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## Abolitionist literature and the mails in Jackson's time

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ABOLITIONIST LITERATURE  
AND THE MAILS  
IN JACKSON'S TIME

A Thesis

Submitted to the  
Faculty of the Department of History and Government  
Municipal University of Omaha

In Partial Fulfillment  
of the Requirements for the degree of  
Master of Arts

by

Ruth Barrett

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R. B.

## TABLE OF CONTENTS

| <u>Chapter</u>  | <u>Page</u> |
|---|-------------|
| I. INTRODUCTION   | 1           |
| II. ABOLITIONIST LITERATURE - EVIDENCES OF<br>LITERATURE IN MAILS   | 9           |
| Early Abolitionists - Work of American<br>Anti-Slavery Society - Other Writers and<br>Publications - Pamphlet Campaign of 1835 -<br>Evidences of Use of Mails |             |
| III. ACTION TAKEN IN INDIVIDUAL STATES  | 28          |
| States of South   |             |
| Alabama - Georgia - Kentucky - Louis-<br>iana - Maryland - Mississippi - North<br>Carolina - Tennessee - Virginia - South<br>Carolina                         |             |
| States of North   |             |
| Connecticut - Maine - Massachusetts -<br>New York   |             |
| IV. ACTION TAKEN BY FEDERAL GOVERNMENT  | 71          |
| Postmaster General's Letter to President  |             |
| Postmaster General's Report to President  |             |
| President's Annual Message to Congress  |             |
| Debate in Senate on Select Committee  |             |
| Calhoun's Report and Bill   |             |
| Debate on Bill and Amendments   |             |
| Rejection of Bill   |             |
| V. CONCLUSION   | 100         |
| BIBLIOGRAPHY  | 106         |

## CHAPTER I

### INTRODUCTION

The transmission of abolitionist literature through the United States mails was one of the issues which early involved the national government in the slavery controversy and one which intensified the bitterness between North and South. In spite of the fact that there had been a movement among some Southerners, even stronger than any in the North, to eradicate slavery, the introduction of this literature into the South did much to weld the Southerners together as a unit, in defying the North and the federal government--and in defending the doctrine of states' rights and the institution of slavery.

Before the appearance of this literature, many of the great planters themselves were quite willing to have slavery disappear and continued to keep their slaves only as a matter of convenience, rather than because of any conviction that slavery was justified. It was Patrick Henry who said "Would anyone believe that I am Master of Slaves of my own purchase! I am drawn along by the general Inconvenience [sic] of living without them; I will not, I cannot justify it,"<sup>1</sup> while Thomas Jefferson said "I tremble for my country when I reflect that God is just; that his justice cannot sleep forever."<sup>2</sup>

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1. Samuel E. Morison and Henry Steele Commager, The Growth of the American Republic. I, p. 246.
  2. Ibid.

State abolition in parts of the upper South was discussed, while many planters left provisions in their wills for the freeing of their slaves. During the two decades following 1790, the free negro population in the South almost quadrupled as a result of manumission.<sup>3</sup> In 1831-32, the Virginia legislature seriously considered the abolition of slavery in the state. Action was delayed largely because of the great expense that would have been involved in compensating the owners and transporting the negroes from the country.<sup>4</sup> When the American Colonization Society was formed in 1817, it was with the support of slaveholders in Virginia, Maryland, and Kentucky, rather than as an exclusively Northern project.

The North had never found slavery to be as advantageous economically, as had the planters of the South. Consequently, it had not gained the foothold there that it had in the South. Much of the opposition to slavery in the North was due to the fear of the political supremacy which the South might gain.<sup>5</sup> Many Northerners, however, sincerely detested the idea of slave labor.

As an issue, however, the slave question was "somewhat dormant" for a period of ten years after the passing of the Missouri Compromise in 1820-21. As late as 1831, there was little being done in the way of organized effort to abolish slavery.<sup>6</sup> The American Colonization Society was the only

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3. Simpkins, The South Old and New, p. 37.

4. Ibid.

5. John W. Burgess, The Middle Period 1817-1858, pp. 62-64.

6. James Schouler, History of the United States of America, IV, p. 206.

group trying to do anything and its efforts were ineffective.<sup>7</sup> "In 1830 there was little conscious anti-slavery feeling in either section. The few agitators, of whom Benjamin Lundy was the chief, were in despair at the apathy of the North."<sup>8</sup> Although there were a great many people in the North who disliked slavery, they disclaimed any intention of trying to interfere with it, in the states where it existed. Their principle was that it should be confined and not be permitted to spread into new territory. There were, however, a few agitators, like Lundy and Rankin, who were bent on destroying the institution.<sup>9</sup>

The movement against slavery in the North began more as a religious revival movement. Under the leadership of Charles G. Finney, this movement started in the 1820's, but included various reform efforts and later grew in importance and in scope. Temperance was a main objective. Theodore Weld was recruited as a member and became, by 1830, one of the most powerful agents of the American Temperance Society in the West. The movement became very strong in New York City. Work was carried on through the formation of various benevolent societies. Lewis and Arthur Tappan became very influential leaders and did a great deal to help the cause financially, as well as to lend their personal efforts. Leaders of these societies were eventually influenced by British anti-slavery forces to take up the cause of abolition. In December, 1833,

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7. Schouler, History of the United States of America, IV, 212.

8. Albert Bushnell Hart, Slavery and Abolition, p. 173.

9. Ibid., pp. 173-174.



the American Anti-Slavery Society was organized at a meeting in Philadelphia. This organization advocated immediate emancipation gradually accomplished. During the first year of their existence, members of the Society aroused greater hostility toward the abolitionists, among the Northerners, than toward the slaveholders of the South.<sup>10</sup> Such incidents as the seizure of William Lloyd Garrison were evidence of this Northern hostility.

However, it was this Society "which gave form and much of the driving force to the abolition movement."<sup>11</sup> They undertook a campaign of literature to win converts in the South, in 1835. In one month, they planned to issue from 20,000 to 50,000 of some publication every week.<sup>12</sup> In an effort to incite the slaves to rise up against their masters and to get the support of non-slaveholders in the South, they pictured the masters as very cruel and abusive men and often exaggerated the worst side of slavery. There was the frontispiece used by Garrison, which was "a pictorial representation of an auction of 'slaves, horses, and other cattle' with a slave tied to a whipping post...."<sup>13</sup> They undertook to flood the South with pamphlets and newspapers, most of which were given away.

Once this propaganda literature began to reach the South, the earlier attempts at emancipation by Southerners were forgotten. Even the non-slaveholders joined with the slaveholders

10. Charles S. Sydnor, The Development of Southern Sectionalism 1819-1848, pp. 229-231.

11. Ibid., p. 232.

12. Gilbert H. Barnes, The Anti-Slavery Impulse, 1830-1844, p. 100, footnote (Elizur Wright, Jr. to Weld, June 10, 1835, Weld MSS)

13. Daniel Wait Howe, Political History of Secession, p. 66.

in protesting against the right of any Northerner to interfere with their economic system. It was an encroachment on the rights of the states and any threat to the existence of slavery only served to infuriate the South. "This tidal fury could not be conciliated."<sup>14</sup> The Southerners held meetings and destroyed abolitionist literature sent through the mails. Vigilance committees and state legislatures requested the North to pass legislation which would restrain the abolitionists.<sup>15</sup>

The fury of the South eventually culminated in the breaking into the United States Post Office at Charleston, South Carolina. There, on July 29, 1835, a crowd forced their way into the post office and seized some of the literature which had arrived for distribution.<sup>16</sup> This was the first outbreak of actual violence, which could be directly attributed to the use of the mails in disseminating abolitionist literature, although there had been earlier seizures.<sup>17</sup> After burning the mail taken from the post office, they made arrangements with the postmaster to receive no more of the seditious literature, or, at least, not to distribute it. The postmaster, realizing the difficult situation, wrote to the Postmaster General for instructions in regard to withholding such literature.<sup>18</sup>

The Postmaster General did not give a definite answer. He replied that he did not have the authority to give the

14. John Jay Chapman, William Lloyd Garrison, p. 101.

15. Ibid.

16. Niles' Weekly Register, XLVIII, (August, '8, 1835), p. 393.

17. Jesse Macy, The Anti-Slavery Crusade, p. 75.

18. Niles' Register, XLVIII, (August 8, 1835), p. 403.

Charleston postmaster permission to withhold any mail. Yet, neither would he instruct him to continue to distribute such troublesome matter. He would neither sanction nor condemn the Charleston postmaster for submitting to the demands of the mob. He expressed the idea that, although adherence to the law was obligatory, there were times when the circumstances within a community made it more patriotic to disregard the law. He left it up to the Charleston postmaster to make his own decision, as to what should be done with future abolitionist matter that would arrive in the Charleston Post Office.<sup>19</sup>

The Postmaster General seemed to be aware of his peculiar position. He was under oath to fulfill his duties as head of the Post Office Department. It was his obligation to see that nothing obstructed the carrying of the mails. On the other hand, he could see the danger of distributing the seditious literature sent from the North to the South, in an effort to arouse slaves to turn against their masters. He considered it beyond his power to instruct the Southern postmaster to interfere with, or not to interfere with, the literature. Such instructions must come from a higher authority, which could only be Congress. It involved the question of freedom of the press, which was guaranteed in the Constitution. It was this constitutional right upon which the abolitionists of the North depended for protection.<sup>20</sup>

The Postmaster General did, however, refer the matter to

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19. Ibid., p. 448.

20. Chapman, William Lloyd Garrison, p. 99.

the President.<sup>21</sup> In his report, submitted to President Jackson on December 1st, 1835, he described the Charleston affair and discussed at length the constitutional right of the Southern states to protect themselves from the attacks made by citizens of other states, upon an institution which was legally recognized in the Southern states. He called attention to the fact that some Southern legislatures had already passed laws prohibiting the circulation of incendiary literature within their borders. He could not see, then, how it could be within the power of the national government

to maintain that they are bound to afford the agency of their mails and post offices, to counteract the laws of states in the circulation of papers calculated to produce domestic violence, when it would at the same time, be one of their most important constitutional duties to protect the states against the natural if not necessary consequences produced by that very agency.<sup>22</sup>

The postmaster at Charleston had merely withheld the use of the post office as an agency to circulate papers prohibited in some of the Southern states, because they tended to provoke violence. It was for Congress to decide whether further national legislation should deprive the Northern writers of the use of the mails, as an agency for violating the constitutional rights of the Southern states.<sup>23</sup>

President Jackson, in his annual message to Congress, called for action to prevent the mails from being used as an agency for circulating further incendiary literature.<sup>24</sup>

21. John Spencer Bassett, Editor, Correspondence of Andrew Jackson, V, pp. 359-360.

22. Bassett, Editor, Correspondence of Andrew Jackson, V, pp. 359-361.

23. Ibid.

24. Congressional Globe, 24 Congress, 1 session, p. 10.

After a select committee in the Senate had made its report, a bill to prohibit the use of mails for the distribution of incendiary literature was introduced, but it failed to pass.<sup>25</sup> It was left to the individual states to take what action they would.

Thus, until the Northern abolitionists began to flood the mails with anti-slavery literature, many Southerners had taken an apologetic point of view toward slavery. The appearance of the abolitionist literature, however, changed the situation. The South immediately became united and began to fight to justify their "peculiar" institution.

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25. Cong. Globe, 24 Cong., 1 sess., p. 539.

## CHAPTER II

### ABOLITIONIST LITERATURE

#### EVIDENCES OF LITERATURE IN MAILS

The first anti-slavery publications appeared in slaveholding states, but the authors were forced to move northward. During the late 1820's and 1830's, the number of anti-slavery writers increased noticeably and most of them, at least in the 1830's, were publishing their works in the North. It was from New York City that the American Anti-Slavery Society, beginning in 1835, mailed a vast amount of anti-slavery literature to individuals and to post offices in the South. There is evidence to show that a considerable amount of this literature reached the South.

There can be little doubt that there was a great amount of abolitionist and anti-slavery literature published during the thirty years preceding the Civil War. Dumond states that there "was a vast difference between antislavery and abolition."<sup>1</sup> He claimed that the tests of abolitionism were a willingness, on the part of non-slaveholders, to use compulsory methods to bring about emancipation, a refusal to accept expatriation, and a determination to grant "all the privileges and civil liberties of free men" to the slaves, once they were

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1. Dwight L. Dumond, Anti-Slavery Origins Of The Civil War, p. 34.

emancipated.<sup>2</sup> When referring to abolitionist literature, hereafter, no such tests shall be applied. The term "abolitionist literature" shall be used to apply to any type of literature of which the ultimate purpose was to help promote the undermining of slavery, as an institution, in the United States.

The abolitionist movement seems to have had its greatest support, before 1830, from evangelical church members of the South. The first periodical published primarily to discuss slavery was The Philanthropist, published by Charles Osborne, at Mt. Pleasant, Tennessee. Osborne had come originally from North Carolina and later moved to Ohio.<sup>3</sup> Many of these people eventually migrated to western Virginia, Tennessee, Kentucky and the region across the Ohio River. The region about Cincinnati, Ohio, came to be a center of abolitionist activity.

In 1829, a free negro in Boston issued a pamphlet, called Walker's Appeal, which was definitely abolitionist in tone. It is known to have reached Virginia and was believed by many, to have influenced the Nat Turner insurrection of 1831.<sup>4</sup> The publication was also received in North Carolina. The North Carolina legislature sat in secret session, regarding it. "The South may reasonably be alarmed," wrote Garrison, "at

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2. Ibid.

3. Avery Craven, The Coming Of The Civil War, pp. 119-120, quoting from Asa Martin, "Pioneer Anti-Slavery Press", Mississippi Valley Historical Review, II, pp. 509-528.

4. Hart, Slavery And Abolition, pp. 217-218, quoting Garrisons' Garrison, I, pp. 159-162, Walker's Appeal, p. 5.

the circulation of Mr. Walker's Appeal; for a better promoter of insurrection was never sent forth to an oppressed people."<sup>5</sup>

Among the abolitionist publications issued monthly, during the 1830's were the Anti-Slavery Record, Human Rights, The Slave's Friend, and The Emancipator. There was also the Quarterly Anti-Slavery Magazine. During the period May, 1835, to May, 1836, the American Anti-Slavery Society alone was responsible for circulating 1,095,000 periodicals.<sup>6</sup>

Benjamin Lundy was probably the first to devote his entire life to the cause of abolition and he was forced to move North after starting out in the South.<sup>7</sup> The establishment of his Genius of Universal Emancipation, at Mt. Pleasant, Tenn., in 1821, followed immediately the struggle over the admission of Missouri as a state.<sup>8</sup> He had previously spent some time working with Charles Osborne on The Philanthropist. Osborne, however, soon sold out and went to Jonesborough, Tenn., where he started The Emancipator. Lundy remained in Mt. Pleasant and began his Genius of Universal Emancipation "with six subscribers."<sup>9</sup> The Emancipator and the Genius were later combined in Jonesborough. In 1824, Lundy moved the Genius of Universal Emancipation to Baltimore.<sup>10</sup> He later moved to Philadelphia, where his paper became The National Inquirer. It finally merged into The Pennsylvania Freeman.<sup>11</sup>

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5. William Lloyd Garrison, The Liberator, I, Old South Leaflets, IV, No. 78, p. 20.

6. Simms, A Decade of Sectional Controversy, 1851-1861, pp. 38-39.

7. William Goodell, Slavery And Anti-Slavery, p. 385.

8. Horace Greeley, The American Conflict, I, p. 112.

9. Ibid., pp. 112-113.

10. Ibid., pp. 113-114.

11. Ibid., p. 114.



It was in Baltimore, in 1829, that William Lloyd Garrison joined Lundy in publishing and editing the paper. Garrison, in 1830, became involved in difficulties because he denounced certain people for their part in the slave trade. He served about fifty days in jail and then left Lundy and Baltimore for Boston.<sup>12</sup> Lundy sought to bring about abolition by gradual and cooperative measures. Garrison, on the other hand, advocated "immediate and unconditional emancipation." It was this radical attitude which caused his prosecution and finally his departure for Boston. It was there "on the free soil of Boston, the Liberator was born."<sup>13</sup>

Another Emancipator was founded in New York, in 1833, as the official organ of the American Anti-Slavery Society. William Goodell was the editor until July, 1835, when Elizur Wright, Jr., Amos Phelps, and Joshua Leavitt took over.<sup>14</sup> Barnes considered The Emancipator and The Liberator as the "two journals of more than local fame" during the period. The Emancipator, he felt, was only mediocre until Leavitt became the editor, but "The Liberator [sic] was brilliantly edited."<sup>15</sup> Other authors have shared the same opinion.<sup>16</sup>

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12. Ibid., pp. 115-116; Goodell, Slavery And Anti-Slavery, pp. 391-392; Schouler, History of the United States of America, 1831-1847, IV, pp. 215-216; Austin Willey, History of the Anti-Slavery Cause, p. 29.

