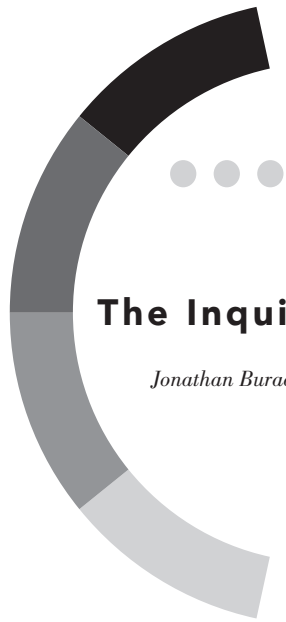


Slavery and the Early Republic



The Inquiry Arc in U.S. History

Jonathan Burack

Slavery and the Constitutional Convention

MindSparks®

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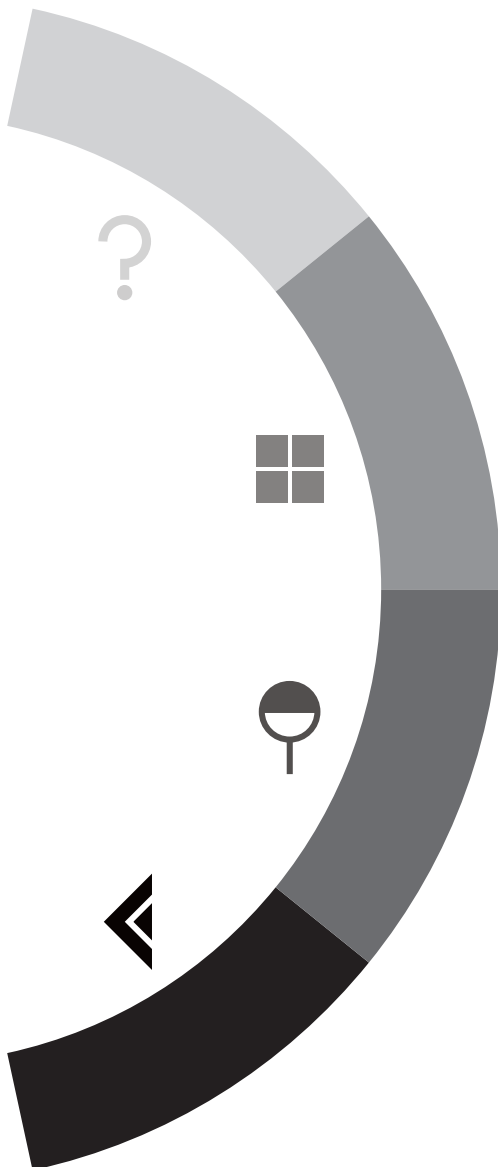
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C3 Framework

This unit is based primarily on the College, Career, and Civic Life (C3) Framework for Social Studies State Standards. The C3 Framework is an effective tool offering guidance and support for rigorous student learning. The assignments encourage students to be active participants in learning and to explore the parts of history that they find most compelling. Central to the C3 Framework and our use of it is its Inquiry Arc—a set of four interrelated dimensions of informed inquiry in social studies. The lessons in this unit are based on all four dimensions of the C3 Inquiry Arc. While the C3 Framework analyzes each of the four dimensions separately, they are not entirely separable in practice—they each interact in dynamic ways. As a result, the lessons combine some or all of the dimensions in various ways.



Four Dimensions of the Inquiry Arc

1 Developing compelling and supporting questions and planning inquiries

Questions shape social studies inquiries, giving them broader meaning and motivating students to master content and engage actively in the learning process.

2 Applying disciplinary concepts and tools

These are the concepts and central ideas needed to address the compelling and supporting questions student pose. The C3 Framework stresses four subject fields: history, civics, economics, and geography. Each of our units addresses all of these disciplines.

3 Evaluating sources and using evidence

The purpose of using primary and secondary sources as evidence is to support claims and counterclaims. By assessing the validity and usefulness of sources, including those that conflict with one another, students are able to construct evidence-based explanations and arguments.

4 Communicating conclusions and taking informed action

While this may take the form of individual essays and other writing assignments, these units stress other kinds of individual and collaborative forms of communication, including debates, policy analyses, video productions, diary entries, and interviews. Meaningful forms of individual or collaborative civic action are also incorporated into each unit.

How to Use This Book

These units offer you the chance to implement the entire C3 Inquiry Arc in brief, carefully structured lessons on important topics in U.S. history. Each lesson is driven by a central compelling question, and disciplinary supporting questions are provided. Each unit asks students to apply understandings from all of the C3 disciplines—history, civics, economics, and geography—and they include individual and group tasks in an integrated way.

Each unit includes an introductory essay, detailed teaching instructions, a set of primary sources, and the handouts needed to complete the lesson’s assignments. Rubrics for student evaluation and sources for further study are also provided. The teaching instructions suggest a time frame for completion of each lesson, but the assessments can easily be adapted to fit into any lesson plan.

Each unit is aligned with several C3 Framework standards and Common Core standards. The College and Career Readiness Anchor Standards for Literacy emphasize the reading of informational texts, making these lessons ideal for integration into English Language Arts instruction.



C3 Disciplines



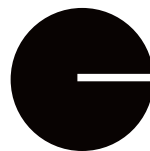
History



Civics



Economics



Geography



Slavery and the Constitutional Convention

Were the Compromises Worth It?

Overview

Introduction

In 1787, fifty-five men met in Philadelphia to create a new framework of government, the Constitution of the United States. They agreed the constitution had to give the national government more power, but they agreed about little else. The final framework, therefore, required a great many compromises. One glaring issue above all divided the delegates—slavery. Many Convention delegates held strong antislavery views. Nevertheless, most Southerners were not about to enter a union that threatened their slave property. The Northern states faced a stark choice: stand strongly against slavery and see several Southern states leave the union or compromise over slavery and hold the union together (keeping a hope of ending slavery later). The Convention chose compromise. Were its compromises worth it? In this lesson, students will work with short passages from ten primary sources in an effort to answer this question. While these sources alone won't completely answer these questions, they can help. Moreover, they can form the core content for a set of tasks that will help students better understand this turning point in the nation's history.

Objectives

Students will work individually and in small groups to respond in a meaningful way to a compelling question about slavery and the Constitution. They will apply discipline-specific background knowledge, use scaffolding, and engage in instructional activities to interpret primary sources before presenting their ideas to the class.

C3 Standards Addressed by This Lesson

- ◆ **D1.4.6-8.** Explain how the relationship between supporting questions and compelling questions is mutually reinforcing.
- ◆ **D1.5.6-8.** Determine the kinds of sources that will be helpful in answering compelling and supporting questions, taking into consideration multiple points of views represented in the sources.
- ◆ **D2.HIS.5.6-8.** Explain how and why perspectives of people have changed over time
- ◆ **D2.HIS.11.6-8.** Use other historical sources to infer a plausible maker, date, place of origin, and intended audience for historical sources where this information is not easily identified.
- ◆ **D2.HIS.12.6-8.** Use questions generated about multiple historical sources to identify further areas of inquiry and additional sources.
- ◆ **D2.HIS.16.6-8.** Organize applicable evidence into a coherent argument about the past.
- ◆ **D2.CIV.8.6-8.** Analyze ideas and principles contained in the founding documents of the United States, and explain how they influence the social and political system.
- ◆ **D2.ECO.7.6-8.** Analyze the role of innovation and entrepreneurship in a market economy.
- ◆ **D2.GEO.5.6-8.** Analyze the combinations of cultural and environmental characteristics that make places both similar to and different from other places.
- ◆ **D2.GEO.6.6-8.** Explain how the physical and human characteristics of places and regions are connected to human identities and cultures.
- ◆ **D3.1.6-8.** Gather relevant information from multiple sources while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection.

