

WHITE MEN, BLACK LAWS

TERRITORIAL IOWANS AND CIVIL RIGHTS, 1883-1843

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IOWANS, in the four decades that spanned the Civil War, revolutionized their attitudes toward blacks. From one of the most racist territories in the North in the 1840s, Iowa became by the late 1860s one of the most egalitarian states in the entire Union. This dramatic change had many sources, one of the most important being an exceptionally vigorous civil rights movement that had risen from the abolitionism of Iowa's early territorial years. The story of that emergence has never appeared in print.¹

In October 1838 at Burlington, temporary capital of the newly formed Territory of Iowa, charter lawmakers gathered at the town's most capacious edifice, an unfinished Methodist church. The newly arrived territorial governor, Robert Lucas, was a native Virginian, one of the so-called southern element that also numerically dominated the first Iowa legislature. Over

1. Iowans antebellum and postbellum attitudes toward blacks may be contrasted by comparing Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Ur-

half its thirty-nine members had been born in states where slavery would persist until the Civil War. They consisted of nine Virginia natives, with a tenth, sixty-year-old Colonel Arthur Ingram, the session's eldest member, of Pennsylvania birth but in the recollection of a colleague, "a dignified Virginia gentleman" who "had been many years in the Virginia legislature. . . ." Eight other transplanted southerners hailed from Kentucky, two from North Carolina, and one each from Maryland and Tennessee. Little differentiated Whigs from Democrats in terms of personal characteristics: over half of each legislative party was southern-born, their median ages were virtually identical, and most within each party identified themselves as farmers.²

Representative Hawkins Taylor recalled that a more hard-working group of legislators never met in all his years as an observer of such bodies politic. "A new code of laws had to be formed, and there were few amusements and no dining out to divert members; there were few citizens of Burlington then that entertained outsiders." One important piece of business: devising a set of statutes to protect white Iowans from a numerically important immigration of free blacks. Unhappily, as historians have come to acknowledge, midwestern en-

vana, 1967), 32-33, 36, 38-43, 54, and Robert R. Dykstra, "Iowa: 'Bright Radical Star,'" in James C. Mohr, ed., *Radical Republicans in the North: State Politics During Reconstruction* (Baltimore, 1976), 167-193. No extended account of Iowa abolitionism has yet been published, the closest approximation being James Connor, "The Antislavery Movement in Iowa," *Annals of Iowa* 40 (Summer and Fall 1970): 343-376, 450-479. The best unpublished treatment is Ward Robert Barnes, "Anti-Slavery Politics in Iowa, 1840-1856" (M.A. thesis, University of Iowa, 1968). I have employed the terms "civil rights" and "civil liberties" interchangeably, although I realize that many legal scholars, then as now, would insist on a technical distinction between them.

2. Charles Negus, "The Early History of Iowa," *Annals of Iowa* 1st ser. 7 (October 1869): 332-324; Hawkins Taylor, "The First Territorial Legislature of Iowa," *Iowa Historical Record* 6 (July 1890): 522. For party affiliations of the 1838/39 legislators there appears to be only one comprehensive listing: T.D. Eagal and R.H. Sylvester, eds., *The Iowa State Almanac and Statistical Register for 1860* (Davenport, 1859), 16. I have followed this listing despite its contradiction in part by Taylor.

thusiasm for such laws was by no means limited to the southern-born or southern-bred.³

The precedents for Iowa's racist legislation date to the close of the Revolutionary War, when the citizens of the northern states were well on their way to wholesale emancipation—immediately or gradually—of their slaves. But lest social control over persons of color be entirely sacrificed, specially devised laws carefully ensured against their general rise to civil equality with whites. By the time Iowa's first assemblymen mustered at Burlington, only four northern states—all in New England—allowed wholly impartial male suffrage, and in New York blacks could vote only if they met certain property and residence requirements not asked of whites. In Connecticut, New Jersey, and Pennsylvania, blacks had been disfranchised after having once enjoyed voting rights. With respect to the courts, many northern states had proven no more egalitarian than their southern counterparts. None accepted blacks as jurors, and nonwhites' testimony against whites had been barred by Indiana Territory as early as 1803, a constraint later imposed in Ohio and Illinois. Although black soldiers and sailors had fought and died in both the Revolution and the War of 1812, for a decade no state had allowed black service in the militia: the thought of an armed and militarily trained black citizenry produced considerable unease north as well as south. Statute or custom mandated segregated schools in nearly every northern community, and northern states in which interracial marriage had been forbidden included Maine, Massachusetts, Indiana, Michigan, and Illinois.

Designed for the social discipline of nonwhites, such "black laws," as they came to be called, also were thought to be of good effect in discouraging northern migration of newly freed slaves. In the opening decades of the nineteenth century, however, those seeking a more comprehensive legal barrier to free black ingress came to rest their hopes on statutes expressly forbidding it. First devised by the legislators of New Jersey and Massachusetts in the 1780s, so-called ex-

3. Taylor, "First Legislature," 519.

clusion laws barred residence by colored migrants. But Article IV, Section 2, of the United States Constitution gave exclusionists pause. Many authorities regarded this, the controversial "privileges and immunities" clause, as ruling out restraints on the interstate movement of free persons, white or black. In 1823 Justice Bushrod Washington of the U.S. Supreme Court, on circuit, held that the clause expressed the right "of a citizen of one State to pass through, or to reside in any other State, for purposes of trade, agriculture, professional pursuits, or otherwise. . . ." But the full Court never so ruled, and whether free blacks were to be considered "citizens" would remain in doubt until the decision in *Dred Scott* (1857). Meanwhile, boldly phrased exclusionary laws flatly forbidding free black entry became the general mode in the South, where whites particularly feared freedmen as fomenters of slave revolts. Legislators north of the Ohio River rather more sensitive to the constitutional issue, sought the same result more subtly.⁴

In the 1790s the Commonwealth of Virginia set in motion a series of events that culminated in the Middle West's first efforts to repel black migration. The Old Dominion's lawmakers, animated by the fact that their state contained some 40 percent of the entire nation's nonwhite population, liberalized the procedure for individual manumission of slaves at the same time prominent Virginians such as Thomas Jefferson began urging a federal program for relocating freedmen on the western frontier. When Jefferson's own presidency passed without institution of any such scheme, however, Virginians acted unilaterally to thin their black population. In 1806, in what Winthrop Jordan calls a great turning point in the evolution of the nation's attitudes toward blacks, the Virginia

4. Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago, 1961), 16, 31, 35, 60, 75, 85-86, 93-94, 104-106, 114-115; John Codman Hurd, *The Law of Freedom and Bondage in the United States*, 2 vols. (Boston, 1858-62), 2: 29, 34, 128, 135, 150; Jo Ann Manfra, "Northern Exclusionary Measures and the Privileges and Immunities of Free Blacks, 1778-1857: An Unexamined Theme in Antislavery Constitutionalism" (LL.M. thesis, Harvard Law School, 1979), 8-23.

general assembly mandated that every newly freed slave leave the state within a year of manumission.

The trans-Appalachian West, however, did not propose to become the land of the freed. The lawmakers of Kentucky and Louisiana territories promptly enacted exclusion laws. Pioneer Ohioans grew as fearful as Virginia's other western neighbors about a possible influx of new freedmen, none tutored for life in a free economy. In 1804 Ohio assemblymen had acted to identify fugitive slaves within the state's borders by requiring of each black resident "a certificate of his or her actual freedom," such "free papers," as they were called, to be filed with a local county clerk. Now, in their 1806/07 session, they amended the registration law to require additionally that each incoming black post bond "with two or more freehold sureties" in the amount of \$500 within twenty days of entry, this bond to be forfeit should the newcomer prove an expense to local taxpayers by becoming a pauper or a thief. Any Ohioan employing or harboring an unbonded nonwhite could suffer a monetary penalty stiffer than that for aiding a fugitive slave.⁵

The Ohioans' innovation was not the form of their 1807 regulatory statute. In requiring a penal bond as an assurance of self-support from a migrant who would otherwise be "warned out" as a bad risk, the Ohioans merely introduced into midwestern law a precedent from Colonial New England, and their requirement of security for good behavior was simply a well known species of preventive justice known as "surety of the peace." But in singling out blacks for such blanket treatment, the Buckeye State contributed to the codifi-

5. Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill, 1968), xiii, 347-348, 410, 552-553, 559, 562, 564-565, 575; Hurd, *Freedom and Bondage*, 2: 5, 15, 18, 20, 77-78, 158; Berwanger, *Frontier Against Slavery*, 21-23; *Acts of a General Nature . . . of the State of Ohio* (Columbus, 1820), 120-124. Manfra modestly disputes Berwanger's suggestion that the lawmakers of Ohio, Indiana, and Illinois seriously considered instituting black exclusion in this period. The only northern state where black exclusion *did* emerge as an important legislative issue from 1800 to 1820 was Pennsylvania. See Manfra, "Northern Exclusionary Measures," 25-30.

cation of American racism by introducing slave-state practices into a vast region that had never known much of chattel slavery.⁶

The Missouri statehood controversy brought exclusionary legislation to national attention. In 1820 Missourians petitioned for acceptance into the Union under a proposed constitution that required a future Missouri legislature "to prevent free negroes and mulattoes from coming to and settling in this State under any pretext whatsoever." It was on this, rather than its legalization of slavery, that the fledgling antislavery block in Congress chose to focus in seeking to frustrate admission of yet another slave state. In the end Congress could do no more than force from Missourians a pledge not to pass an exclusion law, a promise cynically broken within four years. Neither the courts nor the White House seemed disposed to challenge Missouri's defiance of the national legislature, although whether Congress would again treat a similar case so leniently remained to be seen.⁷

Within this context Iowa's first legislators proceeded to the task of framing a black code. Without apparent controversy they approved a school bill that limited free public education to "every class of white citizens," a bill on elections that barred anyone "not a free white male citizen" from voting, a militia bill that required enrollment only of "free white male persons," and a bill regulating judicial practice, one specification of which mandated that "a negro, mulatto, or Indian, shall not be a witness in any court or in any case against a white person." All passed without recorded votes. Governor Lucas, whose Jacksonian penchant for the executive veto had brought him into fierce conflict with the lawmakers,

6. Marcus Wilson Jernegan, *Laboring and Dependent Classes in Colonial America, 1607-1783* (Chicago, 1931), 193-195; Henry Campbell Black, *Black's Law Dictionary* (4th ed.; St. Paul, 1968), 1611.

