Reflections on the Missouri Question

3. VI. 30 Went with Mrs. Adams, our son Charles and Mary Hellen to the Capitol Hill, and viewed Sully's Picture of the passage of the river Delaware by General Washington, 25 December 1776, now exhibited in the building lately occupied by the two houses of Congress. As a picture of men and especially of horses as large as life it has merit, but there is nothing in it that marks the scene or the crisis. The principal figure is the worst upon the Canvas–Badly drawn, badly colored; without likeness, and without character–While we were there Jeremiah Nelson, a member of the House from Massachusetts, came in, and told us of John Randolph's motion this morning to reconsider one of the votes of yesterday upon the Missouri Bill, and of the trickery by which his motion was defeated; by the Speakers declaring it not in order when first made; the Journal of yesterdays proceedings not having been then read–and while they were reading the Clerk of the House carried the Bills as passed by the House to the Senate, so that when Randolph, after the reading of the Journals renewed his motion, it was too late; the papers being no longer in possession of the house. And so it is that a Law perpetuating slavery in Missouri and perhaps in North America has been smuggled through both houses of Congress. I have been convinced from the first asking of this question that it could not end otherwise–The fault is in the Constitution of the United States, which has sanctioned a dishonorable compromise with slavery. There is henceforth no remedy for it but a new organization of the Union to affect which a concert of all the white states is indispensable. Whether that can ever be accomplished is doubtful. It is a contemplation not very creditable to human nature, that the cement of common interest produced by slavery is stronger and more solid than that of unmingled freedom. In this instance the Slave States have clung together in an unbroken phalanx and have been victorious by the masses of accomplices and deserters, from the ranks of Freedom. Time only can show whether the contest may ever be with equal advantage renewed. But so polluted3–are all the streams of Legislation in regions of slavery, that this Bill has been obtained by two as unprincipled artifices as dishonesty ever devised; one by coupling it as an appendage to the Bill for admitting Maine; and the other by this outrage, perpetrated by the Speaker upon the Rules of the house.–When I came this day to my office, I found there a note requesting me to call at one o'clock at the President's house. It was then one, and I immediately went over. He expected that the two bills, for the admission of Maine, and to enable Missouri to make a Constitution, would have been brought to him for his signature, and he had summoned all the members of the Administration to ask their opinions in writing, to be deposited in the Department of State, upon two questions: 1, Whether Congress had a Constitutional right to prohibit slavery in a Territory? and 2, Whether the 8th section of the Missouri bill (which interdicts slavery forever in the Territory north of 36 1/2 latitude) was applicable only to the Territorial State, or could extend to it after it should become a State. As to the first question, it was unanimously agreed that Congress have the power to prohibit slavery in the Territories and yet neither Crawford, Calhoun, nor Wirt could find any express power to prohibit slavery in the Constitution; and Wirt declared himself very decidedly against the admission of any implied powers–The progress of this

discussion has so totally merged in passion all the reasoning faculties of these Slave holders that these Gentlemen in the simplicity of their hearts had come to a conclusion in direct opposition to their premises, without being aware or conscious of inconsistency–They insisted upon it that the clause in the Constitution, which gives Congress power to dispose of, and make all needful rules and regulations respecting this territory and other property of the United States, had references to it, only as land, and conferred no authority to make rules, binding upon its inhabitants; and Wirt added the notable Virginian objection that Congress could make only needful rules and regulations–and that a prohibition of slavery was not needful. Their argument, as Randolph said of it in the House covered the whole ground, and their compromise measured by their own principles in a sacrifice of what they hold to be the Constitution. I had no doubt of the right of Congress to interdict slavery in the Territories, and urged that the power contained in the term dispose of included the authority to do everything that could be done with it as mere property, and that the additional words, authorizing needful rules and regulations respecting it, must have reference to persons connected with it, or could have no meaning at all. As to the force of the term needful, I observed, it was relative, and must always be supposed to have reference to some end. Needful to what end–Needful in the Constitution of the United States to any of the ends for which that compact was formed. Those ends are declared in its preamble–to establish justice, for example. What can be more needful for the establishment of justice than the interdiction of slavery where it does not exist? As to the second question my opinion was that the interdiction of slavery in the 8th section of the Bill forever, would apply and be binding upon the States as well as upon the Territory; because by its interdiction in the Territory, the People when they come to form a Constitution would have no right to sanction slavery. Crawford said that in the new States, which have been admitted into the Union upon the express condition that their Constitutions should consist with the perpetual interdiction of Slavery, it might be sanctioned by an ordinary act of their Legislatures–I said that whatever a State Legislature might do in point of fact, they could not by any rightful exercise of power establish Slavery–The Declaration of Independence, not only asserts the natural equality of all men, and their unalienable right to Liberty; but that the only just powers of government are derived from the consent of the governed. A power for one part of the people to make slaves of the other can never be derived from consent, and is therefore not a just power. Crawford said this was the opinion that had been attributed to Mr. King. I said it was undoubtedly the opinion of Mr. King; and it was mine. I did not want to make a public display of it, where it might excite irritation, but if called upon officially for it, I should not withold it.–But the opinion was not particular to Mr. King and me–It was an opinion universal in the States where there are no slaves. It was the opinion of all those members of Congress who voted for the restriction upon Missouri, and of many of those who voted against it–As to the right of imposing the restriction upon a State, the President had signed a Bill with precisely such a restriction upon the State of Illinois–Why should the question be made now, which was not made then–Crawford said that was done in conformity to the compact of the Ordinance of 1787 and besides the restriction was a nullity, not binding upon the Legislatures of thoseStates. I did not reply to the assertion that a solemn compact, announced before heaven and earth in the ordinance of 1787, a compact laying the foundation of security to the most sacred rights of human nature, against the most odious of oppressions, a compact solemnly renewed by the acts of Congress enabling the States of Ohio, Indiana and Illinois to form State governments, and again by the Acts for admitting those States into the Union, was a nullity, which the Legislature of either of those states may at any time disregard and trample under foot. It was sickening to my Soul to hear the