- ◆ **D3.2.6-8.** Evaluate the credibility of a source by determining its relevance and intended use.
- ◆ **D3.3.6-8.** Identify evidence that draws information from multiple sources to support claims, noting evidentiary limitations.
- ◆ **D3.4.6-8.** Develop claims and counterclaims while pointing out the strengths and limitations of both.
- ◆ **D4.1.6-8.** Construct arguments using claims and evidence from multiple sources, while acknowledging the strengths and limitations of the arguments.
- ◆ **D4.3.6-8.** Present adaptations of arguments and explanations on topics of interest to others to reach audiences and venues outside the classroom using print and oral technologies (e.g., posters, essays, letters, debates, speeches, reports, and maps) and digital technologies (e.g., Internet, social media, and digital documentary).
- ◆ **D4.6.6-8.** Draw on multiple disciplinary lenses to analyze how a specific problem can manifest itself at local, regional, and global levels over time, identifying its characteristics and causes, and the challenges and opportunities faced by those trying to address the problem.

Common Core Anchor Standards Addressed by This Lesson

- ◆ **CCSS.ELA-LITERACY.CCRA.R.1.** Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
- ◆ **CCSS.ELA-LITERACY.CCRA.R.2.** Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
- ◆ **CCSS.ELA-LITERACY.CCRA.R.6.** Assess how point of view or purpose shapes the content and style of a text.
- ◆ **CCSS.ELA-LITERACY.CCRA.R.9.** Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.
- ◆ **CCSS.ELA-LITERACY.CCRA.W.7.** Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.
- ◆ **CCSS.ELA-LITERACY.CCRA.SL.1.** Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

Teaching Instructions

Compelling Question

Were the ethical compromises worth it?

Preparation

Provide all students with a copy of the Introductory Essay. Assign this reading as homework. In addition, assign all relevant parts of your course textbook or other basic reading material. Remind students to keep the compelling question for the lesson in mind as they read.



Asking Questions about Slavery and the Constitutional Convention
This part of the task stresses Dimensions 1 and 2 of the C3 Framework

Day One

1. Briefly discuss the Introductory Essay in class and address any initial questions students may have.
2. Distribute the How to Analyze a Primary Source handout. Review each suggestion with the class, and remind students to refer back to the handout as they read the primary sources in this lesson.
3. Divide the class into four small groups. Each group will focus its work on one of the four basic disciplines identified in Dimension 2 of the C3 Framework—history, civics, geography, or economics. As they work, the groups should keep in mind the lesson’s overall compelling question. However, for Day One and Day Two, each group will work mainly with a second compelling question—one related specifically to its assigned discipline.
4. Provide each group with one copy of its discipline-specific Assignment Sheet. Give each student a copy of all the primary sources for this unit. Each group may share a primary source packet, if necessary.
5. Have students complete the Day One section of their Assignment Sheets. The objective for Day One is for groups to read three primary sources, and then formulate one supporting question about each of those sources. The supporting questions should be recorded in the spaces provided on the Assignment Sheet.



Applying Disciplinary Concepts and Evaluating Sources and Evidence
This part of the task stresses Dimensions 2 and 3 of the C3 Framework

Day Two

6. Students will return to their previously assigned groups and formulate a claim addressing their group’s compelling question. After reading the remaining seven primary sources, they will select one that supports their claim.

7. Using the evidence gathered from primary sources, each group will then prepare a brief (five- to ten-minute) presentation about slavery and the Constitutional Convention from their group's disciplinary perspective. The presentation can be in the form of an oral report, a debate among group members, a PowerPoint, or another related type of presentation. Allow time for students to prepare by discussing and debating topics among themselves.

Day Three

8. Each group will deliver its presentation. Allow time for class discussion following each presentation, and for a final effort to answer the central compelling question for the lesson.



Communicating Results and Taking Action

This part of the task stresses Dimension 4 of the C3 Framework

Students will complete a final project that expresses an understanding of the topic and responds clearly to the unit's central compelling question. The project may be completed in groups, but students should be evaluated individually.

Distribute the Communicating Results and Taking Action handout, and decide whether you will assign the projects or allow students to form groups and choose tasks on their own. Set a reasonable deadline. Students should review the Slavery and the Constitutional Convention Rubric so they can understand how their performance will be evaluated. The projects are summarized below.

Communicating Results

- ◆ Have students read Primary Sources 1.4 and 1.5. Students will then write a letter to Lowndes as a distant relative and tell him that they are enclosing Federalist No. 42 with their letter. They will explain Federalist No. 42 to him, as they understand it, and contrast it with his views as he expressed them in Primary Source 1.5.
- ◆ Separate students into small groups. Each group should read and discuss Primary Sources 1.6, 1.7, and 1.8. Each group member will then play a different historical figure in a role-playing debate. Following the debate, hold a class-wide discussion about the subject of the skit.
- ◆ Have students closely read Primary Sources 1.2, 1.3, 1.4, 1.6, and 1.10. Students will write a short dialogue in which several figures respond to Martin Luther King Jr.'s "I Have a Dream" speech.

Taking Action

- ◆ The Constitution was not presented to the public as a perfect document. In fact, the Constitution includes a complex way to make changes to its provisions. Divide students into groups. As a group, students should study the Constitution and its provisions for making amendments. They will decide on one change the group all would like to see made to the Constitution. The groups will then formulate a proposed amendment and will report the amendment to the class. Have the class discuss whether each amendment should be passed and how they might go about getting it passed.

- ◆ Using the information from the previous assignment, students as a group should summarize the class discussion about the proposed amendment. Students will send this report to a local newspaper or other news source, either print or electronic, and invite that source to print their reports, inviting readers to comment on it. Students should use any responses they get to alter the amendment for the better. If the resolution could be passed locally, have students research how to get the amendment passed in the city. They should attempt to get the city council to pass the resolution.

Introductory Essay

Slavery and the Constitutional Convention



Scene at the Signing of the Constitution of the United States

In 1776, thirteen British colonies in North America declared themselves independent and fought a war to break free of Great Britain. In 1781, they formed a new government, the Articles of Confederation. However, this governmental system was not flawless. The thirteen former colonies, now states, were fiercely independent, and they bickered and complained among themselves about many things. They especially complained about how weak the Articles were. The Articles gave very little power to the general government. In 1787, many of the most powerful men in the United States decided that something drastic had to be done.

In that year, fifty-five of those men met in Philadelphia. They debated, discussed, and created a new set of rules for the United States of America. They agreed that the country needed a new framework of government, and they agreed it had to give the national government more power—then they agreed about little else. The final framework they created, therefore, required a great many compromises. It satisfied no one entirely, but it produced something that has lasted since—the U.S. Constitution.

Unfortunately, one glaring issue above all divided the delegates at the Constitutional Convention in Philadelphia—slavery. Slavery was the great flaw in the new republic. It presented the Framers with their greatest challenge, to create a constitution that supported the great “self-evident truth” of the Declaration of Independence—that all men are created equal.

