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Inseparable: Perspective of Senator Daniel Webster

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The following essay is written entirely from the perspective of Senator Daniel Webster prior to his infamous Seventh of March Speech in 1850. Senator Webster's position is used as a manifestation of the pro-slavery position in an honest and fair manner. During the 1840s, Senator Webster's position on slavery was in flux, though he was always an adamant constitutionalist. Readers are encouraged to imagine themselves in the audience of a general assembly of Americans who came together to hear the words of a prominent politician amidst a turbulent political climate. In reading and understanding the arguments of a man who saw merit in upholding slavery, readers will grasp the antebellum debate pertaining to American slavery.

“I wish to speak today, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States... I speak for the preservation of the Union. Hear me for my cause,” (Webster et al., 1983, p. 121). As I excitedly await for election season to arrive and bestow upon me the opportunity to be returned to my perch atop the Senate, I gaze out at our most magnificent country and recoil at the gaping schism amongst compatriots. As slaves run away, oppression is called a positive good, and the Constitution takes negotiation advice from Faust. Americans, understandably, have become perturbed over the state of the Union. I stand with each foot on a respective precipice and look downwards towards the endless abyss that America shall fall into if radicalism tears our unity and our liberty asunder. By critiquing the notorious “Narrative” of Frederick Douglass, the malformed ideology of my colleague, Senator Calhoun, and the indefensible stance that Garrisonian Abolitionists take on the Constitution, a truth will percolate through the cages of demagoguery and ideologuery: “Liberty and Union, Now and Forever, One and Inseparable,” (Webster, 1830, p. 113).

This year has brought our nation the highly contentious publication of the fugitive slave, Frederick Douglass. Due to discrepancy over authorship, I will refer to it as Douglass's

“publication” until the author has been discerned. Douglass’s publication clearly demonstrates the issues that I, and many of my constituents in Massachusetts, take with the peculiar institution. Though within Mr. Gore’s legal purview, the cold-blooded murder of his slave Demby is very disconcerting (Douglass, 1845, pp. 56-58). Upon reading this work I am moved by the power and emotionality that pour out from the author’s words. If Douglass is indeed responsible for this publication, surely the white heritage to his mulatto blood is to be held accountable (Douglass, 1845, p. 43).

Despite fleeing from his masters, it must be noted that Douglass is still a slave until he purchases his freedom (Douglass, 1845, p. 106). Ergo, any remuneration for his labors is the property of his masters, the Aulds (Littlefield, 2010, p. 1). Furthermore, as per Article IV, Section 2 of the Constitution and as per Section 3 of The Fugitive Slave Act of 1793, the Aulds have a legal right to recoup their possession of Douglass. Though I firmly advocate for the submission to the laws of the land, I must confess that “it is impossible for [me] to imagine how sending Douglass back to Maryland, in chains, to be a slave again, will help settle the slavery question facing the nation,” (Higbee, 2016, p. 68).

Nonetheless, I am deeply apprehensive about Douglass’s conduct. His history of aggression during his tenure as a ship-caulker demonstrates why Northerners are uncomfortable with black men working as free laborers (Douglass, 1845, p. 103). In his morphology and in his absconding, Douglass demonstrates the nosology of drapetomania, and it would be in his best interest to seek medical help prior to indulging his premature desire for freedom (Cartwright, 1851, p. 137). This mental imbalance might have been what caused him to write such libelous accusations of noble pastors and of the compassionate Mrs. Auld (Douglass, 1851, pp. 75-87). If

Douglass does not seek help, his violent and conspiratorial demons may overtake his more eloquent half, as it did when he plotted to abscond with other slaves (Douglass, 1845, p. 100-101). Bearing this in mind, the trepidation that Southerners feel over Douglass becoming another Gabriel is palpable and of significant concern (Sinha, 2016, p. 58). We must remember that blacks are a separate species from Europeans and Americans, and that we cannot expect them to comport themselves properly in our civilized society (Jefferson, 1781, p. 153).

