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“TO SINK OUR NATIONAL CHARACTER”: SLAVERY AND NATIONAL CHARACTER
IN THE U.S. HOUSE OF REPRESENTATIVES, 1789-1820

A Thesis
presented in partial fulfillment of requirements
for the degree of Master of Arts
in the Department of History
The University of Mississippi

by

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ABSTRACT

In 1790, 1804, and 1819, the U.S. House of Representatives debated measures intended to restrict slavery and the transatlantic slave trade. During these three debates, slaveholding representatives, primarily from the Lower South, attempted to call into question the general government's right to discuss and legislate on slavery, contending that, except for in a few specific instances outlined in the Constitution, slavery was purely a state matter, not a national one. Their opponents employed a variety of tactics to counter this idea. One particularly effective approach was an expression of concern for the impact of slavery and the slave trade on the national character—the nation's honor or reputation among other nations of the Atlantic world. Those who invoked concern for the national character did so as a way to keep slavery and the transatlantic slave trade in the national dialogue and legitimize these issues as national matters over which the general government possessed authority. In 1790, in response to three antislavery memorials sent to Congress, a few representatives used national character and national interest to combat the contention that the slave trade and slavery were not national issues. In 1804, following South Carolina's decision to reopen the transatlantic slave trade, members of the House invoked anxiety for the national character to censure the state's actions, using national character to discuss imposing a tax on the transatlantic slave trade. In 1819 and 1820, as the House debated a proposal to restrict slavery in the new state of Missouri, representatives who favored restriction used concern for the impact of the spread of slavery on

the national character to promote the general government's authority to impose the restriction. During all three debates, members of the House of Representatives used concern over what other nations would think of the United States to validate discussion of antislavery measures in Congress. Examining these debates about slavery and the slave trade through the lens of national character provides valuable insight to the ambiguous relationship between slavery and the general government, as well as the relationship between slavery and the founding principles of the United States.

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INTRODUCTION

In 1819, antislavery advocate Robert Walsh wrote, “Since our independence, slave holding has seemed to be fairly let loose to the Briton for the purposes of self-congratulation, and of the execration of American existence.”¹ Walsh wrote his book to refute several accusations Great Britain had leveled at the United States in recent years; among these accusations was that “The institution of slavery is the foulest blot in the national character of America; its existence in her bosom is an atrocious crime—the consummation of wickedness, and admits of no sort of apology from her situation.”² Walsh acknowledged that slavery was the point upon which the United States as a nation was most vulnerable to censure from European nations such as England, listing several additional accusations from the British toward the United States. One of these was the remarkably injurious statement “that her congress has remained indifferent to [slavery’s] enormities.”³

This last accusation was far from true. Issues regarding slavery and the slave trade came before Congress frequently between the ratification of the Constitution in 1789 and the moment when Walsh wrote, and in the House of Representatives, at least, the men who ran the nation reacted with anything but indifference. On several occasions, the topics of slavery and the slave trade sparked heated debate in the House of Representatives. Three such occasions took place in

¹ Robert Walsh, *An Appeal from the Judgments of Great Britain Respecting the United States of America* (Philadelphia: Mitchell, Ames, and White, 1819), 307.

² Walsh, *An Appeal*, 308.

³ Walsh, *An Appeal*, 309.

1790, 1804, and 1819-1820. In 1790, three antislavery memorials led to disagreements regarding the extent to which Congress was permitted to discuss the subjects of the slave trade and, more particularly, slavery, and the powers Congress possessed over these matters. In 1804, the question was one of the expediency of taxing the transatlantic slave trade as the Constitution permitted. A decade-and-a-half later, Congress exploded over a proposed restriction to Missouri's admission to the Union as a state, a restriction that would lead to the end of slavery in Missouri.

Individually, these three debates provide snapshots that illustrate the nation's relationship with slavery at particular moments. They provide brief insights into the ways in which the general government addressed slavery and the slave trade and how slavery shaped divisions within the nation. On the surface, these debates perhaps appear to have little in common besides a general focus on the topics of slavery and the slave trade. On all three occasions, however, members of the House of Representatives addressed the idea that slavery was a "blot in the national character of America," using it to inform and shape their debates and to support antislavery causes in Congress. Placing these debates side by side, examining the "snapshots" in a chronological succession, illustrates a long-lasting concern in Congress for the United States' standing among its fellow nations of the Atlantic world and the ways in which slavery impacted that standing. Examining the debates in 1790, 1804, and 1819 and 1820 together addresses the question of how members of the House of Representatives in the early republic used a concern for the national character, or the nation's reputation, to shape and define the relationship between slavery and the general government and to make a case for general government support for antislavery causes during that period.

First and foremost, by invoking concern for the national character to support their arguments, representatives in Congress—particularly those opposed to slavery’s expansion—were able to create space to discuss slavery and the transatlantic slave trade as national issues. Those who supported general government’s power to regulate the slave trade and slavery used slavery’s impact on the national character to counter the arguments from slaveholders—primarily from the Lower South—and their allies that slavery and the slave trade were purely state matters over which the general government had no authority. They also used the argument that slavery had a negative effect on the nation’s character to justify attempting to exert increasing amounts of government authority over the states to address the problem of slavery. In 1790, opponents of the slave trade or slavery used concern for the national character to support the rights of antislavery petitions to be received and considered in Congress, countering vehement proslavery arguments that slavery and the slave trade were issues that should be addressed entirely at the state level. In 1804, members of the House invoked national character both to support and to oppose a proposed tax on imported slaves. As in 1790, these representatives sought to counter arguments based on state sovereignty, but they went beyond the goal of merely creating a space for slavery as a national issue, using concern for the slave trade’s impact on the national character to advocate the general government’s authority to rebuke a state for involvement in the transatlantic slave trade. In 1819 and 1820, antislavery representatives again used national character to justify contemplation of antislavery measures in Congress and to counter state rights arguments that made slavery no business of the general government. This time, the goal was not censure of a state, but congressional control over slavery in an incoming

state. During all three debates, concern for the national character linked together slavery and national interest every time a member of Congress chose to invoke it.

It should here be noted that the term “national character” can be understood in a variety of ways. In common twentieth century social science usage, “national character” usually refers to the specific, defining characteristics of the people of a nation. It is the set of characteristics shared by most of the people of a nation, ones that can be said to set someone apart as uniquely “American” or “British” or “Japanese,” and so on. Morris Ginsberg, a leading British sociologist in the mid-twentieth century, also defined it as “the nature of the organization as embodied in its institutions, its collective achievements, and its public policy.”⁴ By this definition, national character is about national achievements and institutions, the things that set it apart in the world. While this definition is in some ways similar to the way members of Congress in the early American republic would have used the term, definitions focused on unique characteristics do not fully address how these men would have understood or spoken of national character.

David Waldstreicher helps to bridge the divide between modern usage of the term and the way men of the late eighteenth and early nineteenth centuries would have used it. He describes “national character” as “a way of understanding the relationship between the citizen, or national subject, and the state, or national government.”⁵ He includes in his definition ideas of the “body politic” and of characteristics of the nation and its people. In late eighteenth and early nineteenth century America, it allowed individuals to be understood in the context of their national culture

⁴ Morris Ginsberg, quoted in Otto Klineberg, “A Science of National Character,” *American Scientist* 32, No. 4 (October 1944): 274.

⁵ David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: University of North Carolina Press, 1997), 141.

even as they shared in the formation of that culture. The idea of the national character, for Waldstreicher, also comprehends within it the idea of an anthropomorphic state with “a reputation in the world,” and it is this concept that applies most directly to the congressional debates about the slave trade and slavery from 1789 to 1820.⁶

For many members of Congress, the nation, just like a gentleman of the period, possessed a claim to a character or reputation. For gentlemen, a good character—his “good name”—depended on his public virtue. This was character in the sense of “moral excellence and firmness.” Gentlemen were expected to conduct themselves in a morally upstanding manner, setting an example to their peers and the general public. In the same way, a nation could be judged by its conduct. Robert Walsh wrote his *Appeal* with the goal of arresting and, if possible, completely ending “the war which is waged [by the British] without stint or intermission, upon our national reputation.”⁷ The idea of the national character, for the men in Congress, just as for other concerned citizens, was centered on foreign perceptions of the United States as a nation. If the United States conducted itself in a manner consistent with its avowed republican principles—if it upheld its commitment to liberty and equality as outlined in the Declaration of Independence, this reflected well on the national character. If, however, it behaved inconsistently or in a way other nations, particularly those of Europe, perceived as less than upstanding—by participating in the transatlantic slave trade, for example—this negatively impacted the national reputation, or the national character.

It is for this reason that so many congressmen in the early republic expressed concern about the national character, or the nation’s reputation among foreign nations, particularly

⁶ *Ibid.*

⁷ Walsh, *An Appeal*, vi.

European nations such as Britain, in regards to American participation in the transatlantic slave trade and the growing institution of slavery in the nation—they were perceived as less than virtuous and were, foreign detractors accused, inconsistent with the nation’s founding principles. Appealing to a concern for the national character during congressional debates about slavery helped to establish slavery and the transatlantic slave trade as national issues over which the general government rightfully held some power. It combated the notion that slavery and the slave trade were purely matters for the individual states and legitimized the slave trade and slavery as national concerns that should be addressed in national politics.

Over the last few two or three decades, several historians have addressed this issue of the role of slavery in the politics of the early American republic, though it was largely an unexplored field prior to 2000.⁸ During the 2000s, however, this subject has received more attention, with the historians pursuing questions relating to the topic falling more or less into two groups. The first, and most popular, deals specifically with the role of slavery in the Constitution. Historians such as David Waldstreicher and George William Van Cleve have argued recently that the Constitution was not neutral on the issue of slavery, but was in fact a proslavery document. In *Slavery’s Constitution*, Waldstreicher indicates the portions of the Constitution that directly impacted slavery, as well as several sections with a less direct impact, to demonstrate the Constitution’s role in upholding and perpetuating the institution. Van Cleve, in *A Slaveholders’ Union*, argues still more adamantly that the Constitution was a proslavery document. He also claims that the Revolution, far from weakening slavery, as most people believe, left it stronger

⁸ The only major work in this field prior to 2000 is Donald L. Robinson, *Slavery in the Structure of American Politics, 1765-1820* (New York: Harcourt Brace Jovanovich, 1970), which focuses primarily on the Founders and their decision to do nothing about slavery following the American Revolution.

than ever. It did this by weakening the central government in America, transferring more power to slaveholders.⁹

Sean Wilentz argues against this view that the Constitution supported slavery. In *No Property in Man*, he uses a careful analysis of the Constitution and the debates at the Constitutional Convention to show that, while the Constitution did not denounce slavery, the situation is considerably more complicated than the simple claim that the Constitution was proslavery. He contends that the careful omission of any recognition of “property in man” in the Constitution resulted in a document that did not legitimize the institution of slavery, though it did not actively oppose it, either. Wilentz traces debates concerning the relationship between slavery and the Constitution between its inception and the outbreak of the Civil War, concluding that “despite all the ways the Constitution reinforced human bondage and thwarted its abolition, [the exclusion of acknowledgement of property in man] would help inspire and legitimize the politics that...brought slavery to its knees.”¹⁰

Even while this debate over slavery and the Constitution remains ongoing, several other historians have turned their attention to slavery in early republic politics more generally. Don Fehrenbacher, in *The Slaveholding Republic*, explores the relationship between slavery and the national government from the founding of the United States through the Civil War. He discusses slavery’s impact on several aspects of national government, with particular attention to the powers Congress specifically held over slavery. Fehrenbacher argues that during the period he

⁹ David Waldstreicher, *Slavery’s Constitution: From Revolution to Ratification* (New York: Hill and Wang, 2009); George William Van Cleve, *A Slaveholders’ Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010); see also Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University, 2000) and Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (Armonk, NY: M.E. Sharpe, 1996) for further examples of works that present the Constitution as a proslavery document.

discusses, while the general government's powers regarding slavery were limited by the Constitution, the way people interpreted the intent of those constitutional limitations was in turn shaped by the general government's actions pertaining to slavery. His goal in this work is to tell a complete story of the general government's relations with slavery, looking at specific policies over time as measurements of that relationship.¹¹

In *Slavery and Politics in the Early American Republic*, Matthew Mason more specifically demonstrates the role slavery played in national politics from the ratification of the Constitution through the Missouri Compromise, with particular attention to the period following the ban of the transatlantic slave trade in 1808. He shows that even when Congress was not talking specifically about slavery, the rhetoric of slavery permeated congressional debates, making slavery a central issue in early republic politics even when it was not explicitly the topic under discussion. For Mason, slavery played a key role in shaping the sectional division between North and South and was a central part of the dialogue of partisan politics. The War of 1812 marks a turning point in Mason's narrative, as it intensified divisions over slavery in the nation. The Missouri Crisis, far from being the fire bell in the night that Thomas Jefferson had labeled it, was a bitter political conflict that had been several years in the making.¹²

John Craig Hammond also carefully examines the role of slavery in American politics during this period, but with a rather different focus from Mason's. In *Slavery, Freedom, and Expansion in the Early American West*, Hammond challenges the traditional North-South

¹⁰ Sean Wilentz, *No Property in Man: Slavery and Antislavery at the Nation's Founding* (Cambridge, MA: Harvard University Press, 2018). See 268 for quote.

¹¹ Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York: Oxford University Press, 2001).

¹² Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2006).

sectional division framework most historians take for granted, insisting that in this early period, the more important sectional division was between the East and the West, and slavery played a crucial role in this division. Slavery gave the West a disproportionate power over the East, a situation that persisted in every discussion of slavery in the American territories through the 1810s. Every U.S. territory from the old western states of Ohio and Mississippi to the territories west of the Mississippi River grappled with the issue of slavery, even those where slavery was restricted by the Northwest Ordinance of 1787. Every newly organized territory and state contended with the issue of slavery, with large portions of every state insisting on the right to hold slaves.¹³ As a result, these new states used the issue of slavery to shape national policy in the West. The Missouri Crisis, taking place at a time when the national government had begun to solidify its power over the West, made what had largely been a sectional issue restricted to the West a national issue that polarized North and South.¹⁴

Other historians of slavery and politics in the early republic have focused on topics such as the antislavery movement, the development and shaping of political parties, increasing sectional tension, particular individuals' views on and interactions with slavery, and the use of slavery in political dialogue.¹⁵ Historians of slavery during this period, however, have focused

¹³ Even Ohio, Indiana, and Illinois—territories where slavery had been excluded by the Northwest Ordinance—were home to proslavery factions that made strong cases for permitting slavery in each of these places.

¹⁴ John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: University of Virginia Press, 2007).

