

Speech on the Dred Scott Decision

Frederick Douglass

May 1857

Mr. Chairman, Friends, and Fellow Citizens:

While four millions of our fellow countrymen are in chains — while men, women, and children are bought and sold on the auction-block with horses, sheep, and swine — while the remorseless slave—whip draws the warm blood of our common humanity — it is meet that we assemble as we have done to-day, and lift up our hearts and voices in earnest denunciation of the vile and shocking abomination.... It is a fitting time to take an observation to ascertain where we are, and what our prospects are.

To many, the prospects of the struggle against slavery seem far from cheering. Eminent men, North and South, in Church and State, tell us that the omens are all against us. Emancipation, they tell us, is a wild, delusive idea; the price of human flesh was never higher than now; slavery was never more closely entwined about the hearts and affections of the southern people than now; that whatever of conscientious scruple, religious conviction, or public policy, which opposed the system of slavery forty or fifty years ago, has subsided; and that slavery never reposed upon a firmer basis than now. Completing this picture of the happy and prosperous condition of this system of wickedness, they tell us that this state of things is to be set to our account. Abolition agitation has done it all. How deep is the misfortune of my poor, bleeding people, if this be so! How lost their condition, if even the efforts of their friends but sink them deeper in ruin!

Without assenting to this strong representation of the increasing strength and stability of slavery, without denouncing what of untruth pervades it, I own myself not insensible to the many difficulties and discouragements, that beset us on every hand. They fling their broad and gloomy shadows across the pathway of every thoughtful colored man in this country. For one, I see them clearly, and feel them sadly. With an earnest, aching heart, I have long looked for the realization of the hope of my people. Standing, as it were, barefoot, and treading upon the sharp and flinty rocks of the present, and looking out upon the boundless sea of the future, I have sought, in my humble way, to penetrate the intervening mists and clouds, and, perchance, to descry, in the dim and shadowy distance, the white flag of freedom, the precise speck of time at which the cruel bondage of my people should end, and the long entombed millions rise from the foul grave of slavery and death. But of that time I can know nothing, and you can know nothing. All is uncertain at that point. One thing, however, is certain; slaveholders are in earnest, and mean to cling to their slaves as long as they can, and to the bitter end. They show no sign of a wish to quit their iron grasp upon the sable throats of their victims. Their motto is, “a firmer hold and a tighter grip” for every new effort that is made to break their cruel power. The case is one of life or death with them, and they will give up only when they must do that or do worse.

In one view the slaveholders have a decided advantage over all opposition. It is well to notice this advantage — the advantage of complete organization. They are organized; and yet were not at the pains of creating their organizations. The State governments, where the system of slavery

exists, are complete slavery organizations. The church organizations in those States are equally at the service of slavery; while the Federal Government, with its army and navy, from the chief magistracy in Washington, to the Supreme Court, and thence to the chief marshalship at New York, is pledged to support, defend, and propagate the crying curse of human bondage. The pen, the purse, and the sword, are united against the simple truth, preached by humble men in obscure places.

This is one view. It is, thank God, only one view; there is another, and a brighter view. David, you know, looked small and insignificant when going to meet Goliath, but looked larger when he had slain his foe. The Malakoff was, to the eye of the world, impregnable, till the hour it fell before the shot and shell of the allied army. Thus hath it ever been. Oppression, organized as ours is, will appear invincible up to the very hour of its fall. Sir, let us look at the other side, and see if there are not some things to cheer our heart and nerve us up anew in the good work of emancipation.

[... There is a significant vitality about this abolition movement. It has taken a deeper, broader, and more lasting hold upon the national heart than ordinary reform movements. Other subjects of much interest come and go, expand and contract, blaze and vanish, but the huge question of American Slavery, comprehending, as it does, not merely the weal or the woe of four millions, and their countless posterity, but the weal or the woe of this entire nation, must increase in magnitude and in majesty with every hour of its history. From a cloud not bigger than a man's hand, it has overspread the heavens. It has risen from a grain not bigger than a mustard seed. Yet see the fowls of the air, how they crowd its branches.