7. Glover Moore, *The Missouri Controversy, 1819-1821* (Lexington, 1953), 135, 142-143, 155, 165-167; William M. Wiecek, *The Sources of Anti-slavery Constitutionalism in America, 1760-1848* (Ithaca, N.Y., 1977), 122-124; Manfra, "Northern Exclusionary Measures," 30-35; *Laws of the State of Missouri; Revised and Digested*, 2 vols. (St. Louis, 1825), 2: 600-602.

in these instances signed the measures into law. Only the matter of racial intermarriage had been left untended by the busy assemblymen; a year later an act respecting matrimony repaired this oversight by asserting that "all marriages of white persons with negroes or mulattoes are declared to be illegal and void." So much for the routine foundations of white supremacy.⁸

House File No. 97, a nonwhite regulatory bill, occasioned at least some dispute in that first Iowa assembly. The bill emerged from a committee charged by Speaker William H. Wallace, a young northern-born Whig, with preparing a measure "concerning free negroes, mulattoes, servants, and slaves." Wallace's charge employed the title of an Illinois regulatory act of 1819, but that law in fact had been superseded. The committee, headed by John Frierson, did possess three extant midwestern examples on which to model a regulatory law for Iowa. It rejected the most severe—the revised Illinois act of 1829—and devised a composite of the rather more humane Michigan territorial statute of 1827 and the Indiana law of 1831.⁹

The Iowa bill's original title, "An Act to Regulate Blacks and Mulattoes, and to Punish the Kidnapping of such Persons," was that of the Michigan ordinance, although the Indiana law provided most of its substance. Borrowed from the latter was a requirement for \$500 bonds "with good and sufficient security," a requirement that could be met (as it probably was in most cases) by blacks obtaining white patrons as co-signers. Violation could lead to arrest and hiring out for six months "for the best price in cash that can be had," and the penalty for employing or harboring was a maximum \$100. Any sheriff or jailer who imprisoned a nonwhite illegally could be fined, although the Iowans lowered the maximum penalty from \$500 to \$100. Finally, they included the Indiana "sojourners' provision," a clause guaranteeing the right of

8. *The Statute Laws of the Territory of Iowa* (Dubuque, 1839), 180-181, 188, 330, 404; *Laws of the Territory of Iowa* (Burlington, 1840), 33.

9. Negus, "Early History," 322-323; *Iowa House Journal* (1838/39), 133.

visting slaveholders to bring their bondservants into free territory for short periods.

From Michigan's regulatory law the committee borrowed the requirement for court-certified free papers, as they did its generous provision for recovery of suspected runaways by owners. As originally reported by the Frierson committee, the bill evidently included a provision identical to a section of the Michigan law making the improper arrest of an individual with an intention of carrying him or her to slavery punishable by one to ten years' hard labor. Iowa's House majority apparently found this far too severe, and sent the bill back to committee for amendment, the phrase "and to Punish the Kidnapping of such Persons" being deleted from its title. The assemblymen instead chose to follow Indiana's lead in making kidnapping and its penalties part of a general statute on crimes and punishments. The regulatory bill passed the House without a roll call.¹⁰

In the legislative council Charles Whittlesey, one of the upper chamber's six Whigs, opposed H.F. 97. Whittlesey was, in Hawkins Taylor's recollection, "a Connecticut man, keen and active, . . . but less influential than if he had been from the Hoosier or Sucker state." His motion to postpone indefinitely resulted only in the bill's consignment to a committee headed by the influential Warner Lewis, "a dignified Virginian" from Dubuque, and including Robert Ralston, an Ohio-born Democrat, and James M. Clark, a young New York-born Whig. From this committee H.F. 97 emerged the next day unscathed, although Ralston and Clark opposed the bill's passage, at least in its current form. They did so to no avail. Whittlesey absented himself from the roll call on H.F. 97, and in addition to Ralston and Clark only one other

10. *Laws Passed by the First General Assembly of the State of Illinois, at Their Second Session* (Kaskaskia, 1819), 354; *Revised Laws of Illinois* (Vandalia, 1833), 463-465; *Laws of the Territory of Michigan* (Detroit, 1827), 484-486; *Revised Laws of Indiana* (Indianapolis, 1831), 375-376; *Laws of Iowa* (1839), 65-67; *Iowa House Journal* (1838/39), 150, 161, 166, 175-176, 191. For the 1839 statute on kidnapping, which mandated fairly stiff penalties of up to \$1000 fine and up to ten years' imprisonment, see *Laws of Iowa* (1839), 147.

councilman, Jonathon W. Parker, a Democratic ex-mayor of Davenport, voted against it. Governor Lucas signed it within a week of its passage.¹¹

On January 25, 1839, conscious of having made history, Iowa Territory's first lawmakers gaily called it quits. "Legislature adjourned in confusion," Lucas' private secretary primly confided to his diary. "All drunk with few exceptions."¹²

II

WITHIN TWO YEARS the territorial assemblymen would be obliged to justify the racist handiwork of the first legislature, impelled to do so by constituency pressures from Iowa's early abolitionists, whose commitment to the eradication of American slavery required their vigorous protest of racial discrimination.

Before the 1830s concern for the civil liberties of free blacks was not a necessary component of antislavery activism. As in a kind of inexorable logic, the late eighteenth-century clash of proslavery self-interest and emancipationist republicanism had given birth to an apparent resolution in the prestigious American Colonization Society (1816). Appealing to slaveholders as well as northerners, its implicit aim was to encourage southern manumission through its explicit program: financing the voluntary removal of freed slaves to new homes in Africa.

Creation of the American Anti-Slavery Society (1833) liberated the movement from colonizationism through the inspired doctrine of "immediate abolition" and importantly introduced the necessity of viewing the antislavery and civil liberties causes as two sides of the same coin. Black equality was, above all else, a practical requirement of the fight against slavery. To rid the nation of the South's notorious

11. *Iowa Council Journal* (1838/39), 160, 164; Taylor, "First Legislature," 522; Negus, "Early History," 323-324; *Laws of Iowa* (1839), 65-67.

12. Theodore S. Parvin Diaries, 25 January 1839, Parvin Manuscript Collection, Iowa Masonic Library, Cedar Rapids.

labor system by means of colonization, abolitionists realized, demanded too much of American volunteerism. It asked that individuals and governmental bodies contribute the enormous funding required, that blacks accept deportation, and that slaveholders cheerfully manumit. The wild impracticality of the scheme bordered on fraud. The implacable truth was that slavery's end would mean the addition of millions of blacks to *some* form of citizenship—just what so many white Americans, both north and south, passionately feared. And these fears therefore constituted one of the most dynamic components of slavery's defense. The antislavery cause, in consequence, required that white Americans be brought to the acceptance of freed blacks as fellow-citizens, an educational task distressingly impeded, among other things, by free-state discriminatory laws. Even if only sporadically employed, as such laws were, they importantly served slavery by giving the imprimatur of the state to racism. Reason might dictate that color prejudice was illogical, conscience that it was un-Christian, but the laws of the land proclaimed its legitimacy. Clearly recognizing this, abolitionists urged black code repeal.¹³

Protests against Iowa's black laws first issued forth from its early centers of antislavery strength, a handful of tiny frontier settlements scattered across southeastern Iowa in a rough arc beyond Burlington. The village of Denmark still lies ten miles almost due west of the city in Lee County. Founded in 1836 by three adventurers from New Hampshire, the village within two years consisted of three dwellings and a swaybacked schoolhouse that doubled as a church, the nucleus of a rural community of dairy farmers of almost wholly Yankee stock. ". . . You would suppose yourself again in New England amidst its granite hills," reported a visitor. "This people have emigrated *directly* from New England and have not sojourned as is usually the case in Ohio, Indiana or Illinois or in all three." In 1838 these migrants called to

