GRAAT On-Line #24 – September 2020

The 'Illustrious Fathers of this Republic': Frederick Douglass on the Founders, the Fourth of July, the Declaration of Independence, and the Constitution

Steven Sarson

Université Jean Moulin, Lyon 3

One of Frederick Douglass's greatest and most famous speeches is the one we have come to call "What to the Slave is the Fourth of July?" Douglass's most recent biographer, David W. Blight,[1] has called this speech "the rhetorical masterpiece of American abolitionism" (Blight, 2018, 230) and "one of the greatest speeches of American history" (Blight, 2018, 236). And that is all in accord with what Douglass intended at the time he gave it. Because the speech is not only a marker in American history for us looking back on it, but a marker in Douglass's own story as he envisioned it—this speech was his announcement of a new Frederick Douglass, one now fully free from the shackles of Garrisonianism.

It was in the early summer of 1852 that the Rochester Ladies Anti-Slavery Society invited Frederick Douglass to give a talk in the city's magnificent Corinthian Hall, just a few blocks from the offices of the *North Star*, the abolitionist newspaper that Douglass had founded in late 1847. Douglass agreed to give the speech on the 5th of July, in concordance with the African-American movement to boycott the Fourth, a day of slave auctions in the southern states and a day of hypocrisy for the United States, as Douglass would make so clear in the speech itself. And as David Blight notes, Douglass spent at least three weeks working intensively on the text—a long time for a practiced orator who had been honing his natural gifts for 12 years already. He was clearly aiming it at the nation as well as at the near 600 people who would hear it in person. Indeed, immediately after delivery he had it bulk printed and sold it both via

his newspaper and on the lecture circuit for 50 cents a copy. He intended his announcement to be heard and seen far and wide.

Frederick Douglass had been breaking from William Lloyd Garrison for some time already. In fact, Blight notes that the commitment Douglass had previously had to Garrison, powerful as it was, was maybe more filial than intellectual. When Douglass first read *The Liberator*, after meeting some of Garrison's associates as early as 1839, and after he met Garrison himself a year later, the neophyte activist had been awestruck and came to regard the radical veteran as something of a father figure. And Douglass continued to express loyal support for Garrisonian moral suasion, non-violence, dis-unionism, and the doctrine of a proslavery constitution right through the two men's final speaking tour together in 1847.

Blight speculates, though—plausibly enough—that Douglass perhaps always regarded Garrison as something of a utopian. Douglass had after all, as a slave, had employed at least situational violence in self-defence, most notably in the life-changing fight against the slave-breaker Edward Covey. And Douglass had engaged in politics from as soon as he was free, registering to vote in New Bedford, Massachusetts, as far back as 1839, the year of his arrival there. But the founding of the *North Star* in 1847 represented a threat to Garrison's supremacy that the older man did not like. Nor did Garrison or others in the "old organisation" like all of the paper's contents, especially once Douglass used it to support Martin van Buren and the Free Soil Party in 1848.

And then, from 1850, Douglass increasingly explicitly aligned himself with the political abolitionist Gerrit Smith. However, in these earlier stages of this intellectual evolution, Douglass was equivocal. And it was indeed an intellectual evolution, for, as Blight makes clear, Douglass changed his mind for himself, not simply by being somehow bribed or brainwashed by Smith, as the Garrisonians claimed. And the evidence for that is in the evolution itself, the demonstrable fact that Douglass did not adopt Smith's position in a single Damascene moment, but instead gradually came around to it over the course of two to three years.

We can see the evolution in Douglass's own words. In 1849 Douglass had said that though the U.S. Constitution was proslavery in practice it was nevertheless "not a proslavery instrument" if "strictly construed." (*North Star*, February 8, 1849.) In April 1850 he said that "Liberty and Slavery—opposite as heaven and hell—are both in the

Constitution" and that thus the U.S. Constitution was "at war with itself". (*North Star*, April 5, 1850.) By January 1851 he seems to have shifted further, saying he was "about decided to let slaveholders and their northern abettors have the labouring oar in putting a proslavery interpretation on the Constitution." And that indeed "I am sick and tired of arguing on the slaveholders' side of this question, although they are doubtless right so far as the intentions of the framers of the Constitution." He had, therefore, he told Smith, "ceased to affirm the proslavery character of the Constitution" (Letter to Gerrit Smith, January 31, 1851). In 1851 Douglass printed a full endorsement of Smith's doctrines of an antislavery constitution and the need for voting and other forms of political action. (Blight, 2018, 213-15.) As we shall see shortly, by July 1852 he would affirm the antislavery character of the Constitution, and in no uncertain terms.