... Those who have undertaken to suppress and crush out this agitation for Liberty and humanity, have been most woefully disappointed. Many who have engaged to put it down, have found themselves put down. The agitation has pursued them in all their meanderings, broken in upon their seclusion, and, at the very moment of fancied security, it has settled down upon them like a mantle of unquenchable fire. Clay, Calhoun, and Webster each tried his hand at suppressing the agitation; and they went to their graves disappointed and defeated.]

Loud and exultingly have we been told that the slavery question is settled, and settled forever. You remember it was settled thirty-seven years ago, when Missouri was admitted into the Union with a slaveholding constitution, and slavery prohibited in all territory north of thirty-six degrees of north latitude. Just fifteen years afterwards, it was settled again by voting down the right of petition, and gagging down free discussion in Congress. Ten years after this it was settled again by the annexation of Texas, and with it the war with Mexico. In 1850 it was again settled. This was called a final settlement. By it slavery was virtually declared to be the equal of Liberty, and should come into the Union on the same terms. By it the right and the power to hunt down men, women, and children, in every part of this country, was conceded to our southern brethren, in order to keep them in the Union. Four years after this settlement, the whole question was once more settled, and settled by a settlement which unsettled all the former settlements.

The fact is, the more the question has been settled, the more it has needed settling. The space between the different settlements has been strikingly on the decrease. The first stood longer than any of its successors. There is a lesson in these decreasing spaces. The first stood fifteen years — the second, ten years — the third, five years — the fourth stood four years — and the fifth has

stood the brief space of two years. This last settlement must be called the Taney settlement. We are now told, in tones of lofty exultation, that the day is lost — all lost — and that we might as well give up the struggle. The highest authority has spoken. The voice of the Supreme Court has gone out over the troubled waves of the National Conscience, saying peace, be still.

This infamous decision of the Slaveholding wing of the Supreme Court maintains that slaves are within the contemplation of the Constitution of the United States, property; that slaves are property in the same sense that horses, sheep, and swine are property; that the old doctrine that slavery is a creature of local law is false; that the right of the slaveholder to his slave does not depend upon the local law, but is secured wherever the Constitution of the United States extends; that Congress has no right to prohibit slavery anywhere; that slavery may go in safety anywhere under the star-spangled banner; that colored persons of African descent have no rights that white men are bound to respect; that colored men of African descent are not and cannot be citizens of the United States.

You will readily ask me how I am affected by this devilish decision — this judicial incarnation of wolfishness? My answer is, and no thanks to the slaveholding wing of the Supreme Court, my hopes were never brighter than now. I have no fear that the National Conscience will be put to sleep by such an open, glaring, and scandalous tissue of lies as that decision is, and has been, over and over, shown to be. The Supreme Court of the United States is not the only power in this world. It is very great, but the Supreme Court of the Almighty is greater. Judge Taney can do many things, but he cannot perform impossibilities. He cannot bale out the ocean, annihilate the firm old earth, or pluck the silvery star of liberty from our Northern sky. He may decide, and decide again; but he cannot reverse the decision of the Most High. He cannot change the essential nature of things — making evil good, and good evil. Happily for the whole human family, their rights have been defined, declared, and decided in a court higher than the Supreme Court.

“There is a law,” says Brougham, “above all the enactments of human codes, and by that law, unchangeable and eternal, man cannot hold property in man.”

Your fathers have said that man’s right to liberty is self-evident. There is no need of argument to make it clear. The voices of nature, of conscience, of reason, and of revelation, proclaim it as the right of all rights, the foundation of all trust, and of all responsibility.... To decide against this right in the person of Dred Scott, or the humblest and most whip-scarred bondman in the land, is to decide against God. It is an open rebellion against God’s government. It is an attempt to undo what God has done, to blot out the broad distinction instituted by the *Allwise* between men and things, and to change the image and superscription of the everliving God into a speechless piece of merchandise.