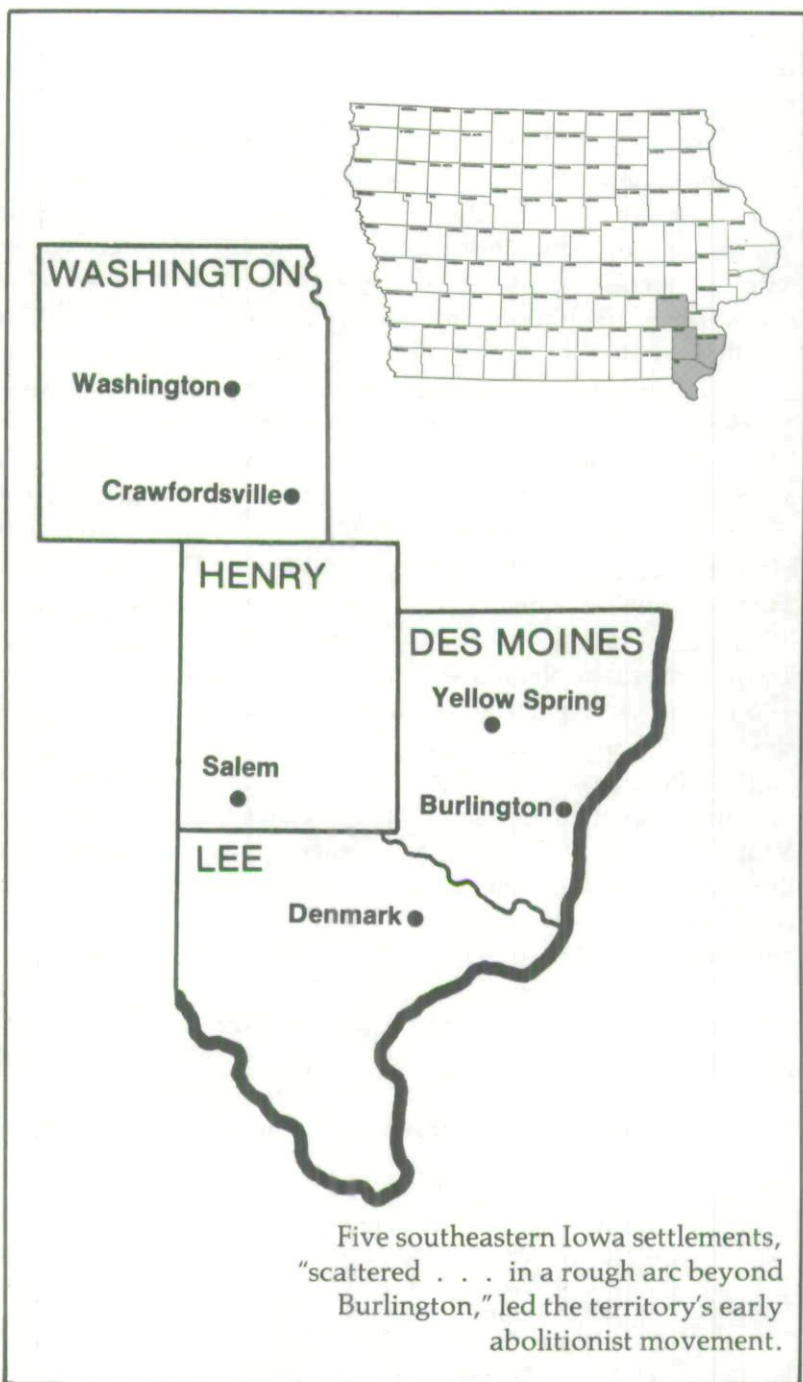
13. See especially George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (New York, 1971), 16-21, 28-29.

minister unto their spiritual needs the Reverend Asa Turner Jr., a remarkable man under whose direction the Denmark church was to become the cradle of Iowa Congregationalism.¹⁴

Turner, a thirty-nine-year-old Yale graduate from Massachusetts, had been one of the determined young clergymen sent west by the American Home Missionary Society to evangelize the midwestern frontier. Originally more concerned with temperance reform than abolition, he nevertheless helped found the Illinois Anti-Slavery Society, and the lynching in Illinois of the nation's first abolitionist martyr, Elijah Lovejoy, completed his radicalization. ". . . Slavery," Father Turner was to confide to a parishioner shortly before the Civil War, his intense, deeply set eyes reflecting the firelight, "is a cancer eating out the life of our body politic. *There is no remedy for it but the knife. . . .* The nation may bleed to death, *but it is our only hope.*" In Denmark village Turner found a congregation already warmly opposed to liquor, card playing, dancing, and desecration of the Sabbath. To these moral intolerables he proposed to add slavery.

His flock regularly heard Father Turner sermonize on slavery, although even among these transplanted New Englanders there were those who resented the intrusion of abolition into matters religious. Undaunted, Turner persisted. On New Year's Day, 1840, two-thirds of the laymen remembered as the early pillars of the Denmark church—including two of the town's three proprietors—joined their pastor in organizing Iowa Territory's first abolition association, the Denmark Anti-Slavery Society. They lifted Articles 2 and 3 of their constitution from that of the American Anti-Slavery Society, phrases that had flowed from the pen of the famous William Lloyd Garrison only six years before. The first pledged them to work for the "entire" and "immediate" abolition of

14. George F. Magoun, *Asa Turner: A Home Missionary Patriarch and His Times* (Boston, 1889), chapter 22; Fort Madison *Patriot*, 11 July 1838; "Journal of Quarterly Reports," 1 May 1844, Ebenezer Alden Papers, Special Collections Department, University of Iowa Libraries, Iowa City. A brief discussion of early centers of abolitionist strength in Iowa is included in Barnes, "Anti-Slavery Politics," chapter 2.



Five southeastern Iowa settlements, "scattered . . . in a rough arc beyond Burlington," led the territory's early abolitionist movement.

slavery throughout the United States. The second specified that "this Society shall aim to elevate the character and condition of the people of color, by encouraging their intellectual, moral, and religious improvement, and by removing public prejudice, that they may, according to their intellectual and moral worth, share an equality with the whites, of civil and religious privileges. . . ." With these words, the thirty-three signatories took upon themselves the duty of voicing strenuous opposition to the territory's new black laws.¹⁵

Meanwhile, twenty miles northwest of Denmark, a second important antislavery population gathered in and around the village of Salem, a predominantly Quaker community, in Henry County. This first settlement of Friends in the trans-Mississippi West dated from 1835 or 1836 when three Quaker frontiersmen preempted the site and laid it off into streets and blocks. Additional Quaker families followed, mainly from eastern Indiana. Within four years nearly two hundred co-religionists had settled the village and the prairies of surrounding townships, which soon congealed into four encircling satellite neighborhoods informally named Cedar Creek, East Grove, Chestnut Hill, and New Garden. In 1838 the village and its rural outliers organized a local church congregation (or "monthly meeting") under the ultimate aegis of their parent Indiana conference (or "yearly meeting") and put up a log meetinghouse at Salem of a size appropriate to some three or four hundred communicants. The Salem meeting rapidly became to Iowa's Quakerism what the Denmark church was to its Congregational faith.

Being "pastoral" Friends, common to Indiana Quakerdom, Salem's communicants elected Thomas Frazier, aged fifty-one years, as their first minister. Frazier had joined the great exodus of antislavery Quakers out of North Carolina to Indiana in the twenty years following the War of 1812.

15. Magoun, *Asa Turner*, especially 191-197, 279-384, 289-290; Western Historical Company, *The History of Lee County, Iowa* (Chicago, 1879), 671; Constitution of Denmark Anti-Slavery Society, 1 January 1840, Iowa State Historical Department, Division of the State Historical Society, Iowa City (hereafter cited as SHSI).

There he had developed his gifts as "a natural orator" by lecturing on "the evils of intemperance." In 1837 he came west to Salem. He, and the Friends immigrating with him, brought to Iowa the antislavery radicalism that was at that very moment transforming Wayne County, Indiana, into a leading center of immediate abolitionism in the Middle West.¹⁶

The immediatist doctrine had swept the Quakers much as it had other antislavery constituencies in New England and the Middle Atlantic states in the 1830s. Its crusading, uncompromising militancy contrasted sharply with the traditional gradualist Quaker witness against slavery. Conservative Friends responded to immediatism with some alarm. They deemed Quaker entry into "the excitements of the day" as internally divisive, especially deploring Friends' participation in many state and local associations newly organized on the model of the American Anti-Slavery Society. In 1840 a conservative "advice" against Quaker participation in secular or interdenominational antislavery associations became an official article of discipline within Indiana Yearly Meeting, the nation's only Friends conference in which antislavery radicals had been numerous enough to cause true dissension. The Indiana radicals responded by formally urging the establishment of state and local abolition societies composed exclusively of Quakers.¹⁷

16. Louis Thomas Jones, *The Quakers of Iowa* (Iowa City, 1914), chapter 4; Lawrie Tatum, "History of the Settlement of Friends in the Territory of Iowa," in William Watson et al., *Historical Lectures Upon Early Leaders in the Professions in the Territory of Iowa* (Iowa City, 1894), 130; U.S. MS Census, 1850: Iowa (microfilm copy, SHSI), Henry County, Salem Township, family 1078; Charles Fitzgerald McKiever, *Slavery and the Emigration of North Carolina Friends* (Murfreesboro, N.C., 1970), 44-45; Andrew W. Young, *History of Wayne County, Indiana* (Cincinnati, 1872), 295; Inter-State Publishing Company, *History of Wayne County, Indiana*, 2 vols. (Chicago, 1884), 1: 626; Acme Publishing Company, *Portrait and Biographical Album of Henry County, Iowa* (Chicago, 1888), 683.

