

The US Constitution of 1787 and Slavery

Overview

Students will explore the Preamble to the US Constitution and the liberties and freedoms it sets forth. Students will then discuss the tensions between the institution of slavery and Constitutional fundamentals. Assuming the role of a Congressional representative in the year 1790, students will debate a Quaker petition to Congress calling for an immediate end to the slave trade, requiring them to examine the historical reality of the institution of slavery in the newly formed states.

Grade

8

North Carolina Essential Standards (to be implemented in the 2012-2013 school year)

- 8.H.1.3 - Use primary and secondary sources to interpret various historical perspectives.
- 8.H.1.4 - Use historical inquiry to evaluate the validity of sources used to construct historical narratives (e.g. formulate historical questions, gather data from a variety of sources, evaluate and interpret data and support interpretations with historical evidence).
- 8.H.1.5 - Analyze the relationship between historical context and decision-making.
- 8.H.2.3 - Summarize the role of debate, compromise, and negotiation during significant periods in the history of North Carolina and the United States.
- 8.H.3.3 - Explain how individuals and groups have influenced economic, political and social change in North Carolina and the United States.
- 8.E.1.1 - Explain how conflict, cooperation, and competition influenced periods of economic growth and decline (e.g. economic depressions and recessions).
- 8.C&G.1.1 - Summarize democratic ideals expressed in local, state, and national government (e.g. limited government, popular sovereignty, separation of powers, republicanism, federalism and individual rights).
- 8.C&G.1.2 - Evaluate the degree to which democratic ideals are evident in historical documents from North Carolina and the United States (e.g. the Mecklenburg Resolves, the Halifax Resolves, the Declaration of Independence, the Articles of Confederation, the Bill of Rights and the principles outlined in the US Constitution and North Carolina Constitutions of 1776, 1868 and 1971).
- 8.C&G.1.4 Analyze access to democratic rights and freedoms among various groups in North Carolina and the United States (e.g. enslaved people, women, wage earners, landless farmers, American Indians, African Americans and other ethnic groups).

Essential Questions

- What is a Preamble and what purpose does the Preamble to the United States Constitution serve?
- What is the purpose of American government according to the Preamble?
- What are the responsibilities of a citizen to ensure the American government upholds the tenants set forth in the Constitution?
- How did the Constitutional Convention address the issue of slavery?
- What is compromise and what role did it play in government during the Constitutional period?
- What was the effect of compromises such as the Great Compromise and the Three-Fifths Compromise?
- What options did Congress have in dealing with slavery during the Constitutional period?

Materials

- Phrases of the Preamble, attached
- “The 1790 Controversy,” worksheet attached

Duration

60-90 minutes (time will vary based on depth of student discussion)

Procedure

The Preamble to the US Constitution

1. As a warm-up, display the Preamble to the Constitution and ask students to quietly read and think about it for a few moments.
 - We the People of the United States, in order to form a more perfect Union, establish Justice, insure 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 for the United States of America.
 - Discuss:
 - What is a Preamble?
 - What is the overall purpose of the Preamble in the Constitution?
2. Next, tell students that since the words and phrases in founding documents such as the Constitution can often be confusing, it is beneficial to break them down for more specific exploration. Divide students into 6 groups, giving each a phrase from the Preamble (attached). Instruct them to discuss their assigned phrase for 4-5 minutes:
 - What do these words mean to you?
 - What purpose do you think the “Founding Fathers” intended for these words to hold?
 - Why is this part of the Preamble important?
 - How is this part of the Preamble relevant to today’s society?
3. Allow students to report back to the class as a whole and further discuss:
 - According to the Preamble, what are the purposes of American government?
 - How is the structure of the American government designed to uphold these liberties and freedoms set forth?
 - How do “we the people” ensure these tenets set forth are upheld/enacted?
 - What does it take on the part of our national government to ensure these tenets are upheld/enacted? Our state government? Our local government?
 - What is our responsibility as a community and as individual citizens to ensure these themes are evident in our community?
4. Finally, point out to students that while the Preamble may set forth a vision of a united, well-intentioned government, at the time it was written, the institution of slavery was ingrained into society. Ask students to consider:
 - How might our perspective regarding the Preamble today compare and contrast to those living in 1787?
 - Imagine that you were an enslaved person living in 1787. How would this Preamble apply to you?
 - What might an enslaved person have to say about the Preamble and what it sets forth? (Teachers may want to give students a few minutes to assume the perspective of an enslaved person in 1787 and write down a response to this question. Volunteers can then share their writing out loud.)