The importance of this transition can hardly be overstated. The Constitution was and is of course not only the foundation of the American political system but also the law of the land, the law by which all other law must abide, and interpretation of the Constitution can thus shape all aspects of American life. In short, to say that the Constitution was proslavery was to say that America was a slave republic and that abolition was un-American. Equally, though, to say that the Constitution was antislavery was to say that America was a free republic and that slavery was un-American. Whatever we may think of this latter argument in legal and political terms, we can equally easily see that it was a much easier argument for others to get on board with, and that arguing it was therefore a much more effective strategy for the abolitionist movement.

We shall come back in a short while to Douglass's views on the Founders, the Fourth of July, the Declaration of Independence, and the Constitution, and how he knitted them together in a powerful historical argument for America as an antislavery republic. But, first, I want to note that much in this speech remained the same for Douglass as it had always been. Even while outlining how he had changed, he still emphasised such things as his experiences of enslavement, the moral wrongs and practical cruelties of slavery, the fallacies of proslavery, and he even continued to praise William Lloyd Garrison.

First, Douglass began the speech with the customary humilities of all orators—with false modesties about his "limited powers of speech", and the "little experience I have had in addressing public meetings.[2]"

And these humilities, false as they may be, serve a political and propagandistic purpose. They are employed in this case as ways of emphasizing that "the distance between this platform and the slave plantation, from which I escaped, is considerable — and the difficulties to be overcome in getting from the latter to the former, are by no means slight." (3) And he would return to that theme—his experiences as a slave later in the speech. And why not? This was after all one of the things he could do that white abolitionists could not do, and that he could do better than most black abolitionists as well, and what better way was there to dramatize the evils of slavery?

> After thus foregrounding his personal history as a slave, he addressed the specific subject of the day with some lengthy reflections on the revolution and the founders. But after those reflections on the founding, Douglass turned again to the present and to the facts of his own person. And this is perhaps the best remembered part of the speech, where he excoriates the hypocrisy of celebrating liberty in the presence of slavery. And he of course employs with full force his facility for oppositions and ironies. And he begins to do so via reference to himself.34. Fellow-citizens, pardon me, allow me to ask, why am I called upon to speak here to-day? What have I, or those I represent, to do with your national independence? Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us? …
>
> 35. Would to God, both for your sakes and ours, that an affirmative answer could be truthfully returned to these questions!
>
> 36. But, such is not the state of the case…. I am not included within the pale of this glorious anniversary!… This Fourth [of] July is *yours*, not *mine*. *You* may rejoice, *I* must mourn…. Do you mean … to mock me, by asking me to speak to-day? … I can to-day take up the plaintive lament of a peeled and woe-smitten people!

And he places himself very much among those woe-smitten people.

> 38. Fellow-citizens; above your national, tumultuous joy, I hear the mournful wail of millions! whose chains, heavy and grievous yesterday, are, to-day, rendered more intolerable by the jubilee shouts that reach them.… To forget them, to pass lightly over their wrongs, and to chime in with the popular theme, would be treason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then fellow-citizens, is AMERICAN SLAVERY. I shall see, this day, and its popular characteristics, from the slave's point of view… — the great sin and shame of America! "I will not equivocate; I will not excuse"….

We see Douglass quoting Garrison's famous first edition of *The Liberator* here ("I will not equivocate; I will not excuse"), and we shall come back briefly to this conciliatory theme at the end of this paper. But, for now, after counterarguments against the notions that black people are not people or not entitled to liberty, which we shall also return to later, Douglass continues the attack on slavery, in particular on the internal slave trade, though that trade is also a window onto all the evils of slavery.