The problem was that slavery was legal in many states. Most of the United States’ seven hundred thousand or so slaves were in the South, but some states in the North had freed their slaves. Others would soon follow. Many Convention delegates held strong antislavery views. Even in the South, many saw slavery as an unavoidable evil. Some expected it to fade away on its own. Instead, slavery soon began to spread rapidly as cotton production began to soar in the early 1800s. As it did, more Southerners defended slavery as a positive. At the time of the Constitutional Convention, however, many held out hope that its days were numbered.

Nevertheless, the Southern states, for the most part, were not about to enter a union that threatened their slave property. The Northern states were faced with a stark choice: stand strongly against slavery and see several Southern states leave the union, perhaps to form their own slave confederacy, or compromise over slavery and hold the union together (with the hope of ending slavery later). The Convention chose compromise.

What, then, were those compromises, and were they worth it?

Account of the Sale of 118 Negroes, by the Order of the Trustees of the African Society, in the Year 1793. Taken from the Original Records of the Society, and published by the Trustees.

Name	Age	Sex	Price	Total
Abraham	20	M	100	100
Abraham	20	M	100	200
Abraham	20	M	100	300
Abraham	20	M	100	400
Abraham	20	M	100	500
Abraham	20	M	100	600
Abraham	20	M	100	700
Abraham	20	M	100	800
Abraham	20	M	100	900
Abraham	20	M	100	1000
Abraham	20	M	100	1100
Abraham	20	M	100	1200
Abraham	20	M	100	1300
Abraham	20	M	100	1400
Abraham	20	M	100	1500
Abraham	20	M	100	1600
Abraham	20	M	100	1700
Abraham	20	M	100	1800
Abraham	20	M	100	1900
Abraham	20	M	100	2000
Abraham	20	M	100	2100
Abraham	20	M	100	2200
Abraham	20	M	100	2300
Abraham	20	M	100	2400
Abraham	20	M	100	2500
Abraham	20	M	100	2600
Abraham	20	M	100	2700
Abraham	20	M	100	2800
Abraham	20	M	100	2900
Abraham	20	M	100	3000
Abraham	20	M	100	3100
Abraham	20	M	100	3200
Abraham	20	M	100	3300
Abraham	20	M	100	3400
Abraham	20	M	100	3500
Abraham	20	M	100	3600
Abraham	20	M	100	3700
Abraham	20	M	100	3800
Abraham	20	M	100	3900
Abraham	20	M	100	4000
Abraham	20	M	100	4100
Abraham	20	M	100	4200
Abraham	20	M	100	4300
Abraham	20	M	100	4400
Abraham	20	M	100	4500
Abraham	20	M	100	4600
Abraham	20	M	100	4700
Abraham	20	M	100	4800
Abraham	20	M	100	4900
Abraham	20	M	100	5000
Abraham	20	M	100	5100
Abraham	20	M	100	5200
Abraham	20	M	100	5300
Abraham	20	M	100	5400
Abraham	20	M	100	5500
Abraham	20	M	100	5600
Abraham	20	M	100	5700
Abraham	20	M	100	5800
Abraham	20	M	100	5900
Abraham	20	M	100	6000
Abraham	20	M	100	6100
Abraham	20	M	100	6200
Abraham	20	M	100	6300
Abraham	20	M	100	6400
Abraham	20	M	100	6500
Abraham	20	M	100	6600
Abraham	20	M	100	6700
Abraham	20	M	100	6800
Abraham	20	M	100	6900
Abraham	20	M	100	7000
Abraham	20	M	100	7100
Abraham	20	M	100	7200
Abraham	20	M	100	7300
Abraham	20	M	100	7400
Abraham	20	M	100	7500
Abraham	20	M	100	7600
Abraham	20	M	100	7700
Abraham	20	M	100	7800
Abraham	20	M	100	7900
Abraham	20	M	100	8000
Abraham	20	M	100	8100
Abraham	20	M	100	8200
Abraham	20	M	100	8300
Abraham	20	M	100	8400
Abraham	20	M	100	8500
Abraham	20	M	100	8600
Abraham	20	M	100	8700
Abraham	20	M	100	8800
Abraham	20	M	100	8900
Abraham	20	M	100	9000
Abraham	20	M	100	9100
Abraham	20	M	100	9200
Abraham	20	M	100	9300
Abraham	20	M	100	9400
Abraham	20	M	100	9500
Abraham	20	M	100	9600
Abraham	20	M	100	9700
Abraham	20	M	100	9800
Abraham	20	M	100	9900
Abraham	20	M	100	10000

Sale ledger of 118 slaves in Charleston, South Carolina

In this lesson, three main compromises will be our focus. The most important was the well-known “three-fifths compromise.” It dealt with the issue of how to determine a state’s population for the purpose of representation and direct taxation. The South wanted its slaves to count as full persons for the sake of representation. It did not want them counted at all in deciding how much tax a state owed. Counting the slaves fully for the sake of representation would give each slave state more members in Congress. Not counting slaves in determining a state’s taxes would lower the amount each slave state paid. Many Northern delegates opposed the South’s proposal. They especially feared giving the South more members in the House of Representatives. They said slaves should not be counted at all for that purpose—especially because they had no rights as citizens. The two sides compromised—the slaves were counted as three persons for every five persons, for both purposes.

Another big compromise had to do with the slave trade. Many delegates wanted it banned immediately. Most Southern delegates wanted no limits on it at all. The delegates compromised. They decided that Congress had to wait to ban the slave trade until 1808. This did allow horrible activity to continue, but it also ensured a soon-to-be end to a practice that had existed for centuries. In fact, Congress did ban the slave trade on the very first day it could in 1808.

The third compromise had to do with aiding in the capture of escaped slaves. Providing for this pleased the slaveholders; however, the language of this rule is quite odd. No use of the word *slave* ever appears in it (nor does that word appear elsewhere in the Constitution). Moreover, the “persons held to service” are not said to be held by any federal law—only by the laws of the state seeking a runaway.

Was this compromise over language too unimportant to be worth compromising ethics? Were the other compromises worth such an ethical concession? In a way, only time would tell. To answer that question, it will help to look to later views—especially the views of those who fought against slavery later in U.S. history. In this lesson, you will examine a small sample of primary sources on this question of slavery in early U.S. history. These will provide evidence to help you answer the lesson’s key questions. Interpreting the sources is not easy. Keep in mind that they are from a variety of points of view about the conflict. Together, they should help you better understand the conflicting views of various parties on the pros and cons of compromise.

Image Sources: Architect of the Capitol, *Scene at the Signing of the Constitution of the United States*.
By Howard Chandler Christy, 1940, United States Capitol.

Sale Ledger. By unknown artist, circa 1754–1755, courtesy of the Beinecke Rare Book and Manuscript Library, Yale University.



History Group

GROUP MEMBERS:

Slavery and the Constitutional Convention

Your group's task is to explore the history of slavery and the Constitutional Convention. A disciplinary compelling question is provided, and you will work from there to develop and answer supporting questions based on primary sources. Follow the steps to complete the task.

Day One

1. Review the concept of compelling and supporting questions with your instructor. Briefly, compelling questions focus on meaningful and enduring problems. They ask us to deal with major issues and important ideas. Supporting questions are those that help us to answer a compelling question.
2. As a group, briefly discuss the following compelling question:

Overall, did the U.S. Constitution help or hinder abolitionists and antislavery groups seeking to end slavery in the decades before the Civil War? Explain your answer.

