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Slavery & the Founding



Slavery and the United States Constitution

Was the United States Constitution a pro-slavery document or an anti-slavery document?

Slavery & the Founding

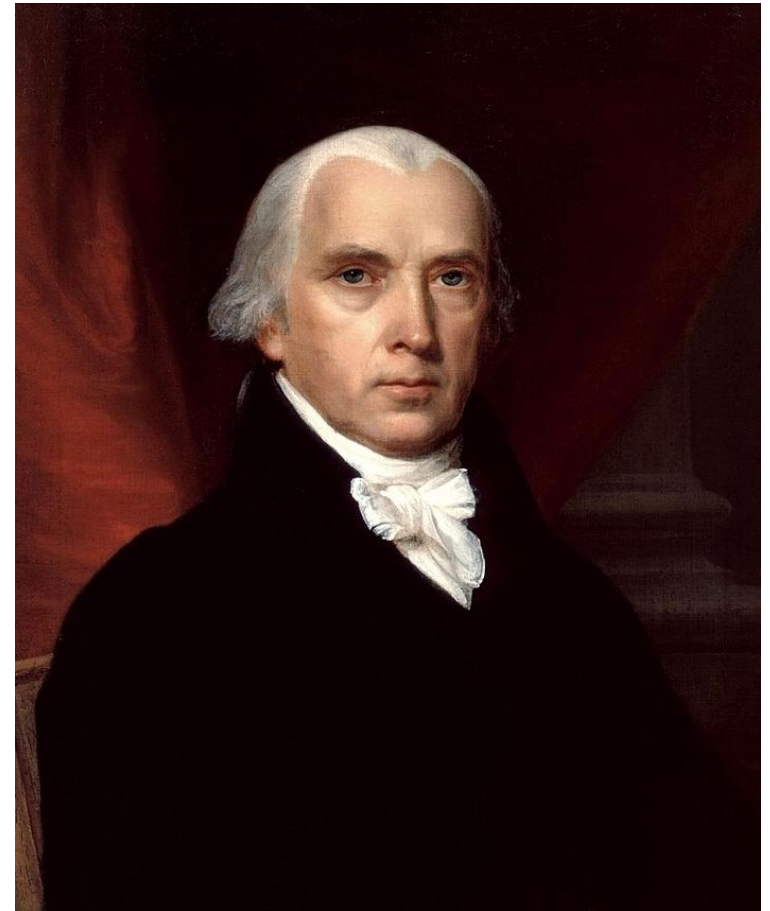
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- The Constitutional Convention took place in Philadelphia in the summer of 1787 with a goal of creating a stronger national government.
- The main divisions in the convention were “between the N[orthern] & South[er]n States” regarding the “institution of slavery & its consequences.” - James Madison
- Three contentious debates took place over:
 - Slavery and representation
 - the international slave trade
 - fugitive slaves



Slavery and Representation

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- Southern delegates wanted enslaved people to count the same as a free person because of the region's large slave population.
 - Slaveholders considered enslaved people property.
 - Counting them would give a political advantage to the South in terms of representation.
- Northern delegates did not want to count them at all.
- **Compromise: Three-Fifths clause**
 - three enslaved persons would count for every five free persons for the purposes of representation in the House of Representatives



Three-Fifths Clause

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- The final version of the Three-Fifths Clause reads that representatives and direct taxes would be **apportioned** (allocated) among the states according to the number of free persons and “three fifths of all other persons.”
- James Madison later explained the reason for using “person” instead of “slave.” The delegates did not “admit in the Constitution the idea that there could be property in men.”

....Representatives and direct Taxes shall be apportioned [allocated] 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.