> 47. Take the American slave-trade…. It is carried on in all the large towns and cities in one-half of this confederacy; and millions are pocketed every year, by dealers in this horrid traffic. In several states, this trade is a chief source of wealth. It is called (in contradistinction to the foreign slave-trade) "*the internal slave trade*." It is, probably, called so, too, in order to divert from it the horror with which the foreign slave-trade is contemplated. That trade has long since been denounced by this government, as piracy…. It is, however, a notable fact that, while so much execration is poured out by Americans upon those engaged in the foreign slave-trade, the men engaged in the slave-trade between the states pass without condemnation, and their business is deemed honorable.
>
> 48. Behold the practical operation of this internal slave-trade, the American slave-trade, sustained by American politics and America religion. Here you will see men and women reared like swine for the market. You know what is a swine-drover? I will show you a man-drover…. You will see one of these human flesh-jobbers, armed with pistol, whip and bowie-knife, driving a company of a hundred men, women, and children, from the Potomac to the slave market at New Orleans. These wretched people are to be sold singly, or in lots, to suit

> purchasers.… There, see the old man, with locks thinned and gray. Cast one glance, if you please, upon that young mother, whose shoulders are bare to the scorching sun, her briny tears falling on the brow of the babe in her arms. See, too, that girl of thirteen, weeping, *yes*! weeping, as she thinks of the mother from whom she has been torn! … Follow the drove to New Orleans. Attend the auction; see men examined like horses; see the forms of women rudely and brutally exposed to the shocking gaze of American slave-buyers….
>
> 49. I was born amid such sights and scenes. To me the American slave-trade is a terrible reality…. I lived on Philpot Street, Fell's Point, Baltimore, and have watched from the wharves, the slave ships in the Basin, anchored from the shore, with their cargoes of human flesh, waiting for favorable winds to waft them down the Chesapeake. There was, at that time, a grand slave mart kept at the head of Pratt Street, by Austin Woldfolk. His agents were sent into every town and county in Maryland, announcing their arrival, through the papers, and on flaming "*hand-bills*," headed CASH FOR NEGROES….
>
> 50. The flesh-mongers gather up their victims by dozens, and drive them, chained, to the general depot at Baltimore. When a sufficient number have been collected here, a ship is chartered, for the purpose of conveying the forlorn crew to Mobile, or to New Orleans….
>
> 52. Fellow-citizens, this murderous traffic is, to-day, in active operation in this boasted republic….

And Douglass attacks as well the nationalisation of slavery through the Fugitive Slave Act of 1850.

> 54. But a still more inhuman, disgraceful, and scandalous state of things remains to be presented. By an act of the American Congress, not yet two years old, slavery has been nationalized in its most horrible and revolting form. By that act, Mason and Dixon's line has been obliterated; New York has become as Virginia; and the power to hold, hunt, and sell men, women, and children as slaves remains no longer a mere state institution,

> but is now an institution of the whole United States.… Your lawmakers have commanded all good citizens to engage in this hellish sport. Your President, your Secretary of State, our *lords*, *nobles*, and ecclesiastics, enforce, as a duty you owe to your free and glorious country, and to your God, that you do this accursed thing. Not fewer than forty Americans have, within the past two years, been hunted down and, without a moment's warning, hurried away in chains, and consigned to slavery and excruciating torture. Some of these have had wives and children, dependent on them for bread; but of this, no account was made. The right of the hunter to his prey stands superior to the right of marriage, and to *all* rights in this republic, the rights of God included! … An American judge gets ten dollars for every victim he consigns to slavery, and five, when he fails to do so. The oath of any two villains is sufficient, under this hell-black enactment, to send the most pious and exemplary black man into the remorseless jaws of slavery! …
>
> 56. I take this law to be one of the grossest infringements of Christian Liberty, and, if the churches and ministers of our country were not stupidly blind, or most wickedly indifferent, they, too, would so regard it.

And with that Douglass begins a long attack on the hypocrisy of many churches and churchmen, yet another old theme if Douglass from his Garrisonian days, and for that matter from his experiences as a slave himself.

In the midst of all this, we have that famous paragraph, and those cutting words, one that only a former slave could really make as devastatingly effective as Douglass does:

> 45. What, to the American slave, is your 4th of July? I answer: a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade, and solemnity, are, to him, mere bombast, fraud, deception, impiety, and hypocrisy — a thin

> veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices, more shocking and bloody, than are the people of these United States, at this very hour.

So, those are the things that Douglass had always done. But what was new and different, I think, was the way Douglass talked about the Founders, the Fourth of July, the Declaration of Independence, and the Constitution, bringing them together in a kind of Whiggish history of the American Revolution and a politics of its potential legacy for progress.

