

Is the Constitution Pro-Slavery?

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Essential Question: Is the Constitution Pro-Slavery?

Overview:

The students will participate in a number of primary and secondary source activities to gather evidence to be used in a debate focused on determining if the Constitution is a pro-slavery document. The activities provide evidence from the Founding generation as well as the antebellum generation and are designed to present both sides of the argument. Students will use the information provided as well as research evidence to corroborate these sources and present an overall argument founded in evidence.

Standards:

AZ Standard:

S1C4-PO4: Analyze how the new national government was created

Common Core Standards:

CCSS.ELA-LITERACY.RH.11-12.1 Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.6 Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.

CCSS.ELA-LITERACY.RH.11-12.9 Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

Objectives:

Students will be able to

1. Explain the status of slavery in the American states in 1787
2. Describe how the Constitution references slavery
3. Analyze the Constitutional Convention's debate on slavery
4. Describe the opposing views of slavery held by the antebellum generation

Lesson Activities:

Activity 1: What was the status of Slavery in 1787 when the Constitutional Convention began?

- The class will read excerpts from Plain and Honest Men
- Students will highlight and annotate the excerpts in relation to the question: What was the status of Slavery in 1787 when the Constitutional Convention began?
 - Divide students into groups of four
 - Number group members 1-4
 - Use collaborative spinner to randomly choose a spokesperson to share out to the class after each paragraph

- Read the Article paragraph by paragraph stopping at the end of each paragraph for students to share within their group what they learned from the paragraph.
- After groups share out, pose the following questions to the groups
 - After Paragraph 1: Why did the Northern states have a low population of slaves?
 - After Paragraph 2: Why did the Southern states have a larger population of slaves? Which states had a greater interest to preserve slavery? Why?
 - After Paragraph 3&4: Why did slavery become a concern after 1776?
 - After Paragraph 5: Why was it easier for the North to emancipate their slaves?
- Students will write an 8-10 sentence summary including the main ideas of the article excerpt answering the question, what was the status of Slavery in 1787 when the Constitutional Convention began?

Activity 2: How does the Constitution address slavery?

- Pair Share Activity
- Divide the students into pairs
 - Assign half of the pairs Article 1, Section 2, Clause 3 and Article 4, Section 2, Clause 3
 - Assign the other half of the pairs Article 1, Section 9, Clause 1 and Article 5
 - Pairs work together to interpret their portions of the Constitution and write them in their own words
 - Pairs then share with their counter-pair and record the shared information
- Share out to the whole class
- Conclude with students creating a tweet answering the question, how does the Constitution address slavery?
 - The tweet must be 140 characters or less (includes spaces and punctuation). One hashtag must be included in the tweet.
 - Students will write their tweet on the whiteboard before they leave class

Activity 3: What did the Founders Debate about slavery?

- Introduce the sources: Explain that the sources are excerpted from Madison's notes on the Constitutional Convention. The first set of sources deals with the debate over the 3/5th compromise and the second set of sources deals with debate on the slave trade. Provide students with the following website to reference the entirety of the debates.
<http://teachingamericanhistory.org/convention/debates/>
- Provide students with a copy of Slavery and the Constitution Excerpts from the Constitutional Convention and the student sheet that accompanies it.
- Divide the class into pairs and assign each pair a portion of the student sheet (divided depending on the size of the class)
- Pairs present to whole class their answers and lead class discussion on their findings

How did the antebellum generation view slavery in the Constitution? (Homework)

- Provide half of the class with the Constitution is a pro-slavery document sources and provide the other half with the Constitution is not a pro-slavery document sources.

- Instruct students to highlight and annotate the documents and list the evidence gathered in the chart provided.

