish slavery in the District. The last group, while not agreeing to go as far as the third, believed abolition imprudent at the present. Debate upon Clay’s amendment to reject the petition, Buchanan argued, would “prove to be the apple of discord in this body.”⁴⁶

The Opposition Bennington *Vermont Gazette* reported on the northern division on the Lancaster petition. Webster agreed with those who voted against reception (on March

⁴⁵Correspondence of the *New-York [City] Commercial Advertiser*, n.d., reprinted in the *New-York [City] Spectator*, March 17, 1836 (italics in the original).

⁴⁶Senator James Buchanan (PA), March 9, 1836, *Congressional Globe*, 24th Congress, 1st session, 239-40.

9) of petitions because Congress could not grant the request. That was plausible reasoning. Slade and “other whig abolitionists at the North” continued to receive petitions “for political effect against Van Buren.” The petition, they argued, sought what Congress could grant. Any petition making a reasonable request within congressional power to act was legitimate, yet the vote against the Lancaster petition “was almost unanimously rejected.”⁴⁷

On March 11, the Senate again took up the question of what to do with the Lancaster petition. Oppositionist Nehemiah R. Knight of Rhode Island cited two requests made in the Lancaster petition, which were important considerations: the abolition of slavery and the slave trade in the District of Columbia. Knight remarked that the latter was “improper, unjust, and inhuman” and believed that all senators agreed. Therefore, to reject the petition would be to reject the validity of the ridding the nation’s capital of the slave trade, a request he thought reasonable.⁴⁸

After a few more remarks, the Senate voted 34-6 to reject the petition. All six senators who voted against rejection were northerners: Daniel Webster and John Davis of Massachusetts, William Hendricks of Indiana, Knight of Rhode Island, and Benjamin Swift and Daniel Prentiss of Vermont. All southern senators voted for rejection.⁴⁹

Buchanan had acted in good faith, trying to forge an agreement over slavery that both North and South could honor and hoped that the decisive 34-6 would limit the

⁴⁷Bennington *Vermont Gazette*, April 5, 1836.

⁴⁸Senator Nehemiah R. Knight (RI), March 11, 1836, *Congressional Globe*, 24th Congress, 1st session, 247.

⁴⁹March 11, 1836, *ibid.*, 248.

number of antislavery petitions coming to the Senate—but he was wrong.⁵⁰ On March 16, Daniel Webster of Massachusetts presented four more petitions. The first, signed by 2,425 women of Boston, asked for the abolition of slavery and the slave trade in the District of Columbia. Over one hundred residents of Boston signed the second one asking for the same. The third was from a large number of inhabitants in Wayne County, Michigan Territory voicing the evils of slavery. The fourth was much like the first two and signed by men of Boston. Webster moved for the referral of the petitions to the Committee on the District of Columbia. He believed Congress was unable to abolish slavery in the District. He did assert, however, it was within the power of Congress to end the slave trade in the nation’s capital. It was for this reason Webster argued the petitions deserved attention. As the petitions were respectful in tone, there was no reason not to accept and refer them to the appropriate committee.⁵¹

Webster’s petitions drew immediate objections. Willie Mangum of North Carolina moved not to receive the Webster petitions and William Rives of Virginia wanted the petitions tabled because the Senate had already decided the matter. Henry Hubbard of New Hampshire also insisted that the vote taken the previous Friday settled how the Senate should handle all such petitions. Hubbard urged his colleagues to vote upon reception rather than support Rives’s motion to table reception.⁵²

⁵⁰Daniel Wirls, “The Only Mode of Avoiding Everlasting Debate: The Overlooked Senate Gag Rule for Antislavery Petitions,” *Journal of the Early Republic* 27 (Spring 2007): 127.

⁵¹Senator Daniel Webster (MA), March 16, 1836, *Congressional Globe*, 24th Congress, 1st session, 257-8.

⁵²Senators Willie Mangum (NC), William Rives (VA), and Henry Hubbard (NH), March 16, 1837, *ibid.*, 257-8.

Thomas Ewing of Ohio then introduced a petition similar to the ones Webster introduced. Ewing moved for referral to the committee on the District of Columbia. Benjamin Leigh of Virginia proposed that the reception of Ewing's petition be laid on the table, and the Senate agreed. Other antislavery petitions met the same fate.⁵³ With the tabling of Ewing's petition, the Senate dismissed the controversy over antislavery petitions for the current session.

The Senate managed to avoid the rancor experienced by the House by addressing antislavery petitions in two non-contentious ways. One method was to table the question of reception. This prevented angry discussion over the petitions by implicitly stating, "Let's not talk about this." No senator had to take a stand on the petitions because members agreed not to discuss them. Buchanan was sensitive to both sides. As a Democrat, he did not want to alienate southerners, for he knew he would need them in the future. He understood that they found these petitions an assault on southern honor and were indignant at northern intrusion into southern affairs. Buchanan also respected the sensibilities of antislavery petitioners, some of whom were from his home state. Therefore, as one who understood the differing viewpoints, he sought a means of satisfying both parties. He proposed that the Senate receive the petitions and reject their requests. This honored the First Amendment right of the petitioners and permitted them to have their petitions heard before the Senate. By rejecting the petitioners' "prayers," it prevented slavery from dominating Senate proceedings. While Buchanan knew that Congress had governing authority in the District of Columbia, he believed it unwise to attempt to regulate slavery there in any way. Buchanan also believed this method served

⁵³Senators Thomas Ewing (OH) and Benjamin Leigh (VA), March 16, 1837, *ibid.*

as an act of good faith toward the South. Although not a perfect solution, this represented more of a compromise than any other solution.

Like in the House, the excitement surrounding antislavery petitions indicated that the issues of slavery and the right of petition were difficult to separate and resolving the antislavery petition dilemma was no simple task. Historian Gilbert Barnes observes that the session began with Morris as a single voice for the antislavery cause who described himself as a “lone and humble individual . . . opposed by the very lions of debate.”⁵⁴ The Senate proved more efficient than the House. Whereas the issue dominated the first session of the 24th Congress in the House, the Senate addressed it sporadically until finally setting it aside and moving on to other business. Division in the House intensified in the next session as some members sought to censure ex-President John Quincy Adams.

⁵⁴Barnes, *The Anti-Slavery Impulse*, 117.

CHAPTER III

“A Dear Lover of Excitement”

24th Congress, 2nd Session
(December 5, 1836-March 3, 1837)

The 24th Congress witnessed antislavery petitions in unforeseen numbers. During the two sessions, the number Congress received went from a mere twenty-three to three hundred thousand, a difficult number to present. One of the effects abolitionists intended with their petitions was the discussion of slavery in Congress. The Pinckney Gag Rule had only “spurred” abolitionists, as the issue was no longer just about freedom of the slave but denial of a constitutional right.¹ The Gag Rule produced a clash of rights. The South strongly favored states’ rights and resisted any attempt by the North to interfere with slavery. Southerners wanted their property rights protected. A growing number of northerners, not just the antislavery petitioners, wanted Congress to guarantee First Amendment rights, for the Gag Rule had evoked free speech as well as the right of petition. The commitment on both sides was so strong that the House brought a censure

¹Russell B. Nye, *Fettered Freedom: Civil Liberties and the Slavery Controversy, 1830-1860* (East Lansing: Michigan State College Press, 1949), 37.

vote against John Quincy Adams. Instead of receiving broad praise across the North, however, many northerners harshly criticized Adams for his obnoxiousness, believed he humiliated himself, and accused him of seeking personal gain at the expense of the national unity.

The events of the prior session of 24th Congress affected public opinion, and the press evinced the discontent over antislavery and the petition controversy during the summer of 1836. *The Emancipator* of New York City deprecated passage of the third Pinckney resolution, which effectively abridged the right of petition. “What!—the voice of the people unheeded by their servants! . . . Who made this Congress who undertakes to the people the subjects upon which they shall speak or petition? The thing is monstrous,” the newspaper wrote.² The Anti-Mason *Gettysburg* [Pennsylvania] *Star & Republican Banner* saw the political climate as one divided between slavery and freedom. The *Banner* listed fourteen important issues for the coming election. One was that Congress should abolish slavery and the slave trade in the District of Columbia. The paper stated that it would support any candidate promising to do so.³ Many newspapers criticized Van Buren for his support of censorship of abolitionist materials in the mails.⁴ One paper nicknamed the bill “Van Buren’s Gag Law,” and another accused Van Buren of selling out the North.⁵

²*The Emancipator* (New York City), July 21, 1836.

³*The Gettysburg* [PA] *Star & Republican Banner*, July 11, 1836.

⁴As President of the Senate, Van Buren cast a deciding vote in favor of mail censure. June 3, 1836. *Register of Debates*, 24th Congress, 1st session, 1675.

⁵*The Gettysburg* [PA] *Star & Republican Banner*, July 16, 1836, and *The Schenectady* [NY] *Cabinet*, June 8, 1836.

Historian Louis Filler maintains the abolitionists chose to petition in large numbers because this was a more realistic means of opposing slavery than any other method available to them. In the process, it helped Americans reach a greater understanding of their civil rights. Additionally, abolitionists fought for the slaves—besides their petitioning Congress—because of their concern for liberty and the rule of law.⁶

The Vermont legislature addressed the petition crisis before Congress reconvened. The legislature resolved that neither the United States Congress nor the state governments could abridge free expression of opinion. The state legislature declared that Congress possessed the right to abolish slavery in the national capital.⁷

Presidential candidate William Henry Harrison believed that Congress could not abolish slavery in the District of Columbia. The consent of the citizens of Virginia, Maryland, and Washington City was first necessary. In addition, Congress could not interfere in property rights, including slaves.⁸

Women were active in drafting and signing antislavery petitions. During the antebellum era, many women actively fought for reform of many kinds: temperance, women's rights, education, and hospital reform, among others. Although free, white women had few rights and could empathize with slaves who had none. Opposition to slavery became a cause they could easily embrace. In the "Address of the Boston Female

⁶Louis Filler, *The Crusade Against Slavery, 1830-1860* (New York: Harper & Brothers, 1960), 65, 93

⁷*Vermont State Journal* (Montpelier, VT), n.d., reprinted in *The Liberator* (Boston) on December 5, 1836.

⁸William Henry Harrison to Thomas Sloo, Jr., Cincinnati, November 26, 1836, William Henry Harrison Papers, Library of Congress, Washington, D.C.

Anti-Slavery Society to the Women of Massachusetts” of July 13, the society urged women to exert their influence to change the minds of congressmen to overturn the Gag Rule. “Let us rise in the power of womanhood; and give utterance to the voice of outraged mercy, and insulted justice, and eternal truth. . . . Let us petition. . . . Let us know no rest till we have done our utmost . . . against the horrible Slave-traffic, which makes the District of Columbia a disgrace to the earth,” the society pleaded.⁹

The involvement of women in these petition drives troubled the Opposition New York City *Courier & Enquirer*. Citing a recent petition drafted by the Female Anti-Slavery Society of Philadelphia, the *Courier* reminded women that “their ministry is at home, and their empire the domestic circle. . . . When they take upon themselves the functions of men . . . they will be unsexed to all the salutary purposes of their creation hardened, ossified, unamiable and unlovely.” Involvement in politics was no place for women; the editors blamed the “titillating zeal” of abolitionist clergymen for women’s involvement.¹⁰

On New Year’s Day 1837, the Philadelphia Female Anti-Slavery Society released its annual report. It stated that the society had petitioned Congress for the abolition of slavery in the nation’s capital. While Congress had not granted the society’s request, members found encouragement in the results. When southerners had called women petitioners “Impertinent intermeddlers!” and “Incarnate devils,” members of the society knew that they had southerners on the defensive. The society vowed to continue its

⁹*The Liberator* (Boston), August 13, 1836.

¹⁰New-York City *Courier & Enquirer*, n.d., reprinted in *The Columbian Register* (New Haven, CT), December 31, 1836.

efforts “in the dissemination of the truth, although its influences may sometimes be ‘like as a fire, and a hammer.’”¹¹

Because the Pinckney Gag Rule was an agreement between Henry Laurens Pinckney and Martin Van Buren,¹² it is important to address Van Buren’s background to understand why he plays such a vital role in the Gag Rule controversy. Growing up in New York with political aspirations, Martin Van Buren quickly realized that one had to be “clever, shrewd, and sometimes unscrupulous” to survive in New York politics. Van Buren was an amicable person who learned how to win people over with his charm, two indispensable qualities for anyone running for office. He knew when to agree and when to defer to others, carefully choosing his battles.¹³

Van Buren rapidly became the leader of the “Bucktails”—named after their trademark coonskin caps they often wore—a group that sought to wrest leadership of New York politics from Governor DeWitt Clinton and his followers. The Clinton family had dominated New York politics for years. The Bucktails successfully led a movement that resulted in amending the New York constitution to expand suffrage, hold more frequent elections, and reform patronage. This proved so successful that Governor Clinton was not nominated for re-election, and the Bucktails took over New York government.¹⁴

¹¹“The Third Annual Report of the Philadelphia Female Anti-Slavery Society,” *Philadelphia National Enquirer*, January 28, 1837.

¹²Elizabeth Varon, *Disunion! The Coming of the American Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008), 110.

¹³Robert V. Remini, *Martin Van Buren and the Making of the Democratic Party* (New York: W. W. Norton & Company, Inc., 1951), 3-5.

¹⁴*Ibid.*, 5-7.

When Van Buren ran for the United States Senate, he established a political machine called the Albany Regency to oversee New York government in his absence. The Regency sought to protect and preserve Jeffersonian Republicanism in New York. While headquartered in Albany, a network of auxiliaries, a newspaper, and a caucus system for efficient operation supported the Regency. The *Albany Argus*, edited by Edwin Croswell, backed the Regency and spread its platform to the public. The caucus system not only provided an efficient means for nomination but also assured that only legislation and ideology that adhered to Jeffersonian Republicanism received approval of the Regency as well as affording party discipline.¹⁵

The “Era of Good Feelings,” the nickname for the presidency of James Monroe (1817-1825), was actually a time of great change. The economy entered a recession after the Panic of 1819, even though Congress had reauthorized a national bank. The Federalist Party, which was already in the twilight of its existence, had opposed the popular War of 1812 and even considered disunion at the Hartford (Connecticut) Convention of 1814. This cemented its demise as a national party. Monroe oversaw a one-party nation. This did not mean everyone agreed, however. Van Buren knew that there were “closet” Federalists within the National Republican Party, and sought to expose and remove them to make the party more Jeffersonian.

The Election of 1824 exposed a fractured party. President Monroe had not named his successor as Jefferson and James Madison had, and various political interests led to a four-man race for the presidency. Jackson won more of the popular vote than any other candidate, but he did not earn enough electoral votes needed for election. This threw the

¹⁵Ibid., 8-10.

election into the House of Representatives. The chaos resulted in the “corrupt bargain” that elected John Quincy Adams (Massachusetts) over Andrew Jackson (Tennessee) when Henry Clay (Kentucky) directed his supporters to back Adams. Van Buren never forgave Monroe for allowing such a chaotic presidential election to happen by not hand-picking his successor. Van Buren resolved to assure that it would never happen again, committing himself to developing a national party committed to Jeffersonian principles.¹⁶

When President Adams presented the president’s annual message to Congress in December 1825, he announced a plan for internal improvements—just as Clay had been promoting—the establishment of a national university, a bankruptcy law, the building of a strong navy and army, and open cooperation with the nations of South America in an international congress. To Jeffersonians, this represented an overreach of federal authority. For example, Jefferson himself had wanted a national university to build the nation’s prestige but had not pursued it because the Constitution did not enumerate that power to either the legislative or the executive branch. Jefferson had also viewed a large military as anti-American and too tempting for an executive to abuse. Van Buren could not abide Adams’s agenda. There was a clear delineation between Adams and himself. Historian Robert Remini observed, “The party with principles had to challenge the party with a program.”¹⁷

Van Buren took advantage of Andrew Jackson’s rising popularity to make him the face of the new Democratic Party. This party promoted “negative government,” the belief that the best activity of the government was to do nothing, for proactive

¹⁶Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America* (New York: Hill and Wang, 1990), 81, 82.

¹⁷Remini, *Martin Van Buren*, 100-102.

governments produce inequality or privilege. Negative government distinctly contradicted the nationalistic program of the Adams administration. The Democrats opposed the Bank of the United States, protective tariffs, internal improvements, and other federal government programs that possibly could have impinged on the sovereignty of the states—a Jeffersonian position. Public perception of Jackson also tended to make each political battle a personal one: Jackson vs. the Bank, Jackson vs. Nullifiers, Jackson vs. the Supreme Court, Jackson vs. Native Americans, etc. As long as Jackson remained popular, he aided the rise of the Democrats.¹⁸

The Democratic Party also formed as an alliance between Van Buren's New York and southern planters. Slavery was a divisive issue, so Van Buren wanted that difference set aside. During Jackson's second term (1833-37), the abolitionist movement became highly visible and proactive. Abolitionists sent literature to southerners in the mail warning them of the evils of slavery. Mobs arose against abolitionists in the North and the South. In 1835, Vice-President Van Buren issued a statement he would be an "uncompromising opponent" of anyone who supported abolition of slavery in the District of Columbia and that abolitionists were "disloyal to the Union."¹⁹ Van Buren was the presumptive Democratic nominee for president in 1836. He wanted to avoid conflict in Congress and keep out issues that might mar his campaign or the Democratic Party.

Van Buren wanted a strong party that could dominate national politics to promote Jeffersonian republicanism. Van Buren and other northern Democrats who supported the South earned the nickname "doughfaces," a term referring to a northern man with

¹⁸Michael F. Holt, *The Political Crisis of the 1850s* (New York: W. W. Norton & Company, 1978), 23, 33.

¹⁹James L. Sundquist, *Dynamics of the Party System: Alignment and Realignment of Political Parties in the United States* (Washington, D.C.: The Brookings Institute, 1983), 51, 52.

southern principles. The North-South coalition of Democrats was always a tenuous one, however. Southerners originally trusted Jackson because he was a southern slaveholder. Van Buren was a northerner and did not own slaves. Southerners were always suspicious as to whether they could trust northern men to support states' rights values and protect the institution of slavery. Over time, southerners made more demands of northerners to prove their good will toward the South.²⁰ The Gag Rule was one of those demands. When the 24th Congress commenced its second session in December 1836, anti-slavery petitions appeared in great number. On December 26, John Quincy Adams introduced a petition from citizens of Pennsylvania asking Congress to abolish slavery in the District of Columbia. "A dust was at the very onset kicked up," observed the *Pennsylvania Inquirer*.²¹ As Robert Remini observes, Speaker James K. Polk "incredibly" ruled that the Pinckney resolutions only applied to the previous session, "which unleashed another verbal storm."²² Goshman Parks of Maine moved to lay the memorial on the table, a motion that passed 116-36. Of the 116, 68 were northerners and 48 southerners.²³

Adams's petition caused a great commotion. *The Emancipator* reported that presentation of antislavery petitions was "electrical. . . . If a nest of rattlesnakes were suddenly let loose among them, the members could manifest but little more 'agitation.'"²⁴

²⁰Watson, *Liberty and Power*, 203.

²¹*Pennsylvania Inquirer* (Philadelphia), December 28, 1836.

²²Robert V. Remini, *Andrew Jackson*, Vol. 3: *The Course of American Democracy, 1833-1845* (Baltimore: Johns Hopkins University Press, 1984), 406.

²³Representatives John Quincy Adams (MA) and Goshman Parks (ME), December 26, 1836, *Congressional Globe*, 24th Congress, 2nd session, 51.

²⁴*The Emancipator* (New York City), January 19, 1837.

John Wesley Davis of Indiana asked for suspension of the rules to present a resolution that sought to place all antislavery petitions on the table without reading, printing, or debate.²⁵ A call for yeas and nays proceeded but a quorum was not present so the House could not take further action.²⁶ The *Delaware County Republican* a Democratic paper of Darby, Pennsylvania accused Davis of being either a slaveholder or slave dealer, for there could be no other reason for him to cooperate so willingly with the Slave Power. The proper response of “the free people of Pennsylvania,” the paper contended, was to flood Congress with antislavery petitions. “[M]ake the tables of the members of Congress groan with the weight of petitions, and the time will soon arrive when by the power of truth and justice those who now opposed the people’s voice will tremble for their own safety,” the *Republican* warned.²⁷

On January 9, 1837, John Quincy Adams presented a petition from 150 female constituents requesting the abolition of slavery in the nation’s capital, which threw the House “into immense confusion and excitement.”²⁸ Adams argued that there should be no objection to reception of the petition. It was respectful in tone and drafted by honorable people. Adams added that during the last session, representatives had agreed that the House would receive anti-slavery petitions and dispose of them. It troubled Adams that the Pinckney resolutions had suppressed the right of petition. This was an

²⁵Representative John Wesley Davis (IN), December 26, 1836, *Congressional Globe*, 24th Congress, 2nd session, 51-2. This was a curious development. Congressmen from Indiana and Illinois rarely contributed to antislavery petition debates at this time.

²⁶*Ibid.*

²⁷*The Delaware County Republican* (Darby, PA), n.d., reprinted in *The Philadelphia National Enquirer*, January 7, 1837.

²⁸Correspondence of the *Ohio State Journal*, January 11, 1837, reprinted in the *Scioto Gazette* (Chillicothe, OH), January 25, 1837.

injustice to the people in general and disrespectful to the citizens of Massachusetts in particular who prepared this petition. These women did not call for insurrection or bloodshed, only for the end to slavery in the federal district.²⁹

The Speaker agreed that it was in order to lay the question of reception on the table, a vote was ordered, and the House passed it. The *Globe* recorded a roll call vote of 130-69. The yeas were nearly evenly split, with sixty-seven northern—all Democrats except for Dutee Pearce of Rhode Island—and sixty-three southern votes. The nays were heavily northern, 51-18.³⁰ This vote reveals two interesting facts. First, although nearly two-thirds of the House voted to table the petition, the North showed much opposition, likely more indicative of impatience against the Slave Power than with the petitioners. This vote also demonstrated a less uniform opposition from the South the South to the petition than one might expect, for eighteen southerners were against tabling the petition.

Vote to Table Adams's First Antislavery Petition, January 9, 1837

	Yea	Nay	Total
North	67	51	118
South	63	18	81
Total	130	69	199

Adams then stated that he understood that only the motion to receive was voted on and not the petition itself. Adams announced he would call for a vote on that motion every day as long as he had freedom of speech. It was his duty to see the petition

²⁹Representatives John Quincy Adams (MA) January 9, 1837, *Congressional Globe*, 24th Congress, 2nd session, 79.

³⁰January 9, 1837, *ibid.*

received. At this point, Adams introduced another petition from 228 female residents of South Weymouth, Massachusetts. He began to read the petition “with great vivacity of expression and manner and high gusto.”³¹ These women were “impressed” by “the sinfulness of slavery, and keenly aggrieved by its existence in a part of our country over which Congress possesses exclusive jurisdiction in all cases whatever do earnestly petition your honorable body immediately to abolish slavery in the District of Columbia and to declare every human being free who sets foot upon its soil.”³² For emphasis, the *Register of Debates* recorded that Adams read the last few words “with great rapidity of enunciation and in a very loud tone of voice” for emphasis. *The Pennsylvania Inquirer* of Philadelphia observed, “The venerable gentleman was particularly energetic and vehement in his remarks.” His colleagues interrupted him several times and challenged his right to read the petition. Adams responded that he wanted to make a speech about the petition and that reading it was part of his speech.³³ Speaker Polk then read the 45th Rule of the 24th Congress, which stated:

Petition, memorials, and other papers addressed to the House, shall be presented by the Speaker or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were read.³⁴

³¹Correspondent of the *Ohio State Journal*, n.d., reprinted in the *Scioto Gazette* (Chillicothe, OH), January 25, 1837.

³²Representative John Quincy Adams (MA), January 9, 1837, *Register of Debates*, 24th Congress, 2nd session, 1317.

³³*The Pennsylvania Inquirer* (Philadelphia), January 11, 1837.

³⁴Speaker James K. Polk (TN), January 9, 1837, *Register of Debates*, 24th Congress, 2nd session, 1318.

Next, the Speaker ruled that a representative could not read a petition, regardless of its length, just “a brief statement of the contents” was permissible. The House then voted on the question, “Shall the petition be received?” The petition was received 137-74 with voting going almost exclusively along sectional lines. Only five northerners voted against reception: Michael Ash and James Black of Pennsylvania, Samuel Barton of New York, Edward Hannegan of Indiana, and William May of Illinois, all Democrats.³⁵

Once received, Charles Haynes of Georgia moved that the petition be laid on the table. The House voted 150-50 to lay the petition on the table with the yeas nearly evenly divided 77-73 between northerners and southerners. Of the seventy-seven northerners, all were Democrats except for Anti-Mason George Chambers of Pennsylvania and Whig John Young of New York.³⁶

When Adams presented a third anti-slavery petition, John Reed, Jr. of Massachusetts supported Adams and asserted that Congress had authority over the District of Columbia. These petitions did not threaten the people of Washington but pleaded for Congress to make a legal change, in accordance with its powers.³⁷ While Adams and Reed stood up for the right of petition, believing they were doing what was just, not all northerners agreed. The editors of the Democratic *Daily Albany Argus*, a Van Buren paper, criticized the waste of congressional time upon “a question not less fruitless than mischievous” and referred to Adams as the “Massachusetts Madman.”³⁸

³⁵Ibid., January 9, 1837, *ibid.*, 1319-20.

³⁶January 9, 1837, *ibid.*, 1320-1.

³⁷Representatives John Quincy Adams (MA) and John Reed, Jr. (MA), January 9, 1837, *ibid.*, 1321, 1325-7.

³⁸*Daily Albany [NY] Argus*, January 13, 1837.

Clearly, there were Democrats in the North who characterized the petitioners as fringe extremists who did not deserve attention. In addition, the *Argus* preferred Adams to be silenced. The Opposition *Salem* [Massachusetts] *Gazette* tactfully observed that Adams had “an inordinate bump of combativeness—for over and over again it has been seen in Congress, that no man better loves a Congressional riot.”³⁹ The non-partisan *New York Sun* provided a more scathing rebuke at Adams, who had “demean[ed] himself . . . to become the tool of these fanatics,” which “has lost him the respect of all parties.”⁴⁰

The non-partisan *Philadelphia Ledger & Daily Transcript* took exception to the *Sun*’s editorial. Adams did not follow party politics but his own conscience, the *Ledger* argued. Adams’s “abolition conduct” was simply the discharging of his duty as an elected representative of the people of Massachusetts. The *Ledger* believed it best to avoid the topic of antislavery, but Congress had no right to abridge the right of petition. Congress did, however, have a right to govern the nation’s capital. The only viable remedy, according to the *Ledger*, was to move the capital to a non-slave state where this would no longer be an issue and legislators could return to other matters.⁴¹

The Opposition *New Bedford* [Massachusetts] *Gazette* answered the charge of the *Argus* that Adams was a “madman.” Recently, at a trial seeking to determine the sanity of an individual, a physician had testified that madness was evident when a person’s “conduct or opinions [were] differing from those of the mass of mankind.” The *Gazette* proclaimed that Adams fit that definition because he regarded slavery as an evil, that

³⁹*Salem* [MA] *Gazette*, January 17, 1837.

⁴⁰*New-York* [City] *Sun*, January 12, 1837, reprinted in the *Philadelphia Ledger & Daily Transcript*, January 14, 1837. The *New-York Sun* also added that the women who had sent the petitions should return to their household duties.

⁴¹*Philadelphia Ledger & Daily Transcript*, January 14, 1837.

Congress had the right to govern the District of Columbia, and the Constitution guaranteed the right of petition to every citizen. “To express unpopular opinions nowadays, is not only deemed madness, but madness of that aggravated kind which calls for the harshest treatment of Bedlam,” the *Gazette* noted.⁴²

The right of petition was not just a volatile issue in Washington. That same month, the New York Assembly rejected an antislavery petition, the Peterboro memorial. Many residents of New York regarded abolitionists as extremists, or “ultras,” who did not deserve attention. In contrast, the *Opposition New-York [City] Commercial Advertiser* judged the rejection of the petition as “an outrage upon public liberty.” It continued, “we admonish the dominant party [Democrats] to have a care how they proceed in this matter. They may raise a tempest which they will find it far more difficult to quell, than it is to manage an election by the machinery of party.”⁴³ The Assembly vote may have been a symbolic gesture by Van Buren men toward the South.

The vote of the New York Assembly also provides insight into New York State politics. Twenty-five New York representatives voted for the Pinckney gag, while the six states of New England only provided a dozen votes, and the remainder of the free states had twenty-two total. New York politicians supported a gag rule in Albany and in Washington. This illustrated Van Buren’s influence in New York politics.⁴⁴ For the Democratic Party to endure, it had to cooperate with the South.

⁴²*New Bedford [MA] Gazette & Courier*, January 30, 1837.

⁴³*New-York [City] Commercial Advertiser*, January 17, 1837.

⁴⁴Leonard L. Richards, *The Slave Power: The Free North and Southern Domination 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 132.

On January 18, Albert G. Hawes, a Kentucky planter, presented a resolution: “*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.” After, in the words of the *Register*, “desultory conversation” on the subject, the House adopted the resolution 129-69.⁴⁵

Vote for the Hawes Gag Rule, January 18, 1837

	Yea	Nay	Total
North	71	53	124
South	58	16	74
Total	129	69	198

In the vote to adopt the resolution, northerners outnumbered southerners 71-58. New York provided twenty-three votes, Pennsylvania thirteen, and Ohio ten. These three states accounted for forty-six of the seventy-one votes. The Pennsylvania and Ohio delegations divided on the Hawes resolution, for they also provided the most northern votes against it with ten and eight, respectively. Six Massachusetts representatives joined Adams in opposing the measure. Northerners provided the majority of votes on both sides of the vote.⁴⁶ Van Buren’s influence is noteworthy here. New York alone provided almost one-third of the votes supporting the Hawes Gag Rule. In addition, outside of New York, Pennsylvania, and Ohio, only twenty-five northerners supported renewing the Gag Rule. While one might reasonably think that support for the Gag Rule eroded over

⁴⁵Representatives Albert Gallatin Hawes (KY), Elisha Whittlesey (OH), and Speaker James K. Polk (TN), January 18, 1837, *Register of Debates*, 24th Congress, 2nd session, 1411-2.

⁴⁶January 18, 1837, *Congressional Globe*, 24th Congress, 2nd session, 106.

time, the vote for the Hawes Gag Rule demonstrated that support was already waning among northern representatives.

Two Philadelphia papers were critical of any representatives who approved the Hawes resolution. The *Pennsylvania Inquirer* correspondent “saw northern men truckling to party [the Democrats], and voting for a resolution which stabs at the vital principles of the Constitution, and violates the right of petition,” acrimony against the Slave Power. He praised Waddy Thompson and Francis Pickens of South Carolina and John Robertson of Virginia specifically for their opposition. “They are opposed to abolition of slavery in the District of Columbia . . . but they scorn to bow to the dictates of party, and deny freemen the right of petition.”⁴⁷ The *Philadelphia National Enquirer* similarly expressed great displeasure when it reported that the House had “trample[d] the petitioners” and “gag[ged] their representatives.”⁴⁸

A northern representative sent a personal letter to the editor of the *Pennsylvania Inquirer*, which the paper published anonymously. The congressman stated that the content of the petitions was not the issue. “But the anxiety of *party* to secure *local* support, particularly that of the South, if not arrested by the voice of the people, will completely prostrate the constitutional rights as well as the pecuniary interests of the northern and middle States,” he wrote. His purpose in writing was to take issue with *The Inquirer*’s correspondent’s praise of Thompson, Pickens, and Robertson. They did not vote against the Hawes Gag Rule to protect the right of petition, but “because they contend the petitioners have no right to be heard or to bring their views on the subject of

⁴⁷Philadelphia *Pennsylvania Inquirer*, January 20, 1837.

⁴⁸*Philadelphia National Enquirer*, January 28, 1837 (italics in the original).

slavery, in any shape whatever, before Congress,” cautioning that northerners should view southern support of the right of petition over slavery with suspicion.⁴⁹

While Adams was not an abolitionist, his steadfastness in defending the right of petition led him to be a national voice for the anti-slavery and abolition movements and many newspapers referred to him as an abolitionist. Samuel Flagg Bemis judged that while the abolitionists made up a minority of Adams’s district, the anti-slavery cause “had come home to him at last.”⁵⁰ Adams rejected the Hawes Gag Rule, promising to continue his fight for the right of petition. The Opposition *Norfolk Advertiser* praised Adams for his dedication. “In these days of miserable truckling and base servility,” it lauded, “it is cheering to meet one man who will not bow the knee to any of the Baals who claim, whether in this party or that, almost *universal* idolatry.”⁵¹ The biblical reference to misplaced loyalty in serving a false god was certainly not lost on any of the paper’s readers.

But, Adams also had northern detractors. The *Albany Argus*—the paper which called Adams “The Massachusetts Madman”—was a Van Buren paper that discouraged any agitation concerning slavery in an effort to maintain party unity. It supported the right of petition and freedom of speech, but Adams had made a mockery of those rights. The editors believed that he went too far and disgraced himself and disparaged “the insane or disorderly abuse” of “speak[ing] one’s thoughts.”⁵²

⁴⁹Philadelphia *Pennsylvania Inquirer*, January 25, 1837 (italics in the original).

⁵⁰Samuel Flagg Bemis, *John Quincy Adams and the Union* (New York: Alfred A. Knopf, 1956), 341.

⁵¹*Norfolk Advertiser* (Dedham, MA), January 21, 1837.

⁵²*Albany [NY] Daily Argus*, January 24, 1837.

That Adams fought ceaselessly for the right of petition, even to the point of alienating fellow representatives, drew praise in other northern papers. For example, *The New Bedford [Massachusetts] Gazette and Courier*, an Opposition paper, judged that Adams “renders himself exceedingly obnoxious” to his colleagues and some regard him as “a lunatic and everything else that is bad.” Nevertheless, Adams deserves the “thanks of every free man for the happy manner in which he contends for a hearing of his constituents.”⁵³

Despite passage of the Hawes gag, Adams steadfastly presented more anti-slavery petitions. The House tabled all of them until he presented one from New York. It was from ministers and members of the Lutheran Church of the State of New York asking Congress to enact a law that protected the rights outlined in the Declaration of Independence for the residents of the nation’s capital. The chair averred that the petition fell under the previous rule, a decision the House confirmed with only three dissenting votes: Adams, James Parker of New Jersey, and David Potts of Pennsylvania. Instead of asking Congress to grant a simple appeal, the petition asked Congress to craft new legislation with an abstract parameter. The Lutheran Church petition asked for the abstract, which led to a decisive denial. Adams and others presented more anti-slavery petitions that day; all were tabled.⁵⁴

The Opposition *New York [City] Express* commended Adams for his commitment. No gag rule would stop Adams, it extolled. “The truth is,” the *Express* continued, “he is a man of talents, and what we of the north call *pluck* and they of the

⁵³*New Bedford [MA] Gazette and Courier*, January 30, 1837 (italics in the original).

⁵⁴Representatives John Quincy Adams (MA) and Caleb Cushing (MA) and Speaker James K. Polk (TN), January 23, 1837, *ibid.*, 118-9.

South call *chivalry*, will have his way right or wrong. A thousand Mr. Speaker Polks could not put a stopper on him.”⁵⁵ Adams’s boldness encouraged *The Emancipator*, which called on citizens to prepare more petitions.⁵⁶

Others in the North opposed slavery petitions. Democrat Andrew Beaumont of Pennsylvania presented a petition authorizing him “to oppose all attempts to abolish slavery in the District of Columbia, and every endeavor, in any manner, to interfere or meddle with the institutions of slavery.”⁵⁷ Beaumont’s petition came from citizens of Luzerne County who believed that anti-slavery petitions were “a desperate cause of abolitionists . . . by which they hope either to subvert the liberties of this happy country, or spread anarchy, confusion, and division among a hitherto united people. . . . We regard such men as bad citizens, entirely unworthy of the protecting and fostering care of society, of Government, and the laws.”⁵⁸ Likewise, some New Yorkers were also weary of Adams’s efforts to circumvent the House rules, as evidenced earlier in the *Albany Daily Argus* editors’ description of Adams as the “*Massachusetts madman*.”⁵⁹

Neither party was uniform on the issue of slavery. Vice-president Martin Van Buren had always worked for party unity, but as sectionalism deepened and each region sought to protect its own interests, he sought to prevent the issue of slavery from dividing the Democratic Party. This was especially crucial because of his recent election to the

⁵⁵*New York Express* correspondence, n.d., reprinted in the *Massachusetts Spy* (Worcester, MA), February 1, 1837 (italics in the original).

⁵⁶*The Emancipator* (New York City), February 2, 1837.

⁵⁷Representative Andrew Beaumont (PA), January 23, 1837, *Congressional Globe*, 24th Congress, 2nd session, 119.

⁵⁸*Ibid.*

⁵⁹*Albany* [NY] *Daily Argus*, January 30, 1837 (italics in the original).

presidency. Newspapers that supported him—as the *Argus* did—saw anti-slavery petitions as unnecessarily divisive and serving only to fracture the fragile political structure. Adams’s opponents believed he was creating division within his own party, one that needed unity as it formed, so his efforts were foolhardy. Instead of creating alliances with southern Oppositionists, Adams alienated them through his chronic introduction of antislavery petitions. The more the House discussed slavery, the more it threatened both parties.

Leonard Richards gives several reasons for the fragile cohesion of the Democratic Party. One is that the Jacksonian coalition was southern-based, just as the Jeffersonian one had been. It was essential, therefore, to mollify southern interests. Northern Democrats who placated the South earned the label “doughfaces.” Jacksonian loyalists held the majority in the House, so reaching agreements with southerners was necessary to pass legislation important to the North. The South also had disproportionate power in the House and usually had control of the Speaker’s chair in the antebellum era. Those aspiring to national office, as Van Buren had, needed to be mindful of the need for southern support.⁶⁰ The Slave Power controlled American politics and Van Buren needed its support to achieve his political objectives.

Adams also proved creative in introducing anti-slavery petitions. On January 30, he presented one from the Young Men’s Anti-Slavery Society of Philadelphia protesting any action taken by Congress to admit Texas as a slave state.⁶¹ The Speaker instructed

⁶⁰Richards, *The Slave Power*, 112-21.

⁶¹The Missouri Compromise of 1820 was an agreement between the North and the South that the 36° 30" line was a legitimate line of demarcation. Any state formed south of this line, a line extending westward from the southern boundary of Missouri, could gain admission to the Union as a slave state without deliberation in Congress.

that the petition must lie on the table because it addressed slavery. Adams appealed that the petition was not an anti-slavery petition but one protesting the admission of Texas as a state. After further deliberation, Polk determined that the Texas petition fell under the January 18 decision of the House, a decision then confirmed by the House by a vote of 131-62.⁶²

Adams then continued his assault by presenting abolition petitions from New Hampshire; New York; Michigan; from nine ladies of Fredericksburg, Virginia; and twenty slaves.⁶³ He then inquired if the petition from slaves fell under the renewed Gag Rule. Polk replied that he could not tell without reading it. Adams then contended that if he handed the petition to the Speaker, it would be in possession of the House, so he first wanted to know if it fell within the jurisdiction of the resolution. Wishing not to entangle himself, Polk stated that he would abide by the decision of the House as to whether or not he should receive it.⁶⁴

The Speaker then had the clerk read the minutes, which identified the petitioners as “twenty-two persons declaring themselves to be slaves.” Julius C. Alford of Georgia charged that a petition submitted by slaves should be immediately burnt. Dixon Hall of Alabama called for Adams’s censure. The *Globe* reported that cries of “No!” “No!” “Expel him!” filled the chamber. The controversy had become more intense than

⁶²Representative John Quincy Adams (MA) and Speaker James K. Polk (TN), January 30, 1837, *Congressional Globe*, 24th Congress, 2nd session, 139.

⁶³The *Congressional Globe* indicated there were other petitions but neglected to identify them.

⁶⁴Representative John Quincy Adams (MA) and Speaker James K. Polk (TN), February 6, 1837, *Congressional Globe*, 24th Congress, 2nd session, 162.

arguments over semantics or passionate discussion on constitutional intent.⁶⁵ The Opposition *New-York [City] Commercial Advertiser* observed, “the words slave, slavery, and abolition, are the key-notes of their madness” and southern representatives “fly into a rage like fools, and the others [northern allies] play the fool to keep them company.” Even if the petition from slaves was genuine, they can petition like anyone else. It would have been much more reasonable to let Adams present the petitions and quietly table them than waste congressional time.⁶⁶

The Democratic *Albany Daily Argus* reported that “the abolitionists, and their opposition [Whig] abettors, under the pretence of sustaining the right of petition,” wasted the valuable time of the House. The *Argus* concluded with an oversimplification: “the abolitionist side of the question is composed exclusively of opposition members,”⁶⁷ classifying all abolitionists as Oppositionists, an unjustifiable statement. The *Argus* often stated that it favored protection of the right of petition, but this editorial reveals the paper’s ambivalence. It lauded the right of petition when those petitions did not involve slavery. But, when those petitions favored abolition of slavery or the slave trade in the nation’s capital, then *The Argus* perceived that the petitioners perverted the right of petition, for the paper believed it imprudent to discuss slavery in Congress. This illustrates how carefully Van Buren and northern Democrats had to handle slavery-related subjects.

⁶⁵Representatives Julius Caesar Alford (GA), Dixon Hall Lewis (AL), and Speaker James K. Polk (TN), February 6, 1837, *ibid.* The *Globe* first records the number of slaves signing the petition as twenty but later records it at twenty-two.

⁶⁶*New-York [City] Commercial Advertiser*, February 8, 1837.

⁶⁷*Albany [NY] Daily Argus*, February 7, 1837.

Two Democratic newspapers from Gloucester, Massachusetts derided Adams's petition from slaves. The *Gloucester Telegraph* described Adams as "a dear lover of excitement" who was "willing to show how far he is willing to interrupt the harmony and business of Congress, merely for the sake of getting up an excitement." The *Gloucester Democrat* was incredulous that Adams would present a petition from slaves. "Never was there such an uproar before here," it concluded. Not only this, but the slaves "*petitioned [Adams's] expulsion from the House, before he made their condition harder.*" The *Democrat* also accused Adams of wanting to create excitement.⁶⁸

While southerners moved to censure Adams, and chaos broke out on the House floor, Adams remained silent. According to the non-partisan Philadelphia *Public Ledger*, "In the midst of it all, the cool and intellectual Yankee sat like a Roman Consul amid the feast of the Saturnalia, calmly surveying the licence [*sic*] of the temporary revelers, knowing that the hour would soon arrive when he could command it to be still," symbolic of "the magic influence of reason over passion."⁶⁹ When Adams regained the floor, he maintained he had not presented a petition from slaves but had inquired of the Speaker if that petition came under the resolution of January 18 and would be tabled. Adams desired a decision before taking further action.⁷⁰

Adams's next point seemed more important, for his language became more forceful and passionate. His colleagues had disparaged the character of some of the signers of petitions he had presented. Adams responded that there were no grounds for

⁶⁸*Gloucester [MA] Telegraph*, February 11, 1837 and *The Gloucester [MA] Democrat*, February 10, 1837 (italics in the original).

⁶⁹Philadelphia *Public Ledger*, February 23, 1837.

⁷⁰Representative John Quincy Adams (MA), February 6, 1837, *Congressional Globe*, 24th Congress, 2nd session, 162-3.

rejection when the language of the petitions was respectful. He also stated that his colleagues believed the petition from slaves was for the abolition of slavery when, instead, it pleaded for the exact opposite, the wish to remain in slavery. The House, Adams asserted, should receive petitions regardless of who drafted them, provided they were respectful.⁷¹

The right of petition did not require citizenship, Adams contended. One's economic and social standing had no bearing. He wanted to protect that right on behalf of all Americans. He was passionate about it, not obstinate, as his opponents said. The issue was more than slavery in the nation's capital. The issue was the right to present a petition. Even the most disreputable and incorrigible people possessed the right to petition.⁷² The *Daily Cincinnati Gazette* extolled, "I rejoice that there is one man in Congress, who has the boldness to stand up for what is right, the firmness to maintain his ground against denunciation—the talent to sustain himself, though assailed by violence on one side, and meanly deserted, by cowardly skulkers, on the other."⁷³

The correspondent of the Whig New York City *Courier & Enquirer* expressed shock at the day's events. "I have witnessed, this day, in the House of Representatives one of the most extraordinary scenes, that I have ever witnessed in any deliberate body. It presents a case not susceptible of description," he reported. Southerner after southerner recommended various resolutions of censure, "the whole South now seemed to be a flame," refusing to let Speaker Polk answer Adams's question on whether or not he could

⁷¹Ibid., February 6, 1837, *ibid.*, 162-3.

⁷²Ibid.

⁷³*Daily Cincinnati Gazette*, February 16, 1837.

present the petition from slaves. By the end of the day, the situation was comic as well as serious. “Many who disapproved of Mr. Adams’ silence, and permitting the debate to continue for hours, when he had the power to put a stop to it in a moment, could not refrain from laughing at the tempest which had been raised so uselessly.”⁷⁴

The *Courier* correspondent was not alone in his amazement; newspapers of varying political viewpoints across the North viewed the proceedings as shocking. The Democratic New York City *Evening Post* faulted Adams for wanting to present a petition from slaves, accusing him of grandstanding. “He knew the excitement which such an idea would produce, and he allowed a wrathful and useless debate to proceed. . . . There is surely cause enough of strife between different parts of the country without getting up imaginary ones,” the *Post* rebuked.⁷⁵ The *Boston Gazette* marveled that Adams suggested that blacks possessed the right of petition. “That old gentleman goes the whole—stops at nothing, and insists that he will listen to nothing but the unqualified concession that slaves possess the rights of man.”⁷⁶ The *Boston Courier* believed that Adams would arise from the incident unharmed. His opponents, however, “must have looked rather *cheap*, when the resolutions for putting down Adams . . . were rejected by the House, and by large majorities.”⁷⁷ The *Pennsylvania Inquirer* commented on

⁷⁴*New York [City] Courier & Enquirer*, n.d., reprinted in the New Bedford [MA] *Mercury*, February 10, 1837.