13. Schouler, History of the United States of America, IV, p. 216.

14. Goodell, Slavery And Anti-Slavery, pp. 396-397 and footnote, p. 396.

15. Barnes, The Anti-Slavery Impulse, p. 61.

16. Howe, Political History of Secession, p. 64.

The first issue of The Liberator appeared in Boston, on January 1st, 1831.<sup>17</sup> In this first issue, Garrison made the purpose of his publication very evident, when he wrote:

TO OUR FREE COLORED BRETHREN  
Your moral and intellectual elevation, the advancement of your rights, and the defense of your character, will be a leading object of our paper.<sup>18</sup>

Garrison was the "boldest exponent" of the movement for immediate abolition, which developed in the 1830's. The movement consisted of followers who preferred "disunion to a union which recognized the institution of slavery as legal."<sup>19</sup>

There is ample proof that The Liberator did circulate in the South. The Georgia legislature offered \$5000 for the arrest of anyone found circulating it.<sup>20</sup> An item in the Boston Daily Advertiser stated that "about the time of the Southampton Virginia massacre [1831], and afterwards, a newspaper entitled "The Liberator" created great sensation in the southern states." Mayor Otis, of Boston, received a letter from the South asking if The Liberator expressed the feeling of most people of Massachusetts.<sup>21</sup>

Jeremiah Hubbard, Guilford County, North Carolina, wrote, in March, 1834, to a friend in England, explaining the differences between Northerners and Southerners in regard to emancipation views. He explained that New Englanders had organized

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17. William Lloyd Garrison, "The Liberator," Old South Leaflets, IV, No. 78, p. 1.

18. Garrison, "The Liberator", Old South Leaflets, IV, No. 78, p. 1.

19. Schouler, History of the United States of America, IV, p. 214, acknowledging Niles' Register, XLI, and Garrison's Life.

20. Ibid., pp. 214-215; Greeley, The American Conflict, I, p. 122.

21. Niles' Register, XLV (September 14, 1833), p. 42-43.

for emancipation without colonization. They had as their primary object the "producing of such a revolution in public sentiment as to cause the national legislation to bear directly on the slaveholders, and compel them to emancipate their slaves." The letter explained that the organization wrote and printed many things against slavery, much of it done in Boston. It was presumed that the periodicals were circulated quite generally through the free states; but "whenever one of the pamphlets called the Liberator, edited by W. L. Garrison, chances to alight in any of the slave states, it is counted incendiary and immediately proscribed."<sup>22</sup>

Barnes believed the circulation of The Liberator to be quite limited. Its enemies in the South, rather than its subscribers, made it famous. It was mailed to the publishers of more than one hundred periodicals, which made up an exchange list, according to journalistic practice. Northern papers merely returned the courtesy, but Southern papers took more notice of the contests.<sup>23</sup>

Just how The Liberator penetrated is not mentioned. It is logical to assume that the mails played some part in conveying the papers to their destination.

Among the abolitionists who disapproved of and disagreed with Garrison's harsh views was Dr. William Ellery Channing, a Unitarian minister of Boston and New York. His books "furnished an arsenal of material against slavery." Non Garrisonian

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22. Miles' Register, XLVII, (November 29, 1834), pp. 203-205.

23. Barnes, The Anti-Slavery Impulse, pp. 50-51.

abolitionists were strong in New York City and among the Quakers of Pennsylvania. Included in this list were Albert Gallatin, William Jay, son of Chief Justice John Jay, and Horace Greeley, editor of the New York Tribune. In addition to Eastern abolitionists, there were Western abolitionists who knew little of Garrison. They centered about Cincinnati and southern Ohio. The debates at Lane Theological Seminary, in Cincinnati, in 1832, on the question of abolition, gave an added impetus to the work of this group. Dr. Lyman Beecher was president of the Seminary. His daughter, Harriet, made some of her observations, later to be used in Uncle Tom's Cabin, while living in Cincinnati.<sup>24</sup>

Much of the literature which so antagonized the South was published and circulated through the efforts of the various anti-slavery societies. Some of these were outgrowths of reform societies, prominent in the 1820's. One group, under the leadership of Charles G. Finney, secured the support of Lewis and Arthur Tappan, wealthy merchants of New York. This group formed the nucleus of the American Anti-Slavery Society, organized in Philadelphia, in December, 1833. British anti-slavery workers had influenced the group to take up the cause of abolition.<sup>25</sup> The Society maintained its central office in New York City. The Emancipator was launched as its official newspaper.<sup>26</sup>

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24. Hart, Slavery And Abolition, pp. 188-190.

25. Sydnor, The Development of Southern Sectionalism, pp. 229-230.

26. Barnes, The Anti-Slavery Impulse, pp. 46-47.

Assisting in the formation of the American Anti-Slavery Society were William Lloyd Garrison and his friend, John Greenleaf Whittier. Whittier edited an anti-slavery paper in Philadelphia, but his greatest service was as poet of the anti-slavery cause. Perhaps his best known anti-slave poem was "The Farewell of a Virginia Slave Mother."<sup>27</sup>

The goal of the American Anti-Slavery Society, as expressed in their own documents, was "the entire abolition of slavery in the United States."<sup>28</sup> Although the group recognized the right of each state to legislate for itself on the question of slavery, they advocated immediate abolition. They urged Congress to abolish slavery in the District of Columbia and to prevent it in the territories.<sup>29</sup> In order to carry on their work, they declared:

We will organize societies, send forth agents, circulating unsparingly tracts and periodicals, enlist the pulpit and press for the suffering and the dumb, aim at the purifying of the church from all participation in the guilt of slavery, and spare no exertions to bring the whole nation to speedy repentance.<sup>30</sup>

Arthur Tappan was President of the Society. With the assistance of the Auxiliary societies, formed wherever they could<sup>31</sup>. William Henry Smith, Political History of Slavery, I, pp. 35-36; Willey, History Of The Anti-Slavery Cause, p. 35. slavery publications were dispersed.<sup>31</sup> During the year 1835,

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27. Hart, Slavery And Abolition, pp. 184-185, as taken from Pickard, Whittier, I, pp. 172-186.

28. Willey, The History Of The Anti-Slavery Cause In State And Nation, p. 33.

29. Howe, Political History of Secession, p. 63.

30. Willey, The History Of The Anti-Slavery Cause In State And Nation, p. 34.

31. William Henry Smith, Political History of Slavery, I, pp. 35-36; Willey, History Of The Anti-Slavery Cause, p. 35.

a very extensive drive was carried on from the New York office. Pamphlets were directed to the entire nation.

Only a few were printed to sell; most of them were distributed gratis 'by strewing the wayside, the parlor, the bar room, the stage coach, the rail car, and the boat deck' and by sending them haphazard through the mails to such addresses as could be secured from published lists. A few thousand were sent regularly to governors, judges, lawyers, editors, and legislators, but most of them were mailed in large bundles to clergymen and postmasters, accompanied by letters requesting them to distribute the contents throughout their communities.<sup>32</sup>

Elizur Wright, Jr., Secretary of the Society, wrote to Theodore Weld, on June 10th, 1835, promising that the New York office would issue, gratuitously, from 20,000 to 50,000 of some sort of publication each week.<sup>33</sup> A fund of \$30,000 was collected to defray the expenses of the flood of anti-slavery tracts and magazines to be sent to the states south of the Potomac. They were to be sent by mail.<sup>34</sup>

The pamphlet campaign fell far short of the desired results. Many recipients destroyed the bundles sent to them. The pamphlets, where they were distributed, served as irritants, rather than as aids in converting others to the abolitionist cause. Angry protests were a common response.<sup>35</sup> The South became alarmed and feared the pamphlets might cause dissatisfaction, even insurrection, among the slaves.<sup>36</sup> The people of the South reacted to the flood of literature with

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32. Barnes, The Anti-Slavery Impulse, p. 100, quotation taken from National Intelligencer, III, 17.

33. Barnes, The Anti-Slavery Impulse, p. 100 see footnote quoting Elizur Wright, Jr., to Weld, June 10, 1835, Weld MSS.

34. Simkins, The South Old And New, p. 23.

35. Barnes, The Anti-Slavery Impulse, p. 100.

36. Simkins, The South Old And New, p. 23.

a feeling of resentment and extreme bitterness, almost to the point of fanaticism, in some cases. People who had previously opposed slavery shut their ears to any of the arguments of the abolitionists.<sup>37</sup> This bitterness increased as the publications continued to arrive, and finally reached such a pitch that outbursts, like the breaking into the Charleston Post Office, resulted.<sup>38</sup>

The Society's pamphlet campaign was considered a failure by 1836. It had only served to alienate the South and make them more wary of their state rights. They adopted a policy of threats, intimidation, and violence. It was plain to them that free speech must stop or slavery must fall.<sup>39</sup> In May, 1836, the Society reduced its printed propaganda to a minimum. It was, however, resumed in 1838 and 1839. It has been said that during one year, 1837-1838, the Society alone published "7,877 bound volumes, 47,250 tracts and pamphlets, 4,100 circulars, and 10,490 prints." The anti-slavery newspapers in the free states numbered around one hundred. The press became increasingly friendly to the abolitionists.<sup>40</sup>

Of the various state anti-slavery societies, the Maine Anti-Slavery Society was particularly active. Their paper, The Advocate of Freedom, was edited by Austin Willey, after 1839.<sup>41</sup> The Society published and circulated an "Address to the South". According to the report of the secretary, the

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37. Leonard Bacon, Slavery Discussed In Occasional Essays, p. 85.  
 38. Barnes, The Anti-Slavery Impulse, p. 100  
 39. Willey, History Of The Anti-Slavery Cause, pp. 35-36.  
 40. Dumond, Anti-Slavery Origins of the Civil War, p. 85;  
 Sydnor, The Development of Southern Sectionalism, p. 231.  
 41. Willey, History Of The Anti-Slavery Cause, p. 92.

paper was a powerful one and "even John C. Calhoun admitted its ability."<sup>42</sup> It was "extensively circulated among distinguished men in all the slaveholding states."<sup>43</sup> The anti-slavery cause in Maine was closely linked with religious groups and was carried on in quite a religious manner. There is evidence to indicate that both the Freewill Baptists and the Congregationalists gave active support to the cause of abolition in Maine.<sup>44</sup>

James G. Birney, Cassius M. Clay, Angelina and Sarah Grimke were among the abolitionists who were born and raised in the South and were familiar with slavery. They were regarded as exiles from the South.<sup>45</sup> After liberating his slaves, Birney attempted to establish an anti-slavery paper, The Philanthropist, in Kentucky. The feeling against this venture was too strong, so he moved to Cincinnati where he met the same hostility. After some delay, he set up The Philanthropist in Cincinnati, January, 1836, but it was short lived. On the evening of August 1, 1836, during Birney's absence from the city, the office of The Philanthropist was mobbed and demolished and the press was hurled into the Ohio River. The next year, Birney moved to New York City to become Secretary of the American Anti-Slavery Society.<sup>46</sup>

42. Ibid., pp. 57-58.

43. Ibid., p. 67.

44. Willey, History Of The Anti-Slavery Cause, pp. 107, 136-137.

45. Simpkins, The South Old And New, p. 23.

46. Dumond, Editor, Letters of James G. Birney, 1831-1857, I, pp. 295-296; Willey, History Of The Anti-Slavery Cause, p. 64.



Birney's correspondence indicates that the mails were used in the transmission of his letters and papers. Some of his letters included the names and addresses of subscribers to The Philanthropist who lived in slave states.<sup>47</sup> A letter from James Buchanan, written from Danville, Kentucky, to Mr. Birney, in Cincinnati, January 12, 1836, said "The Philanthropist made its appearance two mails since."<sup>48</sup>

A few other abolitionist writers of the period were worthy of mention. Dr. William Ellery Channing was considered one of the most influential writers. Because of his fine character and great eloquence "any word of his penetrated to the remotest parts and commanded attention." His Essay On Slavery, published in 1835, was considered by some as the most effective bit of literature contributed to the discussion "throughout the whole controversy." He approached the subject in fairness, recognizing the evils of slavery and the faults of the abolitionists as well.<sup>49</sup> Bacon confessed that men who scorned tracts and pamphlets would buy and read Dr. Channing's book. They might rage against it, but the time would come "when the seed thus sown upon the angry waters will have found a soil in which to vegetate." Bacon contended that the work of the anti-slavery societies tended to divide the North, while uniting the South.<sup>50</sup>

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47. Ibid., pp. 226-227.

48. Dumond, E., Letters of James G. Birney, I, p. 298.

49. Smith, A Political History of Slavery, I, pp. 34-35.

50. Bacon, Slavery Discussed in Occasional Essays, pp. 98-99.

Angelina Grimke, exiled from the South, was a devout worker for the abolitionists. Her Appeal to the Christian Women of the South was printed in large quantities for distribution in the South. Copies sent to Charleston were seized and burned. Her mother was warned not to permit Angelina to return to Charleston for a visit or she would risk being jailed.<sup>51</sup>

Theodore Weld, another abolitionist who migrated from the South, was very active in the American Anti-Slavery Society. He wrote American Slavery As It Is, which has been described as "the most devastating arraignment of slavery ever published."<sup>52</sup> From the Southern viewpoint, it has been called "a case study in the worst features of slavery." Weld and his research assistants must have "combed thousands of Southern and other newspapers for atrocity stories."<sup>53</sup>

Only a part of the vast amount of literature, intended to help destroy slavery in the United States, has been mentioned. What proof is there that the mails were used as a means of dispersing this literature? Mention has already been made, in the preceding paragraphs, of a few cases in which the use of the mails was specifically indicated.

Craven has stated that from the time of Thomas R. Dew's defense of slavery, as a "positive good", expounded in the Virginia debates, in 1831, the controversy between the abolitionists and the South took on a definite form. The

51. Macy, The Anti-Slavery Crusade, p. 42.

52. Dumond, Anti-Slavery Origins of the Civil War, p. 42.

53. Sydnor, The Development of Southern Sectionalism, p. 236.

abolitionists "flooded" Congress with anti-slavery petitions and loaded the mails with their propaganda. The South identified this attack with the North, as it had the struggle over the tariff. Their defense became as extreme and as aggressive as the attack by the abolitionists.<sup>54</sup>

William Goodell, the abolitionist editor, whose book was published in 1855, asserted that Lewis and Arthur Tappan, and a few other gentlemen, had succeeded in circulating large numbers of anti-slavery tracts each month, "during the greater part of this year [1833], and had sent them by mail to clergymen of all denominations...."<sup>55</sup>

The theory that mails very early were used extensively by abolitionists is borne out by a contemporary as follows:

Instead of petitions to Congress, they [abolitionists] now [1835] sent large boxes of tracts, pamphlets, and various publications which the Southern people denominated 'incendiary' to the postoffice at Charleston, South Carolina, and other cities to be distributed, as directed to various persons.<sup>56</sup>

Henrietta Henkle, who made a careful study of the underground railroad and its work, has written about the great deluge of pamphlets sent from the American Anti-Slavery Society's New York Office, in 1835.

How many hundred thousand went out...is difficult to say.... They...were sent blindly through the mails to all public addresses. As 1835 wore on, over a million tracts penetrated the buttresses of the South.... The possibility of reaching the Negroes was doubtful, but as long as a single Abolition exhortation remained within their orbit,

54. Craven, The Coming of the Civil War, p. 161.

55. Goodell, Slavery And Anti-Slavery, p. 393.

56. J. N. Larned, New England History, X, p. 8767, quoting from N. Sargent, Public Men and Events, 1817-1853, I, pp. 294-295.

no slave owner could be easy in his mind for, as Calhoun said, the Negroes must never know of any exertions in their behalf since they would surely meet them halfway....