Activity 4: Debate Prep Day

- Briefly explain the format for the debate (see activity 5)

The Constitution is Pro Slavery Presents First

- One group member will present the opening Statement
- Introduction and elaboration of major Arguments
 - Divide the arguments among the members of the group
 - Each student must participate but can present in pairs or small groups

The Constitution is not Pro Slavery Presents next

- One group member will present the opening Statement
- Introduction and elaboration of major Arguments
 - Divide the arguments among the members of the group
 - Each student must participate but can present in pairs or small groups

Open for questions

- Each side is given time to ask questions to the other side
- Questions and rebuttal will be taken for the remainder of the time

- Divide the class into debate groups based on their homework reading assignments and give each student the Constitution slavery debate student sheet
- Groups will complete the following together
 - Plan for the debate
 - Decide who will read the opening statement
 - Determine the four main arguments, the evidence to be used, and the person/people that will present the argument. Fill out this portion of the debate sheet.
- Students will complete the following information individually
 - 3 quotes from outside sources
 - 4 questions for debate
 - Opening statement (all students will complete the opening statement even if they are not the group member that will read it in the debate)

Activity 5: Debate: Is the Constitution pro-slavery?

- Divide the room in half with desks facing each other. Place the podium at the front of the room between the two sides.
- The Constitution is Pro Slavery Presents First
 - One group member will step to the podium and present the opening Statement
 - The other group members will present the four main arguments and evidence
 - Each student must participate but can present in pairs or small groups
- The Constitution is not Pro Slavery Presents next
 - One group member will step to the podium and present the opening Statement
 - The other group members will present the four main arguments and evidence
 - Each student must participate but can present in pairs or small groups

- Open for questions
 - After a coin toss the winning side will ask the first question
 - Questions and rebuttal will be taken for the remainder of the time

Plain Honest Men: The Making of the American Constitution

Excerpt from chapter 18—“The Paradox at the Nation’s Core”

What was the Status of slavery in the American states at the time of the Constitutional Convention?

The Constitutional Convention began in May of 1787, in Philadelphia Pennsylvania. 55 delegates from 12 states (Rhode Island did not attend) attended and debated issues ranging from representation, separation of powers, checks and balances, and slavery. The excerpt from *Plain Honest Men* reveals the status of slavery in the states at the time of the Convention. As we read the excerpt aloud, highlight and annotate the portions that indicate this status.

Southerners and Northerners, whatever their moral qualms about the institution, recognized slavery as a fact of life. At the time of the Constitutional Convention, slaves constituted about 20 percent of the population of the American nation. The slave population was of course not spread evenly either across the nation or, indeed, across the states of the South. In New England, the slave population numbered about 3,700 out of a total population of more than 900,000. Alone among these states, Massachusetts enacted legislation that eliminated the institution entirely by 1787. There were some 36,000 slaves living in the Mid-Atlantic states- less than 3 percent of the population of that region- with by far the greatest number of those, 21,000, living in New York. Although Delaware was technically a “Southern” state, its slave population in 1787 was slightly less than 9,000- less than one-sixth of its population of just under 60,000.

From Maryland southward, however, the demography of slavery looked strikingly different. The number of slaves in Maryland and Virginia alone exceeded 400,000, constituting just under 40 percent of the population. In North Carolina, slaves constituted just over one-quarter of that state’s population of nearly 400,000. South Carolina’s slave population was something over 100,000, out of a total population of around 240,000. Those numbers understate the importance of slaves in the politics and economy of South Carolina. Most of South Carolina’s political leaders lived in the low-country parishes, situated in an expanse of land generally lying at or below sea level within thirty miles of the coast. And in those parishes slaves often outnumbered whites by a margin of four or five to one. The population of Georgia may have reached 75,000 by 1787, of which some 30,000 were slaves. As was the case with South Carolina, the political ruling class of Georgia lived in the low country, where the concentration of slaves was much higher. Perhaps most important, virtually all of Georgia and South Carolina’s political leaders were convinced that their state’s potential for growth was directly dependent on the future importation of slaves.

And so, it is easy to see why the South, and the lower South in particular, pushed so strongly to have their slave property calculated in the formula for representation in the new government. The other area of potential expansion of slavery was the American frontier. Already by 1787 the territory of Kentucky was populated by 12,000 slaves—about a sixth of the population. As Americans continued to push westward toward the Mississippi, those numbers seemed certain to increase.

