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Report Of The Committee Of The Whole, March 22–23 1790

March 22, 1790

That the migration or importation of such persons as any of the States now existing shall think proper to admit, cannot be prohibited by Congress, prior to the year one thousand eight hundred and eight.

That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States; it remaining with the several States alone to provide any regulations therein, which humanity and true policy may require.

That Congress have authority to restrain the citizens of the United States from carrying on the African trade, for the purpose of supplying foreigners with slaves, and of providing, by proper regulations, for the humane treatment, during their passage, of slaves imported by the said citizens into the States admitting such importations.

March 23

It was then moved that the house should take up the report of the committee of the whole on the memorials of the people called Quakers.

James Madison (Va.) said, that although he thought the proposition expressed important constitutional truths, yet it was improper for the house to pass them in the form of abstract declarations. Three or four memorials, from respectable bodies of citizens, had been presented; the respect due to them required that they should be committed; the committee had made a report, reciting the powers and restrictions in the constitution as to the African trade, &c. and concluding with a proposed resolution in answer to the memorialists. This report of the select committee had been considered by a committee of the whole, and the recital had been so amended as to speak the meaning of the constitution; but as the resolution, which the recital was intended to introduce, had been rejected, he was of opinion the recital ought to fall along with it. He wished, at the same time, however, that the proceedings of the committee of the whole might go on the journals for the information of the public. This would sufficiently answer the two purposes of shewing the sense of the body on the subject of the memorials, and of carrying an implication that Congress will exercise the powers vested by the constitution whenever it should be requisite. He wished the entry to be made for another reason: it would be the best answer to the arguments used by the gentlemen who had so warmly opposed the proceeding, and tend to quiet the apprehensions of the southern states, by recognizing that Congress had no power whatever to prohibit the importation of slaves prior to the year 1808, or to attempt to manumit them at any time. He accordingly moved,

“That the proceedings of the committee of the whole should be entered on the journals, as the best method of putting an end to the business. . . .”

The question being put, 25 appeared against, and 24 for taking up the report; it being previously understood, that negating this motion was preparing the way for the one proposed by Mr. Madison.

The question on Mr. Madison’s motion was now put. . . .

The reports were accordingly ordered to be entered on the journals, viz. The report of the select committee, together with the report of the committee of the whole.

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