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Thomas Pressly

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Thomas Pressly, "The concept of the 'right of revolution' in the United States in historical perspective; from the Puritans to the present"
Portland State University
March 4, 1976

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PROFESSOR JIM HEATH: I want to welcome you this evening, on behalf of the Department of History at Portland State, and also co-sponsoring the lecture tonight is Phi Alpha Theta, our student honorary history society. I'd like to welcome you to this public lecture, which we are holding as a part of the bicentennial celebration.

Winston Churchill, the distinguished British prime minister, was once berated by an elderly matron because of some of his inadequacies in office, in particular because he drank a good deal. Allegedly, she told him, "Mr. Churchill, you've drunk enough brandy to fill this room up to here!" and Churchill's reply was, very simply, "So much done, so much left to do." In a sense, this is the way that many of us look at the American scene in 1976. After 200 years of celebrating, living through our nationhood, we have done so much, but we have so much left to do. It's fitting, then, that we should look at our 200 years, but also take a look to some degree for what we have left ahead to do, and tonight we have a distinguished guest who is, I think, eminently qualified to look at the American scene as it's developed in the past two centuries and also to give us some food for thought for what lies ahead.

Professor Thomas J. Pressly is at the University of Washington; he is a graduate of Harvard, received his education there, became an instructor at Princeton, and then in 1949 went to Washington, where he has had a distinguished career. He's been very active both as a teacher, in which he is extremely highly regarded—I met Professor Pressly for the first time tonight, but I've had many people who spoke with great fondness of his ability as a teacher others, and in particular, a teacher of other teachers. He's worked very closely with those who have gone out to teach both in college and in the secondary and elementary schools, so he is a person who has a distinguished career as both a scholar and a teacher. Among his scholarly attainments, he

has written on numerous subjects, but his specialty is the Civil War. His most prestigious publication, probably most would agree, would be a book called *Americans Interpret Their Civil War*, which was published both in hardback and in paperback and has been used extensively in many college classes. The very prestigious *Times Literary Supplement*, the London publication, declared that "This book is a sign that America's study of history has reached a new stage of maturity," which is, certainly, I think you would agree, a very laudatory comment. He has also been very interested in the use of quantification as a tool for historians, something we think of perhaps most frequently for economists or even sociologists, but Professor Pressly has developed that into a very skilled vehicle for historians, and he has written on this subject including a piece entitled "The Systematic Study of Public Opinion," which was published in a volume called *American Political Behavior*. At present, he is working on a volume dealing with the American conception of the right of revolution, and his topic tonight is the concept of the right of revolution in the United States in historical perspective, from the Puritans to the present. So I join with you in welcoming Professor Thomas Pressly.

[applause]

PROFESSOR THOMAS PRESSLY: Thank you very much, Professor Heath. I'm very happy indeed to be here, and honored to be here to participate in this bicentennial commemoration. I'm also very much aware of the perils of public speaking, whether one is speaking about revolution or whatever. A congressman from Pennsylvania about ten years ago expressed these perils of public speaking I thought in about as effective a way as I've ever heard it expressed. After the speech, a lady came up and said, "Congressman, that was a splendid speech. Splendid!" She said, "It was superfluous! Absolutely superfluous!" she said. He didn't know whether he was being kidded or not, but he thought he would reply, and he said to her, "Well, I'm glad you liked the speech. I rather liked it myself, and I think I'm going to have it published. I think I'll have it published posthumously." He said she said, "Oh, you're going to have it published posthumously? Splendid," she said. "The sooner the better! The sooner the better!" [laughter] So, if after this speech is over, anyone says that they thought it was superfluous, I'll understand precisely what you meant.

Now, I want to speak tonight about the concept, the idea, of the right of revolution. This was a concept that was set forth at least in one place two hundred years ago: Jefferson, in the Declaration of Independence. By way of trying to define that concept, I would like to read Jefferson's words of 200 years ago, and then read the words of a couple of individuals in our own day. I think altogether all three of these provide a definition of sorts of this concept, the right of revolution.

These are Jefferson's words, that we are all familiar with from the Declaration of Independence, 1776, 200 years ago. "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their creator with certain unalienable rights, and among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are

instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.” That’s Jefferson, 200 years ago.

Now, let me read to you from a volume by Mr. Justice Douglas, a volume published in 1970. Mr. Justice Douglas said in this volume, called *Points of Rebellion*: “George III was the symbol against which our founders made a revolution, now considered bright and glorious. We must realize that today’s establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution. Violence has no Constitutional sanction, but where grievances pile high, and most of the elected spokesmen represent the establishment, violence may be the only effective response.” That’s Mr. Justice Douglas, 1970.

Now, one other affirmation of the right of revolution; this is November 1969, Mr. Eldridge Cleaver, writing in a publication called *The Black Scholar*. “As long as the capitalist system exists, by its very nature, some people will have to be exploited in order for others to be rich and powerful. So that the exploited are powerless and in an oppressed position. Therefore, revolution is a glorious term. It is a term to be proud of, and we should know that we are morally right, we are right in every sense of the term, and that the oppressor is the one who is wrong, and that the oppressor has no rights which the oppressed are bound to respect. In order to transform the American social order, we have to destroy the present structure of power in the United States. We have to overthrow the government.” This is Eldridge Cleaver, November 1969.

