

Chapter 14. Debates Over Slavery Almost Derail The Convention (July 1787)



Father Abraham, once a House Slave

Sections

- The Convention Reaches A Low Point As Conflicts Over Slavery Emerge
- Counting The Population Sparks A North-South Debate
- Are The Slaves Property Or Are They Persons?

Macro-Themes

Governance

- State Sovereignty vs. Federalism
- Apportionment Of Seats In Congress

Slavery

- Slaves As Chips In Struggle For Voting Power
 - Southerners Disparage The Institution
 - North vs. South Split Already Apparent
 - The Issue Almost Ends The Convention
- #### Political Parties
- Early Regional Divide

Time: July 10, 1787

The Convention Reaches A Low Point As Conflicts Over Slavery Emerge



As the Connecticut Plan is taking shape in committee, the atmosphere in the hall is rapidly deteriorating.

It reaches a low point on July 10 when the two remaining New York delegates, Lansing and Yates, announce they are giving up and going home, the first open defections so far. As he leaves, Lansing offers his summary of the various plans:

Utterly unattainable, too novel and complex.

Hearing of these departures, Washington writes that same day:

I almost despair of seeing a favorable issue to the proceedings of the Convention.

Everywhere he looks, Washington sees the “monster of state sovereignty” blocking the path to progress.

On one hand, the smaller states balk at a possible loss of power to the larger states; on the other, the larger states feel like they are forfeiting their authority to a new “national” power. As James Wilson of Pennsylvania puts it...

If no state will part with any of its sovereignty, it is in vain to talk of a national government.

And now another issue emerges – one that is capable of blowing up the entire Convention.

That issue is slavery.

Its presence has been reptilian all along, and now it strikes over “apportionment.”

Will the Northern states allow the South to include its slaves in their population counts – or not?

In his “records,” James Madison picks up on the crucial nature of this issue.

The most important question regarding the make-up of the legislature was whether or not to count slaves.

Time: Mid-July 1787

Counting The Population Sparks A North-South Debate

The mathematics associated with “if and how” the slaves are counted register immediately with the politically savvy men present, both South and North.

A 1775 estimate says that some 450,000 slaves live in the South, roughly 40% of its entire population -- while in the North, blacks number around 50,000 or 5% of the total.

The Importance Of Slaves To Various States Population Counts In 1775

Section	States	Whites	Slaves	Total	% Black
Lower South	Ga, NC, SC	247,000	171,000	418,000	41%
Upper South	Va,Md,Del	481,000	282,000	763,000	37
Mid-Atlantic	Pa,NY,NJ	462,000	30,000	492,000	6
New England	Con,RI, NH, Ma	621,000	19,000	640,000	3
		1,811,000	502,000	2,313,000	22%

Nothing short of “regional power” in the Legislature therefore rests on the “counting” outcome.

Assuming that slaves are counted fully in each State’s official population, and one seat is allocated for every 40,000 residents, the Legislature would be divided 30-28 in favor of the South (given the total size of the nation, circa 1775).

On the other hand, if the slaves do not count at all, the North ends up with a commanding 27-18 majority.

Number Of Votes In House Depending On How Slaves Are Counted

Section	States	Slaves = 1	Slaves = 0	Difference
Lower South	Ga, NC, SC	11	6	+5
Upper South	Va,Md,Del	19	12	+7
All South		30	18	+12
Mid-Atlantic	Pa,NY,NJ	12	12	---
New England	Con,RI, NH, Ma	16	15	+1
All North		28	27	+1
Grand Total		58	45	+13

Note: assumes 1 House member for every 40,000 people and a total population of 2.3 million, 22% black.

As the debate here unfolds, the depth of the dilemma facing the new nation around slavery becomes apparent.

What began as an economic initiative benefitting both the South and the North is now the source of deep division between the two regions.

The North wishing to rid itself of the entire “African problem;” the South dependent on slavery to prosper.

Jefferson’s words capture the dilemma best.

Slavery is like holding a wolf by the ears – one can neither safely hold him, nor safely let him go.

Conflicting motives spill over into personal distrust.

If the North gains dominance in the new “national” Legislature, will it try to force the South to follow its lead and “let go” of slavery?

This is what’s on the minds of the Southern delegates as the “slave counting” debate opens up.

Time: Mid-July 1787

Are The Slaves Property Or Are They Persons?

Southerners quickly begin to make their case. The Anti-Federalist Virginian, George Mason, first claims personal disdain for slavery, then blames the British for forcing it upon his region. Given this historical context, Mason argues that the Africans should be viewed as a “national burden,” shared equally by the South and North.

This infernal traffic originated in the avarice of British merchants, and they checked the attempts of Virginia to put a stop to it.

Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who enrich and strengthen a country. They produce the most pernicious effect on manners.

Charles Cotesworth Pinckney of Charleston is next to weigh in, admitting openly that after slavery took hold in the South, several states, including his own, have become economically dependent on it.

South Carolina and Georgia cannot do without slaves.

His fellow South Carolina delegate, Rawlins Lowndes, reinforces this theme -- then openly lashes out against the North, accusing them of trying to rob his region of its wealth.

Without negroes, this state is one of the most contemptible in the Union. Negroes are our wealth, our only natural resource.

Yet behold how our kind friends in the North are determined soon to tie up our hands, and drain us of what we have.

Pinckney's cousin, also Charles, becomes the only member arguing not only that slaves are good for the South, but that the institution lifts the slaves from savagery to civilization.

To drive these views home, both the South Carolina and Georgia delegations threaten to leave Philadelphia unless the slaves are included in their population counts.

Two Northerners will have none of this, and stand nose to nose against their Southern counterparts.

The first is the merchant, Elbridge Gerry of Massachusetts, who asks how the South can assert that slaves are "property" -- the moral equivalent of cattle -- and simultaneously argue they are "persons," the same as white men, when it comes to the population count?

Blacks are property and are used by the south as horses and cattle in the north, so why should their representation be increased on account of the number of slaves?

Gerry's views are seconded by the pugnacious peg-legged Federalist from New York, Gouverneur Morris, who leads all of his colleagues in speaking time and motions offered over the entire convention.

Morris is one of the few delegates unrestrained in his opposition to slavery, and his wish to have it end.

His attack on the Southern position is devastating, and will ring down the decades to come.

Like Gerry, he asks if the slaves are property or persons? Surely the South cannot have it both ways.

On what principle shall slaves be computed in the representation? Are they men? Then make them Citizens and let them vote. Are they property? Why then is no other property included (in calculating votes)?

The inhabitant of Georgia and SC who goes to the coast of Africa and in defiance of the most sacred laws of Humanity tears away his fellow creatures from their dearest connections and damns them to the most cruel bondages, shall have more votes in a Government instituted to protect the rights of mankind than the citizen of Pennsylvania or New Jersey who views this practice with laudable horror.

At this point the debate has become personal, and threatens to turn into a run-away firestorm.

To save the day, a delegate from Pennsylvania, James Wilson, offers up a possible compromise.