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The Gag Rule and the Politics of Slavery: A Brief Overview for Students and Teachers

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A Note for Students and Teachers: This overview essay should be read before embarking on projects dealing with primary source material on Rhode Island in the Gag Rule. The essay, which includes digital primary and secondary source material in the footnotes for students and teachers, details the national debate over the abolitionist mailings and petitions in the mid-1830s in the U.S. House of Representatives and the U.S. Senate. The essay also sets up the debate in Rhode Island over the abolitionist agenda, especially in the final pages. The essay is designed to provide students and teachers with detail not found in textbooks.

The Gag Rule and the Politics of Slavery: A Brief Overview for Students and Teachers

Well, sir, you begin with suppressing the right of petition; you must next suppress the right of speech in this House; for you must offer a resolution that every member who dares to express a sentiment of this kind shall be expelled, or that the speeches shall not go forth to the public – shall not be circulated. What will be the consequences then? You suppress the right of petition; you suppress freedom of speech; the freedom of the press, and the freedom of religion; for, in the minds of many worthy, honest, and honorable men, fanatics, if you please so to call them, this is a religious question. (John Quincy Adams, Register of Debates, House of Representatives, December 21, 1835, 24th Congress, 1st Session, p.2001).

It is the moral discussion of slavery that the slaveholders fear, and especially that going on at the North. They violated the sacred rights of the national mail, not to keep incendiary matter from the sight of their abject vassals, but to frighten the North from the discussion (Third Annual Meeting of the American Antislavery Society, New York, 1836)

In 1835, the newly formed American Antislavery Society (AASS), headquartered in New York City, set out to mail 175,000 items relating to the evils of

the institution of human bondage to southern states.¹ Founded in 1833, in the wake of the British Parliament's vote to outlaw slavery in its West Indian colonies, the AASS doubled in size in just a few years, with a roster of more than five hundred local auxiliaries in fifteen states.² In 1837, the AASS established an agency in the nation's capital. The coinciding rise of changes in printing techniques which enabled publishers to distribute illustrated materials at reduced rates help to spread the abolitionist message.³ By 1837, over 300,000 petitions had been sent covering the antislavery spectrum: 130,000 for the abolition of slavery in the District of Columbia; 182,000 against the annexation of Texas; 32,000 for the repeal of the gag rule; 21,000 for legislation forbidding slavery in territories; 23,000 for abolition of the interstate slave trade; and 22,000 against the admission of any new slave state.⁴

The abolitionist goal was to convert slaveholders by appealing to their sense of righteousness and justice, a strategy known as moral suasion.⁵ They were dedicated reformers who insisted that the moral question be kept at the front and center of public debate. Debates over the continued presence of slavery in the United States

¹ Corey M. Brooks, *Liberty and Power: Antislavery Third Parties and the Transformation of American Politics* (Chicago, IL: The University of Chicago Press, 2016), 17. See also Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge, La: Louisiana State University Press, 2000), 136-137.

² Henry Mayer, *All on Fire: William Lloyd Garrison and the Abolition of Slavery* (New York: St. Martin's Press, 1998), 217.

³ For a detailed overview see this entry from the British Library: <https://www.bl.uk/romantics-and-victorians/articles/print-culture>

⁴ David C. Frederick, "John Quincy Adams, Slavery, and the Disappearance of the Right of Petition," *Law and History Review* 9:1 (Spring 1991), 132.

⁵ For overviews of the abolitionist movement see James Brewer Stewart, *Holy Warriors: The Abolitionists and American Slavery*, rev. ed (New York: Hill and Wang, 1996) and Manisha Sinha, *The Slave's Cause: A History of Abolition* (New Haven: Yale University Press, 2016).

had accompanied the constitutional convention in 1787 and the ratification debates, the congressional prohibition of the slave trade in 1808, and the intense congressional debate over the admission of Missouri to the Union.⁶ However, by the 1830s, abolitionists and antislavery activism entered a new phase marked by a high-level of intensity.

By virtue of the three-fifths rule relating to the counting of slaves in determining the number of Congressmen given to a state, the United States House of Representatives was disproportionately slanted in favor of the slave-holding states. As a result, there was significant resistance to any discussion on matters relating to slavery. Southerners viewed attacks on slavery with hostility and horror, for they saw it as an opening wedge to ultimate abolition and a mixing of the races. The South's stand against abolitionist doctrine rested on constitutional theory, on considerations of political power and on the conception of southern honor.⁷ Southern reaction to abolitionist ideology was nearly unanimous in terms of condemnation, but the North posed dangers as well for abolitionists. There was a sizeable backlash against the rise of the AASS due in large part to the group's racial egalitarian views.