Therefore, on the one hand, slavery was a part of the normal fabric not only of American life, but of life as most humans on the earth had known it. On the other hand, by 1787 it was also an institution increasingly under attack. The dissonance between the promises of liberty and equality contained in Thomas Jefferson’s preamble to the Declaration of Independence and the denial of liberty and equality to African slaves was too loud—and too grating—to ignore entirely. Between 1776 and 1787 most Northern

states, with the exceptions of New York and New Jersey, took steps to abolish slavery. In the New England states, abolition and emancipation came quickly. In the Mid-Atlantic, the process was more gradual. Although the Pennsylvania legislature passed a law abolishing slavery in 1780, it added language that provided that any child born into slavery after the law went into effect would have to serve for up to an additional twenty-eight years before achieving freedom.

If the Northern states took gradual, but nevertheless meaningful, steps toward eliminating slavery, progress in the South was much more modest. Delaware, in whose economy slavery had only ever played a modest role, outlawed importation of slaves in 1776. Although Delaware did not abolish slavery outright until the 1860s, it is notable that none of the state's delegates to the Constitutional Convention owned slaves in 1787. Further south, the contradiction between liberty and slavery remained stark, though there were harbingers of change. Virginia and Maryland passed laws in the wake of the Revolution that made it easier for masters to free their slaves. Every Southern state except Georgia enacted some sort of prohibition or at least inhibition on the continued importation of slaves from Africa. Yet in most areas of the South, the combination of theoretical and tangible impediments to the elimination of slavery overpowered any of the mild antislavery impulses Southern citizens may have felt.

Slavery in the Constitution

The word slavery does not exist in the Constitution yet the institution is addressed four different times in the document. What does the Constitution say about slavery? Read the following excerpts from the Constitution and explain in your own words how the Constitution deals with slavery.

Article 1, Section 2, Clause 3

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons.

Write into your own words: _____

Article 4, Section 2, Clause 3

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Write into your own words: _____

Article 1, Section 9, Clause 1

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.

Write into your own words: _____

Article 5

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Write into your own words: _____

Slavery and the Constitution

Excerpts from the debates concerning the 3/5 Compromise

For a full account of the debates on the dates included below use the following website:

<http://teachingamericanhistory.org/convention/debates/>

July 9

Mr. PATTERSON (William Patterson, NJ) considered the proposed estimate for the future according to the Combined rule of numbers and wealth, as too vague. For this reason N. Jersey was agst. it. He could regard negroes slaves in no light but as property. They are no free agents, have no personal liberty, no faculty of acquiring property, but on the contrary are themselves property, & like other property entirely at the will of the Master. Has a man in Virga. a number of votes in proportion to the number of his slaves? And if Negroes are not represented in the States to which they belong, why should they be represented in the Genl. Govt. What is the true principle of Representation? It is an expedient by which an assembly of certain individls. chosen by the people is substituted in place of the inconvenient meeting of the people themselves. If such a meeting of the people was actually to take place, would the slaves vote? They would not. Why then shd. they be represented. He was also agst. such an indirect encouragemt. of the slave trade; observing that Congs. in their act relating to the change of the 8 art: of Confedn. had been ashamed to use the term "slaves" & had substituted a description.

July 11

Mr. Butler (Pierce Butler, SC) insisted that the labour of a slave in South Carolina was as productive and valuable as that of a freeman in Massachusetts, that as wealth was the great means of defense and utility to the Nation they were equally valuable to it with freemen; and that consequently an equal representation ought to be allowed for them in a Government which was instituted principally for the protection of property, and was itself to be supported by property.

M^r. MASON, (George Mason, VA) could not agree to the motion, notwithstanding it was favorable to Virga. because he thought it unjust. It was certain that the slaves were valuable, as they raised the value of land, increased the exports & imports, and of course the revenue, would supply the means of feeding & supporting an army, and might in cases of emergency become themselves soldiers. As in these important respects they were useful to the community at large, they ought not to be excluded from the estimate of Representation. He could not however regard them as equal to freemen and could not vote for them as such. He added as worthy of remark, that the Southern States have this peculiar species of property, over & above the other species of property common to all the States.

M^r. WILSON (James Wilson, PA) did not well see on what principle the admission of blacks in the proportion of three fifths could be explained. Are they admitted as Citizens? then why are they not admitted on an equality with White Citizens? are they admitted as property? then why is not other property admitted into the computation? These were difficulties however which he thought must be overruled by the necessity of compromise. He had some apprehensions also from the tendency of the blending of the blacks with the whites, to give disgust to the people of Pena. as had been intimated by his Colleague [Mr. Govr. Morris]. But he differed from him in thinking numbers of inhabts. so incorrect a measure of wealth. He had seen the Western settlemts. of Pa. and on a comparison of them with the City of Philada. could discover little other difference, than that property was more unequally divided among individuals ¹⁷ here than there. Taking the same number in the aggregate in the two situations he believed there would be little difference in their wealth and ability to contribute to the public wants.

M^r. GOV^r. MORRIS (Gouverneur Morris, PA) was compelled to declare himself reduced to the dilemma of doing injustice to the Southern States or to human nature, and he must therefore do it to the former. For he could never agree to give such encouragement to the slave trade as would be given by

allowing them a representation for their negroes, and he did not believe those States would ever confederate on terms that would deprive them of that trade.

Slavery and the Constitution

Excerpts from Debate concerning the Trade and Commerce Compromise

August 8

Gouvernor Morris: He never would concur in upholding domestic slavery. It was a nefarious institution. It was the curse of heaven in the States where it prevailed.

Compare the free regions of the Middle States, where a rich & noble cultivation marks the prosperity & happiness of the people, with the misery & poverty which overspread the barren wastes of Va. Maryland & the other States having slaves. Travel thro' the whole Continent & you behold the prospect continually varying with the appearance and disappearance of slavery. The moment you leave the E. Sts. & enter N. York, the effects of the institution become visible, passing thro' the Jerseys & entering Pa. every criterion of superior improvement witnesses the change. Proceed southw'dly & every step you take thro' the great region of slaves presents a desert increasing, with the increasing proportion of these wretched beings. Upon what principle is it that the slaves shall 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? The houses in this city (Philadelphia) are worth more than all the wretched slaves who cover the rice swamps of South Carolina.

The admission of slaves into the Representation when fairly explained comes to this: that the inhabitant of Georgia and S.C. 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 & damns them to the most cruel bondages, shall have more votes in a Govt. instituted for the protection of the rights of mankind, than the Citizen of Pa. and N. Jersey who views with a laudable horror, so nefarious a practice. ... He would sooner submit himself to a tax for paying for all such negroes in the U. States, than saddle posterity with such a Constitution.

August 16

Mr. L[uther]. (Martin Luther, Md) proposed to vary article 7, sect. 4 so as to allow a prohibition or tax on the importation of slaves. First, as five slaves are to be counted as three freemen in the apportionment of representatives, such a clause would leave an encouragement to this traffic. Second, slaves [through danger of insurrection] weakened one part of the Union, which the other parts were bound to protect; the privilege of importing them was therefore unreasonable. Third it was inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature in the Constitution.

August 22

Mr. SHERMAN (Roger Sherman, CT) was for leaving the clause as it stands. He disapproved of the slave trade; yet as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, & as it was expedient to have as few objections as possible to the proposed scheme of Government, he thought it best to leave the matter as we find it. He observed that the abolition of Slavery seemed to be going on in the U. S. & that the good sense of the several States would probably by degrees compleat it. He urged on the Convention the necessity of despatching its business

Col. MASON. (George Mason, VA) This infernal traffic originated in the avarice of British Merchants. The British Govt. constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the Enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves, as it did by the Tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the Commissioners sent to Virginia, to arm the servants & slaves, in case other means of obtaining its submission should fail. Maryland & Virginia he said had already prohibited the importation of slaves expressly. N. Carolina had done the same in substance. All this would be in vain if S. Carolina & Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands, and will fill that Country with slaves if they can be got thro' S. Carolina & Georgia. Slavery discourages arts & manufactures. The poor despise labor when performed by slaves. They prevent the immigration of Whites, who really enrich & strengthen a Country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next world they must be in this. By an inevitable chain of causes & effects providence punishes national sins, by national calamities. He lamented that some of our Eastern brethren had from a lust of gain embarked in this nefarious traffic. As to the States being in possession of the Right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view that the Genl. Govt. should have power to prevent the increase of slavery.

