A Clash of Principles: The First Federal Debate over Slavery and Race, 1790

Paul J. Polgar

Four months into the inaugural session of the First Federal Congress in 1790, William Loughton Smith, a member of the House of Representatives from South Carolina, felt uneasy. In a letter he penned to the prominent South Carolinian politician Edward Rutledge, Smith lamented that “we have no state to support our peculiar rights, particularly that of holding Slavery, but Georgia.” Calling Virginia “our greatest enemy”—a reference to the Old Dominion’s refusal to join Georgia and South Carolina in obtaining an indefinite extension of the international slave trade at the Constitutional Convention—Smith concluded that “the other States are all agst. us.” With this fragile position of the Lower South on the issue of slavery in mind, Smith warned Rutledge that “our State shd. be extremely cautious how any innovation is made” to the Constitution. If “a few ingenious men & able orators” interested in undermining the rights of slaveholders were “to new-model the powers of the govt. by construction & implication,” Smith worried that “there’s no saying to what lengths these alterations may be gradually carried in time.”

Paul J. Polgar is an associate professor of history at the University of Mississippi.

Not long after he expressed these concerns, Smith's fears materialized. In February 1790, the Pennsylvania Abolition Society (PAS) submitted a petition to the First Federal Congress asking its members to affirm that people of African descent were entitled to the same rights of freedom bestowed upon white Americans. Paraphrasing the preamble to the recently ratified Constitution as “promoting the Welfare & Securing the blessings of liberty” to the “People of the United States,” the petitioners declared that “equal liberty” was the “birthright of all men” and applied “without distinction of Colour.” To create “a more perfect Union,” the petition insisted, people of African descent must be included in the founding formulation of “We the People.”

The topic of slavery consumed the House of Representatives in the dawning months of 1790. Triggered by a set of petitions asking Congress to implement antislavery measures, a wide-ranging debate gripped the lower house of the national legislature for days. Historians have interpreted this early episode in the long history of congressional grappling with the institution of slavery in a variety of ways, including: as a proslavery triumph consisting of a tragically wasted opportunity to work towards eliminating slavery on the federal level, as an antislavery victory that resulted in the assertion that Congress possessed the power to regulate the foreign slave trade, as the first iteration of the infamous gag rule that would go on to silence later antislavery petitions to Congress, as early evidence of the low priority Northern congressmen gave to national antislavery policy, and as proof that slavery was the proverbial elephant in the room of American national politics.

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2 DHFFC, VIII:326.

What these many, and sometimes conflicting, depictions share is an implicit assumption that the debates centered on congressional jurisdiction over the slave trade and slavery. This assumption appears obvious at first glance—a debate over slavery in Congress would have to revolve around the powers of the national government over slavery. Indeed, the question of federal jurisdiction over slavery undoubtedly dictated how those who spoke in favor or against the antislavery petitions structured their respective positions. Yet at the heart of this debate was a struggle not simply, or even primarily, over constitutional or congressional provisions but rather over fundamental principles.

On one side stood those who highlighted human over property rights and asserted that American Revolutionary ideals of natural and equal liberty were applicable to Blacks and whites. In a series of petitions that generated this heated debate, Quaker activists who spearheaded the antislavery movement in Revolutionary-era America, and especially the PAS, put forth a vision of the new nation that imagined a racially inclusive republic that respected the basic rights of people of African descent.4

Opposite the petitioners stood congressmen from the Lower South (including Georgia and South Carolina). Unsure of the long-term stability of slavery within a federal union, and dubious that they had sufficient allies to guard their prerogatives as slaveholders, Lower Southern congressmen answered the antislavery rhetoric of the petitioners by underlining the sanctity of property rights in people and depicting enslaved Blacks as inferior and inherently different from their white counterparts. Slavery’s defenders responded to calls for universal liberty and equality put forth

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4 For background on how the Society of Friends came to embrace abolitionism and for an overview of Quaker antislavery activism in the Revolutionary and early republican periods, see Sidney V. James, A People Among Peoples: Quaker Benevolence in Eighteenth-Century America (Cambridge: Harvard University Press, 1963); Jean R. Soderlund, Quakers and Slavery: A Divided Spirit (Princeton, NJ: Princeton University Press, 1985); Brycchan Carey, From Peace to Freedom: Quaker Rhetoric and the Birth of American Antislavery, 1657–1761 (New Haven: Yale University Press, 2012); and Gary B. Nash, Warner Mifflin: Unflinching Quaker Abolitionist (Philadelphia: University of Pennsylvania Press, 2017). Throughout this article, I have chosen to capitalize the term Black, while leaving the term white lowercase. The shared history stemming from slavery and its legacies, and the subsequently distinctive, shared experiences and cultural practices that have resulted among people of African descent in the United States, though hardly monolithic, gives the uppercase emphasis in Black coherence. However, I do not believe the same can be said about the term white. Capitalizing white projects a homogenized view of race among white people—both in self-perception and in racial attitudes about other groups—in ways that makes the term unintelligible. Additionally, capitalizing white projects a static and unchanging conception of which groups are included in the term to a degree that belies the historical record.
by the antislavery petitioners by counterclaiming that people of African descent remained ineligible to join independent America as free men and women due to, as they claimed, a deeply rooted incapacity for liberty. Thus, the first Congress’s first debate over slavery exposed a principled rift over the meaning of race and its relationship to bondage and freedom in the United States. This rift predated the founding era, but it was aired for the first time in a national forum in 1790.\textsuperscript{5}