¹⁵ Examples include Pdraig Riley, *Slavery and the Democratic Conscience: Political Life in Jeffersonian America* (Philadelphia: University of Pennsylvania Press, 2016); David F. Ericson, *Slavery in the American Republic: Developing the Federal Government, 1791-1861* (Lawrence, KS: University Press of Kansas, 2011); Richard S. Newman, "Prelude to the Gag Rule: Southern Reaction to Antislavery Petitions in the First Federal Congress," *Journal of the Early Republic* 16 (Winter 1996): 571-599; Nicolas Wood, "John Randolph and the Politics of Slavery in the Early Republic," *Virginia Magazine of History and Biography* (Vol. 120, No. 2, Summer 2012): 106-143; Rachel Hope Cleves, "'Hurtful to the State': The Political Morality of Federalist Antislavery," Robert G. Parkinson, "'Manifest Signs of Passion': The First Federal Congress, Antislavery, and Legacies of the Revolutionary War," and Brian Schoen, "Positive Goods and Necessary Evils: Commerce, Security, and Slavery in the Lower South, 1787-1837" in *Contesting Slavery: The Politics of Bondage and Freedom in the New American*

substantially less on the ways in which Americans' concerns about foreign perceptions of their nation shaped the general government's relationship with slavery. At a time when abolition was a transnational cause in the Atlantic world, it only makes sense that foreign influences would have an impact on political antislavery efforts at all levels of government.¹⁶ However, little has been written on this topic, and most of what is written is focused on later British efforts to entirely end the slave trade in the Atlantic.¹⁷ Several historians have highlighted events and ideas that affected the role of slavery in politics and influenced the general government's approach to slavery. Focusing on Americans' perceptions of their nation's place in the world and the impact of the perception of foreign judgments regarding the general government's involvement with slavery and the slave trade provides additional insight to the relationship between slavery and the general government. Highlighting antislavery and anti-slave trade congressmen's use of national character to support their cause helps to counter the argument that the Constitution was inherently proslavery and that the general government was predominantly a proslavery institution. It also provides scholars with a clearer understanding of how the antislavery cause gained an acknowledged, legitimate following in Congress in the years prior to the Missouri Crisis. In a period when several argue the only major national antislavery success was the close of the transatlantic slave trade in 1808 and southern slaveholders shaped the nation

Nation, eds. John Craig Hammond and Matthew Mason (Charlottesville: University of Virginia Press, 2011).

¹⁶ See J.R. Oldfield, *Transatlantic Abolitionism in the Age of Revolution: An International History of Anti-slavery, c. 1787-1820* (Cambridge, U.K.: Cambridge University Press, 2013) for a detailed overview of Atlantic abolitionist networks. For other works that treat on this subject, see Seymour Drescher, *Abolition: A History of Slavery and Antislavery* (Cambridge: Cambridge University Press, 2009); Robin Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (London: Verso, 2011); David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca, NY: Cornell University Press, 1975).

¹⁷ Matthew Mason has written a couple of articles that deal, to some degree with this subject, but they are focused almost exclusively on the abolition of slavery in the Atlantic, and they focus primarily on a later period than this project. See Mason, "The Battle of the Slaveholding Liberators: Great Britain, the United States, and Slavery in the Early Nineteenth Century." *William and Mary Quarterly* 3rd Series, LIX, No. 3 (July 2002): 665-696, and

into one friendly to slavery, it can be difficult to understand how Congress was able to entertain any antislavery motions. Understanding early representatives' preoccupation with the national character helps to explain how antislavery causes gained any traction in Congress.

The congressional debates in 1790, 1804, and 1819-1820 show that, for many congressmen, the general government's approach to slavery played a significant role in establishing and maintaining the national character. The debates also highlight the role that concern for the national character had in the general government's approach to the issues of the slave trade and slavery. Members of Congress expressed their conviction during these debates that the eyes of the world—particularly those of Europe—were upon them and upon their nation, and the European nations would judge the United States by the way Congress addressed an issue that a large portion of the Atlantic world regarded as a moral evil.

In 1790, the antislavery memorials from Pennsylvania and New York were the first of their kind to come before Congress since the ratification of the Constitution. This was the first time the new general government was confronted with the issues of the transatlantic slave trade and slavery. The men in the House of Representatives were well aware that they would set the precedent for how the House would deal with such issues in the future. While concern for the national character formed only a small part of the debates in 1790, that concern helped to sanction the discussion of slavery and the slave trade as national issues.

National character represented a much greater portion of the 1804 debate over taxation of the transatlantic slave trade, which had recently been reopened in South Carolina. Indeed, concern for the national character became a central point in the arguments of both representatives

“Keeping Up Appearances: The International Politics of Slave Trade Abolition in the Nineteenth-Century Atlantic World.” *William and Mary Quarterly* 3rd Series, LXVI, No. 4 (October 2009): 809-832.

who favored the proposed tax and some who opposed it. During this debate, the issue of taxing the slave trade split the House into three groups. Just as in 1790, a group of representatives from the Lower South opposed the tax on state rights grounds, arguing that South Carolina, as a sovereign state, had the right to reopen the trade without interference from the general government. The other two groups split over the meaning of the proposed tax; those who supported it claimed it would benefit the national character, while those who opposed it insisted it would be to the detriment of the national character. Though these groups disagreed over the tax's meaning, they shared the goal of expressing congressional disapproval of the slave trade and of South Carolina's actions. By making the national character a central part of their arguments, they again established the general government's interest in the slave trade and used slavery's impact on foreign perceptions of the nation to express the general government's disapproval of an individual state's actions.

Several men who supported restricting slavery in Missouri, however, invoked concern for the national character in an attempt to counter the adamant state rights arguments of their opposition. These representatives, all of whom came from northern, non-slaveholding states, used the national character to argue that the nation as a whole still had a stake in slavery and that Congress had both a right and a responsibility to check the growth of slavery wherever possible and constitutionally permissible. This was again a step further than many members of the House had gone in 1804, for during the debates over Missouri's entry into the Union, those who incorporated a concern for the national character into their arguments used it to attempt to establish general government control over slavery in an incoming state.

While in all three debates, the antislavery ideas and measures proposed were ultimately unsuccessful, representatives' expressed concerns for the national character of the United States helped to establish the transatlantic slave trade and slavery as issues of national importance, ones that by right should receive the attention and fall under the authority of the general government. The idea that other nations were watching the United States' actions in regards to slavery and the slave trade helped to sanction congressional discussion of antislavery measures. Concern for the national character created a space in the United States House of Representatives for antislavery discussion and helped representatives to make a case for increasing government control over slavery and the slave trade, countering the contention that slavery and the slave trade were issues purely for the individual states.

CHAPTER ONE

“THE INTEREST AND HONOR OF THE COMMUNITY”: ESTABLISHING SLAVERY AS A NATIONAL ISSUE IN THE U.S. HOUSE OF REPRESENTATIVES, 1790

In February 1790, three antislavery memorials came to Congress from Quaker Yearly Meetings in Pennsylvania and New York and from the Pennsylvania Abolition Society (PAS). All three memorials drew Congress's attention to the transatlantic slave trade and asked for the trade's end. The memorials from the Quakers' yearly meetings presented their arguments largely in religious and moral terms, asserting that “both the true temporal interest of nations, and eternal well being of individuals depend on doing justly, loving mercy, and walking humbly before God,” and tying the fate of the slave trade to this ideal. The memorial from the PAS, while articulating the same moral stance as the memorials from the yearly meetings, also drew heavily upon ideals from the Revolution and the Constitution to support the society's antislavery position. It invoked the specific wording of the preamble to the Constitution that made promoting the general welfare and securing the blessings of liberty a national priority, as well as the ideas in the Declaration of Independence that “mankind are all formed by the same Almighty Being...equally designed for the enjoyment of happiness,” and that “equal liberty was originally the portion, and is still the birth-right of all men.” On these matters, the memorial asserted, both

Christianity and “the political creed of Americans” agreed.¹⁸ All three memorials asked Congress to uphold the cause of liberty and “step to the very verge” of their power to take action against the slave trade.¹⁹

The Senate quickly tabled the memorials without further discussion, effectively signaling their stance that the objects of the memorials were not a fit topic for discussion. The House was, at the time, preoccupied with discussion of Hamilton’s plan for public credit, which would have made it unsurprising if the memorials met the same fate there.²⁰ In the House, however, the memorials met with a different reception. Although representatives from the Lower South states of South Carolina and Georgia, men such as Aedanus Burke, William Smith, and Abraham Baldwin, attempted to have the petitions tabled as they had been in the Senate, the memorials generated considerable debate. Responding to the petitioners’ attempts to establish antislavery as a national cause, representatives from the Lower South emphasized at every opportunity their belief that the memorials dealt with topics on which Congress had no authority. In opposition to this lower southern stance, several representatives from Virginia and northward expressed their opinion that the memorials raised issues of national interest. To these advocates of further consideration of the memorials, the memorials deserved the attention of the House because slavery and the slave trade impacted the national interest and the national honor and character.

1790 was not the first time an antislavery petition came before the United States general government for consideration. In 1783, the Quakers of the Philadelphia Yearly Meeting had sent

¹⁸ Annals of Congress, 1st Congress, 2nd Session, House of Representatives, 1239.

¹⁹ Kenneth R. Bowling, William Charles diGiacomantonio, and Charlene Bangs Bickford, eds., *Documentary History of the First Federal Congress* (hereafter DHFFC), Vol. 8, 322, 326.

²⁰ For more detail on the impact of discussion of Hamilton’s financial plan on the debates surrounding the memorials, see Howard A. Ohline, “Slavery, Economics, and Congressional Politics, 1790,” *The Journal of Southern History* XLVI, No. 3 (August 1980): 335-360.

to the Confederation Congress a petition to end the transatlantic slave trade. At that time, the general government informed the Quakers that it had no power in this matter, as the slave trade and slavery were state issues. For the rest of the 1780s, the Philadelphia Quakers and several other antislavery organizations pursued an aggressive antislavery campaign, focusing first on the transatlantic slave trade, then on emancipation. They achieved a fair amount of success in the northern states as individual states banned the foreign slave trade and began emancipating the slaves within their borders, either immediately or more gradually.²¹ In fact, by the time the Constitution went into effect in 1789, only three states—North Carolina, South Carolina, and Georgia—still permitted slave importation.²² Following the restructuring of the national government initiated by the ratification of the Constitution, the Quakers decided to try again to gain support from the general government to close the transatlantic slave trade completely.²³

The memorial from the Philadelphia Yearly Meeting of Quakers was filled with religious language and generally espoused antislavery as a moral position. In it, the petitioners expressed their firm belief “that unfeigned righteousness in public as well as private stations, is the only sure ground of hope for Divine blessing.” It was not enough, according to this logic, to oppose slavery or the slave trade in private; one must be willing to take a public stance. For this reason, the petitioners characterized the transatlantic slave trade as a “gross national iniquity” and asked Congress to make the effort “to the full extent of your power, to remove every obstruction to

²¹ Several works directly address gradual emancipation in the northern states. For examples, see Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860* (Ithaca, NY: Cornell University Press, 1998); Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991); David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777-1827* (Baton Rouge: Louisiana State University Press, 2006).

²² Stephen J. Goldfarb, “An Inquiry into the Politics of the Prohibition of the International Slave Trade,” *Agricultural History* 68, No. 2, Eli Whitney’s Cotton Gin 1793-1993, A Symposium (Spring 1994): 27.

public righteousness.” To make this request was the petitioners’ religious duty, they said. They trusted that, if the members of Congress would but commit themselves to acting with justice and mercy, the slave trade would be abolished.²⁴

The Philadelphia Yearly Meeting’s memorial, shown to members of the New York Yearly meeting prior to its presentation in Congress, prompted a similar effort from the New York Quakers. Rather than focusing on general antislavery and religious principles, however, the memorial from the New York Yearly Meeting focused on the specific problem of traders who were exploiting a legal loophole in New York to prepare their ships for the transatlantic slave trade in New York harbors because their home states forbade such activity. The Quakers in New York had previously petitioned their state government to put an end to this practice, which they saw as violating the spirit, if not the letter, of the traders’ states’ anti-slave trade laws. The New York legislature had informed the Quakers that it could do nothing about the situation, as it was the task of the general government, not the state, to address commercial matters of this nature. Accordingly, the New York Yearly Meeting petitioned the general government about the issue in a memorial accompanying that of the Philadelphia Yearly Meeting, asking “that effectual provision may be made to restrain vessells from fitting and clearing out in any of the ports in this State for the purpose of a trade to Africa for slaves.”²⁵

The PAS, whose membership consisted primarily of Quakers, sent a memorial to Congress that was less religious and more patriotic in tone. The PAS memorial expressed great satisfaction that Congress had been vested by the Constitution with power for “promoting the

²³ William C. diGiacomantonio, “‘For the Gratification of a Volunteering Society’: Antislavery and Pressure Group Politics in the First Federal Congress,” *Journal of the Early Republic* 15 (Summer 1995): 169-197.

²⁴ *Annals*, 1st Congress, 2nd Session, 1224-1225.

²⁵ DHFFC, Vol. 8, 323-324.

Welfare & securing the blessings of liberty to the People of the United States.” It also stated the PAS members’ “expectation, that nothing, which can be done for the relief” of those in bondage “will be either omitted or delayed.” The PAS memorial went considerably beyond denunciation of the transatlantic slave trade, asking Congress to act to the fullest extent of its power against slavery itself, and it did so in a manner that sought to tie antislavery to the principles of the American Revolution. The petitioners asserted their absolute belief that liberty was the birthright of all men. They reminded Congress that the enslaved were the only ones “in this land of freedom [who] are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile insurrection.” The United States was a self-proclaimed free nation, yet the general government did nothing about the thousands of enslaved people within the nation’s borders. This went a step beyond asking for the amelioration of the slave trade, as the Quaker memorials had done; the PAS memorial asked Congress to consider action against slavery itself. In the memorial’s close, the PAS made a further effort to connect the issue of slavery to the wellbeing and standing of the nation, asking Congress to “devise means for removing this Inconsistency from the Character of the American People” and to “Step to the very verge of the Powers” the legislature possessed “for discouraging every Species of Traffick in the Persons of our fellow Men.” According to the PAS memorial, slavery was not just a matter of morals or a religious concern, though the memorial addressed these elements, but a matter of the national character. It was, in the eyes of the authors of the memorial, opposite “the true Principles of liberty” that ought to suffuse “this land of Freedom.”²⁶

²⁶ Annals, 1st Congress, 2nd Session, 1239-1240; DHFFC, Vol. 8, 326. For more on the membership of the PAS, see diGiacomantonio, ““For the Gratification of a Volunteering Society.””

Representatives from the Lower South were quick to protest any consideration of the memorials or their objects. For these men, Congress could not cease discussion of the subject of slavery too quickly. They reacted to the antislavery requests of the memorials with an immediate attempt to convince their colleagues to table the memorials as the Senate had done, ending all discussion of the memorials and their antislavery goals. Richard Newman writes of this attempt to suppress discussion, “The First Congress...witnessed the earliest attempted gag rule.”²⁷ Lower Southern representatives had a couple of reasons to wish to avoid discussion of slavery and the slave trade in Congress. First, they and their constituents had concerns about a strong centralized government’s potential impact upon slavery. Unless they managed to establish early in the course of the new government the general government’s lack of power over slavery, they would face constant uncertainty about the perpetuity of slavery. They favored a strong national government for many matters, but they generally “agreed that it must be rendered powerless against the institution of slavery.”²⁸ Establishing a precedent of tabling antislavery memorials without discussion would be one effective way to keep power over slavery out of the hands of the general government.

Of all the states in the union in 1790, South Carolina and Georgia were by far the most reliant on slave labor. The representatives from the two states freely acknowledged this, claiming that their states would fall to waste entirely without slaves to cultivate the land.²⁹ In large part because of this vested interest in slavery and the slave trade, when the memorialists

²⁷ Richard S. Newman, “Prelude to the Gag Rule: Southern Reaction to Antislavery Petitions in the First Federal Congress” *Journal of the Early Republic* 16 (Winter 1996): 572.

²⁸ *Ibid.*, 575.

