

“On Slavery”: The Congressional Debate of 1790

By JOHN E. FISHER

Cotton, slavery, and states-rights—these were the dominant characteristics of the late antebellum South. Both Northerners and Southerners of that era could have at least agreed on that. But few historians have found, or even attempted to find, much continuity between the late antebellum South and what might be termed the Jeffersonian South. Indeed, the contrasts are so great that historians can seldom refrain from pointing them out; free-thinking in religion, tolerance of dissenting views, and, above all, a critical attitude toward the institution of slavery—these were the dominant characteristics of the Jeffersonian South. When the reaction began, orthodoxy was enforced in religion and especially on slavery. The liberalism of the earlier period evaporated. As Professor Clement Eaton has observed: “The Jeffersonian phase of Southern history affords a valuable yardstick to measure the later recession of tolerance below the Potomac.”¹

The transition from a tolerant Jeffersonian South to the militant South of Calhoun has been explained in many ways. The characteristics of the liberal South and the causes of its demise have been succinctly described by one historian:

Even on the growing question of slavery, the foundation stone of their economy and way of life, they were not as yet fanatical. A substantial number of their leading men saw and deplored its inherent evils and sought for some moderate solution that would eventually end in emancipation. Such efforts were not bitterly resented, but two factors were soon to put an end to the complaisance. One was the invention of the cotton gin, which made the cultivation of cotton on a large scale with slave labor hugely profitable; the other was

1. Clement Eaton, *The Freedom-of-Thought Struggle in the Old South* (New York, 1964), 31. The term “Jeffersonian South” is a useful, if vague, concept. Chronologically it extends from the American Revolution to the rise of sectionalism in the 1820's, breathing its last gasp with the Virginia slavery debate of 1832. It encompassed the whole South presumably, but this paper suggests that its geographical limits were more restricted. Its center was Virginia; for a survey of thought there, see Richard B. Davis, *Intellectual Life in Jefferson's Virginia, 1790-1830* (Chapel Hill, 1964), especially 1-27, 387-434.

the increasing agitation for abolition by Northern groups. The cry of outside interference is always effective as a means for solidifying home sentiment, even in the case of native doubters.²

According to this rather standard interpretation, the rise of the cotton kingdom produced a new attitude toward slavery in the South which was followed by William Lloyd Garrison's virulent abolitionist attack in the *Liberator*. The year 1832 is generally seen as the turning point for the South. After the slave insurrection led by Nat Turner, the Virginia legislature debated the question of emancipation and decided against it. Shortly afterward, Thomas R. Dew published the first of a long line of pamphlets in defense of slavery. After these critical events, the South became essentially different from what it had been in the Jeffersonian era.

However, this view contains one essential assumption: the Jeffersonian South was sincerely opposed to slavery, as much so as the rest of the nation. As John Spencer Bassett puts it: "Till the extensive cultivation of cotton opened a vast field of rapid development in the lower south, there was in all of the Union a steady progress in anti-slavery sentiment."³ This assumption of an anti-slavery tradition in the South has been severely—perhaps too severely—challenged by Robert McColley in *Slavery and Jeffersonian Virginia*. He writes: "It was not the attitude of the representatives of slaveholders that changed between the 1790's and the 1830's, but rather the attitude of the North." It was only when a full-scale abolitionist attack came from the North that the South revealed its consistent attachment to slavery. On slavery the typical Virginia statesman was "in the peculiar position of repeatedly describing an evil and then proceeding to insist that nothing could be done about it." Therefore he "developed a set of logical propositions which made it natural and consistent for him to denounce slavery in principle, yet satisfy his constituents in practice that he would do nothing to injure their interests." Thus, McColley sees the anti-slavery protestations of the Jeffersonian South as insincere. In his boldness McColley sometimes

2. Nathan Schachner, *The Founding Fathers* (New York, 1954), 29. For a more extensive discussion of the rise of Southern sectionalism, see Clement Eaton, *A History of the Old South* (New York, 1966), 337-356; William B. Hesseltine & David L. Smiley, *The South in American History* (Englewood Cliffs, N. J., 1960), 100-189; Francis B. Simkins, *A History of the South* (New York, 1965), 79-167; Charles Sydnor, *The Development of Southern Sectionalism, 1819-1848* (Baton Rouge, 1948).