Mr. ELSWORTH. (Oliver Ellsworth, CT) As he had never owned a slave could not judge of the effects of slavery on character: He said however that if it was to be considered in a moral light we ought to go farther and free those already in the Country. -As slaves also multiply so fast in Virginia & Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go no farther than is urged, we shall be unjust towards S. Carolina & Georgia. Let us not intermeddle. 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. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrections from foreign influence, that will become a motive to kind treatment of the slaves.

Mr. PINKNEY. (Charles Pinckney, SC) If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece Rome & other antient States; the sanction given by France England, Holland & other modern States. In all ages one half of mankind have been slaves. If the S. States were let alone they will probably of themselves stop importations. He wd. himself as a Citizen of S. Carolina vote for it. An attempt to take away the right as proposed will produce serious objections to the Constitution which he wished to see adopted.

Mr. RUTLIDGE. (John Rutledge, SC) If the Convention thinks that N. C. S. C. & Georgia will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest. He was strenuous agst. striking out the Section, and seconded the motion of Genl. Pinkney for a commitment

Mr. SHERMAN said it was better to let the S. States import slaves than to part with them, if they made that a sine qua non. He was opposed to a tax on slaves imported as making the matter worse, because it implied they were property. He acknowledged that if the power of prohibiting the importation should be given to the Genl. Government that it would be exercised. He thought it would be its duty to exercise the power.

August 25

Mr. WILLIAMSON (Hugh Williamson, NC) said that both in opinion & practice he was against slavery; but thought it more in favor of humanity, from a view of all circumstances, to let in S. C. & Georgia on those terms, than to exclude them from the Union

Mr. MADISON (James Madison, VA) thought it wrong to admit in the Constitution the idea that there could be property in men. The reason of duties did not hold, as slaves are not like merchandize, consumed, &c

Slavery and the Constitution 3/5th Compromise

July 9

Mr. Patterson:

Is he in favor of the compromise? _____

Why? _____

According to Mr. Patterson why does the actual word slavery not appear in the Constitution? _____

July 11

Mr. Butler:

How does Butler want the slaves to be counted? _____

Why: _____

Mr. Mason:

Does Mason support the compromise? _____

Why? Explain his mixed feelings. _____

Mr. Wilson:

What is Wilson confused about? _____

Mr. Morris:

How did Morris feel about the compromise? _____

Why? _____

Slavery and the Constitution
Trade and Commerce Compromise

(1) Describe the Founding Father's opinions about slavery.

Founding Father	State	Slave owner?	View of Slavery
Gouverneur Morris			
Martin Luther			
Roger Sherman			
George Mason			
Oliver Ellsworth			
Charles Pinkney			

(2) Why did they compromise? Cite your evidence

The Constitution is a Pro-Slavery Document

William Lloyd Garrison

An excerpt from The Great Crisis!

***The Liberator* Vol. II., No. 52 (December 29, 1832).**

There is much declamation about the sacredness of the compact which was formed between the free and slave states, on the adoption of the Constitution. A sacred compact, forsooth! We pronounce it the most bloody and heaven-daring arrangement ever made by men for the continuance and protection of a system of the most atrocious villany ever exhibited on earth. Yes—we recognize the compact, but with feelings of shame and indignation, and it will be held in everlasting infamy by the friends of justice and humanity throughout the world. It was a compact formed at the sacrifice of the bodies and souls of millions of our race, for the sake of achieving a political object—an unblushing and monstrous coalition to do evil that good might come. Such a compact was, in the nature of things and according to the law of God, null and void from the beginning. No body of men ever had the right to guarantee the holding of human beings in bondage. Who or what were the framers of our government, that they should dare confirm and authorise such high-handed villany—such flagrant robbery of the inalienable rights of man—such a glaring violation of all the precepts and injunctions of the gospel—such a savage war upon a sixth part of our whole population?—They were men, like ourselves—as fallible, as sinful, as weak, as ourselves. By the infamous bargain which they made between themselves, they virtually dethroned the Most High God, and trampled beneath their feet their own solemn and heaven-attested Declaration, that all men are created equal, and endowed by their Creator with certain inalienable rights—among which are life, liberty, and the pursuit of happiness. They had no lawful power to bind themselves, or their posterity, for one hour—for one moment—by such an unholy alliance. It was not valid then—it is not valid now. Still they persisted in maintaining it—and still do their successors, the people of Massachusetts, of New-England, and of the twelve free States, persist in maintaining it. A sacred compact! A sacred compact! What, then, is wicked and ignominious?