17. Thomas E. Drake, *Quakers and Slavery in America* (New Haven, 1950), chapter 8. See also Ruth Ketring Nuermberger, *The Free Produce Movement: A Quaker Protest Against Slavery* (Durham, N.C., 1942), 30-33; Ruth Anna Ketring, *Charles Osborn in the Anti-Slavery Movement* (Columbus, Ohio, 1937), 50-56.

Three weeks later, in February 1841, a group of Iowa Friends convened at the Salem meetinghouse to form the Salem Anti-Slavery Society. Its constitution, like that of the Denmark abolitionists, committed its signatories to the "universal and immediate . . . extinction of slavery throughout the world," and—since "the prejudice against color which exists in this country is sinful in the sight of God, and should be immediately repented of"—to the "elevation of our colored brethren to their proper rank as men." A year later, reassembled, they spelled out their deepening conviction that racism served slavery. "It is evidently the policy of the slaveholder to render the victims of his cupidity hated and despised, especially by the people of the nominally free States," they noted. ". . . Prejudice against color [is] eminently calculated to strengthen the bonds that bind almost three millions of human beings in vilest slavery [and] forms one of the greatest barriers to the spreading of . . . anti-slavery principles. . . ."18

Twenty-five miles due north of Salem, two Washington County villages constituted a third pioneer abolitionist constituency in Iowa. As at Denmark and Salem, a majority of their first settlers shared a common religious faith, in this case Associate Reformed Presbyterianism, its members often referred to as "Seceders," perhaps the most consistently and radically antislavery religious body in America. In 1811 its synod officially declared the South's labor system an evil, urging southern members to manumit their slaves; twenty years later it flatly excommunicated all slaveholders.¹⁹

In 1836 Iowa's first Seceders, led by a church elder from western Illinois, settled in Washington County. Other Seceder families followed, hailing from both Illinois and New Athens,

18. The minutes of this meeting, including the text of the constitution, were printed in a number of antislavery publications. See, for example, Lowell (Ill.) *Genius of Liberty*, 20 March 1841; Philadelphia *Pennsylvania Freeman*, 24 March 1841; New York *Emancipator*, 8 April 1841. For the 1842 minutes see Lowell *Genius of Liberty*, 2 April 1842.

19. Ray A. King, *A History of the Associate Reformed Presbyterian Church* (Charlotte, N.C., 1966), 19-41, 67-70, 74-75; Andrew E. Murray, *Presbyterians and the Negro: A History* (Philadelphia, 1966), 127-128.

Ohio, the site of a Seceder community that, under the influence of abolitionist Franklin College, was becoming a hotbed of antislavery Presbyterianism. In 1839 three migrants from New Athens laid off a townsite astride the new military road connecting Mount Pleasant and Iowa City, subsequently naming it Crawfordsville. A church edifice there became the nucleus of a Seceder constituency that installed its first settled pastor in 1841.

Meanwhile, a territorial commission named to pick a central site for the seat of the newly established Washington County had founded the village of Washington ten miles northwest of Crawfordsville. Associate Presbyterianism claimed at least a plurality of the county seat's citizens from the start, a success owed in part to the efforts of James Dawson, the county's most influential Seceder layman. In 1841 Washington village already sheltered a small Methodist congregation but no settled pastor. Through Dawson's urging, a young Seceder missionary in Illinois, the Rev. George C. Vincent, agreed to visit Washington to preach. The visit proved to be a triumph: the townspeople—irrespective of denominational preference—joined Dawson in a campaign to impel him to relocate. Vincent consequently came to stay, organizing a church at the county seat. A brilliant organizer and preacher, Vincent was also, in the words of a local chronicler, "an active and prominent" abolitionist, "and nearly all the members of his church cheerfully and zealously followed his leadership in the anti-slavery cause." Although some local Methodists and Baptists would also respect Vincent's abolitionist message, by no means would Washington village become so consistently antislavery as the territory's smaller, more religiously homogeneous centers of radical sentiment.²⁰

Finally, back toward Burlington, yet a fourth abolitionist

20. Donald E. Zimmerman, *A History of the United Presbyterian Church of Crawfordsville, Iowa* (n.p., 1937), 7-13, 29; Murray, *Presbyterians and the Negro*, 121; Union Historical Company, *The History of Washington County, Iowa* (Des Moines, 1880), 432-433, 576-578; Acme Publishing Company, *Portrait and Biographical Album of Washington County, Iowa* (Chicago, 1887), 249-250, 294-296; James Dawson, "United Presbyterian Church," in Watson et al., *Historical Lectures*, 127-129; Edna

settlement materialized in Des Moines County a dozen miles north of the capital city. Like Washington County's Seceders, the pioneers of this community for the most part adhered to Presbyterianism, but they proved to be neither so unequivocally abolitionist nor so doctrinally homogeneous as their upcountry cousins. Although members of the regular denomination, which had not yet shorn itself of religious communion with slaveholders, many of them had been in the thick of an intramural fight against slavery in Ohio while under the pastoral care of the Rev. James H. Dickey, one of mainstream Presbyterianism's earliest champions of demonimational action against slavery. The great theological schism of 1837 split the Presbyterians into "New School" and "Old School" adherents, but this had no evident impact on anti-slavery attitudes. The national leadership of both assemblies remained conservative, even as many of the rank-and-file of both grew increasingly radical.²¹

Presbyterianism had come to northern Des Moines County in 1835 with Thomas and David E. Blair, who purchased preemption claims at the eastern edge of a stretch of meadowland called Round Prairie. Additional families arrived and within four years the village of Yellow Spring had been laid out at the site. Local Presbyterians organized the Round Prairie (Old School) and Yellow Spring (New School) churches in 1839 and 1840, those from the Rev. Mr. Dickey's domain in Ohio forming the core of the first congregation, while families from Illinois and Indiana for the most part made up the Yellow Spring membership. The Blair brothers split, however, David following his wife into Round Prairie church

L. Jones, ed., *Nathan Littler's History of Washington County, 1835-1875* (Washington, Iowa, 1977), 8-10, 57, 59-61, 66, 68, 80, 158-159, 196, 209.

21. William T. Allan in *Chicago Western Citizen*, 28 December 1843; Murray, *Presbyterians and the Negro*, 103-113. For the opinion that New School Presbyterians were "pietist" in doctrinal orientation, and thus potentially more committed to antislavery activism than the "liturgical" Old School Presbyterians, see Stephen L. Hansen, *The Making of the Third Party System: Voters and Parties in Illinois, 1850-1876* (Ann Arbor, 1980), 226. Leading "ethnocultural" historians, however, appear not to have drawn such a sharp distinction between the two communions.

and Thomas and his wife becoming charter members at Yellow Spring. Each congregation believed itself inherently more antislavery than the other. Yellow Spring church spokesmen looked for justification to the national New School assembly, the theological liberalism of which had caused it to be less attractive in the South, and thus, it was reasoned, potentially more antislavery, than the Old School assembly. But Old School abolitionists gamely insisted that their own conference would sooner come to thorough-going antislavery. Indeed, animated by such men as William McClure, remembered as "firm in his religious convictions and dauntless in his opposition to intemperance and slavery," Round Prairie church possessed, in the words of a local chronicler, "more, and more radical" abolitionists than its nearby New School rival. Events were to bear this out.²²

III

IOWA'S ABOLITIONISTS first expressed themselves as critics of the territorial black code, particularly the Act to Regulate Blacks and Mulattoes, at the legislative session of 1840/41. Two freshmen Whig representatives served as their intruments: Paton (pronounced "Peyton") Wilson, a middle-aged farmer living among Quaker neighbors near Salem, and Daniel F. Miller, a young, physically imposing antislavery lawyer of Fort Madison whose constituents included the Denmark Con-

22. J.W. Merrill, *Yellow Spring and Huron: A Local History* (Mediapolis, Iowa, 1897), 25-30, 45-46, 61; M.W. Blair, "History of Church Organizations," in J.W. Merrill and S.C. Merrill, eds., *The Semi-Centennial Celebration of the Organization of the Presbyterian Church, in Yellow Spring Township* (Mediapolis, 1890), 15-18, 49-50; Samuel Fullenwider in *ibid.*, 49-50; "Minutes of the Session of the Presbyterian Church of Round Prairie, O.S.," Presbyterian Historical Society, Philadelphia, Pa., 1, 3; "Roll of Members, Yellow Springs Church," Presbyterian Historical Society, [p. 1]; Murray, *Presbyterians and the Negro*, 103-104. The observation that the Round Prairie church was heavy with former members of the Chillicothe Presbytery is based on comparison of those with former Ross County, Ohio, residencies against listings of Round Prairie members. (The names "Yellow Spring" and "Yellow Springs" were both employed in the early years of the Des Moines County settlement.)

gregationalists and the Quakers of rural New Garden. Their joint attack on racist legislation stressed its failure to provide due process. Nonwhites, as Miller explained it years later, "could not give testimony in a court of justice against a white man in a civil proceeding, and any white man could go before a justice of the peace and file an affidavit alleging that a certain colored man was his slave; and simply from that affidavit the justice was authorized by law to issue a writ to any constable to arrest the colored man and hand him over to the possession of his alleged master, not even giving the colored man the benefit of a court hearing. . . ." Representatives Miller and Wilson, as well as those constituents for whom they spoke, may well have had the recent *Ralph* case from Dubuque in mind, since only Alexander Butterworth's timely intervention had stayed the routine functioning of the law in exactly the manner Miller described.²³

