

Defining Democracy

William Smith at the 1850 Virginia Constitutional Convention

By Daniel Sunshine

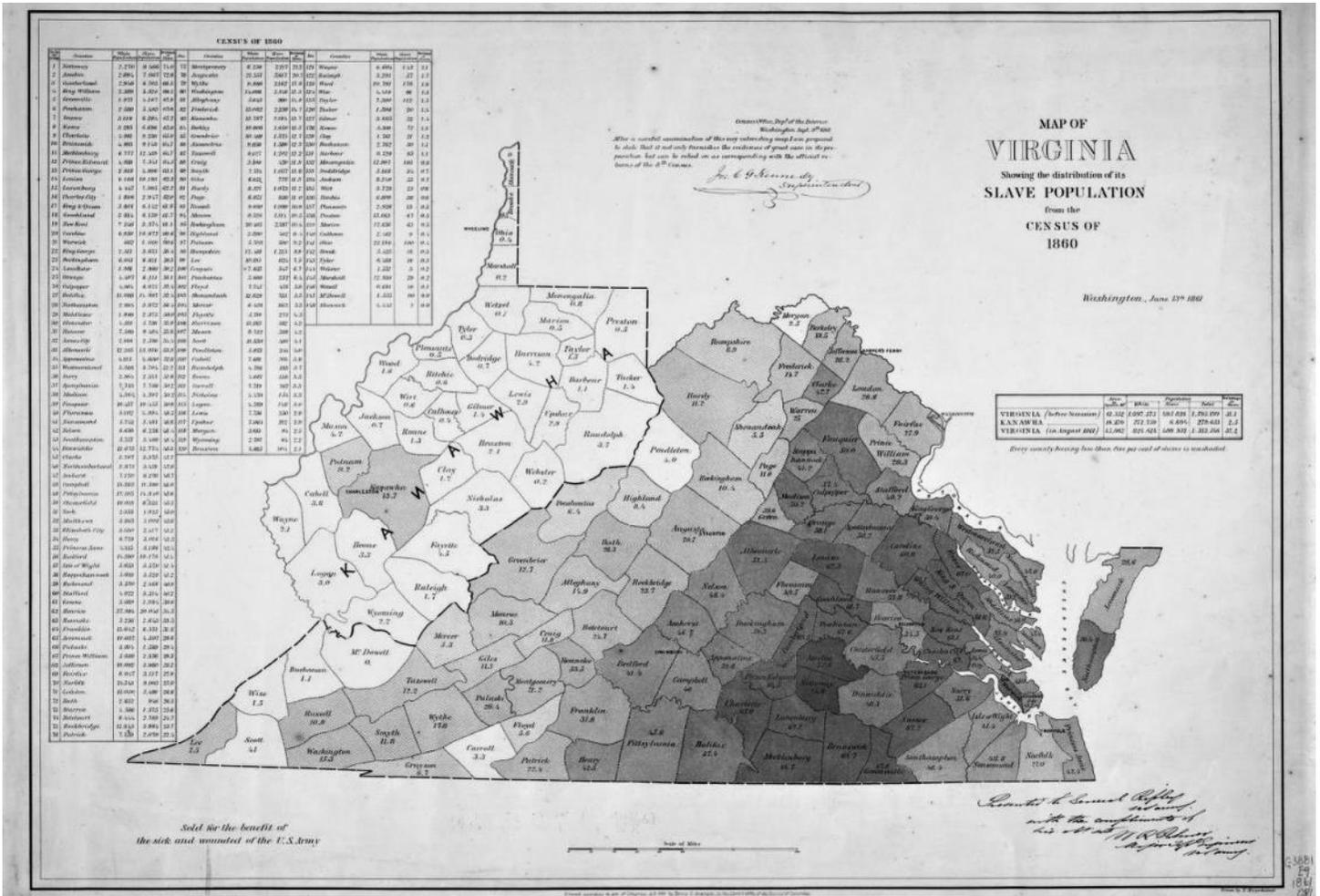


Figure 1. Map of Virginia showing the distribution of its slave population from the census of 1860.