Slavery and the US Constitution

5. Explain to students that while delegates worked on the US Constitution of 1787 many questions remained unsolved, one of the most important being the issue of slavery and the slave trade. Those enslaved made up one-fifth of the population of the new states, with most of those enslaved living in the South (slaves

accounted for 40 percent of the population in the southern states). Whether slavery was to be permitted and continued under the new Constitution was a matter of conflict between the North and South, with several Southern states refusing to join the Union if slavery was ended.

Ask students:

- Why would Southern states refusing to join the Union be detrimental to our new nation in 1787?
- What do you predict Congress decided to do regarding the issue of slavery in 1787?

6. Explain that while views on slavery varied, the issue was too controversial to outlaw in the Constitution. However, a more pressing issue developed as our governmental structure was being set up - Would slaves be counted as part of the population in determining representation in Congress? Or would they be considered property not entitled to representation? This is where **compromise** becomes key in ratification of the Constitution.

7. Assign a reading on compromises made by the Constitutional Convention from your text book, or explain to students:

- Delegates from states with large populations of slaves argued that slaves should be considered persons in determining representation. Delegates from states where slavery was less prevalent argued that slaves should be included in taxation but not in determining representation. After weeks of fighting, on July 2 the Convention decided to form a committee lead by **Benjamin Franklin** and including one delegate from each state to work out the issue. This committee produced the **Great Compromise**, also referred to as the **Connecticut Compromise**.

The Great Compromise set up a dual system of representation, with a lower house (House of Representatives) and an upper house (Senate). In the lower house, each state would be assigned a number of seats based on its population, and it was determined that each slave would count for three fifths of a free person in determining both representation and taxes. In the upper house, all states would have the same number of seats, two representatives apiece. This compromise was officially adopted on July 16th, 1787.

With House representation being based on population, further debate ensued regarding whether Southern States would be allowed to count slaves as part of their population. The same slave holding Southerners who historically denied the humanity of those enslaved now fought to have them counted in order to raise their population numbers, thus their representation in the House. The **Three-Fifths Compromise** resulted, stating that three-fifths of the population of slaves would be counted when determining both the distribution of taxes and the apportionment of the members of the US House of Representatives.

Without such compromises, it is likely that the Constitution could not have been agreed upon.

Following the Great Compromise, another controversy erupted: What should be done about the slave trade, the importing of new slaves into the United States? Ten states had already outlawed it. Many delegates heatedly denounced it. But the three states that allowed slavery (Georgia, South Carolina, and North Carolina) threatened to leave the Convention if the slave trade were banned. The delegates to the Convention did not want the ratification of the Constitution to fail because of the conflict over slavery. Therefore, a special committee worked out another compromise: Congress would have the power to ban the slave trade, but not until at least 20 years later (January 1, 1808).

- Discuss:
 - What is a compromise? What characteristics might a compromise embody?
 - Why do governments often have to utilize compromise?
 - Why did the convention decide upon the Great Compromise? The Three-Fifths Compromise?

- What positive effect did these compromises have on the new nation? What negative effect did they have?
 - Do you think the Three-Fifths Compromise was a wise decision? Why or why not?
 - If you were a member of the Constitutional Convention, would you have voted to approve the Great Compromise and the Three-Fifths Compromise? Why or why not?
 - Are there other governmental compromises throughout history that you can connect this to?
8. Explain to students that the Constitution of 1787 was ratified by 11 states as of July 1788. North Carolina finally became the 12th state to approve it on November 21, 1789 based on Congress's consideration of adding a Bill of Rights. Finally, Rhode Island approved the Constitution in May 1790. However, the issues of slavery and the slave trade were not over.

