

# **Lesson One: The Declaration of Independence and the Promise of Liberty and Equality for All: Founding Principles and the Problem of Slavery**

## **Handout B: Background Essay**

1. After the Seven Years' War, the British government enacted a series of new laws and taxes. The colonists had no representation in Parliament and therefore did not consider these taxes legal. This prompted many to begin conversations about where rights came from.
2. Natural rights are rights that come from nature. All humans are born with these rights and therefore no law made by humans can take them away.
3. Enslaved people ran away to fight for the British, who promised freedom. Almost 5,000 fought in the Continental Army. Enslaved individuals also petitioned legislators for freedom, many successfully.
4. The Framers of the U.S. Constitution prioritized a union among the 13 colonies, which would have been impossible without compromising with states whose economies relied on slavery.

## **Handout C: Full Primary Source Set**

### **Document 1: The Declaration of Independence**

1. The colonists wished to “dissolve the political bands” that bound them to Great Britain (that is, declare their independence), and they listed the reasons why they wished to do so.
2. Life, liberty, and the pursuit of happiness
3. The purpose of the government is to secure inalienable rights and to protect the happiness and safety of the people. The government gets its power from the consent of the governed, that is, the people.
4. The sovereign people can alter (amend or change) or abolish (throw out, redo) the government when it violates natural rights. Student answers should generate discussion. Constitutional and political changes typically occur slowly and nonlinearly. The classic example was the ending of slavery, but students may think of other examples such as extending the right to vote to all men and women.
5. If people are equal and entitled to liberty by birth, then owning another person without his or her consent is a violation of natural law.
6. Student answers should generate discussion. The Declaration of Independence set forth the foundational fact that all men are equal in liberty before the United States was officially a nation. This equality was not realized at the time, and it could be argued that it is still not realized for all people today. The work toward equality is ongoing and the responsibility of all generations.
7. It is a war against human nature because it violates an individual's inherent right to life and liberty.
8. The delegates from South Carolina and Georgia wanted the slave trade to continue, and northern colonies represented merchants who profited from the slave trade and would be reluctant to end it.
9. This passage implies that both southern and northern colonies maintained the institution of slavery in different ways, though their slave systems had different characters. Colonies in the lower South (South Carolina and Georgia) relied on slavery to make their economies profitable. Northern colonies, though they had fewer slaves, also profited from the slave trade. Slavery was therefore a part of both the agricultural and the mercantile economies.

**10.** Ending slavery and/or the slave trade would have provoked an outcry from delegates who represented those who profited from slavery, whether directly or from the transportation of slaves. To ensure that all colonies would sign the document, the passage was removed.

### **Document 2: Petition to the Massachusetts Legislature, January 13, 1777**

- 1.** The petition was addressed to the Massachusetts legislator by Prince Hall and seven other black men.
- 2.** Hall and the petitioners were asking for the legislature to recognize that slavery was at odds with the idea of a free country that acknowledges natural rights. The implication is that the petitions were asking for an end to slavery as a practice.
- 3.** The petitioners point out not only how slavery violated natural law, but also the cruelties of the slave trade.
- 4.** This petition illustrates that African Americans understood that Founding principles were meant to apply to all people, and that slavery existed in contradiction to these ideals. It is an example of individual action undertaken to change the fact that Founding principles were not being faithfully applied.

### **Document 3: Constitution of Massachusetts, 1780**

### **Document 4: Constitution of Kentucky, 1792**

- 1.** Like the Declaration of Independence, the Massachusetts Constitution begins with an affirmation of natural law—equality and inalienable rights.
- 2.** The Massachusetts Declaration of Rights asserted that men are free and equal with a right to enjoy and defend life and liberty. If this were true, then slavery should not exist.
- 3.** Whereas the Massachusetts Constitution says men are born free and equal, the Kentucky Constitution says men are equal “when they form a social compact.” To say that people are equal when they form a social compact is to suggest that people may not be equal before they do so, that is, when they are in a state of nature. If Massachusetts declares all men equal in its constitution, then slavery cannot last because it is in violation of the principle of equality. In Kentucky, however, the enslaved are outside the social compact and thus not equal to those who were in it. Thus, slavery in Kentucky was not understood to be at odds with its constitution as written.

