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The Debate Over a Tax on Imported Slaves House of Representatives, May 13, 1789

The house resolved itself into a committee of the whole on the impost bill.

Fisher Ames (Mass.) moved to insert china, crockery-ware and gun-powder; he thought them articles of luxury.

Thomas Fitzsimons (Pa.) desired the gentleman to change the expression from crockery into earthen and stone-ware, which being done, the committee agreed to insert china, earthen, and stone-ware at seven one-half per cent. ad valorem, but negatived gun-powder. The committee afterwards added looking-glasses and brushes.

Josiah Parker (Va.) moved to insert a clause in the bill, imposing a duty on the importation of slaves of ten dollars each person. He was sorry that the constitution prevented Congress from prohibiting the importation altogether; he thought it a defect in that instrument that it allowed of such actions, it was contrary to the revolution principles, and ought not to be permitted; but as he could not do all the good he desired, he was willing to do what lay in his power. He hoped such a duty as he moved for would prevent, in some degree, this irrational and inhuman traffic; if so, he should feel happy from the success of his motion.

William L. Smith (S.C.) hoped that such an important and serious proposition as this would not be hastily adopted; it was a very late moment for the introduction of new subjects. He expected the committee had got through the business, and would rise without discussing any thing further; at least if gentlemen were determined on considering the present, he hoped they would delay for a few days, in order to give time for an examination of the subject. It was certainly a matter big with the most serious consequences to the state he represented; he did not think any one thing that had been discussed was so important to them, and the welfare of the union, as the question now brought forward, but he was not prepared to enter on any argument, and therefore requested the motion might either be withdrawn or laid on the table.

Roger Sherman (Conn.) approved of the object of the motion, but he did not think this bill was proper to embrace the subject. He could not reconcile himself to the insertion of human beings, as an article of duty, among goods, wares and merchandize. He hoped it would be withdrawn for the present, and taken up hereafter as an independent subject.

James Jackson (Ga.) observing the quarter from which this motion came, said it did not surprize him, though it might have that effect on others. He recollected that Virginia was an old settled state, and had her complement of slaves, so she was careless of recruiting her numbers by this means, the natural increase of her imported blacks were sufficient for their purposes; but he thought gentlemen ought to let their neighbours get supplied before they imposed such a burthen upon the importation. He knew this business was viewed in an odious light to the eastward,

because the people were capable of doing their own work, and had no occasion for slaves; but gentlemen will have some feeling for others; they will not try to throw all the weight upon others who have assisted in lightening their burthens; they do not wish to charge us for every comfort and enjoyment of life, and at the same time take away the means of procuring them; they do not wish to break us down at once.

He was convinced from the inaptitude of the motion, and the want of time to consider it, that the candor of the gentleman would induce him to withdraw it for the present; and if ever it came forward again, he hoped it would comprehend the white slaves [i.e., indentured servants] as well as black, who were imported from all the gaols [i.e., jails] of Europe; wretches, convicted of the most flagrant crimes, were brought in and sold without any duty whatever. He thought that they ought to be taxed equal to the Africans, and had no doubt but the constitutionality and propriety of such a measure was equally apparent as the one proposed.

Thomas Tudor Tucker (S.C.) thought it unfair to bring in such an important subject at a time when debate was almost precluded. The committee had gone through the impost bill, and the whole union were impatiently expecting the result of their deliberations, the public must be disappointed, and much revenue lost, or this question cannot undergo that full discussion which it deserves.

We have no right, said he, to consider whether the importation of slaves is proper or not, the Constitution gives us no power in that point, it is left to the states to judge of that matter as they see fit. But if it was a business the gentleman was determined to discourage he ought to have brought his motion forward sooner, and even then not have introduced it without previous notice. He hoped the committee would reject the motion, if it was not withdrawn; he was not speaking so much for the state he represented as for Georgia, because the state of South Carolina had a prohibitory law, which could be renewed when its limitation expired.

Josiah Parker had ventured to introduce the subject after full deliberation, and did not like to withdraw it. Although the gentleman from Connecticut (Mr. Sherman) had said, that they ought not to be enumerated with goods, wares, and merchandize, he believed they were looked upon by the African traders in this light; he knew it was degrading the human species to annex that character to them; but he would rather do this than continue the actual evil of importing slaves a moment longer. He hoped Congress would do all that lay in their power to restore human nature its inherent privileges, and if possible wipe off the stigma which America labored under. The inconsistency in our principles, with which we are justly charged, should be done away; that we may shew by our actions the pure beneficence of the doctrine we held out to the world in our declaration of independence.

Roger Sherman thought the principles of the motion and the principles of the bill were inconsistent; the principle of the bill was to raise revenue, the principle of the motion to correct a moral evil. Now, considering it as an object of revenue, it would be unjust, because two or three states would bear the whole burthen, while he believed they bore their full proportion of all the rest. He was against receiving the motion into this bill, though he had no objection to taking it up by itself, on the principles of humanity and policy; and therefore would vote against it if it was not withdrawn.