⁶ The best treatment of early antislavery political and constitutional thought remains William M. Wiecek, *The Sources of Antislavery Constitutionalism, 1760-1848* (Ithaca, NY: Cornell University Press, 1977). See also the essays in John Craig Hammond and Matthew Mason, eds., *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation* (Charlottesville, VA: University of Virginia Press, 2011) and Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2006).

⁷ For an informative history of the slaveholding class in the South see James Oakes, *The Ruling Race: A History of American Slaveholders* (New York: Knopf, 1982).

In November 1835, an angry mob in Boston stormed past the office of William Lloyd Garrison's abolitionist paper the *Liberator* with a large board highlighting fears of racial mixing. According to Garrison, the crowd later used the board as target practice.⁸ A month before, in October 1835, after his arrest, Garrison inscribed the following onto the wall of his jailhouse: "William Lloyd Garrison was put into this cell ... to save him from the violence of a 'respectable and influential' mob, who sought to destroy him for preaching the abominable and dangerous doctrine that 'all men are created equal.'"⁹ Always a keen observer of events, president-turned-Massachusetts congressman John Quincy Adams remarked in his diary, "We are in a state of profound peace and over-pampered with prosperity; yet the elements of exterminating war seem to be in fermentation, and one can scarcely foresee to what it will lead."¹⁰ By 1836, Garrison's *Liberator* warned of a "reign of terror" across the North.¹¹ Yet, abolitionists did not back down. They turned to petitioning state legislatures and the national government. They sent petitions to Congress calling for the end of slavery in the District of Columbia, the prohibition of the interstate slave trade, the recognition of Haiti, and the removal of the federal government to a free state.¹² During election seasons they frequently insisted on the

⁸ W. Caleb McDaniel, *The Problem of Democracy in the Age of Slavery: Garrisonian Abolitionists and Transatlantic Reform* (Baton Rouge: Louisiana State University Press, 2013), 55.

⁹ Mayer, *All on Fire*, 206

¹⁰ Quoted in David Waldstreicher and Matthew Mason, *John Quincy Adams and the Politics of Slavery: Selections from the Diary* (New York: Oxford University Press, 2017), 175. (August 15, 1835).

¹¹ *Liberator*, July 2, 1836; Mayer, *All on Fire*, 196.

¹² John Ashworth, *Slavery, Capitalism and Politics in the Early Antebellum Republic*, vol. 1 (London: Cambridge University Press, 1995), 129.

interrogation of regular party candidates to determine which ones were more favorable to their goals.¹³

Southerners, however, did not get down on their knees and repent their sins when presented with their moral failings nor did they consent to end slavery in Washington D.C. where slavery had a strong presence. On July 29, 1835, the postmaster for South Carolina wrote to Amos Kendall, the U.S. Postmaster General and a Kentucky slaveholder, asking for instructions on how to handle the onslaught of abolitionist mailings. A packet ship had arrived in Charleston, the citadel of American slavery, from New York City, containing a heavy cargo of antislavery publications, some addressed to prominent citizens. That same evening, a white mob solved the postmaster's problem by seizing the mailsacks and using them as kindling for a bonfire. Also burned were effigies of Garrison and the wealthy New York abolitionist, Arthur Tappan, who bankrolled significant abolitionist operations.¹⁴ This "daring outrage upon the very life blood of our free institutions, was the crime of more than the 3,000 citizens who celebrated its success," declared the New York abolitionist John Jay, Jr., the son of the famous Founding Father, in a report for the AASS.¹⁵

¹³ See this 1837 letter from abolitionist William Chace to Thomas Wilson Dorr: <http://library.providence.edu:8080/dorrletters/view?docId=tei/L0006.xml;query=chace;brand=default>

¹⁴ Sinha, *The Slave's Cause*, 250.

¹⁵ *Third Annual Report of the American Antislavery Society* (1836), 43.

The Charleston postmaster notified Kendall that “nothing short of a regular army” could protect the mail in the city. Amos Kendall gave permission to southern postmasters to refuse delivery.¹⁶ On August 5, President Andrew Jackson, a Tennessee slaveholder, informed Kendall that “in every instance the Postmaster ought to take the names down and have them exposed” through public “journals as subscribers to this wicked plan of exciting the negroes to insurrection and massacre.”¹⁷ Jackson then went as far as trying to see congressional legislation enacted prohibiting incendiary materials from the mail. The U.S. Congress did not take up Jackson’s call, but it was clear to northern abolitionists that a powerful Slave Power conspiracy was growing in the country.¹⁸

By the end of 1835, abolitionists instituted a campaign to attack this growing power. Nowhere was the fear of the Slave Power more evident than in the lengthy speech delivered by Vermont’s William Slade on the floor of U.S. House of Representatives calling for both an end to slavery and an end to the slave trade in Washington, D.C., where “the flag of freedom floats over the Capitol.”¹⁹ Southerners, especially South Carolinian politicians, led the opposition. South Carolina Governor George McDuffie, a key player in the Nullification Crisis from a few years before,

¹⁶ Kendall to Huger, August 4, 1835, quoted in Richmond *Enquirer*, August 25, 1835.