Not all works that profile these debates focus on the question of congressional powers over slavery and the slave trade. William diGiacomantonio’s “‘For the Gratification of a Volunteering Society’: Antislavery and Pressure Group Politics in the First Federal Congress,” argues that the Quakers’ antislavery petitions represented the first instance of special interest lobbying of Congress and that they set a critical precedent in lobbying for “abstract principles” rather than individual grievances. In “‘Manifest Signs of Passion’: The First Federal Congress, Antislavery, and the Legacies of the Revolutionary War,” Robert Parkinson depicts Lower Southern congressmen as exploiting still fresh memories of the Revolutionary War to lambast the Quaker petitioners and the enslaved people they advocated for as loyalist enemies of the new nation. Key to Parkinson’s interpretation is the Lower Southerners’ utilization of what he calls a “‘common cause’ appeal” that Parkinson believes had long racialized the Revolution and written Black Americans out of the liberatory promises of American independence. Thus, Parkinson implies that the principles the petitioners drew upon were ineffective because American Revolutionary rhetoric and ideology had already been heavily infused with racism prior to 1790 and white Americans did not consider people of color members of the nation. This essay argues, on the contrary, that it was precisely because Lower Southerners viewed the appeal of the petitioners for a Revolutionary application of liberty and equality to Black Americans “without distinction of Colour” as a potent threat to slaveholding that they countered with an expansive justification for race-based slavery.\textsuperscript{6}

\textsuperscript{5} Race had become central to debates over slavery during the two decades preceding the First Federal Congress—the nature of Black Americans and their capacity for freedom serving as the ideological terrain on which slavery’s opponents and defenders would do battle. The 1790 congressional deliberations over slavery reflect this fact and serve as the first time in a national forum that that debate was aired. See David Brion Davis, The Problem of Slavery in the Age of Revolution, 1770–1823 (Ithaca, NY: Cornell University Press, 1975), 302–3.

The interplay between the antiracist appeals of the Quaker and PAS petitioners on the one side and the race-based justifications for slavery by Lower Southern congressmen on the other established a discursive precedent for national debates over slavery that would reverberate long after the first Congress came to a close. In the years leading up to the Civil War, Congress hotly debated federal jurisdiction over slavery, chattel bondage’s presence in the admission of new states, and the status and place of Black people in the United States. Even though the issues of slavery and race took center stage in the nation’s politics in the antebellum period to a degree that they did not in earlier decades, a core element of the 1790 debate—namely, whether African Americans were entitled to the natural rights of freedom and included in the nation’s founding creed or whether they were inferior others outside the nation’s compact—would play a pivotal part in shaping the contours of the United States’ divisions regarding the peculiar institution for generations to come.

A Covenant with Ambiguity

Understanding the interplay between the petitioners’ strident antislavery rhetoric and the Lower Southerners’ vehement defense of racial bondage first requires recognizing the indefinite nature of slavery’s relationship to the federal government and the American nation state at the founding moment. In the summer heat of 1787, delegates from across the former American colonies met in Philadelphia. By the end of the Constitutional Convention in late August 1787, Southern slaveholders had exacted a large measure of support for the institution of slavery in the Constitution. The national government could not ban the slave trade until 1808, giving South Carolina and Georgia the time needed to replenish the enslaved laborers lost during the war with Britain. The three-fifths clause guaranteed that Southern political interests would be well represented in the federal arena. The fugitive slave clause advised that enslaved runaways who fled the plantations of the South to free Northern states be returned to their masters. In addition to these direct protections for slavery, several other clauses indirectly safeguarded chattel bondage. For example, the domestic insurrection clause authorized Congress to call the militia to arms in combating domestic insurrections, slave rebellions included.\(^7\)

With justifiable optimism, slavery’s protectors could point to these concessions and feel that they had won a Constitution highly protective of human bondage. But overemphasizing the proslavery elements of the Constitution has the effect of

\(^7\) For the several clauses that protected slavery either directly or indirectly, see David Waldstreicher, *Slavery’s Constitution: From Revolution to Ratification* (New York: Hill and Wang, 2009).
making the trepidations of Lower Southern congressmen like William Loughton Smith hard to explain. The Constitution did not spell total surrender to the interests of slaveholders. Many of the delegates to the Constitutional Convention expressed their ambivalence with launching a union based in part on chattel bondage. Nowhere in the document do the words “slaves” or “slavery” appear. Awkward phrases referring to enslaved people such as “Person[s] held to Service or Labour” and “those Bound to service” read as euphemistic stand-ins for those relegated to slavery. Even though this rhetorical decision did not provide the same policy achievement for antislavery advocates as the three-fifths clause did for slavery’s proponents, the ideological disjuncture it seemed to project between slavery and newly independent America encouraged abolitionist organizations like the PAS.8

More tangibly, the Constitution did not include absolute protection for slaveholders’ property rights claims. Some antifederalists, such as George Mason of Virginia, refused to sign the Constitution in part because he believed the document gave “no security” for property in people. Slaveholder apprehension on this score bled into other, seemingly unrelated areas of Constitution building. Charles Cotesworth Pinckney may have objected to the adoption of the privileges and immunities clause because no provision was inserted “in favor of property in slaves.” Additionally, the same article in the Constitution that prohibited the national government from ending the slave trade before 1808 permitted a tax of up to $10 on each enslaved person imported into the United States and implied that after this moratorium was lifted Congress could ban the importation of enslaved laborers. Depending on how one interpreted this clause, it could be read to suggest that further federal action against slavery beyond the slave trade itself remained possible after 1808. Therefore, when it came to slavery the Constitution was not a “covenant with death,” as some later abolitionists would allege, but rather a covenant with ambiguity. This ambiguity made both slavery’s opponents and its defenders eager to establish the antislavery or proslavery orientation of