²⁹ Brian Schoen points out the concerns in the Lower South about slavery and the enormous impact of the Revolution on the slave economy of the Lower South states and their subsequent efforts to renew and expand their slave populations; see Brian Schoen, “Positive Goods and Necessary Evils: Commerce, Security, and Slavery in the Lower South, 1787-1837” in *Contesting Slavery*, 163-164.

attempted to make slavery and the slave trade national issues, the representatives from the Lower South responded with arguments that these issues rightfully belonged to the individual states, not the general government. The Constitution reserved to the states all powers not expressly delegated to the general government, and power over slavery and the slave trade numbered among these powers. Furthermore, as the part of the nation most heavily involved with the slave trade and slavery, the states of the Lower South, not the nation as a whole, had the best right to decide how to proceed, according to the representatives from the region. Slavery and the slave trade, these representatives insisted, were state issues, not national ones.

Additionally, in many Lower Southerners' opinions, slavery was no business of the Quakers and the members of the PAS, as they did not have any slaves and so could not have any vested interest in the institution of slavery. Without a vested interest in the subject under consideration, representatives from the Lower South expressed doubts whether the Quakers were justified in petitioning the general government about it. Ultimately, the representatives from the Lower South asserted that they considered slavery and the transatlantic slave trade questions of sectional interest; slavery was, they said, a sectional institution and therefore a sectional concern, not a national one. The issues of the slave trade and slavery ought to be left to the individual states, particularly the states of the Lower South, who had the greatest interest in slavery. It was against southern interest, these representatives argued, to do anything with the antislavery memorials except dismiss them. Furthermore, what the memorials requested was in direct violation of the Constitution, the southern representatives contended, as the Constitution secured to them the right to import slaves at least until 1808 and gave Congress no explicit power over slavery, and little more over the slave trade.

Representative Aedanus Burke of South Carolina was one of the most vocal opponents of the memorials. He lost no time in asserting that “the men in the galley come here to meddle in a business with which they have nothing to do; they were Volunteering it in the cause of others, who neither expected nor desired it.” Several of the men involved with the crafting and signing of the memorials had come to Congress to lobby for their cause.³⁰ To Burke, the memorialists’ and the lobbyists’ intent was to meddle where they were neither needed nor wanted. Slavery and the slave trade were a matter of southern property rights, and depriving southerners of their property could not materially affect the petitioners, removed from the situation as they were. And if the House insisted on entertaining the antislavery memorials, it ought to wait for petitions with the opposite position to come before Congress so that the representatives could reasonably consider all sides of the issue. To proceed as his opponents intended to do, Burke said, entertained a threat to southern property from people who would not feel the impact of the consequences.³¹

Representative Thomas Tucker agreed with his fellow South Carolinian and advocated dismissing the memorials “without further notice.” He stated, “Congress have no authority, under the constitution, to do more than lay a duty of ten dollars upon each person imported.” Furthermore, he believed, that duty would not have the effect the petitioners desired. In fact, Tucker claimed, it might make the slaves’ treatment worse “because an interfered with the subject, may excite a great degree of restlessness in the minds of those it is intended to serve, and may be a cause for the masters to use more rigor toward them.” In other words, he was concerned that any interference in slavery on the part of the national government might result in

³⁰ For more about these lobbyists, see DiGiacomantonio, ““For the Gratification of a Volunteering Society.””

slave insurrection. This insurrection would result in consequences opposite those intended by the memorials, as it would lead to harsher treatment of the very slaves for whom the memorials expressed such concern. It was better, therefore, to stay out of the business entirely rather than to risk making the slaves' situations worse, particularly since the memorials desired more of Congress than Congress could constitutionally deliver.³² Tucker, unlike the Quakers, certainly had a material interest in the outcome of the debate. While he was trained as a medical doctor, he had made his fortune as a plantation and slave owner. As such, he had a strong personal interest in maintaining the states' independence from the general government on the subject of slavery. He also likely had firsthand knowledge of the fear of slave insurrection that haunted many slaveholders.³³

Representative Abraham Baldwin of Georgia expressed sorrow that the subject of slavery and the slave trade had come before Congress at all "because it was of a delicate nature, as respected some of the states." He asked the House to remember the Constitutional Convention, during which "the member from the southern states were so tender upon this point, that they had well nigh broken up without coming to any determination." Because of their dedication to union, Baldwin claimed, the southern delegates had compromised, "and the constitution jealously guarded what they agreed to." The Constitution specifically safeguarded the right to import slaves from Africa for a certain number of years. To cut short this guaranteed span of time, or to take action against slavery in any way, Baldwin's words suggested, would excite southern sentiments to the point of endangering the union. Others in the House had argued that

³¹ DHFFC, Vol. 12, 286.

³² *Ibid.*, 291.

³³ DHFFC, Vol. 14, 857.

the memorials did not specifically call for the abolition of the slave trade, therefore the representatives from the Lower South need not be alarmed. To this Baldwin replied, “I think, sir, it prays for nothing else, and therefore we have no more to do with it, than if prayed to establish an order of nobility, or a national religion.” Abolishing the slave trade was just as much against the Constitution, in Baldwin’s opinion, as either of the actions he mentioned. He opposed committing the memorials because their objects were unconstitutional and would negatively impact the lower southern states.³⁴

In addition to their defense of states’ individual rights to determine their involvement with the slave trade, representatives from the Lower South also made it a point to vilify the Quakers sending the memorials, hoping to discredit the memorials’ objects by discrediting the memorials’ authors. They sought to shift the focus of the debates from slavery and the character of the nation to the character of the people requesting general government interference in the slave trade. The representatives strove to paint the Quakers as self-interested, traitorous religious fanatics, contradicting the Quakers’ portrayal of themselves as patriots concerned primarily for the national character and virtue. They were quick to point out the Quakers’ role in the recent Revolution. Pacifism was a part of the Quaker religion, which meant the Quakers had not fought with their fellow Americans against the British. Furthermore, some representatives pointed out, many Quakers had supported the British, rather than the Americans. No matter how active or passive the Quakers’ actions during the Revolution, lower southern representatives said, the Quakers had been traitors. The Quakers’ appropriation of the Revolution’s ideals for the antislavery cause was, therefore, nothing short of utter hypocrisy. Burke called the Quakers

³⁴ DHFFC, Vol. 12, 308-309.

“base” and “treacherous” and insinuated that, during the Revolution, the Quakers had worked for the enslavement of their own country. Representative James Jackson of Georgia seconded Burke’s comments, reminding his colleagues in the House that Gordon’s history declared Quakers “enemies to our cause and constitution.”³⁵

By attacking the Quakers as a group, the representatives from the Lower South and their allies hoped to break down the connection made in the memorials between slavery and the national character. Attacks on the Quakers continued throughout the debates on the memorials, as these representatives attempted to undermine the petitioners’ claims to the ideological high ground that the slave trade negatively affected the nation. Jackson called the antislavery Quakers “evil spirits hovering over our heads in the gallery,” and Burke compared them to “Milton’s Lucifer, who entered Paradise in the shape of a cormorant.”³⁶ Such debased figures, the Quakers could not be the heirs of the Revolution; they had not supported the Revolution to begin with and had no claim to its principles or to the virtue so valued by the leading men of the Revolution. These religious images also denied the Quakers their claim to any sort of moral high ground for antislavery.

Despite staunch opposition from the Lower South and lower southern representatives’ personal attacks on the Quaker petitioners, many representatives from the North and from the Upper South supported sending the memorials to a committee for further consideration. Several expressed their general opposition to slavery and, more particularly, the transatlantic slave trade, but most based their support for further consideration of the memorials on a broader ideological

³⁵ *Ibid.*, 800. For more on attacks from the Lower South on the Quakers’ actions during the Revolution and the connections to the antislavery cause, see Robert G. Parkinson, “‘Manifest Signs of Passion’: The First Federal Congress, Antislavery, and Legacies of the Revolutionary War” in *Contesting Slavery*, 49-68.

³⁶ DHFFC Vol. 12, 719, 749.

base. They argued that American participation in the cruelties of the slave trade identified in the memorials did not reflect well on the United States in the eyes of other nations. Several of the representatives who supported sending the memorials to committee also took hold of the PAS memorial's comments about the ideals of the Revolution and the founding principles of the nation, connecting the ideals of the memorials with the ideals of the nation.³⁷

Following the presentations of the various memorials to the House, Representative Roger Sherman of Connecticut moved that the memorials be referred to a special committee to determine just what the limit of Congress's authority was in the matter. The committee was to "consist of one member from each state, because several states had already made some regulations on this subject."³⁸ Including members from each state would presumably ensure each state's interests were represented and bring greater cohesion to the way the slave trade and slavery were addressed in Congress.³⁹

Sherman's motion gained support from representatives from Virginia northward. Of the representatives who did support sending the memorials to committee, several supported the motion for moral reasons; they believed the slave trade was cruel and wrong and that Congress ought to do all in its power to alleviate the suffering of those subjected to it. This was also the point the memorial from the Pennsylvania Quakers had so strongly made. Others, however, based their arguments for sending the memorials to committee on ideas that aligned more closely with the principles outlined in the memorial from the PAS: the slave trade went against the principles of the Revolution and negatively impacted the entire nation, making it a national issue.

³⁷ For more on the alignment of the Upper South with the North, see Newman, "Prelude to the Gag Rule" and Ohline, "Slavery, Economics, and Congressional Politics, 1790."

³⁸ DHFFC, Vol. 12, 284.

Representative Josiah Parker of Virginia was a slaveholder and generally opposed a strong centralized government. However, he spoke in favor not only of sending the memorials to committee, but of the cause they promoted, as well. To Parker, the issue of the slave trade was one of “momentous concern to the future prosperity and happiness of the people of America.” He considered it his duty “as a citizen of the union” to support the cause outlined in the memorials and to take action as far as the Constitution would allow. As a slaveholder, Parker did not oppose slavery, though “it is not surprising that he became a spokesman against the further importation of slaves,” since in his home district it was economically and politically advantageous to oppose the slave trade in favor of developing the domestic slave trade.⁴⁰ Still, even if he was motivated by self-interest, Parker viewed the transatlantic slave trade as a national issue meriting, or even requiring, national attention. Though he never clarified just what he meant by calling himself a “citizen of the union,” the phrase suggests a contrast with a citizen of a particular state. Parker, in this moment, demonstrated his commitment and attachment to a national agenda, at least as far as this matter was concerned. The slave trade, he asserted, affected the happiness of the entire nation, not just those parts of the nation most invested in or reliant on the trade, and it was on behalf of the whole United States—“as a citizen of the union”—that he spoke in this moment.⁴¹

Representative Elias Boudinot of New Jersey likewise expressed his support for further consideration of the memorials in terms of the interest of the nation: “It is not because the petition comes from the society of Quakers that I am in favor of the commitment, but because it

³⁹ While the original proposal was to include a representative from each state on the committee, it included no representatives from North Carolina, South Carolina, or Georgia; see Wilentz, *No Property in Man*, 159.

comes from citizens of the United States, who are as equally concerned in the welfare and happiness of their country as others.” Burke and a few of his colleagues had expressed their strong opinion that the memorials should receive no further consideration from Congress because the Quakers had no right to interfere with slavery when they were not slaveholders. Boudinot refuted this, considering the antislavery petitions as expressions of concern for the state of the nation from citizens of the nation who had a right, as such, to be heard. The recently passed constitutional amendments that comprised the Bill of Rights guaranteed to citizens of the United States the right of petition, and denying petitions without further consideration would set an undesirable precedent. More than this, though, Boudinot was in no doubt that it would benefit the nation to put an end to the slave trade by any means possible, provided such an act was constitutional and in Congress’s power. He did not advocate discussing the objects of the memorials before a committee had investigated them, and he certainly did not support doing anything beyond what the Constitution said might be done, but he saw the questions raised by the memorials as national ones “well worthy of our consideration.”⁴²

Both Roger Sherman of Connecticut and James Madison of Virginia pointed to the situation outlined in the New York memorial to refute the lower southerners’ contention that only the states could address the issues of slavery and the slave trade. According to Madison, “The petition...speaks of artifices used by self-interested persons to carry on this trade; and the petition from New-York states a case, that may require the consideration of congress.” The New York Quakers had already appealed to their state government to put an end to the practice of

⁴⁰ DHFFC, Vol. 14, 924. At this time, the economy in Parker’s home district was becoming increasingly less reliant on large-scale plantations of cash crops, and several slaveholders derived great profit from selling the enslaved to areas where slavery was expanding.

⁴¹ DHFFC Vol. 12, 284.

foreign ships outfitting for the African slave trade in New York harbors. New York had already banned the slave trade, but a loophole in the law allowed others to prepare to set sail for Africa for the purpose of purchasing slaves to sell in the Americas. When the Quakers complained of this to the New York government, though, the state government informed them that it was powerless in this matter. The practice of the ships circumventing New York's law against the African slave trade dealt with the regulation of commerce, which was a matter for the national government. With this history in mind, Madison suggested that the situation the New York Quakers described might best be addressed by the national government.⁴³

Sherman concurred with Madison's opinion and suggested that "it would, therefore, be proper to commit that petition, in order to ascertain what were the powers of the general government, in the case doubted by the legislature of New-York." At the very least, sending the New York memorial to committee would give the House the opportunity to determine where the power the New York Quakers desired could be found. The purpose of the committee was not, after all, to abolish the slave trade; it was merely to ascertain what power Congress had related to slavery and the slave trade. This was the first time slavery had received much attention in Congress since the Constitution went into effect, and the general government was still striving to define its powers and limitations. Both Madison and Sherman made a case for the general government's involvement with slavery when they expressed the belief that the national government might be the only appropriate place to address some parts of the memorials.⁴⁴

Slavery could be a matter of national concern because the Constitution made the general welfare a matter of national concern, and the memorials contended that slavery affected the

⁴² *Ibid.*, 288-289.

⁴³ *Ibid.*, 284-285.

welfare and happiness of the nation as a whole. The memorial from the Philadelphia Yearly Meeting asked Congress to “remove every obstruction to public righteousness,” clearly defining the slave trade as one such obstruction. The New York memorial characterized the state’s specific situation as one “deeply interesting to the rights of men,” an issue to which the United States had ideologically committed itself during the Revolution.⁴⁵

Despite lower southern efforts to brand those who sent the memorials as traitors and to disconnect revolutionary and republican principles from the antislavery cause, several of the memorials’ advocates drew upon these ideas when supporting sending the memorials to committee. The strongest arguments in favor of further consideration of the memorials did not come purely from invocations of republican ideology, however. Instead, the memorials’ supporters made their case by linking national interest to national honor and character. Revolutionary republican ideology was a part of this, but more of it had to do with the idea of national honor. James Madison agreed that the issues raised by the memorials were of national concern. He particularly focused on the New York memorial’s concerns about foreign ships fitting for the transatlantic slave trade in New York harbors, a problem that particularly might merit Congress’s consideration. He stated, “If any thing is within the federal authority to restrain such violation of the rights of nations, and of mankind, as is supposed to be practised in some parts of the United States, it will certainly tend to the interest and honor of the community to attempt a remedy.” The community to which Madison referred was the community of the nation. He advocated further consideration of the objects of the petitions to promote the national interest and the national honor. Congress need not go against the Constitution to act on the

⁴⁴ *Ibid.*, 289.

