

Considerations of Humanity and Expediency:
The Slave Trades and African Colonization in the Early National Antislavery Movement

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ABSTRACT

This dissertation examines the early antislavery movement, from the American Revolution into the 1820s. I argue that during these decades abolitionists pursued a coherent national agenda, worked closely with black activists, and exerted considerable political influence. I challenge the common assumptions that after the Revolution most contemporaries believed slavery would “wither away” on its own and that organized abolitionism did not become politically significant until the 1830s. The early generations of abolitionists fully recognized the obstacles to universal emancipation presented by the Constitution, economic self-interest, and racial prejudice. In response they focused on suppressing the Atlantic and domestic slave trades as the most expedient tactic for achieving the greatest humanitarian good while paving the way for state-based emancipation. In conjunction with free blacks, some white abolitionists also sought to establish a program of voluntary black emigration to Africa or the West Indies. The majority of abolitionists and free blacks later repudiated colonizationism after slaveholders and white supremacists appeared to co-opt the movement, but supporters initially hoped colonization would facilitate emancipation while creating a base from which to suppress the African slave trade. Although rarely studied together by historians, contemporaries viewed these policies as closely linked and they represented the sites of greatest cross-sectional cooperation in regard to slavery. Congress’s Slave Trade Act of 1819 implemented a program some abolitionists and black activists had encouraged since the 1770s, connecting slave trade suppression with the creation of an African colony (Liberia) which would also receive African-American emigrants and freed slaves. However, the Missouri Crisis soon destroyed the sectional trust necessary for future cross-sectional cooperation. My work illustrates the complex interconnectedness, in tactics and aims, of gradual abolitionism, the African colonization movement, and immediatist abolitionism, thus countering historians’ tendency to overstate distinctions between these elements of the antislavery movement. Looking back from the Civil War, scholars often highlight abolitionism’s growth in the 1830s; but from the perspective of the early republic, the decade is better understood as the moment when anti-abolitionism supplanted moderate antislavery as the most prominent form of cross-sectional cooperation in regards to slavery.

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ABBREVIATIONS

AC [#]-[#] - *Annals of Congress* [congress #]-[session #]
 C-P-W – Coxe-Parrish-Wharton Papers, HSP
DHFFC - *Documentary History of the First Federal Congress*, eds. Linda Grant De Pauw et al, (20 vols. to date, Baltimore: The Johns Hopkins University Press, 1972-present)
DHRC - *Documentary History of the Ratification of the Constitution*, Digital Edition, eds. John P. Kaminski et al
 HL - Henry Huntington Library, San Marino, CA
 HR Journal – House of Representatives Journal
 HSP - Historical Society of Pennsylvania, Philadelphia
JAH - *Journal of American History*
JER - *Journal of the Early Republic*
JSH - *Journal of Southern History*
 LBRP – Letter Book of Robert Pleasants 1754-1797, Haverford Special Collections, available through “Quakers & Slavery:”
http://triptych.brynmawr.edu/cdm/ref/collection/HC_QuakSlav/id/11435
LCRK – *Life and Correspondence of Rufus King*
Letter Book of WC – *Official Letter Book of W.C.C. Claiborne*, ed. Rowland Dunbar, (5 vols., Jackson, MS: State Department of Archives and History, 1917)
MAC [#] (#) – *Minutes of the Proceedings of American Convention of Abolition Societies* [convention #], (year)
 NARA – National Archives and Records Administration, Washington DC
 NYHS - New York Historical Society
 NYMS - New York Manumission Society
 NYMS Records - at the NYHS, online at:
 Papers of AST – Papers of the American Slave Trade, microfilm
 Papers of JR – Papers of John Randolph of Roanoke, UVA
 PAS - Pennsylvania Abolition Society
 PAS LB - PAS Letterbook, 2 vols. PAS Papers, HSP
 PAS LCi - PAS Loose Correspondence incoming, PAS Papers, HSP
 PAS LCo - PAS Loose Correspondence outgoing, PAS Papers, HSP
 PAS GM Minutes – PAS General Meeting Minutes, PAS Papers, HSP
 Pemberton Papers - Pemberton Family Papers, HSP
 PWT – *Papers of William Thornton*
 PYM-MS – Philadelphia Yearly Meeting’s Meeting for Sufferings
 Robert Pleasants Papers - Robert Pleasants Papers, HL
TP IX – *Territorial Papers*, vol. IX (Territory of Orleans), ed. Clarence Carter, (Washington DC: United States Govt. Printing Office, 1940).
 WSH – *Works of Samuel Hopkins*

A Note on Dates

When citing manuscript letters, I have followed the dating format of the originals, including the Quaker style of numbering rather than naming months (i.e. “8mo” for August)

INTRODUCTION

During the mid-eighteenth century the Society of Friends were slowly moving from debating the morality of slavery to actual antislavery action, but the American Revolution made slavery into a moral “problem” for white Americans in general. During and after the War for Independence even the wealthiest slaveholding politicians were quick to acknowledge that slavery violated the rights of humanity and was also inexpedient, for slaves threatened the security of the nation and slaveholding undermined republican manners. In 1780 Pennsylvanians instituted the world’s first gradual emancipation law and Virginians liberalized their laws on private manumissions two years later.

Notwithstanding the rapid growth of antislavery sentiment, the gulf between abstract ideals and action remained wide. At the collective level, the Continental Congress’s antislavery activity peaked in October 1774 when they prohibited the Atlantic slave trade. Although this action pleased antislavery Americans, Congress imposed the ban as part of a larger boycott responding to Parliament’s “Intolerable Acts” rather than as a permanent policy representing a commitment to antislavery action. Two years later Congress adopted the Declaration with its claim that all men were “created equal” with an “unalienable” right to liberty, but commitment to protecting one’s own natural rights did not mandate respecting the rights of others. In the midst of the war the Virginia legislature rewarded some military recruits with bounties in the form of enslaved humans. After the war Virginians freed around 11,000 slaves, but these manumissions were often conditional on lengthy periods of additional unpaid labor, rewarding slaves for faithful service rather than immediately restoring their violated natural rights. Moreover, the Old Dominion’s enslaved population continued to grow despite the manumissions and despite masters selling an even greater number of slaves out of the state. Meanwhile, slaveholders and

would-be slaveholders in North Carolina, South Carolina, Georgia, and the western territories sought to replenish and increase their labor supply by importing fresh slaves from Africa as well as via the emerging interstate slave trade.

In 1783, when Quakers petitioned to have Congress revive the 1774 slave trade ban, the delegates refused to take any action. Then in 1787 delegates to the Constitutional convention forbade Congress from prohibiting the importation of slaves before 1808. During this period, from 1783 to 1808, American imported at least 70,000 slaves, possibly two and a half times that number.¹ These numbers represent less than ten percent of the total number of enslaved Africans whom slaveholders throughout the Americas imported during this period, but they nonetheless showed that many United States slaveholders were committed to preserving the institution of slavery.² Even in the North, where slavery was of limited economic and social importance, the process of emancipation was typically slow. New Jersey did not pass a gradual emancipation act until 1804 and still contained a few enslaved inhabitants when the Civil War began.

The modest but important antislavery accomplishments of the Revolutionary era and early republic owed much to the persistent activism by antislavery Quakers, who organized a national network of abolitionists. American Quakers established transatlantic communication networks with Quakers and other evangelical abolitionists in England, and helped establish many of the state abolition societies in the 1780s, such as the Pennsylvania Abolition Society (PAS)

¹ The conservative estimate is provided by the Slave Voyages Transatlantic Slave Trade Database: <http://slavevoyages.org/tast/database/search.faces?yearFrom=1783&yearTo=1808&natinimp=&mjslptimp>; James A. McMillin estimates that Americans imported as many as 180,000 slaves during this period, in *The Final Victims: Foreign Slave Trade to North America, 1783-1810* (Columbia: University of South Carolina Press, 2004), 48.

² Slave Voyages estimates that from 1783-1808, 1,880,160 surviving slaves were disembarked in the Americas (out of 2,120,491 who left Africa). Unless specified otherwise, my statistics for imported slaves throughout this dissertation refer to survivors of the Middle Passage; generally ten to twenty-five percent died in transport.

and New York Manumission Society (NYMS).³ Although Quakers often dominated the membership of these societies, their formal interdenominational or secular character helped them link antislavery to the American Revolution and portray it as a national cause. These state abolition societies generally served three main functions. They aided individual slaves or free blacks in various ways including legal cases, employment, and education; they lobbied state legislatures to pass or strengthen laws ending slavery and participation in slave trading; and they lobbied the national government to suppress slave trading and promote gradual emancipation. Efforts to influence the federal government increased following the ratification of the Constitution, and in 1794 abolitionist groups established an annual Abolition Convention to better coordinate their national efforts. The early national abolition movement thus functioned in a federalized fashion, with state societies focusing primarily on local issues while occasionally confederating together in efforts directed at the national government.

The structure of the Society of the Friends reinforced connections between the secular abolition societies and lent further coherence to the national movement as a whole. Local Quaker meetings established committees to discipline members who refused to free their slaves after 1776 and to oversee the conditions of manumitted slaves and their children. Delegates from local meetings met annually in large regional meetings, such as the Philadelphia Yearly Meeting (PYM) which included members from Northern Virginia, Delaware, Maryland, New Jersey, and

³ Thomas E. Drake, *Quakers and Slavery in America* (New Haven: Yale University Press, 1950); Jean R. Soderland, *Quakers and Slavery: A Divided Spirit* (Princeton: Princeton University Press, 1985). See also Betty Fladeland, *Men and Brothers: Anglo-American Antislavery Cooperation* (Chicago: University of Illinois Press, 1972); David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca: Cornell University Press, 1966), esp. 291-332, 365-90, 483-93; idem, *The Problem of Slavery in the Age of Revolution, 1770-1823*, (Ithaca: Cornell University Press, 1975), esp. 213-54 and *passim*; James Brewer Stewart, *Holy Warriors: The Abolitionists and American Slavery* (rev. ed., New York: Hill and Wang, 1997 [1776]), 15-17, 22; Maurice Jackson, *Let this Voice be Heard: Anthony Benezet, Father of Atlantic Abolitionism* (Philadelphia: University of Pennsylvania Press, 2009). Important documents related to Quaker antislavery are included in: Roger Bruns, ed., *Am I not a Man and a Brother: The Antislavery Crusade of Revolutionary America, 1688-1788* (New York: Chelsea House Publishers, 1977) and J. William Frost, ed., *The Quaker Origins of Antislavery* (Norwood, PA: Norwood Editions, 1980).

Pennsylvania. At this level Quakers occasionally organized petition campaigns directed at the national level. Meanwhile, monthly Meetings for Sufferings addressed a range of social issues and frequently had active antislavery subcommittees. The PYM's Meeting for Sufferings (PYM-MS or Philadelphia Meeting for Sufferings) proved especially active, working with local free blacks and petitioning surrounding state governments and the federal government to pass antislavery legislation. Integrating the histories of formal abolition societies with the antislavery activities of the Meeting for Sufferings – which often included overlapping membership – reveals greater level of national coherence within the abolitionist movement than the existing scholarship indicates.⁴ Beginning in the 1780s, Quakers and their abolitionist allies functioned as a national antislavery lobby, making slavery a frequent topic of congressional debate throughout the early republic.

This first generation of American abolitionists was more worldly, pragmatic, and politically influential than scholars have typically recognized.⁵ In contrast to the “immediatist” abolitionists after 1830, historians often portray the gradualists of the early republic as overly

⁴ Notwithstanding historians' recognition of the important contributions of Quakers to the early antislavery movement in terms of ideology and membership, they have rarely given sustained attention to coordinated strategies of formal abolition societies and Quaker antislavery committees. Drake's 1950, *Quakers and Slavery in America*, still provides the best discussion of the Meetings of Sufferings (esp. 84-113). However, he gives little attention to the connections between the PYM-MS and other abolition Societies. In, *Quakers and Slavery: A Divided Spirit*, Soderland correctly emphasizes divisions within Quaker communities, including the Philadelphia Yearly Meeting. She ends her study in 1783, emphasizing a legacy of a “gradualist, segregationist, and paternalistic approach” to antislavery (185). Along with Gary B. Nash, Soderland demonstrates the importance of Quaker committees in enforcing antislavery policies within the Society of Friends and the prominence of Quakers within the PAS, but again largely neglects the Philadelphia Meeting for Sufferings' efforts to promote antislavery policies at the state and national level in *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991). Richard S. Newman similarly notes the importance of Quakers in the PAS but neglects the PYM-MS in *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic*, (Chapel Hill: University of North Carolina Press, 2002). Thus the existing scholarship treats these groups separately, even though the PYM-MS and PAS collaborated closely together, sharing members and tactics.

⁵ In this dissertation I define abolitionists as individuals who actively promoted the abolition of slavery. For the most part these were members of formal abolition societies. Some individual abolitionists such as John Parrish were not actual members of such societies, but nonetheless actively promoted abolitionism through Quaker meetings or individually. I do not consider people like St. George Tucker or Thomas Jefferson as abolitionists, despite having drafted emancipation proposals and operating from a rhetorically antislavery position, because they did not actively promote emancipation.

conservative with a naïve faith in ineffective tactics. Scholars often assume the abolitionists' focus on the Atlantic slave trade was based on a mistaken optimism that once slave imports ceased slavery itself would "wither away." There is very little evidence that early national abolitionists (or the general public) ever had such optimism. These abolitionists understood that their desire for universal emancipation and racial integration faced nearly insurmountable constitutional, economic, and social obstacles.⁶

Pragmatically evaluating the most expedient tactics for achieving the greatest humanitarian good, they focused first on the Atlantic slave trade. They had no illusions that slave trade abolition alone would lead to emancipation, but recognized it as the essential first step. Quakers and secular abolition societies worked closely together in a concerted petitioning effort (which the PYM began in 1783) against the Atlantic slave trade, culminating in a declaration of congressional powers in 1790 and laws suppressing the foreign slave trade in 1794 and 1800. These groups also worked together to lobby congressmen to oppose the territorial expansion of slavery, although these efforts met with less success. New evidence also indicates that individual members of the PYM-MS, such as John Parrish and John Drinker, also actively collaborated with African-American petition efforts in the 1790s. Recognizing the federal nature of the Union and the legally-sanctioned – if inherently unjust – property rights in human beings, most abolitionists accepted that emancipation would be gradual and state-based. Nonetheless, they sought to curtail slavery's growth while arguing that a process of emancipation should begin immediately – essentially the same position as that taken by the "immediatist" abolitionists of the 1830s.

⁶ It is possible to make broad generalization about early-national abolitionists because they often pursued unified strategies established at Quaker meetings or the American Convention of Abolition Societies. Of course, even members of single abolition society often differed in their goals and strategies, and my generalizations should not be taken to imply uniformity.

Since the early 1770s, antislavery proposals were often closely connected to plans for colonizing some manumitted slaves and free people of color in the North American interior or outside of the United States. Many abolitionists viewed limited and voluntary colonization as the most expedient method of facilitating gradual emancipation while also reducing the domestic slave trade and suppressing the Atlantic slave trade. Early-national abolitionists' focus on slave trading and black colonization increased the potential for cross-sectional cooperation, which they understood was essential for any action at the national level. Although rarely studied together by historians, contemporaries often viewed projects to suppress slave trading and promote black colonization as closely linked in ways that complicate traditional assumptions about the relationships between gradualism, colonizationism, and immediatism. Abolitionists were able to tap into widely shared convictions that the Atlantic slave trade was inhumane and inexpedient, gaining a crucial level of southern support for their efforts to suppress this trade between 1790 and 1820. Efforts to restrict the domestic slave trade and slavery's territorial expansion were more challenging, in part because most of the domestic trade occurred out of the sight of most northerners and thus attracted less public attention until after the War of 1812. Nonetheless, abolitionists achieved a number of important victories in their efforts to curtail the domestic slave trade and prevent kidnappers from enslaving free blacks.

Between the Revolution and 1820, the limitations of antislavery policies often resulted from larger geopolitical concerns rather than proslavery victories in Congress. For example, laws banning the domestic slave trade to the Louisiana territories proved unenforceable given the weakness of the federal government in a region of international tensions and competing loyalties. And greater cooperation with Britain would have enabled better enforcement of both nations' 1807 laws suppressing the Atlantic slave trade, but unrelated diplomatic tensions prevented such

a policy. During the 1810s a diverse collection of Americans increasingly looked to African colonization as the most expedient means of reducing the Atlantic and domestic slave trades and facilitating gradual emancipation without infringing on the rights of slaveholders and states.

The 1819 Slave Trade Law enacted a policy which some abolitionists had been encouraging since at least 1788, establishing a colony on the African Coast in order to better suppress the Atlantic slave trade and free slave smugglers' victims. But the efforts of northerners to ban slavery in Missouri and the remaining federal territories – efforts spurred in part by a new public awareness of the domestic slave trade's magnitude – united most of the South in opposition to any further federal interference with slavery, thereby protecting the domestic slave trade. In the heightened sectional tensions of the 1820s, colonization became the only form of antislavery that had any potential of cross-sectional support, yet even it provoked hostility from African Americans and northern abolitionists who feared slaveholders had co-opted colonization to strengthen slavery as well as from southerners who feared northerners would exploit colonization to attack slavery or promote an ulterior economic agenda.

THE “WITHER AWAY” MYTH

Scholars disagree about whether the American Revolution represented a “missed opportunity” when Americans could have abolished slavery and preserved the Union.⁷ But they frequently share an assumption that contemporaries at least *believed* that slavery would end as a consequence of the American Revolution. Representing a common view, Gordon Wood writes

⁷ For example, Winthrop Jordan suggest that the American Revolution presented an opportunity to end slavery before it became too entrenched economically and before environmentalists notions of racial difference hardened into assumptions of innate racial inferiority. By contrast, David Brion Davis dismisses the possibility of peaceful emancipation within the Union while also stressing the importance of Revolutionary ideology on the subsequent abolitionist movement. Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812*, (Chapel Hill: University of North Carolina Press, 1968), chap 9; Davis, *Slavery in the Age of Revolution*, 14, 255-56, 262. See also: Matthew Mason, “A Missed Opportunity? The Founding, Postcolonial Realities, and the Abolition of Slavery,” *Slavery & Abolition* (forthcoming).

states: “Everywhere in the country most of the Revolutionary leaders assumed that slavery was on its last legs and was headed for eventual destruction.” He explains this “self-deception and mistaken optimism” as revolving around contemporaries’ belief that once they stopped importing slaves, “slavery would wither and die.”⁸ Thus the founding generation derived exaggerated optimism from gradual emancipation in the northern states, the Upper South’s voluntary withdrawal from the slave trade, and the expectation that Congress would entirely prohibit the importation of slaves after 1808. Specialists in the history of slavery have shown that slavery was becoming more entrenched rather than withering and that slave trade abolition would not reverse this trend, but they generally share the assumption that contemporaries – or at least northern contemporaries – mistakenly believed that slavery was dying after the Revolution.⁹

The assumption that contemporaries believed slavery would be a casualty of the American Revolution is not unfounded; a number of prominent Americans made such claims. “Yet it matters,” as Christopher Brown has recently argued, “that the most optimistic statements about the abolition of American slavery turn up in those texts more concerned with the reputation of American slaveholders and the new republic than with the problem of slavery

⁸ Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford, 2009), 519, 523. Wood has elsewhere asserted: “They [the founders] put a lot of confidence in the elimination of the slave trade promised for 1808 and lived with the illusion that slavery would naturally die away.” Gordon S. Wood, *Purpose of the Past: Reflections on the Uses of History* (New York: Penguin, 2008), 291.

⁹ For example, Adam Rothman uses Thomas Jefferson as representative of a larger trend in which Americans assumed “slavery would eventually disappear” and “ignored powerful demographic, economic, and political circumstances that strengthened slaveowners’ power and set slavery on the road to expansion.” *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge: Harvard University Press, 2005), 2. George William Van Cleve emphasizes that southern slaveholders were committed to slavery’s long term perpetuation and expansion but suggests that northerners remained “mistaken in thinking that the slave trade or slavery would wither away,” until the Louisiana Purchase. *A Slaveholder’s Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010), 146 (quotation), 189. Matthew Mason has written the single best book on the politics of slavery from 1808 through the Missouri Crisis, but he casually assumes that before that period, “Most Northerners trusted that slavery would effortlessly disappear once they abolished the slave trade and hoped that it would keep to itself in the meantime.” *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2006), 15-16, 28 (quotation).

itself.”¹⁰ In many cases the Americans most likely to insist that slavery was dying out were those who had a vested interest in *discouraging* abolitionist agitation and we should not accept their statements at face value.

A quick examination of the three sources that Gordon Wood cites for his assertion that “most of the Revolutionary leaders” believed slavery would naturally wither away reveals that such statements were more opportunistic and more qualified than his characterization indicates. When Jefferson wrote that the Virginia Assembly contained “men of virtue” who supported gradual emancipation, he was defending the reputation of his state to a French philosopher while also justifying inaction. Importantly, he admitted that the majority of legislators opposed abolition and insisted that antislavery agitation would be counterproductive and “would only rivet still closer the chains of bondage.”¹¹ Context is also important for understanding Oliver Ellsworth’s prediction that “Slavery in time will not be a speck in our country.” Ellsworth was speaking at the Constitutional Convention, defending a bargain between delegates from South Carolina and New England which protected the Atlantic slave trade until 1808 in exchange for policies which would allow New England more control over commercial legislation. Ellsworth had previously defended South Carolina’s desire to import enslaved African with the argument that whatever “enriches a part [of the Union] enriches the whole.” He also recognized that “slaves multiply so fast in Virginia and Maryland that it is cheaper to raise than import them.”¹² As with Jefferson, Ellsworth’s goal was to discourage rather than promote antislavery action.¹³

The most sincere of Wood’s sources, Benjamin Rush’s 1774 hope that “there will be not a Negro

¹⁰ Christopher Leslie Brown, “The Problems of Slavery,” in *Oxford Handbook of the American Revolution*, ed., Edward G. Gray and Jane Kamensky, 427-46, 439.

¹¹ TJ to Jean Nicolas D  meunier, [26 June 1786], Founders Online, cited in Wood, *Empire of Liberty*, 519.

¹² Ellsworth quoted in *A Necessary Evil?*, ed. Kaminski, 58-59 [16 and 22 August 1787], and cited by Wood, *Empire of Liberty*, 525.

¹³ Douglas R. Egerton similarly concludes that Ellsworth’s “sanguinity may be regarded as a rhetorical ploy. *Death or Liberty: African Americans and Revolutionary America* (New York: Oxford University, 2009), 245.

slave in North America in 40 years,” must also be taken with a grain of salt. Writing to Granville Sharp, Rush’s genuine pleasure that the Continental Congress had banned slave imports was increased by his desire to encourage the British humanitarian’s sympathy for colonists’ cause during the imperial crisis. Moreover, his optimism that Congress would face “few difficulties” in supporting emancipation was accompanied by a major qualification: “except such as arise from instructions given to our Governors [i.e. representatives], not to favour laws made for that purpose.” In other words, while many members of the Continental Congress appeared enlightened on the subject of slavery, Rush recognized that their constituents strongly opposed emancipation. Moreover, even once (or if) the public came to support emancipation, Rush assumed that it would require an active program implemented by the central government rather than simply withering away on its own.¹⁴

Some other abolitionists also insisted that the Revolution should lead to emancipation, but it is again important to recognize the context of such statements. After American independence Quakers in both the US and Britain sought to rebrand their prerevolutionary antislavery efforts as nonsectarian and national causes. In doing so they strategically overstated popular support for emancipation as a goal of the Revolution.¹⁵ Thus abolitionists and slaveholders operating from contrary motivations both had reasons for exaggerating the connection between the American Revolution and the end of slavery: slaveholders discouraged antislavery agitation by insisting that slavery would quickly die on its own while abolitionists sought to mobilize support for antislavery action by stressing ideals of the American Revolution.

¹⁴ Rush to Granville Sharp – 1 November 1774, in “The Correspondence of Benjamin Rush and Granville Sharp 1773-1809,” ed. John A. Woods, *Journal of American Studies* 1 (April 1967):1-38, quotation from 13, cited in Wood, *Empire of Liberty*, 519.

¹⁵ Kirsten Sword, “Remembering Dinah Nevil: Strategic Deceptions in Eighteenth-Century Antislavery,” *JAH* 97 (September 2010):315-43, esp. 315-18, 325-26, 334-35. See also Brown, *Moral Capital*, 431-41.

But while abolitionists highlighted the antislavery implication of the patriots' rhetoric in order to mobilize support for antislavery actions, there is little evidence that they expected the Revolution to lead naturally to emancipation. Many leaders of the antislavery cause were Quakers who had been persecuted during the war as Tories on account of their pacifism.¹⁶ They had scant reason to anticipate that their persecutors would suddenly embrace the Golden Rule and support emancipation. Abolitionists were also quick to recognize that the Constitution of 1787 institutionalized major impediments to antislavery. Massachusetts Quaker William Rotch Sr., anticipating the fiery rhetoric of the yet-unborn William Lloyd Garrison, declared that the "cornerstone" of the Constitution was "founded on *Slavery* and that is on *Blood*."¹⁷ Early antislavery activists fully recognized the political, economic, and social obstacles in the path to emancipation.

During the 1780s and 1790s, abolitionists focused their national petitions on slave trade suppression rather than emancipation because they recognized that the former goal had at least the possibility of success, not because they naively believed it would lead to emancipation. For example, although Noah Webster predicted that slavery would naturally die out "without any extraordinary efforts to abolish it," he thought this process would take as long as "two centuries." Therefore he concluded that it was "highly necessary that public measures and private societies should lend their aid to accelerate the progress of freedom." Even with active exertions, he believed abolition would take several generations.¹⁸ This recognition that antislavery would be an uphill struggle is at odds with the "rise-and-fall narrative" in which some historians

¹⁶ Indeed, Warner Mifflin reported that the violence and oppression he suffered from Virginian patriots "renewed [his] sympathy with our oppressed African Brethren." Warner Mifflin, *The Defence of Warner Mifflin Against Aspersions cast on him on Account of His Endeavours to Promote Righteousness, Mercy, and Peace, among Mankind* (Philadelphia: Samuel Sansom, jun: 1796), 17. A. Glenn Crothers, *Quakers Living in the Lion's Mouth: The Society of Friends in Northern Virginia, 1730-1865* (Gainesville: University Press of Florida, 2012), 46-63.

¹⁷ William Rotch, Sr. to Moses Brown, Nantucket, 8 November [1787], *DHRC*.

¹⁸ Noah Webster, *Effects of Slavery on Morals and Industry*, (Hartford, CT: Hudson and Goodwin, 1793), 37.

characterize the Revolution and early republic as the moment when the patriots were on the verge of ending slavery but then “failed to deliver the fatal blow.”¹⁹ An implicit corollary to this traditional narrative is that the founding generation would have acted differently and more effectively had they realized slavery’s strength. In other words that if contemporaries had realized that the “problem” of slavery would not solve itself they would have worked harder to solve it themselves during the late-eighteenth century.²⁰ But by the time contemporaries realized that slavery was expanding rather than withering, slavery had become too entrenched and hardening notions of racial difference helped reconcile white Americans to slavery’s perpetuation.²¹

However, determining how to solve the problem of slavery and restructure one of the nation’s most important sources of labor – or, to use a term with more modern resonance, sources of energy – was no simple task. Aside from the fantasy that slaveholders would have granted freedom, back pay, and civil rights to their slaves, it is difficult to imagine a politically feasible strategy that could have peacefully ended slavery in the early republic.²² Race and racism greatly complicated the problem, but deep divisions between people’s faith in government to effectively shape progress were at least as important. The abolitionists who were most committed to eradicating slavery were typically inspired by a deep religious conviction that

¹⁹ Brown, “Problems of Slavery,” 427, 428.

²⁰ This theme is especially strong in the work of Gordon S. Wood and his reviews of books that focus on slavery. For example, see his *The Purpose of the Past: Reflections on the Use of History* (New York: Penguin Books, 2008), 291, 300. While Wood exaggerates early Americans’ optimism that slavery would wither away, he is certainly correct that slavery was not as important to most contemporaries “as we today think it ought to have been” and that some scholars have exaggerated its influence on the early republic (301).

²¹ James Oakes, “Conflict vs. Racial Consensus in the History of Antislavery Politics,” in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, eds. John Craig Hammond and Matthew Mason, (Charlottesville: University of Virginia Press, 2012), 290-303.

²² As Annette Gordon-Reed has written: “With the normal caveats about the dangers of seeing any outcome as inevitable, it is a safe assumption that the problem of American slavery could only have been solved in the way that it ultimately was solved: through bloody conflict and strife.” Annette Gordon-Reed, “Thomas Jefferson and St. George Tucker: The Making of Revolutionary Slaveholders,” in *Jefferson, Lincoln, and Wilson: The American Dilemma of Race and Democracy* (Charlottesville: University of Virginia Press, 2010), 15-33, quotation from 16.

an active Providence would punish the nation for slavery and bless exertions to eradicate the sin. Thus they focused on immediate implementation of antislavery policies rather than detailing exactly how such schemes would function. By contrast, many others regarded slavery as unjust, immoral, and dangerous, but despaired of a practical solution that would not produce worse unintended consequences. They could agree on the expediency of suppressing the Atlantic slave trade but feared that further federal interventions would either be ineffective or counterproductive.

* * *

By reevaluating the role of abolitionists and antislavery sentiment in early-national politics, this dissertation complements and advances recent work on the politics of slavery.²³ In stressing the pragmatism and political achievements of the gradual abolitionists, along with revealing their early collaborations with black abolitionists, my work builds on the scholarship of Richard Newman while also reducing the contrast he draws between the gradualists and immediatists.²⁴ My focus on the gradualists' efforts at the national level also provides a counterpart to Paul Polgar's revisionist interpretation of their state-level strategies and goals.²⁵ In highlighting the overlapping tactics, goals, and membership of gradualists, immediatists, and colonizationists, this dissertation also advances the efforts of Beverly Tomek to move beyond rigid categories

²³ For examples of this recent scholarship, see: John Craig Hammond and Matthew Mason eds., *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, (Charlottesville: University of Virginia Press, 2011).

²⁴ Newman highlights the importance of the Pennsylvania Abolition Society at the state level – especially their legal work in collaboration with African Americans, while portraying the gradual abolitionist as overly cautious and ineffective at the national level, especially in the 1790s. I argue that abolitionists achieved modest but important victories in Congress during the 1790 that Newman and others have not recognized. Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic*, (Chapel Hill: University of North Carolina Press, 2002).

²⁵ Paul J. Polgar, "'To Raise Them to an Equal Participation': Early National Abolitionism, Gradual Emancipation, and the Promise of African American Citizenship," *JER* 31 (Summer 2011):229-58; idem, "Standard Bearers of Liberty and Equality: Reinterpreting the Origins of American Abolitionism," (Ph.D. diss., Graduate Center at the City University of New York, 2013).

which inhibit analysis.²⁶ Scholars generally credit gradualist abolitionists with being “first” and immediatists with being “right,” while suggesting that colonizationists were “wrong.”²⁷ Some colonizationists were motivated by racism, but to many sincerely antislavery Americans it appeared the most pragmatic means of advancing the abolitionist cause.

As with some of the best recent scholarship on slavery and politics, I seek to recognize the obstacles facing emancipation while also stressing the efforts to contest slavery. John Craig Hammond has argued that the circumstances of slavery’s western expansion were shaped less by proslavery victories in Congress than by local circumstances in the West and larger international tensions.²⁸ I reveal and emphasize antislavery victories which have been obscured in past studies while also acknowledging the limits of such victories in a union threatened by external and internal enemies as well as sectional tensions. My work also builds on Matthew Mason’s examination of the circumstances which enabled shifts from diffuse antislavery sentiment into political agitation and action, while also extending my analysis back into the 1780s.²⁹

My discussion of victories by abolitionists and free blacks along with my recognition of the many obstacles of emancipation answers James Oakes’s call to move beyond the tendency of “racial consensus history” to overstate the prevalence and explanatory power of racism.³⁰ In conjunction with the recent work by other scholars, my dissertation also supports a revised

²⁶ Beverly C. Tomek, *Colonization and Its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania*, (New York: New York University Press, 2011). See also: Eric Burin, *The Peculiar Solution: A History of the American Colonization Society* (Gainesville: University Press of Florida, 2005).

²⁷ I am paraphrasing Dee Andrew’s historiographical description from: Dee E. Andrews, review of Beverly C. Tomek’s *Colonization and its Discontents*, in *JER* 33 (Fall 2013): 577-79.

²⁸ John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: University of Virginia Press, 2007).

²⁹ Mason, *Slavery and Politics*.

³⁰ James Oakes, “Conflict vs. Racial Consensus in the History of Antislavery Politics,” in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, eds. John Craig Hammond and Matthew Mason, (Charlottesville: University of Virginia Press, 2012), 290-303. I make a similar point on scholarly overemphasis on racism’s influence in Nicholas Wood, “‘A Sacrifice on the Altar of Slavery’: Doughface Politics and Black Disenfranchisement in Pennsylvania, 1837-38,” *Journal of the Early Republic*, 31 (Spring 2011):75-106.

periodization for thinking about the politics of slavery, as recently advanced by Donald Ratcliffe. Until recently, scholars gave little attention to antislavery politics before the Missouri Crisis of 1819-1820, and focused largely on the 1830s as the decade when abolitionism arose as an important force.³¹ This view is especially common when looking back from the Civil War at the antebellum period. But scholars such as Matthew Mason and John Craig Hammond have demonstrated the importance of antislavery politics before the Missouri Crisis.³²

When we shift our perspective from looking back from the Civil War to forward from the Early Republic, the 1830s are more noteworthy for the suppression of antislavery politics, a trend that had begun after the Missouri Crisis. The Missouri Compromise may have saved the Union in 1820, but its enduring legacy was a growing concern about the power of antislavery agitation to provoke disunion. Colonization was the only form of (barely) acceptable antislavery in national discussions. In the 1830s, when a new wave of radical abolitionists rejected colonization and demanded the federal government immediately abolish the domestic slave trade, Congress passed Gag Rules to prevent debate while southern politicians and editors cheered on northern mobs that attacked abolitionist agitators. As Ratcliffe argues, anti-abolitionism did not require a rejection of antislavery; one could maintain antislavery sentiments while also concluding that radical abolitionists presented a dangerous threat to Union.³³

³¹ This is still the popular conception outside of academic specialists; the recent PBS documentary series, *The Abolitionists*, ignores the era before 1830.

³² Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2006); John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: University of Virginia Press, 2007). Robert Pierce Forbes also emphasizes the need to examine the Missouri Crisis from the perspective of the early republic rather than the Civil War in *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill, 2007).

³³ Donald J. Ratcliffe, "The Decline of Antislavery Politics," in *Contesting Slavery*, eds. Hammond and Mason, 267-290. While my work supports Ratcliffe's broad argument, I think he overstates the existence and importance of a "harsher racist consensus" in the 1830s (284). As I have argued elsewhere, even some of the instances which appear to most clearly indicate new racial ideologies – such as black disenfranchisement – are better understood as representing concern for preserving sectional harmony. See: Wood, "A Sacrifice on the Altar of Slavery."

CHAPTER OVERVIEWS

The first chapter examines the ways abolitionists sought to enlist the legacies of American Revolution, Barbary Captivity, and the danger of slave revolt in support of abolitionism. Their most unrepentant slaveholding opponents drew on the same themes in defense of slaveholding. Meanwhile, a moderate majority of white Americans were sympathetic to antislavery sentiment but had trouble envisioning how to implement practical antislavery policies.

Chapters two and three focus on abolitionists' efforts to influence Congress between 1790 and the turn of the century. The 1793 Fugitive Slave Law and the geographic expansion of slavery represented significant challenges to antislavery hopes, but abolitionists also found an important level of support in Congress, as is seen by reexamining the petition campaign that ultimately led to the 1794 Foreign Slave Trade Law. In the third chapter I show that free blacks worked more closely with white abolitionists and achieved more favorable responses in Congress than scholars have realized. By the end of the 1790s all aspects of the Atlantic slave trade had been banned by state or federal legislation, and abolitionists focused on curbing the interstate slave trade, though with less success.

The fourth chapter examines the way the Louisiana Purchase altered the politics of slavery. This territorial acquisition was among the factors which led South Carolinians to reopen the Atlantic slave trade, representing a setback for antislavery. But Congress also passed legislation banning both the Atlantic and domestic slave trades to Louisiana, and the Purchase increased antislavery hopes that the voluntary colonization of free blacks in the western territory could facilitate emancipation. Despite continued antislavery efforts in Congress, conditions on the ground in Louisiana rendered antislavery policies abortive.

Chapter five focuses on the United States and Great Britain's simultaneous prohibition of the Atlantic slave trade after 1807. I examine both nations together not simply for the sake of comparative analysis but because these events were closely connected in ways unappreciated by previous scholars. The US Constitution, South Carolina's revival of the slave trade in 1803, and the American movement to end the Atlantic slave trade largely determined the timeframe of British slave trade abolition. The American law banned slave importations in a way that implicitly protected the sanctity of slave property and the domestic trade; but a larger obstacle to effective enforcement was the poor diplomatic relations with Britain which scuttled efforts at cooperative suppression.

The sixth chapter looks at rising interest in black colonization after 1808, leading to the creation of the American Colonization Society in 1816. Various factors increased this growing interest, including northern reactions to the de facto southern practice of colonizing freed slaves in northern states along with the black led emigration scheme of Paul Cuffe. The potential of African colonization to help suppress the slave trade from the African coast, and indirectly reduce the domestic slave trade by providing slaveholders another means of extricating themselves from slavery also increased the cross-sectional appeal of colonizationism.

The concluding chapter begins with the creation of the 1819 Slave Trade Law which led to the settlement of Liberia and represented the peak of cross-sectional cooperation in antislavery efforts. The Missouri Crisis of 1819-1821, which was sparked in part by northerners' response to the expanded scale of the domestic slave trade after the War of 1812, exacerbated sectional tensions, reducing the potential for antislavery cooperation in its aftermath. Abolitionists were divided about the expediency and humanity of African colonization, but colonization became the only form of antislavery action that had any potential for cross-sectional political appeal.

NATURAL RIGHTS, RACE, & NATIONAL IMPERATIVES

In a 1793 speech before Rhode Island's Providence Abolition Society, Samuel Hopkins argued that the American Revolution had established a covenant with God that required the abolition of slavery. The Congregationalists minister did not focus, as we might expect, on the Declaration of Independence with its claims "that all men are created equal" and have "unalienable rights." Instead, he based his argument around the significantly less memorable Articles of Association, from October 20th, 1774. This lesser known document had established a trade embargo in response to Parliament's "Intolerable Acts." Its second resolution stated: "We will neither import nor purchase, any slave imported after the first day of December next; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it."¹

The Continental Congress almost certainly would have included this slave trade ban as part of its larger embargo even if Quakers had not already been petitioning about the subject, and the trade restrictions were set to expire once Parliament repealed the laws and taxes which the colonists deemed obnoxious. Nonetheless, many leading abolitionists imbued the 1774 ban with providential significance. Hopkins explained to his postwar audience:

[In 1774] all the people appeared to acquiesce in this resolution, as reasonable, important and necessary for their own liberties, and to have any ground of hope in the protection and smiles of a righteous God, and success in the struggle which we were entering. With this resolution we entered the combat; and God appeared to be on our side, and wrought

¹ "Journals of the Continental Congress - The Articles of Association; October 20, 1774," Yale Avalon Project, http://avalon.law.yale.edu/18th_century/contcong_10-20-74.asp (accessed 20 May 2013).

wonders in our favor; disappointed those who rose up against us, and established us a free and independent nation.²

In Hopkins's view, the Articles of Association had initiated a sacred covenant between God and the American people. God granted them success in the War for Independence, but for Americans to continue in peace in prosperity, it would be necessary for them to observe the Golden Rule: "All things whatsoever ye would that men should do unto you, do ye unto them."³ However, instead of following the abolition of the slave trade with the eradication of slavery itself, gradual emancipation had stalled and Americans had resumed importing slaves after the war. Hopkins warned that this backsliding would provoke divine retribution: "Have we not all reason to fear that the vengeance of heaven will fall upon us...unless we repent and reform?"⁴

Historians often obscure the centrality of this discourse linking the Revolution, divine providence, and emancipation in their tendency to focus instead on natural rights and race.⁵

Historians too frequently treat eighteenth-century concepts of natural rights as if they were the

² Samuel Hopkins, *A Discourse Upon the Slave-Trade, and the Slavery of the Africans. Delivered in the Baptist Meeting-House at Providence, before the Providence Society for Abolishing the Slave-Trade, &c. At their Annual Meeting, on May 17, 1793*, (Providence: J. Carter, 1793), 17. On Calvinist influence on antislavery, see: Davis, *Slavery in the Age of Revolution*, 286-98 and *passim*; David S. Lovejoy, "Samuel Hopkins: Religion, Slavery, and the Revolution," *New England Quarterly* 40 (June 1967):227-43; Kenneth P. Minkema and Harry S. Trout, "The Edwardsean Tradition and the Antislavery Debate, 1740-1865," *JAH* 92, (June 2005), esp. 51-57. Minkema and Trout do not mention Hopkins's invocation of the Articles of Association, but they note that a recently discovered manuscript sermon of his from 1776 is "perhaps the first documented antislavery argument citing the [Declaration of Independence]," (56). See also: Joseph A. Conforti, "Samuel Hopkins and the New Divinity: Theology, Ethics, and Social Reform in Eighteenth-Century New England," *William and Mary Quarterly* 34 (October 1979):572-589.

³ *Ibid.*, 9.

⁴ *Ibid.* 17-18.

⁵ Of course, the importance of beliefs in divine providence (especially divine retribution) has not gone unnoticed by scholars; see for example: Davis, *Slavery in the Age of Revolution*, 306-13 and *passim*; Brown, *Moral Capital*, 167-82 and *passim*; John Coffey, "'Tremble, Britannia!': Fear, Providence and the Abolition of the Slave Trade, 1758-1807," *English Historical Review* CXXVII (August 2012):844-81. Nicholas Guyatt identifies three broad ways in which Americans envisioned the relationship between Divine Providence and the nation. The abolitionists I discuss in the following paragraphs represent a combination of what he calls "judicial providentialism," in which God rewards and punished nations based on the virtue of their inhabitants, combined with an element of "historical providentialism," the view that God had a special role for America, being the abolition of slavery in this case. *Providence and the Invention of the United States, 1607-1876*, (New York: Cambridge, 2007), 3-6, 106.

same as our modern understanding of human rights.⁶ Today, we generally believe that nations have a moral obligation to respect and protect the rights of people universally, regardless of national belonging. Based on this conception of rights, it seems that the only way to reconcile the liberationist principles of the American Revolution with the perpetuation of slavery is to assume that racism prevented white Americans from recognizing that blacks also had natural rights.⁷ But in the eighteenth century, the only rights that were consistently viewed as natural, universal, and inalienable were the rights of self-preservation and the right to rebel. Rights remained imperfect abstractions unless they were established and protected by society.⁸ Moreover, governments were under no obligation to extend rights beyond the body politic nor to distribute them equally within society.

⁶ On changing conceptions of rights, see: Lynn Hunt, *Inventing Human Rights: A History*, (New York: W.W. Norton, 2008).

⁷ According to Winthrop Jordan, in *White Over Black*, after the American Revolution, “it was perfectly clear that the principles for which Americans had fought required the complete abolition of slavery; the question was not *if*, but *when* and *how*.” In explaining the “failure” of Americans to peacefully dismantle slavery following the Revolution, Jordan and many subsequent scholars have emphasized the importance of racism. If blacks were deemed innately inferior, then they lacked natural rights that whites possessed and they could be enslaved. Racism thus appears essential to reconciling the Revolution with the continuation of slavery. See: Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812*, (Chapel Hill: University of North Carolina Press, 1968), esp. chap 9: “The Limitations of Antislavery,” quotations from 342. For similar emphasis on the growth of racism in explaining the failure of abolition, see: Gary B. Nash, *Race and Revolution*, (New York: Rowman & Littlefield Publishers, Inc., 2001 [1990]), chap 2. While Jordan and Nash emphasize the transition from eighteenth-century environmentalist conceptions of race to the rise of scientific racism, other scholars assert that in 1776 white Americans already viewed blacks as innately lacking natural rights, see for example: Jack P. Greene, “‘Slavery or Independence:’ Some Reflections on the Relationship Among Liberty, Black Bondage, and Equality in Revolutionary South Carolina,” *South Carolina Historical Magazine* 80 (July 1979):193-214; F. Nwabueze Okoye, “Chattel Slavery as the Nightmare of the American Revolutionaries,” *WMQ* 37 (1980): 3–28. My efforts to move beyond a focus on race are influenced by: Christopher Leslie Brown, “The Problems of Slavery,” in *Oxford Handbook of the American Revolution*, ed., Edward G. Gray and Jane Kamensky, 427-46; James Oakes, “Conflict vs. Racial Consensus in the History of Antislavery Politics,” in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, eds. John Craig Hammond and Matthew Mason, (Charlottesville: University of Virginia Press, 2012), 290-303; and François Furstenberg, “Beyond Freedom and Slavery: Autonomy, Virtue, and Resistance in Early American Political Discourse,” *Journal of American History* 89 (March 2003):1295-1330.

⁸ Michal Jan Rozbicki historicizes the language of liberties and rights in *Culture and Liberty in the Age of the American Revolution* (Charlottesville: University of Virginia Press, 2011).

For example, in 1771 Thomas Thompson saw no contradiction between defending the Atlantic slave trade and his belief that, “[b]y the law of nature, all persons are free.”⁹ Nor did he require racism to justify his seemingly paradoxical convictions. Indeed, he dismissed allegations that Africans were a “savage people” and defended the legitimacy of African governments. These African polities had the right to enslave their criminals and prisoners of war and then sell them to English slave traders, he argued.¹⁰ Of course, slavery subordinated “the law of nature” to “national laws,” but that was typical of society and the social contract. Natural rights had no actual power, whereas Thompson claimed that human laws regarding slavery had been sanctioned in both the Old and New Testament.¹¹ Thus slaveholders could accept the proposition that blacks possessed the same natural rights as whites without feeling any obligation to respect them. Economic interests and power relations determined the extent to which societies honored peoples’ rights.

In conjunction with religious and ethical principles, the Declaration of Independence could – and often did – provide a powerful impulse supporting antislavery. Yet, as David Brion Davis has stressed, there was “no automatic connection between a defense of natural rights [in the American Revolution] and the imperative that slavery be abolished.”¹² In practical terms, the Declaration of Independence was not a grant of universal freedom but a diplomatic document justifying a colonial rebellion and seeking recognition “among the powers of the earth.” Even as Jefferson celebrated “unalienable rights” he acknowledged that they were not actually secure

⁹ Thos. Thompson, *The African Trade for Negro Slaves, Shewn to be Consistent with Principles of Humanity, and with the laws of Revealed Religion* (Canterbury: Simmons and Kirkby, [1772]), 23.

¹⁰ Ibid, 24-25, 29-31, quotation from 24.

¹¹ Ibid, 12-18. For a rebuttal on scriptural grounds, see: Granville Sharp, *An Essay on Slavery: Proving from Scripture its Inconsistency with Humanity and Religion; In Answer to a late Publication...* (Burlington, NJ: Isaac Collins, 1773). The abolitionist Anthony Benezet’s marginalia on his copy of Thompson’s pamphlet is reproduced in *Am I not a Man and a Brother: The Antislavery Crusade of Revolutionary America, 1688-1788*, ed. Roger Bruns, (New York: Chelsea House Publishers, 1977), 216-20.

¹² Davis, *Slavery in the Age of Revolution*, 262. For Davis’s critique of Jordan’s emphasis on racism, see: *ibid*, 255-56, see also 14.

until “Governments are instituted among Men” to protect them. In response to perceived British usurpations, the American patriots took recourse to the right of rebellion, and then formed a new governing union with the “full Power to levy War, conclude Peace, [and] contract Alliances.” Americans recognized that they won the war through the mobilization of armies and the creation of a government which could negotiate foreign alliances.¹³ While lofty language about natural rights helped mobilize public support, it did not peacefully persuade the British to cede the colonies.

Nor is it surprising that natural rights rhetoric failed to persuade most slaveholders to free their slaves. Thomas Jefferson was content to delay emancipation indefinitely even though he recognized that freedom was the natural right of blacks as well as whites. In *Notes on the State of Virginia*, he famously wrote that a just God would side with the enslaved blacks against their white enslavers in a race war. Following a slave rebellion scare in 1800, he wrote that the conspirators were “not felons, or common malefactors, but persons guilty of what the safety of society, under actual circumstances, obliges us to treat as a crime.”¹⁴ Jefferson and other slaveholders could concede that slaves had the natural right to rebel, but slaveholders also had a right to crush their rebellions, just as the British Empire’s right to self-preservation had led the British to oppose the American Revolution. In both cases the natural rights of liberty and rebellion relied on mattered if supported by human law and force.

The principles of the American Revolution had contradictory implications for the future of slavery in the United States. Slavery became an ideological “problem” and inspired a great

¹³ Peter S. Onuf, “A Declaration of Independence for Diplomatic Historians,” in *The Mind of Thomas Jefferson* (Charlottesville: University of Virginia Press, 2007), 65-81; John Phillip Reid, “The Irrelevance of the Declaration,” in Hendrik Hartog, *Law in the American Revolution and the Revolution in the Law*, ed. (New York: New York University Press, 1981), 46-89. Quotations from the Declaration of Independence.

¹⁴ TJ to Rufus King, Washington, July 13, 1802, *Writings of Thomas Jefferson*, X:328. Onuf, “To Declare them a Free and Equal People.”

deal of antislavery sentiment. But the gulf between abstract sentiment and action remained large. Many Quakers and other evangelicals with pre-existing antislavery convictions imbued the Revolution with providential implications regarding the necessity of emancipation. Events of 1780s and 1790s, such as economic distress, slave revolts, and the enslavement of white Americans in the Barbary States, reinforced their fear of divine retribution if the newly independent Americans failed to extend the blessings of liberty to their slaves. The abolitionists' most unrepentant slaveholding opponents ridiculed such notions and argued that American independence and prosperity indicated that God endorsed slavery.

Meanwhile, more moderate southern and northern whites grappled with the problem of slavery but had trouble envisioning a feasible solution. With a few notable exceptions, at the national level most slaveholding politicians publicly claimed to abhor slavery as a curse entailed upon them as a result of their ancestors' mistaken notions of self-interest and the avarice of British imperialists. But while bemoaning slavery's existence, they also claimed it was too large of a problem for government to solve. They dismissed northern gradual emancipation as a model for the South and feared abolitionist agitation could unintentionally encourage slave resistance. Many northerners sympathized with this view, concluding that demographic differences between the North and South rendered the transfer of northern gradual abolition laws to southern states inexpedient. And while the plight of the white Americans enslaved in the Barbary States highlighted the universal injustice of slavery, it also underscored the *realpolitik* perception that rights were established by society and maintained by national power, not derived from nature (or even from white skin). Individuals' greed and prejudice surely limited antislavery, but doubts about the capacity of state and federal governments to implement an effective program of

emancipation without leading to disunion, economic collapse, or race war were even more difficult to overcome.

I. EMANCIPATION AS AN OBLIGATION OF INDEPENDENCE, SLAVEHOLDING AS A RIGHT OF INDEPENDENCE

Americans who had supported antislavery before the War of Independence quickly recognized that the imperial crisis could aid their cause. They gave the rhetoric of natural rights additional weight by connecting it to divine providence. Anthony Benezet, the leading Quaker antislavery propagandist and strategist, was among the first to connect the imperial crisis, divine providence, and antislavery. In 1773 he wrote that all people who had “a just sense of the worth of that invaluable blessings, liberty,” should recognize that “the only way to draw down blessings on our selves is to promote that good to others which we desire the common father of Mankind would favour us with.”¹⁵ In response to Quaker petitioning efforts, between 1772 and 1774 a number of colonial legislatures sought to ban the further importation of slaves. The legislation in Rhode Island, passed in June 1774, endorsed the idea of the Golden Rule in its preamble: “those who are desirous of enjoying all the advantages of liberty themselves, should be wiling to extend personal liberty to others.”¹⁶ That October, the Continental Congress vowed to end the slave trade as part of the general boycott encompassed by the Articles of Association.

Samuel Hopkins hoped the 1774 slave trade ban was just beginning, as can be seen in his *Discourse Concerning the Slavery of the Africans*, published in early 1776 while war raged but before the colonies had declared independence. He identified the imperial crisis as God’s method

¹⁵ Benezet to Robert Pleasants, Philadelphia ye 8th. 4th. Month 1773, Benezet Papers, Haverford (available online through “Quakers & Slavery,” http://trilogy.brynmawr.edu/speccoll/quakersandslavery/primary_sources/index.php). See also: Benezet to Samuel Fothergill, Philadelphia ye 24th. 10 mo. 1771; Benezet to Samuel Allinson, Philad. 30th 10th Month 1772; Benezet to Robert Pleasants, Philadelphia ye 8th. 4th. Month 1773. Betty Fladeland, *Men and Brothers: Anglo-American Antislavery Cooperation*, (Chicago: University of Illinois Press, 1972), 14-43; Maurice Jackson, *Let this Voice be Heard: Anthony Benezet, Father of Atlantic Abolitionism*, (Philadelphia: University of Pennsylvania Press, 2009), 138-60.

¹⁶ In the Appendix of Du Bois, *Suppression of the African Slave Trade*, 222.

“to point out the sin of holding our blacks in slavery, and admonish us to reform.”¹⁷ Hopkins praised the 1774 ban as demonstrating that Congress was “deeply sensible of the inconsistency of promoting the slavery of the Africans, at the same time we are asserting our own civil liberty.” He believed that the ban was already paying dividends in the form of providential support for Americans on the battlefield, but he cautioned: “the righteous and merciful governor of the world has given extraordinary encouragement to go on...But if we stop here, what will be the consequence!”¹⁸ Should Americans fail to follow through with the abolition of slavery itself, “God will yet withdraw his kind protection from us, and punish us as yet seven times more.”¹⁹

Thus when the Continental Congress issued the Declaration of Independence, many abolitionists interpreted it as further evidence that the Patriots understood that God would only support their cause if they followed the Golden Rule and respected the rights of others. The beginning of state level gradual emancipation laws in turn appeared as the logical next step. The preamble to the 1780 Pennsylvania Gradual Abolition Act encouraged this perception. In thankfulness for “the manifold blessings which we have undeservedly received from the hand of that Being from whom every good and perfect gift cometh,” they embraced the “duty...to extend a portion of that freedom to others, which hath been extended to us.”²⁰ Two years later, in response to agitation by Robert Pleasants, as well as fellow Quakers Warner Mifflin of Delaware

¹⁷ Samuel Hopkins *A Dialogue Concerning the Slavery of the Africans: Shewing it to be the Duty and Interest of the American States to Emancipate All Their African Slaves: With an Address to the Owners of Such Slaves: Dedicated to the Honourable Continental Congress*, (2nd rev. ed, New York: Robert Hodge, 178 [1776]), 56. See also Hokinson to Thomas Cushing, Newport RI, December 29, 1775, in *A Necessary Evil? Slavery and the Debate over the Constitution*, ed. John P. Kaminski, (Madison WI: Madison House, 1995), 5.

¹⁸ *Ibid.*, 8-9,

¹⁹ *Ibid.*, 59.

²⁰ “Pennsylvania Act for the Abolition of Slavery, March 1, 1780,” in *Necessary Evil?*, ed. Kaminski, 13.

and John Parrish of Pennsylvania, the Virginia legislature liberalized the state's manumission policies.²¹

In 1783, with peace and independence established, Pleasants hoped that Americans would "retain a grateful sence of these continued favours" and recognize that their victory was "the will of Providence for wise purposes best known to himself."²² But at that date Pennsylvania remained the only state which had enacted gradual emancipation, and some states had even begun importing enslaved Africans again. New Jersey Quaker David Cooper published *A Serious Address to the Rulers of America on the Inconsistency of their Conduct Regarding Slavery*, seeking to tie the ideals of the Revolution to abolitionism by reprinting the patriots' declarations in favors of liberty and appeals to God for aid.²³ In October, the Society of Friends' Philadelphia Yearly Meeting petitioned the Confederation Congress about this troubling turn of events. They expressed their gratitude for "the favour of Divine Providence," but warned that the renewed American involvement in the Atlantic slave trade was "contrary to the every humane and righteous consideration, and in opposition to the solemn declarations often repeated in favour of universal liberty, thereby...laying a foundation for future calamities."²⁴ Similar tropes permeated antislavery rhetoric in the following years.

In an updated 1785 edition of his *Dialogue on Slavery*, Samuel Hopkins attributed victory in the War for Independence to the start of gradual emancipation in the North, but warned that

²¹ Wm. Dillwyn to Robert Valentine (c/o Samuel Neal, Corke, Ireland), London, 1 mo. 19. 1783 (Huntington Library, RV 43). On manumission in Virginia, see: Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner*, (Baton Rouge: Louisiana State University Press, 2006).

²² Robert Pleasants to John Thomas, 6th mo. 28th. 1783, LBRP, 126-27.

²³ David Cooper, "A Serious Address to the Rulers of America, On the Inconsistency of their Conduct respecting Slavery..." (1783), in *Race and Revolution*, ed. Nash, 117-131, esp. 127; Drake, *Quakers and Slavery*, 90-93.

²⁴ "Quaker Petition to the Confederation Congress, October 4, 1783," in *Necessary Evil?*, ed Kaminski, 27. A facsimile of the manuscript petition, including signatures, is reproduced in *Am I not a Man*, 493-502.

maintaining God's blessing required Americans to complete the eradication of slavery.²⁵ That same year, Robert Pleasants made a personal appeal to George Washington. He reminded the General that "the Lord has done great things for thee." In return, Washington and rest of the founding generation had a sacred obligation to abolish slavery. "It is a Sacrifice which I fully believe the Lord is Requiring of this Generation," and Pleasants warned, "should we not submit to it, Is there not reason to fear, he will deal with us as he did with the Pharaoh on a similar occasion?" The urgency of this perspective extended beyond Pleasants's belief that God created all men "of one blood," to the conviction that He punished nations on earth.²⁶

In 1787, the Pennsylvania Abolition Society drafted a petition to the Constitutional Convention which was then meeting in Philadelphia.²⁷ Historians have generally focused on Benjamin Franklin's decision not to present the petition rather than its actual contents. The petition began by "recollect[ing] with pleasure, that among the first acts of the illustrious Congress of the year 1774, was a resolution for prohibiting the importation of African slaves." However, they were "deeply distress[ed]...to observe that peace was scarcely concluded before the African trade was revived." They warned that "this inhuman traffic" threatened to bring down "the righteous vengeance of God in national judgments." Indeed they viewed the recent

²⁵ Hopkins, *Dialogue Concerning Slavery*, 69-70 (appendix to 2nd edition). The preamble to the 1780 Pennsylvania gradual abolition law indicated that the act was passed "in grateful commemoration of our own happy deliverance." Quoted in Davis, *Slavery in the Age of Revolution*, 286. During the court case credited with ending slavery in Massachusetts, lawyer Levi Lincoln argued: "Can we expect to triumph over G. Britain, to get free ourselves until we let those free under us[?]" Brief of Levi Lincoln in *Nathaniel Jennison vs. Wm. Caldwell and Others* [i.e. the Quok Walker case], in "Letters and Documents Relating to Slavery in Massachusetts," *Collections of the Massachusetts Historical Society* III (1887), 440.

²⁶ Robert Pleasants to George Washington, Culres 12 mo. 11. 1785, LBRP, 103-4, also in Founders Online. See also: Robert Pleasants to John Michie, Culres 12 mo. 4. 1787, LBRP, 136-37; Robert Pleasants to Patrick Henry, Culres 1 mo. 25. 1790, LBRP, 160-62.

²⁷ On the PAS, see: Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic*, (Chapel Hill: University of North Carolina Press, 2002).

capture and enslavement of American sailors by Algerian corsairs as “intended by Divine Providence” to remind them of their moral duty to end the slave trade.²⁸

When the Constitutional Convention sanctioned the continuation of the slave trade for twenty years, Samuel Hopkins warned that the trade was a “national sin...which righteous Heaven has never suffered to pass unpunished in this world.”²⁹ During the ratification debates, Northern Antifederalists also capitalized on such sentiments; one asked, “Is this the Way by which we are to demonstrate our Gratitude to Providence, for his divine Interposition in our Favor, when oppressed by Great Britain?”³⁰ New York politician DeWitt Clinton (writing in the voice of a common yeoman), warned: “it is a terrible thing to mock the almighty, for how can we expect to merit his favor, or escape his vengeance; if it should appear, that we were not serious in our professions, and that they were mere devices to gratify our pride and ambition.” Whereas the Constitution sought to address the economic problems of the 1780s, its slave trade provision threatened to “bring down a heavy judgment upon our land.”³¹ It is likely that Clinton’s invocation of the slave trade was opportunistic as well as principled; nevertheless, his expectation that such rhetoric would resonate with the public is noteworthy. Throughout the 1790s and beyond, abolitionists continued to use the discourse of divine providence in their

²⁸ PAS petition of 2 June 1787, in *Pennsylvania Packet* (Philadelphia), 14 February 1788.

²⁹ [Samuel Hopkins] CRITO, “Essays on the African Slave Trade,” (first published in the *Providence Gazette*, 6 & 13 October 1787), in *The Works of Samuel Hopkins, D.D., First pastor of the Church in Great Barrington, Mass., Afterward Pastor of the First Congregational Church in Newport, R.I., With a Memoir of his Life and Character*, (3 vols., Boston: Doctrinal Tract Society, 1854), III:613-24, quote from 615-16. See also: 1787-10-22 Samuel Hopkins to Moses Brown, Newport, 22 October [1787] (<http://rotunda.upress.virginia.edu/founders/RNCN-03-14-03-0003-0005> [accessed 17 Apr 2012]); William Rotch, Sr. to Moses Brown, Nantucket, 8 November [1787] (<http://rotunda.upress.virginia.edu/founders/RNCN-03-14-03-0003-0010> [accessed 17 Apr 2012]);

³⁰ [Hugh Hughes] ‘A Countryman II’ *New York Journal*, 23 November 1787(<http://rotunda.upress.virginia.edu/founders/RNCN-02-19-02-0002-0099> [accessed 18 Apr 2012]);

³¹ [DeWitt Clinton] “A Countryman II,” *New York Journal* (<http://rotunda.upress.virginia.edu/founders/RNCN-02-19-02-0002-0150> [accessed 18 Apr 2012])

political agitation, arguing that Americans had a moral imperative to follow through on the antislavery promise of the Revolution.³²

* * *

Neither threats of divine retribution nor appeals to consistency based on republican principles had much influence on those who were committed to defending slavery and the slave trade. Instead, the foremost defenders of slavery insisted that the American Revolution affirmed that their right to human property was sacrosanct. Such slaveholders understood the American Revolution very differently from abolitionists, and their differences were much more complex than the question of whether or not “inalienable rights” were restricted by race.³³

Scholars such as François Furstenberg have shown that we need to move beyond the focus on race to more sophisticated ways of understanding the relationship between liberty and slavery. Furstenberg argues that Americans were able to reconcile slavery and liberty in ways largely disconnected from racism. While the Declaration of Independence and similar natural rights rhetoric inspired some whites to support antislavery, other aspects of the Revolution reinforced justifications for slavery. Americans’ tendency to celebrate the War for Independence as “the successful act of resistance by a people threatened with slavery,” could provide “an insidious new legitimization of slavery, which placed the onus of freedom on slaves themselves

³² Robert Pleasants to James Pemberton, Curles 11th mo. 15. 1793, LBRP, 216-17; Warner Mifflin to Washington, Philada 23d 11 Mon[th]: 1792, Paper of GW Digital Ed.; ³² Warner Mifflin to Washington, [20 Feb 1791, sent as enclosure with the 12th Day of 12 mo. 1792], *ibid.* See also: “Warner Mifflin’s address to congress.” *American Museum* (October 1790): 156-58; *idem*, *A Serious Expostulation with the Members of the Houses of Representatives of the United States*, (New Bedford, Mass: J. Spooner, 1793), 8; John Parrish, *Remarks on the Slavery of Black People; Addressed to the Citizens of the United States...* (Philadelphia: Kimber, Conrad, and Co., 1806), 34, 38, see also: 2-7, 24-2, 34-42.

³³ For scholarship emphasizing the importance of racism in explaining the ways whites reconciled the Revolution and the continuation of slavery, see: Jack P. Greene, “‘Slavery or Independence:’ Some Reflections on the Relationship Among Liberty, Black Bondage, and Equality in Revolutionary South Carolina,” *South Carolina Historical Magazine* 80 (July 1979):193-214; F. Nwabueze Okoye, “Chattel Slavery as the Nightmare of the American Revolutionaries,” *WMQ* 37 (1980): 3–28. My thinking is more in line with Furstenberg, “Beyond Slavery and Freedom.”

and on individual acts of resistance.”³⁴ Slaveholders could claim to have earned their own freedom through the Revolution and the creation of governments, whereas their enslaved laborers had failed to defend their natural rights. To be sure, slaveholders buttressed their arguments with racist descriptions of blacks and the occasional reference to the biblical Curse of Ham; but the core logic of their defense of slaveholding rights was largely color-blind and based on an unflinchingly hardheaded assessment of power relations.

Virginia slaveholders demonstrated their proslavery interpretation of the Revolution and of divine providence in their response to a Methodist antislavery petition in 1785. The Methodist petitioners argued that “Liberty is the Birthright of Mankind” and that the “Negroes of this State have been robbed of that right.” They asked the legislature to adopt a “Prudential, but effectual Method for the immediate or Gradual Exterpation of Slavery.”³⁵ In response, slaveholders submitted five petitions calling on the legislature not only to dismiss the antislavery petition but to prevent private manumissions. They made it clear that they viewed the Revolution as establishing their own rights and sanctifying their right to hold slaves. During the war they had “waded thro’ Deluges of civil Blood to that unequivocal Liberty, which alone characterises the free independent Citizen, and distinguishes him from the subjugated Vassal of despotic Rule.” And the same Revolution and state government that established their liberties also allowed them to rule over others: “we have seal’d with our Blood, a Title to the full, free, and absolute Enjoyment of every species of our Property.”³⁶ Slaveholders would cede neither the legacy of the Revolution nor the discourse of Divine Providence to abolitionists: “By the favourable

³⁴ The notion that white Americans had successfully defended and earned their freedom, while African Americans had not, was compatible with racism but not dependent on it. François Furstenberg, “Beyond Freedom and Slavery: Autonomy, Virtue, and Resistance in Early American Political Discourse,” *Journal of American History* 89 (March 2003):1295-1330, quotations from 1315.

³⁵ Frederick Co. Petition, November 8, 178, in *Am I Not a Man and a Brother*, ed. Bruns, 507.

³⁶ Petition from Lunenburg County, November 29, 1785, in Fredrika Teute Schmidt and Barbara Ripel Wilhelm, “Early Proslavery Petitions in Virginia,” *William and Mary Quarterly* 30 (January 1973), 140-41.

Interposition of Providence our Attempt was crowned with Success. We were put in Possession of our Rights and Liberty and Property: And these rights as well secured, as they can be by any human Constitution or Form of Government.”³⁷ Some of the proslavery petitioners also cited scriptural passages allegedly legitimizing slavery and warned that free blacks preyed on white women, but the most common theme was that white Virginians had earned their liberties – including the right to own slaves – and established governments to protect their liberties.³⁸

Some slaveholders also ridiculed antislavery invocations of divine retribution during congressional debates over antislavery petitions in 1790. One of the petitioners, Warner Mifflin had apparently told some slaveholding congressmen how he had freed his own slaves in 1774 after interpreting a violent thunderstorm as a warning from “Providence” to end his involvement in the sin of slaveholding.³⁹ South Carolina’s William L. Smith told the House of Representatives that “he was under no terrors from the apprehension of a thunderstorm,” for although he lived in an area with a large “number of slave-holders in it, he did not remember any instance of the divine vengeance having have descended upon them for their supposed crimes.”⁴⁰ Far from punishing South Carolina for its sins, God had “made our country opulent, and shed the blessings of affluence and prosperity on our land, notwithstanding all its slaves.”⁴¹ Like the

³⁷ Petitions from Amelia, Meklenberg, and Pittsylvania Counties, dated November 8 and 10, 1785, in Fredrika Teute Schmidt and Barbara Ripel Wilhelm, “Early Proslavery Petitions in Virginia,” *William and Mary Quarterly* 30 (January 1973), 139.

³⁸ The emphasis on rights derived from government rather than nature was illustrated by the Virginia Declaration of Right’s qualification of “when they enter society” when describing the “inherent” nature of rights. Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner’s Rebellion*, (Baton Rouge: Louisiana State University Press, 2006), 1-5.

³⁹ Warner Mifflin, *The Defence of Warner Mifflin: Against Aspersions Cast on Him on Account of his Endeavours to Promote Righteousness, Mercy, and Peace Among Mankind*, (Philadelphia: Samuel Sansom, Jun., 1796), 6. It seems likely that Mifflin mentioned this story to Smith during one of his lobbying attempts, as described in chapter 2.

⁴⁰ *DHFFC*, XII:811-12 (22 March 1790).

⁴¹ *Ibid*, 814 (22 March 1790). See also James Jackson of Georgia in *DHFFC*, XII:724-35 (18 March 1790).

Revolution, the concept of divine providence was double-edged and could be turned against abolitionism.

Slaveholders might accept that all men – even blacks – had a natural right to liberty, but they viewed such rights as largely meaningless unless defended and protected. In this view, American patriots had earned their freedom and their rights – including the right to own people – by valuing liberty over death and winning the War for Independence. If divine providence had aided the Americans, this favor had been earned by the active exertions of patriots including slaveholders. Victorious Americans secured their rights (again, including the right of slaveholding) through the creation of constitutions and laws. On the other hand, Africans failed to create societies protecting their own rights but instead enslaved each other, legitimizing slavery in the minds of men like William L. Smith.⁴²

II. BARBARY SLAVERY, NATURAL RIGHTS, & NATIONAL POWER

Like the American Revolution, the enslavement and redemption of American sailors in North Africa had contradictory legacies in regard to the future of slavery in the United States. Prior to American independence, British naval power and treaties had protected American shipping from interference by the Barbary States (Algiers, Tunis, Tripoli, and Morocco). But between 1785 and 1793, Algerian corsairs captured and enslaved the crews of thirteen American vessels, and the survivors were not redeemed until 1797.⁴³ The parallel injustice of white slavery in the

⁴² On Africans enslaving each other, see for example: Smith in *DHFFC*, XII:753 (17 March 1790). This *realpolitik* view of might makes right encouraged the transition to racism – i.e. that Africans enslaved each other because they were irredeemably savage – but such views were also compatible with the environmentalist conception of race theories of the stages of civilization which were common at the time.

⁴³ On Barbary slavery, see :Robert Allison, *The Crescent Obscured: The United States and the Muslim World, 1776-1815* (New York: Oxford University Press, 1995); Paul Baepler ed., *White Slaves, African Masters: An Anthology of American Barbary Captivity Narratives* (University of Chicago Press, 1999); Richard B. Parker, *Uncle Sam in Barbary: A Diplomatic History* (Gainesville: University of Florida Press, 2004); Frank Lambert, *The Barbary Wars: American Independence in the Atlantic World* (New York: Hill and Wang, 2005); Lawrence Peskin, *Captives and*

Barbary States and black slavery in the American states was obvious to contemporaries and sparked increased criticism of American slavery. On the other hand, the manner of redeeming American captives – through the mobilization of the federal government’s fiscal and military capacities – also underscored the weakness of natural rights ideology when not backed by force. In some ways the method of redeeming white slaves further legitimized slavery as a legal status while demonstrating that liberty was created by force and law rather than being natural and inalienable.

Abolitionists were quick to use Barbary slavery to highlight the universal injustice of the institution. This tactic followed a long tradition; two of the earliest antislavery documents in American history – the Germantown Quakers’ protest of 1688 and Samuel Sewall’s *The Selling of Joseph* in 1699, referred to the enslavement of Christians by Muslims in the Ottoman Empire in order to gain empathy for black slaves.⁴⁴ In 1775, Samuel Hopkins, the Congregationalist minister, insisted that Americans had no more right to enslave blacks “than the mahometan masters of Algiers have to retain christian slaves in their cruel service.”⁴⁵ In the following

Countrymen: Barbary Slavery and the American Public, 1785-1816 (Baltimore: Johns Hopkins University Press, 2009) James R. Sofka, “The Jeffersonian Idea of National Security: Commerce, the Atlantic Balance of Power, and the Barbary War, 1786-1805,” *Diplomatic History* 21 (Fall 1997):519-44; Gary E. Wilson, “American Hostages in Moslem Nations, 1784-1796: The Public Response,” *Journal of the Early Republic* 2 (Summer 1982):123-41; Christine E. Sears, “A Different Kind of Slavery: American Captives in Barbary, 1776-1830,” (PhD diss: University of Delaware, 2007).

⁴⁴ The 1688 Germantown protest began with a reference to the enslavement of sailors by Turkish corsairs (the Barbary States were under the dominion of the Turks). A digital image and transcription are available through the “Quakers & Antislavery” website: http://trptych.brynmawr.edu/cdm/ref/collection/HC_QuakSlav/id/11 (Accessed 21 October 2012). Samuel Sewall, *The Selling of Joseph: A Memorial*, (Boston: Bartholomew Green and John Allen, 1700). On references to Barbary slavery in American antislavery literature, see also: Allison, *Crescent Obscured*, 87-105; Peskin, *Captives and Countrymen*, 71-89; Philip Gould, *Barbaric Traffic: Commerce and Antislavery in the 18th Century Atlantic World* (Cambridge: Harvard University Press, 2003), 86-121; Benilde Montgomery, “White Captives, African Slaves: A Drama of Abolitionism,” *Eighteenth-Century Studies* 27 (Summer 1994):615-30; Matthew Mason, *Slavery and Politics in the Early American Republic*, 131-32; Jennifer Rae Greeson, *Our South: Geographic Fantasy and the Rise of National Literature*, (Cambridge: Harvard University Press, 2010), 80-83.

⁴⁵ Samuel Hopkins to Levi Hart, Newport, 25 Jan. 1775, in ““Some Thoughts on the Subject of Freeing the Negro Slaves in the Colony of Connecticut, Humbly Offered to the Consideration of all Friends to Liberty & Justice,” by

decades Hopkins and other abolitionists repeatedly pointed to the suffering of Americans in the Barbary States to raise empathy for blacks enslaved domestically and also as an example of just retribution for the nation's sins.⁴⁶ In order to mobilize antislavery sentiment, abolitionists emphasized the nation's difficulties and attributed them to God's displeasure.

On the other hand, President George Washington celebrated the "circumstances which peculiarly mark our situation with indications of the Divine Beneficence toward us," even as he called for a national day of thanksgiving at the start of 1795 in response to the Algerian Crisis. Churches used the occasion to collect donations to help ransom Americans enslaved in Algiers and Washington asked God to continue blessing America.⁴⁷ The absurdity of a slaveholding nation seeking divine favor and the redemption of its citizens from North African slavery was too much for one New Hampshire writer to stand. The anonymous author of *Tyrannical Libertymen* contrasted the "five or six score of Americans" enslaved in Algiers with the "five or six hundred thousand" Africans enslaved in the United States who were treated "in a manner as barbarous as our people are treated in Algiers."⁴⁸ He feared that if Americans failed to adopt a plan of universal emancipation, "More than the seven plagues of Egypt will befall us. If Algerines shall be punished seven fold, truly America seventy and seven fold."⁴⁹ In this view, divine favor could not be achieved by prayer and thanksgiving, only through actual antislavery reform.

Levi Hart, with a Response from Samuel Hopkins," ed. John Sallient, *New England Quarterly* 75 (March 2002):107-28, quotation from 127-28.

⁴⁶ For example, see Hopkins's 1787 writings as "Crito" in *WSH*, III:617, 619, 621, 623; idem, *A Discourse Upon the Slave-Trade*, 18; ACAS, *Address of a Convention of Delegates from the Abolition Society to the Citizens of the United States* (Philadelphia: Zachary Poulson, Junr., 1794), 27.

⁴⁷ George Washington, "A Proclamation," *Gazette of the United States*, (Philadelphia) 1 January 1795. The Day of Thanksgiving was 19 February 1795. Washington actually opposed the collection of ransom funds, believing the government alone should determine policy toward Algiers. Allison, *Crescent Obscured*, 137-44.

⁴⁸ Anonymous, *Tyrannical Libertymen: A Discourse upon Negro-Slavery in the United States, Composed at _____, in New Hampshire, on the Late Federal Thanksgiving-Day*, (Hanover, NH: The Eagle Office, 1795), 3-4.

⁴⁹ Ibid, 15.

Barbary slavery also informed secular criticism of slavery, emphasizing the universal injustice of slavery and the tyranny of slaveholders. The Philadelphia printer Mathew Carey was far from an abolitionist, but his *Short Account of Algiers* (1794) acknowledged: “For this practice of buying and selling slaves, we are not entitled to charge the Algerines with any exclusive degree of barbarity.” Lamenting the “diabolical kind of advertisements” for runaway slaves frequently seen in Philadelphia newspapers, Carey concluded: “Before therefore we reprobate the ferocity of the Algerines, we should enquire whether it is not possible to find, in some other regions of the globe, a systematic brutality still more disgraceful?”⁵⁰ Three years later, another book on Algiers repeated Carey’s sentiments, observing that it was “manifest to the world, that we are equally culpable,” for “the United States, emphatically called the land of liberty, swarm with those semi-barbarians who enthrall[!] their fellow creatures without the least remorse.”⁵¹ Although these were not abolitionist texts, the writers could not ignore the parallels between white and black slavery.

Fiction writers also emphasized the analogous injustice of black and white slavery, as in Royall Tyler’s *The Algerine Captive* (1797). During the first half of the book, the protagonist Dr. Underhill expresses his belief that God “hath made of one flesh and one blood all nations of the earth,” yet he is tricked into serving as a surgeon on board two slave ships, the *Freedom* and the *Sympathy*.⁵² Underhill’s own subsequent enslavement in Algiers heightened his existing empathy for blacks and his disgust with slavery. Explicit and implicit critiques of domestic slavery are also present in Barbary literature by Susanna Rowson, David Everett, and other

⁵⁰ Carey, *Short Account*, 16. Much of Carey’s book was compiled from other sources (without acknowledgment), but the reference to runaway slave ads in Philadelphia suggests he wrote this part.

⁵¹ Stevens, *Historical and Geographic Account*, 235. Like Carey’s work, much of Steven’s book is copied from other sources, and he repeated Carey’s critique of American hypocrisy (without attribution) before expanding on it.

⁵² Royall Tyler, *The Algerine Captive: Or, The Life and Adventures of Doctor Updike Underhill: Six Years a Prisoner Among the Algerines*, ed. Caleb Crain (Barnes and Noble Nook ed.: New York: The Modern Library, 2002 [1797]), part I: chapter 30; for other expressions of racial equality see also: 1:9, 1:24, and 1:32.

fiction writers.⁵³ For example, at the end of Rowson's 1794 play, *Slaves in Algiers*, the heroes decide not to slay or enslave the Algerian who had previously enslaved them, declaring: "we are freemen, and while we assert the rights of men, we dare not infringe the privileges of a fellow creature," and, "By the Christian law, no man should be a slave; it is a word so abject, that, but to speak it dyes the cheek with crimson. Let us assert our own prerogative, be free ourselves, but let us not throw on another's neck, the chains we scorn to wear."⁵⁴ It would have been difficult for audiences to miss the clear critique of American slavery.

Some scholars have argued that the redemption of American captives reinforced an ideology of innate racial supremacy. According to this view, Barbary slavery initially provoked "an anxiety about the stability of whiteness" and a fear that enslavement could degrade whites to the level of enslaved blacks. By the end of the eighteenth century, according to this view, fictionalized captivity narratives such as those by Tyler and Rowson "proclaimed the triumph of republican whiteness over the enslavement experience." This racial triumphalism in turn naturalized black slavery because it identified the connection between virtuous whiteness and liberty "to be inherited, as was the slavishness and dependency of people of color."⁵⁵ However, such conclusions require ignoring the empathy that Tyler and other writers showed for enslaved

⁵³ See also: [David Everett], "Slavery in Barbary: A Drama in Two Acts," in Caleb Bingham, *The Columbian Orator: Containing a Variety of Original and Selected Pieces* ([1797] 10th ed., Baltimore: Philip H. Nicklin and Company, 1811) 105, 111-12, 115; Anonymous, "Americans in Algiers, or the Patriot of Seventy-Six in Captivity, a Poem in Two Cantos," [1797], in *Early American Abolitionists: A Collection of Anti-Slavery Writings, 1760-1820*, ed. James G. Basker and J. Micah Guster, (Gilder Lehrman Institute of American History), 262-73; Anonymous, *Humanity in Algiers: Or, the Story of Azem* (Troy, NY: R. Moffitt & Co., 1801), 3, 6, 65-66.

⁵⁴ [Susanna Rowson], *Slaves in Algiers, or, A Struggle for Freedom: A Play, Interspersed with Songs, in Three Acts...As Performed at the New Theater in Philadelphia and Baltimore*, (Philadelphia: Wrigley and Berrimen, 1794), 69-70.

⁵⁵ Melish, *Disowning Slavery*, 119-62, quotes from 141n and 160-61. See also idem, "Emancipation and the Embodiment of 'Race': The Strange Case of the White Slaves and the Algerine Slaves," in Janet Moore Lindman and Michael Lise Tarter eds., *A Centre of Wonders: The Body in Early America* (Ithaca: Cornell University Press, 2001):223-36; Elizabeth Maddock Dillon, "Slaves in Algiers: Race, Republican Genealogies, and the Global Stage," *American Literary History* 16, (Fall 2004):407-436; Paul Baepler, "Introduction" to *White Slaves, African Masters: An Anthology of American Barbary Captivity Narratives* (University of Chicago Press, 1999), 29; Moulay Bouuanani, "Propaganda for empire: Barbary captivity literature in the US," *Journal of Transatlantic Studies* 7 (December 2009):399-412.

blacks, and assuming that whenever such writers referred to the power of their “country” or the “federal union,” they actually meant the power of “whiteness.” If one eschews such circular logic, there appears little reason to believe that contemporaries viewed Barbary slavery through the “whiteness” paradigm described by some scholars. Rather than using Barbary slavery to justify white supremacy at home, Tyler highlighted the need to strengthen the nearly impotent federal government while also isolating the American South as a deviant region.⁵⁶

If Tyler intended to make any connection with race and virtue, it was to highlight the Roman-style virtue of Africans while making it clear that the redemption of white slaves depended on government intervention rather than innate personal virtue. His protagonist, Dr. Underhill, recounts the manly and virtuous resistance of West Africans captured by European slavers. The African males, “preferring death to slavery,” refused to eat even when beaten by the slave traders. Eventually one trader “suggested the plan of whipping the women and children in sight of the men, assuring the men they should be tormented until all had eaten.” The cruel torture worked: “The Negro, who could undauntedly expire under the anguish of the lash, could not view the agonies of his wife, child, or his mother” and thus agreed to eat.⁵⁷ Embodying classical Roman virtue, the Africans chose suicide over slavery; it was only the malevolent creativity of the white captors – exploiting the Africans’ familial love – that overcame their resolve. Later, when Algerians attack Dr. Underhill, he meekly submits in a manner rather unbecoming someone supposedly possessing the innate virtues of republican whiteness. His experiences quickly teach him that attempts to escape are futile. Instead of vowing to obtain liberty or death through manly resistance, Dr. Underhill places his hopes in buying his own freedom or being ransomed by the United States. This is a stark contrast to the way Tyler

⁵⁶ Greeson, *Our South*, 83.

⁵⁷ *Ibid*, part I, chap 31.

portrayed the heroic African responses to enslavement. In the end, Underhill is rescued by the captain of a Portuguese ship acting in alliance with the United States.⁵⁸ Underhill owed his eventual freedom to his national belonging, rather than any innate virtues derived from whiteness. Accounts published by Americans who had actually experienced Barbary slavery drew similar lessons. They described their hardships and oppression which they had survived, but attributed their eventual redemption to the “generosity of the United S. to us their enslaved countrymen.”⁵⁹

Just as whiteness alone offered little security against enslavement, the American government initially failed to provide much protection. The Algerian Crisis exposed the weakness of the young American nation.⁶⁰ Even after the ratification of the Constitution and the creation of the Navy, Congress negotiated from a position of weakness during the mid-1790s. The 1796 Algerian Treaty included around \$800,000 in ransom and tribute, essentially purchasing the freedom of the surviving Americans (about half of the 120 sailors captured between 1785 and 1793).⁶¹ The treaty was rendered more humiliating by its inclusion of a fugitive slave clause – although this important provision has drawn little attention from scholars. The treaty’s eleventh article bluntly affirmed that should any of the Algerian Regency’s “slaves” escape and reach American vessels, “they shall be immediately returned, No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.”⁶² The purchase of Americans’ freedom along with the promise to return the other

⁵⁸ Ibid, II:4, II:10, II:30, II:37.

⁵⁹ John Foss, *A Journal of the Captivity and Sufferings of John Foss; Several Years a Prisoner at Algiers* (Newburyport, MA: Archer March, 1798), 122-46, quotation from 122.

⁶⁰ Allison, *Crescent Obscured*; Peskin, *Captives and Countrymen*.

⁶¹ Allison, *Crescent Obscured*, 149-50.

⁶² Article XI of the Algerian Treaty, ratified March 6, 1796. Reprinted in Hunter Miller ed., *Treaties and Other International Acts of the United States of America, Vol.2: 1776-1818* (Washington: United States Government Printing Office), 290-304. The Treaty with Tunis, ratified January 10, 1800 contained a similar provision (article

whites enslaved by the Algerians demonstrated that slavery and liberty depended more on power relations than on natural rights or race.

In the subsequent decades, the nation's growing military strength allowed Americans to respond to later episodes of Barbary aggression with war, against Tripoli in 1801-1805 (though the peace treaty still involved tribute and ransom) and against Algiers in 1814-1815. These victories reinforced the connection between national strength and individual liberty. As Robert Allison observes, Americans came to view liberty as "something men and women must protect for themselves."⁶³ The duty to protect liberty, however, fell to the nation rather than to individuals. Americans enslaved in Barbary felt no cultural pressure to embrace the maxim of liberty or death; instead they needed only to survive while the federal government fulfilled its national duty to redeem them.⁶⁴

While abolitionists could invoke Barbary slavery to illustrate the injustice of American slavery, the government's responses to Barbary slavery were less helpful to the antislavery cause. Whereas the United States was willing and able to ransom and retrieve Americans enslaved in North Africa, no West African polity was prepared to follow suit in regard to Africans enslaved in America, especially given the much greater scale of American slavery. Meanwhile, proposals that white Americans should cover the cost of emancipation – and perhaps

VI) which mandated that fugitive slaves either be returned or the US pay ransom for them. The Barbary treaties are also available online, with Hunter Miller's annotations, through the Yale University Avalon Project, "The Barbary Treaties, 1786-1836:" http://avalon.law.yale.edu/subject_menus/barmenu.asp (accessed February 17, 2012).

⁶³ Allison, *Crescent Obscured*, 189-90.

⁶⁴ For examples of former Barbary captives celebrating the role of the federal government in their redemption, see: Foss, *A Journal of the Captivity*, 122-46; Judah Paddock, *A Narrative of the Shipwreck of the Ship Oswego, on the Coast of South Barbary, and of the Sufferings of the Master and the Crew While in Bondage Among the Arabs...* [in 1801] (New-York: J. Seymour, Printer, 1818), 286-87, 320, 326-28; James Riley, *The Loss of the American Brig Commerce, Wrecked on the Western Coast of Africa, in the Month of August, 1815. With an Account of Tombucto, and of the Hitherto Undiscovered Great City of Wassanah* (London: John Murray, 1817), 587-88; Archibald Robbins, *A Journal Comprising an Account of the Loss of the Brig Commerce, of Hartford, (Con.) James Riley, Master, Upon the Western Coast of Africa, August 28th, 1815; Also of the Slavery and Sufferings of the Author and the Rest of the Crew, Upon the Desert of Zahara, in the Years 1815, 1816, 1815...* (Hartford: F.D. Bolles & Co., 1817), 256-57.

of transporting the freed blacks to Africa – drew little political support. Nor was using military force against American slaveholders a politically feasible option.

Writers who sought to link Barbary slavery to abolitionism implicitly revealed the limitations of this trope and the limited influence of natural rights rhetoric. When discussing Americans held as slaves in the Barbary States, writers knew that pleading with their captors to respect their natural right to liberty would have little influence. Instead they called for the United States to mobilize militarily to free its enslaved citizens. By contrast they could not use such militant rhetoric in reference to American slaveholders.⁶⁵ A 1797 poem, “The American in Algiers, or the Patriot of Seventy-Six in Captivity,” demonstrates the different approaches to slavery in the Barbary States and in the United States. In the first of two cantos, the anonymous author takes the voice of a (presumably white) veteran of the American Revolution who was subsequently captured and enslaved by Algerians. As a veteran who had “purchas’d freedom with my blood” and “serv’d my country eight long years,” he calls on Columbia to “Unsheathe thy sword, let vengeance be thy theme,” and assert the rights of Americans against the Algerians.⁶⁶ In the second canto, the author assumes the voice of a “sable bard,” who was kidnapped in his native Africa and taken as a slave to Baltimore. He quotes from the Declaration of Independence and bemoans the hypocrisy of the “Feign’d friends to liberty.” But unlike the white veteran of the first canto, the sable bard lacks a powerful nation which could unsheathe its sword on his behalf. Instead he can only submit his “just appeal” to those readers with a “tender

⁶⁵ One scholar, dismissing all rhetoric of the American Revolution as inherently racist, has declared: “The True friend of the slave would not only call upon his master to emancipate him but would also urge the man in chains to murder his oppressor and reclaim his freedom.” Very few white Americans lived up to this standard. F. Nwabueze Okoye, “Chattel Slavery as the Nightmare of the American Revolutionaries,” *WMQ* 37, (January 1980):3-28, quote from 23.

⁶⁶ “Americans in Algiers,” 254, 261. Similarly, John Foss wrote: “Columbia's God! unsheathe thy glitt'ring sword,/ Ride on and conquer - speak, O speak the word;/ O let a Captive's prayer for once invoke/ Thy slumb'ring justice to direct the stroke/ On proud Algiers...” Foss, “*Algerine Slaves: A Poem, by a Citizen of Newburyport,*” in *Journal*, 182.

passion” in their hearts.⁶⁷ In place of military force, the writer depended on sympathy to extend liberty to enslaved blacks.

A comparable dichotomy is present in works by David Humphreys, a hero of the American Revolution and a diplomat involved in the Algerian negotiations. He believed that slavery was not any “less slavery in a Christian than a Mohametal country,” but his proposed remedies for white and black slavery were very different.⁶⁸ In his poems on the American Revolution, Humphreys repeatedly stressed that the Declaration of Independence proclaimed their rights but meant nothing until the soldiers “ratified our chart’d rights with blood.”⁶⁹ He warned that “independence won, must be maintain’d” and that subsequent generations must vigilantly defend it.⁷⁰ Similarly, if the “force of reason” failed to convince the Algerians to free their American captives, Humphreys called on the United States to resort to “force of arms” and bombard them.⁷¹ Such militant rhetoric was absent in his poetry on abolition. Humphreys argued that racial differences were only skin deep, asking “has not God infus’d immortal powers,/ The same their organs and their souls as ours?” Yet the only hope that he could hold out to “Afric’s sons” was that consumers would switch from slave-grown sugar cane to sugar made from maple sap or beets.⁷² The power of alternative sources for sugar, rather than the national deployment of military force, was to effect black emancipation.

Likewise, in Tyler’s *The Algerine Slave*, Dr. Underhill vows that once redeemed: “I will fly to our fellow citizens in the southern states; I will, on my knees, conjure them, in the name of

⁶⁷ “Americans in Algiers,” 262, 264-65, 272.

⁶⁸ David Humphreys, *A Valedictory Discourse, Delivered Before the Cincinnati of Connecticut, in Hartford, July 4th, 1804 at the Dissolution of the Society*, (Boston: Gilbert and Dean, 1804), 29, see also 28-35.

⁶⁹ *Ibid.*, 135; see also 27.

⁷⁰ *Ibid.*, 101; see also 113.

⁷¹ *Ibid.*, 54; 55-61.

⁷² David Humphreys, “On the Industry of America,” *The Miscellaneous Works of David Humphreys, Late Minister Plenipotentiary from the United States of America to the Court of Madrid* (New York: T. and J. Swords, 1804), 100.

humanity, to abolish a traffic, which causes it to bleed in every pore. If they are deaf to the pleadings of nature I will conjure them, for the sake of consistency, to cease to deprive their fellow creatures of freedom, which their writers, their orators, representatives, senators, and even their constitutions of government, have declared to be the unalienable birth right of man.”⁷³ But should the “sake of consistency” fail to convince southerners to overturn the basis of their economy, he had no further proposal. Tyler supported antislavery but prioritized national unity, as indicated in the final lines of his book: “Our first object is union among ourselves. For to no other nation besides the United States can that antient saying be more emphatically applied; BY UNITING WE STAND, BY DIVIDING WE FALL.”⁷⁴ Promoting such unity often meant subordinating antislavery ideals to sectional harmony.

Joel Barlow, another poet and diplomat who organized the ransom payments which freed the Americans enslaved in Algiers, experimented with the rhetoric of divine retribution used by some abolitionists.⁷⁵ In his nationalistic poem *The Columbiad*, Barlow assumed the voice of Atlas, the God of Africa, mocking those who would: “Enslave my tribes! and think, with dumb disdain, / To escape this arm and prove my vengeance vain!” He then spent a few dozen lines describing the hardships of Barbary slavery as just retribution for American sins, warning of “Far heavier vengeance, in the march of time,” if Americans failed to change their ways.⁷⁶ Yet ultimately Barlow concluded that threats of divine retribution were a poor tactic to advance abolitionism. Dropping the voice of Atlas and assuming the role of a self-reflective author, Barlow conceded that threats from “an angry genii” would not influence the minds of Americans

⁷³ Tyler, *Algerine Captive*, I:32.

⁷⁴ Tyler, *Algerine Captive*, part II, chap 37. For other passages where Tyler explicitly discusses the importance of national power and international cooperation, see: *ibid*, II:4, II:11, II:15, II:30, II:37.

⁷⁵ On Barlow’s views on slavery, see: Richard Buell, Jr., *Joel Barlow: American Citizen in a Revolutionary World* (Baltimore: Johns Hopkins University Press, 2011), 270-72; on Barlow’s *Columbiad*, see also: Gould, *Barbaric Traffic*, 78-85.

⁷⁶ Joel Barlow, *The Columbiad: A Poem* (London: Richard Phillips, 1809 [1807 in US]), 257-60.

enlightened by science. Instead he pragmatically stressed emancipation would serve the interests of whites: “Regard the master, notice not the slave; / Consult alone for freemen.” But his appeal to “strong self-interest” failed to connect abolition to any tangible gains, nor did he explain how “doing right involved no sacrifice” at a time when slave prices were rising due to demand in the western territories.⁷⁷ Antislavery Americans were fairly good at articulating a political-economic critique of the Atlantic slave trade, but explaining how emancipation would serve slaveholders’ individual self-interest was more difficult.⁷⁸

III. ANTISLAVERY & THE PROBLEM OF SLAVE REVOLT

The Haitian Revolution, which began when slaves revolted on the French colony of St. Domingue in August 1791, forced Americans to examine the relationship between black struggles for freedom and the American Revolution.⁷⁹ As Quaker pacifists, many abolitionists had opposed or remained aloof from the colonists’ struggle against Britain and would not endorse violent resistance by slaves. However, they identified slave revolt as the natural result of slavery and as a form of divine retribution. Some New England Quakers hoped concluded that the “the Lord’s invisible arm” was using the revolt “to diffuse and increase” antislavery convictions and “establish yet more permanently the Rights of Men.”⁸⁰ Meanwhile, some cosmopolitan democrats embraced freedom struggles throughout the world, including by enslaved blacks, but such enthusiasm was generally isolated and short-lived.

