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Consider Arms, Malachi Maynard, and Samuel Field: Dissent to the Massachusetts Convention, Northampton *Hampshire Gazette*, 9, 16 April 1788 (excerpt)

Mr. PRINTER, We the Subscribers being of the number, who did not assent to the ratification of the Federal Constitution, under consideration in the late State Convention, held at Boston, to which we were called by the suffrages of the corporations to which we respectively belong—beg leave, through the channel of your paper, to lay before the public in general, and our constituents in particular, the reasons of our dissent, and the principles which governed us in our decision of this important question.

Fully convinced, ever since the late revolution, of the necessity of a firm, energetic government, we should have rejoiced in an opportunity to have given our assent to such an one; and should in the present case, most cordially have done it, could we at the same time [have] been happy to have seen the liberties of the people and the rights of mankind properly guarded and secured. We conceive that the very notion of government carries along with it the idea of justice and equity, and that the whole design of instituting government in the world, was to preserve men's properties from rapine, and their bodies from violence and bloodshed.

These propositions being established, we conceive must of necessity produce the following consequence, viz. That every constitution or system, which does not quadrate with this original design, is not government, but in fact a subversion of it.

Having premised thus much, we proceed to mention some things in this constitution, to which we object, and to enter into an enquiry, whether, and how far they coincide with those simple and original notions of government beforementioned.

In the first place—as direct taxes are to be apportioned according to the numbers in each state, and as Massachusetts has none in it but what are declared freemen, so the whole, blacks as well as whites, must be numbered; this must therefore operate against us, as two fifths of the slaves in the southern states are to be left out of the numeration; consequently, three Massachusetts infants will increase the tax equal to five sturdy, full grown negroes of theirs, who work every day in the week for their masters, saving the Sabbath, upon which they are allowed to get something for their own support. We can see no justice in this way of apportioning taxes; neither can we see any good reason why this was consented to on the part of our delegates. . . .

[16 April] But we pass on to another thing, which (aside from every other consideration) was, and still is an insuperable objection in the way of our assent. This we find in the 9th section under the head of restrictions upon Congress, viz. “The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight,” &c. It was not controverted in the

Convention, but owned that this provision was made purely that the southern states might not be deprived of their profits arising from that most *nefarious trade* of enslaving the Africans. The hon. Mr. King himself, who was an assistant in forming this constitution, in discoursing upon the slave trade, in the late Convention at Boston, was pleased to design it by this epithet, *nefarious*, which carries with it the idea of something peculiarly wicked and abominable: and indeed we think it deserving of this and every odious epithet which our language affords, descriptive of the iniquity of it. This being the case, we were naturally led to enquire why we should establish a constitution, which gives licence to a measure of this sort—How is it possible we could do it consistent with our ideas of government? consistent with the principles and documents we endeavour to inculcate upon others? It is a standing law in the kingdom of Heaven, “Do unto others as ye would have others do unto you.” This is the royal law—this we often hear inculcated upon others. But had we given our affirmative voice in this case, could we have claimed to ourselves that consistent line of conduct, which marks the path of every honest man? Should we not rather have been guilty of a contumelious repugnancy, to what we profess to believe is equitable and just? Let us for once bring the matter home to ourselves, and summons up our own feelings upon the occasion, and hear the simple sober verdict of our own hearts, were we in the place of those unhappy Africans—this is the test, the proper *touch-stone* by which to try the matter before us. Where is the man, who under the influence of sober dispassionate reasoning, and not void of natural affection, can lay his hand upon his heart and say, I am willing my sons and my daughters should be torn from me and doomed to perpetual slavery? We presume that man is not to be found amongst us: And yet we think the consequence is fairly drawn, that this is what every man ought to be able to say, who voted for this constitution. But we dare say this will never be the case here, so long as the country has power to repel force by force. Notwithstanding this we will practise this upon those who are destitute of the power of repulsion: from whence we conclude it is not the tincture of a skin, or any disparity of features that are necessarily connected with slavery, and possibly may therefore fall to the lot of some who voted it, to have the same measure measured unto them which they have measured unto others. If we could once make it our own case, we should soon discover what distress & anxiety, what poignant feelings it would produce in our own breasts, to have our infants torn from the bosoms of their tender mothers—indeed our children of all ages, from infancy to manhood, arrested from us by a banditti of lawless ruffians, in defiance of all the laws of humanity, and carried to a country far distant, without any hopes of their return—attended likewise with the cutting reflection, that they were likely to undergo all those indignities, those miseries, which are the usual concomitants of slavery. Indeed when we consider the depredations committed in Africa, the cruelties exercised towards the poor captivated inhabitants of that country on their passage to this—crowded by droves into the holds of ships, suffering what might naturally be expected would result from scanty provisions, and inelastic infectious air, and after their arrival, drove like brutes from market to market, *branded* on their naked *bodies* with *hot irons*, with the initial letters of their masters names—fed upon the entrails of beasts like swine in the slaughter-yard of a butcher; and many other barbarities, of which we have documents well authenticated: then put to the hardest of labour, and to perform the vilest of drudges—their master (or rather *usurpers*) by far less kind and benevolent to them, than to their horses and their hounds. We say, when we consider these things (the recollection of which gives us pain) conscience applauds the decision we have made, and we feel that satisfaction which arises from acting agreeable to its dictates. When we hear those barbarities pled for—When we see them voted for, (as in the late Convention at Boston) when we see them practised by those who denominate themselves