Abolitionists were accused of smuggling handkerchiefs, printed with anti-slavery cuts, into bales of goods, designed for the Southern markets, of relying not only on printed matter but on pictures and engravings which showed the joys of freedom to uneducated Negroes. As though to prove their accusations, Abolition papers were picked up on a North Carolina road, evidently thrown out by a stage coach passenger.<sup>57</sup>

It would appear that unconventional methods, other than the printed page, were used for propaganda purposes where the slave was concerned. Some of the abolitionist papers contained "wood-cuts illustrating the cruel treatment of slaves."<sup>58</sup>

"Many allusions were made to the injustice and illegality of slavery." The arrival of this controversial material in the South brought up the question of whether, or not, the person or persons responsible for its release could be held guilty of violating a law of the state into which it was sent. The sender was not guilty of any crime in his own state and did not leave that state. His act, however, was judged criminal by the Southern state affected by it. Could the sender be held for trial?<sup>59</sup>

Items from numerous Southern newspapers acknowledged the circulation of abolitionist material through the South. The National Intelligencer expressed its opinion as follows:

Concurrent testimony, from different parts of the southern states, satisfy us that the miserable fanatics, few in number, as they are, who

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57. Henrietta Henkle, Let My People Go, p. 83.  
58. Hart, Slavery And Abolition, pp. 286-287.  
59. Hart, Slavery And Abolition, pp. 286-287.

manufacture the abolition journals, have flooded the mails with them, to the just exasperation of the south, and to the great peril of the whole slave population of their country. This, it will be perceived, is a crime which may be perpetrated by a single individual, who is reckless enough to imbue his hands in the blood of hecatombs, by depositing incendiary publications in the mail, to inflame the whole country. For a crime of so deep a dye, in comparison with which murder and midnight incendiarism are acts of white robed innocence, there ought to be some adequate punishment....<sup>60</sup>

The Charleston Southern Patriot, on July 29, 1835, just before the attack on the post office in that city, had this to say:

The mail brought by the steam packet Columbia, arrived this morning, has come not merely laden, but literally overburdened with the newspaper called "The Emancipator" and two tracts entitled "The Anti-Slavery Record" and "The Slave's Friend" destined for circulation all over the southern and western country. Now it is a monstrous abuse of the privilege of the public mail, to use it as the vehicle for conveying and scattering in every direction over the south and west the moral poison with which these publications are drugged. Some mode of prevention should be adopted to abate this nuisance. If the mail cannot be purged of this pernicious stuff, which is frequently freighted, in no other way, let some measures be adopted by requesting those whose interest is identical with ours, in places where these papers and tracts are addressed, to prevent their circulation within their limits. If the general post office is not at liberty to act in this manner, it is impossible to answer for the security of the mail in this portion of the country, which contains such poisonous and inflammatory matter.<sup>61</sup>

The Norfolk, Virginia, Herald stated the question as follows:

A bundle of incendiary missiles from the abolitionists' pandemonium in New York, were a few days ago received at the post office in this borough. This new emission of mischief, (a little 12 x 14

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60. Niles' Register, XLVIII, (August 8, 1835), p. 402.

61. Quoting Niles' Register, XLVIII, (August 8, 1835), p. 402.

sheet issued monthly by 'R. Williams'), comes forth under the imposing title of "Human Rights", and is filled with matter of a tendency to excite sedition among the colored population of the south, and overturn the existing social and political relations of the country, the constant aim and object of the abolitionists, as manifested in this instance by the fact that the whole of the 20 or 30 copies mailed for this post office, were directed to free negroes [sic] in the borough and vicinity ---, and all sent gratis, of course.<sup>62</sup>

Similar articles appeared in the Augusta, Georgia, Chronicle and other Southern publications. Such articles did, of course, influence the thinking of the Southern people, whether slave owners or not. It is easy to see how they were aroused to the point of breaking into United States Post Offices.

This matter soon came to involve the question of states rights. The Baltimore, Maryland, Chronicle had this to say:

The southern people...are preparing to maintain their constitutional rights. Congress will have to take this subject in hand, and pass such laws as are necessary to prevent fanatical interference with the southern states -- or these states will redress their grievances by independent action.<sup>63</sup>

The American Anti-Slavery Society was believed by many to be responsible for much of the uneasiness in the South. During their campaign of propaganda, conducted in 1835, large amounts of the seditious literature were sent free of charge. Pictures, showing the master with his scourge in his hand and the slave at his feet, "were struck off by the thousand." Some were even printed on "cheap muslin handkerchiefs, and deposited in the mails for the South."<sup>64</sup> In spite of the

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62. Niles' Register, XLVIII, (August 8, 1835), p. 402.

63. Ibid., (August 22, 1835), p. 441.

64. Schouler, History of the United States of America, IV, pp. 219-220.

protests of the leaders, who claimed only to be attempting to arouse the legislators of the South to action, it was believed that they were trying to terrify the masters through insurrection by the blacks.<sup>65</sup>

The question of abolitionist literature in the mails was not without its humorous aspects. The Boston Atlas reported one such incident, as follows:

A southern postmaster writes to a friend in this city as follows: 'Yesterday, while examining the mail in search of "incendiaries" I discovered a letter written on a beautiful sheet of pink paper. I broke it open, and lo, and behold, it was a love letter from our old friend Miss ----- to young ----- of this village. It would make you laugh to read it.' Only hear the impudent scoundrel. He not only assumes the responsibility of searching the United States mail, but would make public the contents of a private love letter. Shade of Washington! Where are our liberties."<sup>66</sup>

In addition to the touch of humor, there is detected, in the words of the Boston publisher, the feeling of righteous indignation that Southern postmasters should assume the authority of tampering with the mails -- even for the purpose of finding seditious material. It represents the Northern idea of duty to the national government first.

The incidents recounted indicate that a considerable amount of the literature sent South, in 1835, reached Southern post offices by way of the United States mail and most of the instances mentioned concerned tracts and pamphlets issued under the direction of the American Anti-Slavery Society.

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65. Schouler, History of the United States of America, IV, p. 220.

66. Niles' Register, XLVIII, (August 29, 1835), p. 451.

There can be little doubt of the feeling of fury which was aroused in the South by this campaign -- a fury which finally burst its bounds in such incidents as the breaking into the post office at Charleston, South Carolina. Their rights as states had been infringed upon and they were determined to silence the abolitionists and demonstrate to the North that each state could and would look after its own slave problem.



## CHAPTER III

### ACTION TAKEN BY INDIVIDUAL STATES

With the announcement that immediate abolition was the goal of abolitionists, many Southerners, who had previously been ashamed of slavery, switched to the support of the pro-slavery men. One writer stated it this way, "They the abolitionists have silenced, they have annihilated for the time, that party in the Southern States which was opposed to slavery, at least in theory, and which was inclined to promote inquiry respecting a safe and righteous abolition."<sup>1</sup> As the literature from the North poured into the Southern post offices and the activities of the abolitionists increased, the restlessness of the slaveholders "crystallized into a militant defense of slavery."<sup>2</sup> The defense, throughout the South, took somewhat the same form. The intense and bitter feeling against the abolitionists caused legislatures to pass more rigid slave laws. Legislation made the circulation of any abolition papers or documents a crime. Rewards were offered for the arrest of individual abolitionist leaders. Resolutions were sent to Northern governors and legislatures, appealing to them to stop the flow of propaganda.<sup>3</sup>

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1. Bacon, Slavery Discussed in Occasional Essays, pp. 86-87.
  2. Dumond, Anti-Slavery Origins of the Civil War, p. 39.
  3. Howe, Political History of Secession, p. 66.

Southerners feared the consequences of this literature, if the slaves should gain possession of it.<sup>4</sup> Every effort was made to halt the discussion of slavery in the South. "Free Negroes were watched as foreigners are in a country at war. Steamboats and railway trains were supervised. Every stranger, every free Negro, every piece of mail from the North was scrutinized with a cold and regimental zeal."<sup>5</sup> Smith, discussing the political aspects of the riots which occurred between 1834 and 1837, expressed the opinion that the Southern leaders misinterpreted the "manifestations" of the free states as attacks upon them, and demanded extreme measures for their own security. "This security...was the suppression of all discussion of the slavery question, for a belief...that a persistent appeal to the consciences...would result in the destruction of the institution."<sup>6</sup> Southern Congressmen were instructed to deny the right of petition in that body. Schouler, on the other hand, spoke of the efforts of the Northern abolitionists to mail quantities of incendiary matter to the South, as "a foolish experiment." Since "white men handled the mails, the leather bags were sure to belch out this dangerous matter before the final destination was reached."<sup>7</sup> The anger of the South finally reached such a pitch that mails were seized and contents

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4. Barnes, The Anti-Slavery Impulse, p. 51.

5. Henkle, Let My People Go, p. 85.

6. Smith, A Political History of Slavery, pp. 41-42.

7. Schouler, History of the United States of America, IV, p. 220.

destroyed.<sup>8</sup>

There were those who believed that the original objective of the American Anti-Slavery Society was to free the slaves and to improve their status by means of education, each state handling the situation for itself. They believed, too, that the Society lost its chance for the success of this plan when they inflicted the question of the free press upon the South.<sup>9</sup> The South did, so to speak, place a barricade against the incoming literature. This constituted a direct threat against the right of free speech.

It then became the duty of the North to fight for its constitutional right to speak and publish as it saw fit. Many of the Northern leaders were just as aroused over the attempt to suppress them, as were the Southern leaders over the interference of the abolitionists. Both were fighting to uphold their constitutional rights.

There were, however, many in the North who were not sympathetic toward the abolitionists. Many attempts were made in the North, as well as in the South, to silence the abolitionists and to prevent the riots which resulted from some of their activities. Some Northerners requested legislation in their own states against the abolitionists. Numerous articles and pamphlets were published in criticism of them.<sup>10</sup> Attacks were made, in free states, on such abolitionist publishers as

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8. Niles' Register, XLVIII, (August 8, 1835), p. 402; Richardson, Messages and Papers, III, p. 175.

9. Dumond, Anti-Slavery Origins of the Civil War, p. 83.

10. Goodell, Slavery And Anti-Slavery, p. 409.

Lovejoy and Birney.

Further details of the reaction of the South to the campaign of literature may be seen by considering individual states.

In Alabama, the legislature passed an act relating to "incendiary publications," in 1832. It requested the governor to correspond with governors of those states from which such publications "had been or may be issued," in an effort to have them suppressed or at least to prevent them from being sent to the slave states. The refusal of any such state to do what it could legally, would be regarded as "hostile to that friendship and good understanding which should characterize sister states, and as inimical to her peace and safety."<sup>11</sup> Later, Alabama strengthened its law of 1832 which punished by death anyone distributing anti-slavery literature, whether written, printed or engraved, on paper, wood, cloth, metal or stone."<sup>12</sup> Even ministers in the South joined in defense of the Southern cause. Thomas Witherspoon, an Alabama minister, wrote to the editor of the Emancipator, as follows: "Let your emissaries dare to cross the Potomac, and I cannot promise you that your fate will be less than Haman's."<sup>13</sup>

A Marion, Alabama, paper ran an editorial, September 19, 1835, describing the unsuccessful attempt, in Tennessee, to free that "arch fiend Murrel" from the penitentiary.<sup>14</sup> Mur-

11. Niles' Register, XLI, (February 26, 1832), p. 473.

12. Henkle, Let My People Go, p. 83.

13. Goodell, Slavery And Anti-Slavery, p. 411.

14. Niles' Register, XLIX, (October 10, 1835), p. 90.

rel, according to testimony given by insurgent slaves, caught and convicted, was the leader of a band or association operating throughout the slave states, for the purpose of inciting the slaves to insurrection. The band also included some "desperate and unprincipled white men."<sup>15</sup>

At Mobile, September 25, 1835, the grand jury of Tuscaloosa County returned a true bill of indictment against Robert G. Williams, editor of the Emancipator and resident of the state of New York. The charge was that of circulating, in Alabama, seditious literature designed to incite the slaves to insurrection and murder.<sup>16</sup> Governor Gayle, of Alabama, reported to the legislature that he had made a demand upon Governor Marcy, of New York, for the surrender of Williams to the authorities of Alabama, for trial. In his address to the legislature, Governor Gayle expressed confidence that the New York Governor, because of his "known attachment to the union," his "just and liberal views...toward the institutions and people of the South," would give careful consideration to the matter and would desire to "render impartial justice, and to arrive at a correct interpretation of the constitution." Governor Gayle also expressed the idea that only "severe penal statutes," in the states where slavery did not exist, could bring effective relief to the South.<sup>17</sup> The Governor forwarded to Governor

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15. Niles' Register, XLIX, (October 17, 1835), p. 119.

16. Ibid., (October 31, 1835), p. 149.

17. Ibid., (December 26, 1835), p. 290.

Marcy, the requisition for the surrender of Williams, accompanied by a copy of the indictment, which was a lengthy and stinging one, charging Williams with the distribution of literature, on September 10, 1835. There was also inclosed an affidavit from John Samuel, Clerk of the Circuit Court of Tuscaloosa County, that the copy of the indictment was authentic, a statement from Henry W. Collier, Presiding Judge of the Circuit, that Samuel was the duly authorized clerk and that his papers were all in order, a letter of transmittal from Governor Gayle, and finally a copy of a part of his address to the legislature of Alabama.

In his letter, dated November 14, 1835, Governor Gayle admitted that Williams had not been in the state of Alabama when the crime was committed, nor had he fled from the state. But, claimed Governor Gayle, "he has evaded the justice of our laws, and according to the interpretation which mature reflection has led me to place upon the constitution, should be delivered up for trial to the authorities of this state."<sup>18</sup>

The excerpt from his speech indicated that he was demanding the surrender of Williams on the basis of the privilege of extradition. He interpreted the word "flee" to mean "evade." Williams had not fled from justice, but he had evaded the same. The Governor continued, saying:

This provision of the constitution should receive the most liberal construction for the reason that it is in favor of the rights of states and because, without such construction, they will be deprived of self protection.<sup>19</sup>

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18. Niles' Register, XLIX, (January 23, 1836), p. 358.

Copies of all the documents named are included.

19. Ibid., pp. 358-359.

Basing his plea on these views, Governor Gayle requested the cooperation of Governor Marcy, in securing the surrender of Williams. He did confess, however, that there were some in the South who did not agree with his interpretation of the Constitution.

Governor Marcy made a very lengthy reply from Albany, dated December 8, 1835. He made it very plain that he disagreed altogether with Governor Gayle's interpretation of the constitutional clause involved. He explained, furthermore, that he could find nothing to justify his surrender of Williams to Governor Gayle, maintaining that Williams was, at the time of the commission of the crime and since, a citizen of the state of New York, subject to its laws, and entitled to all the rights of its citizens. He reminded Governor Gayle that he himself had admitted that Williams was not in Alabama, nor had he fled from it, at the time of the offense. If Governor Gayle's interpretation of the clause of the constitution was correct, then a state could demand the surrender of citizens of other states for any kind of an act offensive to that state. Such liberal construction of the clause dealing with extradition might increase the power of the state demanding the surrender. At the same time, however, it would diminish the power of the state which must turn over its citizen to the other state. It would be very confusing. People would be under the jurisdiction of states, of which they were not even citizens. They would be obligated to states to which the individuals

owed no allegiance. An innocent man, under such an interpretation, might be surrendered to a distant state and find himself unable to prove his innocence.<sup>20</sup>

Such were some of the incidents which took place in Alabama, in an effort to silence the abolitionists.

In Georgia, even in the 1820's, Governor George Troup feared the federal government might lend itself "to a combination of fanatics for the destruction of everything valuable in the Southern country...."<sup>21</sup> This fear was occasioned partly by the passing of the Ohio Resolution, in January, 1824. This resolution called upon Congress and legislatures of other states to consider a plan of gradual emancipation, which would colonize negroes abroad as they were freed. The South, including Georgia, considered this proposal as meddling in their affairs--a violation of their state rights. Governor Troup was known to have urged the South to resist any intrusion on the part of the federal government.<sup>22</sup>

At the time Walker's Appeal, published in 1829, was circulated in the South, Georgia was one of the states which passed more repressive slave codes.<sup>23</sup> It was possibly the pamphlet referred to, in a Savannah newspaper, in connection with a law which had recently been passed.

20. Niles' Register, XLIX, (January 23, 1836), pp. 359-360.

21. Sydnor, The Development of Southern Sectionalism, pp. 151-152.

22. Ibid.

23. Simms, A Decade of Sectional Controversy, p. 42, taken from Clement Eaton, "A Dangerous Pamphlet in the Old South", Journal of Southern History, II, (1936), pp. 323-334.



The law had been urged by the governor because of an insidious pamphlet which was detected in the city. The law, in addition to its provision for capital punishment for anyone found guilty of circulating "pamphlets of an evil tendency", imposed a quarantine on all vessels having free-colored persons aboard, and made penal "the teaching of free persons of color or slaves to read or write[sic]."24

It was undoubtedly Walker to whom Mayor Otis, of Boston, referred in the following incident. The mayor of Savannah had written Mayor Otis, of Boston, December 12, 1829, respecting a seditious pamphlet, written by a person of color in Boston, and circulated by him in other parts of the United States." Governor William B. Giles, of Georgia, February 16, 1830, wrote to the "speaker of the house of delegates" of Virginia, concerning the same subject. He forwarded to Speaker Linn Banks a copy of the reply, received by the mayor of Savannah, from Mayor Otis of Boston. Mayor Otis had also written a letter to the governor of Virginia, dated February 10, 1830. There is nothing to indicate previous communication between the Virginia governor and Mayor Otis, but the mayor's letter began:

Sir: Perceiving that a pamphlet published in this city has been a subject of animadversion and uneasiness in Virginia as well as in Georgia, I have...to apprise you of the sentiments and feelings of the city authorities...send you a copy of my answer to a letter from the mayor of Savannah...on that subject.<sup>25</sup>

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24. Niles' Register, XXXVII, (January 16, 1830), p. 341.