I read these three comments to you, not to either praise them or to criticize them, but because I consider them all as expressing the same sorts of ideas. The concept of the right of revolution, which I take it is a concept, an idea, a slogan, that the overthrow of constituted government authorities and the institution of a new and different government is justified under certain circumstances. That’s the concept that I’m going to be speaking about, and I’d like to try to briefly trace out the history of that concept from the beginning down to the present. And I will carefully watch the time, and limit myself to fifty minutes, and so in covering three centuries in fifty minutes, I’ll obviously have to generalize broadly. But I thought it would be more interesting to you to try to cover the whole span and bring it right down to the present, than to just take one segment of it and go into it in great detail.

I see the whole span of the story as being divided into three chronological periods. The first of these, the seventeenth century and the early eighteenth century; the second of these going from the early eighteenth century through the American Civil War; and the third of these going from the American Civil War down to the present. So it’s those three chronological periods that I will be speaking about. The theme of my comments, I’ll tell you in advance; I don’t know whether it will be disillusioning to you or illusioning or what, but the theme of my comments will be that the traditions of the United States with respect to the right of revolution are

complex, and it seems to me, are ambiguous. This will reappear over and over again in my remarks.

Let me begin with the first chronological period, from the beginnings at Jamestown and Plymouth, in the seventeenth century, down through the early part of the eighteenth century. This is a period, by and large, in which the concept of the right of revolution plays very little part. To me, it's very interesting to establish the beginning of something, or to think you know where things began. It seems to me you don't really find the right of revolution much talked about in the seventeenth-century colonies. Instead, it seems to me the whole experience of the seventeenth-century colonies is in a way providing what one historian has called a substitute for revolution. I think the immigration of Englishmen to the colonies turned out to be itself a substitute for revolution. The Englishmen who stayed in England in the seventeenth century made a revolution. They made a very real revolution which lasted most of two decades, the 1640s and the 1650s; they deposed their king; they beheaded their king; it seems to me it was a real revolution. The Englishmen who came to the colonies did not make a revolution. It's in that sense that one can see their immigration as a substitute for revolution. The Englishmen who came to the colonies were in a different situation from what they had been in England; I think this was particularly true of the Puritans, the Puritans who had been persecuted, as they saw it, in England, but who when they came to the colonies they were now the rulers, at least in the New England colonies, they were the rulers.

One Puritan, John Cotton, expressed it this way. He used the analogy, he used the figure of a ship. It seems to me that when you read about those seventeenth-century voyages, lasting two or three months in cramped quarters, small ships by present-day standards, dangerous; you can understand why the imagery these people used was so frequently the imagery of the ship and the voyage. I think they were probably so happy to get on land that it stuck with them forever, the perils of the voyage. Well, John Cotton said this. He said, "In England, we were sitting under the hatches," (the Puritans). "Now, in Massachusetts, we're sitting at the helm." It seemed to me that was a nice way of expressing it. They were now the governing group in Massachusetts. And they were concerned in Massachusetts not with overthrowing government but with building up governments. With creating governments, building them up and shoring them up so that they would last. As I see it, they devised a technique, several techniques, but one technique they devised for handling their disputes was, again, a substitute for revolution. This technique was immigration, whether forced or voluntary. We are familiar with the cases of Roger Williams and Anne Hutchinson, who in the 1630s were removed from their community in Massachusetts. They immigrated by force; they had no choice in the matter, they were cast out. But I picture this as another case in which immigration serves instead of revolution. If Hutchinson had stayed on in Massachusetts Bay, I certainly could not guarantee that there would have been a revolution, or if Anne Hutchinson had stayed on. But by eliminating them, by forcing them to leave, by immigration, it seemed to me you removed the possibility, at least in the case of those two people, of revolution developing there.

So my picture of the seventeenth century, most of the seventeenth century, is that the right of revolution is very little talked about. I found very few cases where anyone in the colonies

affirmed the right of revolution. Revolutions don't happen. At the very end of the seventeenth century, in 1689, you do have revolutions in three colonies. In Massachusetts, in New York, in Maryland, you have revolutions in 1689. The legal governments are deposed, and new governments are set up. But what's striking to me about this, when the colonists come to justify this, not a one of them, so far as I can find out—I've tried to search the records very carefully—not a one of them justified it on the grounds of the right of revolution. They didn't justify it that way at all. They justified it on the grounds that they were only doing what Englishmen in England had already done. In England, there had been the so-called "Glorious Revolution" of 1688, in which the Catholic king, James II, had been deposed, and the Protestant king, William of Orange, and his queen had invaded, had landed with an armed force in England, and James II had abdicated the throne—I'm not sure technically speaking if "abdication" is the right word, but James II had left the throne and left London. William and Mary were proclaimed king and queen of England. In Massachusetts, in New York, in Maryland, the colonists took no action at all until after they had heard from England that there was a new king. Then they took action, and justified it on the grounds that they were saving these colonies for the new king, King William, and taking over power away from the servants of the Catholic king James II. So far as I can tell, not a single mention of the right of revolution at all. Justifying it, they are doing what Englishmen had already done, and they were doing it for the king's good, in defense, showing their loyalty to the new king.

So I picture this first period—I won't say any more about it—I picture it, then, as one in which the right of revolution really doesn't figure much at all. Beginning early in the eighteenth century, there is a change. So far, I have not been able to date this change with any precision; perhaps one can't date changes in the history of ideas with precision. It seems to me that it may be John Wise, a Massachusetts minister of the gospel, a pastor, who may have been the first important person to express in the colonies the concept of the right of revolution. John Wise did this about 1715, and after John Wise, in the 1720s, the 1730s, the 1740s, you find increasing expressions, affirmations of the right of revolution. They are all made in the same situation. As England attempts, as England, the headquarters in London, attempts to make her empire more efficient, and to make the colonies produce more for the empire, pay their way more, as the British saw it, for the empire, they imposed increasing restrictions on the colonies. Every time I have seen the right of revolution expressed in the mid-eighteenth century, I think nearly without exception, certainly without many exceptions, it's been in that connection. They were saying that these restrictions that the British are imposing on us are taking away liberties that we had in the seventeenth century.