¹⁷ Jackson to Kendall, August 9, 1835. Library of Congress, [manuscript/mixed material](#).

¹⁸ See Leonard L. Richards, *The Life and Times of Congressman John Quincy Adams* (New York: Oxford University Press, 1986), 113-115.

¹⁹ *Register of Debates*, 24th Congress, 1st session, 2042 (December 23, 1835).

declared slavery to be the “cornerstone” of the state’s “republican edifice.”²⁰

McDuffie went on to call for the heads of radical abolitionists whom he believed were trying to foment a slave insurrection.

The Vigilance Association of Columbia, South Carolina, offered a \$1,500 reward for the conviction of any white person caught distributing Garrison’s newspaper.²¹ The editors of the *Columbia Telescope*, published in Charleston, demanded that “the question of slavery is not and shall not be open for discussion.” The “very moment any private individual attempts to lecture us upon its evils and immorality, and the necessity of putting means into operation to secure us from them, in the same moment, his tongue shall be cut out and cast upon the dunghill.”²²

In April 1836, on the floor of the U.S. Senate, South Carolina’s John C. Calhoun put forth a bill that would have allowed states to quarantine mail deemed incendiary. It ultimately failed, but the debate demonstrated how far proslavery ideologues were willing to go to limit constitutional protections.²³ In another speech, Calhoun succinctly argued the pro-slavery position against abolition doctrine, which in his analysis, was the “poison” pill. Abolitionists, according to Calhoun, were set to

²⁰ Quoted in William Goodell, *Slavery and Antislavery: A History of the Great Struggle in Both Hemispheres* (New York, 1852), 413. On the Nullification crisis see Richard E. Ellis, *The Union at Risk: Jacksonian Democracy, States’ Rights, and Nullification Crisis* (New York: Oxford University Press, 1989).

²¹ Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009), 460. See also William J. Cooper, Jr., *The South and the Politics of Slavery, 1828-1856* (Baton Rouge: Louisiana State University Press, 1978).

²² *Columbia Telescope* (Columbia, S.C.), quoted in James G. Birney, *The American Churches: The Bulwarks of American Slavery* (London: British and Foreign Anti-Slavery Society, 1840), 8.

²³ Wiecek, *The Sources of Antislavery Constitutionalism*, 176-177.

foment an “insurrection” that would lead to “servile war.” In the end, the Union would “perish.” Slavery was a positive good for the entire nation, not just the South. To follow the abolition path would result in the destruction of the “European race.” Moreover, nearly one billion dollars was at stake for the American economy.²⁴ As historian Lacy Ford argues in his detailed account of the period, the “failure of Calhoun’s bill and the success of Kendall’s informal policy seemed to put the future of the South in the hands of every incumbent president.” The controversy over the mail convinced “most white southerners that they had to put their differences aside on occasion to present a solid front against the abolitionist attack.”²⁵ At the end of 1837, Calhoun, always willing to put forth resolutions relating to slavery, drafted six resolutions in the Senate, with the first four focused on states’ rights and declaring that all “open and systematic attacks” on slavery violated the spirit of the Constitution.²⁶

By 1836, South Carolina, along with Georgia, Virginia and Alabama all demanded that northern states censor antislavery publications, associations and meetings. As the legal historian William Wiecek has argued, the South was basically demanding that northern states amend their legal systems to comply with slave-state conceptions of civil liberties.²⁷ Intense debate erupted in the North, particularly in

²⁴ See *Liberator*, February 27, 1836 for a copy of Calhoun’s lengthy address.

²⁵ Ford, *Deliver Us From Evil*, 498, 499.

²⁶ Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton, 2005), 476 and Wiecek, *The Sources of Antislavery Constitutionalism*, 187-188.

²⁷ Wiecek, *The Sources of Antislavery Constitutionalism*, 180.