8 For scholarship that stresses the proslavery orientation of the Constitution, see Van Cleve, A Slaveholders Union; Waldstreicher, Slavery’s Constitution; and Paul Finkelman, Slavery and the Founders: Race and Liberty in the Age of Jefferson (New York, 1996). Waldstreicher calls the Constitution “operationally proslavery.” See Waldstreicher, Slavery’s Constitution, 114. Undeniably, slavery’s advocates left Philadelphia in the fall of 1787 with several victories. But key elements of what made the Constitution “operationally proslavery,” such as the three-fifths clause, would only become fully evident through the advent of partisan politics as they began to take shape in the latter half of the 1790s. The point worth making for the 1790 congressional debate over slavery is that it was not unequivocally apparent that slaveholders had engineered a proslavery Constitution when the first Congress met.
the federal government by enunciating their respective principles before the nation’s newly formed Congress.⁹

The Antislavery Petitions
Following the Constitution’s ratification, the First Federal Congress convened in New York City in April 1789. If the Constitution gave the nation a blueprint for federal governance, the First Federal Congress was left to interpret its design and set precedents in national lawmaking. Such issues as creating a national financial system, funding the Revolutionary War debts, and locating a permanent seat of government were some of the most important subjects tackled by the first Congress. Lower Southerners would respond so vociferously to the antislavery petitions because they saw them as opening a precedent-setting moment wherein Congress would either embrace or reject principles hostile to slavery at the very inception of national legislative governance.¹⁰

During the first session of Congress, Josiah Parker of Virginia introduced a motion in the House of Representatives to tax each enslaved person imported into the United States under the $10 maximum allowed by the Constitution. After a short debate produced intractable opposition from South Carolinian and Georgian representatives, Parker’s proposal was tabled. Despite the determined opposition of the Lower South, the issue of slavery would not go away so quietly. On February 11, 1790, one month into the second session of the first Congress, Representatives Thomas Fitzsimmons of Pennsylvania and John Laurance of New York presented anti–slave trade memorials from their respective states’ Quaker Yearly Meetings. The Philadelphia Yearly Meeting of 1790 brought together Friends’ meetings from Delaware, New Jersey, Pennsylvania, and western portions of Virginia and Maryland. Representing the sentiments of several Quaker groups from across the Mid-Atlantic and Upper South, the Yearly Meeting drafted a petition requesting

⁹ John P. Kaminski, A Necessary Evil? Slavery and the Debate Over the Constitution (Madison, WI, 1995), 187, 443; The Records of the Federal Convention, ed. Max Farrand, 3 vols. (New Haven: Yale University Press, 1911), 2:443. A little over a year after the Constitution was ratified, William Loughton Smith evinced suspicion that the federal government might end the international slave trade and interfere with domestic slavery when he wrote Edward Rutledge that Lower Southerners had to focus on “preventing Congress from interfering with our negroes after 20 years or [emphasis added] prohibiting the importation of them.” DHFFC, XVI:1283. On the importance of the Constitution not explicitly recognizing property in people, and the antislavery politics that evolved from this fact, see Sean Wilentz, No Property in Man: Slavery and Antislavery at the Nation’s Founding (Cambridge: Harvard University Press, 2018).

¹⁰ For an overview of the first Congress and the issues and events that animated it, see Charlene Bickford and Kenneth Bowling, Birth of the Nation: The First Federal Congress, 1789–1791 (Madison, WI: Madison House, 1989), and Bordewich, The First Congress.
that Congress do all it constitutionally could to discourage the slave trade. The New York Yearly Meeting drafted its petition only a day earlier when representatives from the Philadelphia Yearly Meeting suggested that Friends from New York join them in their appeal to Congress.¹¹

The Quaker petitions argued that the slave trade violated the sanctity of the social compact and debased and dehumanized all those who took part in it. “Trafficking in the persons of fellow-men,” one of the petitions read, was an “inhuman tyranny,” “abhorrent to common humanity” and destructive to “the virtue and . . . happiness of the people.” In asking the first Congress to turn their attention to “a case so interesting to the rights of men,” the petitioners wanted the House to “exert . . . the full extent of your power” in discouraging the “abominable commerce” that was the slave trade. The petitions conjoined principled arguments about the slave trade’s injustice with specific calls for the new Congress to remedy these injustices through legislation. Lower Southern congressmen opposed the petitions immediately. Representatives William Loughton Smith, Aedanus Burke, and Thomas Tudor Tucker of South Carolina, along with James Jackson and Abraham Baldwin of Georgia, all dismissed the memorials as the musings of officious Quakers and insisted that the petitions be tabled. The House decided to delay a vote on whether to commit the petitions.¹²

The memorials of February 11, 1790, had drawn antagonism from Lower Southern congressmen. When a third antislavery petition—this time from the PAS—reached the floor the following day, it left these legislators deeply disturbed. Whereas the previous petitions called for Congress to examine their powers regarding the slave trade, the PAS memorial addressed the House in much broader, and to Lower Southern legislators, threatening abolitionist terms. Because the PAS’s petition identified principles of liberty and equality as directly applicable to enslaved people, thereby questioning the rationale for racial slavery, it is worth excerpting at length:

¹¹ For procedural coverage of Parker’s motion, see DHFFC, VI:1900. For the House debate on Parker’s motion, see DHFFC, X:633–51. DHFFC, VIII:315.