On this matter, I differ considerably from some of David Blight's interpretation. As Blight notes, Douglass "was a man of the nineteenth century, a thoroughgoing inheritor of Enlightenment ideas, but for justification, and for the story in which to embed the experience of American slaves, he reached for the Old Testament Hebrew prophets…. Isaiah, Jeremiah, and Ezekiel were his companions, a confounding but inspiring source of intellectual and emotional control." (Blight, 2018, 228.) In fact, Blight really places the whole oration in the Old Testament tradition. He names the chapter in which he analyses the speech "By the Rivers of Babylon," after Psalm 137, which Douglass did cite. And Blight begins that chapter with a quote from Jeremiah: "I have this day set thee over the nations and over the kingdoms, to root out, and to pull down … to build and to plant." (Blight, 2018, 228) And, as we have seen, Blight titles his book and thus characterises the subject *Frederick Douglass: Prophet of Freedom*.

David Blight further justifies this characterisation of Frederick Douglass by arguing that: "The Old Testament prophets helped make Douglass a great ironist and a great storyteller; they fueled his growing militancy and brought pathos and thunder to his voice as they also shaped his view of history itself. Douglass not only used the Hebrew prophets; he joined them." (Blight, 2018, 228) Thus "Douglass delivered a political sermon, steeped in the Jeremiah tradition." (Blight, 2018, 231) And so, Blight says, "The making of Douglass as a political abolitionist in the 1850s should be grounded in the prophetic tradition in which he came to see himself. His was a kind of radical hope in the theory of natural rights, and in a Christian millennialist view of history as humankind's grand story, punctuated by terrible ruptures followed by potential regenerations." (Blight, 2018, 236)

Seemingly anticipating critics of this approach, Blight warns us against what he sees as an ahistorical rejection of his prophetic interpretation of Douglass. "The idea of prophecy is unsettling to the modern secular imagination" Blight says. "But," he continues, "the rhetorical, spiritual, and historical traditions on which Douglass drew so deeply envisioned the prophet as a messenger of God's warning and wisdom. The poetic oracles of Isaiah or Jeremiah, however bleak or foreboding, were prophetic speech, and therefore God's voice. Douglass, man of words, needed a language and a story in which to find himself and his enslaved people." (Blight, 2018, 237)

I am nevertheless going to mostly reject this prophetic interpretation of Douglass anyway, although hopefully not in an ahistorical way. It is certainly true that there is an abundance of Old Testament rhetoric in the speech, but that was perfectly common among African-American slaves who saw in the Old Testament, especially in Exodus, an allegory of their own people's story—and their stories had to be allegorical because telling them in real terms rather than as scriptural allegory was potentially fatal for people still enslaved.

Furthermore, although Blight mentions the regenerative element in the Jeremiah tradition, in American iteration, deriving especially from late-seventeenth-century Massachusetts, Jeremiads were normally associated with declension. Certainly, Douglass acknowledged declension; in this speech he decried the political apostacy of the 1850 Fugitive Slave Act, and in others he denounced the westward expansion of slavery, and in others the rise of Jim Crow in the North. But what is new in Douglass's Fourth of July speech is not declension but the potential for redemption. And, moreover, it is a secular kind redemption rather than a biblical one. For all the spiritualist thunder of some of the words, the essence of this speech is that progress can be made via constitutional and political means. What Douglass delivered was a political sermon indeed, but it was steeped in the Whig tradition rather than the Jeremiah tradition. Douglass may have used the Hebrew prophets, but it was the Whigs of nineteenth-century American historiography that he joined.

Let us look at how Douglass does that—what he says about the revolution, the Declaration, the founders, the Constitution, and the potential for progress. Again, his admiration for the revolution is signalled early in the speech. In paragraph 5, right after the introductory comments:

> 5. 76 years ago, the people of this country were British subjects. The style and title of your "sovereign people" (in which you now glory) was not then born. You were under the British Crown….
>
> 6. But, your fathers, who had not adopted the fashionable idea of this day, of the infallibility of government, and the absolute character of its acts, presumed to differ from the home government in respect to the wisdom and the justice of some of those burdens and restraints. They went so far in their excitement as to pronounce the measures of government unjust, unreasonable, and oppressive, and altogether such as ought not to be quietly submitted to…. there was a time when to pronounce against England, and in favor of the cause of the colonies, tried men's souls….