### **Document 5: Elizabeth (Mumbet) Freeman portrait, 1811**

### **Document 6: Legal notes by Chief Justice William Cushing about the Quock Walker case, 1783 Pg. 96–98**

- 1.** Accept reasonable answers. Freeman acquired a measure of wealth (wears a gold bead necklace) and purchased her own home. She is depicted with dignity and must have been a respected and loved member of the family for them to want to carry a miniature portrait of her.
- 2.** Cushing writes that slavery is “totally repugnant” to the Founding promises of liberty and equality. He goes on to state the slavery is inconsistent with the Massachusetts Constitution.
- 3.** Both Elizabeth Freeman and Quock Walker used the courts to successfully challenge their enslavement. Rather than accepting the law, they challenged the law.
- 4.** Founding principles of equality and justice set up institutions, such as courts of law, that allowed individuals to correct wrongs. The language of universal principles also inspired many to seek justice and equality through legal and political institutions like the courts.

**Document 7: An Ordinance for the government of the Territory of the United States northwest of the River Ohio, (Northwest Ordinance), July 13, 1787**

**Document 8: An act for the government of the territory of the United States south of River Ohio (Southwest Ordinance), May 26, 1790**

1. These documents set down the guidelines by which a territory can become a new state and enter the union.
2. The Northwest Ordinance expressly forbids the expansion of slavery in any of the territories covered by the act. The Southwest Ordinance expressly forbids Congress from emancipating or freeing slaves in any of the territories covered by its jurisdiction.
3. These documents reveal a growing geographic or sectional divide on the expansion of slavery into western territories by 1790.
4. The italicized passage means that an enslaved person who escaped from one of the original 13 states to the territory covered by the Northwest Ordinance could be reclaimed and sent back to slavery.
5. While the Constitution did not explicitly ban slavery like the Northwest Ordinance did, it did not protect a property in humans, which suggests that a conversation regarding slavery's incompatibility with Founding ideals was underway in the country.

**Document 9: United States Constitution, ratified 1788**

1. The Preamble states the purpose of the government created by the Constitution. In particular, the phrases “establish justice” and “secure the blessings of liberty for ourselves and our posterity” contradict the existence of slavery. The Constitution is meant to be a forward-thinking document that would put slavery on the path to extinction, perhaps not in the Founders’ lifetimes, but in future generations (posterity).
2. The Founders had to compromise to ensure all the states present at the Convention would sign the Constitution. Explicitly stating the terms slavery, slave, or race would codify slavery into the document. Instead, the Framers chose to refer to the institution indirectly, leaving the door open to challenge slavery’s inconsistency with Founding principles in the future.
3. Accept reasonable answers. The Constitution was a document based on Founding ideas and promises of justice and liberty, per the Declaration of Independence and Preamble, but the Framers had to compromise among themselves to create a document that would form a union first and foremost. Since North Carolina, South Carolina, and Georgia refused to accept a document without some guarantees of slavery, free government in the Union would not have been achieved.
4. Accept reasonable answers. This question is meant to spark discussion and debate surrounding the nature of compromise in politics. Is there also an option to add a clause? Or perhaps reject all the clauses? What would it mean if the Framers did not include these southern states?

**Document 10: Petition from the Pennsylvania Society for the Abolition of Slavery, 1790**

1. This is a reference to the Declaration of Independence, which begins with an affirmation of the equality of all men based on natural law.
2. They connect the Preamble’s phrase “promoting the general welfare” to mean that it should be applied to all men, regardless of color or race.
3. Slavery is inconsistent with the Founding affirmation of the equality of all men, natural rights, and self-government.
4. As a signer of the Declaration and one of the Founders, Franklin gave the petition more attention and gravitas.

