

The Constitution and Slavery

by Jonathan Burack

Each unit in *The Historian's Apprentice* series deals with an important historical topic. It introduces students to a five-step set of practices designed to simulate the experience of being a historian and make explicit all key phases of the historian's craft.

The Historian's Apprentice: A Five-Step Process

1. Reflect on Your Prior Knowledge of the Topic

Students discuss what they already know and how their prior knowledge may shape or distort the way they view the topic.

2. Apply Habits of Historical Thinking to the Topic

Students build background knowledge on the basis of five habits of thinking that historians use in constructing accounts of the past.

3. Interpret the Relevant Primary Sources

Students apply a set of rules for interpreting sources and assessing their relevance and usefulness.

4. Assess the Interpretations of Other Historians

Students learn to read secondary sources actively, with the goal of deciding among competing interpretations based on evidence in the sources.

5. Interpret, Debate, and Write About the Topic Yourself

Students apply what they have learned by constructing evidence-based interpretations of their own in a variety of ways.

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Printed in the United States of America

ISBN: 978-1-57596-283-2

Product Code: HS365

Teacher Introduction

★ *Teaching the Historian's Craft*

The goal of *The Historian's Apprentice* units is to expose students in a manageable way to the complex processes by which historians practice their craft. By modeling what historians do, students will practice the full range of skills that make history the unique and uniquely valuable challenge that it is.

Modeling the historian's craft is not the same as being a historian—something few students will become. Therefore, a scaffolding is provided here to help students master historical content in a way that will be manageable and useful to them.

Historical thinking is not a simple matter of reciting one fact after another, or even of mastering a single, authoritative account. It is disciplined by evidence, and it is a quest for truth; yet, historians usually try to

clarify complex realities and make tentative judgments, not to draw final conclusions. In doing so, they wrestle with imperfect sets of evidence (the primary sources), detect multiple meanings embedded in those sources, and take into account varying interpretations by other historians. They also recognize how wide a divide separates the present from earlier times. Hence, they work hard to avoid present-mindedness and to achieve empathy with people who were vastly different from us.

In their actual practice, historians are masters of the cautious, qualified conclusion. Yet they engage, use their imaginations, and debate with vigor. It is this spirit and these habits of craft that *The Historian's Apprentice* seeks to instill in students.

★ *The Historian's Apprentice: Five Steps in Four Parts*

The Historian's Apprentice is a five-step process. However, the materials presented here are organized into four parts. Part I deals with the first two of the five steps of the process. Each of the other three parts then deals with one step in the process. Here is a summary of the four parts into which the materials are organized:

Teacher Introduction. Includes suggested day-by-day sequences for using these materials, including options for using the PowerPoint presentations. One sequence is designed for younger students and supplies a page of vocabulary definitions.

Part 1. A student warm-up activity, an introductory essay, a handout detailing a set of habits of historical thinking, and two PowerPoint presentations (*Five Habits of Historical Thinking* and *The Constitution and Slavery*). Part 1 (including the PowerPoints) deals with *The Historian's Apprentice* Steps 1 and 2.

Part 2. A checklist for analyzing primary sources, several primary sources, and worksheets for analyzing them. Part 2 deals with *The Historian's Apprentice* Step 3.

Part 3. Two secondary source passages and two student activities analyzing those passages. Part 3 deals with *The Historian's Apprentice* Step 4.

Part 4. Two optional follow-up activities enabling students to write about and/or debate their own interpretations of the topic. Part 4 deals with *The Historian's Apprentice* Step 5.

All pages in this booklet may be photocopied for classroom use.

INTRODUCTION★ *Suggested Five-Day Sequence*

Below is one possible way to use this *Historian's Apprentice* unit. Tasks are listed day by day in a sequence taking five class periods, with some homework and some optional follow-up activities.