⁷⁵*New York City Evening Post*, n.d., reprinted in the Albany [NY] *Daily Argus*, February 14, 1837.

⁷⁶*Boston Gazette* correspondence of February 11, 1837 as it appeared in *The Newburyport [MA] Herald*, February 17, 1837.

⁷⁷*Boston Courier*, February 16, 1837 (italics in the original).

Adams's tenacity, "The old gentleman stops at nothing. . . . He is not intimidated by any thing that is said or done, and will not yield an inch."⁷⁸

The next day, the House took up the matter of Adams's censure as the first order of business. In his defense, Adams proclaimed his respect for the House and stated that he exercised discretion in the petitions he presented. One gentleman had suggested that he presented a bogus petition, to which Adams responded that he would never knowingly introduce one he knew to be a forgery. Adams then asked a question: "What is a petition? It was a prayer, a supplication to a superior being; that which we offer up to our God; and if the Creator of the Universe did not deny to the lowest, the humblest and the meanest the right of petition and supplication, were they to say they would not bear the prayer of these petitioners because they were slaves?" Adams added that he would present a petition from slaves, even if those slaves asked to remain in slavery, provided their masters were kind.⁷⁹ The House then spent the remainder of the day introducing various forms of censure resolutions against Adams but never voted on any of them. Only Caleb Cushing of Massachusetts spoke in Adams's defense.⁸⁰

On February 9, 1837, the House revisited the Adams affair after taking a day for other business. During the morning debate, George Evans of Maine averred that the House should respect the right of abolitionists to present petitions and treat them as had been done in the past (either laying them on the table or referring them to the Committee on the District of Columbia). Processing these petitions was not a burden. The

⁷⁸Philadelphia *Pennsylvania Inquirer*, February 13, 1837.

⁷⁹Representative John Quincy Adams (MA), February 7, *Congressional Globe*, 24th Congress, 2nd session, 165.

⁸⁰February 7, 1837, *ibid.*, 165-6.

agreement not to present them only exacerbated the situation. There were fewer abolitionists when the House had treated their petitions respectfully. The number of abolitionists had increased, Evans asserted, because the House’s treatment of their petitions only intensified the petitioners’ sense of urgency in presenting their message. Denial of the right of petition helped abolitionists convince others that their cause was just and made their message more powerful. The House, in trying to avoid a problem, had only created a bigger one. The abolitionists “contended that slavery was a great moral, social, and political evil, and was, besides, indefensible by argument.” For the House to reject these petitions was disrespectful to the people who had a right to present them.⁸¹

Amidst debate, the House voted on a resolution that anyone who presented a petition from slaves was “unfriendly to the Union.” The House defeated it by a vote of 92-105 along sectional lines. Southerners cast 80 of the 92 votes. Five of the twelve northern votes came from New York. Northerners accounted for all but 4 of the 105 negative votes.⁸² While the vote itself was close, the North overwhelmingly supported the right of petition, regardless of party affiliation.

Vote on Resolution That Anyone Presenting a Petition from Slaves Is “Unfriendly to the Union”

	Yea	Nay	Total
North	12	101	113
South	80	4	84
Total	92	105	197

⁸¹Representative George Evans (ME), February 9, 1837, *ibid.*, 168.

⁸²February 9, 1837, *ibid.*, 169.

With the question posed as it was, framed to label anyone as “unfriendly to the Union,” representatives voted according to the question rather than let party politics dictate their votes. This vote did not require northern Democrats to appease the Slave Power. Although all twelve who voted with the South were Democrats, most of them had voted for the right of petition.

Next, the House addressed the censure of John Quincy Adams. It read as follows:

Resolved, That the Hon. JOHN Q. ADAMS having solemnly disclaimed all design of doing anything disrespectful to the House in the inquiry he made of the Speaker as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition if the House was of opinion that it ought not to be presented—therefore, all further proceedings in regard to his conduct do now cease.

In spite of the enflamed passion of those who charged him with the censure, the House rejected the censure 21 to 137. Even before the vote, South Carolina’s Francis Pickens had asked the Speaker to withdraw the censure motion after the first resolution failed, but the Speaker denied it. Only three northerners supported censure: James Black and David Wagener of Pennsylvania and Abijah Mann of New York, all Democrats. While eighteen southerners voted for censure, thirty-three voted against it.⁸³ George Cambreleng of New York had originally favored censure but gave two reasons for changing his mind. First, “he thought it too trifling a matter for which to bring one who had been President of the United States to the bar of the House.” Secondly, censure was too extreme; “The remedy was to be considered worse than the disease.”⁸⁴ Joshua R. Giddings, who later served in

⁸³February 9, 1837, *Register of Debates*, 24th Congress, 2nd session, 1686.

⁸⁴Representative George Cambreleng (PA), February 6, 1837, *Register of Debates*, 24th Congress, 2nd session, 1601.

the House with Adams, gave his own opinion on why so few voted for censure; it was too harsh.⁸⁵

Vote to Censure John Quincy Adams, February 9, 1837

	Yea	Nay	Total
North	3	104	107
South	18	33	51
Total	21	137	158

The chart above clearly indicates that many southerners chose not to vote or absented themselves during roll call. The vote immediately prior reflected eighty-four votes southern votes cast. In Adams's censure vote, only fifty-one southerners cast their votes, apparently not wanting to go on record either way in the censure of a former American president. Adams had stood his ground, embarrassed the South, and now southerners were willing to let the matter go. Even Henry Wise, one so obnoxious to Adams, voted against his censure. In his closing remarks, Adams declared that if the House had accepted and tabled the petitions, as he had asked, he would have taken a half-hour of the House's time, at the most, and no one would have heard of the petitions anymore. As it was, the constant denial and outcry at his presentation of petitions kept them the center of attention.⁸⁶ Leonard Richards observes, "The story of how Old Man Eloquent tricked the slaveholders was added to his growing legend." But, his trick came with a price, for Adams began receiving death threats in the mail later that year.⁸⁷

⁸⁵Joshua R. Giddings, *History of the Rebellion: Its Authors and Its Causes*, (New York: Follet, Foster, & Company, 1864), 111-12.

⁸⁶John Quincy Adams, February 9, 1837, *Register of Debates*, 24th Congress, 2nd session, 1683.

⁸⁷Leonard L. Richards, *The Life and Times of John Quincy Adams* (New York: Oxford, 1986), 130, 131.

Some northern newspapers noted that the dearth of votes favoring censure was a testimony to the opinion Adams's colleagues had of him. The *New-York Daily Express* observed that Adams escaped "in a blaze of glory. . . . Every body blows him up and denounces him, and yet every body listens to him, and in this controversy he has displayed an influence and an eloquence truly surprising. . . . He is obstinate, and he has intellect enough to maintain himself against any man who puts himself in his way." The House members had realized that the best way to control Adams was to leave him alone.⁸⁸ The *Boston Daily Advocate* likened Adams's victory to that of a Roman general and portrayed him as a Christ-figure saved from crucifixion, "The attempt at censure has resulted, in effect, in a vote of applause, at the fearless and indomitable spirit exhibited by a single individual against the universe."⁸⁹

After the censure vote, the House addressed a resolution for future petitions: "Resolved, That slaves do not possess the right of petition secured to the people of the United States by the Constitution." The resolution passed in a bipartisan vote, 162-18, with no southerner voting in the negative. Of the eighteen yea votes, nine were Democrats and nine were Oppositionists.⁹⁰ This vote was as lopsided as the censure vote had been, with more participating. One reason is that it was not a vote about Adams or censuring an elder statesman. Another is that the vote was one that did not correlate with either party. Northern Democrats also felt no obligation to yield to the Slave Power. In

⁸⁸*New-York [City] Daily Express* correspondence of February 12, 1837 reprinted in *The Columbian Register* (New Haven, CT), February 25, 1837.

⁸⁹*Boston Daily Advocate*, February 9, 1837 reprinted in *The Liberator* (Boston) February 25, 1837.

⁹⁰February 9, 1837, *Congressional Globe*, 24th Congress, 2nd session, 175.

the end, the House of Representatives confirmed that the right of petition was a limited one.

Despite the criticism heaped upon him, Adams left the second session of the 24th Congress as a hero to some. The *Lynn* [Massachusetts] *Record* perceived a change. “The Abolitionists have gained one hundred per. cent. among the people, within the last year, and one hundred per. cent. in Congress, within the last month,” it rejoiced. Gone from congressional discourse were the phrases “to appease the South” or “to reconcile the South,” language that was common only a year earlier. Adams’s triumph in avoiding censure was greater than any he achieved during his presidency. Even Adams’s opponents “award[ed] him unqualified praise. They admire his lofty courage, his stern honesty, his unequalled adroitness.”⁹¹ Adams earned these exaltations because he fearlessly took on the Slave Power and won. Just as Americans would later take great pride at every victory over the Russians in the Cold War, so did northerners rejoice at triumphs over the Slave Power.

The *New-York* [City] *Journal of Commerce* reported that an abolitionist paper had employed Adams. Over four hundred petitions awaited him upon his return to Quincy, and the paper estimated that number would be four thousand by the time Adams returned to Congress. There was even talk of nominating Adams as an abolitionist candidate.⁹² While Adams survived censure, the right of petition was not as fortunate. The House renewed the Pinckney gag in the form of the Hawes gag. Soon after the House agreed

⁹¹*Lynn* [MA] *Record*, n.d., reprinted in the *Philadelphia National Enquirer*, March 4, 1837. The party affiliation of the *Lynn Record* is unknown.

⁹²*New-York* [City] *Journal of Commerce*, March 13, 1837, reprinted in *Patriot and Democrat* (Hartford, CT), March 25, 1837.

upon a gag rule for the second time in the 24th Congress, the Senate reconsidered the question of the right of petition.

The Senate avoided the turmoil experienced by the House during the second session of the 24th Congress. But, just three days before the House voted not to censure Adams, antislavery petitions once again caused a stir in the Senate. No scenes similar to those occurring in the House took place in the Senate, as good faith and political congeniality prevailed.

On February 6, 1837, Senator John Tipton of Indiana presented two petitions requesting the abolition of slavery in the nation's capital. Tipton stated that he did not agree with the petitioners' request, for to grant it would be a betrayal of the good faith of the states of Maryland and Virginia. Consequently, he moved that the Senate refer the petitions to the Committee on the District of Columbia. John C. Calhoun of South Carolina rose to ask if the Senate could receive them. In the last session, senators voted to receive and then reject the Lancaster petition. What would be the proper course of action this session? The chair responded that the Senate customarily received petitions unless a senator formally made a question of reception.⁹³

Thomas Ewing of Ohio cautioned the Senate on handling antislavery petitions. There were now more abolitionists in his home state than the previous year, which was due, in part, to the Senate's rejection of antislavery petitions during the previous session. He suggested that Tipton's petitions receive the same treatment other petitions would. To have another lengthy debate over the question of reception only encouraged petitioners to present more. The chair reminded Ewing that when a member objected to the reception

⁹³Senator John Tipton (IN) and John C. Calhoun (SC), February 6, 1837, *Congressional Globe*, 24th Congress, 2nd session, 157.

of a petition, the Senate must address it. Ewing stressed that the signers were not “incendiaries.” Referring Tipton’s petitions to the committee was the most prudent course because it treated them respectfully and would not produce agitation. Tipton reiterated that he had done his duty in presenting the petitions, and the Senate had the right to reject them. He admonished his colleagues from the slaveholding states that to reject the petitions would only agitate the abolitionists. To refer the petitions quietly to the committee would not.⁹⁴

Thomas Morris of Ohio suggested that it might be more expedient for all senators with similar petitions to present them all at once so that the Senate could deal with them collectively. The chair rejected Morris’s suggestion, stating that parliamentary procedure required that each senator present petitions during his turn. Calhoun responded by asserting Morris’s recommendation would be more pragmatic. The chair agreed, but this was possible only by unanimous consent, to which the senators all agreed. Many members then presented their antislavery and abolition petitions.⁹⁵

James Buchanan of Pennsylvania admitted that discussion on antislavery petitions was profitable, and he had witnessed the benefit of open discussion in his home state. He was reluctant, however, to renew dialogue in the Senate because he favored a renewal of the receive-and-reject resolution. Undoubtedly, Buchanan knew of the turmoil in the House of Representatives and considered it prudent to avoid it in the Senate.⁹⁶

⁹⁴Senators Thomas Ewing (OH) and John C. Calhoun (SC), February 6, 1837, *Congressional Globe*, 24th Congress, 2nd session, 158.

⁹⁵Senators Thomas Morris (OH) and John C. Calhoun (SC), February 6, 1837, *ibid*.

⁹⁶Senator James Buchanan (PA), February 6, 1837, *Register of Debates*, 24th Congress, 2nd session, 709-10.

Thomas Morris vehemently disagreed with Buchanan. Last session's receive-and-reject policy had only exacerbated abolitionists and resulted in more petitions. It was more respectful to receive the petitions and refer them to the committee on the District of Columbia.⁹⁷

Calhoun was concerned about the content of the petitions, suspecting they disparaged southerners. He asked the clerk to read them. Upon hearing them, Calhoun declared the contents offensive to the South and recommended that the Senate take the action adopted by the House, to table all antislavery petitions. A motion was then made to lay all the petitions on the table, which passed 31-13 on the strength of southern votes. Buchanan, William Ewing of Illinois, Henry Hubbard of New Hampshire, John Norvell of Michigan, Sherman Page and Silas Wright, Jr. of New York, John M. Robinson of Illinois, and John Ruggles of Maine were the only northerners in favor of tabling the petitions; all of them were Democrats. All nay votes came from the North, eight oppositionists and five Democrats.⁹⁸

As the Opposition *Portland [Maine] Advertiser* noted, "the debate seemed about to end . . . but Mr. Southard of N.J. gave new life to it" by asking the Senate to distinguish between petitions.⁹⁹ Some asked for abolition, while others requested an end to the slave trade in the nation's capital. These were two distinct requests and the Senate should not treat them as the same. Daniel Webster of Massachusetts, agreeing with

⁹⁷Senator Thomas Morris (OH), February 6, 1837, *ibid.*

⁹⁸Senator John C. Calhoun, February 6, 1837, *Register of Debates*, 24th Congress, 2nd session, 710-1.

⁹⁹*Portland [ME] Advertiser*, February 14, 1837.

Southard, stated that senators should protect the right of petition, provided the petitions were respectful, and not “file them away,” an action Webster deemed disrespectful.¹⁰⁰

Finally, the Senate decided to lay all antislavery and abolition petitions on the table by a vote of 31-15. The vote was similar to the one earlier. All nays came from northerners, save Henry Clay of Kentucky. Daniel Webster of Massachusetts, who had not voted in the 31-13 vote, also voted nay. Clay and Webster were both Oppositionists. Judah Dana of Maine, who had not voted in the earlier vote, voted for tabling.

Democrats Lucius Lyon and John Norvell of Michigan added their votes in favor.¹⁰¹ This put an end to all discussion regarding antislavery petitions in the Senate for the remainder of the session. Whereas, the House took weeks to resolve the controversy, the Senate addressed the issue in a single day. The debate regarding antislavery petitions remained civil and dispassionate, allowing senators to compromise although some vehemently disagreed. “This has been a war of words in the Senate, but this has been but a gentle Zephyr compared with what has been in the House,” the *Portland Advertiser* observed.¹⁰² In fact, the proceedings of the Senate went largely unnoticed. The events of the House made more exciting reporting.

By the end of the second session, it was clear that neither the pro-Gag Rule nor anti-Gag Rule factions was uniform in its stance. Disagreement was particularly notable in the North. Thomas Morris, the lone supporter of abolitionism in the Senate, soon found himself “efficiently purged from the Jackson party,” according to historian James

¹⁰⁰Senators Samuel Southard (NJ) and Daniel Webster (MA), February 6, 1837, *Register of Debates*, 24th Congress, 2nd session, 712-4.

¹⁰¹February 6, 1837, *Register of Debates*, 24th Congress, 2nd session, 723.

¹⁰²*Portland [ME] Advertiser*, February 14, 1837.

B. Stewart.¹⁰³ Some northerners favored the right of petition but desired to keep any discussion of slavery out of the public forum, a sentiment held by members of both parties. The longer antislavery petitions remained controversial, the more difficult it was for the Democratic Party, which had a strong presence in the South, to do what was politically expedient.

Compromising with the South proved advantageous in the past, but as the number of abolitionist and antislavery residents increased in some representatives' districts, the demand to abandon the South increased as local pressure to present these residents' petitions increased. "Doughface" politicians had hoped that the 24th Congress had put the petition controversy to rest. What they and the rest of the country soon discovered was that the number of antislavery petitions was increasing and the controversy would not go away.

The 25th Congress witnessed two different ways of addressing the problem, each enacting a different form of gag rule. The Senate followed its precedent of putting the matter away quietly. The House, on the other hand, prepared for another round of battle. Van Buren and the Democrats entered the 25th Congress proactive regarding the Gag Rule. Inheriting the Panic of 1837 at the beginning of his presidency, Martin Van Buren could not afford weeks of discussion on antislavery petitions.

¹⁰³James B. Stewart, *Holy Warriors: The Abolitionists and American Slavery* (New York: Hill & Wang, 1976), 85.

CHAPTER IV

“Miserable, Flimsy, Feeble Resolutions”

25th Congress (September 4, 1837-March 3, 1839)

During the 25th Congress, politicians continued to find ways to keep the discussion of slavery out of the chambers. The Senate employed a method that endured for another dozen years. The House, however, became more contentious, as southerners threatened disunion. The 25th Congress witnessed the petition controversy evolving from overt sectional contention to backroom political dealings. Several northern newspapers reported a private agreement between President Martin Van Buren and Senator John C. Calhoun of South Carolina as a stratagem of the Democratic Party. Northern newspapers expressed more outrage. The early gag rules rejected the contents of the petitions. By the end of this Congress, the House of Representatives prohibited antislavery petitions and limited free speech, an act unconscionable to many Americans. Democrats realized the urgency of addressing the petition controversy quickly. In the second session, Democrat Representative John Patton of Virginia initiated a gag rule early. The Senate settled quickly on a quiet receive-and-reject method of disposing of petitions. Democrat

Representative Charles Atherton of New Hampshire began the third session by introducing a version of the Gag Rule that eliminated all debate in the House. While the Senate's version drew little attention in the northern press, the northern response to the Patton and Atherton gags expressed anxiety over the lengths the Democratic Party was willing to go to mollify the South and preserve party unity.

Historian Richard Sewell notes that the 25th Congress convened with opposing ideologies at work. By 1837, abolitionists had planted a large network of antislavery societies. They believed that politics had a moral basis. The Massachusetts Anti-Slavery Society's board of managers declared, "Politics, rightly considered, is a branch of [Christian] morals, and cannot be deserted innocently." Moral pressure was necessary to convince the American people of the sin of slavery. Although not an abolitionist himself, John Quincy Adams's relentless attack against the Gag Rule and for the right of petition assured abolitionists that petitioning was an effective means of political agitation. They were disappointed, however, that the House established the Gag Rule each session.¹

If those who favored the Gag Rule believed it would halt the flow of petitions, they were greatly mistaken. In preparation of the new session, Philadelphia's *National Enquirer*, an abolitionist paper, urged its readers: "NOW IS THE TIME, to forward the memorials to Congress. Let them pour into the halls of the Captial [*sic*], like the waters of Niagara's stormy cataract, until they raise a spraying shower, that shall thoroughly wash out the filth of 'dough faceism,' at least, if not the slaverite [*sic*] lampblack, with which they abound." The editor further urged readers to send petitions to their state

¹Richard H. Sewell, *Ballots for Freedom: Antislavery Politics in the United States, 1837-1860* (New York: Oxford University Press, 1976), 10.

legislatures.² This editorial not only encouraged more petitions but also charged that northerners who supported the Gag Rule did so only for political reasons. To these “dough faces,” party loyalty and unity were paramount. The *Enquirer*, which proclaimed from the top of each page to be a “Constitutional Advocate of Universal Liberty,” would not give up in its cause because the majority of the House saw fit to abridge the right of petitions. The murder of Elijah Lovejoy³ only a month earlier accentuated the sense of urgency for a Niagara-like cascade of petitions.

Unfortunately, for Martin Van Buren, he inherited a weak economy upon entering the presidency. The Panic of 1837 had many causes. Andrew Jackson had paid off the national debt. In the process, much money went to Europe. He also killed the Bank of the United States, making it extremely difficult to regulate the nation’s money supply. Cotton brokers and mercantile houses failed. The United States imported 25% more goods than it exported. Democrats blamed the banks and Oppositionists blamed Jackson for the recession, with the latter being more accurate. To prevent land speculation, Jackson had insisted that individuals pay for real estate in hard money, specie, and not paper money, by issuing his Specie Circular. Although well intentioned, this took much specie out of circulation, draining the banks and the United States Treasury of hard money.⁴ Addressing the needs of the economy was the top priority of the Van Buren

²Philadelphia *National Enquirer*, December 7, 1837.

³Elijah Lovejoy published an abolitionist newspaper in East Alton, Illinois. Despite repeated acts of violence upon his presses, Lovejoy remained committed to his newspaper and the abolitionist cause. He was killed in an act of mob violence on Lovejoy’s printing office on November 7, 1837.

⁴Daniel Walker Howe, *What Hath God Wrought* (New York: Oxford University Press, 2007), 504, 505.

administration. The president did not need a Congress disagreeable and alienated over petitions. He would act swiftly to any contention over slavery in Congress.

The earliest presentation of antislavery petitions garnered little excitement. On Tuesday, December 12, 1837, shortly after the convening of the second session of the 25th Congress,⁵ John Quincy Adams introduced several petitions requesting the abolition of slavery in the District of Columbia. Each was laid upon the table. A new development was the lack of reaction of representatives over the reception of the petitions, an obstacle during both House sessions of the 24th Congress. Extensive debate was also absent. Even when Adams presented his final petition, which asked for the prohibition of slavery in the territories, there was little response.⁶ On December 18, four of the five representatives from Vermont presented antislavery petitions with William Slade of Vermont announcing he would present a speech regarding his petition later.⁷ Additionally, Elisha Haley of Connecticut presented a slavery petition that the House tabled. Adams and William Parmenter (Massachusetts) presented slavery petitions without incident.⁸ The Panic of 1837, failing banks, and a protective tariff all seemed more important than Adams's petitions. With the nation's economy as a preoccupation, representatives did not want to waste time in futile debate over antislavery petitions.

⁵On May 15, 1837, President Martin Van Buren called for a special session of Congress to address economic issues. This first session of the 25th Congress lasted from September 4 to October 16, 1837. September 4 and 5, 1837, *Congressional Globe*, 1, 4. In the second session, Congress resumed its normal duties, which included the presentation of petitions.

⁶Representative John Quincy Adams (MA), December 12, 1837, *Congressional Globe*, 25th Congress, 2nd session, 18-9.

⁷The *Globe* does not record any action taken on these petitions. Representative William Slade (VT), December 18, 1837, *ibid.*, 30-1.

⁸Representatives Elisha Haley (CT), John Quincy Adams (MA), and William Parmenter (MA), December 18, 1837, *ibid.*, 31.

Besides, southerners still felt the sting of Adams's triumph over them the previous February.

On December 20, this calm ended as William Slade delivered a lengthy oration, arguing that the House had no right to “smother” petitions. “The voice of the people was not thus to be suppressed,” he asserted. Furthermore, the petitioners “entertain no feelings of hostility toward slave holders. They threaten them with no force. It does not enter their imaginations. Their only weapons are *truth* and *reason*. They aim to convince—not to intimidate.” For Slade, the subject of slavery was of great importance, but the right of the people to be heard was just as great. Slade had been outspoken on the subject of slavery and slavery petitions during the early days of the 24th Congress in December 1835 but had remained quiet since then. Seeing another vocal opponent of the Gag Rule must have been reassuring to John Quincy Adams. Instead of fighting the Gag Rule alone, he now had an ardent ally. Slade believed that the banning of slavery petitions was futile, as well as wrong. He continued:

[I]f it is calculated that this spirit is to be suppressed by *gag* law here, or *mob* law elsewhere, it is done under a delusion which should be dispelled immediately. You may, indeed, silence for a moment the voice of truth in *this hall*; but it will be only to give it deeper and louder tones elsewhere. You may destroy the freedom of debate here, but you cannot destroy the freedom of thought, and of speech and of the press, elsewhere. The spirit of free inquiry is not to be thus subdued. It is rising, and it will continue to rise, under the pressure with which you vainly think to crush it. You may *reason* with these people, and if your arguments are sound, you may convince them; but they are the last people on earth whom you can convince by turning your backs, and shutting your doors in their faces.

This paragraph captured the conflict concisely. For Slade, the exchange of ideas was essential to a thriving republic. A government derived its power from the consent of the governed. Did this not mean respectfully listening to differing ideas? The First

Amendment guaranteed and even encouraged the exchange of ideas through free speech, press, petition, and assembly. For government to represent the people effectively, it should not abridge those liberties, even in the name of expediency. Even if the House enacted another gag rule, it could not stifle the voices of the citizenry. Politicians might change the minds of the people through reason but not through disrespect. The Gag Rule was foolhardy. If the House wanted to minimize the influence of the petitions, it should treat them as it did before the 24th Congress, by accepting them and referring them to the appropriate committee. After Slade had delivered nine pages of his twenty-four-page speech, Speaker James K. Polk ordered him to take his seat, which Slade agreed to do if the House voted in favor of it, which it did.⁹

The correspondent of *The Sentinel of Freedom*, an Opposition paper in Newark, New Jersey, believed Slade imprudent. The correspondent judged that Slade “very unnecessarily entered into the subject at length and in a manner the most uncompromising and inflammatory imaginable. I am fearful the effect of this will be to make a false issue between the North and South on the subject of abolition; as [southerners] seem to believe that every one who maintains the right of petition must necessarily be in favor of abolition.” The correspondent further expressed puzzlement at the actions of southerners. “There is something I do not understand in the depth of

⁹Representative William Slade (VT), Speaker James K. Polk (TN), and Representative John Campbell (SC) December 20, 1837, *Congressional Globe*, 25th Congress, 2nd session, 41; Representative William Slade (VT), “On the Abolition of Slavery and the Slave Trade in the District of Columbia,” December 20, 1837, Special Collections, University of Massachusetts--Amherst, Amherst, Massachusetts. Italics in the original.

feeling exhibited by the southern members,” he began. “They seem to have come prepared this morning for what has taken place.”¹⁰

The following day, John M. Patton of Virginia rose and introduced this resolution: “*Resolved*, That all petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or transferring of slaves, in any State, District, or Territory, of the United States, be laid on the table, without being debated, printed, read, or referred, and that no further action whatever shall be had thereon.” Adams vociferously objected, and cries of “Order” rang throughout the chamber. When taking the vote on the resolution, Adams stood up and cried, “I hold the resolution to be in violation of the Constitution of the United States.” Speaker Polk ordered Adams to resume his seat. The House then passed the resolution and another gag rule, the Patton Gag Rule, was now in place, this time more readily than before.

Roll Call Vote on the Patton Gag Rule, December 21, 1837

	Yea	Nay	Total
North	50	73	123
South	72	1	73
Total	122	74	196

The vote was 122 to 74 in favor of the Patton Gag Rule. The bulk of the northern yea votes came from New York and Pennsylvania with nineteen and thirteen respectively. All five New Hampshire representatives voted yea. Connecticut and Maine provided four votes each, and five more came from the Old Northwest. New York,

¹⁰*Sentinel of Freedom* (Newark, NJ), December 26, 1837.

Pennsylvania, and New Hampshire provided a total of thirty-seven votes from three strong Democratic states. All northern Oppositionists voted against the Patton gag. Ohio, a strong Opposition state, cast fifteen of sixteen votes against it.¹¹

Martin Van Buren needed the Patton Gag Rule. He could not permit more speeches in the House like the one Oppositionist Slade just gave. He needed unity in the party to address the economy, and Slade's speech was undermining Van Buren's effort. Slade had attempted to gain more support for his view, and it seemed to be working. Opposition to the Gag Rule was increasing. Although many most northern representatives were Democrats, northerners opposed the Patton Gag Rule 73-50. While Patton's resolution passed, it had to make Van Buren uneasy. He could not continue to expect the House to back the Gag Rule. Because northern representatives outnumbered southern ones, he needed continued support from northern Democrats, support that already seemed waning. In the meantime, renewal of the Gag Rule demonstrated that Van Buren was able to get the votes he needed despite opposition.

The editor of the Opposition *Hudson River Chronicle* of Ossining, New York expressed betrayal at the vote. He was angry because Van Buren had broken his trust. The editor had always considered Van Buren as opposed to slavery. Instead, he now worked alongside Senator John C. Calhoun of South Carolina and Van Buren's party votes against the "*right of petition, free discussion, liberty of the press, and in favor of the Southern Van Buren gag-law.*"¹²

¹¹Representatives John Mercer Patton (VA) and John Quincy Adams (MA) and Speaker James K. Polk, (TN), December 21, 1837, *Congressional Globe*, 25th Congress, 2nd session, 45-6.

¹²*Hudson River Chronicle* (Ossining, NY), January 2, 1838 (italics in the original).

Responding to a southern caucus, the Democrat *New Hampshire Gazette* became apprehensive. “We felt somewhat alarmed for the safety of the Union, on the arrival of this news, not knowing what might prove to be the result,” the editors began. While they understood the resentment of southerners for “these repeated insults and interference in their domestic concerns,” the caucus troubled even New Hampshire Democrat editors, people normally agreeable to the South. It was with great relief that the *Gazette* welcomed the passage of the Patton gag.¹³ New Hampshire representatives were loyal Van Buren men, and most New Hampshire Democrats were loyal to the Democratic Party. Chronic presentation of antislavery petitions threatened party unanimity. The fact that the *Gazette* expressed apprehension at a southern caucus within their own party demonstrates an uneasy relationship among the Democrats between sections, even in a solidly Democratic state.

The Democrat *Daily Albany Argus* stated that *The Globe* reported glee at the passage of another gag rule, a development in which the Van Burenite *Argus* editors concurred. *The Globe* asserted that the Gag Rule would “extinguish the firebrands of fanaticism and faction. . . . We will hereafter expose the incendiaries who have renewed this warfare against the Union.”¹⁴ Van Buren’s *Argus* did what it could to portray Adams and Slade negatively. Instead of defenders of the people, as advocates of the First Amendment, Slade, Adams, and their petitioners were “firebrands of fanaticism and faction” and “incendiaries.” *The Argus* avowed support for the right of petition but

¹³Portsmouth *New Hampshire Gazette*, December 26, 1837.

¹⁴*Daily [NY] Albany Argus*, December 27, 1837.

deprecated discussion of slavery in Congress. If Adams and Slade began persuading Americans that their cause was just, it could be detrimental to the Democratic Party.

Philadelphia's abolitionist *National Enquirer* unsurprisingly reported a much different viewpoint, listing all fifty of the northerners who voted for the Gag Rule, highlighting the list by numerous pointing finger icons so readers could not possibly miss their names. These representatives have "basely bowed their knee to 'the dark spirit of slavery' and trampled one of the dearest 'inalienable rights' of their constituents in the dust!"¹⁵ Rather than silence the voice of abolition, the Gag Rule only enraged and made anti-slavery and abolitionists fight more ardently for their cause, fulfilling Slade's prophecy. It was not a difference of opinion but a moral imperative; the right of petition was an inalienable right that the House had no right to take away.

The misrepresentation of William Slade of Vermont in many newspapers and the attitudes of southern politicians troubled the non-partisan Philadelphia *Public Ledger*. Slade had a right to present his petition, regardless of its contents, provided Congress had the constitutional power to act. The Constitution enumerated the power of Congress over the District of Columbia. "This is plain *law*; and pompous deprecations of letter writers, or the canting appeals of fanatics, Northern or Southern, against or in favor of slavery, cannot obscure the plainness of this *law*, among intelligent and candid minds," the editor declared. It further troubled him that southerners demonstrated little interest in maintaining the social compact and continually threatened disunion whenever politics did not favor them. Why should the rights of the North be subordinate to the rights of the

¹⁵*National Enquirer* (Philadelphia), December 28, 1837.

South? The North considered the threat of a southern walkout and cries of disunion as offensive.¹⁶

The Public Ledger illustrates the danger of being labeled an abolitionist. Many deprecated Slade and his anti-Gag Rule message because they regarded him as an abolitionist. Even this non-partisan paper realized that many would discredit Slade's message because they regarded him as an extremist who did not deserve attention.¹⁷

The abolitionist Cincinnati newspaper *The Philanthropist* expressed a mournful and heavy tone. "It is impossible for a stranger to understand how deeply the system of slavery has pervaded by its spirit the institutions and policies of the free states," it began. Any question that had to do with rights suddenly turned into a slavery issue. "If petitioners ask for a repeal of laws oppressive in regard to our colored population, at once the strife commences between Pro-slavery and Anti-slavery, which results in the triumph of the former, and, of course, the rejection of the prayer of the petitioners," *The Philanthropist* lamented.¹⁸

The following week, *The Philanthropist* characterized the Patton Gag Rule as an inadequate measure, even to those who supported it. It was only a temporary solution. Petitioners recognized the Gag Rule as a "mere trick" and the paper predicted the number of petitions would increase. Americans had a right to petition and would maintain that right even though the right of petition was "in chains." *The Philanthropist* faulted

¹⁶Philadelphia *Public Ledger*, December 23, 1837 (italics in the original).

¹⁷At the beginning of the Gag Rule controversy, William Slade (VT) identified himself as a gradualist, one who favored emancipation by degrees rather than all at once. This, Slade believed, was the wiser course for all. Slaves had a chance to assimilate into society, and white Americans and the government had the opportunity to prepare for it. Over time, Slade's speeches in the House reflect his support for immediate abolition.

¹⁸*The Philanthropist* (Cincinnati), December 26, 1837.

northern representatives, for they did not defend the “constitutionally sacred” right of petition because many were fearful of alienating the South. Southerners feared talk of abolition, for they found it threatening, but legislators should be able to discuss any matter necessary for good government. “True policy,” the editor argued, “demands a just exposition and decision of constitutional questions, not their evasion.”¹⁹

The *Colored American*, an African-American newspaper in New York City, expressed anger and blamed Christian ministers for perpetuating pro-slavery attitudes. “We have denounced as treacherous to the fundamental principles of liberty those members of Congress who have dared to trample on the sacred right of petition,” the editors denounced passionately. African Americans had already seen the House declare that slaves could not present petitions. The Patton gag was another affront.²⁰ This demonstrated that the Gag Rule crossed racial lines. While African-Americans were understandably troubled over slavery and limited rights of free blacks, they still believed they possessed the right to petition Congress and have those petitions heard because they were Americans.

Adams wrote an open letter, dated Christmas Day, to the *people* of New York State. He found “offensive” the manner in which the House applied the Patton gag. He assured New Yorkers that he was not a member of any antislavery or abolitionist society and he did not favor granting the “prayer” of any of the antislavery petitions he presented. He opposed the Gag Rule because he was “anxiously desirous of maintaining . . . [the] right of Petition, the Freedom of the Press, and our own right to Freedom of Speech as

¹⁹Ibid., January 2, 1838.

²⁰*Colored American* (New York City), December 30, 1837.

Representatives of the People.” He asserted that Congress had an obligation to receive and consider petitions that pursue “peace and order.”²¹ Adams appealed to New Yorkers because many of the previous votes to sustain the Gag Rule had come from that state, which strongly supported the Democratic Party and President Van Buren. For Adams to defeat the Gag Rule, he needed the support of New York representatives. Adams also clearly pointed out that he belonged to neither an antislavery nor an abolitionist group. He did not want to hinder his fight against the Gag Rule and for the right of petition for all Americans.

The Keene *New-Hampshire Sentinel*, an Opposition paper, believed that Slade had only given Gag Rule advocates an excuse to renew it. *The Sentinel* expected congressmen to avow it was an extreme case that threatened the Union. In the editor’s opinion, all Slade’s speech accomplished was providing justification for the Patton gag. All New Hampshire representatives voted for it, effectively stating, “The people may petition, but their prayer we will not even hear.”²² *The Sentinel* stood apart from other New Hampshire papers, which customarily gave support for the Gag Rule. It supported the Democratic Party but wanted the right of petition preserved. The paper implied that the best way to accomplish this was to remain silent regarding slavery.

Timoleon, the correspondent of the Democratic *Boston Courier*, contrasted the treatment of antislavery petitions in the Senate and House. During the 24th Congress, senators realized that suppressing petitions only led to more. “[Senators] were not so discourteous as to hurl back the petitions in the faces of those who signed or presented

²¹John Quincy Adams to “The People of the State of New York,” December 25, 1837, Millard Fillmore Papers, Buffalo and Erie County Historical Society, Buffalo, NY (italics in the original).

²²Keene *New-Hampshire Sentinel*, December 28, 1837 (italics in the original).

them; but by a method of genuine French politeness, they laid *the pending motion*, (to receive or refer the petitions, for instance,) on the table.” The House would do well to follow the Senate’s example.²³

In his memoirs, Joshua R. Giddings, a Whig representative from Ohio, believed it ironic that southerners voted for the Gag Rule because they wanted to preserve the Union. “The right of petition and the freedom of debate appeared to be now fully suppressed, and despotism inexorable and unmitigated ruled the House of Representatives. Manifestations of dissatisfaction among the people were now too numerous to be disregarded,” he wrote. The Union was truly secondary for the South.²⁴ Preservation of the Union depended upon compromise and good faith; the Gag Rule represented neither.

The Philadelphia *National Gazette and Literary Register* had earlier avoided the topic of slavery and the slave trade because “the theme is too painful.” But recent developments in the House had changed that. Slade had a right to speak. While the editor faulted Slade for addressing abolition in the states, the Patton gag troubled him, for it denied presentation of any petition aimed at slavery in the nation’s capital. The editor hoped that this would “awaken the spirit of the North.” The North had sacrificed on many other issues: the national bank, the tariff, and internal improvements. The editor’s hope was “that this last denial of her hitherto undisputed, her constitutional right of petition, on any and every subject, may arouse her to the calm but resolute determination

²³*Boston Courier*, December 28, 1837 (italics in the original).

²⁴Joshua R. Giddings, *History of the Rebellion: The Authors and Its Causes* (New York: Follett, Foster, & Co., 1864), 119.

to do the duty which she owes to herself and her free institutions.”²⁵ This newspaper deplored the chronic demand of the Slave Power that the North should yield to southern demands. While the paper regarded Slade’s speech as inappropriate, renewing the Gag Rule was too extreme. That no congressman may discuss abolition in the states was reasonable. Denying discussion of abolition in the nation’s capital was abominable, and the South and “doughfaces” overstepped their authority by silencing those who disagreed with them.

On December 29, several New Englanders tested the new Gag Rule. William Parmenter of Massachusetts introduced a petition asking for abolition of slavery and the slave trade in the nation’s capital. The petition was laid on the table. After presenting several other petitions, Adams presented one beseeching the abolition of slavery in the District of Columbia. He asserted that he knew of the rule to lay all such petitions on the table, but he was already on record as regarding that process as unconstitutional. He wanted his petition referred to a committee. Speaker Polk indicated that Adams’s remarks were irrelevant. Adams then announced that he was “giving notice of my intention to move to rescind that infamous resolution. I do not submit to that resolution, any more than I am obliged to submit to the power of the House: I denounce it as unconstitutional and oppressive.” Vermont representatives Heman Allen and Isaac Fletcher each presented petitions pleading for the abolition of slavery in the federal

²⁵*National Gazette and Literary Register* (Philadelphia), December 28, 1837.

district as well, but the House took no action. Others followed with similar petitions without incident.²⁶

On January 3, the non-partisan *Massachusetts Spy* of Worcester printed the texts of the First Amendment and the Patton gag resolution, inviting readers to ask themselves if they saw any conflict between the two. “No enumeration is to be found [in the First Amendment] of what things people may, or what they may not, petition the government in redress,” the correspondent noted. The right of petition involved obligations. The first obligation was “a respectful *hearing* of the reasons” in the petition. The second obligation is “to *grant or refuse* the prayer of the petition” based upon whether or not the petitioners made a logical and reasonable plea. This was in conflict with the Gag Rule. “If the right of petition is to be disregarded . . . how long the freedom of speech is to be allowed?” the author asked. If the House can gag petitions, then Congress could abridge other rights.²⁷ Even early in the Gag Rule controversy, the issue had already become more about the First Amendment right of white Americans than slavery in the District of Columbia.

The Opposition *Albany Evening Journal* was aghast that the House limited “these inherent and inalienable rights.” The freedom of speech and right of petition “are the very essence of a free government. . . . Without *these*, it is the cold unfeeling mass of despotism.” The paper called upon “patriots of all parties, to stand by the Constitution of the common country, and shield it from these grievous wounds.” This was a stirring call

²⁶Representatives William Parmenter (MA), John Quincy Adams (MA), Heman Allen (VT) and Isaac Fletcher (VT), and Speaker James K. Polk (TN), December 29, 1837, *Congressional Globe*, 25th Congress, 2nd session, 64.

²⁷*Massachusetts Spy* (Worcester, MA), January 3, 1837.

on New Yorkers to make their representatives accountable and not permit the silencing of the people's voice.²⁸

On January 6, the *Albany Evening Journal* published a letter from Charles Mitchell, representative from Lockport, New York. Mitchell did not vote on the Patton gag in the roll call. He had yet to arrive in Washington and wanted *Evening Journal* readers to know that had he been present, his vote “would have most emphatically recorded against it—believing as I most religiously do, that its passage is a gross and palpable violation of the right of *petition* and the *freedom of debate*.”²⁹ In May 1836, no New York representative felt obligated to explain his vote or distance himself from the Gag Rule proponents. By the end of 1838, there would be 369 antislavery chapters in New York, more than any other state.³⁰ As an Empire State representative, Mitchell was sensitive to the growth of antislavery conviction in his state and wanted the public to know he was not among those who supported Patton's renewal of the Gag Rule. To become associated with the Patton Gag Rule might easily harm Mitchell's political fortunes.

Less than two years after the Pinckney gag, northern sentiment was already shifting, for more northern editors and politicians realized that the attempt to avoid discussion of slavery in Congress abridged white Americans' right to petition. Representative Mitchell believed it imperative New Yorkers knew his stance on the Patton gag and distanced himself from it. Before the 25th Congress began, the Vermont

²⁸*Albany [NY] Evening Journal*, January 4, 1838 (italics in the original).

²⁹Charles Mitchell, letter to the editor, *ibid.*, January 6, 1838 (italics in the original).

³⁰Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 137.

legislature went on record as opposed to the Hawes gag rule. Only ten days after passage of the Patton gag, the Massachusetts legislature passed a resolution denouncing it by a vote of 378 to 16. In reporting the vote, the Opposition *New-Bedford* [Massachusetts] *Mercury* called readers to action in hopes the House of Representatives in Washington would reverse itself. The editor expressed pride at the Massachusetts state legislature but lamented the decision to enact the Patton gag. “The deed is done,” he sadly announced. The House had taken away a basic right. “*Are you slaves?*” the editor asked.³¹ There was more outcry in the northern press after the Patton gag than there had been after either the Pinckney or Hawes gag rules. While the Gag Rule still had strong support in the North, the press revealed signs of weakening. More northerners were tired of placating the Slave Power.

If a growing number of northerners were opposed to the Gag Rule and the Democrats provided it with the most support, then why did northern voters continue to vote for Democrats? One reason is party loyalty. Politically-minded people tend to have a tribal affinity to their parties. Even when the men in Congress take a position different from one’s own, many voters tend to justify—or at least stand by—that position because they already look favorably at their party and its leaders. This also contributes to a Manichean thinking, which regards one’s own party as “good” and the other as “bad,” or even “evil.” Secondly, both Oppositionists and Democrats were an amalgamation of many groups and interests. Few voters supported *every* plank in a party’s platform. Even when the party takes a position one disagrees with, it is still usually preferable than voting for the opposing party with which one does not identify. Northerners continued to

³¹*New-Bedford* [MA] *Mercury*, January 5, 1838 (italics in original).

elect Democrats because they believed that their party better represented them than the Opposition, which was not yet truly a party at this time.

Timoleon, the *Boston Courier* correspondent, noticed a change in his own attitude. Previously, he had pity and contempt for abolitionists. He now admired them as people of conviction who stood up for their principles and petitioned Congress with “a Gibraltar-like assault” despite threats, violence, and disapprobation of southerners, who characterized abolitionists as “rash and highly dangerous, if not wicked.” “Is the South so much of a Sodom, that there are not ten righteous men in it?” he asked rhetorically. He also wondered if southern prejudice prevented southerners from seeing that abolition would benefit the South, black and white. Did southerners believe it more noble for bloodshed to precede abolition?³²

In January, Adams received a visit from a constituent, Heman Lincoln of Boston. In his memoirs, Adams wrote how Lincoln “thanked me . . . with strong expressions of confidence and gratitude, for the struggle, yet fruitless, in behalf of the right of petition, and the freedom of speech and of the press. I receive so many of these testimonials of warm and conscientious attachment, that I am in great danger of mistaking them for evidences of public opinion.”³³ More Americans were reaffirming that Adams’s cause was just and they admired his courage in spite of opposition.