3. Read and discuss Primary Sources 1.6, 1.7, and 1.8.
4. Read and discuss the following background information. Use the information to help complete the handout.

Just after the Constitution was written, many people believed slavery would not last. The Northern states were already putting an end to it. A ban on the slave trade went into effect on the first day the Constitution allowed—January 1, 1808. Yet, as soon as the U.S. Constitution was agreed upon, slavery began to increase. Slaves and cotton plantations spread rapidly, and the institution that thousands agree was, at least, unethical suddenly seemed to be there to stay.

Criticism of slavery also began to grow, especially after about 1830. As it did, more radical abolitionists, such as William Lloyd Garrison, took very strong stands against it. Their views reflected a new Christian evangelical spirit of revival and reform. For people like Garrison, any compromise with slavery at all seemed to be a terrible sin. The Constitution's compromises therefore made the Constitution seem like a kind of pact with the devil. He even felt the North might be better off leaving the

union entirely. Frederick Douglass was just as radical as Garrison, but his focus was more on practical politics. He wanted the entire country to end slavery. He looked to the Constitution to see if it gave slavery too much protection. His view was that the Constitution did not protect slavery, even as it also failed to abolish it. Its compromises allowed Americans to end slavery when enough of them decided they should. For Garrison, that was not good enough. For Douglass, it was *just good enough*.

5. Each group member should develop some supporting questions about the primary sources your group has been asked to discuss. Use the secondary source above to help you think about these questions. Develop supporting questions that will help answer your group's compelling question. As a group, choose one supporting question for each primary source and record those questions here.

Primary Source 1.6

Primary Source 1.7

Primary Source 1.8

Day Two

6. As a group, make a claim about your compelling question. The claim should be one you can back up with evidence from your assigned sources. This claim is your evidence-based answer to your group's own compelling question. Here is that question again:

Overall, did the U.S. Constitution help or hinder abolitionists and antislavery groups seeking to end slavery in the decades before the Civil War? Explain your answer.

State your group's claim here:

7. From the remaining seven primary sources for this unit, choose one additional source that your group believes can help support or clarify its claim. The source may also be one that challenges this claim in a way that seems important. In the space below, list the source your group chose and briefly state why you chose it.

Source:

Reason for choosing this source:

8. Prepare a brief, five- to ten-minute presentation. Summarize the sources you have used. Discuss the supporting questions you developed. Explain your answer to your group's discipline-based compelling question. Use the space below for notes or to create an outline of your group's presentation.



GROUP MEMBERS:

Slavery and the Constitutional Convention

Your group's task is to explore the civics of slavery and the Constitutional Convention. A compelling question is provided, and you will work from there to develop and answer supporting questions based on primary sources. Follow these steps to complete the task.

Day One

1. Review the concept of compelling and supporting questions with your instructor. Briefly, compelling questions focus on meaningful and enduring problems. They ask us to deal with major issues and important ideas. Supporting questions are those that help us to answer a compelling question.
2. As a group, briefly discuss the following compelling question:

The Constitution never actually used the word *slave* anywhere. How important do you think that was in influencing U.S. political development?

3. Read and discuss Primary Sources 1.1, 1.7, and 1.9.
4. Read and discuss the following background information. Use the information to help complete the handout.

Northern delegates refused to allow the word *slavery* anywhere in the Constitution. They did not want to give the term any legal standing in the nation's founding document. They used the phrase "persons held to service or labor" instead. When they mentioned "free persons," its opposite was "all other persons." This use of the term *persons* meant that the Constitution never defined slaves as property.

The wording of the fugitive slave clause was especially tangled (See Article 4, Section 2, in Primary Source 1.1). In the debates, the delegates took out "legally" from the phrase "legally held to service in one state." Instead, they said people "held to service or labor in one state, under the laws thereof." This only admits that the laws of some states, not federal laws, allowed slavery. They also removed the word describing a slave owner as "justly" claiming his slave. They said instead that the owner was merely someone to whom the slave's labor "may be due." In these ways, they seemed to be trying to avoid giving any Constitutional sanction to slavery. Was this just wordplay, or did these alterations have a more serious long-term intention?

5. Each group member should develop some supporting questions about the primary sources your group has been asked to discuss. Use the secondary source above to help you think about these questions. Develop supporting questions that will help answer your group's compelling question. As a group, choose one supporting question for each primary source and record those questions here.

Primary Source 1.1

Primary Source 1.7

Primary Source 1.9

Day Two

6. As a group, make a claim about your compelling question. The claim should be one you can back up with evidence from your assigned sources. This claim is your evidence-based answer to your group's own compelling question. Here is that question again:

The Constitution never actually used the word *slave* anywhere. How important do you think that was in influencing U.S. political development?

State your group's claim here:

7. From the remaining seven primary sources for this unit, choose one additional source that your group believes can help support or clarify its claim. The source may also be one that challenges this claim in a way that seems important. In the space below, list the source your group chose and briefly state why you chose it.

Source:

Reason for choosing this source:

8. Prepare a brief, five- to ten-minute presentation. Summarize the sources you have used. Discuss the supporting questions you developed. Explain your answer to your group's discipline-based compelling question. Use the space below for notes or to create an outline of your group's presentation.

**Economics Group**

GROUP MEMBERS:

Slavery and the Constitutional Convention

Your group's task is to explore the economics of slavery and the Constitutional Convention. A compelling question is provided, and you will work from there to develop and answer supporting questions based on primary sources. Follow these steps to complete the task.

Day One

1. Review the concept of compelling and supporting questions with your instructor. Briefly, compelling questions focus on meaningful and enduring problems. They ask us to deal with major issues and important ideas. Supporting questions are those that help us to answer a compelling question.
2. As a group, briefly discuss the following compelling question:

There were major arguments about slavery in the Constitutional Convention. Was this disagreement mainly due to the delegates' different economic interests? Why or why not?

3. Read and discuss Primary Sources 1.2, 1.3, and 1.5.
4. Read and discuss the following background information. Use the information to help complete the handout.

In 1913, historian Charles Beard startled many people. He said the delegates writing the Constitution did it mainly to aid their own economic interests. Beard explained that the delegates were all owed money they had loaned during the American Revolution, and they needed a strong central government to be sure of getting that money back. In other words, they wrote the Constitution to protect their property. Beard said this was also true of state leaders who worked to have their states ratify the Constitution.

Many historians accepted Beard's claims at first, but many came to question them in the 1950s. Another historian, Forrest McDonald, studied the economic interests of the Framers more closely. He found no clear link at all between a delegate's votes on specific issues and his economic interests.

Of course, Beard focused only on the personal economic interests of the delegates. It is possible that the delegates were moved also by broader economic concerns. Some came from states where slave labor was seen as vital to the state's economy. Others may have had ties as merchants to the slave trade. Still others came from states that were ending slavery. They may have seen slave labor as unfairly competing against their free laborers. Many economic interests still could have shaped the way delegates felt about slavery and about the Constitution itself.

5. Each group member should develop some supporting questions about the primary sources your group has been asked to discuss. Use the secondary source above to help you think about these questions. Develop supporting questions that will help answer your group's compelling question. As a group, choose one supporting question for each primary source and record those questions here.

Primary Source 1.2

Primary Source 1.3

Primary Source 1.5

Day Two

6. As a group, make a claim about your compelling question. The claim should be one you can back up with evidence from your assigned sources. This claim is your evidence-based answer to your group's own compelling question. Here is that question again:

There were major arguments about slavery in the Constitutional Convention. Was this disagreement mainly due to the delegates' different economic interests? Why or why not?