PowerPoint Presentation: *Five Habits of Historical Thinking*. This presentation comes with each *Historian's Apprentice* unit. If you have used it before with other units, you need not do so again. If you decide to use it, incorporate it into the DAY 1 activities. In either case, give students the "Five Habits of Historical Thinking" handout for future reference. Those "five habits" are as follows:

- History Is Not the Past Itself
- The Detective Model: Problem, Evidence, Interpretation
- Time, Change, and Continuity
- Cause and Effect
- As They Saw It: Grasping Past Points of View

Warm-Up Activity. Homework assignment: Students do the *Warm-Up Activity*. This activity explores students' memories and personal experiences shaping their understanding of the topic.

DAY 1: Discuss the *Warm-Up Activity*, then either have students read or review the "Five Habits of Historical Thinking" handout, or use the *Five Habits* PowerPoint presentation.

Homework assignment: Students read the background essay "Was the Constitution a Proslavery Document?"

DAY 2: Use the second PowerPoint presentation, *The Constitution and Slavery*, to provide an overview of the topic for this lesson. The presentation applies the Five Habits of Historical Thinking to this topic. Do the two activities embedded in the presentation.

Homework assignment: Students read the "Interpreting Primary Sources Checklist." The checklist teaches a systematic way to handle sources:

- Sourcing
- Contextualizing
- Interpreting meanings
- Point of view
- Corroborating sources

DAY 3: In class, students study some of the ten primary source documents and complete "Source Analysis" worksheets on them. They use their notes to discuss these sources. (Worksheet questions are all based on the concepts on the "Interpreting Primary Sources Checklist.")

DAY 4: In class, students complete the remaining "Source Analysis" worksheets and use their notes to discuss these sources. Take some time to briefly discuss the two secondary source passages students will analyze next.

Homework assignment: Student read these two secondary source passages.

DAY 5: In class, students do the two "Secondary Sources" activities and discuss them. These activities ask them to analyze the two secondary source passages using four criteria:

- Clear focus on a problem or question
- Position or point of view
- Use of evidence or sources
- Awareness of alternative explanations

Follow-Up Activities (optional, at teacher's discretion).

Do as preferred: the DBQ Essay Assignment and/or the Structured Debate.

Suggested Three-Day Sequence

If you have less time to devote to this lesson, here is a suggested shorter sequence. The sequence does not include the PowerPoint presentation *Five Habits of Historical Thinking*. This presentation is included with each *Historian's Apprentice* unit. If you have never used it with your class, you may want to do so before following this three-day sequence.

The three-day sequence leaves out a few activities from the five-day sequence. It also suggests that you use only six key primary sources. However, it still walks students through the steps of the *Historian's Apprentice* approach: clarifying background knowledge, analyzing primary sources, comparing secondary sources, and debating or writing about the topic.

Warm-Up Activity. Homework assignment: Ask students to read or review the “Five Habits of Historical Thinking” handout and read the background essay “Was the Constitution a Proslavery Document?”

Day 1: Use the PowerPoint presentation *The Constitution and Slavery*. It provides an overview of the topic for this lesson by applying the Five Habits of Historical Thinking to it. Do the two activities embedded in the presentation.

Homework assignment: Students read or review the “Interpreting Primary Sources Checklist.” The checklist teaches a systematic way to handle sources.

Day 2: In class, students study some of the ten primary source documents and complete “Source Analysis” worksheets on them. They then use their notes to discuss these sources. Documents 1, 3, 5, 6, 8, and 10 are suggested.

You may wish to make your own choices of primary sources. Use your judgment in deciding how many of them your students can effectively analyze in a single class period.

Homework assignment: Student read the two secondary source passages.

Day 3: In class, students do the two “Secondary Sources” activities and discuss them. These activities ask them to analyze the two secondary source passages using four criteria.

Follow-Up Activities (optional, at teacher's discretion):

Do as preferred: the DBQ Essay Assignment and/or the Structured Debate.