⁷⁷ Barlow, *Columbiad*, 262-63.

⁷⁸ Roger Fogel, *Without Consent or Contract: The Rise and Fall of American Slavery*; Seymour Drescher, *The Mighty Experiment: Free Labor versus Slavery in British Emancipation* (New York: Oxford University Press, 2002).

⁷⁹ Dubois, *Avengers of the New World*; Davis, *Inhuman Bondage*, 157-74; White, *Encountering Revolution*.

⁸⁰ New England Meeting for Sufferings to the PYM-MS, Providence, 13th. of the 3d. month 1792, in PYM-MS Minutes 178-1802, 203-04, quotation from 2014.

The largely-Quaker members of the PAS avoided directly discussing whether slaves had a right to rebel, but they reprinted an English pamphlet addressing the issue.⁸¹ James Pemberton distributed *An Inquiry into the Causes of the Insurrection of the Negroes* as far as Virginia, sending Robert Pleasants twenty-five copies and offering more for sale.⁸² The unnamed author of *An Inquiry* refuted West Indian slaveholders who blamed the French abolitionists for inspiring the revolt: “It was not then the voice of the *Amis des Noirs*, it was the irresistible call of Nature that excited the Insurrection.”⁸³ While slaves always recognized they were unjustly oppressed, they were also smart enough to realize that revolt was generally a futile undertaking. However, they quickly identified and took advantage “of the opportunities of revolt afforded by the dissensions of their masters,” which had resulted from the French Revolution.⁸⁴ This point underscored the danger that slavery presented in any country that might experience war or political turmoil. Robert Pleasants forwarded a copy of *An Enquiry* to Patrick Henry, noting that it provided a warning of “the woeful effects of Pride & Prejudice.”⁸⁵

⁸¹ While the PAS avoided directly confronting the theoretical questions posed by the St. Domingue rebellion, they mobilized to address some of the tangible problems it created. As a prominent port city, Philadelphia became home to a sizeable population of refugees from St. Domingue, many of whom brought their slaves with them. The PAS lobbied to ensure that the state legislature did not exempt these slaveholders from the 1780 gradual abolition law. Following the French National Assembly’s abolition of slavery in February 1794, abolitionists in Pennsylvania and New York also worked to enforce the compliance of St. Domingue emigres. James Pemberton to Alexander Addison, Philada. 12th 2 mo. 1793, PAS Papers, LB I:103-4. Lawrence Embree to James Pemberton, New York 1st mo 24th. 1795_, PAS, LB II:10-11; William Poole [WPAS] to Thomas Harrison, Washington [Co., PA] 2d mo 4th. 1795, PAS, LB II:13-14. Newman, *Transformation of American Abolitionism*, 45; James Alexander Dun, “Philadelphia no Philanthropolis: The Limits of Pennsylvanian Antislavery in the Era of the French Revolution,” *Pennsylvania Magazine of History and Biography* 135, (January 2011), 88-89.

⁸² Jams. Pemberton to Robert Pleasants, Philada. 23d. 7th mon: 1792, Pleasants Family Papers, box 12, Huntington Library. Newman reports that the PAS reprinted a total of 500 copies of the pamphlet, in *Transformation of American Abolitionism*, 26-27.

⁸³ *An Inquiry Into the Causes of the Insurrection of the Negroes in the Island of St. Domingo...* (London: J. Johnson, 1792), 17, see also 9.

⁸⁴ *Ibid*, 15. On the tendency of slave insurrections to occur “in moments of political crisis or in times of war,” see: Brown, *Moral Capital*, 291.

⁸⁵ Robert Pleasants to Patrick Henry, Curles 7th mo. 21. 1792, LBRP, 204-05.

Abraham Bishop of Connecticut put forth the most thorough argument in favor of the black insurgents.⁸⁶ His three part series, “The Rights of Black Men” appeared in newspapers throughout the nation.⁸⁷ Bishop hoped that the “enlightened mind of Americans” would recognize the justice of slaves’ cause, regardless of skin color: “Let us be consistent Americans, and if we justify our own Revolution, let us justify those, who in a cause like ours, fight with equal bravery.”⁸⁸ Bishop even criticized pacifist abolitionists for failing to support the slave rebellion. Mocking those who claimed to support emancipation but thought the St. Domingue slaves “*ought to have petitioned for it* and not taken up arms,” he called on abolitionists and even the federal government to support the rebel slaves “as becomes *decided Americans*.”⁸⁹ In his third installment he reported his disgust with American hypocrisy and the unpopularity of his views: “Every public transaction, and most private conversations have evinced a great deal in favor of the whites, and one can hardly wish the blacks be victorious, without exposing himself to censure, calumny and opprobrious names.” Worse, some American merchants were sending “vessels-loads of military stores and provisions” to the planters of St. Domingue when they should have been aiding the rebels.⁹⁰

⁸⁶ As scholars such as Seth Cotlar have shown, in the first half of the 1790s many cosmopolitan newspaper editors published pieces supporting the cause of the St Domingue slaves, most famously Abraham Bishop’s three part “The Rights of Black Men.” Seth Cotlar, *Tom Paine’s America: The Rise and Fall of Transatlantic Radicalism in the Early Republic* (Charlottesville, University of Virginia Press, 2011), 50-65; David Waldstreicher and Stephen R. Grossbart, “Abraham Bishop’s Vocation; Or, the Mediation of Jeffersonian Politics,” *JER* 18 (Winter 1998):617-57; Gellman, *Emancipating New York*, 140-46, 151 (in contrast to Cotlar who argues that northern democrats’ sympathy for slave rebels declined in the second half of the 1790s as a result of partisan pressure and the Reign of Terror in France, Gellman argues that New Yorkers’ support for the St. Domingue rebellion increased after 1794).

⁸⁷ Davis, *Slavery in the Age of Revolution*, 327; White, *Encountering Revolution*, 134-36; Cotlar, *Tom Payne’s America*, 58; Matthewson, “Abraham Bishop, The Rights of Black Men;” David Waldstreicher and Stephen R. Grossbart, “Abraham Bishop’s Vocation.”

⁸⁸ J.P. Martin [Abraham Bishop], “The Rights of Black Men [I],” *Argus* (Boston), Nov. 22, 1791. Reprinted in *Federal Gazette* (Phil) Dec 3, 1791.

⁸⁹ J.P.M. [Abraham Bishop], “Rights of Black Men [II],” *Argus* (Boston), Nov. 25, 1791. Reprinted in *Federal Gazette*, Dec 12, 1791; and *Cumberland Gazette* (Portland) Dec. 12, 1791

⁹⁰ J.P.M. [Bishop], “Rights of Black Men [III],” *Argus* (Boston), Dec. 2, 1791. Reprinted in *Federal Gazette*, Dec 12, 1791; and *Cumberland Gazette* (Portland) Dec. 12, 1791. See also [Bishop], “Retrospect,” *Argus* (Boston), Jan. 3, 1792.

Bishop represented the radical cosmopolitanism of people who shared Thomas Paine's commitment to worldwide republican revolution.⁹¹ He believed Americans had a moral obligation to support liberationist struggles throughout the world. "From us," he wrote, "the blacks had a right to expect effectual assistance. They were pursuing the principles, which we had taught them, and are now sealing with their blood, *the rights of man*." And this moral obligation was even more pressing for abolitionists:

They [the St. Domingue rebels] look to the liberating societies for that aid and support, which they were taught to expect. It is cruelty to withhold such aid and support....If at this time, the liberating societies do not come forward, how ridiculous must appear their orations, their publications, their records, their addresses to the passions, and to the reason, in favor of the poor blacks!!⁹²

Bishop's moral imperative took liberationist language of the American Revolution to one logical extreme. Whereas many slaveholders insisted that they had fought for their own freedom and the liberty to enslave others, Bishop insisted that all people had an obligation to fight for the freedom of all other peoples. Such rhetoric was politically untenable in a federal union which depended on slaveholder support for its perpetuation. His enthusiasm for slave insurrection in St. Domingue implicitly justified the violent overthrow of slavery within the United States. There is little wonder that American slaveholders increasingly identified abolitionism as "calculated" to

⁹¹ Cotlar, *Tom Payne's America*.

⁹² J.P.M. [Bishop], "Rights of Black Men [III]," *Argus* (Boston), Dec. 2, 1791. Reprinted in *Federal Gazette*, Dec 12, 1791; and *Cumberland Gazette* (Portland) Dec. 12, 1791. See also [Bishop], "Retrospect," *Argus* (Boston), Jan. 3, 1792.

incite slave revolt, and that mainstream abolitionists took pains to emphasize that they favored only gradual, peaceful emancipation.⁹³

David Rice, a native of Virginia and a Presbyterian minister, combined sympathy for the rebel slaves with a call for gradual abolition in a speech before the Kentucky state constitutional convention in 1791, later printed as *Slavery Inconsistent with Justice and Good Policy*.⁹⁴

Appealing to white self-interest, Rice argued that slavery was inefficient and dangerous. He pointed slaveholders to St. Domingue to “learn the melancholy effects of this wretched policy.”⁹⁵ The “evil tree” of slavery must be uprooted to prevent similar calamities in the United States. He advocated “gradual emancipation only,” because slaves were “incapable of enjoying, and properly using” freedom, and feared that if slavery were “violently eradicated, it might tear up the ground in which it grows.” He hoped the legislature “would prevent the importation of any more slaves; they would enact that all born after such a date should be born free.”⁹⁶

Although committed to gradualism, Rice also supported racial equality and civic inclusion. The current generation of enslaved African Americans was unprepared for freedom only because “by our bad conduct, we have rendered them [so].” Recognizing that “the slaves have a just claim to be freed instantly,” he subordinated idealism to pragmatism, but only temporarily. Through education, the children of current slaves could “become useful citizens.”⁹⁷ Dismissing concerns about emancipation leading to an “unnatural mixture of blood” as a “great imaginary evil,” Rice identified the existing sexual exploitation of female slaves by white men as

⁹³ James Alexander Dun, “Philadelphia not Philanthropolis: The Limits of Pennsylvanian Antislavery in the Era of the Haitian Revolution,” *PMHB* 135 (January 2011):73-102.

⁹⁴ According to one historian, Rice’s pamphlet was “[p]erhaps the most widely read of any antislavery pamphlet published at that time.” Fladeland, *Men and Brothers*, 58-59.

⁹⁵ David Rice, *Slavery Inconsistent with Justice and Good Policy; Proved by a Speech delivered in the Convention, Held at Danville, Kentucky* (London, 1793), 9.

⁹⁶ Rice, *Slavery Inconsistent*, 22.

⁹⁷ Rice, *Slavery Inconsistent*, 22.

“much more disgraceful, and unnatural, than intermarriage.”⁹⁸ Moreover, he viewed the Haitian Revolution not simply as a warning, but as a heroic struggle in which the justice of the slaves’ cause was “much greater than was the cause of war between us and Britain.”⁹⁹ Rice encouraged Americans to look to the West Indian island where “you may see the sable, let me say brave sons of Africa, engaged in a noble conflict with their inveterate foes.”¹⁰⁰ Such rhetoric provoked harsh opposition from local slaveholders. Rice found that few slaveholders were willing to “defend [slavery] on moral principles,” but that “Interest, all powerful Interest” nonetheless led them to oppose abolitionism.¹⁰¹ Many white Americans found it easy to subordinate blacks’ natural rights to their own self-preservation and self-interest.

In contrast to Bishop and Rice, most abolitionists took pains to disavow and discourage slave resistance. In 1798, the Abolition Convention issued a statement concluding: “We also think it of importance, at this particular period, to impress upon the minds of those who are in bondage, the propriety of a quiet submission to the injunctions of their masters.”¹⁰² At that time, the Abolition Convention was wary not only about action by slaves, but fearful that abolitionist agitation could prove counterproductive given the “peculiar situation of our country.”¹⁰³ In the midst of the Quasi-War with France and fierce domestic partisanship, the Convention delegates concluded that the “present situation of public affairs...renders the present time unsuitable for the adoption of any new measures” and that “a peculiar degree of caution” was necessary.”¹⁰⁴

⁹⁸ Rice, *Slavery Inconsistent*, 16-17.

⁹⁹ David Rice, *Slavery Inconsistent with Justice and Good Policy; Proved by a Speech delivered in the Convention, Held at Danville, Kentucky* (London, 1793), 8-9.

¹⁰⁰ Rice, *Slavery Inconsistent*, 9.

¹⁰¹ David Rice to the Rev’d Willm. Rodgers, Mercer Co. Kentucke [sic], Novr. 4th 1794, PAS, LB II:19-20;

¹⁰² “Circular Letter to the _____ Society for Promoting the Abolition of Slavery,” in *MAC 1798*, 18.

¹⁰³ *MAC 1798*, 16.

¹⁰⁴ *Ibid*, 11.

Two years later, the exposed insurrection plot led by the slave known as Prosser's Gabriel in Virginia exacerbated problems.¹⁰⁵

At the 1801 Abolition Convention, the delegates "judged it prudent" to refute the slaveholders' "numerous misrepresentations" of abolitionism after Gabriel's conspiracy.¹⁰⁶ But while they "deplore[d] the late attempts at insurrection by some of the slaves of the southern states," they reiterated that slavery not abolitionism was to blame. They hoped that the conspiracy would "induce a weighty consideration of the source of the evil" and warned that "so long as a relation exists between cause and effect," slavery would lead to slave revolt. Only the amelioration of slavery followed by gradual emancipation would "be an effectual security against revolt."¹⁰⁷ Many slaveholders, on the other hand, continued to scapegoating abolitionists for inspiring slave resistance.¹⁰⁸

Abolitionists in Southern states faced growing hostility in these years. In 1795, one slaveholder, Dr. Elisha Dick, attended an abolitionist meeting in Alexandria and reportedly gave "a long harangue on the impropriety of [the] association and the dangerous consequences which might result from the establishment of such a Society, by infusing into the Slaves a spirit of insurrection and rebellion." Virginian anti-abolitionists then petitioned the legislature to suppress abolitionism.¹⁰⁹ The Virginia General Assembly responded much more favorably to this petition than to those from abolitionists; on Christmas Day they passed a law curtailing the

¹⁰⁵ Egerton, *Gabriel's Rebellion*; Michael L. Nicholls, *Whispers of Rebellion: Narrating Gabriel's Conspiracy*, (Charlottesville: University of Virginia Press, 2012).

¹⁰⁶ "Address to the _____ Society for Promoting the Abolition of Slavery," in *MAC 1801*, 45, see also: 22, 32.

¹⁰⁷ "Address to the Citizens of the United States," in *Ibid*, 38. See also: Humanitas, *Reflections on Slavery; With Recent Evidence of its Inhumanity; Occasioned by the Melancholy Death of Romain, a French Negro*, (Philadelphia, B. Cochran, 1803), 7.

¹⁰⁸ Edward Bartlett Rugemer, *The Problem of Emancipation: The Caribbean Roots of the American Civil War*, (baton Rouge: Louisiana State University Press, 2008), 423; White, *Encountering Revolution*, 124-65

¹⁰⁹ Arch[ibal]d McClean to Reverend Doctr. Wm. Rogers, Alexandria February 15th. 1796, PAS, LB II:31-33.

ability of “voluntary associations” – i.e. abolition societies – to aid blacks in freedom suits.¹¹⁰ One disgruntled abolitionist famously described it as a law “for the purpose of *abolishing* the *Abolition* of Slavery throughout the State of Virginia.”¹¹¹ Five years later, Dick claimed that Gabriel’s conspiracy had confirmed his warning about abolition societies. He called for closing the schools abolitionists ran for free blacks, provided the means through which “to concert and execute a plan of general insurrection.”¹¹² White public opinion sided with Dick; the legislature banned most meetings by blacks, including schools. In 1804 a former member of the Alexandria Abolition Society reported: “We are in fact dead; and I may say, I have no hope of reanimation.” He attributed their decline largely to the backlash against “dreadful plan of the blacks, under their leader Gabriel.”¹¹³

* * *

The American Revolution, the Algerian Crisis, and slave revolts had contradictory implications for the question of abolition in the United States. At one level, all of these events could exemplify the universal injustice of slavery and the natural right of resistance. They also demonstrated that race or individual virtue alone was rarely sufficient to ensure liberty. Winning and preserving liberty – whether in the context of the Revolution, Barbary captivity, or slave revolt – generally required people to operate in a collective corporate capacity, as in creating a

¹¹⁰ The law did not completely forbid aid in such trials, but whites could no longer initiate a suit on a black’s behalf, and if the freedom suit was unsuccessful, each individual who had aided the slave would be fined one hundred dollars. Chap. CLXXXIX: “An Act to amend an act, intituled, An act to reduce into one, the several acts concerning slaves, free negroes, and mulattoes, and for other purposes,” (Passed the 25th of December, 1795), *A Collection of All Such Acts of the General Assembly of Virginia*, (Richmond: Samuel Pleasants, Jun. and Henry Page, 1803), 346-47.

¹¹¹ Archibald McClean to Revd. Wm. Rogers, Alexandria 6th. June 1796, PAS, LB II:41-42. Subsequent laws would further limit the influence of abolitionists in the Old Dominion, see: McColley, *Slavery and Jeffersonian Virginia*, 160-62; Wolf, *Race and Liberty*, 109-21

¹¹² Elisha Dick to James Monroe, Alexandria 26th Sepr. 1800, in *Papers of James Monroe*, ed. Daniel Preston, (4 vols to date, Santa Barbara, CA: ABC-CLIO, 2003-present), IV:419.

¹¹³ “Letter from Alexandria,” December 10th, 1804, in ACAS, *MAC 10* (1805), 23.

federal union capable of mobilizing fiscal and military powers. On the other hand, this recognition could undercut efforts to extend freedom to those excluded from such corporate groups, like domestic slaves. Because the black slaves in the United States had not “earned” or “preserved” their liberty, emancipation could be perceived as a gift which would follow the timeframes and conditions established by society. Thus even advocates of emancipation instructed slaves to “have patience and fortitude” while awaiting liberation.¹¹⁴ Furthermore, the impulse to strengthen the Union in order to better protect American citizens’ liberty and prosperity discouraged abolitionist agitation.

IV. ENVISIONING SOUTHERN EMANCIPATION

When it came to expressing antislavery sentiment, Virginians were the most prominent among white southerners. The Old Dominion’s congressmen often took the lead in supporting action against the Atlantic slave trade while claiming to regret slavery’s existence, and gradual abolition proposals from prominent Virginians attracted national attention. However, many of these plans attached so many conditions on emancipation as to render them impractical. Moreover, Virginian legislators dismissed even the most conservative proposals for gradual emancipation.¹¹⁵ The failure of emancipation in Virginia resulted largely from the greed and racial prejudice of masters who would not give up their enslaved laborers and other whites who feared free blacks or aspired to become slaveholders. But even moderates from northern as well as southern states had difficulty imagining a workable plan of southern emancipation.

¹¹⁴ Carlos R. Allen, ed., “David Barrow’s *Circular Letter* of 1798,” *WMQ* 20 (July 1963), 450.

¹¹⁵ William W. Freehling, “The Foudning Fathers, Conditional Antislavery, and the Nonradicalism of the American Revolution,” in *The Reintegration of American History: Slavery and the Civil War* (New York: Oxford University Press, 1994), 12-33; McColley, *Slavery in Jeffersonian Virginia*; Wolf, *Race and Liberty in the New Nation*.

The challenges of envisioning southern emancipation are illustrated by comparing the writings of Thomas Jefferson, Quaker abolitionist Robert Pleasants, and the jurist St. George Tucker, as well as reactions to them. All three members of the Virginian gentry condemned slavery in terms of humanity and expediency, and sought to mobilize their fellow white Virginians to action. But whereas Pleasants freed his slaves and actively embraced the abolitionist cause, Tucker and Jefferson abandoned active exertions after other Virginians failed to endorse their antislavery proposals.¹¹⁶

In his *Notes on the State of Virginia*, written in the early 1780s, Jefferson bemoaned the injustice and impolicy of slavery, and advocated a program of emancipation.¹¹⁷ While the profits of slavery might serve the short term interests of some slaveholders, it was a disadvantage in the long run. Slaves were internal enemies in an institutionalized state of war, undermining the security of society. Moreover, the practice of slaveholding inculcated despotic manners and dissolute behavior which undermined republican self-government. Jefferson was primarily concerned with slavery's negative effects on whites, but he had no illusions about the injustice of enslaving blacks. Invoking a fear of divine retribution, Jefferson wrote: "Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep forever." For in a struggle between slaves and their masters: "The Almighty has no attribute which can take side

¹¹⁶ On the similar trajectories of Jefferson and Tucker, from idealism, to despair, to an acceptance that slavery would continue indefinitely, see: Annette Gordon-Reed, "Thomas Jefferson and St. George Tucker: The Making of Revolutionary Slaveholders," in *Jefferson, Lincoln, and Wilson: The American Dilemma of Race and Democracy* (Charlottesville: University of Virginia Press, 2010), 15-33.

¹¹⁷ On Jefferson's views on salver and African colonization, see also: Onuf, *Mind of Jefferson*, chap. 5; Christa Dierksheide, "'The great improvement and civilization of that race': Jefferson and the 'Amelioration' of Slavery, ca. 1770-1826," *Early American Studies* 6, (Spring 2008):165-97.

with us in such a contest.” In order to avoid such a fate, it was imperative that Virginians enact a program of “total emancipation.”¹¹⁸

Jefferson had drafted such a plan in 1779 – when it had been quickly dismissed by the legislature, and he elaborated the scheme in *Notes on the State of Virginia*. Jefferson proposed that after a certain date the children of slaves should be born free under law. Such a *post-nati* form of gradual emancipation respected slaveholders’ legal – if unjust – property rights in humans, but not in unborn humans. The free children of slaves would be raised and educated “at the public expense” until they reached maturity, at which point they would be “colonized to such a place as the circumstances of the time should render most proper.” Recognizing that the economy could not survive such deportations without substituting an alternative source of labor, Jefferson suggested importing “an equal number of white inhabitants.”¹¹⁹

Over the course of two chapters in *Notes*, Jefferson used over six-hundred words explaining why emancipation was imperative, less than two-hundred words outlining his emancipation plan, and twenty-five hundred words explaining why emancipated slaves needed to be colonized rather than integrated into society. He espoused at length the reasons for his “suspicion” that blacks were innately “inferior to the whites in the endowments both of body and mind.” Jefferson never suggested that racial differences could justify enslavement, but he concluded that the “unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people.”¹²⁰ Regardless of innate mental differences, the “Deep rooted prejudices entertained by the whites,” along with the “ten thousand recollections, by blacks, of the injuries they have sustained,” made race war the likely result of large scale

¹¹⁸ Thomas Jefferson, *Notes on the State of Virginia*, ed. William Peden, (Chapel Hill: University of North Carolina Press, 1982 [1787]), 163 (Query 18).

¹¹⁹ Jefferson, *Notes on Virginia*, 137-38 (Query 14).

¹²⁰ *Ibid*, 143 (Query 14).

emancipation without colonization.¹²¹ For Jefferson, and many other white Americans, considerations of humanity and expediency could justify delaying emancipation even as they demanded its enactment.

Robert Pleasants and St. George Tucker both agreed with Jefferson that the danger of slave rebellion lent a special urgency to the need for emancipation, but they challenged Jefferson's faith in colonization as a solution. Pleasants also argued that Tucker's approach to emancipation was too conservative while Tucker viewed Pleasants as overly idealistic and impractical. Their differences can be seen in their competing proposals for gradual abolition in 1790.

As a founding member of the Virginia Abolition Society (VAS), Pleasants made sure the group restricted membership to non-slaveholders.¹²² Tucker, writing as "A Real Friend to the Abolition of Slavery" in the *Virginia Independent Chronicle*, praised the goals of the VAS but decried their exclusionary policy. He acknowledged that such a restriction would be understandable if Virginians were still involved in the "infamous traffic" with Africa, but they had banned the importation of slaves. Regretting the "mistaken policy of our forefathers," Tucker insisted the current generation of slaveholders should not be blamed for the dilemma they had inherited. Many who possessed "this unhappy species of property" could not immediately dissociate themselves from it for financial and humanitarian reasons (such as concern for the provision of elderly slaves). Excluding such unfortunate slaveholders would reduce the potential influence of the VAS, he argued. Tucker proceeded to sketch an abolition plan. He hoped the

¹²¹ Ibid, 138 (Query 14).

¹²² Robert Pleasants to Gresset Davis (Petersburg), 4 mo. 30. 1790, Letter Book of Robert Pleasants (LBRP), 168-69, Haverford College, available at "Quakers and Slavery:" http://triptych.brynmawr.edu/cdm/ref/collection/HC_QuakSlav/id/11435; Robert Pleasants to James Pemberton, Virginia Curles 6 mo. 19. 1790, LBRP, 169-70. By contrast, many members of the New York Manumission Society were slaveholders, though they had to pledge to free their slaves. Gellman, *Emancipating New York*.

VAS would raise money to purchase young female slaves and manumit them. In a postscript he added that the Virginia legislature might consider passing a law stating: “That all females and the descendants of such females as shall be born in Virginia after the last day of the present century shall be free.”¹²³ Following Congress’s 1790 antislavery petition debate, Tucker forwarded this piece to Virginia representative John Page, encouraging him to have it published in Philadelphia. Page forwarded it to the Pennsylvania Abolition Society, and it was eventually printed in the *Independent Gazetteer*. In this version, Tucker fleshed out his proposal for a gradual abolition law, providing calculations to show that under his plan by 1850 Virginia would have “so few [slaves] left as not to be regarded.”¹²⁴ He later expanded this little known plan into his more famous *Dissertation on Slavery* in 1796.¹²⁵

Some gradual abolition proposals circulating in Virginia proposed colonizing freed slaves outside of the United States, as Jefferson had suggested in *Notes on the State of Virginia*.¹²⁶ In December 1790, the Philadelphia *American Museum* published one such plan by the young Virginian planter Ferdinando Fairfax. He acknowledged that both supporters and opponents of emancipation agreed that “liberty [i]s a natural right, which we cannot, without injustice, withhold from this unhappy race of men.” They only differed on the question of “policy,”

¹²³ Tucker’s decision to focus on females was perhaps influenced by their being perceived by white men as less threatening than free black males. But Tucker also presented logical reasons for this choice. Females were cheaper, especially when purchased at “sheriff sales,” and their children would follow their free status, unlike free black males who might have children with enslaved women. Therefore every young female freed could “be considered the means of liberty to five persons in the first generation – to fifteen in the third,” and so on. Moreover, freeing male slaves was less urgent as they were “more capable of enduring hardships” and “would cost more to redeem.” “A Real Friend to the Abolition of Slavery,” *Virginia Independent Chronicle* (Richmond), 17 March 1790, printed in *DHFFC*, XIX:1035-38.

¹²⁴ St George Tucker to John Page, Wmsburg, March 29th. 1790, PAS Papers, LCi 2-135, also in *DHFFC*, XIX:1034-35. Page gave the letter to abolitionist congressman Thomas Scott, who in turn passed along to the PAS. John Page to St. George Tucker, 7 June 1790, *DHFFC*, XIX:1743.

¹²⁵ The letter from Tucker to Page in the PAS Papers lacks the enclosure from the *Virginia Independent Chronicle*, which was only published in the *DHFFC* in 2012. As far as I can tell, scholars had been previously unaware of it.

¹²⁶ On Jefferson’s views on colonization, see: Onuf, *Mind of Jefferson*, chap. 5; Christa Dierksheide, “‘The great improvement and civilization of that race’: Jefferson and the ‘Amelioration’ of Slavery, ca. 1770-1826,” *Early American Studies* 6, (Spring 2008):165-97.

whether emancipation would do more harm than good. In order to “unite all these principles of justice and policy, and thereby remove all ground for opposition,” Fairfax proposed colonizing freed slaves in Africa. This would prevent them from becoming a “separate interest” in the United States that posed a threat to the white population. He hoped Congress would fund a voluntary program of compensating slaveholders who voluntarily freed their slaves, and then colonizing the freed people in Africa. The former slaves would attend “seminaries” in Africa established by Congress, where they would be instructed in the “useful arts, and to qualify them for the business of legislation.” Eventually the colonists would eventually “become an independent nation,” helping to spread Christianity and civilization in Africa while carrying on “commercial intercourse” with the United States.¹²⁷

By contrast, Robert Pleasants denounced colonization as inhumane, and insisted on granting the free children of slaves “all the preivilidges of other citizens.”¹²⁸ He published newspapers pieces supporting emancipation and organized petitions through the VAS. His public and private writings highlight the primacy of his humanitarian and religious motives, but he also appealed to self-interest and expediency.¹²⁹ The VAS’s 1791 petition to the state legislature also demonstrated this balance, espousing the petitioners’ empathy for slaves and their conviction that it was a “divine command” to recognize the natural rights of all people.

¹²⁷ Ferdinando Fairfax, “Plan for Liberating the Negroes within the United States,” *American Museum* (December 1790), 285-87.

¹²⁸ Pleasants to Gressit Davis (Mecht. Petersburg), Curles 3d. mo. 6. 1790, LBRP, 162-64. See also: Pleasants to Job Scott c/o James Pemberton, Curles 3d. mo. 9. 1790, LBRP, 164-65. The language of the VAS petition was tempered somewhat to propose that the free children of slaves be “invest[ed] with suitable privilidges, as an excitement to become useful citizens.” Virginia Humane or Abolition Society to the Speaker and House of Deligates of Virginia, 10th. mo. 1791, LBRP, 198-200.

¹²⁹ Humanity [Pleasants] to the Printer, June 22d. 1790, (Pleasants recorded that his essay appeared in Davis’s *Virginia Independent Chronicle* on 7 July 1790), LBRP, 165-68. It is unclear whose colonization plan he was responding to. Fernando Fairfax’s proposal was dated March 6, 1790 and it is possible Pleasants had seen it prior to its publication in the *American Museum* in December 1790. Benevolence [Pleasants] to Mr. Davis, Septembr. 15. 1791. (Pleasants recorded that the essay was published in Davis’s *Virginia Gazette* on 19 October 1790), LBRP, 196-98.

They insisted slavery was “not only a moral but [a] political Evil;” however, their attempts to advance an antislavery political economy remained vague. Beyond asserting that slavery tended “to weaken the bands of society, discourage trades & manufacturers, endanger the peace, and obstruct the prosperity of the country,” the petitioners failed to explain how emancipation would conform to the economic self-interest of white Virginians.¹³⁰ Moreover, the alleged benefits of emancipation applied to society as a whole rather than to the individual slaveholders who would be making the financial sacrifice of freeing their slaves.

In 1793 Pleasants tried expanding on the theme that slavery was both inhumane and inexpedient in a newspaper piece signed “A Citizen of the World.” He described slaveholding as serving only an “imaginary interest;” but his appeals to white Virginians’ self-interest were grounded more in fear than economics. Unless Virginians took action, he warned, slavery “may at a future period be productive of dreadful consequences, as hath already been the case in some places, particularly S. Domingo.” He then invoked Jefferson’s passage on divine retribution from *Notes on the State of Virginia* that in case of slave insurrection, “The Almighty has no attribute which can take side with us in such a contest.”¹³¹ Unable to articulate persuasive arguments linking emancipation to individual self-interest, abolitionists resorted to threats of divine retribution. But slaveholding Virginians were often more likely to see the danger of revolt as a reason to suppress abolitionism than to emancipate slaves, as demonstrated in the aftermath of Gabriel’s conspiracy.

¹³⁰ Virginia Humane or Abolition Society to the Speaker and House of Delegates of Virginia, 10th. mo. 1791, LBRP, 198-200. It would be years before abolitionists fully articulated a free-labor critique of slavery. Wolf, “Early Free-Labor Thought and the Contest over Slavery in the Early Republic,” *Contesting Slavery*, eds. Hammond and Mason, 32-48.

¹³¹ “A Citizen of the World” To the Public, October 29. 1793 (Pleasants recorded that this piece was printed in *Richmond & Manchester Advertiser*, 15 November 1793), LBRP, 218-20.

St. George Tucker was more attuned than Pleasants to slaveholders' concerns and he sought to tailor his revised emancipation proposal to "accommodate" the prejudices and economic interests of white society.¹³² In early 1795 he began corresponding with Jeremy Belknap, president of the Massachusetts Historical Society about gradual emancipation in the North.¹³³ Tucker portrayed slavery as an inherited dilemma, claiming that the "great majority" of the present generation viewed the introduction of slavery into Virginia as "among its greatest misfortunes." Comparing it to "hereditary gout or leprosy," Tucker insisted that Virginians sought a solution to the dilemma they had inherited from their forefathers. He hoped his state could benefit "from the example of our sister State, [and] learn what methods are most likely to succeed in removing the same evil from among ourselves."¹³⁴ He sent a list of eleven queries about slavery, abolition, and the status of free blacks to Belknap, who in turn collected responses from various other learned men in the Bay State and then summarized them for Tucker. Belknap gathered materials demonstrating that slavery had never been vital in Massachusetts, that the Revolution had turned public opinion against slavery, and that the active exertions of slaves – especially through petitions and freedom suits – had led to the abolition of the slave trade and slavery in Massachusetts during the 1770s and 1780s. Free blacks, however, were generally impoverished and only the poorest of whites would associate them. The respondents generally attributed the degraded status of free blacks to their lack of education and the habits imbibed during slavery, rather than to innate inferiority. Although there was confusion about the issue,

¹³² Tucker, *A Dissertation on Slavery*, 94.

¹³³ Information about the correspondence and images of the manuscript letters are available at the Massachusetts Historical Society website, "African Americans and the End of Slavery in Massachusetts: George Tucker's Queries on Slavery in Massachusetts:" <http://www.masshist.org/endofslavery/index.cfm?queryID=52> (accessed 30 October 2012). See also: Jordan, *White Over Black*, 555-61; Wolf, *Race and Liberty*, 104-7; Van Cleve, *Slaveholders' Union*, 206-11; Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832*, (New York: W.W. Norton & Company, 2013), chap 3.

¹³⁴ St. George Tucker to Jeremy Belknap, Williamsburg, Virginia, Jan. 24, 1795, in "Letters and Documents Relating to Slavery in Massachusetts," *Collections of the Massachusetts Historical Society*, (Boston: 1887), 405-12.

some blacks who met the standard property requirements for suffrage exercised their right to vote.¹³⁵

Despite Tucker's hopes, his northern correspondents doubted the viability of northern emancipation as a model for the South. They predicted that emancipation in Virginia would face difficulties which, "if not absolutely insuperable," were nearly so.¹³⁶ Tucker agreed that the obstacles to abolition in Virginia were of a much greater magnitude, noting that the proportion of blacks to whites in Massachusetts had never been more than 1:40 whereas it was nearly 2:3 in Virginia.¹³⁷ Later, in his *Dissertation on Slavery*, Tucker drew on census statistics to highlight both the commitment of Virginians to emancipation and the obstacles they faced. When viewed in terms of number of slaves who had been freed, Virginia surpassed all of New England.¹³⁸ But with the much greater number of slaves in Virginia, these manumissions were proportionally modest and Tucker could see no easy solution. He was tempted by the maxim of "*Fiat justitia ruat caelum*" – Let justice be done though the Heavens may fall – but turmoil in the West Indies made him fear the result would be chaos and race war. Tucker dismissed colonization schemes as impractical, dangerous, and inhumane. Thus he saw three possible options: "either to *incorporate them with us*, to *grant them freedom without any participation of civil rights*, or to *retain them in slavery*." Each posed problems, and he asked for Belknap's further comments.¹³⁹

¹³⁵ "Queries Respecting the Slavery and Emancipation of Negroes in Massachusetts, Proposed by the Hon. Judge Tucker of Virginia, and Answered by the Rev. Dr. Belknap," *Collections of the Massachusetts Historical Society* 4 (1835 reprint, Boston: 1795), 191-211. For the individual responses and related documents, see: "Letters and Documents Relating to Slavery in Massachusetts," *Collections of the Massachusetts Historical Society*, (Boston: 1887), 373-442.

¹³⁶ Dr. E. A. Holyoke, Salem, March 19, 1795, "Letters and Documents," 398-401. See also: Nathaniel Appleton to Belknap, 26th Feb., 1795, "Letters and Documents," 388-89.

¹³⁷ Tucker to Belknap, June 29, 1795, "Letters and Documents," 405-12.

¹³⁸ Tucker, *Dissertation on Slavery*, 72n.

¹³⁹ Tucker to Belknap, June 29, 1795, "Letters and Documents," 405-12, emphasis in original.

Belknap's response does not survive, but he forwarded a letter from Judge James Sullivan responding to Tucker. Sullivan admired Tucker's sentiments, but feared the Virginian desired "that which can never be accomplished in his day." He agreed that colonization was fraught with too many difficulties, and concluded that gradual abolition "without civil privileges" appeared "the most eligible." Like Tucker, Sullivan espoused a complex mix of conservatism and idealism. Given the degraded mental conditions of slaves and the deep rooted prejudices of many whites, he believed that "ages must be employed in the business." He proposed setting a date after which the children of slaves would be given their freedom upon reaching age forty, and lowering the age requirement over time. This form of abolition would take several generations, but it was best to "make haste slowly, and to bear for a time an evil with patience, rather than to aggravate its miseries, and render future attempts discouraging." He imagined that the time necessary to undo the evils of slavery would be "as extensive, at least, as that in which slavery has been endured here." In other words, emancipation would be complete around 1970 based on the 1619 introduction of slavery into Virginia. Sullivan suggested it was possible that blacks were innately inferior in terms of the "natural abilities of mankind," yet he also held out the prospect that if given opportunities for improvement, the mental faculties of future generation of African Americans "may exceed the white people."¹⁴⁰ This stance was fairly common for the time; contemporaries often treated the root cause – biology or environment – of apparent inferiority as a moot point.¹⁴¹ Regardless of the basis for blacks' degraded status and white

¹⁴⁰ James Sullivan to Belknap, Boston, July 30, 1795, "Letters and Documents," 412-16. In 1808, as governor of Massachusetts, Sullivan gave his "express approbation" to a parade by several hundred free blacks celebrating the abolition of the Atlantic slave trade. Jedidiah Morse, *A Discourse, Delivered at the African Meeting-House, in Boston, July 14, 1808, in Grateful Celebration of the Abolition of the African Slave-Trade, by the Governments of the United States, Great Britain, and Denmark*, (Boston: Lincoln & Edmands, 1808), 3.

¹⁴¹ MacLeod, *Slavery, Race and the Revolution*, 96.

prejudice, would-be-reformers like Tucker identified these circumstances as practical obstacles that would take generations to overcome.

In his *Dissertation on Slavery: With a Proposal for the Gradual Abolition of It, in the State of Virginia*, Tucker argued a plan for emancipation was imperative based on the grounds of humanity and –even more importantly – self-preservation. Whereas Robert Pleasants used the language of religious duty and divine retribution, Tucker highlighted the urgency of abolition by pointing to demographic trends; emancipation would become increasingly difficult and servile war more likely the longer Virginians delayed.¹⁴² Tucker reviewed the history of slavery both in the world and in Virginia, regretting that their colonial forefathers had “sown the seeds of an evil, which, like leprosy, hath descended upon their posterity, visiting the sins of the fathers upon the succeeding generations.”¹⁴³ Although not morally responsible for slavery, the current generation had an obligation, based on “considerations of policy as well as justice and humanity” to “eradicat[e] the evil, before it becomes impossible to do it, without tearing up the roots of civil society with it.”¹⁴⁴

Tucker acknowledged that justice and natural rights called for immediately emancipating the enslaved. Yet the principle of self-preservation reduced the power of such claims; “nature also dictates to us to provide for our *own* safety, and authorizes all *necessary* measures for that purpose.” And the tumult of the West Indies indicated that “our own security, nay, our very existence, might be endangered by the hasty adoption of any measure for the *immediate* relief of the *whole* of this unhappy race.”¹⁴⁵ This concept of self-preservation, which Thomas Jefferson

¹⁴² Tucker, *Dissertation on Slavery*, 7, 11, 68.

¹⁴³ Ibid, 13.

¹⁴⁴ Ibid, 67-68.

¹⁴⁵ Ibid, 81-82.

and others frequently referred to as the “first law of nature,” exemplifies the way white Americans limited the application of natural rights to blacks.¹⁴⁶

Tucker’s commitment to the sanctity of property and republican conceptions of civic inclusion also encouraged limiting the legal recognition of slaves’ natural rights and making abolition a gradual process. By granting freedom only to the unborn children of slaves, they could gradually end slavery “without depriving any man of the *property* which he *possesses*.”¹⁴⁷ Such a process, which was the form of abolition in virtually every northern state except Massachusetts, has been described as “a maddeningly indirect program of emancipation.”¹⁴⁸ But abolition “without the *emancipation* of a single slave,” was precisely the point for people like Tucker because it respected existing property rights.¹⁴⁹ Moreover, people raised in slavery could not be expected to behave responsibly when freed. As Tucker had explained in 1790, one “advantage” of gradual abolition was that “it will not liberate persons born in Slavery, & contracting the Ideas and habits of that Condition, but will give birth to free-men.”¹⁵⁰ Tucker’s Massachusetts correspondents had encouraged rather than challenged his emphasis on gradualism.

Like James Sullivan, Tucker believed that the best solution to the dilemma of Virginian slavery was the “middle course” of gradually freeing the unborn children of slaves while denying them civil rights.¹⁵¹ He dismissed the idea of colonizing freed slaves, arguing that establishing such a colony “in the territory of the United States, would probably lay the foundation of

¹⁴⁶ Peter Onuf and Nicholas Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolution, 1776-1815*, (Madison, WI: Madison House, 1993), 185-90.

¹⁴⁷ Tucker, *Dissertation*, 81.

¹⁴⁸ Gellman, *Emancipating New York*, 1.

¹⁴⁹ Tucker, *Dissertation*, 81. Robert William Fogel and Stanley Engerman, “Philanthropy at Bargain Prices: Notes on the Economics of Gradual Emancipation,” *Journal of Legal Studies* 3, (June 1974):377-401.

¹⁵⁰ Tucker to Page, 29 March 1790, *DHFFC*, XIX:1035.

¹⁵¹ Tucker, *Dissertation*, 90-94, quote from 90.

intestine wars,” while attempting it “in any other quarter of the globe” would be prohibitively expensive and cruel to the exiled blacks.¹⁵² But although he opposed a state-supported colony, Tucker liked the idea of free blacks leaving the nation, or at least Virginia. Restricting their rights – even forbidding them from owning real estate – would “render it their inclination and their interest to seek those privileges in some other climate,” such as Spanish Louisiana or Florida.¹⁵³ Thus he hoped the state would receive the benefits of colonization without bearing the expense.

Tucker’s plan revealed his racial prejudice which led him to care much more about the fate of white Americans than black Americans. But more striking than the fact that Tucker and his society were racist is his self-awareness on this score and the way he questioned the validity of this prejudice. He observed that “Mr. Jefferson seems to suppose, that the Africans are really an inferior race of mankind,” but in a long footnote Tucker challenged the ability of Jefferson, himself, or any other white Virginian to properly judge black potential: “Early prejudices, had we more satisfactory information than we can possibly possess on the subject at present, would render an inhabitant of a country where Negro slavery prevails, an improper umpire between them.” Nonetheless, the possibility that notions of racial inferiority were unfounded was ultimately less important to Tucker than the recognition that at present most blacks were degraded and despised by white Virginians. Moreover, he asked: “have not men when they enter into a state of society, a right to admit, or exclude any description of persons, as they think proper?”¹⁵⁴ He knew that his plan “may appear to favour strongly of prejudice,” but it was a matter of what was “*expedient*, rather than *desirable* to adopt.”¹⁵⁵ For, “whoever proposes any

¹⁵² Ibid, 81.

¹⁵³ Ibid, 94-95.

¹⁵⁴ Tucker, *Dissertation*, 89.

¹⁵⁵ Ibid, 94, 91.

plan for the abolition of slavery, will find that he must either encounter or accommodate himself to prejudice.”¹⁵⁶

In his correspondence with Belknap, Tucker made similar apologies for the restrictions he placed on free blacks. “As narrow as this policy may appear,” he wrote, “I am persuaded it is necessary for the preservation of the peace of society.” Gradualism would prepare blacks to be “better qualified...to enjoy their future condition,” but it would also lessen “the prejudices of the whites...against them as their equals, &c.”¹⁵⁷ He recognized that “mistaken self-interest and prejudice were the most formidable enemies” to abolition, so he “proposed the most gradual plan that could possibly eventually produce the desired effect.”¹⁵⁸ Indeed, Tucker was conscious that the need to improve the minds of whites shaped his gradualism and conservatism as much if not more than the need to improve the minds of blacks.¹⁵⁹ If the passage of time did not “remove from us a race of men, whom we wish not to incorporate with us,” he hoped it would “obliterate those prejudices, which now form an obstacle to such incorporation.”¹⁶⁰ Recognizing that the deficiencies of whites rather than blacks presented the larger obstacle to a biracial society, Tucker combined his conservative restrictions on blacks with the visionary hope that moral progress among whites could make restrictions on blacks unnecessary in the future. This future, however, would be far off; he expected gradual abolition alone to “require *above* a century to complete.”¹⁶¹ It is unclear whether Tucker viewed the removal of free blacks or the end of white prejudice as more probable. In a letter to Robert Pleasants he said he would “leave it to

¹⁵⁶ Ibid, 94.

¹⁵⁷ Tucker to Belknap, Williamsburg, Nov, 27, 1795, “Letters and Documents,” 417-23.

¹⁵⁸ Tucker to Belknap, August, 13, 1797, “Letters and Documents,” 427-28.

¹⁵⁹ On Jefferson’s similar recognition that emancipation would require the moral progress of both whites and blacks, see: Peter Onuf and Ari Helo, “Jefferson, Morality, and the Problem of Slavery,” in *Mind of Jefferson*, 236-270. Richard Newman discusses Benjamin Banneker’s awareness of the need for white moral uplift in “Good Communications Corrects Bad Manners,” *Contesting Slavery*, eds. Hammond and Mason, 69-93.

¹⁶⁰ Tucker, *Dissertation*, 96.

¹⁶¹ Ibid, 99.

time” to eradicate the current prejudice against intermarriage, and said that “until this prejudice is overcome, I am also of the opinion that it would be dangerous to extend the civic privileges of the Blacks.” He emphasized that it would be easy to “enlarge” the rights of blacks over time, but difficult to restrain them if they were granted too early.¹⁶²

Tucker also recognized that, even more than white prejudice, economic greed would present “the most serious objections to the plan I have ventured to suggest.”¹⁶³ Like Pleasants and other advocates of abolition, Tucker tried to overcome the short-term economic interest of slaveholders by warning of slave revolt, and arguing that “sound policy” in the long term required abolition. Slavery was “not only perfectly incompatible with the principles of government, but with the safety and security of their masters.” Therefore abolition was “a duty which every consideration, moral, religious, political, or *selfish*, recommends.” Slavery might serve the short term interest, but delaying abolition would render it impossible as a result of the growing slave population.¹⁶⁴ Tucker ultimately confided to Belknap that he doubted slavery would ever be eradicated by voluntary and peaceful means: “I must be understood as not cherishing the smallest hope of advancing a cause so dear to me as the abolition of slavery. Actual suffering will one day, perhaps, open the oppressors’ eyes. Till that happens, they will shut their ears against argument.”¹⁶⁵

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¹⁶² Tucker to Robert Pleasants, Wmsburg June 29, 1797, in the Letter Book of St. George Tucker, Tucker-Coleman Papers, College of William and Mary, available at: <http://hdl.handle.net/10288/13432>. In a letter to Belknap, Tucker also cited penal reform as evidence of moral progress and wrote optimistically, “I cannot but hope that this circumstance proves that the most deep-rooted prejudices may in time be successfully attacked and finally eradicated.” Tucker to Belknap, Williamsburg, April 3, 1797, “Letters and Documents,” 426.

¹⁶³ Tucker, *Dissertation*, 96.

¹⁶⁴ *Ibid*, 97-98.

¹⁶⁵ Tucker to Belknap, August, 13, 1797, “Letters and Documents,” 427-28

Tucker's *Dissertation on Slavery* was the most carefully thought out gradual abolition proposal of the early republic. The Virginian drew on the experience and opinions of northerners and sought to frame his proposal in a way to demonstrate the harmony of humanity and sound policy in gradual abolition. Yet his plan pleased neither the Virginia legislature nor abolitionists. Ludwell Lee of the state senate thanked Tucker for sending them a copy of his pamphlet, and wrote: "You certainly judge rightly in supposing that to an enlightened Legislature no object can be more grateful than to restore upon a plan not injurious to Society; the Freedom to a part of our Fellowman, which the God of nature gave them."¹⁶⁶ However, the senate did nothing and the pamphlet met a hostile reception in the House of Delegates, the only branch that could initiate legislation. Tucker's elite status and the conservative nature of the plan proved no match to the "mistaken interest and prejudice" of the legislature.¹⁶⁷

While too radical for the Virginia Assembly, Tucker's pamphlet proved too conservative for most abolitionists. When the Pennsylvania Abolition Society initially learned of the pamphlet, which Mathew Carey published in Philadelphia, they considered purchasing and distributing one hundred copies.¹⁶⁸ But after reading it the abolitionists determined that "they did not judge the Pamphlet written by St. George Tucker a publication of such a nature as to be necessary for this Society to purchase any thereof."¹⁶⁹ The PAS did not elaborate on what they found objectionable, but Robert Pleasants offered his critique in a letter to Tucker. He praised Tucker as a "friend to humanity," but felt his plan was too slow and oppressive. Pleasants conceded the expediency of gradualism even though he disavowed the necessity of respecting the sanctity of unrighteous property in men. His main differences with Tucker, Pleasants argued

¹⁶⁶ Ludwell Lee to Tucker, Rich. 5th Dec. 1796, in *Virginia Silhouettes*, ed. Tucker, 4-5.

¹⁶⁷ Tucker to Belknap, Williamsburg, April 3, 1797, "Letters and Documents," 426.

¹⁶⁸ PAS meeting, 10 mo 3. 1796, General Meeting Minutes, 267.

¹⁶⁹ PAS Meeting, 2d of 1 mo 1797, General Meeting Minutes, 268.

that the next generation of males as well as females should be freed, and he regarded Tucker's restrictions on free blacks "repugnant both to common justice & good policy." Such restrictions would perpetuate both white prejudice and black hostility, whereas "with suitable encouragement & proper Instruction, we might conciliate their affections and induce them to act so as to contribute to the peace, happiness & prosperity of the country, as well as other citizens."¹⁷⁰ In response, Tucker lauded Pleasants's idealism but suggested that it would prove counterproductive. In his *Dissertation*, he had done all he could to "persuade the self interested....calm the apprehensions of the timid, and lull to sleep the fears of the avaricious." Nonetheless Tucker still "fell very far short of success." He doubted that a more radical proposal would fare better.¹⁷¹

Following the rebuff from the Virginia Assembly, Tucker circulated his pamphlet privately among influential men such as Jefferson and James Monroe.¹⁷² Jefferson agreed with the connection between slave revolt and the urgent need for a practical emancipation plan. He even hoped that some good could come of the slave insurrection in St. Domingue, as fear could be a powerful motivator and might "prepare our minds for a peaceable accommodation between justice, policy and necessity." In addition to spurring Americans to act, the Caribbean slave revolts might also "furnish an answer to the difficult question Whither shall the coloured emigrants go?"¹⁷³ Whereas Tucker had rejected the idea of colonization in Africa or within the United States, Jefferson thought the overthrow of slavery in St. Domingue might provide a more practical alternative destination and thus benefit American antislavery efforts.

¹⁷⁰ Pleasants to Tucker, Curles 5 mo. 30. 1797, LBRP, 235-37.

¹⁷¹ Tucker to Robert Pleasants, Wmsburg June 29, 1797, Letter Book of St. George Tucker.

¹⁷² Tucker to Jefferson, Williamsburg. August 2d. 1797, *Papers of TJ: Digital Ed.*

¹⁷³ Jefferson to St. George Tucker, Monticello Aug. 28. 97. (<http://rotunda.upress.virginia.edu/founders/TSJN-01-29-02-0405> [accessed 23 Oct 2012]).

Although Jefferson did not publicly endorse Tucker's proposal, an anecdote recorded by George Tucker (a younger cousin who was raised in part by St. George), suggests that the pamphlet may have increased northern sympathy for Jefferson. The younger Tucker visited Philadelphia during the 1796 presidential election and overheard a conversation between two Pennsylvanians about Jefferson and slavery, which he included in his unpublished 1858 memoir:

'I should like to vote for Mr. Jefferson, if he was not a slaveholder' – to which the other replied, – 'Oh there is now a plan on foot to do away with slavery in Virginia' – (Alluding to a plan of colonizing the slaves then proposed in a pamphlet by judge Tucker) 'and as to Mr. Jefferson, it is a well known fact, that his negroes sit down with him at the same table every day' – 'If that is the case', said the voter, 'I will vote for him.'¹⁷⁴

It is striking that the idea of Jefferson dining with his slaves was viewed in a positive light, suggesting the racial egalitarianism of the speakers. The anecdote's representativeness (and accuracy) cannot be known, but the elder Tucker's *Dissertation on Slavery* likely had more influence in the North than in Virginia. The pamphlet encouraged northerners to have "sympathy and compassion, both for the slave and for his master," as Virginians had inherited a curse from their forefathers for which they should not be blamed.¹⁷⁵ The pamphlet gave the misleading appearance that Virginian slaveholders were making good faith efforts to address the dilemma of slavery.¹⁷⁶

¹⁷⁴ George Tucker, "Autobiography," *The Life of George Tucker*, ed. James Fieser, (ebook, Thoemmes Continuum, 2004), 29.

¹⁷⁵ Tucker, *Dissertation*, 48.

¹⁷⁶ On the political importance of antislavery-posturing by Virginian Republicans in their political alliance with northerners, see also: Mason, *Slavery and Politics*, 83; Ford, *Deliver Us From Evil*, 46; Riley, "Northern Republicans and Southern Slavery," 17; Ohline, "Slavery and Politics," 326.

In 1801, following Gabriel's conspiracy, George Tucker wrote a pamphlet of his own. He warned that future slave insurrections were inevitable, for history showed "there never have been slaves in any country, who have not seized the first favourable opportunity to revolt."¹⁷⁷ He discouraged imposing harsher restrictions on slaves as "highly impolitic," for "when you make one little tyrant more tyrannical, you will make thousands of slaves impatient and vindictive."¹⁷⁸ Determining how to safely address the problem was a "choice of evils."¹⁷⁹ Implicitly critiquing his cousin's *Dissertation*, Tucker argued that plans which assumed that free blacks would peacefully remain in white society while being denied civil rights were among "those closet schemes, which do more honor to the heart than to the head."¹⁸⁰ On the other hand, he also rejected a proposal which was all head and no heart: exporting the state's slaves to the West Indies (where they would presumably remain as slaves). Even if the legislature would "sanctify so derogatory purpose; the sympathy and humanity of individual slaveholders would never suffer them to be torn from those tender attachments which now soften the miseries of servitude, to suffer still greater in a foreign land."¹⁸¹ This is perhaps the only publication ever suggesting – even if rejecting – the idea that Americans could eradicate slavery in their nation simply by selling all the slaves to other slaveholding countries.

Balancing humanity and expediency, George Tucker instead proposed buying land on the western side of the Mississippi River from the Spanish and establishing a colony for freed slaves there. A tax on slaves would raise money "for the purchase of slaves to be sent at the expense of

¹⁷⁷ [George Tucker], *Letter to a Member of the General Assembly of Virginia, on the Subject of the Late Conspiracy of the Slaves; With a Proposal for Their Colonization*, (Baltimore: Bonsal & Niles, 1801), 06.

¹⁷⁸ Tucker, *Letter to a Member*, 9-10.

¹⁷⁹ *Ibid*, 17.

¹⁸⁰ *Ibid*, 16.

¹⁸¹ Tucker, *Letter to a Member*, 17. Exporting American slaves also would have required the repeal of the 1794 Foreign Slave Trade Law. Of course, at the state level the domestic slave trade served a similar function, reducing the demographic density of slavery and "whitening" the region. Ford, *Deliver Us from Evil*, 384-89.

the state, to the colony.”¹⁸² Tucker noted that the principles of religion, humanity, economic efficiency, and republicanism all encouraged the abolition of slavery, but most important was “self-preservation” and “the salvation of the state.”¹⁸³ Virginians rejected any plan promoting emancipation, but the Virginia Assembly authorized Governor James Monroe to communicate with President Jefferson about the possibility of colonizing troublesome slaves. After repeated delays and obstacles, this correspondence ultimately helped pave the way for the creation of the American Colonization Society in 1816.¹⁸⁴

* * *

At the end of the eighteenth century, prominent southerners agreed that both the Atlantic slave trade and slavery itself were immoral and impolitic. However, for the most part they would only support governmental action against the Atlantic trade. In turn, many northerners accepted the wisdom of this stance. Whether or not individual white Americans believed that the principles of the Revolution mandated the rapid eradication of slavery was not dependent on either their conceptions of race or their sectional belonging. Plenty of abolitionists doubted that blacks could ever be incorporated into American society and some unrepentant slaveholders acknowledged that slavery caused the appearance of black inferiority. Meanwhile, many northern and southern whites alike agreed emancipation was practical in the North but not in the South.

Although racial prejudice undoubtedly reduced many white Americans’ sense of urgency to aid their darker-skinned countrymen, beliefs about the government’s inability to guide

¹⁸² Tucker, *Letter to a Member*, 17.

¹⁸³ Ibid, 19, 22.

¹⁸⁴ Douglas R. Egerton, “‘Its Origin Is Not a Little Curious’: A New Look at the American Colonization Society,” *Journal of the Early Republic* 5 (Winter 1985):463-80.

progress often determined responses to abolitionism. The most forceful advocates of emancipation tended to believe that an active Providence would reward the nation for antislavery actions or inflict divine retribution should that nation not change its ways. Some unrepentant slaveholders argued that American independence and prosperity indicated that God endorsed racial slavery.

More commonly, southern spokesmen bewailed the injustice and impolicy of slavery, while also claiming that it was too big and complex a problem for government to solve. Many northerners sympathized with this view, recognizing that demographic differences between the North and South prevented the easy transfer of northern gradual abolition laws to southern states. Thus, while there was a basic consensus that slavery was an immoral and impolitic institution, there was no consensus about a solution. Slavery proved an “ungovernable” problem.¹⁸⁵ Under these conditions, American abolitionists focused their efforts on suppressing American participation in the Atlantic slave trade. Few had any illusions that ending slave imports would inevitably lead to emancipation, but they believed it was the most expedient means of achieving the greatest humanitarian good while also paving the way for eventual state-based emancipation.

¹⁸⁵ Donald Robinson frames the issue in similar terms; see: *Slavery in the Structure of American Politics*, esp. 3-4.

ABOLITIONISTS & POLITICS:

THE ATLANTIC SLAVE TRADE IN CONGRESS, 1780s-1794

Recognizing the obstacles facing emancipation, abolitionists pursued, won, and celebrated small achievable victories in the 1790s. At the national level they focused on suppressing the Atlantic slave trade as far as politically possible. Accepting that Congress could not ban the importation of slaves until 1808, they focused on lobbying individual states to ban both slave imports and participation in the slave trade. Their tactics recognized an important distinction between importing slaves into the United States and carrying them from Africa for sale in foreign ports such as the West Indies. Abolitionists recognized that the foreign carrying trade was more politically and constitutionally vulnerable than the import branch of the Atlantic slave trade, though historians have not always recognized this distinction. Furthermore, after 1786 American slave traders transported more enslaved Africans to foreign ports than they imported into the United States, thus targeting this trade was the most expedient mode of reducing Americans' involvement in a traffic which abolitionists identified as a national sin.¹ In 1790 abolitionists celebrated an important victory when Congress issued two reports claiming broad powers to regulate the foreign slave trade. Congress was initially reluctant to use these newly declared powers, but continued abolitionist petitioning paid off with the Foreign Slave Trade Act of 1794.

Meanwhile on the other side of the Atlantic, British abolitionists felt “grievously disappointed!” Although the House of Commons had passed a resolution in 1792 declaring the

¹ See the data available at Transatlantic Slave Trade Database website: <http://slavevoyages.org/tast/database/search.faces?yearFrom=1780&yearTo=1790&natinimp=9&mjslptimp=10000.20000.30000.40000.50000.60000.80000>, accessed September 11, 2012.

Atlantic slave trade “contrary to the principles of religion, humanity, and sound policy,” and calling for its total abolition in 1796, it had become clear that Parliament would fail to follow through. Granville Sharp despondently informed American abolitionists that although the measure had been “ably supported by unanswerable arguments, even by [Prime Minister William] Pitt himself...it was nevertheless rejected and thrown out by a great majority of votes!!!” After this defeat, the British abolitionists were “entirely at a loss how to proceed farther with any reasonable hope of success.”² But while despairing of the situation in Britain, they were thrilled and envious of the progress that American abolitionists reported. The Americans’ victories as “happy presages that the day is not far distant, when the virtue and vigour of your rising Empire, will be manifested in the total extinction of personal, as well as political Slavery in the United States.”³

In hindsight, such predictions can appear tragically naïve. Historians know that it would be the British who peacefully abolished slavery in the 1830s while the United States became an “empire of slavery” and required a massive civil war to end the institution. They emphasize that Congress permitted slavery’s expansion into the Southwest Territory in 1790 and also passed the Fugitive Slave Law in 1793. Moreover, scholars almost uniformly characterize the 1790 petition debates as a major setback for abolitionism and portray the abolitionists as self-deluding for celebrating the outcome.⁴ With few exceptions, scholars also denigrate abolitionists’ claim that

² Granville Sharp to James Pemberton, Garden Court Temple London, 20th March 1795, Papers of the Pennsylvania Abolition Society (PAS), Letterbook (LB) II:28-29, Historical Society of Pennsylvania (HSP). On the importance of transatlantic correspondence to the early abolitionist movement, see: Betty Fladeland, *Men and Brothers: Anglo-American Antislavery Cooperation*, (Chicago: University of Illinois Press, 1972); David Brion Davis, *The Problem of Slavery in the Age of Revolution*, (New York: Oxford University Press, 1975); W. Caleb McDaniels, “Philadelphia Abolitionists and Antislavery Cosmopolitanism,” in *Antislavery and Abolition in Philadelphia: Emancipation and the Long Struggle for Racial Justice in the City of Brother of Love*, eds. Richard Newman and James Mueller, (Baton Rouge: Louisiana State University Press, 2011), 149-73.

³ Samuel Hoare Jr. and the London Committee to PAS, [London], 14 of August 1795, PAS, LB II:27-28.

⁴ The most important studies include: Robinson, *Slavery in the Structure of American Politics*, 302-312; Ellis, *Founding Brothers*, 81-119; Howard A. Ohline, “Slavery, Economics, and Congressional Politics, 1790,” *JSH* 46

the 1794 Foreign Slave Trade Law represented a victory. They assert that the impulse for the law was a racist desire to protect slavery from the contagion of West Indian rebellion rather than the influence of abolitionists. Scholars suggest that abolitionists' unrealistic faith that slavery was withering away prevented them from understanding that proslavery was ruling the day in Congress.

The disjuncture between these perspectives is based less on the supposedly delusional naiveté of early-national abolitionists than on the unrealistic expectations of some modern scholars. Historians frame the 1790 petition debate as one over emancipation – based in part because they take the exaggerations of one slaveholding congressman at face value – whereas the abolitionists themselves pragmatically and effectively focused on the attainable goal of curtailing the Atlantic slave trade. Rather than examining the question of why abolitionists failed to end slavery, we need to frame our questions around examining why they pursued the strategies they did and examining the extent of their political influence.

I. THE ATLANTIC SLAVE TRADE IN THE FIRST FEDERAL CONGRESS

The abolitionist petitioning efforts of the 1790s must be understood as an extension of the petitioning campaign which Anthony Benezet had begun in 1783. Before his death in 1784, Benezet identified John Parrish and Nicholas Waln of Philadelphia and Warner Mifflin of Delaware as his strongest allies in opposition to slavery, and these Quakers remained among the nation's most active abolitionists during the following decades.⁵ However, because they acted

(August 1980):335-60; William Charles diGiacomantonio, "For the Gratification of a Volunteering Society': Antislavery and Pressure Group Politics in the First Federal Congress," *JER* 15 (Summer 1995):169-97; Richard Newman, "Prelude to the Gag Rule: Southern Reaction to Antislavery Petitions in First Federal Congress," *JER* 16 (Winter 1996):571-99; Van Cleve, *Slaveholders' Union*, 187, 191-203; Robert G. Parkinson, "'Manifest Signs of Passion': The First Federal Congress, Antislavery, and Legacies of the Revolutionary War," in *Contesting Slavery*, eds. Hammond and Mason, 49-68.

⁵ Anthony Benezet to George Dillwyn, Philad.a An: 1783, Anthony Benezet Papers, Haverford.

within Quaker networks rather than formal abolition societies, they have attracted relatively little attention from scholars, obscuring important continuities within the larger antislavery movement.⁶ When the 1790 petitions are understood in the context of earlier Quaker petitioning efforts, their goal, strategy, and success appear clearer. Rather than failing in an unrealistic push for emancipation, the abolitionists succeeded in their efforts to curtail the Atlantic slave trade as far as politically possible.

In 1786 the Philadelphia Yearly Meeting encouraged their Meeting for Sufferings (PYM-MS) to draft another petition to Congress. John Parrish and fellow PYM-MS activist James Pemberton delivered the petition to Congress, which met in New York during this time.⁷ Reminding Congress of their 1783 petition, the Quakers reiterated their commitment to “universal Liberty & the common Rights of Man.” But they also indicated that their immediate goals were quite limited. Acknowledging that the federal government lacked the power to effectively suppress the Atlantic slave trade, the Quakers hoped Congress would issue a declaration encouraging action against this “national Iniquity.”⁸ When Congress again declined to take action, Quakers turned their attention to state governments. In 1787 and 1788, Parrish, Pemberton, and Waln acted on behalf of the Meeting for Sufferings in collaboration with Quakers in Maryland, petitioning for a ban on both importing and exporting slaves there.⁹

⁶ Many scholars have drawn on John Parrish’s 1806 pamphlet, *Remarks on the Slavery of Black People*, and Newman has recently described Parrish as “one of the most underrated Quaker abolitionists of the early national period,” but very little has been written about Parrish himself. Richard Newman, “John Parrish, ‘Notes on Abolition (circa 1805),’” *Quakers & Slavery*:

http://trilogy.brynmawr.edu/speccoll/quakersandslavery/commentary/people/parrish_john.php. Parrish’s activism on behalf of African Americans and Native Americans has been recently examined in Jayne Ellen Ptolemy, “‘Our native soil’: Philadelphian Quakers and Geographies of Race, 1780-1838 (PhD diss., Yale University, 2013), esp. 34-3, 44-59, and *passim*.

⁷ Drake, *Quakers and Slavery*, 95; PYM-MS Minutes 1785-1802, 36-38 (19 October 1786).

⁸ *Ibid.*, 38-39 (20 October 1786).

⁹ PYM-MS Minutes 1785-1802, 53 (15 March 1787), 54 (27 March 1787), 55-56 (19 April 1787), 56 (17 May 1787), 79-80 (17 April 1788)

Unlike the PAS, however, the PYM-MS did not make any formal attempt to influence the Federal Convention which was meeting in Philadelphia at this time.

The PAS and Meeting for Sufferings shared some prominent members, such as James Pemberton, and the decision to have the non-denomination PAS rather than the PYM-MS was almost certainly a calculated strategy intended to demonstrate that antislavery sentiment was not limited to Quakers. In their petition, the PAS members asserted that “every...consideration that religion Reason Policy and Humanity can suggest the Society implore the present Convention to make the Suppression of the African trade in the United States, a part of their important deliberations.”¹⁰ Benjamin Franklin’s presentation of the petition to the Federal Convention would have given it additional weight, but the elderly statesmen declined to present a petition he knew would have exacerbated existing sectional tensions among the delegates.¹¹ Then the convention delegates agreed to permit the slave trade until at least 1808, only granting Congress the power to implement a tax of up to ten dollars on each imported slave.

After the substance of the Constitution – with its protection of slave importations for twenty years – was publicized, the Philadelphia Yearly Meeting encouraged the Meeting for Sufferings and individual Quakers to pursue any opportunities for “discouraging the unrighteous Business [of slave trading].”¹² Most Quaker antislavery committees and state abolition societies focused their efforts on the state level.¹³ In 1788 the PAS petitioned the state legislature while

¹⁰ PAS petition to the Honourable Convention of the United States now Assembled in the City of Philadelphia, June 2d: 1787, PAS Papers, reel 25.

¹¹ Waldstreicher, *Slavery’s Constitution*, 103-04. The PAS nonetheless managed to reach a public audience for their petition by having it published in the newspapers, see: *Pennsylvania Packet* (Philadelphia), 14 February 1788; *Massachusetts Centinel* (Boston), 19 March 1788; *Edinburgh Magazine or Literary Miscellany* (Appendix to Vol VI [1787]), 453; *Gentleman’s Magazine* 2 (London, 1787) 925; *The Scots Magazine* 49 (Edinburgh, 1787) 564.

¹² PYM minutes of 29 September 1787 excerpted in PYM-MS Minutes 1785-1802, 64 (18 October 1787).

¹³ New England Meeting for Sufferings to the PYM-MS, Providence, 20th of the 8th mo: 1787, in PYM-MS Minutes 1785-1802, 71-73 (20 December 1787); PYM-MS to New England Meeting for Sufferings, 17th of the 7th mo: 1788, in *ibid*, 87-88.

John Parrish and other members of the PYM-MS submitted their own petition and held “conferences with the members,” until they passed a law strengthening enforcement of the 1780 Gradual Abolition Act. The new law also extended the ban on slave imports to any involvement in the slave trade, whether foreign or domestic.¹⁴ The PYM-MS members recognized, however, that the law was “likely to prove but a partial Remedy, unless like measures [were] adopted in the adjacent States.” John Parrish, James Pemberton, and others therefore formed a committee to petition neighboring legislatures encouraging them to ban all involvement in the Atlantic slave trade as well.¹⁵ In Delaware their actions supplemented the existing antislavery agitation by Warner Mifflin and other local Quakers.¹⁶ The PAS petition to Delaware also sought limits on the domestic slave trade, especially bans on the “unnatural Separation of Husband & Wife, Children & Parents,” and they also called for the gradual abolition of slavery itself.¹⁷ Although Delaware legislators rejected calls for gradual emancipation, they concluded that any involvement in the Atlantic slave trade was “inconsistent with that spirit of general liberty which pervades the constitution of this state.” They banned any participation in the carrying trade and increased regulations from 1787 on the domestic slave trade, requiring masters to obtain the written permission of five justices of the peace to sell slaves out of state.¹⁸ Meanwhile, Quakers in Virginia and New England lobbied their respective state governments.

¹⁴ PYM-MS Minutes 1775-1802, 74-75 (17 January 1788), 78 (20 March 1788), 79 (17 April 1788), 80 (quotation, 17 April 1788). See also: Drake, *Quakers and Slavery*, 96; Nash and Soderland, *Freedom by Degrees*, 127.

¹⁵ PYM-MS Minutes 1775-1802, 83 (15 May 1788). For their efforts in New Jersey, see: *ibid.*, 92-93 (16 October 1788); 95 (28 November 1788), 96 (18 December 1788).

¹⁶ Warner Mifflin to John Parrish, Kenty C[ount]y 5th Day of 4mo: 1788, C-P-W, box 1; Mifflin to Parrish, Kenty C[ount]y 19th Day of 4mo 1788, *ibid.*; Mifflin to Parrish 11 of 5 mo. 1788, *ibid.*

¹⁷ PYM-MS petition to the general Assembly of the State of Delaware, 22d: day of the 5th: mon: 1788, PYM-MS Minutes 1775-1802, 84-84. See also *ibid.*, 86 (19 June 1788), 88 (17 July 1788); PYM-MS petition to the general Assembly of the State of Delaware, 16th: day of the 10th month 1788, in *ibid.*, 94; 95 (28 November 1788), 96 (18 December 1788), 99 (15 January 1789), 100 (19 February 1789),

¹⁸ The law also granted jury trials to slaves charged with capital offenses. “An Additional Supplementary Act to an Ace, Intituled An Act to Prevent the Exportation of Saves,” (3 February 1789), *Laws of the state of Delaware: from the Fourteenth Day of October, [1700], to the eighteenth day of August, [1797]* (2 vols., New Castle: Samuel and

The state level approach of Quakers and abolitionist societies paid off. By the end of 1788 the Philadelphia Meeting for Sufferings proudly reported “the Progress made in this Work of Righteousness & Benevolence” to their counterparts in London. Every state but Georgia had ended slave importations – though the South Carolina ban was set to expire after four years – and many had banned their citizens and ports from any involvement in the Atlantic slave trade. They also reported that the Quakers were educating many freed slaves and their children, “some who are religiously affected for the Improvement of each other in Piety & Virtue.”¹⁹ But while American abolitionists celebrated their small victories, they had no delusions that universal emancipation was on the horizon. In their next letter to London, the Philadelphia Quakers emphasized their continued commitment to antislavery despite the “difficulties & Disappointments [which] continue to impede the work.”²⁰

Meanwhile, the debates over ratifying the Constitution demonstrated widespread disgust with the slave trade clause and increased abolitionist’s hopes that it might not be as much of a setback as it initially appeared.²¹ One correspondent informed the PAS that a Connecticut delegate to the Federal Convention had reported that the concession on the slave trade had been very unpopular and that if another Federal Convention was held, “that Clause might be varied or at least the time much shortened.”²² PAS members proposed petitioning the new federal Congress at its first session in 1789, but one of the society’s more conservative members, Tench

John Adams, 1797), II:942-44. Patience Essah, *A House Divided: Slavery and Emancipation in Delaware, 1638-1865* (Charlottesville: University of Virginia Press, 1996), 40-41.

¹⁹ PYM-MS to the London Meeting for Sufferings, Philada. The 18th: 12th: mo: 1788, in PYM-MS Minutes 1785-1802, 96-98, quotations from 98. The London Quakes received this news with “much Satisfaction,” but had reported that their own efforts to lobby Parliament against the slave trade had met with delays and postponements. London MS to PYM-MS, London, the 19th: of the 7th: mo: 1789, in *ibid*, 110-12, quotation from 110.

²⁰ PYM-MS to London Meeting for Sufferings, Philadelphia, the 19th: day of the 11th Mo: 1789, in PYM-MS Minutes 1785-1802, 115-17, quotation from 116.

²¹ Waldstreicher, *Slavery’s Constitution*, 107-151, esp. 127-33.

²² “Extract of a Letter from New [Y]ork dated 19th 10: mo: 1788, PAS LCi. (The delegate in question was William Samuel Johnson.)

Coxe, “with great difficulty,” persuaded them to delay.²³ Coxe, a political economist with a growing national reputation, soon reconciled himself to slavery’s place within the national economy and became an opponent of abolitionism.²⁴ Notwithstanding Coxe’s efforts to prevent abolitionists from petitioning Congress about the slave trade, congressmen introduced the subject themselves in the spring of 1789 during debates over import duties. Although Congress declined to legislate on the slave trade, the debates indicated widespread anti-slave-trade sentiment in Congress.

On 14 May 1789, Josiah Parker of Virginia proposed imposing the constitutionally-sanctioned \$10 tax on imported slaves as part of a general bill regulating imports and revenue.²⁵ Parker framed his proposal in explicitly moral and ideological terms, regretting that the Constitution prevented Congress from completely abolishing the “irrational and inhuman traffic” which was “contrary to the Revolution principles.”²⁶ James Madison supported the duty, believing it would demonstrate “their sentiment on the policy and humanity of such a trade.” Appealing to prudential concerns, he argued that each imported slave a state imported “tends to weaken and render them less capable of self-defence.”²⁷ Representatives from Georgia and

²³ Tench Coxe to Madison, Philada. March 31. 1790., Founders Online.

²⁴ Nash, *Forgotten Fifth*, 135, 149-51, 154-167; Martin Öhman, “Perfecting Independence: Tench Coxe and the Political Economy of Western Development,” *JER* 31 (Fall 2011):397-433.

²⁵ For discussion of Parker’s proposal, see: Kenneth Morgan, “Proscription by Degrees: The Ending of the African Slave Trade to the United States,” in *Ambiguous Anniversary: The Bicentennial of the International Slave Trade Bans*, eds., David T Gleeson and Simon Lewis (Columbia: University of South Carolina Press, 2012), 16-17; DuBois, *Suppressing the African Slave-Trade*, 74; Donald L. Robinson, *Slavery in the Structure of American Politics, 1765-1820*, (New York: Harcourt Brace Jovanich, Inc., 1971), 299-301; Don E. Fehrenbacher, *The Slaveholding Republic, An Account of the United States Government’s Relations to Slavery*, (New York: Oxford University Press, 2001), 137-38.

²⁶ *AC I-I*, 349 (May 14, 1789).

²⁷ *ibid*, 353-55 (14 May 1789).

South Carolina responded by stressing the necessity of slave labor in their states, and dismissing the moral high ground taken by the Virginians who already had plenty of slaves.²⁸

Ultimately the \$10 duty proposal came to naught after New England representatives joined with the Lower South in opposition.²⁹ They did so in ways that enlisted antislavery rhetoric against an ostensibly antislavery proposal. Roger Sherman of Connecticut claimed to support Parker's aspiration but not his method. Sherman "could not reconcile himself to the insertion of human beings as an article of duty, among goods, wares, and merchandise."³⁰ Fisher Ames of Massachusetts elaborated this line of thinking. He began by claiming that "no one could suppose him favorable to slavery, he detested it from his soul," but he feared that drawing revenue from it could "have the appearance of countenancing the practice."³¹ Parker agreed to withdraw his \$10 duty amendment from the revenue bill, and to bring it forward as a standalone bill; however, discussion of that bill was subsequently postponed and never resumed.³²

²⁸ *AC 1-1*, 350 (James Jackson of GA, 14 May 1789).

²⁹ To a degree unacknowledged by historians, the alliance between New England and the Lower South against the \$10 duty may have been part of a tacit quid pro quo in return for lowering the molasses duty. At various points in the April and May debates, congressmen made none-too-subtle remarks about sectional bargaining in reaching a compromise in regard to duties on molasses and slaves. In response to the high duty proposed for molasses, George Thatcher of Massachusetts cautioned: "If the pernicious effects of New England rum have been justly lamented, what can be urged for negro slavery? Certainly there is no comparison; but I will avoid the enumeration of its evils, and conclude with a hope that, if the House will not condescend to strike it out, they will reduce it to two cents." *AC 1-1*, 224 (28 April 1789). Later, Thomas Tudor of South Carolina hinted, "I may think the duty too high on molasses, and may be disposed to make it five cents, or less, if a reduction is made in other articles." *AC 1-1*, 338 (11 May 1789). The next day the House voted to lower the duty on molasses from six to five cents per gallon, and various proposals indicated that it might be lowered further at a later date. After Parker proposed the \$10 duty on slaves, James Jackson of Georgia appealed directly to congressmen "to the eastward [i.e. in New England]"; he knew they viewed the slave trade in an "odious light," but hoped they would help "those who have assisted in lightening their burdens." *AC 1-1*, 349 (14 May 1789). The final law did not include the \$10 slave duty and lowered the molasses duty to two-and-a-half cents. "Chap. II – *An Act for laying a Duty on Goods, Wares, and Merchandise imported into the United States*," (4 July 1789), *Statutes at Large*, I:24-27.

³⁰ *ibid*, 350.

³¹ *ibid*, 351.

³² Parker reported the bill on 19 September 1789, but after its first reading, further consideration was "postponed until the next session of Congress." *HR Journal*, I:114. On January 11, 1790, a committee led by Elias Boudinot to "examine the Journal of the last session" and report of unfinished business, mentioned "A bill concerning the importation of Certain Persons prior to the year one thousand eight hundred and eight," but it was never revived and the text of the bill was not recorded. *AC 1-2*, 1082-83; *HR Journal*, I:138. As discussed below in chapter 4,

Nonetheless, the debates of 1789 showed that the Lower South was isolated in its defense of the Atlantic slave trade on grounds of necessity, whereas Upper South representatives denounced the trade on grounds of both humanity and expediency. This division within the South increased the potential for a cross-sectional majority to act against the Atlantic slave trade.

* * *

Following Congress's ad hoc discussion of the slave trade, the PAS determined to petition Congress at their next session. James Pemberton informed British abolitionists, "altho the importation of Slaves has not wholly escaped [Congress's] attention...we believe it may be proper before their adjournment to bring it into view." Noting that British abolitionists had inspired a Parliamentary investigation into the Atlantic slave trade, Pemberton added, "we are not without hopes that we shall acquire some strength from the proceedings of the Parliament of Great Britain."³³ Pemberton also remained actively involved in Philadelphia Meeting for Suffering's antislavery committees, and the two groups collaborated closely together. In June the Meeting for sufferings encouraged the larger Philadelphia Yearly Meeting and Quakers in other states to unite in a coordinated effort to petition Congress; the PYM endorsed this proposal in October and delegations of Quakers including John Parrish, John Pemberton (James's brother) and Warner Mifflin, travelled to New York in February 1790 to lobby Congress.³⁴

congressmen revived the effort to tax the slave trade following South Carolina's decision to reopen the slave trade at the end of 1803.

³³ James Pemberton/PAS to London Society. 24th: 6th: Mo. 1789, PAS Papers, LB I:18-22. Tench Coxe, a prominent political economist and conservative member of the PAS, claimed that he had dissuaded the PAS from submitting a petition earlier in the session, as well as preventing Benjamin Franklin from presenting a PAS petition to the Constitutional Convention in 1787, See: Tench Coxe to Madison, Philada. March 31. 1790 in *Papers of James Madison, Digital Edition*. On the transatlantic nature of British and American abolitionism, see: Fladeland, *Men and Brothers*.

³⁴ PYM-MS Minutes 1785-1802, 110 (26 September 1789), 113 (15 October 1789); Edward Needles, *The Pennsylvania Society for Promoting the Abolition of Slavery; the Relief of Negroes Unlawfully Held in Bondage, and for Improving the Condition of the African Race*, (Philadelphia: Merrihew and Thompson, Printers, 1848), 34-

The abolitionists accompanied their petition efforts with a propaganda campaign aimed at increasing public awareness and opposition to the slave trade. While lobbying the Delaware legislature, the PYM-MS had distributed copies of Thomas Clarkson's *Essay on the Impolicy of the Slave Trade*.³⁵ In preparation for lobbying Congress they republished more British antislavery propaganda, including the diagram of the slave ship *Brooks*.³⁶ Angry congressmen from the Lower South complained that the Quakers had "scattered Daily pamphlets, representing Negroes packed togr. as Tobacco in a hogshead."³⁷ While lobbying Congress, the abolitionists also hoped to mobilize the public on their side.

The delegates from the Quaker yearly meeting of Philadelphia and New York presented their petitions first, on February 11, 1790.³⁸ The PYM petitioners observed that when they had petitioned the Confederation Congress in 1783 the delegates had "generally acknowledged" the "gross national iniquity of trafficking in the persons of fellow-men," but had "lacked the power to apply a remedy." The ratification of the Constitution gave them hope that Congress could now take effectual measures against the Atlantic slave trade, while the various state bans and limitations on slave imports increased their optimism. Believing that the abolition of the slave trade would serve the "true temporal interests of nations, and eternal well being of individuals," the memorialists asked Congress to use "the full extent of your power" to encourage "the

37. On Quakers abolitionists as lobbyists, see also: Ohline, "Slavery and Congressional Politics," diGiacomontonio, "For the Gratification of a Volunteering Society."

³⁵ PYM-MS Minutes 1785-1802, 99 (15 January 1789);

³⁶ The PAS broadside of the *Brooks* was reprinted in the *American Museum* (May 1789), in *DHFFC*, XVIII:688-91. They also distributed copies to correspondents as far south as Charleston, see: John Kirk to James Pemberton, Charleston, 9mo 22d 1789, Pemberton Papers, Box 5. For a discussion of the *Brooks* image, see: Marcus Rediker, *The Slave Ship: A Human History*, (New York: Viking, 2007), 308-42.

³⁷ James Jackson of Georgia quoted in John Pemberton to James Pemberton, New York 2mo. 11. 1790 in PAS Papers, LCi 2-93).

³⁸ The petitions, a timetable, and relevant documents are collected in *DHFFC*, vol. VIII (Petitions Histories), 314-48. Much of the relevant correspondence between abolitionists James and John Pemberton has been reprinted in *DHFFC* vol. XIX.

Abolition of the slave trade.”³⁹ The memorial from the New York Yearly Meeting focused more specifically on the need for federal law supplementing state laws against the Atlantic slave trade. The Quakers complained that although New York had banned all participation in the slave trade, some slave traders were still using their port as a base of operations. They had already petitioned the state government to increase enforcement, but had been told that under the Federal Constitution the state legislature no longer had the necessary powers to regulate foreign commerce. Thus the Quakers asked Congress “that effectual provision may be made to restrain vessells [*sic*] from fitting out and clearing out in any of the ports in this State for the purpose of a trade to Africa for slaves.”⁴⁰

At this time Congress was in the midst of debating the federal assumption of state debts and the Senate quickly voted to lay the petitions on the table without taking any action in their favor. But the House of Representatives entered into a lively debate over whether they should create a committee to consider the petitions. As in the previous session, Lower South representatives like James Jackson and William L. Smith raised the most vocal opposition against discussing the slave trade. By contrast, some Upper South representatives, such as Josiah Parker and James Madison, used the debate as an opportunity to revive their call for a \$10 duty on imported slaves. The support of Upper South representatives was essential in legitimizing the Quakers’ lobbying efforts and their claim to congressional attention.⁴¹ After several hours of debate, the House members determined to resume the discussion the following day.⁴²

³⁹ Memorial of the Philadelphia Yearly Meeting, 3 October 1789 (presented 11 February 1790), in *DHFFC*, VIII:322-23

⁴⁰ Memorial of the New York Yearly Meeting, 10 February 1790 (presented 11 February 1790), in *DFFC*, VIII:323-24.

⁴¹ diGiacomontonio, “For the Gratification of a Volunteering Society.”

⁴² For the 11 February debates, see: *AC I-2*, 1224-33; *DHFFC*, XII:270-92.

On February 12, the PAS delegates presented their petition, signed by PAS's figurehead president, Benjamin Franklin. This petition focused more broadly on the evils of slavery, which the PAS described as incompatible with "the Christian Religion" and the "Political Creed of America." The petitioners felt "themselves *bound to use all justifiable endeavours to loosen the bands of slavery*," and looked to Congress for aid. Believing that the Constitution's reference to the "*blessings of liberty*" vested Congress with "many important & salutary Powers," they hoped that Congress would "be pleased to countenance the *Restoration of liberty*" to slaves. This request most likely referred to protecting freed slaves and their children from re-enslavement, one the PAS's key concerns at the state level. The petition concluded by asking Congress to "Step to the very verge of the Powers vested in you for discouraging every Species of Traffick in the Persons of our fellow Men."⁴³

Congressmen then debated what to do with the petitions even more vehemently than the previous day.⁴⁴ South Carolinians and Georgians insisted tabling the petitions in order to discouraged abolitionists from submitting other petitions in the future. However, the House voted 43 to 11 to create a committee on the subject, leaving William L. Smith to complain that his "oppos[iti]on was ineffectual."⁴⁵ During the House debates, Quakers and abolitionists filled the galleries, lobbied individual congressmen including those from the Lower South, and they

⁴³ Memorial of the Pennsylvania Abolition Society, 3 February 1790, (presented 12 February 1790), in *DFFC*, VIII:324-27. The extent to which the PAS was requesting emancipation or, more conservatively, simply taking actions to curb slave trading and protect blacks who were already free, remains ambiguous. Quaker testimony given before a congressional committee suggests the more conservative interpretation that the request to "countenance the Restoration of liberty" meant extending federal protection of blacks who had already been freed under state laws or privately manumitted. The Quakers complained that manumitted blacks in North Carolina had been enslaved under "an ex post facto law," and that slaves illegally imported into Virginia were similarly enslaved even though state law "clearly declared [them] free." See: "Testimony to the Committee, 15 February 1790," in *DFFC*, VIII:324-28. The controversy of the alleged illegal re-enslavement of North Carolinian blacks surfaced repeatedly in Congress in 1797, as I discuss in chapter 3.

⁴⁴ *AC I-2*, 1239-47; *DHFFC*, XII:295-313.

⁴⁵ Smith to Edward Rutledge, 13 February 1790, *DHFFC*, XVIII:511. *AC I-2*, 1247 (NB: In the *Annals* the vote is mistakenly recorded as 43-14, but the recorded names represent the correct numbers.)

subsequently met with the special committee appointed to consider the petitions.⁴⁶ When the committee issued its report on March 5, the influence of abolitionists was clear. Although the report began with three resolutions reiterating the constitutional restraints on congressional power over slavery and the slave trading, these were followed by the acknowledgment that Congress could impose a ten dollar tax on imported slaves and two resolutions declaring broad powers to ban the foreign slave trade and regulate the Atlantic slave trade prior to 1808. A seventh resolution stated, “that in all cases to which the authority of Congress extends, they will exercise it for the humane objects of the memorialists, so far as they can be promoted on the principles of justice, humanity, and good policy.”⁴⁷

The special committee’s report provoked fierce opposition from Lower South representatives as well as a minority of those from the Upper South, with some warning of disunion. Beginning on March 17, the House of Representatives debated the report at length, issuing an amended report by the “committee of the whole” on March 23. The revised report preserved all the essential elements of the first report, with the exception of the seventh resolution, and Lower South representatives found it almost equally obnoxious. Congressmen voted, 29 to 25, to print both reports, representing a rebuke to the Lower South and an important victory for the abolitionists.⁴⁸

These reports gave the Quakers much more encouragement than the responses of the Confederation Congress in 1783 and 1786. James Pemberton informed his British

⁴⁶ Ohline, “Slavery, Economics, and Congressional Politics;” diGiacomantonio, “For the Gratification of a Volunteering Society;” Newman, “Prelude to the Gag Rule.”

⁴⁷ The special committee report is printed in *AC I-2*, 1465-66 (8 March 1790) and again, with the committee of the whole report (discussed below) on 1523-25 (23 March 1790). Also in *DHFCC*, VIII:335-36.

⁴⁸ *AC I-2* 1523 (23 March 1790). It should be noted that the House did not vote to replace the special committee’s report with that of the committee of the whole (as some historians assume), but merely to print both. All voting representatives from South Carolina and Georgia voted against the measure, indicating that they opposed both reports. The Upper South and northern states were divided in their votes.

correspondents that although their petitions had been “violently opposed by a train of invective speeches” from Lower South slaveholders, “it is however agreed that the momentous [*sic*] cause we are engaged to promote has been greatly advanced by this measure.” They hoped that their trans-Atlantic comrades would have similar success in Parliament.⁴⁹ To the French *Amis de Noirs*, Pemberton wrote: “Our application to Congress in behalf of these unhappy Men, did not meet with that Success which their most zealous friends expected, yet we have great reason to be satisfied with the measure, as it has evidently served to disseminate our principles.”⁵⁰ Writing to Virginian abolitionist Robert Pleasants, he stressed that the antislavery sentiment of many congressmen exceeded the constitutional limits on their power, writing: “it is generally acknowledged that the cause of humanity has been advanced by its being agitated in that public body whose powers are too restricted to do what many of the members are disposed to promote.”⁵¹ The abolitionists were confident that their first petitioning effort after Ratification had strengthened their cause.

* * *

With few exceptions, historians have understood the result of the 1790 debates as a “clear victory for the South” and have characterized the abolitionists as self-deluding.⁵² Scholars such as Howard Ohline, who argue that the Constitution was not inherently, emphasize the second 1790 debates as a watershed moment when a proslavery interpretation of the Constitution gained broad acceptance. On the other hand, scholars who characterize the Constitution as proslavery

⁴⁹ J[ames] P[emberton] to London Society, Philadelphia: 2nd. 4. Mo. 1790, PAS LB I:24-26. See also: PAS to London Society, Philadelphia 5 Mo: 3d: 1790, PAS LB I:32-35.

⁵⁰ PAS to Amis de Noirs, Philadelphia, August 30th. 1790, PAS LB I:37-41.

⁵¹ Jams. Pemberton to Robert Pleasants, 4. mo. 20th. 1790, Robert Pleasants Papers, HL, box 12. See also: Pemberton/PAS to Washington [PA] Abolition Society, Philadelphia. 25th. October 1790, PAS Papers, LB I:49-52.

⁵² Davis, *Slavery in the Age of Revolution*, 133. See also: Robinson, *Slavery in the Structure of American Politics*, 302-312; Newman, “Prelude to the Gag Rule,” Parkinson, ““Manifest Signs of Passion.””

from the beginning, such as George Van Cleve, argue that the 1790 debates further entrenched this attribute. Ohline states the defeated abolitionists “could only rationalize that the debates of 1790 ‘served to disseminate our principles’” while Van Cleve labels the PAS optimism “inexplciabl[e]” and comments: “they appear to have attended a different debate than the one Congress conducted.”⁵³ Thus scholars who disagree about the character of the Constitution agree that the abolitionists were worse off after their petitioning campaign than before.⁵⁴ The contrast between the ways abolitionists and most modern scholars have viewed the debates appears to revolve around a tendency of historians to exaggerate the antislavery character of the first report by the select committee, thus making the second report by the committee of the whole appear as a great setback. By treating the debates as if they were about emancipation, historians lose sight of the actual battle and the site of the abolitionist victory: the declaration of broad powers to regulate the Atlantic slave trade before 1808.

The confusion revolves around the meaning of the second resolution in the report by the original special committee. The resolution in question, along with the first resolution to which it refers, read as follows:

⁵³ Ohline, “Slavery and Congressional Politics,” 354; Van Cleve, *Slaveholders’ Union*, 202. My interpretation of the 1790 debates breaks significantly from both views, but supports Van Cleve’s larger argument that the Constitution had already severely curtailed the potential for antislavery actions by Congress.

⁵⁴ William diGiamantonio and Douglas Bradburn are noteworthy exceptions to the standard interpretation of the 1790 debates. diGiamantonio suggests that the PAS petition overreached in this request, but he also demonstrates the sophistication of the abolitionists’ lobbying techniques and recognizes that the second report preserved the essential features of the first report. (“For the Gratification of a Volunteering Society,” esp. 191-91.) Bradburn also recognizes that the first report was not intended to support emancipation and points out that the Lower South representatives’ efforts to suppress or condemn abolitionist influence “had failed at each step of the debate,” and they were the ones least happy with the final report. Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804*, (Charlottesville: University of Virginia Press, 2009), 248-50, quote from 250.

First. That the General Government is expressly restrained from prohibiting the importation of such persons ‘as any of the States now existing shall think proper to admit, until the year one thousand eight hundred and eight.’

Second. That Congress, by a fair construction of the Constitution, are equally restrained from interfering in the emancipation of slaves, who already are, or may, *within the period mentioned*, be imported into, or born within, any of the said states.⁵⁵

It is virtually certain that the italicized clause was intended to qualify only the subsequent clause; that is, that Congress could never free slaves in the states *except* those who might be illegally imported after 1808. In other words, after 1808, Congress could prohibit the importation of slaves and could free illegally-imported slaves, but they still could *not* free slaves who had been born in the US or imported before 1808. Congress acted upon this understanding in various laws in the following decades.⁵⁶ However, William L. Smith, used a (still) common rhetorical strategy for mobilizing political opposition, misrepresenting and exaggerating the potential implications of the resolution. On March 17, he declared that “the report of the committee appeared to hold out the idea that Congress might exercise the power of emancipation after the year 1808; for it said that Congress could not emancipate slaves prior to that period.”⁵⁷

By characterizing the resolution as a Trojan Horse containing emancipation, Smith hoped to enlist Upper South representatives against the entire report and thus help defend the Atlantic

⁵⁵ *AC 1-2*, 1524 (my emphasis).