Unfortunately, it must be questioned whether or not Douglass and his fellow blacks will take our advice to heart. For instance, Senator Clay and I have gone to great lengths to secure a habitable colony in Africa for the blacks so that they may find the freedom they seek without senseless bloodshed (American Colonization Society, 1852, pp. 1-24). Regardless, Abolitionists like Wendell Phillips's call for the "removal" of integral public servants like Senators Calhoun, Clay, and myself (Quarles, 1991, p. 15). I fear that this "removal" he calls for echoes the belligerence of blacks like Henry Highland Garnet (Garnet, 1843, p. 1).

In response to Douglass's publication, I call for a resolution that extends support to all American authors. Many American content-creators struggle in securing copyrights for their works, thus limiting their earning potential. This is a matter near to my heart since I, along with the lexicographer Noah Webster, spearheaded the Copyright Act of 1831 (Rudd, 1969, p. 138). This legislation extended copyright protection to musical compositions, edited the prerogative of copyright formalities, and extended the copyright protection term (Congress, 1831, pp. 1-5). I call for an extension of these copyright protections, an expansion of copyright protection to a wider array of content-creators, a drop in legal threshold from copyright formalities to copyright fixation, and the establishment of the America Reads Exchange in order to recognize our nation's great talent in the arts. Such legislation shall not only legitimize the potential for the

good of the Senate in the eyes of our friends, the Abolitionists, but also widen the personal liberties of citizens, particularly those guaranteed by the right of free expression (U.S. Const. amend. I).

Just as Douglass's ideals are an aberration of reality and polite society, so too is the political platform of Senator Calhoun. As a Northerner, I have remained moderate on the matter of slavery, recognizing Southern slave-owners' right of property (Webster, 1820, p. 1). However, I must object to Senator Calhoun's notion of slavery being a "positive good," (Calhoun, 1837, p. 1). The institution of slavery and the power that has been given to men who perpetuate this system have led to the South being disproportionately represented in Congress, particularly by Article I, Section 3, Clause 3 of the Constitution, otherwise known as the Three-Fifths Clause. As a lawyer, I recognize the supremacy of the Constitution and respect it as standing law. Yet, it is undeniable that a lopsided amount of power and authority is bestowed upon slave-owners, making it difficult for Northern voices to carry enough political and social capital to be heard (Lincoln, 1837, p. 75). For proof, one need only to observe that all but two of our Presidents owned slaves (Summers, 2008, p. 1). Slavery cannot be seen as a positive good when it fundamentally skews the balance of power within our nation due south.

Furthermore, I must touch upon the South's unwillingness to embrace the Industrial Revolution. Whilst the North has progressed under the auspices of mechanization, free labor, and mass production, the South refuses to leave their agrarian model (Calhoun, 1838, p. 1-3). General analyses of free labor vs. slave labor demonstrate that, when observed in a vacuum, free labor is a more efficient and productive economic model (MacNeile, 1848, p. 196-198). As such, slavery actually hinders our nation's development, and cannot be viewed as a positive good.

When Calhoun and the South cannot justify slavery politically nor economically, they use religion. Even medical experts use biblical allusions to understand the etiology of the black man's inferiority, citing phenomena like the Curse of Ham (Cartwright, 1851, p. 137). Far be it from me to reject the scientific hypotheses of a physician, but legality and constitutionality are my areas of expertise. Regardless of how sure theologians are of their biblical injunctions, the Constitution's First Amendment separates church and state, effectively eliminating religious sentiments out of political action. As such, arguments about how Ephesians delineates proper engagements between slaves and masters are impertinent to political discourse and should be kept within churches (First Presbyterian Church, 1845, p. 1-2). In fact, Jesus himself advocated for the separation of church and state when he said, "Give back to Caesar what is Caesar's and give back to God what is God's," (Mark 12:17, King James Version).