State your group's claim here:

7. From the remaining seven primary sources for this unit, choose one additional source that your group believes can help support or clarify its claim. The source may also be one that challenges this claim in a way that seems important. In the space below, list the source your group chose and briefly state why you chose it.

Source:

Reason for choosing this source:

8. Prepare a brief, five- to ten-minute presentation. Summarize the sources you have used. Discuss the supporting questions you developed. Explain your answer to your group's discipline-based compelling question. Use the space below for notes or to create an outline of your group's presentation.



Geography Group

GROUP MEMBERS:

Slavery and the Constitutional Convention

Your group's task is to explore the geography of slavery and the Constitutional Convention. A compelling question is provided, and you will work from there to develop and answer supporting questions based on primary sources. Follow these steps to complete the task.

Day One

1. Review the concept of compelling and supporting questions with your instructor. Briefly, compelling questions focus on meaningful and enduring problems. They ask us to deal with major issues and important ideas. Supporting questions are those that help us to answer a compelling question.
2. As a group, briefly discuss the following compelling question:

How do geographical factors help explain differences in the Constitutional Convention over the provision protecting the slave trade until 1808?

3. Read and discuss Primary Sources 1.2, 1.4, and 1.5.
4. Read and discuss the following background information. Use the information to help complete the handout.

In the simplest view, slavery split the nation between North and South. In 1790, the New England states had either no slaves or very few. New York and New Jersey had more, but slaves were still only about 7 percent of the population of those two states. Slavery either had ended or soon would end in those Northern states. The big slave states were five in the South—Maryland, Virginia, the two Carolinas, and Georgia. In those states, slaves made up a very large share of the population. Virginia had about 290,000 slaves to 442,000 free whites. The proportion of slaves to free whites was even greater in South Carolina.

However, this North-South division was not the only relevant geographical factor. Divisions within the South were also important. Virginia used slaves to raise tobacco and cotton. Its slave population was growing so rapidly it did not need the slave trade to keep it supplied. In fact, it was beginning to sell slaves to other states. In the low country of South Carolina, the demand for slaves was much greater. Slaves there raised rice

and long staple cotton on huge plantations in swampy and unhealthful tidewater lands. Slaves did not survive well in such settings. The planters were anxious to keep up the supply of slaves. They also worried about slave discontent, given how often they were absent from their lands. Geography affected slavery itself and attitudes about it in many ways.

5. Each group member should develop some supporting questions about the primary sources your group has been asked to discuss. Use the secondary source above to help you think about these questions. Develop supporting questions that will help answer your group's compelling question. As a group, choose one supporting question for each primary source and record those questions here.

Primary Source 1.2

Primary Source 1.4

Primary Source 1.5

Day Two

6. As a group, make a claim about your compelling question. The claim should be one you can back up with evidence from your assigned sources. This claim is your evidence-based answer to your group's own compelling question. Here is that question again:

How do geographical factors help explain differences in the Constitutional Convention over the provision protecting the slave trade until 1808?

State your group's claim here:

7. From the remaining seven primary sources for this unit, choose one additional source that your group believes can help support or clarify its claim. The source may also be one that challenges this claim in a way that seems important. In the space below, list the source your group chose and briefly state why you chose it.

Source:

Reason for choosing this source:

8. Prepare a brief, five- to ten-minute presentation. Summarize the sources you have used. Discuss the supporting questions you developed. Explain your answer to your group's discipline-based compelling question. Use the space below for notes or to create an outline of your group's presentation.

How to Analyze a Primary Source

For this lesson, you will be studying several primary source documents. This handout offers suggestions for how best to read and analyze historical primary sources. Studying such sources is challenging. They were created in a different time and place. Their language and use of certain key terms often differ from ours. They assume things we might not accept. They arise out of historical circumstances and settings that differ greatly from our own times. To use such sources as evidence, you need to apply some special critical thinking skills and habits. Here are some guidelines to help you do this.

◆ *Question the source*

Since no primary source was written with you and your interests in mind, you need to be clear about what you are looking for when you examine a source. You need to stay in charge of the investigation. Act like a detective, and ask questions. Above all, keep your own most important compelling questions in mind as you read and think about a source.

◆ *Consider the source's origins*

This is often simply called “sourcing.” It means asking who created the source, when and where the source was created, and why. If you know the source’s purpose, you will be more likely to see how it is shaped by its creator’s point of view. Among other things, sourcing can also help you decide how reliable or typical a source might be.

◆ *Contextualize the source*

“Context” here means the broader historical setting for the source. Sources are always a part of a larger historical context. You need to consider how this context helps clarify the meaning of the source. You also need to decide which context is most important. Sources might be understood best in connection with a local context or a recent event. Alternatively, they might be understood better within a national or international context, or as part of a long-term trend in society at large. Your guiding questions should help you decide which context is most important.

◆ *Corroborate the source*

This means you must think about your source in relation to other sources. Does the source agree with or support those other sources, or does it seem to be at odds with the other sources? Might there be additional sources, which have not been provided to you, that could support or conflict with your source?

◆ *Above all, read the source carefully*

Look at language closely. Pay attention to images, emotional language, metaphors, and other literary devices. Think about what is implied, not merely what is stated or claimed in so many words. Think about what is left out as well as what is included. Make inferences based on your close reading. This will help you get more out of your source than even the source’s creator might have seen in it.

PRIMARY SOURCE ►

I.I

Constitution of 1787

The following sections of the Constitution of 1787 are those most relevant to the issue of slavery. The entire transcript of the Constitution is available from the National Archives website.

Original Document**Article. I**

Section. 2.

... 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. . . .

Section. 9.

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. . . .

Article. IV

Section. 2.

... No Person held to Service or Labour 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 Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Original Document Source: National Archives, "The Constitution of the United States: A Transcription," last updated October 5, 2016, <https://www.archives.gov/founding-docs/constitution-transcript>.

At the Constitutional Convention, Virginia's James Madison kept a record of much of the discussions that took place day by day. On June 30, 1787, Madison recorded his own views on the key factor that divided some states from other states. He refers to himself in the third person here, as "he."

Original Document

But he [Madison] contended that the States were divided into different interests not by their difference of size, but by other circumstances; the most material of which resulted partly from climate, but principally from the effects of their having or not having slaves. These two causes concurred in forming the great division of interests in the U. States. It did not lie between the large & small States: It lay between the Northern & Southern, and if any defensive power were necessary, it ought to be mutually given to these two interests.

Adapted Version

But he [Madison] says it is not size differences that explain the biggest issues dividing the states. Other factors are more important. Some have to do with varying differences, such as climate. The most important differences are due to the fact that some have slaves and others do not. These two causes, climate and slaves, together help form the great division of interests in the United States. These factors do not divide the large from the small states: They divide the northern from the southern states, and if any side is necessary to check the other, it ought to be the two sides divided by these different interests.

PRIMARY SOURCE ►

I.3

Mason and Ellsworth on Slavery

Wealthy Virginia delegate George Mason was opposed to slavery even though he himself owned many slaves. He spoke forcefully about the proposed slave-trade ban in the Constitutional Convention on August 22, 1787. Oliver Ellsworth immediately responded with a different opinion on the topic. Both passages are included here. In the end, Mason refused to sign the Constitution in part because of his strong feelings about slavery.

Original Document

Col. Mason. 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. . . . 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.

Mr. Ellsworth. . . . 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.

CONTINUED

Adapted Version

Col. Mason. The slave trade started because the greed of British merchants. The British government prevented Virginia from stopping it. . . . Maryland and Virginia have already banned slave importation, and North Carolina was basically doing the same. However, this would do no good if South Carolina and Georgia could still import slaves. Americans in the west want more slaves and will get as many as they can from South Carolina and Georgia. Slavery prevents a full development of arts and manufactures. The poor hate labor when they see it done by slaves. Slaves discourage immigration by whites, who really can enrich and strengthen a country. They have a harmful effect on social behavior. Every master of slaves is from birth taught to be a petty tyrant. Slavery brings God's judgment on the country. Nations can't be rewarded or punished in the next life, so they must be in this one. Providence brings about natural calamities that sooner or later punish our national sins

Mr. Ellsworth. . . . Let us not interfere with the slave trade. As population increases, poor laborers will become so plenty that slaves will in time be seen as useless. Slavery will almost entirely disappear in our country. Connecticut is already preparing to abolish it. And the abolition has already taken place in Massachusetts.

PRIMARY SOURCE ►

I.4

James Madison on Banning the Slave Trade

The Federalist was a group of eighty-five essays in support of the U.S. Constitution. They were published in 1787 and 1788 as the states were deciding whether to ratify the Constitution. Alexander Hamilton, James Madison, and John Jay all wrote these essays. This passage from one of the essays concerns the rule in the Constitution specifying that Congress could not ban the slave trade before 1808.

Original Document

It were doubtless to be wished, that the power of prohibiting the importation of slaves had not been postponed until the year 1808, or rather that it had been suffered to have immediate operation. But it is not difficult to account, either for this restriction on the general government, or for the manner in which the whole clause is expressed. It ought to be considered as a great point gained in favor of humanity, that a period of twenty years may terminate forever, within these States, a traffic which has so long and so loudly upbraided the barbarism of modern policy; that within that period, it will receive a considerable discouragement from the federal government, and may be totally abolished, by a concurrence of the few States which continue the unnatural traffic, in the prohibitory example which has been given by so great a majority of the Union. Happy would it be for the unfortunate Africans, if an equal prospect lay before them of being redeemed from the oppressions of their European brethren! Attempts have been made to pervert this clause into an objection against the Constitution, by representing it on one side as a criminal toleration of an illicit practice, and on another as calculated to prevent voluntary and beneficial emigrations from Europe to America. I mention these misconstructions, not with a view to give them an answer, for they deserve none, but as specimens of the manner and spirit in which some have thought fit to conduct their opposition to the proposed government.

CONTINUED

Adapted Version

No doubt it would have been better to have banned the importation of slaves now, instead of putting it off until 1808. But it is easy to explain why it was done this way. First, it is a great benefit to humanity that in only twenty years this traffic in slaves may be ended forever within these states. It is a traffic that has long demonstrated the barbarism of modern policy. Even during those twenty years, this provision will discourage the slave trade. It could be abolished sooner if the states still engaged in this unnatural traffic follow the example the majority of the Union are setting. Think how happy the unfortunate Africans would be if they could also see a time when they would never again suffer oppression at the hands of their European brothers! Some have tried to distort the meaning of this clause. They depict it as a criminal toleration of the slave trade. Others think it is meant to discourage voluntary and beneficial emigrations from Europe to America. These misunderstandings are examples of the unfair manner and spirit of some criticisms of the proposed government.

Original Document Source: James Madison, "Federalist No. 42," in *The Federalist: A Collection of Essays*. . . (New York: J. and A. McLean, 1788). Available from The Avalon Project, a website of Yale University's Lillian Goldman Law Library.

Rawlins Lowndes on the Proposed Constitution

Once the Constitutional Convention completed its work, each state legislature held a convention to debate the proposed Constitution. On January 16, 1788, Rawlins Lowndes criticized the document in a meeting of South Carolina's House of Representatives. This passage provides an account of Representative Lowndes's speech.

Original Document

In the first place, what cause was there for jealousy of our importing negroes? Why confine us to twenty years, or rather, why limit us at all? For his part, he thought this trade could be justified on the principles of religion, humanity and justice; for certainly to translate a set of human beings from a bad country to a better, was fulfilling every part of those principles. But they don't like our slaves, because they have none themselves, and therefore want to exclude us from this great advantage; why should the Southern States allow this. . . . Without negroes this State would degenerate into one of the most contemptible in the Union, and cited an expression that fell from General Pinckney on a former debate, that whilst there remained one acre of swamp land in South-Carolina, he should raise his voice against restricting the importation of negroes. Even in granting the importation for twenty years, care had been taken to make us pay for this indulgence, each negro being liable, on importation, to pay a duty not exceeding ten dollars. . . . Negroes were our wealth, our only natural resource, yet behold how our kind friends in the North were determined soon to tie up our hands, and drains us of what we had.

Adapted Version

First why should anyone object to our importing negroes? Why limit us to twenty years? Or rather why limit us at all? He said the slave trade could be justified on the principles of religion, humanity, and justice. After all, to take human beings from a bad country to a better was fulfilling these principles completely. He said the Northerners don't like our slaves because they have none of their own. They want to keep us from benefitting from this great advantage. Why should the Southern states allow this? Without negroes this state would degenerate into one of the most miserable in the Union. Mr. Lowndes cited General Pinckney who earlier said that, while there was still an acre of swampland in South Carolina, he would strongly oppose any restrictions on the importation of negroes. Even though it lets us import slaves for twenty years, the Constitution make us pay for this by allowing a duty up to ten dollars on each negro imported. Negroes are our wealth, our only natural resource. Yet see how our kind friends in the North were determined to tied our hands and drain us of what we had.

Original Document Source: Rawlins Lowndes, "Address to the Representatives of the South Carolina House of Representatives" (speech, South Carolina House of Representatives, Columbus, SC, January 16, 1788), in *Debates Which Arose in the House of Representatives of South-Carolina. . . .* (Charleston, SC: A. E. Miller, 1831), 19.

William Lloyd Garrison on the Constitution and the Union

In the 1830s, William Lloyd Garrison became one of the strongest abolitionist leaders in the country. He called for immediate abolition of all slavery. He regarded it as a profound sin staining the nation's honor. Garrison had a harsh view of the U.S. Constitution. He saw it as a proslavery document that stood in the way of the abolition of slavery. His views are expressed forcefully in this passage from "On the Constitution and the Union," an article he wrote in *The Liberator* in December 1832.

Original Document

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 villainy 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 authorize such high-handed villainy—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.

CONTINUED

Adapted Version

Many praise the sacredness of the Constitution, a compact formed between the free and slave states. A sacred compact, ridiculous! We call it a most bloody and heaven-daring agreement to maintain and protect the most evil system ever seen. Yes, we recognize it, but only with feelings of shame and outrage. Friends of justice and humanity will forever condemn it. It was formed by sacrificing the bodies and souls of millions of fellow human beings just to achieve a political goal. It was enacted by a shameless and monstrous coalition to do evil hoping that good would come of it. By God's laws, it is null and void. That is, no body of men has any right to protect the holding of human beings as slaves. Who were these framers of our government to think they could authorize anyone to rob people of their inalienable rights? It was such a glaring violation of all Christian teachings! Such a savage war on a sixth of our population! They were men like ourselves, just as fallible, sinful and weak. In this bargain they made, they dethroned God and trampled on their own sacred 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.

