



CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

csac.history.wisc.edu > Document Collections > Religion and Ratification > Quaker
Opposition to the Constitution's Provisions Concerning Slavery

Moses Brown to James Pemberton Providence, R.I., 17 October 1787 (excerpt)

Thy favour of the 19th Ulo. came duly to hand and the Contents observ'd.—The subject of Slavery now calls my particular attention, and it is with Sattisfaction I observe what thou mentions of the care and attention of friends & others in England to revive before Parliament the Iniquity & Impolacy of the slave Trade, but it is with feelings very reverse I observe in the Proceedings of the Federal Convention Two Articles which according to the Construction of friends here Millitate against Our Testimony in Support of Liberty, or against Slavery.—It is with Reluctance I say any thing against the doings of that respectable Body, but observing in the publick papers that friends in your City with others are United in Approving the Constitution,¹ and apprehending under Our Construction of it, friends will not be Clear without bearing Testimony against those parts which give Countenance to if not directly Incourage Slavery, I thought best to Write thee on the subject.—It appears Necessary that friends as far as possible be United on such parts as Effects their Testimony. I may therefore without further Appology for Touching on a subject which is so Intimately Connected with publick affairs, inform thee how we are Affected, that if we misconceive the Intention we may by being better Informed be released from Our present Uneasiness. I say Our, as there is no friend I have Convers'd with on the subject but what has been disagreeably affected. On my reading the Doings of the Convention, the 3d paragraph of the 2d Secn of the 4th Article Sensibly affected me with an apprehension that it was designd to Dstroy the Present Assylum of the Massachusets from being as a City of Refuge for the poor Blacks, many of whom had resorted there on Acct of their Constitution or Bill of rights declaring in the first Article “That all men are born free & Equal &c,”² and there being no Laws in that State to support slavery, the Negroes on Entering that state are as free as they are on Entering into Great Brittain³ and the southern people have not been able by Applycation to the Governour, Judges or other Authority to Recover those they had held as Slaves, who chose to Stay there. I have Considerd it a great favour to that people, and an Opening in Wisdom in that State, for the Exaltation of Truth, Testimony over the Opressors of the African race; the Strikeing at which in that dark covert way it seems to be in Struck me with great Disapprobation and a fear that Light & Truth was not so prevalent in that Body as I had hoped for, indeed I thought it an Indignity, or a violation of Right, accompanyd with Insult on the great Principle of that first Article of the Massachusets [constitution] which had been rattified by the Declaration of Congress and other States, and Contrary to the Divine Law Express'd in Deuterony 23d, 15V 16 from which Grenville Sharp Drew an Argument correspondent with the Law of the Land,⁴ which I think conclusive on the point, to have an Article in the Constitution of these States so Repugnant

to the Principles of Liberty, Truth & Righteousness Afflicted me, when those respectable Characters compares this Article under Our Construction with their own Declaration in the Preamble Expressive of the Design & End of the Confederacy Viz “to Establish Justice Secure the Blessings of Liberty to Ourselves & our posterity” they may Easily See the Contrariety if not inconsistency. But the Poor Devoted Africans seems in the 9th. Secn. of the 1st Article, tho the subjects of Unrighteous Revenue to be left out of the power of Congress to Consider them as Men & so Entitled to Liberty and their protection, nor yet are they yielded by the States to Congress as Commerce, but Left to the Averice or Oppression of the Subjects of any State, with the concurrence of the Convention, the Usage of Importing them being so far Acknowledged by them as a right, that the Constitution is not to Admit of being mended in that particular, by which Countenance or Establishment of Slavery for 21 years, the Incouragement of a Reformation is obstructed and the states may fall back from their present Light into great Darkness on this Subject, and the Recovery from this Gross Evil, for which this Land Mourns be long Obstructed.—We having no member from this State at the convention, I have not heard how this subject was Treated, whether it was slid over as a matter of Little Consequence or Insisted on by the southern members against the Wish and Inclination of the Middle & Northern Ones, perhaps full information how the subject was Treated and the Article are intended to be Understood might remove some of Our feelings on this Ocation. It seems to Exhibit a poor Example of Confidence in Congress the Southern states being not willing to Leave the Commerce in men under their Controul and Regulation as well as Other Matters, had this been done and nothing more said about it, Nor no infringement on the Constitution of the Massachusets in this Respect I should have been very Easy to have Trusted Congress with it, and as it affects the Essential Rights of Men, those States or men that could not be prevailed on to have Confided in Congress, Congress nor the other States, methinks can have little reason to Confide in them, had the period of 21 years been fixed for Abolishing Slavery as some Writers your way seems to represent, it would have been doing something, but that will be then to do with probably Less Ability to Effect it, if it be not now held up to be a sore Evil as it now stands and if possible to be Amended. When I consider us in New England calld upon once a Quarter and, to answer Conscientiously that we bear a faithful Testimony against Slavery, I cannot see how we can approve those Articles. I was & am very Sorry we have this renew’d Tryal for to me it is a pretty Close one to be Considerd as Oppos’d to that Constitution which is intended as a Reformation of the Govnt of these states, as I am Sensible there is Need of it. I know not that I should Object to any Other part, ’tho I think I can see wherein Friends may be Affected, and it behoves us to Act Wisely in this matter, to bear Our Testimony faithfully wherein that is Affected, Trusting in the protection of Divine Providence more than in this or Any Change of Government, Remembering Stephen Crisps Saying “Take heed of that part in you which Trusts & Relies upon any Sort of the men of this World.”⁵—Inclosd I send a late publication on the African Trade Written by a presbeterian minister S. H. [Samual Hopkins] in Newport, and the Testimony of the Baptists at a late asso- siation.⁶ As I expect it will be agreeable to friends here to hear from friends with you, on this subject I am free thou should Shew this to Such Discreet friends for their Advice, as thou mayst think propper. . . .

1. Brown probably refers to an item first published in the *Pennsylvania Gazette*, 26 September: “In the city and neighbourhood of Philadelphia, a petition to our Assembly to call a Convention in order to adopt this government,

has been almost unanimously signed. The zeal of our citizens in favor of this excellent constitution has never been equalled, but by their zeal for liberty in the year 1776. Republicans, Constitutionalists, Friends, &c. have all united in signing this petition. . . .”

2. During the 1780s the Massachusetts Supreme Court in the cases of Walker-Jennison and others interpreted this article as abolishing slavery. Consequently, slaves sued for their freedom; while others left their masters. In 1790 the federal census reported no slaves in Massachusetts.

3. In 1772 Lord Mansfield, Chief Justice of the King’s Bench, ruled in the Somerset Case that the laws of England did not allow slavery. This decision established the axiom that “As soon as any slave sets his foot on English ground, he becomes free.”

4. Granville Sharp (1735–1813) of London was a philanthropist, political reformer, Biblical scholar, and an opponent of slavery and the slave trade. He was deeply involved in the Somerset Case.

5. Stephen Crisp (1628–1692) was an English Quaker preacher.

6. The Warren Association of forty-five Baptist churches, most of them from Massachusetts, met in Chelmsford, Mass., on 11–12 September 1787.

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), 506–10.