⁵⁶ A 1798 law banning the Atlantic slave trade to the Mississippi Territory freed illegally-imported slaves (constitutional because Mississippi was not a state). During the debates over the 1807 law abolishing the slave trade Congress initially considered freeing illegally imported Africans but eventually decided to allow the individual states to determine their status. The 1819 Slave Trade Act implemented Congress’s ability to free illegally-imported Africans. See discussion in following chapters.

⁵⁷ *AC 1-2*, 1504; *DHFFC*, XII:750-51 (March 17, 1790). Earlier Smith had “expatiated on the construction which might be put on the several parts of the report and showed their pernicious tendency;” but it is unclear if this included the second resolution. *DHFFC*, XII:649 (March 8, 1790). Alexander White of Virginia viewed the first three resolutions as “unnecessary” as they simply reiterated what was already in the Constitution. *DHFC*, XII:761 (March 17, 1790).

slave trade from any regulation. Although advocates of the report disavowed such an interpretation or intention, most historians have accepted Smith's assertion at face value and thus believe the stakes of the debate were much higher than they actually were. Joseph Ellis writes that according to the first report: "After 1808, Congress possessed the authority to do whatever it wished; then all constitutional restraints would be off."⁵⁸ Donald Robinson, Howard Ohline, and George Van Cleve all assume the same.⁵⁹ Following from this belief, the second resolution appears as the "key provision" of the special committee's report, and its absence in the "emasculated" report by the committee of the whole appears to have "destroyed the antislavery implications of the [special committee] report."⁶⁰ In other words, Congress seriously considered the federal emancipation after 1808 before instead embracing a proslavery report that established a proslavery interpretation of the Constitution in future years, representing a setback for abolitionists.

Such interpretations have much in common with the larger "rise and fall" narrative of antislavery, exaggerating the Revolution's antislavery potential and the then emphasizing a subsequent reactionary backsliding.⁶¹ Carefully examining the evidence – facilitated by the ongoing publication of the *Documentary History of the First Federal Congress* – indicates that

⁵⁸ Ellis explains: "The prohibition [on emancipation] would only last 'within the period mentioned' – that is, until 1808." Ellis, *Founding Brothers*, 117.

⁵⁹ Donald Robinson argues: "the Constitution, by this interpretation, did not restrain Congress from emancipating slaves born in the United States after 1808." Robinson, *Slavery in the Structure of American Politics*, 305. Ohline concludes: "by reasonable inference this seemed to say that at the time Congress gained the power to prohibit the importation of slaves it would also acquire some power over domestic slavery." Ohline, "Slavery and Congressional Politics," 346. Van Cleve similarly argues that the resolution in question, "implied that Congress also had power to emancipate slaves both in existing states and new states after 1808," and that the revisions "eviscerated" the antislavery thrust of the report." Van Cleve, *Slaveholders' Union*, 194, 199.

⁶⁰ Ellis, *Founding Brothers*, 117; Robinson, *Slavery in the Structure of American Politics*, 310; Ohline, "Slavery and Congressional Politics," 351. See also: Van Cleve, *Slaveholders Union*, 199-200; Newman, "Prelude to the Gag Rule," 596; John P. Kaminski ed., *A Necessary Evil?: Slavery and the Debate Over the Constitution* (Madison, WI: Madison House, 1995), 203.

⁶¹ Christopher Leslie Brown, "The Problems of Slavery," in *Oxford Handbook of the American Revolution*, ed., Edward G. Gray and Jane Kamensky, 427-46; James Oakes, "Conflict vs. Racial Consensus in the History of Antislavery Politics," in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, eds. John Craig Hammond and Matthew Mason, (Charlottesville: University of Virginia Press, 2012), 290-303.

no one intended or advocated the second resolution as containing the emancipatory power which Smith and modern scholars have ascribed to it.⁶² Virtually all contemporaries understood this resolution as *restraining* rather than empowering Congress; instead they pointed to the resolutions on the regulating the Atlantic slave trade as the modest antislavery provisions.

First of all, the abolitionists had never requested emancipation from Congress. The correspondence between the PAS and their allies in other states focused primarily on the slave trade, especially northerners who violated state bans, and the petitioners specific requests focused on the slave trade, not emancipation.⁶³ When the abolitionists gave testimony to the special committee on February 15, they concentrated on the illegal activities of slavers based in northern ports and the re-enslavement of slaves who had been manumitted by Quakers in North Carolina. They acknowledged that “the constitution may not Vest congress with power to pass laws absolutely restraining” the slave trade, but hoped Congress would go as far as they could.”⁶⁴ When Warner Mifflin addressed the committee he similarly restricted his request to prohibiting American citizens and ports from involvement in the foreign slave trade, and for Congress to “hold up to public view, a continual avowal of sentiment” against it. He believed they could achieve this goal “without any infringement of the power of an individual state, or violation of the constitution.”⁶⁵ Similarly, in an address which Mifflin distributed to members of the House, he called on them to “exert the utmost strength thereof, as speedily and efficaciously as

⁶² The *DHFFC* contains additional debate coverage drawn from numerous newspapers not found in the *Annals of Congress*, along with committee papers and correspondence between politicians and with their constituents.

⁶³ For example see: Samuel Hopkins to PAS, Newport, Jany. 7th. 1789, PAS LB I:3; 1789-05-12 Thomas Arnold to James Pemberton, Providence, 5th: 12th: mo. 1789 (extract), *ibid*, I: 22-23; John Murray Jun. (NYMS) to PAS, New York 2 Mo., 4th. 1790, PAS LCi.

⁶⁴ The farthest they went toward emancipation was a request that Congress pass regulations that “may by proper and wise gradations...render them in time fit for a state of freedom.” However much the abolitionists may have wished for emancipation, they knew that amelioration was the best they could hope for. “Testimony to the Committee,” 15 February 1790, *DHFFC*, VIII:327.

⁶⁵ “Warner Mifflin’s Queries to the Committee,” 2-3 March 1790, *DHFFC*, VIII:334.

circumstances will admit, to prevent any further progress in the African trade.”⁶⁶ But neither called for nor expected a federal program of emancipation as much as he might have liked one. He directed his efforts in favor of emancipation to his state government in Delaware. As James Pemberton wrote *before* the special committee presented their report: “we dare not flatter ourselves with any thing more than a very gradual work.”⁶⁷ Members of the New York Manumission Society (NYMS), who also joined in the lobbying efforts, had similarly conservative expectations and goals.⁶⁸ John Murray Jr., an NYMS lobbyist, viewed the “entire abolition of the slave trade” as key to “laying down the foundation for a due Emancipation of Slaves,” but recognized that it would be slow and gradual work. Indeed, New York had not yet passed a gradual emancipation law, and Murray lamented “the many Obstacles & embarrassments” that abolitionists faced within the state.⁶⁹ There is no evidence that any abolitionist expected Congress to support emancipation or interpreted the first congressional report as doing so.⁷⁰ They had more modest and realistic hopes that centered on the Atlantic slave trade.

Secondly, the structure of the committee report also indicates that the second resolution was restrained rather than granted power. The supposedly emancipatory resolution is followed by one denying the “authority to interfere in the internal regulations of particular States” in

⁶⁶ *DHFFC*, XIX:886. Later printed in the *American Museum*, along with a letter he sent to William L. Smith of South Carolina (August 1790) 62-65. Mifflin reportedly distributed it on March 16, 1790, see: John Pemberton to James Pemberton, New York. 3d mo; 16th. 1790, PAS LCi.

⁶⁷ [PAS] to the London Society, 2d mo. 28th; 1790, PAS LB I:27-29.

⁶⁸ When the NYMS voted to send a committee to join the abolitionists they described their goal as suppressing “the Slave Trade now carried on by the inhabitants of the Eastern States thro’ the medium of some of the inhabitants of this state.” (Meeting Minutes for February 18, 1790, NYMS Records (NYHS), Vol. V.)

⁶⁹ John Murray Jun. (NYMS) to PAS, New York 2 Mo., 4th. 1790, PAS LCi. On the long push for gradual abolition in New York, see: David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777-1827* (Baton Rouge: Louisiana State University Press, 2006).

⁷⁰ John Pemberton to James Pemberton, New York. 3d. mo: 14th. 1790, PAS LCi. Much of the correspondence between the Pemberton brothers about Congress’s proceedings have recently been transcribed in volumes 18 and 19 of the *DHFFC*.

regards to slavery; it is unlikely they meant to say that Congress could abolish but not regulate slavery. Moreover, the committee logically ordered the report so that the first three resolutions enumerating negative restraints were followed by the phrase, “nevertheless Congress have authority,” and then enumerating positive powers. Changes the committee made while drafting the initial report support this reading.⁷¹ Furthermore, one of the committee members explained in private that the second resolution was inserted “with a View to make the Report set [sit] easy with the Georgia & Carolina men,” although “it did not Answer what he had in view.”⁷² Indeed, the only contemporary who ascribed a potential antislavery implication to the resolution was among those whom it was meant to pacify: William L. Smith of South Carolina.⁷³

Upper South delegates responded with surprise at Smith’s understanding. Responding to insinuations that Congress was “disposed to prohibit not only the slave trade, but abolish slavery likewise,” Virginia’s John Page underscored: “I remarked before, and other gentlemen have repeated it – that nothing was farther from the sense of the house – *not one member has even hinted that he entertained an idea of that kind.*”⁷⁴ Northern members also disavowed the view that any of the resolutions indicated a power to interfere with slavery itself.⁷⁵

Smith’s fears about the second resolution appear to have been isolated and short lived; after his initial reference he never again raised specific concerns about post-1808 emancipation.

⁷¹ The draft report of 27 February 1790 contains virtually identical resolutions in different order. In that version the supposedly emancipatory resolution is followed by the one beginning “nevertheless” which further indicates that it was viewed as a negative resolution. When reordered, the other negative resolution, forbidding the regulation of slavery within the states, was moved from the sixth position to the third, thus dividing the report neatly into the three negative resolutions followed by four positive ones. “Draft Committee Report,” 27 February 1790, *DHFFC*, VIII:333-34.

⁷² John Pemberton to James Pemberton, New York. 3d. mo: 14th. 1790, PAS LCi.

⁷³ Although many representatives from the Lower South ascribed broad antislavery sentiment to the resolutions as a whole, there is no record of anyone else specifically identifying the second resolution as problematic.

⁷⁴ *DHFFC*, XII:779 (18 March 1790, emphasis added), see also 825 (Vining, 22 March 1790).

⁷⁵ For example, see the speeches of Elias Boudinot, Theodore Sedgwick, Fisher Ames, George Clymer, and Elbridge Gerry on 18 March 1790: *DHFFC*, XII:764, 766-68, 770.

But the Lower South members promised to “dispute every inch of ground,” and continued to identifying the overall report as antislavery in spirit.⁷⁶ They jumped on the semantic discrepancy of the first resolution’s statement that Congress was restrained from banning the importation of slaves “until” 1808 whereas the text of the Constitution read “prior to.” Smith and others emphasized that Congress was not required to prohibit the importation of slaves in 1808, and they did not like the potential implication of the word “until.”⁷⁷ But most repugnant of all to the Lower South representatives were the references to “humanity” in the third resolution and “justice, humanity, and good policy” in the seventh.⁷⁸ They found the report objectionable not because it suggested the federal government could emancipate slaves beginning in 1808, but because it asserted that the federal government should be influenced by notions of morality. At the Constitutional Convention, John Rutledge of South Carolina had dismissed criticism of the slave trade, stating: “Religion & humanity had nothing to do with this question – Interest alone is the governing principle with Nations.”⁷⁹ The special committee’s seventh resolution seemed to challenge this amoral notion of the Union and of Congress.

When the House committee of the whole issued a revised report, abolitionists did not express any disappointment about the modifications to the second resolution. The new version merely condensed the second and third resolutions into one stating: “That Congress have no

⁷⁶ James Jackson quoted in John Pemberton to James Pemberton, New York. 3d mo; 20th [and 21st] 1790. (LCi 2-127.

⁷⁷ *DHFFC*, XII:769-70; (March 18, 1790). John Pemberton to James Pemberton, New York. 3d mo; 18th. 1790., PAS Papers, LCi 2-125. The second report switched “until” to “prior to.” Ohline, “Slavery and Congressional Politics,” 351

⁷⁸ For the offending part of the seventh resolution see above. The third resolution began by disavowing federal power over the regulation of slavery within the states, but then stated: “but [the special committee] have the fullest confidence in the wisdom and *humanity of the Legislatures of the several States*, that they will revise their laws from time to time, when necessary, and *promote the objects mentioned in the memorials, and every other measure that may tend to the happiness of slaves.*” AC 1-2, 1524 (emphasis added). For examples of opposition to these statements, see Smith in: AC 1-2, 1514 (March 17, 1790); *DHFFC*, XII:772 (18 March 1790); John Pemberton to James Pemberton, New York. 3d mo; 18th. 1790, PAS Papers, LCi 2-125.

⁷⁹ Rutledge on 16 August 1787, quoted in Kaminski, *A Necessary Evil?*, 58.

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.”⁸⁰ This change did not alter their meaning; both versions had always reiterated constitutional restraints on federal power.⁸¹ Indeed, the element of the third resolution that slaveholding opponents had found most offensive – the expectation that states would provide any regulations which “humanity” required – remained in the final version, representing a victory for the abolitionists. Smith and his allies succeeded, on the other hand, in removing the seventh resolution with its antislavery bent.⁸²

The real abolitionist victories were the resolutions on regulating the Atlantic slave trade to the United States and the power to ban American participation in the slave trade to foreign ports.⁸³ During the debates, antislavery-leaning congressmen acknowledged the importance of these resolutions, which depended on broad construction of the Constitution. Thomas Scott, a representative from western Pennsylvania and president of the Washington (County) Abolition Society, wanted the other abolitionists in the gallery to “know that there is at least one member on this floor who believes that Congress have ample powers to do all they have asked respecting the African slave trade.” In addition to the explicit constitutional provision allowing the \$10 duty, he cited the broader powers to regulate commerce and punish piracy to argue that Congress could regulate the Atlantic slave trade prior to 1808.⁸⁴ Jackson and Smith responded by denying

⁸⁰ John Pemberton wrote simply, “The second & third provisions of the committee were to be struck out & Madison proposes some lines which were adopted in stead of them.” John Pemberton to James Pemberton, New York. 3d mo; 18th. 1790., PAS LCi. *DHFFC*, XII:771.

⁸¹ *AC I-2*, 1524.

⁸² *AC I-2*, 15522 (22 March 1790).

⁸³ Given that two of the three petitions had focused solely on the foreign slave trade, it is surprising that most historians have given little attention to these gains. The main exception is: Fehrenbacher, *Slaveholding Republic*, 139.

⁸⁴ Scott also denounced Lower South congressmen’s defense of slavery as “*a phenomenon in politics*” which “mock[ed] all belief,” but concluded that, as “this question is not before the committee...the arguments, therefore, which have been urged on this point, merit no answer.” *DHFFC*, XII:819-22 (March 22, 1790). For a biographical

any power to regulate the trade aside from the \$10 duty, and denounced the antislavery character of Scott's speech.⁸⁵

Representing a significant defeat for the Lower South, the committee of the whole preserved all the essential elements of the special committee's fifth resolution on American participation in the foreign slave trade, while making the language more concise:

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 importation.⁸⁶

On March 22 the committee of the whole also voted to preserve the special committee's sixth resolution in its entirety:

That Congress have also authority to prohibit foreigners from fitting out vessels, in any port of the United States, for transporting persons from Africa to any foreign port.⁸⁷

Because this resolution was alone preserved verbatim from the first committee report, the Committee of the Whole did not reprint it in their report on revisions.⁸⁸ Some historians have mistaken its apparent absence as a deletion, further biasing their conclusion that the second

sketch, see: *DHFFC*, XVI:806. The *New-York Daily Gazette* initially summarized Scott's speech as having "advocated the cause of the Quakers, and insisted upon the extensive powers of Congress with regard to the abolition of slavery." But his recorded speech addressed only powers to abolish the slave trade, despite his obvious sympathy with emancipation. *DHFFC*, XII:811.

⁸⁵ *DHFFC*, XII:823-24 (Jackson); 811-815 (Smith) (both speeches are from 22 March, and followed Scott's, though they were not published in order).

⁸⁶ The original version had read: "That Congress have also authority to interdict, or (so far as it is or may be carried on by citizens of the United States, for supplying foreigners) to regulate the African trade, and to make provision for the humane treatment of slaves, in all cases while on their passage to the United States, or to foreign ports, so far as it respects the citizens of the United States." The change clarified, but did not affect, the meaning. *AC I-2*, 1524-25 (23 March 1790).

⁸⁷ *AC I-2*, 1522 (22 March 1790), 1524 (23 March 1790).

⁸⁸ For example, the revised report read "strike out the seventh clause," but made no reference to sixth. *AC I-2*, 1524 (23 March 1790).

report represented an unequivocal proslavery refutation of the first report.⁸⁹ The committee of the whole's retention of the special committee's broad claims of power to prohibit the foreign slave trade and regulate the treatment of enslaved Africans during transport to the United States represented a "significant declaratory step" as Don Fehrenbacher has noted.⁹⁰ Congress would draw on these resolutions when banning the foreign slave trade in 1794.

Not surprisingly, Lower South delegates were "much opposed" to the preservation of these elements of the report, as John Pemberton reported with evident pleasure to his brother.⁹¹ In reference to the revised fifth resolution, James Jackson said he "had as much objection to the modification as to the original proposition."⁹² And William L. Smith recognized that regulatory power claimed in the sixth resolution could amount to total prohibition of slave imports: "Under color of humane regulations, they might declare...that the slaves should be furnished with such expensive accommodations and provisions as would...prohibit indirectly the importation of slaves, notwithstanding the express guarantee of the constitution." Such legislation would "defeat the part of the constitution the southern states had made the *sin qua non* of their accession."⁹³ James Pemberton celebrated that the abolitionists were now closer to "the desired issue of suppressing the most abominable traffic that callousness & ambition every promoted."⁹⁴

Abolitionists emerged from the 1790 debates feeling not like the defeated and marginalized group that historians have portrayed, but believing that public and political opinion

⁸⁹ DuBois correctly shows that the sixth resolution of the special committee report was preserved as the fourth resolution of committee of the whole report (*Suppression of the African Slave-Trade*, 80), but Kaminski assumes it was deleted (*A Necessary Evil?*, 229). Van Cleve claims this deletion "protected both the interests of slave traders and those states that wanted to import slaves" (Van Cleve, *Slaveholders' Union*, 200 (quotation), 340n57).

⁹⁰ Fehrenbacher, *Slaveholding Republic*, 139.

⁹¹ John Pemberton to James Pemberton, New York. 3d mo: 20th [and 21st] 1790., LCi 2-127.

⁹² *DHFFC*, XII:793 (19 March 1790).

⁹³ *DHFFC*, XII:785, 787, 794 (quotations) (19 March 1790). See also Abraham Baldwin, *ibid*, 795; Thomas Tudor Tucker, *ibid*, 798; and the speech of the first representative from North Carolina to arrive (on 19 March), Hugh Williamson, *ibid*, 816 (22 March 1790).

⁹⁴ Jams. Pemberton to Robert Pleasants, Philad. 9. 5mo. 1790, Robert Pleasants Papers, HL, box 12.

– outside of South Carolina and Georgia – were on their side in favor of suppressing the Atlantic slave trade as far as possible. Meanwhile the representatives from South Carolina and Georgia emerged isolated. Scholars who portray the special committee report as radically antislavery interpret the role of James Madison and others from the Upper South in amending the second resolution as evidence of southern unity.⁹⁵ But recognizing that emancipation had *never* been on the table illuminates the actual division between the Upper and Lower South.⁹⁶ Their disagreement over regulating the Atlantic slave trade confirmed some of the fears William L. Smith had expressed a year earlier: “we have no state to support our peculiar rights, particularly that of holding Slavery, but Georgia... Virginia is our greatest enemy, the other States are all against us.”⁹⁷ During the debates, Aedanus Burke of South Carolina complained that the Lower South delegates “were but few in number – an handful against a numerous host who were in support of the Quakers and that report.”⁹⁸ Virginians such as Madison and John Page, along with John Vining of Delaware, were among the most outspoken supporters of the resolutions on regulating the Atlantic trade and banning the foreign trade, and they drew praise from abolitionists.⁹⁹ Of course, Upper South slaveholders were poised to benefit financially from

⁹⁵ Ohline, “Slavery and Congressional Politics,” 351; Ellis, *Founding Brothers*, 115-18; Van Cleve, *Slaveholders’ Union*, 195, 199-201; Newman, “Prelude to the Gag Rule,” 596.

⁹⁶ For the importance of divisions with the South in regard to slavery, see: William Freehling, *Road to Disunion: Secessionists at Bay, 1776-1854*, (New York: Oxford University Press, 1990); Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South*, (New York: Oxford University Press, 2009).

⁹⁷ Smith to Rutledge, New York, August 9, 1789, in George C. Rogers ed., “The Letters of William Loughton Smith to Edward Rutledge: June 6, 1789 to April 28, 1794,” *South Carolina Historical Magazine* 79 (January 1968), 13-15.

⁹⁸ Interestingly, Burke, like a number of contemporaries, used the term “southern” to refer to South Carolina and Georgia without including Virginia, Maryland, and Delaware, (no North Carolinians were present until the end of the debates). *DHFFC*, XII:817 (22 March 1790). For other examples of “southern” being used to refer only to the two most southern states, see: Benjamin Goodhue to Michael Hodge, 22 March 1790, *DHFFC*, XIX:964-65; Fisher Ames to George R. Minot, 23 March 1790, *DHFFC*, XIX:968-69; John Pemberton to James Pemberton, New York 2mo. 11. 1790, PAS, LCi; [PAS] to the London Society, 2d mo. 28th; 1790, PAS LB I:27-29; John Pemberton to James Pemberton, New York. 3 mo: 23. 1790., PAS LCi.

⁹⁹ John Pemberton to James Pemberton, New York. 3d mo: 8th. 1790, PAS LCi; John Pemberton to James Pemberton, New York. 3 mo. 9. 1790, PASLCi; John Pemberton to James Pemberton, New York. 3d mo; 16th. 1790, PAS LCi; John Pemberton to James Pemberton, New York. 3d mo; 18th. 1790, PAS LCi; John Pemberton to

rising slave values if the foreign supply was suppressed, but an overlap of interest and morality does not necessarily negate the latter. Page drew on both humanitarian sentiment and concerns about security; he felt they should “shew that Congress, as far as lies in their power, are disposed to discourage the shameful traffic, and which may be fatal to some of these states; for I think the importation of free-born Africans must greatly endanger an insurrection of our own slaves.”¹⁰⁰ This conception that humanity and expediency were harmonious would become a key theme in antislavery rhetoric in future years.

By the 1830s it was common for northern “doughfaces” to join southerners in denouncing abolitionist meddling as encouraging slave unrest and threatening the union.¹⁰¹ But in 1790, criticism of the abolitionists by northerners was very limited. To be sure, many northerners and inhabitants of the Upper South complained that the petition debates wasted time that should have been dedicated to the issues surrounding Alexander Hamilton’s Report on Public Credit. However, they commonly placed more blame on the Lower South’s overreaction. Fisher Ames worried about the reputation of Congress, complaining of “the violence, personality, low wit, violation of order, and rambling from the point, which have lowered the House extremely in the debate on the Quaker memorial....The southern gentry have been guided by their hot tempers, and stubborn prejudices and pride in regard to southern importance and negro slavery.” He concluded that the Lower South overreaction had been counterproductive: “they have teased and bullied the House out of their good temper, and driven them to vote in

James Pemberton, New York. 3d mo; 20th [and 21st] 1790. PAS LCi; Jams. Pemberton to Robert Pleasants, Philad. 9. 5mo. 1790, Robert Pleasants Papers, box 12, HL.

¹⁰⁰ *DHFFC*, XII:790n74 (March 19, 1790).

¹⁰¹ See my concluding chapter below, as well as Nicholas Wood, “‘A Sacrifice on the Altar of Slavery:’ Doughface Politics and Black Disenfranchisement in Pennsylvania, 1837-1838,” *Journal of the Early Republic* 31 (Spring 2011):75-105.

earnest about a subject which at first they did not care much about.”¹⁰² Indeed, John Pemberton also believed that Lower South invective actually increased support for the Quakers cause: “the conduct of the Georgia & Carolina Members has disgusted some other members who seeing their Aim is Delay appear determined to pursue the business.”¹⁰³

PAS members’ sense of Upper South support was also buttressed by their correspondence with sympathetic southerners and the recent formation of abolition societies in the South.¹⁰⁴ William Pinkney, the future congressman from Maryland, “wish[ed] the Society success in their application to Congress.” In reference to one of the few Upper South members who generally sided with the Lower South, he wrote: “Our Delegate (Mr. [Michael Jenifer] Stone) is not, I perceive, become more liberal by being a member of Congress. – I am sorry for it.”¹⁰⁵ The PAS also published an antislavery speech Pinkney sent them, although not in time for John Pemberton to distribute it in Congress.¹⁰⁶ John Page, one of the PAS’s key Virginian supporters in Congress, also passed along St. George Tucker’s gradual emancipation proposal to the abolitionists. Tucker wrote that although he had “not seen the Quakers[’] petition to Congress, or the debates on it,” he supported efforts “for extirpating an evil so abhorrent to the principles of our Government, as well as to the rights of humanity.” He believed that the goals of the PAS

¹⁰² Fisher Ames to George R. Minot, 23 March 1790, *DHFFC*, XIX:968-69. See also: George Thatcher to Hezekiah Rogers, 21 March 1790, *DHFFC*, XIX:956-57; Jonathan Trumbull to David Trumbull, 20 March 1790, *DHFFC*, XIX:937; Jonathon Trumbull to Jeremiah Wadsworth, 21 March 1790, *DHFFC*, XIX:958-59; Thomas Hartley to Jasper Yeates, 21 March 1790, *DHFFC*, XIX:951; Benjamin Goodhue to Michael Hodge, 22 March 1790, *DHFFC*, XIX:964-65.

¹⁰³ John Pemberton to James Pemberton, New York. 3d mo; 16th. 1790, PAS LCi.

¹⁰⁴ Jams. Pemberton to Robert Pleasants, Philada 28: 2mon. 1790; Jam. Pemberton to Robert Pleasants, Phiada: 25:8th Mon: 1790, Huntington Library, Robert Pleasants Papers, box 12; Robert Pleasants to Job Scott c/o James Pemberton, Curles 3d. mo. 9. 1790, LBRP, 164-65; Robert Pleasants to James Pemberton, Virginia Curles 6 mo. 19. 1790, LBRP, 169-70; Philip Rogers, President of the Baltimore Society for the Abolition of Slavery, to James Pemberton, Nov. 9: [17]89, PAS Papers, LB I 23-24; J[ames] P[emberton]/PAS to London Committee, Philada. October 25th: 1790, PAS Papers, LB I:44-47.

¹⁰⁵ William. Pinkney to James Pemberton, Susquahanah, Lower Ferry, Cecil County, Maryland, 3. Mar. 1790, PAS Papers, LCi. See also: William Pinkney to PAS, Havre de Grace, 10th [16th?] Jany., 1790, PAS Papers, LCi.

¹⁰⁶ William Pinkney, *Speech of William Pinkney, Esq. in the House of Delegates of Maryland, At their Session in November, 1789* (Philadelphia: Joseph Cruickshank, 1789). John Pemberton to James Pemberton, New York. 3d. mo: 14th. 1790, PAS LCi.

were so important that Congress should appropriate “a few thousand dollars per annum...to the purpose of promoting such a Society in the several States and “take the Liberty of recommending to the States to take up the subject.” He then sketched out his gradual emancipation plan for Virginia.¹⁰⁷

The PAS also looked to Virginian congressmen to continue the push for legislation implementing the anti-slave-trade provisions of the reports. John Pemberton, John Parrish, Warner Mifflin, and the other abolitionist lobbyists had initially intended to stay in New York until Congress passed a bill restricting the Atlantic slave trade.¹⁰⁸ As Pemberton wrote on the last day of the House debates, “it will not do after so much toil, & patience to let the matter drop.”¹⁰⁹ However, after voting to print both reports, most members of the House were eager to resume discussion of financial matters and ignore the slave trade. This inaction disappointed the abolitionists, but they attributed this failure to the “multiplicity of business before Congress,” especially Alexander Hamilton’s proposal for federal assumption of state debts. In the midst of the debates Pemberton had complained that many northerners were unwilling to press the issue of antislavery because, “The funding system is so much their darling that they want to obtain the favor of those from Carolina & Georgia.”¹¹⁰ Howard Ohline has convincingly shown that Pemberton accurately discerned the priorities of many northern congressmen.¹¹¹ Nonetheless the

¹⁰⁷ Tucker’s 1790 proposal, along with his later *Dissertation on Slavery*, are discussed in greater detail in the following chapter. St G[eorge] Tucker to John Page, Wmsburg, March 29th. 1790, PAS Papers, LCi. Page gave the letter to abolitionist congressman Thomas Scott, who in turn passed it along to the PAS. John Page to St. George Tucker, 7 June 1790, *DHFFC*, XIX:1743.

¹⁰⁸ PYM-MS Minutes 1785-1802, 120 (18 February 1790).

¹⁰⁹ John Pemberton to James Pemberton, New York. 3 mo: 23. 1790, PAS Papers, LCi.

¹¹⁰ John Pemberton to James Pemberton, New York. 3d mo; 16th. 1790, PAS Papers, LCi.

¹¹¹ Ohline, “Slavery, Economics, and Congressional Politics,” esp. 349, 354-60. Although Ohline is correct that most northerners prioritized economic policies over implementing antislavery policies, his argument that northerners effectively sacrificed the emancipatory potential of the first report in order to gain southern support for an assumption law is flawed, as I have discussed above. Moreover, the strongest opponent of the petitions and reports, Federalist William Smith of South Carolina, was also a key advocate for Hamiltonian finance and the assumption of state debts.

PAS remained optimistic, informing their English correspondents: “as a reputable majority are well disposed to promote it to the extent of their Powers, we have Reason to hope that further attention will be given to it at a suitable Season, when the general Government is more perfectly settled.”¹¹² Hoping Congress “would place the Trade under such restrictions as would amount to a prohibition,” they looked to James Madison as the most likely candidate for reviving the issue.¹¹³

In 1789 Madison had been among the strongest advocates of the \$10 duty on imported slaves, and abolitionists credited him with preserving the substance of the foreign slave trade resolutions in the 1790 report.¹¹⁴ Shortly after the congressional session ended, John Parrish wrote to the *Virginian*, encouraging him to revive his anti-slave trade efforts in the next session. The Philadelphia Quaker enclosed a list of ten slave ships illegally operating out of Rhode Island, along with rumors of fourteen slave vessels from New York. Although acknowledging that Congress had no power over Rhode Island at present, since the state had still had not ratified the Constitution, Parrish hoped the federal government would “discourage this iniquitous commerce...as far at present as can be done.”¹¹⁵ On the other hand, Madison’s southern correspondents warned him against reviving the issue, as “its discussion Could not fail to produce great Intemperance of debate, which tends to Weaken the Government.”¹¹⁶ In Madison’s reply to Parrish he acknowledged that the “number of Vessels employed in the Trade to Africa is much greater than I should have conjectured.” But he hoped that this trade would

¹¹² PAS to London Society, Philad.a 5 Mo: 3d: 1790, PAS LB I:32-35.

¹¹³ J[ames] P[emberton]/PAS to London Committee, Philada. October 25th: 1790, PAS LB I:44-47. See also: Pemberton/PAS to Washington [PA] Abolition Society, Philada. 25th. October 1790, PAS LB I:49-52.

¹¹⁴ John Pemberton to James Pemberton, New York. 3d mo; 20th [and 21st] 1790., PAS, LCi.

¹¹⁵ John Parrish to James Madison, PHILADELPHIA 5th. mo. 28. 1790, Papers of James Madison: Digital Edition.

¹¹⁶ Thomas Pleasants, Jr. to Madison, RALEIGH 10th July 1790, Papers of James Madison: Digital Edition. See also: Edward Carrington to Madison, RICHMOND Apl. 7. 1790, in Papers of James Madison, Digital Edition; David Stuart to Washington, March 15th 1790—Abing[do]n [Va.], and David Stuart to Washington, Abingdon [Va.] 2nd June—1790, in Papers of George Washington, Digital Edition.

“daily diminish and soon cease altogether” without requiring federal intervention. Madison explained that the timing was unpropitious: “[I] apprehend that a revival of the subject in Cong[re]ss. would be equally unseasonable & unsuccessful. Future opportunities cannot be more and will probably be less so.”¹¹⁷ The following year Madison declined to present a petition that Robert Pleasants, the Virginia Quaker, sent him, even though it had “for its object nothing more than what Congress have Resolved they have power to do.”¹¹⁸ The principles of humanity and the economic interest of Virginia slaveholders supported legislation to curtail the Atlantic slave trade, but Madison apparently feared that the issue was nonetheless too controversial to press at that time.

II. CONTINUED ABOLITIONIST AGITATION

Disappointed that Congress failed to revive the slave trade issue, the Philadelphia Yearly Meeting encouraged continued antislavery agitation.¹¹⁹ Meanwhile, the Pennsylvania Abolition Society contacted other abolition societies to united “in petitioning Congress to make a Law respecting y^e African Slave Trade, agreeable to y^e principles contained in their late Resolutions on y^e Subject.”¹²⁰ On December 8, 1791, abolitionists presented petitions from antislavery societies in Rhode Island, Connecticut, New York, Pennsylvania (including both the PAS and the Washington [County] Abolition Society), Maryland, and Virginia to the House of

¹¹⁷ Madison to John Parrish, N. York June 6. 1790 in Papers of James Madison, Digital Edition.

¹¹⁸ Robert Plesants to James Madison, Virginia - 6 mo. 6. 1791, (quotation); James Madison to Robert Pleasants, PHILADA. Ocr. 30. 1791, in Papers of James Madison, Digital Edition.

¹¹⁹ PYM-MS Minutes, 138 (21 October 1790). They also continued to encourage action against the slave trade at the state level, see: PYM-MS to New England Meeting for Sufferings, Philadelphia, 18th day of the 11th month 1790, in *ibid*, 142-43, PYM-MS to New York Meeting for Sufferings, Philadelphia, 18th day of the 11th month 1790, in *ibid*, 145-46. While the members of PYM-MS remained concerned about slave trading in 1790-1791, their minutes indicated that their concern about a new federal militia law, which would affect them directly as pacifists, consumed more of their time during these years.

¹²⁰ PAS Quarterly Meeting, 10th. Month 11th. 1790, General Meeting Minutes, 1787-1800, p. 138, PAS Papers reel 1. See also: PAS Circular Letter to the Abolition Societies of the United States, Philada. 25th. Octobr. 1790, PAS Papers, LB I: 47-49; NYMS Special Meeting, 30 Novr. 1790, NYMS Records, V.

Representatives. All the petitions focused on the foreign slave trade and the regulation of slave ships, frequently quoting from the 1790 congressional reports. They hoped Congress would use the powers “vested in them to regulate and in some case to prohibit the Trade to Africa for Slaves.”¹²¹ As in 1790, they pursued small but attainable goals.

In their petitions, the abolitionists emphasized the harmonious demands of humanity and expediency. The strategy of buttressing moral arguments with references to political economy was likely a response to the lessons of the 1790 debates and an awareness of abolitionist tactics in Britain. British abolitionist Thomas Clarkson’s first book had focused primarily on the religious, humanitarian, and natural rights critique of slavery; his second book, *Essay on the Impolicy of the African Slave Trade*, revolved around political economy and appeals to self-interest.¹²² The petition from the Connecticut Society for the Promotion of Freedom, signed by the group’s vice president, Ezra Stiles, stated that: “calm reflection will at last convince the world, that the whole system of African slavery is unjust in its nature – impolitic in its principles – and, in its consequences, ruinous to the industry and enterprise of the citizens of these States.”¹²³ The Providence Society’s petition argued that slavery was immoral because God “made of one blood all the nations;” moreover, it “is also injurious to the true commercial interest of a nation, and destructive of the lives of seamen.”¹²⁴ Robert Pleasants and the Virginia Abolition Society similarly “lament[ed] a practice, so inconsistent with true policy and the

¹²¹ PYM-MS to Meeting for Sufferings in London, Philadelphia, 13th day of 3d mo 1792, PYM-MS Minutes 1785-1802, 192-96, quotation from 194.

¹²² Thomas Clarkson, *An Essay on the Slavery and Commerce of the Human Species, Particularly the African, Translated from a Latin Dissertation, Which was Honoured with the First Prize in the University of Cambridge, For the Year 1785, With Additions*, (Philadelphia: Joseph Cruikshank, 1786); idem, *An Essay on the Impolicy of the African Slave Trade*, (Philadelphia: Francis Bailey, 1788). On the importance of political-economic arguments (even when based on mistaken principles) to British abolitionism, see: Seymour Drescher, *The Mighty Experiment: Free Labor versus Slavery in British Emancipation*, (New York: Oxford University, 2002).

¹²³ In PAS, *Memorials Presented to the Congress of the United States of America, by the Different Societies Instituted for Promoting the Abolition of Slavery, &c., &c. in the States of Rhode-Island, Connecticut, New-York, Pennsylvania, Maryland, and Virginia*, (Philadelphia: Francis Bailey, 1792), 8-9.

¹²⁴ Ibid, 3-4.

unalienable rights of men.”¹²⁵ As in 1790, the House referred the petitions to a special committee, but this time the committee included William L. Smith of South Carolina and never issued a report, effectively killing the issue.¹²⁶

A petition from Warner Mifflin the next year received an even less auspicious reception, perhaps because it extended beyond the slave trade to “the humane treatment of slaves in the United States.”¹²⁷ John Steele of North Carolina joined William L. Smith in denouncing abolitionist agitation. Steele warned that “Gentlemen in the Northern States do not realize the mischievous consequences which have already resulted from measures of this kind, and if a stop were not put to such proceedings, the Southern states would be compelled to apply to the General Government, for their interference.”¹²⁸ Meanwhile, Smith argued that such petitions were counterproductive: “So far from being calculated to meliorate the condition of the race who were the object of them, they had a tendency to alienate their affections from their masters, and by exciting them to a spirit of restlessness, to render greater severity toward them necessary.”¹²⁹ Fisher Ames, who had presented the petition on Mifflin’s behalf, defended the right to petition, but agreed “this Government could not, with propriety, take any such steps in the matter referred to in this petition.”¹³⁰ The House decided to return the petition to Mifflin, demonstrating their disapproval.¹³¹ Mifflin left the capital “feel[ing] much oppressed,” but committed to the cause

¹²⁵ Ibid, 30.

¹²⁶ AC 2-1, 241 (8 December 1791). PYM-MS to London Meeting for Sufferings, Philadelphia, 15th day of the 3d mo 1792, in PYM-MS Minutes 1785-1802, 192-96.

¹²⁷ AC 2-2, 728 (26 November 1792). Mifflin also continued to lobby President Washington as well: Warner Mifflin to Washington, Philada 23d 11 Mon[th]: 1792, Papers of GW, Digital Edition.

¹²⁸ AC 2-2, 730 (28 November 1792).

¹²⁹ AC 2-2, 731 (28 November 1792).

¹³⁰ AC 2-2, 730 (28 November 1792).

¹³¹ Newman compares this reaction to the formal policy of ignoring abolitionist petitions after 1836. However, the informal “gag” of the 1790s did not last; subsequent petitions were accepted and led to the creation of the 1794 ban on the foreign slave trade. Newman, “Prelude to the Gag Rule,” 599.

and convinced that history would be on his side.¹³² He told President Washington: “I have no doubt this Country will find some day we are right let southern blasts storm as they may and insinuate what they will respecting the Affricans [*sic*].”¹³³ He also published *A Serious Expostulation* addressed to the House of Representatives, defending his actions and warning of divine retribution for slavery.¹³⁴ Congress ignored him.

In 1793 abolitionists throughout the nation began preparing another coordinated petitioning campaign against the foreign slave trade.¹³⁵ New York abolitionists suggested that delegates from the various abolition societies meet at the start of the next year in the nation’s capital, Philadelphia. They hoped a petition representing “the collective sense of a large number of Citizens in most of the United States” would be more favorably received in Congress.¹³⁶ On the first day of 1794, delegates from six states met at the first annual Abolition Convention.¹³⁷ A committee drafted a new petition to Congress, requesting: “that a law may be passed, prohibiting the traffic carried on by citizens of the United States for the supply of slaves to foreign nations, and preventing foreigners from fitting out vessels for the slave-trade in the ports of the United States.”¹³⁸ They also sent petitions to each state legislature, encouraging them to “prohibit the

¹³² Warner Mifflin to John Parrish, 1st mo. 21st - 1793, C-P-W, box 1.

¹³³ Warner Mifflin to George Washington, Kent [County, Del.], the 12th Day of 12 mo. 1792, Papers of GW, Digital Edition.

¹³⁴ Warner Mifflin, *A Serious Expostulation with the Members of the Houses of Representatives of the United States* (New Bedford, MA [first published in Philadelphia]: J. Spooner, 1793).

¹³⁵ New England Meeting for Sufferings to PYM-MS, Portsmouth [NH], 7th day of the 8th: mo: 1793, in PYM-MS Minutes 1785-1802, 245-46.

¹³⁶ John Rogers [NYMS] to PAS, New York 3d Mo. 14th 1793, PAS, LB I:104-6.

¹³⁷ The Abolition Convention included delegates from northern states as well as Delaware and Maryland. Robert Pleasants of the Virginia Abolition Society (VAS) wrote that they were unable to make the trip, but hoped some Philadelphians would act on behalf of the VAS. *Minutes of the Proceedings of a Convention of Delegates from the Abolition Societies Established in Different Parts of the United States, Assembled at Philadelphia on the first day of January*, (Philadelphia: Zacharah Poulson, Junr., 1794), 4-6. (Future citations to the yearly reports will be cited as MAC [convention #] {year}) On the Abolition Convention (which went by various names over the years), see: Newman, *Transformation*, 19-20 and *passim*; Gellman, *Emancipating New York*, 154-59 and *passim*; Robert Duane Sayre, “The Evolution of Early American Abolitionism: The American Convention for Promoting the Abolition of Slavery and Improving the Condition of the African Race, 1794-1837,” (PhD diss., Ohio State University, 1987).

¹³⁸ MAC 1794, 28.

importation of slaves into your state, from any foreign country, or from any neighbouring state” if they had not already done so, and to encourage the abolition of slavery and the protection of the states’ “African citizens.”¹³⁹ The convention delegates also coordinated with Quakers and abolitionists who had been unable to attend, such as Moses Brown in Providence Rhode Island, to send additional petitions to Congress.¹⁴⁰

Abolitionists presented their petitions to Congress in late January 1794.¹⁴¹ In the House of Representatives, William Branch Giles of Virginia proposed creating a special committee to consider the petitions, and there is no record of any opposition. But James Jackson of Georgia, now in the Senate, reprised his earlier role, promising that he would “oppose to the utmost of his Power, any Interposition of Congress on the Subject.” George Cabot of Massachusetts attempted to calm fears by pointing out that because the Constitution had granted control over foreign commerce to the federal government, Congress was the appropriate venue for those who sought to curtail the slave trade, even at the state level.¹⁴² Ultimately, the House acted first, establishing a committee on January 28 after receiving the petitions from the Abolition Convention and Providence Society.¹⁴³ As in 1790, abolitionists traveled to the capital to lobby in favor of the petitions. The lobbyists included prominent Quaker merchants from New England, such as Moses

¹³⁹ Ibid, 11-12, 16-17.

¹⁴⁰ James Pemberton to Moses Brown, Philad:a 7th of 1st mon: 1794. In Papers of the American Slave Trade: Series A: Selections from the Rhode Island Historical Society: Part 1, Brown Family Collection, reel 7 (hereafter, Papers of the AST:[series]:[part], reel [#]). Howard Albert Ohline, “Politics and Slavery: The Issue of Slavery in National Politics, 1787-1815,” (PhD diss., University of Missouri, 1969), 239-40.

¹⁴¹ AC 3-1, 36 (Senate, 21 January 1794), 38-39 (Senate, 28 January 1794), 249 (House, 20 January 1794), 349 (House, 28 January 1794). For the text of the ACAS petition, see: ACAS, *Minutes and Proceedings*, I:26-28. For the Quaker petition see: “Slavery Opposed!,” *Medley or Newbedford Marine Journal* (MA), March 10, 1794.

¹⁴² Jackson and Cabot as quoted in Theodore Foster to Moses Brown, Philadelphia Tuesday 1 'clock PM January 21st. 1794, Paper of the AST:A:1, reel 7. For the very limited record of congressional proceedings, see: AC 3-1, 36, 38-39, 64, 71-72, 249-50, 349, 448, 455, 483.

¹⁴³ AC 3-1, 349.

Brown of Providence and William Rotch Jr. of New Bedford.¹⁴⁴ On this occasion, their actions would result in actual legislation banning all American involvement in the slave trade to foreign ports, the culmination of the campaign begun in 1790.¹⁴⁵

III. THE FOREIGN SLAVE TRADE ACT OF 1794

In April 1794, members of the Philadelphia Meeting for Sufferings informed their New England counterparts that “the universal Father hath blessed our mutual Endeavours in the cause of Humanity.” The Foreign Slave Trade Act of 1794 was “nearly conformable” to their requests, and represented the culmination of Quaker’s petitioning efforts since 1783.¹⁴⁶ Of course, the law did not – could not – prohibit Americans from importing slaves, but by banning participation in the carrying trade to foreign territories, the law prohibited the branch of the Atlantic slave trade in which Americans were most active. Years of abolitionist agitation had paid off.

Scholars have generally given little attention to the 1794 Foreign Slave Trade Act, and those who do discuss it often disparage the law as “ultra-cautious” or assert that the fear of slave revolt “influenced Congress more powerfully than humanitarian arguments.”¹⁴⁷ But given the restraints of the federal Constitution, the law could not have been much more ambitious. And

¹⁴⁴ PYM-MS Minutes 1785-1802, 257 (17 January 1794). Warner Mifflin of Delaware also travelled to the city, but left by January 24, apparently suffering from some sort of nervous breakdown. He wrote, “It was not fear of Congressmen or Presidents that drove me for I felt an open door toward them, and I am fully of the faith it would have been more so if I had staid a little while to have been more among them,” and seemed to indicate that it was mainly conflict with other Quakers that he feared. Warner Mifflin to Moses Brown (care of John Morton of Philadelphia), Brandewine [ileg] 24th of 1st mo. 1794 in Papers of the AST:A:1, reel 7.

¹⁴⁵ On the creation of the law, see also: Ohline, “Politics and Slavery,” 240-43; Rappleye, *Sons of Providence*, 294-300.

¹⁴⁶ PYM-MS to New England Meeting for Sufferings, Philadelphia, 17th: of the 4th: mon. 1794, in PYM-MS Minutes 1785-1802, 259-61, quotations from 261.

¹⁴⁷ Seymour Drescher, “Divergent Paths: The Anglo-American Abolitions of the Atlantic Slave Trade,” in Wim Klooster ed., *Migration, Trade, and Slavery in an Expanding World: Essays in Honor of Pieter Emmer*, (Leiden: Brill Academic Publishers, 2009), 270 (first quotation); DuBois, *Suppression of the African Slave-Trade*, 80 (second quotation). For other scholars who assume that fear of revolt was the driving motives, see also: Fladeland, *Men and Brothers*, 66; Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade: 1440-1870*, (New York: Simon and Schuster, 1997), 544; Drake, *Quakers and Slavery*, 108.

the argument that congressmen acted out of a desire to protect slavery from the contagion of West Indian slave revolt has been asserted without evidence. Moreover, as historian Howard Ohline has pointed out, the fear thesis also rests on questionable logic. While concern about slave revolt can explain why South Carolina extended its ban on slave imports and why Georgia prohibited the importation of slaves from the West Indies, it is unclear why anyone would have thought federal action against the “slave trade to *foreign ports* would reduce the possibilities of slave rebellion in the United States.”¹⁴⁸ The congressional debates on the bill were not recorded, but the surrounding evidence suggests that public opinion firmly opposed the Atlantic slave trade.¹⁴⁹

Abolitionists circulated and reprinted newspaper articles about slave ship revolts in order to mobilize public opinion.¹⁵⁰ In late January 1794, Rhode Island’s *United States Chronicle* published a brief mention of a suppressed slave ship insurrection along with a longer analysis of

¹⁴⁸ Ohline, “Politics and Slavery,” 243 (emphasis added). Ohline argues, as do I, that the 1794 law represented public opposition to the slave trade, especially in the North. In response to West Indian slave unrest, South Carolina extended its temporary ban on slave imports for three more years (it would be repeatedly extended until 1803) and in 1793 Georgia forbade the importation of slaves from the West Indies. DuBois, *Suppression of the African Slave-Trade*, Appendix B, 236.

¹⁴⁹ My emphasis on the influence of abolitionists supports Charles Rappleye’s broad argument, but I question the credit which he gives George Washington. Rappleye asserts that George Washington delivered the Quaker petition to the Senate himself, and that “his decision to introduce it personally...had dramatic result. Whereas a raft of similar petitions had previously been shunted aside, this one was ruled subject to debate.” Charles Rappleye, *Sons of Providence: The Brown Brothers, the Slave Trade, and the American Revolution* (New York: Simon & Schuster, 2006), 297-99, quotes from 297. Gordon Wood follows Rappleye’s interpretation in *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford, 2009), 525. Rappleye is correct to stress the influence of abolitionist lobbying efforts, but his assertion about Washington’s support is based on questionable evidence. He cites a letter from Theodore Foster to Moses Brown, in which Foster reports that in the Senate, “the President mentioned that he had been waited upon, this morning, by a Respectable Committee of the Friends of New England, and that at their Request he introduced a Memorial, on the Subject of the Slave Trade, the object of which he stated to the Senate” (Theodore Foster to Moses Brown, Philadelphia Tuesday 1 ‘clock PM January 21st. 1794, in *Papers of the AST: A*, 1, reel 7). But it was likely a reference to Vice President John Adams in his role as President of the Senate (Adams had presented the 1790 petition in this role). No one mentioned George Washington being in the Senate that day, even though the petition was preceded and followed by messages sent by him. Furthermore, the House rather than the Senate took initiative and created the legislation.

¹⁵⁰ For discussion of abolitionists’ involvement in print culture and the public sphere in a different context, see: David N. Gellman, “Race, the Public Sphere, and Abolition in Late Eighteenth Century New York,” *JER* 20 (Winter 2000):607-36.

it.¹⁵¹ It told how Captain Joseph B. Cook had been transporting slaves from West Africa to Surinam, in violation of state law, when the cargo rose in revolt. Cook and his crew quelled the insurrection, killing several Africans in the process. The accompanying commentary, by “Humanitas” openly sided with the slaves. The Africans had “made an attempt to recover that liberty with which they were endowed by the common Parent of the Universe, and of which they could not have been deprived without the most outrageous violation of every principle of Religion, Justice, and Humanity.” The writer praised this “laudable attempt to assert their natural and unalienable right” as “natural and just resistance.” Humanitas called on “the strong arm of the National Legislature to exert itself in the prevention” of the Atlantic slave trade.¹⁵² These sentiments were echoed in subsequent pieces by “Veritas” and “Justitia.” Obadiah Brown, a Quaker abolitionist from Providence forwarded the article to Moses Brown who was lobbying in Philadelphia. Obadiah praised the article’s influence in Providence: “It seems to give a disgust to a Number here who were [previously] in fav[o]r. of the trade.”¹⁵³ Moses agreed on the piece’s usefulness, responding: “The piece signed Humanitis has been in 2 & will be in a third paper here...making the object more conspicuous & less Liable to be left to sleep.”¹⁵⁴ The authors and distributors of these pieces saw a clear connection between slave revolt and anti-slave-trade sentiment, but not the one that historians often assume. Abolitionists expected readers to support slave trade suppression out of empathy for rebelling slaves not fear of them.¹⁵⁵

¹⁵¹ *United States Chronicle* (Providence, RI), 23 January 1794. The brief notice was widely reprinted, for example, see: *Connecticut Journal* (New Haven), 30 January 1794; *New York Daily Gazette*, 30 January 1794; *Impartial Herald* (Newburyport, MA), 31 January 1794; *Gazette of the United States* (Philadelphia), 3 February 1794; *Baltimore Daily Intelligencer*, February 8, 1794.

¹⁵² “HUMANITAS,” *United States Chronicle*, 23 January 1794.

¹⁵³ Obadiah Brown to Moses Brown, Providence first day Evening 26th 1 mo 1794 in Papers of the AST:A:1, reel 7. See also: N[icholas] Brown to Moses Brown, Provid.ce Jany 27th 1794 in *ibid*.

¹⁵⁴ Moses Brown to Henry Brown, Philadelphia 8th. 2d. in *ibid*. HUMANITAS was later reprinted in *Independent Gazette* (Philadelphia), 15 February 1794 and *American Minerva* (New York), 20 February 1794.

¹⁵⁵ For additional newspaper pieces critical of the slave trade and published during the 1794 debates, see: A.Z. “To the Editors of the Providence Gazette,” reprinted in *Greenleaf’s New York Journal*, 8 February 1794; BELSHAM,

The enslavement of American sailors by North African corsairs also highlighted the universal injustice of slavery – especially the enslavement of free people – and may have further encouraged support for action against the slave trade. Prior to American independence, British naval power and treaties had protected American shipping from interference by the Barbary States (Algiers, Tunis, Tripoli, and Morocco). But by 1793, Algerian corsairs had captured and enslaved the crews of thirteen American vessels, holding them for ransom.¹⁵⁶

During Congress's 1790 petition debate, Benjamin Franklin had parodied James Jackson's defense of slaveholding in a newspaper essay placing his arguments in the mouth of a Barbary corsair defending the justice and necessity of enslaving Christians. The fictional Sidi Mehemet Ibrahim argued that "Christian dogs" benefitted from slavery because it rescued them from the constant warring of Europe while exposing them to Islam, and he asked, "If we forbear to make Slaves of their people, who in this hot Climate are to cultivate our Lands?"¹⁵⁷ In 1794 abolitionists incorporated the Barbary analogy in their addresses to the public and their petition to Congress. A public address from the Abolition Convention suggested that "depredations on the liberty and commerce...of the citizens of the United States by the Algerines," were divine retribution for the evil "we have meted out to others."¹⁵⁸ In their petition to Congress calling for the suppression of the foreign slave trade, the Convention delegates asserted: "those who deprive others of their liberty, for the benefit of foreign countries, cannot reasonably murmur, if, by other

"On the Slave Trade" I-VI, *American Minerva* (New York), 25, 26, 27, and 28 February and 3 and 4 March 1794; "Extract From a Letter from a Gentleman in New England," *Gazette of the United States* (Philadelphia), 7 February 1794. The lack of newspaper articles defending the slave trade represents a change from 1790.

¹⁵⁶ Robert Allison, *The Crescent Obscured: The United States and the Muslim World, 1776-1815* (New York: Oxford University Press, 1995); Lawrence Peskin, *Captives and Countrymen: Barbary Slavery and the American Public, 1785-1816* (Baltimore: Johns Hopkins University Press, 2009).

¹⁵⁷ [Benjamin Franklin] "HISTORICUS," *Federal Gazette* (Philadelphia), 25 March 1790.

¹⁵⁸ ACAS, *Address of a Convention of Delegates from the Abolition Society to the Citizens of the United States* (New York: W. Durell, [1794]), 6-7.

foreign nations, they are deprived of their own.”¹⁵⁹ Ultimately, Congress conformed to abolitionists’ demands to consistently pursue dual policies of “securing our own citizens against a deplorable captivity among...the cruel pirates of the Mediterranean” and “protecting the people of foreign countries against similar outrages on the sacred rights of humanity from our own citizens.”¹⁶⁰ In March 1794, the same month that Congress established the US Navy in response to “depredations committed by Algerine corsairs,” it also banned American participation in the foreign slave trade.¹⁶¹

In early February, Moses Brown optimistically reported that even among the southern representatives, “they most generally if not universally Reprobate the Trade and if we can get the Question Discussed [I] apprehend no Danger of Success.”¹⁶² On February 11 the House special committee issued a favorable report noting that the petitioners “in very explicit terms, disclaimed any request or desire of legislative interference for the purpose of a general emancipation” and concluding with a resolution that a bill be brought forth to prohibit American involvement in the foreign slave trade.¹⁶³ Six days later the House voted unanimously in favor of the resolution – unanimity enabled, Brown noted, by the absence of William L. Smith of South Carolina.¹⁶⁴ Brown had to return to Providence before the bill passed, but remained in correspondence with

¹⁵⁹ ACAS, *Minutes of the Proceedings of a Convention of Delegates from the Abolition Societies Established in Different Parts of the United States, Assembled at Philadelphia* (Philadelphia: Zachary Poulson, Junr., 1794), 27. New England Quakers similarly warned that the slave trade would “draw down divine displeasure.” “Slavery Opposed!” *Medley or Newbedford Marine Journal*, 10 March 1794.

¹⁶⁰ “Petition from the Providence Society for Promoting the Abolition of Slavery, for the Relief of Persons unlawfully held in Bondage, and for improving the condition of the African Race,” December 28, 1790, in PAS, *Memorials Presented to the Congress of the United States of America, by the Different Societies Instituted for Promoting the Abolition of Slavery, &c., &c. in the States of Rhode-Island, Connecticut, New-York, Pennsylvania, Maryland, and Virginia* (Philadelphia: Francis Bailey, 1792), 2.

¹⁶¹ Chap. XI. “An Act to prohibit the carrying on the Slave Trade from the United States to and foreign place or country,” *Statutes at Large*, I:347-49 (March 22, 1794); Chap. XII. “An Act to provide a Naval Armament,” *ibid.*, 350-51 (March 27, 1794).

¹⁶² Moses Brown to Henry Brown, Philadelphia 8th. 2d. in Papers of the AST:A:1, reel 7.

¹⁶³ *American State Papers: Misc*, I:76. Also in *Baltimore Daily Advertiser*, 25 February 1794.

¹⁶⁴ AC 3-1, 455; Moses Brown to Henry Brown, Philadelphia 17- 2d Mo. 1794 in Papers of AST:A:1, reel 7.

representative John Trumbull of Connecticut, a member of the bill's committee. Trumbull soon reported that it "passed without much opposition."¹⁶⁵ The Senate also passed the bill, and President Washington signed it on March 22, 1794.¹⁶⁶

The Foreign Slave Trade Law of 1794 implemented most but not all of the powers outlined in the relevant sections of the 1790 resolutions. It banned both Americans and foreigners from using American vessels or ports to engage in "any trade or traffic in slaves, to any foreign country."¹⁶⁷ It is important to clarify that this did *not* ban Americans from transporting slaves from Africa or the West Indies into the states, only from transporting them for sale outside of the US. The importation of slaves remained under state jurisdiction until 1808. Theoretically, the law could have imposed the constitutionally-permitted ten dollar duty on imported slaves and implemented the power to establish "proper regulations, for the humane treatment" during the middle passage to the United States. There are likely three explanations for this silence. First, neither the Quaker nor ACAS petition specifically called for these measures. Second, they would almost certainly have provoked opposition from Lower South representatives. And finally, at this time Georgia was the only state allowing slaves imports, as South Carolina repeatedly renewed its 1787 ban on slave imports.¹⁶⁸ The vast majority of voyages by American slave traders supplied foreign markets, so it made tactical sense to outlaw them.

¹⁶⁵ Jonathan Trumbull, Philadelphia 10th March [17]94 in in Papers of the AST:A:1, reel 7. As one Virginia congressman explained to his constituents, the law "extends to prevent a practice of some people, who have lately been employed, in transporting slaves from Africa to the West-India islands; and is not levelled [*sic*] in the remotest degree, against the rights of private property." Anthony New to his constituents, Philadelphia, February 27th, 1794, in Noble E. Cunningham, Jr., ed., *Circular Letters of Congressmen to their Constituents, 1789-1829*, (3 vols., Chapel Hill: University of North Carolina Press, 1978), I:19.

¹⁶⁶ Chap. XI. "An Act to prohibit the carrying on the Slave Trade from the United States to an foreign place or country," (hereafter, the 1794 Foreign Slave Trade Law), *Statutes at Large*, I:347-49 (22 March 1794).

¹⁶⁷ 1794 Foreign Slave Trade Law, *Statutes at Large*, I:347-49 (22 March 1794).

¹⁶⁸ DuBois, *Suppression of the African Slave-Trade*, 71, 236-37.

Regardless, enforcement was bound to be difficult in any case as virtually all of the illegal activity would occur outside of the United States at a time when there was rising foreign demand for slaves and the Napoleonic Wars impeded the operations of European slavers. Moreover, the federal government and its young Navy could not protect American citizens from enslavement by Barbary corsairs, impressment by the British Navy, or molestation by French privateers – all of which were much higher priorities than protecting the rights of Africans. Although the 1794 law resulted in dozens of prosecutions and an initial drop in American involvement in the foreign trade, illegal American participation in trade reached new heights by 1797.¹⁶⁹

The 1794 Foreign Slave Trade Law, like the 1790 congressional reports, represented an underappreciated moral victory for the abolitionists, and they celebrated it as such.¹⁷⁰ When informing his English correspondents of the bill's passage, James Pemberton added: "to the honor of humanity be it recorded, [it] was passed with great unanimity."¹⁷¹ Abolitionists had been disappointed that Congress was willing to allow slavery in the territory ceded by southern states to the federal government in 1790 and by the 1793 Fugitive Slave Act, but these events could be written off, with a degree of accuracy, as unavoidable based on compromises made at the Constitutional Convention and the necessity of maintaining the loyalty of settlers in the Southwest borderlands.¹⁷² On the other hand, the antislavery resolutions of the 1790 reports and

¹⁶⁹ Fehrenbacher, *Slaveholding Republic*, 140-41. Coughtry, *Notorious Triangle*, 212-21; Leonardo Marques, "Slave Trading in a New World: The Strategies of North American Slave Traders in the Age of Abolition." *JER* 32, (Summer 2012): 233-260.

¹⁷⁰ James Pemberton to Moses Brown, Philad. 29. 4mo. 1794, in Papers of the AST:A:1, reel 7; PAS to London Committee, Philadelphia 5mo. 6th 1794 in PAS LB I:111-13; Robert Pleasants to John Eliot (London), Virginia 6 mo. 9. 1794, LBRP, 221-22; ACAS, *Minutes of the Proceedings of the Second Convention of Delegates from the Abolition Societies* (Philadelphia: Zachariah Poulson, Junr., 1795), 22-23.

¹⁷¹ PAS to London Committee, Philadelphia 5mo. 6th 1794 in PAS Papers, LB I:111-13.

¹⁷² On disappointment on slavery in the southwest territory, see: John Pemberton to James Pemberton, New York. 2d mo: 23d. 1790, PAS LCi On the difficulty of preventing slavery's expansion when settlers desired it, see: John

the passage of the 1794 Foreign Slave Trade Act could be seen as indicating the nation's disapprobation of slavery and Congress's willingness to curtail the Atlantic slave trade, the essential first step toward eventual emancipation.

Moreover, it was not just a local victory but an important moment in the transatlantic abolitionist movement. Occurring shortly after the French National Assembly's emancipation decree of February 4, 1794, the Foreign Slave Trade Act gave further evidence of the rapid progress of abolitionism and moral enlightenment throughout the western world. English abolitionist Samuel Hoare reported that they had been awaiting news of the law "with some anxiety," as their attempt to promote a similar law in Parliament had failed. The British abolitionists rejoiced at the American law in part because they hoped it would assist their own anti-slave trade efforts. They explained that their opponents frequently argued "that if England were to discontinue the traffic in slaves, America in particular would engage in those branches of it which the former would relinquish and therefore that the cause of Humanity would not be benefited."¹⁷³ In theory, the 1794 law removed this train of argument; however, poor enforcement of the American law undercut its potential ability to benefit British abolitionism.

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Hindsight is a historian's "chief asset" and "main liability."¹⁷⁴ The knowledge that the economic, geographic, and political reach of slaveholders would greatly increase rather than decline in the coming decades has often biased historians' assessment of abolitionism in the 1790s, leading them to exaggerate abolitionist naiveté and the extent of proslavery political

Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: University of Virginia Press, 2007), esp. 1-54.

¹⁷³ London Committee to PAS, London 10 July 1794, in PAS Papers, LB II:1-2. Fladeland, *Men and Brothers*, 66.

¹⁷⁴ David Potter, *The Impending Crisis, 1848-1861*, completed and edited by Don E. Fehrenbacher, (New York: Harper and Row, 1976), 145

victories.¹⁷⁵ Instead, our understanding of early national abolitionism should be informed by hindsight without being burdened by teleology. Hindsight should serve to emphasize the extent of abolitionists' political influence in the 1790s in contrast the later antebellum era. Given the restraints imposed by the Constitution, the 1790 petition debates went about as well as could have been reasonably hoped for the antislavery cause. Moreover, abolitionists had established themselves as a national interest group that could effectively lobby Congress. Far from being a "critical setback" to abolitionism, the 1790 petition debates began the process leading up to the 1794 Foreign Slave Trade Law.¹⁷⁶ While this law did not utilize all of the power enumerated in the 1790 reports, it went considerably beyond the powers enumerated in the Constitution. If the 1793 Fugitive Slave Trade law reinforced the proslavery aspect of the Constitution, the 1794 law expanded the Constitution's antislavery potential.

Together, the debates of 1790 and 1794 demonstrated that much of the public and many congressmen wished to do more against the Atlantic slave trade but were constrained by the Constitution. Outside of the Lower South, white Americans recognized that the harmonious imperatives of humanity and expediency demanded abolishing the Atlantic slave trade, an essential precondition for the eventual abolition of slavery itself. And, thanks to the influence of black rebels in St. Domingue, even South Carolina and Georgia – ever blind to the obligations of humanity and justice – were beginning to recognize that sound policy required curtailing the importation of enslaved blacks. Given what the abolitionists were up against, these developments represented progress.

¹⁷⁵ For example, see: Wood, *Empire of Liberty*, 518-34; and my discussion of the historiography of the 1790 debates, above. By contrast, scholars such as John Craig Hammond have begun emphasizing the importance of larger geopolitical factors – which were not always immediately apparent to contemporaries, rather than the agency of proslavery politicians in explaining slavery's expansion. Hammond, "Slavery, Settlement, and Empire: The Expansion and Growth of Slavery in the Interior of the North American Continent, 1770-1820," *JER* 32 (Summer 2012):175-206.

¹⁷⁶ Davis, *Slavery in the Age of Revolution*, 330.

FREE AFRICAN AMERICANS AND THE SLAVE TRADES

In the second half of the 1790s, the national antislavery lobby shifted their primary focus from the foreign slave trade to the domestic slave trade and kidnapping. Abolitionists' legal work on behalf of individual blacks and their lobbying efforts at the state level are fairly well-known thanks to the scholarship of Richard Newman and others.¹ But their efforts to influence national politics – sometimes in collaboration with African American activists – have been less well understood. Scholars have described a series of episodes in which Congress debated antislavery petitions in the second half of the 1790s without recognizing the extent to which the individual petitions were part of a coordinated campaign organized by members of the Pennsylvania Abolition Society (PAS), the Society of Friends' Philadelphia Meeting for Sufferings, and African American activists in Philadelphia.

These abolitionists recognized that the progress of gradual emancipation in most northern states and the withdrawal of most southern states from the Atlantic slave trade were not enough to put slavery on the road to extinction. They understood that slaveholder emigration into the fertile western territories and the growing interstate slave trade threatened to entrench slavery ever more deeply.² Furthermore, the demand for slave labor rendered free blacks vulnerable to

¹ Gary B. Nash and Jean R. Soderland, *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath* (New York: Oxford University Press, 1991), 99-166; Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic*, (Chapel Hill: University of North Carolina Press, 2002); David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777-1827*, (Baton Rouge: Louisiana State University Press, 2006); Paul J. Polgar, "Standard Bearers of Liberty and Equality: Reinterpreting the Origins of American Abolitionism," (Ph.D. diss., Graduate Center at the City University of New York, 2013).

² Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge: Harvard University Press, 2005), 9-31.

kidnapping by domestic slave traders.³ Responding to these threats, free blacks and their white allies reconsidered the practicality of black emigration schemes before choosing to focus on pressing for federal intervention against the domestic slave trade kidnapping.

In recent decades historians have expanded our traditional definition of “the political,” revealing the agency and influence of nonwhites.⁴ But at times African Americans also used traditional forms of politics more effectively than scholars have realized. Free blacks entered the political sphere themselves, submitting petitions to Congress in 1797 and 1800. These petitions and the ensuing debates raised a controversial question: did free African Americans possess rights which the federal government was obligated to respect and protect? The standard narratives of these events portray Congress rebuffing the black petitioners, representing a racist consensus that blacks had no right to petition the federal government.⁵ However, such interpretations mischaracterize the 1797 debates and misunderstand congressional procedures in 1800. In fact, black Americans won an important victory – albeit a largely symbolic one – in

³ Stephen Deyle, “Irony of Liberty: Origins of the Domestic Slave Trade,” *JER* 12 (Spring 1992):37-62, esp. 51-53; Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865*, (Lexington: University of Kentucky Press, 1994); Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2006), 138-44.

⁴ For a few prominent examples from a large literatures, see: Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2002); Julie Winch, *A Gentleman of Color: The Life of James Forten* (New York: Oxford University Press, 2002); David Waldstreicher, “The Wheatleyan Moment,” *Early American Studies* (Fall 2011):522-51; Richard S. Newman, *Freedom’s Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (New York: New York University Press, 2008); Edward Countryman, *Enjoy the Same Liberty: Black Americans and the Revolutionary Era* (Lanham, MD: Rowman & Littlefield, 2012).

⁵ Gary B. Nash, *Forging Freedom: The Formation of Philadelphia’s Free Black Community, 1720-1840*, (Cambridge: Harvard University Press, 1988), 187, 188; Edward Countryman, *Enjoy the Same Liberty: Black Americans and the Revolutionary Era* (Lanham, MD: Rowman & Littlefield, 2012), 110; Larry E. Tise, *The American Counterrevolution: A Retreat from Liberty, 1783-1800* (Mechanicsburg, PA: Stackpole Books, 1998), 22-23, 526; Robert McColley, *Slavery and Jeffersonian Virginia* (2nd ed., Urbana: University of Chicago Press, 1973), 12; Newman, *Freedom’s Prophet*, 148; Winch, *Gentleman of Color*, 154; Robinson, *Slavery in the Structure of American Politics*, 315; Andy Doolen, *Fugitive Empire: Locating Early American Imperialism*, (Minneapolis: University of Minnesota Press, 2005), xvii-xx, 69-70, 112-13; Winthrop Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), 330; Leon F. Litwack, *North of Slavery: The Negro in the Free States* (Chicago: University of Chicago Press, 1961), 34; Beverly C. Tomek, *Colonization and Its Discontents: Emancipation, Emigration, and Emigration in Antebellum Pennsylvania* (New York: New York University Press, 2011), 136.

having Congress officially recognize their right to petition for grievances. Furthermore, manuscript evidence suggests that white abolitionists worked more closely with black activists than historians have realized, prefiguring interracial collaborations which became more common in the 1830s.

White and black abolitionists repeatedly managed to break Congress's "silence" in regard to slavery, gaining a national forum from which to advance their antislavery message. However, neither white nor black abolitionists met with the level of success they desired. They hoped that Congress would ban the interstate slave trade, restrict the spread of slavery in the Mississippi Territory, revise the Fugitive Slave Law of 1793 in order to prevent kidnapping, and strengthen the 1794 Foreign Slave Trade Law. Congress never considered banning the interstate slave trade and imposed only minor restrictions on slavery in Mississippi. More congressmen supported efforts to protect free blacks, but the issue ended in stalemate. The abolitionists' principal gain was the Foreign Slave Trade Law of 1800, strengthening the regulations from 1794. In addition, northern members of Congress defeated slaveholders' efforts to strengthen the Fugitive Slave Law in ways which would have further restricted the rights of free blacks and rendered them more vulnerable to kidnapping. Moreover, when southern congressmen designed a bill in 1803 to prevent the emigration of free people of color from the West Indies into slave states, northerners blocked its passage until it was modified to protect the rights of black citizens from northern states. In sum, the abolitionists' desire for universal emancipation may have faced insurmountable odds at the turn of the nineteenth century, but their national efforts in pursuit of more modest goals hardly resulted in the train of unequivocal defeats which dominates the existing literature.

I. EARLY BLACK EMIGRATION PROPOSALS

Throughout the era of the American Revolution, African Americans and white abolitionists maintained a frequent but skeptical interest in colonization. In general they rejected Thomas Jefferson's desire to deport the nation's entire black population as both unjust and impractical, but they remained open to smaller-scale schemes of voluntary black emigration. Some of the earliest proposals dated to 1773, in plans by Anthony Benezet of Philadelphia and Samuel Hopkins of Newport.⁶ In the ensuing decades African Americans and their white allies repeatedly reconsidered the viability and desirability of such plans.

Benezet advocated colonization within the North American interior in order to promote emancipation and racial integration. He hoped that manumitted blacks and white laborers would jointly settle "that vast extent of country, from the West side of Allegany Mountains to the Mississippi." He believed that establishing biracial settlements would ensure that black Americans became "interested in our welfare & security" rather than rivals. Benezet's based his plan not on the view that blacks and whites could never integrate, but that frontier conditions – especially the opportunity to own land rather than be employed for wages – would facilitate moral and economic uplift better than the vice ridden urban areas of the eastern seaboard.⁷ Benezet's plan attracted little attention, though similar proposals for a western colony would circulate for decades. For example, around 1794 Benjamin Rush proposed a similar plan for a black farming community in the West, which he suggested naming in Benezet's honor.⁸

⁶ H.N. Sherwood, "Early Negro Deportation Projects," *Mississippi Valley Historical Review* 2, (March 1916):484-508.

⁷ Anthony Benezet to John Fothergill, Philada. ye 28th 4th Month 1773, in Anthony Benezet Papers, 1750-1936, Haverford College. On Benezet, see: Maurice Jackson, *Let this Voice be Heard: Anthony Benezet, Father of Atlantic Abolitionism*, (Philadelphia: University of Pennsylvania Press, 2009).

⁸ Benjamin Rush to the President of the PAS, [1794?], in L.H. Butterfield ed., *Letters of Benjamin Rush*, (2 vols., Princeton: Princeton University Press, 1951), II:154-55. See also: Benjamin Rush to John Nicholson, August 12th, 1793, in *ibid*, II:636-37; Benjamin Rush, to the Member of the Abolition Society, Philada. June 1st 1804, in PAS General Meeting Minutes, 89 (2 July 1804). See also the editorial note in *Letters of Benjamin Rush*, ed. Butterfield, II:755-56.

Meanwhile, Samuel Hopkins's plan focused on emigration to Africa and had a strong missionary component.⁹ In 1773 the Congregationalist minister supported the aspirations of John Quamine and Britsol Yamma, two black members of his church, to travel to West Africa as missionaries. With the support of Ezra Stiles, they began collective funds for the mission, which they characterized as the "best compensation" that could be made to Africa for the "iniquity of the *slave trade*."¹⁰ The War for Independence interrupted these efforts, but Hopkins continued advocating his plan. Over time the scale of his scheme increased from a small missionary venture to a proposal for substantial black emigration in order to facilitate emancipation while also arguing that the Christianization of Africa would end the Atlantic slave trade at its source.¹¹ Some free blacks in Boston had also proposed black emigration to Africa in 1773, and in 1780 African Americans in Newport formed the African Union Society, which promoted black uplift and emigration to Africa. In the ensuing decades Hopkins continued to work with black New Englanders who desired to return the land of their ancestors.¹²

Beginning in 1786, American interest in African colonization increased in response to British efforts establishing a West African colony in Sierra Leone as a settlement for black Loyalists.¹³ William Thornton, a British Quaker travelling through the northern United States at

⁹ Floyd J. Miller, *The Search for a Black Nationalism: Black Emigration and Colonization, 1787-1863* (Urbana: University of Illinois Press, 1975), 6-7.

¹⁰ Samuel Hopkins and Ezra Stiles, "Circular," Newport, Rhode Island, August 31, 1773, *WSH*, I:131-32. They published an updated version of this appeal for donations in April 1776. Samuel Hopkins and Ezra Stiles, "To the Public" ([Newport, 1776]).

¹¹ Samuel Hopkins, *A Dialogue Concerning the Slavery of the Africans: Shewing it to be the Duty and Interest of the American States to Emancipate All Their African Slaves: With an Address to the Owners of Such Slaves: Dedicated to the Honourable Continental Congress*, ([1776] 2nd ed., New York: Robert Hodge, 1785), 54. See also: Hopkins, *Discourse upon the Slave Trade...* (Providence, RI: J. Carter, 1793), 18, 24-25.

¹² Miller, *Search for a Black Nationality*, 3-15.

¹³ Christopher Leslie Brown, *Moral Capital: The Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006), 315-21.

this time, hoped that the Americans and British could cooperate in such a plan.¹⁴ Thornton met with free blacks and fugitive slaves in New York and New England, along with white abolitionists such as William Rotch Sr. of Massachusetts and Samuel Hopkins in Rhode Island.¹⁵ By the summer of 1788 Thornton was in Philadelphia trying to drum up support for African emigration among the free black community.¹⁶ The African Americans whom he spoke with expressed cautious interest in such a project. He reported that they were “unwilling to be subject to any nation of whites” and would only emigrate to Africa if they could “be an independent people.”¹⁷ Black Philadelphians, like many African Americans, would hold essentially the same position for decades; they were potentially interested in emigration to Africa or elsewhere, but only on their own terms.¹⁸

During this time member of the PAS were also intrigued but skeptical of African colonization. Samuel Hopkins urged them to support his efforts to send black New Englanders there, insisting that “such a settlement [would] at the same time promote the Abolition of the Slave Trade, and Slavery.”¹⁹ In response the PAS asked their English correspondents for information about the Sierra Leone venture.²⁰ The response was not heartening. A letter by Granville Sharp, one of the chief English supporters of the Sierra Leone project, described the

¹⁴ William Thornton to John Coakley Lettson, New York, Nov. 18, 1786, *PWT*, I:30-36. Miller, *Search for a Black Nationality*, 15.

¹⁵ Thornton to John Coakley Lettson, Newport, Rhode Island, Feb. 15, 1787, *PWT*, I:43-47; Hopkins to Moses Brown, March 7, 1787, *WSH*, I:139-40

¹⁶ Thornton to John Coakley Lettson, Philadelphia, July 26, 1788, *PWT*, I:70-75

¹⁷ Thornton to Jacques Pierre Brissot de Warville, Philadelphia 29th of the 11th month 1788, *PWT*, I:80-84, quotation from 82.

¹⁸ Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Free Black Community, 1720-1840*, (Cambridge: Harvard University Press, 1988), 100-103; Julie Winch, *A Gentleman of Color: The Life of James Forten* (New York: Oxford University Press, 2002), 177-206; Richard S. Newman, *Freedom's Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (New York: New York University Press, 2008), 183-208.

¹⁹ Samuel Hopkins to Reverend William Rogers, Newport [RI], Sept. 22. 1788, PAS LCI.

²⁰ The PAS's initial enquiry and the response from England do not survive in the PAS papers, but are referred to in Samuel Hoare and London Committee to James Pemberton and PAS, March 3d. 1789, PAS LCI, and PAS LB I:15-17.

dismal reports he had received of the colony. After only a few months many of the settlers had already died and at least two had been captured by King Tom, a neighboring chief who sold them to slave traders. The white surgeons who were supposed to care for colonists had abandoned them for higher paying jobs at a nearby slave factory, where slave traders stock piled their human cargo prior to their transatlantic voyage. Rumors that many of the blacks had also joined the forces of the slave traders were later proved exaggerated, but it was clear that the settlement was off to an inauspicious beginning.²¹

Hopkins's hopes for Sierra Leone were revived later in 1789 when Granville Sharp informed him that conditions in the colony were improving. "All the white people," he conceded, "have been wicked enough to go into the service of the slave trade at the neighboring factories," but the black settlers were proving more reliable. They had just increased their territory and he promised that black settlers from New England would be "admitted to free lots" as long as they submitted "to the terms of the Regulations and the English government."²²

Newport blacks remained interested in emigration and wrote to Absalom Jones and the Free African Society of Philadelphia about relocating to Africa. The black Philadelphians wished the best for any who were inclined "to undertake such a long and perilous journey," but they expressed no interest in leaving themselves. They also referred to the support they received from local white allies and it is likely that PAS members had informed them of the bad reports coming

²¹ Granville Sharp to Harry Gandy (copy), Leadenhall Street. 29th July 1788, PAS LCi. Pennsylvania abolitionists made several copies of the letter, marking them "relating to the failure of the proposed settlemt. of Free Negroes at Sierra Leone," and distributed them to Samuel Hopkins and others. It is not clear when the PAS received this document, but they forwarded a copy of it in PAS to Samuel Hopkins, Philada. March 9th. 1789, PAS LB I:4-5. On the problems facing Sierra Leone at this time, see: Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and Their Global Quest for Liberty* (Boston: Beacon Press, 2006), 116-19.

²² Granville Sharp to Samuel Hopkins, Leadenhall Street, July 25, 1789, WSH, I:143-44. See also: Hopkins to Granville Sharp, Newport, January 15, 1789, WSH, I:140-43. By 1791 conditions in Sierra Leone were deteriorating and the Sierra Leone Company imposed harsh new regulations on the settlers. In a letter to William Thornton Granville stated unequivocally that no more blacks should emigrate to the colony. Granville Sharp to William Thornton, Leadenhall Street, London 5 October 1791, PWT, I:158-61.

out of Sierra Leone.²³ In the early 1790s Hopkins continued to advocate African colonization and complained that the Quakers who dominated abolition societies were “not disposed to promote such a design.”²⁴

Philadelphians never gave Hopkins’s colonization plan the level of support he desired, but some residents of the City of Brotherly Love exhibited increased interest in black emigration in the early to mid-1790s. Sometime around 1794 Quaker John Parrish collaborated with black Philadelphians in drafting a petition requesting Congress to establish an African colony modeled after Sierra Leone. This petition would have been the first petition from African Americans to the federal government, though for reasons that remain unclear they never submitted it, and the petition draft was only recently discovered by historians.²⁵

A combination of “push” and “pull” factors likely accounted for the revived interest among the black community. Racial tensions were rising in the city as free blacks competed with European emigrants for employment.²⁶ With the active encouragement of Benjamin Rush, black Philadelphians tried to demonstrate their civic commitments by acting as nurses during the 1793 yellow fever outbreak. In the aftermath, however, printer Mathew Carey had sensationalized allegations that black nurses had exploited the crisis to charge exorbitant prices and loot the homes of the dead and dying. Carey’s pamphlet reflected and encouraged the white

²³ The correspondence, from the fall of 1789, is printed in: William Douglass, *Annals of the First African Church in the United States of America, Now Styled the African Episcopal Church of St Thomas* (Philadelphia: King & Baird, 1862), 25-30. See also Nash, *Forging Freedom*, 101-03.

²⁴ Hopkins to Dr. Levi Hart, June 10, 1791, *WSH*, I:136-37. See also: Hopkins to Dr. Levi Hart, June 9, *ibid*, 1794

²⁵ Richard S. Newman, Roy E. Finkbine, and Douglass Mooney, eds., “Philadelphia Emigrationist Petition, circa 1792: An Introduction,” *William & Mary Quarterly* 64, (January 2007):161-66. I discuss my reasons for assigning a later date and attributing authorship to John Parrish below.

²⁶ Gary B. Nash, *Forging Freedom: The Formation of Philadelphia’s Free Black Community, 1720-1840*, (Cambridge: Harvard University Press, 1988), 145-49, 172-211; Gary B. Nash and Jean R. Soderland, *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath* (New York: Oxford University Press, 1991), 166-203.

community's growing hostility toward free blacks.²⁷ The 1793 Fugitive Slave Law, in conjunction with the growing demand for slaves in the Lower South and southwestern territories, also rendered even legally-free African Americans vulnerable to kidnapping and fraudulent enslavement.²⁸ Meanwhile, newspaper coverage of the British colony for free blacks at Sierra Leone had been largely positive since 1792. The original settlers – who had included Richard Weaver, a black loyalist from Philadelphia who became the colony's first governor – had been joined by over 1,000 African Americans who had first relocated to Nova Scotia following American independence. The Sierra Leone Company promised that “the civil, military, personal, and commercial rights and duties of Blacks and Whites shall be the same, and secured in the same manner.”²⁹ The Company and its supporters, including the abolitionist William Wilberforce, also emphasized the importance of the colony for suppressing the Atlantic slave trade, and Christianizing Africa.³⁰ Accounts “of the most flattering nature” further indicated that the initial problems of disease and poverty “had entirely ceased.”³¹ Granville Sharp likely touted the progress of Sierra Leone in 1793 when he sent a donation to help Absalom Jones and William Gray fund a church for black Philadelphians.³² Thus problems facing free blacks in the United States and the positive portrayals of Sierra Leone could encourage interest in African emigration.

²⁷ Richard S. Newman, *Freedom's Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (New York: New York University Press, 2008), 78-127.

²⁸ Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: University of Kentucky, 1994), 9-40; Daniel E. Meaders, ed., *Kidnappers in Philadelphia: Isaac Hopper's Tales of Oppression, 1780-1843* (New York: Garland Publishing, 1994).

²⁹ “From the Quebec Herald,” *Gazette of the United States* (Philadelphia), 4 February 1792.

³⁰ “To the Editor,” *Providence Gazette*, 12 May 1792; “State of the Slave Trade,” *Dunlap's American Daily Advertiser* (Philadelphia), 12 May 1792; “Speech of Mr. Wilberforce,” *Providence Gazette*, 30 June 1792;

³¹ “Sierra Leone and Bulam,” *General Advertiser* (Philadelphia), 15 January 1793. See also: *Gazette of the United States* (Philadelphia), 9 October 1794.

³² In response, black Philadelphians thanks Sharp for his “labours of love to our afflicted nation” and “in particular your late *humane donation to our church*.” Absalom Jones, William Grey [or Gray], and William Gardner to Granville Sharp, Philadelphia, Nov. 25. 1793, in *Memoirs of Granville Sharp...*, ed. Prince Hoare, (London: Henry Colburn and Co., 1820), 254-55.

In any case, the names of fifty-five black Philadelphians, including of prominent leaders Absalom Jones, Richard Allen, and William Gray, appear on an emigrationist petition drafted by John Parrish around 1794. The petition requested Congress to promote “gradual Emansipation” and “prepare an Assalem for such as may incline who are free, to resort, similor to the one prepared by the British in Serealluone.” Parrish, who had been a bricklayer in his youth and had limited formal education, wrote in the plural first person, leading previous scholars to assume that an African American authored the petition. However, the handwriting and style are clearly the white Quaker’s. The fifty-five names on the petition are in the form of a list rather than signatures (or marks as would be made by illiterate subscribers), suggesting that they were people whom Parrish expected to endorse the petition. This list is not in Parrish’s handwriting indicating that he was working with at least one partner, though it is not clear whether this person was black or white.³³

³³ This petition draft is held in the anonymous folder of box 9 in the Coxe-Parrish-Wharton Collection at the HSP, the collection which also holds the bulk of John Parrish’s surviving papers. I quote from the original manuscript as the published transcript misprints “may incline” as “may meline.” (Parrish often failed to dot his “i”s.) Newman *et al* did not realize it was written in John Parrish’s handwriting and assumed it was drafted by black Philadelphians alone. They also assigned a date of circa 1792 based on the petition’s reference to “your predecessors in the first Congress,” which they took to refer to the first federal Congress of 1789-1791. However, the petition’s reference to Congress’s declaration that all men had “an Unalienable Right to life Liberty & the pursiut of happiness” indicates it was actually referring to the Continental Congress which adopted the Declaration of Independence rather than the first Congress after Ratification. (I have convinced Richard Newman of this point in email and phone correspondence.) I suggest a slightly later date of around 1794 based on a number of considerations. As I mention below, at that time Parrish was helping Allen and Jones distribute their pamphlet and it was around 1794 when he first hired Cato Collins (one the men listed on the petition), so he was clearly interacting with black activists at this time. It is also likely that the petition was partly a response to the 1793 Fugitive Slave Act, but Parrish spent much of 1793 travelling to Detroit to meet with Native Americans and oversee a treaty signing as part of a Quaker delegation. (For an account of Parrish’s travels, see: Philadelphia Yearly Meeting’s Meeting for Sufferings [hereafter, PYM-MS] Minutes 1785-1802, 250-52 (19 December 1793), Haverford College.) It is also possible that the petition was from a few years later; but the list of names includes James Dexter who died in 1799, so it was presumably before then. Neither the records of the Meeting for Sufferings nor the PAS make any allusion to the petition so it is likely that it lacked their official sanction though they may have given their unofficial blessing to the proceedings. The names of the three most prominent blacks, Jones, Allen, and educator William Gray were written separately in pencil and eleven names have pencil marks next to them. Newman *et al* have suggested that Jones, Allen, and Gray may have led the petitioning effort or the petitioners may have hoped these men would lend their prestige to the petition. Pencil marks next to some names may indicate those who had confirmed they would support the petition. Newman *et al*, “Philadelphia Emigrationist Petition.”

We cannot be certain how closely Parrish worked with his would-be black subscribers, but he knew some of them quite well. In early 1794 he and Warner Mifflin had helped distribute a pamphlet that Jones and Allen had written refuting Mathew Carey's aspersions on blacks during the yellow fever epidemic.³⁴ His later correspondence indicates that he was familiar with Gray, most likely through Quaker outreach to the black community.³⁵ James "Oronoco" Dexter, another petitioner, worked as a coachman for John Pemberton and was well known to other members of the Philadelphia Meeting for Sufferings.³⁶ Parrish's own employee, Cato Collins, was also among those listed on the petition. Born into slavery, Collins had been indentured by the PAS in 1784 and received his freedom in January 1793 at the age of twenty-one; shortly afterward he began working with Parrish as a brush maker.³⁷ Collins had already been literate as a twelve year-old slave – indeed, his few surviving letters indicate that he spelled better than his employer – and in later years he ran Parrish's shop and handled the business correspondence whenever Parrish was out of town.³⁸ Collins was a founding member of Absalom Jones's St. Thomas's African Episcopal Church in 1794 and also attended the quarterly worship meetings

³⁴ Warner Mifflin to John Parrish, Brandewine 24th of 1 mo. 1794, Coxe-Parrish-Wharton Collection (hereafter, C-P-W), box 1, Historical Society of Pennsylvania (hereafter, HSP). For a discussion of Allen and Jones's 1794 pamphlet, *A Narrative of the Proceedings of the Black People During the Late Awful Calamity in Philadelphia*, see: Richard S. Newman, *Freedom's Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (New York: New York University Press, 2008), 78-127.

³⁵ Quomony Clarkson to John Parrish, Philadelphia 13th of March 1806, C-P-W, box 2. For other evidence of Parrish's reputation as an ally of free blacks, see: B[enjamin] Banneker to John Parrish, Ball County near Ellicotts mills Dec.r 22d 1795, C-P-W, box 1.

³⁶ For Dexter's background, see: Newman et al, "Philadelphia Emigrationist Petition," 163-64.

³⁷ Indenture of Cato Collins [*ie* Collins] to Thomas Paschall, 18 September 1784, Philadelphia House of Employment Indenture Papers, Pennsylvania Abolition Society Papers, HSP (hereafter, PAS Papers), reel 23; Indenture Book C, p. 9, PAS Papers, reel 22; "Cato Collins" (obituary), *Friend's Intelligencer*, (29 Eleventh Month 1856):581-82.

³⁸ Cato Collins [Cato Collins] to John Parrish (care of Joseph James in New York), Philadelphia June 24 1798, C-P-W, box 1; Cato Collins to Joseph Handling & Co, Philadelphia, October 10th 1804, C-P-W, box 10.

which white Quakers hosted for blacks.³⁹ Like Parrish, he served as a bridge linking the antislavery activism of black and white Philadelphians.

It remains unclear why the fifty-five blacks never formally endorsed the petition and submitted it to Congress. It is likely that – as in the 1780s and as would be the case in the 1810s – the black Philadelphians flirted with emigration but ultimately rejected the idea.⁴⁰ By late 1794 and early 1795, some of the factors which may have initially revived interest in emigration to Africa were declining. For starters, it became clear that conditions in Sierra Leone had not improved as some reports had suggested. In the years following the Sierra Leone Company's incorporation as a for-profit corporation in 1789 the influence of humanitarians such as Granville Sharp and John Clarkson had declined. The Company reduced the black settlers' autonomy while increasing their fees and interest charges, leading to civil discord.⁴¹ Then the French attacked and ransacked the colony.⁴²

If Sierra Leone became a less attractive model, developments at home also encouraged black Pennsylvanians to prefer a future in the United States. Beginning in 1794 the PAS's Committee on Improving the Condition of the Free Blacks worked with Absalom Jones and Richard Allen to gain compensation for the black community's services and expenses during the yellow fever outbreak while also seeking poor relief for impoverished blacks.⁴³ The support of

³⁹ William Douglass, *Annals of the first African church, in the United States of America: Now Styled the African Episcopal church of St. Thomas, Philadelphia...* (Philadelphia: King & Bard, 1862), 111, 123; Cato Collings [Collins] to John Parrish (care of Joseph James in New York), Philadelphia June 24 1798, C-P-W, box 1; Henry Cadbury, "Negro Membership in the Society of Friends," *Journal of Negro History* 21 (1936):151-213, esp. 159.

⁴⁰ Beverly C. Tomek, *Colonization and Its Discontents: Emancipation, Emigration, and Emigration in Antebellum Pennsylvania* (New York: New York University Press, 2011), 132-62.

⁴¹ "Sierra Leone," *Massachusetts Mercury* (Boston), 23 December 1794; Cassandra Pybus, *Epic Journey's of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston: Beacon Press, 2006), 144, 169-202.

⁴² *Philadelphia Gazette*, 9 March 1795.

⁴³ PAS Committee for Improving the Condition of the Free Blacks (hereafter, PAS-CICFB) minutes for 1794, esp. 78, 82-84, 88, PAS Paper, reel 6.

such white allies may have encouraged black Philadelphians to push for better treatment and greater inclusion in their native land rather than travelling to the land of their ancestors. Perhaps responding to such sentiment, in the following years Parrish and other white abolitionists supported black petitions for greater rights and protection within the United States.

II. KIDNAPPING AND THE DOMESTIC SLAVE TRADE

Some abolitionists quickly recognized the threats which the domestic slave trade posed to the movement for complete emancipation and the liberty of blacks who were already free. Living in Delaware, Warner Mifflin was especially attuned to the twin evils of domestic slave trading and kidnapping, and the ways they threatened the antislavery accomplishments. His earlier petitioning efforts had led the state legislature to facilitate private manumissions and restrict the domestic slave trade into and out of the state. And although the state did not embrace gradual emancipation before the Civil War, private manumissions were so prevalent that the proportion of Delaware blacks who were free surpassed that of New York and New Jersey until the 1820s. By 1800 more than half the African Americans in the state were free.⁴⁴ But in the 1790s Mifflin grew increasingly dismayed that slave traders – whom he often called “Carolina-men” or “Georgia-men” – were skirting the state’s restrictions on selling slaves out of state and even kidnapping blacks who were legally free.⁴⁵ He was especially concerned about the “the Negroe

⁴⁴ Patience Essah, *A House Divided: Slavery and Emancipation in Delaware, 1638-1865* (Charlottesville: University of Virginia Press, 1996), 39.