Rhode Island where representatives from the former slave trading enclave of Newport were ready to support the South. The Newport town council on August 25, 1835, appointed a committee consisting of Benjamin Hazard, Henry Bull, Thomas Pitman, Robert B. Cranston, and Richard K. Randolph, a Virginian who made Newport his home after summering there, to prepare resolutions expressive of the opinions of Newport freemen about the attempts made “by the abolitionists” that were “calculated to produce insurrection in some of the states of the Union.”²⁸

For antebellum Americans, petitions served as the primary expression of citizen sentiment. Moreover, the reception and consideration of petitions symbolized an open, responsive government. The First Amendment of the Constitution stipulates that “Congress shall make no law ... abridging ... the right of the people ... to petition the government.” In a letter to the wealthy New York abolitionist Gerrit Smith, James Birney of Kentucky, a future candidate for President under the Liberty Party banner in 1840 and 1844, put it this way: the “contest is becoming--has become--one, not alone of freedom for the black, but of freedom for the white.” The “antagonist principles of liberty and slavery have been roused into action and one or the other must be victorious.”²⁹

²⁸ *Rhode Island Republican*, September 16, 1835 and *Newport Mercury*, August 29, 1835.

²⁹ Birney to Smith, September 13, 1835 in Dwight Dumond, ed., *Letters of James G. Birney, 1831-1857* (New York: 1939), 243.

On December 18, 1835, a petition calling for the abolition of slavery in D.C. from citizens of Cummington, Massachusetts, a small town in the western part of the state near the New York border, caused a stir on the floor of the House. After much back and forth on December 18 and 23, the petition was ultimately squashed. The vote was both partisan and sectional, with the majority of northern Whigs, including John Quincy Adams, voting to hold a full debate.³⁰ Adams, along with William Slade and Joshua Giddings of Ohio led the anti-gag forces in the House in the ensuing years.³¹ It is important to note that there were varying degrees of antislavery sentiment on the anti-gag spectrum. Adams wholeheartedly believed that the gag was unconstitutional, but in terms of whether or not Adams wanted to see Congress take up abolition in the capital that was another story. He told the House that he did not support abolishing slavery in Washington, D.C. In a letter to Alexander Hayward, a Coventry, Rhode Island, abolitionist, Adams wrote, “I do not think it just or generous that you should be the Petitioner to impair their right of property and not your own. The Inhabitants of the District of Columbia have a right to petition the Legislature of Rhode Island to pass a law for taxing you and your estate, what would you think of such a petition?”³² In the ensuing years, after seeing the threats that slaveholders posed to democracy up close and personal in the House, Adams began to change

³⁰ *Journal of the House*, 24th Congress, 1st sess., (December 1835), pp.83-85.

³¹ James McPherson, “The Fight Against the Gag Rule: Joshua Leavitt and Antislavery Insurgency in the Whig Party, 1839-1842,” *Journal of Negro History* 48:3 (July 1963), 179.

³² Quoted in Frederick, “John Quincy Adams, Slavery, and the Disappearance of the Right of Petition,” note 69, page 150.

tactics. His southern colleagues in the House were then referred to as the “slave-mongers.”³³

The Rhode Island Whig delegation of Dutee Pearce and William Sprague, Jr., sided with Adams. South Carolina Congressman James Henry Hammond demanded that abolitionist petitions, which had been flooding into the corridors of power in Washington for months, be discarded with no recognition given. Hammond, a brutal slaveowner who had affairs with numerous young female slaves on his plantations, had married into the upper echelon of Charleston society and studied at Carolina College under the proslavery ideologue Thomas Cooper.³⁴ One historian has remarked that Hammond “succumbed to the myth of the Old South even before the South was old and before there was a myth.”³⁵ Hammond would later coin the phrase “cotton is king.”

In a speech in early 1836, Hammond gave a detailed overview that clearly demonstrated the impact of the abolitionist campaign, including mention of the Rhode Island Anti-Slavery Society and signatures from residents of Pawtucket.³⁶ Indeed, the opening third of his floor speech covered the history of Garrisonian

³³ Waldstreicher and Mason, *John Quincy Adams and the Politics of Slavery: Selections from the Diary*, 290.

³⁴ Miller, *Arguing About Slavery*, 478.

³⁵ Carol Bleser, *Secret and Sacred: The Diaries of John Henry Hammond, A Slaveholder* (New York: Oxford University Press, 1988), 304.

