

THE GAG RULES DEBATE (1835–1840)

Infuriated by the anti-slavery petitions by groups like the American Anti-Slavery Society, pro-slavery members of the House of Representatives adopted rules prohibiting the House from officially receiving (and considering) any petition calling for the abolition of slavery. The rule, ultimately abandoned in 1840, prompted members including former President John Quincy Adams to accuse slavery advocates of violating the federal Bill of Rights and the First Amendment's declared right to petition government for redress of grievance.

The episode had the effect of making Northern Americans increasingly aware that slavery was no longer an issue confined to the South, but increasingly affected the rights of all citizens of the United States, rights enumerated in the federal Bill of Rights.

Excerpt

Pinckney was an advocate of slavery. The House resumed the consideration of the report of Mr. Pinckney, from the select committee on the subject of abolition. . . .

The preamble and third resolution were then read as follows:

And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquility to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

This resolution would prevent the discussion of any anti-slavery petitions in Congress. *Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.*

. . .

Mr. PHILLIPS then moved to lay the preamble and third resolution on the table.

The resolution survived. Mr. GRENNELL asked for the yeas and nays, which were ordered, and the motion to lay on the table was negatived—yeas 69, nays 118.

CONSTITUTION 101

Module 10: First Amendment: Speech, Press, Religion, Assembly, and Petition

10.5 Primary Source

The question recurring upon the adoption of the preamble and third resolution, the Clerk proceeded to call the roll.

John Quincy Adams opposed the resolution, arguing that it violated the First Amendment. When the name of Mr. Adams was called, that gentleman rose and said: I hold the resolution to be a direct violation of the Constitution of the United States, the rules of this House, and the rights of my constituents.

Members of Congress yelled at Adams. Mr. A. resumed his seat amid loud cries of “Order!” from all parts of the Hall.

Congress passed the Gag Rule resolution. The third resolution was then agreed to—yeas 117, nays 68.

***Bold sentences give the big idea of the excerpt and are not a part of the primary source.**