Garrison's Constitution

The Covenant with Death and How it was Made

By: Paul Finkelman

Impact of a pro-slavery Constitution

The abolitionist William Lloyd Garrison thought the US Constitution was a result of a terrible bargain between freedom and slavery. Calling the Constitution a “covenant with death” and “an agreement with Hell,” he refused to participate in American electoral politics because to do so meant supporting “the pro-slavery, war sanctioning Constitution of the United States.” Instead, under the slogan “No Union with Slaveholders,” the Garrisonians repeatedly argued for a dissolution of the Union.

Part of Garrison's opposition to continuing the Union stemmed from a desire to avoid the corruption that came from participating in a government created by the proslavery Constitution. But this position was also at least theoretically pragmatic. The Garrisonians were convinced that the legal protection of slavery in the Constitution made political activity futile, while support for the Constitution merely strengthened the stranglehold slavery had on America. In 1845 Wendell Phillips pointed out that in the years since the adoption of the Constitution, Americans had witnesses “the slaves trebling in numbers—slaveholders monopolizing the officers and dictating the policy of the Government- prostituting the strength and influence of the Nation to the support of slavery here and elsewhere—trampling on the rights of the free States, and making the courts of the country their tools.” Phillips argued that this experience proved “that

it is impossible for free and slave States to unite on any terms, without all becoming partners in the guilt and responsible for the sin of slavery.”

The Garrisonians believed that if they worked within the political system they were merely spinning their wheels, spending their money and time on a cause that was doomed. The Constitution was proslavery, the national government was controlled by slave owners, and politics was a waste of time. A quick look at the presidency underscored their view. From 1788 until 1860, only two opponents of slavery, John Adams, and John Quincy Adams, held the nation’s highest office, and for only a total of eight years. On the other hand, slave-owners held the office for fifty of these seventy-two years, and doughfaces-northern men with southern principles- like James Buchanan and Franklin Pierce—held it the rest of the time.

This did not surprise the Garrisonians, who understood that the Constitution was heavily influenced by slave-owners. The Garrisonians did not necessarily see the Constitution as the result of a deliberate conspiracy of evil men; rather, they understood it to be the consequences of political give- and- take as the Convention of 1787.

Thus, in *The Constitution A Pro-Slavery Compact; or Selections from the Madison Papers*, Wendell Phillips analyzed “that ‘compromise,’ which was made between slavery and freedom, in 1787; granting to the slaveholder distinct privileges and protection for his slave property, in return for certain commercial concessions upon his part toward the North.” Phillips argues that “the Nation at large were fully aware of this bargain at the time, and entered into it willingly and with open eyes.” Phillips both exaggerated and understated the nature of the relationship between slavery and the Constitution. Certainly, some of those at the conventions may not have seen the full extent of the “bargain.” On the other hand, the bargain involved more than commerce and slavery; it concerned the very creation of the Union itself. Both the text of the Constitution and the debates surrounding it help us understand that the “more perfect Union” created by this document was in fact fundamentally imperfect.

U.S. Supreme Court
Dred Scott v. Sandford
Opinion of Roger B. Taney (Excerpt)

1857

There are two clauses in the Constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they were not regarded as a portion of the people or citizens of the Government then formed.

One of these clauses reserves to each of the thirteen States the right to import slaves until the year 1808....And by the other provision the states pledge themselves to each other to maintain of property of the master, by delivering up to him any slave who may have escaped from his service, and be found with their respective territories....And these two provisions show, conclusively, neither the descriptions of persons therein referred to, nor their decendants, were embraced in any of the other provisions of the Constitution; for certainly these two clauses were not intended to confer on them or their posterity the blessings of liberty, or any of the personal rights so carefully provided for the citizen.