Suggestions for Use with Younger Students

For younger students, parts of this lesson may prove challenging. If you feel your students need a somewhat more manageable path through the material, see the suggested sequence below.

If you want to use the *Five Habits of Historical Thinking* PowerPoint presentation, this sequence takes four class periods. If you do not use this PowerPoint, you can combine DAY 1 and DAY 2 and keep the sequence to just three days. We suggest using six primary sources only. The ones listed for DAY 3 are less demanding in terms of vocabulary and conceptual complexity. For DAY 4, we provide some simpler DBQs for the follow-up activities.

Vocabulary: A list of vocabulary terms in the sources and the introductory essay is provided on page 7 of this booklet. You may wish to hand this sheet out as a reading reference, you could make flashcards out of some of the terms. You might also ask each of several small groups to use the vocabulary sheet to explain terms found in one source to the rest of the class.

SUGGESTED FOUR-DAY SEQUENCE

Warm-Up Activity. Homework assignment: Students do the Warm-Up Activity. This activity explores students' memories and personal experiences shaping their understanding of the topic.

Day 1: Discuss the Warm-Up Activity. Show the *Five Habits of Historical Thinking* PowerPoint presentation (unless you have used it before and/or you do not think it is needed now). If you do not use this PowerPoint presentation, give students the "Five Habits of Historical Thinking" handout and discuss it with them.

Homework assignment: Ask students to read the background essay "Was the Constitution a Proslavery Document?"

Day 2: Use the PowerPoint presentation *The Constitution and Slavery*. This introduces the topic for the lesson by applying the Five Habits of Historical Thinking to it. Do the two activities embedded in the presentation.

Homework assignment: Students read or review the "Interpreting Primary Sources Checklist." The checklist offers a systematic way to handle sources.

Day 3: Discuss the "Interpreting Primary Sources Checklist" and talk through one primary source document in order to illustrate the meaning of the concepts on the checklist. Next, have students complete "Source Analysis" worksheets after studying primary source documents 1, 3, 5, 8, 9 (a & b), and 10.

Homework assignment: Students read the two secondary source passages.

Day 4: Students do only "Secondary Sources: Activity 2" and discuss it. This activity asks them to choose the two primary sources that best back up each secondary source passage.

Follow-Up Activities (optional, at teacher's discretion):

Do as preferred: the DBQ Essay Assignment and/or the Structured Debate.

Here are some alternative DBQs tailored to the six primary sources recommended here:

Why do you think the Framers never used the word "slave" when dealing with the issue of slavery in the Constitution?

Describe the key differences between attitudes about slavery in the Northern states and attitudes about it in the Southern states at the time of the Constitution.

Vocabulary: The Introductory Essay

abolitionist: In this case, someone who wants to abolish slavery

ambiguity: Something unclear or uncertain that possibly has two or more meanings

bulwark: A solid support for protection

covenant: A very strong, solemn agreement

prudent: Shrewd, careful cautious wisdom

ratify: To formally approve or agree to something

taint: To corrupt or spoil

Vocabulary: The Primary Sources

ascertain: Find out or learn

augmentation: The increase of some quantity

apportion: To carefully divide up something in a regular or proportionate way

contend: Struggle with or argue with

concur: Agree or consent

countenance: In this case, to give approval to or go along with something

expedient: In this case, a temporary or practical means to an end

extensive: Very large or great in extent

manumission: The act of giving a slave freedom

procure: Get or obtain

proportionate: In this case, a proper or fair relationship in size between two quantities

Vocabulary: The Secondary Sources

circumlocution: A confusing, too long, or evasive way of expressing something

conspicuously: Very obviously or noticeably

elusive: Able to evade or hard to define

ethos: The guiding or basic beliefs of a person, group, time in history, etc.

sanctioned: Permitted

Part 1: The Constitution—Providing the Context

Note to the teacher: The next pages provide materials meant to help students better understand the Constitution and the challenge slavery posed to the Framers. The materials also seek to teach students the Five Habits of Historical Thinking.