¹² The Philadelphia Yearly Meeting reminded the House of a memorial to the Confederation Congress in 1783 drafted to obtain national legislation against the slave trade. Citing the limitations of congressional jurisdiction over slavery, members of the Confederation Congress had, at that time, limited their response to a nonbinding anti–slave trade appeal to individual states that ultimately failed to gain passage. But as the Philadelphia Yearly Meeting now saw it, laws passed regulating or banning the slave trade in several states during the intervening years, in addition to the enlarged powers of the newly established federal government, meant that the new Congress could take substantive anti–slave trade action. For transcribed copies of the Philadelphia and New York Meeting memorial, see DHFFC, VIII:322–24.
From a regard for the happiness of Mankind an Association was formed several years since in this State [the Pennsylvania Abolition Society] . . . A just & accurate Conception of the true Principles of liberty, as it spread through the land, produced . . . many friends to their Cause, & a legislative Co-operation with their views, which . . . have been successfully directed to the relieving from bondage a large number of their fellow Creatures of the African Race [here the petitioners are referring to emancipation in Pennsylvania]. They have also the Satisfaction to observe, that in consequence of that Spirit of Philanthropy & genuine liberty which is generally diffusing its beneficial Influence, similar Institutions are gradually forming at home & abroad.

That mankind are all formed by the same Almighty being, alike objects of his Care & equally designed for the Enjoyment of Happiness the Christian Religion teaches us to believe & the Political Creed of America fully coincides with the Position. Your Memorialists . . . have observed with great Satisfaction, that many important & salutary Powers are vested in you for promoting the Welfare & securing the blessings of liberty to the “People of the United States.” And as they conceive, that these blessings ought rightfully to be administered, without distinction of Colour, to all descriptions of People, so they indulge themselves in the pleasing expectation, that nothing, which can be done for the relive [relief] of the unhappy objects of their care, will be either omitted or delayed.

From a persuasion that equal liberty was originally the Portion, & is still the Birthright of all men, & influenced by the strong ties of Humanity & the Principles of their Institution, your Memorialists conceive themselves bound to use all justifiable endeavours to loosen the bounds of Slavery and promote a general Enjoyment of the blessings of Freedom. Under these Impressions they earnestly intreat your serious attention to the Subject of Slavery, that you will be pleased to countenance the Restoration of liberty to those unhappy Men, who alone in this land of Freedom, are degraded into perpetual Bondage, and who, amidst the general Joy of surrounding Freemen, are groaning in Servile Subjection, that you will devise means for removing this Inconsistency from the Character of the American People, that you will promote mercy and Justice towards this distressed Race, & that you will Step to the very verge of the Powers vested in you for discouraging every Species of Traffick in the Persons of our fellow Men.13

13 DHFFC, VIII:326. Underlinings in the original.
The Pennsylvania Abolition Society’s petition argued that the new nation’s ideals of liberty included African Americans in the Constitution’s preamble of “We the People” and should be applied “without distinction of Colour.” (Pages 1, top half, and 2 are shown.)
While the petition technically asked the House to apply its jurisdictional powers over the slave trade specifically, its aims were much more encompassing. The PAS led the antislavery movement in its state—Pennsylvania had passed a gradual emancipation law in 1780—and the society was now working to incorporate African Americans into the republic as citizens. Calling for the application of its values to the nation at large, the PAS appeared confident that the course of history was on its side. This sense of optimism can be gleaned from the petitioners’ resolute projection that “the true principles of Liberty” were “generally diffusing” and finding shape in the formation of antislavery organizations in both the United States and Europe. Portraying the mores of antislavery petitioners as making up an expansive and popular movement acted to contradict Lower Southern congressmen’s preferred depiction of the petitions as representing the narrow religiosity of Quakers.\textsuperscript{14}

The PAS couched its memorial as an expression of mainstream sentiment. Yet it was the message itself that would dictate the Lower Southerners’ ideological defense of slavery. The petition argued that people of African descent were entitled to an equal liberty with their free white counterparts. Emphasizing the equal humanity of the enslaved rather than their status as property, the PAS urged Congress to approach the topic of slavery in this light. The petition linked the founding principles of the new nation, or what it called “the Political Creed of America,” with the cause of slavery’s abolition—and to clinch this point, the PAS had its president, and a leading representative of American national identity, Benjamin Franklin, sign the memorial. In sum, the petition asked the House not only to assert its immediate powers over regulating the slave trade, but to ratify a larger vision of the republic as a land of genuine liberty, a nation where the rights and humanity of Black people were acknowledged.\textsuperscript{15}

On one level, the PAS memorial can be viewed as a tactical mistake that drifted from the Quaker Yearly Meetings’ targeted plea for Congress to address the slave trade. Requesting the House to censure slavery as an institution and asking its


\textsuperscript{15} For the Pennsylvania Abolition Society’s vision of the new American nation as constituting a republic that would incorporate Blacks into the citizenry of the body politic, see Polgar, Standard-Bearers of Equality; and James Alexander Dun, “Philadelphia Not Philanthropolis: The Limits of Pennsylvania Antislavery in the Era of the Haitian Revolution,” The Pennsylvania Magazine of History and Biography 135 (January 2011): 73–102.
members to adopt measures in line with the values of the PAS allowed Lower Southerners to conflate the regulation of the slave trade with federally sanctioned emancipation—an unfavorable pairing for the petitioners. But at the same time, the PAS petition captured the greatest fears of representatives like William Loughton Smith. Smith must have viewed the memorial as the perfect embodiment of his earlier expressed concern that innovative interpretations of the powers of the Federal Constitution over slavery—such as including the enslaved in the general welfare clause—constituted a serious danger to Southern slaveholding rights. One can only imagine the dismay of Smith and his Lower Southern colleagues as Speaker Frederick Muhlenberg read aloud the PAS petition to the entire House. Such an airing of abolitionist principles—freighted with claims of underlying Black equality and linking abolitionism and the founding principles of the republic—demanded that Lower Southerners counter with a clear ideological rationale for racial slavery.  