The 1790 Slavery Controversy

9. With students again in small groups, hand out the attached "1790 Slavery Controversy," and explain to groups that they will be thinking as a member of Congress in the year 1790. Project and explain the assignment:
- You are a member of Congress in 1790. Today, February 11, 1790 two Quaker delegates (one from New York, the other from Philadelphia) have presented petitions to the House calling for the federal government to put an immediate end to the African slave trade. The issue has been assigned to a Committee for further discussion. The Committee (your group) is responsible for the following...
 - Considering the historical perspectives that realistically existed in the 1700s, devise a plan for slavery and the slave trade. As a congressional committee, you must:
 - Begin your meeting by educating yourselves on the realities of the times by reading and discussing the points below.
 - Take on a perspective of a congressional representative living in 1790 (remember, there were varying degrees of support or opposition for slavery and the slave trade.)
 - Together, decide how to respond to the petition presented to you. Located below you will find options that were actually presented. You may combine ideas, or disregard them all and create your own (again, be true to the time period).
 - As you determine what to do regarding the issue of slavery, you must also consider the budget your decision will
 - Require. A great idea is nothing without the funds to back it.
 - A great idea is also nothing without your group's ability to convince other members of Congress to support it. Be prepared to present your idea to Congress (the rest of class) in a manner that will gain their approval.
10. Determine how much time to give students to work (at least 20 minutes is recommended). As students work, teachers should circulate to ensure students stay on task. Many groups will be unable to determine a solution to the issue if they are remaining true to all of the facts of the time. However, they will gain an understanding of the difficult reality of pleasing all parties (political and civilian) in 1790, as well as the financial realities facing our new nation. They will also understand how ingrained the issue of slavery was in the making of America.
11. After sufficient work time, allow groups to present their decisions. If no decision was made, groups can explain the difficulties they faced and why no decision was reached. Finally, debrief as a class:
- What was this experience like? Why was it difficult to solve the issue of slavery?
 - What factors influenced the choices you had in dealing with slavery and the slave trade?
 - Are any of these same factors dealt with by members of Congress today? Explain.
 - Was it likely that Congress was going to be able to please everyone regarding the issue of slavery? Explain.
 - Considering your answer to the previous question, how does Congress make their final decisions?

- Are policy makers likely to satisfy everyone in the decisions they make today? Explain.
- What role did compromise play regarding the issue of slavery? Why do you think Congress worked so hard to create such compromises?
- Do you think the compromises made regarding slavery helped or hindered the issue? Explain.
- What might have been different if citizens, such as the Quakers, did not make their displeasure with slavery known? What are our responsibilities as citizens in regards to our government and to upholding our rights?
- How are our lives impacted today by the Constitution, and the decisions made throughout history regarding the Constitution?
- Based on this experience, what skills does one need to be a member of Congress?

12. In culmination, project the following quote and discuss:

- “Slavery would become the central and defining problem for the next seventy years of American history...The inability to take decisive action against slavery in the decades immediately following the Revolution permitted the size of the enslaved population to grow exponentially (meaning continue to double and double)...this also allowed legal and political institutions of the developing U.S. government to become entwined with compromises with slavery’s persistence...Eventually over 600,000 Americans would die in the nation’s bloodiest war to resolve the crisis [of slavery].” ~ *Joseph Ellis, author of “Founding Brothers”*
- Slavery was not ended until after the Civil War, with the passing of the 13 Amendment in 1865, 75 years after the Quaker’s petition. Do you think the Civil War was inevitable? Was there no other way to solve the issue of slavery? Explain.
- Do you think that Congress would have made different choices if they were able to see into the future and know that the Civil War would erupt, largely over the issue of slavery? Explain.

Phrases from the Preamble

We the people of the United States, in order to form a more perfect Union...