This section includes the following:

- **PowerPoint presentation: *The Five Habits of Historical Thinking***
This presentation illustrates five habits of thought or modes of analysis that guide historians as they construct their secondary accounts of a topic. These Five Habits are not about skills used in analyzing primary sources. (Those are dealt with more explicitly in a handout in the next section.) These Five Habits are meant to help students see history as a way of thinking, not as the memorizing of disparate facts and pre-digested conclusions. The PowerPoint uses several historical episodes as examples to illustrate the Five Habits. In two places, it pauses to ask students to do a simple activity applying one of the habits to some of their own life experiences.
If you have used this PowerPoint with other *Historian’s Apprentice* units, you may not need to use it again here.
- **Handout: “The Five Habits of Historical Thinking”**
This handout supplements the PowerPoint presentation. It is meant as a reference for students to use as needed. If you have used other *Historian’s Apprentice* units, your students may only need to review this handout quickly.
- **Warm-Up Activity**
A simple exercise designed to help you see what students know about the issue of slavery and the Constitution, what confuses them, or what ideas they may have absorbed about it from popular culture, friends and family, etc. The goal is to alert them to their need to gain a clearer idea of the past and be critical of what they think they already know.
- **Introductory essay, “Was the Constitution a Proslavery Document?”**
The essay provides enough basic background information on the topic to enable students to assess primary sources and conflicting secondary source interpretations. At the end of the essay, students get some points to keep in mind about the nature of the sources they will examine and the conflicting secondary source interpretations they will debate.
- **PowerPoint Presentation: *The Constitution and Slavery***
This PowerPoint presentation reviews the topic for the lesson and shows how the Five Habits of Historical Thinking can be applied to a clearer understanding of it. At two points, the presentation calls for a pause and prompts students to discuss some aspects of their prior knowledge of the topic. The proposed sequences suggest using this PowerPoint presentation after assigning the introductory essay, but you may prefer to reverse this order.

Warm-Up Activity

What Do You Know About the Constitution and Slavery?

This lesson deals with slavery and the U.S. Constitution. Whenever you start to learn something about a time in history, it helps to think first of what you already know about it, or think you know. You probably have impressions. You may have read or heard things about it already. Some of what you know may be accurate. You need to be ready to alter your fixed ideas about this time as you learn more about it. This is what any historian would do. To do this, study the clause from the Constitution in the box here and take a few notes in response to the questions below it.

*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.***

The words in the box above are one part of the U.S. Constitution as originally written, in 1787. Briefly explain what you know about the purpose of this one part of the Constitution.

Many people get angry about this clause because of the last phrase in it—"three fifths of all other persons." Those "other persons" were the slaves. Why do you think that people get so upset about this famous "three-fifths clause"?

Suppose the phrase had been "the whole number of all other persons" instead of "three-fifths of all other persons? Would this have been better? Why or why not? What else do you know about slavery and the making of the Constitution?

• *Was the Constitution a Proslavery Document?* •

As the Civil War drew near, some abolitionists like William Lloyd Garrison described the U.S. Constitution as “a covenant with death and an agreement with hell.” For Garrison, the nation’s founding legal document was a hopelessly proslavery “compact formed at the sacrifice of the bodies and souls of millions,” which no moral person should accept as the basis of a free and equal republic.

On the other hand, African American abolitionist Frederick Douglass did not quite see it that way. At first, he agreed with Garrison. In time, however, he found a more hopeful potential in the Constitution. As he put it, “interpreted as it ought to be interpreted, the Constitution is a glorious liberty document,” with no place for slavery.

So who was right? That’s hard to say. The argument has been going on a long time. In fact, this argument about the Constitution began even as it was being written, and it has continued ever since.