The Lower Southern Predicament

Lower Southern congressmen were bothered by more than the antislavery petitions themselves. A handful of the petitioners, including John Pemberton, brother of the PAS’s vice president, and Warner Mifflin, an indomitable Quaker antislavery activist, remained in New York to lobby both the select committee of congressmen appointed to write a report on the memorials and the House of Representatives as a body. Pemberton gave the select committee a bundle of antislavery pamphlets to help guide their deliberations, while Mifflin met with the committee to present his advice on how they should go about responding to the petitions. The attendance of these lobbyists in the House gallery during the debates notably irked Lower Southern legislators. Pemberton wrote that he and other petitioners were present during the House’s deliberations “to shew ourselves & remind them [congressmen] that we are waiting upon them.” William Loughton Smith took notice, at one point referring to the Quaker attendees as “evil spirits hovering over our heads.” The continual presence of the petitioners served as a further extension of their antislavery proclamations and called for a thorough response from Smith and his Lower Southern colleagues.

Just as noxious to Lower Southerners as the presence of these antislavery lobbyists was the counsel they sought to relay. Especially troubling, Pemberton sent

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16 The procedure established by the first Congress mandated that every petition that came before the House of Representatives had to be read aloud to the entire House by the Speaker, or another representative. DHFFC, VII:xvi.

17 diGiacomantonio, “For the Gratification of a Volunteering Society,” 183–84. The tally of the vote in favor of referring the petitions for consideration by a select committee was 43–11, with all seven representatives from the Lower South voting in the negative.
Frederick Muhlenburg distributed 58 copies of a recent public address by the PAS, along with the society’s “Plan for Improving the Condition of Free Blacks” (issued by the society a year earlier), and he requested that the speaker distribute them to members of the House. These documents echoed and extended the objectives of the PAS petition. The address called slavery “an atrocious debasement of human nature” and characterized abolition as “that luminous and benign spirit of liberty, which is diffusing itself throughout the world.” To prove that abolishing slavery was not only a moral good but could be done without endangering American society (many white Americans feared that enslaved African Americans were not suited for freedom), the PAS provided a detailed plan for the uplifting of free Blacks. The PAS hoped that its plan for improving the socioeconomic standing of free Blacks would “qualify those who have been restored to freedom, for the exercise and enjoyment of civil liberty” and that the new republic would make “[a]ttention to emancipated black people . . . a branch of our national policy.” Pemberton’s choice of these documents for dissemination among members of the House communicated a telling message: not only do we envision the long-term elimination of slavery from the American republic, but we have an agenda for making emancipation a viable social program. Faced with a robust and thorough challenge to racial slavery, Lower Southerners would need to answer with a zealous and comprehensive defense of an institution they closely guarded.  

To further grasp why the Lower South contingent would choose to offer an elaborate justification for slavery one must also acknowledge the defensive

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18 DHFFC, VIII:329–31. The PAS’s “Plan for Improving the Condition of Free Blacks” was in large part constructed to answer public doubts about the feasibility of Black freedom that were, by 1789, long-standing. In this sense, the plan emerged as a defensive response to arguments used against emancipation. Yet, in the context of the PAS petition, the plan took on offensive overtones, most likely appearing to Lower Southerners as a rationalization for abolition—even if the petitioners were not explicitly calling for Congress to abolish slavery.
political position these representatives found themselves in during the First Federal Congress. In 1790, it was far from certain whether slavery would survive in the new republic. By the time the first Congress met, all five of the New England states and Pennsylvania had either ended slavery judicially or put it on the road to extinction through gradual emancipation laws; New York and New Jersey were widely seen as soon to follow, and would do so with the passage of gradual abolition acts in 1799 and 1804, respectively. Meanwhile, in Virginia and Maryland the declining viability of the tobacco economy had led to the freeing of thousands of enslaved people through voluntary manumission laws. These encouraging trends were not limited to the American republic. In Britain, a fledgling antislavery movement had produced a campaign to abolish the African slave trade and birthed international antislavery celebrities, such as William Wilberforce and Thomas Clarkson. Moreover, there was no “Solid South” political alignment unabashedly favoring the institution of slavery. Revealingly, Virginia was often lumped together by national politicians with the “Middle States” of New York and Pennsylvania. A mix of the rhetorical championing of the Revolutionary ideals of personal liberty by some of Virginia's leading political figures, and the state's economic self-interest (Virginia had an excess of enslaved laborers and stood to gain economically from any congressional action taken against the slave trade), meant that Lower Southerners could not count on their Upper Southern neighbor to offer ideological support for slavery.¹⁹

Thus, as the House took up the antislavery petitions, only South Carolina and Georgia appeared unequivocally committed to the long-term presence of slavery in independent America. Lower Southern members of the House of Representatives

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then must have been greatly alarmed by the PAS’s petition, which urged Congress to apply the society’s principles as a guide to dealing with the issue of slavery on the national level. Finding themselves hemmed in politically, buffeted by the prolonged lobbying of the petitioners, and barraged by a volley of antislavery ideology, congressmen from South Carolina and Georgia would feel compelled to combat the principles of the petitioners with what they viewed as a principled defense of slavery.

**Defending Slavery, Defining Racial Difference**

Slavery’s proponents relied on a bevy of arguments in defending bondage. One tactic they turned to included defaming the character of the Quaker petitioners. Repeatedly, Lower Southern congressmen claimed that the decision of many Quakers to remain neutral during the Revolutionary War showed them to be cowardly traitors. At the same time, their posing as conscientious objectors brought into question the Quakers’ loyalty to the American republic. Lower Southerners attacked the petitioners in an attempt to particularize the cause of antislavery as the product of a marginalized religious sect rather than a universal one intimately connected with Christian benevolence and American independence. Yet on its own, sullying the character of the Quakers left the content of their petitions unanswered.  