Christians, we are presented with something truly *heterogeneous*—something *monstrous* indeed! Can we suppose this line of conduct keeps pace with the rule of right? Do such practices coincide with the plain and simple ideas of government beforementioned? By no means. We could wish it might be kept in mind, that the very notion of government is to protect men in the enjoyment of those privileges to which they have a natural, therefore an indefeasible right; and not to be made an engine of rapine, robbery and murder. This is but establishing inequity, by law founded on usurpation. Establishing this constitution is, in our opinion[,] establishing the most ignominious kind of theft, man-stealing, and so heinous and aggravated was this crime considered, by ONE who cannot err, that under the Jewish theocracy it was punished with death. Indeed what can shew men scarcely more hardened, than being guilty of this crime? for there is *nothing else* they will stick at in order to perpetrate this.

The question therefore—Why should we vote for the establishment of this system? recoils upon us armed with treple force—force which sets at defiance, the whole power of sophistry, employed for the defence of those, who by a “cursed thirst for gold,” are prompted on to actions, which cast an indelible stain upon the character of the human species—actions at which certain quadrupeds, were they possessed of Organs for the purpose, would discover a BLUSH.

But we were told by an honourable gentleman who was one of the framers of this Constitution, that the two souther[n] most states, absolutely refused to confederate at all, except they might be gratified in this article. What then? Was this an argument sufficient to induce us to give energy to this article, thus fraught with iniquity? By no means. But we were informed by that gentleman, further that those two states pled, that they had lost much of their property during the late war. Their slaves being either taken from them by the British troops, or they themselves taking the liberty of absconding from them, and therefore they must import more, in order to make up their losses. To this we say they lost no property, because they never had any in them, however much money they might have paid for them. For we look upon it, every man is the sole proprietor of his own liberty, and no one but himself hath a right to convey it unless by some crime adequate to the punishment, it should be made forfeit, and so by that means becomes the property of government: But this is by no means the case in the present instance. And we cannot suppose a vendee, can acquire property in any thing, which at the time of purchase, he knew the vendor had no right to convey. This is an acknowledgment, we are constrained to make as a tribute due to justice and equity. But suppose they had lost real property; so have we; and indeed where is the man, but will tell us he has been a great loser by means of the war? And shall we from thence argue that we have a right to make inroads upon another nation, pilfer and rob them, in order to compensate ourselves for the losses we have sustained by means of a war, in which they had been utterly neutral? Truly upon this plan of reasoning it is lawful thus to do, and had we voted the constitution as it stands, we must have given countenance to conduct equally criminal, and more so, if possible. Such arguments as the above seem to be calculated and designed for idiotcy. We however acknowledge, we think them rather an affront, even upon that.

The hon. Gentleman above named, was asked the question—What would be the consequence, suppose one or two states, upon any principle, should refuse confederating? His answer was—“The consequence is plain and easy—they would be compelled to it; not by force of arms; but all commerce with them would be interdicted; their property would be seized in every port they should enter, and by law made forfeit: and this line of conduct would soon reduce them to order.” This method of procedure perhaps no one would be disposed to reprehend; and if eleven, or even nine states were agreed, could they not, ought they not to take this method, rather than

to make a compact with them, by which they give countenance, nay even bind themselves (as the case may be) to aid and assist them in spor[t]ing with the liberties of others, and accumulating to themselves fortunes, by making thousands of their fellow creatures miserable. To animadvert upon the British manœuvres at that time, would not fall within the compass of our present design. But that the Africans had a right to depart, we must assert, and are able to prove it from the highest authority perhaps that this Commonwealth does or ever did afford. In a printed pamphlet, published in Boston in the year 1772, said to be the report of a Committee, and unanimously voted by said town, and ordered to be sent to the several towns in the state for their consideration. In said pamphlet we find the following *axiom*, which we will quote verbatim,—page 2d—“All men have a right to remain in a state of nature as long as they please, and in case of intolerable oppression, civil or religious, to leave the society they belong to, and enter into another.” If it can by any kind of reasoning be made to appear, that this authority is not pertinently adduced in the case before us, then we think it can by the same reasoning be investigated, that black is white and white is black—that oppression and freedom are exactly similar, and benevolence and malignity synonymous terms.

The advocates for the constitution seemed to suppose, that this restriction being laid upon Congress only for a term of time, is the “fair dawning of liberty.” That “it was a glorious acquisition towards the final abolition of slavery.” But how much more glorious would the acquisition have been, was such abolition to take place the first moment the constitution should be established. If we had said that after the expiration of a certain term the practice should cease, it would have appeared with a better grace; but this is not the case, for even after that, it is wholly optional with the Congress, whether they abolish it or not. And by that time we presume the enslaving the Africans will be accounted by far less an inconsiderable affair than it is at present: therefore conclude from good reasons, that the “*nefarious practice*” will be continued and increased as the inhabitants of the country shall be found to increase. . . .

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