3. John S. Bassett, *The Federalist System, 1789-1801* (New York, 1906), 178.

overstates his case, but some of the questions he raises are valid, especially how extensive was the anti-slavery sentiment in the South during the 1790's.⁴

There is, however, a third possible interpretation of the transition of the South from the Jeffersonian era to the late antebellum period. We are obviously dealing with two Souths not only in terms of two chronological periods, but also with two areas of the South—the upper South and the lower South. The moderation of the upper South and the militancy of the lower South on sectional issues, especially slavery, is well known and can be clearly seen in the secession crisis of 1860-61. But the most important development in setting the contrasting tone of the late antebellum South from that of the Jeffersonian South was the change in leadership. It passed from the upper South to the lower South perhaps a little before Jefferson's death. Though shared somewhat by the upper South, the attitudes and outlook of the lower South came to dominate the late antebellum South because it provided the leadership. So had the upper South set the tone of the Jeffersonian era because it had provided the leadership. However, what should be emphasized at this point is that while the upper South shared substantially in the attitudes of the later era, the lower South did *not* share to a significant degree the attitudes traditionally associated with the Jeffersonian era. McColley analyzed the attitudes of Jeffersonian Virginia to disprove its liberalism because there it was supposed to be the strongest. He found much more conservatism in race relations there than has been previously supposed. But as Clement Eaton points out "a conservative attitude on race relations was even more marked in South Carolina and Georgia."⁵ It is in the lower South that we find the most continuity between the Jeffersonian South and the later era.

That the lower South did not share in the Jeffersonian liberalism on slavery was clearly revealed in the congressional debates on the slave trade in 1789-90, which ultimately broadened into a debate on slavery as an institution. The attention of the new national government was first directed to slavery and the slave trade on the question of taxing imported slaves. Under the Constitution, Congress could not prohibit the importation of slaves until 1808, but could levy a duty of not more than ten dollars a head. Accordingly, on May 13, 1789, during debate on a duty bill, Representative Josiah Parker of Virginia moved to lay a tax of ten dollars *per capita* on each slave

4. Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana, 1964), 116, 120, 121.

5. Eaton, *Freedom-of-Thought Struggle*, 22.

imported. The resulting debate in the House of Representatives provoked a reaction from the Congressmen of Georgia and South Carolina. Their attitude was that Virginia "ought to let their neighbors get supplied, before they imposed such a burden on the importation." However, only James Jackson of Georgia attempted to defend slavery as an institution. He declared it to be "capable of demonstration" that the slaves "were better off in their present situation than they would be if they were manumitted."⁶

There was clearly a difference in attitudes between the lower South and the upper South. While the lower South opposed the measure as being partial in its operations and therefore oppressive to particular states, a Virginian had introduced it. Parker had said he was "sorry that the Constitution prevented Congress from prohibiting the importation altogether." James Madison of Virginia made the longest speech in the debate and strongly favored the tax. Theodorick Bland, also of Virginia, said he wished "slaves had never been introduced into America." 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 further."⁷

It could be argued that Virginia, having a sufficient supply of slaves, wished to stop further importations which would lower prices. But it seems that there was more of a difference in attitudes toward the institution of slavery itself. If, as McColley contends, the Virginians' attitude was merely for public display, the South Carolinians and Georgians felt no need for such humanitarian pretensions. Aside from South Carolina and Georgia's objections, the real disagreement over the proposal was whether it was proper to tax human beings as if they were merely property, and whether the levying of such a tax would be construed as officially condoning the slave trade. Eventually the bill was postponed until the next session of Congress.⁸

It is doubtful if Congress on its own initiative would have resurrected the matter very soon had it not been for a new anti-slavery offensive in the form of petitions from abolitionist societies. The first petition, presented to the House of Representatives on February 11, 1790, was from the Yearly Meeting of Friends. Citing the golden rule as their guide, the Quakers urged Congress to abolish the slave

6. W. E. B. DuBois, *The Suppression of the African Slave-Trade to the United States of America, 1638-1870* (New York, 1904), 74-75; Mary S. Locke, *Anti-Slavery in America, 1619-1808* (Boston, 1901), 138-139; Seaton & Gales, *The Annals of Congress* (Washington, 1834), 1st Cong., 1st Sess., I, 350-352.

7. *Ibid.*, 349-355.