assertion; but to have discussed it there would have been useless, and only have kindled in the bosom of the Executive the Same flame which has been raging in Congress; and in the Country–Its discussion was unnecessary, to the decision of the questions proposed by the President–I therefore only said that the Ordinance of 1787 had been passed by the old Congress of the Confederation without authority from the States, but had been tacitly confirmed by the adoption of the present Constitution, and the authority given to Congress in it to make needful rules and regulations for the territory–I added that in one of the numbers of the Federalists, there was an admission that the old Congress had passed the Ordinance without authority, under an impulse of necessity–and that it was used as an argument in favor of the enlarged powers granted to Congress in the Constitution. Crawford said it could therefore have little or no weight as authority–I replied that it was not wanted as authority–That when the old Confederation was adopted the United States had no territory, nor was there in the Act of Confederation in which the powers of Congress under it were enumerated a word about territory. But there was a clause interdicting to Congress the exercise of any powers not expressly given them. I alluded to the origin of the Confederation with our Revolution. To the revolutionary powers exercised by Congress, before the Confederation was adopted. To the question whether the North western territory belonged to the United States or the separate States. To the delays occasioned by that question in the acceptance of the Confederation; and to the subsequent cessions of Territory by several States, to the Union, which gave occasion for the ordinance of 1787. To all which Crawford said nothing. Wirt said that he perfectly agreed with me that there could be no rightful power to establish slavery where it was res nova–But he thought it would not be the force of the Act of Congress that would lead to this result–The principle itself being correct, though Congress might have no power to prescribe it to a Sovereign State. To this my reply was that the power of establishing slavery, not being a Sovereign power, but a wrongful and despotic power. Congress had a right to say that no state undertaking to establish it de novo should be admitted into the Union; and that a State which should undertake to establish it would put themselves out of the pale of the Union, and forfeit all the rights and privileges of the connection. The President said that it was impossible to exclude the principle of implied powers, being granted to Congress by the Constitution. The Powers of Sovereignty were distributed between the general and the State Governments–Extensive powers were given in general terms; all detailed and incidental powers were implied in the general grant. Some years ago, Congress had appropriated a sum of money to the relief of the inhabitants of Caraccas, who had suffered by an earthquake. There was no express grant of authority to apply the public money to such a purpose. It was by an implied power. The material question was only when the power supposed to be implied came in conflict with rights reserved to the State Governments–He inclined also to think with me, that the Rules and Regulations, which Congress were authorized to make for the territories must be understood as extending to their inhabitants. And he resumed to the history of the North western Territory. The cessions by the several States to the Union, and the controversy concerning this subject during our revolutionary war. He said he wished the written opinion of the members of the Cabinet, without discussion, in terms as short as it could be expressed, and merely that it might be deposited in the Department of State–I told him that I should prefer a dispensation from answering the second question; especially as I should be alone here in the opinion which I entertained; for Mr. Thompson, the Secretary of the Navy cautiously avoided giving any opinion upon the question of natural right, but assented to the slave sided doctrine that the eighth section of the Bill, word forever, and all, applied only to the time and condition of the territorial Government–I said