Fisher Ames joined the gentleman last up, no one could suppose him favorable to slavery, he detested it from his soul, but he had some doubts whether imposing a duty on the importation, would not have the appearance of countenancing the practice; it was certainly a subject of some

delicacy, and no one appeared to be prepared for the discussion, he therefore hoped the motion would be withdrawn.

Samuel Livermore (N.H.) was not against the principle of the motion, but in the present case he conceived it improper, if negroes were goods, wares or merchandize they came within the title of the bill, if they were not, the bill would be inconsistent, but if they are goods, wares, or merchandize the 5 per cent ad valorem, will embrace the importation and the duty of 5 per cent is nearly equal to 10 dollars per head, so there is no occasion to add it even on the score of revenue.

James Jackson said it was the fashion of the day, to favor the liberty of slaves; he would not go into a discussion of the subject, but he believed it was capable of demonstration that they were better off in their present situation, than they would be if they were manumitted; what are they to do if they are discharged? Work for a living? Experience has shewn us they will not. Examine what is become of those in Maryland, many of them have been set free in that state; did they turn themselves to industry and useful pursuits? No, they turn out common pick pockets, petty larceny villains, and is this mercy forsooth to turn them into a way in which they must lose their lives, for when they are thrown upon the world, void of property and connections, they cannot get their living but by pilfering. What is to be done for compensation? Will Virginia set all her negroes free? Will they give up the money they cost them, and to whom? When this practice comes to be tried there, the sound of liberty will lose those charms which make it grateful to the ravished ear. But our slaves are not in a worse situation than they were on the coast of Africa? It is not uncommon there for the parents to sell their children in peace; and in war the whole are taken and made slaves together. In these cases it is only a change of one slavery for another; and are they not better here, where they have a master bound by the ties of interest and law, to provide for their support and comfort in old age, or infirmity, in which, if they were free, they would sink under the pressure of woe for want of assistance.

He would say nothing on the partiality of such a tax, it was admitted by the avowed friends of the measure; Georgia, in particular would be oppressed. On this account it would be the most odious tax Congress could impose.

James Schureman (N.J.) hoped the gentleman would withdraw his motion, because the present was not the time or place for introducing the business; he thought it had better be brought forward in the house, as a distinct proposition. If the gentleman persisted in having the question determined, he would move the previous question if he was supported.

James Madison (Va.): I cannot concur with gentlemen who think the present an improper time or place to enter into a discussion of the proposed motion; if it is taken up in a separate view, we shall do the same thing at a greater expence of time. But the gentlemen say that it is improper to connect the two objects, because they do not come within the title of the bill, but this objection may be obviated by accommodating the title to the contents; there may be some inconsistency in combining the ideas which gentlemen have expressed, that is, considering the human race as a species of property; but the evil does not arise from adopting the clause now proposed, it is from the importation to which it relates. Our object in enumerating persons on paper with merchandize, is to prevent the practice of actually treating them as such, by having them in future, forming part of the cargoes of goods, wares, and merchandize to be imported into the United States, the motion is calculated to avoid the very evil intimated by the gentleman.

It has been said that this tax will be partial and oppressive; but suppose a fair view is taken of this subject, I think we may form a different conclusion. But if it be partial or oppressive, are there not many instances in which we have laid taxes of this nature? Yet are they not thought to be

justified by national policy? If any article is warranted on this account, how much more are we authorized to proceed on this occasion? The dictates of humanity, the principles of the people, the national safety and happiness, and prudent policy requires it of us; the constitution has particularly called our attention to it—and of all the articles contained in the bill before us, this is one of the last I should be willing to make a concession upon so far as I was at liberty to go, according to the terms of the constitution or principles of justice—I would not have it understood that my zeal would carry me to disobey the inviolable commands of either.

I understood it had been intimated, that the motion was inconsistent or unconstitutional, I believe, sir, my worthy colleague [Josiah Parker] has formed the words with a particular reference to the constitution, any how, so far as the duty is expressed, it perfectly accords with that instrument; if there are any inconsistencies in it, they may be rectified; I believe the intention is well understood, but I am far from supposing the diction improper. If the description of the persons does not accord with the ideas of the gentleman from Georgia (Mr. Jackson) and his idea is a proper one for the committee to adopt, I see no difficulty in changing the phraseology.

I conceive the constitution in this particular, was formed in order that the government, whilst it was restrained from laying a total prohibition, might be able to give some testimony of the sense of America, with respect to the African trade. We have liberty to impose a tax or duty upon the importation of such persons as any of the states now existing shall think proper to admit; and this liberty was granted, I presume, upon two considerations—the first was, that until the time arrived when they might abolish the importation of slaves, they might have an opportunity of evidencing their sentiments, on the policy and humanity of such a trade; the other was that they might be taxed in due proportion with other articles imported; for if the possessor will consider them as property, of course they are of value, and ought to be paid for. If gentlemen are apprehensive of oppression from the weight of the tax, let them make an estimate of its proportion, and they will find that it very little exceeds five per cent. ad valorem, so that they will gain very little by having them thrown into that mass of articles, whilst by selecting them in the manner proposed, we shall fulfill the prevailing expectation of our fellow citizens, and perform our duty in executing the purposes of the constitution. It is to be hoped, that by expressing a national disapprobation of this trade, we may destroy it, and save ourselves from reproaches, and our posterity the imbecility ever attendant on a country filled with slaves.