Discuss:

- What do these words mean to you?
- What purpose do you think the “Founding Fathers” intended for these words to hold?
- Why is this part of the Preamble important?
- How is this part of the Preamble relevant to today’s society?



establish Justice

Discuss:

- What do these words mean to you?
- What purpose do you think the “Founding Fathers” intended for these words to hold?
- Why is this part of the Preamble important?
- How is this part of the Preamble relevant to today’s society?



insure domestic Tranquility

Discuss:

- What do these words mean to you?
- What purpose do you think the “Founding Fathers” intended for these words to hold?
- Why is this part of the Preamble important?
- How is this part of the Preamble relevant to today’s society?



provide for the common defense

Discuss:

- What do these words mean to you?
- What purpose do you think the “Founding Fathers” intended for these words to hold?
- Why is this part of the Preamble important?
- How is this part of the Preamble relevant to today’s society?



promote the general Welfare

Discuss:

- What do these words mean to you?

- What purpose do you think the “Founding Fathers” intended for these words to hold?
- Why is this part of the Preamble important?
- How is this part of the Preamble relevant to today’s society?



secure the Blessings of Liberty

Discuss:

- What do these words mean to you?
- What purpose do you think the “Founding Fathers” intended for these words to hold?
- Why is this part of the Preamble important?
- How is this part of the Preamble relevant to today’s society?



to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Discuss:

- What do these words mean to you?
- What purpose do you think the “Founding Fathers” intended for these words to hold?
- Why is this part of the Preamble important?
- How is this part of the Preamble relevant to today’s society?

The 1790 Controversy

You are a member of Congress in the 1790. Today, February 11, 1790 two Quaker delegates (one from New York, the other from Philadelphia) have presented petitions to the House calling for the federal government to put an **immediate end to the African slave trade**.

Your group represents a congressional committee that must research the situation and make a recommendation to the House regarding the situation. Considering the historical perspectives that realistically existed in the 1700s, **devise a plan for slavery and the slave trade**. As a congressional committee, you must:

1. Begin your meeting by educating yourselves on the realities of the times by reading and discussing the points below.
2. Take on a perspective of a congressional representative living in 1790 (remember, there were varying degrees of support or opposition for slavery and the slave trade.)
3. Together, decide how to respond to the petition presented to you. Located below you will find options that were actually presented. You may combine ideas, or disregard them all and create your own (again, be true to the time period).
4. As you determine what to do regarding the issue of slavery, you must also consider the budget your decision will require. A great idea is nothing without the funds to back it.
5. A great idea is also nothing without your group's ability to convince other members of Congress to support it. Be prepared to present your idea to Congress (the rest of class) in a manner that will gain their approval.

A. Congressional Briefing: Consider some issues and opinions of the time as you begin to brainstorm ideas with your fellow Representatives regarding what to do about slavery and the slave trade:

- The Constitution of the United States, only recently ratified, specifically prohibited Congress from passing any law abolishing or restricting the slave trade until 1808.
- The Constitution, which bound all of the states into a Union, would not have been ratified by some southern states without the protection of slavery. It is important for our new nation to stick together and Southern states may "leave the union if the federal government ever attempted to implement a national slave emancipation policy."
- The Quaker petition claimed that both slavery and the slave trade are incompatible with the ideals set forth in the American Revolution (meaning, what about "...all men are created equal..."). Thus, the Quakers feel you, as Congress, could in fact use the Declaration of Independence as entitlement to revoke the slavery clause.
- On the other hand, removing slavery is not like removing the British. Slavery is woven into the fabric of American society, in ways that defy logic or morality. Many people living in America feel that Congress "controlling their 'property' (slaves)" is just as bad as previous British control.
- Many southern delegates believe that the nation's economy, particularly in the south, depends on the availability of slave labor ("Rice cannot be brought to market without these people"). Many believe that slavery is an institution necessary for our economy, as "No white man would perform the tasks required to drain the swamps and clear the land."
- Some Americans, citizens and government representatives alike, believe that the Bible and the Constitution endorse (agree with) slavery, thus it is acceptable ("a necessary evil"). Others believe the morals presented in the Bible show slavery to be cruel and unjust.