⁴⁵ *Ibid.*, 288; DHFFC, Vol. 8, 322-324.

memorials. True, Congress was forbidden from abolishing the transatlantic slave trade at that time, but it was worth considering what Congress could do. Madison offered as an example that Congress might pass some sort of regulation regarding the introduction of slavery to new states. The point was, though, that the memorials were about more than material interest. What Congress could do Congress ought to do, as it would affect the nation's honor, its character.⁴⁶

Representative Elbridge Gerry of Massachusetts claimed that “He thought nothing would excuse the general government for not exerting itself to prevent, as far as they constitutionally could, the evils resulting from such enormities as were alluded to by the petitioners; and the same considerations induced him to highly commend the part the society of Friends had taken it was the cause of humanity they had interested themselves in.” According to Gerry, the national government had not just a right, but an obligation to address the issues presented by the memorials, so far as the Constitution allowed. Gerry personally had a complicated relationship with centralized government; he was one of three delegates to the Constitutional Convention who had left without signing the document because he objected to its lack of a declaration of rights.⁴⁷ In this case, however, he showed no uncertainty about whether or not the slave trade was an appropriate issue for the general government's discussion. In fact, he claimed, this was a matter he hoped every nation would address, “to wipe off the indelible stain which the slave-trade had brought upon all who were concerned in it.”⁴⁸

While these early articulations of concern about the national character were not as strong or as developed as they would later become, they accomplished several important objectives.

⁴⁶ DHFFC, Vol. 12, 284-285.

⁴⁷ DHFFC, Vol. 14, 619-620.

⁴⁸ DHFFC, Vol. 12, 289.

First, and most important, they made a convincing case that the slave trade and slavery were national issues, though they recognized that Congress had no power to abolish slavery in the states where it existed and was limited as to what it could do regarding the slave trade at that point. While not every part of the United States had large numbers of slaves, and only a few states still participated in the transatlantic slave trade, the presence of slavery in the nation, and, more importantly in this debate, the participation of any part of the nation in the nefarious slave trade reflected poorly on the nation. It went against the nation's honor and diminished its standing in the international community.

After a couple of days of debate about committing the memorials, the House voted to refer the memorials to a special committee for further consideration and investigation. The committee was to examine the requests made in the memorials and consider what Congress could do with respect to the petitions. A few weeks later, the committee presented its findings in a report. In the report, the committee affirmed that Congress was restrained from closing the transatlantic slave trade or "interfering with the emancipation of slaves" before the constitutionally stipulated year of 1808. The report also asserted that Congress could regulate the slave trade, including providing for the humane treatment of slaves en route to the United States. Congress could not "interfere in the internal regulation of States relative to the instruction of Slaves in the principles of Morality or Religion" or in slave treatment in any way, but it could tax the importation of slaves, and it could "prohibit Foreigners from fitting our Vessels in any port of the United states for the Slave trade." The committee assigned to report on the memorials acknowledged that Congress could do little regarding the memorialists' requests, but the lower southern representatives were still displeased with the report, and this

time they had more allies, primarily from other slaveholding states. The conclusion of the report stated that Congress would, as the memorials had requested, pursue the end of the transatlantic slave trade and slavery wherever it had authority to do so.⁴⁹

A couple weeks later, after the members of the House had time to look over the report, the House began discussing and debating it. The debate that began on the sixteenth echoed many of the themes that had dominated the February debates. The representatives from the Lower South protested so much as talking about the subject, suggesting more than once that the House postpone its discussion of the report, perhaps indefinitely. Those who stood against the Lower South made their case in terms of national interest and honor. For a week, between March 16 and March 23, the House, as a Committee of the Whole, debated every section of the report and the issues of slavery and the transatlantic slave trade, sometimes heatedly.

What had changed, however, was the number of people who stood against the Lower South. The right of the memorials to be heard and considered had been one thing; the report from the special committee was quite another. The language of the report, rather ambiguous on many points, left open the possibility that Congress might attempt to emancipate slaves after 1808, as well as potentially end the slave trade. Representative Alexander White of Virginia, who had supported sending the memorials to the committee, “advised that the report be completely ‘struck out’...and replaced with just a few simple stipulations” limiting congressional power.⁵⁰

Several representatives proposed amendments to the report, a number of which passed, resulting in a final report that looked little like the original. Finally, on March 23, after a week of

⁴⁹ Wilentz, *No Property in Man*, 160.

⁵⁰ Newman, “Prelude to the Gag Rule,” 594.

heated debates and minimal progress, Madison moved “that the proceedings of the committee of the whole should be entered on the journals, as the best method for putting an end to the business,” as he considered it improper to pass the resolutions outlined in the report as abstract declarations. Entering the proceedings in the journals would provide the public with information, show the general feelings of the House concerning the antislavery memorials, and suggest that Congress would exercise the powers it possessed as appropriate.

In response to this motion, congressmen who had been quiet in the debates prior to this point objected to entering the resolutions in the journals of the House. Their objections focused on the lack of necessity of such an action and the desire that the resolutions be taken up by the House for consideration. Others sided with these men for a variety of reasons. William Smith of South Carolina, however, opposed both entering the reports on the House journal and further considering the resolutions of the report. He particularly expressed concerns that the resolutions, both in their original and their revised versions, were to be entered along with the debates. Smith’s objection was that no indication of which resolutions had been approved and which rejected would be entered with them, and that the House would not vote upon Madison’s motion, yet the report would “be called an act of the House.” In Smith’s opinion, the report would gain the weight of law without any opportunity for the members of Congress to pass or reject it.⁵¹

Madison disagreed with Smith’s objections, stating “it was in the power of any member to move, at any time, for a bill to the same effect.” In other words, anyone who wanted to could call for a vote on it later. Entering the proceedings in the journals seemed, to him, the “most conciliating and proper” way to resolve the issues that had been raised by the memorials and the

⁵¹ DHFFC, Vol. 12, 843-844.

report. He also acknowledged that it was “impossible to shut the door altogether against this business.” There was no way to simply let the matter fall into obscurity or keep from addressing it in the future. His motion seemed to him and to many of his supporters the best way to put the business to rest for the time being, while presenting the possibility of addressing it further in the future. It would not give the report the weight of law, as Smith feared, but it would leave a record and leave open the possibility of revisiting the report at a later date. A vote was taken, and Madison’s motion passed.⁵² Both the original report and the amended one were entered on the House journals.

During both the debates over sending the memorials to a select committee and the debates over the committee’s report, several congressmen expressed their support for the memorials and their objects in nationalist terms. Just as the memorial from the PAS had, these men represented slavery as a blight on the national character. Even as these representatives endeavored to show that slavery was a matter of national concern, representatives from South Carolina and Georgia repeatedly expressed their opinion that the national Congress should not be discussing slavery or the memorials because slavery was purely a sectional issue. These same representatives gave long, impassioned speeches in defense of slavery as an institution and the necessity of the transatlantic slave trade to their states’ prosperity. While arguments against Congress’s involvement in the objects of the memorials ultimately prevailed, those who forwarded nationalist arguments for considering the memorials laid the foundation for consideration of slavery as a national issue and set the precedent of entertaining antislavery materials in Congress.

⁵² *Ibid.*, 844.

While one might argue that the representatives of the Lower South gained more ground over the course of the debates over the antislavery memorials—essentially, that the Lower South “won”—this interpretation overlooks the fact that the House set important precedents over the course of this debate. Congress considered for the first time exactly what power and authority it possessed over slavery and the transatlantic slave trade, and while that authority amounted to very little, it had still received conscious attention in the House of Representatives. Furthermore, those who claimed that slavery was by right a national issue had opened the door for the further discussion of slavery and the slave trade at the national level, a door that Madison had called impossible to shut. They had asserted that the slave trade was a national problem and established Congress’s willingness to hear from the opponents of slavery. Over the next several years, various antislavery groups sent petitions and memorials to Congress, and these were heard and considered, though the fact remained that not much could be done. The most important achievement of the supporters of the right of the memorials to be heard was opening the door to further discussion of slavery and the slave trade.

CHAPTER TWO

“EVERYTHING COMPARED WITH A GOOD NAME IS ‘TRASH’”: NATIONAL CHARACTER AND THE 1804 DEBATE ON TAXING THE TRANSATLANTIC SLAVE TRADE

In December 1803, the South Carolina legislature voted to end the state’s ban on the transatlantic slave trade, a ban that had been in place for more than a decade.⁵³ South Carolina had historically had a complicated relationship with the slave trade. During the Constitutional Convention, the delegates from South Carolina fought against efforts to close the trade on the national level, even threatening to leave the convention entirely. It was largely due to the efforts of these men that the Constitution included the provision for a twenty-year protected window for the slave trade. Somewhat ironically, South Carolina had suspended slave importation even before the new constitution went into effect. At that time, in 1788, the decision was largely an economic one intended to stop the flow of specie out of the state. In 1792, South Carolina briefly reopened the trade, but the racial violence of the Haitian Revolution led to a swift reversal

⁵³ For insights into the timing of both the initial ban and the repeal thereof, see Brady, Patrick S. “The Slave Trade and Sectionalism in South Carolina, 1787-1808,” *The Journal of Southern History* 38, No. 4 (Nov. 1972): 601-620.

of that decision. As late as 1802, the state legislature was nearly unanimous in its decision to keep the transatlantic slave trade closed.⁵⁴

Clearly, the situation had changed by late 1803. The reason a representative from South Carolina later gave for repealing its ban was that it had proven too difficult to enforce. Representative Thomas Lowndes stated that many had evaded the law, with the effect that the number of newly-imported slaves introduced into South Carolina over the previous few years had been little short of what it would have been without the ban. This being the case, he said, “It appears to me to have been the duty of the Legislature to repeal the law, and remove from the eyes of the people the spectacle of its authority being daily violated.”⁵⁵ Such rampant disregard of the law made it of little effect and undermined the state government’s authority. In this light, Lowndes argued, it only made sense to repeal the ban.

Besides this declared reason, several other factors may help explain the state’s motives. Foremost among these is the acquisition of the Louisiana Purchase territory earlier that year. To many South Carolinians, that largely unsettled land could not be cultivated without slave labor, and that labor had to come from somewhere. Many believed that the newly acquired territory would quickly be overrun by slaves from the Caribbean, as it was a readily accessible source of slaves, and they feared that the rebellion and racial violence taking place in the Caribbean at that time would spread to the United States. Slaves imported directly from Africa seemed far preferable to the possibility of rebellious slaves from other sources. Other potential reasons for

⁵⁴ Jed Handelsman Shugerman, “The Louisiana Purchase and South Carolina’s Reopening of the Slave Trade in 1803,” *Journal of the Early Republic* 22 (Summer 2002): 266-270.

⁵⁵ Annals of Congress, 8th Congress, 1st Session, House of Representatives, 992.

the repeal include a desire to provide a legal alternative to the illegal trade of slaves from the Caribbean, and the rise of cotton as a cash crop in the state.⁵⁶

Whatever the reason the members of the South Carolina legislature decided to repeal the state's prohibition of the transatlantic slave trade, the other states of the Union met the decision with outrage and censure. In the *Hartford Courant*, an article appeared that denounced the South Carolina legislature's actions in rather inflammatory language, stating that "This abhorred traffic in human flesh calls for the severest reprehension of every government and every man who countenances or upholds it." The leaders in South Carolina, according to the author, were doubly culpable for this decision, as they purported to "be all on fire for the rights of man" and were "distinguished for their clamour about liberty and equality."⁵⁷ Even slaveholding states such as North Carolina, Tennessee, and Maryland passed resolutions urging a constitutional amendment that would allow the general government to end the slave trade before 1808.⁵⁸

In January 1804, one short month after South Carolina repealed its ban on the transatlantic slave trade, David Bard brought the matter to the attention of the House of Representatives. Bard, former frontier missionary and clergyman and a representative from Pennsylvania, rose to express his disapproval of South Carolina's actions and to propose a resolution "that a tax of ten dollars be imposed upon every slave imported into the United States." He stated, "Had I been informed that some formidable foreign Power had invaded our country, I would not, I ought not, be more alarmed than on hearing that South Carolina had

⁵⁶ Shugerman, "The Louisiana Purchase and South Carolina's Reopening of the Slave Trade in 1803," 263-290. Shugerman spends the majority of his article on the Louisiana Purchase, but on 264 he also discusses other reasons historians have posited for South Carolina's decision to repeal the ban on the transatlantic slave trade.

⁵⁷ "Slave Trade," *Connecticut Courant*, Feb. 1, 1804, 3.

⁵⁸ Fehrenbacher, *The Slaveholding Republic*, 142. See also Herman V. Ames, *The Proposed Amendments to the Constitution of the United States During the First Century of Its History*, *Annual Report of the American*

repealed her law prohibiting the importation of slaves.”⁵⁹ Other Americans shared his sentiment, and he invited the members of the House to join the states in expressing disapproval of South Carolina’s reopening of the trade. Bard’s purpose in proposing the resolution was to demonstrate the general government’s disapprobation of South Carolina’s repeal. Congress could not close the trade entirely, but the Constitution did permit that “a tax or duty may be imposed on such Importation, but not exceeding ten dollars for each Person.” This tax, the highest the Constitution would allow, would show that Congress would do all within its power to act against the transatlantic slave trade and express disapproval of South Carolina’s decision to reopen that trade.

This was not the first time a congressman had proposed levying the constitutionally sanctioned tax; Representative Josiah Parker of Virginia had proposed a tax as early as 1789, but it had not passed.⁶⁰ Though the idea was far from new, however, and the members of the House universally expressed their distaste for the slave trade, Bard’s proposal still sparked debate. Three major factions quickly emerged. One sided with Bard, supporting the proposed tax and contending that it would show the general government’s disapproval of the transatlantic slave trade and South Carolina’s actions. Another faction opposed the resolution on the grounds that South Carolina was within its rights as a sovereign state to repeal its ban, and that to tax the trade would be unfair to South Carolina. The third faction also opposed the tax, but the reason the representatives gave for their opposition was that they disagreed over the probable effect of the tax. They contended that the proposed tax, rather than discouraging the slave trade, would give

Historical Association for the Year 1896, Vol. 2 (Washington, D.C.: Government Printing Office, 1897), 208-209. Ames also points out similar proposals from Massachusetts, Vermont, and New Hampshire.

⁵⁹ *Annals*, 8th Congress, 1st Session, 820. For the background on Bard, see Fehrenbacher, *The Slaveholding Republic*, 142.

it official government sanction. While the middle faction argued staunchly on state rights grounds, the groups who focused their arguments on the meaning of the tax connected that meaning to the national character. Representatives from both groups agreed that the transatlantic slave trade reflected poorly on the United States as a nation, but they disagreed as to the probable effect of the proposed tax thereupon.

Bard's resolution passed despite the opposition, and the members of the House were invited to present bills to implement the proposed tax. Accordingly, Representative John Randolph of Virginia brought a bill before the House to tax the transatlantic slave trade. At first glance, Randolph would seem an unlikely candidate to present such a bill. He was well known during his own time and is still best known by historians today for pioneering proslavery political tactics in the early republic. As historian Nicholas Wood points out, though, "Randolph was dedicated to the preservation of property rights and southern political power....But he also loathed slavery—especially slave trading—and supported federal action against slavery when it fell under clearly defined powers of the federal government."⁶¹ The tax was clearly under the defined powers of the general government, and Randolph's presentation of the bill speaks to his opposition to the slave trade and his belief that the tax could be effective against the trade.⁶²

Upon the presentation of the bill, a representative from South Carolina moved that the bill be postponed. Postponement was an established means in Congress of ending debate on an issue without a vote, and the representative freely acknowledged that his goal was "to get rid of it

⁶⁰ Representative Josiah Parker of Virginia had proposed the tax as early as 1789, but it was voted down fairly quickly; see Wilentz, *No Property in Man*, 154.

⁶¹ Nicholas Wood, "John Randolph of Roanoke and the Politics of Slavery in the Early Republic," *Virginia Magazine of History and Biography* 120, Issue 2 (2012): 108.

⁶² Wood, "John Randolph of Roanoke and the Politics of Slavery in the Early Republic."

altogether.”⁶³ He pointed out that every member of the House who had spoken on the resolution had conceded that taxing the transatlantic slave trade would not reduce the number of enslaved people imported, so the tax would not accomplish what he believed was its purpose. Others in the House supported postponement of the bill on the grounds that South Carolina reportedly intended to reinstate the ban on the slave trade soon. They preferred to give the state the opportunity to end the trade without outside interference that could potentially bring about undesirable results.⁶⁴

In the end, despite the efforts of Bard and his supporters, while the resolution passed, the House voted to postpone John Randolph’s bill to implement the tax on the African slave trade, effectively defeating the measure without actually voting against it. Though the Constitution specifically allowed Congress to place a tax of ten dollars upon all slaves imported to the country, such a tax was never passed. In 1804, the issue split the House into three groups or factions. The representatives who argued against the tax on the grounds of state sovereignty and equality did so with similar motives to those of the Lower South representatives who had invoked state rights in the 1790 debates: they wanted Congress to drop the subject. They were less militant about their agenda, and unlike in 1790, they offered no defense of slavery as an institution, but they moved multiple times to postpone the matter, which would effectively end discussion of it. For those who favored the tax, invoking the national character followed the precedent antislavery forces in the House had set in 1790. It also fit with the efforts throughout

⁶³ Annals, 8th Congress, 1st Session, 1024.

⁶⁴ *Ibid.*, 1024-1030. As will be seen later, there were some concerns in Congress that congressional interference in this matter would lead South Carolina to keep the trade open, rather than close it.

the Atlantic at the time against the slave trade.⁶⁵ For the third faction, however, the choice was decidedly less clear. They opposed the proposed tax, but they did not wish to align themselves with the pro-state rights faction, as such a position did not, for them, express sufficient disapproval of South Carolina's actions. Using concern for the national character to oppose taxing the slave trade allowed them to speak and vote against the proposed tax without sacrificing future opportunities to address slavery and the slave trade as national issues. It allowed them to oppose the tax while still expressing disapproval for South Carolina's actions.

One of the most pressing issues in regards to the effects of the tax involved South Carolina's rights as a state. During the 1790 debates, over the antislavery memorials, representatives from the Lower South had contended heatedly that slavery and the transatlantic slave trade were matters for the states to decide for themselves individually, a stance that was largely upheld by both the report from the committee and Congress's subsequent inaction on these issues. After all, power over slavery was not given to the general government in the Constitution, and power over the slave trade was specifically denied the general government until 1808. In the meantime, this meant the power was reserved to the states. The same argument appeared in the debate over taxing the slave trade. South Carolina, as a sovereign state with power over slavery and the slave trade, was well within its rights to repeal her prohibition on the trade, according to some representatives, no matter how repugnant people might find that decision.

⁶⁵ Matthew Mason, "Keeping Up Appearances: The International Politics of Slave Trade Abolition in the Nineteenth Century Atlantic World," *William and Mary Quarterly* Ser. 3 66, No. 4 (October 2009): 809-810. Mason points out that Atlantic nations pursuing the abolition of the slave trade competed to be first to claim the moral high ground for their nations.

Speaker of the House Nathaniel Macon, a representative from North Carolina, expressed his concerns about the proposed measure in plain terms. He restated the hope of advocates of the tax that it would show the hostility of Congress to the importation of slaves. Macon found this objective somewhat problematic, however, as the effect of the tax seemed to him “an attempt in the General Government to correct a State for the undisputed exercise of its Constitutional power.” No one argued that South Carolina did not have the right to decide whether or not to allow the importation of slaves from Africa, just as no one argued that the slave trade was a good thing. For the general government to censure a sovereign state for an action within that state’s rights, though, stepped on those very rights.⁶⁶

Representative Benjamin Huger, a slaveholder from South Carolina, agreed with Macon. He assured his listeners that, had he been in his state’s legislature—a position he had previously held—when South Carolina repealed the ban on the slave trade, he would have opposed that repeal. As it was, though, he was in the national Congress as South Carolina’s representative, “and after the State had exercised their undoubted right, however he might dislike the measure, it was his duty to defend the right which they had to adopt it.” He might not have agreed with his state’s decision, but Huger affirmed that it was the state’s decision to make. For this reason, Huger could not agree to an act that would “censure [South Carolina] for doing that which she had an undisputed right to do.”⁶⁷ Huger further pointed out that the “Eastern States” imported redemptioners from Germany without the national disapproval South Carolina experienced for the slave trade. He asked his colleagues “from the Middle and Eastern States [to] recollect that the situation of South Carolina [was] very different from that of their States,” further showing

⁶⁶ Annals, 8th Congress, 1st Session, 998.

⁶⁷ *Ibid.*, 1005.

that in his mind, the issue was not one for the nation as a whole, but ought to be confined to the individual states or to the region most invested in slavery. The eastern states were not totally faultless in their labor practices, so they should not condemn southern ones for the source of their labor.⁶⁸

In addition to concerns about South Carolina's sovereignty, some representatives also voice their concern that South Carolina would be unfairly affected by the proposed tax. After all, South Carolina, as the only state that permitted slave importation at the time, would be the only state required to pay the tax. For several representatives, this was closely linked with the peculiar needs of the slaveholding states. No one was defending slavery or the slave trade, at least not in any positive terms, but neither was everyone fully denouncing the institution. Representative Thomas Lowndes of South Carolina, defending his state's decision, claimed that his state only repealed its ban on the slave trade because it had proven unable to enforce the ban. Illegal slave importation was such a rampant problem that the law against it was virtually meaningless. Lowndes suggested that this was the fault of the general government, which had not provided the help to which South Carolina was entitled by virtue of the fact that the state gave the revenue it received from foreign trade to the national government, which ought to entitle the state to help in this matter, which dealt with foreign trade. Lowndes laid the blame for the illegal slave trade upon the national government and upon his "Eastern brethren," who had continued the trade after it was banned. In other words, South Carolina could not be held responsible for the decision to permit the transatlantic slave trade; without the support of the general government and other regions of the country, it could not stand against the trade on its own. The repeal of the ban was not about slavery, Lowndes claimed, but about maintaining state

⁶⁸ *Ibid.*, 1005-1006.

authority, for the rampant disregard for the state law against the slave trade had been counter to good order within the state.⁶⁹

Representative Willis Alston of North Carolina supported Lowndes's claim that a tax upon slave imports would be unfair to South Carolina. He asserted his belief that the tax would unfairly burden South Carolina,; after all, "no State in the Union would be affected except South Carolina." Any time the House of Representatives considered laying a tax, he said, its members ought to make the effort to select objects for taxation that would affect the entire nation as equally as possible. Taxing the transatlantic slave trade would clearly not affect all parts of the nation equally. Alston further stated, rather pointedly, that "Those gentlemen who are not interested [slavery] ought to let us alone, and permit us to enjoy it as the necessity requires." For Alston, taxes should be fair, and slavery and all issues pertaining thereunto were best left to the states that were most concerned with them.⁷⁰

The representatives from the Lower South who opposed the proposed tax made their case in terms of state sovereignty and equality between the states. To counter them, those who supported the tax had to establish the transatlantic slave trade and South Carolina's participation therein as a national matter requiring the attention of the national government. A couple of representatives attempted to do this by attacking the claim that that tax singled out South Carolina. Representative Ebenezer Elmer of New Jersey insisted that he "did not see that this measure had any pointed relation to South Carolina in particular."⁷¹ In a similar vein, Representative John Lucas of Pennsylvania stated, "It cannot, I think, be justly said, by imposing

⁶⁹ *Ibid.*, 992. Fehrenbacher questions Lowndes's claim that South Carolina had been unable to enforce the ban, pointing out that enforcement was actually improving at the time; see Fehrenbacher, *The Slaveholding Republic*, 142.

⁷⁰ Annals, 8th Congress, 1st Session, 1031.

this tax we single out the State of South Carolina.” He took the point further than Elmer had, though, asserting “If the tax shall operate more on South Carolina than on any other State, it will not be our fault....The remedy is in her hands; she can when she pleases prohibit the importation of slaves, and the tax, so far as it falls on her, will immediately cease.”⁷² In other words, the extent to which the proposed tax would affect South Carolina—or any other state—for that matter—was entirely up to South Carolina, according to Lucas. The tax was a national one and would be equally in force in all parts of the nation.

More members of the House who supported taxing the transatlantic slave trade, however, used arguments based on a concern for the national character to nationalize the issue. They insisted that South Carolina’s decision to reopen the slave trade tarnished the national reputation in the eyes of the world, which they did not hesitate to say were upon the United States. Representatives in this group argued that participation of any part of the nation in the transatlantic slave trade negatively impacted the character of the entire nation. Placing a tax on that trade, they claimed, would show the nations of the Atlantic world that even though the South Carolina legislature had chosen to lift its ban on the trade, the general government did not

In his initial speech in defense of his resolution, Bard left no one in any doubt that he believed the world was watching the United States and judging the nation and the general government’s involvement with slavery and the transatlantic slave trade. He unequivocally stated that the members of the House owed it “indispensably to ourselves and to the world, whose eyes are on our Government, to maintain its republican character.”⁷³ The general government had a responsibility to conduct itself in a manner that demonstrated the nation’s

⁷¹ *Ibid.*, 1034.

⁷² *Ibid.*, 1009-1010.

commitment to freedom from tyranny and oppression. The national conduct should be above reproach if the nation was to maintain its character in the eyes of the nations of the Atlantic world. Slavery and the slave trade stood in direct opposition to that goal. Bard asked his fellow representatives, “Will foreigners concede this high character to us, when they...find that we hold a million of men in the most degraded slavery?”⁷⁴ They would not, he said, but would instead see in the nation “the principles of tyranny.”⁷⁵ This outcome was of all things most undesirable to Bard, as it was deeply detrimental to the national character. It would take away the nation’s good name, and Bard believed that “Everything compared to a good name is ‘trash;’ and it rests with us whether we will preserve or destroy it.”⁷⁶

That the United States might preserve and not destroy its good name was Bard’s goal in proposing the tax on the slave trade. He told the members of the House that “if any of the States engage in the trade, the tax will have two effects—it will add something to the revenue, and it will show to the world that the General Government are opposed to slavery, and are willing to improve their power...for preventing it.”⁷⁷ Implementing the full tax that the Constitution allowed would show the Atlantic world that the general government of the United States was acting against the slave trade to the extent of its abilities. Bard considered this effect far more important than that of raising revenue, which he said was only an incidental effect of taxing the slave trade. Discouraging the trade—and slavery by extension—was his chief goal. Nearly one-fifth of the population of the United States was enslaved, Bard pointed out, “a fact that must have

⁷³ *Ibid.*, 994-995.

⁷⁴ *Ibid.*, 996.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*, 995

⁷⁷ *Ibid.*, 994

the weight to sink our national character, in spite of volumes to support it.”⁷⁸ The nation had a great deal in its favor and had a reputation abroad as well as at home as a land of liberty and “an asylum for the oppressed of all nations,” but the nation’s involvement with the slave trade threatened to destroy that. Bard appealed to his fellow representatives’ pride in their nation, asserting “If...we hold a consistency of national character in any estimation, we will give every discouragement in our power to the importation of slaves.”⁷⁹ This was what he meant the tax to do, to discourage the transatlantic slave trade and to uphold the national character.

Representative Samuel Mitchell of New York agreed that Bard’s proposed tax would discourage and show the general government’s disapproval of the slave trade. Mitchell, who had been raised a Quaker, was perhaps the most outspoken opponent of slavery and the slave trade during this debate.⁸⁰ Despite his statement at the beginning of his speech in support of the tax that “he would...say nothing on the immorality” of the slave trade or its “repugnance to...the spirit of our free Government,” he spent a significant portion of his time denouncing the conditions of the transatlantic slave trade.⁸¹ He also reminded his colleagues in the House that the enslaved posed a danger to the nation, pointing to the events on Saint Domingue as the ultimate example of what could happen if the slaves ever chose to rebel. To Mitchell, slavery was “a dark spot on some of the members of the national body, which was spreading wider, turning black, and threatening gangrene all around.”⁸² He acknowledged that the general government could do nothing to end the slave trade or slavery at that moment; it could not do

⁷⁸ *Ibid.*, 996.

⁷⁹ *Ibid.*

⁸⁰ For more on Mitchell’s background, see the Dictionary of American Biography, Vol. 13, where he is listed under “Mitchill, Samuel Latham.” The entry on him focuses primarily upon his career as a scientist, but also discusses the highlights of his political career. (*Dictionary of American Biography*, Vol. 13 (New York: Scribner’s Sons, 1943), 69-71.

⁸¹ *Annals*, 8th Congress, 1st Session, 999-1000.

anything to punish South Carolina for the decision to reopen the transatlantic slave trade, nor could it force the state to close the trade again. Slavery was a part of the nation, “and Congress could not put an end to it.” What Congress could do, however, was “interpose its authority, and discountenance [the slave trade] as far as possible” by passing the constitutionally permitted tax of ten dollars per person imported.⁸³ This would show the general government’s disapproval of the slave trade, even if it could not yet end the nation’s participation in the trade altogether.

Like Mitchell, Representative Joseph Stanton, Jr., of Rhode Island was quite vocal in his opposition to slavery. He related to the members of the House his recent experience witnessing “twenty or thirty negroes, chained to each other, and drove like mules to market,”⁸⁴ hoping to arouse his fellow representatives’ sympathy for those in bondage. The transatlantic slave trade, he asserted, “tarnishes the American character.”⁸⁵ Stanton, like Mitchell, acknowledged that the general government could not prohibit the slave trade before 1808. The government’s power was limited by the Constitution in this matter. For this reason, “to lay a tax being the only Constitutional power the General Government possess,” he thought it best to exercise that power.⁸⁶ Until 1808, this was the best way for the general government to discountenance the slave trade and work to remove the tarnish Stanton said afflicted the national character.

Where men like Bard, Mitchell, and Stanton were most concerned with laying out the proposed tax’s role in expressing the general government’s disapproval of the slave trade, Representative William Findley chose instead to directly address one of the major points of criticism of the tax. Some representatives had expressed concern that the general government

⁸² *Ibid.*, 1003.

⁸³ *Ibid.*, 1002.

⁸⁴ *Ibid.* 1018.

⁸⁵ *Ibid.*, 1017.

would use money gained from the slave trade to build the nation. In reply to concerns of this nature, Findley suggested that no one need see using the funds a tax on the slave trade would generate as shameful. He suggested, “In laying the tax, we shall do all we can to discourage [the slave trade]; and if we do not like to see the money derived from taxing it in the common way. We may apply it to special objects”—to relieve the conditions of slavery, for example.⁸⁷ Though the source of the funds may be objectionable, the funds themselves need not be viewed in a negative light. Findley saw the tax as an opportunity to express disapproval of importing slaves, a subject on which all members of the House seemed united. To him, this was the only constitutional remedy Congress had for the trade at present, and he thought it proper that they should use it.⁸⁸

For Representative John Smilie of Pennsylvania, the revenue the tax would raise was a source of concern, as it was for some of the tax’s opponents. In his opinion, though, the chief purpose of the tax was not revenue. If he had thought otherwise, he would have objected, he said, “for he abhorred the idea of raising a revenue from a traffic in human beings.”⁸⁹ More was at stake than money; Smilie “viewed the subject on a larger scale. He considered its effect on national character.”⁹⁰ Like Bard and Findley, he was confident that the tax would show the general government’s disapproval of the transatlantic slave trade. While the proposed tax on the slave trade was, admittedly, small, even such a small tax would “show that it [the transatlantic slave trade] was a trade not approbated by the Legislature of the Union.”⁹¹ The members of the House of Representatives, Smilie said, had a responsibility to express their opinions on the

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*, 999.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, 1015.

reopening of the slave trade, and this tax provided them with the opportunity. With this in mind, he asked “whether it would be for the reputation of the nation to reject” the tax.⁹² The answer was a simple one for Smilie: the nation’s reputation—the national character—was best served by passing the tax.