On January 4, 1841, Wilson laid before the house a petition signed by sixty-five Salem men, a list embracing every male of prominence in the community. The petitioners invoked the words of the Declaration of Independence that "all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." Iowa's regulatory law, they noted, "being a pointed contradiction of this declaration, and being unjust and oppressive in its nature, we therefore respectfully request you to repeal. . . ." The Speaker of the House referred the document to a committee composed of a representative from each legislative district, five Democrats and four Whigs, including Wilson and Miller. Miller promptly produced a bill amending the law so as to provide jury trials for accused runaways. The Democratic

23. U.S. MS Census, 1850: Henry County, Salem Township, family 1016; Edward H. Stiles, *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa* (Des Moines, 1916), 120-128; D.F. Miller in Pioneer Law-Makers' Association of Iowa, *Reunion of 1894* (Des Moines, 1894), 57. For discussion of *In re Ralph* (1839) see Robert R. Dykstra, "Dr. Emerson's Sam: Black Iowans before the Civil War, *Palimpsest* 63 (May/June 1982): 71-73.

majority allowed his bill to go to the House floor, where Paton Wilson introduced it as House File No. 121. A week later Miller presented a petition from Denmark praying for the bill's passage, and the clerk read H.F. 121 a first time. ". . . I stirred up a hornet's nest of opposition all around me," Miller recalled, "but I would not yield to the clamor of friends to withdraw the bill, and I finally succeeded in forcing a vote on it." The assemblymen promptly killed it by striking its enactment clause. Only Miller, Wilson, and two other heroic Whigs voted to save it. As in 1839, most Whig legislators proved no more progressive on the civil liberties of blacks than the more predictably racist Democrats.

In another sense, however, the vote on H.F. 121 suggested a trend toward Whig support for such measures. House Whigs had split on the bill, four to seven, rather than solidly opposing it. And one of the bill's Whig friends, Asbury B. Porter of Mount Pleasant, had served on the Frierson committee that originally had devised the regulatory act. Now, newly sensitive to his Salem constituents—he, like Paton Wilson, represented Henry County—Porter came decisively over to the progressives. And in young Daniel Miller the episode helped produce a radical civil rights activist. Then twenty-six years old, southern-born but Ohio-bred in an anti-slavery household, three years a lawyer, two years an Iowan, one year a Whig, Miller would always remember that week in the assembly of 1840/41 "when it cost a great deal of nerve to stand up for the cause of the colored man, and to brave the prejudices and insults of the white community." He would not again sit in an Iowa legislature, but as one of the Hawkeye State's three or four most distinguished criminal lawyers he would wage a lifelong war against racism in its courts.²⁴

Defeat of the Miller bill left the territory's civil rights activists determined to try again. In the summer of 1841 the Salem Anti-Slavery Society resolved that its members would

24. Petition No. 1, Legislative Documents, Box 519, Iowa State Historical Department, Division of Historical Museum and Archives, Des Moines; *Iowa House Journal* (1840/41), 219, 235, 252, 258; Miller in *Reunion of 1894*, 57.

oppose any candidate for the forthcoming legislative session "who was not favorable to abolition and temperance," as a spokesman reported. The association appointed a committee "to attend the county conventions of the two political parties, [to] inform them of our resolution," and to threaten that if neither convention nominated such men "we would bring out candidates of our own." Henry County's dominant Whigs, seeing nothing to be gained from specific pledges, received the Salem committee with thinly disguised disdain. The anti-slavery society therefore voted to back the more receptive Democratic candidates, who then lost the election. The county's Whig delegation to the next legislature again contained, as in every previous session, at least one overt racist.²⁵

Legislative petitioning now seemed the only available option. In November, on the eve of the 1841/42 session, the Reverend Asa Turner, accompanied by the president and one of the managers of the Denmark Anti-Slavery Society, attended the second annual convention of Iowa's Congregational Association and persuaded the assembled pastors and laymen to adopt the organization's first formal political resolution:

WHEREAS: The laws in relation to blacks and mulattoes are in our opinion a violation of the principles of justice and of the laws of God; oppressive in their operations on colored persons, and forbidding us arts of humanity; therefore,

RESOLVED: That we invite our churches to unite with us in petitioning for their repeal.²⁶

25. Aaron Street Jr. in Lowell *Genius of Liberty*, 31 July 1841. The racism of L.B. Hughes, John B. Lash, and Simeon Smeed, Whig legislators from Henry County, is matter of record. The first voted for H.F. 97 in the 1838/39 council, the second voted to strike section one of H.F. 121 in the 1840/41 house, the third would vote against striking section two of H.F. 81 in the 1841/42 house. In addition, Hughes and Lash signed a petition urging retention of the 1839 regulatory law. See *Iowa Council Journal* (1838/39), 164; *Iowa House Journal* (1840/41), 258; *ibid.* (1841/42), 159; Petition No. 5, Legislative Documents.

26. Magoun, *Asa Turner*, 282; J.B. Chase, ed., *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa . . . 1840 to 1855* (Hull, Iowa, 1889), 7, 9.

The legislature received at least three religiously inspired petitions that winter. The first, presented to the council on January 7, 1842, originated with twenty-five Congregationalists of Brighton, a Washington County community. The councilmen abruptly shunted the document to their judiciary committee, which on January 17 recommended that "it would be impolitic and inexpedient to grant the prayer of said petitioners. . . ." That same day Paton Wilson presented the other two repeal petitions to his colleagues in the house. Similar in wording, they displayed the signatures of 245 Salem men and those of forty-three Quakers from adjoining Jefferson County. The representatives tabled them without discussion. The house subsequently entertained identically worded petitions from Lee and Henry counties, carrying 311 signatures, that urged *retention* of the regulatory law on grounds that repeal "would have a tendency to flood our Territory with a colored population." These, together with the two tabled petitions, went to the judiciary committee for recommendation.

Having already spoken on the issue, the members of the legislative council now chose to remain entirely aloof from it. They briskly tabled a new petition from Washington village opposing regulatory law repeal and passage of any bill that would make colored persons competent witnesses in trials exclusively involving whites. Having been penned by a Whig lawyer serving as clerk of the Washington County board of commissioners, it warned that such legislative actions would "Change this Spring time of our Territory to the *Yellowness* of Autumn and the *Blackness & darkness* of Winter would forever blight the *Fair* prospects of our youthful Country & shroud it in a veil of *Brown*." The forty signatories comprised perhaps half the residents of the village. They included the county assessor, the sheriff, the district court clerk, the postmaster, two of the town's three physicians, two liquor dealers, at least four merchants, and Alexander Lee, building contractor, stockman, and merchant, a Kentucky-born Methodist and Whig described by Washington County's historian as the individual who, "during much of his stay in this county, was the most prominent man in it." The conservative

neighbors of the Rev. Mr. Vincent's Seceders had spoken forcefully; they would soon do so again.²⁷

Meanwhile, the outnumbered legislative friends of racial justice had more than they could handle in attempting to modify a house bill on poor relief that excluded nonwhites from welfare benefits. Asbury Porter moved to strike the clause specifying that "nothing in this act shall be so construed as to enable any black or mulatto person to gain a legal settlement in this Territory," but only Paton Wilson and William Patterson, a Virginia-born Democrat, no doubt in deference to his Denmark constituents, supported him. Seven of the body's nine Whigs voted with the majority to tighten the grip of the territorial black code. Yellow Spring's David E. Blair, serving as an assemblyman from Des Moines County, did so despite his antislavery attitudes.²⁸

Finally, on February 9, the house judiciary committee issued its report on regulatory law repeal. It proved far from encouraging to the petitioners. The committee, consisting of three Democrats and two Whigs, recommended against repeal in a report that conceded nothing to racial equality. The 1839 law was, it said,

essential to the protection of the white population, against an influx of runaway slaves and out-cast blacks, from adjoining States. . . . So far, then, from recommending an alteration in our law on this subject, giving still greater liberty and protection to blacks and mulat[t]oes, your Committee think that an amendment to the law, prohibiting, positively, their settlement among us, would approach more nearly the true policy of our Territory.

With this statement Iowa's legislative racists introduced what would become a standard tactic throughout the antebellum

27. Petitions No. 3 through 9, Legislative Documents; *Iowa Council Journal* (1841/42), 61, 85, 130; *Iowa House Journal* (1841/42), 119-120, 156-157, 185; Jones, *Littler's History*, 139, 146, and *passim*.

28. *Iowa House Journal* (1841/42), 159; *Laws of the Territory of Iowa* (Iowa City, 1842), 58. David's brother, Thomas, had preceded David to the Iowa legislature, having served in the 1838/39 house. That body passed the 1839 regulatory law, but individual votes were not recorded. Merrill, *Yellow Spring*, 46; Negus, "Early History," 323.

years: when too closely pressed on matters of civil rights they invariably retaliated by threatening to throw political caution to the winds and bring forth a black exclusion law. In thus expressing themselves wholly unafraid of the larger constitutional issue, they served notice that the price of any serious discussion of black code liberalization might prove unpleasant indeed. For the moment, however, they thought a word to the wise sufficient. As the judiciary committee report delicately put it, exclusionary legislation was something "your Committee do not now feel themselves fully instructed to recommend." And so the less said the better:

Your Committee refrain from any discussion of this subject, as it is one which has already created a dangerous ex[c]itement throughout the States of the Union; and your committee . . . deem it most prudent to meet the first outbursts of the spirit of fanaticism among us, with a respectful silence, rather than run the risk of increasing its fury by discussion and formal opposition.

