

The Murder of Lovejoy

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Faneuil Hall, 1837

Mr. Chairman:--We have met for the freest discussion of these resolution, and the events which gave rise to them. [Cries of "Question," "Hear him," "Go on," "No gagging," etc.] I hope I shall be permitted to express my surprise at the sentiments of the last speaker,--surprise not only at such sentiments from such a man, but at the applause they have received within these walls. A comparison has been drawn between the events of the Revolution and the tragedy at Alton. We have heard it asserted here, in Faneuil Hall, that Great Britain had a right to tax the Colonies, and we have heard the mob at Alton, the drunken murderers of Lovejoy, compared to those patriot fathers who threw the tea overboard! [Great applause.] Fellow-citizens, is this Faneuil Hall doctrine? ["No, no."] The mob at Alton were met to wrest from a citizen his just rights,--met to resist the laws. We have been told that our fathers did the same; and the glorious mantle of Revolutionary precedent has been thrown over the mobs of our day. To make out their title to such defense, the gentleman says that the British Parliament had a right to tax these Colonies. It is manifest that, without this, his parallel falls to the ground; for Lovejoy had stationed himself within constitutional bulwarks. He was not only defending the freedom of the press, but he was under his own roof, in arms with the sanction of the civil authority. The men who assailed him went against and over the laws. The mob, as the gentleman terms it,--mob, forsooth! Certainly we sons of the tea-spillers are a marvelously patient generation!--the "orderly mob" which assembled in the Old South to destroy the tea were met to resist, not the laws, but illegal exactions. Shame on the American who call the tea-tax and stamp-act laws! Our fathers resisted, not the King's prerogative, but the King's usurpation. To find any other account, you must read our Revolutionary history upside down. Our State archives are loaded with arguments of John Adams to prove the taxes laid by the British Parliament unconstitutional,--beyond its power. It was not till this was made out that the men of New England rushed to arms. The arguments of the Council Chamber and the House of Representatives preceded and sanctioned the contest. To draw the conduct of our ancestors into a precedent for mobs, for a right to resist laws we ourselves have enacted, is an insult to their memory. The difference between the excitements of those days and our own, which the gentleman in kindness to the latter has overlooked, is simply this: the men of that day went for the right, as secured by the laws. They were the people rising to sustain the laws and constitution of the Province. The rioters of our day go for their own wills, right or wrong. Sir, when I heard the gentleman lay down principles which place the murderers of Alton side by side with Otis and Hancock, with Quincy and Adams, I thought those pictured lips [pointing to the portraits in the Hall] would have broken into voice to rebuke the recreant American,--the slanderer of the dead. [Great applause and counter applause.] The gentleman said that he should sink into insignificance if he dared to gainsay the principles of these resolutions. Sir, for the sentiments he has uttered, on soil consecrated by the prayers of Puritans and the blood of patriots, the earth should have yawned and swallowed him up.

[Applause and hisses, with cries of "Take that back."]

Fellow-citizens, I cannot take back my words. Surely the Attorney-General, so long and well known here, needs not the aid of your hisses against one so young as I am,--my voice never before heard within these walls!

Another ground has been taken to excuse the mob, and throw doubt and discredit on the conduct of Lovejoy and his associates. Allusion has been made to what lawyers understand very well,--the "conflict of laws." We are told that nothing but the Mississippi River rolls between St. Louis and Alton; and the conflict of laws somehow or other gives the citizens of the former a right to find fault with the defender of the press for publishing his opinions so near their limits. Will the gentleman venture that argument before lawyers? How the laws of the two States could be said to come into conflict in such circumstances I question whether any lawyer in this audience can explain or understand. No matter whether the line that divides one sovereign State from another be an imaginary one or ocean-wide, the moment you cross it the State you leave is blotted out of existence, so far as you are concerned. The Czar might as well claim to control the deliberations in Faneuil Hall, as the laws of Missouri demand reverence, or the shadow of obedience from an inhabitant of Illinois.

