

Chapter 11

Slavery and the Slave Trade

No issue has so divided Americans as slavery. It was entirely predictable that the question would be raised during the Convention, as it had been raised eleven years before in the Continental Congress when Thomas Jefferson had included a condemnation of the slave trade in the accusations against King George listed in the Declaration of Independence. Other Southern planters, however, objected to this insult to their “peculiar institution” and forced Jefferson to strike out the offending clauses.



George Washington with some of his slaves

A similar debate on slavery occurred during the Constitutional Convention. At that time there were over 600,000 slaves in the United States, about 20% of the entire population. Four states, Virginia, North and South Carolina, and Maryland, harbored more than 100,000 slaves; and two, Virginia and Maryland, had banned further importation partially because the natural increase in slave population was sufficient to meet the demand for slaves. South Carolina and Georgia still brought slaves in great numbers from Africa in order to meet the demand in the western part of the state. The slave death rate in the sickly rice swamps was high and replacing the dead with cheap imports was profitable.

The issue in 1787 did not center solely on slavery; it also involved union. Many southern delegates declared themselves prepared to oppose the new constitution if it banned either the slave trade or slavery. Other southerners (most notably the Virginia delegation) expressed anti-slave views and did not object to abolishing the slave trade. Their state legislature had already taken this step. What follows is a reconstruction of speeches on this topic given at the Constitutional Convention:

The Debate

Mr. Martin of Maryland: *Slaves (through the danger of insurrection) weaken one part of the Union, which the other parts are pledged to protect. The privilege of importing slaves is therefore unreasonable. Furthermore, it is inconsistent with the principles of the American Revolution and dishonorable to the American character to continue the slave trade. I say abolish it.*

Mr. Rutledge of South Carolina: *I, for one, am not afraid of slave rebellions, and would gladly exempt the other states from the obligation to protect the South against them. Religion and humanity have nothing to do with the question of importing slaves. 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. If the northern states consult their interest, they will not oppose the increase of slaves, which will increase the number of goods that they will ship.*

Mr. King of Massachusetts: *The continued admission of slaves is a most grating circumstance to my mind and to most of the people in America. One part of the Union is pledged to protect another. Why should the North agree to protect the South when it is free to increase the danger by continuing importation of slaves?*

Mr. Ellsworth of Connecticut: *Let every state import what it pleases. The morality and wisdom of slavery are considerations belonging to the states themselves. What enriches one part of the Union enriches the whole, and the states are the best judges of their particular interest. The old government under the Articles of Confederation has not meddled with this point, and I see no great necessity for us to start meddling today.*

General Pinckney of South Carolina: *South Carolina can never join the Union if it prohibits the slave trade; in every proposed extension of the powers of Congress, that state has expressly and watchfully excluded the meddling with the importation of Negroes. If the states all be left alone on the question of prohibiting the importation of slaves, South Carolina may perhaps by degrees herself do what Virginia and Maryland have already done. But South Carolina will never consent to being forced to stop importing slaves.*

Mr. Mason of Virginia: *This immoral traffic in slaves started in the greed of British merchants. The British government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the slave-importing states alone, but the whole Union. Maryland and Virginia have already banned the importation of slaves outrightly, and North Carolina has all but done the same. All this would be in vain if South Carolina and Georgia were at liberty to import slaves. The western people are already calling out for slaves for their new land and will fill that country with slaves if they can get them through South Carolina and Georgia.*

Slavery discourages arts and manufacturers. The poor hate labor when performed by slaves. Slaves prevent the immigration of whites who really enrich and strengthen a country. They produce the most terrible effect on morals. Every master of slaves is born a petty tyrant. Slaves 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, fate punishes national sins by national disasters.

I sorrow that some of our New England brothers had, from a lust for gain, started this evil traffic. I hold it essential in every point of view, that the general government should have power to prevent the increase of slavery.

Mr. Ellsworth of Connecticut: *I, unlike Colonel Mason [who has three hundred], have never owned a slave and cannot be a judge of the effects of slavery on character. If [slavery] were to be considered in a moral light, we ought to go further and free those already in the country. Slaves multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps, foreign supplies are necessary. Let us not be unjust towards South Carolina and Georgia. Let us not meddle. As population increases, poor laborers will be so plentiful as to make slaves useless. Slavery, in time, will not be a speck in our country.*

General Pinckney of South Carolina: *It is my firm opinion that my and my colleagues' personal influence could not get the constitution ratified if it contained a clause prohibiting the slave trade. You have your choice. You can abolish the slave trade and lose South Carolina, Georgia, and I don't know how many other southern states, or you can remain silent on the subject and keep these states in the Union.*

South Carolina and Georgia cannot do without new slaves. As to Virginia, she will gain by stopping the importations. Her slaves will rise in value and she already has more than she wants. It would be unfair to require South Carolina and Georgia to join the Union on such unequal terms.

The importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ merchants and seamen, the more consumption also, and the more revenue for the common treasury.

Mr. Sherman of Connecticut: *I cannot say that I agree with the slave trade. I thoroughly disapprove of it. But we must remember we are writing a constitution of which the states must approve. The slave trade is now permitted to the states. The public good does not require that we take this right away from the states. So, it is best that we leave this matter as we found it.*

The abolition of slavery is proceeding in several of the states. Let us leave this matter in the good sense of the several states who will undoubtedly proceed with abolition on their own.

Mr. Dickinson of Delaware: *It is inadmissible on every principle of honor and safety that the importation of slaves should be authorized to the states by the constitution. The true question is whether the national happiness would be promoted or hurt by the importation of slaves and this question must be decided by the national government, and not by the states particularly interested in slavery. England and France permit slavery, but exclude the importation of slaves from their kingdoms. History teaches us that Greece and Rome were made unhappy by their slaves. I cannot believe that southern states will refuse a constitution that prohibits their importation of slaves.*

Mr. Williamson of North Carolina: *We in North Carolina do not directly prohibit importation of slaves. But we tax such importation. You should realize this is a matter for southern states to work out for themselves. The southern states will not join the Union if you prohibit the slave trade. It is wrong to force anything down the throats of the states.⁸*

Three important positions considered at the Convention include:

The migration or importation of slaves should hereby be prohibited, and slaves born after the adoption of the Constitution will be freed on their twenty-fifth birthday.

(Dickinson, Franklin, Gerry, King, Martin, Mason, and Randolph might have supported this position.)

Congress should not prohibit the migration or importation of slaves before 1808, and escaped slaves must be returned to their masters.

(Ellsworth, Gorham, Pierce, Rutledge, Pinckney, Williamson, might have supported this position.)

The migration or importation of slaves should not be prohibited before 1808.

(Brearly, Hamilton, Lansing, Madison, Morris, Read, Washington, and Wilson could support this position.)

⁸ Max Farrand, ed., *The Records of the Federal Convention* (New Haven, Connecticut, 1937) Speeches have been freely adopted from this source

Suggested Student Exercises:

1. Restate the issue before the convention, using your own words.
2. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a.) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.
3. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-150-word statement giving several strong arguments supporting his case. You should use arguments that delegates with similar views made in their speeches, you should make references to things that have been discussed in class before; or
4. If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. You should borrow arguments from other delegates and make reference to things discussed in class. Give the kind of speech you'd enjoy hearing. Practice the speech at home; or
5. If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.