Finally, I must address the abnormal notions of the radical Disunionist-Abolitionists with respect to the Constitution. Our nation's social contract is not the only political document that this faction has misinterpreted. Ever since the Declaration of Independence was written, for example, Abolitionists have sardonically used its preambulatory conviction of "All men are created equal," and the values of "Life, Liberty, and the Pursuit of Happiness" as reasons to call former President Jefferson, as well as our nation, hypocritical. However, upon further reading of President Jefferson's portfolio, his meaning is elucidated. Of blacks, he wrote, "[they] are inferior in the endowments of both body and mind," (Jefferson, 1781, p. 153). The Declaration of Independence was never meant to include blacks, so it is a non-sequitur to claim that the nonexistent sentiments which that document purportedly advocates are, somehow, transferrable to the Constitution. This misunderstanding of the document's semantics is on display in the

Abolitionists' Declaration of Sentiments of the American Anti-Slavery Society, where they invoke these words as though they are sympathetic to their cause.

Like the Abolitionists, I have also expressed my displeasure over elements of the Constitution as it stands. However, the action that the Disunionists started taking in 1843 is to call for the abolition of, not just slave labor and chattel slavery, but of the entire Union as a means to that end (Oates, 1998, p. 59). As such, the seemingly pacifistic ideology of Mr. Garrison ultimately marches towards the same conclusions as the militant posturings of David Walker and Reverend Garnet. When Disunionists swear to refuse compromise due to responding to a "higher law," they do nothing but to disservice themselves in the eyes of the American majority (Garrison, 1831, p. 1).

My response is much more civil than that of the Abolitionists. I call attention to Article V of the Constitution, which outlines the amendment process. Many Northerners express concerns about Article I, Section 2, Clause 2 calculating slaves to be three-fifths of a person; Article IV, Section 2, Clause 3 calling for fugitive slaves to be returned to their owners; and the legacy of Article I, Section 9, Clause 1 legitimizing the slave-trade. However, I beckon those individuals to political action, not violence. Every voting citizen can elect representatives that will fight for his values and bring up the issues that the nation faces to the forefront. Furthermore, the First Amendment guarantees citizens the right to assemble and to mobilize towards a cause, presuming that the organization does not aim to incite treason nor aggression.

The alleged writings of Frederick Douglass, the advocacy for slavery by Senator Calhoun, and the incendiary political activism of Disunionists have led to a greatly fractured nation. I implore my audience to fret not; cooler heads shall always prevail. Douglass's publication is meant to be thought-provoking and little more, when read responsibly, and

Disunionists like Mr. Garrison fail to mobilize significant portions of the electorate. Pro-slaveryites are the only significant voice of frustration to moderate Northerners, but compromises authored by men like Senator Clay and myself guarantee peaceful coexistence of the North and South. Union, *along with our liberty*, most dear (Calhoun, 1831, p. 1).

Works Cited

- American Colonization Society. (1852). Information about Going to Liberia. 1-24. Retrieved March 18, 2017, from https://bb-csuohio.blackboard.com/bbcswebdav/pid-2151166-dt-content-rid-11575894_1/courses/0880-CSUOH-HIS220H-4298/0880-CSUOH-HIS220H-4298_ImportedContent_20170222011250/ACS_Information_About_Liberia.pdf.
- Calhoun, J. C. (1831, August 30). Nullification and the Bank War: John C. Calhoun in the Connecticut Herald. Retrieved May 9, 2017, from http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&psid=354
- Calhoun, J. C. (1837, February 06). Slavery as a Positive Good. Retrieved May 10, 2017, from <http://teachingamericanhistory.org/library/document/slavery-a-positive-good/>
- Calhoun, J. C. (1838). On The Importance of Domestic Slavery. Retrieved May 9, 2017, from <https://www.saylor.org/site/wp-content/uploads/2011/02/John-Calhoun-Speeches.pdf>
- Cartwright, S. A. (1851). Diseases and Peculiarities of the Negro Race. *DeBowe's Review*, 11(3), 137-144. Retrieved May 9, 2017, from <http://www.pbs.org/wgbh/aia/part4/4h3106t.html>
- Copyright Act, Washington D.C. (1831), Primary Sources on Copyright (1450-1900), eds L. Bently & M. Kretschmer, www.copyrighthistory.org
- Douglass, F. (1845). *Narrative of the Life of Frederick Douglass: an American Slave, Written by Himself* (Second ed.). Boston, MA: Bedford Books St. Martin's.
- First Presbyterian Church (1845). *Mutual Relation of Masters and Slaves as Taught in the Bible*. Augusta, GA. Retrieved May 9, 2017, <https://archive.org/details/mutualrelationof00wils>
- Garnet, H. H. (1843). An Address to the Slaves of the United States of America. *Libraries at University Nebraska-Lincoln*, 1-10. Retrieved May 9, 2017, from <https://bb-csuohio.blackboard.com/bbcswebdav/pid-2151165-dt-content-rid->

