

Handout J: Readers' Theater – Convention Debate on the Slave Trade

Background: *Was the Constitution a pro-slavery document, or did its Framers intend to set slavery on the road to extinction? An examination of the Convention debate that took place on August 21-22, 1787, regarding the international slave trade, will help shed light on the question. This Readers' Theater is adapted from Madison's Notes from those dates and will bring the debate to life. Before the performance, students will need to adapt the script into first person. As they read, students should look for what themes emerge.*

Participants in order of their appearance

- | | |
|---|----------------------------|
| 1. Narrator | 11. Elbridge Gerry [MA] |
| 2. Luther Martin [MD] | 12. John Dickinson [DE] |
| 3. John Rutledge [SC] | 13. Hugh Williamson [NC] |
| 4. Oliver Ellsworth [CT] | 14. Rufus King [MA] |
| 5. Charles Pinckney [SC] | 15. John Langdon [NH] |
| 6. Roger Sherman [CT] | 16. Gouverneur Morris [PA] |
| 7. George Mason [VA] | 17. Pierce Butler [SC] |
| 8. General Charles Cotesworth Pinckney [SC] | 18. George Read [DE] |
| 9. Abraham Baldwin [GA] | 19. Edmund Randolph [VA] |
| 10. James Wilson [PA] | |

Participants by state

- | | |
|-----------------------|---|
| CT—Ellsworth, Sherman | NC—Williamson |
| DE—Dickinson, Read | NH—Langdon |
| GA—Baldwin | PA—Wilson, G. Morris |
| MA—Gerry, King | SC—Rutledge, C. Pinckney, CC Pinckney, Butler |
| MD—Martin | VA—Mason, Randolph |

Tuesday, August 21

Narrator: Was the Constitution a pro-slavery document, or did its Framers intend to set slavery on the road to extinction? An examination of the Convention debate that took place on August 21-22, 1787, regarding the international slave trade, will help shed light on the question. This Readers' Theater is adapted from Madison's Notes from those dates and will bring the debate to life.

IN CONVENTION

Mr. Luther Martin [MD] proposed to vary Article 7, Section 4, which provides that the national government would not interfere with the international slave trade by the states. "No tax or duty shall be laid by the Legislature on articles exported from any State; nor on the migration or importation of such persons as the several States shall think proper to admit; nor shall such migration or importation be prohibited." Martin proposed to allow a prohibition or at least a tax on the importation of slaves. In the first place, as five slaves are to be counted as 3 free men in the apportionment of representatives; such a clause would leave an encouragement to this traffic. In the second place, slaves weakened one part of the Union which the other parts were bound to protect: the privilege of importing them was therefore unreasonable. And, in the third place, it was inconsistent with the principles of the revolution and dishonorable to the American character to have such a feature in the Constitution.

Mr. John Rutledge [SC] did not see how the importation of slaves could be encouraged by this

section. He was not apprehensive of insurrections and would readily exempt the other states from the obligation to protect the Southern against them. 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. If the northern states consult their interest, they will not oppose the increase of slaves which will increase the commodities of which they will become the carriers.

Mr. Oliver Ellsworth [CT] 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. What enriches a part enriches the whole, and the states are the best judges of their particular interest. 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 Pinckney [SC] South Carolina can never receive the plan if it prohibits the slave trade. In every proposed extension of the powers of the Congress, that state has expressly and watchfully excepted that of meddling with the importation of Negroes. If the states be all left at liberty on this subject, South Carolina may perhaps by degrees do of herself what is wished, as Virginia and Maryland have already done.

[Adjourned]

Wednesday, August 22

IN CONVENTION

Mr. Roger Sherman [CT] was for leaving the clause as it stands. He disapproved of the slave trade; yet as the States were now possessed of the right to import slaves, as the public good did not

require it to be taken from them, 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. He observed that the abolition of Slavery seemed to be going

Handout J: Page 3

on in the U. S. and that the good sense of the several states would probably by degrees complete it. He urged on the Convention the necessity of dispatching its business.

Col. George Mason [VA] This infernal traffic [the international slave 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. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves, as it did by the Tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the Commissioners sent to Virginia, to arm the servants and slaves, in case other means of obtaining its submission should fail. 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. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. As nations can not 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 lamented that some of our eastern brethren had from a lust of

gain embarked in this nefarious traffic. As to the states being in possession of the right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view that the general government should have power to prevent the increase of slavery.

Mr. Oliver Ellsworth [CT] 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 farther and free those already in the country. As slaves also multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, while in the sickly rice swamps foreign supplies are necessary, if we go no farther than is urged, we shall be unjust towards South Carolina and Georgia. 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. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrections from foreign influence, that will become a motive to kind treatment of the slaves.

Mr. Charles Pinckney [SC] If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece, Rome, and other ancient states; the sanction given by France, England, Holland and other modern states. In all ages one half of mankind have been slaves. If the southern states were let alone they will probably of themselves stop importations. He would himself as a citizen of South Carolina vote for it. An attempt to take away the right as proposed will produce serious objections to the Constitution which he wished to see adopted.

General Charles Cotesworth Pinckney [SC] declared it to be his firm opinion that if himself and all his colleagues were to sign the

Handout J: Page 4

Constitution and use their personal influence, it would be of no avail towards obtaining the assent of their Constituents. 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 said the Royal assent before the Revolution had never been refused to South Carolina as to Virginia. 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 of revenue for the common treasury. He admitted it to be reasonable that slaves should be dutied [taxed] like other imports, but should consider a rejection of the clause as an exclusion of South Carolina from the Union.