25. Ibid., XXXVIII, (March 27, 1830), p. 87, information taken from Virginia Legislature.

He continued to say that he believed the decent folk of Boston disapproved of the publication.

In his reply to the mayor of Savannah, Mayor Otis made known the fact that he had secured and perused a copy of the troublesome pamphlet. He admitted the inflammatory tendency of the work, but could not see that the author had violated any of the laws of Massachusetts. The author of the pamphlet was described as "a free black man, whose true name it [the pamphlet] bears. He is a shop keeper and dealer in old clothes [sic]." The letter continued to say that the author had declared, to a friend of the mayor, his intention to circulate his pamphlets by mail, at his own expense, if necessary. Mayor Otis expressed the "disapprobation and abhorrence" of the Boston authorities over the matter, but proclaimed their lack of power to do anything to stop the fellow. They would, however, "publish a general caution to captains and others, against exposing themselves to the consequences of transporting incendiary writings into your and the other southern states."<sup>26</sup> It is presumed that this entire incident was a result of the circulation of Walker's Pamphlet.

Henrietta Henkle, in speaking of the efforts made in the South to halt the influence of abolitionists, told of a certain John Lamb, in Georgia, who was discovered to have

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26. Ibid.

subscribed to The Liberator.

A mob gathered around his house, dragged him out, tarred and feathered him. After that they poured oil on his head and set him afire. Still recalcitrant, he was tied to a rail and ducked in the river. What had survived of him was then returned to a post and whipped.<sup>27</sup>

The legislature of Georgia offered five thousand dollars for the arrest and bringing to trial of "the editor or publisher of the Boston Liberator." Governor Lumpkin approved this measure in December, 1831. If tried, according to the Georgia law, Garrison would have been subject to a death sentence. Goodell, an ardent abolitionist, denounced this offer as an attempt of Georgia to secure the "felonious abduction" of a citizen of Massachusetts.<sup>28</sup>

Some Southern citizens were more tolerant in their feeling toward the North. The Boston Patriot copied a part of an article from the Augusta, Georgia, Chronicle, containing a letter from Colonel Joseph Lumpkin, of Georgia. Colonel Lumpkin had visited Boston the summer before and was convinced that the South accused the North falsely of wishing to interfere with slavery. It was his opinion that most of the "sober, intelligent and rational" people of the North took no part in the abolitionist activities. They were more inclined to denounce and oppose "the authors and advocates" of abolition. He declared:

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27. Henkle, Let My People Go, p. 65.

28. Goodell, Slavery And Anti-Slavery, p. 410.

The north is entitled to discuss, in their newspapers, their periodicals, and in any other mode, except politically, the abstract question of slavery, if it seems good to them to do so...provided it be done with a view to assist, and not to injure --to convince and not to irritate. Beyond this they have no right; nor do I believe they desire or design to interfere.<sup>29</sup>

Henrietta Henkle described the other side of the picture in Georgia. People were warned against using anti-slavery school books. Teachers and preachers were not to entertain any opinions favorable to emancipation. Political candidates were carefully checked for anti-slavery leanings. Georgia, she claimed, was also one of the states, which, within the year 1835, passed resolutions demanding the suppression of abolition societies. Copies of the resolutions were sent to the governors of all free states. The state announced, through the Macon Messenger, that a reward of \$12,000 had been raised for anyone who "would capture and bring Arthur Tappan across the border."<sup>30</sup>

A Georgia citizen wrote a letter to the editor of the Augusta Chronicle, calling attention to the penal code of Georgia. It was published, as follows:

Mr. Editor: The following is the 5th sec. div. 3, of the late penal code:

'If any person shall bring, introduce or circulate, or cause to be brought, introduced or circulated, or aid or assist, or be in any manner instrumental in bringing, introducing, or circulating, within this state, any printed or written paper, pamphlet or circular, for the purpose of inciting insurrection, revolt, Conspiracy [sic], or resistance, on the part of the

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29. Niles' Register, XLV, (October 5, 1833), pp. 85-86.

30. Henkle, Let My People Go, pp. 83-86.

slaves...such persons so offending, shall be guilty of a high misdemeanor, and on conviction shall be punished with DEATH.<sup>31</sup>

Kentucky was less spirited in her defiance of the North than the states of the deep South. Birney, however, experienced some difficulties with the postmaster at Danville.<sup>32</sup> The legislature passed resolutions, similar to those of some of the other states, demanding the suppression of all abolitionist societies by the Northern states. Copies of the resolutions were sent to the governors of the various Northern states.<sup>33</sup>

Under the caption "Louisiana", Nile's Register of April 24, 1830, contained an article, which stated in part:

The people of New Orleans appear to have been lately much alarmed by the discovery of a supposed plot among some of the slaves, for killing all the whites....

Some copies of the pamphlet, published at Boston by the colored dealer in old clothes [Walker], have been discovered, tending to increase the anxiety.

A very severe law concerning free persons of color has just been passed. All who arrived since 1825 are to be expelled. Another rigid law has passed....<sup>34</sup>

In 1835, according to the Richmond, Virginia, Enquirer, "We understand that the sum of twenty thousand dollars has been made up in New Orleans, as a reward to be paid for the delivery of Arthur Tappan, the celebrated agitator, upon

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31. Nile's Register, XLVIII, (August 22, 1835), p. 441.

32. Dumond, Ed., Letters of James G. Birney, I, pp. 241, 244, 250.

33. Henkle, Let My People Go, p. 84.

34. Quoted in Niles' Register, XXXVIII, (April 24, 1830), p. 157.

the levee in that city."<sup>35</sup>

Maryland handled the situation by enacting the statute copied below.

Be it enacted by the General Assembly of Maryland, That...it shall not be lawful for any citizen of this State, knowingly to make, print or engrave, or aid in the making, printing or engraving, within this State, any pictorial representation, or to write or print, or to aid in the writing or printing any pamphlet, newspaper, handbill or other paper of an inflammatory character, and having a tendency to excite discontent, or stir up insurrection amongst the people of color of this State, or of either of the other States or Territories of the United States, or knowingly to carry or send, or to aid in the carrying or sending the same for circulation amongst the inhabitants of either of the other States or Territories of the United States, and any person so offending shall be guilty of a felony, and shall on conviction be sentenced to confinement in the penitentiary of this State, for a period not less than ten nor more than twenty years, from the time of sentence pronounced on such person.

This act was passed in 1831 and explains why Hinton R. Helper did not publish his monumental work, The Impending Crisis, in Maryland, although he wrote it in Baltimore.<sup>36</sup>

Mississippi was another of the states which, in 1835, passed resolutions demanding the suppression of abolitionist societies and sent copies of the resolutions to the governors of all free states.<sup>37</sup>

Although Greeley is not too reliable, he related that threats were made by Southerners against the abolitionists and mentioned cases in which Northerners were seized, merely

35. Niles' Register, XLVIII, (August 22, 1835), p. 440.

36. Hinton Rowan Helper, The Impending Crisis of the South, pp. 360-361.

37. Henkle, Let My People Go, p. 84.

on suspicion of being anti-slavery men, and sometimes put to death, "some with, and some without, a mob trial." He quoted Henry A. Wise, a "chieftain of the Southern Confederacy," on the following occurrence:

At a public meeting convened in the church sic in the town of Clinton, Mississippi, September 5, 1835, it was

'Resolved, That it is our decided opinion, that any individual who dares to circulate, with the view to effectuate the designs of the Abolitionists, any of the incendiary tracts or newspapers now in the course of transmission to this country, is justly worthy, in the sight of God and man, of immediate death: and we doubt not that such would be the punishment of any such offender, in any part of the state of Mississippi where he may be found.'<sup>38</sup>

Records of the North Carolina legislature show:

The following resolutions were passed by both branches with almost entire unanimity:

- '1. Resolved, That North Carolina alone has the right to legislate over the slaves in her territory....
- '2. Resolved, That we are ready and willing to make, on this subject, a common cause with the rest of our sister slaveholding states, and thereby invite their cooperation in passing such laws and regulations as may be necessary to suppress and prevent the circulation of any incendiary publications within any of the slaveholding states.
- '3. Resolved, That the thanks of this state are due, and the kindest feelings...towards their brethren of the north, who have...sustained the principles of our federal government, and recognized and maintained our rights against the fanatics of those states North.

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38. Greeley, The American Conflict, I, p. 128, footnote "7".

- '4. Resolved, That our sister states are respectfully requested to enact penal laws prohibiting the printing, within their respective limits, of all such publications as may have a tendency to make our slaves discontented with their present condition, or incite them to insurrection.
- '5. Resolved, That we confidently rely upon the Congress of the United States, in passing such laws as may be necessary to prevent the circulation of inflammatory publications through the post office department.
- '6. Resolved, That the governor be, and he is hereby requested to forward a copy of this preamble and resolutions to each of our senators and representatives in congress, and to the executive of each of the states of the union, with a request that the same be submitted to their respective legislatures.'<sup>39</sup>

"Tennessee agreed that from ten to twenty years at hard labor was a reasonable penalty for those who by words, gestures or sermons, in the presence of slaves indicated a hope beyond their station...."<sup>40</sup>

Virginia was not very far behind South Carolina, in interest and in activity, in the struggle over the use of the mails to distribute insurrectionary material. In 1830, the Virginia House of Delegates passed, but the Senate rejected, a bill which would have been very severe, if carried out. One section of the bill read:

Sect.1. Be it enacted by the general assembly,  
That if any white person, free negro,

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39. Niles' Register, XLIX, (January 2, 1836), p. 309.

40. Henkle, Let My People Go, p. 83.



mulatto or slave, shall print or write, or cause to be printed or written, or aid or assist in printing or writing, or shall knowingly circulate, or cause to be circulated, or aid or assist in circulating, amongst the slaves, free negroes or mulattoes in this commonwealth, any paper, pamphlet, or book advising insurrection or rebellion amongst the slaves in this state, or the tendency of which shall be to excite insurrection or rebellion amongst said slaves, such persons writing, printing or so circulating, or aiding or assisting in circulating such paper, pamphlet or book to be written, printed, or so circulated, shall, if a free person, be held guilty of a high misdemeanor, and on conviction thereof, shall be fined in such sum as a jury may assess, not less than fifty nor more than five hundred dollars; and for a second offense, in addition to such fine, shall be imprisoned in the common jail for a period not less than twelve months, to be ascertained by the jury; and if a slave, on conviction by any county or corporation court, shall receive thirty nine lashes on his bare back, and for a second offense, shall be by such court adjudged a felon, and shall suffer death, without benefit of clergy.<sup>41</sup>

There were six other sections to the bill. This bill was proposed as a result of the correspondence between Mayor Otis, of Boston, Governor Giles, of Georgia, and the Governor of Virginia, over the uneasiness in the South, due to the circulation of Walker's Pamphlet.

The next year, shortly after the Nat Turner insurrection, Mayor Otis again addressed the South and once more assured the slaveholding states that The Liberator did not represent the feeling of the majority of the people of Boston. He explained that the printed handkerchieves, dis-

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41. Niles' Register, XXXVIII, (March 27, 1830), p. 87.

tributed in the South, had been discovered to be of foreign manufacture. He felt sure that no reliable manufacturer of calico, in Boston, would become involved in the production of insurrectionary prints. The mayor urged the South not to pass legislation "against incendiary writings."<sup>42</sup>

The matter seemed to subside for a time in Virginia, but was revived during the campaign of 1835. The Richmond Compiler, dated July 23, of that year, described a large meeting in Richmond, held to express "indignation" at the behavior of Northern abolitionists.<sup>43</sup>

Another meeting was held in the same city on August 4-- just after the attack on the Charleston Post Office. A committee, appointed at the meeting on July 24, submitted a preamble and resolutions. The report outlined, at great length, the dangers of the activities of the "numerically small" group of abolitionists in the North. It announced that the citizens of Virginia were determined to defend their constitutional right to maintain slavery.<sup>44</sup>

The ten resolutions, submitted to the citizens, were unanimously adopted. Important among them were:

- 7th. Resolved, That all captains of steamboats or other vessels, coming to our port from non-slaveholding states, or elsewhere, be requested to exercise the utmost vigilance

42. Niles' Register, XLV, (September 14, 1833), pp. 42-43.

43. Ibid., XLVIII, (August 8, 1835), p. 400.

44. Ibid., (August 22, 1835), pp. 444-445.

in detecting any emissaries of the abolition society, who may be on board the vessel or who may be engaged through such channel in disseminating incendiary papers among our inhabitants, either white or black; and that the good people of this commonwealth be exhorted to give no encouragement or support to any line of steamboats or other vessels, where the captains thereof shall knowingly sic give facilities to the transportation of persons or papers of an incendiary character.

8th. Resolved, That the postmaster general be requested to use all the power vested in him by law to prevent the transmission through the several post offices, and the delivery of all printed papers, suspected of a tendency to produce or encourage an insubordinate or insurrectionary spirit among the slaves of the south.

An additional amendment was placed between the 8th and 9th resolutions, which read:

Resolved, unanimously, That the dissemination of writings of an incendiary character, on the subject of slavery, or their reception through the medium of the post office, or otherwise, with a knowledge of their contents, except for the purpose of averting the evils they are calculated to produce, <sup>45</sup> is a practice highly reprehensible and improper.

J. D. Townes, Petersburg, Virginia, wrote to Kendall, on August 10, 1835, informing him of resolutions passed by the citizens of that city. Kendall replied to him on August 20, calling attention to the 6th resolution. It was a request that the Postmaster General adopt "such lawful regulations in his department as may be calculated to pre-

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45. Niles' Register, XLVIII, (August 22, 1835), p. 446.

vent" the dissemination of the seditious literature through the mails. Kendall denied having any legal right to do so. Yet he continued to explain that he would consider the injured states justified in taking any action, to effect the exclusion of such matter from their states. He could "for the present" see "no means of relief except in responsibilities voluntarily assumed by the postmasters, through whose offices the seditious matter passes." He expressed hope that Congress would, at the next session, make some provision to prevent "the use of the public mails for the purposes so destructive and so dangerous to the integrity of the union."<sup>46</sup>

Resolutions passed in Louisa County, Virginia, were to the effect that all postmasters who detained and publicly destroyed all abolitionary papers arriving in their offices, would be upheld. Those who refused to do so, would be considered as "accomplices of the crime" and would be subject to "popular indignation" and even to "personal peril." If Congress should vote to consider or discuss the abolition of slavery, at the next session, Louisa County representative, James Garland, should be instructed, and all Southern representatives should be requested, "to vacate their seats pending such discussion."<sup>47</sup>

The grand jury of Frederick County, Virginia, found a

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46. Niles' Register, XLIX, (September 5, 1835), pp. 7-8.

47. Ibid., (October 10, 1835), p. 90.

true bill of indictment against the New York Abolition Society and every member of it, especially Arthur Tappan. The jury urged New York magistrates to carry on a program of "vigilance and increased energy in the detection of all fanatical emissaries, and in the suppression of their nefarious schemes and publications." They also urged the legislature of Virginia to consider the existing laws against all kinds of literature advising or encouraging insurrection, and its circulation. They further urged the legislature to enact "such further laws, with increased penalties for their infringement, as shall prove effectual."<sup>48</sup>

The House of Delegates, of Virginia, did soon pass, by a vote of 100 to 7, the following resolutions:

1. Resolved, That this commonwealth only has the right to control or interfere with the subject of domestic slavery within her limits, and that this right will be maintained at all hazards.
2. Resolved, That the state of Virginia has a right to demand prompt and efficient legislation by her co-states, to restrain as far as may be, and to punish those of their citizens who, in defiance of the obligations of social duty and those of the constitution, assail her safety and tranquility by forming associations for the abolition of slavery, or printing, publishing or circulating through the mail or otherwise, seditious and incendiary publications....
3. Resolved, That the non-slaveholding states of the union are respectfully but earnestly requested, promptly to adopt penal enactments, or such other measures as will effectually

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48. Ibid., (November 21, 1835), p. 194.

suppress all associations within their respective limits, purporting to be, or having the character of, abolition societies; and that they will make it highly penal to print, publish or distribute newspapers, pamphlets or other publications, calculated, or having a tendency, to excite the slaves to insurrection and revolt.

5. Resolved, That it is highly expedient for the slaveholding states to enact such laws and regulations as may be necessary to suppress and prevent the circulation of any incendiary publications within their respective limits.
6. Resolved, That confiding in the justice and loyalty of our northern brethren to the principles of the union, enforced by the common dangers, sufferings and triumphs, which ought to bind us together...we are warranted in the expectation, that the foregoing requests will be received... and complied with.
7. Resolved, That congress has no constitutional power to abolish slavery in the territories of the United States.
8. Resolved, That the governor be, and he is hereby requested to forward a copy of these resolutions to each of our senators and representatives in congress, and to the executive of each of the states of the union, with a request that the same be submitted to their respective legislatures.<sup>49</sup>

It is evident that Virginia was very much involved in the problem, almost as much so as South Carolina.