- There was widespread belief by some in the late 1700's that slavery would eventually be ended, over time. "Slavery could be tolerated in the short run because there was the idea that it would be ended in the long run." Others called for an immediate end to the slave trade.

- In 1782 the Virginia legislature passed a law where slave owners could free slaves at their own discretion. Meanwhile, Thomas Jefferson was writing Notes on the State of Virginia, where he sketched out a plan that all slaves born after 1800 would eventually be free. In 1784 Jefferson also proposed a bill to Congress to prohibit slavery in all western territories (it failed to pass by a single vote).

B. Congressional Compromises...Did they further slavery? Consider past decisions made by Congress.

- Developed in July of 1787, the **Northwest Ordinance** forbade slavery in the territory north of the Ohio River (out west). This could be interpreted as the first political measure to exclude slavery from new states. But...on the other hand, this secured slavery in the southern states, and could be seen as being favorable to slavery.

- The **Great Compromise**, also known as the **Connecticut Compromise**, was determined at the Philadelphia Convention of 1787. In part, it defined the legislative structure and representation that each state would have under the United States Constitution. It proposed a bicameral legislature, resulting in the current United States Senate and House of Representatives. It designated that the number of representatives each state has in the House of Representatives would be based on each state's population, and that the number of Senators each state had would be equal, regardless of population. The Great Compromise also involved an exchange of votes where New England agreed to back an extension of the slave trade for 20 years, so that the South would support federal regulation of commerce.

With House representation being based on population, further debate ensued regarding whether Southern States would be allowed to count slaves as part of their population. The same slave holding Southerners who historically denied the humanity of those enslaved now fought to have them counted in order to raise their population numbers, thus their representation in the House. The **Three-Fifths Compromise** resulted, stating that three-fifths of the population of slaves would be counted when determining both the distribution of taxes and the apportionment of the members of the US House of Representatives.

C. Below are options that were actually presented to Congress at various times. You may wish to decide on one of these to implement, combine or alter these ideas, or come up with something entirely new.

- Stop the slave trade, allowing plantation owners to keep what slaves they have.

- Stop the slave trade and free all existing slaves.

- Compensate slave owners by purchasing their slaves and freeing them. Slave owners would need to be given between \$100-\$200 per slave.

- Establish a national fund of money to pay for freeing slaves. This money would come from:
 - a. a national tax?
 - b. selling land in the west?

- Free the slaves & colonize them elsewhere. ("The two races cannot live together on equal terms because of deep rooted prejudices entertained by the whites - ten thousand recollections by the blacks of the injuries they have sustained...")

- a. A return to Africa?

- b. Caribbean?

- c. American West?

Your ideas:

D. Consider the budget you are working with. If your plan requires any type of money, you must figure out how to raise the money given the following budgetary guidelines.

Federal budget in 1790: \$7 million
 Total debt (after American Revolution): \$77 million
 Estimated cost to buy slaves into freedom: \$140 million

1790 Census

States	Free White	All Other Free Persons	Slaves	Total
Vermont	85,268	255	16	86,539
New Hampshire	141,097	630	158	141,885
Maine	96,002	538	None	96,540
Massachusetts	373,324	5,463	None	378,787
Rhode Island	64,470	3,407	948	68,825
Connecticut	232,674	2,808	2,764	237,946
New York	314,142	4,654	21,324	340,120
New Jersey	169,954	2,762	11,423	184,139
Pennsylvania	424,099	6,537	3,737	434,373
Delaware	46,310	3,899	8,887	50,094
Maryland	208,649	8,043	103,036	319,728
Virginia	442,117	12,866	292,627	747,610
Kentucky	61,133	114	12,430	73,677
North Carolina	288,204	4,975	100,572	393,751
South Carolina	140,178	1,801	107,094	249,073
Georgia	52,886	398	29,264	82,548
Total	3,140,205	59,150	694,280	3,893,635

E. Decision time: Together, devise a plan for slavery and the slave trade. Use the space below to write your final decision. This should include an outline of what you will share with your colleagues in Congress to convince them your Committee’s plan makes most sense: