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Abolitionists, Congress, and the Atlantic Slave Trade



BEFORE AND AFTER RATIFICATION

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AT THE FEDERAL CONVENTION of 1787, southern delegates negotiated several advantageous compromises that benefited slaveholders. These compromises included protecting the Atlantic slave trade for twenty-one years, guaranteeing their right to recapture runaway slaves across state bounds, calculating three-fifths of their enslaved populations when enumerating political representation, and enlisting the federal government in putting down “domestic insurrections.” When the Constitution was presented to the public, abolitionists immediately recognized and denounced its concessions to slaveholders. Massachusetts Quaker William Rotch proclaimed the Constitution’s “cornerstone” was “founded on *Slavery* and that is on *Blood*.”¹ His denunciation anticipated the fiery rhetoric of the yet-unborn William Lloyd Garrison, the more famous Massachusetts abolitionist who later described the Constitution as a “covenant with death” and an “agreement with Hell.”² During the antebellum era, Garrison and many of his supporters refused to vote or participate directly in politics, which they viewed as irredeemably corrupt and proslavery.³

In contrast to the later Garrisonians who repudiated the Constitution and electoral politics, many abolitionists in the early republic overcame their initial qualms and supported ratification. Their support may seem surprising, especially as a growing number of scholars endorse Garrison’s interpretation of a “proslavery” Constitution. In one sense, such reconciliation could suggest that abolitionists—many of whom were merchants

in port cities—prioritized the economic stability they hoped the new government would bring above their concern for enslaved Black people. However, early abolitionists also evaluated the “proslavery” character of the Constitution in its broader context. The Constitution’s compromises were obviously “proslavery” in comparison to the types of provisions that abolitionists and African Americans would have liked. However, it was not clear whether the Constitution was worse than the Articles of Confederation in regard to slavery. Abolitionists who supported ratification hoped that their political influence would increase under the new Constitution.

Examining the views and experiences of abolitionists in the years immediately before and after ratification can help refine scholarly arguments over the Constitution’s relationship to slavery. A growing number of scholars highlight what they see as southerners’ proslavery victories at the Federal Convention. From the 1960s through the 1990s, historians in this camp generally portrayed the framers as betraying the American Revolution’s egalitarian promise. In this view, the natural rights rhetoric of the revolution created an ideological imperative and a political opportunity to eradicate racial bondage fully, but a failure of moral leadership and the growth of racism allowed a proslavery counterrevolution at the Federal Convention (which the 1793 invention of the cotton gin subsequently entrenched further).⁴ More recently, scholars such as David Waldstreicher and George Van Cleve tend to see continuity rather than betrayal, emphasizing the extent to which slaveholders had shaped the American Revolution from its outset.⁵ A few scholars go so far as to argue that the patriots declared independence in part to protect slavery from imperial meddling.⁶ Many historians have dissented from the proslavery interpretation, arguing that the Federal Convention was characterized by compromises rather than proslavery victories. The compromises, they claim, were not intended to perpetuate slavery and did not foreclose anti-slavery politics.⁷ Although conceding that some compromises ultimately facilitated slavery’s growth, these scholars often defend the framers by insisting that they sincerely believed slavery would wither away once slave importations ceased.⁸ Some historians, such as Sean Wilentz, further stress that the Constitution did not explicitly sanction the concept of “property in man,” which many slaveholders had wanted.⁹

The abolitionists of the early republic often held views about the revolution and Constitution that do not conform to current historiographical divisions. On one hand, most leading abolitionists were Quaker pacifists who had been deeply ambivalent about the War of Independence and skeptical of patriots' professed commitment to natural rights principles. They recognized slaveholders' political power and held no naive expectation that slavery was on track to wither away on its own. On the other hand, they were frustrated with Congress's inability to curtail the Atlantic slave trade under the Articles of Confederation, and they hoped that the Constitution would prove more conducive to antislavery reform.

Comparing the effects of abolitionists' national efforts during the 1780s and 1790s underscores the obstacles they faced throughout the era while also revealing the growth, rather than diminution, of their influence after ratification. Although Congress never considered a national program of emancipation, the Constitution established a political structure that proved more receptive to antislavery politics than had the Articles of Confederation. After ratification, Quaker abolitionists quickly built a political coalition against the Atlantic slave trade that would have been previously impossible. In 1790, this coalition undermined some of the protections the Constitution had seemingly given to slave traders and importers. Four years later, Congress passed the Foreign Slave Trade Act of 1794 based on an enlarged understanding of its antislavery powers. These victories by abolitionists may have been incomplete, but they would have been impossible under the Articles of Confederation.

Quaker Antislavery and the American Revolution

Most of the antislavery reforms passed during and after the American Revolution resulted from the efforts of enslaved Black people and white Quakers. Africans had resisted their enslavement from the beginning, and the disruption of war provided new opportunities to escape (often joining the British against their former masters) or negotiate concessions from slaveholders and legislatures, such as earning freedom through military service.¹⁰ Antislavery had become a central component of Quakers'

collective identity during the French and Indian War (1754–1763), which many Friends interpreted as divine chastisement for slaveholding and other sins. Anthony Benezet, for example, warned that God would continue punishing the colonists until they conformed the Lord's commands as recounted in Isaiah 58:6: "to loose the Bands of Wickedness, to undo the heavy Burden, to let the Oppressed go free, and . . . break every Yoke."¹¹ In 1758, the Philadelphia Yearly Meeting of Friends (PYM, which established policies for the mid-Atlantic colonies) instructed members to begin freeing their slaves; during the 1770s, Quakers began disowning recalcitrant slaveholders.¹² The Philadelphia Meeting for Sufferings (PMS), the activist committee of PYM, promoted antislavery reform throughout the nation.¹³

Although the American Revolution strengthened Quakers' commitment to antislavery, it gave them little hope that independence would naturally lead to emancipation. Based on their pacifism and deference to government authority, most Quakers opposed the revolution and suffered persecution as a result.¹⁴ They expected little from patriot leaders, whom one abolitionist described as "talking much & making a shew of promoting the cause of Liberty & Virtue, while they have nothing less in view, than merely prostitute those terms to serve their base & wicked purposes."¹⁵ Nonetheless, after American independence, Quakers in the United States sought to rebrand their prerevolutionary antislavery efforts as a nonsectarian and national cause. In doing so, they strategically overstated popular support for emancipation as a goal of the revolution.¹⁶

The experience of Quakers during the War of Independence makes their retroactive celebration of the antislavery character of the revolution all the more striking. PMS activist John Drinker, who was imprisoned by patriots in Virginia, observed: "Surely these are not the Men to let the Oppressed go free & loose the Bonds of Wickedness, have they not for many years been wantoning in Blood, & holding in a severe, merciless captivity, thousands of their fellow Men. . . . Can Righteousness be expected from men so depraved & corrupt? verily nay."¹⁷ At times during the war, southern state governments even sought to reverse the effects of Quakers' antislavery exertions. When Virginia Quakers refused to pay wartime taxes (on account of their pacifism), officials seized free people of color whom the Quakers had manumitted and "sold them as Slaves" to help fund a war

fought in the name of liberty.¹⁸ North Carolina officials similarly reenslaved over one hundred Black men, women, and children whom Quakers had freed.¹⁹ Northern legislatures such as New Jersey's also used slavery to fund the war, confiscating and selling Loyalists' human property.²⁰ Some Friends had hoped that wartime destruction—the "Dispensation of divine Chastisement"—would produce a spirit of repentance among the populace; instead, they reported that "a contrary Disposition of Mind & Conduct is sorrowfully prevalent."²¹ Quakers were therefore disgusted but not surprised when American citizens, "deluded by the Gain of Oppression," revived the "detestable Trade carried on to the Coast of Africa" once the war ended.²²

A Serious Address to the Rulers of America, on the Inconsistency of Their Conduct Respecting Slavery, published by New Jersey Quaker David Cooper in 1783, typified Quakers' cynicism and pessimism. Although happy that Pennsylvania had initiated a program of gradual abolition during the war, Cooper feared that "after the sunshine of peace takes place, we have little more to expect." Hoping to shame patriots into action, the Quaker juxtaposed references to natural rights from the Declaration of Independence and other political documents with examples of white Americans' continued exploitation of enslaved Black people.²³ PMS leader James Pemberton praised Cooper's pamphlet for taking the "arguments which have been published by the professing advocates for liberty" and turning their rhetoric "upon themselves."²⁴ Even as Quakers dismissed the patriots' sincerity, they hoped to shape the revolution's legacy on behalf of antislavery.²⁵

In October 1783, Cooper, Pemberton, and 533 other Quakers signed a petition from the PYM calling on the Confederation Congress to abolish the slave trade and promote emancipation. Slavery was not only "contrary to every righteous consideration," but "in opposition to the solemn declarations often repeated in favour of universal liberty." Whereas the newly independent Americans should be expressing their "thankfulness to the all wise controller of human events," the revival of the slave trade instead threatened to provoke "future calamities."²⁶ The aging Anthony Benezet led a Quaker delegation delivering the petition to Princeton, New Jersey, where Congress was meeting at the time.²⁷

Congress's response to the Quaker petition demonstrated both the disorganized state of national affairs and the obstructionist power of sectional minorities under the Articles of Confederation. The Quakers read their petition to Congress on October 8, 1783, but the "unsettled State of Congress in respect to fixing on a place for their residence" prevented the legislators from addressing the petition before they moved from New Jersey to Annapolis, Maryland.²⁸ The issue surely would have been lost in the shuffle without the intervention of David Howell, a delegate from Rhode Island whose father-in-law, Moses Brown, had signed the petition.²⁹ Congress finally took action on December 18, referring the petition to a committee led by Howell, who issued a report on January 7, 1784.

Howell's report praised the Quakers' commitment to the "rights of mankind" and "the essential good of their Country" (although Congress subsequently struck out the latter phrase). The report then proposed that Congress "recommend" that the state legislatures revive the slave trade ban that had been part of the Continental Congress's 1774 boycott of British trade. Under the Articles of Confederation, such a recommendation would have had no binding power. Nonetheless, Lower South delegates from the Lower South still blocked Congress from adopting the Howell report, killing the toothless recommendation.³⁰ Across the Atlantic, a similar petition presented by British Quakers to Parliament failed to overcome the power of the West India lobby.³¹

Rebuffed by Congress, American Quakers published 5,000 copies of the British Friends' petition, hoping to attract public support as well as a sense of national competition.³² They sent copies to every congressman, as well as legislators in Pennsylvania and New Jersey.³³ Yet for much of fall 1784, the peripatetic Congress remained in an "unsettled state," often lacking a quorum of members.³⁴ Eventually, the abolitionists, aided again by Howell, brought their concerns before Congress in January 1785.³⁵ Manuscript notations on the back of the Quakers' letter to Richard Henry Lee, the president of Congress, indicate that their address was read in Congress, but the body made no official record of the episode.³⁶

The Atlantic slave trade was far from universally popular among southern slaveholders. Only South Carolina and Georgia were importing slaves at this time, while Virginia and Maryland were selling their surplus

enslaved laborers via a growing interstate slave trade; thus economic self-interest encouraged slaveholders in the Upper South to oppose the slave trade from Africa.³⁷ However, the Confederation Congress had no power to regulate commerce; banning the slave trade would have required unanimous support for an amendment to the articles. Thus, even if a coalition of northern and Upper South delegates supported slave trade abolition, Lower South delegates could block such a measure. The Quaker abolitionists later learned that their address had prompted opposition from “some of the Southern States” on the grounds that “Congress had not the Power of Legislation” regarding the slave trade.³⁸ Moreover, the Confederation Congress would have had no power to enforce such a ban.

In 1786, Quaker activists drafted another petition. Although conceding that the Confederation Congress lacked authority to prohibit the slave trade, they hoped that a declaration of Congress’s “sincere disapprobation of this public Wickedness . . . might not be void of Effect.” They again argued that ending the “national inequity” was the best means of ensuring “divine Blessing.”³⁹ In December, a delegation from the PMS traveled to New York, where Congress was then meeting. However, Congress again lacked a quorum and had not yet chosen a new president. As Pemberton explained to his brother: “[The Congress] being then without a head, we could not fully accomplish the business.”⁴⁰ The Pennsylvania Quakers left the petition with their coreligionists in the New York Meeting for Sufferings, hoping they would have an opportunity to present it; however, no “seasonable Opening” occurred.⁴¹ (The best news the New York Quakers could report was the death of Abner Nash, a North Carolina delegate who had “expressed sentiments very unfavourable in respect to the poor Blacks.”⁴²)

When the PMS had first proposed the petition campaign in 1783, their London brethren had presciently cautioned that they “must expect to meet with the greatest Opposition from the Combination of interested parties.”⁴³ Pemberton subsequently reported that Congress’s refusal to act indicated its members’ “sense of Liberty to be more founded on partial political views than real Justice & Equity.”⁴⁴ Moreover, the Congress itself was in an “unsettled state,” often unable to maintain a quorum of members, and “much declined in the estimation of the people.”⁴⁵ Three years of annual lobbying stalled in the face of slaveholder opposition as

well as from the general weakness of Congress. Fortunately, the abolitionists' state-level lobbying had been more fruitful, and they could report to British Quakers that "several of the Legislatures of these (dis)united States have made some further advances."⁴⁶ Nonetheless, much remained to be done. The state governments in Pennsylvania and New England had begun dismantling slavery, but New York, New Jersey, and every state south of Pennsylvania resisted calls for emancipation. South Carolina and Georgia continued importing enslaved Africans, and many New England merchants participated in this trade, as well as slave trade to foreign markets, often in violation of state laws.⁴⁷

The Constitution and the Atlantic Slave Trade

By 1787, antislavery activists had made significant strides but also hit many walls. In March, Edmund Prior of the New York Meeting for Sufferings complained that Congress yet again lacked a quorum. Still, he suggested that abolitionists shift their attention to the upcoming convention in Philadelphia, which Congress had called to amend the Articles of Confederation. Prior reported that Massachusetts politician Rufus King had mentioned that the slave trade fell under the convention's proposed focus on commerce and suggested that "some hints thrown before that body on that business might . . . be useful."⁴⁸ In response, the Pennsylvania Abolition Society (PAS) drafted a petition to the Federal Convention. The PAS had been established in 1775, revived after the war in 1784, and reorganized in April 1787.⁴⁹ It shared many prominent members with the PMS, such as Pemberton, and the decision to have the nominally non-denominational PAS submit the petition was almost certainly a calculated strategy intended to demonstrate that antislavery sentiment was not limited to Quakers.

In their petition, the PAS members "implore[d] the present Convention to make the Suppression of the African trade in the United States, a part of their important deliberations."⁵⁰ They were "deeply distress[ed] . . . to observe that peace was scarcely concluded before the African trade was revived." Warning that "this inhuman traffic" threatened to bring down

“the righteous vengeance of God in national judgments,” they suggested the recent capture and enslavement of American sailors by Algerian corsairs was “intended by Divine Providence” to remind them of their moral duty to end the slave trade.⁵¹ The abolitionists had hoped that Benjamin Franklin—newly appointed as the president of the PAS—would present the petition to the Federal Convention, but the elderly statesmen declined to submit a petition he knew would have exacerbated existing sectional tensions among the delegates.⁵² The New York Manumission Society, founded in 1785 with a disproportionate involvement of Quakers, also prepared an antislavery petition to the convention.⁵³ John Jay drafted the petition, but it appears that Alexander Hamilton, another of the group’s non-Quaker members, dissuaded the society from presenting it.⁵⁴

Even without the antislavery petitions, the Atlantic slave trade proved a contentious subject at the Federal Convention. Many delegates from the North and Upper South called for its abolition, while those from South Carolina and Georgia portrayed continued slave importations as a precondition for a stronger central government. Eventually, a compromise—apparently facilitated by some New Englanders in return for Lower South support on other commercial policies they prioritized—forbade Congress from banning slave importations until 1808, while allowing the imposition of a tax in the meantime. The euphemism-laden first clause of Article I, Section 9 reads: “The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.” Scholars who emphasize the proslavery elements of the Constitution argue that this clause was a significant victory for the Lower South.⁵⁵

Critics of the proslavery interpretation counter that the slave trade clause was carefully worded to avoid giving national sanction to the concept of “property in man.”⁵⁶ They also argue that the framers sincerely—if naively—believed the clause was a minor concession that merely delayed slavery’s inevitable death. “By all accounts,” Wilentz asserts, “Americans in 1787 believed that slavery would still require additional importations of Africans to flourish; and it followed that permanently closing the trade

would hasten slavery's doom."⁵⁷ Gordon Wood argues that the "Founders' self-deception and mistaken optimism were understandable," and they "concluded that if the slave trade could be cut off, slavery would wither and die."⁵⁸ As evidence for this position, both scholars quote Oliver Ellsworth's claim at the convention that "as population increases; poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our Country."⁵⁹

Yet it is important to note that the framers who claimed to be most optimistic about slavery's inevitable death were generally motivated by their desire to *discourage* antislavery action.⁶⁰ Ellsworth, a delegate from Connecticut, was defending the slave trade clause, apparently because of a quid pro quo in which Lower South supported a provision that allowed New England more control over commercial legislation (by requiring a simple rather than two-thirds majority to pass such laws). In the same speech, Ellsworth also recognized that "slaves multiply so fast in Virginia and Maryland that it is cheaper to raise than import them." Other delegates also pointed out that Virginia "will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants."⁶¹ It seems the framers recognized not only that the Upper South had financial reasons for opposing the Atlantic slave trade, but also that the interstate slave trade would continue even after Congress ended importations from abroad, allowing slavery's indefinite growth. Abolitionists were not privy to secret debates at the Federal Convention, but when the Constitution was made public, they initially directed most of their criticism at the slave trade clause.⁶²

Despite their misgivings, many American abolitionists ultimately supported ratification. Benjamin Rush happily informed a correspondent that the "the quakers in Pennsylvania" were almost unanimous in support of ratification and viewed the Constitution's slave trade clause as "a great point obtained from the Southern States."⁶³ Abolitionists' praise of the slave trade clause did not reflect naivete; they held no illusions that ending slave imports would cause slavery itself to die out. (It is true that Noah Webster did predict that slavery would wither away "without any extraordinary efforts to end it"—but he estimated the process might take "two centuries."⁶⁴) Abolitionists in the Upper South, such as the Quaker Warner

Mifflin in Delaware, had already recognized that the growing interstate slave trade would enable slavery's expansion in the Lower South.⁶⁵ They realized ending slave importations would not lead to emancipation on its own, but they still identified it as an essential first step. In sum, no abolitionist would have interpreted the Constitution's slave trade clause as merely delaying slavery's inevitable demise. However, when abolitionists evaluated the Constitution in comparison to the Articles of Confederation—under which there was no expectation that Congress would *ever* have the power to abolish the slave trade, the delay of twenty-one years was more tolerable.⁶⁶

Abolitionists who supported ratification described the slave trade clause not as a great triumph but as the best that could be expected given political realities. Writing on behalf of the PAS, Pemberton reminded British abolitionists that the Constitution was designed “to remedy the defects in our *federal* System, & to strengthen the ties by which we as several independent States were *united to each other*, & not to regulate the peculiar arrangements of the separate States.” It would have been naive to expect radical changes in favor of antislavery. In regard to the slave trade, he observed: “It is not doubted that the States will *separately* abolish the African trade in much less time, which they may do at any period, & . . . should Interest unhappily shut the ears to the voice of the wretched African the [1808] clause alluded to will come into their relief.”⁶⁷ A Virginian made similar arguments in response to an antifederalist who had called on antislavery Quakers to oppose ratification.⁶⁸ Although abolitionists would have written a different constitution for the nation, they believed that the Constitution had more antislavery potential than the Articles of Confederation.

Antislavery Politics After Ratification

Abolitionists continued pushing state-level antislavery reforms while the Constitution was being ratified, achieving some important gains, such as northern state laws forbidding participation in any form of the Atlantic slave trade.⁶⁹ By the end of 1787, even South Carolina banned slave

importations, albeit temporarily and based on financial considerations.⁷⁰ Abolitionists celebrated “the Progress made in this Work of Righteousness & Benevolence,” but also reported the “difficulties & Disappointments [that] continue to impede the work.”⁷¹ Proceeding with religious zeal but limited optimism, abolitionists organized a campaign that culminated with three antislavery petitions submitted to the new Federal Congress in February 1790. The ensuing debates have attracted considerable scholarly attention, but remain poorly understood. Historians often characterize the episode as a major defeat for abolitionist analogous to the congressional gag rules that silenced antislavery debate in the 1830s and 1840s.⁷² Placed in proper context, the 1790 debates are better understood as an important victory for abolitionists compared to their experiences under the Articles of Confederation.

Before abolitionists petitioned the new Congress about slavery, congressmen introduced the subject themselves in May 1789. During the debates over a revenue bill, Josiah Parker of Virginia proposed including a \$10 tax on imported slaves.⁷³ Although many congressmen from the Upper South and mid-Atlantic favored the measure, the proposal ultimately came to naught. Nonetheless, the debates and the resulting revenue bill demonstrated that a new era of national politics had arrived. Under the Constitution, small minorities had lost their ability to easily obstruct the will of the majority. The Lower South representatives only prevented the slave trade tax by allying with New Englanders, apparently as part of another quid pro quo that lowered duties on the molasses that New England distillers imported from the West Indies.⁷⁴

During the summer and fall of 1789, abolitionists geared up for another lobbying campaign. The PAS printed 1,500 copies of a slave ship diagram produced by British abolitionists showing how hundreds of Africans were crammed together during the Middle Passage. They distributed the image publicly and sent copies to members of Congress.⁷⁵ In late September, the PYM appointed a committee to petition Congress.⁷⁶ Congress was on recess until January, and the Quakers appointed a committee from the Meeting for Sufferings, including John Parrish and Mifflin, to deliver their petition in February 1790. A few days before the Quaker committee set off for New York (then the capital), Pemberton called a special meeting of

the PAS and convinced them to send a delegation with their own petition as well.⁷⁷ Upon arriving in New York, several of the Philadelphia Quakers attended a gathering of the New York Meeting for Sufferings. The New Yorkers had recently petitioned their state legislature for a law preventing slave traders from using New York ports and reiterating their desire for the “Emancipation of *Slaves* in general.” The legislature had ignored the call for emancipation and told the Quakers that under the new federal Constitution, they should direct petitions about the slave trade to Congress. The New York Quakers therefore joined the two delegations from Philadelphia with a petition of their own.⁷⁸ The Quakers presented the first two petitions to Congress on February 11, 1790.⁷⁹

The PYM petition 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.” Now that the Constitution had been ratified, the petitioners asked Congress to use “the full extent of your power” to encourage “the Abolition of the slave trade.”⁸⁰ The petition from the New York Yearly Meeting focused more narrowly on the foreign slave trade. The Quakers complained that although New York had banned slave importations, some slave traders were still using the port as a base of operations to transport slaves from Africa for sale elsewhere. They hoped Congress would use the federal government’s new powers over commerce in order “to restrain vessells from fitting out and clearing out in any of the ports in this State for the purpose of a trade to Africa for slaves.”⁸¹

The Senate quickly voted to lay both petitions on the table without taking any further action, but the House of Representatives began a lively debate over whether they should create a committee to consider the requests. James Jackson of Georgia and William L. Smith of South Carolina 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. After several hours of debate, the House members determined to resume the discussion the following day.⁸²

The next day, February 12, 1790, Congress received the third petition, signed by PAS 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 the reenslavement of the Black North Carolinians whom Quakers had manumitted, though some contemporaries and scholars interpreted it as a call for universal emancipation. 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.”⁸³ Again, some scholars have interpreted this as calling for emancipation, but the PAS and Franklin more likely hoped that Congress would work within the boundaries of the Constitution to discourage slave trading.

Congressmen then debated what to do with the petitions even more heatedly than the previous day.⁸⁴ South Carolinians and Georgians demanded “tabling” the petitions (thus ending debate without taking action), thereby discouraging abolitionists from submitting more in the future. They defended slavery while castigating the Quakers for failing to support the War of Independence.⁸⁵ However, the House of Representatives eventually voted 43 to 11 to create a committee on the subject, leaving Smith to complain that his opposition was “ineffectual.”⁸⁶ During the House debates, Quakers and abolitionists filled the galleries, lobbied individual congressmen (including those from the Lower South), and subsequently met with the special committee appointed to consider the petitions.⁸⁷ The Quakers were not always welcome, and Parrish described the lobbying experience as “a kind of warfare.”⁸⁸

The abolitionists’ influence was evident when the committee, headed by Abiel Foster of New Hampshire, issued its report on March 5, 1790. Although Foster’s report began with three resolutions reiterating the constitutional restraints on congressional power over slavery and slave trading, these were followed by the acknowledgment that Congress could impose a \$10 tax on imported slaves and—more surprisingly—two resolutions declaring broad

implied powers to ban the slave trade to foreign markets and to regulate the importation of enslaved Africans 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.”⁸⁹ In sum, Foster’s report encouraged Congress to address the abolitionists’ grievances as far as possible.

The Foster report provoked fierce opposition from Lower South representatives (and a minority of those from the Upper South), with some of them warning of disunion. Beginning on March 17, the House of Representatives debated the report at length, ultimately issuing an amended report by the “committee of the whole House” on March 23. This second report preserved all the essential elements of the Foster report, except for the seventh resolution. Lower South representatives therefore found it almost equally obnoxious. Congressmen eventually voted 29 to 25 to print both reports, representing a rebuke to the Lower South and an important victory for the abolitionists.⁹⁰

Abolitionists were pleased with Congress in 1790, especially in comparison to the fate of their petitions during the 1780s. They were happy that their “persevering Solicitations” had finally paid off.⁹¹ Pemberton informed his British 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 momenteous cause we are engaged to promote has been greatly advanced by this measure.”⁹² To French abolitionists, 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.”⁹³ The abolitionists were confident that their first petitioning effort after ratification had strengthened their cause, and they were optimistic that the two committee reports would lead to congressional legislation.

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 in their positive response.⁹⁴ Even scholars who disagree about the character of the Constitution agree on this point. Those who characterize the Constitution as proslavery from the beginning argue that the 1790 debates further entrenched this attribute, while those who argue that the Constitution was *not* inherently proslavery identify the 1790 debates as a watershed moment when a proslavery interpretation of the Constitution gained broader acceptance.⁹⁵ Few scholars have taken the abolitionists' perception of progress seriously.⁹⁶ The contrast between the ways abolitionists and most modern scholars have viewed the episode results from a tendency of historians to exaggerate the anti-slavery character of the Foster committee's report, thus making the second report by the House appear as a great setback.

The confusion revolves around the meaning of the second resolution in the Foster report. The resolution in question, along with the first resolution to which it refers, reads as follows:

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.⁹⁷

It is virtually certain that the italicized clause was intended to qualify only the subsequent clause; 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 Africans, but they could *never* liberate slaves who were either born in the United States or had been legally imported before 1808.⁹⁸ This resolution should not have been controversial; the more important resolutions, as discussed below, dealt with banning or regulating branches of the Atlantic slave trade.

However, South Carolina's William L. Smith portrayed the second resolution as a Trojan horse for emancipation. He declared: "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."⁹⁹ Smith needed to make such exaggerated claims because the Lower South could no longer unilaterally block legislation as they had under the Articles of Confederation. By misrepresenting the Foster report's second resolution, Smith hoped to enlist Upper South congressmen against the entire report, thereby protecting the Atlantic slave trade from any regulation before 1808. Most of Smith's contemporaries recognized that he only "affected to believe" that Congress was contemplating emancipation.¹⁰⁰

Smith's rhetorical hyperbole, however, has been accepted at face value by many historians, leading them to exaggerate the stakes of the debate. Wilentz writes that the Foster report contained "the possibility that Congress possessed the power to emancipate slaves born in the United States after 1808—a staggering proposition." Van Cleve asserts that the resolution "implied that Congress also had power to emancipate slaves both in existing states and new states after 1808." Other scholars have similarly assumed that the Foster report would have opened the door to national emancipation after 1808.¹⁰¹ Following from this belief, the second resolution appears as the "key provision" of the Foster report, and its absence in the second "emasculated" report by the whole House seems to have "destroyed the antislavery implications of the [Foster] report."¹⁰² According to this narrative, Congress seriously considered an interpretation of the Constitution that would have allowed them to emancipate slaves after 1808 before instead embracing a proslavery report establishing a proslavery consensus on the Constitution. However, as Douglas Bradburn has argued, most historians have "misread this fundamental debate." Bradburn notes that the Lower South representatives failed to block either report from being printed and were the congressmen least satisfied with the final result.¹⁰³

A careful examination of the evidence—facilitated by the publication of *Documentary History of the First Federal Congress*—indicates that nobody at the time intended or advocated the second resolution as containing the emancipatory power that Congressman Smith and modern scholars have commonly ascribed to it.¹⁰⁴ Responding to Lower South insinuations that

Congress was “disposed to prohibit not only the slave trade, but abolish slavery likewise,” Virginia’s John Page insisted: “Not one member has even hinted that he entertained an idea of that kind.”¹⁰⁵ Northern members also disavowed the view that any of the resolutions indicated a power to interfere with slavery itself, before or after 1808. Virtually all contemporaries understood this resolution as *restraining* rather than empowering Congress.¹⁰⁶ The subsequent change in the second report simply condensed and combined the second and third resolutions without altering the meaning; both versions had merely reiterated constitutional restraints on federal power.¹⁰⁷ Abolitionists from neither Pennsylvania nor New York expressed any disappointment about the modification.¹⁰⁸

By treating the debates as if they were about emancipation, historians also lose sight of the actual battle and the site of the abolitionist victory: the declaration of broad powers to regulate the Atlantic slave trade prior to 1808.¹⁰⁹ In a significant defeat for the lower south, the Committee of the Whole preserved all the essential elements of the Foster committee’s fifth resolution on American participation in the slave trade to foreign markets 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.”¹¹⁰ In other words, Congress could completely prohibit Americans from delivering slaves to foreign markets and, although they could not ban Americans from importing slaves until 1808, they could immediately regulate conditions on slave ships servicing the United States. The Committee of the Whole also voted to preserve the Foster report’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.”¹¹¹ Because this resolution was alone preserved verbatim from the Foster report, the Committee of the Whole did not reprint it in their revisions.¹¹² Several historians have mistaken its apparent absence for a deletion that further “protected both the interests of slave traders

and those states that wanted to import slaves.”¹¹³ In sum, the historians who characterize the debates as a setback for abolitionists—or even a missed opportunity to abolish slavery after 1808—have misinterpreted congressional procedures and fundamentally misunderstood the stakes of the controversy.

Congress never considered claiming power to abolish slavery, but both committee reports went beyond the explicit text of the Constitution to enumerate implicit powers that Congress could use to curtail and regulate slave trading before 1808. Antislavery lobbyists were therefore pleased with the result. Parrish celebrated “the Voats of the House” determining that “Congress have it in their Power to prevent [the sale of slaves to foreigners] with out infringing on the Constitution.”¹¹⁴ Mifflin was similarly happy that Congress claimed the power “greatly to obstruct the purposes of avarice in the pursuit of this iniquitous traffic, if not to put an effectual stop thereto.”¹¹⁵ Abolitionists emerged from the 1790 debates feeling not like the defeated group that historians have portrayed, but confident that the federal Congress would prove much more receptive to their goals than the Confederation Congress ever had.¹¹⁶ Moreover, the debates proved that under the Constitution Lower South representatives could no longer block legislation by themselves.

Abolitionists were disappointed, however, that Congress did not immediately create legislation based on the reports. The petitioners had interrupted Congress’s consideration of Treasury Secretary Alexander Hamilton’s controversial proposal to transfer state debts to the federal government, and the House of Representatives quickly returned to this issue after issuing their reports on the antislavery petitions. Congress then moved on to other issues and showed little inclination to revisit the controversial subject of the slave trade.

Throughout the next four years, abolitionists repeatedly lobbied government officials and petitioned Congress to pass legislation based on the 1790 reports.¹¹⁷ In January 1794, delegates from six states attended the first annual American Convention of Abolition Societies and 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.”¹¹⁸ This effort soon led to the Foreign Slave Trade Act of 1794.

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.”¹¹⁹ The PMS praised the law as “nearly conformable” to their requests, and abolitionists throughout the nation celebrated it as the culmination of the petitioning campaign Quakers had begun in 1783 under the Articles of Confederation.¹²⁰ Some historians have dismissed the 1794 Foreign Slave Trade law as “ultra-cautious;” but given the restraints of the federal Constitution, the law could not have been much more ambitious.¹²¹ Indeed, in 1787 the Constitution had given no reason to expect any limitation on slave trading before 1808; the 1794 law reflected the 1790 reports’ broadened interpretation of the Constitution’s anti-slave trade potential. Not only was the foreign carrying trade the only branch of the Atlantic slave trade that Congress could constitutionally restrict, it also made tactical sense to focus on it because the vast majority of voyages by American slave traders supplied foreign markets, especially Spanish colonies. After 1787, when South Carolina had (temporarily) prohibited slave imports, about 90 percent of American slave ships transported slaves from Africa to the West Indies rather than into the United States.¹²² Under the 1794 law, this behavior became illegal.

Still, one should not overstate the importance and effect of the Foreign Slave Trade Act. 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. Enforcement was difficult because virtually all of the illegal activity occurred 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.¹²³ Moreover, the young federal government remained weak in the international sphere. Its infant navy could not effectively protect American sailors from enslavement by Barbary corsairs, impressment by the

British Navy, or molestation by French privateers—all of which were much higher priorities than protecting Africans from enslavement.¹²⁴

Despite its limitations, the Foreign Slave Trade Act of 1794, like the 1790 congressional reports, represented an antislavery victory that would have been impossible during the Confederation period. Moreover, the legislation was based on an antislavery interpretation of implied powers contained in the Constitution's slave trade clause, indicating that the compromises over slavery were still open to reinterpretation. Scholars have increasingly recognized that the American Revolution had contradictory implications for slavery, and it is essential to recognize that the Constitution did as well.

In general, the Constitution merely formalized privileges that slaveholders had enjoyed during the Confederation period; in some cases, it even reduced slaveholders' influence. Van Cleve has persuasively argued that "historians have underestimated the protection that the Articles of Confederation provided to slavery," and he has shown that the Constitution's fugitive slave clause followed existing policy.¹²⁵ Moreover, even with the three-fifths clause, slaveholders could not control the new Federal Congress and had less obstructionist power than in the Confederation Congress. With equal representation under the Articles of Confederation, Georgia and South Carolina had had as much voting power as more populous states such as Pennsylvania and New York and could essentially veto legislation regulating commerce. Under the Constitution, state equality was preserved in the Senate, but northern states gained a decisive majority in the House of Representatives (despite the three-fifths clause).¹²⁶ States' rights and federalism protected slavery from the central government, but this had been even more true under the Articles of Confederation.

In the end, the provisions of the Constitution that allowed the United States to expand territorially into a massive "empire for slavery" were less the clauses specific to slavery than the more general development of a stable government that could effectively mobilize fiscal-military

resources. Over the ensuing decades, slaveholders were able to exploit contingent developments and geopolitical concerns about international trade, borders, and western loyalty to expel Native Americans and expand slavery across the southwest. By the 1850s, the “slave power”—slaveholders’ political influence—dominated the federal government, employing its resources to expand and protect slavery.¹²⁷ However, that future was unwritten during the 1790s, and abolitionists found that the Constitution had increased Congress’s responsiveness to antislavery activism.

Notes

1. William Rotch Sr. to Moses Brown, Nantucket, MA, November 8, 1787, *Documentary History of the Ratification of the Constitution: Digital Edition* (hereafter *DHRC*), ed. John P. Kaminski et al. (Charlottesville: University of Virginia Press), <http://rotunda.upress.virginia.edu/founders/RNCN.html>.
2. Garrison as quoted in Paul Finkelman, “Slavery and the Constitutional Convention: Making a Covenant with Death,” *Beyond Confederation: Origins of the Constitution and American National Identity*, ed. Richard Beeman, Stephen Botein, and Edward C. Carter II (Chapel Hill: University of North Carolina Press, 1987), 188–225.
3. Aileen S. Kraditor, *Means and Ends in American Abolitionism: Garrison and His Critics on Strategy and Tactics, 1834–1855* (New York: Pantheon Books, 1967), 185–217; W. Caleb McDaniel, *The Problem of Democracy in the Age of Slavery: Garrisonian Abolitionists and Transatlantic Reform* (Baton Rouge: Louisiana State University Press, 2013). Many of Garrison’s contemporary abolitionists disagreed with his strategy, embraced politics, and argued that the Constitution was inherently antislavery. See, e.g., Corey M. Brooks, *Liberty Power: Antislavery Third Parties and the Transformation of American Politics* (Chicago: University of Chicago Press, 2016).
4. Staughton Lynd, *Class Conflict, Slavery, and the United States Constitution* (New York: Bobbs-Merrill, 1967), 153–213, esp. 179–83; Finkelman, “Slavery and the Constitutional Convention”; Gary B. Nash, *Race and Revolution* (New York: Rowman & Littlefield, 1990), 25–56; Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (Armonk, NY: Sharpe, 1996).
5. David Waldstreicher, *Slavery’s Constitution: From Revolution to Ratification* (New York: Hill and Wang, 2009); George William Van Cleve, *A Slaveholders’ Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010). For historiographical essays challenging the notion that the American Revolution offered a missed opportunity to end slavery, see Christopher Leslie Brown, “The Problems of Slavery,” in *Oxford Handbook of the American Revolution*, ed. Edward G. Gray and Jane Kamensky (New York: Oxford University Press, 2012), 427–46; Matthew Mason, “A Missed Opportunity? The Founding, Postcolonial Realities, and the Abolition of Slavery,” *Slavery and Abolition* 35 (2014): 199–213.

6. The strongest proponents of this proslavery interpretation of the American Revolution assert that “one of the primary reasons the colonists decided to declare their independence from Britain was because they wanted to protect the institution of slavery” at a time when antislavery sentiment was growing in Britain. See Nikole Hannah-Jones’s introductory essay to the *New York Times Magazine’s* special 1619 Project issue: “Our Democracy’s Founding Ideals Were . . . False When They Were Written. Black Americans Have Fought to Make Them True,” August 14, 2019, <https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html>. See also Gerald Horne, *The Counter-revolution of 1776: Slave Resistance and the Origins of the United States of America* (New York: New York University Press, 2014), esp. 209–33; Alfred W. Blumrosen and Ruth G. Blumrosen, *Slave Nation: How Slavery United the Colonies and Sparked the American Revolution* (Naperville, IL: Sourcebooks, 2005).
7. See, e.g., William Wiecek, *The Sources of Antislavery Constitutionalism in America, 1760–1848* (Ithaca, NY: Cornell University Press, 1977); Howard A. Ohline, “Slavery, Economics, and Congressional Politics, 1790,” *Journal of Southern History* 46 (August 1980): 335–60; Earl M. Maltz, “The Idea of a Proslavery Constitution,” *Journal of the Early Republic* 17 (April 1997): 37–59; Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government’s Relations to Slavery* (New York: Oxford University Press, 2002).
8. Gordon S. Wood, *Empire of Liberty: A History of the Early Republic* (New York: Oxford University Press, 2009), 518–23.
9. Sean Wilentz, *No Property in Man: Slavery and Antislavery at the Nation’s Founding* (Cambridge, MA: Harvard University Press, 2018), 58–114.
10. Douglas Egerton, *Death or Liberty: African Americans and Revolutionary America* (New York: Oxford University, 2009).
11. The biblical quotation, misidentified as Isaiah 58:7, appears as the epigraph on the cover of [Anthony Benezet], *Observations on the Inslaving, Importing and Purchasing of Negroes, With Some Advice thereon extracted From the Epistle of the Yearly-Meeting of the People Called Quakers, held at London in the year 1748 [sic, 1758]*, 2nd ed. (Germantown, PA: Christopher Sower, 1760).
12. Thomas E. Drake, *Quakers and Slavery in America* (New Haven, CT: Yale University Press, 1965), 86–99; Sydney V. James, *A People among Peoples: Quaker Benevolence in Eighteenth-Century America* (Cambridge, MA: Harvard University Press, 1963); Jack D. Marietta, *Reformation of American Quakerism, 1748–1783* (Philadelphia: University of Pennsylvania Press, 1984), 113–28, 273–88. On the Quakers’ slow embrace of abolitionism, see also Jean R. Soderland, *Quakers and Slavery: A Divided Spirit* (Princeton, NJ: Princeton University Press, 1985).
13. Historiographical divisions between Quaker studies and scholarship on formal abolitionist societies has obscured the continued prominence of the Philadelphia Meeting for Sufferings (PMS) and Quaker meetings for sufferings in other states within the national antislavery movement after 1783. For the importance of PMS activism after the revolution, see Drake, *Quakers and Slavery in America*, 84–113; Nicholas P. Wood, “A ‘Class of Citizens’: The Earliest Black Petitioners to Congress and Their Quaker Allies,” *William and Mary Quarterly* 74 (January 2017): 109–44.

14. Marietta, *Reformation of American Quakerism*, 215–48.
15. Henry Drinker to Elizabeth Drinker, Winchester, 10 mo. 12, 1777, Henry Drinker Correspondence, 1777–1778, Haverford College Library, Haverford, PA. (When citing Quaker manuscripts, I have preserved their practice of numbering rather than naming months [e.g., “1st month” or “1mo” for January]). See also PMS to the London Meeting for Sufferings (LMS), 17th: day of 7th: mo: 1783, PMS Minutes, 2:399–403, Haverford. PMS publications interpreted the imperial crisis and war as divine chastisement designed to encourage righteous reform, including the abolition of slavery. PMS, *The Antient Testimony & Principles of the People Call'd Quakers* (Philadelphia, 1776); PMS, *A Short Vindication of the Religious Society Called Quakers against the Aspersions of a Nameless Writer* (Philadelphia, 1780). See also Marietta, *Reformation of American Quakerism*, 252–56.
16. My thinking on this point has been influenced especially by Kirsten Sword, “Remembering Dinah Nevil: Strategic Deceptions in Eighteenth-Century Antislavery,” *Journal of American History* 97 (September 2010): 315–43, esp. 315–18, 325–26, 334–35. See also Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006), 431–41.
17. Henry Drinker to Elizabeth Drinker, Winchester, 11 mo. 20, 1777, Henry Drinker Correspondence, 1777–1778, Haverford.
18. “The Memorial of a Committee of the People Called Quakers to the Speaker and House of Delegates in Virginia,” November 29, 1780, Legislative Petitions of the General Assembly, 1776–1865, Accession Number 36121, box 290, folder 23, Library of Virginia. See also Edward Stabler to [John Pemberton], Petersburg, 11 mo: 23d 1780, Cox Parrish Wharton Collection (hereafter CPW), box 15, Historical Society of Pennsylvania (hereafter HSP).
19. Larry E. Tise, “‘Taking Up’ Quaker Slaves: The Origins of America’s Slavery Imperative,” in *Varieties of Southern Religious History: Essays in Honor of Donald G. Mathews*, ed. Regina D. Sullivan and Monte Harrell Hampton (Columbia: University of South Carolina, 2015), 35–50.
20. James J. Gigantino II, *Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775–1865* (Philadelphia: University of Pennsylvania Press, 2016), 31, 60–61.
21. PMS to LMS, Philadelphia, 15th: Day of the 6th: mon: 1780, PMS Minutes, 2:269–72, Haverford.
22. PMS to New York Meeting for Sufferings, Philad[elphi]a, 20th: day of the 11th: mo: 1783, PMS Minutes, 2:410–11, Haverford; PMS to New England Meeting for Sufferings, Philada[elphia], 20th: day of the 11th: mo: 1783, PMS Minutes, 2:409–10, Haverford.
23. [David Cooper], *A Serious Address to the Rulers of America, On the Inconsistency of Their Conduct Respecting Slavery: Forming a Contrast Between the Encroachments of England on American Liberty, and American Injustice in Tolerating Slavery* (Trenton, NJ: Isaac Collins, 1783), 17.
24. James Pemberton to John Pemberton, Philad[elphi]a, 7th mo. 19th: 1783, Pemberton Papers, vol. 39, HSP.
25. On the revolution’s legacy as unsettled at this time, see James Alexander (Alec) Dun, “Atlantic Antislavery, American Abolition: The Problem of Slavery in the United States

- in an Age of Disruption, 1770–1808,” in *The World of the Revolutionary American Republic: Land, Labor, and the Conflict for a Continent*, ed. Andrew Shankman (New York: Routledge, 2014), 228–45.
26. Philadelphia Yearly Meeting (PYM), “To the United States in Congress Assembled, The Address of the People called Quakers,” in *A Necessary Evil? Slavery and the Debate over the Constitution*, ed. John P. Kaminski (Madison, WI: Madison House, 1995), 26–27.
 27. Drake, *Quakers and Slavery*, 90–94. On Benezet, see Maurice Jackson, *Let This Voice be Heard: Anthony Benezet, Father of Atlantic Abolitionism* (Philadelphia: University of Pennsylvania Press, 2009).
 28. James Pemberton to John Pemberton, Phila[delphia], 11th mon: 28th: 1783, Pemberton Papers, vol. 39, HSP; PMS Minutes, 2:399–403 (16 10mo 1783), Haverford; *Journals of the Continental Congress*, ed. Worthington C. Ford et al. (Washington, DC: 1922), 25:654, 660.
 29. Moses Brown to James Pemberton, Providence, 22d, 5th mo. 1782, Pemberton Papers, vol. 36, HSP; James Pemberton to Moses Brown, Philad[elphia], 4mo. 9th: 1784 (draft), Pemberton Papers, vol. 40, HSP.
 30. *Journals of the Continental Congress*, 26:13–14. A writer in *The Friend* later claimed that the 1783 petition had inspired the 1784 proposal to ban slavery in the western territories after 1800. Whether or not this was the case, the proposal was defeated, though passed in a different form in the Northwest Ordinance of 1787. “Relics of the Past: Warner Mifflin, No. 7,” *Friend* 17 (1844): 181–82.
 31. Brown, *Moral Capital*, 412–26.
 32. *The Case of Our Fellow-Creatures, the Oppressed Africans, Respectfully Recommended to the Serious Consideration of the Legislature of Great-Britain, By the People Called Quakers* (Philadelphia: Joseph Crukshank, 1784); PMS Minutes, 2:429–30 (19 8mo 1784), Haverford.
 33. PMS Minutes, 2:437 (16 12mo 1784), Haverford. See also PMS Minutes, 2:441 (17 3mo 1785); PMS to LMS, 16th 6th mo. 1785, PMS Minutes, 2:451–54, Haverford.
 34. James Pemberton to John Pemberton, Philad[elphia], 21st. 11mo: 1784, Pemberton Papers, vol. 42, HSP. James Pemberton to David Howell (in Congress at Trenton, NJ), Philadelphia, 12mo: 21st: 1784 (copy), *ibid.*
 35. James Pemberton to David Howell (in NY), Philad[elphia] 26. 1mo., 1785 (2 drafts), Pemberton Papers, vol. 42, HSP.
 36. PYM to Richard Henry Lee and Congress, Philadelphia, 26th of First mo., 1785, Papers of Continental Congress, reel 57, “Remonstrances and Addresses to Congress, 1776–88,” 347, accessed June 11, 2014, <http://www.fold3.com/image/184874/>.
 37. Steven Deyle, “Irony of Liberty: Origins of the Domestic Slave Trade,” *Journal of the Early Republic* 12 (Spring 1992): 37–62.
 38. PMS Minutes, 2:457–58 (24 9mo 1784), Haverford.
 39. PMS to Congress, 20th: of the 10mo: 1786, PMS Minutes, 3:38–39, Haverford.
 40. James Pemberton to John Pemberton, Philad[elphia]: 29th: 11thth mo. 1786, Pemberton Papers, vol. 47, HSP.
 41. PMS Minutes, 3:41–42 (21 12mo 1786), Haverford. Edmund Prior to James Pemberton, New York, 3 M 15, 1787, Pemberton Papers, vol. 47, HSP.

42. John Murray Jr. to James Pemberton, New York, 12 Mo. 8. 1786, Pemberton Papers, vol. 47, HSP.
43. LMS to PMS, London, 4th: of the 4th: mo 1783, PMS Minutes, 2:394–95.
44. James Pemberton to John Pemberton, 6 mo 14 1784, Pemberton Papers, vol. 41, HSP.
45. James Pemberton to John Pemberton, Philad[elphi]a, 21st. 11mo: 1784, Pemberton Papers, vol. 42, HSP.
46. James Pemberton to William Dillwyn, 6mo, 19th: 1786, Pemberton Papers, vol. 46, HSP.
47. Jay Coughtry, *Notorious Triangle: Rhode Island and the Slave Trade, 1700–1807* (Philadelphia: Temple University Press, 1981); James A. McMillin, *The Final Victims: Foreign Slave Trade to North America, 1783–1810* (Charleston: University of South Carolina Press, 2004).
48. Edmund Prior to James Pemberton, New York, 3M 18, 1787, Pemberton Papers, vol. 47, HSP.
49. On the Pennsylvania Abolition Society (PAS), see Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991); Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002); Paul J. Polgar, *Standard-Bearers of Equality: America's First Abolition Movement* (Chapel Hill: University of North Carolina Press, 2019); Sword, "Remembering Dinah Nevil."
50. PAS petition to the Honourable Convention of the United States now Assembled in the City of Philadelphia, June 2d: 1787, PAS Papers, reel 25, HSP.
51. PAS petition of June 2, 1787, in *Pennsylvania Packet (Philadelphia)*, February 14, 1788.
52. Waldstreicher, *Slavery's Constitution*, 103–4. The PAS nonetheless managed to reach a public—and international—audience for their petition by having it published in the newspapers; see *Pennsylvania Packet (Philadelphia)*, February 14, 1788; *Massachusetts Centinel (Boston)*, March 19, 1788; Appendix, *Edinburgh Magazine or Literary Miscellany* 6 (1787): 453; *Gentleman's Magazine* 2 (1787): 925; *Scots Magazine* 49 (1787): 564.
53. On the New York Manumission Society (NYMS), see Thomas Robert Mosely, "A History of the New-York Manumission Society, 1785–1849," (PhD diss., New York University, 1963); David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777–1827* (Baton Rouge: Louisiana State University Press, 2006), 56–77; Polgar, *Standard-Bearers of Equality*, 53–57, 63 and passim; Sarah Levine-Gronningsater, "Delivering Freedom: Gradual Emancipation, Black Legal Culture, and the Origins of the Sectional Crisis in New York, 1759–1870," (PhD diss., University of Chicago, 2014), 76–79 and passim.
54. Ron Chernow mistakenly assumes the NYMS petition was delivered to the convention, and he suggests—completely misrepresenting the historical record—that Hamilton deserves credit for proposing the petition; see Ron Chernow, *Alexander Hamilton* (New York: Penguin, 2005), 239. The NYMS papers indicate that John Jay, president of the NYMS, helped draft the petition to the Federal Convention on August 16, 1787. The next day Hamilton arrived, having left the Federal Convention early. The NYMS minutes recorded that "the Committee appointed last Evening to draw a Memorial to the federal Convention reported that they had prepared one which was read and