8. *Ibid.*, 356; DuBois, *Suppression of the Slave-Trade*, 74-75.

trade, notwithstanding "seeming impediments." Another Quaker petition from New York was also presented, and both were about to be referred to a committee when William L. Smith of South Carolina objected and precipitated an acrimonious debate.⁹

For some reason, historians have generally ignored the debate of 1790 on slavery or, even more frequently, treated it as a minor interruption of the debates on Hamilton's funding-assumption program.¹⁰ However, one contemporary viewed it with alarm. Senator William Maclay of Pennsylvania wrote in his journal:

I was told there was warmth in the House of Representatives on the Quaker memorial, and went in. The House have certainly greatly debased their dignity, using base, invective, indecorous language; three or four up at a time, manifesting signs of passion. . . . I know not what may come of it, but there seems to be a general discontent among the members, and many of them do not hesitate to declare that the Union must fall to pieces at the rate we go on. Indeed, many seem to wish it.¹¹

And Fisher Ames, a member of the House from Massachusetts, was shocked and disgusted by the heated debate:

The Quakers have been abused, the eastern states inveighed against, the chairman rudely charged with partiality. Language low, indecent, and profane has been used; with wit equally stale and wretched has been attempted; in short we have sunk below the General Court [of Massachusetts] in the disorderly moment of a brawling nomination of a committee, or even of a country town-meeting.¹²

The first day's debate showed the lower South ready to defend slavery much more openly. The phrase, "the rights of the Southern

9. *Ibid.*, 75; Schachner, *Founding Fathers*, 102; *Annals of Congress*, 1st Cong., 2nd Sess., I, 1224-1225.

10. See, for example, John C. Miller, *The Federalist Era* (New York, 1960), 47; D. S. Freeman, *George Washington: Patriot and President* (New York, 1940), 252; J. B. McMaster gives it a little more attention in *A History of the People of the United States*, (5 vols. New York, 1885), II, 20-22. Even U. B. Phillips, *American Negro Slavery* (New York, 1940), 130, merely mentions it. Only DuBois, *Suppression of the Slave-Trade*, and Locke, *Anti-Slavery in America* treat it as significant; the former perhaps overemphasizes it.

11. Edgar S. Maclay, *Journal of William Maclay* (New York, 1890), 221-222.

12. Quoted in McColley, *Slavery and Jeffersonian Virginia*, 121.

States," was frequently heard, and to protect them, appeals were made to the provisions of the Constitution. In an obvious exception to the upper-lower South division on the question, Michael J. Stone, Representative from Maryland, joined in the denunciation of unconstitutional interferences. He feared "if Congress took any measures . . . to interfere with the kind of property alluded to, it would sink in value very considerably, and might be injurious . . . particularly in the Southern States."¹³

In vain did Madison and others disclaim any thought of unconstitutional interference and express a desire only to see "If anything is within the Federal authority to restrain such violation of the rights of nation and of mankind, as is supposed to be practiced in some parts of the United States." A storm of protest came consistently from the Representatives of South Carolina and Georgia. Edanus Burke of South Carolina attacked the Quakers for meddling in a business which did not concern them. They "were volunteering in the cause of others, who neither expected nor desired it." Although he professed respect for the Quakers, he assured the House that "they had no more virtue or religion than other people. . . ." He concluded with a warning: "The rights of the Southern States ought not to be threatened, and their property endangered. . . ."¹⁴

James Jackson of Georgia apprehended that if the slave trade were abolished, "it would evince to the people a disposition towards a total emancipation, and they would hold their property in jeopardy." He then joined in the attack on the Quakers: "is the whole morality of the United States confined to the Quakers? Are they the only people whose feelings are to be consulted. . . ? Is it to them we owe our present happiness?" He criticized them for their opposition to the American Revolution and asked, "Why, then, on their application should we injure men who, at the risk of their lives and fortunes, secured to the community their liberty and property?" Turning to the defense of slavery on biblical and historical grounds, he challenged the Quakers to consult the Bible, where

they will find that slavery is not only allowed but commended. Their Saviour, who possessed more benevolence and commiseration than they pretend to, has allowed of it; and if they fully examine the subject, they will find that slavery has been no novel doctrine since the days of Cain.

Finally, Jackson warned that if Congress paid any attention to the

13. *Annals of Congress*, 1st Cong., 2nd Sess., I, 1227.

14. *Ibid.*, 1227-1228; DuBois, *Suppression of the Slave-Trade*, 76.

petition, "it will furnish just grounds of alarm to the Southern States."¹⁵

Elbridge Gerry of Massachusetts lamented that the "Southern brethren had been betrayed into the slave trade by the first settlers." He reminded the House, perhaps with a bit of sarcasm, that the Southerners should not "be reflected on for not viewing this subject in a different light, [since] the prejudice of education is eradicated with difficulty." But he was certain the Quakers supported "the cause of humanity" and he joined with them in desiring "to wipe off the indelible stain" of the slave trade.¹⁶

Again Madison tried to reassure the Southerners. If the petitions had been committed as a matter of course, there would have been no public notice of it: "it could never have been blown up into a decision . . . respecting the discouragement of the African slave trade, nor alarm the owners with an apprehension that the General Government was about to abolish slavery in all the states." They could be sure such things were not contemplated "by any gentleman," but they themselves excited alarm by their extended objections.¹⁷

But the Southerners were not reassured. Again they protested against any Congressional interference. Thomas T. Tucker of South Carolina declared that such interference would even worsen conditions for the slaves because it would "excite a great degree of restlessness" in their minds and force "the masters to use more rigor towards them than they would otherwise exert. . . ." After further debate, the motion to commit the petitions was withdrawn and they were laid on the table.¹⁸

The very next day, February 28th, the same spectre walked again in the shape of another petition. It was from "the Pennsylvania Society for promoting the abolition of Slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the conditions of the African race." Pointing out the inconsistency of perpetual bondage "in this land of freedom," the petition urged Congress

15. *Annals of Congress*, 1st Cong., 2nd Sess., I, 1228-1229.

16. *Ibid.*, 1231.

17. *Ibid.*, 1231.

18. *Ibid.*, 1232-1233. No doubt the rancor of the debate caused much frustration and confusion. Indicative of this is the way the motion to commit the petitions was withdrawn. Thomas Fitzsimons of Pennsylvania said he would withdraw it but he "did not recollect whether he had moved or seconded the motion." Actually, he had done neither; he had merely presented the petition to the House. Finally, Alexander White of Virginia did withdraw the motion, though he had only seconded it. (Thomas Hartley of Pennsylvania had actually introduced it.) However, in the confused state of the House, no one seems to have noticed this deviation from proper parliamentary procedure.

to "step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men." It was signed by the president of the society, Dr. Benjamin Franklin.¹⁹

Thomas Hartley of Pennsylvania then called up the memorial of the preceding day, and after it was read a second time, he again moved that it be referred to a committee. Tucker of South Carolina immediately returned to the fray, declaring the petition contained "an unconstitutional request." He admitted he was surprised to see another on the same subject, "signed by a man who ought to have known the Constitution better." Branding the petitions as "a mischievous attempt" to imbue the slaves with false hopes, he warned: "as they could not reason on the subject, as more enlightened men would, they might be led to do what they would be punished for, and the owners of them, in their own defense, would be compelled to exercise over them a severity they were not accustomed to." Whether Tucker feared an actual insurrection is not clear, but it is apparent that he wanted no outside interference in race relations. He declared unequivocally: "Do these men expect a general emancipation of slaves by law? This would never be submitted to by the Southern States without a civil war."²⁰

Calling the slave trade "one of the most abominable things on earth," Thomas Scott of Pennsylvania wished that Congress had the power to prohibit it entirely and favored a ten dollars *per capita* duty on imported slaves. Even "if there was neither God nor devil, I should oppose it upon the principles of humanity, and the law of nature," he said. Questioning the right of property in other men, Scott declared he had had "enough of those who reduce men to the state of transferable goods, or use them like beasts of burden, who deliver them up as property or patrimony to others." As if this denunciation had not offended the Southerners enough, he said that while Congress could do nothing about slavery or the slave trade at present, "I do not know how far I might go, if I was one of the Judges of the United States, and those people [the slaves] were to come before me and claim their emancipation; but I am sure I would go as far as I could."²¹

Jackson of Georgia sprang to the defense of the southern institution. If anyone was guided "by that evidence upon which the christian system is founded, he will find that religion is not against it." Instead, "from Genesis to Revelations," the Bible approved of slavery. To

19. *Ibid.*, 1239-1240.