Douglass quotes no less a radical figure than Thomas Paine: "These are the times that try men's souls.[3]"

> 7. Feeling themselves harshly and unjustly treated by the home government, your fathers, like men of honesty, and men of spirit, earnestly sought redress. They petitioned and remonstrated; they did so in a decorous, respectful, and loyal manner…. They saw themselves treated with sovereign indifference, coldness and scorn. Yet they persevered….
>
> 10. Oppression makes a wise man mad…. Your fathers were wise men, and if they did not go mad, they became restive under this treatment.… With brave men there is always a remedy for oppression. Just here, the idea of a total separation of the colonies from the crown was born! …
>
> 15. … The freedom gained is yours; and you, therefore, may properly celebrate this anniversary. The 4th of July is the first great fact in your nation's history — the very ring-bolt in the chain of your yet undeveloped destiny.
>
> 16. … I have said that the Declaration of Independence is the ring-bolt to the chain of your nation's destiny; so, indeed, I regard it. The principles contained in that instrument are saving principles. Stand by those principles, be true to them on all occasions, in all places, against all foes, and at whatever cost.

Douglass even sentimentalises the scenes of revolution, with patriots as underdogs taking on a mighty tyranny—a common trope of those who wish to glorify it:

19. The whole scene, as I look back to it, was simple, dignified and sublime.

20. The population of the country, at the time, stood at the insignificant number of three million. The country was poor in the munitions of war. The population was weak and scattered, and the country a wilderness unsubdued. There were then no means of concert and combination, such as exist now. Neither steam nor lightning had then been reduced to order and discipline. From the Potomac to the Delaware was a journey of many days. Under these, and innumerable other disadvantages, your fathers declared for liberty and independence and triumphed.

And on the founders themselves:

21. Fellow Citizens, I am not wanting in respect for the fathers of this republic. The signers of the Declaration of Independence were brave men. They were great men too — great enough to give fame to a great age. It does not often happen to a nation to raise, at one time, such a number of truly great men. The point from which I am compelled to view them is not, certainly, the most favorable; and yet I cannot contemplate their great deeds with less than admiration. They were statesmen, patriots and heroes, and for the good they did, and the principles they contended for, I will unite with you to honor their memory.

22. They loved their country better than their own private interests; and, though this is not the highest form of human excellence, all will concede that it is a rare virtue, and that when it is exhibited, it ought to command respect. He who will, intelligently, lay down his life for his country, is a man whom it is not in human nature to despise. Your fathers staked their lives, their fortunes, and their sacred honor, on the cause of their country. In their admiration of liberty, they lost sight of all other interests.

We see a quote from the Declaration itself there: “lives, fortunes, and sacred honor.”

23. They were peace men; but they preferred revolution to peaceful submission to bondage. They were quiet men; but they did not shrink from agitating against oppression. They showed forbearance; but that they knew its limits. They believed in order; but not in the order of tyranny. With them, nothing was “settled” that was not right. With them, justice, liberty and humanity were “final;” not slavery and oppression.

> You may well cherish the memory of such men. They were great in their day and generation.

And so on…. But, even in the midst of this high praise, Douglass expressed reservations:

> 21. The point from which I am compelled to view them is not, certainly, the most favorable;
>
> 23. They were great in their day and generation.

And he illustrates the point about the one of the Founder's limitations very vividly a few paragraphs later, where he says:

> 32. Washington could not die till he had broken the chains of his slaves. Yet his monument is built up by the price of human blood, and the traders in the bodies and souls of men shout — "We have Washington to *our father*." — Alas! that it should be so; yet so it is.

Douglass thus saw the founders' great failure as so many historians do now—the failure to do more to eradicate slavery, or at least do less to perpetuate slavery. And accordingly, Douglass goes on to show that slaves, black people, were men, human beings, equally created and therefore equally entitled to the blessings of liberty that the founders failed to secure for them.

> 39. Must I undertake to prove that the slave is a man? That point is conceded already. Nobody doubts it. The slaveholders themselves acknowledge it in the enactment of laws for their government. They acknowledge it when they punish disobedience on the part of the slave…. What is this but the acknowledgement that the slave is a moral, intellectual and responsible being? ….