American Democracy has always been a work in progress. There have always been reformers who believe that the promise of true democracy has gone unfulfilled. And there have always been those who believe that democracy has extended far enough. Most Americans would correctly identify this struggle with courageous

activists of the twentieth century: Black Civil Rights leaders dismantling Jim Crow, and suffragettes dismantling the vote as a male privilege. Fewer Americans realize that even the white, male democracy of 1900 was more expansive than the wealth-based democracy the nation was founded on. Antebellum Virginia, in particular, proved a contested space over the

meaning of democracy. Under the law, slaveholders enjoyed a more powerful vote than non-slaveholding men. Their human property gave them additional representation in the state legislature. Western Virginians, who collectively owned far fewer enslaved people than Eastern Virginians, believed this system violated their natural rights (Figure 1). This article examines this democratic struggle through eyes of William Smith, a reformer from Greenbrier County, at the 1850 Virginia Constitutional Convention.

William Smith was a politician of moderate success. He was born in Chesterfield, just outside of Richmond, sometime between 1785 and 1790. He attended the College of William and Mary, then the preeminent institution in the state. After graduating in 1807, he moved to Greenbrier County to open a legal practice. While his Eastern origins may seem unusual for a future Western politician, they were not. The region had recently been the frontier, and Smith was among the first wave of educated, well-off Western Virginians. He would, however, later use his Eastern origins to try to bridge the regional divide in the state's politics. During the War of 1812, Smith returned East to defend the port of Norfolk as an artillery captain. From 1821 to 1827, he served Western Virginia in the United States House of Representatives as a Democrat. He then returned to state politics,

working as an aide to Governor James McDowell in the 1840s and also as a member of the Virginia Senate.¹

Despite this distinguished record, Smith's life can be surprisingly opaque.² He was not a major figure among the Western reformers at the 1850 convention. He spoke infrequently on the convention floor. He received only cursory newspaper coverage for his participation—far less than old Western stalwarts like George W.

Summers or even rising stars like Waitman T. Willey. In fact, he delivered only one major speech at the convention. And yet, that one speech displayed his grasp of the issues in an eloquent summary of the Western argument for egalitarian reform in the legislature. There were other items on the Western reformers' agenda (like public education) but their first priority was known as the white basis: giving all white men equal representation in government.³

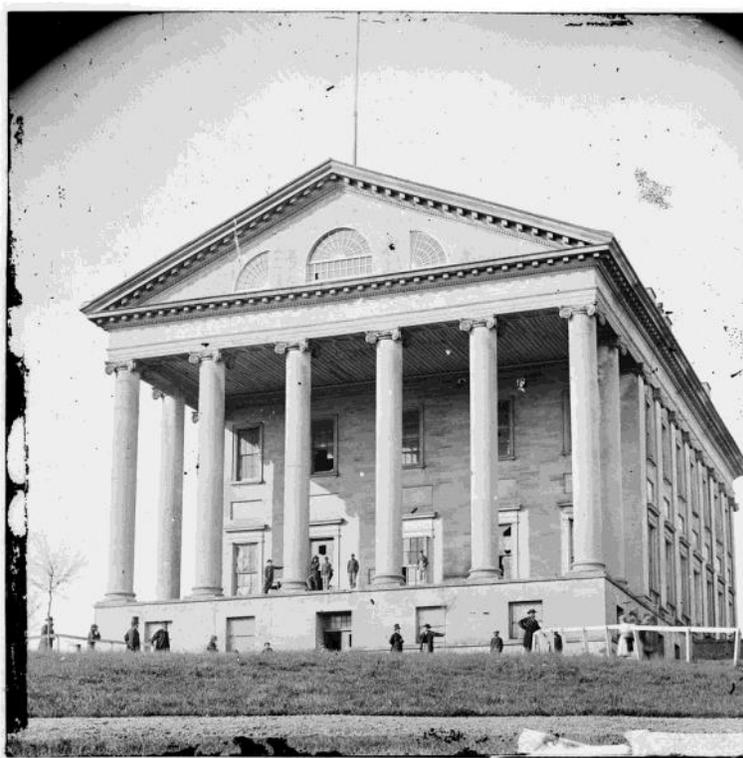


Figure 2. Richmond, Virginia, front view of capitol, 1865.