- approved, but the Society being informed that it was probable the Convention would not take up the Business, resolved not to send the same." See New York Manumission Society Records, vol. 6, Meeting Minutes, 69–73, New-York Historical Society.
55. Lynd, *Class Conflict, Slavery, and the United States Constitution*, 185–213; Finkelman, *Slavery and the Founders*, 19–31; Waldstreicher, *Slavery's Constitution*, 93–98; Van Cleve, *Slaveholders' Union*, 144–53.
 56. E.g., see Wilentz, *No Property in Man*, 73–101.
 57. Wilentz, *No Property in Man*, 134 (see also 16, 187).
 58. Wood, *Empire of Liberty*, 519, 523.
 59. Ellsworth quoted in Kaminski, *A Necessary Evil?*, 59–60 and cited by Wood, *Empire of Liberty*, 525, and Wilentz, *No Property in Man*, 83.
 60. Douglas R. Egerton similarly concludes that Ellsworth's "sanguinity may be regarded as a rhetorical ploy" in *Death or Liberty*, 245. Brown makes this point more generally about patriots' antislavery rhetoric in "The Problems of Slavery," 439.
 61. Kaminski, *A Necessary Evil?*, 59 (Ellsworth), 60 (Charles Coatesworth Pinckney).
 62. William Rotch Sr. to Moses Brown, Nantucket, MA, November 8, 1787; James Pemberton to John Pemberton, Philadelphia, September 20, 1787; Moses Brown to James Pemberton, Providence, October 17, 1787; Samuel Hopkins to Moses Brown, Newport, October 22, 1787; Moses Brown to James Thornton Sr., Providence, November 13, 1787; James Pemberton to Moses Brown, Philadelphia, November 16, 1787; Edmund Prior to Moses Brown, New York, December 1, 1787; James Thornton Sr. to Moses Brown, Byberry, Philadelphia County, December 17, 1787; Jeremy Belknap to Benjamin Rush, Boston, February 12, 1788, all available in Kaminski, *DHRC*.
 63. Benjamin Rush to Jeremy Belknap, Philadelphia, February 28, 1788, in Kaminski, *DHRC*. See also William Rotch Sr. to Moses Brown, Nantucket, MA, November 8, 1787, *ibid*.
 64. Webster's point was that antislavery activism was "highly necessary" to expedite abolition; see Noah Webster, *Effects of Slavery on Industry* (Hartford, CT: Hudson and Goodwin, 1793), 37.
 65. Warner Mifflin to James Pemberton, Kent ye 3th Day of 2mo: 1787, Pemberton Papers, 47, HSP; Warner Mifflin to John Parrish, Kent ye 9th of 2 mo. 1787, CPW, box 1, HSP. On Mifflin's efforts against the interstate slave trade in the 1780s, see Gary B. Nash, *Warner Mifflin: Unflinching Quaker Abolitionist* (Philadelphia: University of Pennsylvania Press, 2017), 138–39.
 66. Anthony Wayne made this comparison in marginalia on the proceedings of the Pennsylvania ratification debates, writing: "What were the Southern States to gain by the Constitution? No restraint in the *Articles of Confederation*. In this [Constitution] the restraint [is] 21 years. A duty amounting to a prohibition." See [Pennsylvania] Convention Debates, December 3, 1787, in Kaminski, *DHRC*.
 67. PAS to the London Committee, 20th of the 5th. Month, copied in PAS Minutes, 35–38, HSP.
 68. "One of the People Called Quakers in the State of Virginia," *Virginia Independent Chronicle*, March 12, 1788, Kaminski, *DHRC*.
 69. Arthur Zilversmit, *First Emancipation: The Abolition of Slavery in the North* (Chicago: University of Chicago Press, 1967), 156–62.

70. South Carolina's 1787 ban on slave imports had little to do with abolitionists or humanitarianism. Instead, it represented efforts by legislators to encourage the payments of taxes and debts by preventing the outflow of specie to slave traders. Lacy K. Ford, *Deliver Us From Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009), 82–96.
71. PMS to the LMS, Philad[delphi]a, 18th: 12th: mo: 1788, PMS Minutes 1785–1802, 96–98, quotations from 98, Haverford; PMS LMS, Philadelphia, 19th: day of the 11th Mo: 1789, PMS Minutes, 3:115–17, quotation from 116, Haverford.
72. See especially Richard Newman, "Prelude to the Gag Rule: Southern Reaction to Anti-slavery Petitions in First Federal Congress," *Journal of the Early Republic* 16 (Winter 1996): 571–99.
73. 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*, ed. David T. Gleeson and Simon Lewis (Columbia: University of South Carolina Press, 2012), 16–17; W. E. B. DuBois, *The Suppression of the African Slave-Trade to the United States of America, 1638–1870* (New York: Longmans, Green, and Co., 1896), 74; Donald L. Robinson, *Slavery in the Structure of American Politics, 1765–1820* (New York: Harcourt Brace Jovanovich, 1971), 299–301; Fehrenbacher, *Slaveholding Republic*, 137–38.
74. At various points in the April and May debates, congressmen made none-too-subtle remarks about sectional bargaining in reaching a compromise about 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." *Annals of Congress, First Congress, First Session* (hereafter, AC [Congress #]-[Session #]), 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). New Englanders then helped defeat the \$10 slave duty and the final law further lowered the molasses duty to two and a half cents. "An Act for laying a Duty on Goods, Wares, and Merchandise imported into the United States" (4 July 1789), *US Statues at Large*, I:24–27.
75. PAS Minute Book 1787–1800, 86 (6 7mo 1789), 88 (20 7mo 1789), HSP.
76. PMS Minutes, 3:110 (26 9mo 1789), Haverford.
77. PAS Minute Book 1787–1800, 111 (3 2mo 1790), HSP.
78. New York Meeting for Sufferings Minutes, vol. 1, 233–35 (12 1mo 1790), quotation from 234, 237–38 (9 2mo 1790), Swarthmore College, Swarthmore, PA.