Such a decision cannot stand. God will be true though every man be a liar. We can appeal from this hell black judgment of the Supreme Court, to the court of common sense and common humanity. We can appeal from man to God. If there is no justice on earth, there is yet justice in heaven. You may close your Supreme Court against the black man’s cry for justice, but you cannot, thank God, close against him the ear of a sympathising world, nor shut up the Court of Heaven. All that is merciful and just, on earth and in Heaven, will execrate and despise this edict of Taney.

.... In one point of view, we, the abolitionists and colored people, should meet this decision, unlooked for and monstrous as it appears, in a cheerful spirit. This very attempt to blot out forever the hopes of an enslaved people may be one necessary link in the chain of events preparatory to the downfall and complete overthrow of the whole slave system.

The whole history of the anti-slavery movement is studded with proof that all measures devised and executed with a view to ally and diminish the anti-slavery agitation, have only served to increase, intensify, and embolden that agitation.

.... It was so with the Fugitive Slave Bill. It was so with the Kansas-Nebraska Bill; and it will be so with this last and most shocking of all pro-slavery devices, this Taney decision.

When great transactions are involved, where the fate of millions is concerned, where a long enslaved and suffering people are to be delivered, I am superstitious enough to believe that the finger of the Almighty may be seen bringing good out of evil, and making the wrath of man redound to his honor, hastening the triumph of righteousness.

.... Step by step we have seen the slave power advancing; poisoning, corrupting, and perverting the institutions of the country; growing more and more haughty, imperious, and exacting. The white man's liberty has been marked out for the same grave with the black man's.

The ballot box is desecrated, God's law set at nought, armed legislators stalk the halls of Congress, freedom of speech is beaten down in the Senate. The rivers and highways are infested by border ruffians, and white men are made to feel the iron heel of slavery. This ought to arouse us to kill off the hateful thing. They are solemn warnings to which the white people, as well as the black people, should take heed.

If these shall fail, judgment, more fierce or terrible, may come. The lightning, whirlwind, and earthquake may come. Jefferson said that he trembled for his country when he reflected that God is just, and his justice cannot sleep forever. The time may come when even the crushed worm may turn under the tyrant's feet. Goaded by cruelty, stung by a burning sense of wrong, in an awful moment of depression and desperation, the bondman and bondwoman at the south may rush to one wild and deadly struggle for freedom. Already slaveholders go to bed with bowie knives, and apprehend death at their dinners. Those who enslave, rob, and torment their cooks, may well expect to find death in their dinner-pots.

The world is full of violence and fraud, and it would be strange if the slave, the constant victim of both fraud and violence, should escape the contagion. He, too, may learn to fight the devil with fire, and for one, I am in no frame of mind to pray that this may be long deferred.

.... By all the laws of nature, civilization, and of progress, slavery is a doomed system. Not all the skill of politicians, North and South, not all the sophistries of Judges, not all the fulminations of a corrupt press, not all the hypocritical prayers, or the hypocritical refusals to pray of a hollow-hearted priesthood, not all the devices of sin and Satan, can save the vile thing from extermination.

Already a gleam of hope breaks upon us from the southwest. One Southern city has grieved and astonished the whole South by a preference for freedom. The wedge has entered. Dred Scott, of

Missouri, goes into slavery, but St. Louis declares for freedom. The judgment of Taney is not the judgment of St. Louis.

It may be said that this demonstration in St. Louis is not to be taken as an evidence of sympathy with the slave; that it is purely a white man's victory. I admit it. Yet I am glad that white men, bad as they generally are, should gain a victory over slavery. I am willing to accept a judgment against slavery, whether supported by white or black reasons—though I would much rather have it supported by both. He that is not against us, is on our part.

Come what will, I hold it to be morally certain that, sooner or later, by fair means or foul means, in quiet or in tumult, in peace or in blood, in judgment or in mercy, slavery is doomed to cease out of this otherwise goodly land, and liberty is destined to become the settled law of this Republic.

I base my sense of the certain overthrow of slavery, in part, upon the nature of the American Government, the Constitution, the tendencies of the age, and the character of the American people; and this, notwithstanding the important decision of Judge Taney. I know of no soil better adapted to the growth of reform than American soil. I know of no country where the conditions for affecting great changes in the settled order of things, for the development of right ideas of liberty and humanity, are more favorable than here in these United States.