Naturally, the 1850 constitutional convention at the state capitol in Richmond was a key battleground in the struggle to define democracy (Figure 2). It was literally a forum to remold Virginia's government. The reformers were opposed by Eastern Virginia's slaveholding elite. Westerners derisively termed them the 'Richmond Junto,' both for their grasp on government and for way they relegated non-

slaveholders to the status of second-class citizen. Twenty years prior, at the 1830 constitutional convention, Eastern Virginia's political leadership flatly rejected the premise of universal white male equality. Even at that earlier date, many states had already swept away their property or wealth requirements to vote. With a few minor concessions, Eastern Virginia thwarted Western Virginia's bid to make all white men equal partners in government. The 1830 Virginia Constitution upheld senatorial apportionment based on the "federal numbers," a euphemism for the 3/5ths Compromise in the U.S. Constitution. This meant that slaveholders were rewarded with more representatives in the state legislature than non-slaveholders. Poor white men remained unable to vote. Virginia's rejection of the national egalitarian movement was already anomalous in 1830—but by 1850 its anti-democratic government was a dinosaur. Only North Carolina likewise continued to deny the vote to poorer white men, practicing with Virginia, an outdated form of limited democracy in which political power was tied to wealth. This is what Smith and other Western reformers sought to undo in 1850.⁴

The 1850 convention dragged on through the winter, with Eastern and Western delegates at loggerheads over the representation question. It was a Tuesday in mid-February, 1851 when William Smith rose to make his first and only major address. He cut to the heart of matter: He condemned the existing Virginia government as "plainly and obviously anti-republican" for the way it disadvantaged poorer white men. It violated "the great principle of political equality so essential to a representative republican government; that it is aristocratic in all its features." In other words, Smith argued that the defining feature of American democracy was that there were no legal distinctions between citizens. Some citizens would be rich, and some would be poor, but if the law granted a class of citizens more power than others, then the

promise of the American Revolution was unfulfilled.⁵

Virginia did not, strictly speaking, possess a hereditary aristocracy, but it did possess a legally privileged class of slaveholders with extra voting power. Enslaved people had enslaved children, so the children of wealthy planters inherited a massive, self-replenishing source of capital and labor. Western delegates did not mind the wealth gap, but they did mind that it was constitutionally tied to political power: owning enslaved people did not make a citizen wiser or more honest. As Smith put it: "Rejecting the white population or the qualified voters, as the only true and legitimate basis of representation, it not only gives to eastern Virginia a present unjust majority, but the power of perpetual control." This is Smith's key argument. White men in Eastern Virginia already outnumbered white men in Western Virginia: that was a *just* majority. But Eastern Virginia had an "unjust majority" because it used the enslaved human property as a shield against losing that majority.

Smith tried to use his Eastern heritage to paint himself as an impartial observer, a champion of fair government rather than an enemy of Eastern interests. He reminded his opponents that he was "an eastern Virginian, born and raised almost within cannon-shot of this very building; educated in part in this very city [of Richmond]." He had no desire to see Eastern Virginia reduced. Yet he could not ignore "the sovereignty of the people...commended to our acceptance by the treasure expended, the blood shed, and the sufferings endured by the American Revolution." He called on Eastern Virginia's leadership to put the higher principles of democracy above their self-interest.⁶

Smith ruffled Eastern feathers with these comments. Richard L.T. Beale, a prominent Eastern delegate, particularly took issue with Smith (Figure 3). He retorted: "I regretted the

next remark which fell from my friend from Greenbrier. He informed us, and informed us seemingly, with the view to give his opinions more weight with the Eastern delegation, that he was born within cannon shot of this, our assembly hall." In Beale's eyes, Smith's Eastern origins did not make him