Slavery’s defenders also turned to ancient but revered sources in making their case. Both the Greek and Roman empires, influential models for American republicanism, practiced slavery. In fact, every civilization of consequence in human history countenanced bondage, the Lower Southerners insisted. But in a nation that was already beginning to celebrate its self-identified exceptional nature, historical precedents of this kind carried little weight. Biblical authority provided a third area for Deep Southerners to turn to. Slavery’s defenders scoured the Bible for passages that condoned slavery and recited to their colleagues those excerpts they interpreted as doing just that. Turning to the Bible, however, was a mixed blessing for slavery’s defenders. Antislavery activists could harness the Christian precepts of altruism and monogenism in answering slavery’s advocates.  

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21 For examples of biblical and classical societal model citations in the Lower Southern defense of slavery, see *DHFFC*, XIII:731–32, 759.
The inconclusiveness of these strategies in defending slavery left the Lower Southerners to tap the concepts of political compromise and property rights. Though effective, an emphasis on political compromise (the Constitution was based on accepting and balancing various, contending interests) and property rights (the Revolution guaranteed slaveholders the right to holding people in a chattel state) did not counter the petitioners’ claims of underlying Black equality. These shortcomings left race. Lower Southerners would move inexorably to assertions of Black inferiority to defend American slavery.

The arguments of Representative James Jackson of Georgia in opposition to the memorials encapsulate how countering the PAS’s petition invariably led to attacking the aptitude of enslaved Blacks for liberty. Regarded by his colleagues as a cantankerous and fiery orator, Jackson uncharacteristically sounded a defensive note. “That slavery was an evil habit,” Jackson began, “he did not mean to controvert.” Attesting to the sanctity of property rights, Jackson asked his colleagues “if the rights of property are not adequate to the rights of persons, and if, on our entering into the Constitution, the meaning of it was not to secure the citizens in possession of one as well as the other?” Furthermore, in founding a federal republic, the several states had come together to form a union premised on a “sacred compact,” balancing each other’s interests and accepting their mutual differences—disagreements over slavery and its place in the new nation foremost among the compromises that had resulted in the Constitution’s ratification. “We take the states with all their ill habits,” Jackson claimed, and warned, “By interfering with one spring we will ruin the system of the whole.” Premised on pragmatic compromises, the United States was founded by reasonable politicians who eschewed ideological idealism for unsentimental political realities.

If Jackson had stopped here his defense of slavery would have offered little that was objectionable to his colleagues. Conceiving of slavery as a necessary evil buttressed by property rights was a commonly held assumption shared by many politicians who accepted that slavery must be tolerated, at least for the time being, to forge a nation. The content and tone of the antislavery memorials, however, dictated that Jackson reach beyond this trusted defense. To counter the petitioners’ portrait of the equal humanity of enslaved Blacks, Jackson laid out his version of the “nature” of enslaved Africans and African Americans. The West African countries from DHFFC, XII:720, 725, 730, 733. On account of Jackson’s stentorian speaking style, the Senate—meeting on the floor above the House in Federal Hall—had to close its windows on more than one occasion to block out his oratorical flourishes. For a biography of Jackson, see William O. Foster, *James Jackson: Duelist and Militant Statesman, 1757–1806* (Athens: University of Georgia Press, 1960).
which America’s enslaved originated followed a despotic and tyrannical social model in which a king exercised absolute authority over the property and persons of all those in his dominion. In this way, Africans were “habituated” to bondage from their earliest experiences in barbaric Africa, and they universally “imbibed even with their mother’s milk” this elixir of servitude, making it “their nature, their disposition to fall under” and serve as slaves.23

Jackson then spotlighted the prospect of emancipation. If enslaved people were freed, what next? Jackson noted that Thomas Jefferson in his *Notes on the State of Virginia* had already examined the question of slavery’s abolition and concluded that should a general emancipation take place, “deep rooted prejudices entertained by the whites,” long-held animosities harbored by Blacks, the physical and moral differences between these two groups, and “the real distinctions nature has made” would result in race war. Jackson concurred with Jefferson that unavoidable racial polarization precluded any prospect of an America where white and Black freemen lived side by side and concluded that “incorporating them [formerly enslaved people] would be impolitic.”24

According to Jackson, there was a “great distinction between [the] subjects of liberty.” Holding up the example of Maryland, where the ongoing manumission of thousands of enslaved people had resulted in a growing free Black population, Jackson claimed that those liberated had resorted to stealing rather than working, had become “common pickpockets,” and only harmed the greater societies into which they were freed. “The sound of liberty” when applied to slavery, Jackson ominously warned, “has this consequence.” For Jackson, any effort to free a people whose “natural dispositions” fitted them for slavery was not only a waste of time and resources, but also flew in the face of nature’s intended design for Africans and their descendants—unconditional bondage.25

William Loughton Smith and Aedanus Burke, representing South Carolina, joined Jackson in aggressively defending slavery. Both speakers echoed Jackson’s depiction of enslaved Blacks as inferior and naturally fit for bondage. Tellingly, Burke, speaking first, denied that he sought to defend slavery in the abstract. “I do not rise to advocate the cause of slavery . . . (I) am an advocate for liberty,” he assured the House. But when he turned to the prospect of Black liberty, his tone changed. By advocating emancipation, the petitioners were actually doing

23 Ibid., 725, 720.
24 Ibid., 727–28.
25 DHFFC, X:635.
an act of inhumanity to the enslaved, as Burke saw it. During the Revolution, America witnessed how unfit people of African descent were for freedom. At that time, the British Army commander Charles Cornwallis conferred liberty on Black Americans as he swept through the Southern countryside, but, according to Burke, most of these former slaves died en masse, thereby demonstrating “how totally incapable he [an enslaved person] is of making a proper use of his new gained liberty.”