³⁶ For more on the Rhode Island Antislavery Society see: John Myers, “Antislavery Agents in Rhode Island, 1835-1837,” *Rhode Island History* (Winter 1971), 21-32: https://www.rihs.org/wp-content/uploads/2020/02/1971_Jan.pdf and Deborah Bingham Van Broekhoven, *The Devotion of These Women: Rhode Island in the Antislavery Network* (Amherst: University of Massachusetts Press, 2002)

radical abolitionists from 1831-1835. However, abolitionist doctrines, according to Hammond, could only lead to a “bloody” and “exterminating” war in the country between Whites and Blacks. “I endeavor to convince my neighbors that these pamphlets are false in every particular, and that if they join in the cry of abolition, they must partake of the enormous sin of bringing on a civil war, of destroying our Union, and of causing a renewal of the horrors of St. Domingo,” a reference to the Haitian Revolution at the end of the 19th century. “I will go home to preach, and if I can, to practice disunion, and civil war, if needs be. A revolution must ensue, and this Republic sink in blood. The only remaining chance for the Abolitionists to succeed in their nefarious schemes will be by appealing to the slaves themselves.”³⁷ Hammond justified the gag rule on the ground that in demanding abolition in the nation’s capital abolitionists were asking Congress to pass a law that would violate a slaveholders’ rights of property.³⁸

Another South Carolinian, Henry Laurens Pinckney, a man with political ambitions to be included on Vice President Martin Van Buren’s ticket for the presidency in 1836, proposed in an effort to tamper down Hammond’s hard-liner position, that Congress send all abolitionist petitions to a select committee that he was

³⁷ *Remarks of Mr. Hammond, of South Carolina, on the question of receiving petitions for the abolition of slavery in the District of Columbia* (Washington, DC, 1836), 12. See also William Lee Miller, *Arguing About Slavery: The Great Battle in the United States Congress* (New York: Alfred A. Knopf, 1996), 138-139.

³⁸ This property-rights argument would be countered by Theodore Dwight Weld in his pamphlet, *The Power of Congress over Slavery in the District of Columbia* (1838).

in charge of.³⁹ Pinckney was descended from a long and distinguished line of southern statesmen. He was the son of Charles Pinckney, a key southern delegate in the 1787 Constitutional Convention. His maternal grandfather had been captured by the British on his way to negotiate for the American patriots during the Revolution and locked in the Tower of London.⁴⁰ During the Nullification crisis, Pinckney, as editor of the *Charleston Mercury*, made a name for himself as a key ally of John Calhoun against President Andrew Jackson.

In addition to Pinckney, Speaker of the House James K. Polk, a Tennessee slaveholder and future president, appointed Thomas Hamer from Ohio, Franklin Pierce from New Hampshire, Benjamin Hardin from Kentucky, George Owens from Georgia, Henry Muhlenberg from Pennsylvania, George Dromgoole from Virginia and Joel Turrill from New York – all Democrats.⁴¹ In March, in the Senate, James Buchanan, a Pennsylvania Democrat and another future president, proposed that anti-slavery petitions be received, but that the accompanying prayers for abolition immediately be rejected without consideration, which passed by a vote of 34-6.⁴²

The Pinckney committee returned in May with a three-pronged report that included proposals calling for the public acceptance of the principle that Congress

³⁹ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (Oxford University Press, 2007), 509-512.

⁴⁰ Miller, *Arguing About Slavery*, 140-141.

⁴¹ Edward B. Rugemer, "Caribbean Slave Revolts and the Origins of the Gag Rule: A Contest between Abolitionism and Democracy, 1797-1835," in John Craig Hammond and Matthew Mason, eds., *Contesting Slavery*: 109-110.

⁴² *Register of Debates*, 24th Congress, 1st Session (March 14, 1836) p. 810.

possessed “no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy.” Congress “ought” not to interfere with slavery in the District of Columbia (though not declaring it necessarily unconstitutional). And, finally, the all-important third resolution: all “petitions, memorials, resolutions, propositions or papers, relating in any way, and to any extent whatsoever, to the subject of slavery, or the abolition of slavery, shall, without being printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.”⁴³

Only nine members of the House, including John Quincy Adams but none from the Rhode Island delegation, voiced opposition to Pinckney’s first resolution about the inability of Congress to act upon slavery in the states. While Adams was given no room to speak, not a mere “five minutes,” as he said, to challenge, he did find a way to make a case the next day in terms of what Congress and the Executive could do in times of war when it came to slavery.⁴⁴ Adams’ viewpoints would later provide a blueprint for the Republicans during the Civil War.⁴⁵ Thirty-seven of his northern Whig colleagues joined him in opposing the non-interference plank Pinckney included as his second resolution, but it too was adopted.⁴⁶ The third

⁴³ *Register of Debates*, 24th Congress, 1st Session (May 18, 1836), pp.3756-3757 and *Register of Debates*, 24th Congress, 1st Session (May 26, 1836), p.4050. See also Miller, *Arguing About Slavery*, 144-145.