A few days later the general assembly adjourned, its majority perhaps thankful to have escaped a substantive discussion of the regulatory law.²⁹

In June 1842 the Seceders of Washington village played host to an antislavery convention, probably called to organize the county's first antislavery society. The abolitionist Congregational minister from nearby Brightoin, Rev. Charles Burnham, and Samuel L. Howe, abolitionist schoolmaster from Mount Pleasant, came as featured speakers. No sooner had Burnham begun talking than a mob, headed by the town's leading physician and including a resident recalled, "quite a number of our prominent and influential citizens," burst through the door and manhandled Burnham out of the building. Only the intervention of James Dawson and the Rev. Mr. Vincent's brother-in-law prevented a bare-knuckle brawl, and the meeting reconvened elsewhere, abolitionism having won considerable public sympathy by this conservative attack on the right of free speech. The converts may have included David

29. *Iowa House Journal* (1841/42), 224.

Bunker, a prominent farmer who that autumn won a seat in the territorial house of representatives.³⁰

The 1842/43 legislative assembly, however, avoided reconsidering the regulatory law almost as successfully as its predecessor had done. The session's opening found the territory's Whigs with their healthiest representation yet, being one member short of an assembly majority. Nothing came of this fact in terms of civil rights legislation. David Bunker introduced a petition from his antislavery constituents asking "the repeal of all acts regulating blacks and mulattoes," which died in a judiciary committee dominated by a veteran Democrat who had voted for the regulatory law in 1839 and against a racially impartial welfare system in 1842. Bunker never forgot, as a biographer later phrased it, "the amount of courage required to even present such a petition. . . ." Paton Wilson fared no better. His Salem constituents' petition urged repeal of that section of the Act to Regulate Blacks and Mulattoes making it a crime to employ or harbor an unbonded colored person. A hostile judiciary committee promptly buried the document. "The [black] laws here, as everywhere in the West, are oppressive," conceded a disappointed activist at Salem, referring particularly to the regulatory statute. ". . . But this with all other oppressive laws of the kind," he added, "we hope will be short lived. At least, we intend, through the help of Him who hath all power, to keep battling against them, until they are repealed."³¹

The winds of religious schism swept America in 1843. Evangelical abolitionists throughout the North sought to force their various denominations to declare slavery a heinous sin, to excommunicate slaveholders, and to endorse antislavery activism as a Christian endeavor. Conservatives and their moderate allies everywhere resisted, most dramatically within

30. Jones, *Littler's History*, 80-81. Writing in 1879, Littler dates the incident as "June of 1841 or '42." The latter year must be the correct one, however, since Howe did not arrive in Iowa until the autumn of 1841. See Western Historical Company, *The History of Henry County, Iowa* (Chicago, 1879), 569.

31. *Iowa House Journal* (1842/43), 126, 224; *History of Washington County*, 685-686; Aaron Street Jr. in *Cincinnati Philanthropist*, 1 March 1843.

denominations with large southern constituencies; thus the Methodists and Baptists teetered on the brink of outright fragmentation into northern and southern wings. The issues reverberated all the way out to Iowa, affecting even the relatively homogeneous Congregationalists. In September 1843 Rev. Asa Turner induced the annual meeting of Iowa's Congregational association to withdraw Christian fellowship from slaveowners, but the majority of his ministerial colleagues did so with great misgiving and refused to allow the resolution's publication in the news media. Meanwhile, the same controversy finally split western Quakerism in 1843, with very important consequences for Salem's abolitionists and, through them, the entire course of the antislavery enterprise in Iowa.³²

Petitioning state legislatures for the repeal of black codes had been specifically urged by Indiana Yearly Meeting since 1840, and civil rights petitions to Iowa's legislature had enlisted virtually the whole Salem community. The village also maintained a traditional Quaker witness against slavery. In 1841, for example, having received a consignment of British antislavery pamphlets reprinted for general distribution by the Indiana conference and possibly having heard that the new territorial governor, John Chambers, had brought household slaves with him to Burlington, the Salem Friends dispatched a delegation to visit Chambers and present him copies of the pamphlet and "an address on civil government." Continuing advices from Indiana, however, forced the Quaker majority at Salem to view with escalating concern the activities of the local antislavery society: it had become increasingly evident that the dominant conservative influence within the parent body remained as hostile to "modern abolition societies" composed entirely of Friends as it had been to mixed antislavery societies. The climax came at the assembly's 1842 annual convention in Indiana. Conservatives and radicals at last confronted one another openly, resulting in the purge of eight abolitionists—including Thomas Frazier, Salem's

32. Chase, *Minutes of the General Association*, 19, 22. At its next annual meeting, in fact, the Congregational Association repealed the 1843 resolution. See *ibid.*, 25.

pastor — from the governing committee of the yearly meeting.³³

In February 1843 the Indiana assembly's abolitionists formally seceded from Indiana Yearly Meeting and founded a duplicate conference, designating themselves the Anti-Slavery Friends. In Iowa some thirty families of Salem and vicinity, embracing perhaps fifty of the settlement's most vigorous Quakers, withdrew into this new communion and raised their own meetinghouse in the village, becoming one of the conference's four regional assemblies. Thomas Frazier incorporated himself with the rebels, as did the original meeting's two leading laymen: Henderson Lewelling, the town's most prosperous businessman, and Aaron Street Jr., thirty-one-year-old son of Salem's principal founder and an indefatigable abolitionist spokesman. In March 1843 the regular body, on advice from Indiana, began excommunicating the separatists for "neglecting the attendance of our religious meetings and for detraction," as well as other charges tailored to individual cases.³⁴

Not all of Iowa's strongly antislavery Quakers ultimately seceded, but the most passionate did. Thus freed from restraints hitherto imposed by higher authority, they promptly moved toward organizing a common front with Iowa's other antislavery radicals, an action leading to formation of the first territorial antislavery society in the trans-Mississippi West.

IV

IN APRIL 1843 Aaron Street Jr. informed the editor of Chicago's abolitionist weekly that he and his colleagues had begun "talking some of a convention of the friends of the cause throughout the Territory, to be held some time in the fore part of next summer, to consider the propriety of forming

33. "Minutes of the Salem Monthly Meeting of Friends, 1838 to 1846," Men's Meeting, Book A, Archives of the Iowa Yearly Meeting, Society of Friends, College Avenue Meetinghouse, Oskaloosa, 73, 75, 79; Ketring, *Charles Osborn*, 56-62; Jones, *Quakers of Iowa*, 135-136; Drake, *Quakers and Slavery*, 162-164.

34. Ketring, *Charles Osborn*, chapter 7; Drake, *Quakers and Slavery*, 164-165; Jones, *Quakers of Iowa*, 136; *Chicago Western Citizen*, 21 September 1843; "Minutes of the Salem Monthly Meeting," 149 ff.

a Territorial Society." Within the next month Street got in touch with, among others, James G. Birney, the famous slaveholder turned political abolitionist, now a resident of Michigan, who already had been named the antislavery Liberty party's candidate for president in 1844. For Birney's convenience the Iowans scheduled their convention for the end of October in Yellow Spring, the easternmost of the territory's abolitionist settlements, and Birney tentatively promised to be on hand. In the meantime, Salem's abolitionists organized a local Liberty party ticket for the forthcoming legislative election. This first Liberty party appearance of record in Iowa offered as candidates Samuel L. Howe, the abolitionist educator from Mount Pleasant, by religious belief a Congregationalist, and Joel C. Garretson, a farmer living near Salem who had been reared a Quaker but never actually affiliated with the Friends. That autumn the pair ran last, as expected, but an important start had been made.³⁵

The association of Liberty party activity with the scheduled antislavery convention encountered some political disapproval within Iowa's original antislavery centers, all of which remained robustly Whiggish. The advertised appearance of the Liberty presidential candidate as keynoter evidently unsettled Yellow Spring's New School Presbyterians, but their motives apparently were more denominational than political. For the past three years James Birney had been particularly harsh in criticizing the New School assembly's reluctance to excommunicate its relatively few slaveholders, being "more earnest to equal the Old School in numbers," Birney charged, "than to outstrip it in righteousness." As it turned out, Birney

35. Chicago *Western Citizen*, 27 April, 17 August, 12 October 1843; Aaron Street Jr. in *ibid.*, 18 May 1843; Betty Fladeland, *James Gillespie Birney: Slaveholder to Abolitionist* (Ithaca, 1955), 225-226; Barnes, "Anti-Slavery Politics," 68-69; O.A. Garretson, "Traveling on the Underground Railroad in Iowa," *Iowa Journal of History* 22 (July 1924): 425.