It seems to me there is this tradition in the United States. We think of the United States as a country that is always looking ahead, and technology and so on; it seems to me basically in the United States the "good old days" are always the days in the past. It's that way in the eighteenth century. The colonists are looking back to the seventeenth century as the "good old days," because that's when England didn't exercise, they say, much control over them. In the eighteenth century, they say, now the British are taking away our liberties, and when a king, when a government takes away people's liberties, people have the right, ultimately, to revolt

and to depose that government. So that's—as I understand it, that's now the right of revolution comes in to the stream of United States history.

Now, these colonials are citing as their authority British thinkers. They're citing John Locke, they're citing Sidney, they're citing other seventeenth-century Britishers who developed these ideas in relationship to the revolutions in England in the seventeenth century. But they are transformed, they come to the colonies. I want to do what may seem to you to be sort of traitorous here. I want to just sort of bypass the coming of the American Revolution, and just say that this thing increased in intensity in the 1760s and then in the 1770s with more and more people expressing the right of revolution when they expressed their opposition to Britain.

We come, finally, to 1776, to Thomas Jefferson, that passage that I read to you a moment ago, in the Declaration of Independence. My feeling is that by that time, the right of revolution had been expressed so frequently in the colonies that Jefferson was absolutely right in what he said about the Declaration. You remember that Jefferson, later on in the 1820s, shortly before his death, described his own writing of the Declaration of Independence. He said that his object, as he composed the Declaration, was not to find out new principles never before thought of, but to place before mankind the common sense of the subject. I think that's absolutely accurate with regard to the right of revolution, that by 1776, the right of revolution had been expressed enough, affirmed enough, so that Jefferson was simply expressing the common sense of the matter to the people who became patriots, at any rate, not clearly to those who became loyalists, but to those who became patriots, Jefferson was expressing the common sense of the matter.

Jefferson's Declaration, once the revolution was over, once the revolution was successful, and it's absolutely crucial about revolutions whether they succeed or fail, that is certainly a crucial thing about them. This one succeeded. Once it was over, Jefferson's Declaration acquired enormous prestige. And the concept of the right of revolution, it seems to me, acquired enormous prestige along with the Declaration of Independence. Over and over again, after 1783, you just find everyone, it seems to me, everyone expressing—"everyone" in quotation marks—everyone expressing the concept of the right of revolution. It becomes almost an act of patriotism to affirm the right of revolution. So we move now, then, into a second period, from the beginning of the eighteenth century on to the American Civil War.

Benjamin Franklin suggested that the phrase "right of revolution" be the motto on the great seal of the United States. It would have been a very interesting thing, had Franklin been the first President, I think, a very interesting thing indeed. You remember Franklin suggested as the national symbol, that it shouldn't be the eagle, but the turkey! The turkey should be the national symbol. Franklin had a lot of ingenious ideas of this sort, and if he had been the first President, I say I think things might have, from one standpoint, been more interesting in the 1790s than they were—with no disrespect to George Washington. But Franklin suggested that this be the motto on the great seal of the United States. It wasn't accepted, but Franklin suggested that.

When James Madison, in 1789, proposed a series of amendments to be added to the Constitution, which ultimately were added as the first ten amendments, he proposed as the very first of these an affirmation of the right of revolution. Madison was going to have it, apparently, as the first amendment added to the Constitution. In the revisions that took place, that was revised out, so it's not the first amendment to the Constitution, but I'm citing this to suggest the great prestige of this doctrine at that time. While Madison's language didn't get into the Constitution, there were at least nine new state constitutions adopted from the time of the American Revolution up to 1820, in which the right of revolution was affirmed in those state constitutions, written in to the constitutions as part of the Bill of Rights. And in some of those constitutions, that's still there, it's an interesting point, to have in a constitution, an affirmation of the right of revolution built right into a constitution. I've talked to professors of law about this. Some of them were surprised to find it was there—it's always a joy if you've found something that someone hasn't found—but they were all agreed that there had not been any Supreme Court cases involving this at all, and they were all agreed that if anyone tried to use this as a defense, what the court would say was that this was simply a rhetorical expression that didn't have precise legal meaning, and didn't have any statutory sanction either, and therefore it would not be decisive in a court case. So if you're planning a court case on that basis, the legal advice I have heard is *no*. This will not hold up in court.

Over and over, we have people in this period, down to the Civil War, expressing the right of revolution. I compiled a little list here, of how diverse a group of people you can find just at random expressing the right of revolution. New England Transcendentalist Henry Thoreau. It doesn't come as any surprise that Henry Thoreau expresses the right of revolution. White abolitionist Charles Sumner. Black abolitionist David Walker. OK, so far, I'd say this is not a surprise. But we also have the conservative and pro-business New England Whig, Daniel Webster. He expresses support for the right of revolution. Midwestern lawyer-politician Abraham Lincoln. Conservative Southern white John C. Calhoun. The individual who would have won, if there had been a *Time* magazine in the 19th century—and I won't speculate whether the 19th century was better or worse for not having a *Time* magazine—but if there had been a *Time* magazine, I'm sure they would have designated this man as “Mr. Common Man,” Ulysses S. Grant. He expressed support for the right of revolution.