⁴⁵ Abolitionists such as John Parrish publicized the term “Georgia-men” as the universal term for slave traders. HUMANTIAS, *Reflections on Slavery, With Recent Evidence of Its Inhumanity, Occasioned by the Death of Romain, a French Negro*, (Philadelphia: R. Cochran, 1803), 25; John Parrish, *Remarks on the Slavery of Black People...*, (Philadelphia: Kimber, Conrad, & Co., 1806), 11; Jesse Torrey Jun., *A Portraiture of Domestic Slavery. ...Including Memoirs of Facts on the Interior Traffic in Slaves, and on Kidnapping*, (Philadelphia: John Bioren, 1817), 33. For earlier uses of term, as well as “Carolina-man,” see: Warner Mifflin to John Parrish & Thomas Stewardson, Kent County 3d of 12 mo. 1797, Coxe-Parrish-Wharton papers (hereafter C-P-W), HSP, box 1; [John Parrish], “Statement of a few cases of kidnapping free Negroes & Cruelties exercised on other deemed slaves, that have occur’d in the neighbourhood of Camden - Kent County - Delaware,” Philadelphia, 11th mo. 1801, C-P-W, box 10.

Trade in the Chesapeake, by means whereof numbers are kidnapped from this State.” Because the state legislature lacked “control over navigation,” he believed federal intervention was necessary. In early 1796 he lobbied the state legislature to request federal aid.

Mifflin hoped that the Delaware assembly would request the federal government to entirely prohibit the interstate slave trade, and he also began writing letters to congressmen and his abolitionist comrades such as John Parrish in order to mobilize support.⁴⁶ The Philadelphia Meeting for Sufferings already had an existing committee on slavery in Delaware and Maryland, and the Pennsylvania Abolition Society appointed a committee to attend Congress and “give such assistance in the progress of the Bill as may be useful or necessary.”⁴⁷ But the abolitionists’ hopes that Congress would “prevent the Trade in slaves being carried on from one part to another in the United States” were overly optimistic; the Delaware legislature confined their petition to kidnapping.⁴⁸ Because the petition only addressed kidnapping, scholars who have examined the ensuing congressional debates have not realized that the debates were instigated by abolitionists with a much a larger goal – the entire suppression of the interstate slave trade.⁴⁹

Acting on behalf of the absent representative from Delaware, Pennsylvania Republican Albert Gallatin presented the petition on April 18, 1796. Gallatin told the House of Representatives that Delaware had “taken measures to prevent the future kidnapping of negroes

⁴⁶ Mifflin informed Parrish that in response to his letters to congressmen he received a “polite” and “pleasant” letter from his old adversary William L. Smith of South Carolina. Warner Mifflin to John Parrish, 13th of 2 mo. 1796, C-P-W, box 1.

⁴⁷ Meeting of PAS, 4th mo: 4th. 1796, PAS Papers, reel 1, 255-56. For the creation of the PYM-MS committee, which included John Parrish, see: PYM-MS Minutes 1785-1802, 280 (20 February 1795), 282 (19 March 1795), 291 (15 October 1795), 292 (12 November 1795).

⁴⁸ Meeting of PAS, 4th mo: 4th. 1796, PAS Papers, reel 1, 255-56.

⁴⁹ Donald L. Robinson, *Slavery in the Structure of American Politics, 1765-1820*, (New York: Harcourt Brace Jovanich, Inc., 1971), 286-87. Aside from the difficulty of gaining sufficient political support for a measure entirely banning the interstate slave trade, the constitutionality of such a measure would have been dubious. David Lightner has argued that abolitionists could have used the federal governments interstate commerce powers to ban the interstate slave trade, though he acknowledges that it is unlikely that anyone at the Constitutional Convention envisioned such action; see: “The Founders and the Interstate Slave Trade,” *JER* (Spring 2002):25-51.

and mulattoes, and they wished Congress to make provision on the subject.”⁵⁰ The House agreed to Gallatin’s proposal that the existing Committee on Commerce and Manufacturing consider “making effectual provision for preventing the kidnapping of negroes and mulattoes, and carrying them from their respective States contrary to the laws of the said States.”⁵¹ The committee proposed supplementing state anti-kidnapping laws with federal enforcement, but they did not present their report until near the end of the session, at which time the House postponed the issue.⁵²

When Congress resumed in the fall, abolitionists continued to press the issue until congressman John Patten of Delaware called for the consideration of “the report from last session on kidnapping.”⁵³ Pennsylvania Republican John Swanwick presented the report, proposing a “bill making it necessary for every master of a vessel to have a certificate of the number and situation of any negroes or mulattoes he may have on board.” He hoped no one would oppose the bill, “as it only prevented thefts.”⁵⁴ But William Vans Murray of Maryland claimed he was confused by what was meant by kidnapping and theft: “the taking of free negroes and selling them as slaves, or the taking of slaves to make them free?”⁵⁵ Supporters of the bill responded that “[i]t was intended to prevent both evils.”⁵⁶ However, William L. Smith of South Carolina warned that such meddling was “a kind of opening-wedge,” and he discouraged further discussion.⁵⁷

⁵⁰ AC 4-1, 1025 (18 April 1796). The text of the petition was not printed.

⁵¹ AC 4-1, 1025.

⁵² AC 4-1, 1299-1300 (5 May 1796).

⁵³ AC 4-2, 1692 (21 December 1796). PAS meeting, 11th of 7th mo 1796, PAS Papers, reel 1, 264.

⁵⁴ AC 4-2, 1730 (29 December 1796). On the large numbers of free blacks who were vulnerable to such practices, see: Gary B. Nash, “Forging Freedom: The Emancipation Experience in the Northern Seaport Cities, 1775-1820,” *Slavery and Freedom in the Age of the American Revolution*, eds. Berlin and Hoffman, 3-48.

⁵⁵ AC 4-2, 1731.

⁵⁶ Ibid (Sitgreaves of PA).

⁵⁷ Ibid, 1732.

The Pennsylvanian congressman would not back down, undoubtedly pleasing the abolitionists who continued to attend Congress.⁵⁸ Swanwick told Smith that he “would not enter into the question, whether or not all men ought to be free, because it was not immediately before the House,” but he insisted that “if these people were black or white, if free, they ought to be protected in the enjoyment of their freedom, not only by the State Legislatures but by the General Government.” He asked: “does not humanity and justice require your utmost efforts?”⁵⁹ Samuel Stigreaves, a Pennsylvania Federalist who served as legal counsel for the PAS, also promoted the bill.⁶⁰ Antislavery congressmen argued that the federal government had a duty to protect the rights of free black Americans while also indicating that their sympathies extended to the enslaved as well. Predictably, such comments further enraged Smith, who warned that such language would “spread alarm through some of the southern states.”⁶¹ On the other hand, John Nicholas of Virginia regretted the existence of slavery and supported the creation of a bill protecting free blacks from enslavement.⁶² Eventually the House sent the Swanwick report back to the committee for further investigation. But on the same day William Vans Murray created another committee for the purpose of strengthening the Fugitive Slave Law. Thus the House simultaneously had committees working at cross-purposes.⁶³ In an apparent compromise, Swanwick later grudgingly presented a new report – which was “contrary to his opinion” – stating: “That it is not expedient for this House to interfere, with any existing law of the States on

⁵⁸ PAS Meeting, Minutes, 270 (2 January 1797); PYM-MS Minutes 1785-1802, 311 (19 January 1797).

⁵⁹ AC 4-2, 1733.

⁶⁰ AC 4-1, 1732, 1734, 1735. PAS Meeting Minutes, 254 (2 January 1796).

⁶¹ Ibid, 1734.

⁶² Ibid, 1735.

⁶³ Ibid, 1735-36; 1767 (2 January 1797).

this subject.”⁶⁴ Thus the first round of debate ended with the status quo in effect.⁶⁵ During the following year, African Americans and white Quakers would force Congress to revisit the issue.

* * *

In 1797 the Philadelphia Meeting for Sufferings and black Philadelphians turned their attention to the “the iniquitous Practice of enslaving free men” in North Carolina.⁶⁶ After years of legal disputes, the North Carolina legislature and courts had recently reiterated the state’s ban on manumissions and determined that blacks who had been previously manumitted (mostly by Quakers) could be re-enslaved, either in or out of the state.⁶⁷ (The legal controversy revolved around whether a 1741 colonial ban on manumissions had remained in effect in 1776 when a number of Quakers had freed their slaves before the state legislature reenacted the 1741 ban in 1777.)⁶⁸ In January 1797, the Meeting for Sufferings instructed Parrish, Nicholas Waln and the other committee members to attend Congressional debates and “use such Endeavours as Wisdom may dictate for promoting the Cause of Righteousness.”⁶⁹ Shortly afterward on January 30, the House of Representatives received its first petition signed by African Americans. The four petitioners, Jacob Nicholson, Jupiter Nicholson, Job Albert, and Thomas Pritcher, had all been manumitted in North Carolina but sought refuge in Philadelphia from the danger of re-

⁶⁴ Ibid, 1895 (18 January 1797).

⁶⁵ As I discuss in Chapter 5, the provisions of the Swanwick report, requiring ship captains to keep a manifest of slaves and free blacks on board, would be incorporated into the Slave Trade Act of 1807.

⁶⁶ PYM-MS Minutes 1785-1802, 305-07 (20 October 1796), 308-09 (quotation, 17 November 1796).

⁶⁷ The report of grand jury is reprinted in the *Providence Gazette* (Rhode Island), 16 July 1796.

⁶⁸ In 1776 in the midst of the Revolution, North Carolina Quakers freed a number of slaves; however, a 1777 law confirmed that the policy of 1741 was still in effect and led to the re-enslavement and sale of many of the manumitted blacks. A 1778 state Superior Court ruling reversed this action, but then a 1779 law retroactively confirmed the 1777 re-enslavements and sales. Nonetheless, a number of North Carolinian slaveholders continued to manumit their slaves, leading the legislature to reiterate 1796 that the restrictions on manumissions were still in place. See: Thomas E. Drake, *Quakers and Slavery in America* (New Haven: Yale University Press, 1950), 109; Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South*, (New York: Pantheon Books, 1974), 31; Andrew Fede, *Roadblocks to Freedom: Slavery and Manumission in the United States South*, (New Orleans: Quid Pro Quo Books, 2011), 97.

⁶⁹ PYM-MS meeting, 19th: 1st: mo: 1797, 311.

enslavement.⁷⁰ Even in the City of Brotherly Love they were not safe, as slave catchers could still claim them under the Fugitive Slave Law.

It is likely no coincidence that four African Americans petitioned Congress complaining of the North Carolina's practice of re-enslaving manumitted blacks at the exact moment that John Parrish and the Meeting for Sufferings were investigating the same issue. Scholars have suggested that Absalom Jones drafted the 1797 petition (of which no manuscript version survives); it also appears that white Quakers were involved in some aspects as well.⁷¹ At the minimum, support from white allies was likely necessary to convince Pennsylvania congressman John Swanwick to submit the petition on the blacks' behalf. Swanwick had been a leading antislavery voice during congressional debates over kidnapping the preceding month and was likely among those whom Parrish and the other Quaker lobbyists had met with at that time.⁷² Neither the records of the PAS nor the Meeting for Sufferings make any reference to the blacks' petition, but it seems likely that the petition was an interracial collaboration.⁷³ Parrish later defended the petitioners in letters to slaveholders and reprinted their petition with relevant

⁷⁰ *Annals of Congress 4th Congress-2nd Session* (hereafter, *AC [congress #]-[session #]*), 2015-18, (30 January 1797). Jacob Nicholson signed the petition while the presumably illiterate Jupiter Nicholson, Job Albert, and Thomas Pritchett (or Prichard) made their marks. The petition is printed in Nash, *Race and Revolution*, 185-89. The resulting congressional debates are discussed in: Donald L. Robinson, *Slavery in the Structure of American Politics*, 288-90; Nash, *Forging Freedom*, 186-87; Larry E. Tise, *The American Counterrevolution: A Retreat from Liberty, 1783-1800* (Mechanicsburg, PA: Stackpole Books, 1998), 522-23.

⁷¹ Sydney Kaplan and Gary Nash describe meetings between the four North Carolinians and Absalom Jones, who they credit with drafting the petition. However, neither scholar provides any evidence to support such a hypothesis, and Nash acknowledged in an endnote that it is purely speculation. Sidney Kaplan, *The Black Presence in the Era of the American Revolution, 1770-1800*, (New York: New York Graphic Society Ltd., 1973), 231; Nash, *Forging Freedom*, 189, 324n52. It is entirely plausible, perhaps likely, that Jones was involved, but circumstantial evidence suggests that Parrish played a prominent role as well.

⁷² For Swanwick's role in the earlier debates, see: *AC 4-2*, 1730-34 (29 December 1796), 1767 (2 January 1797), 1895-96 (18 January 1797).

⁷³ Although neither the PAS nor PYM Meeting for Sufferings records mention the blacks' petition, both organizations had committees who were attending Congress at this time in order to lobby congressmen in hopes of reviving the debates from the previous session on kidnapping and the Fugitive Slave Law; see: PAS General Meeting, 2d of 1 mo 1797, 270; PYM-MS meeting, 19th: 1st: mo: 1797, 311.

materials from North Carolina Quakers in his 1806 pamphlet, *Remarks on the Slavery of Black People*.⁷⁴

The petition conformed to common antislavery tropes of the era, making sentimental appeals to humanity while condemning slavery as barbarous and un-republican. Nicholson and his co-petitioners complained of the North Carolina law, under which they “were reduced to the necessity of separating from some of our nearest and most tender connexions, and of seeking refuge in such parts of the Union where more regard is paid to the public declaration in favor of liberty and common right of men.”⁷⁵ They expanded on this sentimental language with an analogy to white sailors held captive in the Barbary States. The plight of enslaved blacks – “especially those who have been emancipated and tasted the sweets of liberty and again reduced to slavery” – could “not be less [a]ffecting or deplorable than the situation of citizens of the United States, captured and enslaved through the unrighteous policy prevalent in Algiers.” They softened the analogy between Algerian and American slaveholders slightly, noting that many Americans were slaveholders “not of choice, but...by inheritance.”⁷⁶ While condemning slavery they did not want to alienate southern congressmen.

The petition galvanized Congress along sectional lines. All six of the representatives from north of the Mason-Dixon Line who entered the debate supported referring the petition to a committee.⁷⁷ This group included the PAS-affiliated Samuel Sitgreaves, and George Thatcher, a Massachusetts Federalist who emerged as the leading antislavery voice from New England.⁷⁸

⁷⁴ [Joseph Parrish], “Copy of a Letter from my Uncle John Parrish,” [1800], Parrish Family Papers, HSP, box 5; John Parrish, *Remarks on the Slavery of Black People; Addressed to the Citizens of the United States...* (Philadelphia: Kimber, Conrad, and Co., 1806), 52-65.

⁷⁵ AC 4-2, 2015-16 (30 January 1797).

⁷⁶ AC 4-2, 2018.

⁷⁷ AC 4-2, 2018-24 (30 January 1797, Swanwick and Sitgreaves of PA, Thatcher and Varnum of MA, Gilbert of NY, and Kitchell of NJ).

⁷⁸ On Sitgreaves’s connection to the PAS, see: PAS General Meeting, 1 mo. 2d 1796, 254.

Thatcher argued that the four African Americans – whom he later described as “dark-complexioned citizens” – had an “undoubted right to petition the House [of Representatives]” and “protection under the power of that House.”⁷⁹ Not surprisingly, William L. Smith of South Carolina raised vocal opposition to the petition. As slaves, the petitioners were “not entitled to the attention” of Congress, and he warned that “to encourage slaves to petition the House would have a tendency to invite continual applications...it would act as an ‘entering-wedge,’ whose consequences could not be foreseen.”⁸⁰ After additional debate, the House voted 50 to 33 to dismiss the petition.⁸¹

Standard accounts of this episode portray Congress’s treatment of the Nicholson petition as an assertion that free blacks had no right to petition the government; however, this understanding mischaracterizes the course of debate.⁸² Rather than persuading Congress to endorse a racially-restricted conception of petitioning rights, southern representatives managed to end discussion by focusing on the petitioners’ ambiguous legal status and arguing that the petitioners’ grievance was a judicial rather than legislative concern. This distinction may have had little immediate difference for the petitioners, but it had important implications for the long-term political debates over African Americans’ claims to civic participation.

None of the seven southern representatives who spoke against the petition challenged the basic logic of Thatcher and the other northerners who argued that the free blacks had a right to be heard in Congress.⁸³ Instead of focusing on the petitioners’ race or color, southerners concentrated on their ambiguous legal status under North Carolina law. The representatives

⁷⁹ AC 5-2, 658 (30 November 1797); AC 4-2, 2022 (30 January 1797).

⁸⁰ AC 4-2, 2012.

⁸¹ AC 4-2, 2024. This vote was not a roll call vote, so the sectional breakdown cannot be determined.

⁸² Nash, *Forging Freedom*, 187; Edward Countryman, *Enjoy the Same Liberty: Black Americans and the Revolutionary Era* (Lanham, MD: Rowman & Littlefield, 2012), 110; Tise, *American Counterrevolution*, 522-23.

⁸³ (Blount, Macon, and Holland of NC, Heath and Madison of VA, Christie of MD, and Smith of SC).

from North Carolina insisted – possibly correctly – that the petitioners’ manumissions had been invalid under state law and that they were therefore fugitive slaves under state and federal law. Thomas Blount said he “should wish to know what evidence there was to prove these men were free, and except [*i.e.* unless] that was proved, the House had no right to attend to the petition.”⁸⁴ The implicit corollary to this logic was that African Americans who were legally free *could* petition Congress.⁸⁵

Establishing a precedent that all African Americans lacked the right to petition the federal government would have helped buttress slavery. But southern representatives were reluctant to advance an explicitly race-based view of petitioning rights, presumably because they suspected this would provoke more northern opposition than their focus on the ambiguity surrounding the petitioners’ manumissions. By shifting the focus to the specific legal status of the individual petitioners, southern representatives allowed Congress to dismiss the petition without resolving or even addressing any of the larger questions about the rights of free blacks at the federal level.⁸⁶ Moreover, while ending the debate in early 1797, this tactic left the door open for petitioning by free blacks in the future.

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⁸⁴ AC 4-2, 2019 (Thomas Blount).

⁸⁵ James Madison also argued that the question was “a Judicial case,” and “he thought the case had no claim on [Congress’s] attention.” He never addressed the question of whether some other free blacks might petition Congress; he focused only on their legal status and the specific complaint about the North Carolina law. (AC 4-2, 2020, 2022.) Gary Nash conflates Madison’s focus on legal status with a racialized conception of petition rights, citing “James Madison’s argument that at a petition from blacks ‘had no claim on their attention.’” Madison may well have opposed all petitioning by blacks of any legal status, but that was not the context of his statement. Nash, *Forging Freedom*, 187.

⁸⁶ Donald Robinson similarly concludes that the debates resolved nothing, but he frames the conflict as primarily between the slaveholders who wished to manumit their enslaved property and state legislatures who opposed such practices, rather than the relation between free blacks and the federal government. Robinson, *Slavery in the Structure of American Politics*, 290.

A few weeks later the Philadelphia Meeting for Sufferings received a response from their coreligionists in North Carolina and began preparing their own petition to Congress for the next session.⁸⁷ John Parrish helped draft the petition and then attended the ensuing debates along with John Drinker, Nicholas Waln, and Warner Mifflin, among others.⁸⁸ The PAS also instructed their own committee on Congress to attend the House of Representatives as well.⁸⁹ The Quaker petition described the re-enslavement of black North Carolinians as an “abominable tragedy” and warned that God would punish the nation for the “wrongs and cruelties practiced upon the poor African race.”⁹⁰ When Albert Gallatin presented the Quaker petition to the House of Representatives on November 30, 1797 it rekindled the heated debates from the previous session. John Rutledge Jr. of South Carolina immediately proclaimed that the petition should not be discussed or even simply tabled, but instead thrown “under the table.”⁹¹

Although Rutledge and a few other southerners criticized the Quakers – and abolitionist agitation in general – most southern critics of the petition felt obligated to oppose antislavery action without defending slavery. Josiah Parker of Virginia reminded Congress of his early attempt to discourage the Atlantic slave trade with a ten dollar tax and considered himself “as much as possible, being a friend of liberty.” He was happy that since the Revolution “the situation of slaves was much ameliorated” but warned that outside interference “might have the effect to make their masters more severe.”⁹² Nathaniel Macon of North Carolina also presented slavery as an inherited dilemma: “a misfortune – he considered it a curse; but there was no way

⁸⁷ PYM-MS meeting, 16th: 2nd: mo: 1797, 311-13; PYM-MS meeting, Monthly Meeting for Sufferings held at Philad:a the 20th. of the 4th: month 1797, 314; PYM-MS meeting, 15th: of the 6th: mo: 1797, 317; PYM-MS meeting, 20th: 7th: mo: 1797, 317-19.

⁸⁸ PYM-MS Minutes 321 (20 October 1797), 322-23 (15 December 1797).

⁸⁹ PAS Meeting Minutes, 299 (18 November 1797).

⁹⁰ AC 5-2, 657 (30 November 1797).

⁹¹ AC 5-2, 657, 659 (quote) (30 November 1797).

⁹² AC 5-2, 665 (30 November 1797).

of getting rid them.”⁹³ John Nicholas of Virginia, on the other hand, believed Congress should investigate allegations of kidnapping and illegal enslavement. The existence of slavery in the South was a “misfortune” and he “did not think it was in the interests of slaveholders to cover improper practices.” Guarding against abuses, such as kidnapping, would “secure rather than injure their property.”⁹⁴ Such statements recognized a potential point of consensus between slaveholders and gradual abolitionists. The Abolitionist Convention in stated in an 1801 publication that abolitionists shared a “common interest” with slaveholders in guarding against abuses of the fugitive slave law; kidnapping was both immoral and could undermine the legal recognition of human chattel in general.⁹⁵

But while abolitionists and slaveholders theoretically had a mutual interest in respecting the rule of law, this was not always the case in practice. Unscrupulous slaveholders often purchased free black from kidnappers, especially because state-level legislation prevented the introduction of slaves from abroad. John Parrish documented cases of kidnappers who enticed free black Pennsylvanians with promises of work, but then “offered them for sale to the Georgia Traders.”⁹⁶ We do not know how the numbers of kidnapped free blacks compared to runaway slaves, but slaveholders claimed that the latter predominated. A few years later, one frustrated slaveholder from Maryland complained that great numbers of slaves escaped into Pennsylvania, where they were given aid by locals. Although the Fugitive Slave Law imposed a penalty of \$500 for aiding runaways, the Marylander grumbled, “I am very sure, that while the disposition of the Inhabitants of the adjoining States continue to be the same as they are at present; there

⁹³ Ibid, 662.

⁹⁴ Ibid, 665.

⁹⁵ ACAS Address to the Citizens of the United States, Philadelphia, June 6, 1801, in *MAC* 7, (1801) 40.

⁹⁶ [John Parrish] “Statement of a few cases of kidnapping free Negroes & Cruelties exercised on other deemed slaves, that have occur'd in the neighbourhood of Camden - Kent County - Delaware,” Philadelphia, 11th mo. 1801 (C-P-W box 10:26)

never can be any certainty of either getting back your slaves or recovery of the forfeiture.”⁹⁷

Although certainly exaggerated, such statements demonstrated slaveholders’ perception that white Pennsylvanians aided fugitives more often than they did slaveholders.

A number of Southern congressmen used the debate over the 1797 Quaker petition as an opportunity to complain about Pennsylvanians and the location of the capital in Philadelphia. John Rutledge grumbled that the Quakers attended the debates “in a body” believing “that their presence will give more weight to their petition.”⁹⁸ Furthermore the Quakers sought to “seduce the servants of gentlemen travelling to the seat of government.”⁹⁹ Gallatin responded that they did “no more than endeavor to carry into full effect the laws of the State, which say, that ‘all men are free when they set their foot within the State,’ excepting only the servants of Member of Congress.”¹⁰⁰ His implicit reference to the free soil principle of Lord Mansfield’s ruling in the famous 1772 *Somerset* case in England did not accurately portray the legal implications of Pennsylvania gradual abolition law (which allowed sojourners to hold slaves in the state for up to six months) or federal law (which stipulated the rendition of fugitive slaves). But it did reflect the goals of Quaker abolitionists and must have been more inflammatory than reassuring.¹⁰¹ Samuel Smith of Maryland found the implications of Pennsylvania’s gradual abolition law on his own state galling. He “believed it had made many of the slaves in the neighboring States unhappy in their situations, and had given their masters considerable uneasiness.”¹⁰² Despite the

⁹⁷ John Davidson to Joseph Nicholson, Annapolis 19th January 1801, in Slave Trade Committee Records, HR 6A-F4.2, NARA. I thank Jessie Kratz of the National Archives for providing photocopies of the documents in this file.

⁹⁸ AC 5-2, 667.

⁹⁹ Ibid, 659.

¹⁰⁰ Ibid, 660.

¹⁰¹ As Richard Newman has demonstrated, fugitive slaves and their white allies collaborated to afford protection to blacks in Pennsylvania considerably beyond the intent of the state’s 1780 gradual abolition law. Newman, *Transformation of American Abolitionism*, esp. 72-85; idem, “‘Lucky to be born in Pennsylvania’: Free Soil, Fugitive Slaves, and the Making of Pennsylvania’s Anti-Slavery Borderland,” *Slavery & Abolition* 32 (September 2011):413-30.

¹⁰² AC 5-2, 669.

federal nature of the American Union, the local law of slavery and freedom would always have national implications.¹⁰³

In what was likely a highly sectional vote of 59 to 53, the House voted to refer the Quaker petition to a select committee on November 30, 1797.¹⁰⁴ Upon learning of this development, Warner Mifflin rushed from Delaware to rejoin John Parrish and other Quakers lobbying the congressional committee.¹⁰⁵ The Quaker delegation met with committee members in late January 1798, providing documents showing the re-enslavement of free blacks who had been manumitted by Quakers in North Carolina before the 1777 anti-manumission law had been adopted.¹⁰⁶ But the committee ultimately concluded, as had been the case with the four black petitioners, that the specific concerns about North Carolina's manumission policies were "exclusively of a judicial cognizance" and that Congress lacked jurisdiction to address the issue. They "recommended that the Quakers have leave to withdraw their memorial." Representative Sitgreaves nonetheless called for the entire House to discuss the report, giving antislavery congressmen another chance to voice their opinions even if they accepted that Congress would fail to act in this case.¹⁰⁷

On February 14, George Thatcher reprised his role as a leading supporter of antislavery petitions, objecting to the report's provision that the Quakers withdraw their petition.¹⁰⁸ Only a brief summary of Thatcher's speech was recorded and reported in the newspapers (and thus in

¹⁰³ Although looking mainly at a later period, Matthew Mason and Stanley Harrold have shown how kidnapping and the retrieval of fugitives could galvanize white northerners (especially in the border states) against slavery. Mason, *Slavery in Politics*, 106, 121-23, 130-45; Harrold, *Border War*.

¹⁰⁴ (The vote was not a roll call vote, so it is impossible to determine its sectional breakdown.) AC 5-2, 679. The committee consisted of three northerners as well as John Nicholas of Virginia, who claimed to abhor kidnapping, and Smith of Maryland, who was more concerned with runaway slaves.

¹⁰⁵ Warner Mifflin to John Parrish & Thomas Stewardson, Kent C[ount]y 3d of 12 mo. 1797, (C-P-W, box 1:23).

¹⁰⁶ *American State Papers: Misc.*, I:163-66. Parrish also included the documents in the appendix to his *Remarks on Slavery*, 54-60.

¹⁰⁷ AC 5-2, 945-46 (29 January 1798).

¹⁰⁸ AC 5-2, 1032 (14 February 1798).

the *Annals of Congress*, on which historians have relied), but John Parrish took more thorough notes as he watched from the gallery in the House of Representatives. This account of Thatcher's speech indicates that the Bay State politician had contact not only with the Quaker abolitionists but had personally met with the "4 black men" from North Carolina who had previously petitioned Congress. Thatcher told the House: "I have been spoken to during the present Session by those very men" and "some of those men are now weighting [*sic*] and are looking to Congress for redress."¹⁰⁹ Thatcher's speech demonstrates that on some occasions blacks directly influenced congressmen, pushing them to take stronger antislavery stances. Around this time Elias Boudinot, a former congressman with abolitionist sympathies, employed a runaway slave named James Carter and his wife.¹¹⁰ Thus for some congressmen, the issues surrounding free blacks and fugitive slaves were not mere abstractions but had human faces.

Thatcher also expanded on the Barbary slavery metaphor used by the petitioners, asking: "ha[s] not Congress a right to do the same for those People who was at Liberty and were kidnabed & sold into unconditional Bondage as was done for the Citizens of the U. State who were captivated in Algiers[?]" Thatcher defended not only the rights of free African Americans but denounced slavery itself as contrary to the principles of the Constitution's preamble as well as the laws of God. He proclaimed: "All Laws made contrary to the Laws of God agreeably to the Most Learned in the Law are nul & Void in themselves" and cited Exodus about manstealers being "put to death." But although convinced that the "welfare of this Nation" depended on

¹⁰⁹ Ibid.

¹¹⁰ James Carter recorded an account of his experiences in July 1807, at the request of Quaker Edward Stabler of Virginia (where Carter had returned to), for the use of an unnamed "friend" in Philadelphia. The Friend was likely John Parrish, who knew Stabler through Quaker meetings, as the manuscript is in the Parrish Family Papers. It is possible that Parrish planned to use the account, which detailed his family's experience in the domestic slave trade, in a later publication; however, Parrish died in October 1807. See: James Carter to Elias Boudinot, care of John B. Wallace, Alexandria, [16 July 1807], a.k.a. "James Carter's Account of Sufferings of his Family as Slaves," Parrish Family Papers, HSP, box 3. The text of the account has been published in: Linda Stanley, "James Carter's Account of his Sufferings in Slavery," *Pennsylvania Magazine of History and Biography* 105, (July 1981):335-39.

eventual emancipation, Thatcher was “not unsensible of the opposition this arduous undertaking may meet with.” His actual proposal was quite moderate: “that the resolve for the Memoirallists [*sic*] withdrawing their petition, be struck out and that it be allowed to Lay on the table.”¹¹¹ Despite his ideals and rhetoric, Thatcher accepted that Congress would not support the petition, but he opposed the indignity of returning it to the Quakers. Nonetheless, his speech deeply offended some southerners.

John Rutledge Jr. spoke next, and the vehemence of his language is unsurprising in light of Thatcher’s speech as recorded by Parrish. The South Carolinian explained that he had previously considered proposing an amendment denouncing part of the petition as having “a tendency to disturb the tranquility of some of the States of the Union,” but some of his friends had discouraged him from this measure.¹¹² However, he now threatened formally to introduce his amendment in response to Thatcher’s speech and motion. The chairman then declared Thatcher’s motion out of order, and the House voted by a large majority to pass the initial report, returning the petition to the Quakers without taking further action.¹¹³

The Philadelphia Quakers were disappointed that Congress had determined “a Remedy for the Grievance complained of is not within their Department,” but they encouraged Parrish and the other committee member to look for future opportunities to advance their work.¹¹⁴ In all, the House’s treatment of the petitions from the free blacks and the one from Quakers’ were very similar, dismissing the specific grievances as judicial rather than legislative concerns. Although neither case resulted in legislative action, both affirmed that free blacks and abolitionists could

¹¹¹ It seems likely that Parrish and the other delegates from the Philadelphia Yearly Meeting arranged the meetings between the black petitioners and Thatcher (and possibly other congressmen as well). [Speech of George Thatcher, 14 February 1798?], Coxe-Parrish-Wharton, box 15, folder 54.

¹¹² AC 5-2, 1033.

¹¹³ The vote was 74 in favor, without recording opposition. Ibid.

¹¹⁴ PYM-MS meeting, 16th: 2nd: mo: 1798, 327.

receive a hearing in Congress. Moreover, Thatcher's speech demonstrates that some antislavery congressmen were willing to meet with free African Americans and advocate for them in the halls of Congress. Thatcher continued pressing for antislavery policies in future years.

III. SLAVE TRADING IN THE MISSISSIPPI TERRITORY

During the 1790s slavery was clearly "on the march on the ground."¹¹⁵ In 1790 Congress had exempted the Southwest Territory from the Northwest Ordinance's Article VI banning slavery. Abolitionists had been angry by this "sanction" of slavery, but the measure had provoked little political controversy as the territory had been ceded by the government of North Carolina with the explicit protection of slavery there.¹¹⁶ Then Congress admitted Kentucky and Tennessee as slaveholding states in 1792 and 1796, respectively. Both states were carved out of Virginia's vast territory and slavery's continued existence there faced no challenge in Congress.

Abolitionists and antislavery congressmen raised more opposition to slavery in the Mississippi Territory, when Congress passed a governing ordinance for the region in 1798. The United States had acquired most of this territory from Spain the Treaty of San Lorenzo in 179, and thus it was more vulnerable to antislavery legislation than territories ceded by slaveholding states.¹¹⁷

¹¹⁵ Mason, *Slavery and Politics*, 24.

¹¹⁶ For abolitionists' disappointment that Congress permitted slavery in the Southwest Territory, see: John Pemberton to James Pemberton, New York, 2d mo: 23d. 1790, PAS LCi (also in *DHFFC*, XVIII:615-16). Theoretically, Congress could have rejected North Carolina's provision that slavery be protected in the ceded territory. George Van Cleve treats the failure to do so as demonstrating a lack of antislavery sentiment among northern congressmen. He also characterizes the failed attempt to prohibit slavery in Mississippi as evidence of "Congress's continued lack of interest in barring slavery expansion." Van Cleve, *Slaveholders' Union*, 211-13. Matthew Mason suggests that most northern politicians accepted a "doctrine of separate spheres," accepting slavery's expansion in the Southwest as unavoidable based on the assumption that climate and the need to encourage loyalty in the West required it. *Slavery and Politics*, 24-25, and passim. John Craig Hammond argues that the general reluctance to interfere with slavery in the Southwest was shaped by recognition of the federal government's limited powers of coercion and the desire to placate settlers in a territory bordered by Spanish colonists and Indian tribes. *Slavery, Freedom, and Expansion*, 10-29).

¹¹⁷ The state of Georgia also claimed jurisdiction in parts of the territory which became Mississippi. The final cession act was not passed until 1802 and included a (by then redundant) guarantee that slavery be permitted there. "Articles of Agreement and Cession entered into...between the Commissioners appointed on the Part of the United

Although ultimately unsuccessful, the effort to restrict slavery in the Mississippi Territory represented a nascent movement among northerners to control slavery's expansion and suppress the domestic slave trade that would become a powerful political force in future decades. The debate over slavery in Mississippi also revealed that contests over slavery's expansion were far more complicated than antislavery versus proslavery, or even a clash of material interests. Antislavery sentiment was clearly predominant at the rhetorical level, for even those who defended slavery's expansion condemned the institution. They justified permitting an acknowledged evil to spread based on considerations of expediency. The question was not simply about the desirability of restricting slavery but the government's capacity to do so. As John Craig Hammond has shown, "What began as a clash between slavery and freedom became a conflict between prohibiting slavery and weakening the Union in the strategically vital lower Mississippi Valley." Many congressmen and government officials with antislavery sentiments ultimately concluded that it would be impossible for the federal government to enforce antislavery legislation and maintain the loyalty of western settlers along the contentious border with Spanish America.¹¹⁸ But opponents of restriction insisted that it was not simply a case of expediency trumping humanity; they claimed that dispersing the nation's slaves would ultimately promote the antislavery agenda. These arguments established the basic framework of all subsequent discussion of slavery's territorial expansion through the Missouri Crisis.

George Thatcher initiated the effort to restrict slavery in Mississippi on March 23, 1798, likely encouraged by the PAS committee attending Congress this time.¹¹⁹ Thatcher operated

States by Virtue of an Act Intituled 'An Act for the Amicable Settlement of Limits with the State of Georgia...', *Territorial Papers*, V:142-46.

¹¹⁸ John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: University of Virginia Press, 2007), 13-29, quotation from 25.

¹¹⁹ The PAS discharged its committee attending Congress in early April, after the Mississippi bill passed (without restriction). PAS General Minutes, 302 (2 April 1798).

from an unabashedly morally-charged standpoint, describing his proposal as “touching on the rights of man.”¹²⁰ Slavery “was an evil in direct hostility to the principles of our government,” and he noted that this evil “was acknowledged by the very gentlemen themselves who are owners of slaves.”¹²¹ Other northerners supporting Thatcher’s motion followed a similar tack. Joseph Varnum, a Massachusetts Republican, “looked upon the practice of holding blacks in slavery in this country to be equally criminal with that of the Algerines carrying our citizens into slavery.” But he also acknowledged that slaveholders could not yet liberate their slaves “with safety,” and believed that they “considered it as a great burden to hold them.”¹²² This line of argument was based on emphasizing cross-sectional consensus. Most northern and southern congressmen agreed that slavery was a moral and political evil while also recognizing that the much larger enslaved populations of the southern states prevented them from emulating northern gradual abolition. Accepting that southern emancipation was not a politically feasible option, Thatcher and his supporters hoped Congress would at least unite in preventing the acknowledged evil from spreading into new territories.

Although no southerner spoke in support of Thatcher’s motion, most of his southern opponents operated within the parameters of the antislavery consensus he claimed. Federalist Robert Goodloe Harper of South Carolina agreed that the ban on slavery in the Northwest Territory “was a very proper one,” questioned whether its application in Mississippi “would be a proper mode of supporting the rights of man.” Slavery already existed in the Territory, and the people likely to emigrate there would be southern slaveholders.¹²³ A number of northerners agreed that it would be inexpedient to restrict slavery in Mississippi. Not only did they doubt

¹²⁰ AC 5-2, 1306 (23 March 1798).

¹²¹ Ibid, 1310.

¹²² Ibid, 1307. See also Albert Gallatin on 1309-10.

¹²³ Ibid, 1306.

whether an antislavery ban could be enforced, they also suggested that permitting slavery's expansion would promote rather than retard the ultimate end which Thatcher sought.

Harrison Gray Otis, another Federalist from the Bay State, pioneered what later became known as "diffusionism." He disavowed any intention to interfere with the property of those who had the "misfortune" to hold slaves and supported allowing them to spread slavery into Mississippi. In doing so, "the number of slaves would not be increased," for they would merely be relocated, and "he could not see anything in this which could affect the philanthropy of his friend [Thatcher]."¹²⁴ William Branch Giles and John Nicholas then expanded on Otis's argument.¹²⁵ Giles praised Thatcher's "avowed motive of furthering the rights of man," but argued that the condition of the slaves would be better ameliorated by "spreading them over a larger surface of the country."¹²⁶ Nicholas agreed that through diffusion, "in time it might be safe to carry into effect a plan...[for] the emancipation of this class of men."¹²⁷ This argument thus conformed to a belief in the harmony of humanity and expediency, insisting that the imperatives of humanity – when properly understood – supported the territorial expansion of slavery. Such logic facilitated the domestic slave trade and all its horrors but was not necessarily disingenuous; gradual emancipation in the North had been politically and economically possible because of the relatively proportion of slaves within the total population, circumstances which diffusion might replicate.

¹²⁴ AC 5-2, 1308.

¹²⁵ Curiously, historians typically identify these Virginian Republicans rather than the New England Federalists as first articulating the diffusion argument, although they spoke after Otis. For example, see: McColley, *Slavery and Jeffersonian Virginia*, 173-75; Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South*, (New York: Oxford University Press, 2009), 73; Rothman, *Slave Country*, 25; Duncan MacLeod, *Slavery, Race and the American Revolution* (New York: Cambridge University Press, 1974), 40; Deyle, *Carry Me Back*, 26.

¹²⁶ AC 5-2, 1308-9.

¹²⁷ Ibid, 1310.

Thatcher was not persuaded. He argued that dispersing slaves “tended to increase the race far beyond what it would be when penned closely together.”¹²⁸ And Republican Albert Gallatin presciently feared that permitting slavery in the territory would encourage slave smuggling “by way of New Orleans” in violation of state import bans.¹²⁹ These congressmen clearly recognized that the increased demand for slaves resulting from the institution’s expansion would render efforts to limit supply more difficult. When it came to the vote, only twelve congressmen supported Thatcher’s proposal. This small number shows that Otis was far from the only northerner who opposed the antislavery amendment. The other northerner who had spoken against the proposal, Federalist Thomas Hartley of Pennsylvania, had lauded Thatcher’s ideals but feared they “would be attended with bad effects” in practice.¹³⁰ Regardless of whether they found the diffusionist arguments compelling, northerners likely doubted the government’s capacity to effectively prohibit slavery in the Mississippi Territory.¹³¹

Congress did, however, ban the importation of slaves from “without the limits of the United States” into Mississippi, at Robert Goodloe Harper’s suggestion. Some historians have assumed this was a concession to antislavery congressmen tacked on at the end or, more cynically, intended to benefit domestic slave traders.¹³² But this provision conformed to the status quo of every state at this time, and the assumption of such a ban had been implicit in the diffusionist arguments against restricting slavery. It is unsurprising that no congressman opposed this measure. More noteworthy, the provision also stated that any foreign slave who was brought into the territory illegally “shall be entitled to and receive his or her freedom.” This

¹²⁸ Ibid, 1311.

¹²⁹ Ibid, 1310.

¹³⁰ Ibid, 1309.

¹³¹ Hammond, *Slavery, Freedom, and Expansion*, 26-27.

¹³² For the former view, see: Hammond, *Slavery, Freedom, and Expansion*, 27; for the latter: DuBois, *Suppression of the African Slave-Trade*, 88; George William Van Cleve, *A Slaveholders’ Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010), 213.

provision had both symbolic and practical importance. It treated freedom as the normative status of people – regardless of color, unless they were enslaved under positive law. It also discouraged possible corruption by which smugglers and territorial officials might collude to allow smuggled slaves to be “discovered” and confiscated by officials, and then sold at auction back to the smugglers or their customers, now with legitimate title. On the other hand, the knowledge that prosecutions for smuggling would increase the number of free blacks could encourage locals to turn a blind eye to violations. In order to promote prosecutions, the law granted informants half of the three hundred dollar fine forfeited by smugglers for each foreign slave brought into the territory.¹³³ Having failed in his earlier effort to restrict slavery in Mississippi, Thatcher attempted to accomplish nearly as much by modifying Harper’s slave trade ban to include introducing slaves from within the United States. This amendment would have banned the domestic slave trade to Mississippi and prevented slaveholders from emigrating there with their slaves. On this occasion no one seconded his proposal.¹³⁴

The further “diffusion” of slavery into Mississippi occurred not only through the emigration of slaveholders with their enslaved workforces but also via the domestic slave trade.¹³⁵ The extent to which the general public was conscious of this growing trade is unclear; at this point there were no antislavery pamphlets focusing on this domestic traffic. But abolitionists were aware of this troubling development.

¹³³ AC 5-2, 1313 (26 March 1798). “An Act for an Amicable Settlement of limits with the State of Georgia, and Authorizing the Establishment of a Government in the Mississippi Territory,” (7 April 1798), *Statues at Large*, I:549-50. There is no recorded debate about the freedom clause or fines in 1798, though such topics would be hotly contested in 1806-1807 as Congress debated the ban on the Atlantic slave trade.

¹³⁴ AC 5-2, 1313 (26 March 1798).

¹³⁵ Allan Kullikoff, “Uprooted Peoples: Black Migrants in the Age of the American Revolution, 1790-1820,” *Slavery and Freedom in the Age of the American Revolution*, eds. Ira Berlin and Ronald Hoffman, (Charlottesville: University of Virginia Press, 1983), 143-71; Deyle, “Irony of Liberty,” idem, “An ‘abominable’ New Trade: The Closing of the African Slave Trade and the Changing Patterns of U.S. Political Power, 1808-60,” *WMQ* 66 (October 2009):833-50.

In September 1798 Warner Mifflin wrote a passionate letter to President Adams denouncing the domestic slave trade and the recent law which opened this “infamous Traffic, to a new Country [in] back of Georgia.” Imagining that the President “may be entirely without the knowledge of this atrocious and abominable Crime,” Mifflin took it upon himself to inform Adams of the emerging state of affairs. He reported that in Virginia slave traders bought coffles of the “poor afflicted Blacks, like droves of Cattel for Market; carrying them into the southern states for Speculation; regardless of the separation of nearest Connections and natural ties.” Mifflin acknowledged that many people believed the federal government “hast no Constitutional Power to do any thing in this Business,” but he warned that inaction would “offend the Majesty of Heaven, and draw on us his righteous Indignation.” He identified the current outbreak of yellow fever in Philadelphia as “the awful Judgments (as I believe) of an offended God.”¹³⁶ However, Mifflin himself succumbed to the fever himself while helping to care for other victims in Philadelphia, dying before he could mail his letter.¹³⁷ Following Mifflin’s death, Reverend Richard Allen eulogized the Quaker, praising his exertions “for the freedom of our race.”¹³⁸ But despite Mifflin’s exertions, slavery and the domestic slave trade expanded further and further into the continental interior, increasing the number of Americans invested in the institution.

IV. REVIVED BLACK AGITATION

In late 1799, free black Philadelphians and their Quaker allies again forced the issue of abolition into national politics. In November the Philadelphia Meeting for Sufferings published an address

¹³⁶ Warner Mifflin to John Adams, Philadelphia 24th of the 9th mo. 1798, Papers of John Adams, MHS, reel 391, and Founders Online (forthcoming).

¹³⁷ Justice Hilda ed., *Life and Ancestry of Warner Mifflin*, (Philadelphia: Ferris & Leach, 1905), 40. Mifflin’s letter was delivered posthumously as an enclosure in George Churchman and Jacob Lindsey to John Adams, 17th. of the 1st. mo. 1801, Papers of John Adams, MHS, reel 400 and Founders Online (forthcoming).

¹³⁸ Richard Allen, *Articles of Association of the African Methodist Episcopal Church of the City of Philadelphia, in the Commonwealth of Pennsylvania*, (Philadelphia: John Ormod, 1799), 17, cited in Newman, *Freedom’s Prophet*, 142.

to the American citizens about the evils and dangers of slavery.¹³⁹ Asserting that God “created all nations of one blood,” the Quakers interpreted a recent outbreak of yellow fever in Philadelphia as “divine judgment” for the nation’s sins, especially slavery and slave trading. “The enormity and inconsistency of the traffic and of slavery are so self evident,” and the justice of emancipation so obvious, that the Quakers hoped all would “unite, in the spirit of meekness and wisdom in promoting this good cause.”¹⁴⁰ The address was signed by John Drinker, clerk of the Meeting for Sufferings, and in late December John Parrish served on a committee distributing the ten thousand copies they printed.¹⁴¹

Meanwhile, free blacks in Philadelphia were reiterating their claim to civic participation in two documents, a eulogy to George Washington and an antislavery petition to Congress.¹⁴² Reverend Richard Allen’s widely reprinted eulogy of Washington linked the Founding Father’s legacy to emancipation and black citizenship. Celebrating Washington, who had freed his slaves in his will, as “the sympathizing friend and tender father” of African Americans, Allen called on his congregation to follow the advice contained in Washington’s Farewell address and thereby become “good citizens.”¹⁴³ The next day, on December 30, seventy-one “Free People of Colour, Freemen within the City and Suburbs of Philadelphia” subscribed to an antislavery petition organized by Reverend Absalom Jones at St. Thomas’s Church.¹⁴⁴ The subscribers to this

¹³⁹ PYM-MS meeting, 15th: 11th: mo: 1799, 346; PYM-MS meeting, 20th: of the 12th: mo: 1799, 347.

¹⁴⁰ John Drinker and the PYM-MS, “To Our Fellow Citizens of the United States of North America and Others Whom it May Concern,” [Philadelphia: 1799].

¹⁴¹ PYM-MS meeting, 20th: of the 12th: mo: 1799, 347.

¹⁴² Newman, *Freedom’s Prophet*, 136-48.

¹⁴³ Richard Allen, “Eulogy of George Washington,” delivered in Bethel Church, December 29, 1799, *Philadelphia Gazette*, 31 December 1799. A search in *America’s Historical Newspapers* database indicates that it was reprinted in at least seven other (northern) newspapers. See also: Richard Newman, “‘We Participate in Common’: Richard Allen’s Eulogy of Washington and the Challenge of Interracial Appeals,” *WMQ* 64 (January 2007):117-128.

¹⁴⁴ “The Petition of the People of Colour, Freemen within the City and Suburbs of Philadelphia,” Philadelphia, 30th of December 1799, in Slave Trade Committee Records, HR 6A-F4.2, National Archives (NARA), Washington DC. I thank Jessica Kratz at the National Archives for sending me digital copies of the petition and congressional report.

petition included Jacob Nicholson and Job Albert, two of the black petitioners from 1797, and a dozen others – including Jones, Allen, and Cato Collins – whose names appeared on the emigrationist petition which John Parrish had drafted earlier in the 1790s. The petition demonstrates the persistence of black activism and their continued collaborations with Quaker abolitionists.¹⁴⁵

As with the earlier black petitioning efforts, the records of the PAS and Meeting for Sufferings make no mention of the Absalom Jones petition but there is strong evidence that individuals from both groups collaborated with their black abolitionist counterparts.¹⁴⁶ John Drinker worked with “JP” – almost certainly John Parrish – on an early “essay” (*i.e.* draft) of Absalom Jones’s petition. Both Quakers had been involved in drafting and distributing the Meeting for Sufferings’ antislavery address and it appears they were collaborating with Philadelphia’s black community at the same time.¹⁴⁷ After the black activists revised and signed

The petition is only summarized in the *Annals of Congress*; but was printed in newspapers at the time and later by Parrish in the appendix of *Remarks on the Slavery of the Black People*, 49-51.

¹⁴⁵ The extent of interracial collaboration in the creation of Absalom Jones’s petition has been unclear to historians. Winch suggests that it was composed “probably with the active encouragement of the Pennsylvania Abolition Society” (*Gentleman of Color*, 153), though the PAS meeting minutes make no mention of it. Richard Newman notes that Congressman Waln, who presented the petition, had ties to the PAS (*Freedom’s Prophet*, 148).

¹⁴⁶ Although the PAS records do not mention Absalom Jones’s petition, members of the Committee for Improving the Condition of the Free Blacks had been meeting with Jones and helping him fund a new school for black youth in 1799. (PAS General Meeting Minutes, 1st mo. 1799, 318; *ibid.*, 7 mo. 5 1799, 332-33; Absalom Jones to PAS, Philadelphia, march 11th 1799, PAS Papers, Loose Correspondence Incoming.) Absalom Jones also apparently turned to John Parrish for aid in recovering kidnapped blacks in the following years, see: Levi Brown a Blackman to Absalom Jones, Chester Town, Kent County, State of Maryland, Sept. 26th. 1801, , C-P-W , box 9; [John Parrish] “Statement of a few cases of kidnapping free Negroes & Cruelties exercised on other deemed slaves, that have occur’d in the neighbourhood of Camden - Kent County - Delaware,” Philadelphia, 11th mo. 1801, C-P-W box 10.

¹⁴⁷ In the Cox-Parrish-Wharton collection at the HSP there is a document in John Drinker’s handwriting and identified in the margin as “An Essay [*i.e.* draft] of Petition to Congress by ~~the Blacks~~ Jn Drinker and J P,” that appears to be an earlier draft of the petition signed at Jones’s church; see: J[o]n Drinker and J[ohn] P[arrish], “The Petition of the members of the African Church, and of divers other religious Societies of the of the People of Colour, free Men within the City & Suburbs of Philadelphia,” [1799], C-P-W, box 15. It appears that no previous scholar has realized that this document was the draft of the Absalom Jones petition.

the petition it was presented to Congress by Representative Robert Waln, a Quaker and PAS member who had recently replaced the deceased antislavery congressman John Swanwick.¹⁴⁸

The white Quakers who were involved all had ties to the black community; especially to prominent leaders like Absalom Jones and Richard Allen, but also to emerging black leaders such Cato Collins. Earlier in 1799 Collins had married Elisina Phillips, who was employed as a domestic servant by Nicholas Waln. This Waln, whose brother submitted the petition, frequently served with John Parrish in the Meeting for Sufferings' antislavery committees and had hosted the Collins's wedding at his mansion on Second Street. Parrish, Collins's employer, was among those who spoke at this wedding to the forty Quakers and African Americans in attendance.¹⁴⁹ These guests may also have included John Drinker along with his brother Henry, a member of the PAS whose wife Elizabeth sometimes hired Cato Collins and his wife for domestic tasks. Henry and Elizabeth Drinker's home was also a frequent meeting place for Quaker antislavery committees and a destination for the occasional fugitive slave in search of aid.¹⁵⁰ Along with Parrish and Nicholas Waln, the Drinker brothers had also all been part of another Quaker committee which had petitioned the Pennsylvania legislature earlier in 1799 to expedite gradual emancipation and increase the rights of free blacks.¹⁵¹ As this web of connections illustrates, African Americans such as Collins were well integrated into Philadelphia's inter-racial

¹⁴⁸ AC 6-1, 229 (2 January 1800).

¹⁴⁹ "Cato Collins" (obituary), *Friend's Intelligencer*, (29 Eleventh Month 1856):581-82.

¹⁵⁰ Elizabeth Sandwith Drinker, *The Diary of Elizabeth Drinker*, ed. Elaine Forman Crane, (3 vols., Boston: Northeastern University Press, 1991), I:695 (23 June 1795), I:697 (29 June 1795), I:737 (4 October 1795), II:805 (23 May 1796), II:867-68 (16 December 1796), II:922 (27 May 1797), ., II:984 (30 November 1797), II:1319 (17 July 1800), II: II:1491 (6 February 1802), II:1501-02 (24 March 1802), II:1525-26 (21 June 1802), III:1873 (23 October 1805), III:1900 (22 December 1805), III:1994 (15 February 1806).

¹⁵¹ PYM-MS meeting, 18th: of the 1st: mo: 1799, 339; PYM-MS meeting, 15th: 2d: mo: 1799, 339-41; PYM-MS meeting, 15th of the 3rd: month 1799, 342.

antislavery networks. Of course, blacks almost always held subservient positions within these networks, but the support of white allies was essential for gaining a national audience.¹⁵²

On January 2, 1800 Robert Waln presented the Absalom Jones petition to the House of Representatives where it was read aloud.¹⁵³ The petitioners began by expressing their gratitude for “the Government under which we live, for the blessings and benefits extended to us in the enjoyment of our natural right to Liberty, and the protection of our Persons and property, from the oppression and violence, to which so great a number of like colour and National Descent are subjected.” They were likely referring to the protection the state of Pennsylvania provided them, but they also laid claim to the federal government, stating: “we cannot but address you as Guardians of our Civil rights, and Patrons of equal and National Liberty, hoping you will view the subject in an impartial, unprejudiced light.” And although the petition also referred to “unalienable Rights,” it is noteworthy that they claimed rights not only derived from nature but protected by the nation state. Such language simultaneously acknowledged the legal subordination of natural rights under the statute law of slavery while also demanding that the federal government protect the rights of free African Americans.¹⁵⁴

The citizenship status of African Americans remained poorly defined at this time, but the black petitioners had significant precedents on their side.¹⁵⁵ Although federal naturalization law

¹⁵² Richard Newman examines the importance of this type of “patron-client politics” in: “Protest in Black and White: The formation and Transformation of an African American Political Community during the Early Republic,” in *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, eds. Jeffrey L. Pasley, Andrew Robertson, and David Waldstreicher, (Chapel Hill: University of North Carolina Press, 2004), 180-204, esp. 185-87.

¹⁵³ AC 6-1, 229 (2 January 1800). PAS Membership List, 1795-180, PAS Papers, reel 25.

¹⁵⁴ “The Petition of the People of Colour, Freeman within the City and Suburbs of Philadelphia,” Philadelphia, 30th of December 1799, in Slave Trade Committee Records, HR 6A-F4.2, NARA.

¹⁵⁵ In 1838 Pennsylvanians amended the state constitution to explicitly disenfranchise nonwhites, partly in response to pressure from slaveholders and national politicians. Nicholas Wood, “‘A Sacrifice on the Altar of Slavery:’ Doughface Politics and Black Disenfranchisement in Pennsylvania, 1837-1838,” *Journal of the Early Republic* 31 (Spring 2011):75-105.

required immigrants to be “white” in order to become American citizens, citizenship was primarily left under the control of the individual states.¹⁵⁶ In 1790 Pennsylvania’s state constitutional convention had rejected a proposal that “white” be added as a requirement for suffrage. In response, the PAS had proudly informed English abolitionists that “a free Black Man is to be put on the footing of a citizen of Pennsylvania.”¹⁵⁷ And if free blacks were citizens of Pennsylvania, the federal Constitution’s privileges and immunities clause mandated that all other states treat them as equal citizens. This state-based conception of citizenship was one of the few areas in which federalism and state rights could potentially empower free blacks and aid abolitionism rather than uniformly protect slavery. Moreover, under the Seaman’s Protection Act of 1796, designed to prevent British naval impressment, African American sailors were able to obtain documents declaring that they were American citizens.¹⁵⁸

The seventy-one petitioners embraced their status as a “class of citizens” to place demands on the federal government. They believed that Congress had an obligation to protect free African Americans from “men-stealers” who kidnapped and sold them “under colour of [the Fugitive Slave] law.” The petitioners described this traffic as “equally wicked” with the “trade carried on in a clandestine manner, to the Coast of Guinea,” in violation of the 1794 Foreign Slave Trade Law. These two specific grievances – abuses of the Fugitive Slave Law and violation of the Foreign Slave Trade Law – were clearly under the purview of Congress, but the petitioners did not stop there. They called for the government to act on behalf of their “afflicted

¹⁵⁶ Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville: University of Virginia, 2009), 235-71.

¹⁵⁷ PAS to London Society, Philad.a 5 Mo: 3d: 1790, PAS Letterbook I:32-35.

¹⁵⁸ W. Jeffrey Bolster has printed letters from eleven African-American sailors who were impressed by the British Navy; all but one explicitly mention having a Protection certificate and expected the government to intervene on their behalf. W. Jeffrey Bolster, “Notes and Documents: Letters by African American Sailors, 1799-1814,” *William and Mary Quarterly* 64 (January 2007):167-182; Kelly S. Drake, “The Seaman’s Protection Certificate as Proof of American Citizenship for Black Sailors,” *The Log of Mystic Seaport* 50 (Summer 1998):11-14.

brethren” who remained legally enslaved, “believing them to be objects of your representation.” (An ironic reference – intentional or not – to the Constitution’s three-fifths provision.) They disavowed calling for “an immediate emancipation,” but hoped Congress would “exert every means in your power to undo the heavy burdens, and prepare the way for the oppressed to go free.”¹⁵⁹ This type of request clearly violated the common understanding of congressional power over slavery. Moreover this demonstration of racial solidarity with slaves highlighted the threat which northern free blacks posed to the interests of southern slaveholders.

After introducing Jones’s petition, Representative Waln proposed referring it to a committee which Congress had created the previous month to investigate violations of the 1794 Slave Trade Law.¹⁶⁰ As in previous years, George Thatcher of Massachusetts continued to champion the right of free blacks to petition Congress and supported Waln’s motion. “Whether the petitioners were black or white,” he said, “was entirely immaterial: they stated their suffering under a law of the United States, and that was argument enough for a respectful reference.”¹⁶¹ While southerners uniformly maintained that the blacks’ petition should be rejected, they did not explicitly deny the right of free blacks to petition the government. Instead they focused mainly on the petitioners’ desire to ameliorate slavery within the states in preparation for eventual emancipation, requests deemed “very improper and unconstitutional to discuss.”¹⁶² Responding to these objections, Waln modified his motion so that the committee would only consider the sections of the petition about kidnapping and the illegal foreign slave trade.¹⁶³

¹⁵⁹ “The Petition of the People of Colour, Freemen within the City and Suburbs of Philadelphia,” Philadelphia, 30th of December 1799, in Slave Trade Committee Records, HR 6A-F4.2, NARA.

¹⁶⁰ *AC 6-I*, 230 (2 January 1800). For the committee’s creation, see: *AC 6-I*, 199-200 (11-12 December 1799).

¹⁶¹ *Ibid*, 232. See also *ibid*, 236 (Jonas Platt of NY), 237 (William Edmond of CT), 237-38 (Albert Gallatin of PA).

¹⁶² *AC 6-I*, 230 (Rutledge). See also: *ibid*, 235 (Jones).

¹⁶³ *Ibid*, 238.

The next day, Samuel Goode of Virginia proposed amending Waln's motion to express the House's "pointed disapprobation" of the parts of the petition "which invite Congress to legislate upon subjects from which the General Government is precluded by the Constitution."¹⁶⁴ After some heated debate the House voted 85 to 1 in a roll call vote to amend Waln's motion with a tempered version of Goode's amendment, stating that the parts of the petition requesting unconstitutional interference with slavery, ought "to receive no encouragement or countenance from this House."¹⁶⁵

Confusion over complicated congressional procedures has led most scholars to assume that Congress rejected the entire petition through this vote of 85 to 1, demonstrating a nearly unanimous consensus that the First Amendment was restricted to whites only.¹⁶⁶ However, the vote was merely to attach Goode's revised amendment to Waln's motion. After the House approved the amendment by the 85-1 vote, the "main question" – the motion to refer the black petitioners' complaints about the Fugitive Slave Law and the foreign slave trade to the slave

¹⁶⁴ AC 6-1, 240 (3 January 1800).

¹⁶⁵ Ibid, 244. George Thatcher was the only congressman who voted against the amendment, earning him the thanks of James Forten and other free blacks. James Forten to George Thatcher, [January 1800], in the appendix of Parrish, *Remarks on the Slavery of the Black People*, 51-52.

¹⁶⁶ Long ago, W.E.B. DuBois and Herbert Aptheker recognized that Congress only censured part of the petition and committed the rest; but since then, virtually every scholar who discusses the petition either claims it was rejected or does not address Congress's response. Dubois, *Suppression of the African Slave-Trade to the United States*, (Mineola, NY: Dover Publications, 1970 [1896]), 83; Aptheker, "The Negro in the Abolitionist Movement," *Science & Society* 5 (Winter 1941):2-23. The sole recent exception has been Carol Wilson, *Freedom At Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: University of Kentucky Press, 1994), 109. Scholars who state that Congress rejected the petition in its entirety include: Robert McColley, *Slavery and Jeffersonian Virginia* (2nd ed., Urbana: University of Chicago Press, 1793), 12; Tise, *American Counterrevolution*, 526; Bradburn, *Citizenship Revolution*, 254; Newman, *Freedom's Prophet*, 148; Winch, *Gentleman of Color*, 154; Robinson, *Slavery in the Structure of American Politics*, 315; Andy Doolen, *Fugitive Empire: Locating Early American Imperialism*, (Minneapolis: University of Minnesota Press, 2005), xvii-xx, 69-70, 112-13. Other scholars who imply that the entire petition was rejected include: Winthrop Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), 330; Nash, *Forging Freedom*, 188; Leon F. Litwack, *North of Slavery: The Negro in the Free States* (Chicago: University of Chicago Press, 1961), 34; Beverly C. Tomek, *Colonization and Its Discontents*, 136.

trade committee – “was resolved in the affirmative” by an unrecorded vote.¹⁶⁷ Thus a majority of representatives confirmed free African Americans’ federal petitioning rights.

In response to the blacks’ grievances, the slave trade committee drafted a report encouraging Congress to revise the Fugitive Slave Law. They described free African Americans as “entitled to freedom & Protection,” and stated that Congress had “a Duty to revise that Law & modify it in such a manner that...Opportunities be not offered under Color of that Law to claim Free Persons of Color.”¹⁶⁸ For whatever reason, however, the report was not presented to the House and Congress never revised the Fugitive Slave Law in order to protect free blacks. But although Congress did not grant the petitioners’ request to amend the law to benefit free blacks, an attempt by slaveholders to strengthen it was equally unsuccessful the next year. That bill would have required all northerners hiring undocumented black people to advertise descriptions of them in newspapers in order to alert slaveholders from whom the blacks may have runaway.¹⁶⁹ Of course, providing such descriptions would have facilitated fraudulent claims under the Fugitive Slave Law. So if the 1799 petition did not cause things to get better for free blacks, at least the more numerous petitions from slaveholders desiring a strengthened Fugitive Slave Law did not cause things to get even worse.¹⁷⁰

¹⁶⁷ AC 6-1, 445. See also the notations written on the back of the petition, HR 6A-F4.2.

¹⁶⁸ “Report of The Committee to whom was referred the Petition of Absalom Jones & others respecting the Fugitive Law &c,” Slave Trade Committee Records, HR 6A-F4.2, NARA.

¹⁶⁹ The bill was defeated by a sectional vote of 43 to 46. AC 7-1, 336, 423, 425. *A Bill to Amend the Act, intituled, “An Act Respecting Fugitives from Justice, and Persons Escaping from the Service of their Masters, 18 December, 1801,”* ([Washington]: Duane, [1801]). In a copy of this bill apparently owned by the abolitionist John Parrish, he wrote, “inquire who voted for & against it.” C-P-W box 16.

¹⁷⁰ Three petitions from Delaware and Maryland calling for a more stringent Fugitive Slave Law were presented to Congress, as well as five additional letters and supporting documents referred to the committee assigned to deal with the issue. Slave Trade Committee Records, NARA.

Moreover, Congress did address the black petitioners' other specific concern via the Foreign Slave Trade Act of 1800.¹⁷¹ Robert Waln, a chief supporter of the bill, argued that "a very great majority of the American people" wished Congress to suppress the Atlantic slave trade as far as possible (before they could ban it entirely in 1808).¹⁷² The new bill extended prosecution to any Americans having any investment or interest, "directly or indirectly," in the foreign trade and authorized naval vessels to capture slave ships.¹⁷³ It also instituted safeguards to prevent smugglers from buying back their confiscated ships at government auctions.¹⁷⁴ Aside from some opposition from John Brown of Rhode Island and John Rutledge Jr. of South Carolina, the Foreign Slave Trade Act of 1800 provoked little controversy. It passed by a vote of 67 to 5 in the House of Representatives, as it conformed to widely accepted conceptions of morality, self-interest, and constitutionality.¹⁷⁵ Later that year the US Navy intercepted two American-owned vessels which were delivering slaves from Africa to the West Indies. The Navy liberated the one-hundred and thirty-four surviving Africans, turning them over to the PAS. The abolitionists then arranged indentures and apprenticeships in Pennsylvania for the Africans, most of whom took the name surname Ganges, after the naval vessel which had rescued them.¹⁷⁶

¹⁷¹ A number of historians who have discussed Absalom Jones's petition have not recognized the distinction between the foreign slave trade and the larger Atlantic slave trade, and have portrayed the petition as calling for the total abolition of the Atlantic slave trade, which of course would have been an unconstitutional request and was not granted.

¹⁷² *AC 6-1*, 690 (28 April 1800).

¹⁷³ "An Act in Addition to the Act Intitled 'An Act to Prohibit the Carrying on the Slave Trade...,' 10 May 1800, *Statutes at Large*, II:70-71

¹⁷⁴ "An Act in Addition to the Act Intitled 'An Act to Prohibit the Carrying on the Slave Trade...,' 10 May 1800, *Statutes at Large*, II:70-71. See also: Rappleye, *Sons of Providence*, 322-24; Finkelman, "Regulating the Slave Trade," 398-99.

¹⁷⁵ *AC 6-1*, 699 (4 May 1800). For southern support of the law, see John Nicholas's speech: *ibid*, 687 (25 April 1800).

¹⁷⁶ Nash and Soderland, *Freedom by Degrees*, 183-85.

During Congress's summer recess, the wealthy black Philadelphian James Forten wrote a letter to George Thatcher.¹⁷⁷ While a majority of Congressmen had voted to refer elements of the Absalom Jones petition to committee, Thatcher alone had defended the petitioners' request for action against slavery itself.¹⁷⁸ "Seven hundred thousand of the human race were concerned in our Petition," Forten wrote, and "we derive some comfort from the thought that we are not quite destitute of Friends; that there is one who will use all his endeavours to free the Slave from Captivity." Whether or not a copy of the letter was actually delivered to Thatcher is unclear, but it appears that John Parrish arranged for its publication and it was reprinted in newspapers throughout the North. An editorial note which often preceded the letter reported that the original "was in the hands of a very respectable member of the Society of Friends." It further explained that the letter was publicized "as an evidence (among many which might be produced) that our fellow creatures of the African race are not only susceptible of the liveliest gratitude, and capable of attaining to eminence in literature, and in every branch of science; but that slavery, whilst it enervates the body, paralyzes the faculties of the mind also, and reduces both to a state of mutual degradation and debasement."¹⁷⁹ Antislavery northerners held Forten up as an example of

¹⁷⁷ On Forten, see: Winch, *Gentleman of Color*.

¹⁷⁸ In the 85-1 vote on Goode's amendment, George Thatcher was the only congressman who voted against it (AC 6-1, 445). Historians have traditionally interpreted this as demonstrating that he was only the congressmen supporting free blacks' right to petition. As I have shown, this was not the subject of the vote. Instead, Thatcher's vote indicates that he rejected the constitutional assumptions contained in Goode's amendment. That is, he disagreed that the petitioners' request to take action against slavery itself was unconstitutional. This view of broad federal powers over slavery conforms to a statement he made during the debates over slavery in Mississippi. At that time he stated that "he believed the Government had the right to take all due measures to diminish the evil, although in doing it they might injure the property of some individuals." AC 5-2, 1310 (23 March 1798).

¹⁷⁹ The letter was often published under the heading "Expression of Gratitude." *Universal Gazette* (Philadelphia), 12 June 1800; *Independent Chronicle* (Boston), 16 June 1800; *Oriental Trumpet* (Portland, ME), 18 June 1800; *Columbian Courier* (NY) 20 June 1800; *Eastern Herald* (ME) 23 June 1800; *Norwich Courier* (CT), 9 July 1800. The newspapers attributed the letter to "G. James Forten," which is an apparent misreading of the manuscript copy, which appears to be signed "by James Forten" (James Forten to George Thatcher, Philadelphia January 1800, C-P-W, box 11). Scholars have discussed this letter, but without realizing that it was published in newspapers at the time; see: Winch, *Gentleman of Color*, 154-55; Newman, *Transformation of American Abolition*, 91.

African Americans' potential for uplift when removed from the degrading effects of slavery, and thus as an argument in favor of emancipation.

In addition to publicizing Forten's letter, John Parrish drafted a letter of his own, though he addressed this one to an opponent of the petition. He asked the (unidentified) congressmen to envision himself in the place of a slave sold away from "the Friend of thy Bosom" and with their children "scattered & sold, in like manner, to Kentucky, Tennessee, Western Territory, and other places." He referred back to "Jacob Nicholson, Jupiter Nicholson, Job Albert, and Thomas Pritchett, who, Supplicated your House for Redress in January 1797," and insisted that Congress had the power and the duty "to legislate for the oppressed, & at least to pave the way for their Restoration to their just Right." Invoking the Continental Congress's criticism of slavery, Parrish argued that the Federal Congress was under a "solemn Compact, both civil & religious," to promote emancipation, and warned of "drawing down divine displeasure" if they failed to act. In Parrish's view, the issue was one of justice for individual blacks held as slaves and the well-being of the entire "Body Politic."¹⁸⁰

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Congress's responses to abolitionists and free blacks at the turn of the nineteenth century were considerably more complex than scholars have recognized. Instead of denying blacks' right to petition based on race, a majority of congressmen upheld their First Amendment right. Thus the absence of subsequent petitions from free blacks in the ensuing decade cannot be explained by Congress's response to the Absalom Jones petition, as previous historians have assumed. Instead, it seems likely that the movement of the capital from Philadelphia to Washington DC

¹⁸⁰ [Joseph Parrish], "Copy of a Letter from my Uncle John Parrish," [1800], Parrish Family Papers, box 5.

along with the tensions provoked by Gabriel's conspiracy, created a climate in which white abolitionists were afraid to support black petitioning efforts after 1800.

Following Thomas Jefferson's election as president, free black Philadelphians drafted a petition addressed to the new president, though it was never submitted to Congress.¹⁸¹ Noting that "Several previous applications to the General Legislative body have been without the desired effect," the petitioners hoped the author of the Declaration of Independence would spur Congress into action. They again condemned slavery in general, but referred to kidnapping and selling free blacks as "an evil of a Similar yet more flagrant Nature." In an analogy that would become commonplace in later decades, they portrayed the domestic slave trade as "as barbarous" as that on "the African coast." They described slave traders as "Men who lost to every feeling of humanity, have become qualified for this inhuman traffic and rendered themselves the voluntary instruments of Misery to the fellow Creatures, by tearing asunder the nearest and strongest ties of affection."¹⁸²

Even more potentially controversial than discussion of the domestic slave trade was discussion of slave revolt. Alluding to Gabriel's conspiracy, the petitioners "wholly disavow[ed] being concerned either directly or indirectly in the late insurrection at Richmond." But they also implicitly justified slave revolt, asking: "wether the efforts of Men driven almost to desperation, by deprivation of a Right implanted by the Author of their existence, and expos'd to the Insults and Injuries of unprincipled and mercenary Traders, is either more atrocious or unjust, than our Struggle with Great Britain for that National Independence, to which we conceiv'd ourselves entitled[?]" In a passage which they ultimately struck out, the petitioners reminded Jefferson of

¹⁸¹ This petition is mentioned in Nash, *Forging Freedom*, 188-89; Winch, *Gentleman of Color*, 156. Winch assumes the petition was submitted, but there is no record of it.

¹⁸² Petition of the Free Blacks, [1801?], Coxe-Parrish-Wharton Papers, box 15, folder 53, HSP.

his own words: ““with what Execration should the Statesman be loaded who permits one half of the Citizens to trample on the Rights of the others? Indeed I tremble for my Country when I reflect that God is just, and that his Justice cannot sleep forever.””¹⁸³ It is easy to imagine the horror with which the President and other whites would have responded to petitions from free blacks claiming rights under the federal government, expressing solidarity with southern slaves, and justifying slave revolt. Either the blacks or their white allies chose not to present the petition, likely fearing it was too radical.

An anonymously published pamphlet from 1803 embodies the awkward reactions abolitionists had to slave resistance. The author of *Reflections on Slavery* asserted that the “late organized insurrection of the negroes in the southern states, is a fatal proof of [slavery’s] impolicy,” and warned of divine retribution for slavery.¹⁸⁴ Yet in an appended address “To the Enslaved Negroes and other People of Color,” he called on them to patiently submit to their oppression. The blacks had abolitionist allies working on their behalf, but he warned: “the moment you act improperly, and rebel your friends [will] forsake you, and you will ever remain as you are now.” Moreover, he argued that the thunderstorm which had delayed and helped prevent Gabriel’s conspiracy from being carried into effect was evidence that “God was against them.” He implored slaves and free blacks to appreciate that they were better off than their brethren in the West Indies and wait patiently for others to bring about emancipation in due time.¹⁸⁵

¹⁸³ Ibid.

¹⁸⁴ HUMANITAS, *Reflections on Slavery, With Recent Evidence of Its Inhumanity, Occasioned by the Death of Romain, a French Negro*, (Philadelphia: R. Cochran, 1803), 7 (quotation), 32-33, 38.

¹⁸⁵ HUMANITAS, *Reflections on Slavery*, 39-40. Slaveholders similarly viewed the thunderstorm as evidence of divine protection; see: Nicholls, *Whispers of Rebellion*, 57.

The new southern location of the nation's capital also made it harder for abolitionists and free blacks to petition and lobby Congress. In 1808, when antislavery congressman James Sloan proposed moving the capital back to Philadelphia, one South Carolinian opposed the measure because in the northern city there was "less sympathy...for a certain subject, in which the Southern States are deeply interested." Complaining that "Warner Mifflin, and his associates, [had] continually kept Congress in hot water, by teasing and pestering them with something about slavery," he combatted the effort to return the capital to the Quaker City.¹⁸⁶ Washington DC's southern location did not, however, fully suppress antislavery sentiment in Congress.

V. THE IMPORTATION OF CERTAIN PERSONS

At the beginning of 1803, residents of Wilmington, North Carolina petitioned Congress about the dangers posed by free people of color emigrating from the French West Indies.¹⁸⁷ They warned that these emigrants were "a species of population too obnoxious to be tolerated" and that "there is reason to dread (unless the most prompt and decisive measures are adopted to counteract and repel the designs of those governments), that the peace and safety of the southern states of the Union shall be greatly endangered."¹⁸⁸ In response a congressional committee created a bill extending federal enforcement to existing or future state laws barring the entry of foreigners of

¹⁸⁶ *AC 10-1*, 1658 (John Taylor, 14 February 1808). On this episode, see: Riley, "Northern Republicans and Southern Slavery," 291.

¹⁸⁷ Under Napoleon, the French had recently re-imposed slavery in Guadeloupe and other West Indian territories (and continued their efforts to subdue St. Domingue), leading many free people of color to flee the islands. Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787-1804*, (Chapel Hill: University of North Carolina Press, 2004), 388-422.

¹⁸⁸ William Campbell et al, "The Memorial of the Undersigned Inhabitants of the Town of Wilmington...", *Report of the Committee to Whom was Referred on the 17th Instant, the Memorial of Sundry Inhabitants of the Town of Wilmington, in the State of North Carolina*, (Washington City: William Duane, 1803), 6. *AC 7-2*, 385-86 (17 January 1803).

color.¹⁸⁹ The impulse behind the 1803 law “on the importation of certain persons” provoked little controversy, as northern and southern whites alike feared the “contagion” of West Indian slave revolt.¹⁹⁰ One scholar has recently characterized the resulting legislation as demonstrating a “national and racialist consensus against admitting anyone of African descent, slave or free.”¹⁹¹ But if the law represented the racism of many congressmen, it also reflected a some congressmen’s antislavery sentiment and commitment to African American rights. Northern Congressmen amended the bill to protect the rights of black citizens and federal officials employed the new law to suppress the slave trade.¹⁹²

A number of northern congressmen, mostly Republicans, expressed concerns that the bill’s loose wording could be interpreted as applying not only to people of color emigrating from foreign places but also from other states of the Union.¹⁹³ John Bacon, a Republican from Massachusetts, led the successful effort to amend the bill. Having previously helped secure the suffrage rights of blacks and Indians in his home state, Bacon described the proposed bill as “repugnant” to the Constitution because it discriminated against “citizens, of a certain description.” Echoing the earlier debates about the rights of black citizens to petition Congress, Bacon insisted that many African Americans were “citizens of the United States” and argued that the proposed bill threatened the “privileges and immunities” guaranteed to all American citizens

¹⁸⁹ AC 7-2, 423-24 (26 January 1803), 459 (2 February 1803), 460-61 (4 February 1803); 467 (7 February 1803, with text of bill). Dubois, *Suppression of the African Slave-Trade*, 84-85; Robinson, *Slavery in the Structure of American Politics*, 316-18; Ohline, “Politics and Slavery,” 342-48.

¹⁹⁰ For example, see: AC 7-2, 470 (Samuel Mitchill, 7 February 1803).

¹⁹¹ Seymour Drescher, “Divergent Paths: The Anglo-American Abolitions of the Atlantic Slave Trade,” *Migration Trade, and Slavery in an Expanding World*, ed.. Wim Klooster (Leiden: Brill Academic Publishers, 2009), 259-88, quote from 272.

¹⁹² I discuss the use of the 1803 law to suppress the slave trade in the next chapter.

¹⁹³ Padraig Griffin Riley, “Northern Republicans and Southern Slavery: Democracy in the Age of Jefferson,” (PhD dissertation, University of California, Berkeley, 2007), 365-68.

under Article IV of the Constitution.¹⁹⁴ Other northern Republicans expressed similar concerns about the bill's constitutionality and abridgement of "the rights of free negroes and persons of color," while praising the bill's potential to further suppress the Atlantic slave trade.¹⁹⁵ In response to these concerns, the House amended the final 1803 law so that it applied explicitly to emigrants of color, "not being a native, a citizen, or registered seaman of the United States."¹⁹⁶ Although the bill was initiated in an effort to protect slavery, gaining the necessary cross-sectional support for the bill required modifying it to protect the rights of free African Americans.

* * *

Between 1790 and 1803, Congress proved unwilling or unable to prevent the spread of slaveholding into new states and territories or to ban the interstate slave trade. Yet the period was hardly characterized by the collapse of revolutionary-era antislavery and the triumph of proslavery and racism as some accounts suggest.¹⁹⁷ Nor was it an era characterized by complacency in which Americans naively believed slavery would wither away without human effort. Instead, white and black abolitionists kept constant pressure on Congress to address the issue of slavery. Their focus on solidifying the gains of gradual emancipation by protecting free

¹⁹⁴ Bacon did not rest his arguments solely on a racially inclusive notion of citizenship, he also appealed to sectional and partisan considerations. He warned that such a law would be portrayed by some people – presumably New England Federalists – as "proof of the sovereign and despotic sway of the 'Ancient Dominion' over most of the other States in the Union." AC 7-2, 468-69 (7 February 1803). On Bacon's opposition to state constitutional clause in 1780 which would restrict suffrage to whites, see: Riley, "Northern Jeffersonians," 367; Ronald Lettieri, "John Bacon," <http://www.anb.org/articles/01/01-00042.html>, *American National Biography Online* Feb. 2000 (accessed 19 December 2012).

¹⁹⁵ AC7-2, 469-72, quote from 472, most of these speeches were not recorded (James Mott R-NJ, Samuel Mitchell R-NY, John Smilie R-PA, and others).

¹⁹⁶ The law also exempted people of color from the Pacific Islands, who frequently served as sailors and whalers. "An Act to Prevent the Importation of Certain Persons into Certain States, Where, by the Laws Thereof, Their Admission is Prohibited," (28 February 1803), *Statutes at Large*, 7-2, 205-06. AC 7-2, 525 (16 February 1803), 534 (17 February 1803).

¹⁹⁷ James Oakes, "Conflict vs. Racial Consensus in the History of Antislavery Politics," in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, eds. John Craig Hammond and Matthew Mason, (Charlottesville: University of Virginia Press, 2012), 290-303.

blacks from kidnapping and re-enslavement, along with their efforts to suppress the domestic slave trade and restrict slavery's expansion, indicated a sophisticated awareness of the challenges facing emancipation. Few congressmen were willing to go as far as the abolitionists would have liked, but congressional majorities believed that free blacks had the First Amendment right to petition the federal government and supported further effort to suppress the foreign slave trade. Moreover, northern congressmen defeated southerners' efforts to strengthen the Fugitive Slave Law, and the final provisions of the 1803 Certain Persons Act represented not a racial consensus against blacks, but recognition that some states viewed them as citizens.

SLAVE TRADING & THE FEDERAL TERRITORIES, 1803-1806

In the spring of 1803, Judge St. George Tucker republished his *Dissertation on Slavery* as part of his five volume annotated edition of *Blackstone's Commentaries*.¹ While we can have no way of knowing how many people actually read this portion of his *Blackstone's Commentaries*, it was certainly disseminated much more widely than his 1796 pamphlet.² Although he realized that every year of delay made the peaceful abolition of slavery less likely, Tucker still hoped to publicize his antislavery proposal. Moreover, in the passage of his *Commentaries* discussing the federal Constitution, Tucker celebrated the fact that “all states in the union” had voluntarily banned the importation of slaves. He noted that if any states rescinded their bans, Congress could intervene in 1808, but concluded that it was “probable that congress will never have occasion to exert the right of prohibiting the importation of slaves.”³

Tucker's hope that Congress would never need to utilize its power over slave importations was mistaken on two points. First, state bans were poorly enforced because of both lack of will and jurisdictional issues. Although South Carolina's ban on slave imports significantly reduced the trade there, smuggling continued and state officials lacked the capacity and will to effectively enforce the measure.⁴ Meanwhile, state laws against participating in slaving voyages (such as were common in New England) were difficult to enforce because all of

¹ Robert M. Cover, *Justice Accused: Antislavery and the Judicial Process*, (New Haven: Yale University Press, 1975), 38.

² Some newspaper references to Tucker's discussion of slavery in *Blackstone's Commentaries* suggest this was their first exposure to the substance of his *Dissertation on Slavery*, for example: “Domestic Slavery,” *Republican Spy* (Northampton, MA), 31 July 1804; *Suffolk Gazette* (Sag Harbor, NY), 1 October 1804.

³ St. George Tucker, *Blackstone's Commentaries*, I:App. 290, quoted in *The Founders' Constitution*, eds. Philip B. Kurland and Ralph Lerner, (Indianapolis: Liberty Fund, 1987), III:297.

⁴ Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South*, (New York: Oxford University Press, 2009), 81-97.

the illegal activity could occur outside of the United States. A ship could embark with a legal cargo for sale in the West Indies, and then refit for a slaving voyage before sailing to Africa. Or slave traders could bribe or intimidate local officials to allow ships clearly outfitted for a slave voyage to embark.⁵ The 1803 Certain Persons Act increased the federal government's ability to supplement state laws, but this federal intervention contributed to another problem: the South Carolina legislature's decision to repeal their ban on importing slaves in December 1803.⁶ Slave traders and slaveholders throughout the nation took advantage of this to import tens of thousands of enslaved Africans during the next four years. Rhode Island slave traders were especially active in carrying enslaved Africans to Charleston. Their actions violated Rhode Island law but no longer fell under the jurisdiction of the 1794 and 1800 federal laws (which only applied to selling slaves in foreign markets) or the 1803 law (which only applied to states which had banned slave imports). Thus whereas Tucker had predicted that Congress could avoid the slave trade issue, it became instead a recurring point of debates during every session between 1804 and 1807. Moreover, as newspaper editorials noted: "The gradual abolition scheme which had so able an advocate as Judge tucker, of Virginia, was admitted as most favourable in theory, but it cannot be executed in one State, while slaves are admitted freely into another."⁷

South Carolina's decision to reopen the slave trade was motivated by a confluence of factors, including the Louisiana Purchase. This massive acquisition of land led to the territorial expansion of American slavery, more slave importations from Africa, and the growth of the

⁵ Jay Coughtry, *The Notorious Triangle: Rhode Island and the African Slave Trade, 1700-1807* (Philadelphia: Temple University Press, 1981); Charles Rappleye, *Sons of Providence: the Brown brothers, the Slave Trade and the Revolution* (New York: Simon & Schuster, 2007); Leonardo Marquez, "The United States and the Transatlantic Slave Trade to the Americas, 1776-1867," (PhD dissertation, Emory University, 2013).

⁶ The fact that the first legal importations of slaves into Charleston occurred a mere five hours after the ban was repealed demonstrated the routine violation of the ban beforehand. Matthew E. Mason, "Slavery Overshadowed: Congress Debates the Atlantic Slave Trade to the United States," *JER* 20 (Spring 2000):59-81, 62.

⁷ *Salem Register*, 23 February 1804; *Alexandria Expositor*, 8 March 1804.

interstate slave trade. But while the Louisiana Purchase ultimately enabled slaveholders and slave traders to further entrench the plantation system, it also renewed a public dialogue about colonizing emancipated slaves in the North American interior.

The ensuing political and public debates demonstrated the extent to which antislavery dominated public discourse even as slavery expanded on the ground.⁸ John Quincy Adams, reflecting on the extent of moral sentiment against the Atlantic slave trade, later wrote: “The slave trade, which in 1787 had been renewed as a privilege too precious to be submitted even to the prohibitory power of Congress, in 1805 had palled upon the taste, and become an object of general abhorrence and disgust even to those whose interests and desires the original interdiction had been conceded.”⁹ Even congressmen from South Carolina claimed to regret their state’s revived slave imports, and looked forward to opportunity to prohibit the Atlantic slave trade in 1808. Many congressmen also demonstrated a desire to prevent or at least slow the expansion of plantation slavery in the Louisiana Purchase Territory. Devising antislavery measures that could achieve majority support in Congress and were capable of enforcement on the ground, however, proved difficult. Many southerners were wary of federal laws which might indicate a moral disapprobation of slavery while many northerners were concerned about legislation that might implicitly sanction the principle of slavery even as it reduced slave trading. While there was a large degree of cross-sectional consensus in ending slave importations, latent tensions over related issues became increasingly apparent.

I. CERTAIN PERSONS & UNINTENDED CONSEQUENCES

⁸ Mason, *Slavery and Politics*, 24, 130.

⁹ JQA, “To the Freeholders,” *Writings of JQA*, VII:348.

The 1803 Certain Persons Act involved a double irony. Although initiated as an effort to strengthen slavery by guarding against free black immigrants, federal officials primarily used it to increase their jurisdictional authority to suppress slave importations, making the law functionally-antislavery. But, as Howard Ohline has argued, federal enforcement of state slave trade bans in turn encouraged the South Carolina legislature to repeal their slave import ban.¹⁰

Considerations of morality and expediency had long led James Madison to oppose the Atlantic slave trade, and as Secretary of State he embraced the opportunity to use the 1803 Certain Persons Act to further suppress the trade. In a circular letter to United States consuls and commercial agents about a law regulating the discharge of American sailors abroad, Madison also discussed the implications of the 1803 Certain Persons Act for the slave trade. Noting “that at no period since the slave-trade was prohibited, have all our citizens abstained from [the] traffic,” he feared that the “evil” would increase as peace returned to Europe following the 1802 Treaty of Amiens between Britain and France. Referring to the state and federal laws against slave importations and participation in the foreign slave trade between Africa and the West Indies, Madison instructed all American consuls “to exert a steadfast vigilance respecting all such infractions of the laws.”¹¹ In response, American consuls in foreign ports reported cases of Americans involved in the slave trade between Africa and the West Indies and South America, but complained that they had no way to seize and prosecute such offenders.¹²

¹⁰ Howard A. Ohline, “Politics and Slavery: The Issue of Slavery in National Politics, 1787-1815,” (PhD diss., University of Oklahoma, 1969), 348-53.

¹¹ James Madison, “Circular Letter to American Consuls and Commercial Agents,” Department of State, April 9 1803, Founders Online.

¹² John Elmslie Jr. to Madison, 10 September 1804, Cape Town, Cape of Good Hope, Founders Online. See also: George W. Erving, 18 May 1804, London (abstract), *ibid*; Turell Tufts to Madison, [ca. 9 June 1804, Surinam], *ibid*; George W. Erving, 25 October 1804, London, “Private,” (abstract), *ibid*; George W. Erving to Madison, 25 October 1804, London, (abstract), *ibid*; George Erving to James Monroe, 7 June 1804, London, Monroe Papers, NYPL.

American officials within the United States were better positioned to use their new jurisdictional authority under the 1803 Act to suppress the Atlantic slave trade. In July of 1803, James Simons, customs collector at the port of Charleston, reported that two cargos of slaves had been recently smuggled into South Carolina.¹³ Using his new authority to enforce South Carolina law, he confiscated the *Vincal* and the *Nile*, though only after they had unloaded their human cargo at Beaufort Island, where a less dutiful collector served. Simons reported that the state's slave trade ban had been "long violated," and he embraced the new authority to use federal power to prevent the importation "*of these unfortunate beings.*" Simons also appealed to the federal government's economic interests, warning that if the new law went unenforced South Carolinians would conclude they could flout all federal laws. As a result they must say, "adieu to the security of the Revenue, for the Revenue laws will be violated with equal impunity." Noting that the *Nile* had been so heavily armed that it could have resisted a revenue cutter at sea, Simons hoped that a "proper armed vessel" would be sent to him "without delay."¹⁴ President Jefferson was initially reluctant to reverse his policy of decreasing the size of the Navy, but eventually sent a larger ship to patrol the coast of Georgia and South Carolina, writing: "there is no sentiment I feel stronger than that of a determination to break up this nefarious & dangerous traffic."¹⁵

Another Virginian, Littleton Waller Tazewell, was even more enthusiastic about using federal power to suppress the slave trade. He encouraged Republican congressman John

¹³ This episode is discussed in Ohline, "Politics and Slavery," 348-51.

¹⁴ J[ames] Simons to Albert Gallatin, Sullivan's Island, July 21st 1803, enclosed in: Albert Gallatin to TJ, Treasury Department, 11th Aug. 1803, TJ Papers, LOC.

¹⁵ TJ to Gallatin, Monticello Aug. 30. 1803, TJ Papers, LOC. Jefferson had initially opposed extending enforcement of the law beyond the immediate of coast, hoping that the federal ban would be enough to encourage slavers to "sheer off to other countries" to dispose of their slaves, whereas capturing them at sea, would "bring them in for punishment, accompanied by the very persons we wish to exclude." TJ to Albert Gallatin, Monticello Aug. 18. 03, TJ Papers, LOC.

Randolph of Roanoke to initiate an effort to further strengthen federal power over “the infernal traffic.” Tazewell “deplore[d] the insufficiency of the existing laws to prevent & sufficiently to punish this most detestable of all iniquities,” and he explained the “measures & pretexts” used by slave smugglers to avoid punishment. The smugglers, many of whom were based out of New England and conspired with Spanish or Portuguese captains, used inexpensive older vessels to purchase three to four hundred slaves “on the Coast of Africa for less than \$80 apiece,” then sold them “in South Carolina and Georgia for \$400 each.” The “nature of the Coast makes their landing undiscovered very easy” and the vessels were “always well armed, & of sufficient force to keep off a Revenue Cutter, make resistance, & escaping elsewhere.” If they were confronted, a foreign crew member acting as captain would present Spanish or Portuguese papers and claim that bad weather had forced them to take refuge on the American coast while sailing to the West Indies or South America. Should the vessel be confiscated, the owners could conspire to buy it back at auction or write it off as a business loss.¹⁶

John Randolph was generally loath to increase federal power or interfere with slavery, so it is doubtful he would have acted on Tazewell’s proposal for further strengthening the federal law. In any case, he reported that the legislature of South Carolina, “to her indelible disgrace,” had just rendered such action ineffective by repealing their ban on the African slave trade. Invoking the fate of the “opulent nabobs of St. Domingo” and paraphrasing Jefferson’s *Notes on Virginia*, Randolph wrote: “I tremble for the dreadful retribution which this horrid thirst for African blood, which the legislators of that state are base enough to feel and yet more base to avow, may bring upon us.” He warned that it “behooves Virginia, in my opinion, to look to the

¹⁶ Littleton W. Tazewell to JR, Hampton, dec. 29th 1803, University of North Carolina collection in “Correspondence of Randolph” microfilm 7513, UVA.

consequences,” but he proposed no action.¹⁷ As with his stepfather, St. George Tucker, Randolph’s antislavery sentiment combined sympathy for slaves with a greater fear of slave revolt, but rarely led to action.¹⁸

The South Carolina legislature’s decision to reopen the African slave trade reflected a confluence of factors.¹⁹ In South Carolina, upcountry and backcountry planters had long pushed for repealing the ban, but their desire for more slaves was routinely blocked by low country planters who were already well stocked with slaves and whose access to the coast gave them a near monopoly on smuggled slaves. But the rising demand for labor accompanying the expansion of cotton production, along with the prospect of selling slaves to other states and territories – including the recently acquired Louisiana Territory, combined to increase support for repealing the slave trade in December 1803. Repeal was also partially an unintended consequence of Congress’s 1803 Certain Persons Act. Facing the prospect of federal enforcement of their frequently violated state law, the legislators likely repealed the ban in order to preclude conflict with the federal government.²⁰ During the next four years, slave traders

¹⁷ JR to Tazewell, Washington, 8 Jan. 28 year [1804], University of North Carolina collection in “Correspondence of Randolph” microfilm 7513, UVA (transcript by William Cabell Bruce from in microfilm 7515 reel 1, p. 155-57)

¹⁸ Nicholas Wood, “John Randolph of Roanoke and the Politics of Slavery,” *Virginia Magazine of History and Biography* 120 (Summer 2012):106-14.

¹⁹ The law is reprinted in: *Carolina Gazette* (Charleston), 19 January 1804.

²⁰ Ohline, “Politics and Slavery,” 351-53. Fehrenbacher and Drescehr have endorsed Ohline’s argument about the connection between the 1803 Certain Persons Act and South Carolina’s repeal (*Slaveholding Republic*, 142; Drescher, “Divergent Paths,” 272), yet many accounts ignore this connection. Shugerman emphasizes the decisive influence of the Louisiana Purchase on South Carolina’s decision to reopen the Atlantic slave trade. He makes the intriguing, but largely unsubstantiated, argument that the South Carolina legislature was actually sacrificing the state’s short term economic self-interest based on the long term expectation that extending slavery in the West would augment slaveholders’ political power throughout the nation (Jed Handelsman Shugerman, “The Louisiana Purchase and South Carolina’s Reopening of the Slave Trade in 1803,” *JER* 22 (Summer 2002):263-90). Ford emphasizes the intra-state shifts based on the expansion of cotton production – especially in upcountry areas which lacked the lowcountry’s easy access to coastal slave smuggling, noting that the Louisiana Purchase was only one of many factors (Ford, *Deliver Us from Evil*, 97-103). Paul Finkelman suggests that Congress probably passed 1803 Certain Persons Act “in anticipation of South Carolina’s act [reopening the slave trade]” but he seems to have it backwards (“Regulating the Slave Trade, 399).

carried around 50,000 enslaved Africans into South Carolina, most of whom were then sold in other states and territories, merging the Atlantic and domestic slave trades.²¹

II. SLAVERY IN THE 8TH CONGRESS

The national reaction against South Carolina's decision to reopen the African slave trade began almost immediately and extended far beyond abolitionist circles.²² According to one widely reprinted editorial, South Carolina's decision to revive "a traffic, the bare mention of which makes every friend to freedom and humanity weep for the want of foresight" reflected the "entire abandonment of every noble feeling, by one of our sister states."²³ Between 1804 and 1806, Congress debated various measures designed to discourage the Atlantic slave trade by taxing it and preventing its extension into the federal territories. At times abolitionists lobbied Congress on the issue, but for the most part outside agitation was unnecessary to instigate congressional debate over slavery and the Atlantic slave trade. Although the few bills which were passed into law proved fairly ineffective in practice, they demonstrated widespread cross-sectional hostility to the Atlantic slave trade and made it clearer than ever that Congress would immediately ban the importation of slaves once the constitutionally determined date of 1808 arrived. This determination represented growing antislavery sentiment among northerners, and their desire to implement antislavery policies in areas where the federal government had authority.

²¹ Ford, *Deliver Us from Evil*, 121, 127. James A. McMillin estimates that 51,485 were disembarked in South Carolina from 1804-1807, while Slavevoyages.org estimates that 46,823 slaves. McMillin, *Final Victims*, 32; <http://slavevoyages.org/tast/database/search.faces?yearFrom=1804&yearTo=1807&mjslptimp=20000>

²² For abolitionist responses, see for example: Thomas Branagan, *A Preliminary Essay on the Oppression of the Exiled Sons of Africa...*, (Philadelphia: John W. Scott, 1804), esp. 211-34; "Address of the Abolition of Convention," *Poulson's American Daily Advertiser* (Philadelphia), 7 February 1804; *Daily Advertiser* (New York), 19 February 1804; [Anne Tuke Alexander], *An Address to the Inhabitants of Charleston, South Carolina*, (Philadelphia: Kimber, Conrad, & Co., 1805).

²³ *Petersburg Intelligencer in Alexandria Expositor* (VA), 21 June 1804; *Republican Star* (Easton, MD), 26 June 1804; *Maryland Herald* (Elizabethtown), 27 June 1804; *Independent Chronicle* (Boston), 28 June 1804

In the House of Representatives, David Bard revived the effort to impose the ten dollar tax on imported slaves, which Congress had last debated in 1789. A Pennsylvanian Republican trained as a Presbyterian minister, Bard was shocked that South Carolina had revived “the horrid traffic, which has been long since seriously regretted by the wise and humane.” He proposed implementing the ten dollar tax, though complaining that a constitutionally-limited tax was “infinitely disproportionate to what the morality, the interest, the peace, and safety of individuals and of the public, at this moment, demand.”²⁴ His proposal was delayed for a time, and would never become law, but the issue would resurface in every session of Congress until 1807, when Congress prohibited all involvement in the Atlantic slave trade.

While Bard led the effort to reduce the supply of slaves by taxing and stigmatizing slave importations, others sought to reduce the demand for slaves by restricting slavery in the Louisiana Purchase Territory. When Joel Barlow, one of the diplomats who had arranged the redemption of Americans enslaved in Algiers, learned about the Louisiana Purchase he immediately focused on its potential to help or hinder the eventual abolition of slavery. He considered slavery as repugnant to “moral, political, & economical” principles. While he described humanitarian considerations as a “laudable motive for action,” he believed national interest demanded abolition with even more urgency. Writing from his diplomatic post in London, Barlow hoped that Congress would bar slavery from Louisiana. He believed that economic forces would cause slavery to “languish & expire by degrees,” but only “if not kept in vigour by taking root in the immense regions of the west.” Barlow stressed the urgency of immediate action, warning: “If this opportunity is lost we shall never have another so good, for

²⁴ *AC 8-1*, 820 (6 January 1804). The resolution was laid on the table, then scheduled for debate the following week, but not brought under consideration until February, as discussed below. *Ibid*, 876 (9 January 1804).

banishing by gentle & early means a most alarming calamity from a great portion of the earth.”²⁵

John Dickinson of Delaware expressed similar hopes and fears to Senator James Logan of Pennsylvania. The aged founding father hoped that slavery’s expansion would “never be sanctioned by the Votes of the Sons of the Liberty.” He emphasized that slavery was not only immoral but inexpedient. “Slaves are deeply, deeply injurious to the Morals of the masters and their families, and are internal enemies always to be watched and guarded against;” and by discouraging small farmers, the presence of slavery would “diminish our internal safety and external security.”²⁶ This logic directly contradicted the diffusionist arguments which Harrison Gray Otis and others had advanced in 1798.

The abolitionists who attended the ninth Abolition Convention in January 1804 also emphasized the harmony of humanitarianism and enlightened self-interest in opposition to slavery, while being exasperated by the news of South Carolina’s decision to reopen the slave trade. In their public address, they asked: “Is the measure of iniquity not yet filled? Is there no point at which you will stop, to complete the climax of folly, cruelty, and desperation? Oh legislators! we beseech you to reflect, before you increase the evils which already surround you in gloomy and frightful perspective!”²⁷ They also petitioned Congress for a ban on slavery in the Louisiana Territory, stressing their conviction that virtue, wisdom, and sound policy were “intimately united by their Eternal Parent.” Although slavery had been “entailed on some of our States” by their ancestors, Congress had a solemn duty to prevent its further spread. It would be “expedient” to treat slavery in Louisiana as it was in the Northwest Ordinance. Doing so would

²⁵ Joel Barlow to Alexander Wolcott, London, 28 July 1803, Joel Barlow Papers, #527, Houghton Library, Harvard University, I thank Emilie Hardman of the Houghton Library for supplying me a digital image of this letter, which is cited in Buel, *Joel Barlow*, 271.

²⁶ John Dickinson to George Logan, Wilmington, the 30th of the first month 1804, Logan Papers, box 5, HSP.

²⁷ ACAS, *MAC* 9 (1804), 47. See also: Thomas Pym Cope, *Philadelphia Merchant: The Diary of Thomas P. Cope, 1800-1851*, ed. Eliza Cope Harrison, (South Bend, IN: Gateway Editions, 1978), 10 (13 January 1804).

demonstrate the nation's gratitude to Providence for the peace and prosperity they enjoyed, while failure to act would invite divine retribution.²⁸ Both houses of Congress voted to receive the abolitionists' petition on January 23, 1804.²⁹

If Congress's subsequent governing act for the Orleans Territory (as much of Louisiana was designated) did not go quite as far as the abolitionists desired, it was considerably more antislavery than President Jefferson had envisioned. Whereas the abolitionists wanted Louisiana to follow the model of the 1787 Northwest Ordinance, Jefferson preferred the diffusionist form of the 1798 Mississippi Territory Act. He had already proposed that Congress ban the Atlantic slave trade to the new territory and forbid the importation of slaves from any states that might reopen the Atlantic slave trade.³⁰ He intended this measure to disperse the enslaved population within America without stimulating further importation from Africa. Jefferson later explained that transporting slaves from the southern states to Orleans would reduce the security threat presented by slavery by "dividing that evil."³¹ In the Senate, John Breckinridge of Kentucky presented a bill drafted in conformity to the President's desires.³²

Whether inspired by the abolitionist petition or not, Senator James Hillhouse, a Connecticut Federalist, led the effort to add a number of antislavery provisions to the

²⁸ The text of the petition is available in, *AC 8-Appendix*, 1596-97 (23 January 1804) and *American State Papers: Misc.*, I:386. See also: *ACAS, MAC 9*, (1804), 34-35, 40-43.

²⁹ *AC 8-1*, 238 (Senate), 939 (House).

³⁰ TJ to Gallatin, November 9, 1803.

³¹ TJ to John Dickinson, January 13, 1807.

³² TJ had earlier given Breckinridge his suggestions for governing the territory, but warned him, "never let any person know that I have put pen to paper on the subject...I am this particular, because you know with what bloody teeth & fangs the federalists will attack any sentiment or principle known to come from me, & what blackguardisms & personalities they make it the occasion of vomiting forth." TJ to Breckinridge, Washington, November 24, 1803, WTJ.

Breckinridge bill.³³ Although provoking some heated debate, most of Hillhouse's proposals passed with both bipartisan and cross-sectional support. Following the precedent of the Mississippi Territory legislation, Congress banned the Atlantic slave trade to the Orleans Territory and mandated that territorial officials free any person illegally-imported as a slave.³⁴ They further banned the domestic slave trade to the territory, restricting the introduction of slaves to those who emigrated there with their *bona fide* owners, who in turn had to be American citizens.³⁵ In order to discourage such migrations from spurring slave importations into South Carolina, the law also restricted such slaves to those imported before 1798 (when Georgia had banned the Atlantic slave trade). "The bill could not have been drawn up more precisely to prevent South Carolina from reexporting slaves from Africa to Louisiana," as Lacy Ford observes.³⁶ Neither of South Carolina's senators were present during the debate, but Jonathan Dayton, a Federalist from New Jersey who opposed the restrictions on slavery, objected that Hillhouse's amendments would undermine South Carolina's "constitutional right to import slaves from Africa." The New Englander responded: "It does, & justly."³⁷ Although a more radical proposal by Hillhouse to gradually abolish slavery in Louisiana was defeated in a vote of eleven to seventeen, all in all the slavery provisions of the 1804 Orleans Governing Act

³³ On the Senate debates, see also: Ohline, "Politics and Slavery," 363-70; Rothman, *Slave Country*, 26-31; Hammond, *Slavery, Freedom, and Expansion*, 35-40; Ford, *Deliver Us from Evil*, 106-11; Van Cleve, *Slaveholders' Union*, 218-20.

³⁴ This provision passed by a vote of 21 to 6. I discuss the sectional and partisan breakdown of these votes below. *AC 8-1*, 240-41 (Senate, 26 January 1804). (The *Annals* records the vote as 21-7, but only lists six names voting against it. William Plumer records the vote correctly as 21-6. Everett Somerville Brown ed., *William Plumer's Memorandum of Proceedings in the United States Senate, 1803-1807*, (New York: The Macmillan Company, 1923), 122. John Quincy Adams recorded the vote as 17-6, which appears to be a mistake. *JQA, Memoirs of JQA*, I:292.) The Senate confirmed the decision to free illegally-imported slaves by a vote of 15 to 13. *AC 8-1*, 244 (31 January 1804); Brown ed., *Plumer's Memorandum*, 130.

³⁵ The vote on the domestic slave trade was 21 to 7. *AC 8-1*, 242 (30 January 1804); *Plumer's Memorandum*, 126. The proposal to restrict slaveholding emigrants to American citizens passed 18 to 11. *AC 8-1*, 244 (1 February 1804); *Plumer's Memorandum*, 133.

³⁶ Ford, *Deliver Us from Evil*, 111.

³⁷ Brown ed., *Plumer's Memorandum*, 125.

confirmed Congress's territorial jurisdiction and demonstrated a desire to slow the development of plantation slavery in federal territories.³⁸

The Senate debates – which were not published, but are partially recorded in the notes of Senators William Plumer and John Quincy Adams – reveal that supporters of the antislavery provisions emphasized the same harmony of humanity and expediency described by the abolitionist petitioners. Hillhouse had previously stated that there was no “difference between the natural rights of a white or a black man,” and in 1804 he asserted that: “Those who are the real friends of liberty extend it to others, as well as themselves.”³⁹ But he more frequently focused on security concerns. As historian Seymour Drescher has shown in the British context, shifting the terms of debate from morality to sound policy could reduce political tension and help “uncover more objective ‘common ground’ between otherwise bitterly divided protagonists.”⁴⁰ Appealing to fears shared by slaveholders, Hillhouse also warned that introducing more slaves into Louisiana would “add fuel to this tinder box” and make slave revolt inevitable.⁴¹ Appealing

³⁸ AC 8-1, 241-42 (30 January 1804); Brown ed., *Plumer's Memorandum*, 124. In the vote on gradual emancipation, only one southerner (Wells of Delaware) voted for gradual abolition, while seven northerners (three Federalists and four Republicans) voted against it.

³⁹ AC 4-1, 1084 (19 April 1798); Brown ed., *Plumer's Memorandum*, 117 (25 January 1804). James Jackson of Georgia also conceded Likewise, “I dislike the traffic in human flesh” but insisted “we must decide not on morality but on the policy of the case” and disagreed with antislavery conceptions of expediency. Ibid, 119 (26 January 1804).

⁴⁰ Seymour Drescher, *The Mighty Experiment: Free Labor versus Slavery in British Emancipation*, (New York: Oxford University Press, 2002), 6.

⁴¹ Brown ed, *Plumer's Memorandum*, 113 (25 January 1804); for other references slave revolt see: 111 (Breckinridge), 115 (John Smith and Samuel White), 128 (Jessie Franklin). The focus on slave revolt has also led some historians to understate the extent of moral and humanitarian antislavery ideology. For example, Van Cleeves argues: “The dominant concern of the senators was to prevent ‘another Santo Domingo,’ not to end slavery” (*Slaveholders' Union*, 219.) But the senators did not think in terms of a binary between protecting or abolishing slavery. Proponents of Hillhouse's amendments criticized slavery in terms of morality and sound policy, but also acknowledged that Louisiana's climate, the tenuous loyalty of the territory's French and Spanish slaveholders, and the limits of federal power effectively removed emancipation as a viable option, regardless of moral sentiments. Thus it was a question of facilitating or slowing slavery's growth. As Adam Rothman has suggested, “the law had genuine but limited antislavery intentions” (*Slave Country*, 31. See also: Hammond, *Slavery, Freedom, and Expansions*, 40.)

to white southerners' self-interest, Hillhouse framed antislavery not as a sectional or partisan issue, but a policy that would benefit the Union as whole.

Some historians cite the Louisiana debates when arguing that northern Federalists had a better antislavery record than northern Republicans.⁴² But while Hillhouse was an ardent Federalist, there were plenty of northern Federalists who opposed him and plenty of Republicans who supported his antislavery proposals. Federalist Jonathan Dayton of New Jersey was among the strongest advocates of allowing the African slave trade to Louisiana.⁴³ And although John Quincy Adams supported a constitutional amendment restricting the application of the three-fifths clause when calculating the political representation of Louisiana and other new states, he voted against all the efforts to limit slavery there. After spending an evening reading about “articles cultivated in the West Indies by slaves,” he told the Senate: “Slavery in a moral sense is an evil; but as connected with commerce it has important uses.”⁴⁴ Adams voted against the restrictions on slavery and slave trading, telling his mother that he believed Congress had “no right to make *any* Laws for that Country at present.”⁴⁵ These votes later caused Adams some embarrassment in 1822 when Virginian Alexander Smyth used them to label the New Englander a “*friend to the slave trade*.” In response, Adams stressed that based on his commitment to strict construction at the time, he had believed Congress could not pass such legislation until 1808.⁴⁶

Indeed, northern Federalists were among the chief subscribers to what Matthew Mason has

⁴² Wills, “*Negro President*”; Paul Finkelman, “The Problem of Slavery in the Age of Federalism,” *The Federalists Reconsidered*, eds. Doron Ben-Atar and Barbara Oberg, (Charlottesville: University Press of Virginia, 1998), 135-56, esp. 141-42.

⁴³ Brown ed., *Plumer's Memorandum*, 112 (Jonathan Dayton, 24 January 1804).

⁴⁴ Adams ed., *Memoirs of JQA*, I:291-92 (24 January 1804); Brown ed., *Plumer's Memorandum*, 114 (25 January 1804). On JQA's support for revoking the three-fifths clause, see: Richards, *Slave Power*, 43-46.

⁴⁵ JQA to Abigail Adams, Washington 27. January 1804, Adams Papers, MHS, reel 403. See also: Brown ed., *Plumer's Memorandum*, 126 (quotation, 30 January 1804), 143-46 (18 February 1804).

⁴⁶ JQA, “To the Freeholders of Washington, Wythe, Grayson, Russell, Tazewell, Lee and Scott Counties, Virginia,” *Richmond Enquirer*, 4 January 1823, reprinted in *Writings of JQA*, VII:335-54, quote from 346. Leonard L. Richards, *The Life and Times of Congressman John Quincy Adams*, (New York: Oxford University Press, 1986), 101.

labeled the “doctrine of separate spheres:” northerners’ acceptance of slavery’s expansion in the Southwest based on assumptions of its economic necessity and inevitability while vocally criticizing slavery’s negative effects on northern states.⁴⁷

The efforts to reduce slave imports into Louisiana reflected cross-sectional agreement rather than New England Federalist antislavery. In his diary, Senator Plumer offered a cynical explanation for the cross-sectional cooperation: “It is obvious that the zeal displayed by the Senators from the Slave States, to prohibit the foreign importation of slaves into Louisiana, proceeds from the motive to raise the price of their own slaves in the market and to encrease the means of dispersing those who are most turbulent and dangerous to them.”⁴⁸ This view has been echoed by some historians who stress how Upper South slaveholders sought to increase the demand for slaves through territorial acquisition while also monopolizing supply by banning the Atlantic slave trade.⁴⁹ But it cannot account for the Senate’s willingness to ban the domestic slave trade to the territory. Eight senators from the Upper South voted for the ban (while five northerners voted against it), likely representing humanitarian and pragmatic concerns about the growing and controversial internal slave trade.⁵⁰ Abolitionist literature from the time frequently stressed the destruction of family ties resulting from the trade, and senators had noted that it was at least as likely to lead to slave revolt as the trade from Africa.⁵¹ Using the domestic slave trade as a form of punishment, slaveholders in the Atlantic states might “collect and send into

⁴⁷ Mason, *Slavery and Politics*, 24-25.

⁴⁸ Brown ed., *Plumer’s Memorandum*, 130 (31 January 1804).

⁴⁹ Gary Wills, “*Negro President: Thomas Jefferson and the Slave Power*, (New York: Mariner Books, 2005 [2003]); Deyle, *Carry Me Back: The Domestic Slave Trade in American Life*, (New York: Oxford University Press, 2005); *ibid.*, “An ‘abominable’ New Trade: The Closing of the African Slave Trade and the Changing Patterns of U.S. Political Power, 1808-60,” *WMQ* (October 2009):833-850.

⁵⁰ *AC 8-1*, 244 (1 February 1804). Vote breakdown: Yeas - 10 northerners (7 Reps & 3 Feds) and 8 southerners (6 Reps & 2 Feds); Nays - 5 northerners (2 Reps & 3 Feds) and 6 southerners (6 Reps.)

⁵¹ On the destruction of slave families, see for example: HUMANITAS, *Reflections on Slavery, with Recent Evidence of its Inhumanity*, (Philadelphia: R. Cochran, 1803), esp. 22

[Louisiana] their slaves of the worst description.”⁵² Moreover, the scale of the interstate slave trade at this time was still dwarfed by the number of slaves brought across state lines by their emigrating masters, a practice which the final bill permitted.⁵³ In later decades southern politicians would unite to protect the domestic slave trade from federal interference, but at this time the young institution simply does not seem to have been important to southern political calculations.

* * *

The congressional debates over slavery in Louisiana occurred in an intellectual climate in which antislavery sentiment predominated. Newspapers throughout the Union, especially Republican ones, registered antislavery sentiment among the public. The *National Intelligencer* praised the bill as promising “to rescue the national character from its greatest degradations, and save the people they represent from the deepest evils which futurity might otherwise have in store for them.”⁵⁴ The failure of Congress to pass a law taxing the slave trade, however, was a major disappointment. A widely reprinted editorial from the Philadelphia *Aurora* observed that “the voice of the nation has been loud in its call for a suppression of a species of trade, disgraceful not only to those whose avarice prompts them to its pursuit, but to the people by whom it is tolerated.” Attributing the delay in passing the tax to congressmen’s faith that South Carolina

⁵² Brown ed., *Plumer’s Memorandum*, 112 (Jonathan Dayton, 24 January 1804). It should be noted that Dayton, who was unabashedly proslavery despite being from New Jersey, was arguing in favor of importing slaves from Africa.

⁵³ Allan Kullikoff, “Uprooted Peoples: Black Migrants in the Age of the American Revolution, 1790-1820,” *Slavery and Freedom in the Age of the American Revolution*, eds. Ira Berlin and Ronald Hoffman, (Charlottesville: University of Virginia Press, 1983), 143-71; Michael Tadman, *Speculators and Slaves: Masters, Traders, and Slaves in the Old South*, (1996 ed, Madison: University of Wisconsin Press, 1989).

⁵⁴ *National Intelligencer* (Washington DC), 30 January 1804, quoted in Ohline, “Politics and Slavery,” 369-70.

would repeal its “obnoxious law,” the *Aurora* called on Congress to use all constitutional means to suppress “the barbarous traffic of human beings.”⁵⁵

Before the House of Representatives considered the Senate bill governing Louisiana, they returned to David Bard’s proposal to implement the \$10 slave trade tax, on 14 February 1804.⁵⁶ Thomas Lowndes of South Carolina immediately rose to oppose the measure. Parts of his speech were undoubtedly duplicitous, but Lowndes operated under the assumption that propriety obliged him to acknowledge the slave trade’s immorality.⁵⁷ He claimed himself “unfriendly” to the trade, regretted that his state had reopened it, and wished it were already 1807 so he could “have the satisfaction of uniting with the gentleman from Pennsylvania” in abolishing the trade entirely. Reviving, consciously or not, logic used in 1789 to discourage the ten dollar tax, Lowndes argued that the tax would have the unintended consequence of countenancing the slave trade. The rising cost of slaves (which others put at \$400) made the tax insignificant, so it would not “prevent the introduction into the country of a single slave.” He also argued that deriving revenue from the trade would be interpreted “in no other light than a sanction” of its legitimacy, and warned that Congress might later become reluctant to end this source of revenue and therefore allow the trade’s continuation past 1808.⁵⁸ A number of other southerners and northerners echoed this logic; Andrew Gregg, a Pennsylvania Republican argued that “the

⁵⁵ From the *Aurora*, in *Jew-Jersey Journal* (Elizabethtown), 13 November 1804; *The Sun* (Pittsfield, MA), 26 November 1804; *Spooner's Vermont Journal* (Windsor), 11 December 1804

⁵⁶ Riley, “Northern Republicans and Southern Slavery,” 302-28.

⁵⁷ Lowndes claimed that South Carolina had only repealed the slave trade ban because they had found it impossible to enforce and figured it was better to repeal the law than witness it constantly violated. He went so far as to assert: “had we received the aid from Congress which was necessary to enforce the act, the repeal which is now complained of would never, in my opinion, have taken place.” This logic ignored the fact that South Carolina repealed the law precisely when federal enforcement began to make the state ban more effective. *AC 8-I*, 992 (14 February 1804). Noting Lowndes’s misrepresentation, Bard retorted that: “In 1802 [*sic* – 1803], Congress stretched out her arm to the aid of the State Governments against the evil they so much deprecated...but as to South Carolina, they have become nugatory; by repealing the prohibitory law she has rejected the interference of Congress.” *AC 8-I*, 995 (14 February 1804).

⁵⁸ *AC 8-I*, 991-93. For the price of slaves, see *AC 8-I*, 994 (Bard, 14 February 1804).

proposed tax cannot effect the object contemplated by the mover of the resolution – it can neither prevent nor remedy the evil; and...has the appearance of giving legal sanction to the trade.”⁵⁹ In response, Bard and others insisted that the tax was not about revenue but would “show to the world that the General Government are opposed to slavery, and willing to improve their power, as far as it will go, for preventing it.”⁶⁰

Although slave state congressmen conceded the immorality of the slave trade, and sometimes even slavery itself, they were often uncomfortable with the implications of morally charged rhetoric. Speaker of the House Nathaniel Macon, of North Carolina, sought to confine the terms of debate to considerations of expediency rather than humanity: “All that has been said on the circumstances connected to this trade...on its morality or immorality, are in my opinion foreign to the true point involved in this debate, which is, Is the measure contemplated by the resolution politic, or is it not?”⁶¹ Some northerners found this instruction hard to follow. Republican Samuel L. Mitchill of New York agreed to discuss the tax “merely as a subject of political economy” – but only after issuing a long preamble to his remarks: “He would therefore, say nothing on the immorality of a trade which deprived a large portion of the human species of their rights. He should pass over, in silence, everything that might be urged to exhibit it as impious and irreligious; and he would not utter a word on its repugnance to the principles of our jurisprudence, and the spirit of our free government.” Mitchill then proceeded to spend the bulk of his speech denouncing slavery from a moral point of view, notwithstanding his promise to

⁵⁹ *AC 8-1*, 1017 (15 February 1804). See also: *ibid.*, 993 and 997 (Bedinger of Kentucky, 14 February 1804), 998 (Macon of NC), 1003 (Moore of SC), 1007 (Holland of NC), 1029 (Griswold of CT, 17 February 1804), 1032 (Rodney of DE).

⁶⁰ *AC 8-1*, 994-95 (14 February 1804). For others who argued that the tax would demonstrate disapprobation of the trade, see: *ibid.*, 999 (Findley of PA and Mitchill of NY), 1008 (Lucas of PA), 1014 (Smilie of PA, 15 February 1804), 1018 (Southard of NJ), 1019 (Sloan of NJ), 1028 (Smilie of PA).

⁶¹ *AC 8-1*, 998 (14 February 1804).

focus on the matter of expediency.⁶² In response, James Holland, a Republican from North Carolina, complained that such remarks “applied as forcibly to those who held as to those who imported slaves.” He emphasized that the “morality or immorality of slavery were not to be considered at this time; they were to be laid entirely out of the question.”⁶³ Nonetheless the moral issue remained central in the ensuing debates, including in speeches by southerners such as George Bedinger, a Kentucky Republican who considered the slave trade “little better than murder” and proclaimed his hostility to slavery as well.⁶⁴

A congressional committee eventually drafted a bill based on Bard’s slave tax proposal, but the House of Representatives ultimately voted to postpone considering its implementation.⁶⁵ One reason for postponing federal action was the hope that the South Carolina legislature would repeal the obnoxious law on its own. This hope was not unfounded, the slave trade was controversial in the Palmetto State and the legislature came within one vote of repealing the law on a number of occasions during the next two years.⁶⁶

Inaction on the ten dollar duty did not represent a decline in antislavery sentiment in the House, as seen by the reaction to the Senate’s bill for organizing the Louisiana Territory. James Sloan, a New Jersey Republican who had been a vocal supporter of Bard’s effort to tax the slave trade, felt the Senate’s restrictions on slavery in Louisiana did not go far enough. He proposed an amendment “inhibiting the admission of slaves into Louisiana, as well from the United States, as from foreign places,” thereby banning American citizens migrating to Louisiana from

⁶² *AC 8-1*, 999-1003, quote from 999-1000.

⁶³ *AC 8-1*, 1007.

⁶⁴ Bedinger had previously opposed the tax on the grounds it would sanction the trade, but eventually promised to vote for the bill if the revenue would be used for “humane purposes.” *AC 8-1*, 1027 (17 February 1804).

⁶⁵ *AC 8-1*, 1020-21 (15 February 1804), 1024, 1036 (17 February 1804).

⁶⁶ Ford, *Deliver Us from Evil*, 118-21.

bringing their slaves.⁶⁷ Under this restriction, slavery in Louisiana would only grow at the rate of natural increase, while the proportion of free white inhabitants would grow quickly through emigration, theoretically leading to the demographic conditions which had enable gradual abolition in the North. Debate on Sloan's amendment was not recorded, but one of his opponents, Republican Matthew Lyon of Kentucky (formerly of Vermont), was hanged in effigy for his defense of slavery.⁶⁸ The House approved Sloan's antislavery amendment by a vote of 40 to 36, but the Senate later rejected it.⁶⁹ The Senate also quickly rejected a proposal by George Logan to initiate a bill implementing the ten dollar slave trade duty.⁷⁰ In all, the congressional debates showed that whereas Jefferson had supported only a ban on the Atlantic slave trade to Louisiana, Congress supported more far reaching restrictions, with the House – and perhaps public opinion – more antislavery in sentiment than the Senate.

III. LOBBYING & LOOPHOLES

News of the slave trade bans, which would go into effect on October 1, 1804, reached Louisiana by March 1804 and quickly provoked opposition among white Louisianans.⁷¹ William C.C. Claiborne, governor of the Orleans Territory, reported their unhappiness to Secretary of State James Madison, noting that many inhabitants believed that Congress intended to give South Carolina a monopoly on the slave trade to New Orleans.⁷² Claiborne tried convincing his new constituents that banning slave imports was prudent for security reasons. "I have offer'ed such

⁶⁷ AC 8-1, 1186 (4 March 1804).

⁶⁸ Online, "Politics and Slavery," 379-80.

⁶⁹ AC 8-1, 1186.

⁷⁰ Adams ed., *Memoirs of JQA*, I: 295-96 (20 February 1804).

⁷¹ James Madison forwarded a draft of the bill to Governor Claiborne in Madison the Claiborne, Department State [sic], February 6th. 1804, *Papers of Madison, Secretary of State Series*, VI:436-37.

⁷² Claiborne to Madison, March 10, 1804, *Letter Books I*, p. 25. This view about South Carolina was contradicted by the provisions of the ban, which prevented the importation of any slaves with the intent to sell them, and banned the introduction of any slaves imported since 1798. Yet after the ban on the domestic slave trade was rescinded the following year, South Carolina did in fact have a virtual monopoly on the African slave trade to Orleans as a result of being the only state allowing the importation of Africans.

Reasons against the African Trade,” he told President Jefferson, “as I thought best calculated to reconcile the Inhabitants to its abolition, and frequently instanced the Horrors of St Domingo, & reminded them of the just cause for apprehension, of similar Horrors in this Province at some future Day.”⁷³ This approach was not naïve on Claiborne’s behalf; during much of the 1790s under Spanish rule, Louisiana planters supported slave trade bans when they feared slave revolts.⁷⁴ But in 1804 they apparently felt secure enough under American rule, which included the presence of federal troops, to embrace the importation of slaves.

In Louisiana, as in much of the South, support for the national government was predicated in part on federal noninterference with slavery – except to protect it, and slaveholders there made it clear that their loyalty was contingent on this demand.⁷⁵ Louisiana planters highlighted their opposition to the slave trade bans in a remonstrance to Congress.⁷⁶ Furthermore, Governor Claiborne believed that the request for immediate statehood, also included in the petition, was largely motivated by the recognition that after statehood Congress could no longer control the slave trade to the territory.⁷⁷ Three prominent Louisianan planters traveled to Washington to support their petition. On December 15, 1804, they dined with a number of New England Federalists and expressed their grievances. Senator Plumer recorded that they discussed the importance of having “negroes” to work to the sugar plantations and complained about the lack of elected positions in the territorial government and the language

⁷³ Claiborne to TJ, April 15, 1804, TP IX, p. 222.

⁷⁴ Lachance, “The Politics of Fear,” 162-166.

⁷⁵ John Craig Hammond, “‘They are Very Much Interested in Obtaining an Unlimited Slavery’: Rethinking the Expansion of Slavery in the Louisiana Purchase Territories, 1803-1805,” *JER* 23 (Fall 2003): 353-380.

⁷⁶ The petition was organized in part by three American-born opponents to Claiborne’s administration – Edward Livingston, Daniel Clark, and Evan Jones. Claiborne emphasized that the slave trade was the primary issue of complaint, though this may have been in part to play down the petitioners’ criticism of himself (including his inability to understand French). See: Claiborne to TJ, July 1, 1804, pp. 246-47; John W. Gurley to the Postmaster General, July 14, 1804, p. 263; Claiborne to Madison, October 3, 1804, pp. 304-05; Claiborne to James Madison, October 22, 1804, pp. 312-13; all in TP IX. Kastor, *Nation’s Crucible*, 57-61.

⁷⁷ Claiborne to JM, July 26, 1804, *Letter Books II*, p. 271-72.

problems accompanying the transition to American rule.⁷⁸ John Quincy Adams noted that they sought the removal of Governor Claiborne and that “the prohibition of the slave trade is also an object of great discontent to them.” Although Adams identified opposition to the slave trade ban and Governor Claiborne as the lobbyists’ two primary grievances, he believed “it is not probable they will be gratified in either.”⁷⁹

Meanwhile, Philadelphia Quakers mobilized to counter the Louisianans’ lobbying efforts. In October 1804, antislavery stalwarts such as John Parrish, James Pemberton, and Nicholas Waln joined with some younger members of the Philadelphia Meeting for Sufferings, such as Thomas Wistar, created a new antislavery committee to petition Congress in October 1804.⁸⁰ In the meantime, Parrish also sent a letter of his own to President Jefferson. Noting that the Constitution referred to neither color nor slavery, he insisted that the federal government had an obligation to protect the “unalienable rights of every man.” Dismissing the “constructions which interested men may make” in reference to the 1808 clause, Parrish argued that the clause only applied to the importation of slaves and did not prevent the federal government from extending the “benefits of Government” from those “[enslaved] people already in the Country.”⁸¹ Of course, Parrish’s arguments contradicted the “federal consensus” that slavery was under state jurisdiction, as implied by the Constitution and the Tenth Amendment, and made explicit in the congressional reports from 1790.⁸² Parrish also suggested that Jefferson had a personal obligation to act on behalf of enslaved Americans. Invoking the Constitution’s three-fifths

⁷⁸ Brown ed., *Plumer’s Memorandum*, 222-23 (15 December 1804).

⁷⁹ Adams ed., *Memoirs of JQA*, 321 (15 December 1804). See also: John Quincy Adams to Abigail Adams, Washington 19. Decr: 1804, Adams Papers, reel 403.

⁸⁰ PYM-MS Minutes, 1802-1834, 50 (19 October 1804).

⁸¹ In his letter, Parrish indicated that he had previously given Jefferson some antislavery materials while passing through Washington. John Parrish to TJ, Philada. 10th Mo. 27th. 1804-, ViW: Tucker-Coleman Collection, and Founders Online (forthcoming).

⁸² On anti-slavery constitutionalism and the “federal consensus,” see: William Wiecek, *Sources of Antislavery Constitutionalism in America, 1760-1840*, (Ithaca: Cornell University Press, 1977).

cause, Parrish insisted that the President had a duty to serve the interests of his enslaved constituents. He also cited Jefferson's own *Notes on the State of Virginia* about the evils of slavery, and reminded the President that "we are accountable beings" and hoped that "thou mayest have no cause to repent."⁸³ (Jefferson declined to respond.) In January 1805 Parrish and Thomas Wistar called on the President as part of the Quaker delegations "solicit[ing] the attention of Congress to the subject of African Slavery, as it may be connected with Louisiana & the other territories subject to their immediate controll."⁸⁴ James Pemberton did not make the trip, but wrote to Senator George Logan, encouraging him to oppose "every attempt to oppress any part of the human Species."⁸⁵ As in the 1790s, abolitionists understood the urgency of restricting slavery wherever Congress had jurisdiction.

It appears that the Philadelphia delegation inspired their fellow Quaker James Sloan, a representative from New Jersey, to propose abolishing slavery in the nation's capital.⁸⁶ Linking antislavery to the American Revolution, Sloan suggested the process of gradual emancipation in the District of Columbia on the next Fourth of July. The votes on Sloan's resolution united the southern representatives in opposition far more than debates on the slave trade did. The House of Representatives voted against discussing the motion, 47 to 65 with only five southerners voting in favor. When they next voted on whether to pass his resolution as it stood, four of the five southern votes left Sloan, as did nine of his northern supporters (including abstentions on the

⁸³ John Parrish to TJ, Philada. 10th Mo. 27th. 1804-, ViW: Tucker-Coleman Collection, and Founders Online (forthcoming).

⁸⁴ Caspar Wistar Jr. to Jefferson, Philada. Jany. 15th. 1805, TJ Papers LOC, <http://hdl.loc.gov/loc.mss/mtj.mtjbib014248>. Cited in Ohline, "Politics and Slavery," 385.

⁸⁵ James Pemberton to George Logan, Philada. 10th: 12th mon. 1804, Logan Papers, box 5; James Pemberton to George Logan, Philad:a 1st: 1^{mon}: 1805, *ibid*.

⁸⁶ Parrish described meeting with (unnamed) congressmen in: John Parrish to George & Sarah Aston, Maryland Montgomery Country, 1 mo. 31. 1805, C-P-W, box 2. On his friendship with Sloan, see: James Sloan to John Parrish, City of Washington, December 25. 1806, C-P-W, box 2.

second vote). The House thus rejected his resolution 31 to 77, with Republican John Archer of Maryland the only southerner supporting gradual abolition in the capital.

Given the ways some historians have emphasized the connection between Federalism and antislavery, one might expect northern Federalists to have provided strong support for gradual abolition in the capital, but this was not the case. On the second vote, northern Republicans voted 24 to 15 in favor of Sloan's resolution while northern Federalists voted 12 to 6 *against* the measure.⁸⁷ Northern Federalists were the leading critics of the political influence of the three-fifths clause, but they showed little interest in this chance to pass a law that could actually benefit enslaved people.

Although southern congressmen were nearly united against even discussing gradual abolition in Washington DC, they were more open to regulating slavery and the slave trades in the federal territories. A few days later, on January 21, both houses of Congress voted to accept the Meeting for Sufferings' antislavery petition. The Quakers denounced the Atlantic slave trade and looked forward to the day when Congress could ban it entirely. Referring to the effort to open the Atlantic slave trade to Louisiana, the petitioners called on congress to suppress the "atrocious Trade in Places which...you have legal Power & Authority." They reminded Congress that God made all people of "one Blood," warning: "Is it not just & reasonable that to fear that if the gentle Language of his Spirit 'let this People go' is not attended to, that he will be terrible things in Righteousness, evince his Sovereignty & sustain the Character of a God of

⁸⁷ AC 8-2 995 (18 January 1805).

Justice who is no Respector of Persons?”⁸⁸ Despite this strong language, the House referred the petition to the committee on Louisiana.⁸⁹

The Quaker petition provoked more controversy in the Senate, where some senators “opposed its being read with great zeal and vehemence,” according to William Plumer. Opponents argued that since the Quakers owned no slaves they “had not right to petition” on the subject, and that such agitation “tended to depreciate the value of their slaves – That it would render their slaves uneasy, useless & rebellious.” The petition’s advocates argued that the Constitution’s three-fifths clause was a “real grievance” and gave northerners a political interest in preventing the growth of slavery.”⁹⁰ The Senate voted 19 to 9 to read the petition, with six slave state senators voting affirmative and two northerners voting against.⁹¹ In an unrecorded vote of 14 to 14, a proposal to refer the petition to committee failed after the president pro tem cast the deciding vote.⁹²

The House’s more favorable reception to the petition likely reflected popular antislavery sentiment. John Quincy Adams recorded in his diary that the petition met different fates in the two houses of Congress “because the debates of that House are always published, and those of the Senate very seldom; nor were there any stenographers this day present.”⁹³ He believed that public sentiment was on the side of the abolitionists and influenced congressional behavior. Northern Republicans also emphasized antislavery credentials in political campaigns. For example, “An Elector” praised Congress for having “exhibited a becoming regard to freedom in

⁸⁸ PYM-MS petition to Congress, in PYM-MS 1802-1834, 55-57 (28 December 1804).

⁸⁹ AC 8-2, 996 (21 January 1805).

⁹⁰ Brown ed., *Plumer’s Memorandum*, 250 (21 January 1805).

⁹¹ The two northerners voting against the petition were Stephen Bradley of Vermont (predictably) and John Smith of New York, both Republicans. AC 8-2, 39 (21 January 1805).

⁹² This vote is not mentioned in the *Annals*; Plumer and Adams mentioned it but did not record names (though Adams notes that the President [pro tem Joseph Anderson] voted against committal). The Quakers also reported on the proceedings in: PYM-MS Minutes 1802-1834, 59-60 (11 March 1805), 64-65 (15 March 1805).

⁹³ Adams ed., *Memoirs of JQA*, I:336-37 (21 January 1805).

the prohibition of the importation of slaves into Louisiana, and a decent but decided disapprobation of the Conduct of South Carolina, in her late degrading procedure, relative to the slave trade.”⁹⁴

Meanwhile, Quaker abolitionists continued their efforts to mobilize public opposition to the slave trade. In 1805 Nicholas Waln and other members of the Philadelphia Meeting for Sufferings helped British Quaker Ann Tuke Alexander publish *An Address to the Inhabitants of South Carolina*, one of the first antislavery pamphlets by a woman.⁹⁵ Alexander had recently traveled through the South and had been horrified “at the sight of my fellow-creatures, of the African race, deprived of their natural liberty, and of almost every means of improvement of those faculties bestowed upon *them* as well as ourselves...by that all-wise Creator.”⁹⁶ Identifying the slave trade as “the greatest of national crimes,” Alexander called on Americans to end the “sinful traffic” and “let the oppressed go free.” Failure to act would expose the Union to “those national punishments, which must be expected, as a just retribution for the blood of thousands of those innocent people, which has long cried for vengeance, and whose cry has reached the ears of the Lord.”⁹⁷ The Meeting for Sufferings printed 1,500 copies of this short but provocative pamphlet.⁹⁸

Other writers including Thomas Paine mocked and condemned the Louisianan petitioners for advocating the Atlantic slave trade.⁹⁹ Writing as “Common Sense,” Paine derided the Louisianans’ pretensions to the “right” of self-government: “You are arriving at freedom by the

⁹⁴ *Vermont Gazette* (Bennington), 13 March 1804.

⁹⁵ PYM-MS Minutes 1802-1834, 58-59 (23 February 1805).

⁹⁶ [Ann Tuke Alexander], *An Address to the Inhabitants of Charleston, South Carolina* (Philadelphia: Kimber, Conrad, & Co., 1805), 4.

⁹⁷ *Ibid.*, 5-7.

⁹⁸ PYM-MS Minutes 1802-1834, 73 (20 September 1805).

⁹⁹ Eberhard L. Faber, “Building the Land of Dreams: The American Transformation of New Orleans, 1795-1820,” (PhD diss., Princeton University, 2012), 355-63.

easiest means that any people ever enjoyed it; without contest, without expence, and even without any contrivance of your own. And you already so far mistake principles that under the name of *rights* you ask for *powers*; *power to import and enslave Africans*; and *to govern a territory that we have purchased*.” Paine could not believe they would have the gall to “*petition to Heaven for such a power, without fearing to be struck from the earth by its justice*.”¹⁰⁰

Another writer lampooned the Louisianans’ demands in mock creole dialect: “For why ve be free if ve not have de slave? Vive Louisiane! *Liberte and slave trade!!*”¹⁰¹ An anonymous satirist sent a poem to President Jefferson, titled “The Louisiana Memorial Abridged,” concluding: “Receive us to your arms as Brothers / And grant us *to make slaves of others*.”¹⁰²

Despite widespread public and political opposition, the Louisiana planters largely got their way in the end. Local opposition in the Orleans Territory rendered the federal ban on the Atlantic and domestic slave trades to largely unenforceable.¹⁰³ This development was not unforeseen; during the Senate debates a number of senators had raised concerns that the federal government had no way to enforce such a locally-unpopular law. Two southern senators predicted enforcing the law would “render a standing army necessary.”¹⁰⁴ Israel Smith, a Republican from Vermont warned that the ban would “estrangle” the Louisianans from the federal government and its unenforceability to prohibiting New Englanders from drinking hard cider.¹⁰⁵ Some of these congressmen may have had cynical reasons to oppose antislavery efforts,

¹⁰⁰ COMMON SENSE, “To the French Inhabitants of Louisiana,” (22 September 1804), in Thomas Paine, *Letters and Essays on Various Subjects...by Thomas Paine*, (:London: R. Carlile, 1819), 119-23, quotes from 120, 123.

¹⁰¹ “Serpent D’eau,” *Palladium*, 7 September 1804, cited in Faber, “Building the Land of Dreams,” 357.

¹⁰² “The Louisiana Memorial Abridged,” [received 11 September 1804], TJ Papers, LOC, quoted in Hammond, *Slavery, Freedom, and Expansion*, 50.

¹⁰³ Hammond, *Slavery, Freedom, and Expansion*, 46-7. See also: Claiborne to TJ, November 25, 1804, p. 340, in TP IX.

¹⁰⁴ Brown ed., *Plumer’s Memorandum*, 127-128 (James Jackson and Samuel Smith, 31 January 1804).

¹⁰⁵ Brown ed., *Plumer’s Memorandum*, 121 (26 January 1804).

but they correctly recognized that the federal government's coercive power – especially via peaceful means – had limited reach.¹⁰⁶

It appears that Congress conceded the impracticality of the complete slave trade ban when they revised the provisional act governing the territory in early 1805. The 1804 legislation had imposed a temporary government consisting mainly of appointed officials and had been designed to expire after one year when a more permanent government could be established. The 1805 Governing Act gave the territory a more representative system of government, though the governor and Legislative Council would remain appointed positions.¹⁰⁷ The new act did not mention the prohibitions on either the domestic or the foreign slave trade, but stated that the territory would be governed under the same laws as the Mississippi Territory, except where explicitly stated otherwise.¹⁰⁸ Although the foreign slave trade was banned in Mississippi, the domestic slave trade was not, leading to a level of ambiguity. In December 1805, a month after the new Governing Act went into effect, a Louisiana official reported that local lawyers had “unanimously expressed an opinion” that the new Governing Act repealed “the prohibitions against the importation of Slaves contained in the Act of 1804.” He also reported that ships laden with slaves were arriving daily.¹⁰⁹ An 1806 congressional investigation confirmed that “the importation of slaves from any place within the limits of the United States” was legal, even if the slaves had been recently imported from Africa into South Carolina.¹¹⁰ As a result, between

¹⁰⁶ Theoretically the federal government could have employed military force to impose antislavery policies in Louisiana. But there was no political support for such measures which would have contradicted Republican conceptions of the federal union and could have provoked open conflict in an area characterized by border disputes with Spain. Van Cleve, *Slaveholders' Union*, 219.

¹⁰⁷ Kastor, *Nation's Crucible*, 80.

¹⁰⁸ An Act Further Providing for the Government of the Orleans Territory, *Statutes at Large*, 8-1. 322-23.

¹⁰⁹ James Brown to Albert Gallatin, December 11, 1805, TP IX, pp. 545-49.

¹¹⁰ *Report of the Committee Appointed...to Enquire Whether any, and if any, what, additional Provisions are Necessary to Prevent the Importation of Slaves into the Territories of the United States* (Washington DC: A. & G. Way, 1806), 3.

1805 and 1808, about five thousand Africans were imported into Louisiana through South Carolina.¹¹¹

The extent to which the “South Carolina loophole” was intentional remains unclear to historians. John Craig Hammond argues that the ambiguous slave trade policy reflected congressional awareness of the federal government’s limited powers of coercion in an “overextended republic.”¹¹² George Van Cleve asserts that “there was little doubt that [the federal government] had the necessary power to enforce its decision [to ban the slave trade] over local opposition,” and suggests instead that Congress had never intended the slave trade bans under the 1804 law to go into effect and that the Jefferson administration supported the South Carolina loophole.¹¹³ Eberhard Faber suggests that a “more realistic if less dramatic explanation is that Congress was simply distracted by other matters, left the South Carolina loophole open inadvertently, and negligently – and then, after New Orleanians actually resumed importing slaves, the administration was too nervous about the tenuous loyalty of Louisiana, in the face of growing international threats, to press the issue.”¹¹⁴ Congress was more preoccupied with the impeachment of Judge Samuel Chase and the Yazoo land fraud; any discussion of the slave trade provisions of the governing act went unrecorded. Meanwhile Jefferson was – or at least claimed to be – unaware of the revival of slave trading to Louisiana. In January 1807 the President wrote a letter indicating that he still believed the 1804 ban on the domestic slave trade remained in effect. He proposed “permitting them to receive slaves from the other States,” seemingly unaware the Louisianans were receiving fresh imports from Africa through South Carolina.¹¹⁵

¹¹¹ Ford, *Deliver Us from Evil*, 119-21.

¹¹² Hammond, *Slavery, Freedom, and Expansion*, 50-51.

¹¹³ Van Cleve, *Slaveholders’ Union*, 221-22

¹¹⁴ Faber, “Building the Land of Dreams,” 367-68.

¹¹⁵ TJ to John Dickinson, Washington Jan. 13. 07, TJ Papers, LOC. (It has been suggested that this letter was misdated and is actually from 1805, but it is clearly in response to Dickinson’s letter of 1 January 1807, *ibid.*)

Congress's later efforts to close the South Carolina loophole also suggests that they had not anticipated the convergence of the Atlantic and domestic slave trades.

* * *

South Carolina's decision to reopen the Atlantic slave trade had major repercussions beyond the state's borders. While about ten percent of the fifty thousand Africans that South Carolinians imported were then transported to Louisiana, slave traders sold even greater numbers in Georgia and Alabama.¹¹⁶ The assumption that Congress would prohibit slave importations in 1808 certainly increased slaveholders' urgency to increase their labor supply before that date, as cotton production continued to expand in the Lower South.¹¹⁷ In response the number of slaving voyages undertaken by Americans more than tripled.

American participation in the Atlantic slave trade, as both carriers and purchases, peaked in the years between 1804 and 1808. Statistics derived from the Trans-Atlantic Slave Trade Database demonstrate the effect of the South Carolina slave trade on American involvement in slave trade to foreign ports and foreign involvement in the American slave trade. Between 1800 and 1803, less than thirteen percent (13 out of 103) of documented voyages by American slave ships supplied the domestic market (the rest illegally supplied foreign markets).¹¹⁸ Between 1804 and 1808, sixty-three percent (225 out 356) supplied domestic markets, almost entirely to South Carolina with a little smuggling to Georgia. Between 1800 and 1803, eighty percent (69 of 86) of American slaving voyages began in Rhode Island while less than five percent (4 of 86)

¹¹⁶ Ford, *Deliver Us from Evil*, 119-121, 127.

¹¹⁷ On the connection between cotton and slavery expansion, see especially: Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998); Rothman, *Slave Country*; Schoen, *Fragile Fabric of Union*.

¹¹⁸ The following statistics on American participation in the Atlantic slave trade are drawn using data and tables created by:
<http://slavevoyages.org/tast/database/search.faces?yearFrom=1800&yearTo=1803&natinimp=9&portret=> (accessed 15 May 2013) and
<http://slavevoyages.org/tast/database/search.faces?yearFrom=1804&yearTo=1807&natinimp=9&portret=> (accessed 15 May 2013).

began in South Carolina (out of eighty-six voyages identified as American). During the subsequent four years, Rhode Island's participation increased but its total share dropped to under forty-seven percent (150 of 321) of American slaving voyages, while nearly as many (148 of 321) sailed from South Carolina. The involvement of Rhode Island slavers, openly documented in South Carolina customs records, made a mockery of the Rhode Island ban on slave trading, but was outside of federal jurisdiction. Meanwhile, the British, who remained the world's most active slave traders, also entered the South Carolina market.¹¹⁹ Between 1800 and 1803, seven British voyages had disembarked 1,576 slaves in the United States; during the next four years, sixty-eight British voyages delivered 19,071 slaves to America (using larger ships than their American counterparts). During this latter period the South Carolinian and Rhode Island slave traders disembarked 29,741 enslaved Africans on 226 voyages supplying the domestic market. The exact ownership of slaving vessels is difficult to determine because they could be owned by foreigners or sailed under false flags, but it is clear that the legalization of the South Carolina slave trade led to unprecedented American involvement in the Atlantic slave trade.

IV. SLAVERY IN THE 9th CONGRESS

Slave traders found ready buyers for the thousands of enslaved Africans they imported through South Carolina, but they also provoked continued opposition throughout the Union. The legislatures of five states – including slaveholding North Carolina, Tennessee, and Maryland – proposed a constitutional amendment allowing the immediate abolition of the slave trade (even though the Constitution's article on amendments specifically identified the Atlantic slave trade

¹¹⁹ The following statistics on participation in the slave trade to mainland North America between 1800-1803 and 1804-1807 are drawn using data and tables created by:
<http://slavevoyages.org/tast/database/search.faces?yearFrom=1800&yearTo=1803&mjslptimp=20000> (accessed 15 May 2013) and
<http://slavevoyages.org/tast/database/search.faces?yearFrom=1804&yearTo=1807&mjslptimp=20000> (accessed 15 May 2013).

clause as one of two provisions that could not be amended).¹²⁰ Meanwhile Congress continued dedicating days of debate to the slave trade, even as worsening relations with Britain and France became more and more pressing.

At times politicians' support for antislavery policies were half-hearted at best; but they demonstrated the public importance of antislavery posturing, especially among northerners. On December 16, 1805, Senator James Bradley, a Vermont Republican, proposed a bill "to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808."¹²¹ A "long warm & animated" debate ensued, with a number of northerners, such as John Quincy Adams, arguing that the Constitution prevented Congress from even discussing such a bill until 1808. Federalist William Plumer of New Hampshire disagreed and pressed Bradley to request a roll call vote. This tactic made all the northern Republicans line up in support of the measure, because they feared how a vote against slave trade abolition would appear to their constituents. The proposal passed by a vote of 18 to 9, though Plumer believed "its certain the motion would have been negatived" if the vote had not been recorded. He also indicated that at least one of the three New England Federalists who voted against the measure did so because it was supported by the "democratic friends."¹²² It seems that most senators were content to delay dealing with the issue as long as possible, but the assumption of popular antislavery sentiment – at least among northern Republicans' constituents

¹²⁰ New Hampshire and Vermont called for similar amendments. (The other provision of the Constitution protected from amendment is the guarantee of two senators for each state.) Online, "Politics and Slavery," 408-9; Morgan, "Proscription by Degrees," 21.

¹²¹ *AC 9-1*, 20-21 (16 December 1805). *AC 9-1*, 20 (12 December 1805).

¹²² Brown ed., *Plumer's Memorandum*, 355 (17 December 1805). By contrast, Plumer took great pride in prioritizing sectionalism over partisanship. On 22 February 1805, Plumer celebrated his success in preventing the annual Federalist banquet held in honor of George Washington's birthday. He opposed such celebrations because they encouraged partisanship at the expense of sectionalism – "That it had a direct tendency to encrease & strengthen the state of parties in New England - An evil much to be deprecated – That we ought to endeavor to amalgamate – that our interest was one - & the *slave states* had interests & views inimical to ours." Brown ed., *Plumer's Memorandum*, 299.

– encouraged a majority to support Bradley’s proposal. Indeed, both Plumer and John Quincy Adams noted that Bradley himself had no record of antislavery sentiment and was only responding to pressure from his constituents.¹²³ The next day Bradley sabotaged his own resolution by calling for a postponement until February; this proposal was then amended to December 1806 and passed by an unrecorded vote of 15 to 14.¹²⁴

Other slave trade controversies continued occupying Congress’s attention in the meantime. In the House of Representatives, James Sloan revived the attempt to impose a ten dollar duty on the slave trade, and his resolution was eventually passed and various versions of a bill were brought forth, though the session ended without passing a law.¹²⁵ Much of the debate echoed the previous session. Supporters intended the tax “to express our disapprobation of this traffic.”¹²⁶ Opponents from both the North and South continued to insist that a tax would unintentionally “sanction” the trade.¹²⁷ Some opponents, especially from the South, argued that it was improper for the federal government to cast moral judgment on state policies. Peter Early, a Republican from Georgia, warned that those “who regard either the feelings of one State, or the peace and harmony of the whole nation. [sic] will do well to reflect before they adopt a policy

¹²³ Brown ed, *Plumer’s Memorandum*, 354 (17 December 1806); Adams ed, *Memoirs of JQA*, 378-79 (17 & 18 December 1806).

¹²⁴ *AC 9-1* 21 (18 December 1806). Plumer recorded that the Vice President broke the tie in favor of postponement, and that a roll call vote would have defeated the proposal. Brown ed. *Plumer’s Memorandum*, 355 (18 December 1806).

¹²⁵ *AC 9-1*, 272-73 (10 December 1806).

¹²⁶ *AC 9-1*, 350-51 (Smilie of PA, 20 January 1806). See also: *ibid*, 348-49 (Southard of NJ, 20 January 1806), 361-62 (Nelson of MD or VA),

¹²⁷ *AC 9-1*, 371 (Bedinger of KY, 21 January 1806). Another method of obstructing the legislation, initiated by Federalist Samuel Dana of Connecticut, was the attempt to amend the law to tax free immigrants entering the US as well. *Ibid*, 349 (20 January 1806), 349-50 (Alston of NC), 358 (Clark of VA). James Fisk, a Republican from Vermont, charged that Dana was “against the whole resolution, and brought forward the one to the defeat the other.” *Ibid*, 351 (20 January 1806). Dana’s proposal was rejected on 21 January 1806: *AC 9-1*, 363.

bottomed on such a principle.”¹²⁸ Tensions soon rose beyond Early’s vague allusions to sectional discord to insinuated threats of personal violence.

Antislavery rhetoric nearly led to a duel in one instance. James Broom, a Federalist from Delaware, gave a lengthy speech supporting the slave import tax and bemoaning the hypocrisy of a people who fought for their own liberty but then proceeded “to trample under foot the most sacred rights of humanity and justice.”¹²⁹ In response, Peter Early accused Broom of “wounding the feelings of South Carolina” along with his own state of Georgia by association.¹³⁰ William Plumer recorded in his diary that the controversy continued after Congress adjourned for the day, as “one of the Representatives from South Carolina, sent a note to Mr. Broom requesting an explanation.”¹³¹ The next day, Broom explained to the House that his observations applied only to slave traders “and not to any State or member on this floor.”¹³² This apology “fully satisfied Mr. Smith” and the matter dropped.¹³³ Later that day, the House voted by a large majority of 90 to 25 to create a bill implementing Sloan’s proposed slave trade duty.¹³⁴ While the vote and much of the debates represented a broad cross-sectional consensus on the immorality of the slave trade, the Broom incident also demonstrated how quickly indirect discussion of slavery could provoke heated sectional and personal controversy. One South Carolinian disparaged the bill as

¹²⁸ *AC 9-1*, 363 (21 January 1806). See also: *ibid*, 360 (Macon of NC, 20 January 1806), 372-73 (Dawson of VA, 22 January 1806).

¹²⁹ *AC 9-1*, 368 (21 January 1806).

¹³⁰ Despite complaining about antislavery criticism, Early did not defend slavery but instead boasted of Georgia’s constitutional prohibition on the Atlantic slave trade. *AC 9-1*, 371 (21 January 1806)

¹³¹ Brown ed., *Plumer’s Memorandum*, 392 (27 January 1806).

¹³² In both of his speeches, Broom expressed a mistaken belief that the 1794 and 1800 laws forbade American citizens from any involvement in the Atlantic trade, whereas they only banned American involvement in the trade to foreign ports (though most states had banned all participation in the Atlantic slave trade). He apparently did not realize that South Carolinians were permitted by state and federal law to engage in the Atlantic slave trade to their own state. *AC 9-1* 373 (22 January 1806).

¹³³ Brown ed., *Plumer’s Memorandum*, 392 (27 January 1806). On the prevalence of dueling threats in Congress, see: Joanne Freeman, *Affairs of Honor: National Politics in the New Republic*, (New Haven: Yale University Press, 2001), 159-98.

¹³⁴ Only four northerners voted against the motion (Republicans Crowninshield of MA and Masters of NY; Federalists Elliot of VT and T. Thompson of NH). *AC 9-1*, 375 (22 January 1806).

designed “to give gentlemen an opportunity to vent their spleens against the State of South Carolina.”¹³⁵

Over the ensuing weeks, various versions of the slave trade tax bill were debated and although no bill became law, the version presented on February 14 foreshadowed important sectional divisions that would become fully apparent in the following session.¹³⁶ Sloan’s committee responded to concerns about unintentionally appearing to countenance the slave trade by explicitly stating: “nothing in this act shall be construed to give a sanction to the importation of slaves...it being the true intent and design of this act to discourage, as far the constitution permits, the further introduction of slaves into the United States.” More controversially, the bill decreed that “any such person or slave” imported without payment of the \$10 duty, would be forfeited to the Secretary of the Treasury and “shall be intitled to his or her freedom” after serving an indentured apprenticeship for no more than fifteen years.¹³⁷ As with the federal laws freeing slaves illegally imported into the Mississippi and Louisiana territories, this bill implicitly supported the view that the normative status of Africans was freedom. But while the previous laws applied only to federal territories where Congress had authority to establish internal legislation, the proposal to free enslaved people who had been imported into slave states represented a more controversial extension of federal power. The question of how the federal government should treat “recaptured” Africans (as they came to be known), became a point of recurring controversy.¹³⁸

¹³⁵ *AC 9-1*, 439 (David R. Williams, 4 February 1806).

¹³⁶ Ohline, “Politics and Slavery,” 408; Hazel Akehurst, “Sectional Crises and the Fate of Africans Illegally imported into the United States, 1806-1860,” *American Nineteenth Century History* 9, (June 2008), 101.

¹³⁷ “A Bill, For imposing a tax of ten dollars on all slaves hereafter imported into the United States,” *Bills and Resolutions, House of Representatives, 9-1*, HR Bill 34 (14 February 1806).

¹³⁸ Akehurst, “Sectional Crises.”

John Jackson, a Virginia Republican, immediately “moved to the reject the bill.”¹³⁹ The Virginia legislature had recently revised the state slave laws in ways incompatible to Sloan’s forfeiture and freedom provision. Virginia’s previous ban on the importation of slaves (whether via the Atlantic or interstate slave trades) had granted freedom to such slaves. But the new law of January 1806 forfeited them “to the overseers of the poor, to be sold for cash.”¹⁴⁰ Supporters of the new Virginia law, which also required manumitted slaves to leave the state, insisted that the revisions did not represent a retreat from antislavery sentiment but a pragmatic recognition of dangers posed by free blacks within a slave society. State legislator William Burwell told President Jefferson that he was “not disposed to check Em[ancipa]t[i]on because of hostility to that miserable class of beings, but to prevent the multiplication of that middle Sort of persons in *this* Commonwealth, from whom we may expect to experience the evils of insurrection, carnage, & civil war.” Burwell regretted slavery’s existence, but warned that freeing slaves within the state was “false humanity” because it threatened to increase the danger of slave revolt.¹⁴¹ In his mind as in Jefferson’s, the principles of humanity and expediency required black removal as a necessary component of emancipation.¹⁴²

But southern opposition to the Sloan committee’s freedom provision in the slave tax bill appears to have involved more than practical concerns about free blacks. In an attempt to forestall southern opposition to increasing the free black population, Sloan’s bill allowed the forfeited Africans to be “removed to any state, the laws of which admit their admission,” if they

¹³⁹ AC 9-1, 466 (14 February 1806). Jackson had previously expressed his hope that Congress would not have “anything to do” with slaves who were imported without paying the proposed tax. AC 9-1, 443 (5 February 1806)

¹⁴⁰ “An Act to amend the several laws concerning slaves,” (25 January 1806), Samuel Shepherd ed, *The Statutes of Virginia, from October Session 1792 to December Session 1806, Inclusive*, (3 vols., Richmond: Samuel Shepherd, 1836), III:251-53. This law is better known for its restriction on manumissions. Wolf, *Race and Liberty*, 123-26.

¹⁴¹ William A. Burwell to Thomas Jefferson, Richmond January 18, 1805, Jefferson Papers LOC.

¹⁴² On Jefferson’s similar views, see: Onuf, “To Declare them a Free and Independent People;” Dierksheide, “The Great Improvement and Civilization of that Race.”

were confiscated in a slaveholding state.¹⁴³ This provision would have codified the informal practice established in 1800, when the Pennsylvania Abolition Society took charge of the 134 Africans confiscated from two ships, the *President* and the *Phoebe*, in violation of the 1794 and 1800 Foreign Slave Trade acts.¹⁴⁴ Nevertheless, the bill proved too controversial, and after some unrecorded debate the sections on forfeiture and freedom were stripped from the bill, as the notion of the federal involvement in questions of slavery and freedom within a state was unacceptable to many slaveholders.¹⁴⁵ As the reporter for the House of Representatives told the public: “As the bill now stands...It is silent with regard to the forfeiture or liberation of the slaves.”¹⁴⁶ After repeatedly being recommitted and postponed, the bill died without coming up for a final vote.¹⁴⁷

The combination of growing tension over some of the provisions – latter versions of the bill also removed the section expressing criticism of the slave trade – along with the recognition that Congress would soon have the power to prohibit the Atlantic slave trade entirely, likely accounted for the declining support for the tax. Furthermore, continued conflict with France and Britain over neutral shipping rights and impressment meant that Congress was more concerned with bills fortifying American harbors and enacting commercial sanctions than focusing on the increasingly divisive slave trade issue.

¹⁴³ “A Bill, For imposing a tax of ten dollars on all slaves hereafter imported into the United States,” *Bills and Resolutions, House of Representatives, 9-1*, HR Bill 34 (14 February 1806).

¹⁴⁴ ACAS, MAC 7, (1801), 25-26; Edward Needles, *An Historical Memoir of the Pennsylvania Society for Promoting the Abolition of Slavery...* (Philadelphia: Merrihew and Thomson, 1848), 46-47.

¹⁴⁵ Under the new bill, smugglers’ ships were forfeited but no mention was made of the human cargo. “A Bill, For imposing a tax of ten dollars on all slaves hereafter imported into the United States,” *Bills and Resolutions, House of Representatives, 9-1*, HR Bill 39 (19 February 1806). The latest version of the bill was also silent on what would be done with the enslaved Africans. “A Bill, Imposing a duty on all slaves imported into the United States,” *ibid*, HR Bill 49 (4 March 1806).

¹⁴⁶ AC 9-1, 481 (19 February 1806); *Aurora* (Philadelphia), 19 March 1806.

¹⁴⁷ AC 9-1, 519 (27 February 1806), 533 (4 March 1806); *Journal of House of Representatives 9-1*, 338 (24 March 1806).

In the midst of the debates over the slave trade tax, the House of Representatives also considered legislation that would close the “South Carolina loophole.” The proposal came from a seemingly unlikely source, David R. Williams, a Republican from South Carolina.¹⁴⁸ Williams’s motives are somewhat unclear. On the one hand, the slave trade from Africa to South Carolina to the territories enriched South Carolinian slave traders and increased expansion of slaveholders’ national economic and political importance. On the other hand, the expansion of the cotton frontier into the territories increased the competition for South Carolinian cotton planters like Williams, who had built the state’s first cottonseed-oil mill.¹⁴⁹ On February 7, 1806, the House passed Williams’s resolution to create a committee investigating whether “additional provisions are necessary to prevent the importation of slaves into the territories of the United States.”¹⁵⁰ Ten days later they reported that under existing laws the importation of slaves from Africa to South Carolina and then to the territories was legal, was common, and “will be continued to a very great extent while there is no law to prevent it.” The committee believed it was “expedient” to craft legislation forbidding the practice.¹⁵¹ The House approved the resolution and the committee presented a bill on March 27.¹⁵² The bill imposed fines of five hundred dollars per illegally-imported slave, but was silent on what would be done with the slaves themselves. It also preserved the right of American citizens to move to the territories with

¹⁴⁸ AC 9-1, 439 (4 February 1806). Williams initially proposed his provision as an amendment to Sloan’s bill. But the next day he withdrew it and said he would pursue it separately as Sloan apparently viewed it as “intended to defeat” the tax bill. Ibid, 442 (5 February 1806).

¹⁴⁹ “Williams, David Rogerson, (1776-1830,” *Biographical Dictionary of the United States Congress*, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=W000495> (accessed 14 January 2013).

¹⁵⁰ AC 9-1, 445 (7 February 1806).

¹⁵¹ AC 9-1, 472-73 (17 February 1806).

¹⁵² AC 9-1 522-23 (28 February 1806);

their own slaves, including those newly imported from Africa.¹⁵³ Like Sloan's tax bill, Williams's bill was lost in the shuffle of the end of the congressional session.

* * *

The Ninth Congress's first session ended without any action taken in regard to the slave trade. But the debates of the preceding two years demonstrated that a moral consensus ensured that Congress would be nearly unanimous in banning the importation of slaves after 1808. Yet at the same time, growing tensions over efforts to morally stigmatize slavery and the debate over what to do with recaptured Africans foreshadowed the controversies which would accompany the creation of the slave trade abolition bill in 1807.

V. PROTECTING SLAVERY IN LOUISIANA

While the federal government was unwilling or unable to impose and enforce unpopular slave trade restrictions in Louisiana, it used its military power to reinforce the plantations system there. Federal troops guarded against and suppressed slave rebellions, policed the slave trade, and aided the capture and return of fugitive slaves. Rather than being driven by proslavery policies formulated in Washington, these actions typically involved local decisions made in response to concerns about geopolitical security in a contested borderland.¹⁵⁴ The federal government's tenuous sovereignty over the recently foreign population was complicated by Spain's continued opposition to the Louisiana Purchase (which violated the terms of the 1800 treaty ceding

¹⁵³ "A Bill to prohibit the introduction of slaves into the Mississippi Territory of Orleans," *Bills and Resolutions 9-1*, HR Bill 63 (27 March 1806).

¹⁵⁴ Although I give more attention to the role of fugitives slaves, my general analysis follows that of: Kastor, *Nation's Crucible*, 96-114; Hammond, *Slavery, Freedom, and Expansion*, 49; idem, "Uncontrollable Necessity": The Local Politics, Geopolitics, and Sectional Politics, of Slavery Expansion," in *Contesting Slavery*, eds. Hammond and Mason, 138-160. For the best discussion of the geopolitical importance of fugitive slaves in this area, see: Vallasana J. Haggard, "The Neutral Ground Between Louisiana and Texas, 1806-1821," *Louisiana Quarterly*, (October 1945): 1001-1128.

Louisiana from Spain to France). Effective American control over the territory required appeasing the local elite.

As a territory, Louisiana was home to the largest peacetime concentration of federal army troops in the United States.¹⁵⁵ This state of affairs was necessary to fulfill Governor William C.C. Claiborne's pledge, upon taking control of Louisiana, that under the "Guardianship of the United States," the inhabitants would be secure from "all force and violence from without and within."¹⁵⁶ Claiborne, as well as the Jefferson administration, recognized that the government's authority and legitimacy would depend on providing security.¹⁵⁷ In the eyes of many American officials, the primary threat came from "without" – most likely from Spain.¹⁵⁸ In Europe, Spanish diplomats contradicted American claims as to the boundaries of the Louisiana Purchase (which were ambiguous in the treaty) while Spanish officials in North America refused to evacuate disputed areas such as Baton Rouge and Mobile and spread rumors that Louisiana would be returned to Spain.¹⁵⁹

Many Louisiana planters, on the other hand, were more concerned with the threat from "within" posed by their slaves and the additional Africans they sought to purchase. During the

¹⁵⁵ Kastor, *Nation's Crucible*, 55. In 1804 there were three hundred and seventy five troops stationed at New Orleans, more than any other single site. Over the years the numbers were greatly increased in response to slave unrest and tensions with Spain (which were intricately connected, as discussed below). By 1809 the army had 4,439 troops stationed in the Orleans Territory. "A Return of the Army...1803," *American State Papers: Military Affairs*, Vol. I, p. 177; "Military Force and its Disposition in 1810, Ibid, pp. 249-253.

¹⁵⁶ "Proclamation Issued on Surrender of Louisiana," December 20, 1803, *LB I*, p. 307-09.

¹⁵⁷ Onuf, "Expanding Union," in *Devising Liberty: Preserving and creating Freedom in the New American Republic*, ed. David Konig, (Palo Alto: Stanford University Press, 1996), 58-69.

¹⁵⁸ Claiborne to Madison, December 11, 1804, *Letter Book*, III:25-26. Claiborne to JM, July 14, 1804, *Letter Book*, II:248-49; Claiborne to Casa Calvo, July 25, 1804, Ibid, 265-66; Claiborne to Madison, October 22, 1804, *TP*, IX:312-13.

¹⁵⁹ Neither the Louisiana Purchase Treaty nor the Treaty of Ildefonso (Spain's retrocession of Louisiana to France in 1800) specified the boundaries of the territory. Jefferson and Madison maintained that both the both extended west to the Rio Grande (or at least to the Sabine River) and east to the Perdido River. French negotiators had given Robert Livingstone verbal assurances that they would support American claims against Spain but failed to follow through. Many scholars, such as Tucker and Hendrickson, view Jefferson's territorial claims as "highly dubious," but Stagg argues that they conform to the Law of Nations and are no less reasonable than the Spanish position. Tucker and Hendrickson, *Empire of Liberty*, 139-143; Stagg, *Borderlines in Borderlands*, 6-8.

Orleans's territorial stage, the United States government was actively employed protecting the plantation regime. In 1806, the first American census of the Orleans reported 25,493 whites, 22,701 slaves, and 3,350 free blacks (and thousands of uncounted Native Americans).¹⁶⁰

Following a purported slave conspiracy in 1805, the Mayor of New Orleans observed: "I am not a fan of standing Armies in a free country but we are in a country of Slaves."¹⁶¹ Governor Claiborne and other territorial officials believed the use of federal troops to guard against the interrelated threats of slave resistance and Spanish aggression was essential to maintaining the loyalty of the white Louisianans.

Throughout history, slaves have shrewdly exploited opportunities offered by splits within and between ruling classes, and Louisianan slaves were no exception. Beginning in the summer of 1804, slaves began escaping from Orleans into Spanish territory as rumors circulated of Spanish asylum for runaways.¹⁶² It remains unclear whether Spanish officials had formally reintroduced this policy – which dated back to the seventeenth century but had been discontinued in 1790 in response to pressure from the Washington administration – or if the slaves took the initiative themselves.¹⁶³ Regardless, by 1805 Spanish authorities in Texas had a formal policy of granting freedom and protection to American slaves who sought refuge in Spanish territory.¹⁶⁴

¹⁶⁰ "Census for the Territory of Orleans taken for the year 1806," TP IX, p. 702. Additionally there were thousands of Indians not included in the census.

¹⁶¹ John Watkins to Secretary Graham, September 6, 1805, in TP IX, p. 503.

¹⁶² Petition to Edward Turner by Inhabitants of the District of Natchitoches, July 29, 1804, TP, IX:273-74; see also, Claiborne to Edward D. Turner, August 10, 1804, *Letter Book*, II:303-04; Claiborne to JM, September 1, 1804, in *Ibid*, 315; Claiborne to Edward D. Turner, March 31, 1805, *Letter Book :Interim Appointment*, 215; Claiborne, *Circular*, New Orleans, November 8th 1804, in *Early American Imprints*.

¹⁶³ On the earlier Spanish asylum policies, see: Peter Wood, *Black Majority: Negroes in Colonial South Carolina, From 1670 to the Stone Rebellion*, (New York: W.W. Norton & Company, 1974), 259-260, 304-06; Jane Landers, *Black Society in Spanish Florida*, (Chicago: University of Illinois Press, 1999), 24-29, 79-81.

¹⁶⁴ Haggard, "Neutral Ground The Neutral Ground Between Louisiana and Texas, 1806-1821." *Louisiana Historical Quarterly* (October 1945), 1071. With the exception of J. Vallansa Haggard, most scholars seem unaware that the Spanish were actively promoting American slaves to run away during this period, and treat the issues of fugitive slaves and foreign policy as unrelated. Peter Kastor correctly argues that "It was through the lens of international affairs and incorporation, not just of racial supremacy, that whites considered the dangers of slave revolt. So too for the slaves, who understood that the contested borderlands could facilitate their own plans for escape." He also notes

Spanish officials recognized that striking at the security of the slave regime would undermine American authority and claims to sovereignty in Orleans and the surrounding disputed territory. American officials in Orleans understood this as well, warning “how long their allegiance to our Government, will remain without protection [for their slave property] I know not.”¹⁶⁵

Governor Claiborne recognized that the slave patrols and local militias were insufficient to prevent slave flight, especially in areas like Natchitoches, with a large slave majority and near the disputed western border with Texas.¹⁶⁶ Therefore he requested that Secretary of State James Madison increase the number of federal troops along the border.¹⁶⁷ Initially Claiborne had expected the federal troops to supplement slave patrols, but when it became clear that Spanish officials were actively encouraging and protecting runaways, Claiborne decided to use the military to exert pressure on Spanish Texas. The problem of fugitive slaves was a primary concern in the negotiations that led to the creation of the Neutral Ground in 1806. Backed by the presence of General James Wilkinson and several hundred militiamen and federal troops, Claiborne warned the governor of Texas that “if fugitive Slaves are to receive the protection of the Spanish authorities, the property of the Citizens of this Territory is indeed insecure, and a

that historians fail to recognize the “linkage between slavery and foreign policy.” Yet Kastor seems unaware that the slaves were not merely taking advantage of the situation, but were being actively encouraged by Spanish authorities. As such his brief discussion of fugitive slaves is not integrated with his discussion of Spanish and American diplomacy in the Neutral Ground, which in turn is isolated from his discussion of West Florida. Kastor, *Nation’s Crucible*, pp. 63-64. Similarly Frank Owsley notes that Americans were unhappy that fugitives slaves were escaping into West Florida, and that preventing this was an additional motive for acquiring the territory, but does not recognize that it was Spanish foreign policy to encourage runaways. Owsley, *Filibusters and Expansionists*, p. 24-26. James Lewis Jr., in his history of the relations between the US and the declining Spanish empire quickly glosses over the period before 1808 without mentioning the role of slaves in the disputed boundaries. Lewis, *American Union and the Problem of Neighborhood*, p. 33. Jared W. Brady gives extended attention to Claiborne’s conflict with Spanish America, but never mentions fugitive slaves. Brady, “W.C.C. Claiborne and Spain,” pp. 300-14.

¹⁶⁵ John Sibley, quoted in Claiborne to JM, January 1, 1809, *Letter Book*, IV:283.

¹⁶⁶ Casa Calvo to Claiborne, September 1, 1804, *Letter Book* II:315-16; Claiborne to Casa Calvo, August 1805, *Letter Book* III:155; Claiborne to JM, April 5, 1805, *Letter Book: Interim Appointment*, 221; Claiborne to Casa Calvo, October 30, 1804, *Letter Book* II:382-83; Edward D Turner to Claiborne, October 16, 1804, *Ibid*, 386-88.

¹⁶⁷ Claiborne to JM, November 10, 1804, *Letter Book*, III:7-8.

good understanding between our two Governments ought not and cannot be preserved.”¹⁶⁸ After Spanish and American military leaders established an informal agreement to refrain from military action in the disputed region, Claiborne pronounced that this “together with a promise to restore the negro’s who had escaped from the service of their masters and sought an Asylum at Nacogdoches [in Texas], authorise us to again consider our Spanish Neighbours as friendly disposed towards us.”¹⁶⁹

When the Spanish later reneged and resumed their sanctuary policy, the response of planters in Rapides, south of Natchitoches, illustrated the expectation that the government would again intervene in defense of slave property.¹⁷⁰ Referring to the “repeated violations of all the principles of amity and good neighborhood,” the planters appealed to the nation’s honor and civic responsibility. Portraying themselves as loyal Americans, they awaited “protection to which they are entitled,” and labeled the Spanish policy of asylum as “one of those audacious aggressions upon our rights which most deeply affects the honor of the government and the nation.” They concluded on an ominous note, stating “We can only add that in the last resort, self preservation must point to us our remedy for wrongs, which if persisted in without redress, would expose our property to continual depredations, and ourselves and families to all the horrors of the most dreadful insurrections, that of slaves against their masters.”¹⁷¹ Such actions could spark international conflict.

¹⁶⁸ He concluded by noting that American and Spanish diplomats were still negotiating the boundaries, and expressing his hope that nothing “in this quarter should prevent that amicable Arrangement, which the interest of each Nation would advise. But if the officers of Spain should persist in their acts of aggression, your Excellency will readily anticipate the consequences.” Claiborne to His Excellency Governor Herrarra, Natchitoches, August 26, 1806, *Letter Book*, III:383-86.

¹⁶⁹ Claiborne’s Speech to the two Houses of the Assembly, January 13, 1807, in *Letter Book*, IV: 93.

¹⁷⁰ Claiborne to JM, October 17, 1807, County of Iberville, in *Letter Book*, IV:135-37; Claiborne to JM, June 21, 1808, *Letter Book*, IV:179.

¹⁷¹ *Orleans Gazette & Commercial Advertiser* (New Orleans), October 19, 1807.

Claiborne, recognizing that his authority and local support for American rule was predicated on protecting the enslaved property of Louisianan planters, again requested additional federal troops and threatened military intervention until the Spanish again agreed to return the fugitives.¹⁷² Like many in the federal government, Claiborne was a critic of slave trading and slavery, yet ultimately found himself in the role of reinforcing rather than regulating or restricting the slave system. There was too much local commitment to slavery for the federal government to effectively regulate the institution, yet the government was placed in the position of protecting slavery from internal and foreign threats.

VI. ENVISIONING EMANCIPATION & COLONIZATION

Although much of the Louisiana Purchase Territory ultimately became an empire for slavery, the territorial acquisition also renewed some Americans' interest in domestic black colonization. One important factor discouraging the creation of black "colonies" in the western portions of the Atlantic states was the rapidity with which white settlers moved west following the War for Independence. It is therefore not surprising that the Louisiana Purchase, which President Jefferson promised would provide land for thousands of generations of settlers, revived interest in colonizing free blacks in western territory. St. George Tucker was among the first to make the connection, briefly revisiting black colonization as part of his anonymously published *Reflections on the Cession of Louisiana to the United States*. The bulk of his pamphlet focused on the importance of preserving agriculture as the primary foundation of the American economy; but he also hoped that part of Louisiana could be reserved as a colony for "those unhappy people, whom our ancestors have brought in chains from their native country, and we continue to hold in

¹⁷² Claiborne to Governor General Salcedo, November 22, 1808, *Letter Book*, IV:255-56; Claiborne to JM, January 1, 1809, *Letter Book* IV:283; Claiborne to JM, January 19, 1809, *Letter Book*, IV:304; "Military Forces and Its Disposition in 1810," *American State Papers, Military Affairs*, Vol. I, pp. 249-253.

bondage.” Although he confessed he was “without any sanguine hope, that it will receive countenance,” Tucker still wished that such a “Utopian” plan could aid “the great work of the abolition of slavery.”¹⁷³ Others took the opportunity to advance more elaborate proposals.

The most developed colonization plan of this era came from Thomas Branagan, an Irish-born former slave trader and West Indian overseer. Branagan entered the antislavery scene in 1804 with the publication of his *Preliminary Essay on Slavery*, in which he praised the PAS, defended blacks’ capacity for intellectual and moral uplift, and advocated gradual abolition. He quickly followed this effort with two long antislavery poems, *The Penitent Tyrant*, and *The Avenia*. He unveiled his colonization proposal later in 1805 in his *Serious Remonstrance to the Citizens of the Northern States*.¹⁷⁴ Throughout his pamphlet Branagan emphasized that the “unanimous voices of reason, religion, humanity, and patriotism concur in deprecating [slavery].”¹⁷⁵ He also insisted that the degraded condition of free blacks was due to the corrupting influence of slavery and that creating a colony for free blacks in Louisiana would allow them to reach their full potential.¹⁷⁶ He imagined the colony would be run by the “most intelligent and virtuous of the African race” and would include “such white persons as wish to emigrate and associate with the blacks.” Furthermore, Branagan believed that many slaveholders “wish to liberate their slaves” and would embrace a colonization scheme.¹⁷⁷ In envisioning colonization as a means of promoting gradual emancipation and black uplift, Branagan was in line with abolitionists such as Anthony Benezet and Benjamin Rush.

¹⁷³ [St. George Tucker], *Reflections on the Cession of Louisiana to the United States*, by Sylvestris, (Washington City, Samuel Harrison Smith, 1803), 25.

¹⁷⁴ Until recently, Branagan has received surprisingly little attention from historians. See: Sherwood, “Early Negro Deportation Projects,” 495-96; Beverly C. Tomek, ““From motives of generosity, as well as self-preservation”: Thomas Branagan, Colonization, and the Gradual Emancipation Movement,” *American Nineteenth Century History* 6, (June 2006):121-47; Padraig Griffin Riley, “Northern Republicans and Southern Slavery in the Age of Jefferson,” (PhD diss., UC Berkeley, 2007), 209-79.

¹⁷⁵ Branagan, *Serious Remonstrance*, 34-35, see also: 23, 31-32.

¹⁷⁶ Ibid, 33-34.

¹⁷⁷ Ibid, 36-37.

But Branagan also held less generous motives and sentiments. He explicitly appealed to white northerners' self-interest and racial prejudice, denigrating the presence of free blacks. He argued that the southern manumissions were already accompanied by a de facto policy of northern colonization, with northern whites bearing the burden of the former slaves "with all their accumulated vices."¹⁷⁸ He prioritized removing the results of past manumissions rather than facilitating new manumissions. And although Branagan attributed the appearance of black degradation to the legacy of slavery rather than racial difference, he did so in a way that dismissed the potential of education and moral uplift to render blacks fit for social inclusion. Paradoxically, it was through empathizing with the unjust plight of enslaved Africans that Branagan concluded that it was impossible to include blacks in the body politic. Recognizing the inherent injustice and brutality of slavery, Branagan expected his readers to support the black Americans' right to resist slavery through violent means. "In order then to ascertain what is the duty of Africans to their oppressors," Branagan wrote, "we must ask ourselves, what would we conceive our duty to be, to a gang of robbery who came by night to rob, murder, and destroy us, and our families? The answer is plain, if we had the ability and opportunity, 'we would destroy our enemies, preserve our families and liberties, or die in the attempt.'"¹⁷⁹ Not only was slave rebellion justified, but Branagan believed that free blacks had just cause to be the "inveterate enemies of [white] Americans," for they could not "forget the injuries their ancestors met with from Americans."¹⁸⁰ Toward the end of his book Branagan quoted at length from Jefferson's similar opinion about "the ten thousand recollections, by the blacks, of the injuries they have

¹⁷⁸ Ibid, 116-17.

¹⁷⁹ Ibid, 42.

¹⁸⁰ Ibid, 42-43.

sustained,” but claimed he had reached his own conclusions before a friend referred him to *Notes on the State of Virginia*.¹⁸¹

For both Branagan and Jefferson, blacks’ just desire for vengeance against their oppressors prevented their social inclusion and was an argument against emancipation unless accompanied by colonization. Other abolitionists had countered Jefferson’s fears by arguing that freed slaves would act “from a sense of gratitude” and “feel a strong sense of attachment, instead of murderous disposition.”¹⁸² But Branagan insisted that slavery was an unforgivable evil and put a negative spin on the potential of forgiveness from former slaves. Asking his readers to imagine themselves in parallel circumstances, Branagan insisted that such forgiveness would reveal that one was “a traitor, a coward, a sycophant in your heart, without virtue or principle, politically, religiously, domestically or morally.”¹⁸³ Thus although Branagan recognized that slaves were innocent victims of white avarice, there was nothing that blacks could do to demonstrate their capacity for peaceful integration into society.¹⁸⁴

For people like Branagan, the dictates of humanity and expediency might call for the eradication of slavery, but self-preservation mandated that colonization accompany emancipation. As a maxim he insisted: “keeping enslaved Africans in the South, is as impolitic as it is unjust: and it is more impolitic (I positively contend) to keep hundreds of thousands of free Africans in the bowels of northern states.”¹⁸⁵ Put another way, the perpetuation of southern

¹⁸¹ Ibid, 118-24.

¹⁸² Jonathan Edwards, *The Injustice and Impolicy of the Slave Trade, and of the Slavery of the Africans: Illustrated in a Sermon preached Before the Connecticut Society for the Promotion of Freedom, and for the Relief of Persons Unlawfully Holden in Bondage, at Their Annual Meeting in New-Haven, September 15, 1791* ([New haven]: Thomas and Samuel Green, 1791), 33.

¹⁸³ Branagan, *Serious Remonstrance*, 113; see also: 55.

¹⁸⁴ Ibid, 48.

¹⁸⁵ Ibid, 59; see also: 33-34, 42, 73, 84-87, 100-04.

slavery was preferable to southern manumissions accompanied by the de facto colonization of freed blacks in the North.

Around this time John Parrish was also reconsidering black emigration in a manuscript labelled “Notes on Abolition,” which he revised and published in 1806 as *Remarks on the Slavery of Black People*.¹⁸⁶ In contrast to the emigrationist petition he had drafted with black Philadelphians in the early 1790s, Parrish now looked to the Louisiana territories rather than Africa as the best site for black emigration. Parrish’s switch to domestic colonization was partly pragmatic, for granting African Americans free homesteads in the North American interior would be significantly cheaper “than the transporting and colonizing them beyond the seas.”¹⁸⁷ But it was also based on a recognition and appreciation that many African Americans did not want to leave the nation. In response to those who might argue that freed slaves should be “sent to their own country,” Parrish reminded them that most slaves were born in America and it *was* “their country.”¹⁸⁸

Black emigration was only a small part of Parrish’s manuscript, which provided a comprehensive denunciation of slavery and a radical call for reform. Parrish repeatedly argued that slavery was “nul and void” because it was “contrary to the Laws of God.”¹⁸⁹ He warned of divine retribution for slavery, the danger of servile insurrection, and stepped to the verge of

¹⁸⁶ I thank Rich Newman for pointing me to his essay and Parrish’s draft, both of which available online through the “Quakers & Slavery” website. Richard S. Newman, “John Parrish, ‘Notes on Abolition’ (circa 1805,” at the “Quakers and Slavery” website:

http://trilogy.brynmawr.edu/speccoll/quakersandslavery/commentary/people/parrish_john.php (accessed 1 August 2013). [John Parrish], “Notes on Abolition,” [1805], Friends Historical Library at Swarthmore College, MSS 003/176: http://tritych.brynmawr.edu/cdm/compoundobject/collection/HC_QuakSlav/id/8052/rec/1 (accessed 1 August 2013). I have found later drafts of Parrish’s pamphlet at the HSP which are closer to the published version: see: [John Parrish], “An Affectionate Address to the Inhabitants of the United States of America, more especially to The Rulers and Such as hold Slaves,” Philadelphia, 1805, C-P-W, box 2; [John Parrish], “Notes on the Blacks,” (2 vols. [1805]), C-P-W, box 19. See also: [John Parrish MS on Slave Trade] [1805], Parrish Family Papers, Box 5, which is a draft of the material which appears on page 57 of his “Notes on Abolition.”

¹⁸⁷ [Parrish], “Notes on Abolition,” 56.

¹⁸⁸ [Parrish], “Notes on Abolition,” 55.

¹⁸⁹ [Parrish], “Notes on Abolition,” 20-21.

calling for slave revolt, writing: “The people of colour ought not to acknowledge themselves slaves to any person but to assert their just right.”¹⁹⁰ Parrish also built on the antislavery constitutional arguments he had included in his letter to Jefferson. Not only was slavery a violation of natural law and the law of God, the slaves “had been declared free by the first Congress.”¹⁹¹ He subordinated the Constitution’s specific “comprimeses” over slavery to its preamble and the Declaration of Independence, insisting: “if this Declaration has any meaning in it, and then colour doth not deprive them from being men, they are intituled to the pertection and the benefit of the Laws of the Land.”¹⁹² Although he disavowed immediate universal emancipation, he hoped the government would ameliorate slavery and promote a policy of gradual emancipation.¹⁹³ In October and December 1805, other members of the Philadelphia Meeting for Sufferings met at the home of Henry and Elizabeth Drinker to “look over some writing of JPs relative to Slavery” and they apparently found Parrish’s sentiments too bold for publication.¹⁹⁴ Revised versions of the manuscript and the published pamphlet lack some of Parrish’s more radical sentiments, including the justification of slave resistance.¹⁹⁵

Although toned down somewhat from its original form, Parrish’s published work was still one of the most radical antislavery pamphlets published before the 1830s. Parrish began by invoking the 1774 Articles of Association and the Declaration of Independence as sacred covenants with God which resulted in divine favor and victory in the American Revolution. But

¹⁹⁰ Ibid, inside cover; on slave revolt, see: 2, 6-7, 11; on divine retribution see: 2, 4, 15-19, 21, 23, 27-29 31, 33, 50.

¹⁹¹ Ibid, 3.

¹⁹² Ibid, 52, see also: 4, 9, 14, 20, 35, 50.

¹⁹³ Ibid, 53-58.

¹⁹⁴ The PYM-MS minutes make no mention of Parrish’s pamphlet, but Elizatbeth Drinker mentioned it in her diary. Elaine Crane ed., *The Diary of Elizabeth Drinker*, (3 vols, Boston: Northeastern University Press, 1991), III:1873 (23 October 1805, quotation), III:900 (22 December 1806). Elizabeth Drinker does not appear to have been involved in the revision process, but later read the published version. Ibid, 994 (15 February 1806).

¹⁹⁵ [John Parrish], “An Affectionate Address to the Inhabitants of the United States of America, more especially to The Rulers and Such as hold Slaves,” Philadelphia, 1805, C-P-W, box 2; [John Parrish], “Notes on the Blacks,” (2 vols.) C-P-W, box 19.

he warned that the revival of the Atlantic slave trade was “a national evil” which would “most assuredly draw down national judgments.”¹⁹⁶ In what may have been the first invocation of Mathew 12:25 in connection to slavery, he warned: “A house divided against itself cannot stand,” arguing that abolition was necessary to prevent divine judgment in the form of slave revolt.¹⁹⁷

Parrish’s most important contribution to antislavery literature was his discussion of the domestic slave trade. Drawing on the sentimental language of the day, he wrote:

There is a species of the Slave-trade carried on in the United States, which, in cruelty, equals that of Africa. A class of men whose minds seem to have become almost callous to every tender feeling, having agents in various places, suited to their purpose, travel through different states, and by purchase or otherwise, procure considerable numbers of this people, which consequently occasions a separation of the nearest connections in life, husbands from wives, and parents from children, the poignant sensations marked on their mournful countenances being disregarded, they are taken in droves through the country, like herds of cattle.¹⁹⁸

By equating the cruelty of the Atlantic and domestic slave trades, Parrish indicated that both should be abolished and foreshadowed what became a major theme of antebellum abolitionism. Parrish was glad that Congress had already prohibited the slave trade to foreign nations, but “lamented that a wide door continues open for carrying on the internal trade.” He called on the state and federal governments to do all they could to immediately suppress it.¹⁹⁹

¹⁹⁶ Parrish, *Remarks on Slavery*, 3.

¹⁹⁷ *Ibid.*, 9.

¹⁹⁸ *Ibid.*, 10.

¹⁹⁹ *Ibid.*, 31.

Parrish celebrated the approach of 1808 when Congress could ban the Atlantic slave trade, hoping Congress would also embrace a program for colonizing freed slaves. Noting that the federal government had spent “a large sum of money” to redeem American sailors enslaved in Tripoli, he asked, “is it not expedient that a sum should be raised toward the colonization of the African race, who are held in captivity at home in the United States[?]”²⁰⁰ He proposed colonizing manumitted slaves on “a tract of land in the western wilderness,” granting two hundred acres to each family.²⁰¹ Parrish cited Jefferson’s *Notes on the State of Virginia* in support of his colonization plan, but he also took pains to implicitly refute the racist passages of the book. Jefferson had suggested that people of African descent were innately inferior to whites, while he defended Native Americans from charges that they were degenerative. Parrish acknowledged that many freed slaves were impoverished and some were prone to stealing, but for that they could “plead the example of the whites.” By contrast, the “Indians have never had their spirits broken down by hard labor and oppression as the injured Africans.” He insisted that “the great Author of man’s existence is as liberal in bestowing talents on [Africans] as those of other nations.”²⁰² Thus while Parrish agreed with Jefferson that colonization and emancipation were linked, he took pains to separate colonization from assumptions of racial inequality.