The Liberator reprinted several articles from northern newspapers that expressed indignation at the precedent set by the Gag Rule. The *Harrisburg* [Pennsylvania] *Telegraph* blamed “northern dough-faces” for passage of the Patton gag. “We ask the

³²*Boston Courier*, January 8, 1838.

³³January 3, 1838, Charles Francis Adams, ed., *Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848* (Philadelphia: J.B. Lippincot and Company, 1876), 9:463.

honest, fearless, yeomenry of the country” and “Freemen of Pennsylvania, also, to examine and remember the votes of their representatives on that question.” Another Pennsylvania paper, the *Montrose Spectator*, asked “has it come to this, that northern freemen are forced to choose between the GAG and WAR?” The Democratic *Concord* [Massachusetts] *Freeman* warned, “the precedent is now established, by which a thousand future attacks upon our liberties may be justified.” Citizens should not dismiss the action of the House as one directed at abolitionists only. “If the right of petition is assailed in one respect, it may be, and probably will be, in others,” the *Freeman* prophesied. With dark foreboding, the *Brandon Vermont Telegraph*, a Baptist publication, predicted, “The day comes when [the representatives of the House] will see that they have only been smothering the fires of a volcano.” The *Bristol* [Massachusetts] *Democrat* asserted that the South had gone too far. “The right of petition is sacred and dear to the people, and they will not consent to have it put down by violence and contempt. . . . Every infringement upon [the right of petition] by Congress will inevitably swell the ranks of the Abolitionists, and inspire new zeal, and rouse new energy, in the cause.”³⁴

In February, William Parmenter presented a petition asking the House to rescind the Patton gag rule. The House refused to vote on it and proceeded to other matters.³⁵ This was the last attempt to repeal the Patton Gag Rule. Despite opposition to it, the Gag Rule proved successful in repelling antislavery petitions for another session.

³⁴*Harrisburg* [PA] *Telegraph*; *Montrose* [PA] *Spectator*; *Concord* [MA] *Freeman*; *Vermont Telegraph*, Montpelier; and *Bristol* [MA] *Democrat* as they appeared in *The Liberator*, January 12, 1838.

³⁵Representatives William Parmenter (MA) and Henry Wise (VA), February 5, 1838, *Congressional Globe*, 25th Congress, 2nd session, 157-8.

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In the Senate, antislavery petitions garnered little attention until the second session of the 25th Congress. On December 18, 1837, Garrett D. Wall of New Jersey introduced a petition from 115 ladies of Gloucester County, New Jersey seeking the immediate abolition of slavery in the nation’s capital. Wall vouched for the character of the petitioners and reported they were not abolitionist radicals. He moved to lay the petition on the table. The yeas and nays were about to be ordered when Henry Clay of Kentucky asked Wall to withdraw his motion. Clay wanted the Senate to receive and refer the petitions to the Committee on the District of Columbia, a more respectful action. Predictably, John C. Calhoun of South Carolina proclaimed that reception was itself dangerous; consideration of these petitions threatened to dissolve the Union. This issue must be “arrested if the Union was to be preserved.”³⁶

Benjamin Swift of Vermont interjected that he had presented similar petitions and their referral “produced very little excitement.” These citizens were not fanatics; they simply wanted their politicians to hear their grievances. While Swift asserted that Congress had the right to abolish slavery in the District, few in either house desired to take such action. Referral to the committee “allayed the excitement” of the petitioners and congressmen.³⁷

This renewed the debate of the previous Congress and covered many topics: protecting the right of petition, preserving the Union, and defending the honor of the South, the safety of the people in Virginia and Maryland, and the right of the people of

³⁶Senators Garrett D. Wall (NJ), Henry Clay (KY), and John C. Calhoun (SC), December 18, 1837, *ibid.*, 34.

³⁷Senator Benjamin Swift (VT), December 18, 1837, *ibid.*

the District of Columbia to make this decision for themselves. Clay asserted that he neither intended to favor one section over another nor create excitement. In fact, he sought to “tranquilize” each section and alleviate fervor over this issue.³⁸

The correspondent of the Oppositionist *Sentinel of Freedom* of Newark, New Jersey judged that Calhoun had lost the respect of *all* Americans. He was too extreme. “In the midst of the excitement yesterday, when every patriot heart was palpitating alternately with hope and fear,” Calhoun recommended extreme measures and bandied treasonable expressions, including “the time for decisive and final action had come.”³⁹

Finally, Democratic Senator James Buchanan of Pennsylvania reminded his colleagues that during the previous Congress he had introduced an abolitionist petition with the recommendation that the Senate receive it and reject the request. This method worked and permitted Congress to continue with other matters while preserving the right of petition. This receive-and-reject method, Buchanan firmly believed, “was the only mode of avoiding everlasting debate.” By definition, a politician must represent his constituency while making necessary compromises. Buchanan’s proposal did just that. The Senate then laid Wall’s petition on the table, effectively rejecting it, by a vote of 25-20, much closer than the 31-15 vote only ten months earlier. Only six northerners favored tabling the petition: James Buchanan of Pennsylvania, Henry Hubbard of New Hampshire, Lucius Lyon and John Norvell of Michigan, and John Robinson and Richard Young of Illinois, all Democrats.⁴⁰

³⁸Senator Henry Clay (KY), December 18, 1837, *ibid.*, 38.

³⁹*The Sentinel of Freedom* (Newark, NJ), December 26, 1837 (italics mine).

⁴⁰Senator James Buchanan (PA), December 18, 1837, *Congressional Globe*, 25th Congress, 2nd session, 38-9.

Vote on Buchanan's Receive-and-Reject Motion, December 18, 1837

	Yea	Nay	Total
North	6	17	23
South	19	3	22
Total	25	20	45

Several voting changes made this vote much closer than the one taken in February. First, John Crittenden of Kentucky and Thomas Clayton of Delaware joined Henry Clay in voting nay; all three were Oppositionists. Both senators from Michigan remained in favor of tabling and Illinois's John Robinson was joined by his junior senator Richard Young; all four were Democrats. Maine's John Ruggles, a Democrat, had earlier supported Buchanan's motion and now opposed it. Richard Dana, the other Maine vote against, was no longer serving in the Senate. New Hampshire's Franklin Pierce voted against the receive-and-reject motion. This is surprising considering how much he held antislavery petitions in contempt when he served in the House of Representatives during the 24th Congress. Silas Wright, Jr., Democrat of New York, had supported the receive-and-reject motion in February but did not vote this time.

Buchanan found the antislavery petition controversy troubling. In January 1838, he expressed his apprehension in a letter to Jonas McClintock, the Mayor of Pittsburgh. Even though gag rules were in effect in both houses of Congress, "abolition is now the absorbing subject here. . . . It is rapidly becoming a question of union or disunion. If the

people of the abolition societies cannot be arrested, I fear the catastrophe may come sooner than any of us anticipate.” His receive-and-reject remedy was not perfect, but preservation of the Union was essential.⁴¹

The close vote in the Senate was another indication that attitudes were changing. Before the session began, Senator Thomas Morris of Ohio had stated his position. “I deplore as much as any man, the existence of slavery in our country, and the agitation of the question, but I am not disposed to submit to the dictation of slaveholding power, or to abridge the freedom of speech or the press, or the right of petition, as constitutionally secured to the citizens of this country,” Morris proclaimed.⁴² Morris refused to bow to the Slave Power; it was unjust to take away the rights of people who disagreed with the South.

In addition, the close vote was likely due to the desire to refer the petitions to the Committee on the District of Columbia. This is what Clay preferred. Like John Quincy Adams, Clay believed it was a more respectful treatment of the petitions, even if the committee took no further action. All but three nay votes came from the North, seeming to favor that action. Referral prevented petitioners from claiming that the Senate did not hear the petitions. Moreover, referral served as a means of getting back at the Slave Power by assuring presentation of the petitions. The closer votes in both houses and intensifying of editorial outcry in northern newspapers reflected a greater sensitivity to

⁴¹Senator James Buchanan to Jonas R. McClintock, Washington, D.C., January 13, 1838. James Buchanan Papers, Pennsylvania Historical Society, Philadelphia.

⁴²Senator Thomas Morris to Alexander Campbell, Bethel, OH, November 13, 1837 as appeared in *The Philanthropist*, Cincinnati, December 26, 1837.

the petitioners. The denial of the right of petition affected white Americans and had the potential to split parties.

The Senate's version of the Gag Rule proved less contentious than the House's. While the House gag rules garnered public attention that only intensified with the attempted censure of John Quincy Adams, the Senate gag drew scant notice. The calmness with which the Senate addressed antislavery petitions did not make interesting reporting. The drama of the House over these petitions sold more newspapers. The Senate's solution also proved more effective, staying in place effectively until the Compromise of 1850.⁴³

Buchanan understood that any matter relating to slavery required careful handling. Southerners were defensive about slavery. Southerners could not imagine a South without slavery. Therefore, they took all attempts to regulate slavery as personal. Buchanan knew this. He also knew that the antislavery movement was growing within his home state, letters from constituents indicated. The "antislavery power" sought to challenge the "Slave Power."⁴⁴ The nascent Whig Party was strongest in the North, but the Democratic Party had strong roots in the South. Buchanan wanted to find a solution that satisfied southern Democrats and kept antislavery from proving divisive in the Senate. His own state of Pennsylvania taught him that antislavery people were every bit as passionate about fighting slavery as southerners were in defending it. He also knew of the contention the House of Representatives experienced. Recommending the quiet

⁴³Daniel Wirls, "The Only Mode of Avoiding Everlasting Debate: The Overlooked Senate Gag Rule for Antislavery Petitions," *Journal of the Early Republic* 27 (Spring 2007): 117.

⁴⁴Leonard L. Richards expands on the topic of the "Slave Power" in his book, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000).

receive-and-reject method avoided political rancor. This way, southerners did not think themselves affronted, and the antislavery petitioners knew that the Senate received their petitions, ensuring the First Amendment right.

* * * * *

The purpose of the Gag Rule was to make the antislavery petition controversy go away, but during the election of 1838, voters began to question politicians concerning their stance on slavery. New York's Millard Fillmore had supported the right of petition, but the chairman of the Anti-Slavery Society of Erie County wrote Fillmore asking his precise views regarding slavery. One question he asked of Fillmore was, "Do you believe that petitions to Congress on the subject of slavery and the slave trade, ought to be received, read, and respectfully considered?" Fillmore's answer was a judicious one. He stated that, as a representative, it was his obligation to deliberate and collect information and viewpoints that contributed to an informed decision. He refused to make a pledge on any issue. "If I stand pledged to a particular course of action, I cease to be a responsible agent, but I become a mere machine," he replied.⁴⁵

In Massachusetts, a Worcester newspaper, the *Opposition National Aegis*, referred to abolitionists as "the most unreasonable people in the world" because they asked ex-governor Lincoln his opinions on slavery in the District of Columbia and the right of petition. The editor was shocked that voters would ask; Lincoln had been "one of the most unflinching friends of the North." Lincoln's response was that the voters knew his

⁴⁵Millard Fillmore to W. Mills, Buffalo, NY, October 17, 1838, Frank H. Severence, ed., *Millard Fillmore Papers*, Buffalo and Erie Historical Society, Buffalo, 2:175-6.

record, and he would not respond to “*impertinent questions*.”⁴⁶ This judgment by the *Aegis* illustrates that while more abolitionists were Whigs, not all Whigs sympathized with abolitionists.

“Nothing but prudence and forbearance prevented an explosion of passion,” reported the editor of the Opposition Philadelphia *Pennsylvania Inquirer* as the House met for the third session of the 25th Congress in December 1838. Democrat Charles Atherton of New Hampshire, a loyal Van Buren man, introduced resolutions aimed to protect the rights of the South, “which filled the House with an almost irrepressible excitement.”⁴⁷ The resolutions argued that the slavery petitions focused on the District of Columbia were an indirect assault upon the rights of the states. These resolutions stated in part: “Congress has no rights to do that indirectly which it cannot do directly; and that the agitation of slavery in the District of Columbia or Territory . . . is against the true spirit and meaning of the Constitution.”⁴⁸ This was a different tactic, a northerner initiating a pre-emptive strike against the anticipated introduction of antislavery petitions. Southerners introduced all previous gag resolutions. John Greenleaf Whittier implied that peer pressure could have been at work, for Atherton was lodging with ten southern representatives.⁴⁹ Privately, John Quincy Adams referred to these resolutions as “anti-petition resolutions,” previously agreed upon by a caucus of Democrats.⁵⁰

⁴⁶*National Aegis* (Worcester, MA), December 5, 1838 (italics in the original).

⁴⁷*Pennsylvania Inquirer* (Philadelphia), December 13, 1838.

⁴⁸Representative Charles A. Atherton (NH), December 11, 1838, *Congressional Globe*, 25th Congress, 3rd session, 21-2.

⁴⁹John Greenleaf Whittier in William Lee Miller, *Arguing about Slavery: John Quincy Adams and the Great Battle in the United States Congress* (New York: Vintage Books, 1995), 342n.

⁵⁰December 11, 1838, Charles Francis Adams, ed. *Memoirs of John Quincy Adams*, 10: 62.

In the vote for the Pinckney gag, many northerners were willing to defer on this issue for the sake of national unity. Since then, two factors caused greater division in the North. One was increased resentment at the Slave Power, southern politicians always insisting that good government and policy always favored the South. Even before the Pinckney gag in the spring of 1836, the Philadelphia *Evening Star* had stated, “We are neither ‘hewers of wood nor drawers of water’ to any portion of the Union.”⁵¹ This sentiment grew with increased aggression on the part of the South. The antislavery and abolitionist movements also found sympathy among those who did not favor their objectives but defended their First Amendment rights of petition and speech. If Congress could limit discussion and presentation of petitions on one subject, who was to say that it would not on another. Consequently, subsequent votes to silence antislavery petitions narrowed. To many northerners, Atherton’s resolution was an act of betrayal.

Atherton hoped to discourage abolitionists and their allies in the House. By implying that these people were not acting in good faith, Atherton wanted to end a debate before it started. His resolutions also contended that anti-slavery petitions served to divide. The South, Speaker James K. Polk, and the Democratic Party wanted to avoid another antislavery speech like the one William Slade gave at the beginning of the prior session.

⁵¹Philadelphia *Evening Star*, n.d., reprinted in the *Liberator*, February 13, 1836.

Roll Call Vote on the Atherton Gag Rule, December 12, 1838

	Yea	Nay	Total
North	54	72	127
South	72	6 ⁵²	77
Total	126	78	204

Atherton introduced five resolutions, and the House adopted them all on December 12. The first recognized that Congress had no jurisdiction over slavery in the states. The second stated that petitions advocating abolition in the nation’s capital or the territories affected slavery in the states. The third stated that abolition in the District of Columbia was against “the true spirit and meaning of the Constitution.” The fourth resolved that the states were equal and Congress had no right to interfere with the rights of the states. The last declared that any attempt to abolish slavery in the District of Columbia was unconstitutional and beyond the jurisdiction of Congress.⁵³ Atherton’s Gag Rule was stricter than previous ones, for it made the Gag Rule a violation of states’ rights, which only angered northerners even more and increased opposition among northern representatives, especially Democrats.

The chart above reveals the vote on the last resolution, the one that renewed the Gag Rule, 126-78. Although renewal had adequate support from both sections, the vote

⁵²On the nay vote, the *Congressional Globe* reporter recorded a vote for a Representative Wood. No one named Wood served during the 25th Congress. The recording error most likely intended to credit Joseph Underwood of Kentucky with the vote. Underwood’s name did not appear in the roll call, and he was faithful in casting votes, so this is a reasonable conclusion.

⁵³Representative Charles A. Atherton (NH), December 11, 1838, *Congressional Globe*, 25th Congress, 3rd session, 22.

against renewal was almost exclusively northern. While Van Buren's New York was able to deliver twenty of the fifty-four votes, this one state provided nearly half the northern votes. There had always been northern opposition to the Gag Rule, but this vote shows more northerners voted against the Atherton Gag Rule, even with a Democratic majority. In fact, northern support relied too much upon two states: New York and Pennsylvania, which added thirteen to New York's twenty. Five states gave no support to the Atherton Gag Rule: Vermont, Massachusetts, Rhode Island, New Jersey, and Indiana. Atherton's assertion that antislavery petitions violated states' rights was apparently too much for representatives from those five states. With northern support already waning, it was essential for Van Buren and the Democrats to get the Gag Rule passed early in the session. Democrats were also anxious to ban these petitions to prevent another abolitionist oratory, like the one William Slade had delivered the previous session.

Several southern members were suspicious, thinking Atherton's resolutions were "traps concocted for party purposes," in the words of the Whig *Connecticut Courant*. These members would have been more at ease with a southerner making the motion. With Atherton proposing a new gag rule, "its object and intent is to impress on the South the idea that Abolitionism and Whig principles are identical," which was false. The *Courant* also judged it as an agreement between Calhoun and Van Buren. "Every day shows more clearly the depth of this notable scheme—which, indeed, is too shallow not to be sounded by the lightest plummet," he wrote.⁵⁴

⁵⁴Hartford *Connecticut Courant*, December 15, 1838.

Many northern voices opposed the Atherton gag rule. The *Pennsylvania Inquirer*, an Opposition newspaper from Philadelphia, favored moderation on slavery, preferring that the North not interfere, but it found the Atherton gag rule abominable. “The administration, to-day, was found *bivouiac’d* on the banks of the Rubicon, and it has crossed it. By management, and the address of that most artful of all artful men, Mr. Martin Van Buren, the North has been made to succumb to the dictation of the South and Southwest; and every Northman is required to submit to an administration, which has this day trampled on the right of petition; the last bulwark of freedom!”⁵⁵ The editor of the Opposition *Auburn [New York] Journal and Advertiser* railed with disgust at the Slave Power, “It looks a little as though the leaders who have been for years past been bearing down upon the people with an iron hand for the purpose of truckling to the south, had now become convinced that as soon as the right of petition is destroyed, the whole force and strength of our admirable system of government is overthrown.”⁵⁶ The Opposition *Portland [Maine] Advertiser* described the Atherton gag as “bargain and corruption” with northern representatives who have “consented to sell their votes to Southern members . . . to keep in power a corrupt administration.” Van Buren and Calhoun had made a deal. “Nullification had wedded itself to the Administration,--the Disunionists of the South,--the ultra.States Rights party of the South, with the ultra Loco Foco party of the North,” the editor deprecated.⁵⁷ The *Providence [Rhode Island] Journal* called Atherton a traitor and his actions “servile, *dough faced* submission to party intrigue.” “Never before, in the

⁵⁵*Pennsylvania Inquirer* (Philadelphia), December 14, 1838.

⁵⁶*Auburn [NY] Journal and Advertiser*, December 19, 1838.

⁵⁷*Portland [ME] Advertiser*, December 18, 1838. Space omitted between “ultra” and “States” in original, as is the combination of commas and dashes together.

history of parliamentary intrigue or violence, was there such an instance of an obnoxious and abominable measure being forced through any deliberative assembly. It stands alone in impudent atrocity.”⁵⁸ The *Boston Atlas*, a Whig paper, had no kind words for Atherton’s “miserable, flimsy, feeble resolutions.” The resolutions rested “upon a shallow and miserable falsehood, of which the merest school-boy ought to be ashamed.”⁵⁹

Atherton likely expected support from his home state, which was loyally Democrat since the rise of Andrew Jackson, but the editorial response was mixed. Praise came from Democrats and scorn from Opposition papers. The *New-Hampshire Gazette*, a Democrat paper, reported that it was “much gratified that this vexatious subject [antislavery petitions] is thus early in the session disposed of and put to rest.” The editors praised the spirit of Atherton’s resolutions because “they give the South an earnest of the intentions of the Democracy of the North to protect them against any infringements of the rights of the States vested in the federal compact.”⁶⁰ The *Farmers’ Cabinet*, a Whig paper from Amherst, New Hampshire, however, predicted the measure would backfire, noting that it would only create more agitation “The people will never concede their right of being heard in petition by their representatives.”⁶¹ The Opposition *Hampshire Gazette* of Northampton, New Hampshire, reported that fifty-three northern Democrats voted for the Atherton gag, while only a dozen voted against it. “But not a single northern whig

⁵⁸*Providence [RI] Journal*, n.d., reprinted in the *Massachusetts Spy* (Worcester, MA), December 19, 1838 (italics in the original).

⁵⁹*Boston Atlas*, n.d., reprinted in *The Farmers’ Cabinet* (Amherst, NH), December 21, 1838.

⁶⁰*Portsmouth New-Hampshire Gazette*, December 18, 1838.

⁶¹*Farmers’ Cabinet* (Amherst, NH), December 21, 1838.

voted for them Yet we are told that the whigs are the friends of tyranny and oppression, and the loco focus, or *democrats*, the only true lovers and supporters of *equal rights*,” it reported with sarcasm.⁶² Part of the difference in reporting was clearly due to partisanship. Yet, in 1838, New Hampshire was a state where loyal Democratic support was a given and Whig ideology disparaged. The fact that Whig editors wrote so boldly in opposition not only to the Gag Rule but also of Atherton risked mockery among their peers and the citizenry.

The Opposition Columbus *Ohio State Journal and Register* called the Atherton resolutions “foul despotism.” The resolutions were the work of tyrants. “Surely, there were not tyrants enough in the House to sustain this ungenerous—this unrighteous attempt to curb the free expression of opinion! Ay, but there were,” the paper lamented. It warned that if Americans permitted congressional prohibition of discussion on one subject, Congress might claim that right on any other subject “and thus by degrees will a sacred right guaranteed by the Constitution be frittered away, and eventually destroyed by a despotic party for party advantage!”⁶³

The Opposition *Waldo Patriot* of Belfast, Maine also charged Van Buren and Calhoun of collusion. The Atherton gag was a result of Van Buren seeking southern support. “How can Mr. Van Buren ever gain the confidence of the people of the free States, with the evidence that has been accumulating ever since his inauguration, of his selling himself to the South?” The paper warned: “The game [Van Buren] is playing is

⁶²*Hampshire Gazette* (Northampton, NH), December 26, 1838 (italics in the original).

⁶³Columbus *Ohio State Journal and Register*, December 21, 1838.

too barefaced to permit honest men to assist him to a second term.” Echoing other newspapers in the North, the *Patriot* feared the erosion of other constitutional rights.⁶⁴

Upset by the vote of the previous day, John Quincy Adams proposed a resolution: “*Resolved*, That the powers of Congress being conferred by the Constitution of the United States, no resolution of this House can add to or deduct from them.” Adams charged that the current and preceding gag rules went beyond the enumerated powers and wanted the Atherton gag removed. The House, however, refused to suspend the rules to vote on Adams’s resolution.⁶⁵

With the New Hampshire Democrat Charles Atherton quickly introducing resolutions which protected his party and the Slave Power interests, Atherton aimed to portray Whigs as abolitionists by default. Although the antislavery and abolition movements were growing, many still saw abolitionists as extremists. Democratic newspapers, especially, often disparaged the abolitionist cause in terms like those of the *Indiana Democrat*: “Wayne county is federal [Whig], and hence the anti-Slavery meeting in that county. We should style this a meeting of those who are favorable to the dissolution of the Union. No good, but much harm, will result from these abolition meetings.”⁶⁶

Despite the passage of the Atherton gag rule, some representatives continued to resist. Democrat Isaac Fletcher of Vermont presented an antislavery petition on December 14. Adams presented a petition on December 20 protesting annexation of

⁶⁴*Waldo Patriot* (Belfast, ME), December 21, 1838.

⁶⁵Representative John Quincy Adams (MA), December 13, 1838, *Congressional Globe*, 25th Congress, 3rd session, 31.

⁶⁶Indianapolis *Indiana Democrat*, September 19, 1838.

Texas, just one of many he would present on that topic, in hopes of halting slavery's expansion. The Democrat *Boston Courier* reported that Adams "has been pouring hot shot into the anti-petition part of the House." He portrayed the northern representatives who voted for the Atherton gag as "serviles," for they obeyed the dictates of the South rather than their constituents. On January 21, Adams again asked to present antislavery petitions. Oppositionist Horace Everett of Vermont presented joint resolutions passed by the state legislature of Vermont asking for the abolition of slavery, denial of the admission of Texas, and rescinding of the Gag Rule. A plethora of antislavery petitions followed that day, but the House took no action on any of them, nor did they create discord.⁶⁷ This was the standard procedure for the remainder of the session. But, the influx of petitions demonstrated that slavery—especially in the District of Columbia—was an issue that would not go away. The Gag Rule had not stopped the flood of petitions; it had only prevented them from instigating debate.

Because it believed Atherton had betrayed Americans, *The Burlington* [Vermont] *Free Press* reprinted a poem that originally appeared in the *Boston Atlas*. The poem entitled "The Gag" ended with the following stanza:

Sons of the granite hills, awake!
Yu're [*sic*] on a mighty stream afloat,
With all your liberties at stake—
A faithless pilot's on your boat,
And, while ye've lain asleep, ye're snagged!
Nor can ye cry for help—ye're gagged!!⁶⁸

Although Atherton had his supporters, some people of New Hampshire believed Atherton acted treasonously. This poem was a call to action. New Hampshire residents'

⁶⁷January 21, 1839, *ibid.*, 159-62.

⁶⁸"The Gag," *Burlington* [NH] *Free Press*, March 1, 1839, as reprinted from the *Boston Atlas*, n.d.

inattention—in the opinion of the editor of the *Free Press*—permitted a “faithless” representative of their state to support the Gag Rule.⁶⁹ Representative Joshua R. Giddings of Ohio agreed with this assessment, for he believed Atherton did Calhoun’s bidding.⁷⁰ Despite the opposition, voters returned Atherton to the House for two more terms.

While the Patton Gag Rule was controversial, it was nothing compared to the anger that Atherton’s caused. *The Liberator* argued that the Atherton gag was “not a question of abolition or anti-abolition—it goes deeper than that.” The paper called on New Englanders to remedy the “contempt and abhorrence all honest men must feel for the dastardly craven,” Atherton. “If the people of New Hampshire do not indignantly hurl the *doughface* from the place he has disgraced, then, indeed, we mistake the spirit that prevails in the Granite state.”⁷¹ The *Opposition Portland [Maine] Advertiser* ominously declared, “The sectional prejudices between members from Northern and Southern sections of the country are increasing to an alarming and dangerous extent.” To reject petitions, as earlier gag rules had done, did not violate the First Amendment. The Atherton gag did violate that amendment by making all slavery-related petition off limits, declaring them unconstitutional.⁷²

Perhaps, Adams said it best, for he sensed a change in the northern sentiment. The conflict over the right of petition was one between liberty and slavery, a conflict becoming more prevalent in American politics, yet one, he asserted, liberty would win.

⁶⁹Burlington [NH] *Free Press*, March 1, 1839.

⁷⁰Giddings, *History of the Rebellion*, 122.

⁷¹*The Liberator* (Boston), December 21, 1838 (italics in the original).

⁷²*Portland [ME] Advertiser*, December 25, 1838.

“That the fall of slavery is predetermined in the counsels of Omnipotence I cannot doubt,” he recorded in his memoirs. “It is a part of the great moral improvement in the condition of man, attested by all the records of history. But the conflict will be terrible, and the progress of improvement perhaps retrograde before its final progress to consummation.”⁷³ Adams feared a civil war, which was his main reason for not supporting abolitionism. He believed that its aggression might lead toward an eventual war. He also knew that the nation was increasingly conflicted over slavery and needed to have an honest discussion about it. Abolitionists grew troubled at the hypocrisy of a nation founded upon freedom protecting the “right” of slavery, to “own” human beings as property. Non-abolitionists became aware that retaining the status quo was also costing whites their right of petition and propped up the Slave Power. The Atherton gag only exacerbated the problem.

The Gag Rule created difficulties for both parties. Van Buren needed John C. Calhoun’s support to help deliver Democratic votes in the South. Calhoun wanted Van Buren to assure the South would retain its prominence in American politics. While Oppositionists and Democrats alike wanted to avoid the unpleasant topic of slavery altogether, more became troubled that the House denied these petitions rather than quietly table them. This chapter illustrated that there was unease over the Gag Rule in both parties. Opposition party members found themselves identified as abolitionists, a label many found distasteful, for it characterized them as extremists. While northern Democrats provided strong support for the Patton and Atherton gags, not all of them approved. It alienated many northern voters and was an appeasement to the Slave Power.

⁷³Charles Francis Adams, ed. *Memoirs of John Quincy Adams*, 10: 63.

There was no easy answer to this dilemma, and because the Gag Rule was binding only for one session, it would certainly come up again at the commencement of the 26th Congress. Then, Van Buren and northern Democrats discovered that support for the Gag Rule was lessening and resorted to finding a Whig ally to introduce its newest version.

Historians William Lee Miller and William H. Freehling are the two historians who have written the most on the Gag Rule. Miller wrote a monograph on the Gag Rule and Freehling wrote three chapters of a larger work. Yet, Miller minimizes the effect and response to the Atherton gag. Freehling only notes it in passing.⁷⁴ The evidence, however, reveals that Atherton's gag rule was significant, for the outcries in newspapers across the North demonstrated that this Gag Rule went too far.

⁷⁴William Lee Miller, *Arguing about Slavery: The Great Battle in the United States Congress* (New York: Alfred A. Knopf, 1995); William H. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990); Even the most recent biography of John Quincy Adams, James Traub's *John Quincy Adams: Militant Spirit* (New York: Basic Books, 2016), makes no mention of the Atherton gag rule.

CHAPTER V

“The Difference between Petty Larceny and Highway-Robbery”

The 26th Congress (December 2, 1839-March 3, 1841)

As the 1830s came to a close, some Americans were greatly discouraged at the state of national politics. *The Bellows Falls* [Vermont] *Gazette* lamented the state of the Union, noting that the present political condition was a culmination of the last ten years. “Never was a country so mis-governed. Most earnestly do we hope, that the time is not far distant, when probity and virtue will regain the seat that has too long been lent to ignorance, ambition and villany,” the paper declared. Representative Charles G. Atherton (Democrat-New Hampshire), whose gag rule the House passed in December 1838, was “a degenerate son of New Hampshire” who followed his orders dutifully, as a soldier, and the right of petition was lost once again.¹ The editor of the *Gazette* would only see more “villany,” and people who shared his sentiments would not see probity and virtue return during the 26th Congress. For them, the situation only worsened. This

¹*Bellows Falls* [VT] *Gazette*, January 12, 1839.

time, the House passed a standing Gag Rule resolution that did not require renewal at each session. Maryland Whig William Cost Johnson intended his version to allay debate and restore the comity of the House. Instead, it only angered those opposed to the Gag Rule even more. Northern Whigs charged the Democrats with duplicity for professing to serve the people when they actually served the party, as well as trying to split the Whig Party in its infancy.

In an open letter to the people of Massachusetts, Whig Representative Caleb Cushing² judged the Gag Rule made northerners complicit in slavery and placed “*the most odious shackles of slavery upon the people of the North.*” He called upon the people of his state to remedy “*an evil that cannot continue to be passively endured without dishonor.*” Even if their efforts did not end in abolition, the people of Massachusetts must try. Cushing denounced the Atherton gag as “thoroughly *anti-democratic* in the utmost degree. . . . There is no democracy where the voice of the people, and of their elected representatives, cannot be heard, upon every subject of public interest and concernment.” While representatives could do nothing for the remainder of the session, the people could actively oppose it (although Cushing mentioned no specific methods). Many justified the Gag Rule saying the antislavery petitions interrupted the business of Congress. Cushing declared that those petitions were the business of Congress.³

Joshua R. Giddings (Whig-Ohio) observed that the political environment of 1839 made the Gag Rule even more volatile. The men Giddings regarded as leaders of both

²Beginning with the 26th Congress, the *Congressional Globe* began to identify politicians as either “Democrat” or “Whig.” Representatives and newspapers which previously carried the label “Oppositionist” are now identified as “Whig.”

³*Philadelphia National Enquirer*, January 17, 1839 (italics in the original).

parties, Whig Henry Clay of Kentucky and Democrat John C. Calhoun of South Carolina, were both slaveholders.⁴ On any slavery-related subject, Giddings regarded the South as unified, even if its congressmen divided on other issues. Giddings noted that Whigs John Quincy Adams of Massachusetts, William Slade of Vermont, Seth Gates of New York, and he stood apart from party when it came to moral issues, such as slavery. Following the party line was irrelevant compared to guaranteeing human rights. These four men were “deeply humiliated by the despotism to which members of Congress were subjected,” yet Giddings had no idea how to counter the control of the Democratic Party.⁵

When the first session of the 26th Congress convened in December 1839, several members challenged the Gag Rule as an injustice and oppression rather than on individual rights. This time, Whig Henry A. Wise (Whig-Virginia) made certain that any pre-emptive attempt to quash slavery petitions would rightfully come from a southerner.⁶ On December 30, 1839, he introduced this resolution:

Resolved, That upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid upon the table, without further debate or further action thereon.⁷

⁴Joshua R. Giddings, *History of the Rebellion: The Authors and Its Causes* (New York: Follett, Foster, & Co., 1864), 133. Curiously, Giddings judged Clay as the Whig leader over Daniel Webster of Massachusetts citing that Webster sided too often with slavery interests. Calhoun “wielded more influence than any other statesman of the nation.”

⁵*Ibid.*, 134.

⁶Wise seemed aware of the backlash Charles Atherton (D-NH) experienced for his version of the Gag Rule. Giddings also cites that Wise “was evidently anxious to relieve northern Whigs from the charge of complicity with abolitionists. *Ibid.*, 134.

⁷Representatives Henry A. Wise (W-VA), December 30, 1839, *Congressional Globe*, 26th Congress, 1st session, 89, (*italics in the original*).

But, the House refused to suspend the rules to vote on Wise's resolution. To the House, in general, and Wise, in particular, Adams remarked, "the gentleman cannot suppose that we will submit to another encroachment upon the rights of the people of this Union. We have heretofore had enough of that in the House refusing to act upon these petitions in any manner."⁸ Wise re-introduced his motion and Walter Coles (Democrat-Virginia) and Thomas Chinn (Whig-Louisiana) introduced gag resolutions of their own.⁹

To this, the *Union Herald* of Cazenovia, New York responded, "It will be seen that despotism is taking a bolder stride than ever. Last year our petitions were *received* and laid on the table. . . . How long will the people of the free States tamely submit to these disgraceful experiments? Have our courage, manhood, and self-respect clean gone for ever!"¹⁰

In 1839, this was the problem in microcosm: southerners and "doughfaces" wanted nothing to do with slavery petitions while some northerners—most of whom were Whigs—wanted the petitions treated with dignity, even if the House refused to act favorably on them. Reception and tabling preserved the right of petition; refusal to hear or even receive the petitions did not. Refusal only encouraged petitioners to send more to Congress and prevented performance of an essential duty of a congressman: to present petitions for redress of grievances.

On January 13, 1840, Levi Lincoln (Whig-Massachusetts) presented several petitions seeking the abolition of slavery in the District of Columbia. Lincoln reassured

⁸Representative John Quincy Adams (W-MA), December 30, 1839, *ibid.*, 89.

⁹Representatives Henry Wise (W-VA), Walter Coles (D-VA), and Thomas Chinn (W-LA), December 30, 1839, *ibid.*, 93-4.

¹⁰*Union Herald* (Cazenovia, NY), January 11, 1840.

the chamber that he dutifully presented the petitions and it was up to House to do with them as it saw fit. Speaker Robert M.T. Hunter (Democrat-Virginia) ruled that the presentation of a petition was itself a motion for the House to receive it, with a charged and lengthy debate following. Eventually, the House voted to support the Speaker's decision that the presentation of a petition was a motion to accept it. The House then voted to lay the question of reception on the table, 145-50.¹¹

On January 15, 1840, Walter Coles (Democrat-Virginia) introduced a resolution he hoped would serve as his version of the Gag Rule: "All petitions, memorials, and papers touching the abolition of slavery, or the buying, selling, or transferring of slaves in any State, District, or Territory of the United States, shall, upon their presentation, be laid on the table, without being debated, printed, read, or referred, and no further action whatever shall be had thereon."¹² Coles believed his version similar to ones already passed by the House, each facilitating the work of Congress, so there should be no question to its practicality. The House laid Coles's resolution on the table.¹³

The correspondent of the Democratic *New Hampshire Patriot and State Gazette* of Concord blamed the northern Whigs for not adopting the measure. He agreed with Coles's assertion that the Whigs favored the Gag Rule in private but would not vote for it publicly. They did so because they personally regarded the Gag Rule as politically expedient but desired the votes of antislavery men. The correspondent also noted that southern Whigs "begin to see that they have been trifled with." Democrats have always

¹¹Representatives Levi Lincoln (W-MA), George C. Dromgoole (D-VA), and Speaker Robert M.T. Hunter (D-VA), January 13, 1840, *Congressional Globe*, 26th Congress, 1st session, 119.

¹²Representative Walter Coles (D-VA), January 15, 1840, *ibid.*, 122.

¹³Speaker Robert M.T. Hunter (D-VA) and Walter Coles (D-VA), January 15, 1840, *ibid.*, 122-3.

supported the South, he observed, but not the Whigs, who inherited the Federalist tradition. “From the days of Jefferson the federalists had slandered and villified [*sic*] the south. There is no time that they have not done so,” he declared.¹⁴

Waddy Thompson, Jr. (Whig-South Carolina) then introduced his own version of the Gag Rule and Rhode Island Whig Joseph Tillinghast immediately responded with his own resolution unlike any before:

That it is not in order to adopt or move a proposition, as a standing rule of one House of Congress, which, if adopted and made a standing rule, interferes with a constitutional obligation of the House, as one branch of Congress: impair the right of petition, as assured by common law and by the Constitution: and precludes appropriate, constitutional, and discriminating action by the House upon petitions of its constituents, respectfully addressed to Congress, whenever the same are, or may be presented; and that the proposition moved by the gentleman from South Carolina as and for a standing rule, is not to order on that account.¹⁵

Tillinghast had changed the debate. According to him, a standing gag rule was unconstitutional. It denied congressmen the opportunity to perform one of their most essential duties. While the House took no action that day, Tillinghast had temporarily altered the discussion by introducing a resolution that would prevent the House from renewing the Gag Rule.

On January 16, Richard Biddle (Whig-Pennsylvania) reiterated what many representatives already believed: the abolitionists were extremists. Biddle also asked southerners not to deny antislavery petitions because it only encouraged abolitionists.

¹⁴Concord *New Hampshire Patriot and State Gazette*, January 27, 1840.

¹⁵Representatives Waddy Thompson, Jr. (W-SC) and Joseph Tillinghast (W-RI), January 15, 1840, *Congressional Globe*, 26th Congress, 1st session, 123.

Southern response had made it more difficult for northerners to minimize abolitionism.¹⁶ Biddle regarded the petition question as a “false issue” and urged his northern brethren not to support abolitionism. Although some had portrayed Biddle as an abolitionist, he “would no sooner abolish slavery in the South than vote to re-establish slavery in Philadelphia.” The Gag Rule made abolitionists appear as “apostles of a great principle,” but to grant their requests was not wise, for abolitionists were a “dishonest, ignorant people.” The House could not entertain petitions that endangered the Union. Moreover, because Democratic President Martin Van Buren had already indicated that he would veto any legislation that abolished slavery in the District, hearing those petitions was a waste of time.¹⁷

William Parmenter wanted to clarify what constituted an abolitionist. He agreed with abolitionists that slavery was the nation’s greatest evil. He favored abolition if it could be done “without disturbing the peace and harmony of the Union.” Parmenter contrasted antislavery and abolitionism, an important difference he believed many southerners did not understand. According to Parmenter, “[Antislavery] was a mere matter of belief . . . while [abolitionism] was an intention to carry its objects into effect without any regard to the consequences.”¹⁸ Men like Parmenter favored antislavery, but they did not identify themselves as abolitionists because they saw no plausible way of implementation.

¹⁶Although the abolition movement was growing, most northerners in 1840 still considered it an extremist position best quelled by not giving it attention, hoping it would fade into oblivion. The Gag Rule did just the opposite.

¹⁷Representative Richard Biddle (W-PA), January 16, 1840, *Congressional Globe*, 26th Congress, 1st session, 125.

¹⁸Representative William Parmenter (D-MA), *ibid.*, 126.

Indiana Democrat William Wick provided keen insight from a northwesterner's viewpoint. Wick faulted southerners; they were slow to realize that their continued assault only antagonized abolitionists and made them more determined. "Who would pelt a hornets nest if the insects would only keep quiet?" he asked. These comments came from a man who wanted to "nail abolition petitions to the table."¹⁹

On January 18, 1840, William Slade of Vermont contended that to deny the reception of antislavery petitions was unconstitutional. The House might as well lay every bill on the table without taking action. Not to receive a petition was to return it to the one presenting it; this abridged the right of petition. While Slade agreed the House had the right to refuse petitions—those which asked to do something unconstitutional or that were obnoxious—abolition petitions did not fall into these categories. Congressional power over the District of Columbia was complete.²⁰

On Wednesday, January 22, the House entertained a resolution introduced by Adams. It provided for the reception of all petitions, regardless of their content, and the House could only reject a petition with a majority of members present. Again, various members seized the floor and addressed divergent topics to sidestep the issue, a tactic employed repeatedly by House members during the previous week.²¹

When Adams regained the floor, he clarified that he did not wish to discuss petitions, slavery, or the slave trade. The attempt by southerners and their northern sympathizers to prevent the discussion of slavery in the House was pointless. It would

¹⁹Letter to the Editor, William W. Wick (D-IN), Washington City, *The [Indianapolis] Indiana Democrat*, January 21, 1840.

²⁰Representative William Slade (W-VT), January 18, 1840, *Congressional Globe*, 26th Congress, 1st session, 129.

²¹January 22, 1840, *ibid.*, 129.

arise of necessity. Additionally, Adams believed only about ten representatives would vote for abolition of slavery in the District of Columbia if it ever came to a vote. Adams tried to make his proposal more palatable by making it apply to all petitions. If a member objected, the clerk would enter his name and the House could take a vote to reject the petition. This provided for acceptance of petitions regardless of the content and provided the House a routine way to eliminate unconstitutional or disrespectful petitions.²²

After examining the different propositions before the House, Adams deemed Waddy Thompson's (Whig-South Carolina) gag rule, introduced on January 15 and nearly identical in wording to Henry Wise's (Whig-Virginia), the most onerous. Where previous measures prohibited discussion and introduction of slavery petitions for a single session, Thompson's sought to make such prohibition a standing rule, one that would remain in effect until the House repealed it. Adams did not see how the House could ban petitions on one subject without that ban extending to others. This created a dangerous precedent. Moreover, for southerners who regarded Thompson's resolution as a practical one, Adams reminded them that the right of petition was included in the First Amendment at the insistence of Virginians.²³

Furthermore, the First Amendment did not specify the right of Congress to reject a petition. If it had, then petitions representing the minority on any issue would never gain a hearing; the majority would always reject them. The House should receive, hear, and consider all petitions, provided they were not offensive. While Adams feared that the issue of slavery had the potential to create civil war, that was not currently the case, and

²²Representative John Quincy Adams (W-MA), January 22, 1840, *ibid.*, 133.

²³*Ibid.*, 133-4.

he called for the South's cooperation to reconcile with the North on the issue. He also asserted that the House of Representatives should be more accepting of petitions and that to adopt Thompson's resolution was an act "unworthy of a mighty nation."²⁴

On January 23, Hiram Hunt (Whig-New York) declared that the resolutions put forth by Thompson and Adams were unacceptable. Hunt could not support their resolutions because he opposed passing standing rules; each Congress should establish its own rules. Furthermore, this issue went beyond the Constitution. The right of petition was not one guaranteed as a civil right but an unalienable one, one given by God and, therefore, no man or government could take it away. Its free exercise was essential to protect citizens against arbitrary government. Four years earlier, Pinckney's committee delivered an opinion not representative of its members, who received instructions to "whitewash the question and hoodwink the American people. It was, in fact, a fraud upon the right of petition."²⁵

When the House considered the resolutions of Thompson and Adams on January 28, William Cost Johnson (Whig-Maryland) offered a substitute. Johnson was not a states' rights Whig. He was a follower of Kentucky Whig Henry Clay's economic nationalism. Johnson wanted antislavery debate in the House to cease for the sake of the Union.²⁶ He had hoped his measure would be accepted as a peace offering and not as a pro-slavery or pro-South motion. His resolution read: "*Resolved*, That no petition, memorial, resolution, or other paper praying the abolition of slavery in the District of

²⁴Ibid., 134.

²⁵Representative Hiram Hunt (W-NY), January 23, 1840, *ibid.*, 141-2.

²⁶William H. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), 347.

Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever.”²⁷ After more debate, the House voted to approve the Johnson Gag Rule 114-108. George Proffit of Indiana was the only northern Whig to vote for it. Twenty-five northern Democrats voted in favor of the gag, all coming from five states: New Hampshire (4), New York (7), Pennsylvania (6), Ohio (6), and Maine (2).²⁸ The vote on the Johnson Gag Rule demonstrates even more northern opposition than in the Atherton gag vote of December 1838. Northern support was less than half what it was when fifty-four northerners supported Atherton’s resolution. New York and Pennsylvania alone had provided thirty-three votes. Now, the entire North only supported Johnson’s resolution with twenty-six votes.

Vote on the Johnson Gag Rule, January 28, 1840

	Yeas	Nays	Total
Northern Whigs	1	66	67
Northern Democrats	25	37	62
Southern Whigs	1	5	6
Southern Democrats	87	0	87
Total	114	108	222

This time, the House did not just pass a resolution that bound members for the current session. Johnson’s amendment made it a permanent rule of the House. This change placed the burden on House members and their constituents. In the future, they

²⁷Representative William Cost Johnson (W-MD), January 28, 1840, *Congressional Globe*, 26th Congress, 1st session, 150.