## Handout D: Abbreviated Primary Source Set

### Document 1: The Declaration of Independence

#### Comprehension Questions

1. The colonists wished to “dissolve the political bands” that bound them to Great Britain (that is, declare their independence), and they listed the reasons why they wished to do so.
2. Life, liberty, and the pursuit of happiness
3. The purpose of the government is to secure inalienable rights and to protect the happiness and safety of the people. The government gets its power from the consent of the governed, that is, the people.
4. The sovereign people can alter (amend or change) or abolish (throw out, redo) the government when it violates natural rights.

#### Analysis Questions

1. If people are equal and entitled to liberty by birth, then owning another person without his or her consent is a violation of natural law.
2. Student answers should generate discussion. The Declaration of Independence set forth the foundational fact that all men are equal in liberty before the United States was officially a nation. This equality was not realized at the time, and it could be argued that it is still not realized for all people today. The work toward equality is ongoing and the responsibility of all generations.

### Document 2: Petition to the Massachusetts Legislature, January 13, 1777

#### Comprehension Questions

1. The petition was addressed to the Massachusetts legislature.
2. Hall and the petitioners point out that slavery was at odds with the idea of a free and Christian country that acknowledges natural rights, including the freedom of all men.
3. It is describing the cruelties of the slave trade.

#### Analysis Question

1. This petition illustrates that African Americans understood that Founding principles were meant to apply to all people, and that slavery existed in contradiction to these ideals. This petition is an example of individual action to challenge the fact that Founding principles were not being faithfully applied.

### Document 3: Elizabeth (Mumbet) Freeman portrait, 1811

#### Analysis Questions

1. Accept reasonable answers. Freeman acquired a measure of wealth (wears a gold bead necklace) and purchased her own home. She is depicted with dignity and must have been a respected and loved member of the family for them to want to carry a miniature portrait of her.
2. Elizabeth Freeman cited the promises from the Declaration of Independence to inspire her using the courts to successfully challenge her enslavement.

## **Document 4: United States Constitution, ratified 1788**

### **Comprehension Questions**

1. The purpose of the Constitution is to set up or establish the systems or rules for governing the new United States.
2. Enslaved individuals counted as three-fifths of a person when determining a state's population.
3. The slave trade cannot be banned until 1808. At that time, Congress had the power to ban the trade through legislation.
4. If an enslaved man or woman escaped, this clause says they must be brought back to their owner "the party of whom such Service or Labour may be due."

### **Analysis Questions**

1. The Preamble states the purpose of the government created by the Constitution. In particular, the phrases "establish justice" and "secure the blessings of liberty for ourselves and our posterity" contradict the existence of slavery. The Constitution is meant to be a forward-thinking document that would put slavery on the path to extinction, perhaps not in the Founders' lifetime, but in those of future generations (posterity).
2. The Founders had to compromise to ensure all the states present at the Convention would sign the Constitution. Explicitly stating the terms slavery, slave, or race would codify slavery into the document. Instead, the Framers chose not to have the stain of slavery in the document because they expected the eventual destruction of the institution. By referring to it indirectly, they left the door open to challenge slavery's inconsistency with Founding principles in the future.
3. Accept reasonable answers. The Constitution was a document based on Founding ideas and promises of justice and liberty, per the Declaration of Independence and Preamble, but the Framers had to compromise among themselves to create a document that would form a union first and foremost. Since North Carolina, South Carolina, and Georgia refused to accept a document without some guarantees of slavery, free government in the Union would not otherwise have been achieved.

## **Document 5: Petition from the Pennsylvania Society for the Abolition of Slavery, 1790**

### **Comprehension Questions**

1. This is a reference to the Declaration of Independence, which begins with an affirmation of the equality of all men based on natural law.
2. They connect the phrasing in the Preamble of "promoting the general welfare" to mean that the Constitution should be applied to all men, regardless of color or race.