20. *Ibid.*, 1240.

21. *Ibid.*, 1241.

this he added the lesson of history: "There never was a Government on the face of the earth, but what permitted slavery." In proof of this sweeping assertion, he cited the examples of the ancient Greek republics and of feudal Europe. Returning to the American scene, Jackson questioned the wisdom of bringing up a measure so likely to light up "the flame of civil discord; for the people of the Southern States will resist one tyranny as soon as another." Although the rest of the nation might defeat them by force of arms, the Southerners would "never suffer themselves to be divested of their property without a struggle." In retort to Scott, Jackson declared: "The gentleman says, if he was a Federal Judge, he does not know to what length he would go in emancipating these people; but I believe his judgment would be of short duration in Georgia, perhaps even the existence of such a Judge might be in danger."²²

Warning that "this discussion alone will create great alarm" in the South, William L. Smith of South Carolina reminded the Northern congressmen that the Southern states entered the union "from political, not moral motives," and if his constituents needed "improvement in their moral system," though he was sure they did not, "they can get it at home." What he was trying to make clear was that the South wanted no outside interference, especially on moral issues. For this reason the South looked "upon this measure as an attack upon the palladium of the property of our country."²³

Again the Representatives from the upper South were caught in the middle. Madison tried again to reassure the Southerners, declaring the object of the petition to be at least worthy of consideration. Another Virginian, John Page, reminded the members from the lower South that his state too had a great number of slaves and that he was a slaveowner himself. Therefore Virginia was as interested in the matter as South Carolina and Georgia; yet he felt no uneasiness over the petition, trusting that Congress would not exercise unconstitutional powers. However, Page failed to speculate on why the lower South felt alarm and Virginia did not.²⁴

Finally the petition was referred to a special committee for consideration by a vote of 43 to 14. As might have been expected, Georgia and South Carolina voted solidly against it as did the pro-

^{22.} *Ibid.*, 1242.

^{23.} *Ibid.*, 1243-1244.

^{24.} *Ibid.*, 1246; Interestingly, Page by 1795 had begun to comfort himself with Biblical speculations, asking: "May not the difference between Europeans, Asiatics, and Africans be attributable to the Punishment of Ham as to the blacks?" This idea was later strongly advanced by pro-slavery preachers. McColley, *Slavery and Jeffersonian Virginia*, 123.

slavery Stone of Maryland, but they were also joined in opposition by Sylvester of New York, Isaac Coles and Theodorick Bland of Virginia. For some reason the committee consisted of only Northern members with the exception of Parker of Virginia, who had previously proposed the ten-dollar duty on imported slaves. Undoubtedly this added to the alarm of the lower South.²⁵

Thoroughly dismayed at the disastrous effect this debate had had on Hamilton's entire program, Jonathan Trumbull of Connecticut privately wrote in disgust:

The whole of the past week has been wasted with the Quakers and the Negroes. The South Carolina and Georgia members have taken up the matter with as much warmth and zeal as though the very existence of their States depended on [it]. . . . In the meantime all discussion on [Hamilton's] report is at a stand.²⁶

On March 8, the committee made its report, precipitating further debate. The report admitted that Congress could not emancipate the slaves nor prohibit the slave trade until 1808, but it spoke sympathetically of the "humane objects of the memorialists" and left in question the power of emancipation after 1808. The Southerners wanted a delay of two months to gather further information before the House discussed the report. Northerners objected to this and the Southerners again attacked the Quakers. Stone of Maryland attributed the Quaker interference to "an intolerant spirit," to which John Vining of Delaware replied that "it was very extraordinary, that a humane, liberal spirit, a wish to diffuse universal liberty, should be called an intolerant spirit." Smith of South Carolina spoke of the "pernicious tendency" of the report and castigated the petitioners for "meddling with the business." Jackson of Georgia also criticized them with great severity. Burke of South Carolina added his voice to the dissent, decrying "the pernicious consequences which might be expected to flow from an interference in the business." Despite these objections, the report was ordered to be taken up on March 17 by the Committee of the Whole House.²⁷

When the debate resumed, tempers had not cooled much, and no one seems to have changed his position. Alexander White of Virginia tried to assure the lower South that "the essential interests of

25. *Annals of Congress*, 1st Cong., 2nd Sess., I, 1248; DuBois, *Suppression of the Slave-Trade*, 78.