South Carolina, as usual, proved to be the powder keg. It was in that state that things came to a head. The first outbreak of actual violence, directly attributable to the abolitionist literature in the mails, occurred at Charleston, July 29, 1835, although the issue had caused considerable

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49. Niles' Register, XLIX, (January 30, 1836), pp. 362-363.

stir several years before.

Bacon reported the consternation in Charleston, occasioned by the articles published by Joshua Leavitt in the Christian Spectator, in 1825. The Spectator was immediately put "upon the Index librorum prohibitorum of his holiness Judge Lynch." Bacon considered Leavitt's articles of 1825 "far from containing the modern Anti-Slavery doctrine."<sup>50</sup>

"A persistent attack was also directed against the use of the United States mails for the distribution of anti-slavery literature. Mob violence which involved the post office began as early as 1830, when copies of Miss Grimke's Appeal to the Christian Women of the South were seized and burned in Charleston."<sup>51</sup>

There appeared in the June 19, 1830, issue of Niles' Register an article, entitled "Punishments in South Carolina," which reads as follows:

On Saturday last, May 22, (being sentence day) James Smith, who has been convicted of circulating inflammatory and seditious tracts, known by the title of "Walker's Appeal", was sentenced by his honor, Judge Huger, according to the act of assembly, to pay a fine of one thousand dollars and to be imprisoned for twelve months. Smith came to this city in March last as steward of the brig Colombo from Boston, from which place he brought the pamphlets; for the bringing in and distribution of which he is now suffering the merited consequences of his folly.<sup>52</sup>

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50. Bacon, Slavery Discussed in Occasional Essays, pp. iii-iv.

51. Macy, The Anti-Slavery Crusade, p. 75.

52. Niles' Register, XXXVIII, (June 19, 1830), p. 305.

Somewhat later, the Vigilance Association of Columbia, South Carolina, "composed of gentlemen of the first respectability," offered a fifteen hundred dollar reward for the capture and prosecution of any white person involved in the distribution or circulating of copies of The Liberator, or of Walker's Pamphlet, "or any other publication of a seditious tendency," within the state of South Carolina. Niles' Register ventured its own opinion in asking: "Is not, by far, too much importance attached to these publications?" It expressed the opinion that "the fearful and ardent feeling of the Southern people" accounted for the attention given the literature.<sup>53</sup>

About 1832, when Georgia and other states were passing very restrictive measures, South Carolina "recognizing the most baleful influence of all, that of one enlightened slave on another," passed a law forbidding anyone from bringing into South Carolina "slaves who had been north of the Potomac River, to the West Indies, or to Mexico. A violator must pay a fine of \$1000 and forfeit all contaminated slaves."<sup>54</sup> The governor urged legislation which would provide the death penalty for such "interference" as abolitionists were exercising. The legislature did pass a resolution demanding of Northern states, the suppression of abolition societies.<sup>55</sup>

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53. Niles' Register, XLI, (October 29, 1831) p. 162.

54. Henkle, Let My People Go, pp. 83-84.

55. Ibid.



South Carolina appears to have played a very outstanding role in the struggle against the 1835 literature campaign, sponsored by the American Anti-Slavery Society.<sup>56</sup> "Post offices all over the South were complaining of the Abolition literature which passed through their helpless fingers. In this same July [1835], The Southern Patriot of Charleston cried that the ship Columbia had arrived, loaded with anti-slavery newspapers." The Southern Patriot announced, on July 29, "that the mail which arrived that morning by steamer from New York was not merely laden but literally overburdened with copies of the Emancipator, the Anti-Slavery Record and Slave's Friend [sic]." These various pieces of mail were addressed, some to citizens, some to clergymen of all the various denominations, and some were sent just to post offices. Some were to be sent on to Alabama, Georgia, Mississippi, and Louisiana. The Patriot called the whole thing "a monstrous abuse of the privilege of the mails" and urged some means of prevention.<sup>57</sup>

An article in the Charleston Mercury, published July 30, 1835, the day after the post office was entered, indicated that the people of the South had had warning of the deluge of printed matter to be sent from the New York Office of the American Anti-Slavery Society. After the breaking into the post office, the Mercury suggested that perhaps Congress, through its regulation of the Post Office Department, could

56. Henkle, Let My People Go, p. 85.

57. John B. McMaster, History of the People of the United States, VI, pp. 274-275.

pass some legislation which would prevent the abolitionists from further destruction to the South.<sup>58</sup>

There does not seem to be complete agreement as to just what actually happened on the night of July 29, when the post office at Charleston was forcibly entered "by removing the inside shutter", and, according to Niles' Register, "a bag" of the incendiary literature was taken out. The bag "of which it was understood that a bonfire was publicly to be made on the following night, at eight o'clock, without the limits of the city" had been intended for distribution in the South and West.<sup>59</sup> Barnes related that they "burned the pamphlets in the public square."<sup>60</sup> Henkle said "They broke into the post office, carried the objectionable mail into the street and burned it publicly. It made a large bonfire, bigger than the conscientious postmaster could curb. He wrote frantically to Postmaster General Kendall at Washington, asking how he might protect the mails."<sup>61</sup> Her account does not indicate whether the breaking in and the burning occurred on the same night or whether the burning took place on the night following the breaking into the post office. Greeley gave a little different version. He says,

58. Niles' Register, XLVIII, (August 8, 1835), p. 403.

59. Ibid.

60. Barnes, The Anti-Slavery Impulse, p. 100.

61. Henkle, Let My People Go, p. 85.

At Charleston, S. C., July 29, 1835, it was noised about that the mails just arrived from the North contained a quantity of Abolition periodicals and documents. A public meeting was thereupon called, which the Reverend Clergy of the city attended.... This meeting unanimously resolved that all the mail matter in question should be burnt, and it was [sic] burnt accordingly--the mails being searched and rifled for the purpose: 'although', (says The Courier), 'arrangements had previously been made at the Post-office to arrest the circulation of incendiary matter, until instructions could be received from the Department at Washington'....<sup>62</sup>

The exact location of the bonfire seems questionable and there would also seem to be some question as to whether the post office was entered the night of July 29, with the bonfire being made on the night of July 30, or, as seems reasonable, the two events took place during the same night--before and after midnight of July 29.

Most of the editorials, published at the time, expressed the opinion that the seizure was premature. The Charleston postmaster had already made plans to halt the troublesome mail, until definite instructions could be obtained from the Postmaster General.<sup>63</sup>

The Postmaster General, Amos Kendall, replied to the postmaster at Charleston, in a letter dated August 4, 1835, and a copy of this letter was sent to Edmund Anderson, the assistant postmaster at Richmond, Virginia. Anderson passed the letter on to the Richmond Whig for publication and it appeared in that paper on August 8, 1835. The copy sent to

62. Greeley, The American Conflict, I, pp. 128-129.

63. Niles' Register, XLVIII, (August 8, 1835), p. 403, quoting Southern Patriot; Goodell, Slavery And Anti-Slavery, p. 416, quoting Charleston Courier.

Anderson was in reply to a letter written by the assistant postmaster of Richmond, to the Postmaster General, dated July 3. The letter from the Charleston postmaster to Kendall had been written July 29, the day of the forceful entry into the post office.

The Charleston postmaster's letter had given information regarding the arrival of the pamphlets and tracts by steamboats, the highly excitable state of mind of the people, the precautionary measures taken to guard the mail, and his determination to detain the papers, which he had described to the Postmaster General as being "the most inflammatory and incendiary--and insurrectionary in the highest degree."<sup>64</sup>

All of this was revealed in the reply sent by the Postmaster General. He stated that, "Upon a careful examination of the law, I am satisfied that the postmaster general has no legal authority to exclude newspapers from the mail, nor prohibit their carriage or delivery on account of their character or tendency." The Postmaster General continued by saying that he was not prepared, however, to direct the delivery of the papers in question. He stated that

The post office department was created to serve the people of each sic and all sic of the United States sic, and not to be used as the instrument of their destruction sic. None of the papers detained have been forwarded to me, and I cannot judge for myself of their character and tendency; but you inform me, that they are, in character, 'the most inflammatory and incendiary--and insurrectionary in the highest degree'.

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64. Niles' Register, XLVIII, (August 22, 1835), p. 448.

By no act, or direction of mine, official or private, could I be induced to aid, knowingly, in giving circulation to papers of this description, directly or indirectly. We owe an obligation to the laws, but a higher one to the communities in which we live, and if the former sic be perverted to destroy the latter sic, it is patriotism to disregard them. Entertaining these views, I cannot sanction, and will not condemn the step you have taken.

Your justification must be looked for in the character of the papers detained, and the circumstances by which you are surrounded.<sup>65</sup>

Thus, did the Postmaster General avoid taking a definite stand. Henkle said "his equivocation was a masterpiece."<sup>66</sup> Burgess called Kendall's encouragement of the policy of detaining incendiary mail "nullification, not by a "State" convention, but by an individual United States officer."<sup>67</sup>

The Richmond Whig was of the opinion that he had no alternative. They agreed that he had no power to exclude the papers from the mail. Therefore, his "conclusions upon the subject are as liberal as could have been expected." They considered the law to be defective and, until Congress could meet and remedy the defect, "the people and postmasters must act upon their own responsibility. All men will acknowledge that the circulation of these incendiary tracts is out of the question."<sup>68</sup>

The New York Evening Post expressed surprise and regret that Kendall should permit every postmaster to "constitute

65. Niles' Register, XLVIII, (August 22, 1835), p. 448.

66. Henkle, Let My People Go, p. 85.

67. Burgess, The Middle Period, p. 272.

68. Niles' Register, XLVIII, (August 22, 1835), p. 448.

himself a judge of the laws, and suspend their operation whenever, in his supreme discretion, it shall seem proper...." The editor deemed it highly contradictory for the Postmaster General to confess that he had no legal power or authority to prevent the delivery or carriage of any kind of newspaper, and yet, at the same time, to declare that "by no act of his, will he aid, directly or indirectly, in circulating publications of an incendiary and inflammatory nature." They asked who gave the Postmaster General the right to judge of what was incendiary and inflammatory.<sup>69</sup>

The Boston Atlas quoted from the Postmaster General's letter:

We owe an obligation to the laws, but a higher one to the communities in which we live, and if the former [sic] be perverted to destroy the latter [sic], IT IS PATRIOTISM TO DISREGARD THEM. Entertaining....Your justification...in the character of the papers detained, and the circumstances by which you are surrounded.<sup>70</sup>

It then bombasted the sentiment expressed--the same sentiment which had induced the President to hazard "the despotic doctrines of the protest" and "to patronize the repeated acts of violence and outrage" that had marked the administration. "What higher duty [sic] can we owe to the community in which we live, than to obey the laws which the community has framed?"--it asked. Who but the community should

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69. Ibid.

70. Ibid.

pass judgment on the laws? Was an individual or class of individuals to decide whether or not a law was unjust? The practice of such a theory as that advocated by Kendall would be injurious. Would there be a "shadow of law or authority left in the country"?

There was but one course, said the Atlas, for the postmaster general to have pursued; and that is to have directed his subordinate officer to follow the law as it was laid down, and leave the result to the law. Instead of this, he tells him that it is patriotism, sometimes, to disregard the law [sic].<sup>71</sup>

The New York Commercial Advertiser believed that there was "no power in New England" that could infringe upon the freedom of the press or establish a censorship over it. If the "madmen who are scattering firebrands, arrows and death" could not be silenced by persuasion, it was up to the slaveholding states to resort to rigid means of inspection. But they believed the Union could not continue long in such an agitated condition. They agreed with the Atlas. The postmaster at Charleston "should only have been told to act as his own [sic] discretion, under a sense of his own responsibility, would justify."<sup>72</sup> It is evident that the Postmaster General was publicly criticized in the North, for his failure to uphold the execution of the law.

It was now up to the South to take action to protect themselves from this insidious literature. The city council

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71. Niles' Register, XLVIII, (August 22, 1835), p. 448.

72. Ibid.

of Charleston, on August 11, passed resolutions, designed to stop the circulation of incendiary publications. A reward of one thousand dollars was offered for the apprehension and conviction of any person who should bring into Charleston, any incendiary publication, or who was guilty of "printing, publishing, circulating or distributing any paper or document, tending to excite insurrection...."

Anyone who voluntarily received incendiary pamphlets or publications, or who, in any way, showed sympathies with the abolitionists, would be considered "inimical to our institutions and enemies to our state."<sup>73</sup>

The citizens of Charleston, on August 4, in a town meeting, appointed a general committee of safety, consisting of twenty one citizens. This committee posted a "PUBLIC NOTICE" which informed the people of Charleston that they had made an arrangement with the postmaster, "by which no seditious pamphlets shall be issued or forwarded from the post office in this city [sic]...." The committee was to make necessary provisions for seeing that such mail was not distributed. They would keep in touch with the citizens of Charleston. A committee would be authorized "in the name and behalf of the citizens of Charleston" to accompany the mail from the steamboat, expected that night or next day, to the post office and to make sure that no

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73. Niles' Register, XLVIII, (August 22, 1835), p. 441.



seditionous pamphlets were distributed. The committee of twenty one citizens sent a note to the Mercury, assuring it that the measures mentioned would be taken, and stating that the assurances of "that very efficient officer", the postmaster, had been given, that the circulation of incendiary tracts through his office would be prevented.<sup>74</sup>

He had already written the postmaster at New York, requesting that no more of the literature, addressed to the South, be forwarded.<sup>75</sup>

A vigilance committee of one of the parishes of Charleston published, on September 5, an extract from a letter received from Lewis Tappan, President of the American Anti-Slavery Society, in New York. The letter was dated August 19, 1835, and said, in part, that the American Anti-Slavery Society had issued "175,000 copies of newspapers and pamphlets" in July. Of these, he claimed "1000 or 1/175th part" had been destroyed at Charleston, but the remainder were accomplishing the intended purpose, throughout the United States. The editor of the Mercury commented that several thousand had been destroyed in Charleston. Mr. Tappan continued to say that the news arriving in New York, from Charleston and from Richmond, had caused great excitement. There had been a great anti-slavery meeting and notices had gone out for a large state convention, to be held for the purpose of forming a New York State Anti-Slavery Society.<sup>76</sup>

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74. Niles' Register, XLVIII, (August 22, 1835), p. 446.

75. Burgess, The Middle Period, p. 271.

76. Niles' Register, XLIX, (September 12, 1835), p. 21.

The legislature of South Carolina passed eight resolutions, which were as follows:

1. Resolved, That the formation of the abolition societies...are in direct violation of the obligations of the compact of union, dissocial and incendiary in the extreme.
2. Resolved, That no state, having a just regard for her own peace and security, can acquiesce in a state of things by which such conspiracies are endangered within the limits of a friendly state, united to her by the bonds of a common league of political association, without either surrendering or compromising her most essential rights.
3. Resolved, That the legislature of South Carolina, having every confidence in the justice and friendship of the non-slaveholding states announces to her co-states her confident expectation, and she earnestly requests that the governments of those states will promptly and effectually suppress all those associations withing [sic] their respective limits, purporting to be abolition societies, and that they will make it highly penal to print, publish and distribute newspapers, pamphlets, tracts and pictorial representations, calculated and having an obvious tendency to excite the slaves of the southern states to insurrection and revolt.
4. Resolved, That, regarding the domestic slavery of the southern states as a subject...within the control of each of the said states, we...consider every interference, by any other state or the general government, as a direct and unlawful interference, to be resisted at once, and under every public circumstance.
5. Resolved, In order that...non-slaveholding states ...disclaim...all right...to interfere....
6. Resolved, That...abolition of slavery in the District of Columbia as a violation of the rights of the citizens of that District....
7. Resolved, That the legislature of South Carolina regards with decided approbation the measures of security adopted by the post office department of the United States in relation to the transmission

of incendiary tracts. But if this highly essentially and protective policy be counteracted by congress, and the United States mail becomes a vehicle for the transmission of the mischievous documents, with which it was recently freighted, we, in this contingency, expect that the chief magistrate of our state will forthwith call the legislature together, that timely measures may be taken to prevent its traversing our territory.

8. Resolved, That the governor be requested to transmit a copy of this report and resolutions to the executives of the several states, that they may be laid before their respective legislatures.<sup>77</sup>

South Carolina's apprehension of the intrusion of the national government on her states' rights is clearly expressed in her resolutions. At the time the resolutions were reported to the legislature and discussed, Hamilton, a member of the committee on federal relations in the South Carolina Senate, submitted a very lengthy report. He upheld the legal rights of the slaveholding states, and declared that they had a claim on the non-slaveholding states, "not only moral and social, but of indispensable constitutional obligation, that this nuisance shall be abated [sic]." Hamilton then offered the resolutions which were adopted.<sup>78</sup>

In response to the request made of the New York postmaster, by the Charleston and other Southern postmasters, to hold up the incendiary tracts deposited in his office, and addressed to the South, he declared that he would cooperate with the South. His policy, as will be shown later,

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77. Niles' Register, XLIX, (January 2, 1836), p. 309.