And he described the everyday proofs that African-Americans were equal as people:

> 40. For the present, it is enough to affirm the equal manhood of the Negro race. Is it not astonishing that, while we are ploughing, planting and reaping … reading, writing and cyphering, acting as clerks, merchants and secretaries, having among us lawyers, doctors, ministers, poets, authors, editors, orators and teachers.… living, moving, acting, thinking, planning, living in families as husbands, wives and children, and, above all, confessing and worshipping the Christian's God, and looking hopefully for life and immortality beyond the grave….

And, therefore, equally entitled to life, liberty and the pursuit of happiness:

> 41. Would you have me argue that man is entitled to liberty? that he is the rightful owner of his own body? You have already declared it. Must I argue the wrongfulness of slavery? Is that a question for Republicans?

And, therefore, slavery contradicts the foundations of the republic. And Douglass continues that "Must I argue" rhetorical strategy—a protestation that echoes the idea of self-evident truths. Something that ought not need any arguing for, even though in the circumstances it does.

> 42. What, am I to argue that it is wrong to make men brutes, to rob them of their liberty, to work them without wages, to keep them ignorant of their relations to their fellow men, to beat them with sticks, to flay their flesh with the lash, to load their limbs with irons, to hunt them with dogs, to sell them at auction, to sunder their families, to knock out their teeth, to burn their flesh, to starve them into obedience and submission to their masters? Must I argue that a system thus marked with blood, and stained with pollution, is *wrong*?

And eventually this brings Douglass back to the hypocrisies of American republicanism, but as he moves towards the matter of the Constitution, it becomes clear that slavery is to him a perversion of republicanism—but behind that there is republicanism that may yet be attained or redeemed.

> 65. The existence of slavery in this country brands your republicanism as a sham, your humanity as a base pretence, and your Christianity as a lie…. It is the antagonistic force in your government, the only thing that seriously disturbs and endangers your *Union*….

But does this truly make the United States a proslavery republic? Douglass argues emphatically that it does not:

> 66. But it is answered in reply to all this, that precisely what I have now denounced is, in fact, guaranteed and sanctioned by the Constitution of the United States; that the right to hold and to hunt slaves is a part of that Constitution framed by the illustrious Fathers of this Republic.
>
> 67. Then, I dare to affirm, notwithstanding all I have said before, your fathers stooped, basely stooped
>
> *To palter with us in a double sense:*
>
> *And keep the word of promise to the ear,*

But break it to the heart.

68. And instead of being the honest men I have before declared them to be, they were the veriest imposters that ever practiced on mankind. This is the inevitable conclusion, and from it there is no escape. But I differ from those who charge this baseness on the framers of the Constitution of the United States. It is a slander upon their memory, at least, so I believe. There is not time now to argue the constitutional question at length — nor have I the ability to discuss it as it ought to be discussed. The subject has been handled with masterly power by Lysander Spooner, Esq., by William Goodell, by Samuel E. Sewall, Esq., and last, though not least, by Gerritt Smith, Esq. These gentlemen have, as I think, fully and clearly vindicated the Constitution from any design to support slavery for an hour.

69. Fellow-citizens! there is no matter in respect to which, the people of the North have allowed themselves to be so ruinously imposed upon, as that of the pro-slavery character of the Constitution. In that instrument I hold there is neither warrant, license, nor sanction of the hateful thing; but, interpreted as it ought to be interpreted, the Constitution is a GLORIOUS LIBERTY DOCUMENT. Read its preamble, consider its purposes. Is slavery among them? Is it at the gateway? or is it in the temple? It is neither. While I do not intend to argue this question on the present occasion, let me ask, if it be not somewhat singular that, if the Constitution were intended to be, by its framers and adopters, a slave-holding instrument, why neither slavery, slaveholding, nor slave can anywhere be found in it….

70. Now, take the Constitution according to its plain reading, and I defy the presentation of a single pro-slavery clause in it. On the other hand it will be found to contain principles and purposes, entirely hostile to the existence of slavery.

Of course, this argument by Douglass may seem very curious to us, as it did to many then, because the Constitution clearly does support slavery. We know the word is not included in the document, but we know equally well what the three-fifths clause, the fugitive clause, and the importation clause were referring to. And we know that these clauses, especially the three-fifths clause, profoundly shaped other aspects of the Constitution. In addition, we know that the right to bear arms was partly about slave

discipline, and that the Fifth Amendment was used to defend property rights in slaves under the then well-known Calhoun Doctrine. Few historians now would have the same faith in an antislavery constitution that this former slave and powerful voice of abolitionism had then. So, why did Douglass make such an argument?