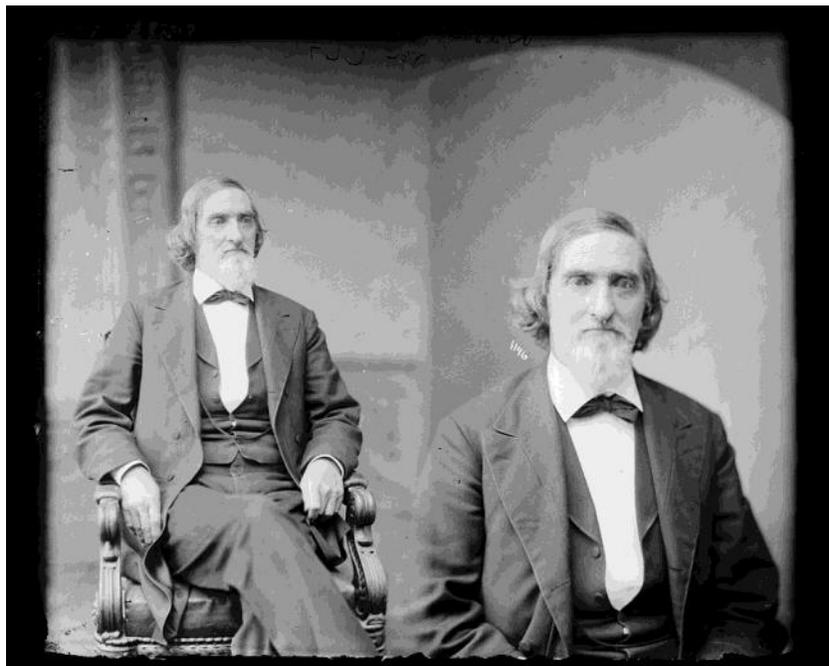


Figure 3. Hon. Richard Lee Beale, Rep. of Virginia, General in C.S.A. c. 1865-1880.

seem more credible, but rather more treacherous. Beale continued his attack: Smith's "boyhood had been spent in and about the temple of rights...He had gone from us...and he comes back, in the strength of his manhood to, lead their embattled cohorts in the onset, with torch in hand already lighted, to consume this temple of his fathers." In the view of Eastern delegates like Beale, sharing power equally between all white men was simply too dangerous. Instead, they argued that the responsibility of governing needed to be placed safely in the hands of 'respectable' citizens with wealth in enslaved property.⁷

Beale's charges of betrayal seem overdrawn. Smith had made it perfectly clear in his speech that he was no abolitionist: he only wanted slaveholders and non-slaveholders to enjoy equal voting power. The last thing he wanted was to disturb the racial order. For example, Smith had clarified that power shared by "the people," meant "free white men, not of freemen with black and yellow skins—a society of rational, responsible men...excluding women and infants and all other disabled persons." Without irony,

he considered *their* exclusion from power natural. The exclusion of poor white men, however, he considered unnatural. Such comments did nothing to reassure intensely pro-slavery men like Beale. In fact, Smith explicitly reaffirmed his commitment to slavery's long-term success in the

speech: "Should the dark cloud of northern fanaticism, which has so long hung over the south, in an increased and increasing blackness, ever break in its fury upon southern rights, in that same hour, will the brave and gallant spirits of the west, be found side by side with their eastern brethren." Smith could not have been clearer. His constituents in Greenbrier County would fight to defend slavery, but neither would they consent to limited citizenship simply because they did not own many enslaved people.⁸

How did a debate about white male political equality become mapped onto Virginia's regional politics of East vs. West? Why did Beale consider Smith such a dangerous traitor? Simple demographics reveal a great deal about Virginia's sectional conflict. Take William Smith's home of Greenbrier County: According to the 1850 census, Greenbrier was home to just over 10,000 people. Eighty-five percent of them were white. Thirteen percent of them were enslaved, 1,317 people who existed as property. Finally, there were 156 free people of color,

living precariously in the margins of a society built to enslave them.⁹

Now, compare Greenbrier County to Fauquier County, typical of Eastern Virginia's Piedmont region. The two counties were similarly matched with roughly 9,000 white people each. The two counties should have enjoyed similar representation in the Virginia legislature. And yet, they did not—because there were also over 10,000 enslaved people in Fauquier. White people were in the minority of Fauquier County. Therefore, in determining senatorial representation it was as if Fauquier had about 6,000 more white voters than it actually did (10,000 enslaved people multiplied by 3/5). Moreover, Greenbrier was actually one of the most enslaved Western counties, and Fauquier was less enslaved than many of the Piedmont and Tidewater counties, some of which were over 70% enslaved. So, the general discrepancy between East and West was even more profound than the specific example of Greenbrier and Fauquier. Virginia (Eastern) would remain the state with the most enslaved people through the passage of the 13th Amendment—even as they sold vast numbers of people to fuel the Deep South's cotton boom. Western Virginia's more rugged counties were not ecologically suited to plantation agriculture. In the Northwestern portion of the state, local economies were more tied to commerce and manufacturing along the Ohio River or the B&O railroad. These industries also did not rely directly on enslaved labor. In these Northwestern counties—say Ohio County, or Monongalia—the enslaved population was truly small (0.05% to 5%).¹⁰