So it seems to me you can go all across the political spectrum, people with the most diverse views, all at one time or another express the right of revolution. In fact, so widespread is the affirmation of the right of revolution in the 19th century down to the Civil War that I find it very difficult to find people who actually say in public speeches, “No, I don't believe in the right of revolution.” I found a few, but not many. One of them is Orestes Bronson. Orestes Bronson was an individual who went through a great many changes in his life, intellectual changes, religious changes, and so on. He did, at one point, in 1843, he described Jefferson's claim of the right of revolution in the Declaration of Independence as “an unfortunate [...]” that was added to the Declaration, and he said it was “unfortunate.” Bronson is one of the very small number of people I have found during this period who expressed any criticism of the right of revolution.

There's one generalization I make about this second period: a great, great many affirmations of the right of revolution. Now, let me turn away a moment from people's words to their actions. There's this folk saying in politics, as you know, if you want to know which way a politician is going, you watch his feet, not his mouth. I think it applies not just to politicians, but to all of us. If you want to know the way we're going, you watch our feet, not our mouths. And if you look at the way people were going during this period, after the American Revolution, after 1783, what I'm struck by is how they selectively decide which revolutions are good revolutions that can be justified with the right of revolution. It seems to me a selective application of the right of revolution. Let me show you a few examples of what I mean.

Jefferson, ten years after the Declaration of Independence in the 1780s, Jefferson is in France. He's in France in 1786 when armed bands in Massachusetts under the leadership of a man named Daniel Shay prevented the holding of courts for a time, and the collection of debts. Shay's Rebellion, as it was called, was very alarming to many persons who had participated in the American Revolution: to James Madison, to George Washington, to John Adams, this was an alarming trend. Those of you who have been watching the Adamses on television—everyone's on television now, including the Adamses—they showed it on television, I think it wasn't precisely accurate, but I'm not going back to check. They showed Daniel Shay's as being in London, and talking to John Adams, and either—I forget whether it's London or Paris—and talking to John Adams, and telling John Adams what he did. And John Adams was, of course, horrified at what Shay had done. I was not aware of that Shay had actually been there; maybe he had been. But Jefferson was abroad at the time, and Jefferson scoffed at the fears of Madison and these other people. Jefferson went on to elaborate on the ideas he had expressed in the Declaration of Independence. Jefferson, writing in 1787 from Paris, said, "I hold it that a little rebellion now and then is a good thing, and is as necessary in the political world as storms in the physical world." "God forbid,"—this is in a second letter, in 1787—"God forbid we should ever be twenty years without such a rebellion. The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." Well, clearly Jefferson is being consistent there with what he had said ten years before, even pushing the doctrine a little further.

Now, to me, it's tremendously interesting that almost precisely twenty years after Jefferson wrote those words, in 1806, it turned out that there was an individual who fomented what some people call "rebellion," what Jefferson himself called "rebellion." I am referring to Aaron Burr. What Aaron Burr really had in mind, it's hard to know. It was hard for people to know then and it seems to me it's very hard to determine since. Aaron Burr was the sort of person that it was very difficult to know what he had in mind. I suspect he had several things in mind depending on how they worked out. At any rate, Burr concocted one part of this scheme, was to gather some armed troops and to go down the Mississippi River, and this he did. Now, by then, Thomas Jefferson was President of the United States. Well, did Jefferson say to Aaron Burr, "Well, Aaron, I'm glad you showed up. It's been twenty years, and as I said twenty years ago, we need a little rebellion every twenty years. It's a good thing." Was that what Thomas Jefferson said to Aaron Burr? It was not! Thomas Jefferson prosecuted Aaron Burr for treason.

During the trial—I had the opportunity a couple of years ago to read through the trial records, a long, voluminous trial record—but I discovered in reading through the trial record that five people testified under oath during the trial that Burr had described what he proposed doing as a revolution. One person, one of the five, testified under oath that Burr had justified what he was doing on the grounds of the right of revolution. So here we have a case of Thomas Jefferson as President, prosecuting Aaron Burr for treason. If Jefferson had had his way, Burr would have been convicted. Burr, as you probably recall, was not convicted; the jury returned what in some quarters is called a “Scotch verdict”; they returned a verdict of “not proved to be guilty by any evidence submitted to us.” The jury, I think, thought Burr was guilty, but they said he was not proved to be guilty by any evidence submitted to us. But it wasn’t because of lack of diligence on Thomas Jefferson’s part that Burr wasn’t convicted. That’s what I mean by a selective application of the right of revolution; Jefferson didn’t apply it. My point is not to criticize Jefferson here. Personally, despite Gore Vidal and his novel, I think Aaron Burr was a dangerous person. It seems to me that the President of the United States was perfectly justified. That’s my own personal position, which you don’t have to accept at all. My point is not to criticize Jefferson for prosecuting Burr for treason. But it seems to me that Jefferson is being inconsistent. A man who one person swore under oath justified what he was doing by the right of revolution, and Jefferson, the author of the Declaration of Independence, prosecuting this man for treason. There are other examples about Jefferson. I won’t go into more examples, but there are others. The question of a slave uprising, 1800, a slave uprising in Virginia by a slave named Gabriel, who led a slave uprising in Virginia. Jefferson in his letters described this as an “insurrection” and “an attempt at insurrection” and used various other words of this sort. Jefferson clearly did not justify that in the slightest. He was very insistent that that insurrection of slaves be put down, and be put down immediately. So when I say there were other incidents in Jefferson’s life that show a selective application of the right of revolution, that’s what I have in mind.