26. Quoted in Schachner, *Founding Fathers*, 104.

27. *Annals of Congress*, 1st Cong., 2nd Sess., II, 1465-1466.

the Southern States"—in which he probably included slavery—would not suffer if the African slave trade were prohibited. Twenty years before, such an idea would have caused "universal alarm." But Virginia had prohibited it by state action, and the "consequences apprehended never were realized; on the contrary, the agriculture of that state was never in a more flourishing situation." Whether this meant that Virginia could think about the slave trade and slavery separately, rejecting one and retaining the other, is not clear. But certainly the lower South could make no such distinction. Even John Brown of Virginia joined in their fears. He believed that "the consequences would be pernicious in the highest degree" if Congress interfered with the slave trade. Explicitly stating his apprehension, he said: "The negro property will be annihilated."²⁸

Making a brief effort to defend slavery, Burke of South Carolina gave an account of the humane treatment of slaves in the South. He argued that the Negroes were better off in slavery than in freedom and that "their emancipation would tend to make them wretched in the highest degree."²⁹

Then William Loughton Smith of South Carolina rose to speak. He had joined in the debate previously, but now he made a lengthy effort to defend Southern interests. Southerners in the 1830's and '40's could have read his speech approvingly and considered it timely and appropriate. Smith was a lawyer and a member of a wealthy commercial family in Charleston. He became a leading Federalist and a supporter of Hamilton's fiscal system. Hamilton rated him as a man of industry, information, ability and integrity. But Smith also has the dubious distinction of having made the first major pro-slavery speech in Congress.³⁰

Smith added to the abuse already heaped on the Quakers by ascribing their conduct to "an intolerant spirit of persecution." Their petition was really "a very indecent attack on the character of those states which possess slaves." It could have no other purpose but "to

28. *Ibid.*, 1500-1502. A minor point seems worthy of note here. Each page of the *Annals* is given a topical heading for subject of debate reported thereon. Previously in this debate, the heading had been "The Slave Trade," but from this point to its conclusion, the heading is "On Slavery," recognizing the broadening of the debate. It could be argued, however, that almost from the beginning it had the character of a general debate "On Slavery." Hence the title of this paper.

29. *Ibid.*, 1502.

30. Anne King Gregorie, "William Loughton Smith" in Dumas Malone (ed.), *Dictionary of American Biography* (New York, 1935), XVII, 365-366; for Smith's speech, see *Annals of Congress*, 1st Cong., 2nd Sess., II, 1503-1514.

fix a stigma of the blackest nature" on the state he was honored to represent, and hold its citizens up to public view "as men divested of every principle of honor and humanity." In the face of such an attack on the South, Smith felt he must warn the Northern members that this "was a subject of a nature to excite the alarms of the Southern members, who could not view, without anxiety, any interference in it on the part of Congress."

Smith preceded to show emancipation to be impossible: "Would the citizens of that country [the South] tamely suffer their property to be torn from them? Would even the citizens of the other States, which did not possess this property, desire to have all the slaves let loose upon them? Would not such a step be injurious even to the slaves themselves?" If freed, they would either starve or plunder. Therefore, why injure the South, the other states, and the slaves themselves? The matter should be left alone.

Nothing was a stronger proof of the absurdity of emancipation than "the fanciful schemes which the friends to the measure had suggested," to ship the Negroes out of the country and colonize them in some foreign region. Such a plan "admitted that it would be dangerous to retain them" in this country as freemen. Yet how "could they be called freemen, if they were, against their consent, to be expelled from the country?" This plan clearly acknowledged that, if freed, the Negroes would "stain the blood of the whites by a mixture of the races." Smith then read extracts from Jefferson's *Notes on Virginia*, "proving that negroes were by nature an inferior race. . . ." Even "that respectable author who was desirous of countenancing emancipation, was, on a consideration of the subject, induced candidly to avow that the difficulties appeared insurmountable." Emancipation necessitated colonization but both were impractical, and therefore the idea should be given up. It was this argument that Thomas R. Dew elaborated in detail in his pro-slavery tract, *Review of the Debate in the Virginia Legislature* (1832).