At the heart of the debate about the Constitution are three key clauses in it (see Document 1 for this lesson). These were the famous “three-fifths clause”; a clause prohibiting Congress from passing any laws against the Atlantic slave trade for 20 years; and a clause requiring all states to aid in returning runaway slaves to their owners.

In addition, the federal government was given the power to suppress domestic rebellions. This could include slave rebellions.

Probably the most important and most argued about of these clauses was the three-fifths clause. In calculating a state’s population, it counted three-fifths of a state’s slaves for two purposes: to set levels of direct taxation for each state, and to determine each state’s number of representatives in the House of Representatives. The idea of describing a slave as three-fifths of a free person deeply offends many, yet given the purposes for doing this, it was the slaveowners who benefited from counting the slaves at all. It would have been worse for the slaves had they been counted as whole persons. That’s because counting three-fifths of the slaves gave the South, with its huge slave population, extra representation in the House and in

the Electoral College that chooses the president.

These provisions in the Constitution are what lead many to see it as a proslavery document. However, those who disagree point to several other aspects of the issue—including the wording of the Constitution, the debates over it by delegates within the Constitutional Convention itself in 1787, and the intense arguments for and against it as states decided whether or not to ratify the Constitution.

As to the Constitution’s language, many point out that the word “slave” never appears in it. Instead, the Constitution speaks of “persons held to service or labor,” a much less clear expression. Frederick Douglass made much of this fact. In his view (and that of many others), this shows that the Framers realized the word “slave” would taint the Constitution and perhaps make it a bulwark protecting slavery, so they left the word out.

In the spring and summer of 1787, 55 delegates met in Philadelphia to draft the Constitution. Twenty-five of them owned slaves. However, even some of those delegates opposed slavery. Many Northern delegates detested it. The debates, held in secret while the delegates met, show that slavery was a major concern, yet no one sought to end slavery outright. What had brought them all together was a growing fear that the nation could not remain united under the weak Articles of Confederation. They knew there were deep divisions between states with large numbers of slaves (mainly in the South) and states with few or no slaves, in the North. They knew that intense feelings for and against slavery existed and could disrupt the convention. They knew that if this happened, it might destroy all hope of ever creating a unified nation and national government.

The central place of slavery in the convention’s debates was noted by one of the Constitution’s strongest advocates, James Madison. In his notes during the convention he wrote that “the States were divided into different interests not by their difference of size, but by other circumstances; the most material of which resulted...principally from the effects of their having or not having slaves.”

Those who defend the Constitution claim the

delegates would never have agreed to it without the various compromises over slavery. They say that without the Constitution, the South would have gone its own way and refused to join the Union. Slavery would then have spread unchecked and might never have been ended.

After the convention was done, the issue of slavery continued to provoke heated debate as the states argued over whether to ratify the Constitution. Not all antislavery people opposed the Constitution, and not all proslavery people approved of it. In the South, many remained skeptical about the dangers it might one day pose to their “peculiar institution,” slavery. In the North, some anti-Federalists did speak out against the Constitution’s protections for slavery. However, other people claimed the Constitution

would help to doom slavery in the long run. They pointed, for example, to its provision to allow for laws against the slave trade after 1808.

In fact, many in both the South and the North did believe that slavery would soon fade and die. That did not happen, as we know. Instead, it spread throughout the South as the nation itself expanded dramatically. However, defenders of the Constitution say no one at the time could have known that. That fact is important to remember. It is also true that many of the founders knew their compromises were with a horrible and inhuman form of bondage. Whether those compromises were worth it in the long run is a question historians still debate today.

Points to Keep in Mind

Historians’ Questions

In a way, the slavery issue is part of a more general and very long-running debate about whether the Constitution was a fulfillment of the ideals of the American Revolution or to some degree an undemocratic rejection of those ideals.

Some see it as the work of a well-to-do elite more concerned with order and with creating a powerful central government, and less concerned with liberty and individual rights. Those wealthy merchants, lawyers, and planters who backed the Constitution favored a practical set of rules that would enable them to get things done. Hence, slavery was not a fundamental moral challenge for them, just a danger to be contained and set aside.