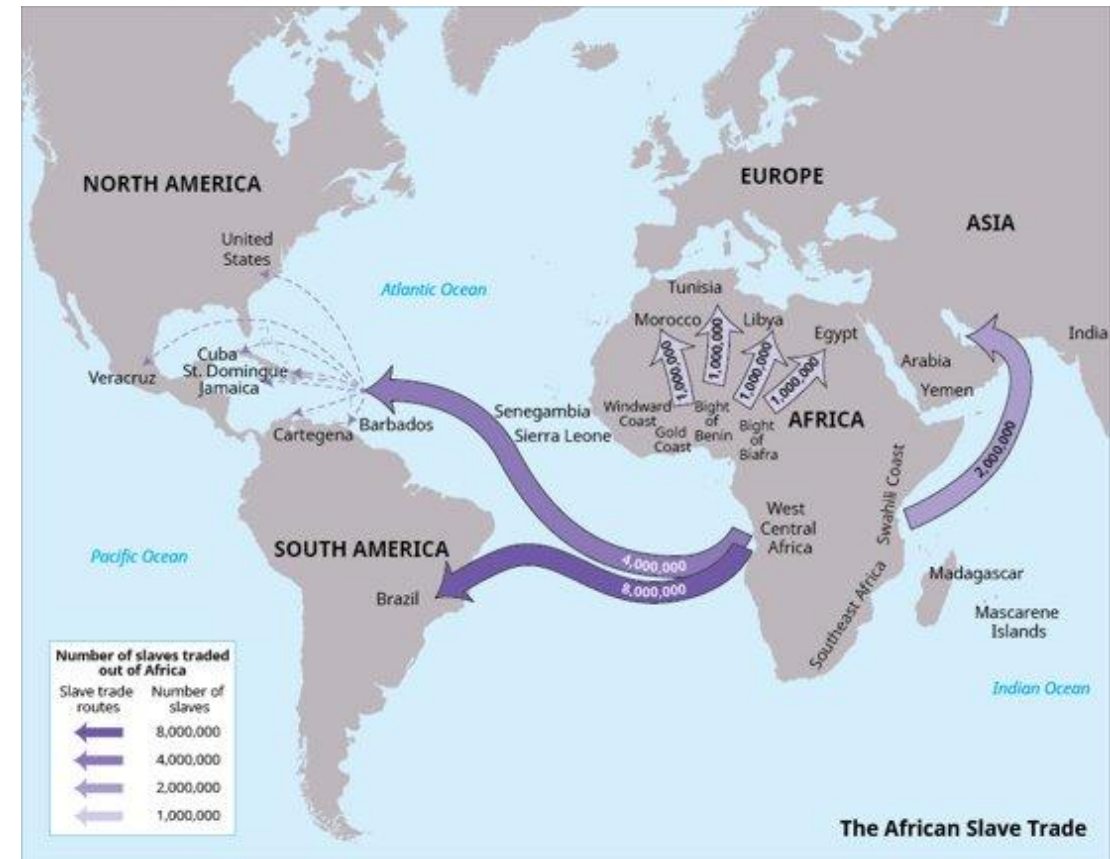
-Article I, Section 2.
[Three-Fifths Clause]

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The Slave Trade

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- After contentious debate, the delegates agreed Congress could not interfere with the slave trade until 1808.
- The South lost a major point of protecting the slave trade forever but forced a concession of twenty years under threat of disunion, particularly from the Lower South.
- The region, with the help of northern merchants, would tragically import tens of thousands of enslaved Africans during those two decades.
- Congress banned the international slave trade on January 1, 1808—the earliest constitutionally-allowable moment.



The Fugitive Slave Clause

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- A trend toward emancipation in northern states meant enslaved persons might run away to free states.
 - Southern delegates wanted these people “delivered up like criminals”.
 - Many northern delegates opposed the motion to return enslaved people that ran away.
- The final Fugitive Slave Clause:
 - did not recognize a property in man;
 - did not force free states to participate in recapture;
 - did not give national sanction to slavery because it states that slavery fell under state law;
 - left ambiguity over enforcement, which would lead to controversy.

"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."

- Article IV, Section 2
[Fugitive Slave Clause]

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- The Constitution was ratified in 1788 and became the law of the land.
- The Constitution did not end slavery, which continued to grow and spread in the South at the same time it receded in the North.
- However, the Constitution did not protect a property in man nor did it provide for national validation of the institution. The Constitution supported the concept of “freedom national, slavery local.” That is, slavery was to remain a matter of state and local law.
- Importantly, the federal government therefore could not interfere with the institution in the states where it already existed.
- This had significant consequences for the history of the United States from 1787 to 1865 and after.

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- The activities and primary sources in this lesson will help you to answer the following question:
- *Was the United States Constitution a pro-slavery document or an anti-slavery document?*