²⁸January 28, 1840, *ibid.*, 151.

would have to convince the House to revoke the Johnson gag before the presentation of any antislavery petitions was possible.

Why was there a large change in northern support for the Gag Rule only thirteen months later? 1838 had been a mid-term election year, one in which the incumbent president's party customarily loses seats in Congress. The Democrats lost seats because of the Panic of 1837, an economic recession that occurred soon after Van Buren took office. As is customary, the party occupying the presidency receives blame for bad economic conditions, rightly or wrongly. In this case, it was wrongly because the recession was due to economic policies enacted during Andrew Jackson's second term. New York State experienced a large change in representation in that election. This strong Democratic state went from a 30-10 majority in the House to minority status, the Whigs outnumbering Democrats 20-19. This gave Van Buren fewer votes to support his policies in his home state. Even so, only seven of those nineteen voted for the Johnson Gag Rule. In addition, although still strongly Democratic, Pennsylvania provided only half of the support it had given Van Buren under the Atherton vote. New Hampshire remained constant but northern support for the Gag Rule within the Democratic Party eroded elsewhere. More northern Democrats believed supporting renewal of the Gag Rule as a sign of party loyalty was too extreme. Many northern newspapers produced negative coverage of representatives who supported the Gag Rule, and not just Whig or abolitionist papers; sometimes, criticism came from fellow Democrats. Northern Democrats were increasingly resistant to pacifying the Slave Power. They gave too much and got so little in return. Moreover, rejection of the petitions was unconstitutional.

They might not have agreed with antislavery petitioners, but they wanted to protect the right of petition. Adams was winning converts.

The vote in Pennsylvania is indicative of changing attitudes. Five Democrats switched their votes from support of the Atherton gag to opposing the Johnson gag: Lemuel Paynter, David Wagener, George Keim, Samuel W. Morris, and William Beatty. Robert Hammond had supported the Atherton gag but did not vote on the Johnson gag. David Petrikin was the only Pennsylvania representative to support the gag in both votes. Other differences are all accountable to turnover, but the Gag Rule was becoming less palatable to Pennsylvanian representatives. With the exception of Petrikin, none of the Pennsylvania delegation who voted for the Atherton gag dared to support the Johnson gag. It had become too politically unpopular.

The extremity of the Johnson Gag Rule was what made it most unpalatable to most northerners—Whig and Democrat alike. William Lee Miller points out that rules of the House always address conduct, procedure, and policy (how a representative gets recognized to speak by the Speaker, when to yield, how to introduce a bill, etc.). The 21st Rule—as the newest Gag Rule as the press often referred to it during the 26th Congress and frequently afterward—was the only rule that addressed content. The 21st Rule was a rule of the House, not a resolution, making it applicable to all sessions of the 26th Congress. Another reason that support for the Johnson Gag Rule dwindled in comparison with earlier Gag Rule votes is that the 21st Rule *rejected* the petition outright. Aaron Vanderpoel, a Democrat from New York, announced on the floor of the House that he had always voted to receive antislavery petitions but always favored rejecting the prayer of the petition. Southerners such as Henry Wise (Whig-Virginia), John C. Calhoun

(Democrat-South Carolina), and Waddy Thompson (Whig-South Carolina), and James Henry Hammond (Democrat-South Carolina) had desired rejection of these petitions. Whig Marylander William Cost Johnson actually achieved it. “The door is slammed shut in their face,” Miller observed.²⁹ Rejection was unconscionable submission to the Slave Power.

Southern Whigs may have pushed for the latest gag rule, but northern Whigs did not back it. George Proffit of Indiana provided the lone vote of support among northern Whigs. While some northern Democrats believed it was politically wise to compromise with the South, that number was shrinking, and northern Whigs felt no compulsion to yield to southern wishes. Why were there no Whig “doughfaces”? Leonard Richards states that it was one of two reasons, either of which was plausible. Northern Democrats had a greater fear of disunion than the Whigs. In addition, Whigs saw less reason to placate the South. The vote on the 21st Rule was even narrower than it seemed, for it would not have passed without the inflated representation in the House resulting from the three-fifths compromise.³⁰ In addition, the Democrats were an historically southern-based party. The party of Jefferson and Jackson had an obligation to buttress the South. Northern Whigs had no such obligation.

Adams met the next morning with John Greenleaf Whittier, editor of the *Pennsylvania Freeman* and an ardent abolitionist. Whittier believed the standing gag rule would only help promote the cause of abolitionism. Adams was not so certain. He told

²⁹William Lee Miller, *Arguing about Slavery: John Quincy Adams and the Great Battle in the United States Congress* (New York: Vintage Books, 1995), 368-71.

³⁰Leonard Richards, *The Slave Power: The Free North and Southern Domination, 1830-1860* (Baton Rouge: Louisiana State University Press, 2000), 111-12.

Whittier that the difference between the earlier gag rules and the current one “is the difference between petty larceny and highway-robbery.”³¹

Whittier blamed northerners for being too passive. Writing Adams in December 1839, Whittier told Adams that he read in the newspapers “that the vile ‘gag’ is again to be thrust into the mouth of the Northern abolitionists—and those who speak for them in Congress. Well let it come. We of the North have deserved it by our subserviency.” In a January letter to Joseph Healy, his publisher, Whittier wrote, “You will see by the ‘Globe’ of to-day that the right of petition has been denied to us. Northern subserviency has yielded *all* to the demands of the South.”³² Whittier is voicing his resentment of the Slave Power.

Although New Hampshire was a strongly Democratic state and home of Charles G. Atherton, author of the previous Gag Rule, the New Hampshire press gave a mixed response to the Johnson gag. *The Farmer’s Cabinet*, a Whig paper from Amherst, reported that the Johnson gag was stricter than its predecessors were and “cannot be looked upon as an infringement of a dear bought and deeply cherished right.” Instead, it was a necessity to facilitate congressional business.³³ *The New Hampshire Sentinel*, a Whig paper from Keene, was proud to see that one of New Hampshire’s representatives, Jared Williams, was not a “puppet in the hands of Southern slaveholders.” The Johnson gag was “contemptible” and only served to empower the abolitionist movement. *The*

³¹John Quincy Adams, January 29, 1840, *Memoirs*, 10: 206.

³²John Greenleaf Whittier to John Quincy Adams, Philadelphia, December 12, 1839 and John Greenleaf Whittier to Joseph Healy, Washington, D.C., January 28, 1840, John B. Pickard, *The Letters of John Greenleaf Whittier* (Harvard University Press, 1975), 380-1.

³³*The Farmer’s Cabinet* (Amherst, NH), February 7, 1840.

Sentinel hoped that the Johnson gag would be the last.³⁴ The Whig *Portsmouth Journal of Literature and Politics* expressed outrage that Congress violated the Constitution by denying the “sacred” right of petition. “Congress has no right to decide in respect to what subjects the people may present their petitions,” the paper proclaimed. It predicted Congress would see an increase in the number of antislavery petitions; Americans would not tolerate this dangerous precedent.³⁵

The Pennsylvania Freeman, a Philadelphia antislavery paper, also criticized the Johnson gag. “Southern insolence, aided by Northern subserviency has again prevailed, and the very *semblance* of the Right of Petition no longer remains to us,” it cried. The people of the North were no longer free but slaves. They no longer had a voice; the paper called for northerners to revolt against the gag rule. “Shall your own servants—men whom you have appointed *to do your will*, forbid you to make that known?” the editor asked.³⁶

The Hartford [Connecticut] Times, a Democrat paper, had no kind words for the Whigs. “A more profligate, hypocritical, and unprincipled, race never existed,” *The Times* declared. These “lying, cringing hypocrites” wrote “equivocal letters” to abolitionists to gain their votes.³⁷

The Whig *Union Herald* of Cazenovia, New York, reported that New York newspaperman and Whig activist Thurlow Weed declared: “The [Johnson gag] is the most monstrous violation of every principle not merely of republican government but

³⁴*The New Hampshire Sentinel* (Keene, NH), February 5, 1840.

³⁵*The Portsmouth [NH] Journal of Literature and Politics*, February 15, 1840.

³⁶*Pennsylvania Freeman* (Philadelphia), February 6, 1840 (italics in the original).

³⁷*The Hartford [CT] Times*, February 1, 1840.

responsible government of any kind ever hazarded by intoxicated power.” The editor asserted that doing what was right was more important than party loyalty and criticized representatives who would “sacrifice *right* to sustain *party*. But, we rejoice to see the North arousing from their lethargy.”³⁸

The correspondent of the Whig *New York [City] Evening Post* was incredulous at the passage of the Johnson gag. “Those representatives from the free states, who voted in the affirmative, perpetuated a glaring and flagrant injustice upon the rights of their constituents, and inflicted a deep and damning blot upon the liberal principles which they are bound to defend,” he charged. “Shame and ignominy forever rest upon these pusillanimous automatons clothed in the habiliments of men. . . . They belie the principles upon which they were elected to office.” The correspondent also noted, “I should consider myself deserving a palsied hand and a tongue incapable of utterance, and a heart recreant to the principles of liberality and justice, and would cease to claim the name of man, if I suffered such an act to pass unnoticed,” he wrote.³⁹

The editor of *The Albany Argus*, a Van Buren paper, demonstrated contempt for the uproar over the right of petition, for the conflict in the House of Representatives prompted similar action in the New York State Assembly. An editorial on February 12 accused Whigs in Albany and Washington of secretly supporting William Cost Johnson and Waddy Thompson for “refusing reception to gain votes for Wm. H. Harrison,” the Whig candidate for president. While avowing the right of petition, the *Argus* argued, Whigs “cared not a farthing for the ‘right,’ but because they were laboring with might

³⁸*Union Herald* (Cazenovia, NY), February 8, 1840 (italics in the original).

³⁹*New York [City] Evening Post*, New York City, February 8, 1840.

and main” for the votes of abolitionists.⁴⁰ On February 14, the *Argus* argued that the anti-slavery petition debate on the state and federal level “was at best, a contemptible party device—to drive the democratic members to a vote *against* the abstract ‘right of petition’ or to vote *for* the misstatements of fact with which a pretended assertion of the ‘right’ was coupled.”⁴¹

In February 1840, the New York State Assembly debated the issue of anti-slavery petitions so much that the legislators introduced a resolution. It stated that the New York legislature “decidedly disapproves and condemns the efforts of many misguided individuals in the northern states” regarding slavery and “thereby disturbing the domestic peace of the states, weakening the bonds of our union, and sowing the seeds of its dissolution.” The Assembly rejected this resolution along party lines. The Whigs all voted against and all Democrats voted for it. These Whigs, like many in Washington, denied they were abolitionists; rather, they wanted to protect the right of petition.⁴² In Van Buren’s state, it was important to Democrats to stay the party line and support the president’s wishes regarding antislavery petitions.

On February 20, the *Argus* declared, “The clamor about the ‘right of petition’ is the emptiest pretence [*sic*] in the world, started for party effect—pushed with a party design—and reported to, solely for this purpose, by politicians who are known to be utterly regardless of all considerations, save the accomplishment of their party designs.” Rather than acting upon principle, the *Argus* argued, Adams and others insisted upon

⁴⁰*Albany* [NY] *Argus*, February 12, 1840.

⁴¹*Ibid.*, February 14, 1840 (italics in the original).

⁴²*Ibid.*, February 18, 1840.

presenting anti-slavery petitions out of partisanship. The right of petition was not as important to them as party; the First Amendment was simply an instrument to rally supporters to the antislavery cause. The passage of a gag rule that required no renewal was a relief that would restore tranquility in Congress and relieve sectional tensions.⁴³ New York Democratic Representative Nathaniel Jones wrote a letter to the editor of the *Argus*: “It has now become apparent that the question of abolition agitation in [C]ongress assumes characteristics of the highest import, and if its continued agitation be not designed by its authors, certainly tends, more or less remotely, to a disseverance of our glorious Union.”⁴⁴

Celebrating their defeat of a proposed gag rule at the state level, New York Whigs were indignant that the House of Representatives in Washington had passed another gag rule,⁴⁵ and the *Argus* charged Whigs with duplicity. On February 27, the *Argus* again charged that Whigs were using the right of petition to aid the abolitionist cause. “Will the pretence [*sic*] deceive any man, at the North or the South? Who can fail to see the artifices and manoeuvres [*sic*] by which the ‘federal [Whig] game of abolition’ is played.”⁴⁶

The Whig *Albany Evening Journal* railed against the Johnson gag. The right of petition, “the last refuge of the oppressed—the sole recourse of the weak and defenceless” has been “crushed.” The Johnson gag came about by “Northern baseness and servility under the feet of Southern arrogance to be spared and trampled on!” The

⁴³Ibid., February 20, 1840.

⁴⁴Letter to the editor, Nathaniel Jones, February 7, *Albany* [NY] *Argus*, February 20, 1840.

⁴⁵*Albany* [NY] *Argus*, February 21, 1840.

⁴⁶Ibid., February 27, 1840.

right of petition was a right “respected every where but in the Federal House of Representatives.” The *Journal* editor charged that Van Buren used the Gag Rule to divide Whigs (northern and southern) and gain political advantage for the Democrats. “Van Burenism” presented two sides to the issue. To the North, it opposed abolition but not the right of petition. To the South, it “exhibited itself as the aegis of its safety.”⁴⁷

The Vermont Whig press objected vehemently to the Johnson gag rule. *The Caledonian* of St. Johnsbury proclaimed that petitioning Congress was futile during Van Buren’s presidency. For the sake of party unity, Van Buren opposed abolition of slavery in the District of Columbia. He had a sufficient number of northern allies voting with the South to defeat the right of petition, “a right which the Grand Sultan allows his most abject subjects.” *The Caledonian* listed the thirteen New York and New England Democrats who voted for the gag rule and the twenty-four Van Buren men. The paper asked readers to “Hang them up on a gibbet, at the corner of four roads, as they do malefactors in the Old World, that every traveler may gaze upon them,”⁴⁸ a colorful way of admonishing readers not to re-elect them. The *Vermont Watchman and State Journal* reported that the New York Assembly passed two resolutions “strongly censuring the seven locofoco [Democrat] Congressmen from that state who voted for the new gag.” The censures passed by a vote of 85-10. It furthermore praised Whigs for standing up for the right of petition.⁴⁹

⁴⁷*Albany [NY] Evening Journal*, February 3, 1840.

⁴⁸*The Caledonian* (St. Johnsbury, VT), February 11, 1840.

⁴⁹*The Vermont Watchman and State Journal* (Montpelier), February 24, 1840.

The youth of Vermont spoke out when the Whigs held their Young Men's Convention in Montpelier in March. Members extolled the virtues of General William Henry Harrison and wrote a political platform. One of the planks addressed the gag rule: "*Resolved*, That the adoption, in the present Congress, of a rule, denying the right of the people to petition in behalf of millions in bondage, was a gross violation of the Constitution."⁵⁰

Responding to the Johnson Gag Rule, the American Anti-Slavery Society issued a pamphlet entitled, "Friends of Constitutional Liberty," which described the Gag Rule as a "degeneracy." "Thus has the RIGHT OF PETITION been immolated in the very Temple of Liberty, and offered up, a propitiatory sacrifice to the demon of slavery," the pamphlet stated. The Constitution did not protect the right of petition before the states ratified the Bill of Rights and several states preemptively took precautions to insure that right. The previous gag rules had allowed the House to receive anti-slavery petitions. The Johnson gag denied even reception. While Congress had exclusive jurisdiction over the federal district, only "Southern arrogance" could argue that abolishing the slave trade and slavery in the District of Columbia was unconstitutional. The pamphlet further documented that the various gag rules had received diminished support. The Hawes's gag passed with a fifty-eight vote majority; the Johnson gag passed by only six votes. The number of supporters in free states dwindled from seventy in 1837 to the twenty-five Democrats in 1840. "Unquestionably," the pamphlet argued, "the late RULE surpasses, in its profligate contempt of constitutional obligation, any act in the annals of the Federal Government."

⁵⁰Ibid., March 16, 1840.

It concluded by listing each of the representatives from free states who voted for the Johnson Gag Rule.⁵¹

In a letter to the editor of *The Emancipator*, Utica, New York lawyer and antislavery leader Alvan Stuart called for the formation of an abolitionist party. Recent events demonstrated that despite the commitment of abolitionists petition Congress, their efforts were futile. Abolitionists' attempts to gain freedom for slaves in the nation's capital only jeopardized the petitioners' own liberties. "The great right of petition has been solemnly put *to death*," Stuart declared. Abolitionists could not depend upon the existing parties for support.⁵² The call for an independent third party committed to abolition materialized later that year with the formation of the Liberty Party on April 1, 1840.⁵³

The Liberator called for its readers to increase their commitment to abolition. "Let [Congressmen] be taught, that on the petition there can be no such thing as peace and [illegible], so long as the abomination of slavery stands in the holy place of freedom. . . . The responsibility rests upon you. You have in your power, by means of petitions, to denounce the machinations of crafty politicians and to STIR UP THE AGITATION," the editor urged.⁵⁴

⁵¹The American Anti-Slavery Society, "Address to the Friends of Constitutional Liberty on the Violation by the United States House of Representatives of the Right of Petition" (New York: American Anti-Slavery Society, 1840).

⁵²Alvan Stuart, letter to the editor, *The Emancipator* (New York City), February 6, 1840.

⁵³Edward O. Schriver, *Go Free: The Antislavery Impulse in Maine, 1833-1855* (Orono: University of Maine Press, 1970), 14.

⁵⁴*The Liberator* (Boston), February 7, 1840.

The Ohio Statesman, a Democrat paper from Columbus, made an observation concerning the antislavery petition debates that intensified in the 27th Congress: “The speeches are generally made by southern whigs, and northern whigs—the one denying the right of petition, and the other contending that Abolitions petitions shall be received, referred, and reported upon. The democracy occupy a middle ground based upon Atherton’s resolutions of last session.”⁵⁵ While Democrats and Whigs found themselves on opposite sides of this issue, the constituents of both parties did as well. The Democrats did not need to try to split the Whigs; they already were.

William Wick (Democrat-Indiana) perceived a different political division, one between the southern Whigs and southern Democrats. “There is strife between the southern federalists (Whigs) and democrats who shall be the most metaphysically and philosophically exact and violently strenuous in defending the rights of the South.” Wick observed each party in the South trying to outdo one another as champion of the South. There was no parallel in the North between the two parties.⁵⁶

Before the next session of Congress convened, Whig presidential nominee William Henry Harrison received correspondence regarding the right of petition. Erastus Root, a Democratic New Yorker serving in the New York State Assembly and a former representative in the United States House of Representatives, wrote Harrison telling him, “it is extremely difficult, nay, impossible to answer [abolitionists] to their satisfaction and

⁵⁵Columbus *Ohio Statesman*, January 21, 1840.

⁵⁶Indianapolis *Indiana Democrat*, January 21, 1840.

give no offense to others,”⁵⁷ expressing how delicate any slavery-related topic had become. J. H. Pandy wrote Harrison asking his views on the right of petition. First, Pandy wanted to know if Harrison supported an “unrestricted right to discuss any subject that to [the petitioners] may seem worthy of consideration.” Secondly, he wanted to know if Harrison believed that citizens had a right to petition their legislature “for the adoption of such measures as the petitioners may think conducive to the welfare of the nation.”⁵⁸

The Johnson gag held for the second session of the 26th Congress. Adams attempted to repeal it in December 1840 and January 1841, to no avail. As antislavery and abolitionist sentiment grew, so did resistance. And, although the House was increasingly against the Gag Rule—the Johnson gag passed by only six votes—pro-Gag Rule representatives proved more determined to remove the onslaught of antislavery petitions from the House’s daily business. Although the number of northerners favoring the gag rule diminished, it remained sufficient to keep the Gag Rule in place. Enough “doughfaces” protected southern interests in the spirit of party unity. Nevertheless, that unity proved fragile as sectionalism strained the Democratic coalition.

The Whigs accused the Democrats of using the Gag Rule to divide their party. *Albany Evening Journal* editor Thurlow Weed denounced the Democrats for using the Gag Rule to divide the Whigs between sections.⁵⁹ The *Cazenovia, New York Union*

⁵⁷Erastus Root to William Henry Harrison, Albany, March 25, 1840, Papers of William Henry Harrison, Library of Congress, Washington, D.C. The Harrison Papers do not indicate a response from Harrison.

⁵⁸J. H. Pandy to William Henry Harrison, August 10, 1840, *ibid.* The Harrison Papers do not indicate a response from Harrison.

⁵⁹*Albany [NY] Evening Journal*, February 3, 1840.

Herald charged that Democrats placed party above doing what was right.⁶⁰ And, *The* [Philadelphia] *Pennsylvania Freeman* reproached politicians for forgetting they served the people. Now, the *Freeman* declared, northerners were slaves because they could no longer petition Congress regarding slavery.⁶¹

Despite the negative coverage in the press, the closeness of the Johnson gag had to be encouraging for those who hoped to overturn it. Only twenty-five northern Democrats voted for the 21st Rule. But the Johnson Gag Rule was now a rule, and not a resolution. Furthermore, it rejected petitions instead of rejecting their requests. Additionally, the country was still in a recession, the Panic of 1837, and the southerners had never fully trusted the New York president, Martin Van Buren. The Election of 1840 was a pivotal one. It was a great opportunity for the nascent Whig Party and a test of loyalty for the Democratic Party.

⁶⁰*Union Herald* (Cazenovia, NY), February 8, 1840.

⁶¹Philadelphia *Pennsylvania Freeman*, February 6, 1840.

CHAPTER VI

“What Has Congress Done!”

The 27th Congress (May 31, 1841-March 3, 1843)¹

While the Johnson gag survived the 26th Congress, it did so by the narrowest margin to date, only six votes. The Philadelphia *Pennsylvania Freeman* editor John Greenleaf Whittier chastised Whigs and abolitionists, arguing that their passivity had allowed the Gag Rule to become permanent.² The *Union Herald* of Cazenovia, New York prophesied that the slim margin that enacted the Johnson gag foretold its ultimate demise. “The North is beginning to open her eyes, and soon, if we mistake not, she will burst the chains forged by the South, which, hitherto, she, the North, has consented, tamely, to wear,” the editor stated, predicting triumph over the Slave Power. The *Union Herald* encouraged abolitionists. Eventually, “public sentiment will frown upon these

¹In March 1841, William Henry Harrison had called for a special session of Congress to address Whig legislation and address the nation’s ailing economy. Therefore, the 27th Congress first met in May 1841 rather than in December.

²John Greenleaf Whittier to Joseph Healy, Washington, D.C., January 28, 1840, John B. Pickard, *The Letters of John Greenleaf Whittier* (Harvard University Press, 1975), 380-1.

haters of crushed humanity till they will be glad to dig from their graves these consigned memorials of the crushed rights of Republican freemen.”³

In the Election of 1840, the voters called for change. There was exceptionally high voter turnout; over eighty percent of all eligible voters participated, ninety-two percent in New York State.⁴ The economy drove this election. The Panic of 1837 still lingered. Americans were anxious for Congress to address financial issues. One was a bankruptcy bill. Another was a tariff to protect American manufactures. This move for change also provided the Whig Party an opportunity to repeal the Gag Rule. This would protect the First Amendment right of petition while scoring a win over the Slave Power. Only twenty-five northern Democrats in the House had supported the 21st Rule, so chances of repeal looked promising, even if the Whigs failed to capture the majority.

The Whig Party took lessons from Andrew Jackson’s campaign and touted their candidate, General William Henry Harrison as a military hero and a common man with the “Log cabin, hard cider” slogan. Whigs portrayed Jackson and Van Buren as abusers of the federal government and promised to use the government to protect individual liberties and preserve republican self-government.⁵ Harrison won and the Whigs captured both Houses of Congress.⁶ The *Union Herald* got the Whig majority it forecasted, but the three-week battle that ensued at the commencement of the 27th

³*Union Herald* (Cazenovia, NY), February 8, 1840.

⁴Joel Silbey, *Martin Van Buren and the Emergence of American Popular Politics* (New York: Rowman & Littlefield Publishers, 2002), 153.

⁵Michael Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), 110-1.

⁶The Whigs had majorities of forty-five in the House and seven in the Senate.

Congress not only failed to overturn the Gag Rule, but it also drew ire from the northern press of both parties.

Three factors prevented repeal of the 21st Rule.⁷ First, Democratic and Whig southerners kept up debate on the House rules, wearing down resistance to the Gag Rule and wasting time that could have been used passing legislation called for by President William Henry Harrison. Second, the debate over repeal of the 21st Rule revealed cleavages within the Whig Party. Southern Whigs wanted no challenges to slavery, and they believed antislavery petitions were challenges. Third, freshmen Whigs serving in the 27th Congress found themselves outmaneuvered on the Gag Rule by more experienced congressmen of their own party. This chapter explains how southern senior Whigs frustrated proceedings until the House became desperate to establish rules for the special session.

With the Whigs in control of the House of Representatives, antislavery petitioners had to like their prospects of overturning the Gag Rule—permanently. There was reason for hope as the first session of the 27th Congress opened. But politics is rarely that simple. The Whigs proved more divided on the issue of slavery than the Democrats. Among Whigs, slavery tended to reflect local politics rather than national. In *The South and the Politics of Slavery, 1828-1856*, William J. Cooper, Jr. argues persuasively that southern Whigs often tried to outdo their Democratic opponents as defenders of slavery. It was imperative to champion slavery in the South—regardless of one’s party affiliation—or face defeat in the next election. In addition, slavery itself was slowly

⁷The 21st Rule is the name given for the Gag Rule. While subsequent sessions of Congress will renumber its place in the House rules, this work will continue to refer to it as the 21st Rule, for it usually appeared this way in the northern press.

becoming a national concern rather than a regional one. As it did, northerners found it increasingly difficult to support or ignore southern members of their own party.⁸

Furthermore, the rhetoric of Whigs John Quincy Adams of Massachusetts, William Slade of Vermont, and Joshua Giddings of Ohio must have concerned southern Whigs. The fissures in the party were evident.

While it was a time of increased sectional tension, the Election of 1840 did not reflect it. President Martin Van Buren carried seven states, five of which were slave states. Van Buren had long sought to unify the Democratic Party, but William Henry Harrison's Virginia background and support of slavery extension into the territories outweighed Van Buren's political maneuvering. Harrison easily won the electoral vote, but the popular vote was much closer, 53 percent to 47 percent.⁹

The competition between Whigs and Democrats was far more acute. Daniel Walker Howe argues that at the state and local levels, the electorate often consisted of a relatively even distribution of Whig and Democratic voters. While the first and third party systems had regions of the country that favored one party over another, the second party system had contested elections across the country.¹⁰

With a strong New England base, Whigs had a strong sense that the purpose of government was the betterment of society. The party associated with a strong national identity. Henry Clay's American System was an example of creating a stronger country

⁸William J. Cooper, Jr., *The South and the Politics of Slavery* (Baton Rouge: Louisiana State University Press, 1980), 105-6.

⁹Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 578.

¹⁰Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), 12.

through an improved infrastructure financed through tariffs. The Whig sense of betterment proved to be moral as well as economic. Whigs favored reform in education and temperance. For northern Whigs to address slavery and seek to remove it from the nation's capital fit well into a Congress with a Whig majority.¹¹ The southern Whigs did not share that view, however.

While both parties sought to fight corruption, there were clear differences. Democrats envisioned the Money Power as corrupt while Whigs saw it as abuse of the presidency. Democrats emphasized natural rights and Whigs carried on the tradition of resistance to a too powerful executive. Democrats wanted to keep the country culturally diverse while remaining racially homogeneous, secure states' rights, and have economic uniformity. The Whigs wanted to develop the country through investment in the infrastructure, aiming to transform the economy through its diversity while maintaining a cultural uniformity.¹²

In March 1841, General William Henry Harrison, the newly-inaugurated president, called a special session of Congress for the purpose of taking advantage of the Whig majority. The economy had never fully recovered from the Panic of 1837, and it was necessary for Congress to craft a bankruptcy law. The Whigs also had the opportunity to invest in the nation's infrastructure. It was customary at the time for Congress to meet for its first session in December of the year following a general election. The special session met in May 1841, a half-year earlier.

But had President Harrison taken a stand on antislavery petitions? Abolitionist Salmon P. Chase wrote to Harrison concerning his upcoming inaugural address. Chase

¹¹Ibid.

¹²Howe, *What Hath God Wrought*, 582, 583.

understood that the president-elect would address slavery and petitioning. Although Chase was an ardent abolitionist, he strongly advised Harrison to avoid the topic of slavery. Chase reasoned that the new administration could not accomplish anything regarding slavery, so it was best to avoid it. “It is a subject which cannot be touched without grievously offending one side or the other, and producing a schism which may be attended with fatal consequences. Would it not be best then to observe entire silence on this point, & leave the whole subject to Congress and the People?” Chase advised.¹³ When Harrison delivered his address, he recognized the residents of the District of Columbia as citizens, and not subjects. While Congress had the right to govern the nation’s capital, the purpose of that constitutional provision was to permit the government to operate freely. He concluded his point by stating, “In all other respects the legislation of Congress should be adapted to [Congress’s] peculiar position and wants and be conformable with their deliberate opinions of [its] own interests.”¹⁴

Although abolitionist William Slade (Whig-Vermont) argued that the special session was not a time to introduce petitions, *The Emancipator* maintained it was appropriate. Did the president not call the extra session to address economic remedies? “Well, abolitionists know what is the cause—slavery,—and what is the remedy—abolition; but the only way we can reach Congress is by petitions,” the paper’s editor

¹³Salmon P. Chase to William Henry Harrison, Cincinnati, February 13, 1841, William Henry Harrison Papers, Library of Congress, Washington, D.C., (italics in the original).

¹⁴Joint Congressional Committee on Inaugural Ceremonies, <http://www.inaugural.senate.gov/swearing-in/address/address-by-william-h-harrison-1841>, January 21, 2013.

declared. It was also necessary to stand firm behind John Quincy Adams and “the duty of sending in petitions ought to be felt the more imperiously.”¹⁵

The House of Representatives did not get through its first day of the special session without a challenge to the William Cost Johnson (Whig-Maryland) gag, “the 21st Rule.” Henry Wise (Whig-Virginia) moved that the House adopt its rules from the previous session for ten days, until a committee could report back with recommended rules for the special session. The House, which had only minutes before refused to adjourn, moved to adjourn once Massachusetts Whig John Quincy Adams agreed to support Wise’s motion if it included the words, “except the 21st rule.”¹⁶

On June 3, the House again took up the matter of rules and Adams’s proposal to revoke the Johnson gag. Whig Joseph Underwood of Kentucky had proposed a minor change in Wise’s wording and confessed that he had no problem with including Adams’s amendment. Wise replied that the 21st Rule was an administrative rule to permit efficient operation of the House. He believed Adams had introduced his amendment to rescind the 21st Rule because the Whigs now had the House majority, not because it was prudent. Over the past fifty years, according to Wise, over a million antislavery petitions had come before Congress,¹⁷ with almost all of them coming from north of the Mason-Dixon Line. Wise asserted that this demonstrated that the enactment of the Gag Rule had not abridged the right of petition. Wise would not deny that right. The purpose of the right of petition was for the redress of grievances. Slavery in the nation’s capital had not injured any of

¹⁵*The Emancipator* (New York City), June 10, 1841.

¹⁶Representatives Henry Wise (W-VA) and John Quincy Adams (W-MA), May 31, 1841, 27th Congress, 1st session, *Congressional Globe*, 4.

¹⁷Wise used this number but provided no evidence to validate it.

the petitioners. Additionally, it was not sectionalism as portrayed by Adams. It was not the South imposing its will upon the North. Rather, the 21st Rule was simply a device the House used to keep fanatical northerners in check.¹⁸

Another complaint against Adams was his assertion that the 21st Rule was a political ploy. William Cost Johnson (Whig-Maryland) entered the debate to defend his rule. Adams had no evidence that the 21st Rule resulted from political motivation, according to Johnson. He respected Adams as a man of great experience and character, and it was unusual for him to make such an accusation without evidence. Johnson denied collusion with President Van Buren or any member of the House. He also saw no reason to eliminate the rule that had worked well. Additionally, the president had not said one word to Congress regarding slavery.¹⁹ The matter was not one of party or sectionalism or denying First Amendment rights; it was one of expediency. The House had operated more efficiently for the previous two years after the passage of the 21st rule. It had rid the House of angry debate, which he feared would return with repeal. “Rescind this rule,” Johnson continued, “and endless discussion will be the consequence, and the excitement would be so great as to retard the despatch [*sic*] of the business which had called us together.” William Slade (Whig-Vermont) added that while he abhorred the 21st rule, he did not think it pragmatic to address it during a special session. Slade disagreed with Johnson’s assessment of the merits of the Gag Rule, however. While it may have

¹⁸Representatives Henry Wise (W-VA) and Joseph Underwood (W-KY), May 31, 1841, *Ibid*, 16.

¹⁹Johnson did not clarify whether he referred to the recently deceased Harrison or his successor, John Tyler. Because this was a special session called by Harrison, it is reasonable to believe that he referred to the deceased president.

removed excitement from the House, it had the opposite effect elsewhere. All was for naught, as the House decided not to vote on Underwood's amendment, 95-74.²⁰

The Whig *New-York [City] Commercial Advertiser* reported that abolition had three faces, and all of them had made an appearance on June 3. The first was northern fanaticism. The second was southern favoritism. The third was party agitation. The *Advertiser* placed Adams in the last category, Henry Wise in the second, and Underwood as trying to appease both northern fanaticism and agitation. Underwood "spoke in a calm and rational tone," hoping to de-escalate the heated discussion, and his "principal object was to propose instructions to the committee" for the adoption of efficient rules. The correspondent surmised that the Democrats must "chuckle" at how the northern and southern wings of the Whig Party were at odds.²¹

Immediately upon swearing in and seating two new members, Speaker John White (Whig-Kentucky)²² recommended that the special session operate under the House rules of the previous session, adopting the resolution proposed by Henry Wise. Predictably, John Quincy Adams rose to add, "Except the 21st rule, which is hereby rescinded." Slade had already recommended that the words "which is hereby rescinded" be scratched. Whig Millard Fillmore of New York reminded the House that this was a

²⁰Representatives William Cost Johnson (W-MD) and William Slade (W-VT), June 3, 1841, 27th Congress, 1st session, *Congressional Globe*, 17, 18. No roll call vote recorded.

²¹*The New-York [City] Commercial Advertiser*, n.d., reprinted in the *New-Bedford Mercury* (New Bedford, MA), June 11, 1841.

²²White's selection as Speaker illustrated the strength of the South in a Whig-dominated House. Even though most of the Whig majority came from free states, it was necessary to elect White as a compromise candidate. White hailed from Kentucky, a border state, but also a slave state. His nearest competitor for the Speakership was John W. Jones, a Virginia Democrat. While no strong candidate arose from the Deep South, no northerner had enough support for a serious run for Speaker either. Although outnumbered in the House, southerners still had strong political clout.

special session. The House had already met for eight days and the debate over the Gag Rule had prevented the representatives from addressing the matters for which the president had called the special session.²³

Finally, the House voted upon the Slade\Adams amendment as well as the Wise resolution. Members approved the amendments excepting the 21st rule by a vote of 112-104.²⁴ The Democratic *Ohio Statesman* of Columbus observed, “The 21st rule was hammered and sledge-hammered and *cussed* and *discussed*, and finally laid on the shelf.”²⁵ This vote was almost entirely sectional. According to John Quincy Adams, the vote was “almost exclusively bond and free.”²⁶ The four southerners who voted with the majority were all Whigs. Two came from border states: James Underwood of Kentucky and Alexander Randall of Maryland. The other two, Alexander Stuart and John Botts, were from Virginia.²⁷ The Whig *Albany Evening Journal* commended Stuart and Botts for taking an “enlightened” and “patriotic” view.²⁸ Nineteen northerners voted “nay,” nearly all of them Democrats. The only northern Whig dissenters were Samson Mason of Ohio and George Proffit of Indiana, the latter following his pattern of consistently voting

²³Speaker John White (W-KY), Representatives John Quincy Adams (W-MA), William Slade (W-VT), and Millard Fillmore (W-NY), June 7, 1841, *Congressional Globe*, 27th Congress, 1st session, 26-7.

²⁴June 7, 1841, *Ibid.*, 27, 28.

²⁵Columbus *Ohio Statesman*, June 9, 1841 (italics in the original).

²⁶Allan Nevins, ed., *The Diary of John Quincy Adams, 1794-1845* (New York: Charles Scribner's Sons, 1951), 524.

²⁷Stuart and Botts defended their votes by submitting their rationales to the press. Their statements were reprinted in the June 15, 1841 *Boston Daily Atlas* and the June 16, 1841 *Salem Register*. Both men considered the Gag Rule as counterproductive. Botts argued that the right of petition and abolitionism were separate issues. The Gag Rule only intertwined them. Stuart believed that the Gag Rule was “a position which is calculated to aggravate rather than diminish the excitement which exists in the Northern States on the subject of Abolition.”

²⁸*Albany [NY] Evening Journal*, June 14, 1841.

pro-Gag Rule. “We have looked over the yeas and nays of the vote rescinding the Gag Rule with some attention. Only two whigs from the free states degraded themselves by voting for the continuance of the infamous rule: →Mr. PROFFIT← of Indiana, and →SAMPSON [sic] MASON← of Ohio. Let their infamy be perpetuated till they repent,” the abolitionist *Signal of Liberty* condemned.²⁹

Vote on the Adams’s Amendment to Exclude the 21st Rule, June 7, 1841

	Yeas	Nays	Total
Northern Whigs	77	2	79
Northern Democrats	31	20	51
Southern Whigs	4	47	51
Southern Democrats	0	35	35
Total	112	104	216

Adams’s victory received praise from papers in both parties. A total of eighty-one Whigs and thirty-one Democrats voted for adopting the rules without the 21st Rule. New York, which had always given strong support for gag rules, cast thirty-five of its forty votes for rescinding the Gag Rule, including fifteen of twenty New York Democrats. With Van Buren no longer president, there was less pressure to appease the Slave Power. To this, the New York *Log Cabin* rejoiced. “The arbitrary and extraordinary provision—expressly contravening that clause of the Constitution which declares that the Right of Petition shall not be impaired, and eminently calculated to foster and inflame the spirit which threatens the dissolution of the Union—has been

²⁹*The Signal of Liberty*, Michigan Anti-Slavery Society (Ann Arbor, MI), June 30, 1841. (The arrows represent pointing fingers in the original.)

stricken from the Rules of Congress,” it announced.³⁰ As recently as February 1840, *The Hartford [Connecticut] Times*, a Democratic paper, supported the Gag Rule, calling the Whigs “lying, cringing hypocrites” who wrote “equivocal letters” to abolitionists to gain their votes.³¹ If the vote of the Connecticut representatives reflected public opinion, then the state had turned against the Gag Rule, for all Connecticut representatives now voted to rescind it. Connecticut was one of five states that gave no support for the Gag Rule. The others were Vermont, Massachusetts, Rhode Island, and New Jersey. The *Salem [Massachusetts] Register* reported that the correspondent of the Whig *Boston Atlas* had seen Adams after the vote. The correspondent noted, “It has rarely been his lot to witness a stronger expression of entire bridegroom-like satisfaction than [Adams’s] venerable countenance displayed at that moment.”³²

The Signal of Liberty, the publication of the Michigan Anti-Slavery Society, cited the role of new representatives in the vote. In reference to the vote to adopt the rules of the House without the 21st Rule, “The greater part, if not all of the members of both parties, from the free States, *who have been recently elected*, voted against the Gag. This fact shows in what direction the popular feeling in the free States is moving,” *The Signal* observed.³³ Because the Whigs favored reform, *The Signal* regarded the new Whig majority as reflective of public desire to enact reform laws. This included securing the right of petition, for petitions were an essential way for Americans to communicate to Congress. There were fifty-seven new northern congressmen in the 27th Congress, thirty-

³⁰*The Log Cabin* (New York City), June 12, 1841.

³¹*The Hartford [CT] Times*, February 1, 1840.

³²*Salem [MA] Register*, June 14, 1841.

³³*The Signal of Liberty*, Michigan Anti-Slavery Society (Ann Arbor, MI), June 30, 1841.

three Whigs and twenty-four Democrats. In the vote to rescind the Gag Rule, each new Whig voted to rescind and fourteen of the new Democrats did as well. Eight of those fourteen came from New York, where supporting the Gag Rule was increasingly problematic because of the increase in antislavery organizations in the state.³⁴ These votes represented a distinct change, even if not as significant as *The Signal* hoped.

The House then approved Wise’s resolution to operate under the same rules as the previous session by 125-90, which included the Adams amendment to exclude the 21st Rule.³⁵ Here, the vote was almost along party lines. All Democrats of both sections voted against adoption of the rules excluding the 21st. All Whigs, except for three southerners, voted for adoption. The Whig majority had successfully overturned the 21st Rule.

House Vote to Adopt Rules of the Previous Session Excluding the 21st Rule, June 7, 1841

	Yeas	Nays	Total
Northern Whigs	80	0	80
Northern Democrats	0	53	53
Southern Whigs	45	3	48
Southern Democrats	0	34	34
Total	125	90	215

When the House first struggled with antislavery petitions in the winter of 1835-36, slavery in the District of Columbia was a major consideration. The discourse had

³⁴Leonard Richards points out that in 1836, New York State only had 88 antislavery societies. By 1838, that number had increased to 369 and continued to grow. *The Slave Power*, 137.

³⁵June 7, 1841, 27th Congress, 1st session, *Congressional Globe*, 28, 29.

evolved over the intervening six years, gradually moving away from an emphasis on slavery to one on the right of petition. Now, across the North, when addressing the Gag Rule, newspapers addressed the right of petition much more than slavery. The Whig *Portland [Maine] Advertiser* lauded the protection of the right of petition but clearly stated that it did not “encourage any illegal or improper interference in the institutions of the South.”³⁶ The Whig *Albany Evening Journal* affirmed, “The great body of the People at the North abide faithfully by the Constitution. This precludes their interference with the ‘domestic Institutions’ of the South.”³⁷ These examples reflected northern press. Southerners had always been defensive about slavery. They considered antislavery petitions as northern interference into southern affairs. But, in the North, what had begun as a conciliatory gesture toward the South in tabling those petitions was now a serious threat to a First Amendment right. Southerners could defend slavery, the southern economy, and southern culture, but to deny the right of petition was too much to ask of northern representatives. The more adamantly southerners persisted, the more determined northerners fought to protect the right of petition.

The *Ohio State Journal*, a Whig paper from Columbus, expressed dismay at Whig papers that disparaged Adams. “For ourselves, we honor him for his opposition to a rule which is odious to intelligent and liberal freemen, and oppressive and exasperating to those proscribed by it,” it praised. What gave people the idea that they could legitimately deny the right of petition? “The proposition is tyrannical.” It furthermore lamented not only that a Whig had introduced the standing resolution but also that the House had

³⁶*Portland [ME] Advertiser*, June 15, 1841.

³⁷*Albany [NY] Evening Journal*, June 6, 1841.

overturned it by the slim margin of eight votes. Why was protecting a First Amendment right such a difficult decision?³⁸

The Democratic *Ohio Statesman* mocked the abolitionists, “who have triumphed by a majority of *eight votes!*” It was all for the glory of President Harrison, “Old Tip.” In addition, the *Statesman* cautioned that it was “folly for the northern democracy to fight the battles of the south.”³⁹

The Whig *Pennsylvania Inquirer* of Philadelphia predicted that southern Democrats would try to defeat Whig measures or wheedle the Whigs into complying with southern demands, but the Whig power was too strong. “The Whigs have nothing to fear, if they only dare to use the power which they have obtained. . . . Let our march therefore be onward, and let us not stop to please our foes, when it is infinitely more important for us to retain and conciliate our friends,” it commanded.⁴⁰ Perhaps now, the House could dedicate itself to the special session.

But, the Whigs did not march onward. Less than twenty-four hours after the June 7 vote to rescind the Gag Rule, it began to appear the Whig victory was a mirage. On June 8, in the midst of routine business, Democrat Charles Ingersoll of Pennsylvania asked to reconsider the vote regarding the 21st Rule.⁴¹ Ingersoll argued for retention of the 21st Rule. He had great respect for Adams and understood his sense of obligation to his petitioners. Ingersoll himself had received a similar petition. While he desired to be fair to the petitioners, he feared that continued tension on the subject of slavery was so

³⁸Columbus *Ohio State Journal*, June 6, 1841.

³⁹Columbus *Ohio Statesman*, June 16, 1841 (italics in the original).

⁴⁰*Pennsylvania Inquirer* (Philadelphia), June 14, 1841.

⁴¹Representative Charles Ingersoll (D-PA), June 8, 1841, *Congressional Globe*, 27th Congress, 1st session, 35.

divisive a “servile war” would break out in the South.⁴² After a verbose and exhaustive discourse by Ingersoll again the following day, the House voted 107-113 against reconsideration of the vote of June 7, voting largely along sectional lines.⁴³ The Whig Northampton, Massachusetts *Hampshire Gazette* was not surprised. Ingersoll saw the world through “the pure medium of locofocoism.” Instead of seeing the vote for what it was, a vote on the right of petition, Ingersoll “saw in the admission of the right of petition ‘raw heads and bloody bones’—servile war and insurrection—and a severing of the Union.” It was “heart-sickening to see northern dough-faced toadies evincing such an ardor in the defence of ‘southern rights.’”⁴⁴

The *North American*, a Whig paper of Philadelphia, expressed regret that its own representative sought to reinstate the Gag Rule. It was “as anti-democratic a doctrine as ever was promulgated from the throne of a despot, for even there, respectful petitions on all subjects are allowed to be presented.” Petitions “should be as broad as the heavens and free as the air.”⁴⁵ The *North American* continued its criticism of Ingersoll three days later. It asserted “We are not Abolitionists; we regard their political action as a signal calamity in the cause which they aim to promote; still we will not part with the ‘right of petition’ nor allow Mr. Ingersoll, or any other man, to part with it for us.”⁴⁶ Comparing him to Esau, who foolishly sold his birthright because he was starving, the *North American* judged Ingersoll as more foolish. Esau was hungry. Ingersoll was not

⁴²Ibid., June 9, 1841, *ibid.*, 37-8.

⁴³Ibid., June 10, 1841, *ibid.*, 39-42.

⁴⁴*Hampshire Gazette* (Northampton, MA), June 16, 1841.

⁴⁵*The North American* (Philadelphia), June 12, 1841.

⁴⁶Ibid., June 15, 1841.

desperate, only ambitious. His ambition caused him to betray the constitutional rights of his constituents. Ingersoll had the right to part with his own rights but not the rights of his fellow freemen.⁴⁷

On Monday, June 14, the first order of business was the reconsideration of the vote appointing a committee to recommend rules for the House's operation during the special session, the 21st Rule excepted. Henry Wise (Whig-Virginia) entered into a long oration defending the Johnson Gag Rule. Finally, after delivering what the Whig *Rutland Herald* of Vermont called "an unceasing tirade . . . for six hours,"⁴⁸ Wise relinquished the floor and the House voted 106-104 to reconsider the earlier vote that had rescinded the 21st rule.⁴⁹ Northern Whigs all voted against reconsideration, joined by Democrat William Parmenter of Massachusetts. Nineteen southern Whigs allied with all other Democrats, North as well as South, to vote for reconsideration. Democrats saw an opportunity to take advantage of the Whigs' disorganization. To favor reconsideration supported the southern wing of the Democratic Party; doing so was now less noticeable for northern Democrats with the Whigs holding the majority. It also gave Democrats another chance to block Whig legislation. Even though the Whigs had a large majority, the vote to reconsider never would have succeeded without southern Whig support. Whig Kenneth Rayner of North Carolina then moved that the standing orders of the last House session remain in effect and that the House only consider legislation outlined in

⁴⁷Ibid.

⁴⁸*Rutland [VT] Herald*, June 22, 1841.

⁴⁹Representative Henry Wise (W-VA), June 14, 1841, 27th Congress, 1st session, *Congressional Globe*, 51.

President Harrison's inaugural address. After much ado and confusion, the House voted to adjourn.⁵⁰

Vote to Reconsider Adopting House Rules to Include the Gag Rule, June 14, 1841

	Yeas	Nays	Total
Northern Whigs	0	80	80
Northern Democrats	50	1	51
Southern Whigs	19	23	42
Southern Democrats	37	0	37
Total	106	104	210

The next morning, June 15, when Rayner began the day re-introducing his resolution, a commotion erupted that was even worse than the previous evening. Rayner held the floor beyond his allotted time until Christopher Morgan (Whig-New York) interrupted him. Morgan expressed frustration that the House had been in session for over two weeks without tending to any of Harrison's proposed legislation. Furthermore, Morgan not only disagreed with Rayner but also with Adams's claim that the 21st Rule abridged the right of petition. As confusion continued in the House, Caleb Cushing (Whig-Massachusetts) claimed the floor to state that while he had tremendous respect for Adams, he favored dedicating the session to public business.⁵¹

⁵⁰Representatives Kenneth Rayner (W-NC) and John Quincy Adams (W-MA) and Speaker John White (W-KY), June 14, 1841, *ibid.*, 52.

⁵¹Representatives Kenneth Rayner (W-NC), Christopher Morgan (W-NY), and Caleb Cushing (W-MA), June 15, 1841, *ibid.*, 54.

Democrat Charles Brown of Pennsylvania exploded upon hearing Cushing's comments. He protested "in the most vehement manner against the abominable and unparalleled system of tyranny" aimed at those opposed to the 21st Rule since the beginning of the session. Several members responded to Brown's comment with calls of "Order" and "Sit down!" Brown replied, "No, I will not sit down; I am in order; and so long as I have a voice I will raise it to denounce and resist the gag system which is being practised upon us."⁵² Brown represented Philadelphia, an area with many abolitionists.⁵³ If the House adopted rules that included the 21st Rule, Brown would let his constituents know that he stood up for their right of petition.

The debate that followed was zealous, disorderly, and passionate. At times, the House had to take a vote to permit a speaker to continue. Rayner's amendment to keep rules of the prior session including the 21st Rule was rejected twice, first by 96-105 and then by 104-107 with no roll call votes recorded. After an intense interchange between Speaker White, Virginian Henry Wise, and North Carolina Whig Edward Stanly, the Speaker announced the results of the roll call vote on Wise's original question, which allowed a committee to determine the rules of the current session. The House rejected that motion by a vote of 106-110 with the vote mostly along party lines. Twenty-nine southern Whigs joined all but five northern Democrats in voting nay. Comparison of the votes indicates the Democrats were probably voting in opposition just to keep the Whigs from crafting legislation. The longer the Democrats kept the House from formal organization, the less time the Whigs had in the special session. The vote was such a

⁵²Representative Charles Brown (D-PA), June 15, 1841, *ibid.*, 54.

⁵³United States Congress, *Biographical Dictionary of the American Congress, 1774-1949* (Washington, D.C.: United States Government Printing Office, 1950), 125.

decisive step backward that even the *Globe* reporter inserted a comment in the record indicative of his exasperation: “And the House stands where it did on Monday noon of May 31st.”⁵⁴

Vote on Wise’s Motion to Allow a Committee to Determine the Rules, June 15, 1841

	Yeas	Nays	Total
Northern Whigs	80	1	81
Northern Democrats	5	45	50
Southern Whigs	21	29	50
Southern Democrats	0	35	35
Total	106	110	216

The following day, the House took up where it left off. Alexander H. H. Stuart (Whig-Virginia) moved that the House continue by the rules of the previous session with no modifications. Only the matters that the president called for Congress to address would be the business of a special session. Charles Brown then proposed his own modification, which replaced the 21st Rule with one that just permitted petitions redressing grievances of the petitioners.⁵⁵ Only a D.C. resident, for example, could petition the House for abolition of slavery or the slave trade there. Finally, as the business day neared an end, the House voted on Stuart’s resolution to let the House continue under already established rules, including the 21st rule. The House passed it by

⁵⁴Speaker John White (W-KY) and Representatives Kenneth Rayner (W-VA), Henry Wise (W-VA), and Edward Stanly (W-NC), June 15, 1841, *Ibid*, 55-6. Ten Democrats, all but two from the North, were absent for the vote.

⁵⁵Representatives Alexander H. H. Stuart (W-VA) and Charles Brown (D-PA), June 16, 1841, *ibid.*, 57-8.

a vote of 119-103.⁵⁶ “Thus record we, the first signal of triumph of the Slave Power, at the first session of the 27th Congress,” lamented *The Philanthropist*, the Cincinnati abolitionist paper.⁵⁷

Adopt House Rules of the Previous Session Including the Gag Rule, June 16, 1841

	Yeas	Nays	Total
Northern Whigs	80	1	81
Northern Democrats	0	51	51
Southern Whigs	38	11	49
Southern Democrats	1	40	41
Total	119	103	222

One might reasonably assume that the change occurred from the votes of a small number of representatives. Analysis reveals otherwise; the table above reveals that the vote was almost entirely along party lines. Of the 119 yea votes, only one was a Democrat: Milton Brown of Tennessee. All but twelve Whigs voted for continuing under the established House rules, which included the Gag Rule. The vote discloses surprises. Voting *for* approval of the rules with the 21st Rule in place were William Slade, Joshua R. Giddings, and Seth Gates of New York—all abolitionists. While ardent in their convictions over slavery, these men wanted to put aside contention over the Gag Rule and continue with creating legislation addressing the economic crisis, the purpose of the special session. Southern Whigs had been successful in rallying members of their

⁵⁶June 16, 1841, 27th Congress, 1st session, *Congressional Globe*, 58-63.

⁵⁷*The Philanthropist* (Cincinnati), June 23, 1841.

party to their cause. They kept up agitation regarding the rules until their northern counterparts became impatient and wanted to move on to the agenda of the special session. In the process, southern Whigs aligned with Democrats to protect the 21st Rule. Democrats provided a supporting role and kept the Gag Rule in place. Adams, usually characterized as an “instigator” or “agitator,” was secondary in this battle over the 21st Rule.

The Log Cabin, Horace Greely’s Whig campaign paper published in New York City and Albany, gave one answer to why the Democrats had changed. Unused to being a minority party and feeling humiliated at the Whig triumph in the Election of 1840, Democrats sought to create anarchy wherever they could. The more days wasted in the session, the less time there was to enact Whig legislation. Several Democrats even changed their votes. Whigs had done their duty to protect the right of petition, “but the unscrupulous factiousness, infamous double-dealing and moral treason of the Northern Loco-Focos [Democrats] renders it certain this Right must be temporarily waived or the House cannot be organized.”⁵⁸

The Whig *People’s Press* of Middlebury, Vermont, placed the blame for the reversal on radical Democrats. These representatives were “casting their votes for the perpetuation of anarchy and disorder.” All of them, with the exception of Joshua Mathiot of Ohio—although he was a Whig—voted to rescind the rule. The editor held Pennsylvanians Charles Ingersoll and Joseph Fornance as the ones most responsible. The southerners insisted that the 21st Rule remain in effect. The Democrats, the *People’s Press* asserted, “eagerly seized upon the advantages which might be derived from the

⁵⁸*The Log Cabin* (New York City), June 19, 1841.

agitation, in destroying the harmony of the whigs, and industriously fanned the flame.”⁵⁹
The vote, however, illustrated strong Whig support for retaining the 21st Rule.

The Democratic *Albany Argus* was also disgusted at the session’s proceedings. The past three weeks had disgraced the House of Representatives. The debacle of the extra session had illustrated two divisions within the Whigs, one led by Senator Henry Clay of Kentucky and the other by the new Whig president from Virginia, John Tyler.⁶⁰

There was also a third group the *Argus* did not name. Some northern Whigs could support neither Clay nor Tyler because they were southern slaveholders. These Whigs already resented the Slave Powers dominance of American politics and wanted the North and the South to be equal partners in government. Tyler had two additional factors working against him. First, Tyler was politically weak because he became president after William Henry Harrison’s death. Many members of both parties did not respect Tyler as a legitimate president, even though the Constitution provided for the vice-president to fill a vacancy in the presidency. Many Americans, not just those in Congress, did not view Tyler as elected to office, so questioned his legitimacy. Secondly, many northern Whigs considered Tyler a Whig in name only. As southern slaveholder, northern Whigs regarded Tyler as a Democrat.

The Whig *Boston Daily Atlas* blamed both Whigs and Democrats. Wise borrowed Henry Clay’s motto “Union of the Whigs for the sake of the Union,” but this only meant that the Whigs should unite with Wise, sacrificing even the “sacred” right of petition. Yet, even if northern Whigs conceded much to the South but did not grant the

⁵⁹ *The Middlebury [VT] People’s Press*, June 29, 1841.

⁶⁰ *Albany [NY] Argus*, June 19, 1841.

South everything, “then with him all is passion, angry denunciation, unjust, unkind, and impolitic attack and recrimination.” The motion of Fornance, “a violent and bitter” Democrat, to reconsider the vote on the rules was out of order and “nothing more nor less than to throw a firebrand of discord in of the midst of the House.” The Democrats triumphed over “order and the hopes of the country” through “discord and riot.” Now that they no longer had control of Congress, they sought to impede the Whig agenda by whatever means possible. Abolitionist petitions were not the subject of the special session. Instead of uniting the Whigs, Wise and Adams seemed to unite the Democrats.⁶¹

While the Whigs had frequently opposed the Gag Rule, when they gained a majority in the House, they failed to repeal it. What began as a victory for Adams and like-minded opponents of the 21st rule earlier that month ended in defeat. Three times the House defeated the Gag Rule. On June 7, the House voted for Adams’s amendment 112-104. The same day, the House voted for adoption of the rules without Rule 21, 125-94. On June 10, it refused to reconsider its vote 107-113. The 106-110 vote on June 15 rejected the approved House rules which omitted the 21st Rule. New York and Pennsylvania proved most decisive in the June 15 vote. Twelve New York and fifteen Pennsylvania representatives contributed twenty-seven northern votes—all Democrats—that made the 119-103 vote possible. Once the House voted to adopt rules of the 26th Congress—which included the 21st Rule—the Whigs provided all but one of the 119 votes. New England abandoned Adams, providing twenty-eight yea votes from representatives who had supported Adams in previous votes. This provided more than enough support to renew the rules of the 26th Congress.

⁶¹Boston *Daily Atlas*, June 19, 1841.

Northern Democrats often provided necessary support for the Gag Rule, yet, in the 119-103 vote, many northern Democrats voted *against* adopting House rules containing the Gag Rule. Did the votes of these northern Democrats illustrate a change in their position on the Gag Rule? On June 8, northern Democrats voted with northern Whigs to remove the 21st Rule. Eight days later, they did just the opposite, playing partisan politics instead of altering their stance on the Gag Rule.

This was also the conclusion of *The Log Cabin*, a Whig New York City paper, which charged northern Democrats with switching their votes to obstruct public business. This revealed less a change of mind than a desire to continue pointless debate to prevent passage of Whig legislation.⁶²

The reversal did not deter Adams. On June 19, only three days after the debate over the 21st Rule ended, he presented a petition asking Congress to abolish slavery in the District of Columbia. This was one of several petitions in his possession. Adams only asked that the clerk enter them in the journal. Speaker White denied that request.⁶³ Adams's action on June 19 reminded his colleagues he would continue to fight for his cause.

Northern papers disagreed regarding the press coverage of the debacle over the 21st Rule. Whig Horace Greeley's *New York [City] Tribune* faulted the press for the attention it gave to self-seeking and divisive politicians.⁶⁴ The abolitionist *Signal of Liberty*, however, rejoiced. The vigorous coverage engaged the citizens. "We are

⁶²*Log Cabin* (New York City), June 19, 1841.

⁶³Representative John Quincy Adams (W-MA) and Speaker John White (W-KY), June 19, 1841, 27th Congress, 1st session, *Congressional Globe*, 78.

⁶⁴*New-York [City] Tribune*, June 17, 1841.

gratified to find in almost every Whig paper we open an expression of warm approbation of the reaction of that ‘infamous rule,’” the *Signal* editors reported. Despite Henry Wise’s denials, the *Signal* asserted, the Johnson gag was a tactic of Van Buren Democrats.⁶⁵

The Whig *Auburn* [New York] *Journal and Advertiser* believed that the contention of House members was not wasted but instructive in letting the public know the opinions of the parties and various members. The agitation within the Whigs “has provided a purifying process.” Americans would now see the Whigs as a group divided into factions. Southern Whigs cared more for states’ rights than their country. Yet, the nation also witnessed noble Whigs of the South: John Botts, Alexander Stuart, and Edwin Stanly. These men put the right of petition above the interests of their section. The *Journal* admonished New York Democrats who “on every distinctive vote, gave their voices for the humiliation of their native country, and the sacrifice of its dearest privileges.” Those men should remember that a day of reckoning would come between them and the voters. “Let those mercenary and unprincipled wretches who, in this hour of trial, proved recreant to their constituents’ noblest cause.”⁶⁶

The Columbus *Ohio Democrat* cited divisions within the Whigs as the reason for the inefficacy of Congress. With majorities in both houses—forty-five in the House and seven in the Senate—there was no excuse not to enact legislation. The editor announced, “What has Congress done!” punctuating the statement with an exclamation point rather than asking a question mark. “Instead of acting up to their promises, the leaders are

⁶⁵“21st Rule,” *Signal of Liberty*, Michigan Anti-Slavery Society (Ann Arbor, MI), July 14, 1841.

⁶⁶*Auburn* [NY] *Journal and Advertiser*, June 23, 1841.

prolonging the session in quibbling; about unimportant rules, giving gratuities, and debating on abolition and other petitions”); it would be better to adjourn than retain the 21st Rule.⁶⁷

Papers which faulted the Democrats did so rightly. When the Whig House passed rules that omitted the odious 21st Rule, two Pennsylvania Democrats—Charles Ingersoll and Joseph Fornance—moved to reconsider in an attempt to waste time and expose divisions within the Whig Party. Under the guise of wanting to avoid dissension, Ingersoll only perpetuated it. Papers accusing Democrats of wanting anarchy to prevent the passage of Whig legislation had a valid argument, for many northern Democrats voted *with* Adams to repeal the 21st Rule, including fifteen from New York.

Nevertheless, the new rules passed because of Whig support. The Whig majority was anxious to enact legislation called for by the late Whig president was paramount for the special session. Eighteen New Yorkers and nine Pennsylvanians—all Whigs—changed their votes to continue under the old House rules. New England representatives decided *en masse* to set aside the Gag Rule for that session. Even the vocal William Slade of Vermont and Caleb Cushing of Massachusetts thought it best to continue the fight over the Gag Rule another time. A letter from Thomas M. Foote, editor of the Whig *New-York [City] Commercial Advertiser*, to Millard Fillmore, Buffalo’s Whig representative, illustrates that some Whigs wanted to get on with the business of governing. The conflict over the rules “created a profound anxiety among the people. Fair weather and fair sailing, it is to be hoped will succeed the storm.” Foote viewed Wise as divisive to the interests of the party and “wish[ed] he could be thrown

⁶⁷New Philadelphia *Ohio Democrat*, July 1, 1841.

overboard.” Dissension within the party proved a national embarrassment. “As you can imagine, the Locos [Democrats] were highly delighted with the specimens of Whig harmony at Washington,” he wrote regretfully.⁶⁸

William Slade announced on the floor of the House early in the session that while he abhorred the Gag Rule, he considered petitions out of order for the special session, unless they addressed the issues directly affecting the legislation at hand. This was the most likely reason many northern Whigs changed their votes. Ingersoll and Fornance tried to manipulate the rules to continue the Gag Rule, but their attempts would not have been successful without the support of northern Whigs. They commanded a significant majority and the Democrats could not accomplish that goal without help from the Whigs. The Whig Congress began with promise. For the first time in the nation’s history, it controlled the presidency and both houses of Congress. Instead, the Whigs were unable to lead once they had the opportunity. Faulting northern Democrats was a deflection of responsibility. If the Whigs had demonstrated solidarity, their majority would have been sufficient to pass anything they wished, even if the Democrats had uniformly opposed them. The fissures within the Whig Party became evident and anyone with a national rather than a sectional vision of the nation’s future likely found it discouraging. Southern Whigs, however, were not as intent at enacting Harrison’s legislation as northern Whigs were. To southern Whigs, the 21st Rule was more important.

The People’s Advocate, a Whig paper from New London, Connecticut, took encouragement in the fact that a few southerners had voted with Adams to protect the right of petition. It praised “the patriotic and heroic conduct of those genuine Southern

⁶⁸Thomas M. Foote to Millard Fillmore, June 21, 1861, Buffalo and Erie County Historical Society, Buffalo, NY. (Original in State University New York—Oswego Library.)

Whigs, who—knowing the best interests and the lasting peace of their own section to be consistent not with disunion and the suppression of truth, but with harmony and free discussion—have, in spite of prejudice and sectional animosity, voted for the establishment of order and the right of petition.”⁶⁹ But this was overly optimistic. In reality, John Botts and Alexander Stuart, Whigs from Virginia, published letters in newspapers explaining that they voted with Adams because they believed that receiving petitions was the most effective way to quiet the agitation.⁷⁰

The Whigs retained the majority until the next election. With two more sessions remaining, the party had the opportunity to take advantage of new southern allies to overturn the Gag Rule. When they met again in December for the second session—a regular session—Whigs had a chance to repeal the 21st Rule. Instead, the House again brought censure charges against John Quincy Adams.

⁶⁹*The People's Advocate* (New London, CT), June 23, 1841.

⁷⁰*New Hampshire Sentinel* (Keene, NH), June 23, 1841.

Chapter VII

“We Are in a Bad Way Here”

The 27th Congress 2nd and 3rd Sessions
(December 6, 1841 to March 3, 1843)

The Election of 1840 had given the Whigs a majority in both houses of Congress, but in the special session of the summer of 1841, they failed to utilize that majority to overturn the Gag Rule due to the lack of party unity. For southern Whigs—and there were forty-five of them—sectional interests often proved paramount. Ohio Whig Joshua R. Giddings wrote of the problems within his own party, explaining why uniting for any cause proved difficult:

The [Whigs] had recognized no primal truth, no fundamental doctrine on which its members united before election, by which the Executive and Congress were to be guided when in power; and now being in power, and the offices distributed, they could agree upon no doctrine; could unite upon no policy, and before the close of the first session of congress, they separated into factions, the party was substantially broken up, and the sceptre of power had departed from them.¹

¹Joshua R. Giddings, *History of the Rebellion: Its Authors and Causes* (New York: Follet, Foster and Company, 1864), 154.

The Whigs had unified in opposition to Jackson but, according to Giddings, little else. The dysfunction he sensed at the onset of the 27th Congress continued throughout all three sessions. The Whigs failed to overturn the 21st Rule in the first session, moved to censure one of their own, John Quincy Adams, in the second, and proved too divided to fight the 21st Rule by the third. Rather than discrediting Adams, the attack on him energized the antislavery and abolitionist causes.

The summer of 1841 revealed a changed political atmosphere. The 27th Congress exposed distinct divisions within the Whig Party. While Van Buren's success in forming an alliance between the sections within the Democratic Party was sometimes fragile, it did not demonstrate the dysfunction of the Whig Party. First, members of both parties questioned Whig President John Tyler's legitimacy because he became president through Harrison's death, not through election. As a Virginian, Tyler felt the pull of sectionalism while seeking to lead the country as a Whig; many Whigs viewed him as more of a Democrat than a Whig. Second, the House illustrated the division among the Whigs. Southern Whigs voted primarily from sectional interests, rather than national ones. One of those was slavery, which they always sought to protect. Third, the Democrats were willing to provide whatever assistance they could to accentuate the Whig division. Fourth, the Liberty Party had formed in the spring of 1840. Its members did not trust the major parties, and the Liberty Party was growing in popularity in the North. Although Liberty members were small in number, the growth of antislavery societies drew concerns, especially from Whigs, for antislavery societies abounded in many districts

represented by Whigs. This party appealed to northern Whigs who believed that the Whigs did too little to combat slavery.²

Abolitionists had found encouragement in the Supreme Court's ruling on the *Amistad* case. Slave traders of the *Amistad* had caught African slaves and sought to sell them in the Americas. The slaves, however, took over the ship and ordered the crew to return it to Africa. The ship continued sailing west until it reached the United States, however. Instead of landing in a southern port, one welcoming to slavery, the ship mistakenly landed in Connecticut. Authorities held the mutineers. Abolitionists called upon John Quincy Adams to defend these slaves. Months later, Justice Joseph Storey announced the Court's decision, "The captives are free!"³

The Supreme Court's ruling had to encourage abolitionists who hoped Congress would rescind the Gag Rule. The Whigs had not repealed it during the summer of 1841, but that was a special session. Entering the first regular session of the 27th Congress, abolitionists were optimistic that the Whig majority would overturn the Gag Rule. The House originally overturned the 21st Rule during the special session before restoring it.

The Vermont Whig state convention held in Montpelier in June 1841 took a stand on the right of petition. It was a right guaranteed by the First Amendment, it said. The convention resolved that "Any and every action of Congress, other than to receive and

²Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 137.

³William Lee Miller, *Arguing about Slavery: John Quincy Adams and the Great Battle in the United States Congress* (New York: Vintage Books, 1995), 402; Howard Jones, *Mutiny on the Amistad: The Saga of a Slave Revolution and Its Impact on American Abolition, Law, and Diplomacy* (New York: Oxford University Press, 1987).

consider petitions, and to adopt or reject the prayer thereof, as violative to the Constitution and the infringement of the right and liberties of the people.”⁴

The American and Foreign Anti-Slavery Society found inspiration in the growing number of House members who took a stand against a Gag Rule. The society directed only “lawful” voters to sign petitions to reduce the chances of the House rejecting their petitions. The society also modified its demand to abolish slavery in the District of Columbia, asking Congress to move the nation’s capital to another location if it was not going to abolish slavery in Washington. It was a “national disgrace” to see “how unblushingly the traffic in human beings is carried on at the seat of government of the United States.”⁵ For the slave trade to exist in the national capital of a nation founded to preserve inalienable rights was the height of hypocrisy and a national disgrace.

In late June 1841, New York Whig Representative Seth Gates wrote a letter to the editor of the Whig *Albany Evening Journal* correcting the paper’s reporting that the 21st Rule was still in effect. Gates asserted that the House did not adopt a Gag Rule for the special session. He argued that the House rejected the 21st Rule five times. The House voted to exclude all petitions unless they addressed legislation that was the focus of the special session. It did not single out antislavery petitions.⁶

When the 27th Congress met in its first regular session in December 1841, some congressmen—unsurprisingly led by John Quincy Adams—tried to repeal the 21st Rule. In a pre-emptive act, William Cost Johnson (Whig-Maryland) moved that the current

⁴*Bellows Falls* [VT] *Gazette*, July 9, 1841.

⁵*The Anti-Slavery Reporter*, n.d., as reprinted in *The Philanthropist*, Cincinnati, November 3, 1841.

⁶Seth M. Gates, letter to the editor, June 30, 1841, *Albany* [NY] *Evening Journal*, July 6, 1841.

session operate under the rules in effect at the end of the 26th Congress, which included the 21st Rule. While Johnson came from a district with few slaves and personally favored gradual emancipation and colonization, he regarded slavery as a southern issue.⁷

Predictably, Adams made a motion excepting the Johnson gag.⁸

First, Edward Stanly (Whig-North Carolina) suggested a compromise. Stanly was not new to Gag Rule discourse. As a southerner, he was sensitive to the interests of his home state and section. As a Whig, he appreciated that this Congress had a duty to carry out the Whig legislative agenda proposed by the late President Harrison. Rather than operate under the rules of the previous Congress, as Johnson suggested, Stanly advocated adopting those rules for fifteen days, after which the Rules Committee would recommend a course of action. This had the advantage of compromise. The House defeated Stanly’s resolution, 83-86. All northern Democrats opposed the resolution, except Zadok Casey of Illinois and Samuel Partridge of New York. But, many Whigs from both sections joined the Democrats in opposition, so Stanly’s resolution failed.⁹

Vote on Edward Stanly’s Resolution, December 7, 1841

	Yeas	Nays	Total
Northern Whigs	47	20	67
Northern Democrats	2	39	41
Southern Whigs	34	5	39
Southern Democrats	0	22	22
Total	83	86	169

⁷Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford, 2007), 609.

⁸Representatives John Quincy Adams (W-MA) and William Cost Johnson (W-MD), December 7, 1841, *Congressional Globe*, 27th Congress, 2nd session, 2.

⁹Representative Edward Stanly (W-NC), December 7, 1841, *Ibid.*, 2, 3.

Immediately after that vote, the House voted upon Adams’s amendment, defeating it 84-87. Unlike the prior vote, it was almost entirely sectional, but northern Democrats provided enough votes to reject the amendment. Only five southern Whigs—all from the Upper South—voted for Adams’s resolution to operate under the 26th Congress’s rules excepting the 21st Rule.¹⁰ According to historian William Lee Miller, this was the real last chance for the Whig majority to repeal the Gag Rule during the 27th Congress.¹¹

Vote on Adams’s Amendment to Rescind the Gag Rule, December 7, 1841

	Yeas	Nays	Total
Northern Whigs	66	4	70
Northern Democrats	13	25	38
Southern Whigs	5	34	39
Southern Democrats	0	24	24
Total	84	87	171

The abolitionist *Philanthropist* of Cincinnati reported, “There is great reason to fear that the southern Whigs will overawe or wheedle their fellow Whigs of the North into another surrender of the right of petition ‘just for this once’ . . . so as to organize the House.”¹² This was a keen insight. It is easy to concede to a request of another—even if one is disinclined to grant the request—if it seems likely it will be temporary; to do otherwise, makes one seem disagreeable. “Just this once” does not seem like too much to

¹⁰John Botts and Alexander Stuart of Virginia, Meredith Gentry of Tennessee, Alexander Randall of Maryland, and Joseph Underwood of Kentucky.

¹¹William Lee Miller, *Arguing about Slavery: John Quincy Adams and the Great Battle in the United States Congress* (New York: Vintage Books, 1998), 411.

¹²*The Philanthropist* (Cincinnati), December 15, 1841.

ask. Southerners often got northerners to compromise regarding the Gag Rule for the sake of efficient government this way. Nevertheless, as *The Philanthropist* had argued, southerners had done this too often and northerners should not let it happen again.

William Cost Johnson was crafty; he wanted his Gag Rule to remain in effect. With so many new members of the House constituting a Whig majority, Johnson realized he had an opportunity to keep the Gag Rule in place without going through the formalities of the Pinckney Gag Rule of 1836. Once again, Johnson called for the current session to operate under the rules of the 26th Congress if recommended by the Committee on the Rules. The House approved to wait for the committee's report by a vote of 97 to 95, effectively renewing the Gag Rule. Southern votes of approval outnumbered northern ones two to one, with the northerners in support almost exclusively Democrats. Pennsylvania provided the most northern support with ten votes. New York and New Hampshire each cast five votes in favor. Five northern Whigs voted yea, all from the Northwest.¹³ Only four southerners voted in the negative, all of them Upper South Whigs.¹⁴

The votes of John Stuart (Whig-Illinois) and Jeremiah Morrow (Whig-Ohio) puzzled New York City's abolitionist newspaper *The Emancipator*. Before the election, Stuart had campaigned on defending the right of petition, but "yielded again to his southern predilections as soon as he came within the slaveish [*sic*] atmosphere of the Capitol. . . . The promise, therefore, that the election of Tip and Ty, and a whig

¹³Jeremiah Morrow of Ohio; Henry Lane, George Proffit, and David Wallace of Indiana; and John T. Stuart of Illinois.

¹⁴Representative William Cost Johnson (W-MD), December 7, 1841, *Congressional Globe*, 27th Congress, 2nd session, 9. John Botts and Alexander Stuart of Virginia were already on record as opposing the Gag Rule because they believed it fomented antislavery activity. Joseph Underwood often opposed it, for he believed it divisive.

Congress, would restore the lost right of petition, has come to nought, and we have our battle to fight over again,” the newspaper lamented. Jeremiah Morrow got elected because of his commitment to liberty, and even had the support of abolitionists. Regarding Stuart and Morrow’s votes, *The Emancipator* asserted, “This is [the voters’] reward for supporting party *candidates* who will allow themselves to be swayed and guided by *slaveholding leaders*.” Elsewhere, the paper referred to the vote as “dastardly meanness” and wrote with derision of those northern representatives who looked up to William Cost Johnson with “spaniel-like servility.”¹⁵

The Liberator singled out Stuart and Morrow because they had strong backing from abolitionists and were Whigs, but northerners of both parties contributed to the renewal of the Gag Rule. All three Whig representatives from Indiana voted to continue the Gag Rule, enough to provide Johnson the votes he required. New Hampshire, a Democratic stronghold, cast all five of its votes in favor of the Gag Rule. New York also contributed five. Pennsylvania led the way with ten votes in favor of renewal, all Democrats. But none of the northern Democrats’ votes would have mattered had the Whigs stood behind Adams. Again, the Whig Party exposed its fissures and inability to control representatives from the Northwest. Historian Richard P. McCormick observes that party identity in these states was still fluid and sometimes had contradictory allegiances. A state might throw great support behind a particular presidential candidate but elect governors and send congressmen to Washington of the opposite party, so party national discipline was lacking except in Ohio, the oldest of these states.¹⁶

¹⁵*The Emancipator* (New York City), December 16, 1841 (italics in the original).

¹⁶Richard P. McCormick, *The Second American Party System: Party Formation in the Jacksonian Era* (Chapel Hill: University of North Carolina Press, 1966), 320-25.

The Emancipator had good reasons for its evaluation of Morrow's position, however. When the Ohio legislature established its rules in January 1842, it voted to receive all petitions related to any "colored people in Ohio" without debate and table them without reading or printing. Legislators rejected an amendment to exclude this rule 9-55.¹⁷ While Ohio politicians did not act upon these petitions, they refused to deny reception of any petitions regarding African Americans. The people of Ohio did not all agree on this issue, but there was sufficient abolitionist support in the state to make reception prudent. Morrow's constituents, therefore, had good reason to believe their representative would support reception in Congress. Morrow refused re-election that fall, citing a "new generation of leadership [that] was emerging in the country."¹⁸ In its evaluation of the decision of the Ohio legislature, *The Philanthropist* warned that Morrow "who dared trifle with [the right of petition], may infer how [his] conduct is regarded at home," anticipating Morrow's inability to get re-elected.¹⁹

The Whig *New York [City] Evening Post* argued that Congress should receive abolition petitions, just like any others. The *Post* referred to the 21st Rule as "a bone of contention, and there will be no peace until the twenty-first rule is abolished." Even if the House referred petitions, it satisfied the "friends" of the right of petition. The *Post* even judged that the number of abolitionists made little difference in the last election, so

¹⁷*The Liberator* (Boston), January 21, 1842.

¹⁸Ohio History Central, "Jeremiah Morrow," http://www.ohiohistorycentral.org/w/Jeremiah_Morrow Web. Accessed April 16, 2016.

¹⁹*The Philanthropist* (Cincinnati), January 28, 1842.

honoring their right of petition would make those petitions “dwindle into insignificance.”²⁰

On December 10, the House cemented renewal of the Gag Rule for the remainder of the 27th Congress. Cave Johnson, a Tennessee Democrat, called for the report of the Rules Committee. William Cost Johnson called for a postponement, and, eventually, for the committee’s report to be laid on the table. The House then voted to lay the report on the table by a 96-88.²¹ John Edwards of Pennsylvania and Indiana’s George Proffit were the only northern Whigs voting in favor. Stuart and Morrow judiciously changed their votes to oppose tabling, so they would not again incur the wrath of their constituents. Nevertheless, while northern Whigs remained relatively unified on this vote and sixteen southern Whigs joined them, enough southern Whigs remained loyal to the South and voted yea, complemented by northern Democrats. William Cost Johnson was successful in retaining the 21st Rule and avoiding the dissension that had characterized previous votes on the Gag Rule. He knew that resistance to the Gag Rule had grown, so settling the matter quietly alleviated potential backlash.

The Whig New York City *Tribune* observed that while Johnson had outmaneuvered the northern Whigs, some southerners had defended the right of petition:

The advocates of the Right of Petition were completely outgeneraled in the House this morning. . . . Mr. Wm. Cost Johnson of Md. Called the Report up and moved that it *do lie on the table* . . . and the Report was laid on the table: Yeas 96; Nays 88: nearly every Loco-Foco [Democrat] and most of the Southern Whigs (there were some noble exceptions) voting Yea. The effect of this vote is to put the whole subject to rest, and

²⁰*New York [City] Evening Post*, December 15, 1841.

²¹Representatives William Cost Johnson (W-MD) and Cave Johnson (W-TN), December 10, 1841, *Congressional Globe*, 27th Congress, 2nd session, 11. Millard Fillmore (W-NY) cautioned that once the House tabled the report, it would require a two-thirds vote to bring it up.

leave the XXIst Rule in full operation. . . . It looks, therefore, as though the Anti-Gag Members were 'headed;' but if there be a way to evade it, Mr. Adams will find it.²²

Certainly, not all sixteen southern Whigs voted in support of party. Past votes give no reason to regard that as a plausible explanation. Most likely, they opposed tabling because they thought the Gag Rule only encouraged the antislavery movement. *The Tribune*, however, credited these Whigs with standing up for what was right, not what favored their section of the country.

The Tribune editor's admiration in Adams for his tenacious fight against the Gag Rule was well-founded as Adams continued the fight. On December 14, Adams introduced a petition from citizens in Ohio asking that the House repeal the 21st Rule. Speaker John White (Whig-Kentucky) said that Adams's petition required the consent of the House before reception. Adams then said referral to a committee was satisfactory, to which the Speaker agreed. Next, Adams introduced another petition asking for the abolition of slavery in the District of Columbia or for the relocation of the nation's capital. The Speaker stated that the House could not receive this petition. Adams again asked for referral to a committee. James Meriwether (Whig-Georgia) moved to lay the motion on the table. There was a call for yeas and nays but there was no quorum, so the petition was laid on the table by default. Adams then followed with other anti-slavery petitions, as did several other members. All were received and laid on the table. So while William Cost Johnson retained the 21st Rule, the presentation of anti-slavery petitions continued.²³

²²*New York [City] Tribune*, December 13, 1841.

²³Representatives John Quincy Adams (W-MA) and John Meriwether (W-GA) and Speaker John White (W-KY), December 14, 1841, *Congressional Globe*, 27th Congress, 2nd session, 16, 17.

The division among Whigs over the Gag Rule troubled Representative Millard Fillmore (Whig-New York), and he expressed concern over the future of the party. Its dysfunction over the Gag Rule illustrated the inability of the northern and southern wings to cooperate, let alone pass legislation. In a letter to Thurlow Weed, editor of the *Albany Evening Journal* and one of the founders of the Whig Party in New York, Fillmore lamented, “We are in a bad way here [in Washington]. I think the party must break up from its very foundations. There is no cohesive principle—no common head.” The cleavages within the Whig Party were clear. “Tyler seems uncertain. He and the Locos [Democrats] have been coquetting for a long time. They do not want him, yet they wish to keep up the breach between him and the Whigs *and I think they will succeed,*” Fillmore wrote.²⁴ As a Whig president, Tyler had the opportunity to unify the party behind him. Many northern Whigs distrusted him because he was a southerner and because he was a slaveholder. The Whigs chose Tyler as Harrison’s running mate in 1840 to balance the ticket. Now that Tyler was president, northern Whigs now perceived him more as a Democrat than a true Whig. Democrats courted Tyler but Fillmore perceived that they were only using Tyler to support their political goals and keep the Whigs disorganized.

On January 21, 1842, Adams renewed his fight. Rather than present anti-slavery petitions, Adams tried another tactic. His first petition asked that Congress change naturalization law to permit free-black foreigners to become citizens and own land.

²⁴Millard Fillmore to Thurlow Weed, Washington, January 22, 1842, Millard Fillmore Papers, Buffalo and Erie County Historical Society, Buffalo, NY, (emphasis in the original).

Representatives voted overwhelmingly to table the question of the petition's reception, 115-68.²⁵

Next, Adams presented a petition requiring an amendment of immigration law. Citing that the United States Constitution guaranteed a republican form of government, this petition asked that all states reflect this ideal. Currently, there were thirteen states—a reference to the slave states—“whose governments are absolutely despotic, onerous, and oppressive in its exactions on a great number of its citizens.” The petition requested Congress to demand reform of these thirteen state governments. The House tabled the motion without a roll call vote.²⁶

Adams continued by reading the preamble of the Anti-Slavery Society of Pennsylvania, which proposed that the United States engage in a war against Great Britain, hoping it would force Great Britain to help the United States emancipate the slaves. Adams then tried to read the petition that accompanied the society's preamble. Speaker White stated that reading petitions was out of order. Henry Wise (Whig-Virginia) questioned if Adams's petition was “presentable.” It was not in possession of the House, and Wise inferred that it violated the 21st Rule. A heated exchange between Adams and Wise followed. The *Globe* reporter observed “[Adams's] face flushed, and much excited.” Wise contended that the petition was not a petition but a series of resolutions. Adams asserted that it was a single resolution with a preamble. The Speaker

²⁵Representative John Quincy Adams (W-MA), January 21, 1842, *Congressional Globe*, 27th Congress, 2nd session, 158.

²⁶*Ibid.*, January 21, 1842, *ibid.*

allowed the petition. Wise moved to table the question of reception; the motion easily carried 109-63.²⁷

Determined, Adams moved to another ploy. He presented a petition of forty-one sailors protesting their reception at southern seaports, where locals told them they were in violation of the Constitution. There were no other grounds for this charge other than their skin color, and the petition sought redress. The House tabled the petition unanimously.²⁸

Adams then presented a curious petition, one from Georgia that claimed that he was incompetent. Richard Habersham (Whig-Georgia) asserted that the petition was fraudulent. The names on the petition matched the surnames of members of his constituency, but the Christian names did not. As an exception, the Speaker asked the clerk to read the petition. It stated that Adams was afflicted with monomania; he had an obsession for anyone with dark skin. Adams asserted that he believed the petition genuine. The House rejected the motion to table the petition by a vote of 85-87, with no roll call votes listed. As the *Globe* reported, “A long, excited, and very complicated desultory discussion followed, on various points of order, involving statements of motions and facts (and explanations thereof).” Joseph Underwood (Whig-Kentucky), often a peacemaker, moved to adjourn to end the “worse than unprofitable discussion.” The House refused. After much discord, the House voted to lay the entire subject on the table. It passed 94-92, and the House adjourned for the day.²⁹

²⁷Representatives John Quincy Adams (W-MA), Henry Wise (W-VA), and Speaker John White (W-KY), *ibid.*

²⁸Representatives John Quincy Adams (W-MA) and John B. Weller (D-OH), *ibid.*

²⁹Representatives John Quincy Adams (W-MA), Richard Habersham (W-GA), Thomas Marshall (W-KY), Joseph Underwood (W-KY), and Speaker John White (W-KY), January 21, 1842, *ibid.*, 158, 159. No roll call votes recorded.

Just as William Cost Johnson (Whig-Maryland) had re-established the Gag Rule earlier in the session, Adams now countered. But his opponents realized what he was doing. Historian Leonard Richards discerns that Adams was purposely baiting southern fire-eaters to demand his removal from the Chair of the Committee on Foreign Affairs; Adams would then claim personal privilege to defend himself. “But knowing what was happening—and stopping it—were two different matters,” Richards observes.³⁰

The next day, Adams insisted that he should be able to defend himself against the charges made in the previous day’s petition. Cost Johnson asserted that Adams did not need to defend himself because the House had voted to lay the entire matter on the table and not receive the petition. Adams then contended that he had the right of privilege, which permitted him to defend himself; Speaker White concurred. After much debate, the House permitted Adams to justify himself.³¹

On Monday, January 24,³² Adams continued his defense—with Henry Wise (Whig-Virginia), Thomas Gilmer (Whig-Virginia), Isaac Holmes (Democrat-South Carolina), Mark Cooper (Democrat-Georgia), and other slaveholders “watching his words and actions with apparently intense interest”³³—but what Adams did next was inconceivable to many: he presented a petition to dissolve the Union, signed by forty-six residents of Haverhill, Massachusetts. It claimed that too many national resources were

³⁰Leonard L. Richards, *The Life and Times of Congressman John Quincy Adams* (New York: Oxford University Press, 1986), 140.

³¹Representatives John Quincy Adams (W-MA), William Cost Johnson (W-MD), and Speaker John White (W-KY), January 21, 1842, *Congressional Globe*, 27th Congress, 2nd session, 161, 162.

³²The *Globe* recorded the day’s proceedings as taking place on Monday, January 25, 1842. January 25 was a Tuesday. This day’s events took place on January 24.

³³Giddings, *History of the Rebellion*, 160.

“annually drained to sustain the views and course of another section without any adequate return.” The petition also reasoned that the nation was on a path to destruction—tacitly referring to support of slavery—and dissolving it now would be the only way to save it. Adams did not favor the “prayer” of the petition but wanted it referred to a committee, which could enumerate reasons why the House should not grant the request. Adams also knew the petition would die there.³⁴

The [Harrisburg] Pennsylvania Reporter described what followed as “a scene of indescribable uproar—all the blood of the South being warmed up in mortal antipathy to the ex-president.”³⁵ Addressing the Speaker, George Hopkins (Democrat-Virginia) asked, “Is it in order to burn the petition in the presence of the House?” Henry Wise asked if censure was in order. Whig Thomas Gilmer of Virginia stood to present a resolution: “*Resolved*, That, in presenting to the consideration of this House a petition for the dissolution of the Union, the member from Massachusetts [Mr. ADAMS] has justly incurred the censure of this House.” Speaker White regarded the proceedings as reminiscent of what happened to Adams years earlier when the question of censure came up over the Fredericksburg, Virginia petition. Under the present circumstances, Speaker White believed he could not stop the proceedings. Democrat Aaron Ward of New York stated that he was a member of the House when Adams presented the Fredericksburg petition. It created such dissension that many southerners walked out of the chamber and only returned after much difficulty. Ward wished the House would not pursue the question of privilege, for he did not want to see a replay of “such a painful scene.” Much

³⁴Representative John Quincy Adams, January 25, 1842, *Congressional Globe*, 27th Congress, 2nd session, 168.

³⁵Harrisburg *Pennsylvania Reporter*, January 28, 1842.

confusion followed with loud shouts of “Order” and a rousing chorus of “Who, in the course of one revolving moon\Was poet, fiddler, statesman, and buffoon.” Joseph Underwood, the Kentucky Whig who frequently tried to reconcile sectional tensions, objected to the resolution as out of order. After a few more questions of order and increased agitation, the House adjourned.³⁶

Abolitionist John Greenleaf Whittier exhibited great joy when Adams presented the Haverhill petition. In a letter to his British Quaker friend Joseph Sturge, Whittier wrote, “This was taking the blustering Southerners at their word, as they have all along been threatening to dissolve the Union.”³⁷ The same day, Whittier wrote Adams lauding him: “All Massachusetts is rousing at the intolerable insolence of the slave-drivers,” letting Adams know how his home state appreciated his bravery. “Let them execute their threats at their peril. They will find they have raised a spirit which not even a ‘Northern magician’ can lay. God bless and preserve thee!”³⁸ In a letter to the editors of the *Newburyport* [Massachusetts] *Herald*, Whittier stated, “all the benefits and privileges of this Union are denied to abolitionists, as effectually as if it were at this moment dissolved.”³⁹ In presenting the Haverhill petition, Adams called the bluff of the South,

³⁶Representatives John Quincy Adams (W-MA), George Hopkins (W-VA), Thomas Gilmer (W-VA), Joseph Underwood (W-KY), and Speaker John White (W-KY), January 24, 1842, *Congressional Globe*, 27th Congress, 2nd session, 168.

³⁷John Greenleaf Whittier to Joseph Sturge, January 31, 1842, John B. Pickard, ed., *The Letters of John Greenleaf Whittier, 1828-1845*, (Cambridge, MA: Belknap Press of Harvard University Press, 1975) 1: 541.

³⁸John Greenleaf Whittier to John Quincy Adams, January 31, 1842, *ibid.*

³⁹John Greenleaf Whittier to the editors of the *Newburyport* [Massachusetts] *Herald*, February 2, 1842, *ibid.*, 542.

which frequently threatened disunion if it did not get its way. Adams challenged the Slave Power head on.

Boston papers expressed outrage at the Haverhill petition. The Democratic *Boston Post*, called for publication of the names of the signers of the Haverhill petition so that they might face public disgrace. The Whig *Daily Evening Transcript* judged the Haverhill petition as a publicity stunt. Mentioning the signers' names only gave them the notoriety they craved. "As to these Haverhill blockheads, let them remain in the obscurity to which they properly belong."⁴⁰ As the birthplace of the American Revolution, most Bostonians were sensitive to any petition favoring the disunion of the nation their ancestors shed blood to establish.

The Whig *Burlington* [Vermont] *Free Press* reported on the proceedings with outrage. "The arrogant and haughty tone assumed by the slaveholding members of Congress towards their Northern brethren, especially on the subject of their '*peculiar institutions*,' has long been proverbial," it began. "But we do not recollect ever to have seen it quite so fully exhibited as in the proceedings of the House for the last week or two." That southern congressmen felt threatened by a petition from a small country town was preposterous. Southerners only agreed to adjourn, claimed *The Free Press*, because they were "unable to agree as to the punishment to be inflicted." The editors did not fault Adams for presenting the Haverhill petition but faulted his southern brethren because they did not dismiss it quietly.⁴¹

⁴⁰Boston *Daily Evening Transcript*, January 29, 1842.

⁴¹*The* [Burlington, VT] *Free Press*, February 4, 1842 (italics in original).

The House did not dismiss the matter. The following day, the House voted on a motion to table the censure of Adams, which it refused by a vote of 94-112, with the nays mostly southerners and Democrats. Only eleven southern Whigs voted in the affirmative, regarding censure against the former president was too extreme. Almost all the northern votes in favor of tabling came from Whigs. While the nay votes were mainly southern ones, John Quincy Adams, who wanted to defend himself, and Samson Mason of Ohio were the only northern Whigs to vote against censure. Northern Democrats joined the southerners in opposing tabling the question of privilege.⁴² Northern Whigs stood by their senior statesman. Most southerners, however, wanted Adams held accountable to remind him that any petition recommending dissolution of the Union did not deserve the dignity of presentation. It was treasonous to suggest the idea. Adams's defense of the right of petition had gone too far.

The next question was to vote on Thomas Gilmer's resolution of censure. While Gilmer still supported censure, he did not want to be the one to charge Adams formally, for then it might appear as a partisan attack. Southerners selected Kentucky Whig Thomas Marshall, who was young, ambitious, talented, and eager to take on the task of censure. Marshall introduced his own resolution, a lengthier and harsher recommendation of censure, which the Speaker ruled was in order.⁴³ After protracted remarks by Marshall accusing Adams of treason, Adams replied that he chose not to defend himself until the House voted. Adams reminded Marshall that the United States Constitution defined treason, and "it was not for [Marshall], or his puny mind, to define

⁴²January 25, 1842, *Congressional Globe*, 27th Congress, 2nd session, 169.

⁴³Giddings, *History of the Rebellion*, 162.

what high treason is, and confound what I have done.” Adams then asked the clerk to read the first paragraphs of the Declaration of Independence, after which he cited that this founding document gave the people the right “to alter or abolish” the government whenever it failed to preserve inalienable rights. Adams asserted his presentation of the petition was not a treasonous act. Was it not the job of Congress to govern for the betterment of the nation and to redress grievances for oppression? The petitioners had a right to submit the petition. After an extensive oration from Henry Wise, with intermittent interjections from Adams, the House adjourned for the day.⁴⁴

In an editorial entitled, “What Is the Union Worth?” the Whig *Sentinel of Freedom* of Newark, New Jersey expressed that such a question was one that went unspoken. “The very suggestion of this question once sent a shudder through the nation, and any attempt to answer it was regarded as a damnable heresy,” the paper recorded. The proceedings of January 25 “are thus fraught with fearful interest; and unless the spirit of wisdom . . . shall supersede the spirit of madness, which has turned the American Congress into a boiling cauldron, it is impossible to foresee to what depths of wretchedness and degradation we may be plunging.”⁴⁵ Addressing slavery was one matter but dissolving the nation was another. The *Sentinel* was aghast that *anyone* would entertain such an idea, even Adams.

The Democrat *Ohio Statesman* of Columbus viewed the Whigs as traitors, believing their correct name was Hartford Convention Federalists. It was only fitting that

⁴⁴Representatives Thomas Marshall (W-KY), John Quincy Adams (W-MA), Henry Wise (W-VA), and Speaker John White (W-KY), January 25, 1842, *Congressional Globe*, 27th Congress, 2nd session, 169-72.

⁴⁵*Sentinel of Freedom* (Newark, NJ), February 1, 1842.

Adams presented the petition, for he was the Whig leader and New England was the part of the nation “where this lurking hostility to a Union of the states has ever existed.” The petition would not dissolve the Union, but the *Statesman* predicted it would dissolve the Whig Party. If the nation survived, it would be because Democrats remained committed to its preservation.⁴⁶

Adams also had supporters. The Whig *Hampshire Gazette* of Northampton, Massachusetts believed Adams was justified in presenting the Haverhill petition. The petitioners envisioned a peaceful remedy to a serious problem. The southern states frequently threatened disunion. Why should southerners get upset when people from Massachusetts suggest it?⁴⁷

The North American and Daily Advertiser, a Whig paper in Philadelphia, asserted that the censure against Adams was a distraction from the main issue of the right of petition. Adams’s opponents sought support by invoking patriotism to muddle the controversy. “The imputed *crime* may be disposed of, but the right of petition will still remain. Abuse cannot impair its justice; or perversion overthrow its moral claims,” *The North American* argued. A politician who viewed the right of petition as a threat was only interested in imposing his views and will upon others. That person “merit[ed] the degradation which your pusillanimity entails. If he may disregard your request in *one* particular, he may on the same principle in *all*,” the paper warned.⁴⁸

⁴⁶Columbus *Ohio Statesman*, February 1, 1842.

⁴⁷*Hampshire Gazette* (Northampton, MA), February 1, 1842.

⁴⁸*The North American and Daily Advertiser* (Philadelphia), February 2, 1842.

On January 26, the House addressed Gilmer's resolution. Thomas Marshall moved to censure Adams for inflicting "deep indignity" upon the House by presenting a petition to dissolve the Union. Marshall further resolved censure "for the wound which [Adams] permitted to be aimed, through his instrumentality, at the Constitution and existence of his country, the peace, the security, and liberty of the people of these States."⁴⁹ Wise seized the floor and admonished Adams.⁵⁰ In recording the events of January 26, 1842, Adams wrote in his diary that he was "determined not to interrupt [Wise] till he had disgorged his whole cargo of filthy invective."⁵¹

On January 26, 1842, the trial of John Quincy Adams began. He began his defense, arguing that the House had no grounds to try him. The House should dismiss the charges, as recommended by Joseph Underwood of Kentucky. Marshall challenged Adams's claim that he faced a charge of treason, and Adams claimed it was in the resolution made against him. At this point, Fillmore rose to ask if the matter "had gone far enough." The Speaker then put that question before the full House, but before he could, Fillmore moved to lay the entire subject on the table. The House rejected Fillmore's motion 90-100. Eighteen Whig southerners voted in favor. All came from the Upper South except Edmund White of Louisiana. Nearly two-thirds of the nays came from the South. Of the thirty-seven nays from the North, only two were Whigs—Joshua Giddings of Ohio and William Slade of Vermont, who believed Adams had the right to speak in his own defense. Party solidarity among the dissenting votes proved more

⁴⁹Representative Thomas Marshall (W-KY), January 26, 1842, *Congressional Globe*, 27th Congress, 2nd session, 173.

⁵⁰Representative Henry Wise (W-VA), January 26, 1842, *ibid.*, 173-6.

⁵¹January 26, 1842, Allan Nevins, ed., *The Diary of John Quincy Adams, 1794-1845* (New York: Charles Scribner's Sons, 1951), 534.

important than sectional interests. The southern Whigs who voted to table the matter were moderates who believed tabling the matter was the most prudent way to quiet abolitionists. The representatives then agreed to adjourn.⁵²

Vote on Motion to Table the Censure of John Quincy Adams, January 26, 1842

	Yeas	Nays	Total
Northern Whigs	64	2	66
Northern Democrats	8	35	43
Southern Whigs	18	11	29
Southern Democrats	0	52	52
Total	90	100	190

When the House resumed the question of privilege on January 27, the events were so confusing, that the *Globe* recorded, “The Reporter here gives the state of the question as he understood it.”⁵³ The clerk read Gilmer’s resolution for censure and Thomas Marshall’s amendment charging Adams with treason, followed by the reading of Adams’s question of privilege.⁵⁴ The House then voted to consider Gilmer’s resolution, 118-75.⁵⁵

The Albany Daily Argus, a Democratic paper, accused Adams of “burning with indignation” at Americans for refusing him a second term in his presidency. He sought

⁵²Representatives John Quincy Adams (W-MA), Thomas Marshall (W-MA), Millard Fillmore (W-MA), and Speaker John White (W-KY), January 26, 1842, *Congressional Globe*, 27th Congress, 2nd session, 176, 177.

⁵³January 26, 1842, *ibid.*, 179.

⁵⁴*Ibid.*, 180.

⁵⁵January 27, 1842, *ibid.*, 180.

self-interest above the good of the country. The spirit of the American Revolution was stronger now than ever, and the American people would soon realize that foreign enemies and Tories [Whigs] are more despicable and incapable than ever to contend with it.”⁵⁶

The Boston *Atlas* reported these proceedings with “the most profound amazement.” It embarrassed the editor that the Haverhill petition came from Massachusetts: “We have no feeling of charity towards those who could stoop to such humiliating degradation.” Yet, Adams was only fulfilling his constitutional duty in presenting the petition. He clearly opposed its intent. Was it the privilege only of southern men to speak of dissolution of the Union? Southerners had done so earlier without censure. The right of petition was a “sacred and inalienable right.”⁵⁷

In response to the developments in the House, approximately four thousand abolitionists attended a meeting held at Faneuil Hall in Boston to address the abolition of slavery in the District of Columbia. The meeting produced a dozen resolutions. The first called for abolition of slavery in the District, which fell under congressional jurisdiction. Another declared that slavery was inhumane and Congress should “give no countenance or protection to slavery in any part of the republic.” The refusal of Congress to receive antislavery petitions “is an act of high-handed usurpation, flagrantly unconstitutional, and not to be endured by a free people.” The meeting also condemned Congress’ “insolent rejection” of the resolutions of Vermont and Massachusetts protesting the Gag Rule. The delegates also praised Adams for his steadfastness.⁵⁸

⁵⁶*Albany Daily Argus*, n.d., reprinted in the *Plattsburgh [NY] Republican*, February 5, 1842.

⁵⁷*Boston Atlas*, n.d., reprinted in *The [Burlington, VT] Free Press*, February 8, 1842.

⁵⁸“Great Meeting in Faneuil Hall, for the [A]bolition of Slavery in the District of Columbia,” January 29, 1842, Millard Fillmore Papers, Buffalo and Erie County Historical Society, Buffalo, NY.

Abolitionists knew that they could only gain converts through educating Americans, and the petition was an essential instrument to create awareness. The process of drawing petitions and collecting signatures meant informing the citizenry. When these petitions made it to the legislature, politicians became aware of the grievance. Denying the right of petition removed the most effective means of appealing to Congress. The meeting at Faneuil Hall indicated that the proceedings in the House did not go unnoticed. Adams sought to protect that right and abolitionists supported him.

The Philadelphia *Public Ledger*, a non-partisan paper, judged the proceedings of the House as foreboding. “The Crisis Is Coming,” the editor announced, and “the present condition of things cannot long endure.” Both houses of Congress operated under artificial restraints (gag rules and time limits, for example) that were unconstitutional. A right to petition implies a right to reception. To deny reception indicates that the petitioners have no right to address Congress. The people’s rights were “invaded and the duties of their agents disregarded” under the Gag Rule. The southern states were working against their own best interests. If they received abolition petitions without incident, they would garner little notice.⁵⁹ *The Ledger* made no mention of slavery, just the denial of the right of petition. Yes, many considered the Haverhill petition as blasphemous, but Americans still had the right to petition.

Over the next two weeks, the trial of John Quincy Adams dominated House proceedings. On February 3, Adams presented an anonymous letter from Jackson, North Carolina threatening his life.

⁵⁹Philadelphia *Public Ledger*, January 29, 1842.

John Quincy Adams, esq.

This will inform you that your villainous course in Congress has been watched by the whole South, and unless you very soon change your course death will be your portion. Prepare, prepare, for, by the [blank] of [blank], you will unexpectedly be hurried into eternity, where you ought to have been long since.

Yours,
[Blank]⁶⁰

Adams confided to Joshua Giddings that this letter caused him great anxiety.⁶¹

The affair finally ended on February 7. Daniel Barnard (Whig-New York) entered the debate hoping to diffuse animosities. He stated that the Haverhill petition was one made “hastily and ill-considered.” The petitioners had a constitutional right to petition, and Adams was simply fulfilling his duty as a representative from Massachusetts. Any attempt to turn the petition into a case of a “*high political offence [sic]*” was unwise. Adams had another week’s worth of material prepared for his defense, but he perceived that his colleagues had tired of the subject; he was willing to place the matter on the table, if his peers were. On a motion by John Botts (Whig-Virginia), the House voted to lay the matter on the table, 106-93. The vote reflected a mixture of party loyalty and sectional loyalty. All twenty-six southern votes supporting the motion came from Whigs. Forty-two northerners voted nay. All were Democrats except for Whig Alfred Babcock of New York. At the same time, fifty-one southerners voted against it. Adams escaped censure and a charge of treason. He did so by wearing

⁶⁰Representative John Quincy Adams (W-MA), February 3, 1842, *Congressional Globe*, 27th Congress, 2nd session, 209.

⁶¹Giddings, *History of the Rebellion*, 172.

down his opponents, remaining more dedicated to fighting his cause than they were. Finally, the House voted overwhelmingly to reject the Haverhill petition 166-39.⁶²

Vote on the Motion to Table the Censure Trial of John Quincy Adams, February 7, 1842

	Yeas	Nays	Total
Northern Whigs	80	1	81
Northern Democrats	0	41	41
Southern Whigs	26	11	37
Southern Democrats	0	40	40
Total	106	93	199

The fractures exposed within the Whig Party over the censure of Adams, specifically, and the petition debate, generally, presented an image of impotence to the public. Continuing the censure trial would have weakened the Whigs, limiting their ability to attract Democratic allies for their legislation. Whigs Thomas Campbell of Tennessee and William Boardman of Connecticut even resorted to a fistfight during the move to censure Adams in.⁶³ The *Republican Farmer* of Bridgeport, Connecticut, a Democratic paper, judged that the move to censure Adams—which came from members of his own party—threw aside public business “to vent their spleen and personal ill-will towards each other.”⁶⁴

This may have ended the matter in the House; it did not with the public. *The Caledonian* of St. Johnsbury, Vermont, a Whig paper, reported that residents of Rochester, New York met on February 8, 1842, upholding the right of petition in support

⁶²Representative Daniel Barnard (W-NY) and John Botts (W-VA), February 7, 1842, *Congressional Globe*, 27th Congress, 2nd session, 214, 215. Italics in the original.

⁶³*The North American and Daily Advertiser* (Philadelphia), January 26, 1842.

⁶⁴*Republican Farmer* (Bridgeport, CT), February 1, 1842.

of Adams's actions.⁶⁵ Another Whig paper, *The People's Press* of Middlebury, Vermont reported that people of Brooklyn, New York came together to draw up a formal invitation to Adams to come to their city. Brooklynites wanted "to express our deep-felt gratitude for the undaunted conduct of Mr. Adams, who, by this firmness to secure the right of Petition, has shown a rare example, in these degenerate days, of the fearless intrepidity by which our forefathers secured to us the blessings of our free Constitution."⁶⁶ Northerners were becoming more vocal and protective about their right of petition. No longer taking that right for granted, many northerners made known that Congress could not abridge the right of petition for any reason, no matter how controversial. The people had a right to be heard.

The Whig Hartford *Connecticut Courant* asserted that southern politicians had made a tactical error by trying to censure Adams. While the paper decried abolitionism—as most in the North did—it knew that as long as the Constitution existed, northerners would never give up the right of petition. "The people of the free States understand their rights, as well as those of the slave States, and they know how to defend them when they are attacked, and threatened with violation," the editor reminded southerners.⁶⁷

The Democratic Concord *New-Hampshire Patriot and State Gazette* expressed disgust at both houses of Congress for their inefficiency. "The vilest considerations of party lie at the bottom of almost every step, and personal bickerings and malignity give

⁶⁵*The* [St. Johnsbury, VT] *Caledonian*, February 22, 1842.

⁶⁶*The* [Middlebury, VT] *People's Press*, February 22, 1842.

⁶⁷Hartford *Connecticut Courant*, n.d., reprinted in the *Boston Daily Atlas*, February 10, 1842.

tone and character to its legislation,” it reported. Democrats “are guiltless of the shame, reproach[,] and ignominy which the abominable scenes” in the House exhibited. The editor wanted his readers to know that the Whigs argued amongst themselves, with only three Democrats speaking at all. Congress was a disgrace, and may God “preserve this land from another such visitation and flood of demoralization, corruption[,] and wickedness.”⁶⁸ While the defense of the Democrats here was a partisan sentiment, it was still correct. In the 27th Congress, the Whigs initiated the dissent over the 21st Rule and the censure trial of Adams. Democrats sat by and watched the Whigs self-destruct.

The Whig *Boston Daily Atlas* was incredulous over the entire affair. Citizens have a right to petition, and they deserve consideration. It was Adams’s duty as an elected official to present the petition. He even made it clear to his colleagues that he did not want the petition request granted and recommended that the House refer it to a committee. Where was the harm? Where was the threat? Instead of treating the petition quietly, as Adams preferred, the “despicable popinjays”—Virginians Thomas Gilmer and Henry Wise, Indiana’s George Proffit, and Kentucky’s Thomas Marshall—pushed for censure of a former president and brought shame upon the nation. “Do [southerners] imagine the North to be so utterly insensible to outrages and indignities that they will endure *every thing*?” it asked in astonishment. The people have a right to petition Congress on any issue they see fit.⁶⁹

Adams succeeded in demonstrating the duplicity of many southern politicians, who placed the South and personal interests above what was best for the nation.

⁶⁸Concord *New-Hampshire Patriot and State Gazette*, February 10, 1842.

⁶⁹*Boston Daily Atlas*, n.d., reprinted in the *Emancipator and Free American* (New York City), February 11, 1842 (italics in the original).

Southerners periodically threatened disunion during the antebellum era to protect southern interests.⁷⁰ Now, to protect slavery, they acted as though a call for disunion was abominable. Accused of treason, Adams held the floor for two weeks, attacking slaveholders. When the crisis passed without censure, Adams became a hero to antislavery proponents and abolitionists. Theodore Weld wrote to his wife, “This is the first victory over the slaveholders *in a body* . . . since the foundation of the *government*, and from this date their downfall *takes its date*.”⁷¹ Joshua R. Giddings responded with admiration, knowing that Adams had risked his health to fight this battle. “But he had now met the advocates of slavery upon their chosen field of combat, had driven them from the conflict, and his victory was not only complete but *important*,” Giddings wrote. “The right of petition was substantially regained.”⁷² As in his last censure trial, Adams remained unmoved, not intimidated by southerners, Democrats, or anyone else who believed he was a traitor. His unflinching tenacity had made his opponents think twice. It even made some reconsider punishing the former president, for the initial outrage abated as Adams continued his defense. Adams’s biographer James Traub observes, “Adams had shattered the overweening confidence of the South. . . . The ‘Slave Power’ . . . had been staggered.”⁷³

⁷⁰For an excellent treatment of the concept of disunion and its many forms, see Elizabeth Varon, *Disunion! The Coming of the American Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008).

⁷¹Theodore Weld, quoted by Richards, in *The Life and Times of Congressman John Quincy Adams*, 144. (italics in the original).

⁷²Giddings, *History of the Rebellion*, 172.

⁷³James Traub, *John Quincy Adams: Militant Spirit* (New York: Basic Books, 2016), 493, 494.

Southern representatives experienced humiliation over the Adams censure proceeding. To recover from the ignominy of that trial, they successfully censured the less-experienced Giddings a month later. Punishing him did not have political repercussions but still allowed southerners some satisfaction. The southerners maintained, “northern members of Congress had no right to speak truth in regard to slavery . . . in the District of Columbia, or in the Territories of the United States.” Giddings resigned, and the people of the Western Reserve overwhelmingly re-elected him, returning him with instructions to continue that fight against slavery.⁷⁴

Wise also suffered humiliation. The interchange between Adams and Wise illustrated that politics is always complex because it involves human beings. Wise and Adams were overzealous and each lost respect for the other, missing the opportunity to serve collegially in the House.⁷⁵

While northeastern newspapers rallied around Adams, there were papers in the Northwest that opposed him. Clearly, not all Buckeyes were as favorable to the antislavery cause as those who voted for Giddings. The Ohio state legislature passed the following resolution: “That John Quincy Adams, in making himself the ready instrument of traitors, by bringing forward a formal proposition in Congress, to dissolve the American Union, has, in the opinion of all honest men, rendered himself infamous.”

⁷⁴Giddings, *History of the Rebellion*, 190-2.

⁷⁵Richards, *The Life and Times of Congressman John Quincy Adams*, 145. Richards observes, “Henry Wise, who deep down admired Adams and craved his respect, never got over the bitter ‘trial’ and its aftermath. The ‘poisonous fangs’ of ‘the hissing serpent of Braintree’ had struck too often and too deep. Without question, Wise later noted, the old man was ‘the acutest, the astutest, the archest enemy of Southern slavery that ever existed.’” This candid revelation about Wise indicates that even people with noble efforts can get so absorbed in fighting political causes that they forget their opponents are human beings with feelings. As a younger man, Wise desired the respect of the elder statesman. His ambitious defense of the South lost him the chance for that respect. The actions of Adams in his own defense alienated one who privately wanted to work with him and craved his support.

Passage failed due to a tie vote. The Ohio legislature did pass a resolution favoring Adams's censure, however.⁷⁶

A Democrat newspaper in the Old Northwest, the Indianapolis *Indiana State Sentinel*, was even more direct. The editor considered Adams "to be politically insane." He was the only president to have disgraced the office. Adams had a "spiteful nature" and "a more vile, slanderous, wicked speaker is not to be found in the American Congress." Indiana men were loyal patriots, so "How can it be expected that they should show honors to a man who has expressly declared himself inimical to it?" he asked.⁷⁷ Although a partisan paper, the *Sentinel* believed it spoke for all Hoosiers. Adams had committed a traitorous act, one the people of Indiana would not soon forget. Many Kentuckians settled the southern half of Indiana, so sympathy with the southern position on the Haverhill petition is not surprising.

William Lloyd Garrison, editor of *The Liberator*, took inspiration from Adams's courage in presenting the Haverhill petition and announced that the dissolution of the Union would be the main topic at the Anti-Slavery Convention in New York on May 11.⁷⁸ Garrison had lost faith in the American political system and began to embrace disunion with the slogan, "No Union with Slaveholders!" South Carolinian John C. Calhoun and other southerners had already employed disunion as a threat, an accusation, and as a means of unifying the South, so Garrison's idea was not novel. Garrison wanted to rid the nation of the "unholy alliances" between the North and slaveholders. The

⁷⁶*The* [Georgetown, OH] *Democratic Standard*, February 8, 1842.

⁷⁷Indianapolis *Indiana State Sentinel*, September 13, 1842.

⁷⁸*The* [Bloomsburg, PA] *Columbia Democrat*, May 7, 1842.

nation was a “false Union” which was a “hollow mockery.” If only northerners withdrew support of slavery, it would die out.⁷⁹

The Columbia Democrat, a Democrat paper of Bloomsburg, Pennsylvania, however, considered Adams a supporter of disunion. *The Democrat* regretted that such talented men “allow their fanatical opinions to lead them so far from duty to their country.” Reform, such as abolition or antislavery, only comes “by sober reason and common sense, and not by inflammatory appeals and incendiary publications.”⁸⁰

The Democratic *Sunbury* [Pennsylvania] *American and Shamokin Journal* argued that the entire dilemma over the Haverhill petition arose because there was no good choice. Its reception obliged congressmen “to vote either against ‘the Union’ or, the Right of Petition. One should not have to choose between honoring the right of petition or one’s country. To vote to receive the petition made it appear that a representative betrayed his country. To reject it, denied the right of petition. A person should be able to favor both.”⁸¹ The paper illustrated the danger of resorting to passionate protection of self-interest. The presentation of the debate as an either/or proposition was an oversimplification of a more difficult issue, one with many complexities.

* * * * *

In the interim between sessions, the struggle over the Gag Rule did not fade. In an October letter to the editor of *The Voice of Freedom*, an abolitionist newspaper published in Montpelier, Vermont, Representative William Slade responded to the

⁷⁹Elizabeth Varon, *Disunion!: The Coming of the American Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008), 152-3.

⁸⁰*The* [Bloomsburg, PA] *Columbia Democrat*, May 7, 1842.

⁸¹*Sunbury* [PA] *American and Shamokin Journal*, February 12, 1842.

paper's claim that Slade did a disservice to the Liberty Party by not joining it. Although he was an abolitionist, Slade remained a Whig. In rebuttal, Slade stated that he hoped both Whigs and Democrats would realize the necessity of abolition. He desired to see the North united against the "shibboleth" of slavery. Americans could more effectively oppose slavery within the two major parties than by supporting a third, single-issue party, implying that third parties were too weak to make a difference in national elections. For the abolitionist movement to progress, it was necessary for Americans to present petitions. Because there were more antislavery Whigs than Democrats, it was imperative for the Whigs to protect the First Amendment right of petition to contest slavery. The *Voice of Freedom* also charged Slade with supporting the Gag Rule. He denied that charge, arguing that he opposed the presentation of any petitions in the special session, save those related to legislation of that session. It was a matter of expediency rather than an abridgement of rights.⁸²

The abolitionist *Philanthropist* of Cincinnati encouraged its readership to send even more antislavery petitions to their elected officials, believing abolitionists had done too little during the previous year. It provided forms that people should sign and address to Adams and Giddings. It also provided similar forms for the people of Ohio to send to the state legislature calling for the repeal of laws discriminating against blacks. There could be no better use of the short session of Congress than in "the undoing its wrong acts, and restoring the right of petition."⁸³

⁸²Representative William Slade (W-VT), letter to the editor, *The Voice of Freedom*, October 12, 1842, reprinted in *The Burlington [VT] Free Press*, November 4, 1842.

⁸³*The Philanthropist* (Cincinnati), November 19, 1842.

Whatever John Quincy Adams's faults, a lack of commitment to a cause was not among them. When the third session of the 27th Congress convened on December 5, 1842, he immediately introduced a resolution to rescind the 21st Rule, but Speaker John White ruled it out of order.⁸⁴ Undeterred, Adams successfully re-introduced the same resolution the next day. Henry Wise (Whig-Virginia) argued that permitting discussion of the issue would undermine the time set aside at the beginning of each session for petitions. Speaker White reminded Adams that passage of his resolution required acceptance of petitions and referral to a committee. The House had yet to establish committees. Wise contended that the House had standing committees for the presentation of petitions. The House then voted 85-93 against laying Adams's resolution on the table but refused to act further. The nay vote was nearly even, forty-eight southern votes to thirty-seven northern ones. The yeas were decidedly northern with only seven southerners voting in the negative: all but one was a Whig.⁸⁵

Adams continued his fight and re-introduced his resolution to overturn the 21st Rule again on December 7. William Cost Johnson (Whig-Maryland) immediately recommended laying the issue on the table. Members rejected this, 90 to 91. Of the ninety in favor, fifty-two were southerners. Northern yeas came almost exclusively from Democrats. Like the vote the day before, the nays were almost entirely northerners. Only seven southerners voted nay, all Whigs. Members also refused to address the issue directly by having an up-or-down vote on rescinding the 21st Rule.⁸⁶

⁸⁴Representative John Quincy Adams (W-MA) and Speaker John White (W-KY), December 5, 1842, *Congressional Globe*, 27th Congress, 3rd session, 31.

⁸⁵Representatives John Quincy Adams (W-MA), Henry Wise (W-MA), and Speaker John White (W-KY), December 6, 1842, *ibid.*, 31, 32.

Vote on Adams's Resolution to Rescind the 21st Rule, December 7, 1842

	Yeas	Nays	Total
Northern Whigs	35	70	105
Northern Democrats	3	15	18
Southern Whigs	26	6	32
Southern Democrats	26	0	26
Total	90	91	181

Two Whig Vermont newspapers faulted the Democrats for opposing the right of petition. The Whig Montpelier *Vermont Watchman and State Sentinel* observed that while no northern Whigs opposed repeal of the Gag Rule, forty-five northern Democrats did.⁸⁷ The Whig Brattleboro *Vermont Phoenix* addressed this vote under the heading, “WHO ARE FOR FREEDOM?” “*All the Whigs* from the free States and *thirteen* from the Slave States voted *for* rescinding. *All the Locos* [Democrats] from the Slave States voted *against* rescinding. We commend the above to the attention of every friend of liberty.”⁸⁸ The party of freedom was the Whig Party.

Newark, New Jersey's Whig *Sentinel of Freedom*, however, exhibited disgust at the refusal of the Whig-controlled House to repeal the Gag Rule. “How much time, labor, fuss, bad blood, excitement, money, and nonsense it would be saving to rescind this rule at once, to receive and to refer, and to report upon, these petitions!” it reported.⁸⁹ As more papers called for repeal of the Gag Rule, it became more difficult for northern

⁸⁶Representatives John Quincy Adams (W-MA) and William Cost Johnson (W-MD), December 7, 1842, *ibid.*, 37, 38.

⁸⁷Montpelier *Vermont Watchman and State Sentinel*, January 6, 1843.

⁸⁸Brattleboro *Vermont Phoenix*, January 13, 1843.

⁸⁹*Sentinel of Freedom* (Newark, NJ), December 13, 1842.

congressmen to vote for it. Northern congressmen must protect the right of petition, and they must turn back the Slave Power. Adams demonstrated that one committed person could effectively challenge the status quo. This provided inspiration to many northerners. Adams repeatedly took on the Slave Power, even daring to present a petition recommending disunion for the sake of separating a people from the complicity of slavery thought association with the South.

On December 8, Adams introduced his resolution a third time. Democrat John Jones of Virginia moved to lay the resolution on the table. It failed 92 to 95. Southerners outvoted northerners 56-36 in favor of the motion. Only five southerners voted against the motion, all Whigs. Joseph Underwood (Whig-Kentucky) asked that the House now address Adams's amendment. The House should either lay the issue on the table or adopt it. Either would be better than voting on it day after day. Yet again, the House refused to vote on Adams's resolution.⁹⁰

The following Monday, Adams pushed too far. Millard Fillmore (Whig-New York) moved that the House address the president's annual message, considering that the session would be a brief one. Adams argued that his resolution was unfinished business, which the House should address first. Fillmore averred that the president's message was more urgent. There would be time for Adams's resolution afterward. Unsurprisingly, William Cost Johnson stood and announced that if Adams's resolution was going to obstruct the business of the House, then he moved to lay it on the table. Once again, the House voted. This time, however, representatives voted to lay Adams's resolution on the table, 106-102, northern Democrats providing more than the margin of victory. Adams

⁹⁰Representatives John Quincy Adams (W-MA) and John Jones D-VA), December 8, 1842, *Congressional Globe*, 27th Congress, 3rd session, 39, 40.

lost, and he was unable to offer his resolution for the remainder of the session.

Southerners dominated the vote in favor while northerners primarily vote against it. The vote also reflected party lines. The yeas were mostly Democrats and the nays were nearly all Whigs.⁹¹

The December 16 morning edition of *The New York Tribune* decried the action of northerners who voted to lay the measure on the table. (Thirty-six northerners voted in favor, all Democrats.) The editors wondered how southern Whigs—Botts and Alexander Stuart of Virginia, Stanley of North Carolina, and John Kennedy of Maryland—could support the right of petition, yet representatives from New York, Massachusetts, and Ohio, men the *Tribune* stated regarded themselves as anti-slavery men and defenders of the right of petition, could not.⁹² The Gag Rule remained in effect through an alliance of northern Democrats and southerners. The editor counselled third party voters—alluding to Liberty Party members—that the Whigs could best defend the right of petition.⁹³

So, the debate over the Gag Rule was over for the 27th Congress. The divided Whig Party failed to take advantage of its majority. Adams survived yet another attack over the right of petition, narrowly avoiding censure again.

The Gag Rule was not just about silencing those opposed to slavery. A growing number of Americans now realized that slavery in the District of Columbia was not simply about denying freedom to slaves but a fundamental freedom of white Americans. During the 24th Congress, the Gag Rule had support from free and slave states alike. The

⁹¹Representatives Millard Fillmore (W-NY), John Quincy Adams (W-MA), and William Cost Johnson (W-MD), December 12, 1842, *ibid.*, 42.

⁹²The *Tribune* failed to mention Whigs Thomas Arnold of Tennessee, Garrett Davis of Kentucky, George Rodney of Delaware. All voted with Adams.

⁹³*The New York [City] Tribune*, December 16, 1842.

Democrats controlled Congress and believed that cooperation within their party between sections was politically expedient. Over time, however, that support began eroding, as northerners valued the right of petition over appeasing the Slave Power. The harder southerners pushed for the Gag Rule, the more northerners pushed back. New Yorkers, for example, once strongly supported the Gag Rule, but in June 1841, thirty-five of forty New York representatives gave bipartisan support for repeal.

But the Gag Rule remained in effect, at least until the next Congress. The Whigs were a majority party by forty seats, but forty-five of them were from the South. With enough northern allies, southerners had again thwarted any antislavery measures. The issue would not die; it only lay dormant until the 28th Congress. Denying the right of petition was increasingly unpopular in the North. As the number of both antislavery people and defenders of the right of petition grew in the North, the dangers of compromise with the South became evident to representatives of both parties. The Gag Rule reflected increased sectional tensions that intensified. Although the Whigs returned to the minority in 28th Congress, Adams had gained allies. The question remaining was whether Adams had sufficient support or if William Cost Johnson, Henry Wise, and other adversaries would continue to block antislavery petitions.

Chapter VIII

“The Odious Gag . . . Is Now Removed!”

The 28th Congress (December 4, 1843-March 3, 1845)

The Voice of Freedom, an abolitionist paper from Brandon, Vermont, made an astute observation regarding the difficulty of repealing the Gag Rule. “For although the *form* of slavery had left the Northern States, the *spirit* still remained to a fearful extent,” *The Voice* commented, noting the inequality that remained between whites and free blacks. It was the agitation of the slavery issue that had “in some measure purified the moral atmosphere of the North since 1829.” The Gag Rule was losing its grip because northerners were slowly having a change of mind regarding the wisdom of the Gag Rule. The idea of reception and referral of antislavery petitions to a committee was a folly. It did not discourage abolitionists.¹ Their cause was a moral—and not a political—one. Northerners who fought the 21st Rule did so for various reasons. Some opposed the injustice of slavery to African Americans. This was not only for their sakes but to

¹*The Voice of Freedom* (Brandon, VT), December 21, 1843 (italics in the original).

remedy the hypocrisy of legalized slavery in a nation founded upon inalienable rights. Petitioners believed they had a right to be heard, as guaranteed by the First Amendment. They also objected to northern politicians “truckling” to the Slave Power. Those sentiments had only grown by the 28th Congress, not lessened.

The Democratic *Albany Argus* contested the Whig *Albany Evening Journal*'s claim “that the 21st Rule owes its creation and *continuance* to Van Burenism.” The *Argus* considered this a “gross mistake, or rather a willful perversion.” The early gag rules passed during Democratic majorities, but when the Whigs controlled the House, they failed to overturn it. They passed other Whig legislation with a nearly $\frac{2}{3}$ vote yet retained the “anti-petition rule now so lustily condemned” by the *Journal*.²

When the first session of the 28th Congress met in December 1843, it was a much different Congress; only 24 percent of its members were incumbents. Turnover was high for many reasons. Some pursued other political aspirations; some died in office; others retired or lost in their bids for re-election. The House also went from a significant Whig majority to a substantial Democratic one.³ The Whigs did not deliver on the economic promises they had made in the Election of 1840, so the voters returned a Democratic majority in 1842. With the votes counted in November 1842, Democrats had a nearly two-thirds majority in the House, 142-82. Although southern Whigs protected southern

²*Albany* [NY] *Argus*, January 12, 1844 (italics in the original).

³After the Election of 1848, which brought Whig Zachary Taylor into the presidency, the Democrats retained a plurality of seats in the House, although when Whig and Free-Soil votes united, this coalition outnumbered the Democrats. The Democrats retained a clear majority in the Senate, however.

interests, Democrats had provided the most support for slavery, so there seemed little chance of the Gag Rule's repeal.⁴ Surprisingly, this Congress ended it.

The difference proved to be a change in the attitudes of northern Democrats. Martin Van Buren had masterfully held the southern and northern factions of the party together to gain the White House for Andrew Jackson and himself, as well as crafting Democratic-majority Congresses. But, the renewal of the Johnson Gag Rule in 1840 saw more northern Democrats voting against it because they feared political repercussions at the local level. Some northern constituencies wanted the Gag Rule overturned for moral reasons. Others had a political motivation, not wanting to pacify the Slave Power. Yet, others simply believed that the Gag Rule was inefficient and only encouraged abolitionists instead of muting them.

The new Congress was even more different than the above numbers imply. Examination of the rolls reveals a drastic change. Both parties considered, Connecticut, Illinois, Maine, Michigan, New Jersey, and Vermont saw a complete turnover in representatives with Indiana and Rhode Island each retained only a single congressman from the previous Congress. The Democrats gained in every northern state except Pennsylvania, but this was due to a loss in representation. Even when Whigs won, they were often newcomers. Nevertheless, voters did not just elect more Democrats to add to the incumbents. Most northern Democrats who won were often also new. In New York, for example, Democrats increased representation from nineteen to twenty-four seats but only two of them were holdovers from the last Congress. So, while the new Congress

⁴William Lee Miller, *Arguing about Slavery: John Quincy Adams and the Great Battle in the United States Congress* (New York: Basic Books, 1995), 471.

had a strong Democratic majority, with all the new faces in the House the question remained how these men would vote.

Although the Whigs seemed in disarray and weakening, historian Michael Holt asserts that the picture was not nearly as bleak as many presumed. In 1842, Whigs garnered 48 percent of the vote nationwide, compared to 51 percent in 1840. This was partly due to strong Whig leadership at the local and state levels. The Tariff of 1842 was welcome in some parts of the country but was still controversial in other parts. Whigs perceived President Tyler as the Democrat they long suspected he was and began to rally around Kentuckian Henry Clay. They believed that Tyler cost them the majority in Congress but their successes at the polls had been because enough Americans supported restoration of the national bank and Clay's "American System."⁵

The first session of the 28th Congress witnessed endless debate and discussion that rivaled that of the first session of the 24th Congress in 1835-1836. Most of the content rehashed old ideas but packaged them differently. Although initially upheld, the renewed Gag Rule inordinately engulfed debate for most of three months of House proceedings from December 1843 until the end of February 1844. Instead of rejecting the 21st Rule easily and quietly, the House's retention eventually rested on the narrowest of margins: one vote.

As the new House organized, Democrat George Dromgoole of Virginia moved that the House follow the rules of the previous Congress. This was more than expediency. It was a way to retain the Johnson Gag Rule without overtly saying so and this approach had worked effectively in earlier sessions. John Quincy Adams was ready,

⁵Michael F. Holt, *The Rise and Fall of the American Whit Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), 160-1.

however, and immediately offered to amend Dromgoole's resolution by excepting the 21st Rule.⁶

Adams was no longer alone in this cause, and he received encouragement from the northern press in both parties. Many Whig papers promoted Adams's defense of the right of petition. *The Jeffersonian Republican*, a Whig paper from Stroudsburg, Pennsylvania affirmed that Adams represented the people of its community. It observed, "Much of the kindness he had received in the West was in consequence of his vindication of the right of petition."⁷ Newspapers as far away as Illinois supported him. For example, a Democrat paper, *The [Ottawa] Illinois Free Trader and LaSalle County Commercial Advertiser* declared, "Every citizen has a right to petition congress on whatever subject he pleases, though it be slavery, with which congress have [sic] nothing to do. Suppose, for instance, you petition congress to build a rail-road to the moon . . . are they not bound to receive your petition?"⁸

The vote on Adams's amendment seemed to have little chance with the large Democratic majority, but the vote was surprisingly close, with the House rejecting Adams's amendment 91-95. During the 24th Congress, the Pinckney Gag Rule had passed 117 to 68 when the Democrats outnumbered the Whigs 141 to 95, an even smaller margin than the current Democratic majority. The vote in favor of Adams's amendment went along sectional lines with only southerners Thomas Clingman of North Carolina and George Rodney of Delaware—both Whigs—voting yea. The vote against reflected party

⁶Representatives George Dromgoole (D-VA) and John Quincy Adams (W-MA), December 4, 1843, *Congressional Globe*, 28th Congress, 1st session, 4.

⁷*The Jeffersonian Republican* (Stroudsburg, PA), December 28, 1843.

⁸*The [Ottawa] Illinois Free Trader and LaSalle County Commercial Advertiser*, August 4, 1843.

lines: twenty-nine northerners—all Democrats—voted against Adams. All but four of those votes came from New York, Pennsylvania, and the Old Northwest. Of the remaining four votes, three predictably came from New Hampshire, a strong Democratic state, whose representatives had historically supported the Gag Rule, and one from New Jersey.⁹ The 21st Rule now had majority opposition in the North, compared to the reverse under the Pinckney Gag Rule.

Vote to Rescind the Gag Rule for the 28th Congress, December 4, 1843

	Yeas	Nays	Total
Northern Whigs	43	0	43
Northern Democrats	46	29	75
Southern Whigs	2	14	16
Southern Democrats	0	52	52
Total	91	95	186

Leonard Richards argues that by the mid-1840s only Democrats of the Old Northwest and Pennsylvania remained “doughfaces.” Democrats in those states still saw agreement with the South politically advantageous; some had even moved to these states from the South. But, while many of those Democrats considered themselves good Jackson men, they were not always dependable. Political parties in the states of the Old Northwest, especially, were less organized and lacked discipline. While motivated to support the South, they did not do so out of loyalty to Van Buren.¹⁰

The lack of Democratic support in New York in the 91-95 vote revealed the division already taking place in New York politics. After Martin Van Buren left the

⁹December 4, 1843, 28th Congress, 1st session, *Congressional Globe*, 4.

¹⁰Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 165-74.

presidency in 1841, the “Bucktails,” the name for Albany Regency men, began to wonder if following Van Buren was wise. Some wondered if Van Buren could assure party unity as he had in the past.

The Whig Worcester *Massachusetts Spy* wondered if the change in House members might lead to a repeal of the 21st Rule. In the summer of 1841, twenty-six northern Democrats had initially joined the Whigs in the opening session of the 27th Congress until “the party drill had been perfected.” But, once they received marching orders from New Hampshire’s Charles Atherton and Maine’s Nathan Clifford, leading doughfaces in the House, those Democrats changed their votes. Now that Atherton was in the Senate and Clifford was no longer in Congress, Democrats were freer to vote according to their consciences. The *Spy* argued that with northern opposition from both parties, the Gag Rule was nearing its end.¹¹

The *Democratic Standard* of Georgetown, Ohio lauded the Democrats who sided with Adams: “A large number of democratic members voted for Mr. Adams’s motion, as they considered it due to the people to so amend the rule as to receive all petitions upon which Congress could constitutionally act.”¹² For praise to come from a Democratic paper in support of repealing the Gag Rule demonstrates the change within the party. More Democrats had more reasons to repeal the 21st Rule. For some, the issue had become more about the right of petition than about slavery. The 21st Rule denied even the reception of antislavery petitions. Others congressmen became more open to antislavery sentiment because opposing it could cost votes due to increased opposition to

¹¹Worcestershire *Massachusetts Spy*, December 20, 1843. The *Spy* also accused Democrats of leading the Liberty Party in hopes of drawing away support from Whigs.

¹²*The Democratic Standard* (Georgetown, OH), December 19, 1843.

the Gag Rule in their districts. Also, some Democrats had grown weary of making concessions to the Slave Power.

The *North American* queried why southerners engaged in “martial phrases” when addressing the 21st Rule. This was “a question for grave, for quiet, for brotherly consultation. . . . Heat, violence, denunciation could not arbitrate, could not compose [the debate over the 21st Rule].” It was absurd to think a northern congressman believed that the Gag Rule reflected national opinion. Twenty-seven of thirty-two New York representatives voted against it and twelve of twenty-one from Pennsylvania, both states that formerly supported the Gag Rule. Did this not demonstrate a change in public opinion?¹³ Should the 21st Rule remain in place through contention? Why could this not be a matter to discussed in a manner worthy of a national congress?

The northern press revealed a change in New Hampshire politics, an historically Democratic state. For example, in the 91-95 vote that Adams lost on December 4, Democrat John Hale became the first representative from New Hampshire to vote for the right of petition since the initial Gag Rule of May 1836, and it caused quite a stir. The Whig *Portsmouth Journal of Literature and Politics* took encouragement at the vote in spite of the failure to repeal “that monument of mingled tyranny and servility,” the 21st Rule.¹⁴ More northern Democrats than ever had voted to repeal it. In a later issue, the *Journal* reported that New Hampshire’s 5th District held a Democratic convention and passed resolutions approving of Hale’s vote for the right of petition. “A more severe rebuke could hardly have been inflicted by their own party on the other members from

¹³*The North American* (Philadelphia), December 23, 1843.

¹⁴*Portsmouth [NH] Journal of Literature and Politics*, December, 23, 1843.

our State,” the paper observed.¹⁵ The Whig *Boston Courier* revealed great disagreement in the Granite State. While the Democrat *Dover Gazette* backed Hale’s vote, the Democrat *New Hampshire Patriot* and the Democrat *Newport Spectator* denounced it and were consistent in support of the Gag Rule. The *Courier* believed that New Hampshire’s Democratic Party had placated the Slave Power too long and many Democrats “have become restive under the degrading domination.”¹⁶ The Democratic *New-Hampshire Gazette* asserted that the Gag Rule was a necessity. No one had a right to disturb the business of Congress with “millions of frivolous petitions.”¹⁷ Jonathan Earle observes that John P. Hale broke ranks with other New Hampshire Democrats because he “began to view harassment of abolitionists and restriction of their speech as violations of their civil liberties. He also had pressure from religious New Hampshirites who put pressure on Hale to oppose the Gag Rule.”¹⁸ Hale’s vote set off a series of actions in New Hampshire politics intended to punish him for not following the party line. But, his vote was just the beginning of political change in the Granite State. By the end of the decade, Hale would be a United States senator and New Hampshire would elect a Whig governor.¹⁹

On December 16, 1843, John Quincy Adams again introduced an antislavery petition from New York state asking “that Congress would pass such laws, or propose

¹⁵Ibid., January 13, 1844.

¹⁶*Boston Courier*, January 15, 1844.

¹⁷*Portsmouth New-Hampshire Gazette*, January 16, 1844.

¹⁸Jonathan P. Earle, *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854* (Chapel Hill: University of North Carolina Press, 2004), 84.

¹⁹James L. Sundquist, *Dynamic of the Party System: Alignment and Realignment of Political Parties in the United States* (Washington, D.C.: Brookings Institution, 1983), 59, 60.

such amendments to the Constitution of the United States, as would separate forever the petitioners and the people of New York from domestic slavery.” Speaker Jones ruled that Adams’s petition was acceptable, according to the rules. Cave Johnson (Democrat-Tennessee) objected to the reception, for he regarded it as asking for the dissolution of the Union. The vote to lay the question of reception on the table passed 97-80. The vote had a similar pattern to the vote of December 4, which renewed the Johnson gag rule. Only one southerner voted nay, Whig Henry Grider of Kentucky. The Democrats cast all northern votes in favor of tabling the petition.²⁰ The Whig *Washington* [Pennsylvania] *Reporter* stated, “This proceeding evinces with what pertinacity Mr. Adams pursues any object he sets out to attain, and indicates that he will relax none of his efforts to have petitions of this nature introduced into Congress.”²¹

The northern press lauded Henry Wise’s (Whig-Virginia) sudden announcement on December 21 that he would no longer oppose antislavery petitions. Wise had steadfastly fought the presentation and acceptance of antislavery petitions, believing them an insult to the South. Yet, the reasons Wise gave seemed suspect. He said that it was “too solemn, too grave, too vital a question, to be determined upon the poor pitiful issue of a point of order.” From now on, he would not oppose any such petition and would allow the majority to decide.²² The Whig *Vermont Phoenix* of Brattleboro and the *New-*

²⁰Representatives John Quincy Adams (W-MA), Cave Johnson (D-TN), and Speaker John W. Jones (D-VA), December 16, 1843 and December 20, 1843, *Congressional Globe*, 28th Congress, 1st session 40, 55.

²¹*Washington* [PA] *Reporter*, December 23, 1843.

²²Representative Henry Wise (W-VA), December 21, 1843, *Congressional Globe*, 28th Congress, 1st session, 62, 63.

York [City] American credited Wise's decision to the influence of Adams.²³ The Whig *Albany Evening Journal* observed that if Wise and his "other fiery spirits" had taken the same course several years earlier, "Abolition would have been deprived of much of its ailment." The *Evening Journal* believed Wise had done more for the abolitionist cause than Gerrit Smith or Alvan Stewart.²⁴ The Whig *Portland [Maine] Advertiser* reported Wise's announcement under the caption, "THE SURRENDER OF THE SOUTH."²⁵

Wise had surrendered the fight against anti-slavery petitions as futile, but northern newspapers gleefully reported the reasons for Wise's resignation. The Whig New York City *Emancipator and Free American* judged the South as "badly worsted" in the Gag Rule fight. Reports leaked out that the Committee on Rules had voted to recommend adoption of rules for the current session without the 21st Rule.²⁶ The non-partisan *Farmer's Cabinet* of Amherst, Massachusetts, announced that Adams's efforts "are about to be crowned with success" and the "obnoxious" 21st Rule repealed. "This will break down what the South considers its great shield over its slave institutions," it reported.²⁷ The Democrat Hartford *Times* took a more moderate view. It was glad that the House would rescind the 21st Rule, not because it was a defender of the right of petition, but because the Gag Rule was impractical and ineffective.²⁸

²³The [Brattleboro] *Vermont Phoenix*, December 29, 1843; *New York American*, n.d., as reprinted in the *Boston Courier*, December 25, 1843. The party of the *American* is unknown.

²⁴*Albany [NY] Evening Journal*, December 26, 1843. Gerrit Smith and Alvan Stewart were prominent abolitionists.

²⁵*Portland [ME] Advertiser*, January 2, 1844.

²⁶*Emancipator and Free American* (New York City), January 4, 1844.

²⁷*Farmer's Cabinet* (Amherst, NH), January 4, 1844.

²⁸The Hartford [CT] *Times*, January 6, 1844.

Samuel Beardsley (Democrat-New York) and John Weller (Democrat-Ohio) disagreed as to the best course of action regarding antislavery petitions, if the House repealed the 21st Rule. Beardsley was a loyal Van Buren man who had once supported the Gag Rule and had actively supported anti-abolitionist groups. While he still viewed abolitionists as extremists, Beardsley believed the House had an obligation to protect the right of petition. He argued that the most efficient course of action was either to receive and refer them to a committee or table the petitions. By doing so, he believed it would result in fewer petitions, permitting the House to get on with other business. Weller disagreed. When the House received petitions, a dramatic increase in antislavery petitions had followed. If the House referred those petitions to a committee, it required the committee to submit a report. These reports only led to more antislavery petitions. If there was no intention of granting the petitions' "prayer," why receive and refer them? The House adjourned, seemingly forgetting Wise's announcement to surrender the fight for the Gag Rule.²⁹ The Whig *Milwaukee Sentinel* observed that Weller "went tooth and nail against the right of petition and abolitionism."³⁰

Whig northern press had much to say about Beardsley's position on the right of petition. The Whig *Albany Evening Journal* believed that Martin Van Buren must consider the repeal of the 21st Rule alarming. Now that he was no longer leading the Democrats, the *Journal* advised Beardsley and other Van Buren men to "seize the first opportunity to release themselves from an inglorious servitude."³¹ The Whig *New-York*

²⁹Representatives Samuel Beardsley (D-NY) and John Weller (D-OH), December 21, 1843, *Congressional Globe*, 28th Congress, 1st session, 62, 63.

³⁰*Milwaukee Sentinel*, January 13, 1844.

³¹*Albany [NY] Evening Journal*, January 9, 1844.

[City] *Commercial Advertiser* regarded Beardsley as a good man. Although it knew radicals of the Democratic Party took Beardsley's nomination to the House "like a dose of wormwood," he had "taken a manly stand" in his defense of the right of petition. While he criticized with the petitioners for "their self-inflicted madness and their blind stupidity," they had every right to petition Congress.³² The *Milwaukee Sentinel* stated that Beardsley "broke new ground" because he was a "confident [*sic*] of Van Buren and Beardsley's change regarding the right of petition 'may cause a fluttering among his friends in the south.'"³³

The next day, Adams returned to Wise's change of position on the Gag Rule, and the House suspended the rules to allow Adams to speak. Adams believed that Wise had demonstrated wisdom by abandoning his fight against antislavery petitions, for it was a position that was not tenable. Yet, after Wise announced his decision, Kentucky Whig Richard French proclaimed that reception of antislavery petitions was a violation of the Constitution. Adams found it preposterous that anyone could regard petitions as unconstitutional. Americans had a right to expect representatives to present petitions. Thomas Jefferson believed Fate determined all men to be free, and this country must abolish slavery. Although not an abolitionist himself, Adams agreed with Jefferson. What antislavery petitioners requested was simply a foundational principle of the nation: all people should be free. Abolition was "the consummation of the Christian religion."

³²*New-York [City] Commercial Advertiser*, January 12, 1844.

³³*Milwaukee Sentinel*, January 13, 1844.

Adams loved the Union, and he believed abolition was necessary to preserve it.³⁴ He hoped that slaveholders would see that it was in their own best interest to free their slaves. But Adams had no intention in interfering in southern institutions.³⁵ This was the “prayer” of the petitioners that Adams had presented two days earlier. They wanted no complicity in slavery and resented laws that obligated them to do so. This was why an earlier petition requesting the dissolution of the Union had come to the floor of the House. “The obstinate refusal to receive constitutional petitions was one of the causes which had weakened the attachment for the Union in the North and Northwest portion of it.” Adams was even-handed in assessing blame. He chastised northern politicians, especially those in Ohio, Pennsylvania, and New York, for voting to keep the Gag Rule.³⁶ (In the last vote to keep the Gag Rule, these states provided the necessary northern support for its retention.)

The northern Whig press heaped praise upon Adams for his speech. The Whig *United States Gazette* of Philadelphia reported that Adams delivered this address with an “impressive and dignified” manner. “The natural consequence was a more profound attention from his audience, and a deeper impression upon their feelings, if not their

³⁴At first, this appears that Adams contradicts himself. Adams was not an abolitionist, for he believed that promoting abolitionism was to promote civil war. He did favor the peaceable end of slavery in places where it existed, however. Adams believed that Christianity did not promote oppression. He also argued that slavery was antithetical to Jefferson’s statement in the Declaration of Independence that “all men are created equal.” For the nation to be true to the principles of the Declaration, Adams insisted that slavery must end. When all men were free, “man will be a nobler, a purer, a more elevated being by far. . . much nearer the angels. In that sense, I am an abolitionist,” Adams declared.

³⁵James G. Birney to Leicester King, Lower Saginaw, MI, January 1, 1844, as it appeared in the *Emancipator and Free American* (Boston), 1844. King was a leader of the Liberty Party in Ohio, and Birney wrote criticizing Adams for not being an abolitionist. While Adams believed slavery unjust and against nature, but he did not support abolition in the District of Columbia without the permission of its residents.

³⁶Representative John Quincy Adams (W-MA), December 22, 1843, *Congressional Globe*, 28th Congress, 1st session, 64, 65.

convictions.” When Adams reminded his colleagues that Jefferson believed that all slaves would one day be free, “the utmost silence pervaded the hall, and scarcely did one permit himself to breathe. It was a solemn monition to the South, in the language of one, from whom to differ is political damnation.”³⁷ It was one of Adams’s finest moments. The Whig *New-York [City] Express* reported that “Mr. Adams comes out of this last trial like gold tried by fire” and that “half the House were made converts to his opinion.”³⁸ The *Milwaukee Sentinel* observed, “‘The old man eloquent’ was never more impressive, never did he appear more venerable, never was he listened to with a more profound silence and never did his voice fall with greater effect upon the ears of his audience.”³⁹ The *Constitution* of Middletown, Connecticut, a Whig paper, extolled Adams’s efforts. In defending the right of petition, Adams defended the American principle of freedom. “We do not see how any one who calls himself a freeman can hesitate for a moment in acknowledging that this is one of the foundation stones upon which rests the mighty structure of our republican government. Freedom of speech and freedom of action cannot be surrendered by us until we are fitted to become slaves,” it declared.⁴⁰

With the coming of the new year, it seemed as if the fate of the Gag Rule was already decided, but then southern opposition emerged. On January 6, Adams received permission from the Speaker to have the report of the Rules Committee be the first order of the day. George Dromgoole (Democrat-Virginia) stated he had seen the report, and it

³⁷*United States Gazette* (Philadelphia), n.d., reprinted in the *Salem [MA] Register*, January 4, 1844.

³⁸*New-York [City] Express*, n.d., reprinted in the *Gloucester [MA] Telegraph*, January 3, 1844.

³⁹*Milwaukee Sentinel*, January 13, 1844.

⁴⁰*The Constitution* (Middletown, CT), January 10, 1844.

contained certain omissions; he moved for recommitment to the committee. Edward Black (Democrat-Georgia), amended Dromgoole's motion to urge that the report explicitly include the Gag Rule. According to the Boston *Daily Atlas*, Black wanted a vote "to know who were the friends, and who [were] the enemies, of Southern rights." After debate, the motion to lay the matter on the table was rejected, 78-106. The House then voted on Black's amendment, which it rejected 60-65, with no roll call listed and many not voting.⁴¹

With Dromgoole's motion the next order of business, Hannibal Hamlin, a Democrat from Maine, "went into a bold and manly and lucid defense of this right of petition," according to the Whig New York City *Emancipator and Free American*.⁴² The Gag Rule was the only reason for reconsideration, Hamlin stated. If the House adopted the Rules Committee's report without the 21st Rule, there would be a debate to restore it. If the report included it, there would be a debate to eliminate it, so recommitment was pointless. Antislavery petitions deserved a hearing and should be accepted or rejected by a majority vote. Prejudging a class of petitions violated a constitutional right. Hamlin opposed inclusion of the 21st Rule. Instead, he favored reception and referral. "Let this committee," Hamlin argued, "report to us what are the duties we owe—not to the South, but to the Union, the whole Union, and nothing but the Union." Congressmen had a

⁴¹Representatives John Quincy Adams (W-MA), George Dromgoole (D-VA), Edward Black (D-GA), and Speaker John W. Jones (D-VA), January 5, 1844, *Ibid*, 106, 107; *The [Boston] Daily Atlas*, January 10, 1844.

⁴²*Emancipator and Free American* (New York City), January 11, 1844.

constitutional obligation to fulfill, regardless of what their personal sentiments might be.⁴³

On January 6, the House resumed consideration of the report of the Select Committee on the Rules of the House. Thomas Smith (Democrat-Indiana) immediately offered an amendment to receive and table all petitions relating to slavery without debate. Alexander Duncan (Democrat-Ohio) announced that while Congress did not have the power to legislate on slavery or to grant the petitions' requests, the House should receive the petitions. The House received many petitions requesting what Congress had no power to grant; the House should receive the ones on slavery and treat them in the same manner they would any others.⁴⁴ Hamlin, Smith, and Duncan had all offered the South a compromise, one that would allow the Slave Power to silence the petitions without creating discord and bitterness from northerners who judged the Gag Rule as unconstitutional.

On January 11, the Committee on the District of Columbia presented its report regarding the petition from New York presented by Adams a month earlier calling for separation of the people of New York from all connection to slavery. The committee recommended unanimously that the House return the petition to Adams. Adams then asked the clerk to read the petition. Washington Hunt (Whig-New York) moved to have the petition and report laid upon the table and printed. Joshua Giddings then came to Adams's aid. Repeatedly, Giddings tried to detail the contents of the petition. Each time,

⁴³Representative Hannibal Hamlin (D-ME), January 5, 1844, *Congressional Globe*, 28th Congress, 1st session, 107.

⁴⁴Representatives Thomas Smith (D-IN) and Alexander Duncan (D-OH), January 5, 1844, *ibid.*, 108.

a representative interrupted him. The House quickly descended into chaos. Finally, congressmen tired of the bedlam, and the House reversed itself, voting to approve of Hunt's motion to table Adams's petition, 116-60.⁴⁵

Throughout January, northerners espoused many views regarding whether or not to include the Gag Rule in the report of the Rules Committee. Benjamin Bidlack (Democrat-Pennsylvania) favored recommitment without instructions. He believed it imperative to receive all petitions as a matter of constitutional right. Abolitionists gained no advantage, Bidlack believed, by sending these petitions to Congress. They only created division.⁴⁶ Charles Hudson (Whig-Massachusetts) did not support the 21st Rule, for it was unconstitutional. Supplication to Congress through petition regarding slavery in the District of Columbia was precisely what the First Amendment intended. Those members who favored the 21st Rule viewed the right of petition and the right of debate as intertwined, which Hudson believed incorrect. He disagreed with Beardsley that reception and tabling preserved the right of petition. Congress should consider the prayer of the petition.⁴⁷ Whig Robert C. Winthrop of Massachusetts challenged those who contended that the First Amendment did not guarantee Congress to take action upon petitions. If the right of petition only meant presentation of a petition, then that was "the most miserable mockery; the most unmeaning, empty, worthless abstraction that was ever dignified by the name of a right." The 21st Rule stated that the House would not receive antislavery petitions. If the House could discriminate against petitions on one subject,

⁴⁵Representatives John Quincy Adams (W-MA), Washington Hunt (W-NY), and Joshua Giddings (W-OH), January 11, 1844, *ibid.*, 133, 134.

⁴⁶Speaker John W. Jones (D-VA) and Representative Benjamin Bidlack (D-PA), January 12, 1844, *ibid.*, 136, 137.

⁴⁷Representative Charles Hudson (W-MA), January 18, 1844, *Ibid*, 162, 163.

what was to prevent it from banning petitions on another? This set a dangerous precedent.⁴⁸ Joseph A. Wright (Democrat-Indiana) stated that the First Amendment did not grant rights but protected existing ones. The right of petition was not one granted by any legislature or constitution but a natural right. Rejecting petitions would only “increase [the petitioners’] ardor.” While admittedly a “doughface,” Wright still objected to the 21st Rule.⁴⁹

On February 2, Joshua R. Giddings (Whig-Ohio) opened discussion on the rules by stating that what made adoption of rules so difficult was the differing viewpoints on the rights of states where slavery was legal. These differences were not new, but the ban on discussion heightened them. Giddings hoped to restore civility to the debate by appealing to the goodness within each of his colleagues. “We should be unworthy the character of statesmen if we lack the moral courage and ability to approach the question in a liberal spirit, and with enlightened views and feelings endeavor to divest it of all which as heretofore seemed to render its discussion disagreeable,” Giddings declared.⁵⁰

Northern representatives tried new tactics to circumvent the 21st Rule. On February 5, Samuel Beardsley (Democrat-New York) took a different approach. He presented a petition from citizens of New York calling for Congress to amend the Constitution to abolish slavery. This certainly surprised some, for Beardsley had earlier spoken out against abolitionism. In 1835, he had led a mob against an abolitionist group

⁴⁸Representative Robert C. Winthrop (W-MA), January 23, 1844, *ibid.*, 179.

⁴⁹Representative Joseph A. Wright (D-IN), January 27, 1844, *ibid.*, 197.

⁵⁰Representative Joshua R. Giddings (W-OH), February 2, 1844, *ibid.*, 222, 223.

in Utica, New York.⁵¹ The *Albany Argus* explained that Beardsley had supported the Gag Rule when the House received petitions and tabled them, but that practice had changed. The House no longer received antislavery petitions. This denied the people “a sacred and ‘ancient’ right of the people.” Beardsley now believed the House had overstepped its authority.⁵² Clearly, some people of New York noticed his new position on antislavery petitions and began sending him petitions. Speaker Jones rejected the petition because it fell under the 21st Rule. Beardsley then presented a petition asking the House to repeal the 21st Rule, which the House tabled.⁵³ Washington Hunt (Whig-New York) presented a petition asking Congress to extend the Northwest Ordinance of 1787 to all territories west of the Mississippi River, which the House tabled. John Quincy Adams (Whig-Massachusetts) presented a petition asking for an amendment to the Constitution that eliminated the three-fifths compromise. The House rejected Adams’s petition, 74-91. All but eight of the yeas were northern votes. Many northerners voted nay, providing one-third of the negative vote.⁵⁴

Newspapers puzzled over the votes of northern Democrats. Newark, New Jersey’s Whig *Sentinel of Freedom* observed, “You find them now voting at random;--it is almost impossible to hold them to the expression of *any opinion*.”⁵⁵ The Democrat

⁵¹Leonard L. Richards, “*Gentlemen of Property and Standing: Anti-Abolition Mobs in Jacksonian America* (New York: Oxford University Press, 1970), 88-92.

⁵²*Albany [NY] Argus*, January 16, 1844.

⁵³Representative Samuel Beardsley (D-NY) and Speaker John W. Jones, February 1, 1844, *Congressional Globe*, 28th Congress, 1st session, 229.

⁵⁴Representative Washington Hunt (W-NY) and John Quincy Adams (W-MA), *ibid.*, 229.

⁵⁵*Sentinel of Freedom* (Newark, NJ), February 13, 1844 (emphasis in the original).

Newport [New Hampshire] *Argus* reported that Van Buren men⁵⁶ had been voting independently of the former president's wishes, now voting to receive antislavery petitions. Reporting the story of the *Argus*, the Democrat Portsmouth *New Hampshire Gazette* decried reception of antislavery petitions and opposed "those fanatics who thus obstruct public business with their impertinence."⁵⁷ The Democratic *New-Hampshire Patriot and State Gazette* asserted that the "gist of the complaint" was that the House refused to hear the grievances of the petitioners. This, it argued, was not true; the House had heard those requests and denied them.⁵⁸

The concept of slaves as property was a common refrain among southern politicians, one that Whig Luther Severance of Maine challenged when the House returned to the 21st Rule on February 16. He asserted that the House could refuse petitions only on constitutional grounds. Existing law classified slaves as property, but a legislature could repeal law. Abolition did not take away property but restored the slaves' natural rights. The solution was clear, according to Severance: abolish slavery in the nation's capital. There would be no more antislavery petitions, if the nation's capital no longer had slaves.⁵⁹

On February 27, after much more disputation, the House finally voted to reintroduce the Gag Rule into the Rules Committee's report. The House rejected it 86-

⁵⁶Although Van Buren was in retirement and no longer leading the party, many newspapers still referred to northern Democrats as "Van Buren men."

⁵⁷*Newport* [NH] *Argus*, n.d., reprinted in *The New Hampshire Gazette* (Portsmouth), February 13, 1844.

⁵⁸Concord *New-Hampshire Patriot and State Gazette*, February 15, 1844.

⁵⁹Representative Luther Severance (W-ME), February 16, 1844, *Congressional Globe*, 28th Congress, 1st session, 287, 288.

106. Now, it appeared the House had adopted its rules without the Gag Rule. Not a single northern Whig voted for the gag, while seventeen northern Democrats did: four New Yorkers, three from New Hampshire, and the rest from the Northwest. Forty-four northern Whigs voted for repeal, joined by fifty-six northern Democrats.⁶⁰

Vote to Adopt House Rules without the 21st Rule, February 27, 1844

	Yeas	Nays	Total
Northern Whigs	0	44	44
Northern Democrats	17	56	73
Southern Whigs	38	6	44
Southern Democrats	31	0	31
Total	86	106	192

When the House met on February 28, it immediately took a vote to reconsider the repeal of the 21st Rule. It failed, 55 to 116. Reuben Chapman (Democrat-Alabama) moved to table the adoption of new rules for the current session. It passed by the narrowest of margins, 88 to 87. The rules of the 27th Congress were now in effect for the remainder of the session.⁶¹ This meant that the 21st Rule remained in effect for another session. The southerners had gotten their way again. How did this happen? Adams recorded bitterly in his journal that the vote was even closer than the result indicated: “The vote on this motion, as taken by yeas and nays, was eighty-five to ninety; but after the whole roll had been called, and all the answers given, the slavers plied their Northern Democratic allies with personal menace and entreaty till three of them changed their

⁶⁰February 27, 1844, *ibid.*, 331, 332.

⁶¹Representative Rueben Chapman (D-AL), February 28, 1844, *ibid.*, 335.

votes from no to aye, and the motion to lay the whole subject on the table was carried—
eighty-eight to eighty-seven.”⁶²

Vote on Motion to Table Establishing New Rules for the 28th Congress, 1st Session

	Yeas	Nays	Total
Northern Whigs	0	45	45
Northern Democrats	26	38	64
Southern Whigs	16	3	19
Southern Democrats	46	1	47
Total	88	87	175

“Alarm was taken by the chivalrous South at this state of things,” reported the Whig *Indiana State Journal*. After adjournment on the 27th and before meeting again on the 28th, the “gag rule men succeeded in reclaiming and bringing to their aid certain Northern and Western Locofocos [Democrats],” three of whom came from Indiana. When the vote came to table the entire matter, it failed 86 to 89.⁶³ Democrats Duncan of Ohio and Yost of Pennsylvania changed their votes for a result of 88 to 87 in favor of tabling the matter. The *State Journal* also blamed three of its own Democratic representatives—John W. Davis, Thomas Henley, and Andrew Kennedy—for changing their votes from the day before.⁶⁴ What the *State Journal* did not mention was that James Black and Charles Ingersoll of Pennsylvania, Ezra Dean of Ohio, and Jeremiah Russell of New York—all Democrats—also changed their votes. The difference—eight changing as opposed to only two—is offset by absences during roll call.

⁶²February 28, 1844, Charles Francis Adams, ed., *Memoirs of John Quincy Adams* (Philadelphia: J. P. Lippincott & Company, 1876), 11: 522.

⁶³The *Congressional Globe* does not record this vote but numerous newspapers did.

⁶⁴Indianapolis *Indiana State Journal*, March 13, 1844.

Finally, over three months of contested and wearisome debate ended the conflict over the rules until the second session. The Whig New York *Evening Post* reported sadly that the House “had not the firmness enough” when it seemed the House would adopt rules without the 21st Rule. Retaining it only created “a sense of wrong, a sense of unjust restraint, and that perpetual impatience and irritation which are its necessary consequence.”⁶⁵ The *Daily Whig and Courier* of Bangor, Maine lamented that the House restored the “objectionable rule” and judged its retention as “wholly owing to the tergiversation of the Northern Loco Focos [Democrats]” while “Twelve or fifteen Southern Whigs stood up nobly for the right [of petition].”⁶⁶

“The country has seldom, if ever witnessed a more disgraceful specimen of Van Buren jugglery and wire pulling than that just served up,” judged the Whig *Auburn* [New York] *Journal and Advertiser* of the reversal in voting. The *Journal* reported a caucus among Democrats after the 106-86 vote to rescind the gag rule. Van Buren received a letter from Calhoun threatening Van Buren’s position in the party unless he supported slavery and the Gag Rule. (It was an election year and Van Buren hoped to be the Democratic nominee for president.) The evening of February 27, northern Democrats caucused. When the vote to reconsider came up, the rules of the previous session took effect, preserving the 21st Rule.⁶⁷

The Whig New York City *Evening Post* averred the press inadequately captured the tension in Washington. The reporter wrote, “I cannot describe to you the intensity of

⁶⁵New York City *Evening Post*, March 1, 1844.

⁶⁶*Daily Whig and Courier* (Bangor, ME), March 7, 1844.

⁶⁷*Auburn* [NY] *Journal and Advertiser*, March 13, 1844. No Democratic newspaper corroborated the account of a meeting between Calhoun and Van Buren.

feeling which exists among the observing and the reflecting, relative to the decision of the question now agitating the House on the rescinding of the obnoxious rule. This depth of feeling is very feebly portrayed in the published debates.” Northern and southern representatives alike exhibited anxiety. Party distinction mattered little, in the correspondent’s opinion, with regional sentiments paramount. “This is the first occasion on which I have noticed a line of local difference strictly drawn in Congress.” Unfortunately, there can be no compromise on the Gag Rule. Either it exists, or it does not.⁶⁸ *The Post* correspondent correctly observed the influence of sectional politics upon this national issue. There was also less incentive for northerners to mollify the South, for they saw little in return for having done so in the past.

The Whig *New-York Daily Tribune* deplored the number of absences in the final vote and condemned Democrats who supported the gag rule. The editorial of March 2 read, “Several members who could not be dragooned into voting for the Gag were yet persuaded to skulk the vote by dodging behind the Speaker’s chair,” the editor reported. The paper admonished New York City’s own Democratic representative Moses Leonard stating, “Mr. Leonard of this city, who had dodged and shuffled all he could previously, was bullied into a consent to vote for restoring the Gag.” The *Tribune* believed that the vote had been manipulated and added, “The Door-keeper of the House, we are informed, acted as a principal whipper-in, and members were seen to be button-hauled by him.”⁶⁹

⁶⁸New York City *Evening Post*, n.d., reprinted in the *Berkshire County Whig* (Pittsfield, MA), March 7, 1844.

⁶⁹The *New-York [City] Daily Tribune*, March 2, 1844.

The day before, *The Tribune* highlighted the “roll of infamy” Democrats who changed their votes under the heading “MARK THE RECREANTS.”⁷⁰

New York Democrat Samuel Beardsley paid a price for acting according to his conscience. It was not his vote against the Gag Rule that hurt him but his outspokenness to it. For his part in defying the Albany Regency and becoming “a coadjutor of Giddings and Adams,” New York’s Governor William C. Bouck appointed Beardsley to a judgeship, which he accepted. The New York *Plebian*, a Democratic paper, wished Beardsley “happy riddance.”⁷¹

The Whig *Sandusky [Ohio] Clarion* sensed the tension within the Democratic Party. Southerners anticipated a routine renewal of the 21st Rule. The *Clarion* accused the Democrats of playing a “double game.” They wanted to retain the former alliance within the party between the North and the South while courting abolitionists who were increasing in number. Abolitionists wanted their petitions received; southerners did not. It was a game “which will puzzle even the magician [Van Buren] himself.” In the end, the most likely result was to please neither group, which led to condemnation of the Democrats.⁷²

The Jamestown [New York] Journal, a Whig paper, expressed disappointment at the vote. It was a travesty that the House would not allow petitions pertaining to slavery and the slave trade. Stratagem won over patriotism. “We have not words to express our indignation at this outrage upon the rights of the people. We trust that those men, who

⁷⁰Ibid., March 1, 1844.

⁷¹*The [New York] Plebian*, n.d., reprinted in the *Albany [NY] Evening Journal*, March 4, 1844. Whether Beardsley’s appointment as a judge was a reward or punishment depends upon one’s viewpoint, but it seems Gov. Bouck intended it as the latter for not being a good party man.

⁷²*Sandusky [OH] Clarion*, March 9, 1844.

disgrace the seats they occupy in the Halls of Congress, will be remembered by a patriotic, but insulted constituency, who will mark them for retribution,” the editorial stated.⁷³

This session also brought two new developments. More than ever, congressmen from the Northwest entered the debate: John Weller, Alexander Duncan, and William McCauslen of Ohio and Thomas Smith and Joseph Wright of Indiana were Democrats who joined Whig Joshua R. Giddings of Ohio. These men appeared to be looking for advancement within the Democratic Party. Indiana, Illinois, and Ohio shifted from the Whigs to the Democrats in the mid-term elections. Congressmen from these states tried to capitalize on these changes. Aside from Weller, who remained supportive of the 21st Rule, these newcomers often changed their votes. A second development was the outspokenness of Samuel Beardsley. He was a former supporter of the Gag Rule and still an opponent to abolitionism, but now he argued passionately for repeal of the Gag Rule. Samuel Beardsley refused to remain silent while southerners sought denial of the right of petition.

Texas annexation had been an issue in American politics ever since Texas won her war for independence in 1836. Southerners favored annexation and wanted Texas to enter as a slave state. Martin Van Buren knew that would create intersectional fighting. He had enough problems with the Panic of 1837 and did not need turmoil over Texas. But in 1844, Tyler and his new Secretary of State John C. Calhoun both pushed for the admission of Texas. Northerners, especially Whigs, already impatient at the Slave Power over the Gag Rule, believed admitting Texas as a slave state would only embolden—if

⁷³*The Jamestown [NY] Journal*, March 8, 1844.

not empower—the South even more. Not only would it expand slavery but it would increase southern representation in Congress. At the same time, westward expansion seemed a natural growth of the United States and would provide rich farmland for new settlers. Thinking he took a middle ground, Van Buren asserted that Texas would eventually become a state but that time had not yet come. Texas joining the Union would hinder relations between the United States and Mexico. This “middle ground” ended up costing Van Buren the nomination, which eventually went to James K. Polk of Tennessee, the former Speaker of the House at the beginning of the Gag Rule narrative.⁷⁴

On December 3, 1844, after the second session had barely commenced, Adams again presented a resolution to the House asking to rescind the Gag Rule. Jacob Thompson (Democrat-Mississippi) immediately moved to table the resolution. Giddings and Adams simultaneously called for yeas and nays. The House refused to table Adams’s resolution by a vote of 81 to 104, with only seventeen northern Democrats favoring the motion. New York, Pennsylvania, New Hampshire, Illinois, and Ohio each cast three votes with Indiana adding two. The House then voted on Adams’s resolution, passing it 108 to 80. Thus, ended the Gag Rule in the House of Representatives. Even five southerners had relinquished the fight to rescind it. Increased support from northerners proved more than sufficient to give Adams the votes he needed. The same northern Democrats opposed as in the vote immediately prior, except that James Black of Pennsylvania did not vote and James Clinton of New York switched his vote.⁷⁵ Giddings

⁷⁴Joel Silbey, *Martin Van Buren and the Emergence of American Popular Politics* (New York: Rowman & Littlefield, 2002), 168-75.

⁷⁵Representative Jacob Thompson (D-MS) and John Quincy Adams, December 3, 1844, 28th Congress, 2nd session, *Congressional Globe*, 7.

praised Adams who “had devoted his energies to the maintenance of the right of petition, the author had labored to restore the freedom of debate; and the restoration of these rights constituted the first surrender of the democratic party, to the popular feeling of the northern states; and, in that point of view, marked an era in ‘the regime of slavery.’”⁷⁶

Vote to Rescind the 21st Rule, December 3, 1844

	Yeas	Nays	Total
Northern Whigs	47	1	48
Northern Democrats	56	15	71
Southern Whigs	5	16	21
Southern Democrats	0	48	48
Total	108	80	188

Northern papers cited the change in northern Democratic representatives as giving Adams the votes he needed to overturn the Gag Rule. Up to this point, there had been many “doughfaces” whom Adams characterized as “the *Swiss-guards of slavery, fighting for pay*,”; now only sixteen northern Democrats sided with the South. The Whig *Green Mountain Freeman* of Montpelier, Vermont provided backhanded praise to northern Democrats: “The odious gag, it seems, is now removed,--The northern democratic members have finally come to their senses, and have done that which they ought to have done long ago. . . . Let the brand of Cain be upon those northern members who voted for the gag.”⁷⁷ The abolitionist *Voice of Freedom* noted the change taking place within the Democratic Party and chastised Whigs who had not taken advantage of repealing the 21st Rule themselves, referring to those in the 27th Congress who could have overturned it

⁷⁶Giddings, *The History of the Rebellion*, 237.

⁷⁷*The Green Mountain Freeman* (Montpelier, VT), December 13, 1844.

when the Whigs had the majority. “Look out antislavery Whigs, or the ‘proslavery’ Democrats will enter the antislavery kingdom before you!” the editor decried.⁷⁸ The Whig *New-York [City] Daily Tribune* rejoiced at the “lick back” southerners received at the gag rule’s repeal.⁷⁹

After seemingly endless time taken up by debate, why did the House repeal the gag rule at this time—and by a comfortable margin? William Lee Miller posits that it was due to the new members of the House. Only twenty-three men remained from the 27th Congress. Six of those came from Massachusetts, a state opposed to the Gag Rule. In addition, many of the Gag Rule’s staunchest supporters were no longer in the House, making repeal easier. “So,” Miller observes, “Old Man Adams had outlasted them all.”⁸⁰

Secondly, the South realized the Gag Rule was a cause no longer worth fighting. It proved insufficient to silence the petitioners or halt the abolitionist movement. Rejecting petitions was intolerable to many northerners. And, the Slave Power could never defeat Adams. His tenacity was greater than the Slave Power’s willingness to continue the fight. William Freehling declared that the Gag Rule “was no way to silence the Yankee egalitarian roar. The gag rule was always vulnerable because the somewhat closed version of white men’s democracy in the South looked not open enough to the North. Northerners and Southerners, while both for white men’s republicanism, found in the Gag Rule Controversy that they were republicans with a distressing difference.”⁸¹

⁷⁸*The Voice of Freedom* (Brandon, VT), December 12, 1844.

⁷⁹The *New-York [City] Daily Tribune*, December 9, 1844.

⁸⁰Miller, *Arguing about Slavery*, 477-9.

⁸¹William H. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), 352.

Rescinding the Gag Rule was a great victory for Adams and his years of effort made him a champion for the civil rights of petition and free speech. Southerners had censured Adams twice in attempts to destroy his credibility. Northern Democrats had supported the Pinckney gag 53-14 and now voted for its repeal in almost identical numbers, 54-16. Northeastern Democrats⁸² voted 32-5 for repeal, while the rest of the North only supported repeal by a 22-11 margin. In essence, the fight to maintain the Gag Rule ultimately proved futile.

In addition, the antislavery and abolition causes had gained more support as those issues became increasingly associated with the right of petition. The more the House rejected petitions—or, at least, made their presentation offensive—the more some Americans linked these issues. Therefore, when representatives argued that keeping the 21st Rule only brought about the opposite result, their observations were astute.⁸³

Adams deserves credit for winning allies in his fight against the Gag Rule. Initially, support only came from his party and only from the North. By the final vote, Adams had backing from both sections and both parties. The southern votes Adams received came from representatives who believed the fight had cost the South too dearly, as Freehling observes. Northern Democrats saw the futility of the Gag Rule. To keep it in place did not restore the harmony of the House. It did the opposite and created animosity from would-be allies on other legislation. Adams persevered, always willing to fight another day and looking for an opportunity for the win he craved. In the process, he amassed support in the press and the public as well as in the House.

⁸²New York and New England.

⁸³Richards, *Gentlemen of Property and Standing*, 162.

Finally, in Adams's fight for the right of petition, he was able to gain allies who otherwise might disagree with him. Beardsley was one example. Democrat Hannibal Hamlin of Maine was another. Hamlin had regarded the Whigs as "Federalists of the Hartford Convention," meaning they were willing to put their own interests above those of the country. Yet, in the 28th Congress, Hamlin became an ardent defender of the right of petition. Adams gained allies outside of his party by indefatigably fighting for the repeal of the 21st Rule.⁸⁴

⁸⁴H. Draper Hunt, *Hannibal Hamlin of Maine: Lincoln's First Vice-President* (Syracuse, NY: Syracuse University Press, 1969), 25.

Conclusion

The passage of the first Gag Rule, the Pinckney gag in May 1836, was bipartisan and bisectional. Orchestrated by Vice-President Martin Van Buren, the Pinkney gag sought to prevent making antislavery petitions an issue through three resolutions. The first asserted that Congress had no right to interfere with slavery in the states. The second stated that Congress should not interfere with slavery in the District of Columbia. The third resolution provided that the House would table any antislavery petition without further action. This was to keep the divisive topic of slavery from disrupting congressional operations. It allowed representatives to “agree to disagree.” Yet, despite the efforts of Van Buren and his southern allies, northern resentment only increased. More Americans believed that the Gag Rule was an overreach of the Slave Power, which not only removed antislavery petitions from presentation and discussion in the House but also abridged an essential constitutional right, the right to petition Congress. So, why during the next eight years was there increasing resistance to the Gag Rule, passing each time by a narrower margin? An examination of northern opinion reveals two factors. One was less willingness to cooperate with the South. While some northern Democrats always supported subsequent versions of the Gag Rule, commitment lessened as more northerners opposed the Slave Power. More northern representatives became vocal in their opposition to a resolution—and later, a rule of the House—that made the

North appear obeisant to the South. As the editor of the Philadelphia *Evening Star* wrote, “We are neither ‘hewers of wood nor drawers of water’ to any portion of the Union.”¹ Historian Leonard Richards observed that by the 1840s few members of the American Anti-Slavery Society cared as much about freeing slaves as they did about subservience to the “slave oligarchy,” the Slave Power.²

The other factor contributing to greater opposition to the Gag Rule was heightened northern sensitivity to the attack on the right of petition. As the Gag Rule controversy dragged on, northern representatives began standing up for Americans’ right to be heard by their leaders. Frequently, this narrative mentions northern representatives of both parties who said that they were against granting the “prayer” of the petition, which was normally the abolition of slavery in the nation’s capital, but they defended the petitioners’ right to have their petitions presented before Congress. Northern politicians also often made comments that the most despotic nation preserved the right of petition, so it certainly deserved protection in a nation formed on the principles of human rights. The antislavery movement was not always about beneficence toward the slaves. Many who joined the antislavery movement—as opposed to the abolitionist movement—did so to protect their own rights endangered by the Slave Power. Jonathan Earle noted, “Instead of adhering to the orthodox Democratic view as slaveholders as upright producers, the dissidents saw them as grasping aristocrats who endangered the American experiment.”³ While these two reasons—northern bitterness toward the Slave Power and protecting the

¹Philadelphia *Evening Star*, n.d., reprinted in the *Liberator*, February 13, 1836.

²Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 157.

³Jonathan P. Earle, *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854* (Chapel Hill: University of North Carolina Press, 2004), 8.

right of petition—are separate, they are also intertwined, making it difficult to establish which was greater. That southerners refused even to table antislavery petitions, as Congress had always done in the past, only intensified conflict over the Gag Rule.

Martin Van Buren was instrumental in the attempt to remedy this disagreement. He served as vice-president, president, and Democratic Party leader during the era of the Gag Rule. His political machinations got Andrew Jackson elected president, re-elected, and made the Democrats the dominant national party. Van Buren tried to quiet antislavery petitions. He had built an alliance between northern and southern Democrats to retain party power. Abolition of slavery in the District of Columbia was an issue where compromise was impossible. Antislavery petitioners and southerners were firm in their convictions that each side was right. Discussion of slavery had the potential to fracture the party. In addition, 1836, the year of the first enactment of the Gag Rule, was a presidential election year. Van Buren could not afford for such a volatile topic to enter his campaign for the presidency.

There is much evidence that northerners resented the demands of the Slave Power. The northern press often used the term “doughface” derisively. Using the response to the Atherton gag of 1838 as an example, anti-southern sentiment in the press was abundant. The Whig *Auburn* [New York] *Journal and Advertiser* called the Gag Rule “truckling to the south,”⁴ a phrase that appears frequently in newspapers throughout the controversy. The Whig *Portland* [Maine] *Advertiser* referred to northerners who voted for the Atherton gag as consenting to “bargain and corruption” by “sell[ing] their

⁴*Auburn* [NY] *Journal and Advertiser*, December 19, 1838.

votes to Southern members.”⁵ The non-partisan *Farmer’s Cabinet* of Amherst, New Hampshire concurred with the evaluation of the Whig *Boston Atlas*, which described the five parts of the Atherton gag as “miserable, flimsy, feeble resolutions.”⁶ The Whig *Waldo Patriot* of Belfast, Maine asserted that free men of New Hampshire must “blush for the servile spirit” Atherton exhibited in presenting his resolutions. Furthermore, the *Patriot* found it shameful that a northern representative was “so utterly stript [*sic*] of the last vestige of decency.”⁷ Even Van Buren’s *Albany Argus* expressed anger at Virginian Henry Wise’s attempt to make the Atherton gag even more restrictive by refusing the right of petition altogether.⁸ The response of the press to the Atherton gag illustrated that some northerners had lost patience with the South’s chronic insistence that compromise meant following southern demands.

The Gag Rule threatened northern white liberties. The First Amendment guarantees Americans the right to petition the government and the Gag Rule examined what that meant. Was Congress required to grant the petitioners’ requests? All agreed that was impractical, for not all petitions asked Congress to do what was within its enumerated powers. Congressmen disagreed on almost everything else regarding antislavery petitions, however. Some believed Congress was not required to receive a petition, if it was disrespectful in tone, for example. Regarding antislavery petitions, politicians of both parties and sections believed Congress had no authority to act upon the request of the petition, so reception was pointless. Others thought reception essential,

⁵*Portland [ME] Advertiser*, December 18, 1838.

⁶*Farmer’s Cabinet* (Amherst, NH), December 21, 1838.

⁷*Waldo Patriot* (Belfast, ME), December 21, 1838.

⁸*Albany [NY] Argus*, December 18, 1838.

even if Congress took no action. Once received, were congressmen required to give a thoughtful response or refer the petition to a committee? The debates over the Gag Rule examined all of these issues.

The antislavery movement wanted to impress upon Congress the importance of its cause, and passage of the Gag Rule did not deter that effort. It sent a flood of petitions to Congress beginning in 1835. With each renewal of the Gag Rule, petitioners responded with more petitions. Congress might have been able to dismiss an occasional antislavery petition without arousing an outcry, but to refuse large numbers of petitions from a growing number of signatories caused a change in northern public opinion. Petitioners insisted that Congress consider their petitions, not just dismiss them. The commitment to the antislavery cause and Adams's tenacity in fighting for the right of petition kept the Gag Rule in the news. Northerners who did not support the antislavery movement became more sensitive to the denial of their right of petition. Adams and Vermont Whig Representative William Slade were instrumental in explaining how the Gag Rule was not just about antislavery but First Amendment rights.⁹ If Congress could ban discussion or petitioning on one subject, it may try it with others. Over time, the Gag Rule controversy became more about securing a civil right to white Americans than the plight of slaves. It was a fight against the despotic Slave Power.

The Atherton Gag Rule, passed in December 1838, demonstrated the length to which the Slave Power was willing to go to deny antislavery petitions. The Slave Power used Charles G. Atherton, a Democratic representative from the loyal Jacksonian state of New Hampshire, to initiate the Gag Rule. This denied Slade or anyone else the

⁹Newspapers and politicians often referred to freedom of speech alongside the right of petition.

opportunity to make an antislavery or abolitionist speech on the floor of the House while simultaneously making it appear that the Gag Rule had more votes in the North than it actually did. Atherton's Gag Rule was different in that it infused the doctrine of states' rights in order to combat antislavery petitions. The right of petition may be in the Constitution, but the states had sovereignty within their borders; the Constitution allowed the existence of slavery. Although the petitions sought to abolish slavery in the District of Columbia and not in the states, southerners believed that if they permitted abolition in the nation's capital, it would only encourage the petitioners to interfere with slavery in the states afterward. The right of the state superseded the right of the individual.

The Democrats were a states' rights party, which gave them sufficient reason to support the Gag Rule, especially Atherton's. As the leader of the Democratic Party, Van Buren needed to protect states' rights if he expected southern loyalty and to keep the Democrats unified. Nevertheless, the strong northern Democratic approval the Gag Rule received in 1836 slowly eroded as the Gag Rule became more restrictive, and, in the case of the Johnson gag passed in 1840, a standing rule of the House.

While the number of Americans who identified as either antislavery or abolitionist was small—and the number grew during the era of the Gag Rule—the northern press advocated for their right to petition, if not their cause. This was an example of the denial of rights to a minority. As the petitioners renewed their demands for the abolition of slavery in the nation's capital, other northerners gave their support to protect the right to petition.

By 1844, many northern newspapers disparaged "doughface" policies and pressured politicians to repeal the Gag Rule. The more northern politicians and the

northern pro-Gag Rule press pushed for the Gag Rule, the less support it received in the North. Certainly, William Lloyd Garrison and other abolitionist editors stirred up the public and created converts to the antislavery cause. Most people, however, placed more trust in their local papers than in ones devoted to a single cause, often dismissing abolitionist papers as extremist. With the northern press keeping the Gag Rule in the news, it escalated public outrage. The chronic demand to deny the right of petition, primarily among northern Democrats for the sake of party, troubled some northerners. Denying the right to petition on any subject, however, was an abridgement of a fundamental right guaranteed in the First Amendment.

Changes in New York politics proved important to the repeal of the Gag Rule. By 1838, there were more antislavery societies with more members in New York State than in either Massachusetts or Ohio, states sympathetic to antislavery.¹⁰ While antislavery activists remained a small portion of a district's population, historian Edward Magdol's research revealed that the signers of petitions from New York sometimes represented a significant number of the voting population, as was the case with Fall River, Utica, Rome, and Schenectady.¹¹ As their influence grew, New York representatives became more sensitive to antislavery residents. Voting with the South became less popular in these districts, so northern Democrats sometimes voted the party line at their own peril knowing that they could easily lose their seats in the House. In addition, many New York Democrats elected in 1842 had replaced Whigs and feared

¹⁰American Anti-Slavery Society, "Annual Report of the Executive Committee of the American Anti-Slavery Society," (New York: William S. Dorr, 1838), 129-52.

¹¹Edward Magdol, "A Window on the Abolitionist Constituency: Antislavery Petitions, 1836-1839," in *Crusaders and Compromisers: Essays on the Relationship of the Antislavery Struggle to the Antebellum Party System*, Alan M. Kraut, ed., (Westport, CT: Greenwood Press, 1983), 51.

losing their seats to Whig opponents in 1844. Furthermore, New York Democratic representatives believed the party had betrayed their state when the 1844 convention failed to nominate Van Buren for president. Why should New York Democrats continue to support the Gag Rule?

By 1844, the Texas question complicated matters even more. As early as 1836, the Republic of Texas had sought admission into the Union. Van Buren had resisted because he feared it would harm Mexican-American relations. President Tyler and Secretary of State John C. Calhoun made Texas annexation an election year issue. But many northerners feared Texas joining the Union would only embolden the Slave Power. Southerners pushed for few northern Democrats still supported the Gag Rule.

Van Buren himself had changed. In the summer of 1844, tired of placating the South, Van Buren announced that he did not support the annexation of Texas. While antislavery Democrats hailed Van Buren's decision, it alienated southerners. Van Buren did not care. He had come to realize, like many other northerners, that slavery was not benign but a threat to democracy. Neutrality was no longer possible or prudent.¹² Supporting Texas annexation and the Gag Rule went against northern interests. Van Buren was no longer "truckling" to the South.

Northerners on both sides of the Gag Rule controversy cited the Constitution for support of their positions. Pro-Gag Rule northerners argued that the Constitution provided for both houses of Congress to make their own rules to enable efficient proceedings. If Congress saw fit to prohibit antislavery petitions, then it was constitutional. Those who opposed the Gag Rule believed it denied a First Amendment

¹²Arthur M. Schlesinger, Jr. *The Age of Jackson*, (1945; repr., Old Saybrook, CT: Konecky & Konecky, 1971), 431.

right to petition for redress of grievances. This made reconciliation more difficult, for each side was resolute.

The Gag Rule controversy only cemented the growing sectionalism of antebellum America. Throughout the congressional debates, there were threats of disunion from both sides. While Van Buren directed northern Democrats to quell the talk of disunion, some northern Whigs insisted that a dialogue on slavery was necessary. Adams even warned that there should be an open discussion of slavery—which meant that antislavery and abolitionist petitions had a place in Congress—or there would be a civil war. Adams was correct. Americans never found a way to have an honest discussion over slavery.

The Gag Rule controversy presages the breakdown of the Second Party System of Whigs and Democrats because of the slavery issue. In some ways, the Gag Rule controversy was over the possible limitation of civil liberties in the North, but it did not endanger economic or political interests. Nonetheless, the argument, involving the liberties of whites, was enough to create a coalition of northerners to defeat southern demands to exclude all discussion of slavery in the halls of Congress. The slavery issue, in short, could unite the North against southern demands for protection of the peculiar institution. When the substance of the issues escalated into the territorial issue and impinged on economic interests, the Gag Rule controversy rather predicted that northerners would then unite politically against the South, as they did in the 1850s in the Republican Party. The key element politically in the Gag Rule controversy was how it affected the northerner Democrats and eventually turned them away from supporting the southern position.

When utilizing newspapers to gauge public opinion, there is an important question one must ask: is public opinion shaping newspaper coverage or do editors shape public opinion? A recent University of Chicago study asked the same question concerning modern papers. After adjusting for variables, research revealed that newspapers in liberal communities usually lean left while those in conservative communities lean right because that is what sells, not because they reflect the opinions of the editors or owners of the papers.¹³ Does this apply to newspapers of the 1830s and 1840s? Aside from those papers owned or patronized by politicians, it seems plausible. There were many Whig papers in New York City because many Whigs lived there. Likewise, New Hampshire had more Democratic newspapers during the Gag Rule era because residents of that state were strongly Jacksonian, sending only Democrats to Washington.

Historians Lorman A. Ratner and Dwight L. Teeter, Jr. argue otherwise, however. The advent of the transportation revolution provided a means for newspaper editors to get copies of their works to other states easily and affordably, thereby spreading their influence. Healthy competition between papers and the penny presses made the news available to everyone. While these papers often reinforced cultural values, they also shaped it as well. Because newspapers were the primary source for news, politics, and business, their influence was great. “There is no doubt that newspapers’ depictions and views of events were critical to what readers thought,” Ratner and Teeter noted.¹⁴

¹³N. Gregory Mankiw, “Media Slant: A Question of Cause and Effect,” *The New York Times*, May 3, 2014.

¹⁴Lorman A. Ratner and Dwight L. Teeter, Jr., *Fanatics and Fire-eaters: Newspapers and the Coming of the Civil War* (Urbana: University of Illinois Press, 2003), 7-33.

The narrative provided here likely indicates a combination of those two factors: promoting editors political views and reflecting what the people wanted to hear. Both contributed to the outrage in the North over the Gag Rule. Politicians and newspapers of both parties in the North opposed the 21st Rule and wanted it overturned. Southerners had wanted to reject antislavery petitions because they believed the North was wrong about slavery. A growing number of northerners believed that the South was wrong about slavery; it was bad for the entire nation and jeopardized American prosperity. Examination of northern opinion of the Gag Rule deepened sectionalism and robbed the House of Representatives of the comity it once had. Southerners betrayed northerners by sacrificing the right of petition to protect slavery. This sent the message to the North that northern rights did not matter as long as the Slave Power got its way.

Politics necessitates compromise, but many vocal northerners argued that the Gag Rule did not reflect that. The Whig Philadelphia *Pennsylvania Inquirer* compared the Atherton gag to Caesar's crossing the Rubicon, a point of no return. The Van Buren administration "made" the North "to succumb to the dictation of the South . . . [and] trampled on the right of petition; the last bulwark of freedom!"¹⁵ This was not compromise. This was submission to the Slave Power.

Sectionalism was deepening in the nation, and the North and the South looked more to their own interests. In the Declaration of Independence, Jefferson wrote, "Mankind are more disposed to suffer, while evils are sufferable." The Gag Rule exposed two evils the northerners could no longer tolerate. One was the chronic insistence by the South for the North to support slavery when the benefits of doing so

¹⁵Philadelphia *Pennsylvania Inquirer*, December 14, 1838.

were politically negligible. Northerners who saw slavery as a national threat refused to yield to the South. Secondly, the blatant denial of the right of petition became too extreme to remain unnoticed. Antislavery petitions went unheeded before, but those were few in number and garnered little attention. But, the myriad of antislavery petitions which bombarded Congress beginning in 1835 could not go unnoticed. The Gag Rule's attempt to silence discussion of slavery became more an issue of preserving the right of white Americans than freedom for African Americans, and more northerners—Whigs and Democrats alike—refused to surrender it.

BIBLIOGRAPHY

PRIMARY SOURCES

Manuscript Collections

John Quincy Adams Papers. Massachusetts Historical Society, Boston. Microfilm.

James Buchanan Papers. Pennsylvania Historical Society, Philadelphia. Microfilm.

Salmon P. Chase Papers. Pennsylvania Historical Society, Philadelphia. Microfilm.

John Fairfield Papers. Library of Congress, Washington, D.C.

Millard Fillmore Papers. Buffalo and Erie County Historical Society, Buffalo,
New York. Microfilm.

Joshua R. Giddings Papers. Ohio Historical Society, Columbus. Microfilm.

William Henry Harrison Papers. Library of Congress, Washington, D.C. Microfilm.

Abraham Lincoln Papers. Library of Congress, Washington, D.C. Microfilm.

Franklin Pierce Papers. Library of Congress, Washington, D.C. Microfilm.

Martin Van Buren Papers. Library of Congress, Washington, D.C. Microfilm.

Daniel Webster Papers. Dartmouth College, Hanover, New Hampshire. Microfilm.

Newspapers

Advertiser (Portland, ME), 1835-1844.

Age (Augusta, ME), 1836-1844.

American (New York City), 1836-1844.

American and Shamokin Journal (Sunbury, PA), 1840-1844.

Argus (Albany, NY), 1835-1844.

Argus (Newport, NH), 1836-1844.

Atlas (Boston), 1836-1844.

Auburn Journal and Advertiser (Auburn, NY), 1837-1844.

Berkshire County Whig (Pittsfield, MA), 1841-1844.

Bristol County Democrat and Independent Gazette (Taunton, MA), 1837-1844 .

Cabinet (Schenectady, NY), 1835-1844.

The Caledonian, (St. Johnsbury, VT), 1837-1844.

Clarion (Sandusky, OH), 1836-1844.

Colored American (New York City), 1837-1841.

Columbia Democrat (Bloomsburg, PA), 1837-1844.

Columbian Register (New Haven, CT), 1836-1844.

Connecticut Courant (Hartford), 1840-1844.

Connecticut Herald (New Haven), 1836-1844.

The Constitution (Middletown, CT), 1841-1844.

Courier (Boston), 1835-1844.

Courier & Enquirer (New York City), 1836-1842.

Daily Journal (Providence, RI), 1836-1844.

Delaware County Republican (Darby, PA), 1838-1844.

Democrat (Gloucester, MA), 1836-1837.

Democratic Standard (Georgetown, OH), 1837-1844.

Eastern Argus (Portland, ME), 1835-1844.

The Emancipator (New York City), 1836-1842.

Emancipator and Free American (Boston), 1842-1844.

Essex Gazette (Haverhill, MA), 1839-1840.

Evening Journal (Albany, NY), 1835-1845.

Evening Post (New York City), 1835-1845.

Evening Star (Philadelphia), 1838.

Farmer's Cabinet (Amherst, NH), 1835-1845.

Freeman (Concord, MA), 1835-1844.

Free Press (Burlington, VT), 1835-1845.

Gazette (Bellows Falls, VT), 1838-1844.

Gazette (Cincinnati), 1843-1844.

Gazette (Pittsburgh), 1842-1844.

Gazette and Courier (New Bedford, MA), 1836-1838.

Green Mountain Freeman (Montpelier, VT), 1844.

Hampshire Gazette (Northampton, MA), 1836-1843.

Herald (Newburyport, MA), 1835-1845.

Herald (Rutland, VT), 1836-1841.

Hudson River Chronicle (Ossining, NY), 1837-1844.

Huron Reflector (Norwalk, OH), 1836-1844.

Illinois Free Trader and LaSalle County Commercial Advertiser (Ottawa), 1841-1843.

Indiana Democrat (Indianapolis), 1836-1840.

Indiana State Journal (Indianapolis), 1837-1844.

Indiana State Sentinel (Indianapolis) 1841-1844.

Jeffersonian (Portland, ME), 1835-1836.

Jeffersonian Republican (Stroudsburg, PA), 1840-1844.

Journal (Jamestown, NY), 1835-1844.

Journal of Commerce (New York City), 1835-1844.

Journal of Literature and Politics (Portsmouth, NH), 1836-1844.

The Liberator (Boston), 1835-1845.

The Log Cabin (New York City), 1840-1841.

Massachusetts Spy (Worcester), 1835-1845.

Mercury (Greenfield, MA), 1836-1837.

Mercury (New Bedford, MA), 1835-1845.

Mercury (New York City), 1836-1844.

National Aegis (Worcester, MA), 1835-1844.

National Gazette and Literary Register (Philadelphia), 1836-1840.

New-Hampshire Gazette (Portsmouth, NH), 1836-1844.

New-Hampshire Patriot and State Gazette (Concord, NH), 1836-1844.

New-Hampshire Sentinel (Keene, NH), 1835-1844.

The New-York Commercial Advertiser (New York City), 1835-1845.

The New-York Daily Tribune (New York City), 1842-1844.

New-York Express (New York City), 1837-1844.

The North American (Philadelphia), 1839-1845

Observer (Alton, IL), 1838.

Ohio State Journal (Columbus), 1839-1844.

The Ohio Statesman (Columbus), 1837-1844.

Patriot (Boston), 1835.

Patriot and Democrat (Hartford), 1836-1841.

Pennsylvania Freeman (Philadelphia), 1836-1844.

Pennsylvania Inquirer and Daily Courier (Philadelphia), 1835-1842.

Pennsylvania Telegraph (Harrisburg), 1841-1844.

The People's Advocate (New London, CT), 1840-1844.

The People's Press (Middlebury, VT), 1837-1844.

The Philanthropist (Cincinnati), 1836-1843.

The Plebeian (New York City), 1842-1844.

Post (Boston), 1842-44.

Public Ledger & Daily Transcript (Philadelphia), 1836-1844.

Record (Lynn, MA), 1837-1838.

Recorder (Boston), 1835-1845.

Reporter (Washington, PA), 1836-1844.

Republican and Working Men's Advocate (Elyria, OH), 1836-1837.

Republican (Plattsburgh, NY), 1836-1844.

Republican Farmer (Bridgeport, CT), 1836-1844.

The Rhode-Island Republican (Newport, RI), 1838-1841.

St. Lawrence Republican (Ogdensburg, NY), 1840-1844.

Scioto Gazette (Chillicothe, OH), 1836-1839.

Sentinel (Milwaukee), 1840-1844.

Sentinel of Freedom (Newark, NJ), 1836-1844.

The Signal of Liberty (Ann Arbor, MI), 1841-1844.

Spectator (New York City), 1836-1844.

Spectator and Freeman's Journal (Montrose, PA), 1836-1840.

Star & Republican Banner (Gettysburg, PA), 1836-1844.

Sun (New York City), 1836-1844.

Telegraph (Gloucester, MA), 1835-1845.

The Times (Hartford, CT), 1836-1844.

Transcript (Boston), 1842-1844.

Union Herald (Cazenovia, NY), 1838-1840.

United States Gazette (Philadelphia), 1838-1844.

Vermont Phoenix (Brattleboro), 1835-1844.

Vermont State Journal (Montpelier), 1835-1836.

Vermont Telegraph (Brandon), 1836-1838, 1840-1843.

Vermont Watchman and State Journal (Montpelier, VT), 1836-1845.

Voice of Freedom (Brandon, VT), 1843-1844.

Waldo Patriot (Belfast, ME), 1837-1838.

Wayne County Record (Centreville, IN), 1840-1844.

Western Statesman (Marshall, MI), 1839-1843.

Whig and Courier (Bangor, ME), 1835-1844.

Government Documents

Biographical Directory of the American Congress, 1774-1996. Alexandria, VA:
Congressional Quarterly Staff Directories, Inc., 1997.

The Congressional Globe. 24th-28th Congresses. Washington, D.C.: Gales & Seaton,
1835-1844.

Directory of Archives and Manuscript Repositories, 1978. Washington, D.C.: National Archives and Record Service General Services Administration, 1978.

Historical Statistics of the United States, Colonial Times to 1970. Washington, D.C.: U.S. Government Printing Office, 1975.

Joint Congressional Committee on Inaugural Ceremonies.

<http://www.inaugural.senate.gov/swearing-in/address/address-by-william-h-harrison-1841>. January 21, 2013.

Register of Debates. 24th and 25th Congresses. Washington, D.C.: Gales & Seaton, 1835-1837.

The Senate 1789-1989. Volume 4, Historical Statistics 1789-1992. Bicentennial Edition. Washington, D. C.: U.S. Government Printing Office, 1993.

U.S. Congressional Serial Set. 24th-28th Congress. Washington, D.C.: Congressional Information Service, 1975.

Other Published Primary Sources

Adams, Charles Francis, ed. *Memoirs of John Quincy Adams*, Vol. 10. Philadelphia: J. B. Lippincot and Co., 1876.

American Anti-Slavery Society, "Address to the Friends of Constitutional Liberty on the Violation by the United States House of Representatives of the Right of Petition." New York: American Anti-Slavery Society, 1840.

_____. "Annual Report of the Executive Committee of the American Anti-Slavery Society." New York: William S. Dorr, 1838.

Barnes, Gilbert H. and Dwight L. Dumond, eds. *Letters of Theodore Dwight Weld, Angelina Grimké Weld, and Sarah Grimké, 1822-1844.* Gloucester, MA: Peter Smith, 1965.

Cairnes, John E. *The Slave Power: Its Character, Career, and Probable Designs.* 1862. Reprint. Columbia: University of South Carolina Press, 2003.

Curtis, George Ticknor ed., *Life of James Buchanan, Fifteenth President of the United States*, Volume 1. New York: Harper & Brothers, 1883.

Dumond, Dwight L., ed. *Letters of James Gillespie Birney, 1831-1857.* 2 vols. New York: D. Appleton-Century Co., 1938.

- _____, ed. *Letters [of James G. Birney], 1831-1857*. Gloucester MA: Peter Smith, 1966.
- Giddings, Joshua R. *History of the Rebellion: Its Authors and Causes*. New York: Follet, Foster, and Co., 1864.
- Johnson, Oliver. *William Lloyd Garrison and His Times; or, Sketches of the Anti-Slavery Movement in America, and of the Man Who Was Its Founder and Moral Leader*. Boston: Houghton Mifflin and Co., 1881.
- Julian, George W. *The Life of Joshua R. Giddings*. Chicago: A. C. McClurg, 1892.
- Kennedy, J. G. C. *Catalogue of Newspapers and Periodicals Published in the United States*. New York: J. Livingston, 1852.
- Lincoln, Charles Z., ed. *Messages from the Governors, Comprising Executive Communications to the Legislature and Other Papers Relating to Legislation from Organization of the First Colonial Assembly in 1683 to and Including the Year 1906, with Notes, Volume III, 1823-1842*. State of New York. Albany: J.B. Lyon Company, State Printers, 1909.
- Lowance, Mason I., ed. *A House Divided: The Antebellum Slavery Debates in America, 1776-1865*. Princeton: Princeton University Press, 2003.
- _____, ed. *Against Slavery: An Abolitionist Reader*. New York: Penguin Books, 2000.
- May, Samuel J. *Catalogue of Anti-Slavery Publications in America*. (In *Proceedings of the American Anti-Slavery Society at Its Third Decade*. New York: Arno Press, 1864.)
- _____. *Some Recollections of Our Antislavery Conflict*. Boston: Fields, Osgood, & Co., 1869.
- McLaughlin, Andrew C. *Lewis Cass*. Boston: Houghton Mifflin, 1899.
- Nevins, Allan, ed. *The Diary of John Quincy Adams, 1794-1845*. New York: Charles Scribner's Sons, 1951.
- Pickard, John B., ed. *The Letters of John Greenleaf Whittier, 1828-1845*. Cambridge: Harvard University Press, 1975.
- Ruchames, Louis, ed. *The Letters of William Lloyd Garrison: A House Dividing Against Itself, 1836-1840*. Cambridge: The Belknap Press of Harvard University Press, 1971.

- Seward, William H. *The Life and Public Services of John Quincy Adams, Sixth President of the United States, with the Eulogy Delivered Before the Legislature of New York*. 1849. Reprint. Port Washington, NY: Kennikat Press, 1971.
- Slade, William. "On the Abolition of Slavery and the Slave Trade in the District of Columbia," December 20, 1837, Special Collections, University of Massachusetts--Amherst, Amherst Massachusetts.
- The Slave's Friend*. New York: R.G. Williams for the American Anti-Slavery Society, 1836-1839.
- Staples, Arthur G., ed. *Letters of Representative John Fairfield, A Representative in Congress from 1835 to 1837; a Member of the Senate of the United States from 1843 to 1847, and a Governor of Maine in 1839, 1840, 1842 and a part of 1843*. Lewiston, ME: Lewiston Journal Company, 1922.
- [Tappan, Lewis]. *The Life of Arthur Tappan*. New York: Hurd and Houghton, 1871.
- Weld, Theodore Dwight. *The Power of Congress over the District of Columbia*. New York: John P. Throw, 1838.
- Whittier, John Greenleaf. *The Conflict with Slavery: Politics and Reform, the Inner Life, Criticism*. Boston: Houghton Mifflin, 1866.
- Wiltse, Charles M. and Harold D. Moser, eds. *The Papers of Daniel Webster: Correspondence, Volume 4, 1835-1839*. Hanover, NH: University Press of New England, 1980.
- Wood, William D. "Recollections of the Growth and Development in the North of Anti-slavery Sentiment That Led to Secession." *Gulf State Historical Magazine* 2 (July 1903): 18-25.

SECONDARY SOURCES

Books

- Barnes, Gilbert H. *The Antislavery Impulse, 1830-1844*. 1933. Reprint. Gloucester, MA: Peter Smith, 1973.
- Belohlavek, John M. *Broken Glass: Caleb Cushing and the Shattering of the Union*. Kent, OH: Kent State University Press, 2005.
- Bender, Thomas. *The Antislavery Debate: Capitalism and Abolitionism as a Problem in Historical Interpretation*. Berkeley: University of California Press, 1992.

- Bemis, Samuel Flagg. *John Quincy Adams and the Union*. New York: Alfred A. Knopf, 1956.
- Cooper, Jr., William J. *The South and the Politics of Slavery, 1828-1856*. Baton Rouge: Louisiana State University Press, 1978.
- Crawford, Michael. *The Roman Republic*. Cambridge: Harvard University Press, 1993.
- Davis, Hugh. *Joshua Leavitt: Evangelical Abolitionist*. Baton Rouge: Louisiana State University Press, 1990.
- Dillon, Merton L. *The Abolitionists: The Growth of a Dissenting Minority*. New York: Harper and Row, 1974.
- _____. *Benjamin Lundy and the Struggle for Negro Freedom*. Urbana: University of Illinois Press, 1990.
- _____. *Elijah P. Lovejoy: Abolitionist Leader*. Urbana: University of Illinois Press, 1961.
- Dumond, Dwight L. *Antislavery: The Crusade for Freedom in America*. Ann Arbor: University of Michigan Press, 1961.
- _____. *A Bibliography of Antislavery in America*. Ann Arbor: University of Michigan Press, 1961.
- Earle, Jonathan H. *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854*. Chapel Hill: University of North Carolina Press, 2004.
- Emery, Michael and Edwin Emery. *The Press and America: An Interpretive History of the Mass Media*. 8th edition. Boston: Allyn and Bacon, 1996.
- Fehrenbacher, Donald E. *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery*. New York: Oxford University Press, 2001.
- Filler, Louis. *The Crusade against Slavery, 1830-1860*. New York: Harper and Row, 1960.
- Freehling, William. *The Road to Disunion: Secessionists at Bay*. New York: Oxford University Press, 1990.
- Fuess, Claude M. *The Life of Caleb Cushing*, Vol. 1. New York: Harcourt Brace, 1923.
- Galloway, George B. *History of the House of Representatives*. New York: Thomas Y. Crowell, 1976.

- Goodheart, Lawrence. *Abolitionist, Actuary, Atheist: Elizur Wright and the Reform Impulse*. Kent, OH: Kent State University Press, 1990.
- Hart, Albert Bushnell. *Slavery and Abolition, 1831-1841*. 1906. Reprint, New York: New American Library, 1969.
- Holt, Michael F. *The Political Crisis of the 1850s*. New York: Wiley Press, 1983.
- _____. *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*. New York: Oxford University Press, 1999.
- Howard, Victor B. *Conscience and Slavery: The Evangelistic Domestic Missions, 1837-1861*. Kent, OH: Kent State University Press, 1990.
- Howe, Daniel Walker. *The Political Culture of the American Whigs*. Chicago: University of Chicago Press, 1979.
- _____. *What Hath God Wrought: The Transformation of America, 1815-1848*. New York: Oxford University Press, 2007.
- Hunt, H. Draper. *Hannibal Hamlin of Maine: Lincoln's First Vice-President*. Syracuse, NY: Syracuse University Press, 1969.
- Huntzicker, William E. *The Popular Press, 1833-1865*. Westport, CT: Greenwood Press, 1999.
- Johnson, Reinhold O. *The Liberty Party, 1840-1848: Antislavery Third-Party Politics in the United States*. Baton Rouge: Louisiana University Press, 2009.
- Kaplan, Fred. *John Quincy Adams: American Visionary*. New York: HarperCollins Publishers, 2014.
- Kraditor, Aileen S. *Means and Ends in American Abolitionism: Garrison and His Critics on Strategy and Tactics, 1834-1850*. Chicago: Ivan R. Dee, 1967.
- Laurie, Bruce. *Beyond Garrison: Antislavery and Social Reform*. New York: Cambridge University Press, 2005.
- Lutz, Alma. *Crusade for Freedom: Women of the Antislavery Movement*. Boston: Beacon Press, 1968.
- Madgol, Edward. "A Window on the Abolitionist Constituency: Antislavery Petitions, 1836-1839." In *Crusaders and Compromisers: Essays on the Relationship of the Antislavery Struggle to the Antebellum Party System*, ed. Alan Kraut, pp. 45-70. Westport, CT: Greenwood Press, 1983.

- Maier, Pauline Maier. *From Resistance to Revolution: Colonial Radicals and the Development of the American Opposition to Britain, 1765-1788*. New York: Alfred A. Knopf, 1972.
- Mathews, Donald G. *Slavery and Methodism: A Chapter in American Morality, 1780-1945*. Princeton: Princeton University Press, 1965.
- McCormick, Richard P. *The Second American Party System: Party Formation in the Jackson Era*. Chapel Hill: University of North Carolina Press, 1966.
- McManus, Michael J. *Political Abolitionism in Wisconsin, 1840-1861*. Kent, OH: Kent State University Press, 1998.
- Miller, William. *Arguing about Slavery: The Great Battle in the United States Congress*. New York: Alfred A. Knopf, 1996.
- Mordell, Albert. *Quaker Militant John Greenleaf Whittier*. Port Washington, NY: Kennikat Press, 1969.
- Mott, Frank Luther. *American Journalism: A History, 1690-1960*. New York: The Macmillan Company, 1962.
- Niven, John. *Martin Van Buren: The Romantic Age of Politics*. New York: Oxford University Press, 1983.
- Nye, Russell B. *Fettered Freedom: Civil Liberties and the Slavery Controversy, 1830-1860*. East Lansing: Michigan State University Press, 1963.
- Pease, William Henry, ed. *The Antislavery Argument*. Indianapolis: Bobbs-Merrill, 1965.
- Perry, Lewis and Michael Fellman, eds. *Antislavery Reconsidered*. Baton Rouge: Louisiana State University Press, 1979.
- Potter, David M. *The Impending Crisis, 1848-1861*. New York: Harper and Row, 1976.
- Ratner, Lorman A. and Dwight L. Teeter, Jr. *Fanatics and Fire-eaters: Newspapers and the Coming of the Civil War*. Urbana: University of Illinois Press, 2003.
- Remini, Robert V. *Andrew Jackson, Vol. 3: The Course of American Democracy, 1833-1845*. Baltimore: Johns Hopkins University Press, 1984.
- _____. *The House: The History of the House of Representatives*. New York: Smithsonian Books, 2006.

- _____. *Martin Van Buren and the Making of the Democratic Party*. 1951. New York: W. W. Norton and Company, 1959.
- Richards, Leonard L. *"Gentlemen of Property and Standing": Anti-abolition Mobs in Jacksonian America*. New York: Oxford University Press, 1970.
- _____. *The Life and Times of Congressman John Quincy Adams*. New York: Oxford University Press, 1986.
- _____. *The Slave Power: The Free North and Southern Domination, 1780-1860*. Baton Rouge: Louisiana State University Press, 2000.
- Risley, Ford. *Abolition and the Press: The Moral Struggle against Slavery*. Evanston, IL: Northwestern University Press, 2008.
- Sewell, Richard H. *Ballots for Freedom: Antislavery Politics in the United States, 1837-1860*. New York: Oxford University Press, 1976.
- Silbey, Joel. *The American Political Nation, 1838-1893*. Stanford, CA: Stanford University Press, 1991.
- _____. *Martin Van Buren and the Emergence of American Popular Politics*. New York: Rowman and Littlefield Publishers, 2002.
- Slaughter, Thomas. *The Whiskey Rebellion: Frontier Epilogue to the American Revolution*. New York: Oxford University Press, 1986.
- Schlesinger, Jr., Arthur M. *The Age of Jackson*. 1945. Old Saybrook, CT: Konecky & Konecky, 1971.
- Stewart, James Brewer. *Holy Warriors: The Abolitionists and American Slavery*. New York: Hill and Wang, 1976.
- _____. *Joshua R. Giddings and the Tactics of Radical Politics*. Cleveland: Case Western Reserve University Press, 1970.
- _____. *Wendell Phillips: Liberty's Hero*. Baton Rouge: Louisiana State University Press, 1986.
- Sundquist, James L. *Dynamic of the Party System: Alignment and Realignment of Political Parties in the United States*. Washington, D.C.: Brookings Institution, 1983.
- Traub, Michael. *John Quincy Adams: Militant Spirit*. New York: Basic Books, 2016.

- Turner, Lorenzo D. *Anti-Slavery Sentiment in American Literature Prior to 1865*. Reprint. Port Washington, NY: Kennikat Press, 1966.
- Varon, Elizabeth. *Disunion! The Coming of the American Civil War, 1789-1859*. Chapel Hill: University of North Carolina Press, 2008.
- Walters, Ronald G. *The Antislavery Appeal: American Abolitionism after 1830*. Baltimore, MD: Johns Hopkins University Press, 1976.
- Wiecek, William M. *The Sources of Antislavery Constitutionalism in American, 1760-1848*. Ithaca: Cornell University Press, 1977.
- Wyatt-Brown, Bertram. *Lewis Tappan and the Evangelical War Against Slavery*. Cleveland: Case Western Reserve University Press, 1969.
- Zaeska, Susan. *Signatures of Citizenship: Petitioning, Antislavery, and Women's Political Identity*. Chapel Hill: University of North Carolina Press, 2003.

Articles

- Eaton, Clement. "Censorship of the Southern Mails." *American Historical Review* 48 (January 1943): 266-280.
- Frederick, David C. "John Quincy Adams, Slavery, and the Disappearance of the Right of Petition." *Law and History Review* 9 (Spring 1991): 113-155.
- Huston, James. "The Experiential Basis of the Northern Antislavery Impulse." *The Journal of Southern History* 56 (November 1990): 609-640.
- Ludlum, Robert P. "The Antislavery 'Gag-Rule': History and Argument." *The Journal of Negro History* 26 (April 1941): 203-43;
- MacLean, William Jerry. "Othello Scorned: The Racial Thought of John Quincy Adams." *Journal of the Early Republic* 4 (Summer 1984): 143-160.
- Mankiw, N. Gregory. "Media Slant: A Question of Cause and Effect." *The New York Times*, May 3, 2014.
- McCormick, Richard P. "The Jacksonian Strategy." *Journal of the Early Republic* (Spring 1990): 1-17.
- McPherson, James M. "The Fight Against the Gag Rule: Joshua Leavitt and Antislavery Insurgency in the Whig Party, 1839-1842." *The Journal of Negro History* 48 (July 1963): 177-95.

- Meinke, Scott. "Slavery, Partisanship, and Procedure in the U.S. House: The Gag Rule, 1836-1845" *Legislative Studies Quarterly* 32 (February 2007): 33-57.
- Newman, Richard S. "Prelude to the Gag Rule: Southern Reaction to Antislavery Petitions in the First Federal Congress." *Journal of the Early Republic* 16 (Winter 1996): 571-599.
- Rable, George C. "Slavery, Politics and the South: The Gag Rule as a Case Study." *Capitol Studies* 3 (1975): 69-87.
- Richards, Leonard L. "The Jacksonians and Slavery" in *Antislavery Reconsidered: New Perspectives on the Abolitionists*, eds. Lewis Perry and Michael Fellman, pp. 99-118. Baton Rouge: Louisiana State University Press, 1979.
- Roper, Robert. "Asphyxiating the First Amendment." *The Western Political Quarterly* 34 (September 1981): 372-88.
- Shade, William G. "The Most Delicate and Exciting of Topics: Martin Van Buren, Slavery, and the Election of 1836." *Journal of the Early Republic* 18 (Fall 1998): 459-484.
- Shulsinger, Stephanie. "The Magnificent Madman." *New England Galaxy* 19 (Winter 1978): 30-37.
- Silbey, Joel H. "The Election of 1836." In *History of American Presidential Elections, 1798-1968*, vol. 2, ed. Arthur M. Schlesinger, Jr. and Fred Israel, 577-640. New York: Chelsea House, 1985.
- _____. "There Are Other Questions Besides That of Slavery Merely": The Democratic Party and Antislavery Politics." In *Crusaders and Compromisers: Essays on the Relationship of the Antislavery Struggle to the Antebellum Party System*, ed. by Alan M. Kraut, 143-175. Westport, CT: Greenwood Press, 1983.
- Smith, Norman B. "'Shall Make No Law Abridging . . .': An Analysis of the Neglected, but Nearly Absolute, Right of Petition." *University of Cincinnati Law Review* 54 (1986): 1153-1197.
- Van Deburg, William L. "Henry Clay, the Right of Petition, and Slavery in the Nation's Capital." *Register of the Kentucky Historical Society* 68 (April 1970): 132-46.
- Volpe, Vernon L. "The Anti-abolitionist Campaign of 1840." *Civil War History* 32 (December 1986): 324-339.
- Weiner, Gordon M. "Pennsylvania Congressmen and the 1836 Gag Rule: A Quantitative Note." *Pennsylvania History* 36 (January 1969): 335-40.

Wirks, Daniel. "The Only Mode of Avoiding Everlasting Debate: The Overlooked Senate Gag Rule for Antislavery Petitions." *Journal of the Early Republic* 27 (Spring 2007): 115-38.

Wyatt-Brown, Bertram. "The Abolitionist Postal Campaign of 1835." *Journal of Negro History* 50 (October 1965): 227-238.

Wyly-Jones, Susan. "The 1835 Anti-Abolition Meetings in the South: A New Look at the Controversy over the Abolition Postal Campaign." *Civil War History* 47 (December 2001): 289-309.

Zagarri, Rosemary. "The Rights and Man and Woman in Post-Revolutionary America." *William and Mary Quarterly* 55 (April 1998): 203-230.

Dissertations

Hansen, Debra Gold. "Right and Wrong in Abolitionism: The Crisis of Authority in the Boston Female Anti-Slavery Society, 1833-1840." Ph.D. dissertation. California State University, Fullerton, 1979.

Kaufman, Paul Leslie. "'Logical' Luther Lee and the Methodist War against Slavery." Ph.D. dissertation. Kent State University, 1994.

Newman, Richard. "The Transformation of American Abolition: Tactics, Strategies, and the Changing Meanings of Activism, 1780s-1830s." Ph.D. dissertation. State University of New York—Buffalo, 1998.

Porto, Joseph A. Del. "A Study of Antislavery Journals." Ph.D. dissertation. Michigan State University, 1953.

Smith, Robert G. "The Arguments over Abolition Petitions in the House of Representatives in December, 1835: A Toumlin Analysis." Ph.D. dissertation. University of Minnesota, 1962.

Wyly-Jones, Susan. "The Antiabolitionist Panic: Slavery, Abolition, and Politics in the U.S. South, 1835-1844." Ph.D. dissertation. Harvard University, 2000.

Zaeske, Susan Marie. "Petitioning, Antislavery, and the Emergence of Women's Political Consciousness." Ph.D. dissertation. University of Wisconsin, 1997.

Websites

Ohio History Central, "Jeremiah Morrow," http://www.ohiohistorycentral.org/Jeremiah_Morrow. Accessed April 16, 2016.

APPENDIX: POLITICAL PARTY AFFILIATION OF NEWSPAPERS

Whig\Opposition Newspapers

Advertiser (Portland, ME), 1835-1845.

Atlas (Boston), 1836-1844.

Auburn Journal and Advertiser (Auburn, NY), 1837-1844.

Berkshire County Whig (Pittsfield, MA), 1841-1844.

Cabinet (Schenectady, NY), 1835-1844.

The Caledonian (St. Johnsbury, VT), 1837-1844.

Clarion (Sandusky, OH), 1836-1844.

Connecticut Courant (Hartford), 1840-1844.

Connecticut Herald (New Haven), 1836-1844.

Constitution (Middletown, CT), 1841-1844.

Courier (Boston), 1835-1844.

Courier & Enquirer (New York City), 1836-1842.

Daily Journal (Providence, RI), 1836-1844.

Eastern Argus (Portland, ME), 1835-1844.

Essex Gazette (Haverhill, MA), 1839-1840.

Evening Journal (Albany, NY), 1835-1844.

Express (New York City), 1837-1844.

Free Press (Burlington, VT), 1835-1844.

Gazette (Bellows Falls, VT), 1838-1844.

Gazette (Cincinnati), 1843-1844.

Gazette (Pittsburgh), 1842-1844.

Gazette (Salem, MA), 1835-1844

Green Mountain Freeman (Montpelier, VT), 1844.

Hampshire Gazette (Northampton, MA), 1836-1843.

Herald (Newburyport, MA), 1835-1844.

Herald (Rutland, VT), 1836-1841.

Hudson River Chronicle (Ossining, NY), 1837-1844.

Huron Reflector (Norwalk, OH), 1836-1844.

Indiana State Journal (Indianapolis), 1837-1844.

Jeffersonian Republican (Stroudsburg, PA), 1840-1844.

Journal (Jamestown, NY), 1835-1844.

Journal of Literature and Politics (Portsmouth, NH), 1836-1844.

Log Cabin (New York City), 1840-1841.

Massachusetts Spy (Worcester), 1835-1844.

Mercury (Greenfield, MA), 1835-1845.

Mercury (New Bedford, MA), 1835-1844.

Mercury (New York City), 1836-1844.

National Aegis, (Worcester, MA), 1835-1844.

New-Hampshire Sentinel (Keene, NH), 1835-1844.

New-York Commercial Advertiser (New York City), 1835-1844.

New-York Daily Tribune (New York City), 1842-1844.

North American (Philadelphia), 1839-1844.

Ohio State Journal (Columbus), 1837-1844.

Patriot (Boston), 1835.

Pennsylvania Inquirer and Daily Courier (Philadelphia), 1835-1842.

Pennsylvania Telegraph (Harrisburg), 1841-1844.

People's Advocate (New London, CT), 1840-1844.

People's Press (Middlebury, VT), 1837-1844.

Reporter (Washington, PA), 1836-1844.

Scioto Gazette (Chillicothe, OH), 1836-1839.

Sentinel (Milwaukee), 1840-1844.

Sentinel of Freedom (Newark, NJ), 1836-1844.

Spectator and Freeman's Journal (Montrose, PA), 1836-1840.

Star & Republican Banner (Gettysburg, PA), 1836-1844.

Transcript (Boston), 1842-1844.

Union Herald (Cazenovia, NY), 1838-1840.

United States Gazette (Philadelphia), 1838-1844.

Vermont Phoenix (Brattleboro), 1834-1844.

Vermont State Journal (Montpelier), 1835-1836.

Waldo Patriot (Belfast, ME), 1837-1838.

Wayne County Record (Centreville, IN), 1840-1844.

Whig and Courier (Bangor, ME), 1834-1844.

Democrat Newspapers

Age (Augusta, ME), 1836-1844.

American (New York City), 1836-1844.

American and Shamokin Journal (Sunbury, PA), 1840-1844.

Argus (Albany, NY), 1835-1844.

Argus (Newport, NH), 1836-1844.

Bristol County Democrat and Independent Gazette (Taunton, MA), 1837-1844.

Columbia Democrat (Bloomsburg, PA), 1837-1844.

Columbian Register (New Haven, CT), 1836-1844.

Delaware County Republican (Darby, PA), 1837.

Democrat (Gloucester, MA), 1836-1837.

Democratic Standard (Georgetown, OH), 1837-1844.

Evening Post (New York City), 1836-1844.

Freeman (Concord, MA), 1835-1844.

Illinois Free Trader and LaSalle County Commercial Advertiser (Ottawa, IL), 1841-1843.

Indiana Democrat (Indianapolis), 1836-1840.

Indiana State Sentinel (Indianapolis), 1841-1844.

Jeffersonian (Portland, ME), 1835-1836.

New-Hampshire Gazette (Portsmouth, NH), 1836-1844.

New-Hampshire Patriot and State Gazette (Concord, NH), 1836-1844.

Ohio Statesman (Columbus), 1837-1844.

Patriot and Democrat (Hartford, CT), 1836-1841.

Plebian (New York City), 1842-1844.

Post (Boston), 1842-1844.

Republican (Plattsburgh, NY), 1836-1844.

Republican Farmer (Bridgeport, CT), 1836-1844.

Republican and Working Men's Advocate (Elyria, OH), 1836-1837.

The Rhode-Island Republican (Newport, RI), 1838-1841.

Spectator (New York City), 1836-1844.

St. Lawrence Republican (Ogdensburg, NY), 1840-1844.

Telegraph (Gloucester, MA), 1835-1844.

The Times (Hartford, CT), 1836-1844.

Abolition Papers

The Emancipator (New York City and Boston), 1841-1844.

Liberator (Boston), 1836-1844.

Observer (Alton, IL), 1838.

Pennsylvania National Enquirer (Philadelphia), 1836-1844.

The Philanthropist (Cincinnati), 1836-1843.

The Signal of Liberty (Ann Arbor, MI), 1841-1844.

The Voice of Freedom (Brandon, VT), 1843-1844.

Unknown or No Party*

Colored American (New York City), 1837-1841.

Evening Star (Philadelphia), 1838

*Farmer's Cabinet** (Amherst, NH), 1835-1844.

Gazette and Courier (New Bedford, MA), 1836-1838.

*Journal of Commerce** (New York City), 1835-1844.

National Gazette and Literary Register (Philadelphia), 1836-1840.

Norfolk Advertiser (Dedham, MA), 1840-1844.

*Public Ledger & Daily Transcript** (Philadelphia), 1836-1844.

Record (Lynn, MA), 1835-1842.

Recorder (Boston), 1835-1844.

*Statesman** (Marshall, MI), 1843.

*Sun** (New York City), 1836-1844.

Vermont Telegraph (Baptist, Brandon), 1836-1838.

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Townsend *Kansas History* (Autumn 2010)