### **Analysis Questions**

1. Slavery is inconsistent with the Founding affirmation of the equality of all men, natural rights, and self-government.
2. As a signer of the Declaration and one of the Founders, Franklin gave the petition more attention and gravitas.

## Handout E: Graphic Organizer for Document Analysis

Document Title and Date	Main ideas	Connection to Founding Principles
<b>The Declaration of Independence, 1776*</b>	<p>Natural law says all people are equal, with inalienable rights to life, liberty, and the pursuit of happiness.</p> <p>Governments are meant to protect these rights and draw their authority from the consent of the people.</p> <p>When a government (the king) violates these rights, it is the right of the people to alter or change their government; this is why the colonies are declaring their independence.</p>	Establishes key Founding principles: equality, liberty, consent of governed (people as source of government's authority)
<b>Petition to the Massachusetts Legislature, January 13, 1777*</b>	<p>Enslaved men are entitled to the same natural and unalienable right to freedom as any other men.</p> <p>Slavery is a violation of natural law.</p> <p>Slavery also violates Christian law.</p>	<p>Reference to natural law and Founding principle of equality</p> <p>Petitioning a governing body implies consent of the government; the government's authority comes from and is responsible to the people</p>
<b>Constitution of Massachusetts, 1780</b>	<p>All men are born free and equal (natural rights).</p> <p>It has a very similar language to the Declaration of Independence.</p>	Repetition of Founding principles in Declaration of Independence
<b>Constitution of Kentucky, 1792</b>	<p>All men, <b>when they form a social compact</b>, are equal.</p> <p>However, the legislature cannot emancipate slaves without the consent and financial reimbursement of their owners.</p>	Surface-level repetition of Founding principles of equality from Declaration of Independence, but the enslaved are outside the social compact and thus not equal to those who were in it. Thus, slavery in Kentucky was not understood to be at odds with its constitution as written.
<b>Elizabeth (Mumbet) Freeman portrait, 1811*</b>	A formerly enslaved woman secures her freedom via the courts and acquires some measure of wealth and success.	Use of courts to petition for freedom as Founding principle of equality is guaranteed in the Massachusetts Constitution
<b>Legal notes by Chief Justice William Cushing about the Quock Walker case, 1783</b>	<p>A formerly enslaved man secures his freedom via the courts.</p> <p>Supreme Court justice who heard the case notes that slavery is at odds with Massachusetts Constitution.</p>	Use of courts to petition for freedom as Founding principle of equality is guaranteed in the Massachusetts Constitution
<b>The Northwest Ordinance, 1787</b>	<p>A law is passed to set up rules for creating new states in the territory between the Great Lakes and Ohio River.</p> <p>It bans slavery in this territory.</p>	<p>Reiterates natural rights of liberty</p> <p>Bans slavery in this territory (implying slavery is at odds with Founding principles)</p>

Document Title and Date	Main ideas	Connection to Founding Principles
<b>The Southwest Ordinance, 1790</b>	<p>A law is passed to set up rules for creating new states in the territory south of the Ohio River.</p> <p>It explicitly states that Congress cannot emancipate slaves in this territory.</p> <p>This is in clear contrast with the Northwest Ordinance—a geographic divide over slavery.</p>	
<b>Excerpts from the U.S. Constitution, ratified 1788*</b>	<p>The Preamble states the purposes of government accommodations to slavery to ensure ratification by southern states—Three-Fifths clause, cannot ban slave trade until 1808, Fugitive Slave clause.</p>	<p>People form the basis/authority of government (We the People)</p> <p>The government should establish justice and “ensure the blessings of liberty”</p> <p>No direct reference to slavery, leaving door open to challenge slavery’s inconsistency with Founding principles in the future</p>
<b>Petition from the Pennsylvania Society for the Abolition of Slavery, 1790</b>	<p>The Quakers oppose slavery on religious grounds and its violation of the “Political Creed of America.”</p> <p>This is an official appeal to the first Congress to abolish slavery.</p>	<p>Petitioning a governing body implies consent of the government; the government’s authority comes from and is responsible to the people</p> <p>Reference to slavery’s inconsistency with the Declaration of Independence and Founding principles (“Political Creed of America”)</p>