Despite the arguments of Bard and several others who supported the proposed tax, a number of members of the House expressed concern that, far from the national character being best served by passing the tax, the case was precisely the opposite. Lowndes had been the first to suggest that the proposed tax would sanction the transatlantic slave trade. He stated, “Was I friendly to the trade, I should, without any hesitation, embrace the proposition contained in the resolution, and I should consider it a point gained of no small importance, that the Legislature of the General Government had given a sanction to it—for I can regard the Government deriving revenue from it in no other light than a sanction.”⁹³ Friends of the slave trade would, by this reasoning, rejoice if Congress passed the tax. While this point was secondary to Lowndes’s assertion that South Carolina was a sovereign state with the right to engage in the slave trade as it chose, other representatives quickly adopted the argument. Some, like Lowndes, used the argument that the tax would sanction the slave trade to supplement their arguments about state rights. A few, however, used this argument quite differently. They argued that the proposed tax would show the general government’s approval of the slave trade to make the case that the tax would have a negative impact on the national character. These men, who came from parts of the

⁹⁰ *Ibid.*

⁹¹ Annals, 8th Congress, 1st Session, 1015.

⁹² Annals, 8th Congress, 1st Session, 1016.

⁹³ Annals, 8th Congress, 1st Session, 993.

United States ranging from New England to the Lower South, opposed the tax, but on nationalist, rather than on state rights grounds.

Representative George Bedinger of Kentucky stated that “if he could believe that the imposition of a tax of ten dollars upon every imported negro would check the importation, he would vote for it.”⁹⁴ He believed, however, that a tax, particularly such a small one, would sanction the trade, and the revenue the tax brought would be too little to be of any worth in light of that apparent sanction. Representative Andrew Gregg of Pennsylvania, one of the senior members of the House, agreed with Bedinger, claiming that placing a tax on imported slaves, no matter the actual goal of the measure, would be seen as approving the trade. Initially, he said, when Bard had first introduced his resolution, he had been in favor of the measure. After time and reflection, however, Gregg admitted that he had “very considerable doubts.”⁹⁵ He believed the tax would not have the effect his colleagues claimed and might very well irritate South Carolina into keeping the slave trade open out of spite.

If the Constitution had permitted, Gregg said, he would vote in favor of a tax of one hundred or five hundred dollars per slave imported, as this would amount, more or less, to a prohibition of the trade. As matters currently stood, however, he would prefer to see any other good taxed, “rather than stain our Treasury by filling it with money collected from a duty on imported slaves.”⁹⁶ The initial purpose of the power to tax the slave trade was, Gregg believed, to provide a check to the trade. At the time of the Constitutional Convention, Gregg reminded his fellow representatives, the price of slaves had been much lower, and a tax might have had the desired effect. The situation had changed over the past decade and a half, though, and Gregg

⁹⁴ Annals, 8th Congress, 1st Session, 997.

⁹⁵ Annals, 8th Congress, 1st Session, 1013.

asserted that the proposed tax could “neither prevent nor remedy the evil” of the slave trade.⁹⁷ For Gregg, the tax would not end the slave trade and would give the trade government approval, an outcome he certainly wanted to avoid. The tax, far from showing disapproval of the trade, sanctioned it and tainted the national treasury, and for those reasons, Gregg would not support it.

Gregg was not the only one to express the sentiment that the treasury would be sullied by funds received from taxing the slave trade. Representative Thomas Moore of South Carolina also stated his belief that money from such a tax would not be to the nation’s credit or benefit. He expressed his confidence that the House of Representatives would never “legalize an act by which our national coffers will be stained with the price of liberty.”⁹⁸ Moore believed the tax would not discourage importation in the least and said he disapproved of any measure that drew revenue from the slave trade. He did not suggest that Congress merely vote down Bard’s resolution. If the members of the House wished to indicate the general government’s disapprobation of his state’s actions, he proposed a substitute resolution “That this House receive with painful sensibility information that one of the Southern States, by a repeal of certain prohibitory laws, have permitted a traffic unjust in its nature, and highly impolitic in free Governments.”⁹⁹ The motion was out of order and so went nowhere, but it indicates that Moore was not opposed to the general government expressing disapproval of South Carolina’s actions or of the slave trade. He simply did not believe that the proposed tax could accomplish the objective.¹⁰⁰

⁹⁶ Annals, 8th Congress, 1st Session, 1013-1014

⁹⁷ Annals, 8th Congress, 1st Session, 1014.

⁹⁸ Annals, 8th Congress, 1st Session, 1004.

⁹⁹ Annals, 8th Congress, 1st Session, 1004.

¹⁰⁰ Moore seems to be an outlier among the representatives from South Carolina, supporting the tax rather than invoking state rights to argue against it. It is unclear why he took this position, and nothing in his biographical

Representative Roger Griswold of Connecticut also expressed reservations about the message a tax on the slave trade would convey. He claimed, “It will appear to the world that Congress are raising a revenue from a commerce in slaves.”¹⁰¹ It mattered to Griswold and, he assumed, his colleagues, what the world thought. To raise revenue from such a source would discredit the United States in the eyes of other nations. He did not like or approve of the slave trade, and he was confident that every representative in the House felt the same way. For this reason, Griswold would not “consent to give it a legislative sanction.”¹⁰² He was in no doubt that taxing the transatlantic slave trade would “be viewed in that light be the people of this country and by the civilized world.” Like Bard, he did not question that the eyes of the world, or at least of the nations of Europe, were upon the United States and would pass judgment on the nation based on the general government’s reaction to South Carolina’s repeal of its ban on the slave trade. He simply disagreed as to the appropriate action to take.

Unique among the members of the House, Griswold was the only representative to express any doubts as to the constitutionality of the proposed tax. Everyone else apparently agreed without question that it would be constitutional to impose the proposed ten-dollar tax on the slave trade, as the Constitution explicitly gave Congress the power to pass such a tax. Griswold contended that there were only two justifiable reasons for passing a tax: to discourage a particular trade and to collect revenue. The Constitution forbade Congress to do anything to discourage the slave trade prior to 1808, he claimed. In any case, he did not believe the proposed tax would discourage the trade. As for revenue, he pointed out that Congress had not received a

information accounts for this difference between his stance and that of his South Carolinian colleagues. See Thomas Moore, *Biographical Dictionary of the United States Congress*.

¹⁰¹ Annals, 8th Congress, 1st Session, 1029.

¹⁰² Annals, 8th Congress, 1st Session, 1029.

report “that the Treasury is deficient in receipts.” They had no pressing need for the money, Griswold said. More importantly, though, revenue gained from such a source would be tainted. Furthermore, to pass the tax would recognize “a traffic in human flesh” as legitimate; it would sanction the transatlantic slave trade in the eyes of the nation and the world.¹⁰³

Gregg, Moore, and Griswold all opposed taxing the transatlantic slave trade because they believed such a tax would show government approval or sanction for the trade. Unlike most of the representatives from the Lower South who argued against the tax, they did not oppose it on the grounds of state sovereignty; that South Carolina had the right, as a sovereign state, to decide for itself whether or not to repeal its ban on the slave trade did not enter into their speeches at all, though even several of those who supported the tax acknowledged this right.¹⁰⁴ They instead focused almost entirely on the meaning of the proposed tax for the nation. This focus helped to shift attention away from state rights and avoided aligning opposition to the tax with a strictly state rights agenda. It also reflected their desire to express the general government’s disapproval of South Carolina’s repeal without supporting the tax.

By focusing on the meaning of the tax, these representatives met the tax’s supporters on their own grounds. They made the issue a national one by discussing the tax’s impact on the national character. Those who supported the tax said the eyes of the world were upon them. These men agreed; the nations of the Atlantic world were watching the United States. What the general government decided to do about South Carolina’s repeal of the ban on the slave trade would impact the nation’s international reputation. For Gregg, Moore, Griswold, and the

¹⁰³ Annals, 8th Congress, 1st Session, 1029.

¹⁰⁴ Even Bard acknowledged South Carolina’s right to choose to import slaves, though he tempered this acknowledgement with the assertion that “the importation of slaves is hostile to the United States.” See Annals, 8th

members of Congress who agreed with them, opposing the proposed tax was the best way to uphold that reputation. By so arguing, they were able to simultaneously side with the state rights representatives from the Lower South in opposing the tax without conceding the general government's interest and right to legislate on this and related issues.

Though the tax on the transatlantic slave trade was defeated in the end, the debate surrounding it raises several interesting questions about the members of Congress's concern for the national character and the role slavery played in the national government and in the development of the national character. All of the representatives of the time seem to have agreed that the transatlantic slave trade was wrong and had a negative effect on the national character. Many firmly believed that the slave trade reflected poorly on the United States and that other nations looked down on the U.S. as a result. Perhaps this was one reason why so many considered the national ban on the transatlantic slave trade in 1808 a foregone conclusion, though that had been far from the case when the participants at the Constitutional Convention had limited Congress's power to interfere with the trade until that year. Even several of those who opposed the tax in 1804 expressed their hope and belief that the nation could end the slave trade in the not-too-distant future and promised their votes for that measure when the time came.

This debate also demonstrates the variety of ways in which members of the House could invoke concern for the national character to establish space and opportunity to discuss potentially antislavery matters in Congress. Representatives in 1790 had already demonstrated the utility of invoking the national character to make slavery and antislavery national issues rather than state ones; in 1790, focus on national character and national interest had provided the most

Congress, 1st Session, 995. See also *Annals*, 8th Congress, 1st Session, 1001, 1009, 1015 for further examples of supporters of the tax who acknowledged South Carolina's right to repeal its ban on the slave trade.

effective, if still ultimately unsuccessful counter for state rights arguments. In 1804, the ways in which members of the House used national character when discussing slavery and the slave trade expanded. Here, they were not opposing a vocally proslavery block, but debating how best to show disapproval of South Carolina's involvement with the transatlantic slave trade. While one group still based its argument on state sovereignty, both representatives who supported the tax and some who opposed it invoked concern for the national character to support their arguments while leaving the way open for further discussion of opposition to slavery and the slave trade and supporting the idea that the general government had the authority to censure a state's actions when it came to slavery.

CHAPTER THREE

“WHAT WILL THE NATIONS OF THE EARTH THINK OF US?”: THE MISSOURI CRISIS AND THE NATIONAL CHARACTER

In the years directly following the close of the transatlantic slave trade in 1808, slavery was, for a time, a less pressing issue in national politics. Despite the diminished attention slavery received in Congress, it never entirely disappeared, and it often appeared in debates that, on the surface, had little to do with slavery. One of the areas in which it received increasing attention, however, had to do with the expansion of the institution.¹⁰⁵ Settlers with a variety of motives flocked to the territories, increasing the population in those territories, which, eventually, led in turn to territories applying for statehood. Between 1808 and 1820, five new states were admitted to the Union—three states that embraced slavery and two that forbade it—bringing the total to eleven states where slavery was diminishing or entirely forbidden and eleven states that supported slavery. In 1819, Congress began discussing a bill admitting the state of Missouri to the Union. Almost immediately upon the commencement of the discussion of the bill, Representative James Tallmadge of New York proposed an amendment that would restrict slavery in Missouri. The amendment stipulated “That the further introduction of slavery or

¹⁰⁵ For works that address slavery in politics during this period between 1808 and 1819, see Mason, *Slavery and Politics in the Early American Republic*; Fehrenbacher, *The Slaveholding Republic*. Hammond gives particular attention to the expansion of slavery into the territories in Hammond, *Slavery, Freedom, and Expansion in the Early American West*.

involuntary servitude be prohibited, except for the punishment of crimes, whereof the party shall have been fully convicted; 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.”¹⁰⁶ In other words, Missouri would be required to prohibit the introduction of new slaves to the state and to gradually emancipate the slaves currently in the state as a condition of statehood.

Tallmadge’s motives for proposing the amendment were and remain unclear. When Tallmadge presented his amendment for the House’s consideration in February of 1819, he had been a member of Congress for just over two years, and he was already planning to retire from Congress at the end of the session. During his time in Congress he had done little to distinguish himself politically. He did have an established political antislavery record, though. In 1817, he helped shape New York’s final emancipation law. A year later, in 1818, Tallmadge urged the U.S. House of Representatives to reject Illinois’s application for statehood on the grounds that Illinois’s proposed constitution violated the Northwest Ordinance of 1787. The constitution would “permit the hiring of slaves...for any number of years consecutively” and call it indentured servitude.¹⁰⁷ Tallmadge stated that even if slavery was not adopted in the Illinois constitution in so many words, the document did not sufficiently prohibit slavery, either. While his precise motives in suggesting the restriction of slavery in Missouri are unclear, the motion was certainly not out of character for Tallmadge.¹⁰⁸

¹⁰⁶ Annals of Congress, House of Representatives, 15th Congress, 2nd Session, 1170.

¹⁰⁷ Tallmadge, quoted in Gary J. Kornblith, *Slavery and Sectional Strife in the Early American Republic 1776-1821* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2010), 54.

¹⁰⁸ Kornblith, *Slavery and Sectional Strife in the Early American Republic*, 54; Sean Wilentz, “Jeffersonian Democracy and the Origins of Political Antislavery in the United States: The Missouri Crisis Revisited” *The Journal of the Historical Society* IV: 3 (Fall 2004): 378.

No matter what Tallmadge's motives might have been, the proposed amendment set off an explosive debate in the House about the ability of Congress to restrict slavery.¹⁰⁹ Quite apart from the divisive nature of slavery in politics, those involved in the debate recognized that more was at stake than just slavery in Missouri. John Craig Hammond states, "Northerners immediately sensed that Tallmadge's plan involved much more than the future of Missouri slavery....Missouri would set a precedent for the remainder of the vast Louisiana Purchase."¹¹⁰ They knew that the decision Congress made about slavery in Missouri would shape the course of slavery in all United States territory west of the Mississippi River. Southerners seem to have been similarly cognizant of the implications of the Tallmadge Amendment. The amendment's supporters, who came almost universally from free northern states, asserted that Congress had the right to govern the territories, and Missouri was a territory until admitted as a state. Those who opposed the amendment came primarily from slaveholding states and emphatically argued that Congress did not have power to restrict slavery in any sovereign state, which Missouri would soon be.

Two major questions governed the course of the debates about restricting slavery in Missouri. First, was it constitutional? Second, was it expedient? Every member of Congress who spoke over the course of the debates centered his response around addressing these questions of constitutionality and expediency. Those who supported the Tallmadge Amendment argued that it was both constitutional and expedient, while those who argued against the amendment, unsurprisingly, argued the opposite.