These demographics help inform what William Smith and his fellow Western reformers sought at the 1850 Virginia Constitutional Convention. Neither the Eastern elite nor the Western reformers had any desire to dismantle the institution of slavery. So, why did Eastern

delegates hold such hostility for people like Smith? After all, he only wanted to remove the political advantages to owning enslaved people. He was concerned with white equality. Yet in many counties across Eastern Virginia, white people were a minority in their own communities. They were an empowered minority, however, running a society whose economy and social structure depended on the exploitation of enslaved labor. Nat Turner's thwarted enslaved rebellion loomed large in the recent memory of the Eastern elite. Although the Eastern political class debated slavery reform in the wake of the rebellion, they ultimately decided the opposite: that slavery was a total institution that could only be safely maintained if white society stood in lockstep. *This* is why Western politicians who sought to reduce slaveholders' constitutional privileges were imagined to be such a threat. It did not matter that many Western elites owned slaves or professed devotion to the institution. Westerners came from a largely white society, and thus Eastern slaveholders would never trust them fully with the life-or-death task of maintaining racial supremacy.¹¹

Smith and the reformers achieved some success with the new 1850 constitution. It was inarguably more egalitarian than the previous Virginia government, though some anti-democratic features remained. The two most notable achievements came in apportioning the Virginia House of Delegates along the white population, and in allowing for universal white manhood suffrage. Reformers also won direct election of the Governor and judges by the people (rather than by the legislature). In contrast, the Virginia Senate continued to reward the Eastern elite with additional representation because they owned large numbers of enslaved people. The Eastern convention delegates also managed to dramatically lower taxes on enslaved people, effectively allowing the wealthiest people in the state to pay taxes on only a small portion of their

net worth. Virginia’s government had moved away from wealth-based democracy, but not entirely. Smith had argued that “the constitution degrades the western white man when it treats him as politically unequal to his fellow on this side of the ridge, and he who supposes the western people will lie down tamely and quietly under the degradation, has wofully (sic) mistaken their character.” Smith had been talking about the 1830 constitution, but his words proved prescient for the continued undemocratic elements of the 1850 constitution. In just ten years, Virginians would meet for another convention—this time, the secession convention to determine whether or not the

state would join the Confederacy. More than anything else, this is why Western Virginians rejected the Confederacy and created their own, loyal state. A significant minority of Westerners would embrace the Confederacy, but the founders of West Virginia drew their popular support for the new state from Westerners who thought Eastern slaveholders had continually denied them full political equality. They would not follow Eastern Virginia into a new nation that idolized powerful slaveholding interests, fearing that they would again become second-class citizens.¹²



About the Author

Daniel Sunshine is a Ph.D. candidate at the University of Virginia completing a dissertation on West Virginia statehood.

Notes

1. David Lloyd Pulliam; *The Constitutional Conventions of Virginia from the Foundation of the Commonwealth to the Present Time* (Richmond, Virginia: J.T. West, 1901), 112.
2. This article was researched and written during the COVID-19 pandemic. Historical archives remain closed. I have made every effort to research William Smith via secondary sources and primary sources available online.
3. *Richmond Enquirer*, August 30, 1850, September 13, 1850, October 8, 1850, October 15, 1850; October 18, 1850; William G. Bishop, *Register of the Debates and Proceedings of the Va. Reform Convention* (Richmond, VA: Richmond Republican, 1851), 287-93.
4. Christopher M. Curtis, “Reconsidering Suffrage Reform in the 1829-1830 Virginia Constitutional Convention,” *Journal of Southern History*, Vol. 74, No. 1 (February 2008), 89-124; Brent Tarter, *The Grandees of Government: The Persistence of Anti-Democratic Politics in Virginia* (Charlottesville: University of Virginia Press, 2013) 179-88; William G. Shade, *Democratizing the Old Dominion: Virginia and the Second Party System, 1824-1861* (Charlottesville: University of Virginia Press, 1996), 48-9.
5. Bishop, *Proceedings of the Va. Reform Convention*, 287-93.
6. Bishop, *Proceedings of the Va. Reform Convention*, 287-93.
7. Pulliam, *Constitutional Conventions of Virginia*, 101; Bishop, *Proceedings of the Va. Reform Convention*, 312.
8. Bishop, *Proceedings of the Va. Reform Convention*, 287-93; William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2005), 13-20.
9. *The Seventh Census of the United States: 1850* (Washington, D.C.: Robert Armstrong, 1853), 241-96.
10. *The Seventh Census of the United States*, 241-96.
11. Tarter, *Grandees of Government*, 150-61; Shade, *Democratizing the Old Dominion*, 194-211.
12. Link, *Roots of Secession*, 20-27; Bishop, *Proceedings of the Va. Reform Convention*, 289-90.

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