Other historians defend the compromises the framers made and picture them in a more positive way. They see them as wise and absolutely necessary if the nation itself was to survive and prosper. As Joseph Ellis puts it in a passage used in this lesson, they were a “prudent exercise in ambiguity.” By enabling the Constitution to pass and unify the nation, they bought time in which the ideals of the American Revolution could deepen and continue their work of transforming America into a more equal and just society.

The Primary Source Evidence

For this lesson, you will study 11 primary source documents on slavery and the Constitution. These will illustrate the different views of several delegates to the Constitutional Convention as well as some who argued for and against ratification of the Constitution. Together, these sources will give you evidence to use decide whether or not the Constitution can be seen as proslavery, antislavery, or neutral. They will also enable you to make some informed judgments of your own about what two historians say about this same question.

Secondary Source Interpretations

After studying and discussing the primary sources, you will read two short passages from two books about the Constitution. The two historians who wrote these passages agree about most of the facts, but they make quite different overall judgments about slavery and the Constitution. You will use your own background knowledge and your ideas about the primary sources as you think about and answer some questions about the views of these two historians.

Five Habits of Historical Thinking

History is not just a chronicle of one fact after another. It is a meaningful story, or an account of what happened and why. It is written to address questions or problems historians pose. This checklist describes key habits of thinking that historians adopt as they interpret primary sources and create their own accounts of the past.

History Is Not the Past Itself

When we learn history, we learn a story about the past, not the past itself. No matter how certain an account of the past seems, it is only one account, not the entire story. The “entire story” is gone. That is, the past itself no longer exists. Only some records of events remain, and they are never complete. Hence, it is important to see all judgments and conclusions about the past as tentative or uncertain. Avoid looking for hard-and-fast “lessons” from the past. The value of history is in a way the opposite of such a search for quick answers. That is, its value is in teaching us to live with uncertainty and see even our present as complex, unfinished, open-ended.

The Detective Model: Problem, Evidence, Interpretation

Historians can’t observe the past directly. They must use evidence, just as a detective tries to reconstruct a crime based on clues left behind. In the historian’s case, primary sources are the evidence—letters, official documents, maps, photos, newspaper articles, artifacts, and all other traces from past times. Like a detective, a historian defines a very specific problem to solve, one for which evidence does exist. Asking clear, meaningful questions is a key to writing good history. Evidence is always incomplete. It’s not always easy to separate fact from opinion in it, or to tell what is important from what is not. Historians try to do this, but they must stay cautious about their conclusions and open to other interpretations of the same evidence.

Time, Change, and Continuity

History is about the flow of events over time, yet it is not just one fact after another. It seeks to understand this flow of events as a pattern. In that pattern, some things change while others hold steady over time. You need to see history as a dynamic interplay of both change and continuity together. Only by doing this can you see how the past has evolved into the present—and why the present carries with it many traces or links to the past.

Cause and Effect

Along with seeing patterns of change and continuity over time, historians seek to explain that change. In doing this, they know that no single factor causes change. Many factors interact. Unique, remarkable and creative individual actions and plans are one factor, but individual plans have unintended outcomes, and these shape events in unexpected ways. Moreover, individuals do not always act rationally or with full knowledge of what they are doing. Finally, geography, technology, economics, cultural traditions, and ideas all affect what groups and individuals do.

As They Saw It: Grasping Past Points of View

Above all, thinking like a historian means trying hard to see how people in the past thought and felt. This is not easy. As one historian put it, the past is “another country” in which people felt and thought differently, often very differently from the way we do now. Avoiding “present-mindedness” is therefore a key task for historians. Also, since the past includes various groups in conflict, historians must learn to empathize with many diverse cultures and subgroups to see how they differ and what they share in common.