I must find some fault with the statement which has been made of the events at Alton. It has been asked why Lovejoy and his friends did not appeal to the executive,--trust their defense to the police of the city. It has been hinted that, from hasty and ill-judged excitement, the men within the building provoked a quarrel, and that he fell in the course of it, one mob resisting another. Recollect, Sir, that they did act with the approbation and sanction of the Mayor. In strict truth, there was no executive to appeal to for protection. The Mayor acknowledged that he could not protect them. They asked him if it was lawful for them to defend themselves. He told them it was, and sanctioned their assembling in arms to do so. They were not, then, a mob; they were not merely citizens defending their own property; they were in some sense the posse comitatus, adopted for the occasion into the police of the city, acting under the order of a magistrate. It was civil authority resisting lawless violence. Where, then, was the imprudence? Is the doctrine to be sustained here, that it is imprudent for men to aid magistrates in executing the laws?

Men are continually asking each other, Had Lovejoy a right to resist? Sir, I protest against the question, instead of answering it. Lovejoy did not resist, the sense they mean. He did not throw himself back on the natural right of self-defense. He did not cry anarchy, and let slip the dogs of civil wars, careless of the horrors which would follow.

Sir, as I understand this affair, it was not an individual protecting his property; it was not one body of armed men resisting another, and making the streets of a peaceful city run blood with their contentions. It did not bring back the scenes in some old Italian cities, where family met family, and faction met faction, and mutually trampled the laws under foot. No; the men in that house were regularly enrolled, under the sanction of the Mayor. They relieved each other every other night. About thirty men were in arms on the night of the sixth, when the press was landed. The next evening, it was not thought necessary to summon more than half that number; among these was Lovejoy. It was, therefore, you perceive, Sir, the police of the city resisting rioters,--civil government breasting itself to the shock of lawless men.

Here is no question about the right of self-defense. It is in fact simply this: Has the civil magistrate a right to put down a riot?

Some persons seem to imagine that anarchy existed at Alton from the commencement of these disputes. Not at all. "No one of us," says an eyewitness and a comrade of Lovejoy, "has taken up arms during these disturbances but at the command of the Mayor." Anarchy did not settle down on that devoted city till Lovejoy breathed his last. Till then the law, represented in his person, sustained itself against its foes. When he fell, civil authority was trampled under foot. He had "planted himself on his constitutional rights,"—appealed to the laws,—claimed the protection of the civil authority,—taken refuge under "the broad shield of the Constitution. When through that he was pierced and fell, he fell but one sufferer in a common catastrophe." He took refuge under the banner of liberty,—amid its folds; and when he fell, its glorious stars and stripes, the emblem of free institutions, around which cluster so many heart-stirring memories, were blotted out in the martyr's blood.

It has been stated, perhaps inadvertently, that Lovejoy or his comrades fired first. This is denied by those who have the best means of knowing. Guns were first fired by the mob. After being twice fired on, those within the building consulted together and deliberately returned the fire. But suppose they did fire first. They had a right so to do; not only the right which every citizen has to defend himself, but the further right which every civil officer has to resist violence. Even if Lovejoy fired the first gun, it would not lessen his claim to our sympathy, or destroy his title to be considered a martyr in defense of a free press. The question now is, Did he act within the Constitution and the laws? The men who fell in State Street on the 5th of March 1770, did more than Lovejoy is charged with. They were the first assailants. Upon some slight quarrel they pelted the troops with every missile within reach. Did the bate on jot of the eulogy with which Hancock and Warren hallowed their memory, hailing them as the first martyrs in the cause of American liberty?

I, Sir, I had adopted what are called Peace principles, I might lament the circumstances of this case. But all you who believe, as I do, in the right and duty of magistrates to execute the laws, join with me and brand as base hypocrisy the conduct of those who assemble year after year on the 4th of July, to fight over the battles of the Revolution and yet "damn with faint praise," or load with obloquy, the memory of the man, who shed his blood in defense of life, liberty, property, and the freedom of the press!

Throughout that terrible night I find nothing to regret but this, that within the limits of our country, civil authority should have been so prostrated as to oblige a citizen to arm in his own defense, and to arm in vain. The gentleman says Lovejoy was presumptuous and imprudent,—he "died as a fool dieth." And a reverend clergyman of the city tells us that no citizen has a right to publish opinion disagreeable to the community! If any mob follows such publication, on him rests its guilt! He must wait, forsooth, till the people come up to it and agree with him! This libel on liberty goes on to say that the want of right to speak as we think is an evil inseparable from republican institutions! If this be, what are they worth? Welcome the despotism of the Sultan, where one knows what he may publish and what he may not, rather than the tyranny of this many-headed monster, the mob, where we know not what we may do or say, till some fellow-citizen has tried it, and paid for the lesson with his life. This clerical absurdity chooses as a check

for the abuses of the press, not the law, but the dread of a mob. By so doing, it deprives not only the individual and the minority of their rights, but the majority also, since the expression of their opinion may sometimes provoke disturbance from the minority. A few men may make a mob as well as many. The majority, then, have no right, as Christian men, to utter their sentiments, if by any possibility it may lead to a mob! Shades of High Peters and John Cotton, save us from such pulpits!