The very groundwork of this government is a good repository of Christian civilization. The Constitution, as well as the Declaration of Independence, and the sentiments of the founders of the Republic, give us a platform broad enough, and strong enough, to support the most comprehensive plans for the freedom and elevation of all the people of this country, without regard to color, class, or clime.

.... Slavery lives in this country not because of any paper Constitution, but in the moral blindness of the American people, who persuade themselves that they are safe, though the rights of others may be struck down.

.... But I come now to the great question as to the constitutionality of slavery. The recent slaveholding decision, as well as the teachings of anti-slavery men, make this a fit time to discuss the constitutional pretensions of slavery.

.... When I admit that slavery is constitutional, I must see slavery recognized in the Constitution. I must see that it is there plainly stated that one man of a certain description has a right of property in the body and soul of another man of a certain description. There must be no room for a doubt. In a matter so important as the loss of liberty, everything must be proved beyond all reasonable doubt.

The well known rules of legal interpretation bear me out in this stubborn refusal to see slavery where slavery is not, and only to see slavery where it is.

The Supreme Court has, in its day, done something better than make slaveholding decisions. It has laid down rules of interpretation which are in harmony with the true idea and object of law and liberty.

It has told us that the intention of legal instruments must prevail; and that this must be collected from its words. It has told us that language must be construed strictly in favor of liberty and justice.

It has told us where rights are infringed, where fundamental principles are overthrown, where the general system of the law is departed from, the Legislative intention must be expressed with irresistible clearness, to induce a court of justice to suppose a design to effect such objects.

These rules are as old as law. They rise out of the very elements of law. It is to protect human rights, and promote human welfare. Law is in its nature opposed to wrong, and must everywhere be presumed to be in favor of the right. The pound of flesh, but not one drop of blood, is a sound rule of legal interpretation. Besides there is another rule of law as well of common sense, which requires us to look to the ends for which a law is made, and to construe its details in harmony with the ends sought.

Now let us approach the Constitution from the standpoint thus indicated, and instead of finding in it a warrant for the stupendous system of robbery, comprehended in the term slavery, we shall find it strongly against that system.

“We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.”

Such are the objects announced by the instrument itself, and they are in harmony with the Declaration of Independence, and the principles of human well-being. Six objects are here declared, “Union,” “defence,” “welfare,” “tranquility,” and “justice,” and “liberty.”

Neither in the preamble nor in the body of the Constitution is there a single mention of the term *slave* or *slave holder*, *slave master* or *slave state*, neither is there any reference to the color, or the physical peculiarities of any part of the people of the United States. Neither is there anything in the Constitution standing alone, which would imply the existence of slavery in this country.

“We, the people” — not we, the white people — not we, the citizens, or the legal voters — not we, the privileged class, and excluding all other classes but we, the people; not we, the horses and cattle, but we the people — the men and women, the human inhabitants of the United States, do ordain and establish this Constitution, &c.

I ask, then, any man to read the Constitution, and tell me where, if he can, in what particular that instrument affords the slightest sanction of slavery? Where will he find a guarantee for slavery? Will he find it in the declaration that no person shall be deprived of life, liberty, or property, without due process of law? Will he find it in the declaration that the Constitution was established to secure the blessing of liberty? Will he find it in the right of the people to be secure in their persons and papers, and houses, and effects? Will he find it in the clause prohibiting the enactment by any State of a bill of attainder?

These all strike at the root of slavery, and any one of them, but faithfully carried out, would put an end to slavery in every State in the American Union.

Take, for example, the prohibition of a bill of attainder. That is a law entailing on the child the misfortunes of the parent. This principle would destroy slavery in every State of the Union.

The law of slavery is a law of attainder. The child is property because its parent was property, and suffers as a slave because its parent suffered as a slave. Thus the very essence of the whole slave code is in open violation of a fundamental provision of the Constitution, and is in open and flagrant violation of all the objects set forth in the Constitution....