Like Jackson before him, Smith used the hypothetical of slavery’s abolition to strengthen his justification for Black slavery, and he too turned to Thomas Jefferson. Jefferson, a man of “enlightened understanding,” had already proven, as Smith saw it, Blacks to be “by nature an inferior race of beings.” Manumission’s impolicy, which Smith viewed as obvious from Jefferson’s Notes on the State of Virginia, made the goal of emancipation a pernicious and fatal enterprise and a direct threat to the well-being of the nation’s white population. Should the nation eradicate slavery and admit Black people into white society it would permanently alter the country’s character for the worse and “stain the blood of the whites.” The potential for a race war manifested as horrendous a prospect as that of racial intermixture. The incompatibility of Black and white would lead to a bloody battle, with the “strongest party,” presumably the whites, left to “murder the weaker.” In Smith’s estimation, externally imposed Black freedom could never succeed. Africans and African Americans were “an indolent people, improvident, averse to labor; when emancipated, they would either starve or plunder.” Turning antislavery arguments against its advocates, Smith labeled it “repugnant to the principles of freedom, not to allow them [formerly enslaved people] to remain” in the United States upon gaining freedom. But permitting the emancipated to stay in the new country would be the nation’s undoing.

If a plan of gradual emancipation were enacted throughout the United States, Smith announced resolutely, “the two races would still remain distinct.”

26 DHFFC, XII:748, 746–47. The struggles of Black loyalists during and after the Revolutionary War were not due to their inability to handle their liberty, but the often-indifferent commitment of the British Army to Black freedom. On Black loyalists and their experiences during and after the American Revolution, see Simon Schama, Rough Crossings: Britain, the Slaves and the American Revolution (New York: HarperCollins, 2006), and Alan Gilbert, Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence (Chicago: University of Chicago Press, 2012). For biographical background on Aedanus Burke, see John C. Meleney, Public Life of Aedanus Burke (Columbia: University of South Carolina Press, 1989).

petitioners argued that “nature had made all men equal, and that the difference of color should not place negroes on a worse footing in society than the whites.” But these ideals would wither in the harsh light of white prejudice. Labeling the petitioners as hypocrites, Smith declared that even “the warmest friends to the blacks kept them at a distance, and rejected all intercourse with them.” The inferiority of enslaved Black people, Smith seemed to be saying, was not only an absolute feature of nature, but an inescapable social reality that would nullify any attempt to make former bondspersons free and equal.\(^\text{28}\)

The PAS and Quaker petitioners put slaveholding statesmen on the defensive by fusing the cause of antislavery with the ideological ethics of American independence and arguing for the fundamental equality of African Americans. Doing so prompted slavery’s defenders to dub people of color ineligible to enjoy the lofty ideals of the new nation—ideals that even the likes of James Jackson and William Loughton Smith were loath to baldly contradict. Emphasizing the dangers of emancipation and the racial qualifications of American liberty allowed slavery’s defenders to sidestep a head-on battle with the mores of liberty and equality while still warring against them.\(^\text{29}\)

The speech of Thomas Scott of Pennsylvania, in his defense of the antislavery petitioners, revealed exactly why Lower Southern congressmen had sought to make the case that Black people were innately inferior and ineligible for freedom. Scott held an expansive view of the implied powers Congress held over the slave trade. For example, if enslaved Africans and African Americans were property, could not the federal government, under its powers of regulating trade and commerce, “declare them [enslaved people] contraband goods” and put a stop to the slave trade? asked Scott. As for the relationship of race to slavery, Scott pointed out that while Congress had recently passed the Naturalization Act, according the rights of citizenship to free white persons only, the rule of naturalization was an “arbitrary will” of Congress. Scott reminded the House that future Congresses could “whenever they please” rewrite the law and “declare . . . that every person, whether black, white, blue or red . . . be not only free persons but free citizens.” In short, Scott’s reading of the Constitution empowered the federal government

\(^{28}\) DHFFC, XII:752.

\(^{29}\) Two of the antislavery petitioners’ most vocal proponents, Elias Boudinot of New Jersey and John Vining of Delaware argued that slavery contradicted the values of American Independence and the nation’s identity, even as they acknowledged slaveholder rights to property in persons. This kind of talk hardly inspired confidence among slavery’s congressional defenders. See DHFFC, XII:806–7, 825.
to end the slave trade and declare Africans imported into the country to be citizens—therefore breaking down the barriers between free and white and Black and slave—at any time it should so choose. This sort of thinking engendered the stuff of nightmares for Lower Southern congressmen and the slaveholding citizens they represented.

For James Jackson, Scott’s comments only confirmed what he had known all along—the antislavery petitions embodied a complete assault on the institution of slavery. Jackson spoke for Lower Southerners when he lamented that the principles exemplified by the petitions, and evident in the words of congressmen like Scott, could one day redound devastatingly on the white South: “the declarations we hear on this floor will make them [slaveholding congressmen] fear, if the door is once opened, that their property is not secure; and if Congress once open this door, I contend that there is no bound at which they may stop.” If Lower Southerners could not stop an antislavery interpretation of the Constitution and congressional power over slavery, they hoped that by establishing the principle that people of African descent were naturally inferior, and their freedom a direct threat to the sanctity of the new nation, they might establish a rock-ribbed defense that would serve the same proslavery end.

Conclusion
By the time the first Congress concluded addressing slavery in late March 1790, nearly seven weeks after the petitions had been introduced on the floor of the House, neither the memorialists nor the Lower Southerners could claim total

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30 DHFFC, XII: 821–22. It is not a coincidence that such an argument came from Scott who, serving as the president of the Washington County Abolition Society, belonged to the larger antislavery movement in which the Pennsylvania Abolition Society took the lead. For a letter announcing the Washington County Abolition Society’s founding to the PAS, written by Thomas Scott, see The Papers of the Pennsylvania Abolition Society, Series 1, Reel 11, 9–11, Historical Society of Pennsylvania.