⁴⁴ *Register of Debates*, 24th Congress, 1st Session (May 25, 1836), p.4032, 4046. See also Richards, *The Life and Times of Congressman John Quincy Adams*, pp.122-123.

⁴⁵ See James Oakes, *Freedom National: The Destruction of Slavery in the United States 1861-1865* (New York: W.W. Norton, 2012), 348.

⁴⁶ Richards, *The Life and Times of Congressman John Quincy Adams*, 124.

proposal, the infamous gag, went into effect with a vote of 117-68 on May 26. When the clerk came to his name in the roll call, John Quincy Adams rose up from his seat and boldly declared: “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.”⁴⁷ According to Calhoun, Adams was a “mischievous old man” bent on thwarting the interests of slaveholders.⁴⁸

Pinckney’s resolutions, while not as stringent as Hammond’s, still were produced out of fear that abolitionist petitions were “incalculably evil,” part of a “cruel and fanatical crusade,” and were “dangerous to the Union.” If read and fully debated on the floor of the House, they threatened to “overthrow the whole system of civil society in the slaveholding portions of the Union.” Whereas abolitionists often invoked the Constitution’s guarantee of republican government clause as a weapon against the Slave Power, Pinckney threw this back in their faces, arguing that the abolitionist agenda threatened utter death and ruin to white southerners, destroying their ability to run republican governments.⁴⁹

Nearly four out of five northern Democrats voted to stifle debate and nine of ten of all southern representatives of both major parties voted in favor of Pinckney’s

⁴⁷ *Journal of the House of Representatives of the United States*, 24th Congress, Appendix (May 27, 1836) p.1410.

⁴⁸ Quoted in Frederick, “John Quincy Adams,” 134.

⁴⁹ *Register of Debates*, Speech of Henry Pinckney, 24th Cong., 1st sess., Appendix to Gale and Seaton’s Register, pp.104, 111. The full report runs from pp.104-111.

plan.⁵⁰ During the closing arguments over Pinckney's resolutions, Adams rose in protest, but before he could proceed with a speech, southerners blocked him. "Am I gagged or not?" Adams asked, giving Pinckney's third resolution its name.⁵¹ Yet, this did not stop abolitionists from circulating their agenda. As historian Manisha Sinha notes in her comprehensive history of the movement, abolitionists would go on to send over six hundred thousand petitions with nearly two million signatures to Congress and state legislatures.⁵² For Adams, he was, as James Traub has noted, "staging a theater of martyrdom – a species of drama to which, thanks to his rhetorical gifts" he "was supremely well suited."⁵³

In 1840, the House made the gag rule part of its standing operating procedure. This would last until the end of 1844 when it finally came to end in dramatic fashion in the House.⁵⁴ On December 3, 1844, the gag rule was repealed. Adams had the date engraved on the top of the cane. Adams willed the cane to the American people, and it was later transferred from the patent office to the Smithsonian.

In the early years of the gag rule, the vast majority of Democrats in the House, both northern and southern, supported it, while the Whig party was split along

⁵⁰ Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln*, 452. See also Richards, *The Life and Times of Congressman John Quincy Adams*, 115.

⁵¹ *Register of Debates*, 24th Congress, 1st Session (May 25, 1836), 4030.

⁵² Sinha, *The Slave's Cause*, 252.

⁵³ Traub, *John Quincy Adams: Militant Spirit* (New York: Basic Books, 2016), 435.

⁵⁴ Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York: Oxford University Press, 2001), 77. See Traub, *John Quincy Adams*, 507-509 and Miller, *Arguing About Slavery*, 470-477. See also Adams' provocative April 1844 speech in the House: <https://digital.library.cornell.edu/catalog/may837614>

sectional lines. In the 1840s, Northern Democrat support for the Gag Rule began to wane.⁵⁵ The Senate gag rule based on procedural rule to table the reception of abolitionist petitions lasted into the 1850s.⁵⁶ It was the product of Southern fears for the long-term health of slavery and northern desires to avoid a sectional conflict that could destroy the Union.

Not content with forbidding discussion of anti-slavery petitions in the House the slaveocracy, also wanted northern states to clamp down on anti-slavery organizations. Most northern states received letters addressed to their governors requesting action. Rhode Island was no exception. It received letters from numerous Southern states asking for action to outlaw anti-slavery societies and institute a gag rule on its citizens. On the state level, abolitionists petitioned legislatures to challenge the national gag rule and to condemn the actions of slaveholders.⁵⁷

The executive committee of the Rhode Island Antislavery Society, one of the more robust state-level auxiliaries in the North, asked whether this state, “renowned in the annals of other States for its justice to all, its impartial toleration of opinions, and its magnanimous and uniform protection of the freedom of speech and the rights of conscience, shall now be deprived of this precious inheritance?” The committee

⁵⁵ See Traub, *John Quincy Adams*, 507-508.