Let me turn away from Jefferson. We can all say, of course, Jefferson was a person in political power. People in politics, people who achieve political power, clearly they are subjected to a whole series of influences, and it may be asking too much for a man who had achieved the presidency to act in the presidency just the way he stated 35 years before. I’m not saying that’s my view, but one could make that case. Let’s take a person who was not in politics; who scorned politics, who had an intense dislike of politics, thought politics was really evil: Henry Thoreau. Was Henry Thoreau... did he apply the right of revolution as selectively as Jefferson did? I think the answer is yes. Thoreau clearly, and concisely and eloquently, as Thoreau wrote, expressed the right of revolution in that volume published in 1849, which after Thoreau’s death was given the title *Civil Disobedience*, the title that we know it now. In that essay, *Civil Disobedience*, 1849, Thoreau said, “Everyone recognizes the right of revolution. That is, the right to refuse allegiance to, and to resist the government, when its tyranny or its inefficiency are great and unendurable.” Thoreau brushed aside, later on, in that essay, brushed aside—he said, all this talk about majority rule, he said “It bores me tremendously.” He says people should not wait until they are in the majority. People should not wait—let me quote Thoreau here, “until they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough that they have God on their side, without waiting for that other one.

Moreover, any man more right than his neighbors constitutes a majority of one already.” This is part of Thoreau’s thinking, that the individual acting on his own moral principles should not be concerned about what the majority thinks. The individual who is acting with God is already a majority, says Thoreau, the individual who is acting in the right is a majority.

Ten years after the publication of Thoreau’s essay, a man who was convinced that God was on his side did take action. I’m referring of course to John Brown. John Brown at Harper’s Ferry did take action; he was convinced that he was right, that God was on his side. He took action. Thoreau defended John Brown’s action, and it seemed to me he defended John Brown’s actions in words which would justify revolution and a revolutionist, and a right to use force in a good cause. Here’s what Thoreau said after John Brown’s death: “It was John Brown’s peculiar doctrine that a man has a perfect right to interfere by force with a slaveholder in order to rescue the slave. I agree with him. I think that for once, the sharps, rifles, and revolvers were employed in a righteous cause.” Thoreau there, it seems to me, is quite consistent with the Thoreau of *Civil Disobedience*.

Two years later, however, two years after 1859, 1861, you have a situation in which eleven states seceded, or as—I believe I am speaking in Lincoln Hall, is this right?—the way Lincoln always put it, “they *claimed* to have seceded.” Some of those individuals who seceded claimed the right of revolution to justify what they were doing. Most of them didn’t. Most of them claimed that what they were doing was Constitutional. But some of them claimed that the right of revolution justified what they were doing. Many of them cited the precedence of 1776 as precedence for what they were doing. Thoreau had no hesitation in rejecting those claims at all. Thoreau supported the attempt by force to suppress secession. Again, my purpose here is not to criticize Thoreau’s policy. I personally—again, if this be treason or not treason or whatever—I personally think Thoreau chose the better side. I think it was, myself, desirable to resist secession, for the federal government to resist secession. But what I don’t understand is, how does Thoreau justify, when you have some people claiming the right of revolution, how does Thoreau decide which revolution he is going to justify with the right of revolution and which he is not? Now, you may not think that’s inconsistent; to me, maybe “inconsistent” is too strong a word, but it seems to me what we need from Thoreau is some explanation. What does Thoreau mean? What is his test for saying that the right of revolution applies in some cases, but it doesn’t apply in other cases?

I think at that point, the point of the secession of the Southern states, I think we see a great change taking place now. At that point, we enter this third period. A great change is taking place, I think, which is that the Civil War seemed to many Northerners a phenomenon that they found very difficult to understand, the secession movement. Here’s one Northerner speaking in the winter of 1860-61. “We seemed to be on the eve of the oddest revolution that history has yet seen,” this Northerner writes, “a revolution for the greater security of injustice, and the firmer establishment of tyranny.” He said we seem to be on the eve of a *bad* revolution, and to him this was remarkable. Now, the reason it was remarkable is because Americans, ever since 1783, had pictured all revolutions as being like the American Revolution. All revolutions were revolutions to achieve freedom from kings and priests; all revolutions were revolutions

designed to secure greater political equality. And so I think one reason all these people supported the right of revolution, the people that I mentioned to you before—when the Hungarians would revolt, they'd all rush to issue statements supporting the Hungarians in 1848, or anybody else that revolted—is because they pictured revolutions automatically as being good. By definition, almost, revolutions were good, because they identified revolutions with the American Revolution.

But here, then, in 1861, you had what could be described as a revolution, the secession of the Southern states, but it seemed to most Northerners a bad revolution. And that's what was so puzzling to this Northerner, you see. The "oddest revolution," he says, that the world has ever seen. A *bad* revolution; a revolution to establish tyranny. Now, this marks a change. And with the American Civil War, we enter into a new period. Abraham Lincoln, if I may add a word about Abraham Lincoln, since we are in Lincoln Hall—I hadn't planned really to say much about Lincoln here, because I've already said in print what I have to say about Lincoln. But I picture Lincoln as showing precisely the same difficulties that Jefferson and Thoreau exhibited, with one difference. The one difference being that Lincoln tried to square his positions. Lincoln was like Jefferson and Thoreau in that he expressed support for the right of revolution in 1848, at the time of the Mexican War, a war which Lincoln, as a member of the Whig party, opposed. He expressed on the floor of Congress support for the right of revolution, referring to the Texans. That "everyone agrees that the Texans have a right of revolution; it's a universal right," says Lincoln, that everyone has. Now, when you get to 1861, Lincoln is in the position of Thoreau. He is now opposing what some individuals called a revolution, the secession movement, which some of them justified by the right of revolution.