36. Murray, *Presbyterians and the Negro*, 113; Fladeland, *Birney*, 227-228. As late as mid-October, Birney was still expected to show up in Illinois and Iowa. See Chicago *Western Citizen*, 12 October 1843. Barnes holds that members of both Des Moines County congregations played host to the convention, but evidence not available to Barnes

finally felt himself obliged to cancel his western trip in favor of a campaign swing through Massachusetts, but Iowa's New School Presbyterians nevertheless absented themselves from the antislavery convention.³⁶ Their inclination to do so may also have been influenced by the anticipated attendance of the Rev. William C. Rankin, their former pastor, who the Yellow Spring majority had terminated, perhaps, because they found him becoming too radical an abolitionist.³⁷ No representative from Washington County's Seceders put in an appearance, but the reason presumably had less to do with religion or politics than with illness or the effects of autumn's rains on the state of the roads.³⁸

proves otherwise. William T. Allan noted that those attending "seemed to be mostly Friends and Old School Presbyterians." The seven men designated to field inquiries about accommodations at Yellow Spring were all Round Prairie church members, and analysis of the fifty Des Moines County names appended to the roll of delegates reveals that thirty-two were Round Prairie communicants, while only four, at most, were Yellow Spring church members. See Barnes, "Anti-Slavery Politics," 18; Chicago *Western Citizen*, 21 September, 28 December 1843, 18 January 1844; "Minutes of the Session of the Presbyterian Church of Round Prairie," *passim*; "Roll of Members, Yellow Springs Church," *passim*.

37. Rankin had shown himself to be a fierce advocate of nonviolence and prohibition as well as abolitionism. In 1840 and again in 1841 he officiated temporarily at Yellow Spring church, in November of the latter year bringing his family and permanently assuming the pastorate. That he may have agreed with Birney's criticism of New School waffling on communion with slaveholders is implied by the fact that he lasted only another year at Yellow Spring and that his wife and family withdrew from Yellow Spring membership in an unorthodox manner. See *Minutes of the General Assembly of the Presbyterian Church in the United States (N.S.)* (Philadelphia, 1839), 104; William Harper, "Ministers and Their Work," in Merrill and Merrill, *Semi-Centennial 26-27*; "Roll of Members, Yellow Springs Church," [3-4].

38. Out-of-town attendance at its annual conventions always would pose a problem for the Iowa Anti-Slavery Society, given the difficulties and expense of travel in early Iowa. Acknowledging this, its leaders alternated its location, always depending on local antislavery enthusiasts to contribute partisan audiences. At the 1844 convention at Washington village, the delegates included only one each from Denmark and Yellow Spring, and in 1845, at Iowa City, not even the association's top leadership could be present.

On the chilly, overcast morning of October 31, 1843, sixty-four Iowans and nine eastern visitors gathered in Round Prairie church, a rude log structure in the woods two miles northeast of Yellow Spring village.³⁹ They included Aaron Street Jr. and seven other Salem Anti-Slavery Friends, accompanied by William Beard, a prominent Quaker abolitionist from Indiana. A thirty-three-year-old physician, Dr. George Shedd, a recently arrived native New Hampshireman and Dartmouth graduate who was soon to become one of Iowa's leading antislavery political activists, led a delegation of four Congregational laymen from Denmark. Asa Turner himself had to remain behind to expedite prompt ordination for the famous "Iowa Band" of home missionaries, just arrived from Massachusetts, but two of Turner's ministerial brethren, the Reverends Reuben Gaylord and Charles Burnham, represented the Congregational clergy, the latter, according to one account, hiking the thirty-five miles from his Brighton pastorate. Finally, of the major groups represented, nearly forty local Presbyterians made their appearance. The antislavery but racist David E. Blair was not one of them, significantly enough. Neither was David's wife, although his sister-in-law Margaret was one of the few New School members present, and she took an active role in the deliberations. John Waddle and William McClure, the ruling elders of Round Prairie church, together with William's father John, were the most prominent Presbyterian lay delegates.⁴⁰

39. Four independent accounts of the convention exist: Aaron Street Jr. in *Chicago Western Citizen*, 23 November 1843; William T. Allan in *ibid.*, 28 December 1843; the official convention minutes in *ibid.*, 18 January 1844; and Blair, "History of Church Organizations," 21, an anecdotal memoir penned in 1889 that misdates the convention by a year. Most valuable are the minutes, which include a list of all those in attendance. The description of the weather is from Allan's letter.

40. *Chicago Western Citizen*, 18 January 1844; Frank E. Shedd, *Daniel Shed Genealogy: Ancestry and Descendants of Daniel Shed of Braintree, Massachusetts* (Boston, 1921), 307; Truman O. Douglass, *The Pilgrims of Iowa* (Boston, 1911), 34, 46; Blair, "History of Church Organizations," 21; Merrill, *Yellow Spring*, 61, 334, 336. William Beard is identified in Nuernberger, *Free Produce Movement*, 51. That Asa Turner, Samuel L. Howe, and Salem's Henderson Lewelling were considered to be

The participation of three distinguished visitors from east of the Mississippi lent a special piquancy to the proceedings, almost making up for James Birney's absence. Of the three, the Rev. James H. Dickey, now in his mid-sixties, stood first in seniority in terms of age as well as commitment to anti-slavery. A native South Carolinian who had moved to Ohio in order to free his slaves, he had then transformed Chillicothe Presbytery into one of the Middle West's most thoroughly abolitionized religious conferences. He now held a pastorate in western Illinois. The names of former Ohio parishioners appended to the announcement of the Iowa convention had prompted his appearance, and his reunion with them provided a touching moment. All present deferred to Father Dickey as one of Presbyterianism's most prominent antislavery pioneers.⁴¹

The two other distinguished guests, the Rev. William T. Allan and Augustus Wattles, men in their thirties, had both been converted to immediate abolitionism by that towering figure within the western antislavery movement, Theodore Dwight Weld. Both had followed Weld to the Presbyterian-affiliated Lane Theological Seminary near Cincinnati, and had been, with Weld, leading members of the famous "Lane Rebels," forty abolitionist students who in 1834 resigned to protest the seminary trustees' ban on antislavery activism. Since their days at Lane, both Allan and Wattles had worked

present in spirit, if not in person, is indicated by the convention's electing them to seats on the executive committee of the new antislavery association. Turner, in order to speed the nearly arrived missionaries' ordinations, was required to organize a "Denmark Association of Congregational Churches," which he accomplished on November 2 and 3, 1843. See Chase, *Minutes of the General Association*, 21; Douglass, *Pilgrims of Iowa*, 58.

41. Gilbert H. Barnes and Dwight L. Dumond, eds. *Letters of Theodore Dwight Weld, Angelina Grimké Weld, and Sarah Grimké*, 2 vols. (New York, 1934), 1:272n; Murray, *Presbyterians and the Negro*, 94; R.C. Galbraith Jr., *The History of Chillicothe Presbytery* (Chillicothe, Ohio, 1889), 139-140; Norman Dwight Harris, *History of Negro Slavery in Illinois and of the Slavery Agitation of that State* (Chicago, 1906), 131, 139, 142; William T. Allan in *Chicago Western Citizen*, 28 December 1843.

tirelessly for the abolition cause. Allan, a professional anti-slavery lecturer, now served as chief agent of the Illinois Anti-Slavery Society. Wattles, an Ohioan, had never been ordained, having for the past decade devoted himself to the education, vocational training, and job placement of free blacks. He had been drawn from Ohio to the Iowa convention, perhaps, through a recent correspondence with Aaron Street Jr. on the employment prospects at Salem for a few black artisans from racially troubled Cincinnati.⁴²

Dickey represented the older generation of midwestern evangelical activists. Allan and Wattles represented something less familiar: both nourished more Garrisonian attitudes than were usually encountered near the banks of the Mississippi. For the past five years eastern abolitionism had been fragmenting over the wisdom of William Lloyd Garrison's leadership, two important issues being Garrison's insistence on viewing organized religion in America as hopelessly proslavery and his abrasive hostility to third-party political activism via the Liberty movement. The intramural wrangling did not extend much beyond Ohio, but if forced to choose, most midwesterners obviously felt more comfortable with Garrison's enemies than his friends. In Iowa, for example, the Salem Anti-Slavery Society subscribed not to the Garrisonians' *New York National Anti-Slavery Standard* but to the opposition's *New York Emancipator*. And its acceptance of women as members on an equal basis with men, although a

42. Barnes and Dumond, *Letters of Weld*, 1: 90-91n; Robert Samuel Fletcher, *A History of Oberlin College from Its Foundation through the Civil War*, 2 vols. (Oberlin, Ohio, 1943), 1: 242-243; Fladeland, *Birney*, 41-42, 109, 144, 146; Harris, *History of Negro Slavery*, 136, 139, 142, 152; William Ansel Mitchell, *Linn County, Kansas: A History* (Kansas City, 1928), 135, 139-140. In January 1843 Street had initiated a plan to invite the settlement at Salem of black artisans and their families from Cincinnati. "There might be a few of nearly all kinds of mechanics," he wrote to the editor of the antislavery Cincinnati *Philanthropist*, "who [could] find business here. . . . And, although our community is not clear of prejudice against color, I think that the success of such would depend on their own exertion, as the largest part of our citizens, (and all the most respectable,) would patronize them." His inquiry could hardly have escaped Wattles' attention. See Street in *Philanthropist*, 1 March 1843.

novelty outside Garrisonian circles, was not to be construed, said its president, as implying a Garrisonian allegiance. It would be wrong to put too fine a point on it, however: in the eclectic atmosphere of Mississippi Valley abolitionism Garrisonians were deemed eccentrics, not heretics.⁴³

In Ohio a Garrisonian like Wattles could surround himself with like-minded friends, but in Illinois, ideologically isolated, Allan increasingly played the role of a one-man loyal opposition within the movement. "The abolition of this State is of the Liberty party stamp," Allan finally complained of Illinois to Garrison himself. "There are a *few* of us who have not taken that course. . . . The greatest obstacle, however, is the prevalent religion. The community are drugged with the notion that universal and impartial love is not essential to Christianity. When called on to take sides with God against oppression . . . they cry—'That's abolition, and not religion.' And they are bolstered up in the cruel and ruinous position by a multitude of professed ministers of Christ." Such was his feeling shortly after Aaron Street's announcement of the Yellow Spring convention.