31 Ibid., 829–30.
victory. The petitions had been referred to a select committee, which then drafted a report. The select committee’s report reiterated the Constitution’s pledge to refrain from interfering in the slave trade for 20 years and added that Congress could not emancipate enslaved people who were imported into the nation through 1808, among other provisions. William Loughton Smith interpreted the report as opening the door to the prospect of federally sanctioned emancipation after 1808 and, along with his Lower Southern colleagues, successfully pushed to have the report amended to overtly deny such a power. On a motion by James Madison, the amended report was altered to read that the federal government had “no authority to interfere in the emancipation of slaves . . . it remaining with the several States alone to provide any regulations therein.” As is indicated from Madison’s role in amending the clause relating to emancipation, the protestations of the Georgians and South Carolinians to the report had forced Virginian representatives to make clear their shared identification with the Lower Southerners as fellow planters seeking to protect the rights of slaveholders in the new republic. 

But viewing the conclusion of the debate as a Lower Southern triumph would be a mistake. The revised report did not carry any legislative weight. It was a nonbinding statement of how the first Congress believed slavery should be addressed by the federal government—far from an unconditional ruling that closed the book on the federal government’s powers over chattel bondage. Neither did the Lower Southerners’ ideological defense of slavery gain a positive reception. Throughout the Lower Southerners’ long monologues defending slavery, not one congressman outside of Georgia or South Carolina accepted slavery as a just institution. Several representatives expressed shock that any dignified statesman could argue for the morality of human bondage. Thomas Hartley of Pennsylvania found the arguments of the Lower Southerners “very extraordinary” and thought it was a “shame that the principle” of promoting slavery could be so “boldly advanced” in an age when “the most enlightened part of the world” had condemned bondage. James Madison was repulsed by the Lower Southerners for “pleading for the lawfulness” of the slave trade and

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32 Additional provisions of the select committee report included recognizing the federal government’s right to tax enslaved people imported into the United States and to regulate the foreign slave trade. The select committee consisted of two members from New England, three from the Mid-Atlantic, and one from the Upper South. No Lower Southerners served on the select committee due to their unmitigated opposition to considering the petitions and their fear that their service on the committee would imply that the memorials had merit. See DHFFC, VIII:335–37, for the select committee report’s full text and a detailed account of the many motions and amendments offered and adopted on the select committee’s report by the Committee of the Whole House.
“palliating slavery as a deep-rooted abuse.” The national ideological contest between antislavery and proslavery principles had only begun.33

The ultimate legacy of these debates is how they ground an enduring dialectic on slavery and race into the marrow of American national political discourse. By drawing on religious equalitarian principles and Revolutionary language of natural rights and universal humanity, the antislavery petitioners constructed a racially inclusive idiom that challenged white prejudices and demanded a reply from slavery’s proponents. Feeling insecure in a fledgling nation whose long-term commitment to chattel slavery appeared unsettled, and viewing the words of the petitioners as a principled threat to their property rights in enslaved men and women, Lower Southern congressmen worked to encase American slavery in the secure guise of absolute racial difference, predicated on innate Black inferiority and the unfitness of persons of African descent for freedom.

The clash of principles over slavery and race that unfolded in 1790 was not resolved by the First Federal Congress. Instead, this clash delineated the basis for a much longer debate that stretched for over half a century. And so when in 1854 Abraham Lincoln declared that “If the negro is a man, why then my ancient faith teaches me that ‘all men are created equal;’ and that there can be no moral right in connection with one man’s making a slave of another,” he tapped into the very same arguments that had inspired the PAS petition. And when, four years later, the slaveholding Senator James Henry Hammond in his famous Mudsill Theory speech delivered before Congress asserted that Black Americans belonged to an “inferior race” that was “eminently qualified” by nature for inequality, he built on the arguments of his proslavery predecessors like James Jackson and William Loughton Smith.34

33 DHFFC, XII:737, 762; Madison to Rush, March 20, 1790, The Papers of James Madison, 13:109. Thomas Scott deemed the Lower Southerners’ ideological rationales for slavery “a phenomenon in politics” and dared his fellow congressmen to “believe them if they can! With me they defy, yea, mock all belief.” Ibid., 822. The most immediately relevant clause of the report was not the one declaring emancipation solely a state issue, but the provision recognizing Congress’s power to regulate the foreign slave trade, which would culminate in the Slave Trade Act of 1794. See Wood, “Considerations of Humanity and Expediency,” 88–99. In other sections of the report, Lower Southerners found their influence wanting. William Loughton Smith unsuccessfully proposed eliminating the word “humanity” from another clause of the report relating to the treatment of the enslaved. Smith failed to rid the report of all words that echoed the petitioners’ language. See DHFFC, VII:336.

A Clash of Principles: The First Federal Debate over Slavery and Race, 1790

The first congressional debate over chattel bondage in the United States set the ideological terms for the many succeeding conflicts that would follow. From the controversy over Black citizenship during the Missouri Crisis in 1821, to Chief Justice Roger Taney’s decision in the Dred Scott case in 1857 that African Americans had no rights that white Americans were bound to respect, to Abraham Lincoln’s commitment to the natural rights of the enslaved in his debates with Stephen Douglas, to Alexander Stephens’s assertion that the Confederacy was founded on the axiom of inherent black inequality, to Frederick Douglass’s call for the Civil War North to combat the seceded states’ war for slavery with a racially egalitarian cause of Black inclusion, the prime components of a lasting national dispute over slavery and race first rang through the House of Representatives during the early months of 1790.

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