⁵⁶ See Daniel Wirls, “‘The Only Mode of Avoiding Everlasting Debate’: The Overlooked Senate Gag Rule for Antislavery Petitions,” *Journal of the Early Republic* 27:1 (Spring, 2007), 115-138.

⁵⁷ See Kate Masur’s discussion of the petitioning campaigns of state level abolitionist organizations on a wide variety of issues, including the gag rule and discriminatory Black Laws that prevented African Americans from voting or receiving an equal education. Masur, *Until Justice Be Done: America’s First Civil Rights Movement, From the Revolution to Reconstruction* (New York: W.W. Norton, 2021).

further inquired whether citizens should be “subjected” to a “servile and mercenary few” intent on the “mean and oppressive purpose of condemning unheard, and injuring in their good name, a large, unoffending, and faithful portion of its citizens, marking them out as standing objects” of the “apologists for American republican slavery.”⁵⁸

In the summer of 1835 at a Newport town council meeting, the topic of abolition societies arose which precipitated debates on abolition that were to follow in the General Assembly the next year.⁵⁹ Newport was at the time a favorite vacation place for many southern plantation owners. Its moderate climate in summer offered a respite from the oppressive summer heat of the South and as such became a summer colony to slaveholding families who were usually accompanied by their domestic slaves. One such southerner, Richard K. Randolph (1781–1849), became a year-round resident when he married Anne Maria Lyman of Newport. Randolph hailed from a prominent slaveholding Virginia family and served in the Rhode Island House of Representatives from 1837 to 1844.⁶⁰ The committee completed a lengthy report in September 1835. The eleven resolves in the report placed blame on the abolitionists,

⁵⁸ *Liberator*, July 2, 1836.

⁵⁹ Newport was not the only town in Rhode Island in 1835 to hold an anti-abolition meeting as anti-abolition sentiments were widespread. Woonsocket held a mass anti-abolition meeting on August 22, followed by Pawtucket on September 9, Smithfield (Lime Rock) on October 16 and Providence on November 2. It appears however that only the Newport resolutions were submitted as a petition to the state’s General Assembly. The resulting resolutions of the other town meetings were printed in the local press only.

⁶⁰ For more on Randolph, especially during the 1842 Dorr Rebellion in Rhode Island, see Erik J. Chaput and Russell J. DeSimone, “Newport County in the 1842 Dorr Rebellion,” *Newport History* 83 (2014) Available at: <https://digitalcommons.salve.edu/newporthistory/vol83/iss271/2>

specifically on the “desperate leaders of the Anti-Slavery Societies who cannot be ignorant of the mischief they are working.”

The resolutions, while supposedly developed in committee, have all the markings as coming from the pen of Benjamin Hazard (1774–1841). Hazard was the author of a racist 1829 report on the extension of suffrage and some of the Newport resolutions were taken verbatim from this earlier report, especially where Hazard questioned whether “the African race who Nature herself has distinguished by indelible marks, and whom the most zealous asserters of their equality admit to be, if not a distinct species, at least a variety of the human species, and all experience has shown us that distinct races, (if we may not say species) of men, can never be so far assimilated as to embrace the same views of common good, or to unite in pursuing the same common objects and interest.”⁶¹

While all of the Newport resolutions addressed slavery in various ways, including immediate emancipation, colonization, slave insurrections, the inability of the Negro to self-govern, state rights, it was the ninth resolution that addressed freedom of the press, noting it would be best “secured by guarding it against such abuses.” It is not for “such bold offenders to appeal to the *freedom of the press*. The

⁶¹ See “Report of the Committee on the Subject of an Extension of Suffrage,” (1829), 20–21.

public and the laws will take care of the freedom of the press: and they will take care that it shall not be so abused, with impunity.”⁶²

While the Newport petition was the first anti-abolition protest to reach the Rhode Island General Assembly it was not the last. Late in December 1835 the state of Georgia sent a report and resolution of its legislature addressed to the northern states. The Georgia correspondence was but the first to arrive from slave-holding states, soon similar correspondence from other slave-holding states followed, Alabama in January and Kentucky and Mississippi in February. Newspapers reported that on January 28, 1836, on a motion made by Randolph in the House of Representatives, the communications from the governors of North Carolina, South Carolina and Georgia, relative to the proceeding of Abolition societies, were presented.⁶³

By March several northern states sent their reports and resolutions concerning the agitation caused by the abolitionists. On March 24, 1836, Maine sent a report with resolutions from its legislature to Rhode Island. An excerpt reads: “Slavery is a question in which we as a state have no interest, it is unknown in Maine, and those States who recognize its existence, have the exclusive control of the subject within their borders. As one of these United States, it is not for Maine, or the citizens of

⁶² *Rhode Island Republican*, September 16, 1835. The quote is taken from the ninth resolution of the Newport Town council petition.