¹⁰⁹ Tallmadge claimed that he had hoped and intended "to avoid any debate on the present painful and unpleasant subject," and that he had certainly not anticipated the violence of the debate his proposal had sparked. See Annals, 15th Congress, 2nd Session, 1203-1204.

¹¹⁰ Hammond, *Slavery, Freedom, and Expansion in the Early American West*, 154-155.

When discussing the question of constitutionality, the members of the House focused primarily on the issues of Congress's power in the territories and the powers reserved to the states. Representatives who favored the proposed amendment contended that the Constitution gave Congress power to govern the territories and to admit new states to the Union, so by extension it gave the general government the power to set conditions for admission. Essentially, they argued, Congress had the power to exert authority over an incoming state to restrict slavery. Their opponents insisted that, as the Constitution did not explicitly give Congress power over slavery, that power was reserved to the individual states. This argument was, of course, nothing new; men such as Representatives Burke and Baldwin had made the same claim in 1790 when opposing the reception and discussion of antislavery petitions. Slavery, from a strict constructionist view of the Constitution, was a matter of state rights; the Tenth Amendment reserved the powers not delegated to the general government to the states. That power to legislate concerning slavery was not delegated to the general government by the Constitution was the grounds on which most representatives from slaveholding states based their constitutional opposition to the Tallmadge Amendment. Neither those who supported nor those who opposed the Tallmadge Amendment were willing to concede the matter of constitutionality, and their interpretations of the Constitution remained polar opposites throughout the debates.

In addition to this irreconcilable question of whether or not a restriction on slavery was constitutional was the question of whether or not such a restriction was expedient. Even if the Constitution gave Congress the power to restrict slavery in Missouri, was it a good, practical, idea? When addressing this question, the representatives drew on a number of relevant precedents and ideas to make their cases for their respective positions. Two documents received

frequent mention over the course of the debates: the Northwest Ordinance of 1787 and the Louisiana Purchase Treaty. The Northwest Ordinance had stipulated that the territories that became Ohio, Indiana, and Illinois would not permit or support slavery within their boundaries. Congress had passed the ordinance under the Articles of Confederation, and it had been ratified or reinstated under the Constitution with little opposition. While Ohio, Indiana, and Illinois had all dealt with some internal opposition to the restriction on slavery, all had overcome this opposition and had entered the Union with restrictions on slavery.¹¹¹

Proponents of the proposed restriction of slavery in Missouri argued that no one had taken exception to the restrictions set in place by the Northwest Ordinance or argued against the ordinance's constitutionality. In their eyes, Missouri ought to be no different. Just as the general government had possessed the power to restrict slavery in the northwest territories—which had become primarily nonslaveholding states—it should have the same power to restrict slavery in Missouri. Representative Clifton Clagett of New Hampshire called the Northwest Ordinance “that invaluable ordinance of 1787 “ and pointed out that many of the men who passed the ordinance “were among those who formed your Constitution.” The Northwest Ordinance and the Constitution were, Clagett said, based upon the same principles of civil and religious liberty.¹¹² Clagett and many others who favored restriction assured the South that they did not intend to interfere with slavery where it already existed. Even the staunchest supporters of the Tallmadge Amendment acknowledged that Congress had no right to interfere with slavery in the

¹¹¹ Hammond devotes multiple chapters to the issues of the Northwest Ordinance and slavery in Ohio, Indiana, and Illinois in *Slavery, Freedom, and Expansion in the Early American West*; see especially chapters 5-7 (pg. 76-149). See also Fehrenbacher, *The Slaveholding Republic*.

¹¹² Annals of Congress, House of Representatives, 16th Congress, 1st Session, 1035-1036.

slaveholding states. However, the Northwest Ordinance was proof that Congress could stop slavery's spread in the territories.

The Tallmadge Amendment's opponents countered these arguments with the assertion that the Northwest Ordinance had been a unique case, carried over from a previous government. Missouri, along with all of the territory gained in the Louisiana Purchase, came with its own unique set of stipulations regarding statehood. In the Louisiana Purchase Treaty, the United States agreed to admit the purchased territories on an equal footing with all of the existing sovereign states. This, the representatives of the slaveholding states claimed, meant permitting Missouri to decide for itself whether or not it would permit slavery, just like the states already belonging to the Union. For Congress to abridge this power would violate the treaty with France, as it would make Missouri—and presumably other states that would follow—inferior to the existing states. The representative from Missouri, John Scott, contended that “if the citizens of Pennsylvania or Virginia enjoyed the right, in their own State, to decide the question whether they would have slavery or not, the citizens of Missouri, to give them the same privileges, must have the same right to decide whether they would or would not tolerate slavery in their State.” If Missouri did not have this right, “then the citizens of Pennsylvania and Virginia would have more rights, privileges, and powers...than the citizens of Missouri.” This situation, Scott—and others—claimed, would be unjust to the people of Missouri.¹¹³

The members of the House of Representatives went back and forth on these and related issues pertaining to the expediency of Tallmadge's proposed restriction. One representative pointed out that a restriction would mean nothing, as Missouri, as soon as it became a state, could turn around and form a new constitution that permitted slavery, making the restriction

pointless.¹¹⁴ Others indicated that slavery already existed in Missouri, so even if Congress passed the restriction and Missouri accepted it and became a state, enforcement would always be a problem. Representative Robert Reid of Georgia even presented the possibility that, if Congress denied the people of Missouri the right to decide for themselves whether or not to permit slavery within their state, they would resist “in proportion to your [Congress’s] oppression.”¹¹⁵ There was every possibility that Missouri might rebel if Congress voted to restrict slavery there.

In the midst of these great questions of the constitutionality and expediency of the Tallmadge Amendment, a small group of representatives strove to push back against the state rights arguments advanced by representatives from the slaveholding states by expressing concern for the effect of slavery on the national character, just as had happened in 1790 and 1804. They reminded the members of the House that the world was watching their nation to see whether it would stay true to its republican principles and commitment to liberty. While invocations of the national character never formed the entirety of a representative’s argument, representatives’ efforts to draw their colleagues’ attention to the implications of the Tallmadge Amendment for the national character provide insight to some of tactics of antislavery advocates in Congress. As members of Congress had done in 1790 and 1804, when confronted with state rights arguments against antislavery measures of any kind, those who raised their concerns for the national character during the debates over restricting slavery in Missouri did so to push back against the argument that slavery was purely a state issue and to assert slavery’s (and antislavery’s) place as

¹¹³ Annals, 15th Congress, 2nd Session, 1197.

¹¹⁴ Representative Scott of Missouri alludes to this possibility in Annals, 15th Congress, 2nd Session, 1201-1202.

¹¹⁵ Annals, 16th Congress, 1st Session, 1033.

a national issue in Congress. These representatives went further in their efforts to assert general government authority over slavery than those in 1804 had done, though. In 1804, members of the House had invoked concern for the national character to justify the general government censuring South Carolina for reopening the transatlantic slave trade. Members of the House in 1819 and 1820, on the other hand, used concern for the national character to justify the general government asserting authority directly over slavery in a soon-to-be sovereign state. Because slavery was so detrimental to the national character, the argument went, the general government had a right and a responsibility to check its growth where possible.

Tallmadge himself cited a concern for the national character among his reasons for proposing the restrictions on slavery in Missouri. A few days after he proposed the amendment, he gave a long speech in defense of his proposal. He said he had not meant to provoke such debate. Certainly, he did not mean to argue either for or against slavery as a moral right, though, he pointed out, “How gladly would the ‘legitimates of Europe chuckle’ to find an American Congress in debate on such a question!”¹¹⁶ At a time when Europeans were increasingly coming to view slavery as morally wrong, it seemed absurd to debate that point in the general government of a nation that prided itself on its liberty. The representative from New York recognized that the subject of slavery was a delicate one. It tended to raise alarm and even concern for their safety among the southern slaveholding states.¹¹⁷ He saw in the admission of Missouri, however, an opportunity to set boundaries against slavery’s further expansion.

The nation, Tallmadge said, stood at a crossroads between liberty and slavery. The United States was an “extended empire, inhabited by the hardy sons of American freemen,” and

¹¹⁶ Annals, 15th Congress, 2nd Session, 1211.

¹¹⁷ Annals, 15th Congress, 2nd Session, 1203.

by comparison, “the Governments of Europe dwindle into insignificance, and the whole world is without a parallel.” Tallmadge told the members of the House that the nation was currently a great empire. He also offered a warning, however: “reverse this scene; people this fair dominion with the slaves of our planters; extend slavery—this bane of man, this abomination of heaven—over your extended empire, and you prepare its dissolution.”¹¹⁸ If Congress took this opportunity to restrict slavery, the nation was well on its way to becoming a greater empire than all the nations of Europe. If, however, the general government failed to act while it had the chance, the nation would fall. “With this defect,” Tallmadge predicted, “your Government must crumble to pieces, and your people become the scoff of the world.”¹¹⁹ Instead of becoming a great empire that would make the European governments look insignificant, the United States would be an object of ridicule and scorn among its peers.

Furthermore, Tallmadge was certain that the United States would become “the scoff of the world” if it permitted the expansion of slavery. He reminded Congress that “on this subject the eyes of Europe are turned upon you....If you allow slavery to pass into Territories where you have the lawful power to exclude it, you will justly take upon yourself all the charges of inconsistency.”¹²⁰ After all, the nation had already been the subject of British censure because of the institution of slavery, an institution that seemed inconsistent with human decency and with the principles of liberty.¹²¹ The United States claimed, by virtue of the Constitution and the Declaration of Independence, to be a free country. In 1776, the United States had declared to the world that all men were created equal, yet it permitted the enslavement of a significant number

¹¹⁸ Annals, 15th Congress, 2nd Session, 1206.

¹¹⁹ Annals, 15th Congress, 2nd Session, 1206.

¹²⁰ Annals, 15th Congress, 2nd Session, 1211.

of people. The existence of slavery in a purportedly free nation exposed the nation to outside censure. If Congress would act against the spread of slavery, however, confining the institution to where it existed when the government was established, to states east of the Mississippi River, the general government could be acquitted of the stains slavery attached to the national character.¹²²

Representative Arthur Livermore of New Hampshire, in an earlier speech, had made similar claims regarding the opportunity to check the spread of slavery then before the general government. He stated, “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.” According to Livermore, Missouri’s impending admission to the Union gave Congress an opportunity to take action against slavery in a constitutional manner. He, like his colleagues, acknowledged that slavery must be left alone in the states that supported it, but the Tallmadge Amendment represented Congress’s best chance to stop slavery from spreading. By so doing, Livermore said, “we may retrieve the national character, and, in some degree, our own.” This was a chance for redemption, both personal and collective. The national character, if the nation carried on permitting slavery to spread, was in danger; both the national character and the individual characters of the members of Congress were tarnished by the existence and increase of slavery in the United States. To act against it was to improve that character. If Congress could not bring itself to act against the spread of slavery in the territories, though, Livermore called upon his

¹²¹ This was the reason Robert Walsh wrote his *Appeal* in 1819, responding to accusations that the United States had not maintained an irreproachable character. Walsh, *An Appeal from the Judgments of Great Britain*. See also Mason, “The Battle of the Slaveholding Liberators.”

¹²² Annals, 15th Congress, 2nd Session, 1211-1213.

colleagues in the House to be consistent “and declare that our Constitution was made to impose slavery, and not to establish liberty.”¹²³

Scott, the sole representative from Missouri in the House, countered such claims with the assertion that the amendment, which its supporters said would uphold the nation’s commitment to liberty, would destroy the liberties of the people in Missouri.¹²⁴ The people of Missouri would not be allowed to decide for themselves, as others had, whether or not to permit slavery among them. Despite this and numerous other arguments against the Tallmadge Amendment, though, the House narrowly voted in favor of the amendment, and, a few days later, passed the bill on Missouri statehood.¹²⁵

If the controversy ended there, it would appear to be a triumph for the opponents of slavery. In late February, however, the Senate returned the bill to the House having approved everything except the restrictions on slavery. After a relatively brief debate that reiterated many of the same arguments as before, the House again passed the amendment, and the Senate again rejected it, putting the Senate and the House at an impasse.¹²⁶ Shortly thereafter, Congress adjourned, effectively killing the bill for Missouri statehood.¹²⁷

The House resumed discussion of Missouri statehood in December 1819, and though Tallmadge was not longer present, the same issues that had plagued the previous Congress dominated the debates. The proposal to restrict slavery in Missouri again raised questions of constitutionality and expediency that largely dictated the terms of the debates, with each side determined to show that its position was the constitutional position and would best serve the

¹²³ Annals, 15th Congress, 2nd Session, 1193.

¹²⁴ Annals, 15th Congress, 2nd Session, 1195.

¹²⁵ Forbes, *The Missouri Compromise and Its Aftermath*, 45.

¹²⁶ Kornblith, *Slavery and Sectional Strife*, 56.

nation. Unlike during the debates of several months previous, some representatives began to hint that the debates had gone on too long, and others began to suggest that a compromise would be necessary.¹²⁸ The majority, however, stayed focused on arguing that the proposed restrictions were constitutional and expedient or that they were unconstitutional and inexpedient.

Some of the restriction's supporters again chose to invoke concern for the national character to support their arguments. Representative John Taylor of New York gave a long speech in favor of the restrictions in which he expressed concern for others' perceptions of the general government if Congress failed to act against the expansion of slavery west of the Mississippi. Like other supporters of the proposed amendment, he argued in favor of the constitutionality of the measure, basing his argument upon the powers of Congress to make rules regarding the territories and to admit new states to the Union. More significant for his argument, though, was a discussion of Congress's responsibility concerning slavery. Taylor asserted, "Possessing, as we do, both a moral and Constitutional right to require of Missouri a provision against slavery, as a condition of her admission, if we fail to exert it, we shall justly incur the reproach of our contemporaries, and the malediction of posterity."¹²⁹ If Congress failed to act against slavery where it had the constitutional right to do so, Taylor said, those with their eyes on the United States, waiting for the nation to uphold its avowed dedication to liberty, would be right to reproach the nation. Additionally, their own posterity would have that same right. The nation's character mattered not just for the present, but for the future, as well. The character the general government established by its actions was the one future generations would inherit, whether for good or ill.

¹²⁷ Forbes, *The Missouri Compromise and Its Aftermath*, 47.

¹²⁸ Annals, 16th Congress, 1st Session, 940, 944.

Representative Clifton Clagett of New Hampshire presented his concern for the national character in stronger language than Taylor had. After establishing his view of slavery as a great evil, he asked pointedly, “What will the nations of the earth think of us?”¹³⁰ If the general government of the United States permitted slavery to extend across the entirety of the nation, a territory he was certain would span the entire distance between the Atlantic and Pacific Oceans, this would reflect poorly on the nation in the eyes of its fellow nations. Clagett suggested that Congress should “close the door against this great evil, and evince to an attentive world that we are just, as well as free.”¹³¹ The world was paying attention to the debates taking place in the U.S. House of Representatives and would judge the nation based on the House’s actions. It was the responsibility of the United States, in the spotlight as the nation was, to uphold the principles upon which it had been founded. Clagett identified these principles for any of his colleagues who might be in doubt as to what they were: “civil and religious liberty, [and] the rights of man.”¹³² The perpetuation and, more particularly, the extension of slavery constituted a clear departure from these principles, particularly a departure from civil liberty and the rights of man, for Clagett. If the nation chose to permit slavery to spread to the territory west of the Mississippi, it would signal to the world that the United States was no longer built upon principles of liberty.