## Handout G: Concluding Analysis and Discussion Guide

### Suggested Answers

Document Title and Date	Main ideas	The Courts	“We the People”—individuals and groups
<b>The Declaration of Independence, 1776*</b>	Lists official grievances against king and philosophy behind government as reason for independence		Established that the government's power comes from the people
<b>Petition to the Massachusetts Legislature, January 13, 1777*</b>	Group making request of the legislature	Reference to natural law and Founding principle of equality  Petitioning a governing body implies consent of the government; the government's authority comes from and is responsible to the people	Individuals (Prince Hall and others) petitioning the legislature—shows individual action/agency
<b>Constitution of Massachusetts, 1780</b>	Sets up a system of laws	Repetition of Founding principles in Declaration of Independence	Government's power comes from the people
<b>Constitution of Kentucky, 1792</b>	Sets up a system of laws	Surface-level repetition of Founding principles of equality from Declaration of Independence, but the enslaved are outside the social compact and thus not equal to those who were in it. Thus, slavery in Kentucky was not understood to be at odds with its constitution as written.	Government's power comes from the people
<b>Elizabeth (Mumbet) Freeman portrait, 1811*</b>		The courts provided the framework for Bett to sue for her freedom	Elizabeth (Mumbet) Freeman used the courts to achieve her freedom
<b>Legal notes by Chief Justice William Cushing about the Quock Walker case, 1783</b>		Courts provide framework for a legal case arguing for freedom/ illegality of slavery	Quock Walker used the courts to challenge his status as a slave
<b>The Northwest Ordinance, 1787</b>	Law passed by Congress		
<b>The Southwest Ordinance, 1790</b>	Law passed by Congress		



Document Title and Date	Main ideas	The Courts	“We the People”—individuals and groups
<b>Excerpts from the U.S. Constitution, ratified 1788*</b>	Sets up a system of laws		Government’s power comes from the people
<b>Petition from the Pennsylvania Society for the Abolition of Slavery, 1790</b>	Group making request of the legislature		Individuals (Benjamin Franklin and other members of the Pennsylvania Society for the Abolition of Slavery) petitioning the legislature—shows individual action/agency and groups of like-minded people joining forces to work for change

**2.** Students should support their opinions with historical reasoning. The Founders favored a unanimous Union over an outright ban on slavery, but allow students to express their opinions on this perspective. Prompt students to suggest alternative plans for establishing the country while more aggressively ending slavery from the beginning.

**3.** Students should support their opinions with historical reasoning. Students might note that slavery became more violent and entrenched the longer it endured. Men, women, and children enslaved in this system suffered greatly during this time period.

**4.** Answers may include: State constitutions and laws passed by Congress supported Founding principles in some ways, but a geographic divide over slavery was already forming in the Founding era. In the documents provided, the courts affirmed Founding principles in granting enslaved individuals their freedom and individuals referenced Founding principles and religious arguments in their petitions to governing bodies.

**5.** Students should support their opinions with specific examples from the documents.

**6. Answers may include:**

Laws and policies were in conflict with each other (banning slavery in the Northwest Territory, but banning its abolishment in the Southwest Territory).

Both examples of the courts come from Massachusetts, where the state constitution was interpreted to mean that slavery was in violation of the state’s right to equality.

Individuals and groups actively challenged the tension between Founding principles and the existence of slavery by petitioning legislative bodies and using the courts.

**7.** Students should support their opinions with historical reasoning and specific evidence contained in the documents.