I do not wish to say any thing harsh, to the hearing of gentlemen who entertain different sentiments from me, or different sentiments from those I represent; but if there is any one point in which it is clearly the policy of this nation, so far as we constitutionally can, to vary the practice obtaining under some of the state governments it is this; but it is certain a majority of the states are opposed to this practice, therefore, upon principle, we ought to discountenance it as far as is in our power.

If I was not afraid of being told that the representatives of the several states, are the best able to judge of what is proper and conducive to their particular prosperity, I should venture to say that it is as much the interest of Georgia and South Carolina, as of any in the union. Every addition they received to their number of slaves, tends to weaken them and renders them less capable of self defence; in case of hostilities with foreign nations, they will be the means of inviting attack instead of repelling invasion. It is a necessary duty of the general government to protect every part of the empire against danger, as well internal as external; every thing therefore which tends to encrease this danger, though it may be a local affair, yet if it involves national expence or safety, becomes of concern to every part of the union, and is a proper subject for the consideration of

those charged with the general administration of the government. I hope in making these observations, I shall not be understood to mean that a proper attention ought not to be paid to the local opinions and circumstances of any part of the United States, or that the particular representatives are not best able to judge of the sense of their immediate constituents.

If we examine the proposed measure, by the agreement there is between it, and the existing state laws, it will shew us that it is patronized by a very respectable part of the union. I am informed that South-Carolina has prohibited the importation of slaves, for several years yet to come; we have the satisfaction then of reflecting that we do nothing more than their own laws do at this moment. This is not the case with one state. I am sorry that her situation is such as to seem to require a population of this nature, but it is impossible in the nature of things, to consult the national good without doing what we do not wish to do, to some particular part.

Perhaps gentlemen contend against the introduction of the clause, on too slight grounds, if it does not comport with the title of the bill, alter the latter, if it does not conform to the precise terms of the constitution amend it. But if it will tend to delay the whole bill, that perhaps will be the best reason for making it the object of a separate one. If this is the sense of the committee I shall submit.

Elbridge Gerry (Mass.) thought all duties ought to be laid as equal as possible. He had endeavoured to inforce this principle yesterday, but without the success he wished for, he was bound by the principle of justice therefore to vote for the proposition; but if the committee were desirous of considering the subject fully by itself he had no objection, but he thought when gentlemen laid down a principle, they ought to support it generally.

Aedanus Burke (S.C.) said gentlemen were contending for nothing, that the value of a slave averaged about £80 and the duty on that sum at five per cent. would be ten dollars, as Congress could go no farther than that sum, he conceived it made no difference whether they were enumerated or left in the common mass.

James Madison: If we contend for nothing, the gentlemen who are opposed to us, do not contend for a great deal; but the question is, whether the five per cent. ad valorem, on all articles imported, will have any operation at all upon the introduction of slaves, unless we make a particular enumeration on this account; the collector may mistake, for he would not presume to apply the term goods, wares, and merchandize to any person whatsoever. But if that general definition of goods, wares, and merchandize are supposed to include African slaves, why may we not particularly enumerate them, and lay the duty pointed out by the Constitution, which as gentlemen tell us, is no more than five per cent. upon their value; this will not encrease the burthen upon any, but it will be that manifestation of our sense, expected by our constituents, and demanded by justice and humanity.

Theodorick Bland (Va.) had no doubt of the propriety or good policy of this measure. He had made up his mind upon it, he wished slaves had never been introduced into America; but if it was impossible at this time to cure the evil, he was very willing to join in any measures that would prevent its extending farther. He had some doubts whether the prohibitory laws of the states were not in part repealed. Those who had endeavoured to discountenance this trade, by laying a duty on the importation, were prevented by the Constitution from continuing such regulation, which declares, that no state shall lay any impost or duties on imports. If this was the case, and he suspected pretty strongly that it was, the necessity of adopting the proposition of his colleague was now apparent.

Roger Sherman said the Constitution does not consider these persons as a species of property; it speaks of them as persons, and says, that a tax or duty may be imposed on the importation of them into any state which shall permit the same, but they have no power to prohibit such importation for twenty years. But Congress have power to declare upon what terms persons coming into the United States shall be entitled to citizenship, the rule of naturalization must, however, be uniform. He was convinced there were others ought to be regulated in this particular, the importation of whom was of an evil tendency, he meant convicts particularly. He thought that some regulation respecting them was also proper; but it being a different subject, it ought to be taken up in a different manner.

James Madison was led to believe, from the observation that had fell from the gentlemen, that it would be best to make this the subject of a distinct bill: he therefore wished his colleague would withdraw his motion, and move in the house for leave to bring in a bill on the same principles.

Josiah Parker consented to withdraw his motion, under a conviction, that the house was fully satisfied of its propriety. He knew very well that these persons were neither goods nor wares, but they were treated as articles of merchandize. Altho' he wished to get rid of this part of his property, yet he should not consent to deprive other people of theirs by any act of his without their consent.

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