78. Ibid., (January 9, 1836), pp. 318-319.

had the sanction of the Postmaster General. "This action marked the collapse of the pamphlet program, which had proposed to win the South by appealing to the conscience of the slaveholders."<sup>79</sup>

Such were some of the turbulent experiences in South Carolina--the state which took the lead in defending the doctrine of nullification in the tariff struggle, and the state which was later to be the first to secede from the Union.

While all this was taking place in the South, some notice was being given to the problem in the North, where the reaction was mixed.

Citizens of New Haven, Connecticut, held a meeting and adopted resolutions that "no man or combination of men" had a right to interfere with the constitutional rights or violate the laws of another state by sending publications which might lead to insurrection in that state. They urged the "arrest of such proceedings [sic]." One resolution stated that "as the mail of the United States was intended for the common good," people sending these incendiary documents are "deserving of the reprobation of all good and patriotic men."<sup>80</sup>

A similar meeting was held at Portland, Maine, on August 15, 1835, at which resolutions were passed condemning the current campaign of literature to the South and de-

79. Barnes, The Anti-Slavery Impulse, p. 100.

80. Niles' Register, XLIX, (October 3, 1835), p. 73.

clarating that it was the duty of every state to avoid interference with the "peculiar interests, concerns, laws and domestic policy" of every other state. Such meddling would cause unfriendly feelings between states.<sup>81</sup>

The Boston Atlas was the means used to call a meeting at Faneuil Hall to protest "the insurrectionary movement at [sic] the south, and show their brethren that they do not sanction the acts of those who would light the torch of servile war...." The Atlas called for a manifesto to show the South how they abhorred the activities of the abolitionist groups.<sup>82</sup> A meeting was held in Boston, on August 22, which protested the activities of the abolitionists by the adoption of resolutions. They went on record as desiring to preserve the Union at all costs and disclaimed any right to interfere in the affairs of slaveholding states.<sup>83</sup>

The Boston Advocate took the opposite view in its reply to the demands of the South that the abolitionists be silenced. The article stressed the importance of observing, in both the North and the South, the various "compacts" in the constitution, which the South had violated, if the Union was to be worth anything. The Advocate charged the South with attempting to "abridge" the freedom of the press. "Can congress", it asked, "pass a law to prohibit a particular kind of opin-

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81. Niles' Register, XLVIII, (August 29, 1835), p. 454.

82. Ibid., (August 8, 1835), p. 402.

83. Ibid., (August 29, 1835), p. 454.

ions [sic] from being circulated in the mail, and yet not 'abridge' the freedom of the press."<sup>84</sup>

On January 6, 1836, Governor Everett of Massachusetts, a Whig, communicated the demands of certain Southern states, for the suppression of the anti-slavery literature, to the legislature. He instructed them that measures to excite insurrection had been declared, by legal authority, as constituting an offense against the Commonwealth of Massachusetts and punishable as a misdemeanor at common law. The chairman of the joint committee, chosen to consider the matter, was a champion of slavery. The abolitionist group was given a hearing before the committee, on March 4, 1836. The hearing ended when the chairman decided that some of the remarks made had been disrespectful. The abolitionists issued a pamphlet presenting their case, as not having had a fair chance before the committee. The legislature allowed a "full hearing" on March 8, which lasted all day. It was a discussion of "free speech". In the end, "Massachusetts refused to manacle her own people in order to rivet more securely the shackles of others." <sup>85</sup>

New York, the source of so much of the troublesome literature, was also the scene of much protest. A meeting of Southern gentlemen was held in Tammany Hall, July 20, 1835. They attached little importance to abolitionist activities and believed that not even Northern public opinion could be seriously influenced by their efforts.<sup>86</sup>

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84. Niles' Register, XLIX, (October 3, 1835), p. 79.

85. Greeley, The American Conflict, I, pp. 124-125.

86. Niles' Register, XLVIII, (August 1, 1835), p. 382.

The New York postmaster, Samuel L. Gouverneur, became very much involved in the controversy and his decisions were of great importance in determining the course of events. He was drawn into the mesh when the Charleston postmaster wrote him, requesting him to accept no more of the abolitionist literature addressed to the South. Gouverneur, on August 12, 1835, wrote the editor of the New York Evening Star, giving him the particulars of all that had happened, in order to clear up some misstatements which had been circulated.

Early in the morning, on August 7, Gouverneur had written to the president and directors of the American Anti-Slavery Society, inclosing a copy of the letter sent to him by the postmaster at Charleston. Gouverneur proposed the suspension of the Society's campaign through the mails, until an opinion could be received from the Postmaster General. It will be recalled that the Charleston postmaster had requested Gouverneur to receive no more of the Society's papers in his office. Gouverneur claimed that, when his communication to the Society was delivered, he had received a verbal assurance that they would comply. He, accordingly, gave instructions to have those papers detained, when the mail was made up for the South. Elizur Wright, Jr., Corresponding Secretary of the Society, however, made a reply in writing, on August 8. He transmitted a resolution adopted by the Society, to the effect that it could not surrender any of its rights or privileges in regard to the use of the mails.

Gouverneur claimed that it was about time for the mails to be closed, when the resolution was delivered, and it was too late to make a different disposition of the papers which had been withheld.<sup>87</sup>

Gouverneur replied to the Society the day after he had received its resolution. He reviewed the entire correspondence and explained that the detention of papers was a result of the original oral agreement, on the part of the Society, to comply with the request to halt further publications. He further informed the Society that he would hold the papers until the arrival of a reply from the Postmaster General. He explained that his decision to withhold the papers would probably have been made, even if refusal to comply had been made in the beginning. It was his feeling that "the laws which secure to you the rights you claim [use of mails], also impose the penalties on those who infringe them."<sup>88</sup>

The Postmaster General replied on August 22, 1835. His lengthy letter was published in the New York Times. He approved of the proposal made to the Anti-Slavery Society. He continued:

I am confirmed in the opinion, that the postmaster general has no legal authority, by any order or regulation of his department, to exclude from the mails any species of newspapers, magazines or pamphlets. Such a power....Any order or letter of mine directing or officially sanctioning the step you have taken, would therefore, be utterly powerless and void, and would not in the slightest degree relieve you from its responsibility.

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87. Niles' Register, XLVIII, (August 22, 1835), pp. 447-448.

88. Ibid. The letter from the postmaster at Charleston, being a private one, was not sent to Niles' Register for publication.



Kendall went on to say that only the lack of authority prevented him from excluding the publications from the mails. The postmasters were in a position to know the nature of the publications passing through their offices. If designed to do damage, they were justified in detaining them, but on their own responsibility. The anti-slavery publications which he had seen, he considered vicious. He discussed the constitutional right of the abolitionists to use the mail for their efforts. Certain states had, according to their sovereign power, passed laws providing specific punishment for those guilty of circulating abolitionist papers. "If a state, by a constitutional law, declare any specific act to be a crime, how are officers of the United States, who may be found guilty of that act, to escape the penalties of the state law"? Kendall argued that the "abolitionists may have a legal right to its [mail] use for distributing their papers in New York, where it is lawful to distribute them, but it does not follow that they have a legal right to that privilege for such a purpose in Louisiana or Georgia, where it is unlawful." Kendall was still unwilling to sanction the holding up of any material, without some action by Congress, and he cautioned postmasters to be very zealous in their application of the policy of withholding anything from the mails."<sup>89</sup>

A mass meeting, attended by most of the New York Senators, passed resolutions protesting against the interference of any state with the affairs of any slave state, and against the sending of abolitionist publications into those states,

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89. Niles' Register, XLIX, (September 5, 1835), pp. 8-9.

except to white citizens, as subscribers. The resolutions called attention to the constitutional right of Southern states to permit slavery and to the fact that Northerners, regardless of their desire to abolish slavery, had no constitutional right to interfere with it, as long as the Constitution endured.<sup>90</sup>

Criticism of Kendall's letter was immediately forthcoming. The New York Post claimed to have lost "government patronage" as punishment for opposing the "seditious doctrine of the postmaster general, and the audacious conduct of his deputy, Mr. Gouverneur, the postmaster of this city." The Washington Globe defended Kendall's stand. The New England Advocate and the Hartford Times were outspoken in their criticism of Kendall's "insidious, jesuitical and nullifying letter." They predicted that he would be upheld by the President.<sup>91</sup>

A meeting at Rochester, New York, condemned violence and outrage, but also condemned those who aided in the distribution of incendiary papers, among the people of the South, as disturbers of the public peace. Those participating in the meeting declared that slavery was a matter to be handled by the states in which it existed.<sup>92</sup>

According to Goodell, the legislature of New York, in May, 1836, adopted a report pledging the state to enact

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90. Niles' Register, XLIX, (September 5, 1835), p. 9.

91. Ibid., (September 19, 1835), pp. 45-46.

some laws, whenever they should be deemed "requisite". Copies of this report were sent to governors of the South, but the report was not made public through the Albany Argus, the official organ of the New York administration.<sup>93</sup>

While the North had made numerous protests against the work of the abolitionists, it had not given the South much comfort in the way of actual legislation to suppress the output of anti-slavery literature. What the South considered a constitutional duty--legislation to stop the publications--the North considered an infringement on the privilege of the freedom of the press. The Postmaster General sympathized with the South, but did not feel that he had authority to do anything about the situation, until Congress met and granted him that authority.

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93. Goodell, Slavery And Anti-Slavery, p. 42.

## CHAPTER IV

### ACTION TAKEN BY FEDERAL GOVERNMENT

The Postmaster General's denial, of any authority to prevent the abolitionist literature from passing through the mails, left any action, to be taken by the federal government, up to Congress. President Jackson suggested legislation in his Annual Message to Congress and Calhoun introduced a bill in the Senate designed to exclude abolitionist literature from the mails but, after bitter debate it failed to pass and the postmasters throughout the South were left with only the informal suggestions of the Postmaster General to guide them.

On August 7, 1835, Postmaster General, Kendall, wrote to President Jackson, inclosing copies of the correspondence which had taken place between him and the postmaster at Charleston. Explaining that he regarded the papers in question as "most flagitious" and that he believed the interception of them was the only means of handling the problem, Kendall stated that he had left it up to individual postmasters to take the hint contained in his letter to the Charleston postmaster. Kendall had given no instructions upon the subject, but added that he had been requested by the Richmond postmaster to send an order to hold up such mail and he admitted that he had advised the New York Post Office, verbally, to

hand out none of the papers except to those persons who claimed to be subscribers. He felt that his action would pacify the South.<sup>1</sup>

President Jackson's reply to Kendall's letter was dated August 9, 1835, and was written from the Rips Raps, Va., where the President had gone for rest. He expressed his great regret at the agitation. But as executors of the law, he said, "we have no power to prohibit anything from being transported in the mail that is authorized by law." He heartily approved of Kendall's verbal suggestion to the New York postmaster and stated that he believed that few men would be willing to openly acknowledge themselves as subscribers to such papers. It was his belief that public opinion would penalize those who did admit that they were subscribers. Until Congress convened, however, nothing could be done, except to direct that the inflammatory papers be delivered to none but those who, as subscribers, demanded them. Names of those people should be kept and they should be exposed through the public journals.<sup>2</sup>

The Postmaster General's Report to the President, dated December 1, 1835, again presented the problem to President Jackson. The Report discussed the organization of an association, which had raised funds for the express purpose of attempting the immediate abolition of slavery in the South. It continued:

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1. Bassett, Editor, Correspondence of Andrew Jackson, V, pp. 359-360.

2. Ibid., pp. 360-361.

One of the means resorted to, has been the printing of a large mass of newspapers, pamphlets, tracts and almanacs, containing exaggerated, and in some instances, false accounts of the treatment of slaves, illustrated with cuts calculated to operate on the passions of the colored men, and produce discontent, assassination and servile war. These they attempted to disseminate throughout the slaveholding states, by the agency of the public mails.<sup>3</sup>

It related something of the excitement which this mail had caused in the South. It told about the affair at Charleston and how the postmaster had agreed to retain such pieces of mail in his office, until instructions could be obtained from the Postmaster General. The postmaster at New York had also raised the question and he had agreed to cease sending the material to Charleston. Both gentlemen had been informed that the Postmaster General had "no legal authority to give instructions on the subject", but he had made it plain to them that "the circumstances of the case had justified the detention of papers." "Important principles are involved in this question," said Kendall in the Report, "and it merits the grave consideration of all departments of the government."<sup>4</sup>

The Report continued with a lengthy discussion of the constitutional aspects of the problem. The states were united by the constitution only for certain purposes. In some interests they are just as independent in their relationship, as they were before the Constitution was drawn up. Kendall believed the interest of the Southern states in slaves

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3. Cong. Globe, 24 Cong., 1 sess., App., pp. 6-10.

4. Ibid.

was one of these interests. No state obtained by the Constitution any right over slavery in any other state; nor did any state lose any of its power over it within its own borders. States, being independent, had a right to pass such laws as they felt necessary for the protection of their interest in slavery. One state had no more right to interfere with the affairs of another state, than they would have to interfere with the "internal regulations, rights of property, or domestic police of a foreign nation." If the people should combine to flood a foreign state, with papers designed to create discontent and cause rebellion, it might be a cause for war. In the case of the Union, the obligations of the several states to suppress any attack by their citizens, on the rights of another state, should be even greater than in the case of foreign states. By entering the Union, the individual states had lost the right of redress which belongs to wholly independent nations. Only by compact or agreement would one state have a right to carry on a discussion, either orally or by the distribution of printed papers, within another state and particularly if the discussion were in violation of laws of that particular state. Though the Constitution provided that "citizens of each state shall be entitled to all privileges and immunities of citizens in the several states," it did not mean that citizens of one state should have higher privileges and immunities than those of another. It was difficult to see, then, how citizens of the Northern states could have the privilege of carrying on discussions in the

Southern states, by means of literature which the citizens of the latter states were forbidden to circulate.<sup>5</sup>

Neither did the Postmaster General believe that the Constitution gave the United States any authority over the subject, except the right to prohibit the importation of slaves after a certain date. In fact, one reason why the Southern states had entered into the Constitution was "to secure to themselves a more perfect control over this interest [slavery]." In this interest, some states had passed laws prohibiting under heavy penalties, the printing or circulating of the papers in question, within their territory. These laws had not been incompatible with the Constitution, because they related to a subject over which the United States could not rightfully assume control. "If these principles be sound", read the Report, "it will follow that the state laws on this subject are within the scope of their jurisdiction; the supreme laws of the land, obligatory alike on all persons, whether private citizens, officers of the state, or functionaries of the general government." Since one duty of the United States was to "protect each of the states against invasion," it would certainly follow that the United States would have no right, through its officers or departments, to be instrumental in producing within the states, the state of affairs which the Constitution commands them to suppress. In other words, the words of the Constitution could not be construed to mean that the government should afford the use of its mails

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5. Cong. Globe, 24 Cong., 1 sess., App., pp. 8-9.



and post offices to counteract the laws of the states in the circulation of papers which were designed to produce violence. The part of the Report, pertaining to the question, concluded with the paragraph:

The position assumed by this department is believed to have produced the effect of withholding its agency generally, in giving circulation to the obnoxious papers in the southern states. Whether it be necessary more effectually to prevent, by legislative enactments, the use of the mails, as a means of evading or violating the constitutional laws of the states in reference to this portion of their reserved rights, is a question which, it appears to the undersigned, may be submitted to congress, upon a statement of facts, and their own knowledge of the public necessities.<sup>6</sup>

It would appear that Kendall, though not wishing to commit his department, was strongly in sympathy with the South.

President Jackson, in his annual message to Congress, on December 8, 1835, introduced the subject of abolitionist literature in the mails, in connection with his comments on the Post Office Department. The abolitionists accused him of lending his influence "on the side of the Slave Power, and against the freedom of the press."<sup>7</sup> This part of his message began:

In connection with these provisions in relation to the Post Office Department, I must also invite your attention to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war.

6. Cong., Globe, 24 Cong., 1 sess., App., pp. 8-9.

7. Goodell, Slavery And Anti-Slavery, p. 415.

There is doubtless no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact, and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders; and depends upon the maintenance, in good faith of those compromises of the Constitution upon which the Union is founded.<sup>8</sup>

He called upon the good sense and generous feeling, as well as the "deep rooted attachment of the people of the non-slaveholding States to the Union", to continue to give such tone to public opinion as to "authorize the hope that these attempts will no longer be persisted in." If not, he predicted that the non-slaveholding states, rather than tolerate such interference with the constitutional rights of the South, "will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil."<sup>9</sup>

The closing paragraph of the President's message was an appeal to Congress for action.