Parrish also reinforced the tradition of black activism and African Americans’ claim to civic inclusions by reprinting their petitions to Congress from 1797 and 1799 in the appendix of his pamphlet. He also reprinted James Forten’s 1800 letter thanking congressman George Thatcher for his support of black rights, introducing the epistle as “genuine, and taken from the author’s own hand.” The letter demonstrated that Forten was “not only a man of talents, but of

²⁰⁰ Ibid, 40.

²⁰¹ Ibid, 44.

²⁰² Parrish, *Remarks on Slavery*, 23-24.

feeling and gratitude.”²⁰³ Parrish also distributed copies of his pamphlet to local black leaders, including Quomony Clarkson and William Gray, both of whom had signed the Absalom Jones petition of 1799 which Parrish had helped draft.²⁰⁴

Although published at Parrish’s own expense and distributed informally, his pamphlet reached a large and important audience. Excerpts were widely printed in newspapers, and Parrish sent copies to British abolitionists such as Granville Sharp and to legislators throughout the United States.²⁰⁵ He sent a copy to the governor of South Carolina along with a letter warning that if governments did not emancipate the enslaved, God himself would “vindicate their rights.”²⁰⁶ And while Parrish was unable to find someone willing to disseminate the pamphlet in Georgia, a friend distributed copies to the Maryland legislature.²⁰⁷ Congressman James Sloan of New Jersey delivered copies to members of the House of Representatives, and one to President Jefferson. This time, the president “return[ed] his thanks for the pamphlet.”²⁰⁸ Furthermore, during the congressional debates over the slave trade bill, Sloan led the drive to frame the bill in terms of broad antislavery principles and sought to include colonization among its provisions.

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Parrish’s pamphlet also led him into an unlikely correspondence which became a new source of information on the domestic slave trade. Phillip Williams, originally from North Carolina, had

²⁰³ Ibid, 49-52, 60-64, quotation from 51.

²⁰⁴ Quomony Clarkson to John Parrish, Philadelphia 13th of March 1806, C-P-W, box 2:7, HSP.

²⁰⁵ *Salem Register*, 8 September 1806; *National Intelligencer* (Washington), 26 September 1806; *American Citizen* (New York), 30 September 1806; *Republican Watch-Tower* (New York), 3 October 1806; John Parrish to William Morgan (George Town), Philad[elphi]a 5th m. 5th. 1806, *ibid*; Granville Sharp to John Parrish, Garden Court, Temple, London, 12 July 1806, *ibid*;

²⁰⁶ John Parrish to the Governor of South Carolina (copy), Philadelphia 6th mo 3d. 1806, C-P-W, box 2:7, HSP; P.E. Thomas to John Parrish, Baltimore 8 mo. 31 1806, *ibid*.

²⁰⁷ P.E. Thomas to John Parrish, Baltimore 8 mo. 31 1806, C-P-W, box 2:7, HSP.

²⁰⁸ James Sloan to John Parrish, City of Washington, December 25. 1806, C-P-W, box 2:7.

been jailed in Washington DC in 1804 for using (unknowingly, he maintained) a forged banknote, and he wrote to Parrish after reading his pamphlet. He reported that his imprisonment had increased his empathy for the enslaved while also making him an eye witness to some of the slavery's worst features. "Since my confinement here," Williams wrote, "more than '*One Hundred*' of the poor blacks have been taken out of this one prison, manacled, & driven off to Georgia, by those monsters in human shape, call'd '*negro buyers*' or '*Georgia-men*.'" He described the "anguish" of families being torn apart, and reported cases of free blacks fraudulently arrested as fugitives and then sold into slavery.²⁰⁹ During the following months, Williams kept Parrish abreast of new developments, providing the names of alleged fugitives and slave traders.²¹⁰ Williams even reported that the purchasers included a number of southern congressmen who "pretended they were only buying for their personal use; but it is notorious that it was for speculation."²¹¹ The slave trading congressmen allegedly included Levi Casey and Elias Earle of South Carolina, and Marmaduke Williams of North Carolina (though Philip Williams had not personally witnessed the latter).²¹²

Thus the personal interest of some southern congressmen, as well as that of their constituents, would lead them to protect the domestic slave trade even as they supported the

²⁰⁹ Philip Williams to James [*sic*, John] Parrish, City of Washington: 5th May 1806, C-P-W, box 2 (N.B.: the latter half of this letter has been separated and is currently filed under "anonymous" in C-P-W, box 9). Williams clearly hoped to ingratiate himself to Parrish, and this tactic eventually paid off. The intervention of Parrish and Representative Sloan, in addition to Williams's own letters to President Jefferson seeking a pardon, eventually secured his early release in January 1807. Nonetheless, Williams's antislavery sentiment also appears sincere; his correspondence continued until Parrish's death in October 1807. See: Philip Williams to John Parrish, Washington City: 30. Decem. 1806, C-P-W, box 2; James Sloan to John Parrish, City of Washington, December 25. 1806, *ibid*; Philip Williams to John Parrish, Washington City, 31. of January 1807, *ibid*; Philip Williams to John Parrish, Washington City, 9. March 1807, *ibid*; Philip Williams to John Parrish, Saturday 22d. August 1807, *ibid*; Philip Williams to John Parrish, Washington City, Friday 2nd October 1807, *ibid*; Philip Williams, ["Appeal for Pardon"], 17, June 1806, City of Washington, TJ Papers, LOC; Philip Williams to TJ, 11th February '07, *ibid*.

²¹⁰ Philip Williams to John Parrish, Washington City, Wednesday 1. October '06, C-P-W, box 2; Philip Williams to John Parrish, City of Washington, 4. October '06, *ibid*;

²¹¹ Philip Williams to James [*sic*, John] Parrish, City of Washington: 5th May 1806, C-P-W, box 2.

²¹² Philip Williams to John Parrish, City of Washington: 28th may 1806, C-P-W, box 2.

impending opportunity to prohibit the Atlantic slave trade. Just as Parrish recognized the importance of curtailing the domestic slave trade as a step toward total abolition, many southern congressmen understood the importance of the trade for preserving and extending the profitability of slaveholding. Southern congressmen would unite with their northern counterparts to prohibit the Atlantic slave trade, but they kept the interstate slave trade from being discussed at all.

THE ANGLO-AMERICAN “RACE OF GLORY”
& THE FAILURE OF COOPERATIVE SLAVE TRADE SUPPRESSION

In both the United States and Britain, the public and political debates over the Atlantic slave trade were framed around the concepts of humanity and expediency. With only rare exceptions, most people in both countries accepted that the slave trade was immoral. In America, there was also a general agreement – even among slaveholders – that the slave trade was also “impolitic.” Given the natural growth rate of the enslaved population in North America, continued imports were unnecessary to preserve the labor supply, such imports instead threatened to provoke servile rebellions and destabilize slavery.¹ In Britain, there was considerably less agreement about the harmony of humanity and expediency in relation to the slave trade; Members of Parliament (MPs) with ties to the West Indies defended the Atlantic slave trade on the grounds of necessity far longer than their American counterparts did. As one MP asserted: “The African slave trade may be contrary to humanity, and contrary to generosity too, as well as contrary to justice, and yet it may be politick.”² Unlike most slaveholders in North American, West Indian slaveholders often required continued slave importations in order to maintain their labor supply. They also buttressed their economic arguments with the claim that even though the slave trade was inhumane, Britain’s withdrawal from the traffic would do nothing for the cause of humanity because other nations would simply expand their slave trading operations.

¹ Most slaveholders, especially those in the Upper South with surplus slaves to sell, preferred to relocate and “diffuse” the existing slave population. Adam Rothman, “The Domestication of the Slave Trade in the United States,” in Walter Johnson ed., *The Chattel Principle: Internal Slave Trades in the Americas*, (New Haven: Yale University Press, 2004), 32-54; Lacy Ford, “Reconfiguring the Old South: ‘Solving’ the Problem of Slavery, 1787-1838,” *JAH* 95 (June 2008):95-122.

² In case anyone needed clarification, the Earl of Westmoreland continued: “I repeat that I think that this or any other traffic may be consistent with sound policy, and at the same time be considered inconsistent with justice and humanity.” *Substance of the Debates on a Resolution for Abolishing the Slave Trade...*, (London: Phillips and Fardon, 1806), 126 (24 June 1806).

Abolitionists in Britain thus had to fight an uphill battle to end the African trade whereas those in America simply had to wait for the Constitution's 1808 provision to expire, confident that Congress would act. Indeed, American abolitionists planned a petition campaign for 1807 to encourage Congress to take early action against the trade, but President Jefferson and Congress "supercede[d] the necessity of their application" by initiating legislation in December 1806.³ Although abolitionists exerted little direct influence on Congress's decision to ban the Atlantic slave trade in 1808, some scholars have gone too far in denying the role of antislavery sentiment.⁴ The petition debates of the 1790s and the slave trade tax debates of 1804-1806 made it clear that a large majority in Congress was eager to enact such a ban.

Through what the British abolitionist Thomas Clarkson called a "wonderful concurrence," both "England and America, the mother and the child" passed legislation in March 1807 banning the Atlantic slave trade.⁵ In his 1808 history of British abolitionism, Clarkson credited American Quakers with pioneering the antislavery movement in the second half of the eighteenth century and converting British Quakers and other evangelical Protestants (like himself) to the cause. But he otherwise limited his discussion of American slave trade abolition

³ *MAC II* (1806), 28; *MAC I2*, (1809), 13-14 (quotation).

⁴ For example, Kenneth Morgan argues that "a moral tone was absent from the debates" in 1806-1807 and that "during the previous generation, stretching back to the first federal Congress in 1789-90, there had been no general debate in the legislature or elsewhere in the public sphere pertaining to the morality of the slave trade." He further states: "The demise of the slave trade to the United States did not depend, as in the British case, on getting humanitarian arguments accepted by legislators." Kenneth Morgan, "Proscription by Degrees: The Ending of the African Slave Trade to the United States," in *Ambiguous Anniversary: The Bicentennial of the International Slave Trade Bans*, eds., David T Gleeson and Simon Lewis (Columbia: University of South Carolina Press, 2012), 1-34. Seymour Drescher has similarly played down the role of abolitionists and antislavery ideology in the American context, asserting that Congress "reinforced" the Constitution's 1808 clause "with almost twenty years of suspended discussion." Seymour Drescher, "Divergent Paths: The Anglo-American Abolitions of the Atlantic Slave Trade," in Wim Klooster ed, *Migration, Trade, and Slavery in an Expanding World: Essays in Honor of Pieter Emmer*, (Leiden: Brill Academic Publishers, 2009), 273, see also 274-77. Morgan and Drescher are correct to emphasize that slave trade abolition was compatible with the self-interest of American slaveholders, however, as I have demonstrated in the preceding chapters, the immorality of slave trade was widely discussed and accepted in Congress from 1789 through 1807.

⁵ Thomas Clarkson, *History of the Rise, Progress, and Accomplishment of the African Slave Trade by the British Parliament*, (2 vols. Philadelphia: James P. Parke, 1808), II:464.

to a single sentence in the penultimate paragraph of his two-volume work. Most modern historians have followed Clarkson's lead, focusing on the transatlantic dissemination of antislavery ideas in the eighteenth century, but treating the two 1807 laws in isolation. Scholars have generally dismissed the simultaneous abolition laws as "a most curious chance" with "no possibility of deliberate cooperation."⁶ However, this approach and assumption neglects crucial connections between the American and British suppression of the Atlantic slave trade.

Roger Anstey's *The Atlantic Slave Trade and British Abolition* is a partial exception to the general trend, briefly discussing the aborted Monroe-Pinkney Treaty of 1806, which included a provision encouraging reciprocal enforcement of slave trade legislation. However, Anstey treats President Jefferson's rejection of the treaty as inconsequential, concluding:

In any case events had overtaken the aspiration [for negotiated cooperation]...in June 1806, or possibly earlier, it became apparent in England that there was every likelihood that the United States would herself abolish the trade from January 1808. Common

⁶ Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade, 1440-1870* (New York: Simon and Schuster, 1997), 385. Scholars who take notice of simultaneous laws tend to do so only in passing without analysis of any potential influence this concurrence had. See for example: W.E.B. Du Bois, *The Suppression of the African Slave-Trade to the United States of America, 1638-1870* (Mineola, NY: Dover Publications 1999 [1896]), 133-34; Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York: Oxford University Press, 2001), 136; David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca: Cornell University Press, 1977) *The Problem of Slavery in the Age of Revolution, 1770-1823*, 117; Matthew E. Mason, "Slavery Overshadowed: Congress Debates Prohibiting the Atlantic Slave Trade to the United States, 1806-1807," *JER* 20 (April 2001): 59-81, 77; Adam Hochschild, *Bury the Chains: Prophets and Rebels in the Fight to Free an Empire's Slaves* (Boston: Houghton Mifflin, 2005), 309, Morgan, "Proscription by Degrees." Drescher has recently compared the process of slave trade abolition in the two nations, but without any analysis of the simultaneity of abolition ("Divergent Paths"). Fladeland is a partial exception to this general trend, in her book on Anglo-American antislavery cooperation. But her analysis does not extend beyond noting that British abolitionists publicized American progress and observing that "the fact that the debates ran concurrently was itself an advantage for those favoring prohibition, for it weakened the argument of the opposition that there was no point for one nation acting alone on the matter" (*Men and Brothers: Anglo-American Antislavery Cooperation* [Chicago: University of Illinois Press, 1972], 69-75, quotation from 71). Although giving little attention to the concurrent events of 1807, Mason has examined the connections between the two nation's efforts to suppress the slave trade after the War of 1812 in depth in "The Battle of the Slaveholding Liberators: Great Britain, the United States, and Slavery in the Early Nineteenth Century," *WMQ* 59 (July 2002): 665-696 and "Keeping up Appearances: The International Politics of Slave Trade Abolition in the Nineteenth-Century Atlantic World," *WMQ* 66 (October 2009): 809-832.

action with the United States regarding the British and American slave traders was, therefore, doubtless not believed to be worth serious attention.⁷

But Anstey seems to have misunderstood the timing and effect of British awareness that the Americans would ban the Atlantic slave trade in 1808. In 1806 a new awareness did not suddenly lead the British to conclude collaboration was unnecessary; the negotiations had been predicated on this expectation from the beginning. Abolitionist MPs had been pursuing a policy of Anglo-American mutual slave trade suppression since 1800 and they quickly renewed their efforts after the failure of the Monroe-Pinkney Treaty. Integrating the histories of the American and British slave trade laws of 1807 reveals how interconnected these policies were, while also explaining the timing and limitations of these efforts.

In 1804, South Carolina's revival of slave imports dealt a powerful blow to British abolitionism and encouraged the British to follow the timeframe established by the US Constitution. In 1806 British and American knowledge that both nations were poised to abolish the trade led politicians in each country to accelerate their efforts in a "race of glory" to end the traffic.⁸ The failed efforts of British abolitionists working with American diplomats and American abolitionists to establish mechanisms of mutual enforcement had profound effects on the scale of the Atlantic slave trade and the international politics surrounding it for decades to come. Abolitionists bemoaned the missed opportunity to cooperate in slave trade suppression, though few scholars have realized that a concerted effort was made at this early stage. Meanwhile, scholars have often stressed the significance of a failed effort to suppress much of America's domestic slave trade, though a reexamination of the historical record reveals that no such effort was actually made.

⁷ Roger Anstey, *The Atlantic Slave Trade and British Abolition, 1760-1810*, (New York: Macmillan, 1975), 384-85.

⁸ *Substance of the Debates...1807*, 172 (Generla Vyse, 6 March 1807).

I. SOUTH CAROLINA & THE TIME TABLE OF BRITISH ABOLITION

The decision of the South Carolina legislature to allow new importations of slaves had repercussions for the abolition movement not only in the United States but in Britain as well. After a hiatus of several years in the midst of the Napoleonic Wars, British abolitionists renewed their efforts in Parliament to abolish the slave trade in 1804. With their supporters augmented by the recent inclusion of Irish MPs, the abolitionists were newly optimistic.⁹ However, the news that South Carolina had reopened the slave trade buttressed the arguments of the West India lobby, and the British abolitionists were again rebuffed. Ultimately, these developments encouraged Parliament to follow Congress's timeframe for abolishing the slave trade.

In May 1804 when abolitionist MP William Wilberforce introduced a bill to abolish the slave trade, his opponents in the House of Commons responded by alleging that such action would only "transfer the trade to other nations, through whom the same miseries would be induced to slaves."¹⁰ Indeed, some maintained that enslaved Africans would be "in a worse situation than before," because Britain had imposed "beneficial regulations of the middle passage" (under the Dolben Act of 1788) while other nations had not. They discouraged action by Britain until they received assurances that other nations would end the trade as well.¹¹ Such delaying tactics clearly served the interests of West Indian planters who (unlike their American counterparts) often required importations of slaves to maintain their workforces, especially in the frontier areas of the Caribbean.¹² But these arguments were also logical and realistic; in 1802,

⁹ Clarkson, *History of the Slave Trade*, II:388-89; Thomas, *The Slave Trade*, 549-50; Anstey, *The Atlantic Slave Trade*, 321-342.

¹⁰ T.C. Hansard, *The Parliamentary Debates...1804* (London: Hansard, 1812), II:471 (Sir William Gray, 30 May 1804). See also: *ibid*, 468-70 (General Tarleton).

¹¹ Hansard, *Parliamentary Debates...1804*, II:475 (Patteson).

¹² Anstey, *The Atlantic Slave Trade*, esp. 38-57; Seymour Drescher, *Econocide: British Slavery in the Era of Abolition*, (rev. ed., Chapel Hill: University of North Carolina Press, 2010 [1977]), esp. 65-112.

Wilberforce had privately conceded that if Britain alone withdrew from the traffic, “we leave our share of the Trade to be seized on by other countries,” unless there were cooperative efforts to suppress the trade. Fortunately, he “believe[d] that America would gladly unite in this engagement,” and hoped European powers would as well.¹³ But in 1804, South Carolina’s revival of the slave trade dashed his hopes and undermined his parliamentary efforts for immediate action.

Wilberforce did not want to believe the rumor that “America has revived y^e slave trade,” for such a development would reinforce the arguments of his opponents. He hoped James Monroe, the American minister in London, would contradict the report.¹⁴ Wilberforce was disappointed to learn the truth, but also derived “great Satisfaction” from Monroe’s “account of y^e general Sentiment which prevails in America concern[ing] the Slave Trade.”¹⁵ In Parliament Wilberforce’s opponents cited the “dispositions of the Americans to rival us in this traffic” and continued arguing that British abolition would merely transfer more of the slave trade to the US and “other nations.”¹⁶ Wilberforce was forced to acknowledge that South Carolina had indeed reopened the trade, but he stressed that “in 1808...there was every reason to believe that Congress would take up the business and abolish the slave trade for ever.” In support of this claim he read a paragraph from James Monroe’s letter.¹⁷ The House of Commons then voted 79 to 20 to advance the bill for a third reading, and passed the bill on June 27 by a vote of 69 to

¹³ Wilberforce to Henry Addington, Palace yard, Jan. 2, 1802, *Life of William Wilberforce*, eds. Robert Isaac Wilberforce and Samuel Wilberforce (5 vols., London: John Murray, 1838), III:32.

¹⁴ William Wilberforce to James Monroe, Old palace Yard Wednesday June 6th 1804, James Monroe Papers, NYPL. I thank Alison Wood of Ash Lawn-Highland: The Home of President James Monroe, for alerting me to the existence of this correspondence, and Dan Preston and Cassandra Good of the Papers of James Monroe, at the University of Mary Washington for providing me copies and transcripts of this and the other Monroe correspondence discussed in this chapter.

¹⁵ Wilberforce to Monroe, Old Pal[ace] Yard 10 o’Clock Thursday June 7th 1804, Monroe Papers, NYPL.

¹⁶ Hansard, *Parliamentary Debates...1804*, II:652 (C. Brooks). See also: *ibid*, 650 (Fuller).

¹⁷ Hansard, *Debates...1804*, II:659 (12 June 1804). The “paragraph” he read from Monroe’s letter (of 7 June 1804) was not printed and the letter does not appear to be extant.

33.¹⁸ This was the first important abolitionist victory in Parliament since 1792, and the bill would have banned the British slave trade after January 1, 1805.¹⁹ However, the House of Lords postponed the bill until the following session based on claims that more time was needed to consider the implication of abolishing the trade.²⁰ The next year, Wilberforce's renewed effort did not even pass the House of Commons.²¹

In his historical narrative, Thomas Clarkson did not address any potential connection between South Carolina's revival of the slave trade and the fate of abolitionism in Parliament; neither have modern historians.²² But other contemporaries articulated the transatlantic implications of South Carolina's actions. James Stephen, one of the key strategists of British abolitionism, attributed the 1804 setback in the House of Lords in part to the belief that the Americans were "disposed to take up that part of the trade which is proposed to be relinquished by Great Britain."²³ In 1805, when Wilberforce's motion failed in the Commons, one opponent claimed that "there was not a member who did not know, that if we abandoned this trade, it would go into other hands," and pointed specifically to the Americans who were expanding "the trade to a greater extent."²⁴ Again, these arguments had a large degree of truth; the revival of the

¹⁸ Hansard, *Debates...1804*, II:6662 (12 June 1804), 871 (27 June 1804).

¹⁹ In April 1792, the House of Commons passed a resolution calling for the abolition of the slave trade in 1796. However, the House of Lords did not pass the resolution, and subsequent efforts were defeated in both houses of Parliament. Anstey, *The Atlantic Slave Trade*, 274-80.

²⁰ Hansard, *Debates...1804*, II:933 (3 July 1804).

²¹ Anstey, *The Atlantic Slave Trade*, 345-46.

²² Clarkson, *History of the Abolition of the Slave Trade*, 566-75; Anstey, *The Atlantic Slave Trade*, 344-46; idem., "A Re-interpretation of the Abolition of the British Slave Trade, 1806-1807," *The English Historical Review* 87, April 1972):304-332; Thomas, *The Slave Trade*, 550; Seymour Drescher, "Public Opinion and Parliament in the Abolition of the Slave Trade," *Parliamentary History* 26, (supplement 2007):42-65, esp. 58; Jennings, *The Business of Abolishing the British Slave Trade*, 101; Fladeland, *Men and Brothers*, 74; Stephen Farrell, "'Contrary to the Principles of Justice, Humanity and Sound Policy': The Slave Trade, Parliamentary Politics, and the Abolition Act, 1807," *Parliamentary History* 26 (supplement 2007):141-71, esp. 145.

²³ James Stephen quoted in William Dillwyn to James Pemberton, 7 mo. 27. 1804., PAS LB II:97-98. Dillwyn did not identify Stephen by name, but referred to the author of the "Crisis," a reference to [James Stephen], *The Crisis of the Sugar Colonies...*, (London: J. Hatchard, 1802). On Stephen, who was also Wilberforce's brother-in-law, see: Anstey, *The Slave Trade*, 329-30.

²⁴ Hansard, *Parliamentary Debates...1805*, III:642 (General Gascoyne, 28 February 1805).

South Carolina slave trade not only meant more slaves were being imported into the state, it also facilitated the use of Charleston as port in which to outfit slave ships for the illegal foreign slave trade to places like Cuba.²⁵ Wilberforce reported that British abolitionists were “a good deal discouraged by the Accounts we have received of the Extent to which the Slave Trade is carried on from the Port of Charleston,” and he continued to press Monroe for written assurances “that there is no reason to entertain any doubt that Congress as soon as it possesses, will exercise the power of abolishing the Slave Trade altogether.”²⁶ Furthermore, British abolitionists hoped the United States government would “concur and cooperate with this country” to jointly enforce the existing ban on American participation in the foreign slave trade.²⁷ Counterfactually, it cannot be known whether Parliament would have abolished the slave trade in 1804 (or 1805, or 1806) if South Carolina had not revived the trade; but this American development made it more likely that British slave trade policies would follow the timetable established by the United States Constitution.

* * *

Unable to pass a slave trade abolition bill through Parliament, British abolitionists began chipping away at the slave trade through other means in 1805 by appealing to national interests in the midst of war with France and Spain. James Stephen was the principal architect of these new tactics, working closely with Wilberforce and Prime Minister William Pitt the Younger,

²⁵ Although the majority of slave voyages from Charleston supplied the domestic market between 1804 and 1807 (in contrast to 1800 to 1803), the total number of South Carolinian voyages serving foreign markets increased dramatically, from 3 voyages carrying 413 slaves (between 1800 and 1803), to 18 voyages carrying 2,807 slaves (between 1804 and 1807).

<http://slavevoyages.org/tast/database/search.faces?yearFrom=1800&yearTo=1803&ptdepimp=20000> and <http://slavevoyages.org/tast/database/search.faces?yearFrom=1804&yearTo=1807&ptdepimp=20000> (Accessed 12 July 2013). By contrast, of the known slave voyages from Charleston between 1800 and 1803 only

²⁶ William Wilberforce to James Monroe, Lyme Augt 21st 1806, GET ARCHIVE.

²⁷ William Dillwyn to James Pemberton, 7 mo. 27. 1804., PAS LB II:97-98. See also: William Dillwyn to James Pemberton, Walthamtown, 1 mo. 31. 1805, PAS, LCI, reel 12; William Dillwyn to James Pemberton, (extract) W. 2 mo. 14 [1805], PAS, LCI, reel 12

who was sympathetic to abolition. First they banned the slave trade to newly conquered islands which might be returned in peace negotiations; next they revived the Rule of 1756 to prevent neutral nations from supplying slaves (and other goods) to enemy territories. Then in 1806 they banned the slave trade to foreign ports, framing the bill as part of the war effort. Scholars have illustrated that although the British abolitionists were motivated by humanitarian and religious convictions, their major victories did not come until they cloaked their policies in the guise of national self-interest.²⁸ However, scholars have not examined the ways in which these tactics also exacerbated diplomatic tensions with the United States, undermining the goals of reciprocal slave trade suppression in the long run.

Britain had established the Rule of 1756 during the Seven Years' War to restrict neutral nations' trade with Britain's enemies. In response to American pressure, the British had made only limited use of such measures since the 1790s; but James Stephens called for a revival of such tactics in his 1805 pamphlet, *War in Disguise, or the Frauds of Neutral Flags*.²⁹ Stephen was primarily concerned with American trade with France and French colonies, which undermined the British struggle against Napoleonic France. Historian Roger Anstey has shown that although the pamphlet focused on the dangers of any type of neutral trade during war (with only one brief passage on the slave trade), Stephens's private sentiments revealed that he hoped the Rule of 1756 would be used to partly suppress the slave trade.³⁰ Regardless of Stephen's primary motives, historians have agreed on his influence in pushing the British Government to take a more aggressive stand against American trade with Britain's enemies, culminating with

²⁸ Anstey, *The Atlantic Slave Trade*, 346-57; Davis, *Slavery in the Age of Revolution*, 348. For the older notion that Britain's abolition of the slave trade represented economic self-interest disguised as humanitarianism, see: Eric Williams, *Capitalism and Slavery*, (Chapel Hill, University of North Carolina Press, 1944), esp. 145-50.

²⁹ [James Stephen], *War in Disguise: Or the Frauds of the Neutral Flags*, (4th ed., London: C. Whittingham, 1806 [1805]).

³⁰ Anstey, *The Slave Trade*, 349-59.

the Orders in Council of 1807.³¹ In conjunction with the British practice of boarding American ships and removing alleged deserters from the British Navy, this policy led the United States to respond with a trade embargo in 1807 and ultimately war. Stephen had previously emphasized the “essential importance” of establishing an agreement with the United States to mutually enforce slave trade prohibitions, but some of the diplomatic policies he supported foreclosed the hope of collaborative efforts to enforce slave trade laws, though this would not be fully apparent until after 1808.³²

Britain continued to move toward a complete prohibition of the Atlantic slave trade during 1806. In May 1806, Parliament passed a law banning the slave trade to foreign ports, essentially a British version of the American laws of 1794 and 1800. One British abolitionist reported the success with “unspeakable satisfaction,” but also acknowledged: “your law, twelve years ago, made that great advance towards reformation at which ours, is just arrived at.”³³ Although scholars have typically echoed contemporaries in greatly exaggerating the practical effect of Parliament’s law, it certainly helped pave the way toward complete slave trade abolition.³⁴ In June both houses of Parliament passed a resolution proposed by Foreign Secretary

³¹ Robert W. Tucker and David C. Hendrickson, *Empire for Liberty: The Statecraft of Thomas Jefferson*, (New York: Oxford, 1990), 190-92.

³² Stephen quoted in William Dillwyn to James Pemberton, 7 mo. 27. 1804., PAS LB II:97-98.

³³ Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCi, reel 12.

³⁴ Drawing on parliamentary speeches, Thomas Clarkson asserted that the Foreign Slave Trade Act ended four-sevenths of the British slave trade, a statistic many historians have uncritically accepted and repeated. See for example: Clarkson, *History of the Abolition of the African Slave Trade*, 608; Anstey, “A Re-Interpretation,” 324; Davis, *Slavery in the Age of Revolution*, 348; Farrell, “Contrary to the Principles of Justice, Humanity and Sound Policy” 146. Statistics from the Trans-Atlantic Slave Trade Database do not support such estimates. The number of slaves carried by British slavers only declined from 37,028 to 35,435 from 1806 to 1807, when the law went into effect. Small declines in the number of slaves sold to foreign islands were accompanied by sharp rises in imports to some English possessions (such as Jamaica, where slave imports nearly doubled from 8,561 to 16,064), perhaps in anticipation that the trade would be banned soon thereafter. Moreover, slave smuggling voyages to foreign ports are less likely to be included in the database, so the actual decline was probably even less than these statistics suggest. It is possible that it would have had a greater longer term influence if Britain had not prohibited the Atlantic slave trade the following year; regardless, it did not have the immediate influence which contemporaries hoped/feared it would have. <http://slavevoyages.org/tast/database/search.faces?yearFrom=1800&yearTo=1810&natinimp=7> (accessed 29 June 2013).

Charles James Fox, one of Wilberforce's key allies, stating: "That, conceiving the African slave trade to be contrary to the principles of justice, humanity, and sound policy, the House will, with all convenient speed, take measures for abolishing it. In such a manner, and at such time, as shall be thought advisable."³⁵ Parliament then passed a resolution by Wilberforce suggesting that the king negotiate with foreign powers to cooperate in slave trade suppression.³⁶

This resolution led to the inclusion of a slave trade provision in the Monroe-Pinkney Treaty drafted later in the fall of 1806, but Wilberforce had been involved in similar negotiations, though unofficial and secret, since 1800. The extent of such discussions, which Wilberforce undertook primarily with American ambassador Rufus King, is unclear. Wilberforce's surviving letters are often cryptic, referring to future times when they can have private conversations while promising to "destroy any letter with which you may favour me as soon as I have received it."³⁷ Beginning in 1800, under Wilberforce's promise of "perfect secrecy," King cooperated with the British Admiralty Court to allow the prosecution of Americans who were involved in the foreign slave trade in violation of American law, even though the British had no jurisdiction over such cases and the Americans could have claimed their capture was a violation of American sovereignty.³⁸

In 1801 King and George Erving, the American consul in London, had tacitly supported British proceedings against the Rhode Island slaver *New Adventure*, which had been captured carrying slaves between the colonies of two of Britain's enemies, French Goree (off the coast of

³⁵ The same resolution had been passed by the House of Commons (but not the Lords) in 1792. *Substance of the Debates...1806*, p. 10.

³⁶ Anstey, *The Atlantic Slave Trade*, 382.

³⁷ William Wilberforce to Rufus King, ("private"), Sept. 1801, *LCRK*, III:510-13. See also: William Wilberforce to Rufus King, Palace Yd., Nove. 24, 1800, *LCRK*, III:336; William Wilberforce to Rufus King, Palace Yd., Dec. 2, 1800., *LCRK*, III:339-40; William Wilberforce to Rufus King, Palace Yd., Saty., jany. 24, 1801, *LCRK*, III:377-78.

³⁸ William Wilberforce to Rufus King, Palace Yd., Dec. 2, 1800., *LCRK*, III:339-40.

West Africa) and Spanish Cuba. The recaptured Africans were to be freed and delivered to the Sierra Leone Company.³⁹ In June 1804, after James Monroe had replaced King as the American ambassador in Britain, Erving wrote the Virginian about such policies. He explained that the British were not motivated by a desire to keep the slave ships as prizes for themselves; they advised Erving that the ships would be “forfeited to the United States and delivered accordingly.”⁴⁰ Erving did not identify his contact at the Admiralty Court, but it was likely James Stephen. A leading Admiralty lawyer, Stephen had mentioned the *New Adventure* case in *War in Disguise* and would forward queries about joint suppression to the Pennsylvania Abolition Society the next month.⁴¹ Erving thought the “Public Advantages” of the proposal were “Obvious” and hoped Monroe would support it on behalf of the United States.⁴² At this time Wilberforce and Charles James Fox were also pressing Monroe to aid the British effort to end the trade.⁴³ Monroe declined giving Erving “his official sanction,” but gave “his verbal permission” to make “an Experiment” of allowing the British to prosecute American slave smugglers.⁴⁴ With Monroe’s tacit approval, Erving cooperated with the Admiralty Court in the prosecution of several Rhode Island slavers.⁴⁵

Wilberforce hoped not only to prosecute American slavers, but pursued “the grand project” of negotiating an international ban on the slave trade as part of peace negotiations in 1801. Denmark had begun gradually withdrawing from the Atlantic slave trade in 1792 and in

³⁹ George Erving to Madison (abstract), 20 November 1801, *London*. No. 5, Founders Online; Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCI, reel 12.

⁴⁰ George W. Erving to Monroe, London June 7th 1804, Monroe Papers, NYPL. I thank Cassie Good and Dan Preston of the Paper of James Monroe for providing me with copies and transcripts of this and the other Monroe correspondence discussed in this chapter.

⁴¹ [Stephens], *War in Disguise*, 27; William Dillwyn to James Pemberton, 7 mo. 27. 1804., PAS LB II:97-98.

⁴² George W. Erving to Monroe, London June 7th 1804, Monroe Papers, NYPL. For

⁴³ Monroe to Charles James Fox, Low Layton. June 10. 1806., RC, MCH; William Wilberforce to James Monroe, Lyme Augt 21st 1806, Monroe Papers, NYPL.

⁴⁴ George W. Erving, 25 October 1804, London, “Private,” (abstract), Founders Online.

⁴⁵ Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCI, reel 12.

the United States the state and federal governments had banned all aspects of the trade by 1800. Wilberforce hoped that if France and Britain ended the trade, they could then pressure Spain, Portugal, and Holland to follow suit.⁴⁶ However, by the end of 1801 it was apparent that neither the British nor French governments were committed to the issue and the 1802 Treaty of Amiens, which temporarily ended the Napoleonic Wars, said nothing in regard to slavery.⁴⁷ In 1806, with South Carolina importing slaves but with the expiration of the Constitution's 1808 provision approaching, British abolitionists focused on an Anglo-American policy of slave trade suppression.

British abolitionists made sure to keep their American counterparts informed of the progress their nation was making toward fully abolishing the slave trade.⁴⁸ Zachary Macaulay examined the connections between British and American policies in their "race of reformation" in a lengthy letter to the Pennsylvania Abolition Society.⁴⁹ Macaulay, who had served as governor of Sierra Leone and was editor of the evangelical monthly journal *The Christian Observer*, had recently joined Wilberforce and others in the antislavery group known as the London Committee.⁵⁰ His letter to the PAS illustrates how closely British abolitionists monitored the progress of slave trade suppression in the United States and their recognition of the importance of mutual enforcement. He regretted the "relapse of South Carolina into the iniquity of the Slave trade," and identified American involvement in the slave trade as "[t]he chief argument which we had to encounter in the late Parliamentary discussions." South

⁴⁶ William Wilberforce to Rufus King, ("private"), Sept. 1801, *LCRK*, III:510-13.

⁴⁷ Rufus King, diary entry, Nov. 27. 1801., *LCRK*, IV:21.

⁴⁸ London Meeting for Sufferings to the Philadelphia Meeting for Sufferings, 4th of the 7th month 1806, in PYM-MS 1802-1834, 93-96.

⁴⁹ Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCI, reel 12. This important letter has escaped the notice of most historians. Although the PAS did not copy the letter into their Letterbook of correspondence, they indicated their recognition of it's importance by creating a committee to respond to it. Unfortunately I have not been able to locate the PAS's letter in response. General Meeting minutes, 10 Mo. 6th 1806, p. 117-18; 1mo 5th 1807, p. 118-19; 10 Mo 5th 1807, p. 121.

⁵⁰ On Macaulay, see: Anstey, *The Atlantic Slave Trade*, 344, and *passim*.

Carolina's importation of slaves and the violations of the federal bans on the foreign slave trade allowed the West India lobby to draw the "plausible inference" that British legislation would "be equally ineffectual, or that the Merchants of the United States will succeed to whatever our own Slave traders may be driven to relinquish."⁵¹ In order to overcome these anti-abolition arguments, Macaulay hoped two things could be accomplished.

First, Macaulay hoped South Carolina would reinstate their slave trade ban voluntarily. Noting that a recent effort to end the trade had failed by a single vote in the South Carolina legislature, he hoped their next attempt would be successful. "Explain to them on our behalf," Macaulay entreated PAS members, "what a formidable obstacle this only remaining branch of lawful American Slave trade presents not only to the execution of the [British Foreign Slave Trade] Act now happily obtained, but to further reformation in England and the final deliverance of Africa." Even if South Carolina failed to act, Macaulay took it for granted that the United States would prohibit the slave trade entirely once the constitutional restriction ended in 1808.⁵² Macaulay's second, larger hope was that the two nations would mutually enforce each other's slave trade laws. He referred back to the earlier unofficial cooperation of Rufus King and George Erving, hoping that a formal policy of cooperation could be established. Ideally the US government would issue a "public declaration" stating that any vessel flying an American flag which violated an American law against the slave trade could be seized by the British, and that such captures would not be considered "a violation of the rights of neutrality or amity." Sensitive to "notions of national honor," Macaulay suggested the propriety of such a declaration appearing to come "spontaneously" from the Americans' own initiative. He hoped that the current treaty negotiations between the two nations would remove the "subsisting disputes" and

⁵¹ Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCi, reel 12.

⁵² Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCi, reel 12.

include an article establishing mutual enforcement of slave trade legislation. But even if not included in a treaty, Macaulay hoped the United States “would gratuitously issue such a declaration, not for our sakes, but for your own, and for the sake of those to whom both countries have great reparations to make, the injured African Race.” On the other hand, Macaulay also made a sophisticated argument about the Law of Nations and piracy (likely provided by James Stephen, who was also a member of the London Committee), suggesting that the British might claim the right to capture slavers flying the American flag even without formal permission from the United States.⁵³

While Macaulay reached out to American abolitionists, other British abolitionists broached the topic directly to the American diplomats in England. In August 1806, William Wilberforce informed James Monroe: “America was foremost in my mind when I moved the Address to His Majesty to negotiate with foreign Powers for agreeing on a general Abolition [of the slave trade], & mutually assisting each other in carrying it into effect.”⁵⁴ At this time Monroe and William Pinkney of Maryland were negotiating a new treaty with Britain, and they were also contacted by British negotiators about adding a provision for cooperative slave trade suppression.⁵⁵ The resulting Monroe-Pinkney Treaty, which was completed on 31 December 1806, also included a provision encouraging cooperative efforts to secure “the final and complete abolition of a trade so repugnant to the principles of justice and humanity.”⁵⁶ The treaty did not,

⁵³ Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCi, reel 12.

⁵⁴ William Wilberforce to James Monroe, Lyme Augt 21st 1806, RC, NN: Monroe Papers.

⁵⁵ Lord Holland and Lord Aukland to James Monroe and William Pinkney, Downing Street 15th Oct^r 1806, Copy, GB-PRO: FO 5/51.

⁵⁶ “Treaty of Amity, Commerce, and Navigation, Between His Britannic Majesty and the United States of America,” *ASP: Foreign Relations*, III:147-51, quotation from 51 (31 December 1806).

however, fully settle disputes over neutral shipping rights and naval impressment, so President Jefferson refused to submit it to the Senate for ratification.⁵⁷

* * *

Regardless of the fate of the Monroe-Pinkney Treaty, by the fall of 1806 it was clear that Britain was on its way to abolishing the slave trade. In explaining why British slave trade abolition efforts failed for so long before passing overwhelmingly in 1807 (by a vote of 283 to 16 in the House of Commons), historians have emphasized a number of “essential preconditions” and causes: British progress in the Napoleonic Wars, the support of the new Grenville ministry, public opinion, the saturation of older West Indian plantations with slaves, the declining influence of the West India lobby, along with the desire to centralize imperial control and restore moral capital following American Independence, and the fear of divine retribution.⁵⁸ But the approach of America’s expected prohibition of the trade may have been the most influential factor in explaining the timing. Through 1807, British opponents of slave trade abolition continued to insist that the measure would simply transfer the trade to the Americans and therefore not actually reduce the scale of the trade or serve humanitarian ends. But British abolitionist MPs could increasingly counter such arguments by insisting that “America is about

⁵⁷ Hickey, “The Monroe-Pinkney Treaty of 1806: A Reappraisal,” *WMQ* 44, (January 1987):65-88; Gould, *Among the Powers of the Earth*, 165.

⁵⁸ Farrell, “Contrary to the Principles of Justice, Humanity and Sound,” 148. In addition to the literature on British abolition already cited in this chapter, see also: Boyd Hilton, “1807 and All That: Why Britain Outlawed Her Slave Trade,” in Derek R. Peterson ed., *Abolitionism and Imperialism in Britain, Africa, and the Atlantic*, (Athens: Ohio University Press, 2010), 63-83; Philip D. Morgan, “Ending the Slave Trade: A Caribbean Context,” in *ibid.*, 101-28; John Coffey; Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism*, (Chapel Hill: University of North Carolina Press, 2006); Jack P. Greene, *Evaluating Empire and Confronting Colonialism in Eighteenth-Century Britain*, (New York: Cambridge University Press, 2013), esp. 341-62; John Coffey, “‘Tremble, Britannia!’: Fear, Providence and the Abolition of the Slave Trade, 1758-1807,” *English Historical Review* 127 (August 2012):844-81.

to give it up.”⁵⁹ At another level, national reputation was at stake. Britons had long claimed to be the world’s greatest upholders of human liberty, but this status had been challenged since the creation of America as an independent republic. Concern about national reputation and moral capital, had increasing urgency as Britain’s former colonies prepared to abolish an institution widely recognized to be a legacy of a less enlightened past.⁶⁰

Meanwhile, the United States almost certainly would have banned the slave trade as of 1808 even if Britain had not, but awareness of British progress toward slave trade abolition may have encouraged President Jefferson and Congress to craft a similar bill as soon as possible. Earlier in his political career Jefferson had repeatedly condemned the slave trade as immoral while blaming Britain for imposing it on the colonies. In both his 1774 *Summary View of the Rights of British America* and the first draft of the Declaration of Independence, he argued that the colonists wanted to end the immoral trade but Parliament and George III forced its continuation.⁶¹ After making such a claim to the moral high ground before the Revolution, it must have been embarrassing to Jefferson when the newly independent United States reopened the slave trade voluntarily and then protected it in the Constitutional Convention of 1787. In the fall of 1806, following Parliament’s June Resolution, Jefferson may have feared that George III – whom he had personally blamed for the slave trade’s existence thirty years earlier – might sign legislation abolishing the slave trade before he could. In his December address to Congress, the President condemned the slave trade as contrary to “morality, the reputation, and the best interests of our country.” Disregarding earlier arguments by senators such as John Quincy

⁵⁹ *Substance of the Debates..1806*, 151 (Lord Ellenborough). See also: *ibid*, 11-12, 16-77 ,25, 113, 129, 151; *Substance of the Debates on a Bill For Abolishing the Slave Trade...1807*, (London: 1808), 29, 63, 71, 80, 133, 136, 252.

⁶⁰ On these concerns in the immediate aftermath of American Independence, see: Brown, *Moral Capital*, esp. 160-206, 455-56; Greene, *Evaluating Empire*, esp. 341-62; on these concerns following the War of 1812, see: Mason, “Battle of the Slaveholding Liberators,” *idem*, “Keeping up Appearances.”

⁶¹ Onuf, ““To Declare Them a Free and Independent People,”” 11-13; Mason, “Slavery Overshadowed,” 63.

Adams that Congress could not even consider slave trade legislation before 1808, the president called on Congress to immediately begin drafting legislation to “withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa.”⁶²

Congress began considering such a measure the following week, beginning what one MP called a “race of glory” between the two nations to pass legislation abolishing an institution that both recognized as immoral and impolitic.⁶³ Zachary Macaulay’s *Christian Observer* expressed the hope that Britain would “at least keep pace with America in this glorious cause which she is undertaking.”⁶⁴ Ultimately Congress completed its Act Prohibiting the Importation of Slaves in time for Jefferson to sign it into law on 2 March 1807, three weeks before George III could assent to Parliament’s Act to Abolish the Slave Trade on 25 March.⁶⁵

II. FRAMING AN AMORAL ABOLITION LAW IN CONGRESS

Although the United States Slave Trade Act of 1807 was celebrated as a humanitarian triumph, it was not as “antislavery” in spirit as some abolitionists would have liked. John Parrish was disappointed when it became apparent that Congress “had nothing further in view than putting a stop to the African trade,” without “eleviating” the conditions of slaves or providing “an

⁶² Jefferson, “Sixth Annual Message to Congress,” in AC 9-2, 14 (2 December 1806). For John Quincy Adam’s argument that Congress could not pass such legislation until 1808, see: Everret Somerville Brown ed., *William Plumer’s Memorandum of Proceedings in the United States Senate, 1803-1807*, (New York: Macmillan Company, 1923), 353-55 (17 December 1805).

⁶³ On 6 March 1807 British MP General Vyse, unaware that Congress had already passed its abolition law, expressed his hope that Parliament would be “foremost in this race of glory,” rather than being forced to abolish the slave trade by future events (such as slave revolts or the example of other nations), “without the pride and dignity of generous action.” *Substance of the Debates...1807*, 172.

⁶⁴ *Christian Observer* (London), January 1807. Zachary Macaulay, editor of the *Christian Observer*, had used almost the same language in his letter to the PAS: “We cannot conclude without expressing a further hope that America will again outstrip her Parent in the race of reformation by prohibiting what remains of her Slave Trade.” Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCi, reel 12.

⁶⁵ [US] “An Act to Prohibit the Importation of Slaves,” *Statutes at Large*, II:426-430, [Britain] “An Act for the Abolition of the Slave Trade,” 47 Geo. III cap 36, in Elizabeth Donnan ed., *Documents Illustrative of the History of the Slave Trade to America*, (4 vols. Washington DC: Carnegie Institution of Washington, 190-1935), II:659-69.

Assylum” for manumitted slaves.⁶⁶ Historians have also been critical of the law, with the most critical indictment coming from W.E.B. DuBois. DuBois argued that the law was designed to be ineffective and proved to be “nearly a dead letter;” he estimated that tens of thousands of slaves continued to be imported into the United States each year.⁶⁷ Subsequent historians have drastically reduced such estimates, and most agree that the law was quite effective at preventing the importation of slaves, though much less successful in stopping American participation in the foreign slave trade between Africa and Spanish and Portuguese colonies.⁶⁸ Nonetheless, the law was framed in a manner that reinforced state control over slavery and indirectly justified the principle of human property.⁶⁹

It is important to consider the situation of American slaveholders in 1807. For those committed to perpetuating slavery, their primary goal was not to facilitate slave smuggling from abroad but to protect slavery and the domestic slave trade within the Union. Generations of growth from natural reproduction made it clear that imports were unnecessary to maintain slavery in North America; moreover, most American slaveholders continued to operate (at least rhetorically) from the position that they desired the eventual end of slavery.⁷⁰ Although the immediate and long term prospects of slavery did not require the continuation of the slave trade, the institution did require protection from the ideological and political assaults which had

⁶⁶ [John Parrish], “Notes on Abolition,” [1805], 57, Friends Historical Library, Swarthmore: http://tritych.brynmawr.edu/cdm/compoundobject/collection/HC_QuakSlav/id/8052/rec/1. For Parrish’s earlier expectation that more would be done after 1808, see also: John Parrish to TJ, Philada. 10th Mo. 27th. 1804-, ViW: Tucker-Coleman Collection, and Founders Online (forthcoming).

⁶⁷ (DuBois largely failed to distinguish between the foreign carrying trade and slave imports into the US.) Du Bois, *Suppression of the African Slave-Trade*, pp. 108-124, quote on p. 109.

⁶⁸ Fehrenbacher, *Slaveholding Republic*, 149, 385n; David F. Ericson, *Slavery in the American Republic*, (Lawrence: University of Kansas Press, 2010), 34-36; Leonardo Marquez, “The United States and the Transatlantic Slave Trade to the Americas, 1776-1867,” (PhD diss., Emory University, 2013).

⁶⁹ Davis, *Slavery in the Age of Revolution*, 137; Finkelman, “Regulating the African Slave Trade,” 402.

⁷⁰ Rothman, “The Domestication of the Slave Trade.”

increased since the Revolution.⁷¹ The Slave Trade Act of 1807 was quite effective at ending the importation of slaves into the nation, but did so in ways that sanctioned and legitimized the continuation of the domestic slave trade and slavery itself.

Although there was nearly unanimous cross-sectional consensus in favor of prohibiting the Atlantic slave trade, the bill's creation exposed sharp sectional tensions.⁷² The legislative process dealt with three main practical issues: the treatment of "recaptured Africans" (who were illegally-transported), the proper punishment for slave smugglers, and the extent to which the federal government would regulate the interstate slave trade within the Union. (The question of Anglo-American reciprocal enforcement was a fourth issue, though not discussed in Congress at the time.) At another level, there was a struggle over whether the law would be framed from a moral, antislavery perspective, or a morally-neutral commercial perspective.

After lengthy, contentious, and often highly sectional debate, Congress framed the law from an amoral perspective focusing on the regulation of commerce rather than the protection of natural rights. This perspective can be seen in comparing the formal titles of the British and American laws. Parliament's "Act for the Abolition of the Slave Trade" sought to abolish the Atlantic slave trade as an institution while Congress's "Act to Prohibit the Importation of Slaves" was framed in terms of banning the importation of a certain commodity. These differences were not mere semantics, the different frameworks of the laws had important practical and political implications. The British law was supported by antislavery MPs who made no secret that they intended slave trade abolition to prepare the way for slave emancipation, and the law restored the freedom of any Africans illegally transported as slaves. By contrast, the American law permitted southern states to confiscate recaptured Africans and sell them (as slaves) as they would other

⁷¹ Mason, *Slavery and Politics*, 24.

⁷² Ohline, "Politics and Slavery," 399-437; Mason, "Slavery Overshadowed."

contraband goods. This law also did virtually nothing to reduce the domestic sale of slaves across state lines. In the years after 1807, Britain focused on the international suppression of the Atlantic slave trade, enacted policies to ameliorate the slave conditions in British colonies, and then abolished slavery in the 1830s. The British went from “being the worlds greediest and most successful traders in slaves in the eighteenth century...to being able to preen themselves on being the world’s foremost opponents of slavery,” as Linda Colley has written.⁷³ Meanwhile, the domestic slave trade facilitated slavery’s expansion within the United States, Americans remained active in the illegal foreign slave trade to other nations, and the federal government resisted formal international policies of cooperative slave trade suppression.⁷⁴

The antislavery shortcomings of the United States Slave Trade Law of 1807 resulted from multiple causes. At times slave state congressmen outmaneuvered their more antislavery opponents and obtained “crucial – if limited – northern acquiescence,” as Matthew Mason has emphasized.⁷⁵ A desire to create an effective and enforceable law also encouraged antislavery northerners to subordinate idealism to pragmatism, and frame the law in ways more palatable to white southerners. Finally, the creation of an Anglo-American policy of mutual enforcement was prevented by existing diplomatic controversies that were unrelated to slavery.

The creation of Congress’s slave trade law was complicated and its legislative history has confused historians. The Senate created one bill while the House of Representatives created two bills from two different committees before eventually adopting and amending the Senate’s bill, which was then further amended by a joint committee of members of the House and Senate. W.E.B. DuBois created a chart illustrating the various transactions but his account still contains

⁷³ Linda Colley, *Britons!, Forging the Nation, 1707-1837*, (New Have: Yale University Press, 1992), 351.

⁷⁴ Drescher, “Divergent Paths.”

⁷⁵ Mason, “Slavery Overshadowed,” 68.

several important errors. Not only historians but contemporaries were confused by the process. For most congressmen, the bill was a lower priority than concurrent crises such as Aaron Burr's conspiracy in the Southwest, and foreign relations in the midst of the Napoleonic Wars.⁷⁶ As a result, it seems that some of the most polemical speeches during the abolition debates were made by congressmen who had not read the bills carefully if at all. Their fiery speeches have in turn further confused historians (who appear not to have read the various bills either), leading to errors and contradictions in the historical accounts of Congress's proceedings.⁷⁷

In some cases the confusion over the bill's creation is of only minor importance. For instance, scholars often misattribute a provision in the second House bill freeing recaptured Africans to the Senate bill.⁷⁸ But a reexamination of the legislative record also reveals that one of the events which has attracted the most scholarly attention – a supposed attempt to ban much of the interstate slave trade – was largely imaginary. And while historians have correctly stressed the importance of the debates over the treatment of recaptured Africans, they have missed the issue's larger context of Anglo-American diplomacy.

⁷⁶ Mason, 'Slavery Overshadowed.'

⁷⁷ In addition, most scholars have relied entirely on the *Annals of Congress* for the substance of the congressional debates. Drawn from the reporting of the *National Intelligencer* (the organ of the Jefferson administration), the *Annals* represent the most important single source for congressional proceedings, but at times the debates were more thoroughly reported in other newspapers such as the *United States Gazette*, a Federalist paper from Philadelphia. Most of historians' confusion involve the House debates of 9-11 February 1807. On January 28 the House had received the Senate bill which had been passed the day before; it was read twice but there was no debate until 9 February. At that point, the House read the Senate bill but then voted to consider a new version of the House bill instead. (This procedure is not explained in the *Annals of Congress*, but is detailed in the *US Gazette* [12 February 1807]). However, historians have often assumed the House was debating the Senate bill. They therefore misattribute provisions of the House and Senate bills (apparently not having read the bills themselves, which should have cleared up the confusion). For House bills, see: "A Bill, To prohibit the importation or bringing of slaves into the United States, or the territories thereof, after the thirty-first day of December, 1807," HR Bill 4 (15 December 1806); "A Bill, To prohibit the importation or bringing of slaves into the United States, or the territories thereof, after the thirty-first day of December, one thousand eight hundred and seven," HR Bill 10 (8 January 1807); "A Bill, To prohibit the importation, or bringing of slaves into the United States, or the territories thereof, after the thirty first day of December next," HR Bill 38 (20 January 1807). For the Senate bills, see: [US Senate], *An Act, To prohibit the importation of slaves...Read the first and second time, and committed to the committee of the whole House, to whom was committed on the 20th instant, the amendatory bill, No. 38...* ([Washington DC]: January 28, 1807). *A Bill (As amended by the committee,) To prohibit the importation of slaves into any port or place within the jurisdiction of the United States...* (Senate bill) [Washington DC, 1807].

⁷⁸ Robinson, *Slavery in the Structure of American Politics*, 333; Fehrenbacher, *Slaveholding Republic*, 146.

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In terms of the practical and ideological implications of the Slave Trade Act, the debate over the treatment of recaptured Africans was the most important controversy.⁷⁹ In Congress, Peter Early and James Sloan represented the opposite extremes on this issue. Early was a slaveholder from Georgia while Sloan was a New Jersey Quaker who had distributed copies of John Parrish's *Remarks on Slavery* to congressmen prior to the slave trade debates. The Georgian headed the committee which drafted the initial House bill in which the ship, tackle, and cargo of any ship illegally importing slaves would be "forfeited" and disposed of in "the manner prescribed by the act, entitled, 'An act to regulate the collection of duties on ports and tonnage.'"⁸⁰ This was a euphemistic way of saying that the federal government would auction off the human cargo as slaves and keep a portion of the proceeds. Sloan considered Early's bill "Inadequate to the purpose Intended, and derogatory to the character of the U.S." In a letter to John Parrish, he laid out "the true principles upon which the bill ought to pass." He proposed that all illegally-imported Africans "should Immediately be free, and removed back to their native land; or, if that should be impractical, placed by the U.S. in such a situation for a term of years, as to fit them for freedom." He also wondered if they could send the recaptured Africans to the British colony of Sierra Leone.⁸¹

During the course of debate, Sloan repeatedly argued that illegally-imported Africans should be freed by the federal government.⁸² In response, Early and other Southern

⁷⁹ It was also the issue that provoked the most debate in Congress. As DuBois noted, two-thirds of the recorded debate addressed this issue. DuBois, *Suppression of the African Slave Trade*, 95. See also: Mason, "Slavery Overshadowed," 65-68; Robinson, 324-29

⁸⁰ See section four: "A Bill, To prohibit the importation or bringing of slaves into the United States, or the territories thereof, after the thirty-first day of December, 1807," *Bills and Resolutions: House of Representatives*, 9-2, HR Bill 4 (15 December 1806). AC 9-2, 151 (15 December 1806).

⁸¹ James Sloan to John Parrish, City of Washington, December 25. 1806, C-P-W, box 2.

⁸² AC 9-2, 168, 175 (17 December 1806), 254 (5 January 1807), 478 (9 February 1807).

representatives argued that freeing recaptured slaves would endanger the South, for free blacks presented “an evil far greater than slavery itself.”⁸³ This fear has been described as the “strongest of the southerners’ objections....in large measure because they shared President Jefferson’s well-known views on the impossibility of free blacks living alongside whites.”⁸⁴ But the subsequent debates suggest that the ideological principles behind proposals to free slaves were even more objectionable than the practical concerns. Southern congressmen would accept federal involvement if it involved auctioning off slaves within a southern state, but not freeing slaves – even if the federal government also removed them from slave states. The House and Senate both considered freeing smuggled Africans in the United States or colonizing them in Africa, but ultimately settled on a compromise that was much closer to the policy advocated by Early.

On January 5, 1807, Sloan proposed an amendment stating that “all slaves imported into a State allowing slavery shall be declared free – for whom food and raiment shall be provided, until they shall be restored to freedom in their native land, or removed to States in which the laws are congenial to their freedom, where they shall be bound for a term of years.”⁸⁵ Sloan would have the federal government protect and free illegally-imported Africans, treating them as victims of a crime rather than as smuggled goods.⁸⁶ He did not, however, specify how they would be transported to their “native land” or whether that meant the general continent of Africa or their specific place of origin. When the vote was taken, only three members supported Sloan’s motion. The vote was not recorded, but three other northerners had previously supported

⁸³ AC 9-2, 174 (17 December 1806).

⁸⁴ Mason, “Slavery Overshadowed,” 64. Finkelman writes that the final compromise on the treatment of illegally-imported Africans reflected “Jefferson’s states rights ideology, his hatred of free blacks, and his refusal to spend money unless absolutely necessary.” Finkelman, “Regulating the African Slave Trade,” 401).

⁸⁵ AC 9-2, 254 (5 January 1807). Sloan had tried proposing his amendment a week before, but it was passed over without discussion. AC 9-2, 226 (29 December 1806).

⁸⁶ See also Sloan’s earlier criticism of Early’s bill: AC 9-2, 168, 175 (17 December 1806).

the idea of deporting illegally-imported Africans. On December 17, John Smilie of Pennsylvania had supported an earlier suggestion by Sloan that Africans be repatriated, and on December 23, Orchard Cook of Massachusetts and James Fisk of Vermont had both wished that Africans could “be *deported* back to the country whence they are brought.”⁸⁷

Although few congressmen were prepared to go as far as Sloan and ensure that all illegally-imported Africans would be freed in the North or sent back to Africa, northern members were almost united against the provision in Early’s bill whereby the federal government would sell the Africans into slavery. The vote most indicative of the sectional divide on this issue occurred on January 7, 1807, when the House voted on an amendment proposed by Barnabas Bidwell, a leading Republican from Massachusetts. This amendment mandated that “no person shall be sold as a slave by virtue of this act,” though it did not propose what would actually be done with illegally-imported Africans. The House was evenly divided 60 to 60, until Speaker of the House Nathaniel Macon of North Carolina cast the deciding vote against the amendment. Northerners voted 54 to 13 in favor of the amendment. And it seems that this vote actually underrepresented the sectional divide. Five of the thirteen northerners who voted against Bidwell’s amendment effectively reversed their stance the next day by voting for a proposal by George Bedinger of Kentucky – one the six southerners who had supported Bidwell’s amendment against sale – to recommit the entire bill to a new committee. The debate surrounding Bedinger’s proposal made it clear that northerners wanted a bill “which would save the United States from the humiliation and disgrace of sanctioning” the principle of slavery.⁸⁸

⁸⁷ AC 9-2, 254 (5 January 1807). AC 9-2, 176 (17 December 1806); *US Gazette*, 29 December 1806 (23 December 1806).

⁸⁸ This was the reported summary of various speeches, rather than one individual speech. AC 9-2, 270.

The House voted 76 to 43 to recommit the bill, and it was sent to a new committee of seventeen, with one representative from each state.⁸⁹

Meanwhile, the Senate briefly considered incorporating African colonization in their bill. On January 16, 1807, Andrew Moore of Virginia made a motion to clear the galleries of spectators, in order to present a matter of “delicacy & importance...under an injunction of secrecy.”⁹⁰ Behind closed doors, he then presented correspondence and resolutions dating from 1800 through 1805 about Virginian support for colonizing slaves outside of the state.⁹¹ At the end of 1800, in reaction to Gabriel’s Conspiracy, the Virginia House of Delegates had passed a resolution requesting the governor to correspond with the President about acquiring land outside of the state “whither persons obnoxious to the laws or dangerous to society may be removed.”⁹² In subsequent years they had expanded their proposal to include free people of color as well as troublesome slaves.⁹³ Between 1801 and 1805, President Jefferson had corresponded with Virginia governors James Monroe and John Page about the site for a suitable asylum or colony. Jefferson believed it would need to be outside of North America and had initially suggested St. Domingue as the “most promising” location,” but later determined the island’s circumstances were “too unsettled.” Instead he advocated for Africa, preferably the British colony of Sierra Leone.⁹⁴ In 1803 the Sierra Leone Company had declined accepting settlers from the US as the

⁸⁹ AC 9-2, 273-74 (8 January 1807).

⁹⁰ William Plumer misdated the event to the 18th, but makes it clear that they were presented in the midst of debate over the slave trade bill. Brown ed., *Plumer’s Memorandum*, 580-81 (21 January 1807).

⁹¹ The *Annals of Congress* makes no mention of the contents of the materials which Moore laid before the Senate, and other scholars, with the exception of Howard Ohline, appear to have been aware of the contents and their relevance to slave trade abolition. AC 9-2, 35 (16 January 1807); *American State Papers: Misc.*, I:464-77. Ohline, “Politics and Slavery,” 412. On the correspondence between Monroe and Jefferson, see: Egerton, *Gabriel’s Rebellion*, 151-62.

⁹² Resolution of the House of Delegates, December 31, 1800, in *American State Papers: Misc.*, I:464.

⁹³ Resolutions in the House of Delegates, Saturday, January 16, 1802, *ibid.*, 465; Resolution of the General Assembly, [3 December 1804], *ibid.*

⁹⁴ Jefferson to Monroe, Washington, November 24, 1801, *ibid.*, 465; Jefferson to Monroe, Washington, December 27, 1801, *ibid.*, 467; As I discuss in the next chapter, Rufus King also began discussion with Wilberforce and

colony was suffering under financial hardship and social instability. However, a spokesman for the company explained that they hoped the British government would take over responsibility for the colony, and indicated that they might be able to accept American settlers in the future.⁹⁵ The correspondence between President Jefferson and the governors and legislature of Virginia was read before the Senate and laid on the table, but their ensuing debate was not recorded.

Meanwhile, the British slave trade abolition bill of 1807 implicitly supported African colonization, restoring the freedom of those Africans illegally transported “as slaves” (they made sure that their semantics did not imply that the Africans’ enslavement had been legitimate). The “pretended property” was forfeited to the Crown and freed, though they could be enlisted in “His Majesty’s Land or Sea Service” for a period of years.⁹⁶ Although not formally part of the law, many recaptured Africans would be indentured as apprentices in Sierra Leone. In 1808 the British government belatedly took control of Sierra Leone and established a Vice Admiralty Court there; in the coming years, thousands of recaptured African were indentured to black settlers in the colony.⁹⁷ In December 1806, as Congress was discussing what to do with recaptured Africans, American diplomats James Monroe and William Pinkney had just concluded their treaty with the British including a slave trade suppression provision. Monroe and Pinkney explained to Secretary of State James Madison that the provision did not mandate action, but they believed that “co-operation, on a more enlarged scale” after 1808 would be both

members of the Sierra Leone Company about sending former Virginia slaves to the British colony. In 1803 the Sierra Leone company had declined because the colony was suffering from a number of difficulties. But they were seeking to have the British government take over the privately-run colony, and Jefferson was hopeful that this change might enable them to accept black colonists from the United States.

⁹⁵ (This correspondence about Sierra Leone was not included in the materials laid before the Senate.) Henry Thornton to Rufus King, Sierra Leone Office, 10th. may 1803, TJ Papers, LOC; Rufus King to TJ, London May 12. 1803, TJ Papers, LOC.

⁹⁶ Parliament], “An Act for the Abolition of the Slave Trade,” section II and VIII.

⁹⁷ Tara Helfman, “The Court of Vice Admiralty Court at Sierra Leone and the Abolition of the West African Slave Trade,” *The Yale Law Journal* 115, (March 2006):1122-56; Bronwen Everill, *Abolition and Empire in Sierra Leone and Liberia*, (New York: Palgrave Macmillan, 2013).

constitutional and “suitable.”⁹⁸ Such cooperation could have allowed Africans recaptured from American smugglers to be colonized in Sierra Leone. However, the Monroe-Pinkney correspondence would not reach American shores until March, and regardless, Jefferson declined submitting the treaty for ratification because it did not resolve the issues of neutral trade and naval impressment.⁹⁹

Even if the Senate had known about British willingness to cooperate in suppressing the slave trade and potentially colonizing recaptured Africans, it is likely that the diplomatic tensions would have prevented such collaboration. Indeed, plans to employ recaptured Africans in the Royal Navy may have further disinclined Americans from handing such Africans over to their British rivals at a time when the two nations seemed on the verge of war. In any case, Moore’s presentation of the Virginia colonization materials had no effect on the final Senate bill, which forfeited illegally-imported Africans to state authorities for “disposing of any such negro, mulatto, or person of color” as they saw fit.¹⁰⁰ On the other hand, Bedinger’s House committee of seventeen – which included antislavery congressmen such as James Sloan and John Smilie – reported a new bill providing that the Africans in question would be removed from the slave states and “indentured as apprentices or servants, or otherwise employed, as the President may judge most beneficial for them, and most safe for the United States.”¹⁰¹ This provision would position the federal government clearly on the side of freedom while also settling the recaptured Africans in the northern states so as not to disturb race relations within the South.

⁹⁸ James Monroe and William Pinkney to James Madison, London, January 3, 1807, *American States Papers: Foreign Relations*, III:142-147 (quotation from 146).

⁹⁹ Hickey, “The Monroe-Pinkney Treaty of 1806.”

¹⁰⁰ This provision was unchanged from the earlier version of the Senate bill from 13 January. [Senate], *Act, To prohibit the importation of slaves...* (28 January 1807).

¹⁰¹ See section 7 of “Bill, To prohibit the importation, or bringing of slaves into the United States, or the territories thereof, after the thirty first day of December next,” *Bills and Resolutions* 9-2, HR Bill 38 (20 January 1807).

When the House of Representatives discussed the Bedinger bill on February 9, 1807, Peter Early immediately objected to the provision freeing the forfeited Africans.¹⁰² The Georgian warned it would be so unpopular in the South that “military force would be necessary to carry the law into execution.”¹⁰³ Instead he proposed an amendment that would deliver the recaptured Africans to state officials “to be disposed of” as state legislatures saw fit.¹⁰⁴ This proposal would essentially adopt the form of the Senate bill. The House adjourned for the day without voting on Early’s motion. The next day the House voted 56 to 33 to switch consideration from the Bedinger bill to the Senate bill. As the *United States Gazette* explained, the main difference between the two bills was that the Senate version “leaves the slaves to be disposed of in such manner as the states may direct.”¹⁰⁵ The mover of this motion, Federalist William Ely of Massachusetts, had previously voted in favor of Bidwell’s amendment to free such slaves. His reason for switching to the Senate bill are not recorded, but his decision was likely influenced by a desire to wrap up a long legislative process by focusing on the version of the bill which had already been passed by one house of Congress.

Although the House’s switch from the Bedinger bill to the Senate bill cannot be viewed as a referendum on the treatment of recaptured Africans, it ended the issue as a point of debate and suggested that a majority was content with the Senate’s provision of state disposal. Whereas the vast majority of northerners had refused to acquiesce to a bill which directly involved the federal government in the “odium of becoming slave traders,” many were more concerned with

¹⁰² On 9 February 1807, the House considered “the three bills relative to the slave trade” – those of the Early and Bedinger committees as well as the bill passed by the Senate. After reading the Senate bill, they voted to consider the new House bill drafted by Bedinger’s committee. This is not explained in the *Annals of Congress*, and historians have often assumed that the House was debating the Senate bill instead of the Bedinger bill. *US Gazette*, 12 February 1807 (9 February 1807). Robinson, *Slavery in the Structure of American Politics*, 333; Fehrenbacher, *Slaveholding Republic*, 146.

¹⁰³ AC 9-2, 478.

¹⁰⁴ AC 9-2, 477.

¹⁰⁵ This procedure and vote is not recorded in the *Annals of Congress*, instead see: *US Gazette*, 12 February 1807 (10 February 1807).

the symbolic implications for the federal government than with what actually happened to the Africans in practice.¹⁰⁶ Thus there was significantly more room for cross-sectional compromise than some of the debate rhetoric might suggest. For example, Bidwell seemed to challenge the very foundations of slavery itself when he denounced the proposal that smuggled Africans be forfeited to the federal government as resting “wholly on a false principle” – the ownership of humans – “which neither the Constitution, nor the laws of the United States, have ever authorized.”¹⁰⁷ Yet while he wished that “the United States should themselves decline giving their legal sanction to any such sale” he was amenable to “leaving the business altogether to the several State authorities.”¹⁰⁸ Joseph Clay of Pennsylvania was similarly unconcerned with recaptured Africans being sold into slavery so long as the federal government was not directly involved and thus not morally culpable. He believed the federal government would “not recognize slavery or any branch of it” if they left the disposal of the forfeited slaves “to the laws of the several states.”¹⁰⁹ These earlier statements drawing a moral distinction between sale into slavery by state versus federal government help explain northerners’ acceptance of the final law’s forfeiture provision.

Southern congressmen also encouraged compromises by arguing that the federal law had to be framed as a commercial policy and that moralizing the issue was improper and even unconstitutional. John Randolph of Roanoke proclaimed that “Congress had no constitutional right to legislate on the subject except on commercial principles. The transportation of slaves must be considered like the transportation of indigo, coffee, or tobacco.”¹¹⁰ Nathaniel Macon, the North Carolinian Speaker of the House, repeatedly stressed that forfeiture was purely a

¹⁰⁶ AC 9-2, 170 (Smilie, 17 December 1806).

¹⁰⁷ Ibid, p. 220-21. (12/29/1806)

¹⁰⁸ AC 9-2, 182 (18 December 1806).

¹⁰⁹ *US Gazette*, 12 January 1807 (7 January 1807).

¹¹⁰ *US Gazette*, 16 February 1807 (12 February 1807).

“commercial question” to which abstract considerations of morality had no relevance.¹¹¹ In response John Smilie read from the Declaration of Independence about self-evident truths and inalienable rights, then asked, “Will the honourable speaker tell us how these rights are connected to commercial principles?”¹¹² This exchange exemplified the conflict between slaveholder and antislavery ideologies. Yet some northerners endorsed the southern perspective. Joseph Clay, a Pennsylvanian who was close friends with John Randolph, asserted that “it must appear to every man of common sense, that the question could be considered in a commercial view only.”¹¹³ Such arguments had been common throughout the debates over forfeiture. In response to the proposition that illegally-imported Africans be freed, Peter Early drew an analogy with smuggled brandy. He pointed out that “the brandy so imported is not turned out into the street. It is forfeited and sold.”¹¹⁴ Of course, such comparisons between smuggled humans and inanimate commodities displayed callousness and racial prejudice, but they also attempted to assuage northern consciences by arguing that this was the only form a federal law could constitutionally take, and thus they would not be morally culpable for such provisions. While Randolph insisted that Congress must legislate from a morally-neutral commercial perspective, he added: “Were he to legislate on this subject as a member of the Virginia house of delegates, he should, however, act very differently.” Such statements suggested that while the federal government could only operate from a morally neutral position, southern state governments could – perhaps would – operate from a moral perspective in their treatment of

¹¹¹ AC 9-2, 225 (29 December 1806). Despite Macon and Early’s insistence that the law be framed in commercial terms and treat slaves purely as property, they faced the dilemma that all slaveholders faced, and were forced to recognize that slaves were in fact very human. Macon warned that if slaves were freed within the South they would “cut our throats,” and Early also addressed the concern of “self preservation” in the face of freed slaves. *ibid*; *US Gazette*, 23 December 1806 (17 December 1806).

¹¹² AC 9-2, 225 (29 December 1806).

¹¹³ AC 9-2, 227 (29 December 1806).

¹¹⁴ *US Gazette*, 23 December 1806 (17 December 1806).

slave smugglers and recaptured Africans.¹¹⁵ Moreover, permitting the sale of recaptured Africans would enlist self-interest to aid enforcement, as a portion of the proceeds of the sales went to those informing on or capturing smugglers.¹¹⁶ Even some abolitionists supported this pragmatism in service to the greater good.¹¹⁷

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The debate over appropriate punishment for slave smugglers was characterized by similar concerns: would they be punished for violating a commercial law or for committing an immoral crime? Would the death penalty discourage the crime or discourage convictions? The issue led to some heated debate, but was never as sectional as that over forfeiture.¹¹⁸ The final compromise, substituting fines and imprisonment for the death penalty, made the law more enforceable but also lessened the moral stigma attached to the crime.

At the instigation of James Sloan, the death penalty was added to Early's bill on December 19, 1806.¹¹⁹ Four days later Peter Early moved to strike the addition, leading to an extended debate characterized by the clash of moral and commercial frameworks for the law. John Smilie argued that death was a well-deserved punishment for slave traders, and that if the United States would not execute such people he must "lament that our morals are not as good as they ought to be."¹²⁰ Smilie's conviction that slave traders deserved death was not based on their evasion of commercial restrictions – he was condemning the act of enslavement itself as a violation of moral law. The implications of such a view, if endorsed by the government, could present a fundamental challenge to slavery. Facing such vehement criticism, southerners again

¹¹⁵ *US Gazette*, 16 February 1807 (12 February 1807).

¹¹⁶ For example see, from the debates of 17 December 1806, see: AC 9-2, 169 (Early), 172 (Macon), 175 (Clay).

¹¹⁷ Zachary Macaulay to the PAS, London 4 June 1806. PAS, LCI, reel 12.

¹¹⁸ Robinson, *Slavery in the Structure of American Politics*, 330-31; Mason, 68-70.

¹¹⁹ AC 9-2, 189-90.

¹²⁰ *US Gazette*, December 1806 (23 December 1806).

sought to reframe the issue in commercial rather than moral terms. In contrast to Smilie and other northerners, southerners emphasized that slave smugglers were to be punished not for enslaving Africans but for breaking American commercial regulations. James Holland, a North Carolinian, reminded the other members of the compromises at the Constitutional Convention, “Slaves were there considered as an article of commerce, and nothing has happened since to change it[.] The law which we may pass on this subject must be regarded as a commercial restriction.”¹²¹ Following this logic, the death penalty was disproportionate punishment for a mere commercial violation. Furthermore, it was “not proper for the government to cast reflections upon the states.”¹²²

Bidwell continued to maintain that he believed the death penalty was deserved, but accepted that it might not be expedient. Some abolitionists apparently agreed on the issue of expediency. Senator Stephen Bradley later reported that some Philadelphia Quakers had “suggested the propriety of striking out the punishment of death and substituting fines & imprisonment from an apprehension that the severity of the punishment would prevent the execution of the Law.”¹²³ At the end of the day the House voted 60 – 41 against the death penalty.¹²⁴ The death penalty was reintroduced at various times in the coming weeks, including in the bill passed by the Senate, but was absent in the final law.¹²⁵ The final law instead included fines up to \$20,000 and prison sentences of up to ten years.¹²⁶

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¹²¹ *US Gazette*, 29 December 1807. (23 December 1806)

¹²² *Ibid.*

¹²³ Stephen Bradley to George Logan, Washington Jany. 26th. 1813, Logan Family Papers, box 6, cited in Ohline, “Politics and Slavery,” 422-23.

¹²⁴ *AC* 9-2, 200. (23 December 1806). As Matthew Mason has noted, the votes on punishment were considerably less sectional than those on forfeiture. Mason, “Slavery Overshadowed,” 69

¹²⁵ For later House debates on the death penalty, see: *AC* 9-2, 231-44 (31 December 1806), 477 (9 February 1807), 483-84 (12 February 1807).

¹²⁶ “An Act to Prohibit the Importation of Slaves,” *Statutes at Large*, II:426-430.

The regulation of the domestic slave trade was the final point of controversy in the bill's creation and the one that has most confused scholars. Virtually all accounts of the legislative process follow W.E.B. DuBois's statement that the Senate bill proposed to "prohibit the coastwise slave-trade altogether." Such a provision would have dramatically curtailed the interstate trade in slaves, as it was much faster to sail ships around Florida than march coffles of slaves from the Upper South to the Southwest. However, John Randolph and Peter Early led other southern members of the House in opposing this provision, and a joint compromise permitted the coastal slave trade with only minor regulations. In this narrative, a strong antislavery provision from the Senate was defeated by members of the House who threatened civil war in order to protect the domestic slave trade.¹²⁷ However, no version of the bill ever banned the coastal slave trade, nor did any congressmen ever advocate for such a ban.

Without reading the actual Senate bill, historians have drawn mistaken conclusions by extrapolating from a handful of speeches, some of which were given by congressmen who apparently had not read the bill either.¹²⁸ The Senate bill included a provision restricting the coastal domestic slave trade to vessels over fifty tons and another requiring such vessels to record a registry of all slaves on board.¹²⁹ Unfortunately the Senate debates were not recorded,

¹²⁷ DuBois, *Suppression of the African Slave-Trade*, 104. Fehrenbacher, *Slaveholding Republic*, 146; Ohline, "Politics and Slavery," 42; Mason, "Slavery Overshadowed," 70; Deyle, "This Abominable New Traffic," 837-38; Ford, *Deliver Us from Evil*, 126; Wood, "John Randolph and the Politics of Slavery," 117. Robinson's account leaves the intent of the Senate bill ambiguous, and states that Peter Early feared the language of the senate bill was "susceptible of application to the domestic 'coastwise' trade" (*Slavery in the Structure of American Politics*, 334).

¹²⁸ For historians who have made this mistake, which includes, um, myself, see the previous note. However, my new findings in congressional materials and John Randolph's correspondence actually strengthen the argument I have previously made in regard to Randolph's actions during the bill's creation (in which I dissented from the view that he was seeking to protect the domestic slave trade). See: Wood, "John Randolph and the Politics of Slavery," and the discussion below.

¹²⁹ [US Senate], *An Act, To prohibit the importation of slaves...Read the first and second time, and committed to the committee of the whole House, to whom was committed on the 20th instant, the amendatory bill, No. 38..*, ([Washington DC]: January 28, 1807), sections 8 and 9. These provisions were also in the 13 January version of the Senate bill: [US Senate], *A Bill (As amended by the committee,) To prohibit the importation of slaves into any port or place within the jurisdiction of the United States...* ([Washington DC, 1807).

so it is impossible to be certain, but it appears that the Senate bill was designed to do both less and more than historians have assumed. Instead of reducing the interstate slave trade, it seems likely that the Senate bill was designed to prevent smuggling slaves from Spanish Florida into the United States via small vessels that could evade customs collectors, and also to safeguard free blacks from being kidnapped and sold on the domestic slave trade.

The ninth section of the Senate bill (as well as the final law) required the masters of vessels transporting slaves to keep “duplicate manifests of every such negro, mulatto, or person of colour on board” and to “swear or affirm” that the people in question had not been imported after 1808 and “that under the laws of the state, that they are held to service or labor.” They further had to record a description of each slave as well as their “name and place of residence of every owner, or shipper of the same.”¹³⁰ In other words, ship captains had to swear and provide written evidence that their human cargo were legally enslaved, not smuggled slaves nor free African Americans kidnapped into slavery. The 1796 House committee report on kidnapping (discussed in chapter 3) had recommended creating “a bill making it necessary for every master of a vessel to have a certificate of the number and situation of any negroes or mulattoes he may have on board.”¹³¹ Eleven years later, the Senate now incorporated this proposal into its bill prohibiting the Atlantic slave trade. Although much less sweeping than a total ban on the coastal trade, these provisions appear intended in part to protect free African Americans from kidnapping.¹³²

¹³⁰ See section 9 of: *An Act, To prohibit the importation of slaves...Read the first and second time, and committed to the committee of the whole House, to whom was committed on the 20th instant, the amendatory bill, No. 38..*, ([Washington DC]: January 28, 1807).

¹³¹ *AC 4-2*, 1730 (29 December 1796).

¹³² The connection between this provision and the 1790s antislavery petitions has escaped the notice of historians, with the exception of Ohline, “Slavery and Politics,” 428.

This effort may have been led by Senator George Logan, a Pennsylvania Quaker with antislavery sympathies. During the late 1790s he was a member of the House of Representatives, and would have been familiar with the anti-kidnapping efforts led by some of his Pennsylvania colleagues. As a Senator he introduced abolitionist petitions, such as that of the Abolition Convention of 1805. PAS leader James Pemberton called on Logan to seek an effective remedy for protecting free blacks from the “Licentious, avaricious men, who seize these persons by violence and carry them for sale to the West India Islands, and other places, where they are sold into perpetual Slavery.”¹³³ Later, while travelling in Britain in 1810 (seeking to forestall war) he routinely met with abolitionists such as William Wilberforce, and sought to strengthen the slave trade law upon his return to the States. Thus it is likely that he either initiated or supported the Senate provision protecting free African Americans from being kidnapped and sold on the coastal domestic slave trade.¹³⁴

The importance of this antislavery victory has been obscured by historians’ focus on a seemingly more heroic attempt to ban the coastal domestic slave trade, though in reality no such effort was made. On February 12, Peter Early moved to amend the Senate bill by adding a clause to section 8 stating: “nothing in this section shall extend to prohibit the taking on board or transporting any...[legally enslaved person]...in any vessel or species of craft whatever, from one place to another, within the jurisdiction of the United States.”¹³⁵ Early accepted the basic premise of the Senate provision regulating the coastal trade, but wanted to ensure it would not be

¹³³ James Pemberton to George Logan, Philad:a 1st: 1mon: 1805, Logan Papers, box 5.

¹³⁴ William Wilberforce to George Logan, New Pal[ace] Yard Hotel, April 4th 1810, Logan Family Papers, box 5; George Harrison to Robert Barclay, West Hall, Wandsworth, 18th July 1810, Logan Family Papers, box 5; William Wilberforce to George Logan, ...July 20 [1820], Logan Family Papers, box 6; Stephen Bradley to George Logan, Westminster in Vermont Sept 23d 1811, Logan Family Papers, box 6; George Logan to Stephen Bradley, Stenton Jan:y 18th: 1813, Logan Family Papers, box 6; Stephen Bradley to George Logan, Washington Jany. 26th. 1813, Logan Family Papers, box 6; John Randolph to George Logan, George Town Feb. 18. 1813, Logan Family Papers, box 6.

¹³⁵ AC 9-2, 484.

interpreted in a way that restricted the size of vessels traveling *internally* on rivers. The House passed this amendment without debate and without recording a vote, suggesting that few northerners considered it an objectionable amendment.¹³⁶ However, historians have mistakenly assumed that the Senate bill banned the coastal trade entirely and therefore conclude that Early's amendment sought to defeat this key antislavery provision.

On February 18, the Senate informed the House that they had rejected Early's amendment. David Williams of South Carolina argued that the House should insist on their amendment, warning that the "bill without the amendment would provide that no negroes shall be transported from one State to another to be sold or held in service."¹³⁷ That the bill did no such thing suggests that Williams had misunderstood the bill or had not read it, or he was exaggerating the importance of the river trade. In any case, his statement has further encouraged historians to mistakenly characterize the stakes of debate as a battle over the existence of the coastal domestic slave trade. Only eleven representatives supported Williams's position and it was lost, suggesting that most southerners did not see the Senate provision as a significant threat to their interests. They presumably believed Early's amendment was unnecessary to prevent the restriction from being applied to river transportation. But then John Randolph took the floor, and expressed his own erroneous notion of the bill. The Virginian, who at other times acknowledged not having read bills under consideration, apparently believed the Senate bill would apply to slaveholders traveling with their slaves via any watercraft regardless of whether they intended to sell them. In other words, that it would prevent him from sailing across the Chesapeake with his slave valet. Randolph vowed to "begin the example" and "set the law at defiance" by traveling

¹³⁶ Ibid.

¹³⁷ AC 9-2, 527 (18 February 1807).

“with his own slaves, and be at the expense of asserting the rights of slaveholders.”¹³⁸ In response the House decided to set up a committee to meet with members of the Senate and confer on the matter.¹³⁹

The compromise provision of the joint committee was printed on 24 February. It added an explanation that the restriction did not apply to vessels traveling on “any river, or inland bay of the sea, within the jurisdiction of the United States” and lowered the required vessel size from fifty to forty tons.¹⁴⁰ But Randolph continued to insist that the bill violated the rights of slave holders and warned that “at a future period, it might be made the pretext of universal emancipation.”¹⁴¹ The day after the House passed the compromise bill, Randolph called for an explanatory note to be attached to the bill. He felt that the restriction on slave transportation “laid the axe at the root of all property in the southern states,” and insisted that Congress declare that nothing contained in the law would “be construed to abridge, modify, or affect, in any manner whatever the full, complete, and absolute right of property of the owner or master of any slave.”¹⁴² If not, he “would say, let us secede and go home.”¹⁴³ In response to Randolph’s hyperbole, some historians have portrayed him as “willing to do almost anything to protect” the domestic slave trade.¹⁴⁴

¹³⁸ AC 9-2, 528.

¹³⁹ Ibid.

¹⁴⁰ Mr. Bradley, from the conferences from the Senate, on the disagreement between the two houses on the bill, ‘to prohibit the importation of slaves...’, (Washington DC: 24 February 1807). AC 9-2, 621 (25 February 1807).

¹⁴¹ AC 9-2, 626 (26 February 1807). Early and Williams were also discontent with the compromise. Their speeches were not recorded in detail, but they apparently complained that the law was inadequate to prevent smuggling slaves in from Florida. Ibid.

¹⁴² AC 9-2, 636-37 (27 February 1807). The following November, Randolph again proposed Congress explicitly confirm that the language of the 1807 Act was not intended to infringe slaveholders’ property rights, though again nothing came of this. AC 10-1, 854-55.

¹⁴³ *US Gazette*, 3 March 1807 (27 February 1807).

¹⁴⁴ Deyle, “This Abominable New Traffic,” 838. See also: David L. Lightner, *Slavery and the Commerce Power: How the Struggle Against the Interstate Slave Trade Led to the Civil War*, (New haven: Yale University Press, 2006), 45-47; Aaron Scott Crawford, “John Randolph of Roanoke and the Politics of Doom: Slavery, Sectionalism, and Self-Deception, 1773-1821,” (diss., University of Tennessee, 2012), 172-73.

Randolph later denounced the domestic slave trade as harshly as any abolitionist, and he regretted that his vote had made him appear as its defender.¹⁴⁵ In 1818 he explained his action to Thomas Cope, a Pennsylvania abolitionist; the letter reveals that Randolph still did not understand the provisions of the law:

I voted against the bill that passed in 1807 (I think) to prohibit the African or foreign Slave Trade because it was an infringement by the federal Govt. of the rights of the citizens & Commonwealth of Virginia (– not to carry on the slave trade – I acknowledge no such right,) but to travel with your servant in some ways: for example to sail from any atlantic port even of the state of Virginia to a Chesapeake port within the same state.¹⁴⁶

Randolph's earlier threat to "begin the example" and "set the law at defiance" certainly meant that he would travel with his enslaved valet and coachman as he saw fit, not that he would sell his enslaved plantation workers just to spite the federal government. He believed the Senate bill would have prevented him from travelling via water with his own slaves and historians have believed it would have entirely banned the coastal interstate slave trade, whereas the actual Senate bill did neither thing. As with the 1790 petition debates, historians have exaggerated the extent to which 1807 represented a missed opportunity when Congress almost embraced a strong antislavery position before giving in to the demands of slaveholders.

It is somewhat surprising that no one in the House of Representatives initiated an effort to restrict the interstate slave trade. James Sloan would have been the most likely advocate; after John Parrish passed on Philip Williams's reports on the domestic slave trade in Washington DC, Sloan replied that it was "a circumstance highly derogatory to the Congress of the U.S. who hold

¹⁴⁵ Wood, "John Randolph and the Politics of Slavery," 115-24.

¹⁴⁶ John Randolph to Thomas P. Cope, Roanoke Sept. 28. 1818, Society Collection 1816-1830, John Randolph folder, HSP.

Exclusive Jurisdiction over the District.”¹⁴⁷ But this statement merely referred to the domestic slave trade within the capital, where Congress had unquestioned jurisdiction over such matters, rather than the interstate slave trade itself, which would have relied on creative interpretations of the Constitution’s slave trade and interstate commerce clauses.¹⁴⁸ Abolitionists had sought to curtail this trade since the 1790s, but most white northerners were unaware or indifferent to the extent of the traffic. The interstate trade would not come under political attack by northerners until the Missouri Crisis on 1819-1820, by which time the scale of the trade had become well known.

III. THE LIMITS OF ANGLO-AMERICAN MUTUAL ENFORCEMENT

In February of 1807, James Monroe joined William Wilberforce in celebrating the progress of slave trade abolition laws in their two nations, along with the provision for mutual enforcement which had been included in their recent treaty. “It is a very honourable trait in the character of both countries,” he wrote, “to have combined their efforts for the accomplishment of so benevolent and humane an object. It does them more credit that the combinations which usually take place among nations, which are for the destruction not the preservation of the human race.”¹⁴⁹ At that point Monroe was still in England and the fate of the Monroe-Pinkney Treaty, with its slave trade clause, remained unclear. Although British overtures advocating the mutual enforcement of slave trade legislation began in 1800 and were formalized in the aborted 1806

¹⁴⁷ James Sloan to John Parrish, City of Washington, December 25. 1806, C-P-W, box 2.

¹⁴⁸ Lightner, *Slavery and the Commerce Power*, 36.

¹⁴⁹ Monroe to William Wilberforce, Portland place Feb^y 13 1807, RC, GB-OB: Wilberforce Collection (transcript courtesy of Cassandra Good, Papers of James Monroe, University of Mary Washington). See also: William Wilberforce to Monroe, Pal. Y^d Feb^y 10th 1807, Monroe Papers, NYPL.

Monroe-Pinkney Treaty, historians have given little attention to the issue before the Treaty of Ghent in 1814.¹⁵⁰

After the failure of the Monroe-Pinkney Treaty, the push for cooperative Anglo-American slave trade suppression was led by the African Institution. Formed in April 1807 by William Wilberforce, Zachary Macaulay, Thomas Clarkson, and other abolitionists and British statesmen, this society worked to increase the enforcement of the slave trade ban and to promote the “civilization and happiness” of Africa through peaceful commerce and the diffusion of knowledge.¹⁵¹ In Africa they focused their efforts primarily on Sierra Leone, which the British government took over from the Sierra Leone Company in 1808. In order to facilitate the prosecution of slave smugglers, the British established an Admiralty Court in Sierra Leone and arranged for recaptured Africans to be indentured in the colony.¹⁵² They also continued reaching out to American abolitionists and officials in hopes of promoting mutual enforcement.

However, it was an increasingly tense period of Anglo-American relations and cooperation in suppressing the slave trade remained unofficial and ad hoc. The British Orders in Council of 1807 outraged Americans by further restricting their trade with Spanish and French colonies. Then a British commander provoked a diplomatic crisis in the summer of 1807 when the HMS *Leopard* bombarded and boarded the USS *Chesapeake* in American waters. After killing three Americans and wounding eighteen, the British claimed four sailors from the American ship as British deserters. Some Americans called for war in response to this violation

¹⁵⁰ Gould briefly discusses efforts at mutual enforcement before the War of 1812; see: *Among the Power of the Earth*, 165-71. For scholarship on the later period, see: Hugh G. Soulsby, *The Right of Search and the Slave Trade in Anglo-American relations, 1814-1862*, (Baltimore: Johns Hopkins University Press, 1933); Mason, “Battle of the Slave Trading Liberators,” idem, “Keeping up Appearances,” Gould, *Among the Powers of the Earth*, 173-77; Drescher, “Divergent Paths,” 276-80.

¹⁵¹ *Report of the Committee of the African Institution, Read to the General Meeting on the 15th July, 1807*, (London: William Phillips, 1808), 65.

¹⁵² Ackerson, *The African Institution*, 18-25.

of sovereignty, but Jefferson instead pursued commercial warfare, and Congress passed the Embargo ending virtually all foreign trade.¹⁵³ Relations between Britain and America remained tense, ultimately culminating in the War of 1812.

The implications of the Anglo-American diplomatic disputes for the slave trade became apparent in March 1808, when the British Abolition Act of 1807 went into effect.¹⁵⁴ Two of the first ships captured by the British Navy off the coast of Africa, the *Baltimore* and the *Eliza*, proved to be American. Both operated out of Bristol, Rhode Island and were owned by James D'Wolf, the largest slave trader in the United States (and a future senator).¹⁵⁵ Both ships had previously been involved in the slave trade to South Carolina, but the D'Wolf family had shifted their slave trading focus to Cuba in response to the Slave Trade Act of 1807.¹⁵⁶ The British captor, Captain Parker, had believed the ships to be British vessels fraudulently sailing under American flag; his decision to board the vessels was questionable, and the evidence that they were in fact American created a dilemma. Jefferson's rejection of the Monroe-Pinkney treaty meant that the British had no direct legal basis to capture or prosecute American slavers, even though they were violating American law. Nonetheless, Captain Parker delivered the one

¹⁵³ Wood, *Empire of Liberty*, 647.

¹⁵⁴ Under the British Act, slavers were permitted to embark on new voyages until May 1807, but they had to disembark their slaves by 1 March 1808 or be subject to the law.

¹⁵⁵ Details of the captures are provided in: William Wilberforce to James Monroe, East Bourne Essex Sept 5th 1808, Monroe Papers NYPL and *Papers of James Monroe* (forthcoming); William Wilberforce to TJ, East Bourn, Sussex Sept [5]1808, Monroe Papers, NYPL and Founders Online (forthcoming); Zachary Macaulay and the African Institution to Benjamin Rush and the PAS, London 1 August 1809, PAS LB II:107-14. The Transatlantic Slave Trade Database has record of the capture of the *Baltimore*, but not the *Eliza*, though it includes records of the *Eliza*'s earlier slaving activities, see: <http://slavevoyages.org/tast/database/search.faces?yearFrom=1800&yearTo=1810&shipname=baltimore;> [http://slavevoyages.org/tast/database/search.faces?yearFrom=1807&yearTo=1810&anyowner=d%27wolf&shipname=eliza.](http://slavevoyages.org/tast/database/search.faces?yearFrom=1807&yearTo=1810&anyowner=d%27wolf&shipname=eliza)

¹⁵⁶ On the D'Wolf Family of slave traders, see: Coughtry, *Notorious Triangle*, and Leonardo Marquez, "Slave Trading in a New World: The Strategies of North American Slave Traders in the Age of Abolition," *JER* 32, (Summer 2012):233-60.

hundred and sixty five recaptured Africans to Sierra Leone, where they were indentured while the prize cases were pending in the newly commissioned Admiralty Court.