Smith turned to the historical argument: "slavery was no new thing in the world." The Greeks, the Romans, and other nations of antiquity had practiced slavery. It existed "at the time Christianity first dawned on society, and the professors of its mild doctrine never preached against it." At no time did the apostles speak out against it "when they went about diffusing the principles of Christianity."

Another objection to slavery was that public opinion was against it, but Smith argued this was incorrect. Perhaps the citizens of the North opposed it, but those of the South did not. Was the North to dictate to the South on a matter "in which the Southern States were

so deeply interested?" "There were no petitions against slavery from the Southern States and they were the only proper judges of what was for their interest." It was also objected "that toleration of slavery brings down reproach on America." If that were true, it would fall largely on the South and "we are ready to bear our share." Smith frankly declared: "We found slavery ingrafted in the very policy of the country when we were born, and we are persuaded of the impolicy of removing it." He admitted he was surprised at the extraordinary "squeamishness" on slavery. When the Constitution was formed, "the best informed part of the citizens of the Northern States knew that slavery was so ingrafted into the policy of the Southern States, that it could not be eradicated without tearing up by the roots their happiness, tranquillity, and prosperity. . . ." Even "if it were as evil"—a point he did not concede—"it was one for which there was no remedy. . . ."

Pleading that slavery was essential to Southern agriculture—an argument later elaborated by the followers of "King Cotton"—Smith contended that Southern crops "can only be cultivated by slaves; the climate, the nature of the soil, ancient habits, forbid the whites from performing the labor." (Perhaps "ancient habits" were more responsible than the climate or the soil.) Without slavery, he argued, "the whole of the low country . . . will be deserted, and become a wilderness."

Smith touched on two other points greatly elaborated by later pro-slavery writers. He denied slavery had an evil effect on the character of the slaveowners or the people of the South in general. Instead, South Carolina, with all her slaves, had "more order, sobriety, and obedience to good government," "more industry and frugality," than any other state. He boasted of South Carolina's role in resisting the tyranny of Great Britain, pointing with pride to "the conduct of her citizens" and "their zeal and ardor in the cause of liberty. . . ." Although he was attempting to prove that the ownership of slaves and a love of liberty were compatible, Smith did not explicitly argue that slavery was the best foundation for republican liberty. Later pro-slavery thinkers would take the idea to that extreme.

Secondly, Smith made some suggestion, again only in embryo, of the sociological defense of slavery. Denying "from experience and accurate information" that the slaves were mistreated, he believed in his conscience "that the slaves of South Carolina were a happier people than the lower order of whites in many countries" that he had visited. As further proof he quoted two Englishmen, Lord Rodney and Admiral Barrington, on the happiness of the slaves in the West

Indies. They had declared that they "should rejoice exceedingly if the English day-laborer was half as happy." Certainly this is a far cry from George Fitzhugh's writings or even the statements of Calhoun. But here is a beginning of favorable comparisons between the South's peculiar institution and "wage-slavery." Perhaps it is significant that Smith made his references to Europe and particularly England, rather than the Northern states. The stage of industrialization there was not yet such as would readily invite strictures against wage-slavery and its comparative evils. As industrialization increased in the North, the indictment of its evils developed into an important part of the pro-slavery argument.

By his speech Smith hoped he had "removed the force of the observations . . . advanced against the toleration of slavery, by a misguided and misinformed humanity. . . ." His lengthy speech exhibits some degree of preparation in a conscious effort to reply to the attacks on slavery, and to defend it in all aspects. In it he repeated and, to a limited extent, systematized the ideas already used in the debate. But he also advanced the defense of slavery in his extended discourse. Perhaps it was not much of an exaggeration when a nineteenth century historian, Richard Hildreth, observed:

So long as attacks upon slavery and the slave trade had been merely of a speculative character, confined to the pages of philosophers, travelers and historians, nobody had thought of defending them. But now that there seemed danger of legislative interference, they had found many strenuous advocates . . ., of whose reasoning Smith's speech may be taken as a specimen and a summary.³¹

In reply to Smith and the other Southerners, there was one speech worthy of note here, if only parenthetically. Elias Boudinot of New Jersey, in retort to Smith, raised two points emphasized by later abolitionists in their attacks on slavery. First, he appealed to the spirit of brotherly love in Christianity over the literalness of the scriptures. Noting that the Bible had been quoted to defend slavery, he replied:

One would have imagined that the uniform tenor of the Gospel, that breathes a spirit of love and universal philanthropy to our fellow-creatures—that commands our love to our neighbor to be measured by our love to ourselves—that

31. Richard Hildreth, *The History of the United States of America*, 6 vols. (New York, 1851-77), I, 187.

teaches us that whatsoever we would that men should do to us, to do so to them, would have prevented this misapplication.

