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Opposition to the Constitution's Provisions Concerning Slavery

## Introduction: Quaker Opposition to the Protection of Slavery in the Constitution

On 20 October 1774 the First Continental Congress prohibited the importation of slaves into America. This prohibition, incorporated in the Articles of Association, was primarily an economic measure aimed at obtaining concessions from Great Britain. Within a year, every state adopted the Association, although there was resistance in Georgia to the slave-trade provision. In April 1776 the Second Continental Congress, in a step toward independence, opened American ports to the world, but resolved that no slaves be imported. Thomas Jefferson condemned the slave trade in his draft of the Declaration of Independence, but this passage was deleted, according to Jefferson, “in complaisance to South Carolina & Georgia,” which wanted to continue the slave trade. Jefferson also charged that “our Northern brethren” supported the deletion because “they had been pretty considerable carriers” of slaves. Nevertheless, Americans respected the Association and during the Revolution the slave trade was almost non-existent. Moreover, at this time several states abolished slavery, prohibited the slave trade, or strengthened such laws as had been adopted in the colonial period.

After the peace of 1783 merchants and planters revived the slave trade. Consequently, the Society of Friends (Quakers), particularly in Pennsylvania, New York, and New England, who had long opposed slavery, focused on the abolition of the slave trade. They did so because it was especially odious and because it was a more attainable goal to reinstitute the ban on the slave trade than to obtain the total abolition of slavery.

In October 1783 the Yearly Meeting of Quakers for Pennsylvania, New Jersey, Delaware, Western Maryland, and Western Virginia addressed Congress, deploring the “avaricious motives” that prompted the renewal of the African slave trade, “contrary to every humane and righteous consideration, and in opposition to the solemn declarations often repeated in favour of universal liberty.” The address, signed by 536 Quakers, asked Congress to interpose “to discourage and prevent so obvious an Evil.”

The petition was delivered to Congress on 8 October and submitted to a committee on 18 December. The committee reported on 7 January 1784 that Congress recommend to the states that they “enact such laws as to their wisdom may appear best calculated” to prohibit the slave trade as outlined in the Articles of Association of 1774. Congress rejected the report the following day.

The Yearly Meeting wrote to Richard Henry Lee, the president of Congress, on 26 January 1785. It explained that it had hoped that a congressional declaration against the slave trade might influence the states to prohibit the trade. The Yearly Meeting asked Lee to revive the matter, and it sent him copies of Quaker Anthony Benezet’s pamphlet on oppressed Africans, which it

wanted distributed to every delegate to Congress. Congress apparently did not reconsider the slave-trade issue.

Quakers and others were more successful in prohibiting the slave trade on the state level. Between the Peace of 1783 and early 1787, Maryland, Rhode Island, New York, New Jersey, Delaware, and South Carolina passed laws prohibiting the slave trade or tightening earlier laws, while North Carolina laid a prohibitive duty on imported slaves. In June 1787 Quakers petitioned the legislatures of Massachusetts and Rhode Island to strengthen their laws against the slave trade. Rhode Island was especially important because it had been the center of the overseas slave trade.

Restricting the slave trade on a state-by-state basis was a slow process, and Quaker influence was limited. In fact, two states (Georgia and South Carolina) had refused to give Congress the power to regulate the slave trade in 1786. Thus, the Constitutional Convention offered an opportunity to ban the slave trade on a continental scale. In March 1787 Rufus King, a Massachusetts delegate to the Convention, suggested that the slave trade, as a part of commerce, “would be a material Subject, whether some hints thrown before that body on that business might not be useful.” In early June the Pennsylvania Society for Promoting the Abolition of Slavery prepared a petition to the Convention, asking for an end to the slave trade. The petition was given to Tench Coxe, a secretary of the Society, who gave it to Benjamin Franklin, the Society’s president and a member of the Convention. Coxe, however, strongly advised Franklin against raising the issue in the Convention, and there is no evidence that the petition was presented.

Several parts of the Constitution alienated the antislavery forces. The fugitive slave clause (Article IV, section 2, clause 3) provides that “No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.” Article I, section 9, clause 1 provides that the slave trade “shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.” Article V forbade any amendment to the Constitution prior to 1808 that might affect the slave-trade clause.

Despite these provisions, Quakers generally favored adoption of the Constitution. But Quakers were not active in the politics of ratification, partly because of the slavery provisions, but more importantly because of their general policy not to engage in politics. This policy was specifically referred to in the Pennsylvania Yearly Meeting in the fall of 1787 in reaction to the active participation of a number of Quakers. The Yearly Meeting instructed its members that “our union, and safety depended on our quietude, & forbearance to intermix with the people in their political consultations, and debates on the present occasion.”

Quakers, however, continued their efforts to ban the slave trade in the states. They believed that the slave provisions of the Constitution would “not restrain the Assemblys of the Separate States from passing any prohibitory laws which they may judge expedient to abolish that infamous traffic.” As a result of the efforts of Quakers and other opponents of slavery, five states—Rhode Island, New York, Massachusetts, Pennsylvania, and Connecticut—passed laws prohibiting the slave trade or strengthening existing laws between October 1787 and October 1788.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XIV: Commentaries on the Constitution, Public and Private [2] (Madison, Wis.: Wisconsin Historical Society Press, 1983), 503–4.