Well, I take my hat off to Lincoln, because Lincoln attempted to reconcile these positions, unlike Jefferson, so far as I know. I've searched the Jefferson papers quite carefully; I may have missed something, but so far as I know Jefferson never reconciled, never explained how he could believe in revolution at one time and not believe in it another; how he could prosecute Aaron Burr, and so on. Lincoln did. To me, Lincoln is remarkable in several aspects, but he is remarkable in that respect. He recognized that he had been on record as supporting the right of revolution at one time, and that now he was opposing a movement that some people justified by revolution. In his message to Congress, July 4, 1861, Lincoln made this sort of statement: The right of revolution is never a legal right, said Lincoln. The very term implies the breaking, and not the abiding by, organic law. At most, it is but a moral right; it's not a legal right that can be supported in courts of law. It's a moral right when exercised for a morally justifiable cause. So even as a moral right, he says, it's conditional. He goes on to say, when exercised without such a cause, revolution is no right, but simply a wicked exercise of physical power. So what Lincoln is doing there, he's proclaiming both the right of revolution and also the right of counter-revolution. It all depends on the morality of the cause, says Lincoln. If it's a bad cause, if it's an immoral cause, then there is a moral right to put it down. And clearly that's what Lincoln thought was the case in 1861. Lincoln goes on to say that this action by the Union government is justified because these people are defying a Constitutional election. We had a Constitutional election, Lincoln says. "When ballots have freely and fairly decided, we must demonstrate that there can be no successful appeal back to bullets." Now what Lincoln is suggesting there is a

substitute for revolution. That when ballots freely and fairly have decided something, then there must be no successful appeal to bullets. What they cannot take by an election, says Lincoln, they cannot take by a war; we must demonstrate that if they can't win the election, they can't win a war. A war undertaken, from Lincoln's perspective, in spite of an election. So as I say, I don't know what you think about Lincoln's position there, but I take my hat off to Lincoln from the standpoint that he did try to reconcile all the positions that he had ever expressed up to that time. It seems to me that he came forth with a coherent theory, that may be very difficult to apply.

What Lincoln did, in effect, was to take away sort of the favored moral status that the right of revolution had in the minds of Jefferson and Thoreau. I think Lincoln, in a sort of pragmatic way, said a person who affirms the right of revolution, that doesn't mean he is automatically justified in anything he does. If he affirms the right of revolution in a bad cause, then, says Lincoln, there is a right to put him down. It doesn't carry any moral weight at all. Thoreau and Jefferson, so far as I know, never said that, although Jefferson himself did suggest, when he was President, alternatives to revolution, substitutes for revolution. Jefferson suggested just what Lincoln did, the ballot box, as a substitute for revolution.

What marks a change with the Civil War, and the reason we enter a period there, is that more and more, revolutions which occurred after the Civil War in various parts of the world seemed to Americans, the majority of Americans, bad revolutions. We start right out in 1870, 1871. You have the Paris Commune. You have a revolution in Paris the Commune set up. Unlike 1848, when Americans fell all over themselves praising the Hungarians and anyone else who revolted in 1848, now you find that in 1871, opinion in this country tends to be unsympathetic to the Paris Commune. Because more and more, revolutions now that happen in the world, to Americans are clearly not in the pattern of the American Revolution. *Now* they are not revolutions to extend political liberty, to extend the suffrage, to eliminate kings; now more and more revolutions are revolutions against parliamentary democracy. They are Marxist-style revolutions against parliamentary institutions and against capitalism. Those revolutions don't find favor with the majority of people in the United States. So the idea of the "bad" revolution, which was first faced at the time of the Civil War—faced by Northerners, not by Southern confederates, but faced by Northerners—that concept becomes the sort of dominating concept in the United States. That revolutions are bad, that revolutions are not in the pattern of the American Revolution, but they are bad.

Moreover, it becomes complicated also because you have in the 20th century, you have revolutions, what are called revolutions, that end up establishing totalitarian regimes. Mussolini maintains that what he is doing in Italy is revolutionary, and [...] praises what Mussolini is doing in Italy in the 1920s on the grounds that this is the wave of the future; this is real revolution. Moreover, Adolf Hitler in *Mein Kampf*, if you go back and look at *Mein Kampf*, Adolf Hitler expresses the right of revolution in *Mein Kampf*. This is quite a different thing when Adolf Hitler is expressing the right of revolution, than when Thomas Jefferson is expressing the right of revolution. It seems a different thing to a lot of people in the United States, and I must say I can understand why it does seem different to them.