Secondly, Boudinot made a simple appeal to the natural rights philosophy of the American Revolution. He quoted from the Declaration of Independence that famous passage, "We hold these truths to be self-evident. . . ." etc., declaring it to be the true "language of America." Slavery, he was sure, was inconsistent with such ideals.³² And later abolitionists were equally sure.

After this abstract debate, the House finally settled down to amending the Committee Report on the petitions. The Report of the Committee of the Whole House was more favorable to the South, declaring unequivocally that Congress has "no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States." Despite this, as the Southern Representatives had predicted, wild rumors swept the South. Congress was intending, so ran the rumors, to emancipate all Negro slaves immediately. Even in Virginia, most of whose representatives favored regulating the slave trade, popular alarm spread and some slaveowners rushed to sell their slaves at any price.³³

The Congressional debate on slavery of 1790 is perhaps unique. Generally in the South before 1820, the pro-slavery thought was, as William S. Jenkins says, "in a state of quiescence." As he notes: "Slavery had defenders whenever defenders were needed; the exact nature of the defense was determined to a great extent by the degree to which and by the way in which the welfare of slavery was endangered." However, the debate of 1790 was an exception to this statement. The threat to slavery was not grave, but it produced an emotional reaction out of proportion to the stimulus. This later became a standard trait of the Southern mind on its monomania—slavery.³⁴

From the speeches of Smith and the others, ideas emerged which became part of the later stock-in-trade arguments to defend slavery. There was the ethnological argument—Negroes were an inferior race; if freed, they would corrupt the blood of the whites; and colonization was not feasible. There was the argument of necessity—slavery was an existing institution which could not be changed without a great upheaval, and no other labor system was adequate in the

32. *Annals of Congress*, 1st Cong., 2nd Sess., II, 1518-1520.

33. *Ibid.*, 1523-25; Schachner, *Founding Fathers*, 103.

34. William S. Jenkins, *Pro-Slavery Thought in the Old South* (Chapel Hill, 1935), 48-49; for his treatment of the debate, see 50-53.

South. There was the idea that liberty and slaveholding were not incompatible. There were the Biblical and historical arguments in favor of it. And finally there was, at least in embryo, the sociological argument—that the Negro slaves were as well off as common laborers in other countries.

Was there then real continuity between the Jeffersonian South and the late antebellum South? Certainly some similarity is evident in this debate of 1790. But the semi-militant, pro-slavery attitudes, as Richard Hildreth writes, "came almost entirely from South Carolina and Georgia. 'The South' spoken of in the debate must be understood as limited to those two states, with the addition, perhaps, of North Carolina. . . ." It is in the lower South, largely South Carolina and Georgia, that we find the attitudes so characteristic of the late antebellum South. In the Jeffersonian era the upper South was different, but soon it conceded the impracticality of colonization and therefore emancipation. After the Virginia slavery debate of 1832, former hopes and expectations declined and the lost opportunity was never regained. Meanwhile, the rising cotton kingdom spread into the Southwest, giving the entire lower South a unity in social and economic attitudes. The economic importance of cotton, together with the decline of the upper South from soil exhaustion and emigration, shifted sectional leadership to the lower South, producing a different outlook and image. But the upper South also changed with the rise of the cotton kingdom. As Richard Hildreth observed in 1851: "A majority of the representatives from Maryland and Virginia evidently leaned to anti-slavery views [in 1790]—a sentiment since greatly modified in those states by the immense domestic slave trade which has sprung up with the last thirty years."³⁵

At a time when the upper South was in decline, the domestic slave trade provided an economic boost, but it also united the upper South with the lower South as never before. With sectional leadership coming from the lower South, the upper South found itself merely tagging along. Together with other complex factors, such as the growing numerical superiority of the North and the rise of a more militant anti-slavery movement, this shift produced an essentially different South after the 1830's—one of sectionalism, pro-slavery oratory, and eventually secession.

35. Hildreth, *History*, I, 204.