Imprudent to defend the liberty of the press! Why? Because the defense was unsuccessful? Does success gild crime into patriotism, and the want of it change heroic self-devotion to imprudence? Was Hampden imprudent when he drew the sword and threw away the scabbard? Yet he, judged by that single hour, was unsuccessful. After a short exile, the race he hated sat again upon the throne.

Imagine yourself present when the first news of Bunker Hill battle reached a New England town. The tale would have run thus: "The patriots are routed,--the redcoats victorious,--Warren lies dead upon the field." With what scorn would the Tory have been received, who should have charged Warren with imprudence! Who should have said that, bred a physician, he was "out of place" in that battle, and "died as the fool dieth"! [great applause.] How would the intimation have been received, that Warren and his associates should have waited a better time? But if success be indeed the only criterion of prudence, *Respice finem*,--wait till the end.

Presumptuous to assert the freedom of the press on American ground! Is the assertion of such freedom before the age? So such before the age as to leave one no right to make it because it displeases the community? Who invents this libel on his country? It is this very thing which entitles Lovejoy to greater praise. The disputed right which provoked the Revolution—taxation without representation—is far beneath that for which he died. [here there was a strong and general expression of disapprobation.] One word, gentlemen. As much as thought is better than money, so much is the cause in which Lovejoy died nobler than a mere question of taxes. James Otis thundered in this Hall when the King did but touch his pocket. Imagine, if you can, his indignant eloquence, had England offered to put a gag upon his lips. [Great applause.]

The question that stirred the Revolution touched our civil interests. This concerns us not only as citizens, but as immortal beings. Wrapped up in its fate, saved or lost with it, are not only the voice of the statesman, but the instructions of the pulpit, and the progress of our faith.

The clergy "marvelously out of place" where free speech is battled for,--liberty of speech on national sins? Does the gentleman remember that freedom to preach was first gained, dragging in its train freedom to print? I thank the clergy here present, as I reverence their predecessors, who did not so far forget their country in their immediate profession as to deem it duty to separate themselves from the struggle of '76,--the Mayhews and Coopers, who remembered they were citizens before they were clergymen.

Mr. Chairman, from the bottom of my heart I thank that brave little band at Alton for resisting. We must remember that Lovejoy had fled from city to city,--suffered the destruction of three presses patiently. At length he took counsel with friends, men of character, of tried integrity, of wide views, of Christian principle. They thought the crisis had come: it was full time to assert the

laws. They saw around them, not a community like our own, of fixed habits, of character molded and settled, but one "in the gristle, not yet hardened into the bone of manhood." The people there, children of our older States, seem to have forgotten the blood-tryed principles of their fathers the moment they lost sight of our New England hills. Something was to be done to show them the priceless value of the freedom of the press, to bring back and set right their wandering and confused ideas. He and his advisers looked out on a community, staggering like a drunken man, indifferent to their rights and confused in their feelings. Deaf to argument, haply they might be stunned into sobriety. They saw that of which we cannot judge, the necessity of resistance. Insulted law called for it. Public opinion, fast hastening on the downward course, must be arrested.

Does not the event show they judged rightly? Absorbed in a thousand trifles, how has the nation all at once come to a stand? Men begin, as in 1776 and 1640, to discuss principles, to weigh characters, to find out where they are. Haply we may awake before we are borne over the precipice.

I am glad, Sir, to see this crowded house. It is good for us to be here. When Liberty is in danger, Faneuil Hall has the right, it is her duty, to strike the key-note for these United States. I am glad, for one reason, that remarks such as those to which I have alluded have been uttered here. The passage of these resolutions, inspite of this opposition, led by the Attorney-General of the Commonwealth, will show more clearly, more decisively, the deep indignation with which Boston regards this outrage.