So now we find fewer and fewer expressions of the right of revolution once you get past the Civil War. One historian, a distinguished historian, Noah Curti, has counted up... he found that every U.S. president from Washington through Grant publicly expressed support for the right of revolution at some stage or another while he was president; publicly expressed support for the right of revolution. But after Grant, no U.S. president publicly expressed support for the right of revolution while he was president. I think there is a lot more evidence, if there were more time, I would cite a lot more evidence of that sort. You just don't get a wide variety of people expressing support for the right of revolution after the American Civil War, at least I have not found it. Instead of state legislatures enacting the right of revolution into their Bills of Rights, what you get increasingly after the Civil War is state legislatures, especially in the 20th century, passing criminal syndicalism laws which prohibit revolution, which specifically make revolution a crime, and make urging revolution a crime. You have the Congress of the United States, also, beginning in the Civil War, passing laws against revolution. You get down to 1940, the Smith Act is passed, which makes it a crime to advocate revolution. The Supreme Court has interpreted that in a variety of ways, but the Smith Act as it was written in 1940 made it a crime to even stand up and advocate the right of revolution. So this seems to me is quite different from either of these first two periods that we were talking about.

In the 20th century, there have been on three occasions people affirming the right of revolution. One would be in the period right after the First World War, 1919, 1920, 1921. You had a lot of talk in this country as to "Was there a revolution coming, or not?" And you had a few people affirm the right of revolution. In the Depression, 1929 to 1933, and a few years after that, you had a good bit of talk about revolution; you had articles published in *Harper's* magazine, and various other magazines, "When is the American revolution coming?" You had a discussion, and you have some people affirm the right of revolution. Then, in our own day, in the late 1960s and early 1970s, you have talk of revolution again, and you have some people affirming the right of revolution again. Eldridge Cleaver; he's clearly part of that movement in the late 1960s. Mr. Justice Douglas; he identified himself with portions of that movement. So you have it again in the late 1960s and early 1970s.

It seems to me striking if you compare the affirmations of the right of revolution that we have after the Civil War. You don't have this broad spectrum of political figures. You don't have Thomas Jefferson, Alexander Hamilton, Benjamin Franklin, John C. Calhoun, Daniel Webster, people in all portions of the political spectrum. You don't have that at all. In the 20th century, affirmations of the right of revolution in the United States come primarily from people who are identified with small extremist groups, either of the right or of the left. It's not a broad spectrum of politicians. You don't have any politician in the center, that I have found in the 20th century, expressing support for the right of revolution. Revolution has come to mean something quite different in the 20th century than it meant back in the 19th or in the 18th.

I'd like to conclude these remarks by citing the case, to go back once again to Eldridge Cleaver. I don't know Eldridge Cleaver at all; I have no contact at all with Eldridge Cleaver, I'm not authorized to speak for Eldridge Cleaver, or against Eldridge Cleaver, or what ever. He just

seems to me striking—when Eldridge Cleaver returned to the United States last November—striking, the Eldridge Cleaver who in 1969 had published that bitterly worded, it seems to me, bitterly worded comment that I read to you before, affirming the right of revolution; well, the Eldridge Cleaver of 1975, November 1975, when he lands in New York he has a statement already for the press, and it's published in the *New York Times*. Let me just read you a few sentences from Eldridge Cleaver of November 1975. "Those of us—" the main theme of the fairly long article that the *New York Times* published by Cleaver was that the 1970s are not the 1960s. That we've now moved into a new age, and Cleaver is coming home to the United States, he pictured as being part of this readjustment which everyone should make. This is what he says. "Those of us who developed a psychology of opposition in the 1960s must take a pause, and sum up our experiences. We must recognize that in a sense we are playing in a brand new ballgame in the 1970s. With all its faults..." and let me, before I read this, say that this is Eldridge Cleaver, according to the *New York Times*, and who can distrust the *New York Times* on these matters? "With all its faults, the American political system is the freest and most democratic in the world. The system needs to be improved, with democracy spread to all areas of life, particularly the economic. All of these changes must be conducted, however, through our established institutions, and people with grievances must find political methods for obtaining redress."

Now that's Eldridge Cleaver as of November 1975. You might say, "Well, Cleaver had ulterior motives; he wants his jail sentence to be reduced, and he thinks words like that will get his jail sentence reduced." I don't know anything about Cleaver's motivations, but it seems to me what Cleaver is suggesting there is suggesting a substitute for revolution. He's suggesting that the political system, people must now use in the 1970s as a substitute for revolution. Cleaver is in some ways analogous to Thomas Jefferson and to these other individuals I've been talking about, who at one time affirmed the right of revolution, yet at other times suggest that there should be substitutes for revolution. And who at other times, as Cleaver in November of 1975, do not affirm the right of revolution. Cleaver, in a way, epitomizes the traditions of the United States with regard to the American Revolution. I don't know whether Cleaver would want to be compared with Thomas Jefferson, or whether Thomas Jefferson would want to be compared to Eldridge Cleaver, or whatever, but it seems to me that they epitomize something of the same thing. Actually, to use a phrase—this would be the most daring of all—could one dare to say, to use a phrase that was used in the late 1960s, that Eldridge Cleaver, without realizing it, was as American as apple pie! in the attitude he has taken so far with regard to the right of revolution.

Let me conclude by saying that my own view, then, is that the American traditions with regard to the right of revolution are complicated, and they are ambiguous. And I don't use the word "ambiguous" in a critical sense; I don't say that as a term of criticism, I just try to describe it. It seems to me it's very complicated, and there is some ambiguity in it. I'm struck by a phrase that the French traveler De Tocqueville used in describing the United States in the 1830s. One of his more striking phrases, it seems to me, describing the Americans. He says, "They love change." He is talking about how they love to change their place of residence, they love to change their spouses, they love to change all sorts of gadgets; they love all kinds of new things. "They love change," says Tocqueville, "but they hate revolution." I'd like to, with no disrespect to

Tocqueville, I'd like to amend that, enlarge that phrase for my own purposes, to something like this with regard to the right of revolution. They—that is, Americans—have at times loved to affirm the right of revolution, but in practice, they have usually found substitutes for revolution. And if I may add a personal note of my own, I think it's been our great good fortune that they have been able to find substitutes for revolution as frequently as they have. Thank you very much.

