

The First National Debate over Slavery

The Constitutional Convention

Slavery was not a major topic of discussion at the Philadelphia convention, but it surfaced a number of times, notably in the important debate over representation (which produced the three-fifths clause). A discussion of the Atlantic slave trade began when Luther Martin, a delegate from Maryland, proposed a clause allowing Congress to impose a tax on or prohibit the importation of slaves.

Mr. Martin proposed to vary article 7, sect. 4 so as to allow a prohibition or tax on the importation of slaves. . . . [He believed] it was inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature [promoting the slave trade] in the Constitution.

Mr. [John] Rutledge [of South Carolina declared that] religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is whether the Southern states shall or shall not be parties to the Union. . . .

Mr. [Oliver] Ellsworth [of Connecticut] was for leaving the clause as it stands. Let every state import what it pleases. The morality or wisdom of slavery are considerations belonging to the states themselves. . . . The old Confederation had not meddled with this point, and he did not see any greater necessity for bringing it within the policy of the new one.

Mr. [Charles C.] Pinckney [said] South Carolina can never receive the plan [for a new constitution] if it prohibits the slave trade. In every proposed extension of the powers of Congress, that state has expressly and watchfully excepted that of meddling with the importation of Negroes. . . .

Mr. [Roger] Sherman [of Connecticut] was for leaving the clause as it stands. He disapproved of the slave trade; yet, as the states were now possessed of the right

In this part of the text, we trace the impact of republican ideology on American politics and society. What happened when republicanism collided head-on with the well-established practice of slavery? After the Revolution, the Massachusetts courts abolished slavery, but in 1787, slavery was legal in the rest of the Union and was the bedrock of social order and agricultural production in the southern states. A look at the debates on the issue of the African slave trade at the Philadelphia convention and in a state ratifying convention shows that slavery was an extremely divisive issue at the birth of the nation—a dark cloud threatening the bright future of the young republic.

to import slaves, . . . and as it was expedient to have as few objections as possible to the proposed scheme of government, he thought it best to leave the matter as we find it.

Col. [George] Mason [of Virginia stated that] this infernal trade originated in the avarice of British merchants. The British government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing states alone, but the whole Union. . . . Maryland and Virginia, he said, had already prohibited the importation of slaves expressly. North Carolina had done the same in substance. All this would be in vain if South Carolina and Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands, and will fill that country with slaves, if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. . . .

Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. . . . He held it essential, in every point of view, that the general government should have power to prevent the increase of slavery.

Mr. Ellsworth, as he had never owned a slave, could not judge of the effects of slavery on character. He said, however, that if it was to be considered in a moral light, we ought to go further, and free those already in the country. . . . Let us not intermeddle. As population increases, poor laborers will be so plenty as to render slaves useless. Slavery, in time, will not be a speck in our country. . . .

Gen. [Charles C.] Pinckney [argued that] South Carolina and Georgia cannot do without slaves. As to

Virginia, she will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal to require South Carolina and Georgia to confederate on such unequal terms. . . . He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; the more consumption also; and the more of this, the more revenue for the common treasury. . . . [He] should consider a rejection of the [present] clause as an exclusion of South Carolina from the Union.

Source: Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1911), 2: 364–365, 369–372.

The Massachusetts Ratifying Convention

In Philadelphia, the delegates agreed on a compromise: they gave Congress the power to tax or prohibit slave imports, as Luther Martin had proposed, but withheld that power for twenty years. In the Massachusetts convention, the delegates split on this issue and on many others. They ratified the Constitution by a narrow margin, 187 to 168.

Mr. Neal (from Kittery) [an Antifederalist] went over the ground of objection to . . . the idea that slave trade was allowed to be continued for 20 years. His profession, he said, obliged him to bear witness against any thing that should favor the making merchandize of the bodies of men, and unless his objection was removed, he could not put his hand to the constitution. Other gentlemen said, in addition to this idea, that there was not even a proposition that the negroes ever shall be free: and Gen. Thompson exclaimed — “Mr. President, shall it be said, that after we have established our own independence and freedom, we make slaves of others? Oh! Washington . . . he has immortalized himself! but he holds those in slavery who have a good right to be free as he is. . . .”

On the other side, gentlemen said, that the step taken in this article, towards the abolition of slavery, was one of the beauties of the constitution. They observed, that in the confederation there was no provision whatever for its ever being abolished; but this constitution provides, that Congress may after twenty years, totally annihilate the slave trade. . . .

Mr. Heath (Federalist): . . . I apprehend that it is not in our power to do any thing for or against those who are in slavery in the southern states. No gentleman within these walls detests every idea of slavery more than I do: it is generally detested by the people of this commonwealth, and I ardently hope that the time will soon come, when our brethren in the southern states will view it as we do, and put a stop to it; but to this we have no right to compel them.

Two questions naturally arise: if we ratify the Constitution, shall we do any thing by our act to hold the blacks in slavery or shall we become the partakers of other men's sins? I think neither of them: each state is sovereign and independent to a certain degree, and they have a right, and will regulate their own internal affairs, as to themselves appears proper. . . . We are not in this case partakers of other men's sins. . . .

The federal convention went as far as they could; the migration or immigration &c. is confined to the states, now existing only, new states cannot claim it. Congress, by their ordinance for erecting new states, some time since, declared that there shall be no slavery in them. But whether those in slavery in the southern states, will be emancipated after the year 1808, I do not pretend to determine: I rather doubt it.

Source: Jonathan Elliot, ed., *The Debates on the Adoption of the Federal Constitution* (Philadelphia: J. B. Lippincott, 1836), 1: 103–105, 107, 112, 117.

QUESTIONS FOR ANALYSIS

1. At the Constitutional Convention in Philadelphia, what were the main arguments for and against federal restrictions on the Atlantic slave trade? How do you explain the position taken by the Connecticut delegates in Philadelphia and Mr. Heath in the Massachusetts debate?
2. What argument does George Mason, a Virginia slave owner, make in favor of prohibiting the Atlantic slave trade?
3. What evidence of regional tensions appears in the documents? Several men from different states—Mason from Virginia, Ellsworth from Connecticut, and Heath from Massachusetts—offered predictions about the future of slavery. How accurate were they?