Part of the explanation is political. It was useful for the abolition activists to say that the Constitution was against slavery, as outlined above. But part of the explanation was genuine jurisprudence. David Blight argues that Douglass's new constitutionalism was not based upon the Founders' intentions. I am not so sure—the words we have just seen imply that while the Founders undeniably compromised with slavery, they nevertheless were not hypocrites and so perhaps also imply that the Founders one day, in the future, envisioned a free republic.

Blight is nonetheless right, I think, about another aspect of Douglass's constitutionalism. That is that it went further than what would become the Republican Party doctrine of free soil and non-extentionism. The position Abraham Lincoln would use as President at least up to September 1862 was that slavery was constitutionally a matter of state law, and so the federal government was entitled to abolish it wherever it had exclusive jurisdiction, including of course the western territories. Beyond that, abolitionists could only hope that southerners would free their slaves or southern states would enact abolition legislation of their own.

However, in citing Gerrit Smith, Samuel Edward Sewall, author of an article in the *Christian Examiner* in 1827 called "On Slavery in the United States," and perhaps especially William Goodell, the author of *Views of American Constitutional Law, in Its Bearing upon American Slavery* (1844) and Lysander Spooner, author of *The Unconstitutionality of American Slavery* (1845), Douglass signalled that he believed the federal government had the right, indeed the duty, and the Constitutional mechanisms as well, to abolish slavery throughout the United States. The arguments were, first, in America sovereignty belonged to what the Constitution calls "We the People," and not to the states. The Constitution the people ordained promised to create "a more perfect union" and to "secure the blessings of liberty," and guarantee "a republican form of government". The Constitution also guaranteed the right of habeas corpus, and the Fifth Amendment declared that no person could be "deprived of life, liberty, or property without due process of law." And the "enabling" clause gave Congress

power to do what was "necessary and proper" to make its enumerated powers real. Put all these things together and they added up to what Douglass would later call, in capitals indeed, "THE RIGHT, THE POWER, AND THE DUTY OF THE FEDERAL GOVERNMENT TO ABOLISH SLAVERY IN EVERY STATE IN THE AMERICAN UNION.[4]"

These political powers, embedded in the Constitution, as Douglass now believed, provided the practical means to the kind of whiggish historical progress he had also come to believe in. In the first passage here, Douglass shows that he sees the American republic as equivalent to—but, contra Blight, not the same as—what we see the Old Testament.

> 4. "This, for the purpose of this celebration, is the 4th of July. It is the birthday of your National Independence, and of your political freedom. This, to you, is what the Passover was to the emancipated people of God. It carries your minds back to the day, and to the act of your great deliverance; and to the signs, and to the wonders, associated with that act, and that day.

And then Douglass spoke of time, a key ingredient in the concept of progress of course:

> 4 (cont.) This celebration also marks the beginning of another year of your national life; and reminds you that the Republic of America is now 76 years old. I am glad, fellow-citizens, that your nation is so young. Seventy-six years, though a good old age for a man, is but a mere speck in the life of a nation…. The eye of the reformer is met with angry flashes, portending disastrous times; but his heart may well beat lighter at the thought that America is young, and that she is still in the impressible stage of her existence. May he not hope that high lessons of wisdom, of justice and of truth, will yet give direction to her destiny? …

And then he came back to that theme later, as he tended to do. So in the conclusion he says, once again with whiggish optimism about progress grounded in enlightenment ideas and institutions, despite another theological rhetorical flourish:

> 72. … There are forces in operation, which must inevitably work the downfall of slavery. "The arm of the Lord is not shortened," and the doom of slavery is certain. I, therefore, leave off where I began, with hope. While drawing encouragement from the Declaration of Independence, the great principles it contains, and the genius of American Institutions, my spirit

> is also cheered by the obvious tendencies of the age. Nations do not now stand in the same relation to each other that they did ages ago. No nation can now shut itself up from the surrounding world…. But a change has now come over the affairs of mankind. Walled cities and empires have become unfashionable. The arm of commerce has borne away the gates of the strong city. Intelligence is penetrating the darkest corners of the globe…. The fiat of the Almighty, "Let there be Light," has not yet spent its force. No abuse, no outrage whether in taste, sport or avarice, can now hide itself from the all-pervading light.…

And then Douglass ends the speech with terms of conciliation again with Garrison:

> 72 (continued): In the fervent aspirations of William Lloyd Garrison, I say, and let every heart join in saying it:
> *73. God speed the year of jubilee*
> *The wide world o'er*
> *When from their galling chains set free,*
> *Th' oppress'd shall vilely bend the knee…*

And he goes in to recite four more stanzas of Garrison, quite a tribute to the man, considering how bad the poetry is.