In response to the capture of the *Baltimore* and *Eliza*, members of the African Institution reached out to American officials in hopes of establishing a policy of mutual enforcement despite the tensions existing between the two nations. Wilberforce sent letters on the subject to James Monroe (who had returned to the United States) and President Jefferson. He informed them of the African Institution's mission and observed that "all our Hopes of Success in our Endeavours for the internal Benefit of Africa" were predicated on effectively suppressing the slave trade. He then explained the situation of the *Eliza* and *Baltimore* and the recaptured Africans who had been on board. Wilberforce feared that because the British lacked jurisdiction in the case, the Admiralty Court "would order the Restitution of these wretched Men, in which case there can be no doubt that they would be sold into perpetual Slavery."¹⁵⁷ He was concerned not only for the plight of the one hundred and sixty-five individuals in question, but for "the unknown Multitudes whose fate is involved in the decision you may form on this particular case." He forwarded some legal advice the African Institution had received from their counsel, which included James Stephens, but acknowledged that they believed it doubtful that the Admiralty Court would uphold the freedom of the recaptured Africans. If the Admiralty Court was forced to dismiss the case because it lacked jurisdiction, and restore the vessels and slaves to American owners, it would encourage British subjects to enter the "contraband Slave Trade" under American colors in order to evade capture by the British Navy.

Given the limits of American power abroad, it was imperative to establish a policy of mutual enforcement. "It cannot be expected perhaps," Wilberforce acknowledged, "that

¹⁵⁷ William Wilberforce to James Monroe, East Bourne Essex Sept 5th 1808.

America should maintain Ships of War on the Coast of Africa for this purpose, or send Cruizers to the West Indies to intercept these Smugglers on their approach to the foreign Market.”

Wilberforce regretted the fate of the “late unratified [Monroe-Pinkney] treaty,” and proposed “the adoption of some arrangement by which British Ships of War may be made in some respects instrumental in forwarding the objects of the American Legislature, American Ships of War being understood to have a similar Authority, in the case of British Offenders.” He acknowledged the current diplomatic tensions but hoped that a policy of cooperative slave trade suppression could be quickly adopted without having “to await the slow and perhaps difficult adjustment of all the various Interests which must be attended to in forming a Commercial Treaty between the two Nations.”¹⁵⁸

In the midst of the controversial Embargo, Jefferson delayed responding to Wilberforce’s letter until the end of his presidency. The issues were not new to him; he had already been thinking about the African Institution, the slave trade, and African colonization as a result of a correspondence which James Pemberton of the PAS had initiated the year before.¹⁵⁹ In June 1808 Jefferson subscribed to an American printing of Thomas Clarkson’s *History of the Slave Trade* and informed Pemberton that he had “perused with great satisfaction the Report of the Committee for the African institution,” but he was silent in reference to Anglo-American cooperation in suppressing the slave trade.¹⁶⁰ Sometime after receiving the letter from Wilberforce, Jefferson passed the enclosed materials along to his Attorney General, Caesar A.

¹⁵⁸ William Wilberforce to TJ, East Bourn, Sussex Sept [5]1808, Monroe Papers, NYPL. I thank Ted Keefe of Documents Compass for helping me track down this letter.

¹⁵⁹ James Pemberton to Jefferson, Philada. 31st. 10th. Month. 1807-, Founders Online (forthcoming); TJ to James Pemberton, Washington Nov. 1. 07., TJ Papers, LOC; James Pemberton to TJ, Philad:a 30th: 5th mon: 1808, TJ Papers, LOC.

¹⁶⁰ TJ to James Pemberton, Washington June 21. 08., TJ Papers, LOC.

Rodney, who responded on 28 February 1809, a week before James Madison's inauguration as the fourth United States president.

Rodney was significantly more enthusiastic than Jefferson about mutual enforcement with Britain. He hoped that "some diplomatic arrangement, by treaty, can be made to attain this desirable object." In the meantime he suggested "that instructions be forwarded to our Minister at London [William Pinkney], directing him to interpose a claim on behalf of the United States to the vessel, as forfeited; and to request that the Africans may be set at liberty." Rodney also expressed his own legal opinion of the status of the recaptured Africans in the existing two cases. He believed that "no claim by an American to these Africans as slaves, could be supported in the face of our laws prohibiting this commerce." Under American law the slavers had no legal right to the slaves as property, thus the British would be right to free them. Rodney did not address the issue of whether the British had the right to board a slave ship flying an American flag in first place, but presumably that was one of the issues to be arranged in a new treaty.¹⁶¹

Before forwarding Rodney's opinion to Wilberforce, Jefferson carefully edited it, making it a considerably more conservative document in the process. The President excised nearly one-third of Rodney's letter, adding in a few transition statements in the process. He preserved the general hope for "mutual and reciprocal endeavours, to give complete effect to a system so consoling to humanity," but removed the specific suggestions for a treaty and instructions to the American minister.¹⁶² Preserving the substance of the argument that the American slavers had

¹⁶¹ Caesar A. Rodney to TJ, Washington, February 28th – 1809, TJ Papers, LOC.

¹⁶² TJ's edits can be seen in pencil on the letter. On the back he wrote: "to be communicated to mr Wilberforce in answer to his letter on the subject, as altered by the pencil." Caesar A. Rodney to TJ, Washington, February 28th – 1809, TJ Papers, LOC (image at: <http://hdl.loc.gov/loc.mss/mtj.mtjbib019830>). It appears that Wilberforce did not receive the letter until the summer of 1810, see: William Wilberforce to John Jay, Kensington-Gore, near London, July 18th, 1810, John Jay, *The Correspondence and Public Papers of John Jay*, ed. Henry P. Johnston, A.M. (New York: G.P. Putnam's Sons, 1890-93). Vol. 4: <http://oll.libertyfund.org/title/2330/220779>.

no legal recourse to claim the recaptured Africans, Jefferson indicated that the United States would not interfere in the two current cases. But he silenced Rodney's call for the creation of a policy encouraging active cooperation in the future.

Jefferson did not explain his reluctance to support an active policy of Anglo-American cooperation, but American abolitionists blamed British violations of American neutrality and sovereignty for precluding joint efforts at slave trade suppression. Zachary Macaulay of the African Institution had made appeals to the PAS similar to those Wilberforce had to Jefferson, calling for a "positive treaty" through which "the Cruizers of both nations shall be empowered mutually to execute the Abolition Laws of each other."¹⁶³ Upon receiving the letter, the Pennsylvania abolitionists called a special meeting and formed a committee to respond.¹⁶⁴ In their carefully worded reply, the PAS praised the goals of the African Institution, but dismissed the possibility of mutual enforcement "from a multiplicity of objections." The present moment was "an extremely unsuitable time" for such proposals given "the unpropitious aspect of the political relations of your nation and ours." The abolitionists asserted "that the measure you propose of authorizing the armed vessels of each nation to capture such vessels of the other as may be found engaged in the Slave Trade would be altogether repugnant to the views of the Government of the United States."¹⁶⁵ Thus the PAS blamed the failure of cooperative efforts to suppress the slave trade not on American slaveholders but on Britain's violations of American sovereignty and neutral shipping rights.

¹⁶³ Zachary Macaulay and the African Institution to Benjamin Rush and the PAS, London 1 August 1809, PAS LB II:107-14 (NB: parts of this letter are badly faded, but another copy exists in the PAS LCi.) See also: Zachary Macaulay and the African Institution to Benjamin Rush and the PAS, London 8 Nov. 1809, PAS LB II:114-15.

¹⁶⁴ Special Meeting, 10 Mo 20th 1809, PAS MB 1800-1824, 139; General Meeting, 12 Mo 4th, *ibid.*, 139-41.

¹⁶⁵ James Milnor and PAS to Zachary Macaulay, [early? 1810], PAS LB II:115-17. It is unclear when this letter was sent. Benjamin Rush, president of the PAS, had sent a brief reply to Macaulay on 11 November 1809; on 8 August 1810, Macaulay acknowledged having received Rush's letter as well as one from the PAS, "of a later date." Zachary Macaulay and African Institution to Benjamin Rush and PAS, London 8 Augst. 1810, PAS, LCi.

But while American abolitionists understood President Jefferson's reluctance to endorse a formal policy of Anglo-American mutual enforcement, they were divided on the extent of his commitment to antislavery.¹⁶⁶ In January 1809, at the twelfth Abolition Convention, a Republican from Delaware proposed that the convention send an address to Jefferson, requesting him "to use his influence among his fellow citizens to promote a gradual abolition of slavery" during his retirement. Thomas P. Cope, treasurer of the PAS and a Federalist member of the state assembly, proposed an addition: "and that[Jefferson] set them a laudable example by manumitting his own slaves." This amendment provoked a "warm discussion" but was eventually adopted. Embarrassed by the amendment, the supporters of the initial resolution dropped the issue and then requested that the entire affair be stricken from the record; however, Cope recorded it in his diary.¹⁶⁷ Instead the Abolition Convention decided simply to send copies of their proceedings as well as Thomas Clarkson's *History of the Slave Trade*, to President Jefferson and Congress.¹⁶⁸

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President James Madison largely followed his predecessor's path in regard to Anglo-American slave trade suppression. It is safe to assume that the two friends discussed the policy, and it was likely that they did not forward Caesar Rodney's (edited) report on the issue to William Wilberforce until after Madison had taken office. Ultimately the test case for Anglo-American jurisdictional issues was not the *Eliza* or *Baltimore*, but the 1810 case of another American

¹⁶⁶ In 1807, the Yearly Meeting of Friends in Baltimore had praised Jefferson and Congress for abolishing the slave trade, and published a broadside featuring the President's response to them.

¹⁶⁷ Cope, *Philadelphia Merchant: The Diary of Thomas P. Cope, 1800-1851*, ed. Eliza Cope Harrison, (South Bend, IN: Gateway Editions, 1978), 234 (12 January 1809).

¹⁶⁸ *MAC* 12 (1809), 31; Thomas P. Cope to Thomas Jefferson, Philada. Jan'y 28th 1809, <http://hdl.loc.gov/loc.mss/mtj.mtjbib019652>.

slaver, the *Amedie*, which had been captured by the British in December 1807.¹⁶⁹ Through Secretary of State Robert Smith, Madison instructed minister William Pinkney “to facilitate, as far as the respect essentially due to national prerogative will permit,” the prosecution of the American slave traders.¹⁷⁰ The Admiralty Court subsequently ruled that the capture was justified based on the British Orders in Council of 1807, and that the recaptured Africans could be freed because they were not recognized as the legal property of the slave traders under American or British law. Caesar Rodney, who Madison had maintained as his Attorney General, was “happy the question was put at rest” along the reasoning he had proposed the year before.¹⁷¹ The members of the African Institution also celebrated the decision, noting that six pending cases (presumably including the *Eliza* and *Baltimore*) would be decided on the precedent.¹⁷²

However, it is important to note, as Eliza Gould has, that “the Madison administration based its acceptance [of the Admiralty Court proceedings], not on an international agreement like the aborted Monroe-Pinkney Treaty, but on the president’s willingness to accept the maritime rights that Britain claimed under the rules of war.”¹⁷³ The initial British capture of the *Amedie* was based on the Orders in Council of 1807, allowing the capture of neutral vessels trading with Britain’s enemies, and which had in part led the United States to respond with the Embargo. The Madison administration had repealed the Embargo but continued a policy of non-intercourse with Britain and France; meanwhile, young War Hawks such as Henry Clay and John C.

¹⁶⁹ Although the *Amedie* was captured before the US Slave Trade Act went into effect, it was caught transporting slaves from Africa to Spanish Tortola, in violation of the 1794 and 1800 US Foreign Slave Trade laws. The Admiralty Court decision is excerpted in: African Institution, *Report of the Directors of the African Institution...27th of March, 1811*, (London: Ellerton and Henderson, 1811), 12-13.

¹⁷⁰ Robert Smith to William Pinkney, 16 June 1810, quoted in editorial note 2 of: Benjamin Rush to James Madison, Philadelphia October 29th. 1810, <http://founders.archives.gov/documents/Madison/03-02-02-0757>.

¹⁷¹ Rodney to Jefferson, Washington March 30th 1811, <http://founders.archives.gov/documents/Jefferson/03-03-02-0386>.

¹⁷² African Institution, *Report of the Directors of the African Institution...27th of March, 1811*, 11.

¹⁷³ Gould, *Among the Powers of the Earth*, 169.

Calhoun were advocating war with Britain by 1810.¹⁷⁴ Thus while Madison would refrain from using claims of American sovereignty to protect slave traders who had been previously captured by the British during Jefferson's administration, he also demurred from supporting policies which would promote such captures in the future. In his annual message to Congress in December 1810, Madison called on Congress to strengthen the Slave Trade Act of 1807, but was silent on the issue of Anglo-American cooperation. Meanwhile, he emphasized the diplomatic tensions with Britain and the need to continue preparations for possible war.¹⁷⁵ Throughout his presidency, Madison emphasized the need to better enforce the Slave Trade Act of 1807 and supported a joint Anglo-American statement condemning the slave trade at the Treaty of Ghent, but he never supported a policy of active cooperation.¹⁷⁶ Ultimately, the reluctance to cooperate with the United States' chief rivals was one of the many factors encouraging the creation of an American colony in Africa.

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Accounts suggesting that Congress came close to putting major restrictions on the domestic slave trade, by banning the coastal trade entirely, are based on misconceptions about what the bills actually said. Curtailing the domestic slave trade had never been on the table. The notion that Congress passed a "dead letter" allowing tens of thousands of slaves to be smuggled into the Union each year is similarly unfounded. American participation in the illegal slave trade to foreign colonies remained a major problem, but this resulted more from diplomatic controversies with Great Britain than an intentionally weak law. Nonetheless, the general interpretation that the law represented a victory for slaveholders is largely accurate. Even as the law prohibited the

¹⁷⁴ Wood, *Empire of Liberty*, 659-67.

¹⁷⁵ James Madison, "Annual Message to Congress, Washington December 5th 1810, Founders Online.

¹⁷⁶ Gould, *Among the Powers of the Earth*, 170.

importation of enslaved Africans, it implicitly reinforced the legitimacy of slavery itself. By treating the slave trade as a matter of commercial policy rather than morality, and allowing states to enslave recaptured Africans, the provisions of the law undercut the potential for it to serve as the precedent for antislavery action in the future.

The extent to which slaveholders viewed the 1807 Slave Trade Act as a victory can be seen in a revealing letter written by senators William Branch Giles and Richard Brent to John Tyler, the governor of Virginia, in 1809. They focused on the section forfeiting recaptured Africans to the state governments. This provision, they explained, “was done at the urgent solicitations of the Slave-holding States,” and “framed upon great consideration, and applied with great caution to the establishment of a principle deemed by us all important to the security and influence of the Slave-holding States.”¹⁷⁷ Virginians were not interested in a weak law that would allow slaves to be smuggled in from Africa; their desire to reduce dangerous concentrations of slave populations and their economic interest in the domestic slave trade made their interests opposed to slave smuggling regardless of moral sentiments.¹⁷⁸ But they were concerned with the “delicate point of jurisdiction” in the “question of Bond or Free.” The senators trusted that Tyler would “readily perceive... the importance of this principle to the security of that species of property which exists only in particular States, whilst other States have no local interest in its preservation, and even entertain strong prejudices against its existence.”¹⁷⁹ The principles of the law, far from being antislavery, would help buttress slavery from future political attacks.

¹⁷⁷ William B. Giles and Richard Brent (Senators) to the Governor, June 10, 1809 Washington, *Calendar of Virginia State Papers...*, (Richmond: James E. Goode, 1892) X:58-60.

¹⁷⁸ Ford, *Deliver Us from Evil*.

¹⁷⁹ Giles and Brent to the Governor, June 10, 1809 Washington, *Calendar of Virginia State Papers*, X:58-60.

The abolitionist Edmund Quincy also recognized the importance of the forfeiture provisions in his post-Civil War biography of his father, Congressman Josiah Quincy. “The object of this provision,” he reflected, “undoubtedly was to obtain directly what the Constitution only gave indirectly and by implication, – the sanction of the government of the United States to the principle of slave-holding, by making it hold and sell men as property.” He insisted that “so craftily was this proposition of forfeiture to the government qualified, that its drift was not at first discerned by the Northern members.”¹⁸⁰ Yet Quincy exaggerated the craftiness of the southerners and the naïveté of the northerners. During the debates his father had described himself as “equally opposed to the government’s selling them for life” as he was “against setting the imported negroes free,” and had welcomed the compromise of allowing southern states to deal with recaptured Africans as they saw fit.¹⁸¹

Slaveholders’ commitment to preserving slavery from future political attacks, northerners’ willingness to sacrifice the rights of recaptured Africans for the sake of promoting enforcement and reducing sectional tension, and the larger context of Anglo-American diplomatic tensions, all combined to limit the antislavery potential of the 1807 Slave Trade Law. Thus the law was quite effective at preventing the importation of slaves into the United States, but did nothing to undermine slavery or reduce the scale of the domestic slave trade which facilitated slavery’s expansion within the Union. Meanwhile Spain and Portugal’s perpetuation of the Atlantic slave trade meant that over three million Africans were sold into New World slavery after 1808.¹⁸² Many of these slaves were carried by Americans acting in violation of United States law and outside of the jurisdiction of the British Navy. Negotiating international

¹⁸⁰ Quincy ed., *Life of Josiah Quincy*, 102.

¹⁸¹ *US Gazette*, 13 January 1807 (8 January 1807).

¹⁸² Joseph C. Miller, “Introduction: Atlantic Ambiguities of British and American Abolition,” *WMQ* 66, (October 2009):677-704; David Eltis, “Was Abolition of the U.S. and British Slave Trade Significant in the Broader Atlantic Context?,” *WMQ* 66, (October 2009):717-56.

suppression of the slave trade became an increasingly important component of British foreign policy – in part for humanitarian reasons and in part to prevent other nations from gaining a competitive edge by benefiting from a labor source they had renounced. The desire of American politicians to improve the enforcement of the 1807 Slave Trade Act without compromising American sovereignty was one of many factors increasing the appeal of African colonization in the following decade.

THE COLONIZATION APPEAL

In June 1816, Evan Lewis, a Delaware abolitionist and delegate to the Abolition Convention, took stock of the progress of emancipation throughout the Union in a letter to Thomas Clarkson of the African Institution. Slavery was essentially “unknown” in the five New England states and Pennsylvania, and banned in Ohio and the rest of the former Northwest Territory. Gradual emancipation was progressing in New York and New Jersey, and private manumissions had reduced Delaware’s enslaved population to four thousand. Yet the picture became much bleaker when one looked farther South. “All the remaining states of the Union are too deeply polluted with this monstrous iniquity to leave a hope of its final Abolition at an early period,” he reported. The remaining slave states and territories had not only rejected calls for gradual emancipation but often limited private manumissions, frequently forcing freed people to leave the state or face re-enslavement. Under such conditions “men who are disposed from the best motives to give liberty to their slaves or to will them free at their death, are prevented from so doing by the prevailing policy.” Abolition societies continued their local efforts and hoped the nation would “adopt a wise system for their gradual emancipation and general improvement, & admit them by degrees to all the rights & privileges of citizens,” but they had few illusions that such policies would be endorsed in the South.¹

Uncertain how best to proceed at this juncture, some members of the Abolition Convention revived the idea of colonizing free slaves outside of the existing states, either in the western territories or overseas. Such proposals had been “seriously reprobated by some and strongly urged by others of the first rate men for talents.” Lewis turned to Clarkson for advice

¹ Evan Lewis to Clarkson, Wilmington, State of Delaware, 6th mo. 12th. 1816, Papers of Thomas Clarkson, HL.

on this divisive topic.² By the time Clarkson responded, in March 1817, African colonization was a topic of national discussion. Prominent politicians and reformers – especially from the South – had established the American Colonization Society (ACS) in December 1816. In fact, Francis Scott Key of the ACS had also contacted Clarkson for information. The British abolitionist sent the same advice to both the ACS and the Abolition Convention. Clarkson lauded the potential of African colonization to help facilitate emancipation in the United States, and suggested an area called Sherbro, near the British colony of Sierra Leone, as a suitable location. For more information and aid, he encouraged them to contact Paul Cuffe, a black ship captain from Massachusetts who had been promoting trade and emigration to Sierra Leone since 1808. “No man can be better qualified than himself to give you advice in every department,” Clarkson assured them.³ Indeed, Cuffe was well known to abolitionists and had already been sought out by the ACS for advice and support. But Cuffe was ill for much of 1817 and died that September. By the time of his death, colonization had become the most divisive issue within the American abolitionist movement and would soon become a contentious topic in national politics.

Neither contemporaries nor scholars have known what to make of the ACS. On one hand, scholars often view the ACS as supported by individuals with “a wide variety of motives that sometimes were diametrically opposed.”⁴ On the other hand, they also tend to place the organization on the whole on one side or the other of the proslavery-antislavery spectrum. Most monographs on the ACS portray it a conservative program of antislavery that recognized the obstacles to emancipation.⁵ Historians of the post-1830 abolitionists have tended to view the

² Evan Lewis to Clarkson, Wilmington, State of Delaware, 6th mo. 12th. 1816, Papers of Thomas Clarkson, HL.

³ Clarkson to [Francis Scott Key], London, March 18, 1817, copy enclosed in: Clarkson to [Evan Lewis, March 18, 1817], Papers of Thomas Clarkson, HL.

⁴ Ford, *Deliver Us from Evil*, 616n3.

⁵ Henry Noble Sherwood, “The Formation of the American Colonization Society,” *The Journal of Negro History* 2, no. 3 (July 1917): 209-228; P.J. Staudenraus, *African colonization Movement, 1816-1865* (New York: Columbia

ACS as many of those abolitionists did – as a sinister plot calculated to perpetuate slavery and/or driven by white racism.

The galvanized reactions which the ACS provoked, especially in the 1820s and 1830s, along with the emphasis on incompatible motivations within the organization, have obscured the extent to which the ACS and other colonization proposals appealed to values shared by northerners and southerners, even slaveholders, abolitionists, and free blacks. In the 1810s, most Americans were not neatly divided into proslavery or antislavery camps, and the chief supporters of the ACS viewed the seemingly paradoxical goals of strengthening slavery in the short term and promoting eventual emancipation as not only compatible but inseparable. While few ACS leaders desired or expected the rapid eradication of slavery, they believed that colonization would help ameliorate the conditions of slavery and facilitate private manumissions in ways that posed no danger to the social order and conformed to states' rights. Such ameliorative efforts do not conform to binaries of proslavery and antislavery.⁶ Moreover, colonization promised to help suppress the outlawed Atlantic slave trade and reduce domestic slave trading – widely recognized as the worst features of slavery – in ways that did not infringe on the rights of slaveholders.

Positioning colonizationism within the larger debates about the history of early national abolitionism and efforts to suppress slave trading helps restore context essential to explaining the timing of the seemingly sudden interest in colonization at the end of 1816.⁷ Scholars have

University Press, 1961); Eric Burin, *Slavery and the Peculiar Solution: A History of the American Colonization Society* (Gainesville: University Press of Florida, 2008).

⁶ As Christa Dierksheide has argued, both “proslavery and antislavery shared the same genesis” in efforts to ameliorate slavery. Christa Breault Dierksheide, “The Amelioration of Slavery in the Anglo-American Imagination, 1770-1840,” (PhD diss., University of Virginia, 2008), 17.

⁷ Only recently have historians begun to integrate rather than simply compare the histories of the colonizationist and abolitionist movements; see: Nicholas Guyatt, “‘The Outskirts of Our Happiness’: Race and the Lure of Colonization in the Early Republic,” *JAH* (March 2009):986-1011; Beverly C. Tomek, *Colonization and Its*

typically acknowledged that a few colonization proposals had circulated since the eighteenth century but treat the creation of the ACS in 1816 as largely disconnected to previous proposals. For decades they identified the Reverend Robert Finley of New Jersey as the primary instigator behind the ACS, though a few also noted that Paul Cuffe had undertaken an actual voyage delivering black emigrants to Sierra Leone the year before the ACS was formed. In a seminal article on the origins of the ACS, Douglas Egerton demonstrated that historians had overstated Finley's importance while neglecting the role of Charles Fenton Mercer of Virginia. Mercer began advocating colonization in the spring of 1816 after learning of the Virginia colonization debates and resolution which had occurred in the aftermath of Gabriel's conspiracy in 1800.⁸ But Egerton's focus on Mercer's rediscovery of these documents and the question of whether Mercer or Finley was the true father of the ACS obscures the extent to which colonization had been a subject of increasing public and political discussion since 1808. By the time the ACS submitted its first petition February 1817, Congress had already received at least four other colonization petitions since 1811. The creation of the ACS was a watershed moment in the history of colonizationism, but it shifted rather than initiated public discussion of colonization.

I. COLONIZATION & POLITICS BEFORE THE ACS

Part of the growing appeal of colonization resulted from an important change in the nature of national antislavery politics after 1808. From 1790 to 1807, most political controversies over slavery had been instigated or shaped by direct abolitionist influence. Moreover, abolitionists had frequently enjoyed a level of bipartisan support, especially from northerners and

Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania, (New York: New York University Press, 2011).

⁸ Douglas R. Egerton, "'Its Origin Is Not a Little Curious': A New Look at the American Colonization Society," *Journal of the Early Republic* 5, no. 4 (Winter 1985): 463-480; Douglas R. Egerton, *Charles Fenton Mercer and the Trial of National Conservatism* (Jackson: University Press of Mississippi, 1989), 105-12, 161-73.

representatives from the Upper South. By contrast, from the time of Jefferson's Embargo through Madison's war with Britain, political controversies over slavery were more likely to be initiated by New England Federalists and often led Mid-Atlantic Republicans to ally with Southerners against such agitation. We should not cynically dismiss the antislavery rhetoric of Federalists as entirely opportunistic; such rhetoric depended on widely shared antislavery values to be effective, as scholars such as Matthew Mason and Rachel Hope Cleves have shown. Nonetheless, between 1808 and 1816, political antislavery was more typically employed to mobilize opposition to the southern base of the Republican Party than to promote specific antislavery measures.⁹

Declining political agitation by abolitionists resulted from a number of factors. One was the passing of some of the movement's most active members. Warner Mifflin had died in 1798, John Parrish in October 1807, and James Pemberton two years later. But other factors were more important. By 1808 most of the antislavery battles that came under federal jurisdiction had already been won or lost. The 1807 Slave Trade Act had largely removed that issue as a point of debate, and the question of slavery in the federal territories had been settled at the congressional level, with slavery prohibited in the Northwest Territory but permitted in all of the Louisiana Purchase Territory under the 180 governing act.¹⁰ Based on the Constitution and the federal

⁹ Matthew Mason, "'Nothing is Better Calculated to excite Divisions': Federalist Agitation against Slave Representation during the War of 1812," *New England Quarterly* 75 (December 2002):532-61; idem, *Slavery and Politics in the Early American Republic*, (Chapel Hill: University of North Carolina Press, 2006), 31-86. Rachel Hope Cleves, *The Reign of Terror in America: Visions of Violence from Anti-Jacobinism to Antislavery*, (New York: Cambridge University Press, 2009), 104-94; idem, "'Hurtful to the State': The Political Morality of Federalist Antislavery," in John Craig Hammond and Matthew Mason eds., *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, (Charlottesville: University of Virginia Press, 2022), 207-226. Albert F. Simpson, "The Political Significance of Slave Representation, 1787-1821," *Journal of Southern History* 7 (August 1941):315-42; Donald L. Robinson, *Slavery in the Structure of American Politics, 1765-1820*, (New York: Harcourt Brace Jovanich, Inc., 1971), 269-82.

¹⁰ Controversy over efforts to repeal or modify the ban on slavery in the Northwest Territory continued, but their outcomes were decided primarily at the local level see: Peter S. Onuf, *Statehood and Union: A History of the*

structure of the Union, there were simply fewer opportunities for abolitionists to enter national debates in the years after 1807. And whereas the Atlantic slave trade had at times acted as a wedge dividing Upper and Lower South slaveholders, their economic interests were united in defending the interstate slave trade from any federal interference. The 1807 Slave Trade Act thus marked a highpoint of cross-sectional consensus in favor of antislavery action. Colonization held out the promise of restoring and sustaining cross-sectional cooperation.

Older scholarship suggested that first wave of abolitionism fizzled out after achievements of gradual emancipation in the North and the abolition of the Atlantic slave trade, naively believing that southern slavery would wither away as a consequence. But more recent scholarship has demonstrated that abolitionists remained active, concentrating their efforts at enforcing abolition laws and promoting black uplift at the local level.¹¹ At the national level they focused their petitioning efforts on the enforcement of the slave trade laws and guarding against kidnapping.¹² Many abolitionists eventually embraced colonization – though not necessarily the ACS – as means to address these problems.

At another level, antislavery activists were becoming victims of their own success, as they recognized.¹³ Slavery was dismantled in the North far more quickly than the various gradual emancipation laws mandated through a combination of the efforts by enslaved blacks who negotiated concessions from their masters and the involvement of abolitionists in freedom

Northwest Ordinance, (Indianapolis: University of Indiana Press, 1987), 109-32; John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West*, (Charlottesville: University of Virginia Press, 2007), 96-149.

¹¹ Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic*, (Chapel Hill: University of North Carolina Press, 2002), 60-86, idem, "'Luck to be born in Pennsylvania': Free Soil, Fugitive Slaves and the Making of Pennsylvania's Anti-Slavery Borderland," *Slavery & Abolition* 32 (September 2011):413-30; Paul J. Polgar, "Standard Bearers of Liberty and Equality: Reinterpreting the Origins of American Abolitionism," (PhD diss., CUNY Graduate Center, 2013), 70-202.

¹² *MAC 14* (1816); *MAC 15* (1817)

¹³ PAS to ACAS, Philadelphia, 1st mo. 2d 1809, in ACAS, *MAC 12* (1809), 16. Beverly C. Tomek, *Colonization and Its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania* (New York: New York University Press, 2011), 35.

suits.¹⁴ As a result, northern states had to deal with the rapid growth of a previously small and anomalous class of free blacks. Moreover, many southern blacks who had been manumitted or escaped from slavery emigrated – voluntarily or through coercion – into northern states, especially to urban areas.¹⁵ These trends were most apparent in border states like Pennsylvania, where the number of slaves decreased from 1,706 to 795 between 1800 and 1810, while the number of free blacks rose from 14,564 to 22,492.¹⁶ The emigration of manumitted slaves into northern areas functioned as a form of de facto colonization within the Union, increasing racial tensions in the North.

Often lacking education or craft skills, African Americans were at a disadvantage in finding gainful employment, even without taking white prejudice into account. While many free blacks managed to achieve economic stability and became active members in black churches and other community institutions, countless others remained impoverished and often resorted to crime; white contemporaries often emphasized and exaggerated the predominance of the latter. In 1809 the PAS complained that many of the black emigrants to Philadelphia were “[f]reed from the shackles, but not the vices of slavery.” In response, local juries were becoming more reluctant to support the freedom of alleged fugitive slaves in cases supported by the PAS.¹⁷ Northern legislatures increasingly considered and passed legislation restricting free black

¹⁴ Gary B. Nash and Jean R. Soderland, *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath* (New York: Oxford University Press, 1991), esp. chapter 4.

¹⁵ Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Free Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988), 134-71.

¹⁶ New Jersey had even more pronounced figures, with the free black population increasing from 4,402 to 7,843 (while the number of slaves declined from 12,422 to 10,851). Historical Census Browser: <http://mapserver.lib.virginia.edu/index.html> (accessed 9 August 2013). Newman, ““Luck to be born in Pennsylvania;”” Nash, *Forging Freedom*, 134-44.

¹⁷ PAS to ACAS, Philadelphia, 1st mo. 2d 1809, in ACAS, *MAC 12* (1809), 16.

rights.¹⁸ The developments increased interest among blacks and white in proposals for colonizing free blacks in the American West or overseas.¹⁹

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After 1808 colonization proposals increasingly identified Africa as the preferred destination and attracted more public attention. Orations by free blacks celebrating the abolition of the Atlantic slave trade (usually given at churches) often expressed a hope that Christianity would be spread throughout Africa.²⁰ Meanwhile, correspondence between the British African Institution and American abolitionists emphasized the importance of Sierra Leone and peaceful trade with Africa in suppressing the Atlantic slave trade and civilizing Africa.

Paul Cuffe emerged as the leading black advocate of African colonization. A native of Massachusetts who had an African father and a Wampanoag Indian mother, Cuffe was a prosperous merchant and ship captain by the turn of the century. He was a member of the Westport Friends' Meeting and had powerful allies in the Rotch family of New Bedford, prominent Quaker merchants with decades of antislavery activism.²¹ Despite his wealth and the respect he received from Quakers and other merchants, Cuffe was very conscious of being a member of a "degraded class." In an 1807 letter to John Parrish, Thomas Rotch reported that although Cuffe was worth around \$20,000, he "has observed that he would willingly be skinned

¹⁸ Nash, *Forging Freedom*, 172-211.

¹⁹ Nash, *Forging Freedom*, 234-36; Winch, *Gentleman of Color*, 190-92; Newman, *Freedom's Prophet*, 202-04; Tomek, *Colonization and Its Discontents*, 147.

²⁰ Absalom Jones, *A Thanksgiving Sermon, Preached January 1, 1808, in St. Thomas's, or the African Episcopal, Church, Philadelphia: On Account of the Abolition of the African Slave Trade...*, (Philadelphia: Fry and Kammerer, 1808), 18; William Miller, *A Sermon on the Abolition of the Slave Trade: Delivered in the African Church, New York, on the First of January, 1810*, (New-York: John C. Totten, 1810), 12-14.

²¹ Floyd J. Miller, *The Search for a Black Nationality: Black Emigration and Colonization, 1787-1863*, (Urbana: University of Illinois Press, 1975), 21-52; Lamont D. Thomas, *Rise to be a People: A Biography of Paul Cuffe*, (Urbana: University of Illinois Press, 1986); Rosalin Cobb Wiggins, ed., *Captain Paul Cuffe's Logs and Letters, 1808-1817: A Black Quaker's 'Voice from within the Veil,'* (Washington DC: Howard University Press, 1996).

if his black could be replaced by white.”²² Awareness of white racism, a desire to uplift the native land of his father, and potential commercial opportunities combined to increase Cuffe’s interest in Sierra Leone. The devout black Quaker hoped God would use him as an instrument to aid his “Brethren the afferrican Race.”²³ By transporting some sober and industrious families of African Americans to Sierra Leone, Cuffe hoped to improve their lot while also helping to spread Christianity, commercial agriculture, and “civilization” in Africa. Establishing “an honest trade” between Africa and the United States and Europe would allow African chiefs to “git things as they used to git when they traded in slaves,” thereby encouraging more African polities to “give up the Idea of the slave trade by degrees.”²⁴ Such a plan would help suppress the Atlantic slave trade in ways that punitive laws and naval vessels alone never could.

The African Institution in England quickly became interested in Cuffe when they learned about him in 1807. One of the Institution’s first publications was a biographical sketch of the black captain, written by members of the Delaware Abolition Society.²⁵ The members of the African Institution held Cuffe up as evidence of racial equality; the son of a former slave demonstrated “that, with equal advantages of education and circumstances, the Negro-race might fairly be compared with their white brethren on any part of the globe.” Faith in blacks’ capacity for improvement undergirded the African Institution’s efforts to spread “the blessings of

²² [Thomas Rotch] to John Parrish, New Bedford 8th Month 9th. 1807, (C-P-W, box 2:8). This letter is frequently cited in scholarship on Cuffe, though its writer has been unidentified. My conclusion that it is by Thomas Rotch is based on an anecdote about William Rotch within the letter, the fact that Thomas knew Cuffe and was a correspondent of Parrish’s, and from comparing the handwriting with other letters by Rotch. See: John Parrish to Thomas Rotch, Philadelphia 6 mo 2nd 1806., Rotch-Wales Collection, <http://www.ohiomemory.org/cdm/compoundobject/collection/p15005coll39/id/1779/rec/20>; Thomas Rotch to Benjamin Ladd, Kendal Stark Co. Ohio 6th Mo 28th 1817, Thomas Rotch letters (daybook), 110-12, Rotch-Wales Collection, <http://www.ohiomemory.org/cdm/compoundobject/collection/p15005coll39/id/4754/rec/6>.

²³ Paul Cuffe to James Pemberton, Westport 9th mo 14th 1808, in Wiggins ed., *Logs and Letters*, 78.

²⁴ Paul Cuffe to Nathan Lord, Westport 4th mo 19th 1815, in Wiggins ed., *Logs and Letters*, 341-43.

²⁵ Thomas, *Rise to be a People*, 33. The “Brief Memoirs of the Life of Capt. Paul Cuffee,” was published serially with the first installment immediately following the announcement of the African Institution’s creation, in *The Monthly Repository of Theology and General Literature*, (London), 221-22 (April 1807), 285-87 (May 1807), 335-38 (June 1807).

civilized society” among the Africans.²⁶ Meanwhile, James Pemberton informed Cuffe of the African Institution’s efforts to effect the complete “abolition of the iniquitous Slave Trade” by spreading civilization in Africa.²⁷

Beginning in the spring of 1808, Zachary Macaulay and other members of the African Institution worked with American abolitionists to facilitate a voyage by Cuffe to Sierra Leone.²⁸ Cuffe wanted to visit the British colony in order to investigate possibly “sett[ing] there” with his family. He was motivated in part by a desire to help “enlighten” Africa and in part by the hopes of establishing trading networks and a whale fishery off the African Coast.²⁹ Member of the African Institution in turn hoped Cuffe would “encourage some sober families of black People in America to settle among the Africans, believing it would importantly coincide with the views of the African Institution.”³⁰ Continued diplomatic tensions with England, and the Madison Administration’s Non-Intercourse Act initially delayed Cuffe’s voyage, but in December 1810 he set sail on a voyage to Sierra Leone and London with the support of Philadelphia Quakers.³¹

Meanwhile in the fall of 1810, one of Cuffe’s Quaker supporters, Anne Emlen Mifflin, was traveling through Virginia promoting African colonization as a means of releasing the land “from the cloud of Slavery that hangs over it.”³² As a member of a family prominent in the Philadelphia and New Jersey antislavery communities, the niece of James Pemberton, and the

²⁶ “African Institution,” *Monthly Repository*, 219 (April 1807).

²⁷ James Pemberton to Paul Cuffe, Philadelphia 8. 6 mo 1808, in Wiggins ed., *Logs and Letters*, 77-78.

²⁸ James Pemberton to Paul Cuffe, Philadelphia 8. 6 mo 1808, in Wiggins ed., *Logs and Letters*, 77-78; Zachary Macaulay to William Dillwyn, Clapham 29th August 1809, in *ibid*, 84-85.

²⁹ Paul Cuffe to John James and Alexander Wilson, Westport 6 mo 10th 1809, in Wiggins ed., *Logs and Letters*, 80.

³⁰ Richard Reynolds to William Allen, Bristol 25th of 9th Month 1809, Quakers and Slavery, http://tritych.brynmawr.edu/cdm/compoundobject/collection/HC_QuakSlav/id/11514/rec/3.

³¹ Wiggins ed., *Logs and Letters*, 99; Thomas, *Rise to be a People*, 49; Miller, *Search for a Black Nationality*, 27-28.

³² Anne Emlen Mifflin to Anne Emlen, Richmond 9mo., 30th, 1810, Emlen Family Papers, HSP. Anne Mifflin is rarely mentioned in the historiography of the African colonization movement; for exceptions, see: Thomas, *Rise to be a People*, 35-36, 77, 90; Karen Virginia Fisher Younger, “‘African Stretches Forth Her Hands unto You’: Female Colonization Supporters in the Antebellum United States,” (Ph.D. diss., Pennsylvania State University: 2006), 16-19, Thomas, *Rise to be a People*, 35-36, 77, 90.

widow of Warner Mifflin, Anne Mifflin had an impeccable pedigree and experience as a Quaker abolitionist. She had supported her husband's antislavery activities to promote "the liberation of the poor oppressed black People," and increased her own activism following his death in 1798.³³ In 1799 she and another female Quaker, Mary Berry, travelled to Barbados on a missionary trip and the next year they petitioned the Maryland legislature to ban the interstate sale of slaves.³⁴ Acknowledging that petitions from women were unusual, they justified the breach of gender spheres by focusing on how the domestic slave trade destroyed families. They described the "enfeebled Mother, through oppressive toil, and helpless Child, torn from each other's embraces," and hoped that their "feelings of sympathy" would "sufficiently apologize for the female character" of their petition.³⁵ By appealing to popular conceptions of feminine virtue to justify participating in discussions of slavery, Mifflin and Berry helped pioneer trends that became more common in the antebellum era.³⁶ It was around this time that Mifflin began advocating colonization as a means to facilitate emancipation.³⁷ After dedicating a few years to missionary work among Native Americans, in 1806 she returned her focus to "the formation of a New Colony, on the African Coast."³⁸ She called on her kinsmen James Pemberton of the PAS and William Dillwyn in England, along with the Quaker senator James Logan, to support such a plan. She later celebrated the formation of the African Institution in Britain (and took partial

³³ Anne Emlen Mifflin, "A brief account of the late Warner Mifflin: In a letter to his Sons Samuel Emlen [Mifflin] & Lemuel Mifflin," Kent 10 Mo: 25th, 1799, Emlen Family Papers, HSP.

³⁴ Anne Emlen Mifflin to John Parrish, 3mo. [ileg] '99, C-P-W, box 1.

³⁵ Mary Berry and Anne Mifflin, Address to the General Assembly of Maryland (copy), [1800], C-P-W, box 9. The female petition accompanied one by male Quakers. In response the Maryland legislature adopted a resolution in favor prohibiting the sale of term slaves (who were to be freed upon reaching a certain age) out of state, but rejected a resolution forbidding sales that would break up enslaved families. See: [John Parrish], "A Copy of the Committees Report relative to transport of Slaves out of Maryland &c & the Votes of the House on the Occation," Parrish Family Papers, box 5.

³⁶ Elizabeth R. Varon, *We Mean to be Counted: White Women and Politics in Antebellum Virginia*, (Chapel Hill: University of North Carolina Press, 1998).

³⁷ In 1810, John Lynch wrote that Anne Mifflin had first advocated colonization "near a decade ago." John Lynch to Jefferson, Lynchburg, the 25th of the 12th mo 1810, Founders Online.

³⁸ Samuel & Susanna Emlen to William Dillwyn, Westhill 12th month 30th 1806, Emlen and Dillwyn Papers, Box 5, LCP. I thank Jayne Ptolemy for providing me a transcript of this letter.

credit for inspiring it) but was disappointed that a similar institution was not established in the United States.³⁹ In 1810 she used a trip attending Quaker meetings in Virginia as an opportunity to revive her activism and meet with a “few noted Characters” in order to discuss her colonization scheme.⁴⁰

The basis of Mifflin’s plan was “returning” slaves who were “disposed to go to the ancient bounds of their habitation, by the settlement of a Colony on the Coast of Africa.”⁴¹ She indicated it would be best if the freed slaves could be sent to Sierra Leone, with white Americans “paying the expence of their Conveyance and for six months provitions,” but also suggested that the United States could establish its own colony, negotiating with foreign powers such as Britain and France to ensure its protection.⁴² African colonization, Mifflin believed, would facilitate emancipation, promote the civilization of Africa, and save white Americans from the danger of slave revolt and divine retribution. It is notable that she advocated colonization in Africa whereas her late friend John Parrish had rejected Africa and favored a colony in the Louisiana Territory. She explained that she believed white southerners “would more easily embrace such a plan then Collonizeing in Louisianna lest haveing been their Oppressors they Might be afraid of them as Natural enemies.”⁴³ In any event, Congress had permitted slavery in all of the Louisiana Purchase territories in their legislation from 1804 and 1805. Her knowledge of Paul Cuffe’s voyage to Sierra Leone may also have shaped her plan, along with her celebration of Sierra Leone’s role in suppressing “that evil commerce, the slave trade.”⁴⁴

³⁹ Anne Mifflin to “Dear Friend” [William Dillwyn?], Philadelphia, 2nd mo 8th 1811, transcript from New Bedford Free Public Library at the Friends’ Historical Library, Swarthmore; John Lynch to Jefferson, Lynchburg, the 25th of the 12th mo 1810, Founders Online.

⁴⁰ Anne Emlen Mifflin to Anne Emlen, Richmond 9mo., 30th, 1810, Emlen Family Papers, HSP.

⁴¹ Anne Emlen Mifflin to Anne Emlen, George Town 9mo: 19th [and 20th] 1810., Emlen Family Papers, HSP.

⁴² Mifflin quoted in: John Lynch to Jefferson, Lynchburg, the 25th of the 12th mo 1810.

⁴³ Mifflin quoted in: John Lynch to Jefferson, Lynchburg, the 25th of the 12th mo 1810.

⁴⁴ Anne Mifflin to [William Dillwyn?], Philadelphia, 2nd mo 8th 1811.

Mifflin was pleased with the generally positive response she received in Virginia. Governor John Tyler and former governor James Wood both “highly approved the plan” and promised their cooperation.⁴⁵ She was heartened to learn that colonization had “been before contemplated by others,” when Bishop James Madison told her about the Virginia legislatures’ earlier resolutions on the subject. On the other hand, St. George Tucker, “was not so cordial to embrace the view, as some others, being measurably riveted to his former train of ideas on that head.” (In his *Dissertation on Slavery*, Tucker had suggested African colonization would be impractical.) One slaveholder opposed her plan on the grounds that Virginians “could get a good price for their blacks” in the western market; in response Mifflin warned of divine retribution and slave revolt, to the mortification of the other women present. Mifflin was acquainted with Dolley Madison and had hoped to meet with the president, but the Madisons were at Montpelier while she was in Washington. She had also hoped to meet with Thomas Jefferson at his Poplar Forest retreat but had to leave the area before he arrived.⁴⁶ Instead, Quaker John Lynch of Lynchburg communicated her sentiments to the former president.⁴⁷

Jefferson praised “the proposition of mrs Mifflin,” and in later years his response became a key piece of pro-colonization propaganda.⁴⁸ Unsurprisingly, given his advocacy of African colonization in *Notes of the State of Virginia*, Jefferson reported that he had “ever thought it the most desirable measure which could be adopted for gradually drawing off this part of our population most advantageously for themselves as well as for us.” He recounted his earlier

⁴⁵ Anne Emlen Mifflin to Anne Emlen, Richmond 9mo., 30th, 1810.

⁴⁶ Anne Mifflin to [William Dillwyn?], Philadelphia, 2nd mo 8th 1811.

⁴⁷ John Lynch to Jefferson, Lynchburg, the 25th of the 12th mo 1810.

⁴⁸ Jefferson to John Lynch, Monticello Jan. 21. [18]11., Founders Online. Jefferson’s letter was publicly printed in 1817, at which point the ACS treated it as an endorsement of their program. In the printed version, Anne Mifflin was often referred to as A.M. and John Lynch as J.L. (or mistakenly as John Lynd). The first publication appears to have been in the *Richmond Enquirer*, 11 April 1817. The American Colonization Society also published the letter, see: *ACS, The First Annual Report of the American Society for Colonizing the Free People of Color, of the United States; and the Proceedings of the Society at their annual meeting in the city of Washington, on the first day of January, 1818*, (Washington City: D. Rapine, 1818), 13-15.

efforts in support of such a plan in the aftermath of Gabriel's conspiracy. Jefferson did not explicitly acknowledge that William Wilberforce and others had subsequently contacted him about the African Institution and their desire to collaborate with America in the suppression of the slave trade and the civilization of Africa, but he mentioned that he had learned that Sierra Leone had been taken over by the British government.

Demonstrating his typical faith in the harmony of morality and expediency, Jefferson suggested that "exclusive of motives of humanity, the commercial advantages" of an African colony would make it worthwhile. Moreover, if reversing the Atlantic slave trade helped civilize Africa, it might render generations of slaves' "sojournment and sufferings here a blessing in the end to that country."⁴⁹ The notion that the Atlantic slave trade and slavery could ultimately serve the greater good was a common form of proslavery, especially among evangelical Christians.⁵⁰ Some African Americans took a similar view, although they combined it with antislavery activism rather than passive complacency. For example, Absalom Jones suggested that God had "permitted" the slave trade and the enslavement of Africans so that "knowledge of the gospel might be acquired by some of their descendants, in order that they might become qualified to be messengers of it, to the land of their fathers."⁵¹ In this view, the Christianization and enlightenment of Africa would redeem Africa from its barbarism and the United States from the sin of slaveholding. Whereas Mifflin had been equivocal on whether African colonization should be funded at the private, state, or national level, Jefferson asserted that "nothing is more

⁴⁹ Jefferson to John Lynch, Monticello Jan. 21. [18]11., Founders Online.

⁵⁰ Charles Irons, *The Origins of Proslavery Christianity: White and Black Evangelicals in Colonial and Antebellum Virginia*, (Chapel Hill: University of North Carolina Press, 2008).

⁵¹ Absalom Jones, *A Thanksgiving Sermon, Preached January 1, 1808, in St. Thomas's, or the African Episcopal, Church, Philadelphia: On Account of the Abolition of the African Slave Trade, On that Day, by the Congress of the United States*, (Philadelphia: Fry and Kammerer, 1808), 18. See also: William Miller, *Sermon on the Abolition of the Slave Trade: Delivered in the African Church, New York, on the First of January, 1810*, (New-York: John C. Cotton, 1810), 13; Paul Cuffe to Nathan Lord, Westport 4th mo 19th 1814, in Wiggins ed., *Logs and Letters*, 341-43.

to be wished than that the US. would themselves undertake to make such an establishment on the coast of Africa.” However, he predicted that “the national mind [was] not yet prepared” for such an undertaking.⁵² In turn Mifflin hoped that “before our ‘National Mind’ is prepared for it,” colonization would at least occur on a smaller scale through the actions of Paul Cuffe and the African Institution.⁵³

The day after Jefferson penned his doubts about political support for colonization, the United States Senate chose to ignore a colonization petition submitted by Stephen Potter.⁵⁴ Little is known about Potter; he sometimes referred to African Americans as “us” and sometimes as “them” but he was almost certainly a white man living in Washington DC. He may have been the same Stephen Potter who led a school for free blacks and was charged with aiding a fugitive slave in 1818.⁵⁵ Given the timing of his petition, Anne Mifflin may have inspired Potter during her recent visit to the area. In January 1811 Potter requested Congress to create a colony for African Americans “in some part of the Union adjacent to some navigable Sea Bay or River.” He was fairly typical in emphasizing that the degradation of free blacks was caused by circumstances rather than innate inferiority while concluding that their successful integration into American society was nevertheless impossible. Many blacks were “honestly disposed, and are desirous to get a livelihood in a lawful honourable way, but for the want of education & land to

⁵² Jefferson also doubted whether many blacks in America “would voluntarily consent to such an exchange of situation, and very certain that few of those advanced to a certain age in habits of slavery would be capable of self-government.” Nonetheless, Jefferson hoped that the “experiment” of African colonization would be tried, and that such efforts would eventually “reconcile it to the interests, the safety, & the prejudices of all parties.” Jefferson to John Lynch, Monticello Jan. 21. [18]11., Founders Online.

⁵³ Anne Mifflin to [William Dillwyn?], Philadelphia, 2nd mo 8th 1811.

⁵⁴ This petition has gone unnoticed by historians as there is no record of it in congressional publications. It has, however, been transcribed in: *New American State Papers: Labor and Slavery* (7 vols., Wilmington, DE: Scholarly Resources Inc., 1973), V:19-20. I thank Jessie Kratz of the NARA Center for Legislative Archives for providing me a copy of the original manuscript: “The Petition of Stephen Potter, Praying for a Colony to be granted & surveyed for the free People of Color, in the U.S. of America,” 12 January 1811 (read on 22 January 1811), NARA, Sen 11A-G4 RG 46.

⁵⁵ Potter was found not guilty in the case of *US v. Stephen Potter*; see: Hilary Russell, “Underground Railroad Activists in Washington, D.C.,” *Washington History* 13 (October 2001):28-49, esp. 38-42.

work upon, it seems utterly impossible for them to do so.” As a result, they often lived “in a way, which is not only wicked & disgraceful to themselves; but has a tendency to spread wickedness, corruption, disease and deth [*sic*] to all classes of society; & will, I fear, ere long destroy the morals & manners of all the youth that live in sight of it, and at last draw down the wrath of God upon this beautiful, flourishing Country.” Establishing a colony for the free blacks seemed the only solution that was “consistent with good policy, virtue & humanity.” Potter did not specify the political relationship such a western colony would have with the rest of the Union, but he imagined the idyllic life that the blacks would have after “marching out of this sea of bondage, wickedness, & misery, as did the children of old, into a goodly land that flows with milk & honey.” The petition was read in the Senate on January 22, but no action was taken; nor was it even recorded in the Senate Journal.⁵⁶

Two years later Potter lashed out at Madison in a scathing letter. He considered it a “great indignity” that Americans had reelected a slaveholder as president, and he catalogued the myriad of ways slavery violated the “rights of humanity” and threatened to bring down “divine wrath” upon the nation. He denounced the domestic slave trade which “separate[d] men from their wives, & little children from their parents.” After describing the many injustices of slavery, Potter asked: “Do you think, Sir, that the people of colour can suffer all this w[ith]out a decline of love for this country, or indeed, without feeling that love turned into hatred, & seeking the bitterest revenge?” But on this occasion he did not reprise his call for western colonization, or link blacks’ anger at their oppression to a need for removal, as Jefferson and Thomas Branagan did. Instead, Potter suggested that through the proper policies, blacks could be reconciled and

⁵⁶ A note attached to the manuscript petition explains that it was read on 22 January 1811, but neither the *Annals of Congress* nor the *Senate Journal* made any mention of it. This silence is not necessarily surprising, very little of the Senate’s proceedings were recorded in this era.

incorporated into society. In an implicit rebuttal of Jefferson's *Notes on the State of Virginia*, Potter described slaves as "Beings capable of all the blessings of civil society," and he argued that ameliorative policies would "remove from their minds, all those deep-rooted prejudices, which have so long destroyed the peace & harmony of the human family."⁵⁷ For Potter it seems that colonization was a compromising expedient that he had hoped would gain congressional support in 1811, his primary goal was emancipation.

Madison ignored Potter's letter as the Senate had ignored his petition; but both Madison and the Senate proved more responsive to the next colonization petition, from Paul Cuffe. By the time Cuffe had returned from his voyage to Sierra Leone and England in April 1812, the United States had again banned trade with the British. Thus upon his arrival his ship had been confiscated for smuggling until the intervention of some white allies and meetings with President Madison and Treasury Secretary Albert Gallatin led to its release.⁵⁸ Cuffe's introduction to the President had been facilitated by the prominence of his supporters, such as William Rotch, Sr. and the fact that Dolley Madison had been childhood friends with many Quakers (including James Pemberton's daughter).⁵⁹ Hoping to return to Sierra Leone with trade goods and some African-American emigrants, Cuffe published an account of his voyage and visited urban free black communities from Baltimore to Boston advocating his plan.⁶⁰ In Philadelphia he met with his white supporters, including Anne Mifflin and Benjamin Rush, as well as black leaders such as Absalom Jones and James Forten; he also travelled to New York and met with members of the

⁵⁷ S. Potter to James Madison, W. City Feb. 7th. 1813, Founders Online, A comparison of the handwriting and signatures of the manuscript versions of this letter and Stephen Potter's 1811 petition make it clear that they had the same author. James Madison Papers, LOC.

⁵⁸ Miller, *Search for a Black Nationality*, 33; Thomas, *Rise to be a People*, 73-75.

⁵⁹ Paul Cuffe to Hannah Little, Westport 2 mo 18th 1813, in Wiggins ed., *Logs and Letters*, 237-38. On the friendship between Dolley Madison and Mary Pemberton Morris, see: James Pemberton to TJ, Philad:a 30th: 5th mon: 1808, TJ Papers, LOC.

⁶⁰ Paul Cuffe, *A Brief Account of the Settlement and Present Situation of the Colony of Sierra Leone....*, (New York: Samuel Wood, 1812).

Ney York Manumission Society and local blacks.⁶¹ In June 1813, after the outbreak of war with England, Cuffe drafted a petition to Congress requesting special permission to trade with Sierra Leone and transport African-American colonists there. Some of his Quaker allies in Baltimore submitted the petition on his behalf at the next session of Congress. Cuffe then traveled to Washington to personally lobby congressmen.⁶²

Cuffe's petition was carefully worded to criticize slavery without threatening slaveholders; he never alluded to American slavery beyond praising Congress for prohibiting the Atlantic slave trade. Instead of calling for reform within the United States, he focused on Africa. Regretting "the practice of his brethren of the African race, in selling their fellow creatures into a state of slavery for life," Cuffe hoped to spread Christianity and "promote the improvement and civilization of the Africans." Like Samuel Hopkins decades earlier, Cuffe lauded the potential of small scale African colonization to help Christianize Africa and thereby discourage the Atlantic slave trade. He informed Congress of his visits to Sierra Leone and the African Institution's desire to increase commerce and emigration from America to Sierra Leone. The free people of color in Baltimore, Philadelphia, New York, and Boston had expressed "zeal" for his object and "several families" hoped to emigrate to the African colony. Cuffe advocated African colonization without directly threatening slavery or the social order in the United States.⁶³

Cuffe was the first person of color to petition Congress since the turn of the century and, as in 1800, Congress accepted that free African Americans had the right to petition for grievances. Indeed even opponents of the petition "generally admitted" the "excellence of the

⁶¹ Wiggins ed., *Logs and Letters*, 215-16.

⁶² Miller, *Search for a Black Nationality*, 34-37; Thomas, *Rise to be a People*, 75-83; Wiggins ed., *Logs and Letters*, 221-47.

⁶³ "Memorial and Petition of Paul Cuffe," Westport 6 mo 16 1813, Founders Online.

general character of Mr. Cuffe.”⁶⁴ The Senate passed a bill sponsored by Christopher Gore authorizing the President to permit Cuffe’s voyage to Sierra Leone. Cuffe had called on Gore with a letter of introduction from William Rotch Jr., and found a willing ally in the Massachusetts Federalist.⁶⁵ Gore was already knowledgeable about Sierra Leone, having met with members of the Sierra Leone Company in 1803 while serving as an aide to ambassador Rufus King.⁶⁶ (King was also in the Senate at this time and voted for Gore’s bill.) At the end of January, Gore’s bill passed easily, 18 to 6, with bipartisan and cross-sectional support.⁶⁷ In the House of Representatives, Cuffe’s cause was advanced primarily by Federalists Laban Wheaton and Timothy Pickering of Massachusetts; but they had less success as the debates quickly turned into partisan bickering.

The House referred Cuffe’s petition and (later) the Senate bill to the Committee on Commerce and Manufacturing, which in turn opposed granting Cuffe’s request.⁶⁸ The ensuing debates were not recorded in detail but were reportedly “of a very diffuse nature, and of not little length.” Most of Cuffe’s vocal supporters were northern Federalists while those who spoke against his plan were uniformly Republican and mostly from the Mid-Atlantic states. His supporters praised the benefits that could arise to the United States by “the emigration of the free blacks” – a part of the population they “could well spare.” On the other hand, opponents raised concerns about “the evil which might result from transporting liberated slaves from this country

⁶⁴ AC 13-2, 1880 (18 March 1814).

⁶⁵ William Rotch Jr. to Christopher Gore, New Bedford 12 mo 10th 1813, in Wiggins ed., *Logs and Letters*, 266; William Dean to Timothy Pickering, New Bedford 12 mo 12 1813, in *ibid*, 266-67.

⁶⁶ In Rufus King’s absence, Gore had taken the initiative to contact the Sierra Leone Company after receiving Jefferson’s letter about transporting Virginian slaves to the colony. Christopher Gore to Thomas Jefferson, London, 10 Oct. 1802., *LCRK*, IV:173-75.

⁶⁷ AC 13-2, 601 (25 January 1814).

⁶⁸ AC 13-2, 861-63 (7 January 181), 1196 (31 January 1814), 1265 (9 February 1814).

to a British settlement.”⁶⁹ Such fears were especially poignant in the midst of a war while the British were raiding the Chesapeake and arming runaway slaves against their former masters.⁷⁰ But the House reporter concluded that the key question revolved around granting monopoly privileges to single person to trade with a colony of the nation’s enemy while other Americans submitted to trade restrictions. Some opponents of the bill implied that they might permit such a voyage if it did not involve commercial trade, which they viewed as “not at all necessary to [Cuffe’s] views of propagating the gospel.”⁷¹ (Peaceful commercial alternatives to the slave trade were actually essential to Cuffe’s humanitarian agenda.)⁷² In contrast to the Senate, the House treated the bill as a referendum on the Madison administration and the war with Britain, and it lost in a strongly partisan vote of 65 to 75.⁷³ One commonly reprinted newspaper editorial regretted that “a petition whose object was to diminish the evils of the slave trade” was sacrificed by Republicans once they discovered that Cuffe “was a federalist, an enemy to the war.”⁷⁴ As a result, Cuffe’s return voyage to Sierra Leone was delayed until after the war.⁷⁵ Nonetheless, Cuffe’s petition was widely disseminated in print, as was the biographical sketch which the African Institution had first published in 1807, increasing public discussion of African colonization.⁷⁶

⁶⁹ AC 13-2, 1880 (18 March 1814).

⁷⁰ Taylor, *Internal Enemy*.

⁷¹ AC 13-2, 1880 (18 March 1814).

⁷² Paul Cuffe to Nathaniel G.M. Senter, Westport 3 mo 7th 1814, in Wiggins ed, *Logs and Letters*, 276; Paul Cuffe to Nathan Lord, Westport 4th mo 19th 181, *ibid*, 341-43.

⁷³ AC 13-2, 1881 (18 March 1814).

⁷⁴ From the *New York Evening Post*, in *Concord Gazette* (New Hampshire), 22 March 1814; *Weekly Messenger* (Boston), 4 March 1814; *Hallowell Gazette* (Maine), 6 April 1814;

⁷⁵ Thomas, *Rise to be a People*, 82-100.

⁷⁶ For Cuffe’s petition, see for example: *Poulson’s American Daily Advertiser*, (Philadelphia), 13 January 1814; *The Spectator* (New York), 15 January 1814; *The Columbian* (New York), 15 January 1814; *American Watchman* (Wilmington, DE), 19 January 1814; *New-Bedford Mercury*, 28 January 1814. For his memoir, see: *Poulson’s Daily*, 24 December 1812; *Connecticut Journal* (New Haven), 7 February 1814; *Memoir of Captain Paul Cuffee* (Philadelphia: Kimber & Sharpless, 1816);

Other individuals also helped keep the topic of African colonization circulating among prominent Americans. During May and June 1814, Jesse Kersey, a Quaker minister from Downingtown, Pennsylvania, who would later be a vice president of an ACS auxiliary society, was travelling through the Upper South investigating slavery and the prospects of emancipation.⁷⁷ Kersey desired “a progressive and happy termination to slavery,” but conceded that the current generation of slaves had been rendered unfit for freedom “from neglected education,” and he concluded that a program of voluntary emancipation and African colonization was the most expedient approach.⁷⁸ He met with various people who had been or would be connected to colonization proposals, including William Thornton, who had advocated colonization since the 1780s, Elisha Tyson, one of Paul Cuffe’s Quaker supporters in Baltimore, St. George Tucker, who gave the Kersey a copy of his *Dissertation on Slavery*, and Tucker’s stepson, John Randolph of Roanoke, who would be a founding member of the ACS.⁷⁹ Kersey later reported to Tucker that he had initially met with great suspicion from slaveholders, and he found it “necessary to inform [them] that my motive for embarking in the concern arose from sympathy for slave holders and their Children.” He eventually convinced many slaveholders that he did not support a sectional or fanatical agenda, but sought to help white southerners extricate themselves from the dilemma of slavery which they had inherited from their predecessors.

Kersey’s conversations convinced him that colonization was the mode of emancipation that had

⁷⁷ Thomas, *Rise to be a People*, 90; Jesse Kersey, *A Narrative of the Early Life, Travels, and Gospel Labors of Jesse Kersey, Late of Chester County, Pennsylvania*, (Philadelphia: T. Ellwood Chapman, 1851), 71-82. Kersey is listed as a vice president of the Chester County Auxiliary Colonization Society, in *The African Repository* (Washington DC), III:314 (December 1827).

⁷⁸ Jesse Kersey to St. George Tucker, Downing Town 5th of 7th Month 1814, Tucker Coleman Papers, William and Mary, cited in Taylor, *Internal Enemy*, 401-2.

⁷⁹ Kersey, *Narrative of Jesse Kersey*, 72-79. *Narrative of Jesse Kersey*, 79 [18 6mo 1814]. In his posthumously published diary, Kersey did not name the “judge” he met with and did not mention meeting with Randolph in particular. But his correspondence with Tucker indicates he was the judge in question and Randolph’s later correspondence with other Pennsylvania Quakers indicated that he had met Kersey. John Randolph to Thomas P. Cope, Roanoke Aug. 24. 1818, Society Collection 1816-1830, HSP.

the fewest objections. As a “National Evil,” slavery would require a “National remedy” and African colonization would “require the sanction of the General Government.” Kersey understood that such efforts depended on cross-sectional cooperation and trust, but was confident that through honest communication “the public mind might be brought to act in unison.”⁸⁰

Kersey reported lots of support from slaveholders, “particularly among the intelligent and well informed,” but he also met with opposition.⁸¹ He discussed Paul Cuffe’s plan with James Madison, but the President had “many objections” and instead preferred the policy of diffusion.⁸² Kersey was similarly unable to convince legislator George Hay of the advantages of colonization, even after assuring Hay that his motives “were not so much concern for the slaves, as for those who held them on possession.” Hay acknowledged that slavery was regrettable but he was unenthusiastic about the prospect of emancipation or colonization.⁸³ A few years later, Hay became one of the chief opponents of African colonization in the Virginia legislature.⁸⁴

During this time Thomas Jefferson also continued identifying colonization as the best solution to the problem of slavery in his personal correspondence.⁸⁵ In 1815 the retired president was contacted by David Barrow, a Baptist minister who had emigrated from Virginia to Kentucky in 1798. As Barrow had explained in a public letter, he moved in part to escape from a land so tainted by the sin of slaveholding.⁸⁶ In Kentucky he helped organize an abolition society

⁸⁰ Jesse Kersey to St. George Tucker, Downing Town 5th of 7th Month 1814.

⁸¹ Jesse Kersey to St. George Tucker, Downing Town 5th of 7th Month 1814.

⁸² Madison reportedly told Kersey that by diffusing the enslaved population, “they would be spread among the industrious and practical farmers, and their habits, education and condition would be improved.” *Narrative of Jesse Kersey*, 74 (1 6mo 1814).

⁸³ *Narrative of Jesse Kersey*, 77 (11 6mo 1814).

⁸⁴ Egerton, *Charles Fenton Mercer*, 163.

⁸⁵ On Jefferson’s lifelong commitment to colonization, see also: Onuf, “To Declare Them a Free and Independent People;” Dierksheide, “For the Great Improvement of that Race.”

⁸⁶ Carlos R. Allen, Jr., “David Barrow’s *Circular Letter* of 1798,” *WMQ* 20, (July 1963):440-51.

and published an antislavery pamphlet in 1808.⁸⁷ In March 1815 Barrow forwarded some antislavery literature to Jefferson and asked him for any “Hints...on the Subject of Slavery & emancipation...which may be helpful to us in our present Struggles.”⁸⁸ In response, Jefferson referred Barrow to his own colonization proposal in *Notes on the State of Virginia*, stating that he still believed it “the most sound” plan for emancipation.⁸⁹ Encouraged by the Sage of Monticello, Barrow and the Kentucky Abolition Society sent a colonization petition to Congress the following winter.⁹⁰

The Kentucky abolitionists were pleased that “great numbers of slaves have been emancipated in different regions of these United States,” but regretted that free blacks continued to suffer from oppressive legislation and limited educational and economic opportunities. They hoped Congress would use some of the western territories to create “an asylum for all those negroes and mulattoes who have been, and those who may hereafter be, emancipated within the United States.” A territory of their own would allow free blacks to escape the disadvantages they faced in the existing states, and provide “room and opportunities for the expansion of genius and encouragement to industry.”⁹¹ Like many colonization proposals, the Kentucky scheme was informed by the assumption that oppressive circumstances rather than innate inferiority accounted for the degraded condition of many free blacks. The House of Representatives’ Committee on Public Lands considered the petition but denied its request. Noting that “the

⁸⁷ David Barrow, *Involuntary, Unmerited, Perpetual, Absolute, Hereditary Slavery, Examined; on the Principles of Nature, Reason, Justice, Policy, and Scripture*, (Lexington: 1808); Carter Tanant and Kentucky Abolition Society to PAS, may 27th 1809, PAS, LB II:105-6.

⁸⁸ David Barrow to Jefferson, Montgomery Kentucky, Near Mountsterling, March 20th 1815, *PTJ Ret*, 8:364-65. Barrow most likely enclosed *Minutes of the Kentucky Abolition Society, met at George Smith's, in Franklin County, on the 19th of October, 1814, and Continued until the Evening of the Following Day*, (Winchester: Martin & Patten, 1814).

⁸⁹ Jefferson to David Barrow, Monticello May 1. [18]15, *PTJ Ret*, 8:454-55.

⁹⁰ *AC 14-1*, 451 (4 January 1815).

⁹¹ “The petition of the Kentucky Abolition Society, at their annual meeting, holden in Franklin county, near Frankfort, Kentucky, October 18 and 19, 1815,” in *AC 14-1*, 692 (18 January 1816).

Government is not in the habit of granting such privileges to white citizens,” they thought it would be unfair to grant free land to “those of any other color.” Moreover, they dismissed the notion that racial prejudice and state restrictions on free blacks posed any hindrance, insisting that “there is in no part of our highly favored country where industry and economy will not insure to those who practice them an easy and independent support.”⁹² Such statements essentially blamed free blacks for the poverty and prejudice they faced.

Many African Americans had less sanguine notions about social mobility within the United States. As a prosperous sailmaker who employed white laborers, James Forten understood that he was the exception that proved the rule. Although he had no personal interest in emigration, he served as secretary for the Philadelphia African Institution in order to help less fortunate blacks in search of greater opportunity in Africa.⁹³ Inspired by Cuffe, Forten and Russell Parrott corresponded with the African Institution in London about black emigration to Sierra Leone and the hope of “civilizing Africa.”⁹⁴ A number of black Philadelphians were among the thirty-eight emigrants who joined Cuffe’s next voyage to Sierra Leone in the winter of 1815-1816.⁹⁵

In January 1816, as Congress was considering the Kentuckians’ colonization petition, the delegates to the fourteenth Abolition Convention were discussing colonization proposals in Philadelphia. The inquiry was initiated in response to a letter Dr. John Adams of Virginia sent to the PAS, seeking for help in executing a last will and testament which would free about three hundred slaves. As Virginia law would require them to leave the state, Adams hoped that “with

⁹² *AC 14-1*, 691-92 (18 January 1816).

⁹³ Paul Cuffe to Richard Allen, Westport 8th mo 184 in Wiggins ed., *Logs and Letters*, 294.

⁹⁴ Russell Parrott and James Forten to the African Institution, Philadelphia, Nov. 1, 1815, in *Report of the Directors of the African Institution Read at the Annual General Meeting on the 27th Day of March, 1816* (London: Ellerton and Henderson, 1816), 70-71.

⁹⁵ Thomas, *Rise to be a People*, 98-102.

your aid Capt Cuffy might be made instrumental in advancing this work of philanthropy.” He assured the PAS that the estate would cover the cost of “passage of each to Guinea, and to provide for them when arrived there for at least one year.”⁹⁶ It is not surprising that the Virginian had heard of Paul Cuffe, the black Quaker’s exploits were widely covered in the press.

Unable to confer with Cuffe (who was in the midst of his second African voyage), the delegates to the Abolition Convention decided to petition Congress and correspond with the African Institution on the subject.⁹⁷ Their petition requested Congress “to consider how far it may comport with the interests of humanity, and public policy, to set apart a portion of the wide extended territory owned by the United States, for the colonization of legally emancipated blacks, or to adopt some other measure calculated...as to provide, under a suitable government, for the civilization, improvement and happiness of them and their posterity.”⁹⁸ As with the petition from the Kentucky abolitionists, Congress read the petition but took no action.⁹⁹ Another petition from the Kentuckians later that year also attracted little notice in Congress.¹⁰⁰

Pennsylvanian abolitionists’ interest in colonization continued growing in 1816. While they were trying to figure out what to do about the three hundred slaves in Virginia, a woman trying to free about forty slaves in North Carolina also contacted them. Her father had bequeathed the slaves to the PAS in hopes they would be relocated to Philadelphia. The request provoked a lengthy and controversial discussion within the PAS.¹⁰¹ The next PAS meeting considered a resolution declaring it “inexpedient...to accept Bequests or trusts of any slaves which may be made by Persons out of the States to the Society if such Slaves are necessarily to

⁹⁶ Dr. John Adams to Thomas P. Cope, Richmond Hill, 19th Dec. 1815 (extract), in ACPAS, *MAC 14* (1816), 26.

⁹⁷ ACPAS, *MAC 14*, 31, 33.

⁹⁸ Abolition Convention Petition to Congress, ACAS, *MAC 14*, (1816), 30-32, quotation from 32.

⁹⁹ *AC 14-1*, 1068 (27 February 1816).

¹⁰⁰ *AC 14-2*, 244 (6 December 1816), 266 (12 December 1816).

¹⁰¹ Special Meeting, 1 Mo 25th 1816, PAS GM Minutes, 229-230.

be brought into the state of Penn[sylvani]a;” but a decision was postponed until they could further investigate the subject.¹⁰² Eventually the PAS agreed to the request, and helped the thirty eight former slaves find employment and housing, giving “decided preference” to the settling the freed people as farm workers in the countryside rather than urban laborers in Philadelphia.¹⁰³ Although the PAS ultimately agreed to the bequest, they clearly perceived it as a dilemma. At the end of 1817 they denied a similar request.¹⁰⁴ The abolitionists wanted to facilitate manumissions, but also knew that the de facto colonization of southern slaves in the North increased public hostility to both the PAS and free blacks. African colonization offered a potential solution.

II. SLAVE REVOLT, THE DOMESTIC SLAVE TRADE, & COLONIZATION

During the early nineteenth century various events increased attention to two of slavery’s most troubling aspects, the misery of the domestic slave trade and the danger of slave revolt. With the suppression of slave imports after 1808, the scale of the interstate slave trade expanded in order to supply labor hungry regions in the Southwest. Many slaveholders were uncomfortable with this trade, as it directly contradicted their notions of paternalistic relations between masters and slaves.¹⁰⁵ The trade also threatened to create dangerous concentrations of slaves – some of whom were sold as punishment for misbehavior, in certain areas.¹⁰⁶ Colonization programs promised to reduce both the domestic slave trade and the danger of insurrection, increasing its appeal to slaveholders who were uncomfortable with slavery.

¹⁰² Adjourned Meeting, 2 Mo 1st 1816, PAS GM Minutes, 230-31; Stated Meeting, 3. Mo 28th 1816, *ibid*, 231-33.

¹⁰³ Adjourned Meeting, 4 mo 4th, 1816, PAS GM Minutes, 233-34 (quotation); Stated Meeting, 6 Mo 26th 1817, *ibid*, 252-54.

¹⁰⁴ Stated Meeting, 12 mo 29th 1817, PAS GM Minutes, 273.

¹⁰⁵ Robert H. Gudmestad, *A Troublesome Commerce: The Transformation of the Interstate Slave Trade*, (Baton Rouge: Louisiana State University Press, 2003), esp. 62-85; Steven Deyle, *Carry Me Back: The Domestic Slave Trade in American Life*, (New York: Oxford University Press, 2005), 206-36;

¹⁰⁶ Gudmestad, *Troublesome Commerce*, 93-117; Deyle, *Carry Me Back*, 49-55.

The domestic slave trade had often inspired concerns about slave revolt. When Congress had debated slavery in the Louisiana Purchase Territory in 1804, some congressmen warned that the slave trade to the territory would lay the foundation for the horrors of St Domingo. In 1811 Louisianans petitioned for statehood, such concerns arose again. John Rhea of Tennessee dismissed such objections, insisting that to “suppress all such insurrection is the business of the Union,” and assuring other representatives that the federal government had “ample power to call out sufficient force from any point in the United States to suppress all such insurrections.”¹⁰⁷ His words proved prescient; the largest slave revolt in the nation’s history broke out in Louisiana less than a week later, and was suppressed in part by federal troops.¹⁰⁸

Louisiana’s governor, William C.C. Claiborne, seems to have shared Rhea’s belief that suppressing slave revolts was the “business of the Union.” In the aftermath he called for a reinforcement of federal troops and billed the federal government for \$2,500 spent on provisions for the militia during the revolt. (And this substantial amount was after Claiborne rejected a number of militia claims as extravagant, such as money for wine and cheese consumed by the citizen-soldiers during their defense of the plantation regime).¹⁰⁹ In addition to requesting additional troops, Claiborne also sought to guard against future disturbances by addressing what he saw as the root of the problem, the domestic slave trade. Claiborne told the Orleans legislature that it was a “fact of notoriety that negroes of Character most desperate and conduct most infamous.... are frequently introduced into this Territory.” He called on the legislature to place restrictions on the domestic slave trade in order to avoid the “consequences which...a

¹⁰⁷ *AC 11-3*, 498 (4 January 1811).

¹⁰⁸ Rothman, *Slave Country*, 106-117; Kastor, *Nation’s Crucible*, 127-131.

¹⁰⁹ Claiborne to Secretary of War William Eustis, January 20, 1811, in *Letter Book of WC*, V:110-11; Claiborne to Eustis, Feb. 11, 1811 in *Ibid*, 146-47; Claiborne to Eustis, February 13, 1811 in *Ibid*, 152-53; Claiborne to John Poultney, March 21, 1811 in *Ibid*, 186-87.

continuance of this traffic are likely to result [in].”¹¹⁰ However, slaveholders’ greed trumped their fears, and the legislatures declined to limit the domestic slave trade.

The Louisiana revolt and its aftermath reinforced the fears of one of Thomas Jefferson’s correspondents, Dr. John Crawford. An Irish born physician practicing in Baltimore, Crawford had sent an impassioned letter on the danger of slave revolt and the necessity of emancipation to the president in 1803. He had warned that in the case of a large scale slave revolt, northerners would be at best tepid allies. “They have abolished slavery in their own country,” he observed, “and it must be with a very bad grace they would make exertions to maintain it elsewhere.”¹¹¹ Nine years later, he found his fear “respecting the fate we are to experience from our Slaves appears to be but too well founded.” Instead of ameliorating and ending slavery as he had called for, southern whites perpetuated slavery and the domestic slave trade. Like Governor Claiborne, Crawford connected the internal traffic with revolt. “The most worthless and the most audacious are daily sent from this and perhaps some of the states in the vicinity to the Southward,” and he warned that “the embers of conflagration, at present couvered by the slightest tissue, will probably, by these be quickly blown into a flame which will consume all to whom it can have access.” As with Jefferson’s opinion in *Notes on the State of Virginia*, Crawford feared that God would side with slaves in such a contest, unleashing “Retribution” upon the southern states.¹¹²

Crawford’s prediction that northerners would be unenthusiastic allies in suppressing slave rebellions proved accurate. Secretary of War William Eustis, a Massachusetts Republican, questioned whether the reimbursements requested by Governor Claiborne were “properly

¹¹⁰ Speech of Claiborne to Both Houses of Legislative Body of Orleans, January 29, 1811 , *Letter Book*, V:123.

¹¹¹ John Crawford to TJ, Baltimore, 18th. Oct. 1803, TJ Papers, LOC.

¹¹² John Crawford to Jefferson, baltimore 17th Decr 1811, Founders Online,

chargeable” to the Department of War.¹¹³ Eustis had previously been involved in an investigation into the high mortality rate – over thirty percent – suffered by federal troops in Orleans as a result of disease. Many of these troops who died while protecting the plantation regime were northerners, and Eustis opposed Claiborne’s new request for additional troops. He proposed raising troops among locals who were “seasoned” to the climate rather than “procuring recruits in the Northern States to serve in the Southern climates.”¹¹⁴ New England Federalists were even more indignant that southerners received extra political representation for slaves while also insisting that the federal government help prop up an institution they could not regulate.¹¹⁵

Some southerners, such as John Randolph, were also increasingly concerned about the danger of slave revolt. Although the Virginian liked to boast that he slept with his doors and windows open “without apprehensions” on his plantation, he feared other people’s slaves.¹¹⁶ In 1800, following Gabriel’s Conspiracy, he had written that the conspirators “manifested a sense of their rights, and contempt of danger, and a thirst for revenge which portend the most unhappy consequences.”¹¹⁷ Upon learning of the 1811 revolt in Louisiana, Randolph feared that Virginians might also be awakened “by the blaze of their houses & the shrieks of their wives & children.”¹¹⁸ In December 1811, Randolph drew on the “danger arising from the black population” among a plethora of arguments against war with Britain. Discontented slaves only

¹¹³ Eustis suggested that Claiborne send his claims to the Orleans government, which he later did. These expenses, along with compensation for slaveholders whose slaves had been killed or executed during the revolt and its aftermath greatly exceeded the territorial government’s existing funds, forcing them to implement new taxes. Eustis to Claiborne, April 1, 1811, *TP*, IX:930; Eustis to Claiborne, April 25, 1811, in *Ibid*, 931-32; Claiborne, “Message to the Gentleman of the Legislative Council and House of Representatives,” April 25, 1811, in *Letterbook*, V:218-19; Claiborne, “Message to the Legislative Council and House of Representatives,” April 29, 1811, in *Ibid*, 227.

¹¹⁴ Eustis to Claiborne, April 25, 1811, *TP*, IX: 931. By 1809, of the 2,035 federal troops stationed in or around new Orleans, 686 had died. See: *American State Papers: Military Affairs*, I:268-294, statistics on 270.

¹¹⁵ [Serenio Edwards Dwight], *Slave Representation*, by Boreas, ([New Haven]: 1812); [William Hillhouse], *Pocahontas; A Proclamation*, (New Haven: 1820), esp. 6-8.

¹¹⁶ John Randolph to Harmanus Bleecker, Roanoke Tuesday July 26, 1814, Randolph-Bleecker Letterbook, Papers of JR, box 8, UVA.

¹¹⁷ Randolph to Nicholson, Bizarre, Sept. 26, 1800, quoted in Bruce, *John Randolph of Roanoke*, II:250-51.

¹¹⁸ JR to James Mercer Garnett, February 17, 1811, Papers of JR, box 2, UVA.

waited for an opportune moment to strike, such as a war on American soil.¹¹⁹ Randolph failed to prevent war and when the British invaded they did indeed enlist runaway slaves to fight against their former masters. The need to guard against this “internal enemy” severely hindered the defense of the southern states, especially along the Chesapeake Bay and Gulf of Mexico.¹²⁰ This experience led to a “new urgency” among southern whites in favor of colonization after the war, as Alan Taylor argues.¹²¹ Paul Cuffe hoped that slaveholders’ fears could be channeled into support for his colonization plan. He imaged that many slaveholders “will be Glade to find Some place Whare Thay Could Send [rebellious slaves] for The peace and Tranquility of the World.”¹²² He believed colonization would “prevent all Insurrection and bloodshed,” facilitate emancipation, suppress the Atlantic slave trade, and Christianize Africa, thus serving the common good of all involved.¹²³

As a slaveholder who romanticized his own paternalism, John Randolph was also disturbed by slave trading.¹²⁴ He regretted that so many Virginian slaveholders relinquished their duty as benevolent patriarchs, leading to “a general sale: & another ‘Coffle’ ‘start[ing] for the western country.’”¹²⁵ After witnessing slave trading in western Virginia, he described it in brutal terms: “The road is thronged with droves of these wretches & the human carcass-butchers, who drive them on the *hoof* to market.” He wrote that such scenes renewed his convictions

¹¹⁹ *AC 12-1*, 441-55, quotations from 450 and 451 (10 December 1811). Nicholas Wood, “John Randolph and the Politics of Slavery,” *VMHB* 120 (Summer 2012):106-43.

¹²⁰ Gene Allen Smith, *The Slave’s Gamble: Choosing Sides in War of 1812*, (New York: Palgrave Macmillan, 2013); Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832*, (New York: W.W. Norton & Company, 2013).

¹²¹ Taylor, *The Internal Enemy*, 400.

¹²² Paul Cuffe to John Kizell, Westport, 8th mo 14 1816, in Wiggins, ed., *Logs and Letters*, 443.

¹²³ Paul Cuffe to Samuel J. Mills, Westport 8 mo 6, 1816, in Wiggins, ed., *Logs and Letters*, 432-33. See also Paul Cuffe to Samuel C. Aiken, Westport 8thmo 7 1816, in *ibid*, 434-35.

¹²⁴ JR to Harmanus Bleecker, Roanoke, Nov. 16, 1818, Randolph-Bleecker Letter Book, Papers of JR. See also, JR to James Mercer Garnett, Roanoke, November 16, 1818 and Decr. 22. 1818, Papers of JR.

¹²⁵ JR to Garnett, Roanoke, November 16, 1818, Papers of JR.

against slavery, which had been planted in his mind thirty years earlier after reading the abolitionist works of Thomas Clarkson.¹²⁶

Indeed, it was Randolph rather than any abolition society who initiated a congressional investigation into the domestic slave trade and kidnapping. In March 1816, Randolph called on Congress to investigate the actions of slave traders operating in Washington DC.¹²⁷ Congress had clear constitutional jurisdiction over the capital and had already banned the sale of slaves within the district, though slave traders were permitted to use the city as a depot for holding slaves before they were shipped to southern or western markets.¹²⁸ Randolph's intimate friend Francis Scott Key had informed him that many slave traders in the District committed gross violations, including the "seizure of free persons who are hurried off in the night[,] brought to the City, & transported as slaves."¹²⁹ Randolph railed against these criminal acts along with other heinous (though legal) aspects of slave trading in the language of an abolitionist. He described the slave pens "where the unfortunate beings, reluctant, no doubt, to be torn from their connexions, and the affections of their lives, were incarcerated and chained down, and thence driven in fetters like beasts, to be paid for like cattle." He also connected the domestic slave trade to the growing "demands for cotton, tobacco, and latterly of sugar," in the Southwest and decried the practice of kidnapping free blacks, who were "stolen, as he might say, from

¹²⁶ JR to Harmanus Bleecker, Salem, Oct. 10, 1818, Randolph-Bleecker Letter Book, Papers of JR.

¹²⁷ Some historians have suggested Randolph's actions were cynically calculated to "strengthen slavery" by "reforming it so that its opponents would have no room for criticism." Robert H. Gudmestad, *A Troublesome Commerce: The Transformation of the Interstate Slave Trade* (Baton Rouge: Louisiana State University Press, 2003), 39. Matthew Mason also states that Randolph "apparently [sought] to do public relations for slavery as a domestic institution." Mason, *Slavery and Politics*, 169. Undoubtedly, Randolph would have been happy if reforms reduced northern criticism of slavery, but it is clear from his private correspondence that his disgust at the slave trade was sincere.

¹²⁸ William T. Laprade, "The Domestic Slave in the District of Columbia," *Journal of Negro History*, (January 1926):11-34, esp. 28-30.

¹²⁹ Deposition of Francis S. Key, April 22, 1816, in Slave Trade Committee Records, HR 14A-C17.4, National Archives.

themselves.”¹³⁰ Comparing the United States capital to the coast of Africa, Randolph denounced slave trading in Washington DC as “a crying sin before God and man...not surpassed for abomination in any part of the earth; for in no part of it, not even excepting the rivers on the coast of Africa, was there so great and so infamous a slave market as in the metropolis, in the very Seat of Government of this nation, which prided itself in freedom.”¹³¹

Despite his antislavery rhetoric, Randolph was careful to assure the other southern representatives that he would refrain from “interfering in the very delicate subject of the relation between the slave and his owner.”¹³² As in 1807, he would defend the right of slaveholders to travel across state lines with their slaves, but he saw “a great difference between that and making the District into a depot for a systematic slave market.”¹³³ Although he would not support any abolitionist plans that could “throw the States into danger,” Randolph supported regulating and limiting slavery when done in ways consistent with strict construction and posing no threat to southern security.¹³⁴

The House of Representatives established a committee headed by Randolph to investigate slave trading in the capital.¹³⁵ Randolph recorded depositions describing the illegal sale of slaves within the city, the kidnapping of free blacks, the sale of blacks who were scheduled to be freed by northern gradual abolition laws or manumission agreements, and instances of slaves who attempted to kill or mutilate themselves in order to prevent being sold away from their families.¹³⁶ The witnesses complained of the “inefficient operation of Habeas Corpus” and the

¹³⁰AC 14-1, 1116.

¹³¹AC 14-1, 1115.

¹³²AC 14-1, 1115.

¹³³AC 14-1, 1116.

¹³⁴AC 14-1, 1116.

¹³⁵AC 14-1, 1127.

¹³⁶Deposition of Samuel Brooks of Georgetown, March 7, 1816; Deposition of Mr. Cranch, George Town, March 7, 1816; Extract of a letter [from Isaac Gibbs, for John Reynold Esq.] addressed to Mr. [B.S.] Lear, one of the attorneys

“facility and security with which the art of man-stealing can be practiced.”¹³⁷ These interviews continued from the middle of March until the end of April when the congressional session ended.

No policy proposal emerged from Randolph’s investigation, but it was during this time that Charles Fenton Mercer learned of the Virginia colonization resolutions and correspondence dating back to Gabriel’s conspiracy. John Randolph and Francis Scott Key were two of the first people Mercer recruited to help him revive the colonization proposal, and their experience investigating the domestic slave trade and kidnapping almost certainly shaped their reaction to Mercer’s proposal. Key immediately embraced the idea; Randolph was initially skeptical but soon became an active supporter.¹³⁸ During the congressional recess Randolph initiated a correspondence with William Wilberforce of the African Institution “on the subject of colonizing the blacks.”¹³⁹

III: THE CREATION OF THE ACS

In many ways John Randolph was fairly representative of the American Colonization Society, eluding classification as proslavery or abolitionist. Although often portrayed as proslavery due to his Old Republican commitment to state rights, Randolph was consistent in his expressions of conservative antislavery, and his support for the ACS was the logical outgrowth of such sentiments.¹⁴⁰ Randolph had previously written about the dilemma posed by his disgust of both

[sic] in behalf of the persons kidnapped, Middletown Jan. 5th 1816; in Slave Trade Committee Records, HR 14A-C17.4, National Archives. *Annals of Congress 14-1*, 1465.

¹³⁷ Deposition of Jesse Torrey Jr., April 29, 1816, in Slave Trade Committee Records.

¹³⁸ Charles Fenton Mercer, Geo-Town, April 19. 1818, Cocke Papers, UVA, box 26; Egerton, “Its Origin is not a Little Curious.”

¹³⁹ Randolph’s correspondence with Wilberforce has not been found, but Randolph reported having recently received a letter from Wilberforce that December. Randolph to Theodore Dudley, Georgetown, December 28, 1816, in [Theodore Dudley], *Letter of John Randolph to a Young Relative*, (Philadelphia: Carey, Lea & Blanchard, 1834), 180.

¹⁴⁰ Nicholas Wood, “John Randolph of Roanoke and the Politics of Slavery,” *Virginia Magazine of History and Biography* 120, (Summer 2012):106-43; Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill, 2007), 117. Other scholars have viewed Randolph as either a

slavery and slave trading. “Could I look on my slaves as mere property,” he wrote, “the means of extrication were obvious and easy; but I have indulged in a hope that they should never know another taskmaster.”¹⁴¹ His last will and testament provided for their freedom, in case he did not free them during his lifetime, which he said was his “full intention to do in case I can accomplish it.”¹⁴² In letters to Thomas Cope of the PAS, Randolph described the domestic slave trade as even “more detestable” than the Atlantic slave trade, as it broke up families and sent “Human beings, having a perfect knowledge of their situation & all it’s horrors...to the markets of Louisiana, or the Sand Hills of Georgia & Alibama, where they are treated not half so well as the four footed black cattle.”¹⁴³ He described himself as a life-long antifederalist, but claimed that if anything could reconcile him to “a consolidation of the States it would be the placing of a power where it might be exercised of stifling the Slave trade domestic as well as foreign.”¹⁴⁴ African colonization appeared the solution to many of Randolph’s misgivings about slavery in a way that would not infringe individuals’ property rights or states’ rights.

At the inaugural meeting of the ACS, on December 21, 1816, Randolph asserted that the Society would “not in any wise affect the question of negro slavery, but, as far as it goes, must materially tend to secure the property of every master in the United States over his slaves.”¹⁴⁵

grudging and reluctant supporter of the ACS or seeking only to strengthen slavery; see: Egerton, *Charles Fenton Mercer*, 111, 164-66; Aaron Scott Crawford, “John Randolph and the Politics of Doom: Slavery, Sectionalism, and Self-Deception, 1773-1821,” (PhD diss., University of Tennessee, 2012), 261-62.

¹⁴¹ JR to Josiah Quincy, October 18, 1813, in Edmund Quincy, ed., *The Life of Josiah Quincy of Massachusetts*, (Boston: Ticknor and Fields, 1868), 337-38. Randolph also reportedly threatened to flog a planter who sought to purchase one of his slaves. Bruce, *John Randolph*, II:257.

¹⁴² Randolph’s will of May 1819, quoted in Hugh A. Garland, *The Life of John Randolph of Roanoke*, (2 vols., New York: D. Appleton and Company, 1874 [1850]), II:149-50. Randolph first formalized his commitment to freeing his slaves in November 1800; see: Crawford, “John Randolph and the Politics of Doom,” 124-25.

¹⁴³ John Randolph to Thomas P. Cope, Roanoke Augt. 24. 1818., Society Collection 1816-1830, John Randolph folder, HSP.

¹⁴⁴ John Randolph to Thomas P. Cope, Roanoke Sept. 28. 1818, Society Collection 1816-1830, John Randolph folder, HSP.

¹⁴⁵ The speeches from the first ACS meeting, on 21 December 1816, can be found in: *National Intelligencer* (Washington DC), 24 December 1816; ACS, *A View of Exertions Lately Made for the Purpose of Colonizing the Free People of Colour, in the United States, in Africa, or Elsewhere*, (Washington DC: Jonathon Elliot, 1817).

His comments have led some to suggest that he sought only to perpetuate slavery through removing free blacks, but his statements must be placed in the context of persuading slaveholders to trust the new institution. He explained that he went to such length to disavow abolitionism in order to “obtain the co-operation of all the citizens of the United States.” Randolph recognized that slaveholders (including himself) would reject any program that directly interfered with slavery, but he believed the ACS could promote the “higher and nobler motives” of promoting private manumissions and benefitting Africa without infringing on slaveholders’ rights. He predicted that there were “thousands of citizens” who would manumit their slaves if they could be sent to Africa.¹⁴⁶

Furthermore, Randolph and other ACS members highlighted the ways that African colonization would help suppress the Atlantic slave trade by spreading civilization, Christianity, and peaceful commerce. As an ACS petition that Randolph later submitted to Congress stated, when African colonization was “viewed in connection with that entire suppression of the slave trade...its importance shall become obvious in the extreme.”¹⁴⁷ Another ACS publication explained: “If Africa is ever civilized, the slave trade must cease. If Africa is ever colonized, the slave trade *will* cease, at least in the vicinity of the colonies.” In sum, colonizationists promised “the more complete abolition of the slave trade, the elevation of the free people of colour in this country, and the improvement of the condition of the African tribes who may come within our

¹⁴⁶ *National Intelligencer* (Washington DC), 24 December 1816; ACS, *A View of Exertions Lately Made for the Purpose of Colonizing the Free People of Colour, in the United States, in Africa, or Elsewhere*, (Washington DC: Jonathon Elliot, 1817).