Representative Daniel Cook of Illinois also spoke in favor of restricting slavery in Missouri. Only a few years previous, a proslavery faction in Illinois had agitated for the repeal of Article VI of the Northwest Ordinance, the part of the law prohibiting slavery in the territories

¹²⁹ Annals, 16th Congress, 1st Session, 966.

¹³⁰ Annals, 16th Congress, 1st Session, 1042.

¹³¹ Annals, 16th Congress, 1st Session, 1042.

¹³² Annals, 16th Congress, 1st Session, 1041.

of the northwest. They had made efforts to have their state admitted to the Union with no restrictions on slavery, and while these efforts had ultimately not prevailed, Illinois had a bit of a complicated relationship with slavery.¹³³ Cook no doubt considered such complications and the legacy of his own state as he spoke in favor of restricting slavery in Missouri. There was nothing complicated about Cook's position, though; he did not hesitate to call slavery an evil and a misfortune. While he claimed that he believed the proposed restriction against slavery in Missouri was constitutional, he also asserted that he would support restriction no matter what because that was what best for the country. Slavery had a pernicious influence on society; "The love of ease and pleasure are the scions which shoot from the root of slavery," Cook asserted. "The more they are extended, therefore, the more will this canker spread, so fatal to liberty, and the more difficult will it be to effect their manumission."¹³⁴ Spreading slavery would spread an infection throughout the nation, one that would, in the end, destroy the liberty of the nation and the nation's people.¹³⁵

Cook asserted that the United States had set itself up as an example to the world. He declared, "we have attempted to plant in the American soil the principles of free and republican government; we have attempted to set an example to the world of the capacity of man to govern himself, and of securing to all the enjoyment of equal rights."¹³⁶ This was the nation's goal and its role in the world: it was to be an example of self-government and equality. However, Cook pointed out, "the brilliancy of this example abroad is too much darkened by the gloom which slavery spreads over it, and while we continue to spread that gloom, the happy influence of

¹³³ For further discussion of proslavery efforts in Illinois, see Hammond, *Slavery, Freedom, and Expansion in the Early American West*, 96-123.

¹³⁴ Annals, 16th Congress, 1st Session, 1110.

¹³⁵ These ideas are woven throughout Cook's speech in Annals, 16th Congress, 1st Session, 1091-1113.

republican government will continue to be weakened, till ultimately, like the sun, whose rays are obstructed by an impenetrable cloud, its influence will be entirely lost.”¹³⁷ For Cook, slavery overshadowed the example the nation was intended to set. The existence of slavery anywhere in the nation contributed to the cloud obscuring the brilliance of that example. To let it spread, Cook claimed, would be to let darkness overtake light, to ultimately experience the failure of the United States’ republican experiment, and to lose the nation’s standing in the world. To prevent the fate Cook considered so lamentable, it was up to the general government to prove that slavery only existed in the nation because it had been forced upon it before its founding. And what if the government allowed slavery to spread, Cook asked. Surely it would indicate that slavery existed in the United States not by necessity only, but also by choice. If the general government was to show itself consistent with the nation’s founding principles, it must restrict slavery’s extension; it was, Cook claimed, what was owed “to the character of our Government.”¹³⁸

Representative Joseph Hemphill of Pennsylvania agreed with Cook about the effects of slavery on the nation. He asked Congress, “What can more directly attack the welfare of society than to hold a race of people in bondage?” Hemphill compared the enslavement of people of African descent to the enslavement of Native Americans in New York, or any other state, for that matter. If a state chose to enslave the native peoples within its borders, the rest of the nation would likely be outraged. It would be an offense against “divine and human justice.”¹³⁹

¹³⁶ Annals, 16th Congress, 1st Session, 1108.

¹³⁷ Annals, 16th Congress, 1st Session, 1108.

¹³⁸ Annals, 16th Congress, 1st Session, 1108.

¹³⁹ Annals, 16th Congress, 1st Session, 1116

Slavery—racial slavery—had a negative effect on society, and the right to hold slaves, Hemphill concluded, was not a right at all. and to assert otherwise flew in the face of justice.

Quite apart from the moral and social arguments, however, there were political issues to consider, and Hemphill was convinced that if Congress did not restrict slavery in Missouri, it would never have the power and authority to do so elsewhere, either. This issue of restricting slavery in Missouri was, in Hemphill’s eyes, “one of the highest character, as it regards the honor and future prosperity of this country.” Halting the spread of slavery was, to him, a matter of the nation’s prosperity and honor—its character. Threats that the Union would dissolve, which had made an appearance more than once over the course of the debates, were not likely to be carried out, nor were they justified. Hemphill asserted, “I have a more exalted opinion of the patriotism of the South; they will never cause American blood to be spilt, unless for reasons that would justify them in the eyes of the world.” To shed American blood in defense of the institution of slavery was, to Hemphill, completely unjustified in the world’s eyes; the world sided with those who wished to check the spread of slavery.¹⁴⁰

Hemphill’s fellow Pennsylvanian John Sergeant was even more explicit in his concern for the national character. He directly attacked the argument that slavery was a matter of state rights, stating that a state was “the creature of the Constitution; deriving from the Constitution its existence and all its rights, and possessing no power but what is imparted to it by the Constitution.” This being the case, “If it have a power to establish slavery, it derives that power from the Constitution, and the Constitution becomes stained with the sin of having originated a state of slavery.”¹⁴¹ If states could establish slavery, then the Constitution itself established,

¹⁴⁰ Annals, 16th Congress, 1st Session, 1136.

¹⁴¹ Annals, 16th Congress, 1st Session, 1188.

upheld, and perpetuated slavery. Many southern representatives would have had no problem with this interpretation of the Constitution; several had claimed during these debates and earlier that the Constitution protected slavery. Representatives from the Lower South had made that argument during the debates about the antislavery petitions in 1790.¹⁴² This would be a sad reflection upon the Constitution, though, Sergeant said. Such an argument was, in his view, “calculated to diminish the sacred regard that has been felt for it here and abroad.”¹⁴³ Even those who resided outside the United States, who did not fall under the rule of the Constitution, held the document in high regard. Claiming that a state could decide to establish slavery by virtue of the Constitution damaged that regard.

More than the nature or integrity of the Constitution was at stake in this matter, according to Sergeant. There was no question in his mind that the European nations would reproach the United States for the inconsistencies between the nation’s stated principles and its actions regarding slavery. This certainty stemmed from recent experience, as Britain had rebuked the United States on this very issue. Sergeant’s fellow antislavery Pennsylvanian, Robert Walsh, in his *Appeal*, acknowledged that slavery was the weakest point in the nation’s character.¹⁴⁴ With this vulnerability in mind, Sergeant stated,

When Europeans reproach us with our negro slavery; when they contrast our republican boast and pretensions with the existence of this condition among us, we have our answer ready—it is to you we owe this evil; you planted it here, and it has taken such root in the soil that we have not the power to eradicate it. Then, turning to the West, and directing their attention to Ohio, Indiana, and Illinois, we can proudly tell them these are the offspring of our policy and our laws, these are the free productions of the Constitution of the United States.¹⁴⁵

¹⁴² The extent to which the Constitution supported or protected slavery is still a topic of debate. See Waldstreicher, *Slavery’s Constitution*; Van Cleve, *A Slaveholders’ Union*; Wilentz, *No Property in Man* for recent contributions to this debate.

¹⁴³ Annals, 16th Congress, 1st Session, 1188.

¹⁴⁴ Mason, “The Battle of the Slaveholding Liberators,” 683-684.

¹⁴⁵ Annals, 16th Congress, 1st Session, 1217.

Slavery in the states where it currently existed, Sergeant claimed, could be blamed entirely upon the Europeans who had colonized the land. The Americans had inherited the institution from Europe and were not in a position to do away with it where it already existed. This removed any reproach from the slaveholding states—it was Europe’s fault, not theirs, that they were dependent upon slave labor. If Congress permitted slavery to expand beyond that area where slavery was already established, however, it would be a different situation. If the general government allowed slavery to expand west of the Mississippi, the United States, not the nations of Europe, would be responsible for that “dark spot upon the face of the new creation.”¹⁴⁶ The United States could no longer claim to be beyond reproach in this matter. To prevent this, Sergeant proposed, “Let us give to the world a new pledge of our sincerity. Let the standard of freedom be planted in Missouri, by the hands of the Constitution, and let its banner wave over the heads of none but freemen.” Renewing the nation’s dedication to freedom in such a visible way would keep it above the reproach of Europe. “Then,” said Sergeant, “as our republican States extend, republican principles will go hand in hand with republican practice—the love of liberty with the sense of justice.”¹⁴⁷

These discussions of national character played an important role in asserting the national importance of slavery. Just as in 1790 and 1804, the representatives who used national character did so in opposition to the claims of many representatives from slaveholding states that slavery was rightfully a state issue. The opponents of the Tallmadge Amendment made a case for making slavery about state rights in order to defeat the proposed restrictions on slavery in Missouri, attempting to close off the possibility of further discussion of antislavery measures in

¹⁴⁶ Annals, 16th Congress, 1st Session, 1217.

Congress. Representatives who supported the Tallmadge Amendment combated this attempt in part by tying antislavery to concern for the national character. In 1790, such tactics had helped to create a space for the discussion of antislavery goals in Congress. When debating taxing the transatlantic slave trade in 1804, several representatives had taken this to a new level by using concern for the national character to support the general government censuring a state for involvement in the trade. Now, in the debates over slavery in Missouri, representatives had taken yet another step in their use of the national character. Like the representatives in 1790 and 1804, these men used concern for the national character to support their position that slavery was a national issue, not solely a state one. These members of the House used this, though, to make a case for general government interference in slavery in an incoming state. This went beyond even censure. It was the culmination of two decades of striving to make slavery a national issue based on concern for the nation's character.

In the end, neither those who favored restricting slavery nor those who opposed it got everything they wanted; the heated debates about the restriction of slavery in Missouri ended in compromise. While Congress had been debating the terms of Missouri statehood at length, Maine had also applied for statehood. The Senate linked the admission of Maine and Missouri, then amended the statehood bill to admit Maine as a state without slaves and Missouri with no legal restrictions on slavery. This kept a balance between the number of restrictionist states and the number of anti-restrictionist states in the nation. The Senate bill also prohibited slavery in the Louisiana Territory north of Missouri's southern border. The bill passed in the Senate, but it was defeated in the House.

¹⁴⁷ Annals, 16th Congress, 1st Session, 1217.

Despite the bill's defeat, however, its measures largely constituted what became the Missouri Compromise. At the end of February 1820, the House agreed to a joint conference with the Senate concerning the crisis. This resulted in a bill that looked much like the Senate's earlier one. Knowing the House would never pass the compromise in its entirety, Henry Clay, the Speaker of the House, contrived to have the bill broken into pieces to be voted on separately. In the end, the individual parts of the compromise did pass, settling for a generation the issue of slavery in the territories.¹⁴⁸

With the passage of the Missouri Compromise, the debate about slavery in the territories faded from discussion. The place of slavery and antislavery in Congress remained unresolved, though. Since the issue first arose in the House of Representatives in 1790, many representatives, primarily from the Lower South, though increasingly from other slaveholding states, had argued that the Constitution gave Congress no authority over slavery and only limited authority over the slave trade. For this reason, the representatives claimed, slavery and the slave trade were state issues, not national ones. During this same period, several representatives strove to counter this argument by establishing the impact of slavery on the nation as a whole. One way they did this was to argue that slavery and the slave trade negatively impacted the national character, or the nation's reputation in the Atlantic world, using this argument to justify attempting to exert increasing amounts of general government authority over slavery.

This pattern held true in the debates over restricting slavery in Missouri. As in 1790 and 1804, slaveholders and their allies reminded their colleagues in the House of Representatives that powers not expressly delegated to the general government in the Constitution were reserved to the individual states, invoking state rights in defense of slavery. They strove to establish that

¹⁴⁸ Wilentz, "Jeffersonian Democracy and the Origins of Political Antislavery in the United States," 381.

Congress had no constitutional power to act against slavery in the ways proposed. And as part of their efforts to defend the Tallmadge Amendment and restriction of slavery in Missouri, members of the House of Representatives used claims about slavery's impact on the national character to resist the state rights arguments and justify national interest in and general government authority over certain aspects of slavery. Though Congress ultimately decided to permit Missouri to enter the Union with no restrictions on slavery, representatives' expressions of concern for the national character helped to shape the debates on the issue and on the future of the general government's relations with slavery and antislavery.

CONCLUSION

Between the ratification of the Constitution and the Missouri Crisis, slavery played a significant role in the politics of the new nation, a role that has gained greater attention in the past few decades. From 1790, when it had not yet been entirely established that slavery had any role in the business of the general government, to 1804, when the representatives from slaveholding and non-slaveholding states alike eagerly looked forward to the day that Congress could act against the transatlantic slave trade, to 1819 and 1820, when the issue of slavery in one state nearly tore the nation in two, the issues of slavery and the slave trade generated a great deal of discussion in the House of Representatives. In these discussions, the idea of national character played an important part, legitimizing the discussion of slavery and the entertainment of antislavery measures in Congress.

In 1790, a few representatives used the ideas of national character and national interest to establish a space for discussion of slavery and the slave trade in Congress. In 1804, members of the House invoked the concept of national character to argue both for and against imposing a tax on slave importations following South Carolina's decision to reopen the transatlantic slave trade, with the goal of showing the general government's disapproval of this state action. In 1819 and 1820, as the nation exploded over the question of Missouri's admission to the Union, congressional supporters of slavery's restriction used the idea of the national character as part of

a larger argument against an anti-restrictionist attempt to make slavery purely a state issue and to legitimize opposition to the expansion of slavery in the United States. These congressmen strove to impose general government authority over slavery in an incoming state to stop the spread of slavery in the nation.

During these three debates, slaveholding representatives, primarily from the Lower South, attempted to call into question the general government's right to discuss slavery and, more particularly, antislavery. They based their positions on a number of constitutional arguments, as well as day-to-day considerations of the effects proposed measures would have. Many of these men saw slavery and access to the transatlantic slave trade as protected rights in which the general government could not interfere, and they strove to put as many safeguards for these rights in place as possible. While their opponents employed a variety of tactics in opposition to these efforts, connecting slavery and the slave trade to the national character proved one particularly effective means of keeping the issues in the national dialogue, legitimizing them as national issues and making a case for exercising general government authority over them.

Discussion of national character in congressional debates about slavery in the early republic also highlights how Americans thought about their nation. Their expressions of concern about what other nations would think about them demonstrate a preoccupation with the United States' place among the nations of the Atlantic world. That preoccupation shaped the nation's approach to slavery and the relationship between slavery and the general government.

Understanding the ways in which the members of the U.S. House of Representatives used the sense that other nations were watching the nation as a political tool also provides greater insight

to disagreements concerning the balance between state and national power following the ratification of the Constitution. Finally, examining congressional debates about slavery through the lens of national character provides additional perspective on the complicated relationship between slavery and the founding principles of the United States embodied in the Declaration of Independence and the Constitution and shows how contested this topic was in national politics in the decades following the Revolution.

In 1819, Robert Walsh wrote that the British had said the United States as a nation was “below the least and lowest of the European nations in the scale of wisdom and virtue” because of its involvement with slavery.¹⁴⁹ American slavery gave Europeans cause to cast aspersion on the national character of the United States. It was concern for the national character, though, fueled in part by such accusations, that gave legitimacy to the antislavery cause in Congress in the early American republic.

¹⁴⁹ Walsh, *Appeal*, 309.

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