But I think what is really distinct here is not Douglass's attempt to reconcile with Garrison, nor the use of Biblical expressions. What is remarkable is his attempt, a secular attempt, to reconcile with his country and its founding principles. The Constitution is no longer for Douglass a covenant with death and an agreement with Hell, but a covenant with Freedom and an agreement with Providence. He has left behind the slave republic and embraced instead a republic of liberty. He has created a confluence between a history of America and its institutions and a meta-history of progress, a classic nineteenth-century Whig history, and a rhetorical reconciliation that would help, he hoped and believed, to bring about that progress in the form of the abolition of slavery.

BIBLIOGRAPHY

Andrews, William L. *To Tell a Free Story: The First Century of Afro-American Autobiography, 1760-1865* Urbana: University of Illinois Press, 1986.

Berlin, Ira. *Many Thousands Gone: The First Two Centuries of Slavery in North America*. Cambridge: Harvard University Press, 1998.

Berlin, Ira. *The Long Emancipation: The Demise of Slavery in the United States*. Cambridge: Harvard University Press, 2015.

Blackett, R. M. J. *Fugitive Slaves, the 1850, Fugitive Slave Law, and the Politics of Slavery*. Cambridge/ Cambridge University Press, 2018.

Blight, David W. *Frederick Douglass: Prophet of Freedom*. New York: Simon & Schuster, 2018.

Brown, Richard D. *Self-Evident Truths: Contesting Equal Rights from the Revolution to the Civil War*. New Haven: Yale University Press, 2017.

Davis, David Brion. *The Problem of Slavery in the Age of Emancipation*. New York: Knopf, 2014.

Douglass, Frederick. *Narrative of the Life of Frederick Douglass, an American Slave*. Boston: Bedford Books, 1993 (1845).

----------. *My Bondage and My Freedom*. New Haven: Yale University Press, 2014 (1855).

----------. *The Life and Times of Frederick Douglass*. New York: Collier, 1962 (1881).

----------. Papers at the Library of Congress https://www.loc.gov/collections/frederick-douglass-papers/about-this-collection/

Fields, Barbara Jeanne. *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century*. New Haven: Yale University Press, 1985.

Foner, Philip S., ed. *Life and Writings of Frederick Douglass*. 5 vols. New York: International Publishers, 1952.

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

Lowance, Mason I, Jr. *A House Divided: The Antebellum Slavery Debates in America 1776-1865*. Princeton: Princeton University Press, 2003.

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

McFeely, William S. *Frederick Douglass*. New York: Norton, 1995.

Preston, Dickson J. *Young Frederick Douglass: The Maryland Years*. Baltimore: Johns Hopkins University Press, 1980.

Sarson, Steven. *Barack Obama: American Historian*. New York & London: Bloomsbury Academic, 2018.

Sinha, Manisha. *The Slave's Cause: A History of Abolition*. New Haven: Yale University Press, 2016.

Stewart, James Brewer. *Holy warriors: The Abolitionists and American Slavery*. New York: Harper Collins, 1996 (1976).

Tsesis, Alexander. *For Liberty and Equality: The Life and Times of the Declaration of Independence*. Oxford & New York: Oxford University Press, 2012.

NOTES

[1] *Frederick Douglass: Prophet of Freedom*, New York, Simon & Schuster, 2018.

[2] From paragraphs 1 and 3 of 77—the rest of this paper will focus on the text of the speech, and for ease of use so I am employing these numbered reference points—it is also useful to see how Douglass structured the speech, with foreshadowing points early on that he will return to at a later stage, as we shall see.

[3] *The American Crisis*, Number 1, December 1776.

[4] *Frederick Douglass's Paper*, July 6 and 20, 1855.