No one of that race had ever migrated to the United States voluntarily; all of them had been brought here as articles of merchandise. The number that had been emancipated at that time were but few in comparison with those held in slavery; and they were identified in the public mind with the race to which they belonged, and regarded as a part of the slave population rather than the free. It is obvious that they were not even in the minds of the framers of the Constitution when they were conferring special rights and privileges upon the citizens of a State in every other part of the Union.

Indeed, when we look to the condition of this race in the several States at the time, it is impossible to believe that these rights and privileges were intended to be extended to them.

Source	Evidence
Garrison	
Finkelman	
Taney	

The Constitution is not a Pro-Slavery Document

The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?

Frederick Douglass

Glasgow, Scotland

March 26, 1860

...Does the United States Constitution guarantee to any class or description of people in that country the right to enslave, or hold as property, any other class or description of people in that country?

...It would be the wildest of absurdities, and lead to endless confusion and mischiefs, if, instead of looking to the written paper itself, for its meaning, it were attempted to make us search it out, in the secret motives, and dishonest intentions, of some of the men who took part in writing it. It was what they said that was adopted by the people, not what they were ashamed or afraid to say, and really omitted to say. Bear in mind, also, and the fact is an important one, that the framers of the Constitution sat with doors closed, and that this was done purposely, that nothing but the result of their labours should be seen, and that that result should be judged of by the people free from any of the bias shown in the debates. It should also be borne in mind, and the fact is still more important, that the debates in the convention that framed the Constitution, and by means of which a pro-slavery interpretation is now attempted to be forced upon that instrument, were not published till more than a quarter of a century after the presentation and the adoption of the Constitution.

These debates were purposely kept out of view, in order that the people should adopt, not the secret motives or unexpressed intentions of any body, but the simple text of the paper itself. Those debates form no part of the original agreement. I repeat, the paper itself, and only the paper itself, with its own plainly written purposes, is the Constitution. It must stand or fall, flourish or fade, on its own individual and self-declared character and objects. Again, where would be the advantage of a written Constitution, if, instead of seeking its meaning in its words, we had to seek them in the secret intentions of individuals who may have had something to do with writing the paper?

Addressing the different instances in which the Constitution refers to the idea of slavery

3/5ths Compromise

...Let us look at them just as they stand, one by one. Let us grant, for the sake of the argument, that the first of these provisions, referring to the basis of representation and taxation, does refer to slaves. We are not compelled to make that admission, for it might fairly apply to aliens — persons living in the country, but not naturalized. But giving the provisions the very worse construction, what does it amount to? I answer — It is a downright disability laid upon the slaveholding States; one which deprives those States of two-fifths of their natural basis of representation. A black man in a free State is worth just two-fifths more than a black man in a slave State, as a basis of political power under the Constitution. Therefore, instead of encouraging slavery, the Constitution encourages freedom by giving an increase of “two-fifths” of political power to free over slave States. So much for the three-fifths clause; taking it at its worst, it still leans to freedom, not slavery; for, be it remembered that the Constitution nowhere forbids a coloured man to vote.

Trade and Commerce Compromise: The Slave Trade

I come to the next, that which it is said guaranteed the continuance of the African slave trade for twenty years. I will also take that for just what my opponent alleges it to have been, although the Constitution does not warrant any such conclusion. But, to be liberal, let us suppose it did, and what follows? Why, this — that this part of the Constitution, so far as the slave trade is concerned, became a dead letter more than 50 years ago, and now binds no man's conscience for the continuance of any slave trade whatsoever. Mr. Thompson is just 52 years too late in dissolving the Union on account of this clause. He might as well dissolve the British Government, because Queen Elizabeth granted to Sir John Hawkins to import Africans into the West Indies 300 years ago! But there is still more to be said about this abolition of the slave trade. Men, at that time, both in England and in America, looked upon the slave trade as the life of slavery. The abolition of the slave trade was supposed to be the certain death of slavery. Cut off the stream, and the pond will dry up, was the common notion at the time.