The argument [by Chief Justice Taney, for the DS majority] is, that the Constitution comes down to us from a slaveholding period and a slaveholding people; and that, therefore, we are bound to suppose that the Constitution recognizes colored persons of African descent, the victims of slavery at that time, as debarred forever from all participation in the benefit of the Constitution and the Declaration of Independence, although the plain reading of both includes them in their beneficent range.

As a man, an American, a citizen, a colored man of both Anglo-Saxon and African descent, I denounce this representation as a most scandalous and devilish perversion of the Constitution, and a brazen misstatement of the facts of history.

But I will not content myself with mere denunciation; I invite attention to the facts.

It is a fact, a great historic fact, that at the time of the adoption of the Constitution, the leading religious denominations in this land were anti-slavery, and were laboring for the emancipation of the colored people of African descent.

The church of a country is often a better index of the state of opinion and feeling than is even the government itself. The Methodists, Baptists, Presbyterians, and the denomination of Friends, were actively opposing slavery, denouncing the system of bondage, with language as burning and sweeping as we employ at this day.

.... The testimony of the church, and the testimony of the founders of this Republic, from the declaration downward, prove Judge Taney false; as false to history as he is to law.

Washington and Jefferson, and Adams, and Jay, and Franklin, and Rush, and Hamilton, and a host of others, held no such degrading views on the subject of slavery as are imputed by Judge Taney to the Fathers of the Republic. All, at that time, looked for the gradual but certain abolition of slavery, and shaped the constitution with a view to this grand result.

George Washington can never be claimed as a fanatic, or as the representative of fanatics. The slaveholders impudently use his name for the base purpose of giving respectability to slavery. Yet, in a letter to Robert Morris, Washington uses this language — language which, at this day, would make him a terror of the slaveholders, and the natural representative of the Republican party.

“There is not a man living, who wishes more sincerely than I do, to see some plan adopted for the abolition of slavery; but there is only one proper and effectual mode by which it can be accomplished, and that is by Legislative authority; and this, as far as my suffrage will go, shall not be wanting.”

Washington only spoke the sentiment of his times. There were, at that time, Abolition societies in the slave States — Abolition societies in Virginia, in North Carolina, in Maryland, in Pennsylvania, and in Georgia — all slaveholding States. Slavery was so weak, and liberty so strong, that free speech could attack the monster to its teeth. Men were not mobbed and driven out of the presence of slavery, merely because they condemned the slave system. The system was then on its knees imploring to be spared, until it could get itself decently out of the world. In the light of these facts, the Constitution was framed, and framed in conformity to it.

It may, however, be asked, if the Constitution were so framed that the rights of all the people were naturally protected by it, how happens it that a large part of the people have been held in slavery ever since its adoption? Have the people mistaken the requirements of their own Constitution?

The answer is ready. The Constitution is one thing, its administration is another, and, in this instance, a very different and opposite thing. I am here to vindicate the law, not the administration of the law. It is the written Constitution, not the unwritten Constitution, that is now before us. If, in the whole range of the Constitution, you can find no warrant for slavery, then we may properly claim it for liberty.

.... It may be said that it is quite true that the Constitution was designed to secure the blessings of liberty and justice to the people who made it, and to the posterity of the people who made it, but was never designed to do any such thing for the colored people of African descent.

This is Judge Taney's argument, and it is Mr. Garrison's argument, but it is not the argument of the Constitution. The Constitution imposes no such mean and satanic limitations upon its own beneficent operation....

The Constitution knows all the human inhabitants of this country as "the people." It makes, as I have said before, no discrimination in favor of, or against, any class of the people, but is fitted to protect and preserve the rights of all, without reference to color, size, or any physical peculiarities. Besides, it has been shown by William Goodell and others, that in eleven out of the old thirteen States, colored men were legal voters at the time of the adoption of the Constitution.

In conclusion, let me say, all I ask of the American people is, that they live up to the Constitution, adopt its principles, imbibe its spirit, and enforce its provisions. When this is done, the wounds of my bleeding people will be healed, the chain will no longer rust on their ankles, their backs will no longer be torn by the bloody lash, and liberty, the glorious birthright of our common humanity, will become the inheritance of all the inhabitants of this highly favored country.