79. The petitions, a timetable, and relevant documents are collected in *Documentary History of the First Federal Congress* (hereafter, *DHFFC*), ed. Kenneth R. Bowling, William Charles diGiacomantonio, and Charlene Bangs Bickford, vol. 8 (*Petitions Histories*) of 26 (Baltimore: Johns Hopkins University Press, 1998), 314–48. Much of the relevant correspondence between abolitionists James and John Pemberton has been reprinted in Bowling, diGiacomantonio, and Bickford, *DHFFC*, vol. 19.
80. Memorial of the Philadelphia Yearly Meeting, October 3, 1789 (presented February 11, 1790), in Bowling, diGiacomantonio, and Bickford, *DHFFC*, 8:322–23.
81. *Ibid.*, 323–24.
82. For the February 11, debates, see *AC 1–2*, 1224–33; Bowling, diGiacomantonio, and Bickford, *DHFFC*, 12:270–92.
83. Memorial of the PAS, 3 February 1790, (presented 12 February 1790), in Bowling, diGiacomantonio, and Bickford, *DHFFC*, 8:324–27. Quaker testimony given before a congressional committee suggests that the PAS's request to “countenance the Restoration of liberty” was not a call for total emancipation (which they knew would never be granted) but recognizing the freedom of Black people whom southern Quakers had manumitted (often in technical violation of state laws). 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*, 8:324–28. On the North Carolina context see Wood, “A ‘Class of Citizens.’”
84. *AC 1–2*, 1239–47 (12 February 1790); Bowling, diGiacomantonio, and Bickford, *DHFFC*, 12:295–313.
85. Robert G. Parkinson, “Manifest Signs of Passion’: The First Federal Congress, Antislavery, and Legacies of the Revolutionary War,” in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, ed. John Craig Hammond and Matthew Mason (Charlottesville: University of Virginia Press, 2012), 49–68.
86. Smith to Edward Rutledge, 13 February 1790, in Bowling, diGiacomantonio, and Bickford, *DHFFC*, 18:511. *AC 1–2*, 1247 (13 February 1790). (In the *Annals*, the vote is mistakenly recorded as 43–14, but the recorded names represent the correct numbers.)
87. Ohline, “Slavery, Economics, and Congressional Politics”; diGiacomantonio, “For the Gratification of a Volunteering Society’: Antislavery and Pressure Group Politics in the First Federal Congress,” *Journal of the Early Republic* 15 (Summer 1995): 169–97; Richard Newman, “Prelude to the Gag Rule: Southern Reaction to Antislavery Petitions in First Federal Congress,” *Journal of the Early Republic* 16 (Winter 1996): 571–99.
88. John Parrish to Henry Drinker, New York, 2Mo/ 25. 1790, Vaux Family Papers, box 2, Haverford.
89. The Foster committee report is printed in *AC 1–2*, 1465–66 (8 March 1790) and again, with the committee of the whole report (discussed below), on 1523–25 (23 March 1790). Also in Bowling, diGiacomantonio, and Bickford, *DHFFC*, 8:335–36.
90. *AC 1–2*, 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.
91. PMS to North Carolina Standing Committee, 15: 7mon. 1790 (draft), PMS Miscellaneous Records, 1790:3, Haverford.
 92. J[ames] P[emberton] to London Society, Ph[il]ad[elphia]:a: 2nd. 4. Mo. 1790, PAS Letter Book, 1:24–26, HSP. See also PAS to London Society, Philad[elphia]:a 5 Mo: 3d: 1790, PAS Letter Book, 1:32–35, HSP.
 93. PAS to Amis de Noirs, Philadelphia, August 30th, 1790, PAS Letter Book, 1:37–41, HSP.
 94. Davis, *Slavery in the Age of Revolution*, 133. Van Cleve describes the PAS's optimism as "inexplicabl[e]" and writes: "While it is understandable that PAS officials were pleased that Congress had debated slavery, judging from its results they appear to have attended a different debate than the one Congress conducted." *Slaveholders' Union*, 202.
 95. E.g., Ohline, "Slavery and Congressional Politics," 354; Van Cleve, *Slaveholders' Union*, 202.
 96. The exceptions, noted below, are Douglas Bradburn and William diGiamantonio.
 97. AC 1–2, 1524 (23 March 1790, my emphasis).
 98. Congress acted on this commonplace understanding in various laws during the following decades. For example, 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.
 99. AC 1–2, 1504 (17 March 1790); Bowling, diGiamantonio, and Bickford, *DHFFC*, 12:750–51 (17 March 1790). Alexander White of Virginia viewed the first three resolutions as "unnecessary," as they simply reiterated what was already in the Constitution. Bowling, diGiamantonio, and Bickford, *DHFFC*, 12:761 (17 March 1790).
 100. Ebenezer Hazard to Jeremy Belknap, 5 June 1790, in Bowling, diGiamantonio, and Bickford, *DHFFC*, 19:711–12.
 101. Van Cleve, *Slaveholders' Union*, 194; Wilentz, *No Property in Man*, 160. See also Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation* (New York: Vintage, 2002), 117; Robinson, *Slavery in the Structure of American Politics*, 305. Ohline, "Slavery and Congressional Politics," 346.
 102. 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; Wilentz, *No Property in Man*, 160–62; Kaminski, *A Necessary Evil?*, 203.
 103. Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774–1804* (Charlottesville: University of Virginia Press, 2009), 248–53, quotation from 249. DiGiamantonio is another noteworthy exception to the standard historiography. He 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. DiGiamantonio, "For the Gratification of a Volunteering Society."
104. The *DHFFC* contains additional debate coverage drawn from numerous newspapers not found in the *Annals of Congress*, along with committee papers and correspondence among politicians and with their constituents.
 105. Bowling, diGiacomantonio, and Bickford, *DHFFC*, 12:779 (18 March 1790). See also 825 (Vining, 22 March 1790).
 106. E.g., the speeches of Elias Boudinot, Theodore Sedgwick, Fisher Ames, George Clymer, and Elbridge Gerry on March 18, 1790: Bowling, diGiacomantonio, and Bickford, *DHFFC*, 12:764, 766–68, 770.
 107. Meanwhile, the element of the third resolution that slaveholding opponents had found most offensive—the expectation that states would provide any regulations that “humanity” required—remained in the final version, representing a victory for the abolitionists. The new version stated “that Congress have no 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.” *AC 1–2*, 1524 (23 March 1790).
 108. In response to the change, 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, *DHFFC*, 12:771. See also New York Meeting for Sufferings, vol. 1, 242–43 (9 3mo 1790), 243 (13 4mo 1790), Swarthmore.
 109. 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 exceptions are Fehrenbacher, *Slaveholding Republic*, 139; Wilentz, *No Property in Man*, 161–62.
 110. 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 1–2*, 1524–25 (23 March 1790).
 111. *AC 1–2*, 1522 (22 March 1790), 1524 (23 March 1790).
 112. E.g., the revised report read “strike out the seventh clause,” but made no reference to the sixth. *AC 1–2*, 1524 (23 March 1790).
 113. DuBois correctly shows that the sixth resolution of the special committee report was preserved as the fourth resolution of the committee of the whole House report (*Suppression of the African Slave-Trade*, 80), but Kaminski assumes it was deleted (*A Necessary Evil?*, 229), as does Van Cleve (*Slaveholders’ Union*, 200, 340n57).
 114. John Parrish to James Madison, Philadelphia, 5th mo. 28. 1790, Founders Archives, National Archive, <http://founders.archives.gov/documents/Madison/01-13-02-0162>. See also James Pemberton to Robert Pleasants, 4. mo. 20th. 1790, Robert Pleasants Papers, box 12, Huntington Library (hereafter HL); James Pemberton and the PAS to the Washington [PA] Abolition Society, Philad[elphi]a. 25th. October 1790, PAS Letter Book, 1:49–52, HSP.

115. Warner Mifflin to Members of the House of Representatives, 2nd 6mo 1790, *American Museum* (October 1790), 156–58; Bowling, diGiacomantonio, and Bickford, *DHFFC*, 19:1638.
116. James Pemberton to Robert Pleasants, 4. mo. 20th. 1790, Robert Pleasants Papers, box 12, HL. See also James Pemberton and the PAS to the Washington [PA] Abolition Society, Philad[elphi]a, 25th. October 1790, PAS Letter Book, 1:49–52, HSP.
117. PAS, *Memorials Presented to the Congress of the United States of America* [. . .] (Philadelphia: Francis Bailey, 1792).
118. *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: Zacharah Poulson Jr., 1794), 28.
119. “An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country,” *US Statutes at Large* I:347–49 (22 March 1794). It is important to note that this did *not* ban Americans from transporting slaves from Africa or the West Indies *into* the United States, only from transporting them for sale *outside* of the United States. Finkelman mistakenly asserts that the law banned all American participation in the trade as sailors while permitting slave importations into the United States “only on foreign ships with foreign crews.” *Supreme Injustice: Slavery in the Nation’s Highest Court* (Cambridge, MA: Harvard University Press, 2018), 77, see also 22, 54. Leonard Marquez correctly characterizes the law in *The United States and the Transatlantic Slave Trade to the Americas, 1776–1867* (New Haven, CT: Yale University Press, 2016), 27.
120. PMS to New England Meeting for Sufferings, Philadelphia, 17th. of the 4th. mon. 1794, PMS Minutes, 3:259–61, quotations from 261, Haverford. PAS to London Committee, Philadelphia, 5mo. 6th 1794, PAS Letter Book, 1:111–13, HSP.
121. Seymour Drescher, “Divergent Paths: The Anglo-American Abolitions of the Atlantic Slave Trade,” in *Migration, Trade, and Slavery in an Expanding World: Essays in Honor of Pieter Emmer*, ed. Wim Klooster (Leiden: Brill Academic Publishers, 2009), 270.
122. Because many slave traders operated illegally, the data are incomplete, and it is difficult to determine the nationality of some vessels. Between 1787 and 1794, 69 of 76 (90.7 percent) of slaving voyages that began their voyage in mainland North America supplied foreign markets. See “Trans-Atlantic Slave Trade: Database,” *Slave Voyages*, accessed August 11, 2019, <https://slavevoyages.org/voyages/qclokupK>.
123. 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,” *Journal of the Early Republic* 32 (Summer 2012): 233–60.
124. Lawrence Peskin, *Captives and Countrymen: Barbary Slavery and the American Public, 1785–1816* (Baltimore: Johns Hopkins University Press, 2009); David J. Dzurec, *Our Suffering Brethren: Foreign Captivity and Nationalism in the Early United States* (Amherst: University of Massachusetts Press, 2019).
125. Van Cleve, *Slaveholders’ Union*, 53–56, quotation on 46.
126. Leonard Richards emphasizes the role of the three-fifths clause and doughfaces (northerners who voted with the South) in explaining southern influence in national politics, but he concedes that Senate parity was often the more decisive factor. *The*

Slave Power: The Free North and Southern Domination, 1780–1860 (Baton Rouge: Louisiana State University Press, 2000), 47, 88.

127. Fehrenbacher, *The Slaveholding Republic*; David F. Ericson, *Slavery in the American Republic* (Lawrence: University of Kansas Press, 2011); John Craig Hammond, “Slavery, Sovereignty, and Empires: North American Borderlands and the American Civil War, 1660–1860,” *Journal of the Civil War Era* 4 (June 2014): 264–98; Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, MA: Harvard University Press, 2016).