Wilberforce and Clarkson, clear-sighted as they were, took this view; and the American statesmen, in providing for the abolition of the slave trade, thought they were providing for the abolition of the slavery. This view is quite consistent with the history of the times. All regarded slavery as an expiring and doomed system, destined to speedily disappear from the country. But, again, it should be remembered that this very provision, if made to refer to the African slave trade at all, makes the Constitution anti-slavery rather than for slavery; for it says to the slave States, the price you will have to pay for coming into the American Union is, that the slave trade, which you would carry on indefinitely out of the Union, shall be put an end to in twenty years if you come into the Union. Secondly, if it does apply, it expired by its own limitation more than fifty years ago. Thirdly, it is anti-slavery, because it looked to the abolition of slavery rather than to its perpetuity. Fourthly, it showed that the intentions of the framers of the Constitution were good, not bad. I think this is quite enough for this point.

The fugitive Slave law

...It is quite true that Mr. Butler and Mr. Pinckney introduced a provision expressly with a view to the recapture of fugitive slaves: it is quite true also that there was some discussion on the subject — and just here the truth shall come out. These illustrious kidnappers were told promptly in that discussion that no such idea as property in man should be admitted into the Constitution. The speaker in question might have told you, and he would have told you but the simple truth, if he had told you that he proposition of Mr. Butler and Mr. Pinckney — which he leads you to infer was adopted by the convention that from the Constitution — was, in fact, promptly and indignantly rejected by that convention. He might have told you, had it suited his purpose to do so, that the words employed in the first draft of the fugitive slave clause were such as applied to the condition of slaves, and expressly declared that persons held to “servitude” should be given up; but that the word “servitude” was struck from the provision, for the very reason that it applied to slaves. He might have told you that the same Mr. Madison declared that the word was struck out because the convention would not consent that the idea of property in men should be admitted into the Constitution. The fact that Mr. Madison can be cited on both sides of this question is another evidence of the folly and absurdity of making the secret intentions of the framers the criterion by which the Constitution is to be construed.

Are slaves protected by the Constitution?

“We, the people of these United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.” The objects here set forth are six in number: union, defence, welfare, tranquility, justice, and liberty. These are all good objects, and slavery, so far from being among them, is a foe of

them all. But it has been said that Negroes are not included within the benefits sought under this declaration. This is said by the slaveholders in America — it is said by the City Hall orator — but it is not said by the Constitution itself. Its language is “we the people;” not we the white people, not even we the citizens, not we the privileged class, not we the high, not we the low, but we the people; not we the horses, sheep, and swine, and wheel-barrows, but we the people, we the human inhabitants; and, if Negroes are people, they are included in the benefits for which the Constitution of America was ordained and established.

Constitutional provisions that should put an end to slavery

It is in this mean, contemptible, and underhand method that the American Constitution is pressed into the service of slavery. They go everywhere else for proof that the Constitution declares that no person shall be deprived of life, liberty, or property without due process of law; it secures to every man the right of trial by jury, the privilege of the writ of habeas corpus — the great writ that put an end to slavery and slave-hunting in England — and it secures to every State a republican form of government. Anyone of these provisions in the hands of abolition statesmen, and backed up by a right moral sentiment, would put an end to slavery in America. The Constitution forbids the passing of a bill of attainder: that is, a law entailing upon the child the disabilities and hardships imposed upon the parent. Every slave law in America might be repealed on this very ground. The slave is made a slave because his mother is a slave. But to all this it is said that the practice of the American people is against my view. I admit it. They have given the Constitution a slaveholding interpretation. I admit it. They have committed innumerable wrongs against the Negro in the name of the Constitution. Yes, I admit it all; and I go with him who goes farthest in denouncing these wrongs. But it does not follow that the Constitution is in favour of these wrongs because the slaveholders have given it that interpretation.

Source	Evidence
Douglass	

Is the Constitution a Pro-Slavery Document?

Debate Sheet

Provide a minimum of four main arguments with evidence to prove each argument.

Argument 1:

Argument	Evidence
1.	
2.	
3.	
4.	

Provide 3 quotes from 3 different people/sources that reflect your side's view of the constitution. The quotes cannot be from any source that I have provided for you.

Quote	Source

Create 4 questions to ask the opposing side during the debate.

1.
2.
3.
4.

Write an 8-10 sentence overview of your arguments that can be used as an Opening Statement