In leaving the care of other branches of this interesting subject to the state authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the Confederacy, from being used as an instrument of an opposite character. The General Government to which the great trust is confided of preserving inviolate the relations created among the States by the Constitution, is especially bound to avoid in its own action anything that may disturb them <sup>sic</sup> I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will

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8. Cong. Globe, 24 Cong., 1 sess., p. 10.

9. Ibid.

prohibit, under severe penalties, the<sup>6</sup>circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection.<sup>10</sup>

President Jackson, thus, made it very plain to Congress that he desired such legislation as would prevent the use of the United States mails for the circulation of incendiary literature.

Schouler called attention to Jackson's pro-slavery leanings and to the evidence of sectional views, in the statement: "A southern slaveholder himself...Jackson at once arrayed his administration and party against these new agitators known as abolitionists."<sup>11</sup> The President, who had always denounced any attempt to interfere with the execution of the law, had given his approval of just such an act by the Post Office Department. "His indignation at the abolitionists in persisting in what he considered an abuse of the freedom of the mails probably blinded him to the real significance of the matter."<sup>12</sup>

The whole situation was a delicate matter for the President, particularly in view of the fact that 1836 would be an election year. "To destroy mail matter was to destroy private property without due process of law."<sup>13</sup>

In the Senate of the United States, on December 21, 1835, after other items of business had been disposed of, John C. Calhoun "moved that so much of the message of the

10. Cong. Globe, 24 Cong., 1 sess., p. 10.

11. Schouler, History of the United States of America, IV, p. 224.

12. Burgess, The Middle Period, p. 272.

13. Schouler, History of the United States of America, IV, p. 225.

President of the United States, as related to the transmission through the public mails of certain publications of a dangerous tendency, be referred to a select committee." Calhoun professed that the subject was of the greatest importance and required the earliest attention of the Senate. Actually he preferred a select committee to the Committee on Post Offices and Post Roads because the latter committee included only one member from the South.<sup>14</sup>

Lengthy debate ensued before the question of the proper committee was settled. Definitely opposed to a select committee were King, of Alabama, and Brown, of North Carolina. King disclaimed any right of the government to act on the question, but, if the question were to be taken up, the Committee on Post Offices and Post Roads was the proper one to do so. Brown believed that a new committee could not be so well informed as the Post Office Committee, and then too, the question would take on the aspect of sectionalism. Buchanan, of Pennsylvania, also believed the government had no right to interfere in such a delicate matter. He felt that the intelligent people of the North were willing to do anything to suppress the evil which threatened the South. The Post Office Committee should handle the question in order to avoid excitement and the charge of party politics. Preston, of South Carolina, and Grundy, of Tennessee, both preferred the Committee on Post Offices and Post Roads.<sup>15</sup>

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14. Cong. Globe, 24 Cong., 1 sess., pp. 36-37.

15. Cong. Globe, 24 Cong., 1 sess., pp. 36-37.

Among those supporting Calhoun were Leigh, of Virginia, Mangum, of North Carolina, Goldsborough, of Maryland, Ewing, of Ohio, Clayton, of Delaware, and Davis, of Massachusetts. Their chief argument was that the question particularly concerned the South, and a select committee would make it possible to assemble a committee, of which the majority would be from the South. Since the Committee on Post Offices and Post Roads had but one member from the South, Southern constituents would have more confidence in a report made to them by members from their own section than in a report from Northerners. Even if the committee should rule that the government had no power to act, that decision would be more acceptable to the South, if it came from their own members. Preston had maintained that there were just two propositions to consider. Did the government have the right to regulate the Post Office Department and, if so, to what extent? If they had the right, then to what extent did the people of the South want that protection?<sup>16</sup>

Calhoun's motion for a select committee was carried. The committee, of which he was named chairman, consisted of King, of Georgia, Mangum, Davis, and Linn.<sup>17</sup>

Calhoun, as chairman of the select committee appointed to consider the attempts to circulate inflammatory publications through the mails, made a report to the Senate on Thursday, February 4, 1836. The report was accompanied

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16. Ibid.

17. Ibid., Niles' Register, XLIX, (December 26, 1835), p. 285.

by a bill. After the report was read, the bill was read for the first time and ordered to a second reading. A synopsis of the bill follows:

Section 1. prohibited any deputy postmaster from knowingly receiving and putting into the mail any "pamphlet, newspaper, handbill, or other printed, written, or pictorial representation" dealing with slavery, addressed to any person or post office where state, territorial, or district laws prohibit the same, or to deliver same to anyone except to persons properly authorized by the state, territory, or district.

Section 2. authorized the Postmaster General to dismiss deputies not complying. Persons offending were, on conviction, to be fined not less than \_\_\_\_\_, and not more than \_\_\_\_\_, at the discretion of the court.

Section 3. provided that deputy postmasters were obliged to cooperate in preventing the circulation of such pamphlets. Nothing in former acts of Congress was to be construed as protecting those convicted.

Section 4. made it the duty of the Postmaster General to furnish deputies with the laws of the several states, prohibiting such publications. Regulations to carry out these laws would be necessary.

Section 5. provided that deputies inform the Postmaster General where pamphlets were deposited, that they might be withdrawn by the persons depositing them. If not withdrawn within one month, such pamphlets were to be destroyed.<sup>18</sup>

The report, itself, was extremely lengthy and a masterpiece of oratory. It was submitted, in the name of the select committee, in response to President Jackson's appeal for Congressional action to stop the flow of incendiary publications through

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18. Cong. Globe, 24 Cong., 1 sess., pp. 164-165.

the mails. The committee agreed with the President as to all the horrors connected with the movement, but could not agree to his recommendation that Congress should prohibit, under severe penalty, the transmission of such publications through the mails. Such action, on the part of Congress, would be destroying a right which the Constitution expressly guaranteed --freedom of the press. The report reviewed briefly the struggle necessary for the ratification of the Constitution--the necessity of including the first ten amendments in order to secure the ratification. When the lawmakers prohibited the passage of any law which would abridge the freedom of the press, it was their intention to bar Congress from interfering with the states.<sup>19</sup>

The report compared the case of the transmission of inflammatory publications with the case of the Sedition Act, in 1799, insisting that the same principles were involved in both cases. There could be no distinction between punishment for "publishing" against the government and "circulating" through the mail. Both were equally unconstitutional. Both abridged freedom of the press. Furthermore, Congress possessed an exclusive power over the post offices and the mails. If given the right to determine what papers should and what should not be transmitted by mail, the freedom of the press in all matters, political, moral, and religious, would be completely subject to the will of Congress.

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19. Niles' Register, XLIX, (February 13, 1836), pp. 408-411.

The report indicated that the committee had decided that Congress did not have the right to determine what papers were incendiary. The admission that Congress had this right would mean that it also had the right to determine what was not incendiary and the right to enforce the circulation of what was not incendiary. That power could easily enable Congress to destroy slavery and the peace and prosperity of the Southern states. Since the maintenance of internal peace was a matter of state authority, Congress had no right to determine what did or did not threaten the South's peace and security. The Constitution reserved to the states all powers not expressly delegated to Congress and the power of defending the internal peace of states could not be found among the enumerated powers of Congress. It, therefore, was reserved to the states. It then became the duty of the general government to respect the measures adopted by the states for the preservation of that peace. That meant that the general government should, through its control of the mail, cooperate, in so far as possible, with the slaveholding states in the execution of any state laws passed for their internal peace and security. It had been for the purpose of helping the general government cooperate with the states, that the committee had prepared the bill, which Calhoun submitted.<sup>20</sup>

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20. Niles' Register, XLIX, (February 13, 1836), pp. 408-411.



Calhoun, in the report, explained that the states composing the Union were sovereign and independent communities. All were united by a constitutional compact. Except for the modifications imposed by the compact, the states possessed all the rights and were subject to all the duties of separate communities. The slaveholding states had a duty to maintain peace within their borders, and if any other state threatened that peace, the states had a right to demand measures of the offending state, which would prevent the disturbance, just as one nation would protect itself against the actions of other nations. The Constitution added additional obligations for states to protect the internal security of each other. The campaign of literature, by mail, was an attack by a certain group on certain states. Those responsible for it did not seem to realize that the destruction of slavery would mean an attack upon the whole social, political, and economic life of those states--not just a matter of the relationship between master and slaves.<sup>21</sup>

The Southern slaveholding states would never submit to such results as would inevitably follow the continued attacks of the abolitionists. They would feel impelled to offer the "most daring and desperate resistance in defense of property, family, country, liberty and existence." The continued efforts of the abolitionists must, if persisted in, eventually alienate the two sections of the Union. That would be perilous to the

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21. Niles' Register, XLIX, (February 13, 1836), pp. 408-411.

institutions of the South and would also have its effect on the commercial institutions of the North.

Such was the great oration which Calhoun delivered, in behalf of the select committee, to the Senate, before he introduced the bill, which has already been outlined. He had made a strong case for the Southern states.<sup>22</sup>

After the reading of the report and the bill, "Mr. Mangum moved that five thousand extra copies of the report be printed."<sup>23</sup> According to Niles' Register, he "moved the printing of the report and bill, hat [~~sic~~] 5,000 extra copies be printed."<sup>24</sup> This discrepancy becomes understandable when one compares the two accounts. Niles deleted and consolidated the report of the entire proceedings. Mangum, of North Carolina, originally moved to have extra copies of the report printed. Davis and King, of Georgia, stood to explain that the report, while appearing to be a report of the entire committee, was actually agreed to by only two members of the committee. The majority of the committee had dissented. King asked that Mangum modify his motion to have both bill and report included in the printing. By reading the two together, members of the Senate could see that report and bill were in conflict with each other. Calhoun explained that only he and Mangum had concurred throughout the report. Three other members had concurred with the greater part, while two had concurred with some parts of it. As to the bill--two of the

22. Niles' Register, XLIX, (February 13, 1836), pp. 408-411.

23. Cong. Globe, 24 Cong., 1 sess., p. 165.

24. Niles' Register, XLIX, (February 6, 1836), p. 391.

committee would have preferred a different one; one was opposed to it altogether. The bill, he claimed, was a natural consequence of the report and was not in conflict with it.<sup>25</sup>

Henry Clay, of Kentucky, explained that reports were merely argumentative papers, and were not considered as adopted paragraph by paragraph, in order to have them printed for the Senate. If a bill, embracing the principles of a report, was adopted, the reasoning of the report might be considered as adopted.<sup>26</sup>

Mangum changed his motion to have report and bill included for printing. The motion carried.<sup>27</sup>

Schouler has not concealed his sympathies. He speaks of the "mischievous turn which southern presses in Calhoun's interest gave to this agitation [abolition], as though concerted feeling and action were the only means of saving the cherished institution of the South from northern outrage." He continues:

Democrats like Benton, who swore by the whole Union, traced the chief nullifier's guiding hand in this new effort to unite the South upon the slave issue...and an insidious report which Calhoun now prepared, as chairman of a select committee in the Senate, appointed on his own motion, confirmed their apprehension. This committee, to which was referred that part of the President's message relating to incendiary matter in the mails, reported a bill forbidding all such transmission under severe penalties. The report...was objectionable to their [Calhoun and Mangum] colleagues and the Senate in two respects: it vamped up the Satanic dogma, that the Constitution was a compact; and its language, besides, was inflammatory, fanning needless alarm over the new abolition movement. This disorganizing report and the debate it drew forth showed that Calhoun was

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25. Cong. Globe, 24 Cong., 1 sess., p. 165.

26. Ibid.

27. Ibid.

joined again to his secession idols; while the temper even of slave-State senators who were moderate was to hold up the allies of the Union against Calhoun and Garrison alike.<sup>28</sup>

On Wednesday, April 6, 1836, "the bill to prevent the circulation through the mails of incendiary publications, was taken up as the special order." The record reads:

Mr. Calhoun briefly explained the provisions of the bill, and moved to fill up the first blank with \$100, and the second blank with \$1,000; which motion was agreed to.

These amounts referred to the penalties provided in the bill.<sup>29</sup>

Both Davis and Grundy asked for a postponement of the bill. It was postponed until the following day.<sup>30</sup> On Thursday, April 7, 1836, the bill was again taken up. Davis, of Massachusetts, gave some strong arguments against it. He argued that it was putting the power of the government into the hands of the states. The Post Office had been established to facilitate the transmission of intelligence throughout the country. Because the South was in difficulty over the question of slavery, they were asking the government to suppress the circulation of certain literature through the mails. They were proposing to create an "inquisitorial power" in the Post Office Department. The bill, if passed, would give the government an exclusive right to send or deny the right of sending such papers, as it pleased, through the mails. The government might then decide to prohibit the transmission of certain political or religious publications. It would be an

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28. Schouler, History of the United States of America, IV, p. 226.

29. Cong. Globe, 24 Cong., 1 sess., p. 325.

30. Ibid.

infringement on the rights of a free press. There would be no uniformity in various state laws prohibiting such literature. That would make it very confusing for postmasters to determine what was and what was not incendiary, and he believed the right to suppress carried with it, the right to circulate or not to circulate at pleasure. The government would be acting through the power of the state. If the government did not have the constitutional power to suppress, Davis could not see how it could derive that power from the states and he further believed that the Southern states could, at present, cope with the problem in their respective states.<sup>31</sup>

Calhoun agreed that Davis had raised some interesting questions, the answers to which would require some thought. Davis was mistaken, however, regarding the relationship between states and general government. It was because the subject belonged to the states, and because it was the duty of the general government to aid and cooperate with them in carrying out their laws, that this bill had been framed. He moved to adjourn.<sup>32</sup>

The bill was again taken up "as the special order" on Tuesday, April 12, 1836. Calhoun endeavored to answer the arguments of his opponents, particularly those of Davis. Calhoun maintained that if the power of Congress to suppress the transmission of incendiary papers, and to say what was incendiary, were once acknowledged, it would be conceding to

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31. Cong. Globe, 24 Cong., 1 sess., pp. 331-332.

32. Ibid.

Congress the right to decide what was not incendiary. The government could, then, force the latter kind of publications into circulation. He considered slavery solely a domestic problem. It was, therefore, up to the slaveholding states to decide whether the transmission of incendiary publications through the mails endangered the peace and safety of those states, to the point where it should be prohibited, and they should also have the power to say what law should be enacted to suppress such transmission. Stemming from this right of the states was the duty of the general government to respect the state laws and, when possible, to cooperate with them. The principle of this doctrine was not new. He referred, as in his report, to the case of health laws. When laws of the general government had conflicted with state laws, they had been modified.<sup>33</sup>

Calhoun denied that the report and bill were in conflict. The report contained just three main principles. They were that the general government had no right to prohibit papers; it had no right to say what papers should be transmitted; and that those rights belonged to the states.<sup>34</sup>

Calhoun saw the state as an independent body, not as an agent of the general government. The rights of the states were as clearly defined as those of the general government. The Constitution said "All powers not delegated to the General Government were reserved to the States."<sup>35</sup>

33. Cong. Globe, 24 Cong., 1 sess., pp. 347-348.

34. Ibid.

35. Cong. Globe, 24 Cong., 1 sess., pp. 347-348.

In the case of the state laws prohibiting the transmission of incendiary literature, Calhoun maintained that the general government should yield to the state. The laws pertaining to the carrying of mail were laws of accomodation. The laws of the states were necessary laws to insure the peace and safety of the citizens of the eleven slaveholding states. Certainly the laws of accomodation, in this case, must yield to the laws of necessity. Calhoun was gratified at seeing so many advocates of state rights.<sup>36</sup>

If the power to suppress the circulation of publications should be carried into politics or religion, Calhoun would be prepared to sustain the states in conflict with the general government. He believed there would be no inconvenience in determining what were incendiary publications.<sup>37</sup>

The abolitionists had become strong. They were maintaining a powerful press, which they were using to threaten the peace of the South. Calhoun called upon the general government to decide whether it would be on the side of the abolitionists or on the side of the South. The South asked only that the government should respect the state laws of the South. He feared there must be conflict over the question at some time or other. The state of politics, in the non-slaveholding states, had made it impossible to secure legislation there. The number of abolition petitions being sent to Congress indicated that the North was leaving matters up to Congress. Would Congress be for the South or against it? If it were

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36. Ibid.

