

## Chapter 3

### The Tallmadge Amendment

*In dark Missouri now, with hideous yell, Fierce SLAVERY talks and slips the dogs of hell  
Hear ye SENATES! Hear this truth sublime, HE WHO ALLOWS OPPRESSION SHARES  
THE CRIMES*<sup>10</sup>

*Boston Columbian Centennial, August 26, 1820*

*A prohibition of the importation of slaves would prevent the immigration of the Southern people to the State of Missouri. Would it be just to adopt such a regulation as would open a tract of the most fertile land to the Northern part of the United States, and, in effect, shut out the whole Southern people?*<sup>11</sup>

*Representative P.P. Barbour of Virginia*

**W**hen Missouri applied for admission to the Union as a state whose Constitution favored slavery, Representative James Tallmadge of New York proposed an amendment to the bill. The Tallmadge Amendment prevented any further importation of slaves into Missouri and provided for the emancipation of the children of slaves already in Missouri.

This attempt to limit the extension of slavery caused protests such as that expressed by Representative Barbour above. A Georgia senator warned:

*I perceive a brother's sword crimsoned with a brother's blood if Congress persist  
in the determination to impose the restriction contemplated.*<sup>12</sup>

In the North the issue was moral as well as political:

*On the whole I feel much concern for the issue, which, if decided against us, settles forever the  
Dominion of the Union. Not only the Presidency, but the Supreme Judiciary will forever hereafter*

<sup>10</sup>Quoted in Glover Moore, *The Missouri Conroversy*, (Glover, MA, Peter Smith), p. 288.

<sup>11</sup> Quoted in Richard H. Brown, *The Missouri Compromise* (Boston: D.C. Heath and Co., 1964), p. 19.

<sup>12</sup> Quoted in *ibid.*, p. 26.

# Digital History

www.digitalhistory.uh.edu

*come from the slave regions and the decision of Missouri, will also determine whether the Citizens of the free States are to hold even their actual political Rights, or to be hereafter debarred of some of the most important of them.*<sup>13</sup>

## Background to the Missouri Issue

The question of which section, North or South, would control the Union was older than the Constitution itself. As early as 1754, the New England states opposed the Albany Plan of Union because they feared it would lead to domination by Southerners. During the Constitutional Convention delegates from the North and South argued heatedly over counting slaves for the purpose of apportioning representatives and taxes. Slavery was banned from the Northwest territory (between the Ohio and Mississippi Rivers) in 1787. Later, by general agreement, slave and free states were admitted into the Union in pairs to preserve the balance between free and slave states. Thus, Vermont and Kentucky, Tennessee and Ohio, Louisiana and Indiana, Mississippi and Illinois entered in that manner. With the admission of Alabama in 1819 there were eleven free and eleven slave states. During those years, Congress heatedly debated the tariff and internal improvement issue which had become clearly sectional questions. Meanwhile the Supreme Court, in the famous *McCulloch v. Maryland* decision had declared the Second U.S. Bank constitutional. All the while the population of the North was growing faster than the population of the South. Reflecting this uneven growth, the House of Representatives contained 105 representatives from free states and only 81 from slave states by 1819. It had become apparent to Southerners that they must have as many slave states as there were free states in order to control the Senate and block legislation unfavorable to their section.

When Missouri applied for admission, approximately one-third of its 66,000 inhabitants were slaves. It seemed for a brief moment that there would be no problems with her request for statehood. The enabling act to make Missouri a state, was reviewed in 14 routine fashion by the Congressional Committee on Territories. But when the bill was before the House itself, in February 1819, Representative Tallmadge proposed his famous amendment, that:

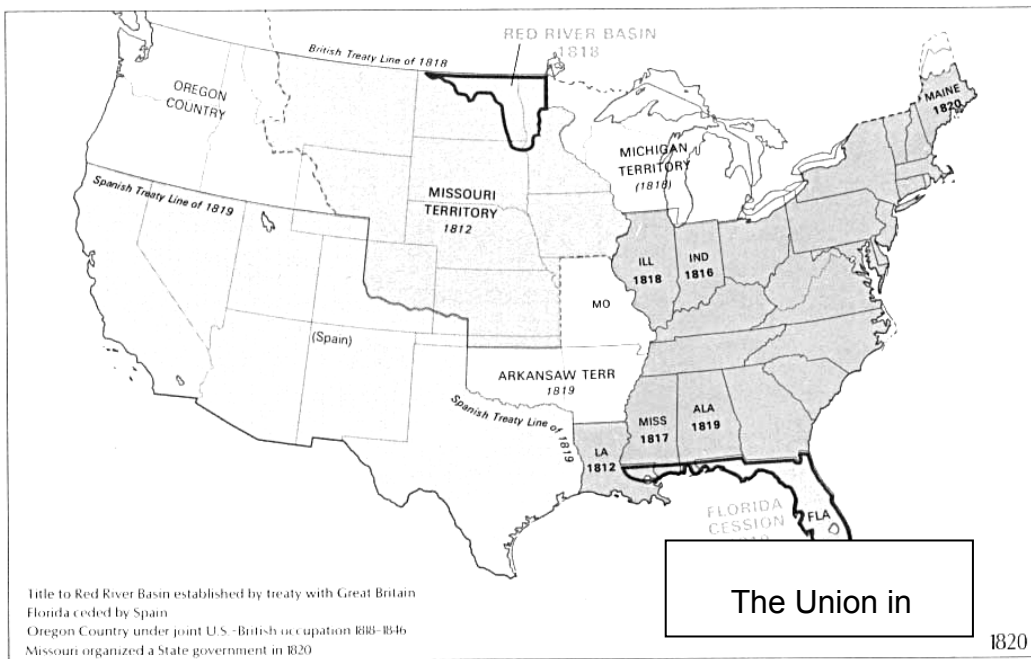
*the further introduction of slavery be prohibited...and that all children born within the said State, after the admission thereof into the Union, shall be free at the age of twenty-five years.*<sup>15</sup>

---

<sup>13</sup>Quoted in *ibid.*, p. 35.