[applause]

[voice in background]

PRESSLY: ...My voice won't carry, but... you know why I am leery about the perils of public speaking! Speaking on a controversial subject like revolution, it's probably very good for me that Eldridge Cleaver was not here tonight! It would be interesting to know; I don't think Eldridge Cleaver, even now I think he wouldn't describe himself as "as American as apple pie."

[voice in background]

PRESSLY: That is, why couldn't he be tried under some other laws? [...] Jefferson, I think, by prosecuting him for treason, that was an indication of how dangerous Jefferson thought he was. I think Jefferson was saying, "This is the most dangerous person, and so that is the reason we charge him with treason." Now, there may very well have been other personal factors involved. Burr had been involved in duels, and Burr and Jefferson had been very sharp political rivals, and so on. I think some biographers of Jefferson, those that are unsympathetic to him, picture his motivation as being primarily political, that this was his chance to get back at Burr for the various difficulties that Burr and Jefferson had had. Burr, you see, was Jefferson's vice president, the first term that Jefferson was president. And Burr and Jefferson had had a variety of disagreements. But I would take it that prosecuting for treason meant the Jefferson thought that he was very dangerous, so you use the maximum thing that you can prosecute a person for in that circumstance.

[voice in background]

PRESSLY: ...To justify his own actions? [...] That's right. [...] I think you're very kindly not putting it as bluntly as you could. I think what you could say is that Jefferson was being inconsistent. Am I making the charge too strong to say it's inconsistent? This may be too strong a charge. I guess what I would like is for Jefferson to somewhere explain it to us, how he could be in favor of some revolutions, under some circumstances, and how, in a lot of other circumstances, he wasn't in favor of revolution. Now Jefferson may have had a very clear picture in his head, a very clear test by which he said "This is a 'good' revolution that justifies my support; this is a 'bad' revolution that doesn't." He may have had a very clear picture in his head, and I guess all I'm asking is I wish he had explained it to us. Lincoln did explain. Lincoln's test may not be the most precise test, but at least it's clear-cut. He says that in some cases there is a moral right to revolt; in other cases there is a moral right to put down a revolt. The issue is not which side of

the barricades you're on; the issue is, what's the morality of the substantive question involved, says Lincoln. Jefferson may have thought that, and it's always possible that he wrote it down somewhere that I haven't found. If I do, I'll have to go around apologizing to Thomas Jefferson forever for calling him inconsistent!

[voice in background]

PRESSLY: Yes, right. [...] It was a plot, uh-huh. [...] What's the old saying? If it's unsuccessful, it's an insurrection! If it's successful, it's a revolution. [...] Yes. [...] I suppose Cleaver could say that. Actually, Cleaver—for those of you who don't know about it, let me tell you of an article, a very long interview with Cleaver in a publication called *Rolling Stone*, back in September of 1975, the issue of September 11. It's a long, about a ten-page interview, when Cleaver had already apparently decided to come back to the United States, but before he came back, in which Cleaver traces out all that's happened to him since he had left the United States in either late 1968 or early 1969. It's a story of great disillusionment with one revolutionary regime after another. He's very bitter against Castro, and against the Cubans. The Cubans were racist, and more totalitarian than almost any society he had seen. Then he goes to China, after Cuba, and he says he was just establishing relations with a fellow there, just had his first day of talks with him, and the next day they didn't hold talks. It turned out that this guy was shaking hands with Nixon, who had just arrived in China. This was Nixon's first visit to China. Cleaver said that this was really a body blow. He said that if the Chinese revolutionists are going to be inviting Nixon to visit them, what kind of a revolution is this? Then he goes on to North Korea, and he is similarly disillusioned; and Algeria, he's disillusioned there. That *Rolling Stone* interview is a very powerful thing. At the end of that, you can imagine Cleaver making this sort of statement, that he had seen a great many revolutionary regimes, and to him they all seemed totalitarian, and that the United States, as he put it, "with all its faults," didn't seem to him totalitarian.

Now, I don't see that that would necessarily foreclose Cleaver from at some future date saying that things were bad here and that a revolution was justified. That was your question, right? Yeah. [voice responding in background] Justice [...] passed on the Smith Act at one level back in 1950, when the Smith Act was being tried. And he made a statement in his decision that went something like this. "Revolutions may be right, but the right of revolution is a contradiction in terms." Clearly [Hamm?] was speaking in the legal sense. In the legal sense, a government couldn't give anyone the legal right to overturn that government and put another government in its place.

I think the dominant view in this country since the adoption of the Constitution is that it provides a mechanism for peaceful change, for peaceful revolution. Now I'm not, myself, urging that or not urging it, but it seems to me that's been the dominant view. James Wilson actually said that back in 1787. Thomas Jefferson almost said that in his first inaugural, where he said that laws made by common consent must be obeyed by all. Jefferson's first inaugural is a very strong statement against revolution, opposing free elections, and so on. So I have a feeling that what has been the dominant view since the adoption of the Constitution was that the Constitution provided a peaceful way to effect change rather than a revolutionary way. For

people who are quite dissatisfied with the way the system works, that undoubtedly has not satisfied them.

[voice in background]

PRESSLY: Thank you.

[applause; program ends]