Original Document Source: William Lloyd Garrison, "The Great Crisis!" *The Liberator* 2 (December 1832): 206–207.

PRIMARY SOURCE ▶

I.7

Abraham Lincoln on Slavery

In a famous speech in Peoria, Illinois, on October 16, 1854, Abraham Lincoln attacked the morality of slavery. He also insisted that the Constitution could not be seen as a proslavery document. In this part of his speech, he claims that those who wrote the Constitution only accepted slavery out of necessity—that is, because it was already a part of the laws of many states. He insists the Framers of the Constitution did nothing to approve of slavery—or rule out future efforts to alter or abolish it.

Original Document

The argument of “Necessity” was the only argument they ever admitted in favor of slavery; and so far, and so far only as it carried them, did they ever go. They found the institution existing among us, which they could not help; and they cast blame upon the British King for having permitted its introduction. BEFORE the constitution, they prohibited its introduction into the north-western Territory—the only country we owned, then free from it. AT the framing and adoption of the constitution, they forbore to so much as mention the word “slave” or “slavery” in the whole instrument. In the provision for the recovery of fugitives, the slave is spoken of as a “PERSON HELD TO SERVICE OR LABOR.” In that prohibiting the abolition of the African slave trade for twenty years, that trade is spoken of as “The migration or importation of such persons as any of the States NOW EXISTING, shall think proper to admit,” &c. These are the only provisions alluding to slavery. Thus, the thing is hid away, in the constitution, just as an afflicted man hides away a wen or a cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time. Less than this our fathers COULD not do. . . . Necessity drove them so far, and farther, they would not go.

CONTINUED

Adapted Version

The Founders only accepted slavery out of “necessity.” They went no further than that. They found it already in place, and they blamed the British king for allowing it. Even before writing the Constitution, they banned it from the Northwest Territory. That was the only territory they controlled that was then still free of slavery. In the Constitution, they would not even allow a mention of the word “slave” or “slavery.” In the rule for recovering fugitives, the slave is described as a “PERSON HELD TO SERVICE OR LABOR.” In prohibiting any effort to ban the African slave trade for twenty years, they describe that trade as “The migration or importation of such persons as any of the States NOW EXISTING, shall think proper to admit.” These are the only places where slavery is even hinted at. The idea of slavery is hidden away in the Constitution, just as a sick man hides a cancer that he dares not cut out at once, lest he bleed to death. Yet there is at least the suggestion that the cutting could take place later on. Less than this our fathers COULD not do. . . . Necessity drove them so far, and farther, they would not go.

Original Document Source: Abraham Lincoln, “Peoria Speech” (speech, Peoria, IL, October 16, 1854), in *The Abraham Lincoln Encyclopedia*, by Mark E. Neely Jr. (New York: Da Capo, 1982). Available on the National Park Service website.

Frederick Douglass on Dissolving the Union

Frederick Douglass was born a slave around 1818. He escaped and, in time, became the greatest African American abolitionist leader of his age. He often worked with William Lloyd Garrison; however, they disagreed on several key issues. Garrison sometimes hoped the North would leave the Union, which he saw as too mired in the sin of slavery. Douglass disagreed strongly. He also argued against Garrison's negative view of the Constitution. Douglass expressed these views in a speech he gave in 1860 in Glasgow, Scotland.

Original Document

My argument against the dissolution of the American Union is this: It would place the slave system more exclusively under the control of the slaveholding States, and withdraw it from the power in the Northern States which is opposed to slavery. Slavery is essentially barbarous in its character. It, above all things else, dreads the presence of an advanced civilization. It flourishes best where it meets no reproving frowns, and hears no condemning voices. While in the Union it will meet with both. Its hope of life, in the last resort, is to get out of the Union. I am, therefore, for drawing the bond of the Union more . . . completely under the power of the free States. What they most dread, that I most desire. I have much confidence in the instincts of the slave-holders. They see that the Constitution will afford slavery no protection, when it shall cease to be administered by slaveholders. They see, moreover, that if there is once a will in the people of America to abolish slavery, this is no word, no syllable in the Constitution to forbid that result. They see that the Constitution has not saved slavery in Rhode Island, in Connecticut, in New York, or Pennsylvania. . . . Within the Union we have a firm basis of opposition to slavery. It is opposed to all the great objects of the Constitution. The dissolution of the Union is not only an unwise but a cowardly measure—fifteen millions running away from three hundred and fifty thousand slaveholders. Mr. Garrison and his friends tell us that while in the Union we are responsible for slavery. He and they sing out “No Union with slaveholders,” and refuse to vote. I admit our responsibility for slavery while in the Union; but I deny that going out of the Union would free us from that responsibility. There now clearly is no freedom from responsibility for slavery to any American citizen short to the abolition of slavery.

CONTINUED

Adapted Version

My argument against splitting the Union in half is this: It would give the slaveholding states more complete control over slavery. The North would no longer have the power to do anything to the slave system. Slavery is a barbarous system. Above all, it fears the presence of an advanced civilization. It does well when it faces no disapproval or condemnation. If it stays in the Union, it will have to deal with both. Its hope is in the end to get out of the Union. I therefore favor strengthening the power of the free states over the Union. This is what the South most dreads and I most desire. I am confident the slaveholders understand that the Constitution will give slavery no protection once slaveholders no longer administer it. They see that if the people of America want to abolish slavery, nothing in the Constitution forbids that. After all, the Constitution did not save slavery in Rhode Island, in Connecticut, in New York, or Pennsylvania. . . . Within the Union, we can fight slavery, which is opposed to the basic principles of the Constitution. For the North to break away from the Union would be unwise and cowardly. It would be 15 million running away from 350,000 slaveholders. Mr. Garrison and his friends say that if we stay in the Union, we are responsible for slavery. Their slogan is “No Union with slaveholders.” They even refuse to vote. I agree we are responsible for slavery while we are in the Union; But leaving the Union would not free us of that responsibility. There is no way for any American citizen to be free of responsibility for slavery until slavery is abolished.

Original Document Source: Frederick Douglass, “The Constitution of the United States: Is It Pro-slavery or Anti-slavery” (speech, Glasgow, UK, March 26, 1860), in *Frederick Douglass: The Colored Orator*, by Frederic May Holland (New York: Funk and Wagnalls, 1891), 197.

Theodore Dwight Weld was another major abolitionist leader. Unlike Garrison, he refused to see the Constitution as standing in the way of slavery's abolition. This passage is from the pamphlet *The Power of Congress over the District of Columbia*.

Original Document

The constitution of the United States does not recognize slaves as “PROPERTY” anywhere. . . . All allusions to them in the constitution recognize them as “persons.” Every reference to them points *solely* to the element of *personality*; and thus, by the strongest implication, declares that the constitution knows them only as “persons,” and *will* not recognize them in any other light. If they escape into free States, the constitution authorizes their being taken back. But how? Not as the property of an “owner,” but as “persons;” and the peculiarity of the expression is a marked recognition of their *personality*—a refusal to recognize them as chattels—“persons *held* to service.” Are *oxen* “*held* to service?” That can be affirmed only of *persons*. Again, slaves give political power as “persons.” The constitution, in settling the principle of representation, requires their enumeration in the census. How? As property? Then why not include race horses and game cocks? Slaves, like other inhabitants, are enumerated as “persons.”