<sup>14</sup> ©2003 General Libraries The University of Texas at Austin

<sup>15</sup> *Annals of Congress*, 15th Congress, 2nd Session, I p. 1170



The Tallmadge Amendment, of course, would not interfere with slavery in the states where it already existed; it would not deprive any master of his property. It even permitted masters in Missouri to own slave children born after passage of the amendment for twenty-five years, and those born before its passage for their entire lives. The amendment, however, would lead to the eventual end of slavery in Missouri and discourage slave owners from taking their slaves to that state. If similar amendments were adopted, slavery could not spread outside of its existing limits. This was unacceptable to most Southerners who now raised such a storm of protest that Thomas Jefferson, himself an opponent of the amendment, later wrote:

*At this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the death knell of the Union.*<sup>16</sup>

Over a two year span, Representatives and Senators surpassed themselves in eloquence by arguing for and against the Tallmadge Amendment. Excerpts from two of the hundreds of speeches are reprinted below. As so many of the others, they deal with the morality of holding slaves, how slaves were treated, and the right of Congress to restrict the spread of slavery.

<sup>16</sup> Quoted in Moore, *op. cit.*, p. 69.

## Livermore: For Amendment Morality and Treatment

Slavery in the United States is the condition of man subjected to the will of a master, who can make any disposition of him short of taking away his life. In those States where it is tolerated, laws are enacted, making it a penalty to instruct slaves in the art of reading, and they are not permitted to attend public worship, or to hear the Gospel preached. Thus the light of science and of religion utterly excluded from the mind, that the body may be more easily bowed down to servitude. The bodies of slaves may, with impunity, be prostituted to any purpose, and deformed in any manner by their owners. The sympathies of nature in slaves are disregarded; mothers and children are sold and separated; the children wring their little hands and expire agonies of grief, while the bereft mothers commit suicide in despair. How long will the desire of wealth render us blind to the sin of holding both the bodies and souls of our fellow men in chains!

### Congressional Power (Livermore)

Slavery, sir! is not established by our Constitution; but a part of the States are indulged in the commission of a sin from which they could not at once be restrained, and which they would not consent to abandon. But, sir, if we could, by any process of reasoning, be brought to believe it justifiable to hold others to involuntary servitude, policy forbids that we should increase it! Sir! until the ceded territory shall have been made into States, and the new States admitted into the Union, we can do what we will with it. We can govern it as a province, or sell it to any other nation

An opportunity is now presented, if not to diminish, at least to prevent, the growth of a sin which sits heavy on the soul of every one of us. By embracing this opportunity, we may retrieve the national character, and, in some degree, our own.<sup>17</sup>

## Pinckney: Against Amendment Morality and Treatment

Certainly the present mild treatment of our slaves is most honorable to that part of our country where slavery exists. Every slave has a comfortable house, is well fed, clothed, and taken care of. He has his family about him, and in sickness has the same medical aid as his master, and has a sure and comfortable retreat in old age, to protect him against its infirmities and weakness. During the whole of his life he is free from care, that cancer of the human heart which destroys at least one-half of the thinking part of mankind, and from which a favored few, very few, can be said to be free. Being without education, and born to obey, moderate labor and discipline are essential. In this state they are happier than they can possibly be if free. The manor of men who would attempt to give them freedom, would be the greatest of their enemies.

### Congressional Power (Pinckney)

A territory possesses all the legislative, executive and judiciary powers necessary to the protection of the lives, liberties, characters, and properties of their citizens. One of the most important among these is that of deciding for themselves what kind of persons shall inhabit their country. As the other States possess completely this power, Missouri has the same right. Since all the inhabitants of Missouri are against the prohibition of slavery, to insist on it is to entirely put it out of her power to enter the Union, and to keep her in a state of colonial tyranny. If you can exercise this right, where will you be when you stop? If you say there shall be no more slavery, may you not say there shall be no marriage? Sir, if you are determined to break the Constitution in this important point, you may even proceed to do so in the essences of the very form you are bound to guarantee to them.<sup>18</sup>

<sup>17</sup> *Annals of Congress*, 15 Congress, 2nd Session, I pp. 1191-93.

<sup>18</sup> *Annals of Congress*, 15 Congress, 2nd Session, II pp. 1318-19, 1323-24, and 1325

**Suggested Student Exercises:**

1. Prepare an argument representing the North's point of view on the Tallmadge Amendment
2. Prepare an argument representing the South's point of view on the Tallmadge Amendment
3. A bill to admit Missouri with the Tallmadge Amendment passed the House of Representatives in 1819 but was defeated in the Senate. A bill to admit Missouri without the amendment passed the Senate but was defeated in the House. The next year Maine broke away from Massachusetts and applied for admission as a free state. Seizing on this opportunity for a compromise, Henry Clay proposed that Missouri be admitted without restrictions on slavery, Maine be admitted as a free state, and slavery be forever prohibited north of the line 36°30" (see map). Prepare an argument favoring or opposing this compromise proposal.