Allan came straight to Iowa from an October meeting of the Illinois Anti-Slavery Society where, as one of that gathering's most prestigious participants, he had offered a resolution asserting "the duty of all abolitionists to come out from the Episcopalian, Baptist, Methodist, and Presbyterian churches, on the ground that those denominations are fully committed to the system of slavery." The embarrassed Illinoisans spared Brother Allan's feelings by tabling his proposition rather than decisively voting it down. Now, a week later, Allan may have viewed Iowans' rudimentary Liberty party loyalties

43. Ronald G. Walters, *The Antislavery Appeal: American Abolitionism after 1830* (Baltimore, 1976), chapter 1; idem, "The Boundaries of Abolitionism," in Lewis Perry and Michael Fellman, eds., *Antislavery Reconsidered: New Perspectives on the Abolitionists* (Baton Rouge, 1979), 13-19; Douglas A. Gamble, "Garrisonian Abolitionists in the West: Some Suggestions for Study," *Civil War History* 23 (March 1977): 52-68; Salem Anti-Slavery Society minutes in Lowell *Genius of Liberty*, 20 March 1841, 2 April 1842; Stephen Hall in *ibid.*, 15 May 1841.

and recent intramural religious conflicts as offering him a more congenial reception.⁴⁴

The Rev. Mr. Rankin gavelled the meeting to order, after which the convention called on Aaron Street Jr. to preside. After the reading of a biblical verse, a moment of silent meditation, and a prayer by Allan, those assembled got down to business. A committee of ten men and women—including Allan and Wattles—prepared resolutions, a second committee devised a constitution for an Iowa Anti-Slavery Society, and Rankin addressed the delegates. Only the first resolution had been discussed and approved before a break for dinner, after which Dickey and Allan offered the session's keynote speeches.

On the following morning the delegates reassembled, unanimously approving a proposed constitution, a preamble, and a declaration of sentiments for the new territorial association. Although participation in its affairs was to be open to women as well as men, the charter officers chosen proved exclusively male: Street as president, William McClure and the Rev. Mr. Burnham as vice-presidents, with other offices distributed equally among the men of Salem, Denmark, and Yellow Spring.

Of the fourteen resolutions proposed by the business committee, only Allan's condemnation of organized religion, in the apparently watered-down version in which it finally reached the floor, provoked serious division. Those assembled agreed (Resolution 1) "That pure and undefiled religion makes thorough and active anti-slavery men and women," and (Resolution 5) "That it is the especial duty of teachers of religion . . . 'to plead the cause of the oppressed,' and if they fail to do so, they preach not the whole gospel of Christ," and even (Resolution 6) "That the American church, by having slaveholders in her communion, and holding fellowship with them, is the main bulwark of American slavery." But that evening they finally recoiled from Resolution 9: "That no consistent abolitionist can support a church or ministry that

44. William T. Allan in Boston *Liberator*, 25 August 1843; Chicago *Western Citizen*, 2, 23 November 1843.

is not found in active opposition to slavery." "The point of debate was the 'sin of schism,'" Allan later reported, "i.e. the duty or not of forsaking a manstealing church. It was contended on the one hand that we should 'come out,' and on the other, that we should wait till we are 'cast out.'" Wattles joined Allan in strongly urging its passage, the two old Lane Rebels terming organized religion in America "a cage of unclean birds" and exhorting the antislavery faithful to "come out of her and not be partakers in her iniquities." But the venerable Father Dickey argued just as vehemently that religious schism could be a sin "more damning than that of slavery," and he himself, he said, would remain a loyal Presbyterian until they thrust him out or killed him. On Dickey's motion the delegates tabled the measure.⁴⁵

The only other inherently controversial issue—the propriety of antislavery political action—provoked no open debate. But, significantly, the only resolution primarily championed by an Iowan, in this case Denmark's Dr. Shedd, was Resolution 3: "That the anti-slavery doctrines and measures of the present day are no new doctrines and measures; they are taught in the Declaration of Independence, and recognized in the Constitution of the United States, and were carried out in action by Congress, in the [Northwest] ordinance of 1787, and were subscribed to by all the worthies of the Revolution." This assertion of slavery's *unconstitutionality*, a statement of what William Wiecek has termed "radical antislavery constitutionalism," was a position just then fully emerging in abolitionist thought. It rebuked both Liberty party and Garrisonian positions on the federal Constitution. The former held the Constitution to be essentially neutral on slavery, thus grounding the legality of the "peculiar institution" wholly on state statute and thereby justifying recourse to political action. The Garrisonians, on the other hand, stridently proclaimed

45. *Ibid.*, 18 January 1844; William T. Allan in *ibid.*, 28 December 1843; Blair, "History of Church Organizations," 21. Allan and Dickey debated the issue again at the next meeting of the Illinois Anti-Slavery Society, where Allan once again met defeat. See Allan in Chicago *Western Citizen*, 20 June 1844.

the Constitution to be an ironclad proslavery document and denied the practicability of affecting slavery by working within the political system. Allan, Wattles, or both, rose to offer the Garrisonian line, calling the Constitution a "covenant with death and an agreement with hell." They argued in vain. With at least two abstentions, presumably, the assembly "unanimously" approved Resolution 3.

That evening, however, after rejecting Allan's "come-outer" resolution on religion, the convention—on Father Dickey's urging—approved an identical *political* proposition (Resolution 10) requiring voting abolitionists' abandonment of both Whig and Democratic parties: ". . . No consistent abolitionist can support a political party, or vote for a man to any office, [that] is not found in active opposition to slavery." And, while affiliating themselves with neither the Garrisonians' national society nor its opposition, the Iowans agreed to adopt the Chicago *Western Citizen*, a Liberty party sheet, as their official organ. Despite a subtle contradiction by Resolution 3, the most important inferences pointed in one direction: toward third-party politics.⁴⁶

In other resolutions the delegates formally approved immediate abolition, pledged themselves to disobey the federal Fugitive Slave Law ("the law of love requires us to protect and aid the fugitive in his escape from slavery"), and protested the proposed annexation of Texas, a potential slave state, to the Union. And Iowa's black code did not escape their scrutiny. Resolution 4 argued that "the principle of equality . . . gives the colored people an equal right with ourselves to a residence in this country, together with the possession of all its privileges." The thirteenth was more specific, those assembled resolving that "the laws of this Territory, making a distinction on account of color, are wrong, and a stigma upon our statute books, and . . . we urgently recommend the circulating [of] petitions in every county and neighborhood of the Territory, to present to our next legislature, praying for their immediate repeal."

46. *Ibid.*, 18 January 1844; Wiecek, *Sources of Antislavery Constitutionalism*, chapters 9-11; Blair, "History of Church Organizations," 21.

Late in the evening of November 1, 1843 the convention adjourned, thereby completing Iowa abolitionists' first five years' encounter with white supremacy in what would become the Hawkeye State. Two days later, back home in Salem, Aaron Street Jr. offered a brief recapitulation of the convention that stressed the psychological effect of the muster at Yellow Spring. ". . . Although a considerable number of us had no previous personal acquaintance with each other, and were of different religious denominations," he wrote, "we met and felt as brethren . . . and we parted with the bonds of union much strengthened. The Anti-Slavery platform is large enough for all men to meet and labor together upon. . . ."47

Street's use of the political term "platform" is significant, since the Salem abolitionists had already plunged boldly into third-party activism and would soon carry Iowa's other abolitionists with them. But compared with those of Illinois—to whom they would continue to look for inspiration, and whose state antislavery organization dated from 1837—the Iowans might consider themselves six years behind the times. Indeed, since early 1842 Illinois abolitionism had been, in the words of its historian, "a political rather than a moral agitation, and the Illinois Antislavery Society . . . only an adjunct of the State Liberty party." By the time a comparable statement could be made of the Iowa movement it would be 1847 — again a gap of nearly six years.⁴⁸

Still, organization of the Iowa Anti-Slavery Society fittingly closed the first phase of the struggle. The issues had been joined. Iowa's black code had been confronted. The majority Democrats had been exposed as militant racists, for the most part, and the Whigs as weak civil libertarians at best. Constituent pressures on legislators had demonstrated good effect in forcing racially progressive behavior, especially from Whig legislators, and perhaps the fielding of Liberty candidates among heavily Whiggish voting constituencies would be the most effective pressure of all. And, at the same

47. Aaron Street Jr. in Chicago *Western Citizen*, 23 November 1843.

48. Harris, *History of Negro Slavery*, 152.

time, the imperfections in their movement had become clearer to the territory's activists. The racist vote of Yellow Spring's David E. Blair in the 1841/42 assembly emphasized the depressing fact that antislavery attitudes and a concern for the civil liberties of blacks did not always coincide, while the recent convention boycott by New School Presbyterians revealed the vulnerability of antislavery unity to countervailing religious sensitivities. Finally, racists' resistance to the civil rights movement was not to be underestimated in any tactical calculation. Black exclusion would be their ultimate political weapon, and within the next decade the Iowa general assembly would indeed pass the nineteenth century's first new free-state exclusionary law.

For Iowa's civil rights activists the worst was yet to come.

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