¹⁴⁷ *Annals of Congress 16-1*, 1047-1051, quote from 1050. *Second Annual Report of the American Society for Colonizing the Free People of Colour of the United States* (Washington DC: Davis and Force, 1819), 12-17.

influence.”¹⁴⁸ These goals had much in common with the earlier colonization proposals by free blacks and abolitionists.

* * *

From the start, ACS members recognized that the vast costs involved would make colonization dependent on federal funding. As Elias B. Caldwell, a Supreme Court clerk and ACS founder, stated at the first meeting: “it is a great national object, and ought to be supported by a national purse.”¹⁴⁹ Less than a month later, John Randolph delivered the first ACS petition to Congress on January 14, 1817.¹⁵⁰ Introducing the petition, Randolph “pray[ed] that Congress will aid with the power, the patronage, and the resources of the country, the great and beneficial object of their institution.”¹⁵¹ The petition described the problems presented by “the existence of distinct and separate castes, or classes, forming exceptions to the general system of polity adapted to the community,” which in turn forced slaveholding states “to impose restraints upon the practice of emancipation.” Praising Congress for abolishing the “abominable traffic” in slaves from Africa, the petitioners presented colonization as a panacea that would benefit whites, slaves, free blacks, and the African continent.¹⁵² The House voted to refer the petition to the Slave Trade

¹⁴⁸Ebenezer Burgess, *Address to the American Society for Colonizing the Free People of Colour of the United States; Read at a Special Meeting, in the City of Washington, November 21st, 1818*, (Washington: Davis and Force, 1818), 12-13.

¹⁴⁹ *National Intelligencer*, 25 December 1816.

¹⁵⁰ Some historians have been unaware that the ACS began with the expectation of federal funding and then switched to a reliance on charity only after failing to achieve the necessary government support. For example, William Freehling presents the ACS’s 1827 petition to Congress as their first, and suggests that they turned to federal aid only after private benevolence proved insufficient (*Road to Disunion: Secessionists at Bay, 1789-1854*, [New York: Oxford University Press, 1990], 158.)

¹⁵¹ ACS First Annual Meeting, January 1817, RACS, p. 13; quote from *AC 14-2*, p. 481.

¹⁵² *AC 14-2*, 481-83.

Committee, which also received petitions from abolitionists and Quakers calling for laws to protect free blacks from kidnappers as well as for revisions to the 1807 Slave Trade Act.¹⁵³

Whereas Congress had done nothing with the recent colonization petitions from the Kentucky Abolition Society and the Abolition Convention, they took the ACS's request more seriously. The House of Representatives' Slave Trade Committee endorsed the concept of colonization in its report issued on February 11, 1817. The report and resolution, authored by Federalist Timothy Pickering of Massachusetts, stated that the most cost effective method would be an arrangement with the British to permit the transportation of willing African Americans to Sierra Leone. However, if the British declined, the report suggested that "the design of a separate colony might be announced, by the American ministers, to the maritime powers, and their guarantee of neutrality of the colony obtained." The House passed a resolution instructing President James Monroe to pursue such an agreement with Great Britain.¹⁵⁴ In response, the ACS organized an expedition to meet with British officials and colonizationists and then visit Sierra Leone and the African coast.¹⁵⁵

There were many connections between the ACS program and Paul Cuffe's simultaneous efforts. Timothy Pickering, who authored the report on the ACS had supported Cuffe's petition to Congress in 1814. And one of the agents the ACS sent to England and Africa, Samuel J. Mills

¹⁵³ AC 14-2, 234-35 (4 December 1816), 311-12 (18 December 1816), 442 (9 January 1817), 639 (20 January 1817), 769 (29 January 1817), 842-43 (3 February 1817).

¹⁵⁴ AC 14-2, 939-41. Some scholars have portrayed the report as a rebuff to the ACS because it did not immediately endorse the creation of an American colony in Africa. According to Staudenraus, "there was little reason to expect the British to consent....Only a few months before, the British navy had seized American ships in Sierra Leone waters" (*African Colonization Movement*, 34). However, the ships to which Staudenraus refers to were illegal slave traders and their seizure represented Britain's desire for joint suppression of the slave trade, not hostility to the United States. Egerton notes that Sierra Leone "had already declined the favor" of receiving exiled American slaves in the aftermath of Gabriel's conspiracy during Thomas Jefferson's first presidential term (*Charles Fenton Mercer*, 163). But a great deal had changed since then – the new proposal was for free blacks rather than slave rebels sentenced to death or deportation, and management of Sierra Leone had been transferred from a private company to the British government – so it was not a foregone conclusion that the British would encourage the Americans to establish their own African colony.

¹⁵⁵ Staudenraus, *African Colonization Movement*, 41-47.

of the Andover Theological Seminary, had been one of Paul Cuffe's correspondents since 1814.¹⁵⁶ The ACS's Charles Fenton Mercer was almost certainly aware of Cuffe's efforts, if not from newspapers then perhaps from his uncle John Francis Mercer who had previously corresponded with Cuffe about educating former slaves.¹⁵⁷ The Reverend Robert Finley of New Jersey also reached out to Cuffe in December 1816 hoping the black captain would collaborate with the ACS. In response Cuffe praised the potential of colonization to facilitate the "liberation of the African Race" and "more effectually put a Stop to the citizens of the United States being concerned in carrying the Slave Trade."¹⁵⁸ However, Cuffe's declining health prevented him from being actively involved in the ACS before his death the following September.

Proponents of the ACS understood that federal funding would be essential for their project and they established local auxiliaries of the ACS in order to demonstrate public support for colonization.¹⁵⁹ Published ACS correspondence indicated the belief "that the general government would soon take up the measure, and that it was only required of individuals and societies to make a commencement – to give an impulse to public feeling."¹⁶⁰ Some of the largest demonstrations of support for the ACS came from the state of Georgia. In May 1817, an editorial in the *Georgian Republican* defended colonization against charges that the scheme was impractical, while making it clear the goal was getting rid of free blacks and not slavery. Refuting the opinion that sending free blacks to Sierra Leone (as Congress had recommended) would strengthen Britain, the writer responded that it would instead provide a "a receptacle for

¹⁵⁶ Paul Cuffe to Samuel J Mill, Westport 3 mo 1, 1814, in Wiggins, ed., *Letters and Logs*, 279-80; Cuffe to Samuel J. Mills, Westport 7th mo 26-1815, in *ibid*, 368-69; Samuel J. Mills to Cuffe, New York 15th July 1816, in *ibid*, 422-24; Cuffe to Samule J. Mills, Westport 8 mo 6, 1816, in *ibid*, 432-33; Cuffe to Samuel J. Mills, Westport 1st mo, 6th 1817, *ibid*, 490-92.

¹⁵⁷ Paul Cuffe to John Mercer, Westport 4th mo 25th 1814, in Wiggins ed., *Logs and Letters*, 282; Cuffe to Mercer, Westport 5th mo 8 1814, in *ibid*, 286.

¹⁵⁸ Paul Cuffe to Robert Finley, Westport, 1st mo 8th 1817, in Wiggins ed., *Logs and Letters*, 492-93.

¹⁵⁹ Staudenraus, *African Colonization Movement*, 36-47; Egerton, *Charles Fenton Mercer*, 161-62.

¹⁶⁰ Report of Rev. Meade, in *National Intelligencer*, 24 June 1819.

the filth and offals of society.”¹⁶¹ But support for the ACS in Georgia was not confined to removing free blacks; Georgians also connected colonizationism to the suppression of the Atlantic slave trade. Under the federal Slave Trade Act of 1807, states were given control over the “disposal” of recaptured Africans and most southern states chose to sell them as they would other contraband goods.¹⁶² But in November 1817, the Georgia legislature modified its corresponding statute.¹⁶³ The new law still allowed the state to sell such recaptured Africans as slaves, but also included a provision authorizing the governor to turn them over to the ACS if they would “transport them to Africa, or any other foreign place.”¹⁶⁴ This was a major demonstration of support, especially coming from a Lower South legislature.

IV. FREE BLACKS, WHITE ABOLITIONISTS, & THE ACS

Although colonization was not a new idea (or even a newly rediscovered idea) in December 1816, the creation of the American Colonization Society was the major turning point in the history of black colonization. Based in the nation’s capital and patronized by prominent statesmen, the ACS was positioned to exercise vastly more influence than previous proponents of colonization. Much of the ACS’s influence derived from the involvement of prominent southern slaveholders; their participation indicated that the organization would respect property rights and state rights. But their involvement also raised suspicions that the society’s true purpose was the perpetuation of slavery.

In January 1817, James Forten observed to Paul Cuffe that “the whole Continent seems to be agetated concerning the Colonizing the people of Colour.” Forten, the wealthiest member of

¹⁶¹ Reprinted in *National Intelligencer*, May 5, 1817.

¹⁶² Hazel Akehurst, “Sectional Crisis and the Fate of Africans Illegally Imported into the United States, 1806-1860,” *American Nineteenth Century History* 9, (June 2008):97-122.

¹⁶³ Egerton, *Charles Fenton Mercer*, p. 163-64.

¹⁶⁴ *Journal of the Senate of the state of Georgia...1817*, pp. 18; 29; 31-33, 37; and 71; and *Acts of the General Assembly of the state of Georgia...1817*, 78-79.

Philadelphia's black community, had been a strong supporter of Cuffe's efforts to promote trade and emigration to Sierra Leone. Both men were initially cautiously optimistic about the creation of the American Colonization Society.¹⁶⁵ The majority of free blacks in Philadelphia, however, soon turned against the ACS. Many white abolitionists quickly followed their lead.

The sentiments of free black Philadelphians toward the ACS were made clear in January 1817. Some members of the black elite supported talks with ACS organizers, but a mass meeting at Richard Allen's Mother Bethel Church demonstrated that the vast majority of black Philadelphians opposed the ACS program. James Forten reported that of the three thousand men at the meeting, "there was not one sole [*sic*] that was in favor of going to Africa." They feared that colonization would become compulsory, "particularly in the southern States," concluding that "the slave holders want to get rid of them so as to make their property more secure."¹⁶⁶ Philadelphia's black community emphasized their connection to the United States in a series of published resolutions. Their "ancestors (not of choice) were the first cultivators of the wilds of America," and the current generation of African Americans had "rallied around the standard of their country" during the recent war with Britain. Furthermore, they emphasized their solidarity with their enslaved brethren, stating: "we never will separate ourselves voluntarily from the slave population in this country." They also established a committee to address Congressman Joseph Hopkinson and "inform him of the sentiments of this meeting."¹⁶⁷ Of course, this type of racial

¹⁶⁵ On tentative interest in colonizationism among Forten, Richard Allen, and other black leaders, see: Nash, *Forging Freedom*, 234-36; Winch, *Gentleman of Color*, 190-92; Newman, *Freedom's Prophet*, 202-04; Tomek, *Colonization and Its Discontents*, 147.

¹⁶⁶ Forten did not share this view, and arranged a meeting with Robert Finley of the ACS at the home of Absalom Jones. While wary that colonizationism could be exploited by slaveholders, they were not automatically opposed to colonizationism itself. James Forten to Paul Cuffe, Phila Jan 25 1817, in *Paul Cuffe's Logs and Letters*, 501-2.

¹⁶⁷ "Philadelphia, January, 1817," *Poulson's Daily Advertiser* (Philadelphia) 12 August 1817. Andrew Diemer, "Black Nativism: African American Politics, Nationalism and Citizenship in Baltimore and Philadelphia, 1817 to 1863," (PhD diss., Temple University, 2011), esp. chap 1.

solidarity with slaves and pretensions to political participation were part of what made free blacks such a destabilizing element in a slaveholding republic.

The controversy in Philadelphia over colonizationism peaked in the second week of August 1817. On August 6, Elias B. Caldwell of the ACS organized the creation of the Philadelphia Colonization Society, an auxiliary to the national organization. The white proponents of colonization emphasized that it would promote the eventual “extirpation of SLAVERY” while “ameliorating the condition of the Slave, and moderating the apprehensions of the master” in the meantime.¹⁶⁸ However, not all those present were convinced. One critic charged that colonization “would be fatal to the gradual Abolition of Slavery in the United States.” After the vote to form an auxiliary, a “great number of persons” walked out of the meeting, “thus shewing their determination not to unite with the views of the majority.”¹⁶⁹ These dissenters may have included some delegates to the fifteenth Abolition Convention, which was meeting at the same time. On August 8, the Convention’s committee on colonization expressed their “unqualified wish that no plan of colonization...will be permitted to go into effect, without an immutable pledge from the slave holding states of a just and wise system of gradual emancipation.”¹⁷⁰ White abolitionists were quick to suspect – accurately or not – that the ACS’s true purpose was to remove free blacks merely so “that the fetters of the remaining portion may be more firmly riveted.”¹⁷¹ Meanwhile on August 10, Philadelphia’s free blacks reiterated their opposition at a meeting held at a local school for black children. They expressed their desire to remain in the United States, but gave even more attention to the implications for slavery. Like

¹⁶⁸ *Poulson’s Daily Advertiser*, 8 August 1817. On 12 August, the auxiliary society elected the Reverend William White as their president. *Poulson’s Daily Advertiser*, 18 August 1817.

¹⁶⁹ *Poulson’s Daily Advertiser*, 9 August 1817.

¹⁷⁰ *MAC 15*, (1817), 30-31; Beverly Tomek, “Seeking ‘An Immutable Pledge from the Slave Holding States’: The Pennsylvania Abolition Society and Black Settlement,” *Pennsylvania History* 75, (Winter 2008), 34-39.

¹⁷¹ S[amuel] Emlen to Roberts Vaux, London, 9th mo 19th 1817, Vaux Papers.

white abolitionists, they feared slavery might be “rendered perpetual” through the colonization of free blacks and troublesome slaves. They called on the “Humane and Benevolent Inhabitants” of Philadelphia to oppose the ACS.¹⁷² Whereas the ACS’s disclaimers that they would not advocate emancipation were essential for gaining southern white support for the ACS, they discouraged backing from abolitionists.

By contrast, white Philadelphian colonizationists dismissed the concerns of their abolitionist opponents and free blacks as misguided. They disavowed the “use of coercion or compulsion” and argued that free blacks would achieve a level of political and social equality in Africa which was denied to them in the United States.¹⁷³ Colonizationism would promote voluntary manumissions by slaveholders, and “the door opened for gradual emancipation.” Meanwhile, the colonizationists portrayed anti-colonization abolitionists as overly dogmatic and self-defeating: “they will not agree to support a measure which will certainly liberate many thousands, because it is possible that all may not be liberated by the proposed measure.”¹⁷⁴ The proponents of colonizationism in Philadelphia claimed to share the same humanitarian motives, while arguing that colonization was the most expedient means of promoting their common goal.¹⁷⁵

Other abolitionists accepted that colonizationists could be sincere in their desire to promote emancipation but concluded that the difficulties inherent in colonization rendered such schemes impractical. In 1806 Samuel Emlen Jr. had tentatively supported his sister Anne Emlen

¹⁷² “To the Humane and Benevolent Inhabitants of the City and Country of Philadelphia,” *Poulson’s Daily Advertiser*, 12 August 1817.

¹⁷³ “The Friends of the unfortunate Africans,” *Poulson’s Daily Advertiser*, 11 August 1817.

¹⁷⁴ “African Colony,” *Poulson’s Daily Advertiser*, 12 August 1817. “The Friends of the unfortunate Africans,” *ibid*, 11 August 1817.

¹⁷⁵ Just as some free blacks supported colonizationism for pragmatic reasons, white colonizationists could be motivated by sincere humanitarian impulses and a belief in racial equality. Nicholas Guyatt, “‘The Outskirts of Our Happiness’: Race and Lure of Colonization in the Early Republic,” *Journal of American History*, (March 2009):986-1011; Tomek, *Colonization and Its Discontents*, 93-238.

Mifflin's colonization plan, but he opposed the ACS plan in 1818.¹⁷⁶ Initially he had hoped that in an African colony the "minds of this depressed & injured part of the human family would be more likely to become enlightened, & raised to that grade on Scale of intellectual rank, to which they are equally entitled with ourselves, than whilst mingled with the whites." But further consideration of the difficulties facing such a plan led him to believe the ACS proposal would "tend to increase the Sufferings of the blacks in the U. States, without lessening the embarrassments & fears of the white Inhabitants."¹⁷⁷ With white abolitionists divided over the expediency of colonization, the Abolition Convention held a special meeting in December 1818 to further address the issue.¹⁷⁸

In order to better gauge African Americans' sentiment on colonization the Abolition Convention invited James Forten and Prince Saunders, a black New Englander who advocated emigration to Haiti, to address a committee on colonization.¹⁷⁹ Based on the blacks' testimony, the committee issued a forthright condemnation of the ACS. They noted that free blacks expressed a "determined opposition to the design" and the Convention republished the black's remonstrance against the ACS from August 1817, distributing copies to abolition societies throughout the Union.¹⁸⁰ The white abolitionists further reiterated blacks' status as "natives of our common country" who "acknowledge an alliance and affection for no other." They wryly noted that it would be unreasonable to expect African Americans to return to their ancestral

¹⁷⁶ Samuel & Susanna Emlen to William Dillwyn, Westhill 12th month 30th 1806, Emlen and Dillwyn Papers, box 5, LCP.

¹⁷⁷ Sam Emlen to Joseph Bringhurst, London, 2mo: 7th 1818, C-P-W, box 10, HSP. (By 1818 the New Jersey native was living in England.)

¹⁷⁸ PAS Special Meeting, 11Mo 6th 1818, PAS GM Minutes, 286-87; Adjourned Meeting, 11Mo 19th 1818, *ibid*, 287-90; *MAC 15 Special Meeting*, (1818), 3-4.

¹⁷⁹ *MAC 15 Special Meeting*, (1818), 38. Prince Saunders, *A Memoir Presented to the American Convention for Promoting the Abolition of Slavery...December 11th, 1818; Containing Some Remarks...Connected with Plans for the Emigration of Such Free Person of Colour as may be Disposed to Remove to It...*, (Philadelphia: Dennis Heart, 1818). Winch, *An Gentleman of Color*, 198; Tomek, *Colonization and Its Discontents*, 149.

¹⁸⁰ The free blacks remonstrance was appended to both the *ACPAS Minutes* and their circular address to abolition societies. *MAC 15 Special Meeting*, (1818), 49-50 (quotation), 65, Appendix i-iv.

homeland until whites set the example themselves by returning to Europe and relinquishing North America “to its aboriginal possessors.”¹⁸¹

The abolitionists stated that the free black community’s opposition to moving to Africa was “alone sufficient” to prevent themselves from supporting the ACS.¹⁸² Their second major reason for opposition – also shared by free blacks – was the fear that the ACS would help perpetuate slavery. It appeared to them that the ACS, originating “in the bosom of the slave-holding states,” represented “a plan to “eternalize the bondage of those of the African race who may be left behind the colonists; and as thus defeating the slow but certain progress of those principles, which, if uninterrupted, will produce their universal emancipation.” They concluded the ACS-based colonizationism was not a step toward ultimate emancipation but instead represented “every thing which its friends and advocates ought to dread.”¹⁸³ An oration published by the Union Humane Society in Ohio reached similar conclusions, fearing that rather than reducing the “empire of slavery” the ACS would “perpetuate and extend it.”¹⁸⁴ Thus many gradual abolitionists of the early-national era followed the lead of free blacks and denounced the ACS a full decade before William Lloyd Garrison and the other immediatist abolitionists of the 1830s.¹⁸⁵

¹⁸¹ ACPAS, *MAC 15 Special Meeting*, (1818), 50.

¹⁸² “Circular Letter to Abolition Societies,” in ACPAS, *MAC 15 Special Meeting*, (1818), 65.

¹⁸³ ACPAS, *MAC 15 Special Meeting*, (1818), 53.

¹⁸⁴ Thomas H. Genin, *An Oration, Delivered before the Semi-Annual Meeting of the Union Humane Society, Held in Mount Pleasant, Ohio, May 14, 1818*, (Mount Pleasant, OH: Charles Osborn, 1818), 30-31.

¹⁸⁵ Traditional scholarship on immediatist abolitionists often assumes that colonizationism was a natural outgrowth of the earlier abolitionists’ commitment to gradualism, and treats the Garrisonians’ rejection of the ACS and cooperation with free blacks as an innovation of the 1830s. Other recent works challenging this traditional interpretation, include: Beverly Tomek, “Seeking ‘An Immutable Pledge from the Slave Holding States’: The Pennsylvania Abolition Society and Black Settlement,” *Pennsylvania History* 75, (Winter 2008), 34-39; Paul J. Polgar, “Standard Bearers of Liberty and Equality: Reinterpreting the Origins of American Abolitionism,” (Ph.D. diss., Graduate Center at the City University of New York, 2013).

Free blacks and abolitionists almost certainly exaggerated the proslavery character of the ACS. However, the ensuing controversy over slavery in Missouri seemed to confirm their worst suspicions about the ACS. At the same time, the Missouri Crisis would lead many southerners to conclude the opposite: that the ACS was dangerously abolitionist despite its claims to moderation.

THE 1819 SLAVE TRADE ACT, THE MISSOURI CRISIS,
& THE FUTURE OF THE AFRICAN COLONIZATION MOVEMENT

The opposition of many free blacks and abolitionists to the American Colonization Society did little to hinder the ACS's growing popularity among white moderates in the North and South. The ACS's political influence peaked in the spring of 1819, when Congress passed a new slave trade act mandating that recaptured Africans be sent to West Africa, where American agents would oversee their settlement. In implementing this law, the federal government worked closely with the ACS and established the colony of Liberia. The leaders of the ACS saw the 1819 law as merely the initial step in making colonization a national program, anticipating increased federal funding in the future. But the tensions provoked by the Missouri Crisis rendered the 1819 Slave Trade Act the last as well as the first act passed by Congress providing federal funds to the ACS.

James Tallmadge, a Republican congressman from New York, sparked the Missouri Crisis in February 1819 after Missouri's territorial legislature requested Congress to grant them statehood. Tallmadge proposed making statehood conditional on the gradual abolition of slavery in Missouri. After several days of heated debate, the House of Representatives passed Tallmadge's amendment but the Senate rejected it, leaving the issue in a stalemate when Congress passed the 1819 Slave Trade Act two weeks later. At this stage the "Missouri question" was but a "little *speck*" compared to the crisis it would become when the next session

of Congress convened in December.¹ Recent scholarship has demonstrated that political controversy over slavery was hardly new in 1819, but the Missouri Crisis took sectional tension to an unprecedented level and established the nation's North-South rather than East-West axis as the most likely fault line for disunion. Whereas the ACS and the 1819 Slave Trade Act at first suggested a new level of cross-sectional support for moderate antislavery measures, the Missouri Crisis revealed the potential for antislavery efforts to destroy the Union. The three-part Missouri Compromise eventually preserved the Union, but the cross-sectional trust necessary for the ACS program – or any other antislavery action – was a casualty of the crisis.

The cross-sectional cooperation represented by the American Colonization Society and the 1819 Slave Trade made the Missouri Crisis all the more destabilizing and heightened sectional distrust in the aftermath. Like many compromises, the Missouri Compromise left both sides feeling bitter and believing the other had gotten the better deal. Discontented northerners and southerners imputed the worst possible motives to the other side. The fact that southern members of the ACS had defended slavery and the domestic slave trade in Missouri seemed to confirm the suspicions that southern whites only supported colonization as a means to strengthen slavery. By contrast, many southerners dismissed northern professions of antislavery sentiment during the Missouri debates as a cover for an economic agenda that sought to restrict slavery for self-interested rather than humanitarian motives. Other white southerners concluded that the ACS had been hijacked by fanatical abolitionists and could no longer be trusted. In the ensuing years, the ACS was attacked on all sides, charged with being proslavery by some and radically

¹ James W. Barbour to John J. Crittenden, Washington, February 6, 1820, in Mrs. Chapman Coleman, *The Life of John J. Crittenden, with Selections from his Correspondence and Speeches*, (2 vols., Philadelphia: J.B. Lippincott & Co., 1873), I:41; cited in Glover Moore, *The Missouri Controversy, 1819-1821*, (Lexington: Kentucky University Press, 1953), 113.

abolitionist by others.² Yet colonization fared better than other forms of antislavery agitation which were largely pushed out of national politics in the 1820s and 1830s.

I. THE ACS AND THE 1819 SLAVE TRADE LAW

The 1819 Slave Trade Law represented the culmination of the ACS lobbying effort begun with their petition in January 1817. Some scholars have suggested that Congress passed the 1819 Slave Trade Act unaware that it had any connection to the colonization movement. Assuming that “the South was united in not wanting the society to receive any federal money” they portray the colonizationists’ involvement in the bills creation as secretive “subterfuge” to tap into federal funds.³ However, that interpretation likely overstates the initial extent of southern hostility to the ACS without recognizing the decisive role of the Missouri Crisis in destroying the necessary cross-sectional trust essential for increased federal funding for the ACS after 1819.⁴ Rather than the bill passing despite southern opposition to the ACS, it appears there was significant southern support for colonizationism in early 1819, and that the most of southern hostility to which historians have pointed did not arise until later. The Missouri Crisis, along with a controversy provoked by an ACS agent in Georgia in May 1819, turned southern opinion against federally-funded colonization.⁵

² Douglas R. Egerton, “Averting a Crisis: The Proslavery Critique of the American Colonization Society,” *Civil War History* 43, (June 1997):142-56.

³ Egerton, *Charles Fenton Mercer*, 164; Eric Burin, “The Slave Trade Act of 1819: A New Look at Colonization and the Politics of Slavery,” *American Nineteenth Century History* 13, (March 2012):1-14, quote from 2.

⁴ Scholarship on colonizationism has often noted that the Missouri Crisis increased southern opposition to the ACS, but I argue that it was significantly more transformative than historians have generally realized. Staudenraus, *African Colonization Movement*, 74; Burin, *Slavery and the Peculiar Solution*, 15; Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South*, (New York: Oxford University Press, 2009), 302; Wolf, *Race and Liberty in the New Nation*, 172-73. However, while arguing that the Missouri Crisis was decisive in preventing additional funding to the ACS, I do not mean to make the counterfactual argument that without the Missouri Crisis the ACS’s plan would necessarily have received the full blessing of Congress. There were other latent tensions within the ACS and in Congress that may have limited the potential of a federal colonization program in any case.

⁵ Egerton correctly notes that in Virginia, George Hay led a campaign against the ACS beginning in December 1816, but he appears to exaggerate the general extent of southern hostility to the ACS prior to the 1819 Slave Trade

Congressmen who were also ACS members, such as Charles Fenton Mercer and Henry Clay, made no effort to hide the extent of their efforts to achieve federal funding. During the congressional session of 1817-1818, Mercer headed a congressional committee which received petitions from auxiliary colonization societies in Kentucky, Virginia, North Carolina, and Tennessee.⁶ Meanwhile, the ACS held its January 1818 meeting in the hall of the House of Representatives and published accounts of the speeches by Mercer and Clay and others in newspapers and in pamphlet form.⁷ In April Mercer issued a committee report encouraging new legislation to combine the suppression of the Atlantic slave trade with a program for colonizing free African Americans. He denounced the slave trade as “the scourge of Africa, and the affliction and disgrace of America.” He also complained of the mechanism for disposing of recaptured Africans under the 1807 Slave Trade law, and indicated that they should be instead sent to an African colony. In addition to establishing an African colony, Mercer proposed that additional naval vessels be sent to patrol the African coasts. He observed that the ACS had drawn widespread support from “individuals of every religious and political denomination, and inhabitants of every State in this wide-spread Union,” and called on the federal government to lend its support to the endeavor. The report concluded with a resolution requesting the President

Act. Egerton’s main source for this view comes from a n 1853 speech by Charles Fenton. Mercer wrote: “Some ill judged speeches, at more than one annual meeting of the Society, and some public essays, early arrayed all of those legislatures [south of Virginia], including that of Georgia, once friendly, against our enterprise” (Mercer, *Address of the Hon. Charles Fenton Mercer*, 4). However, Mercer did not specify when he was talking about, and it seems likely he was referring to the period after the passage of the 1819 Law, which he does not present as very controversial. There had only been two annual meetings before this point, and the “ill judged” speeches and essays were likely of a later date. For example, all of the speeches criticized in the famous anti-colonizationism pamphlet, *Controversy between Caius Gracchus and Opimius*, were from ACS reports published after 1819. And, as discussed below, hostility to the ACS in Georgia arose in response to events after the passage of the 1819 Act. William Smith of South Carolina appears to have been the only Congressmen openly critical of the ACS before 1819; see: *AC 15-1*, 233-39 (6 March 1818).

⁶ The committee was initially created in response to a petition about the kidnapping of free blacks, from the Society of Friends’ Baltimore Yearly Meeting. *AC 15-1*, 488 (19 December 1817), 517-18 (30 December 1817), 529 (31 December 1817), 532-33 (2 January 1818), 799 (22 January 1818).

⁷ *National Intelligencer*, 16 January 1818; ACS, *First Annual Report of the ACS...*, (Washington City: D. Rapine, 1818).

“to ascertain whether a suitable territory can be procured on the coast of Africa, for colonizing such of the free people [of color] of the United States as may be willing to avail themselves of such an asylum.”⁸ Mercer’s congressional committee report made it explicitly clear that he hoped the federal government would embrace the ACS’s proposals to establish an African colony in order to better suppress the Atlantic slave trade and provide an asylum for free African Americans.

At this late stage in the legislative session, there was little chance that Congress would act on Mercer’s committee report, especially because Congress had just passed minor revisions to the 1807 Slave Trade Act in response to slave smuggling through Amelia Island, which acted as a conduit between Spanish Florida and Georgia.⁹ Therefore Mercer postponed printing his report until the start of the next session¹⁰ On November 26, 1818, the colonization report was printed for the House of Representatives at the request of South Carolinian Henry Middleton, head of the House’s Slave Trade Committee.¹¹ In the following months, the connection between Mercer, the ACS, and a new slave trade bill remained clear for all to see.

On January 4, 1819, the House of Representatives passed two resolutions authored by Mercer, requesting information about slave trade violations and for the creation of a new slave trade bill that would prevent recaptured Africans from being “condemned to hereditary slavery” as was permitted by the law of 1807 (and the 1818 revisions).¹² Five days later, at the annual ACS meeting, Mercer told his fellow colonizationists of his confidence that their society would

⁸ *AC 15-1*, 1771-74 (18 April 1818). The committee continued receiving petitions calling for revisions to the slave trade law: *AC 15-2*, 426 (23 December 1818), 430 (28 December 1818).

⁹ The Slave Trade Act of 1818 revised the pecuniary fines and rewards provided by the Slave Trade Act of 1807 in order to better entice informants W.E.B. Du Bois, *Suppression of the African Slave-Trade to the United States of America 1638-1870*, (Cambridge: Harvard University Press, 1896), 118-20

¹⁰ Charles Fenton Mercer to John Hartwell Cocke, Geo-Town, April 19. 1818, Papers of the Cocke Family, UVA, box 26.

¹¹ *AC 15-2*, 320 (26 November 1818).

¹² *AC 15-2*, 442 (4 January 1819).

soon be “nourished by the resources, as well as countenanced by the authority of the Federal Government.”¹³ At the same ACS meeting, Henry Clay, acting in his role as a vice president of the ACS, oversaw the creation of a colonizationist petition addressed to himself in his role as the Speaker of the House of Representatives.¹⁴ Far from attempting to keep the incestuous relationship of the ACS and Congress secret, the colonizationists published an account of their proceedings in the *National Intelligencer*, the mouthpiece of the Monroe administration.¹⁵

Meanwhile, although Mercer was not an official member of the House of Representatives’ Slave Trade Committee, he had “several consultations” with committee members and they drafted the bill in conformity with his colonization report from the previous April.¹⁶ On January 13, Henry Middleton presented the committee’s new bill, which included a provision funding the transportation of recaptured Africans to Africa.¹⁷ The House scheduled the bill for consideration along with “the report made at the last session upon the colonization of the free people of color.”¹⁸ The obvious connection between the slave trade bill and the ACS was further reinforced on January 23, when Clay presented the ACS petition and its *Second Annual Report* to the House.¹⁹ The petition expressed the colonizationists’ hopes that their program would be “adopted and patronized by the Government, so as to become essentially national in its

¹³“Second Annual Meeting,” RACS, 67 (9 January 1819).

¹⁴ “Second Annual Meeting,” RACS, 77 (9 January 1819)

¹⁵ *National Intelligencer*, 13 January 1819. The newspaper report, which included Clay’s resolution to petition Congress, was widely reprinted, see for example: *City of Washington Gazette*, 14 January 1819; *New-York Daily Advertiser*, 19 January 1819; *Richmond Enquirer*, 23 January 1819.

¹⁶ Charles Fenton Mercer to John H. Cocke, April 2, 1819, Papers of the Cocke Family, box 28. Mercer, *Address of the Hon. Charles Fenton Mercer...1853*, 6.

¹⁷ Egerton suggests that Mercer “silently watched” as Middleton presented the bill because he “did not want the measure to appear to come from the Society (*Charles Fenton Mercer*, 165; see also: Burin, “The Slave Trade Act of 1819,” 8-9). But Mercer could not present the bill because he was not part of the committee, and the submission of the ACS petition and *Second Annual* report were clearly intended to increase support for the bill. The assumption that southern congressmen would have opposed the bill if they realized its connection to the ACS appears shaped by the later backlash against colonizationism provoked by the Missouri Crisis.

¹⁸ AC 15-2, 540 (13 January 1819). “A Bill in Addition to the Acts Prohibiting the Slave Trade,” *Bills and Resolutions of the House of Representatives, 15th Congress, 2nd Session*, HR Bill 272 (13 January 1819).

¹⁹ AC 15-2, 721 (23 January 1819).

means and its objects.”²⁰ The ACS’s *Second Annual Report* made clear reference to the new slave trade bill, arguing that the best method of dealing with recaptured Africans would be “their colonization upon the western Coast of Africa, in conjunction with the free people of colour of the United States, who may voluntarily seek the same asylum.”²¹ They also recounted the expedition of ACS agents Ebenezer Burgess and Samuel J. Mills to London and West Africa, praising the way the Sierra Leone colony facilitated British efforts to suppress the slave trade. The ACS reported that territory in West Africa could be cheaply acquired but that an American colony would only be successful if “nourished by the resources, as well as countenanced by the authority of the Federal Government.”²² Consideration of the slave trade bill and ACS materials were delayed, in part because of the absence of Virginian John Floyd of the slave trade committee, along with the other pressing matters including James Tallmadge’s proposals to restrict slavery in Missouri on February 13. After three days of debate, the northern-dominated House of Representatives passed the Tallmadge amendment while the Senate rejected it; the issue was then postponed until the following session.²³ The House then resumed discussion of the slave trade bill on March 1.

When the House debated the slave trade bill, there could have been little doubt about its connection with Mercer and the ACS. Although Henry Middleton formally presented the bill as head of the slave trade committee, the newspapers reported that “Mr. Mercer supported the bill throughout, explaining and defending its provisions against all objections.” Little of the

²⁰ For the text of the petition, see: “Second Annual Meeting,” (1819), pp. 79-80. The petition is also reprinted in *Easton Gazette* (Maryland), 1 march 1819; Kennedy (ed) “Report of Mr. Kennedy,” Congress 27-3, report no. 283, pp. 223-225;.

²¹ ACS, *Second Annual Report of the American Society for Colonizing the Free People of Colour of the United States*, (Washington: Davis and Force, 1819), 15-16.

²² ACS, *Second Annual Report*, 10-11.

²³ Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America*, (Chapel Hill: University of North Carolina Press, 2007), 34-49.

surrounding debate was recorded, but it appears that the main objections concerned the loss of revenue and financial incentives to suppress the slave trade resulting from the colonization of recaptured Africans rather than their sale by state authorities. The objections were characterized as based on “various reasons of expediency, and not from an unwillingness to destroy the traffic and kidnapping, &c., of slaves.”²⁴ The final version of the law passed by the House and Senate was nearly identical to the initial bill draft by Mercer and the slave trade committee.

The only substantial modification to Mercer’s bill was the addition of a section stating that prosecutions against slavers should be held in the state in which the vessel belonged, when ascertainable.²⁵ Thomas Butler of Louisiana proposed the amendment, and at first glance can appear designed to undermine the law. W.E.B. Du Bois concluded that it “secured decided advantages to Southern slave-traders,” who would be tried “in a sympathetic slave State.”²⁶ However, widespread contemporary opinion and modern scholarship agree that the majority of American slave traders at that time operated out of northern states (and that most of them supplied foreign markets rather than southern states), so the law did not function the way Du Bois assumed. Instead of seeking to facilitate smuggling or undermine colonizationism, it seems that Butler intended to expose northerners’ involvement in slave trading and thereby undermine

²⁴ AC 15-2, 1430 (1 March 1819).

²⁵ The House of Representatives also added a provision subjecting slavers to the death penalty, though the Senate voted to remove this section and the House concurred. AC 15-2, 1430-31, 280 (Senate). (In 1820 the applicability of the death penalty was extended to slave trading as part of a law suppressing piracy; see: Du Bois, *Suppression of the Slave Trade*, 121-22.)

²⁶ Du Bois, *Suppression of the African Slave-Trade*, 121. As scholars have subsequently noted, Du Bois often conflated American slavers’ illegal involvement in the foreign trade to other nations with the smuggling into the United States and failed to appreciate the self-interested reasons many southerners had for supporting effective slave trade suppression laws (Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government’s Relations to Slavery*, ed. Ward M. McCaffee, [New York: Oxford University Press, 2001], 136-37, 148; David F. Ericson, *Slavery in the American Republic: Developing the Federal Government, 1791-1861*, [Lawrence: University of Kansas Press, 2011], 37-40).

the claim they made to the moral high ground during the Tallmadge Amendment debates.²⁷ In similar fashion, William Smith of South Carolina later distributed the customs records of Charleston, demonstrating that New Englanders had dominated the slave trade between 1804 and 1808. He wanted the record to show “that those people who most deprecate the evils of slavery and traffic in human flesh, when a profitable market can be found, can sell human flesh with as easy a conscience as they sell other articles.”²⁸ Thus even Lower South politicians were willing to support laws strengthening the ban on the Atlantic slave trade, but they opposed northern efforts to sectionalize guilt for slavery and slave trading.

* * *

The 1819 Slave Trade Act increased the government’s ability to suppress the Atlantic slave trade and laid the groundwork for what became the colony of Liberia. It empowered the president to send armed vessels to patrol “the coast of Africa, or elsewhere” to capture American slavers, and the US Treasury would pay bounties to naval crews for each enslaved African they rescued. The recaptured Africans would then be turned over to government agents and supported until they could be resettled in Africa. “For the first time in the nation’s history,” Paul Finkelman has observed, “the United States was willing to spend money to help Africans regain their liberty.”²⁹ The law did not explicitly establish an American colony in Africa, but empowered the president “to make such regulations and arrangements as he may deem expedient” for settling the

²⁷ When Mercer called for an investigation into slave smuggling the previous January, a number of southerners modified the resolution to identify the owners and ports of slave vessels in order to absolve their states from the imputation of involvement (*AC 15-2*, 443 [4 January 1818]).

²⁸ *AC 16-2*, 77 (8 December 1820).

²⁹ Paul Finkelman, “Regulating the African Slave Trade,” *Civil War History* 54, (December 2008), 403.

recaptives in Africa, including appointing agents “residing on the coast of Africa” to receive them. Congress appropriated one-hundred thousand dollars for implementing the law.³⁰

It is difficult to imagine that many contemporaries could not foresee that the 1819 Slave Trade Act would be used to further the cause of the ACS. Since February of 1817 congressional representatives who were also ACS members had been publicly calling for federal funds to promote a joint program of African colonization and slave trade suppression and that ACS publications were considered simultaneously with the 1819 bill. After the bill’s passage, the ACS publicized the law, explaining that in Congress it had been “zealously supported by the friends of the Society.”³¹ Immediately after the law’s passage, Mercer and others from the ACS lobbied President James Monroe, encouraging him to interpret the law as liberally as possible in terms of its connection to colonization. Mercer later reported that Monroe was willing to go “to any length to aid us, in forming a colony of our free people of colour, short of an immediate purchase of territory.”³² Not all of Monroe’s cabinet supported the prospect of federal funding for colonization. Secretary of State John Quincy Adams of Massachusetts expressed the greatest opposition, whereas Treasury Secretary William Crawford of Georgia – a vice president of the ACS – was the most enthusiastic. Adams recorded in his diary that Crawford had admitted “he has no faith in the practicality” of colonization, and Adams concluded that his involvement was

³⁰ “An Act in Addition to the Acts Prohibiting the Slave Trade,” *Statutes at Large*, III:532-34 (3 March 1819).

³¹ ACS, *Address of the Board of Managers of the American Colonization Society to the Public*, ([Washington, 1819]), 2; *National Intelligencer*, 24 April 1819.

³² Charles Fenton Mercer to Cocke, April 2, 1819, Papers of the Cocke Family, (Box 28)

“one of his traps for popularity.”³³ Others alleged that Crawford was actually part of a slave smuggling ring even as he supported the ACS.³⁴

Crawford had national political ambitions, and his support for the ACS may have been a disingenuous attempt to appeal to northern critics of slavery. But it is doubtful he would have supported the ACS and the broad construction of the 1819 Slave Trade Act if he believed such a position would have been unpopular in the South at that time. Indeed, when President Monroe visited Athens, Georgia as part of a southern tour in May, he was feted with toasts including “*The Colonization Society* – Planned by the wisest heads and purest hearts. May it eventuate in the happiness of millions” and “*The Slave Trade* – The scourge of Africa; the disgrace of humanity. May it cease forever, and may the voice of peace, of Christianity and of civilization, be heard on the savage shores.”³⁵ Georgian slaveholders may have been committed to slavery as an economic institution, but they could still join the moral condemnation of the Atlantic slave trade and support the ACS. Developments over the rest of 1819, however, rendered colonizationism decidedly less popular in Crawford’s native state and throughout the South.

II. THE DOMESTIC SLAVE TRADE & THE MISSOURI CRISIS

Sectional controversy over slavery but it reached an unprecedented level of tension during the Missouri Crisis, representing the closest the nation had come to disunion since the Ratification of the Constitution. Historians have offered varying explanations for the level of northern enthusiasm for restriction at this time. A resurgence of evangelicalism increased concern with

³³ John Quincy Adams, *Memoirs of John Quincy Adams: Comprising Portions of his Diary from 1795 to 1848*, ed. Charles Francis Adams, (12 vols, Philadelphia: J.B. Lippincott & Co., 1875), IV:298-99 (16 March 1819).

³⁴ John Clark, *Considerations on the Purity of the Principles of William H. Crawford, Esq. ... to Which is Added, Some Remarks Upon the Introduction of Africans into this State, Contrary to the Laws of the United States...*, (Augusta, GA: Georgia Advertiser Office, 1819), 131-52. The pamphlet charged that Crawford colluded with former governor David B. Mitchill to import slaves from Spanish Florida through Indian territory.

³⁵ *American Beacon* (Norfolk, VA) 18 June 1819; *The American* (NY), 19 June 1819; *Providence Patriot*, 19 June 1819; *Columbian Centinel* (Boston), 19 June 1819.

the sin of slaveholding while the decline of the Federalist Party reduced the pressure northern Republicans felt to avoid controversial subjects that would divide their own party. Missouri lay far enough north that it was not clearly part of “the South,” and arguments about the necessity of black labor based on the climate did not seem applicable. Moreover, its location and climate made it an attractive destination for northern emigrants, though only if it did not become dominated by slave labor. The sectional balance of power was also at stake; the presence of slavery could affect how state representatives could be expected to vote on a range of issues such as tariffs and federally-funded internal improvements. Thus northerners had complex motives for concerning themselves with slavery expansion in 1819 whereas the previous admission of Kentucky, Tennessee, Louisiana, Mississippi (and Alabama in December 1819, during the Missouri Crisis) had drawn little opposition.³⁶

Furthermore restriction appeared a viable policy goal in 1819 to an extent which it had not in previous decades. John Craig Hammond has shown that prior to the War of 1812, slaveholders’ ability to exploit the weakness of the federal government facilitated slavery’s territorial expansion. Unable to enforce locally-unpopular antislavery laws, the federal government accepted slavery expansion as the cost of western loyalty. But in the post-war era, the loyalty and security of western settlers was no longer a major concern, and the power of the

³⁶ Moore, *Missouri Controversy*; Donald L. Robinson, *Slavery in the Structure of American Politics, 1765-1820*, (New York: Harcourt Brace Jovanovich, 1971), 402-23; Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery*, (New York: Oxford university Press, 2001), 263-66; Matthew Mason, *Slavery and Politics in the Early Republic*, (Chapel Hill: University of North Carolina Press, 2006), 177-212; John Craig Hammond, *Slavery Freedom and Expansion in the Early American West*, (Charlottesville: University of Virginia Press, 2007), 154-68; Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America*, (Chapel Hill: University of North Carolina Press, 2007), 33-120; George William Van Cleve, *A Slaveholder's Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010), 225-266; Martin Öhman, “A Convergence of Crises: The Expansion of Slavery, Geopolitical Realignment, and Economic Depression in the Post-Napoleonic World,” *Diplomatic History* 37 (June 2013):419-45.

federal government had been greatly augmented. The restriction of the slavery in Missouri thus appeared a practical possibility in a way that earlier restriction efforts had not.³⁷

Many northerners were primed to oppose slavery expansion in 1819 because of their new awareness of the extent and cruelty of the domestic slave trade. Individual abolitionists such as Warner Mifflin and John Parrish had denounced the domestic slave trade since the eighteenth century, but such concerns reached a tipping point after the War of 1812, in part because of accelerated expansion into land newly conquered from Native Americans. In the post war era it became increasingly clear that slavery expansion was based not simply on planters migrating with their slaves, but was driven by – and was driving – the interstate slave trade.³⁸ The proliferation of cheap printing aided abolitionists' efforts to expose the public to the these developments. During some debates on revising the fugitive slave law in 1818, South Carolinian William Smith railed against “the number of catch-penny prints and pamphlets” published by abolitionists and “hung up in some conspicuous place” in bookstores and scattered on the desks on congressmen.³⁹

Jesse Torrey Jr.'s *A Portraiture of Domestic Slavery*, published in 1817 with financial backing from PAS member Roberts Vaux, raised public awareness about the domestic slave trade and its connection to kidnapping.⁴⁰ Torrey drew on firsthand knowledge of the slave trade and the accompanying evil of kidnappings. He had worked with Francis Scott Key to liberate

³⁷ Hammond, *Slavery Freedom and Expansion*, 154-68

³⁸ Michael Tadman, *Speculators and Slaves: Masters, Traders, and Slaves in the Old South*, (1996 ed, Madison: University of Wisconsin Press, 1989); Robert H. Gudmestad, *A Troublesome Commerce: The Transformation of the Interstate Slave Trade*, (Baton Rouge: Louisiana State University Press, 2003); Steven Deyle, *Carry Me Back: The Domestic Slave Trade in American Life*, (New York: Oxford University Press, 2005).

³⁹ *AC 15-1*, 236 (6 March 1818).

⁴⁰ Jesse Torrey Jr., *A Portraiture of Domestic Slavery... Including Memoirs of Facts on the Interior Traffic in Slaves, and on Kidnapping*, (Philadelphia: John Bioren, 1817). Jesse Torrey Jr. to Vaux, Schenectady, July 21, 1817, Roberts Vaux Papers, HSP; 1819-07-03 Jesse Torrey Jr. to Vaux, Albany July 3, 1819, *ibid.* Tadman, *Speculators and Slaves*, 14; Deyle, *Carry Me Back*, 178.

some free blacks who had been kidnapped, and had given a lengthy deposition during John Randolph's congressional investigation into the Washington, DC slave trade.⁴¹ In his pamphlet he explained how slaveholders often broke up families and sold slaves to "Georgia men" for profit or punishment. Among the heartrending stories which Torrey had illustrated with an engraving was that of Jenny, a slave who jumped out of a third story window in an unsuccessful suicide attempt after learning her master was selling her away from her husband. With her back and both arms broken by the fall, the purchaser no longer wanted Jenny but still took the children away from her and her husband. Torrey also described how "monster[s] in human shape" prowled free black communities looking for victims to kidnap and sell.⁴² Citing John Randolph's congressional speech from 1816, Torrey expanded on the analogy between the Atlantic and domestic slave trade. The arrival of slave traders in the Upper South, as on the coast of Africa, was "the well known signal for the professed kidnappers, like beasts of prey, to commence their nightly invasions" upon free black communities.⁴³ By drawing parallels between the Atlantic and domestic slave trades, Torrey helped establish one of the major themes of abolitionism for the next four decades.

As Matthew Mason has argued, the "encroachment" of slavery on the border North states, in the form of the growing visibility of the domestic slave trade and kidnapping, increased antislavery sentiment in the region. Whereas between 1808 and 1815 antislavery agitation in national politics had been largely confined to disgruntled New England Federalists, during the postwar era antislavery expressions became common among politicians of all stripes in the lower North. Many of them "took their horror of the internal slave trade and kidnapping of free blacks

⁴¹ Deposition of Jesse Torrey Jr., April 29, 1816, in Slave Trade Committee Records, HR 14A-C17.4, NARA.

⁴² Torrey, *Portraiture of Domestic Slavery*, 57.

⁴³ *Ibid.*, 47n.

into the Missouri debates and argued that opening the vast new state to slavery would only increase these twin evils.”⁴⁴ In the early days of the Missouri debates, restrictionists’ descriptions of the domestic slave trade were given illustration when a slave driver passed by the Capitol’s windows. James Tallmadge suggested that the “trafficker in human flesh” had been “sent by Providence” to demonstrate that effects of diffusion. The “wretched victims” of the slave trader had been “torn from every relation and from every tie, which the human heart can hold dear.”⁴⁵ In addition to being a common trope in congressional speeches during the Missouri debates, criticism of the domestic slave trade frequently appeared in petitions and pamphlets supporting restriction. Restrictionists routinely described slave traders as “venders of human flesh” or “traffickers in human blood,” and they argued that slavery’s expansion would increase the demand for slaves and raise their value. Such developments would not only expand the domestic slave trade and discourage private manumissions, but promote “slave breeding,” kidnapping, and smuggling from Africa.⁴⁶

Moreover, such developments would undercut the African colonization movement. Political economist Daniel Raymond argued that as long as slavery was permitted to spread west, reducing slavery through colonization would be like draining the “waters of the Chesapeake Bay, by lading buckets full from it.”⁴⁷ To many northerners it appeared that southerners’ defense of slavery in Missouri was incompatible with their support to African colonization – unless

⁴⁴ Mason, *Slavery and Politics*, 130-57, 180-92, quotation from 180. See also MacLeod, *Slavery, Race, and the American Revolution*, 44, 103.

⁴⁵ Tallmadge, 26.

⁴⁶ [Joseph Blunt], *An Examination of the Expediency and Constitutionality of Prohibiting Slavery in the State of Missouri*, by Marcus, (New York: C. Wiley & Co., 1819), 15; George Blake, et al, *A Memorial to the Congress of the United States, on the Subject of Restraining the Increase of Slavery in New States to be Admitted into the Union* (Boston: Sewell Phelps, 1819), 21; [William Hillhouse], *Crisis No. 2* (New Haven: A.H. Maltby & Co., 1819), 13; Daniel Raymond, *Missouri Question* (Baltimore: Schaeffer & Maund, 1819), 14-15, 23, 33-37; [Robert Walsh], *Free Remarks on the Spirit of the Federal Constitution, the Practice of the Federal Government, and the Obligations of the Union, Respecting the Exclusion of Slavery from the Territories and New States* (Philadelphia: A. Finley, 1819), 21, 47, 92, 98.

⁴⁷ Raymond, *Missouri Question*, 10.

colonizationists' true purpose was to strengthen slavery by removing free blacks rather than facilitating manumissions.

During the brief first round of the Missouri debates in February 1819, Henry Clay's support for the ACS and of slavery in Missouri opened him up to charges of hypocrisy and duplicity. Whereas Clay and other slave state representatives emphasized that Missourians had a constitutional right to enter the Union with slavery intact, northern restrictionists framed the question in moral terms. They equated the defense of slavery in Missouri with support for the domestic slave trade, a position which appeared antithetical to colonization. Timothy Fuller, a Massachusetts Republican, observed that the ACS was the "favorite [institution] of the humane gentlemen in the slave-holding states," but argued that the domestic slave trade to Missouri would "tempt the cupidity of those who otherwise perhaps might gradually emancipate their slaves" and thus "render abortive the generous and philanthropic views of this most worthy and laudable society."⁴⁸ Arthur Livermore, a Republican from New Hampshire, similarly challenged the sincerity of slaveholders. "Let us no longer tell idle tales about the gradual abolition of slavery," he declared, "away with colonization societies, if their design is only to rid us of free blacks and turbulent slaves."⁴⁹ In this view, southern support for colonization and suppressing the Atlantic slave trade were cynical ploys calculated to boost the profits of slavery and domestic slave trading. The appearance of southern duplicity in supporting colonization and slavery expansion increased when Congress reconvened in December 1819.

III. THE DECLINE OF ACS SUPPORT IN THE SOUTH

⁴⁸ AC 15-2, 1183 (15 February 1819); *National Intelligencer*, May 20, 1819.

⁴⁹ AC 15-2, 1192 (15 February 1819); *National Intelligencer*, 26 March 1819.

When the Fifteenth Congress disbanded in March 1819, they had left the “Missouri question” unresolved, but newspapers and public meetings kept the issue alive throughout the summer. Increased northern antislavery agitation heightened white southerners’ sensitivity in matters relating to slavery and the expansion of federal power. In addition, the economic Panic of 1819 and the nationalistic Supreme Court ruling in *McCulloch v. Maryland* further increased southern agriculturalists’ concern about the expansion of federal power.⁵⁰ In the midst of this intensifying atmosphere, the ACS undertook a controversial mission in Georgia.

After the passage of the 1819 Slave Trade Act, ACS members hoped the federal government would use some of its appropriation to colonize the recaptured Africans who had been confiscated in Georgia the year before. When Monroe’s cabinet determined the law could not be applied retroactively, the ACS decided to act on its own, sending one of its board members, Reverend William Meade of Virginia, to Georgia.⁵¹ As per the 1817 state law, the slaves were to be sold at auction unless the ACS could coordinate and fund their transportation out of the United States. Meade met a decidedly mixed response as he travelled to Georgia. In some places he successfully increased awareness and support for colonization, establishing auxiliary societies and raising funds, but he also provoked some concerns by showing too much sympathy for the slaves. In May 1819, in a letter reprinted by the ACS, Meade wrote that on the faces of the Africans he “could see written these memorable words: ‘Am I not a man and a brother?’” This standard trope of British abolitionism and Meade’s sympathy for “this unfortunate race” would have raised eyebrows among slaveholders at any time.⁵² But coming

⁵⁰ Duncan Macleod, “The Triple Crisis,” *The Growth of Federal Power in American History*, eds. Rhodi Jeffrey-Jones and Bruce Collins, (Delkab: Northern Illinois University Press, 1983), 13-24; Richard E. Ellis, *Aggressive Nationalism: McCulloch v. Maryland and the Foundation of Federal Authority in the Young Republic*, (New York: Oxford University Press, 2007).

⁵¹ Staudenraus, *African Colonization*, 53-54.

⁵² *Address of the Board of Managers of the ACS*, (1819), [9-10].

on the heels of the Tallmadge Amendment in Congress, Meade's words could appear as part of a growing assault on slavery.

It did not take long for slaveholders to begin accusing the ACS of switching from an acceptable purpose – ridding the nation of free blacks, to an unacceptable one – ridding the nation of slaves. The pages of the *National Intelligencer* reveal the contours of this debate, and the increasingly unavoidable connections between colonization and the restrictionist effort in Congress. Early in July 1819, “Limner,” from Georgia, charged that the actions of Reverend Meade demonstrated:

the *changed* object of the [American Colonization] Society; at first contemplating the colonization of the *free* people of color only, now premeditating the emancipation of all blacks. They thus quit, it is believed, the only object of the government when lending its aid, and embark in *revolutionizing* speculations, that can neither be popular or claim principle – and on the whole, must be considered premature, and its fate must be abortion.

“Limner” went on to warn that a similarly “enthusiastic” ACS agent might meet with violence from “a people justly concerned for the defence of their peace and safety, and who can but regard the *present apparent* objects of the society as a derogation from, and libel upon, the government.”⁵³ While “Limner” warned that the ACS was becoming fanatically abolitionist, a “Benjamin Rush” began arguing that federal support for colonization should also involve full scale gradual emancipation.

⁵³ From the *Georgia Journal*, reprinted with a new introduction by LIMNER in the *National Intelligencer*, 9 July 1819. Reprinted in *Farmer's Repository* (Charles town, VA), 28 July 1819. An evangelical South Carolinian came to Meade's defense, writing as ANOTHER LIMNER in *National Intelligencer*, 4 August 1819; *Farmer's Repository*, 18 August 1819.

“Benjamin Rush” was actually Robert J. Evans, a Philadelphia Quaker, and his emancipation proposal was based on his correspondence with James Madison (though the former president had insisted on anonymity).⁵⁴ Evans hoped that the federal government would fund a national program of colonization to an extent “sufficient to induce the master, as well as the slave to concur in it.”⁵⁵ He also promised that because slavery was a national problem, the North would be happy to contribute to its solution. Repeating the plan outlined for him by Madison, Evans suggested that the sale of public lands in the west could finance the estimated \$600 million required for compensated emancipation and colonization. He acknowledged the constitutionality of such an act could be questionable, but optimistically noted (as Madison had), that the Constitution could be amended to provide “whatever may be the defect of the existing powers of Congress.”⁵⁶ In response, “Limner” concluded: “It is now sufficiently developed by the everlasting writing of Benjamin Rush, and other modern advocates of the Colonization Society, that its founders have been abused by the changing of their object to the abolition of slavery.”⁵⁷ The editors of the *National Intelligencer* supported colonizationism but not abolitionism and felt obligated to clarify that they disavowed the opinions of both “Limner” and “Benjamin Rush” while allowing them the use of their pages as public forum.

Although the ACS officials did seek federal patronage and spoke of facilitating eventual emancipation, support from people like Evans could be counterproductive. Evans viewed colonization as a form of gradual abolition, whereas the ACS founders envisioned it only as a possible precursor to gradual abolition. The editors of the *National Intelligencer* clarified that the ACS’s “incidental operations” might promote the “mitigation” of slavery and “make the

⁵⁴ Robert J. Evans to James Madison, 3 June 1819; James Madison to Robert J. Evans, Montpelier, 15 June 1819, Founders Online. For earlier writings by Evans, see: *National Intelligencer*, 22 May 1819.

⁵⁵ *National Intelligencer*, 21 July 1819.

⁵⁶ *National Intelligencer*, 21 July 1819. See also *National Intelligencer*, 28 July 1819.

⁵⁷ *National Intelligencer*, 3 September 1819.

manumission of slaves less objectionable than at present it justly is on many grounds,” but the “direct object of the Society is to separate the cast[e]s of Black and White” rather than promote abolition.⁵⁸ Meanwhile, Evans raised the fear, foreshadowed by “Limner,” of a loss of slaveholder control over federally supported colonization. Proposing a constitutional amendment expanding the federal government’s power over slavery would be controversial at any time, but was all the more so during the Missouri Crisis, when many southerners felt northerners were “using slavery as an instrument for effecting a balance of power,” as John Taylor of Caroline argued.⁵⁹

Furthermore, in November Evans began connecting colonization, gradual emancipation, and the Missouri question. He called on all northern congressmen to act in unison to prevent the spread of slavery, and hoped southerners would support restriction as well.⁶⁰ This was the opposite of the view held by the founders of the ACS leaders, who recognized slaveholders would only support colonization if they felt confident it would not be used by non-slaveholders as a political tool. Evans’s talk of “inducing” masters to free their slaves and connecting colonization to restriction was sure to alarm slaveholders during this time of heightened sectional tension. Even though Evans was not officially connected to the ACS (as he acknowledged in his essays), he presented the specter of what colonizationism could become if backed by a federal government controlled by northerners.

IV. THE MISSOURI CRISIS AND COLONIZATIONISM

Just as the Missouri Crisis shaped public debates over the ACS, colonization also shaped how Congress debated the proposed restriction of slavery in Missouri and other federal territories. On

⁵⁸ *National Intelligencer*, 30 September 1819.

⁵⁹ John Taylor, *Construction Construed, and Constitutions Vindicated*, (Richmond: Shepherd & Pollard, 1820), 298.

⁶⁰ *National Intelligencer*, 4 November 1819; 24 November 1819.

one level, the dispute was all the more jarring because the initial popularity of the ACS had heightened expectations of sectional cooperation in regards to slavery. In the midst of the controversy the ACS continued to petition for federal funding and portrayed colonization as the most pragmatic means of addressing the problem of slavery, but other congressmen unaffiliated with the ACS also drew on the rhetoric of colonization in ways that discouraged support for the Society. Finally, northern congressmen's use of broad construction and sectional majorities provoked a resurgence of state rights sentiment in the South. All of these developments undermined the foundations necessary for increased federal support for the ACS.

Some southern congressmen invoked colonization in ways that could only increase cynicism among free blacks and northern whites sympathetic to abolitionism. Alexander Smyth of Virginia was not affiliated with the ACS but embraced colonization in his speech on January 28, 1820. Whereas Clay and Charles Fenton Mercer defended slavery in Missouri but supported the proposed compromise of restricting slavery in parts of the remaining federal territories, Smyth opposed all efforts to restrict slavery's expansion. Yet Smyth was unwilling to abandon a symbolically antislavery posture, proclaiming: "Let the enslaved blacks be dispersed as much as possible; their situation will become more comfortable, and their chances of being emancipated will become greater; and, as they are emancipated, let them immediately be sent to the colony. For these purposes, let there be a rich colonization fund." He ignored the arguments that slavery's expansion would raise slave prices and thus make manumissions less likely. Furthermore, whereas the ACS always emphasized the importance of black consent, Smyth implied that he was unconcerned with such niceties. He acknowledged that free blacks "object with disdain to the plan of the Colonization Society," but their reluctance did not bother him. Smyth dismissed the notion that free blacks could "constitute a portion of the sovereign people"

and indicated that it would be acceptable to coerce free blacks into leaving the nation.⁶¹

Meanwhile, one writer who was unaffiliated with the ACS argued that the Society should be modified to “go still further towards a *compulsory* gradual removal of this negro or coloured race from our country.”⁶² Even though such statements came from people unaffiliated with the ACS, they could only feed northern suspicions that the ACS was merely a scheme to strengthen slavery.

Throughout this time the position of the ACS leadership remained largely consistent. At the annual meeting in January 1820, ACS president and Supreme Court Justice Bushrod Washington helped draft another petition requesting federal funding.⁶³ Referring to the 1819 Slave Trade Law, the petition argued that the best way to establish a settlement for recaptured Africans would be the creation of an African colony which would also provide a refuge for free African Americans who chose to emigrate there. ACS member John Randolph submitted the petition to Congress on February 3, 1820, the day after giving a three hour speech against restriction, which he viewed as unconstitutional.⁶⁴

The ACS petition essentially reiterated the type of moderate requests they had been making since 1817, but Henry Meigs propose a much more expansive program of colonization. A New York Republican unaffiliated with the ACS, Meigs was one of the small minority of northerners (subsequently known as “doughfaces”) who voted to allow Missouri to enter as a slave state (he also voted with the northern majority to restrict slavery in the remaining federal territories north of 36°30' latitude). On January 26, 1820, Meigs gave a speech explaining his

⁶¹ AC 16-1, 1018.

⁶² [John Leeds Bozeman?] *An Essay on the Late Institution of the American Society for Colonizing the Free People of Colour of the United States* (Washington: Davis and Force, 1820), 72.

⁶³ *National Intelligencer*, 14 January 1820.

⁶⁴ AC 16-1, 1047-51 (3 February 1820).

unpopular decision to break with the instructions from the New York legislature and vote against restriction in Missouri. Observing that “reason and logic” in Congress appeared to divide starkly along the geographical division of slave and free states, Meigs eschewed constitutional interpretation and focused instead on practical considerations.⁶⁵ He argued that concentrating on slavery in Missouri would do little to undermine slavery as an institution while stirring up sectional discord which imperiled the republic. Instead of squabbling over a single state, Meigs hoped a program of federal funding for the “emancipation and colonization of the unfortunate slaves” could unite the people in “the redemption of a nation.”⁶⁶ He indicated that he had already laid some resolutions in reference to colonization on the table for congressmen to examine, and he formally introduced them two weeks later.

On February 5, Meigs proposed that the House create a committee to consider using the proceeds of federal land sales to promote three interconnected goals: “1st. Employing a naval force competent to the annihilation of the slave trade; 2dly. The emancipation of slaves in the United States; and, 3dly. Colonizing them in such a way as shall be conducive to their comfort and happiness, in Africa, their mother country.” The *Annals of Congress* reports that the resolutions were tabled on the motion of Felix Walker of North Carolina.⁶⁷ Two days later, Meigs moved that the House consider his resolutions, but the proposal was “decided in the negative.”⁶⁸

Historians who have discussed Meigs’s motion conclude it was merely symbolic, though they disagree on the message he was trying to send. Robert Forbes, who emphasizes the antislavery motivations of the restrictionists and the extent to which the Missouri Compromise

⁶⁵ *Speech of Mr. Meigs, of New York, on the Restriction of Slavery in Missouri* ([Washington DC, 1820]), 2.

⁶⁶ *Speech of Mr. Meigs*, 4.

⁶⁷ *AC 16-1*, 1113-14 (5 February 1820).

⁶⁸ *AC 16-1*, 1136 (7 February 1820).

represented an antislavery victory, interprets Meigs's resolution "at least in part as a warning to southerners." If southerners refused to acquiesce in the proposed Missouri Compromise line of 36°30', they could expect to face more radical proposals in the future.⁶⁹ George Van Cleve, plays down the role of antislavery sentiment and portrays the Missouri Compromise as a southern proslavery victory over northerners motivated by economic self-interest, and interprets Meigs's resolutions in a different light. He assumes that Meigs expected northerners to oppose his resolutions and thereby demonstrate that they "were not interested in debating practical means of emancipating and colonizing slaves."⁷⁰ In other words, both Forbes and Van Cleve believe that Meigs expected his proposal to be shot down, and that he intended it as either a warning to southerners or a demonstration that northern antislavery was insincere. However, new evidence indicates that Meigs's proposal was more serious and more popular than historians have realized.⁷¹

In a speech on February 7, Meigs described slavery as "an enormous evil" and hoped that colonization would restore enslaved blacks to "that equal grade in the scale of beings for which Providence had formed them." But he made it clear that he was even more concerned with slavery's negative effects on American politics. Sectional controversy posed a grave threat to the future of the republic, and by ending slavery Congress could "remove the subject of complaint."⁷² As he told one correspondent: "The Missouri question has put on an aspect which

⁶⁹ Forbes, *Missouri Compromise*, 68, 95 (quotation); idem, "The Missouri Controversy and Sectionalism," *Congress and the Emergences of Sectionalism: From the Missouri Compromise to the Age of Jackson*, eds. Paul Finkelman and Donald R. Kennon, (Athens: Ohio University Press, 2008), 87-90.

⁷⁰ Van Cleve, *Slaveholders' Union*, 246.

⁷¹ The bulk of Meigs's surviving correspondence is housed at the New York Historical Society and addressed to his father. However, there is no correspondence during the congressional session, as Meigs lived with his father in Washington at that time. The Huntington Library contains two letters from Meigs, one of which discussed his colonization proposal. In addition, his speech in support of colonization from 7 February and the ensuing vote tallies were not recorded in the *National Intelligencer* (upon which the *Annals of Congress* are based) but were printed elsewhere.

⁷² *National Messenger*, (DC) 9 February 1820 (from his speech on 7 February 1820).

alarms me for our Common welfare. And I have on sever[e] reflection arrived at the conclusion that it concerns us all, as soon as possible to agree in some grand National effort to eradicate the whole cause of dissention, *Slavery*.”⁷³ He told Congress that he had “become convinced that the Colonization Society had pointed to the only method of accomplishing this grand object.” Meigs hoped northerners and southerners would unite behind colonizationism in order to remove the greatest source of political conflict. When he moved that the House consider his resolutions, a majority voted against his motion, 78 to 66.⁷⁴ Despite the failure of his motion, sixty-six supporters was a respectable showing and demonstrated that his resolution had gained support since the vote two days earlier, when he reported that “not more than 30 or 40 arose in favor.” Meigs wrote that he had “reason to believe it has gained friends” and planned to renew motion in mid-February.⁷⁵ However when he did so the Speaker, Henry Clay, ruled that he could not recall his tabled resolutions.⁷⁶

Although ultimately nothing came of Meigs’s resolutions, and scholars have assumed his actions were merely symbolic, Meigs appears to have been sincere and serious. I wish that instead of quarelling about an existing evil,” he wrote, “we should make at once the most magnificent effort ever recorded, in favor of human liberty – the devotion of 500 million acres, worth \$1,000,000,000 to that object alone!”⁷⁷ Meigs no doubt based his calculations on conversation with his father Josiah, who was head of the federal land office, and with whom he

⁷³ Henry Meigs to Joseph D. Hay, Washington Feby 12. 1820, Brock Collection, Box 266: Misc File 1819-1822, folder 18, Huntington Library.

⁷⁴ *National Messenger*, (DC) 9 February 1820 (7 February 1820). The *Annals* give no indication that a vote was taken: *AC 16-1*, 1136 (7 February 1820).

⁷⁵ Meigs to Joseph D. Hay, Washington Feby 12. 1820, Brock Collection.

⁷⁶ *AC 16-1*, 140-45 (18 February 1820). Meigs tried reviving his call for federally supported colonization a year later: *AC 16-2*, 1168-70 (15 February 1821).

⁷⁷ Meigs to Joseph D. Hay, Washington Feby 12. 1820, Brock Collection.

lived when Congress was in session.⁷⁸ His plan to dedicate one billion dollars to compensated emancipation can seem extravagant, but it conformed to the plan secretly authored by James Madison and publicized by Robert J. Evans.

The votes on Meigs's resolutions were not roll call votes, so the sectional breakdown cannot be determined and the reactions of Clay, Mercer, and other ACS members are unknown. Most of them almost certainly feared the Meigs plan was too ambitious, especially during an economic recession and in the midst of sectional discord. The ACS petition which John Randolph had submitted was much more cautious in its reference to the potential for the "gradual, and almost imperceptible, removal of a national evil."⁷⁹ Like Robert Evans's "Benjamin Rush" writings, Meigs's resolutions likely fueled white southerners' concerns that colonization was potentially too dangerous to be entrusted to the federal government.

* * *

The Missouri Crisis debates over constitutional construction were at least as damaging to the ACS's desire for increased federal support as were the specific references to colonization in the course of debates. Northern restrictionists embraced a doctrine of broad construction that was irreconcilable with the cross-sectional trust needed for a national program of colonization. Throughout the debates, southerners emphasized constitutional concerns in their opposition to the proposed ban on slavery in Missouri. Some of their arguments were extremely tendentious, such as the claim that slaveholding was protected under the Constitution's Privileges and Immunities clause (the logical conclusions of such arguments would have nullified northern

⁷⁸ Meigs to Josiah Meigs, Novr. 14th. 1819, Henry Meigs Correspondence, 1816-1822, NYHS.

⁷⁹ *AC 16-1*, 1048.

gradual abolition laws). But southerners could make very plausible arguments that restricting Missouri slavery at this stage would be unconstitutional and inoperable.

The fatal flaw of the restrictionist movement was that they were acting too late. The main precedent for slavery restriction – the Northwest Ordinance of 1787 – had been based on conditions that were inapplicable to Missouri at this stage. The powers used by the Confederation Congress to ban slavery in the Northwest Ordinance were confirmed in the Constitution under Article VI Section 3 Clause 2, authorizing Congress to “make needful Rules and Regulations respecting Territory or other Property belonging to the United States.” But this clause was considered by many as insufficient during the Missouri debates, as Missouri was already applying for statehood. In 1805 and 1812 Congress had explicitly exempted Missouri, as part of Upper Louisiana, from any ban on slavery, allowing the institution to take root there.⁸⁰ Forcing the territory to enact gradual abolition as a condition for statehood was essentially an attempt to accomplish retroactively what should have been done years earlier.⁸¹ Philip P. Barbour of Virginia acknowledged that “whilst the proposed State continued a part of our territory, upon the footing of a Territorial government, it would have been competent for us...[to have banned slavery]; yet, the question assumes a totally different aspect when that principle is intended to apply to a State.”⁸² Furthermore, requiring Missouri to include gradual abolition in its constitution as a condition for statehood would be ineffective, because after being granted statehood the Missourians could simply amend their constitution and reverse the policy, at which

⁸⁰ Hammond, *Slavery, Freedom, and Expansion*, 51-58.

⁸¹ In his controversial book on the *Dred Scott* decision, Mark A. Graber suggests that restriction in the territories *may* have been unconstitutional (and thus Chief Justice Roger Taney’s 1857 ruling was correct). In his analysis of the Missouri debates, Graber fails to give sufficient attention to the difference between the restriction of a territory and soon-to-be-admitted-state, and some of his evidence conflates power over the interstate slave trade with power over the territories. Nevertheless, it is clear that the vast majority of southerners, and a significant portion of northerners, believed that for territorial restriction to be constitutional it was had to implemented at the early stages of territorial status. Graber, *Dred Scott*, 157-176, 120-26.

⁸² *AC 15-2*, 1185 (15 February 1819).

stage Congress would be powerless to object.⁸³ Some leading restrictionists, including Tallmadge, acknowledged this was the case, though arguing that such actions would be “a violation of faith.”⁸⁴

In order to justify restricting Missouri slavery at this late stage of territorial development, restrictionists had to advance novel constitutional arguments which southerners found unpersuasive and dangerous. As Peter Onuf has shown in his study of Thomas Jefferson’s reaction to the Missouri Crisis, the former president believed state equality was essential for an expanding union that would preserve republican liberty. Denying Missouri the right to decide the slavery issue for itself circumscribed its sovereignty and threatened to make other new states into colonies of the Union rather than equal partners.⁸⁵ However, other scholars have ignored the constitutional distinction between the early territorial stages and statehood, thereby portraying the southern position as solely concerned with perpetuating and expanding slavery.⁸⁶ Meanwhile, almost all southern congressmen disavowed a commitment to perpetuating slavery; instead they continued to insist that diffusion was the best means of facilitating the eventual abolition of slavery.

The final version of the Missouri Compromise – which prominent southern colonizationists such as Charles Fenton Mercer and Henry Clay supported – conformed to the distinction between a territory at the early stage of development and one ready for statehood.

Missouri was given permission to draft a state constitution protecting slavery and Maine was

⁸³ AC 15-2, 1209 (16 February 1819). See also: Smyth, *Speech of Mr. Smyth*, 11; Madison to Robert Walsh, Montpelier, Novr. 27, 1819

⁸⁴ *Papers Relative to Restriction*, 25-26 (16 February 1819).

⁸⁵ Onuf, *Jefferson’s Empire*, 109-121.

⁸⁶ MacLeod, *Slavery, Race, and the American Revolution*, 12, 46-47, 105-8, 128. Patricia Roberts-Miller mistakenly characterizes Missouri as under the Northwest Ordinance’s ban on slavery and thus frames the Missouri Crisis as a proslavery initiative to introduce slavery rather than an antislavery effort to ban slavery where it had been previously allowed; see: *Fanatical Schemes: Proslavery Rhetoric and the Tragedy of Consensus*, (Tuscaloosa: University of Alabama Press, 2009).

admitted as a free state. Furthermore, slavery was banned north of 36°30' North latitude in the remaining Louisiana Purchase Territory. This preserved slavery in the Arkansas Territory (which entered as a slave state in 1836) but banned slavery in the much larger northern section of the territory. As one northern restrictionist wrote: "though we have lost Missouri, we have imposed the restriction on the territories – & this in my opinion is a great point gained – it is worth infinitely more than all the trouble it has cost us, the time we have spent, & the unkind feelings which have been excited."⁸⁷ Thus although restrictionists lost the battle over Missouri, the final compromise was a significant antislavery victory when compared to the previous toleration of slavery in all of the Louisiana Purchase Territories.⁸⁸

Northern contemporaries and some historians have portrayed southerners as intransigent and uncompromising, especially for the way they held up the admission of Maine as a state until the effort to restrict slavery in Missouri was defeated. But in the view of many southerners, northerners were the ones being intransigent. A majority of southerners voted for the entire compromise, including the 36°30' provision. By contrast, the vast majority of Northerners continued to vote against allowing Missouri to preserve slavery in Missouri, even though a majority of southern congressmen were willing to support restriction in most of the remaining Louisiana Purchase territory as a compromise measure conforming to constitutional precedents. In the House, northerners voted 87 to 14 against allowing slavery in Missouri.⁸⁹ Many white southerners perceived this example of northern intransigence as disregard for the Constitution

⁸⁷ Plumer Jr to Plumer Sr, Washington March 4th, 1820, in Edward Somerville Brown, ed., *The Missouri Compromise and Presidential Politics, 1820-1825: From the Letters of William Plumer, Junior*, (St. Louis: Missouri Historical Society, 1926), 13.

⁸⁸ Forbes, *Missouri Compromise*.

⁸⁹ In the House of Representatives, northerners voted 66-10 in favor of banning slavery in Missouri on 16 February 1819, and 87 to 14 on the second vote on 2 March 1820 (*AC 15-2*, 1214; *AC 16-1*, 1586-87; for a sectional breakdown, see: Sean Wilentz, "Jeffersonian Democracy and the Origins of Political Antislavery: The Missouri Crisis Revisited," *The Journal of the Historical Society* IV, [Fall 2004], 380-81).

and a willingness to cynically exploit antislavery sentiment among the northern majority in pursuit of a power grab and a sectional economic agenda.⁹⁰ As Peter Onuf argues, “for Jefferson and many wary southerners, the Missouri controversy radically transformed the political and constitutional context of colonization.”⁹¹ In conjunction with the Panic of 1819 and unpopular Supreme Court decisions, the Missouri Crisis renewed southern commitment to state rights which had been waning in the era of post-war nationalism. This backlash against broad construction and nationalism discouraged southern congressmen from supporting increased federal support for colonization in the future.

* * *

By 1820, colonizationists found themselves attacked from all sides. As one colonizationist from Virginia complained: “some have falsely charged us with wishing to rivet more strongly the fetters of slavery by removing the free persons of colour; while others, with no less absurdity, have accused us of an intention to emancipate all the slaves by a compulsory process equally repugnant to our wishes and transcending our authority.”⁹² The Missouri Crisis created or confirmed opposition to the ACS from a diverse range of Americans.

Many black northerners followed the Missouri Crisis closely. One anti-restrictionist newspaper editor from Pittsburgh wrote that other opponents of restriction effort were reluctant to speak out because they feared “the negroes who might easily apply a torch and avenge

⁹⁰ Mason, *Slavery and Politics*, 197-204; Peter S. Onuf, *Jefferson's Empire: The Language of American Nationhood*, (Charlottesville: University of Virginia Press, 2000), 109-21; Van Cleve, *A Slaveholders' Union*, 237-39.

⁹¹ Onuf, *Mind of Thomas Jefferson*, 223.

⁹² Auxiliary Society of Frederick County, *The Annual Report of the Auxiliary Society of Frederick County, Va., for Colonizing the Free People of Colour in the United States*, (Winchester: 1820), 14.

themselves in silence.”⁹³ The Missouri debates also confirmed some blacks’ suspicions of the ACS. On November 16, 1819, a large meeting of black Philadelphians led by James Forten reiterated that they did not “give the project a single particle of countenance or encouragement.” Referring to Missouri, they wrote: “the recent attempt to introduce slavery, in all its objectionable features, into the new states...confirms us in the belief, that any plan of colonization without the American continent or islands, will completely and permanently fix slavery in our common country.”⁹⁴ Roberts Vaux of the PAS drew the same lesson, pointing to the Missouri Crisis as proof “that the plan of colonizing the blacks in Africa, was a hypocritical measure, proceeding from a quarter utterly destitute of any *good feelings* toward that abused race.”⁹⁵

Other northerners who had previously supported the ACS changed their minds. Timothy Pickering, who had authored the 1817 congressional report endorsing colonization and published a series of essays praising the ACS in the fall of 1819, also turned against the ACS.⁹⁶ Previously he had hoped that moderates in the North and South could unite in support of slavery restriction and colonization. But when many southerners defended not only slavery in Missouri but in the remaining federal territories, Pickering wondered “what inference will be drawn from the sentiments of many & the zeal of some citizens of those states, in favour of the colonization plan, but this – that they considered it as the best and perhaps only means of ridding themselves of troublesome and dangerous inmates, the existing free people of color? After which, *the chains of*

⁹³ [Ephraim] Pentland to Henry Baldwin, Pittsburgh, March 12. 1820, Henry Baldwin Papers. For Pentland’s opposition to restriction, see: *The Statesman* (Pittsburgh), 26 January 1820, 2 February 1820, 9 February 1820, 2 March 1820, and 8 March 1820. I thank Connie King of the Library Company of Philadelphia for helping me identify Pentland’s identity.

⁹⁴ “Protest and Remonstrance of the Free People of Colour,” *Commercial Advertiser* (NY), 20 November 1819.

⁹⁵ Vaux to Thomas Clarkson, Philadelphia 5mo 1. 1820, Vaux Papers.

⁹⁶ Pickering to Randolph, Wrenham (Mass.tts) Dec.r 24. 1819, Pickering Papers, Massachusetts Historical Society (MHS hereafter), reel 15, p. 188; “Colonizing the Free People of Colour, Nos. I-III” *Boston Daily Advertiser*, 28, 29, and 30 September 1819.

their slaves would be forever invincibly riveted.” He noted that this had been the fear expressed by the “people of color in Philadelphia, in protesting against the colonization plan,” and concluded they had been correct.⁹⁷

V. COLONIZATION AFTER THE MISSOURI CRISIS

Throughout the 1820s the ACS leaders articulated the same goals as they had before the Missouri Crisis, stressing their commitment to improving the conditions of free blacks, uplifting and Christianizing Africa, curtailing the slave trades, and promoting the eventual extinction of slavery without violating the rights of states or slaveholders. But the changing political circumstances altered the means by which the ACS pursued its goals. Although the ACS continued to receive aid and subsidies through the Navy in connection with the 1819 Slave Trade Act, the colonizationists’ hopes of greater congressional support came to naught in the post-Missouri political climate.⁹⁸

After the failure to gain more federal support in 1820, the ACS focused on building up its auxiliary societies for a number of years.⁹⁹ But the desire for federal funds did not end. In 1823, Mercer wrote, “In the next Congress we shall try our strength in an effort to obtain further aid from the Federal Government.”¹⁰⁰ Yet at the ACS meeting the following year, Mercer discouraged petitioning the federal government at that time. He suggested that those advocating another petition “overrate the amount of our moral influence in society,” and predicted they

⁹⁷ Pickering to Charles Fenton Mercer, Wrenham, Jan. 15. 1820, Pickering Papers, MHS, reel 15, pp. 199-200.

⁹⁸ *AC 16-1*, 2207-11 (8 May 1820), 2215-16 (9 May 1820), 2236-37 (12 May 1820); Staudenraus, *African Colonization Movement*, 57-79.

⁹⁹ Forbes, *Missouri Compromise*, 180.

¹⁰⁰ Mercer to John H. Cocke, Washington, January 13, 182, Papers of the Cocke Family, UVA.

would “be met with the charge of enthusiasm.”¹⁰¹ Mercer was correct; the next year witnessed an organized newspaper assault on the ACS in the *Richmond Enquirer*. Beginning in August of 1825, John White Nash, writing as “Caius Gracchus,” denounced colonization in a series of letters addressed to the local ACS auxiliary, the national ACS, and ACS president Bushrod Washington. Echoing the earlier accusation of “Limner,” Nash charged that the ACS had changed into an abolitionist society. ACS board member William Fitzhugh responded as “Opimius,” defending colonization.¹⁰²

The battle which ensued in the pages of the *Richmond Enquirer* over the coming year demonstrates how much of the ACS’s perspective had become outdated and politically untenable by the mid-1820s. On the other hand, Nash’s insistence that the ACS had changed suggests a reluctance on the part of slavery’s defenders to acknowledge how their own position was changing, shifting from a position of portraying slavery as an evil vestige of British colonialism to describing it as necessary and even good.¹⁰³ Attempting to prove “that the original objects of your Association have been changed,” Nash emphasized the ACS’s initial proslavery bona fides.¹⁰⁴ He quoted Clay and Randolph’s speeches from the first meeting, and used their very membership as proof that the Society could not have been antislavery when initially created.¹⁰⁵ To demonstrate the new antislavery nature of the ACS, Nash quoted from speeches such as this, from the 1820 ACS meeting, adding new emphasis:

¹⁰¹ ACS, *Seventh Annual Report from the American Society for Colonizing the Free People of Colour of the United States*, (Washington DC: Davis and Force, 1824), pp. 10-11.

¹⁰² Staudenraus, *African Colonization*, pp. 183-85. The essays were republished as *Controversy between Caius Gracchus and Opimius in Reference to the American Society for Colonizing the Free People of Colour of the United States, First Published in the Richmond Enquirer*, (Georgetown, DC: James C. Dunn, 1827). Francis Key also wrote one essay response, under the name “A member of the ACS;” see: Randolph to Dr. Brockenbrough, Washington, January 30th, 1826, Shorey, *Collected Letters*, pp. 67-68.

¹⁰³ On southerners’ hesitant move toward a stronger defense of slavery after 1820, see: Mason, *Slavery and Politics*, 205-7 and *passim*.

¹⁰⁴ Caius Gracchus, No. 3” in *Controversy between Caius Gracchus and Opimius*, 24.

¹⁰⁵ “Philo Gracchus” (also Nash), *Controversy between Caius Gracchus and Opimius*, 57-58.

Great, however, as the benefits are, which we may promise ourselves from the colonization of the free people of colour, by its tendency to prevent the discontent and corruption of our slaves, and to secure to them a better treatment by rendering them more worthy of it, *there is another advantage infinitely greater in every point of view, to which it may lead the way. It tends, and may powerfully tend, to rid us gradually and entirely in the United States of slaves and slavery.*¹⁰⁶

This abstract support for distant abolition had once been typical of the inherited dilemma defense of slavery. But by 1825, such previously mild rhetoric appeared rabidly antislavery. For Nash defended slavery not as an inherited dilemma or a necessary evil, but as something approaching a positive good. He informed readers that American slaves were better off than European laborers and that all whites were equal in the South whereas the North established a form of white slavery based on wealth.¹⁰⁷ Nash described the ACS as inseparably connected to the “wicked” and “unconstitutional” attempts to limit slavery in Missouri, although acknowledging he did “not have the means of establishing a clear concert and connection between these political movements, and the operations of your Society.”¹⁰⁸ In the post-Missouri Crisis era, one was either for slavery or against it in minds of a growing number of Americans.

William Fitzhugh’s writings as “Opimius” demonstrate his failure to comprehend the extent to which sectional jealousy and commitment to state rights were ascendant in the South at the time. Although denying any commitment to abolition and emphasizing the ACS’s commitment to protecting the property of slaveholders, Fitzhugh linked colonization to a host of other galvanizing issues. He gave examples of precedents for broad construction, such as

¹⁰⁶ “Caius Gracchus No. 1,” *Controversy between Caius Gracchus and Opimius*, 13-14.

¹⁰⁷ “Caius Gracchus No. 1,” *Controversy between Caius Gracchus and Opimius*, 18-20.

¹⁰⁸ Caius Gracchus, No. 3,” *Controversy between Caius Gracchus and Opimius*, 28-29.

internal improvements, and dismissed constitutional objections to federally-funded colonization as “existing only in the imagination of those who suggested them.”¹⁰⁹ Furthermore, he cited a recent proposal by Rufus King to use federal land sales to support colonization and compensated emancipation.¹¹⁰ And though he heaped scorn on free blacks, Fitzhugh also described slavery as “an evil of the darkest character,” and expressed outdated optimism about southerners’ willingness to abandon the institution.¹¹¹ Stating that the negative effects of slavery were “almost universally acknowledged,” he naively asserted there was “no riveted attachment to slavery prevailing extensively in any portion of our country.”¹¹² In sum, he linked the ACS to broad construction, a northern politician accused of exploiting slavery for personal and partisan advantage, and a desire to abolish the evil institution (even if gradually and without infringing on property rights). In the charged atmosphere of the 1820s, this must have seemed an admission of guilt rather than a defense. Although Fitzhugh was correct in insisting the ACS’s position had remained consistent, he also demonstrated that this stance was no longer politically viable in the South.

In the midst of the *Richmond Enquirer* controversy, Francis Scott Key asked John Randolph to present another ACS petition, as he had in 1817 and 1820. This time Randolph gave his friend a “firm and positive refusal.” Like the ACS, Randolph had remained largely consistent during the previous decade, though he had turned against the society. Randolph said he still “wished all the free negroes removed, with their own consent, out of the slave States especially,” but dismissed the practicality of colonization. Comparing it to the exodus of the Jews, he said it would require the “miraculous interposition of the hand of God.” Randolph had

¹⁰⁹ “Opimius No. 1,” *Controversy between Caius Gracchus and Opimius*, 39.

¹¹⁰ “Opimius No. 3,” *Controversy between Caius Gracchus and Opimius*, 52.

¹¹¹ “Opimius No. 2,” *Controversy between Caius Gracchus and Opimius*, 46.

¹¹² “Opimius No. 2,” *Controversy between Caius Gracchus and Opimius*, 47-48.

come to feel the “tendency of [the ACS was] bad and mischievous.”¹¹³ Although he continued to sympathize with antislavery as an ideal, Randolph believed colonization had too much potential for exploitation to be entrusted to the federal government, especially in the aftermath of the restrictionist effort, which Randolph believed had been led by “unprincipled... ambitious men, availing themselves of a good as well as of a fanatical spirit in the nation.”¹¹⁴ Randolph may also have been influenced by the recognition that the Liberian colony hardly proved to be the African Eden which ACS boosters had imagined (though many of the colony’s problems might have been alleviated by increased federal funding). In an 1826 codicil to his will, Randolph implicitly acknowledged the poor conditions in the Liberian colony. He preserved his intention to free his slaves, but trusted his executor was “too wise, just and humane to send them to Liberia, or any other place in Africa.”¹¹⁵

Other Virginians continued to support colonization, though many of them no longer supported federal funding for the movement. In 1828, Virginia’s ACS auxiliaries broke with the parent organization to form the independent Virginia Colonization Society (VCS). In 1855 a VCS historian explained their reasons: “There was growing jealousy in the South of all interference with any question touching the colored race by any person or association without the territory of Virginia, and not identified in principles, interest and sympathy with our people.”¹¹⁶ Southerners had become convinced that, just like slavery, colonization also had to be protected from outside interference. Under local control, colonization auxiliaries continued to receive

¹¹³ Randolph to Dr. Brockenbrough, 20th February, 1826, Kenneth Shorey, ed., *Collected Letters of John Randolph of Roanoke to Dr. John Brockenbrough*, (New Brunswick, NJ: Transaction Publishers, 1988), 67-68.

¹¹⁴ Randolph to Dr. John Brockenbrough, Thursday morning, 5 o’clock, February 24, 1820, Shorey, ed., *Collected Letters of John Randolph*, 26-27. Nicholas Wood, “John Randolph and the Politics of Slavery,” *VMHB* 120 (Summer 2012):106-43.

¹¹⁵ Quoted in Bruce, *John Randolph*, II:51. Randolph’s slaves were eventually freed and given land in Ohio, but they were driven from their land by white settlers; see: Frank F. Mathias, “John Randolph’s Freedmen: The Thwarting of a Will,” *Journal of Southern History* (May 1973): 262-273.

¹¹⁶ Philip Slaughter, *The Virginian History of African Colonization*, p. 19.

significant support in the Upper South. Legislatures from northern states, and even Kentucky and Delaware, passed resolutions supporting federally funded colonization in the 1820s, but the proposal drew hostile responses from many southern states, and Congress never again endorsed the ACS program.¹¹⁷

Somewhat paradoxically, the failure of a national program of colonization may have increased support for colonizationism among antislavery northerners. Although the Philadelphia Colonization Society had dissolved shortly after its creation in 1819, white Philadelphians established the Pennsylvania Colonization Society (PCS) in 1826. Supporters of the PCS even included some, like abolitionist Roberts Vaux, who had previously denounced the ACS as a scheme to strengthen slavery. With greater local control, the PCS was able to direct its efforts to facilitating southern slave manumissions rather than colonizing African Americans who were already free.¹¹⁸ Whereas the ACS leaders had initially viewed local auxiliaries and private donations as merely a way to kick start their program before receiving federal funding and becoming a national program, colonizationism instead remained largely locally organized and privately funded and could only pursue colonization only on a small scale.

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The growing popularity of colonizationism among antislavery northerners also resulted from the declining prospects of more traditional forms of antislavery. Abolitionists remained active at the local and state level, but they were increasingly marginalized in national politics throughout the 1820s. The Missouri Compromise may have saved the Union in 1820, but its enduring legacy

¹¹⁷ Staudenraus, *African Colonization Movement*, 178-84.

¹¹⁸ Tomek, "Seeking 'An Immutable Pledge,'" 42-48; idem, *Colonization and Its Discontents*; Eric Burin, "Rethinking Northern White Support for the African Colonization Movement: The Pennsylvania Colonization Society as an Agent of Emancipation," *Pennsylvania Magazine of History and Biography* 127, (April 2003) 197-229.

was a growing concern about the danger of antislavery agitation to provoke disunion. Other trends reinforced many politicians' desires to suppress antislavery politics. The emerging Jacksonian coalition's commitment to state and rights and strict construction left little room for antislavery action among its adherents. Meanwhile, massive immigration from Ireland and elsewhere increased self-interested reasons for northern white laborers to support policies that privileged whites and kept most blacks enslaved in the South. The political coalition which evolved into the National Republicans (and then Whigs) may have been less overtly committed to white supremacy, but most national party leaders also sought to suppress all forms of antislavery aside from colonizationism.¹¹⁹ When a new wave of abolitionists denounced colonizationism and called for immediate emancipation in the 1830s it produced a further backlash. By late 1830s, congressional Gag Rules suppressed antislavery debate in Congress while anti-abolitionist mobs attacked antislavery agitators in northern cities. This transition to widespread anti-abolitionism partly reflected hardening racism, but also a widespread conviction that among even those sympathetic to antislavery that abolitionist agitation was more likely to lead to disunion than peaceful emancipation.¹²⁰

¹¹⁹ Andrew Shankman, "Neither Infinite Wretchedness Nor Positive Good: Mathew Carey and Henry Clay on Slavery and Political Economy During the Long 1820s," *Contesting Slavery*, eds. Hammond and Mason, 247-266.

¹²⁰ Nicholas Wood, "'A Sacrifice on the Altar of Slavery': Doughface Politics and Black Disenfranchisement in Pennsylvania, 1837-38," *Journal of the Early Republic*, 31 (Spring 2011):75-106, esp. 84-87, 92-95 104-5. David Grimsted *American Mobbing. 1828-1861: Toward Civil War* New York: Oxford University Press, 1998), 11-54; Donald J. Ratcliffe, "The Decline of Antislavery Politics," in *Contesting Slavery*, eds. Hammond and Mason, esp. 273-81; Elizabeth R. Varon, *Disunion! The Coming of the Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008), 87-138.