[11575893_1/courses/0880-CSUOH-HIS220H-4298/0880-CSUOH-HIS220H-4298_ImportedContent_20170222011250/Game%201%20Materials/Garnet_AddresstoSlaves.pdf](#).

Garrison, W. L. (1831, January 1). *The Liberator*, Vol. 1, No. 1

Garrison, W. L. (1833). Declaration of Sentiments of the American Anti-Slavery Society.

Retrieved May 9, 2017, from <http://utc.iath.virginia.edu/abolitn/abeswlgct.html>

Higbee, M. and Stewart, JB. (2016). *Frederick Douglass, Slavery, and the Constitution Role Sheets: A Reacting to the Past Game Book*.

Jefferson, T. (1776). *The Declaration of Independence*. Philadelphia, PA: Prichard and Hall.

Jefferson, T. (1781). *Notes on the State of Virginia*. Philadelphia, PA: Prichard and Hall.

Lincoln, A. (1837, March 3). Protest in Illinois Legislature on Slavery. Retrieved May 9, 2017,

from <http://quod.lib.umich.edu/l/lincoln/lincoln1/1:101?rgn=div1;view=fulltext>

Littlefield, D. C. (2010, June). The Varieties of Slave Labor. Retrieved May 9, 2017, from

<http://nationalhumanitiescenter.org/tserve/freedom/1609-1865/essays/slavelabor.htm>

MacNeile, H. (1848). *Slave Labor Versus Free Labor*. London, England.

Oates, S. B. (1998). *The Approaching Fury: Voices of the Storm, 1820-1861*. New York, NY: Harper Perennial.

Quarles, B. (1991). *Black Abolitionists*. New York, NY: Da Capo Press.

Rudd, B. W. (1969). *Notable Dates in American Copyright 1783-196*. Retrieved May 9, 2017,

from <https://copyright.gov/history/dates.pdf>

Sinha, M. (2016). *The Slave's Cause*. New Haven, CT: Yale University Press.

Summers, R. S. (2008). Presidents of the United States. Retrieved May 9, 2017, from

<http://www.ipl.org/div/potus/>

The Holy Bible. (1986). New York: American Bible Society.

U.S. Cong. (1787). *The U.S. Constitution* (Founding Fathers) [Cong.]. Washington, D.C.: Dept. of the Interior, National Park Service.

Walker, D. (1829). David Walker's Appeal, in Four Articles; Together with a Preamble, to the Colored Citizens of the World, but in Particular, and Very Expressly, to those of the United States of America. *Boston*, 1-12. Retrieved May 9, 2017, from https://bb-csuohio.blackboard.com/bbcswebdav/pid-2151161-dt-content-rid-11575889_1/courses/0880-CSUOH-HIS220H-4298/0880-CSUOH-HIS220H-4298_ImportedContent_20170222011250/Game%201%20Materials/Walker%20-%201829%20-%20Appeal_Exceptrs.pdf.

Webster, D., Stevens, K. R., McGurn, A., & Shewmaker, K. E. (1983). *The Papers of Daniel Webster: Diplomatic Papers*. Hanover, NH: University Press of New England.

Webster, D. (1820). The Plymouth Oration. Retrieved May 9, 2017, from <http://www.dartmouth.edu/~dwebster/speeches/plymouth-oration.html>

Webster, D. (1830). The Second Reply to Hayne. Retrieved May 9, 2017, from <https://www.dartmouth.edu/~dwebster/speeches/hayne-speech.html>