Mr. Abraham Baldwin [GA] had conceived national objects alone to be before the Convention, not such as like the present were of a local nature. Georgia was decided on this point. That state has always hitherto supposed a general government to be the pursuit of the central states who wished to have a vortex for everything; that her distance would preclude her from equal advantage; and that she could not prudently purchase it by yielding national powers. From this it might be understood in what light she would view an attempt to abridge one of her favorite prerogatives. If left to herself, she may probably put a stop to the evil. As one ground for this conjecture, he took notice of the sect of ——— which he said was a respectable class of people, who carried their ethics beyond the mere equality of men, extending their humanity to the claims of the whole animal creation.

Mr. James Wilson [PA] observed that if South Carolina and Georgia were themselves disposed

to get rid of the importation of slaves in a short time as had been suggested, they would never refuse to unite because the importation might be prohibited. As the section now stands all articles imported are to be taxed. Slaves alone are exempt. This is in fact a bounty on that article.

Mr. Elbridge Gerry [MA] thought we had nothing to do with the conduct of the states as to slaves, but ought to be careful not to give any sanction to it.

Mr. John Dickinson [DE] considered it as 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 was whether the national happiness would be promoted or impeded by the importation, and this question ought to be left to the national government, not to the States particularly interested. If England and France permit slavery, slaves are, at the same time, excluded from both those Kingdoms. Greece and Rome were made unhappy by their slaves. He could not believe that the southern states would refuse to confederate on the account apprehended; especially as the power was not likely to be immediately exercised by the general government.

Mr. Hugh Williamson [NC] stated the law of North Carolina on the subject, to wit that it did not directly prohibit the importation of slaves. It imposed a duty of £5 on each slave imported from Africa; £10 on each from elsewhere; and £50 on each from a state licensing manumission. He thought the southern states could not be members of the Union if the clause should be rejected, and that it was wrong to force anything down, not absolutely necessary, and which any state must disagree to.

Mr. Rufus King [MA] thought the subject should be considered in a political light only. If two states

Handout J: Page 5

will not agree to the Constitution as stated on one side, he could affirm with equal belief on the other, that great and equal opposition would be experienced from the other states. He remarked on the exemption of slaves from duty while every other import was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the northern and middle states.

Mr. John Langdon [NH] was strenuous for giving the power to the general government. He could not with a good conscience leave it with the states who could then go on with the traffic, without being restrained by the opinions here given that they will themselves cease to import slaves.

General Charles Cotesworth Pinckney [SC] thought himself bound to declare candidly that he did not think South Carolina would stop her importations of slaves in any short time, but only stop them occasionally as she now does. He moved to commit the clause that slaves might be made liable to an equal tax with other imports which he thought right and which would remove one difficulty that had been started.

Mr. John Rutledge [SC] If the Convention thinks that North Carolina, South Carolina, and Georgia will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those states will never be such fools as to give up so important an interest. He was strenuous against striking out the Section, and seconded the motion of General Pinckney for a commitment.

Mr. Gouverneur Morris [PA] wished the whole subject to be committed [referring the clause to a committee to work out a compromise solution] including the clauses relating to taxes on exports and to a navigation act. These things may form a bargain among the northern and southern States.

Mr. Pierce Butler [SC] declared that he never

would agree to the power of taxing exports.

Mr. Roger Sherman [CT] said it was better to let the southern states import slaves than to part with them, if they made that a sine qua non. He was opposed to a tax on slaves imported as making the matter worse, because it implied they were property. He acknowledged that if the power of prohibiting the importation should be given to the general government that it would be exercised. He thought it would be its duty to exercise the power.

Mr. George Read [DE] was for the commitment provided the clause concerning taxes on exports should also be committed.

Mr. Roger Sherman [CT] observed that that clause had been agreed to and therefore could not be committed.

Mr. Edmund Randolph [VA] was for committing in order that some middle ground might, if possible, be found. He could never agree to the clause as it stands. He would sooner risk the Constitution. He dwelt on the dilemma to which the Convention was exposed. By agreeing to the clause, it would revolt the Quakers, the Methodists, and many others in the states having no slaves. On the other hand, two states might be lost to the Union. Let us then, he said, try the chance of a commitment.

Narrator: The state delegations voted (7 – 3) to commit Article 7, Sections 4, 5, and 6 to a committee chaired by William Livingston. The voting breakdown was **Aye:** CT, NJ, MD, VA, NC, SC, GA; **No:** NH, PA, DE; **Absent:** MA .

The committee appointed consisted of Livingston, Baldwin, Clymer, Dickinson, Johnson, King, Langdon, Madison, Luther Martin, C.C. Pinckney, and Williamson. Note that Charles Pinckney and Rutledge were not appointed to the committee.

Questions for Discussion

1. List some of the themes that emerge from this debate:
2. Read the passages from the U.S. Constitution listed below and then discuss this question: Was the Constitution a pro-slavery document, or did its Framers intend to set slavery on the road to extinction? Explain your reasoning.
 - Article 1, Section 2, Clause 3
 - Article 1, Section 9, Clauses 1 and 5, 6
 - Article 4, Section 3
 - Article 5