Adapted Version

The Constitution does not define slaves as “PROPERTY” anywhere. . . . It refers to them as “persons.” It stresses the element of personality and knows them only as “persons.” Nowhere does it see them in any other way. If they escape to free States, the Constitution does allow them to be taken back. But how? Not as the property of an “owner,” but as “persons.” This expression stresses their personality by refusing to see them as chattels, calling them instead “persons held to service.” Are oxen “held to service”? Such an expression can only be used for persons. Slaves also add to each state’s political power as “persons.” In settling the rules for representation, the Constitution requires counting them in the census. Does it count them there as property? If so, then why not include race horses and game cocks as well? Slaves, like other inhabitants, are counted as “persons.”

PRIMARY SOURCE ►

I.IO

Martin Luther King Jr. on Civil Rights

In the 1950s and 1960s, Martin Luther King Jr. led a powerful civil rights movement that swept away all forms of legal Jim Crow segregation. On August 28, 1963, King spoke at the Lincoln Memorial during the March on Washington about the Constitution in this passage from his famous “I Have a Dream” speech.

Original Document

But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination.

One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself in exile in his own land. So we have come here today to dramatize a shameful condition.

In a sense we have come to our nation’s capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, which has come back marked “insufficient funds.”

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check—a check that will give us upon demand the riches of freedom and the security of justice.

Original Document Source: Martin Luther King Jr., “I Have a Dream” (speech, Washington, DC, August 28, 1963), in *African Intellectual Heritage: A Book of Sources*, edited by Molefi Kete Asante and Abu S. Abarry (Philadelphia, PA: Temple University Press, 1996).

Communicating Results and Taking Action

Communicating Results

- ◆ Study Primary Sources 1.4 and 1.5. Then pretend it is 1788 and you are a distant relative of Rawlins Lowndes living in New York. Write a letter to Lowndes and tell him you are enclosing Federalist No. 42 with your letter. You recently read it and thought he might want to think about it. Explain Federalist No. 42 to Lowndes as you understand it, and contrast it with the views as he expressed them in Primary Source 1.5. Add your own views about the proposed Constitution and its provision to prevent Congress from banning the slave trade before 1808.
- ◆ Your group should read and discuss Primary Sources 1.6, 1.7, and 1.8. Choose one group member to play each of the following people: William Lloyd Garrison, Abraham Lincoln, and Frederick Douglass. Plan a role-playing debate among all three of them in which they discuss all three of the main slavery-related provisions of the Constitution shown in Primary Source 1.1. Then, as a group, guide a discussion with the class after the role-playing skit is over.
- ◆ Closely read Primary Sources 1.2, 1.3, 1.4, 1.6, and 1.10. Imagine that James Madison, George Mason, and William Lloyd Garrison have been brought to the future to the year 1963 to listen to Martin Luther King Jr.'s "I Have a Dream" speech. Create a short dialogue in which each figure discusses King's speech and relates it to their views from their own eras.

Taking Action

- ◆ The Constitution was not presented to the public as a perfect document. In fact, the Constitution includes a complex way to make changes to its provisions. As a group, study the Constitution and its provisions for making amendments. Decide on one change you all would like to see made to the Constitution. Formulate a proposed amendment. Report your amendment to the class and discuss whether it should be passed and how you might go about getting it passed.
- ◆ After completing the above assignment, summarize your class discussion about your proposed amendment as a group. Send this report to a local newspaper or other news source, either print or electronic. Invite that source to print your report and invite readers to comment on it. Use any responses you get to your report in a follow-up discussion in class for revising the amendment for the better. If the resolution can be passed locally, research how to get the amendment passed in your city. Attempt to get the city council to pass the resolution.

Slavery and the Constitutional Convention Rubric

Criteria	Unacceptable	Developing	Proficient	Excellent
Focus	Tries to respond to task instructions but lacks clear focus on a central idea or thesis	Addresses the task instructions adequately but focus on a central idea or thesis is uneven	Responds to the task instructions appropriately and convincingly; has a consistent focus on a central idea or thesis	Responds to all task instructions convincingly; has a clear and strong focus on a well-developed central idea or thesis
Research	Refers to some sources. But fails to connect these in a relevant way to the task instructions	Refers to relevant sources well but does not always connect these clearly to the task instructions	Refers to relevant sources accurately and usually connects these to the task instructions and a central idea	Refers to relevant sources accurately and in great detail and connects these clearly to the task instructions and a central idea
Development/Use of Evidence	Uses some details and evidence from sources but does not make clear the relevance to the task purpose or instructions	Uses details and evidence from sources generally but not always in support of a clear focus relevant to the task purpose or instructions	Uses details and evidence from sources in a way that effectively supports a focus relevant to the task purpose or instructions	Uses details and evidence from sources along with clear explanations demonstrating deep understanding of the task purpose or instructions
Content	Refers to disciplinary content without clearly understanding it or while using it in an irrelevant or inaccurate manner	Refers to disciplinary content with some understanding but not always with a clear idea of its relation to the overall task	Accurately uses disciplinary content and demonstrates a clear idea of its relation to the overall task	Uses disciplinary content effectively and explains thoroughly and in-depth its relation to the overall task
Conventions	Demonstrates only limited control of standard English conventions, with many errors in spelling, punctuation, grammar and other conventions	Demonstrates some command of standard English conventions with limited errors in spelling, punctuation, grammar, and other conventions	Demonstrates adequate command of standard English conventions with few errors in spelling, punctuation, grammar, and other conventions	Demonstrates a well-developed command of standard English conventions with few errors and a use of language appropriate to the audience and the purpose of the task

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- 1.2: Madison, James. *The Debates in the Federal Convention of 1787 Which Framed the Constitution of the United States of America*. Edited by Gaillard Hund and James Brown Scott. New York: Oxford University Press, 1920.
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- 1.4: Hamilton, Alexander, John Jay, and James Madison. *The Federalist: A Collection of Essays*. . . . New York: J. and A. McLean, 1788.
- 1.5: South Carolina House of Representatives. *Debates Which Arose in the House of Representatives of South-Carolina*. . . . Charleston, SC: A. E. Miller, 1831.
- 1.6: Garrison, William Lloyd. "The Great Crisis!" *The Liberator* 2 (December 1832): 206–207.
- 1.7: Neely, Mark E., Jr. *The Abraham Lincoln Encyclopedia*. New York: Da Capo, 1982.
- 1.8: Frederic, May Holland, ed. *Frederick Douglass: The Colored Orator*. New York: Funk and Wagnalls, 1891.
- 1.9: Weld, Theodore Dwight. *The Power of Congress over the District of Columbia*. New York: American Anti-Slavery Society, 1838.
- 1.10: Asante, Molefi Kete, and Abu S. Abarry, eds. *African Intellectual Heritage: A Book of Sources*. Philadelphia, PA: Temple University Press, 1996.

Sources for Further Study

Burgen, Michael. *The Creation of the U.S. Constitution*. Graphic History. North Mankato, MN: Capstone, 2006.

Furi-Perry, Ursula. *Constitutional Law for Kids: Discovering the Rights and Privileges Granted by the U.S. Constitution*. Chicago, IL: American Bar Association, 2014.

Travis, Cathy. *Constitution Translated for Kids*. St. George, UT: Synergy Books, 2006.

Waldstreicher, David. *Slavery's Constitution: From Revolution to Ratification*. New York: Hill and Wang, 2010.