37. Ibid.

against them, the states would have to rely upon themselves. They would stick to the principles of his bill. The bill asserted the supremacy of state laws and gave a power of protection. The states would never yield. Calhoun wished to see the matter decided.<sup>38</sup>

Davis again took the floor to argue against the bill. The bill was such as to increase the hatred of the North toward slavery. Suppression of the circulation of incendiary publications would abridge the freedom of the press. Liberty of the press was a right reserved "in express terms" and could not be touched. Free institutions could not be maintained without the dissemination of all general intelligence through the mails. Any discrimination in the content of publications to be sent through the mails, would involve a system of espionage over the Post Office Department. Public confidence in it would be destroyed. He again pointed out the discrepancy between the report and the bill. The report claimed the government had no power to prohibit the circulation of incendiary publications. While still adhering to this principle, Calhoun was insisting that the government could pass a law which would aid the states in suppressing such publications.<sup>39</sup>

The bill was tabled and the Senate proceeded to other business.<sup>40</sup>

The debate was resumed on Wednesday, April 13, 1836. Benton, of Missouri, spoke against the bill. Grundy asked

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38. Cong. Globe, 24 Cong., 1 sess., pp. 347-348.

39. Ibid.

40. Cong. Globe, 24 Cong., 1 sess., pp. 347-348.



that the bill be tabled until the following Tuesday. Niles, of Connecticut, moved to amend the bill, by omitting the first section and inserting the following:

Limiting the operation of the bill to postmasters where the newspapers prohibited are to be delivered, and also to confine it to newspapers, the design and tendency of which are to excite insurrection among the slaves. The first section of the bill embraced papers touching the subject of slavery, the violation of which was prohibited by any of the States.

Niles explained that the amendment confined the operation of the law to the postmasters where the papers were to be delivered, and did not include those receiving or forwarding them. Another difference between the amendment and the original bill--the amendment limited and defined the description of those papers to be prohibited. Only those "designed and calculated to incite insurrection among the slaves" were to be involved. Niles did not believe he could support the bill, even with his amendment. He defended his amendment against the arguments of Ruggles, of Maine, however.<sup>41</sup>

Calhoun took the floor. He and his special committee had done their duty, in bringing the subject before the Senate. He would like a final vote, in order that the people of South Carolina might know whether or not the general government possessed a power to arrest this evil, which known to exist. His constituents were entitled to know if the "mere convenience or inconvenience of the mails" was considered more important than their existence. Calhoun could not understand why some Senators denounced his bill even though it had been

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41. Ibid., pp. 351-354.

recommended by the President. They had permitted the Executive to do, without censure, what they now refused to permit Congress to do. When Congress considered legalizing what the President had done, and doing what he had recommended, "then the liberty of the press was assaulted and the Constitution violated." Was it because the President's power would soon end that some of the Senators were taking a different attitude?<sup>42</sup>

Grundy urged that party politics be kept out of the discussion and that each Senator vote on the issue as his conscience directed. He, Grundy, believed the bill was constitutional and that the times called for it. He would vote for it with some modifications. He again asked that the bill be tabled.

Calhoun called attention to the power which the general government had been able to exert because of its patronage and the vast amount of money at its disposal. He objected because he had seen the abuse of this power in the removal of deposits and in the distribution of spoils. He would say, however, that the President had expressed himself boldly and manly, in regard to suppressing the incendiary publications. He believed the President was sincere, though mistaken in his belief that it was a question for Congress. Calhoun was determined to have a final vote on the bill, but would consent to table it, if Grundy would call it up within a reasonable time. This was agreed to and the Senate adjourned.

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42. Cong. Globe, 24 Cong., 1 sess., p. 351-354.

A substitute for the entire bill was submitted, in the form of an amendment, by Grundy, on April 30, 1836, when the Senate again took up the bill. "The amendment was ordered to be printed; and the bill was laid on the table."<sup>43</sup>

Senate proceedings for June 2, 1836, show that Calhoun moved to table unfinished business and take up the bill prohibiting deputy postmasters from receiving or transmitting, through the mail, to any state, territory, or district, papers prohibited by that state, territory, or district.<sup>44</sup>

Grundy modified his amendment "to restrict the punishment of deputy postmasters who may violate the provisions of this act to simple removal from office."

In the Senate, on Wednesday, June 8, 1836, "On motion of Mr. CALHOUN, the Senate took up the bill to prohibit deputy postmasters from distributing incendiary publications which have been sent through the mails."<sup>45</sup>

The bill, as now worded, was:

Be it enacted, etc., That it shall not be lawful for any deputy postmaster, in any State, Territory, or district of the United States, knowingly to deliver to any person whatever, any pamphlet, newspaper, handbill, or other printed paper or pictorial representation touching the subject of slavery, when, by the laws of said State, Territory, or district, their circulation is prohibited; and any deputy postmaster who shall be guilty thereof, shall be forthwith removed from office.

sec. 2. And be it further enacted, That nothing in the acts of Congress to establish and regulate the Post Office Department, shall be construed to protect any deputy postmaster,

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43. Cong. Globe, 24 Cong., 1 sess., p. 412.

44. Niles' Register, L, (June 4, 1836), p. 236.

45. Cong. Globe, 24 Cong., 1 sess., p. 539.

mail carrier, or other officer or agent of said Department, who shall knowingly circulate, in any State, Territory, or district, as aforesaid, any such pamphlet, newspaper, handbill, or other printed paper or pictorial representation, forbidden by the laws of such State, Territory, or district.

sec. 3. And be it further enacted by the authority aforesaid, That the deputy postmasters of the offices where the pamphlets, newspapers, handbills, or other printed papers or pictorial representations aforesaid, may arrive for delivery, shall, under the instructions of the Postmaster General, from time to time give notice of the same, so that they may be withdrawn by the person who deposited them originally to be mailed, and if the same shall not be withdrawn in one month thereafter, shall be burnt or otherwise destroyed.<sup>46</sup>

In the discussion of the bill, which followed, it was defended by Buchanan, Calhoun, Cuthbert, Walker, and Grundy. Arrayed against it, were Webster, Davis, Clay, Morris, and Ewing.<sup>47</sup>

Daniel Webster opposed the measure because of its vagueness and obscurity. It did not sufficiently define the publications to be prohibited. It violated the principle of freedom of speech and press. Agents of the Post Office Department had no right to examine publications put into the mail.

Henry Clay contended that the bill was unnecessary and uncalled for. It was only the circulation of the inflammatory publications which was evil. They did no harm while remaining in the post office. When the papers were handed out, the

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46. Cong. Globe, 24 Cong., 1 sess., App., p. 453.

47. Ibid., App., pp. 453-458.

state could take over and, if necessary, seize the publications. The bill might be applied to state laws of the future, a thing which might be very dangerous. The bill said "knowingly deliver". A postmaster might plead ignorance. That would make the law inoperative. The law would make Congress dependent on the legislatures of twenty four states. The bill was designed to destroy the Constitution.<sup>48</sup>

Calhoun believed that both Webster and Clay were mistaken. A publication, to be under the jurisdiction of this law, must touch the subject of slavery and must be prohibited by the law of the state to which it was transmitted. The question, then, was whether or not the general government could tell its officers that they must not violate the laws of the states in which they resided. The states had already passed the laws abridging freedom of the press.<sup>49</sup>

The President had called for a law abridging the freedom of the press. The states would execute their own laws against circulation. For them, it was a matter of life and death. Many postmasters, in South Carolina, for instance, were against slavery. They might be willing to aid in the circulation of the evil publications, if there were no federal law requiring them to cooperate with the state. This law would simply prevent conflict between the general government and the state governments.<sup>50</sup>

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48. Cong. Globe, 24 Cong., 1 sess., App., pp. 453-458.

49. Ibid.

50. Ibid.

Calhoun thought the incendiary papers should be delivered to the prosecuting authorities of the state, in which they were seized, in order to help ferret out the incendiaries. He would support the bill on the grounds of the doctrine of states' rights, no other.

Webster thought it better to limit the power of the Post Office Department than to give it too much. He referred to the furore over the old Sedition Act of 1799. If postmasters then had been permitted to search the mails for seditious matter, the country "would have been rent into atoms." Any laws distinguishing what should or should not go into the mails were unconstitutional.<sup>51</sup>

When the vote on the bill was taken, it was rejected by a vote of 19 to 25. Calhoun had lost in his great struggle to have Congress pass legislation, which would defend the right of states to prohibit the circulation of incendiary literature through the mails.<sup>52</sup>

The struggle was lost in the Senate, as practically nothing was done in the House of Representatives. Hall, of Vermont, a member of the House Committee on Post Offices and Post Roads, sought, on March 25, 1836, to make a report on behalf of the minority of the committee. From his remarks, it appears that "so much of it [President's message] as related to the post office department, including the subject of incendiary publications, was referred to the committee on

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51. Cong. Globe, 24 Cong., 1 sess., 1 p., pp. 453-458.

52. Ibid., and p. 539.

post offices and post roads." The committee concluded that legislation "to restrain the mail circulation of these publications" would be constitutional. When the committee could not agree on a bill, the matter was tabled until the Senate should act.<sup>53</sup> The minority had believed Congress possessed no constitutional power to pass such legislation. No report had been made by the Post Office Committee, when Hall, on March 25, endeavored to present the views of the minority of the committee. This procedure was pronounced "unusual", since there was no question before the House to be debated. Hall's request to report was not granted.<sup>54</sup>

Ingersoll, of Pennsylvania, on February 19, had been denied the privilege of submitting a resolution to have printed 10,000 extra copies of the report made by Calhoun, for the select committee, in the Senate.<sup>55</sup>

President Jackson's request for legislation had resulted in much debate between the adherents of the states' rights doctrine and those who favored the supremacy of the federal government, but no federal law to prohibit the circulation of incendiary literature through the mails. In their efforts to check the evils of abolition, some of the slaveholding states had already appealed to Northern states to suppress abolitionist societies. The Northern legislatures had taken no action toward this end, but had left the matter up to Congress and

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53. Cong. Globe, 24 Cong., 1 sess., pp. 291-292.

54. Ibid.

55. Ibid., p. 195.

Congress had refused to deny the use of the United States mails to the abolitionists.<sup>56</sup>

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56. Hart, Slavery And Abolition, pp. 236-237.



## CHAPTER V

### CONCLUSION

The rejection, by the Senate, of the bill to prohibit the circulation of incendiary publications through the United States mails, on June 8, 1836, was more than the defeat of another bill. It marked the beginning of a new phase in the fight against slavery. This new phase was definitely political in nature and served to make the division between North and South more and more pronounced during the next thirty years.

The abolitionists of the North, few in number to begin with, had through the late 1820's and 1830's, increased their numbers and their influence. Not only individuals worked for the cause but also an ever increasing number of organizations. The formation of the American Anti-Slavery Society, in 1833, brought the combined efforts of a group of able leaders into play. This organization defined as its goal, the immediate abolition of slavery in the United States. This work was carried on through the lectures of its agents and through the dissemination of information in all kinds of publications, including their own official newspapers. The abolitionists made every effort to enlist the services of those whom they could convert to their way of thinking. They also endeavored to appeal to the consciences of the slave owners themselves,

and to the much larger group in the South who were not slave owners.

It was this effort to enlist support for its cause, in the South, that led the American Anti-Slavery Society, in 1835, to undertake an invasion of the South by means of pamphlets, newspapers, and other forms of printed and pictorial representations. It sent these tracts, by the thousands, to post offices in the South. The slave owners termed the publications "incendiary" and feared they would lead to insurrection among the slaves, while even the non-slave owners of the South joined the planters in upholding the right to maintain slavery.

The South took measures to prevent this literature from falling into the hands of the slaves. More restrictive measures were passed to control the slaves and legislation was passed in some states, making it a crime to distribute these publications. Legislatures in the South appealed to legislatures in the North to suppress the activities of the abolitionist societies within their states as Southerners foresaw the creation of great havoc to their whole economic, social, and political structure, if this evil were not stopped.

Finally, on the night of July 29, 1835, the post office at Charleston, S. C., was broken into and the abolitionist literature found within was taken out and burned before it could be distributed. The postmaster agreed to cooperate with a committee of townspeople, in holding up the distribution of further inflammatory literature, until such time as he could receive instructions from the Postmaster General.

The Postmaster General, whether for political reasons or because he sincerely believed that only Congress had the power, was unwilling to take a definite stand on the question. He would neither condemn nor sanction the decision of the Southern postmasters, to withhold these publications from circulation, or of the New York postmaster not to accept them at that point. The Postmaster General told the postmasters that they owed "a duty to the laws of the United States, but a greater one to the communities in which they lived."<sup>1</sup> He suggested, verbally, to the postmaster at New York City that he withhold the inflammatory publications, except those claimed by subscribers. Kendall informed President Jackson of the state of affairs and of the demands made by the South. The President, in turn, replied to and commended the Postmaster General for his instructions to the New York postmaster. He stated definitely that it was not within his power or that of the Postmaster General, as executive officers, to prohibit anything from being transmitted through the mails of the United States. Only Congress could take such a step.

Congress was urged by the President, in his annual message delivered in December, to pass legislation to prohibit the transmission of incendiary literature through the mails. That the President's sympathies were with the South was evident from his message.

The House steered clear of the subject, while the struggle that ensued took place in the Senate.<sup>2</sup> Calhoun succeeded in

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1. Niles' Register, XLVIII, (August 22, 1835), p. 448.

2. Schouler, History of the United States of America, IV, p. 227.

having a select committee named to deal with the question and he was appointed chairman of the committee. There was disagreement among the members of the committee but Calhoun, after delivering a long report touching upon the relationship between states and federal government, presented a bill which would prohibit the sending of incendiary literature through the mails to those states where it was prohibited by state laws. In the debate which followed, Calhoun and his followers insisted that such a law was within the power of Congress, although the right was derived from the states. Opponents maintained that Congress derived its power only from the Constitution and the Constitution guaranteed freedom of the press. Any law prohibiting any publication from going through the mails would be an infringement of this constitutional right. The bill was amended and modified in the struggle which ensued between those who adhered to the states' right theory and those whose faith in the supremacy of the Constitution could not be shaken.

In the end the bill was defeated and nothing was done, at this time, to prevent the abolitionists from using the mails. Congress had held to the theory that it could not legislate to restrict the use of the mails, without violating the amendment which guarantees freedom of speech and press.

"Friends of free mails had provisions included in an act of July 2, 1836, for changing the organization of the Post Office Department."<sup>3</sup> The enactment, known as the Post Office Law, included the following:

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3. Burgess, Middle Period, p. 274.

Section 32. And be it further enacted, That if any postmaster shall unlawfully detain in his office any letter, package, pamphlet or newspaper, with intent to prevent the arrival or delivery of the same to the person or persons to whom such letter, package, pamphlet or newspaper may be addressed or directed in the usual course of the transportation of the mail along the route, or if any postmaster shall with intent as aforesaid, give preference to any letter, package, pamphlet or newspaper, over another, which may pass through his office, by forwarding the one and retaining the other, he shall, on conviction thereof, be fined in a sum not to exceed \$500, and imprisoned for a term not exceeding six months, and shall, moreover, be forever thereafter, incapable of holding the office of postmaster in the United States."<sup>4</sup>

Niles' Register added its comment: "It is to be hoped that an example will be made of the first postmaster who violates this law."<sup>5</sup>

One author, discussing the defeat of the bill to prohibit the circulation of inflammatory publications by mail, in the states where it was prohibited, said:

Altogether there was an enlightening debate on the whole subject. The exposure of the abuse of tampering with the mail created a general reaction, which enabled the abolitionists to win a spectacular victory. Instead of a law forbidding the circulation of anti-slavery publications, Congress enacted a law requiring postal officials, under heavy penalties, to deliver without discrimination all matter committed to their charge. This act was signed by President Jackson, and Calhoun himself was induced to admit that the purposes of the abolitionists were not violent and revolutionary. Henceforth, abolitionists enjoyed their full privileges in the use of the United States mail.<sup>6</sup>

Events of the next thirty years proved, however, that the controversy over the use of the mails to carry abolitionist

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4. Niles' Register, L, (August 6, 1836), p. 381.

5. Ibid.

6. Macy, The Anti-Slavery Crusade, pp. 77-78.

literature, was only one chapter in the story of the fight against slavery. Although the Northern states, along with the abolitionists, appeared to have scored a victory in the Senate, June 8, 1836, there had developed an ever widening breach between the two sections of the country. Calhoun, defending the cause of slavery, in the Senate, just before his death, blamed the federal government for many policies which had separated the North and South. During the debate over the Compromise of 1850, he said:

This hostile feeling on the part of the North toward the social organization of the South long lay dormant, but it only required some cause...to call it into action.<sup>7</sup>

He must have felt that much of the bad feeling between the two sections stemmed from that struggle over the use of the mails, when he said:

The first organized movement toward it[destroying the existing relation between North and South] commenced in 1835. Then for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South through the mail.<sup>8</sup>

Thus, the defeat of the bill to prohibit the use of the mails for the transmission of incendiary literature, while protecting the freedom of the press, tended to intensify the bitterness of the South toward the North and toward the federal government.

7. Cong. Globe, 31 Cong., 1 sess., p. 452.

8. Cong. Globe, 31 Cong., 1 sess., p. 452.

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