therefore that if required to give my opinion upon the second question standing alone, it would be necessary for me to assign the reason upon which I entertained it–Crawford saw no necessity for any reasoning about it, but had no objection to my assigning my reason. Calhoun thought itexceedingly desirable that no such argument should be drawn up and deposited. He therefore suggested to the President, the idea of changing the terms of the second question, so that it should be, wetter the 8th section of the Bill was consistent with the Constitution? which the other members of the administration midget answer affirmatively, assigning their reason, because they considered it applicable only to the territorial states while I could answer it, also affirmatively without annexing any qualification–To this the President readily assented, and I as readily agreed–The questions are to be framed accordingly–This occasion has remarkably manifested Crawford's feelings, and the continually kindling intenseness of his ambition. I have had information from the Governor of the State of Indiana, that there is in that State a party countenanced and supported by Crawford whose purpose it is to introduce Slavery into that State, and there is reason to believe that the same project exists in Ohio and Illinois. This avowed opinion that in defiance of the Ordinance of 1787 and of the Laws admitting those states into the Union, slavery may be established in either of those states by an ordinary act of its Legislature strongly confirms the impressions of him communicated to me by the Governor of Indiana. It is apparent that Crawford is already aware, how his canvass for the Presidency may be crossed by this slavery contest–The violence of its operation upon his temper is such that he could not suppress it–After this meeting, I walked home with Calhoun, who said that the principles which I had avowed were just and noble: but that in the Southern country, whenever they were mentioned, they were always understood as applying only to white men. Domestic labor was confined to the blacks, and such was the prejudice, that if he, who was the most popular man in his district, were to keep a white servant in his house, his character and reputation would be irretrievably ruined. I said that this confounding of the ideas of servitude and labor was one of the bad effects of slavery: but he thought it attended with many excellent consequences. It did not apply to all kinds of labor—not, for example, to farming. He himself had often held the plough: so had his father. Manufacturing and mechanical labor was not degrading. It was only manual labor—the proper work of slaves. No white person could descend to that. And it was the best guarantee to equality among the whites. It produced an unvarying level among them. It not only did not excite, but did not even admit of inequalities, by which one white man could domineer over another. I told Calhoun I could not see things in the same light. It is, in truth, all perverted sentiment—mistaking labor for slavery and dominion for freedom. The discussion of this Missouri question has betrayed the secret of their souls. In the abstract they admit that slavery is an evil, they disclaim all participation in the introduction of it, and cast it all upon the shoulders of our old Grandam Britain. But when probed to the quick upon it, they show at the bottom of their souls pride and vainglory in their condition of masterdom. They fancy themselves more generous and noble-hearted than the plain freemen who labor for subsistence. They look down upon the simplicity of a Yankee's manners, because he has no habits of overbearing like theirs and cannot treat negroes like dogs. It is among the evils of slavery that it taints the very sources of moral principle. It establishes false estimates of virtue and vice: for what can be more false and heartless than this doctrine which makes the first and holiest rights of humanity to depend upon the color of the skin–It perverts human reason, and reduces men endowed wit logical powers to maintain that slavery is sanctioned by the Christian religion. That slaves are happy and contented in their condition. That between Master and slave there are ties of mutual attachment and affection. That the virtues of the

Master, are refined, and exalted by the degradation of the slave, while at the same time they vent execrations upon the slave trade; curse Britain for having given them slaves, burn at the stake, negroes convicted of crimes; for the terror of the example, and writhe in agonies of fear, at the very mention of human rights as applicable to men of colour. The impression produced upon my mind by the progress of this discussion is that the bargain between Freedom and Slavery contained in the Constitution of the United States, is morally and politically vicious. Inconsistent with the principles upon which alone our revolution can be justified; cruel and oppressive by riveting the chains of slavery–by pledging the faith of Freedom to maintain and perpetuate the tyranny of the master and grossly unequal and impolitic, by admitting that slaves are at once enemies to be kept in subjection, property to be secured or restored to their owners, and persons, not to be represented themselves but for whom their masters are privileged with nearly a double share of representation–The consequences has been that this slave representation has governed the Union. Benjamin, portioned above his brethren has ravined as a wolf. In the morning he has devoured the prey, and at night he has divided the spoil–It would be no difficult matter to prove by reviewing the history of the Union under this Constitution, that almost everything which hascontributed to the honour and welfare of the nation been accomplished in despite of them, or forced upon them; and that every thing unpropitious and dishonorable, including the blunders and follies of their adversaries, may be traced to them– I have favored this Missouri compromise, believing it to be all that could be effected under the present Constitution, and from extreme unwillingness to put the Union at hazard. But perhaps it would have been a wiser as well as a bolder course to have persisted in the restriction upon Missouri, till it should have terminated in a convention of the States to revise and amend the Constitution. This would have produced a new Union of thirteen or fourteen States unpolluted with slavery, with a great and glorious object to effect, namely, that of rallying to their standard the other States by the universal emancipation of their slaves. If the Union must be dissolved, slavery is precisely the question upon which it ought to break. For the present, however, this contest is laid asleep–Mr Connell of Philadelphia spent the evening with us.

[End of March 3 entry]