⁶³ *Herald of the Times*, February 4, 1836.

Maine to interfere with the internal regulations of any other Independent State; no possible good can result from such an interference with the affairs over which they can exercise no control.” Ohio and Michigan soon followed with similar resolutions.⁶⁴

At the April statewide elections, Providence attorney Thomas Wilson Dorr was elected to the state Assembly. Dorr was a major adversary to Benjamin Hazard during not only the debate over the gag rule, but also on election law reform. Dorr would continue to do battle with Hazard during his time in the House, on issues relating to banking reform, prison reform, and constitutional reform.⁶⁵ Following the formation of the new legislature in May, Dorr, along with four others, was assigned to a committee “to consider and report upon the memorials of divers citizens of the state, relating to the subject of Free Discussion and the Liberty of the Press; and that said committee be directed to hear such testimony as may be directed to them by, or in behalf of the petitioners.”⁶⁶ Dorr, an ardent antislavery Whig, was appointed chairman of this committee. At the same session it was enacted that all documents concerning the subject of the abolition of slavery transmitted to the Governor of the state and all other papers now in the files of the House be referred to the committee. In so doing all decisions by the state of Rhode Island would now be addressed in the reports

⁶⁴ Rhode Island State Archives files relating to 1836 Abolition petitions. Folder #6: Maine; Folder #7: Michigan; and Folder #12: Ohio. Special thanks to archivist Ken Carlson for help locating these petitions.

⁶⁵ Patrick T. Conley, *Democracy in Decline: Rhode Island's Constitutional Development, 1776-1841* (Providence: Rhode Island Historical Society Press, 1977), 265-266, 278-279.

⁶⁶ The committee was, in addition to Dorr, comprised of Joseph M. Blake of Bristol, George W. Gavitt of Westerly, Benjamin Hazard of Newport and Thomas T. Hazard of West Greenwich.

issued by this committee. The intent was for the committee to meet on the evening of June 22 to consider all the petitions so far received. Dorr, as chairman of the committee, unilaterally placed ads in local newspapers announcing the scheduled meeting and suggesting those memorialists in attendance would be heard.

However, a protracted debate began in the House of Representatives that afternoon pitting arch conservative Benjamin Hazard against the liberal-minded Dorr and others. The debate revolved on the question of whether or not representatives of the abolition movement would be allowed to testify in person at the evening committee hearing.⁶⁷ The American Anti-Slavery Society brought in some of their best agents to make an oral argument. Of concern to the abolitionists was a proposed RI bill introduced by Benjamin Hazard in January that provided “all overt acts and practices calculated and designed to incite the slaves in the slaveholding states against their masters encouraging them to insurrection, and thereby endangering the property, safety and lives of the people of those states should be deemed to be criminal offences and punished, etc.” Henry Stanton (husband of Elizabeth Cady Stanton) and Amos Phelps were sent to Rhode Island to prepare for the June showdown in the General Assembly. Stanton took sick and remained in Providence while fellow abolitionists C.C. Burleigh and David L Child (husband of Maria Lydia Child) joined

⁶⁷ See *Providence Journal*, June 23 and June 24, 1836

Phelps and went to Newport to prepare legal briefs to present to Dorr's committee.⁶⁸ William Lloyd Garrison also went to Newport. After much discussion in the General Assembly on Hazard's proposed bill the subject was tabled. Benjamin Hazard did not get his gag rule put into law, but he did deny the abolitionists the opportunity to present their case when he moved Dorr's committee meeting scheduled for that evening be canceled.

The debates in the General Assembly in 1836 did not place a gag rule on abolition petitions, as was the case in the U.S. Congress. The Rhode Island House did receive a number of anti-slavery petitions that year from across the state totaling just under one thousand signatures. Meanwhile, petitions and memorials that were received from anti-abolitionists were few, all warning about the threat of disunion created by abolitionist writings. What the Rhode Island House did do was deny representatives from anti-slavery societies from appearing in person to give testimony before the committee charged with hearing such matters and in that sense it did largely curtail legislative discussion on the issue of slavery.

⁶⁸ See John L. Myers, "Antislavery Agents in Rhode Island, 1835 – 1837," *Rhode Island History* 30:1 (Winter 1971), 21-32.