Part 2: Analyzing the Primary Sources

Note to the teacher: The next pages provide the primary sources for this lesson. We suggest you give these to students after they read the background essay, after they review the “Five Habits of Historical Thinking” handout, and after they watch and discuss the PowerPoint presentation for the lesson.

This section includes the following:

- **Handout: “Interpreting Primary Sources Checklist”**

Give copies of this handout to students and ask them to refer to it when analyzing any primary source.

- **Ten Primary Source Documents**

The Documents are as follows:

- Document 1. Three Constitutional clauses on slavery
- Document 2. A 1789 British cartoon on the slave trade
- Document 3. Madison’s comments in the Constitutional Convention
- Document 4. William Paterson’s comments in the Constitutional Convention
- Document 5. A Massachusetts antislavery opponent of the Constitution
- Document 6. An antislavery statement in Boston favoring the Constitution
- Document 7. A 1786 letter by John Jay
- Document 8. George Mason opposing the Constitution
- Documents 9a & 9b. Slave cabin and Mason’s plantation home
- Document 10. Comments by South Carolina delegate Charles Cotesworth Pinckney

- **Ten “Source Analysis” Worksheets for Analyzing the Primary Sources**

Each worksheet asks student to take notes on one source. The prompts along the side match the five categories in the *Interpreting Primary Sources Checklist*. Not every category is used in each worksheet, only those that seem most relevant to a full analysis of that source.

You may want students to analyze all of the sources. However, if time does not allow this, use those that seem most useful for your own instructional purposes.

Students can use the notes on the “Source Analysis” worksheets in discussions, as a help in analyzing the two secondary sources in the next part of this lesson, and in follow-up debates, DBQs, and other activities.

Interpreting Primary Sources Checklist

Primary sources are the evidence historians use to reach conclusions and write their accounts of the past. Sources rarely have one obvious, easily grasped meaning. To interpret them fully, historians use several strategies. This checklist describes some of the most important of those strategies. Read the checklist through and use it to guide you whenever you need to analyze and interpret a primary source.

Sourcing

Think about a primary source's author or creator, how and why the primary source document was created, and where it appeared. Also, think about the audience it was intended for and what its purpose was. You may not always find much information about these things, but whatever you can learn will help you better understand the source. In particular, it may suggest the source's point of view or bias, since the author's background and intended audience often shape his or her ideas and way of expressing them.

Contextualizing

"Context" refers to the time and place of which the primary source is a part. In history, facts do not exist separately from one another. They get their meaning from the way they fit into a broader pattern. The more you know about that broader pattern, or context, the more you will be able to understand about the source and its significance.

Interpreting Meanings

It is rare for a source's full meaning to be completely obvious. You must read a written source closely, paying attention to its language and tone as well as to what it implies or merely hints at. With a visual source, all kinds of meaning may be suggested by the way it is designed, and by such things as shading, camera angle, use of emotional symbols or scenes, etc. The more you pay attention to all the details, the more you can learn from a source.

Point of View

Every source is written or created by someone with a purpose, an intended audience, and a point of view or bias. Even a dry table of numbers was created for some reason, to stress some things and not others, to make a point of some sort. At times, you can tell a point of view simply by sourcing the document. Knowing an author was a Democrat or a Republican, for example, will alert you to a likely point of view. In the end, however, only a close reading of the text will make you aware of point of view. Keep in mind that even a heavily biased source can still give you useful evidence of what some people in a past time thought. However, you need to take the bias into account in judging how reliable the source's own claims really are.

Corroborating Sources

No one source tells the whole story. Moreover, no one source is completely reliable. To make reasonable judgments about an event in the past, you must compare sources to find points of agreement and disagreement. Even when there are big differences, both sources may be useful. However, the differences will also tell you something, and they may be important in helping you understand each source.

The Primary Sources for the Lesson

Document 1

Information on the source: These are the three clauses in the U.S. Constitution that are most relevant to the issue of slavery:

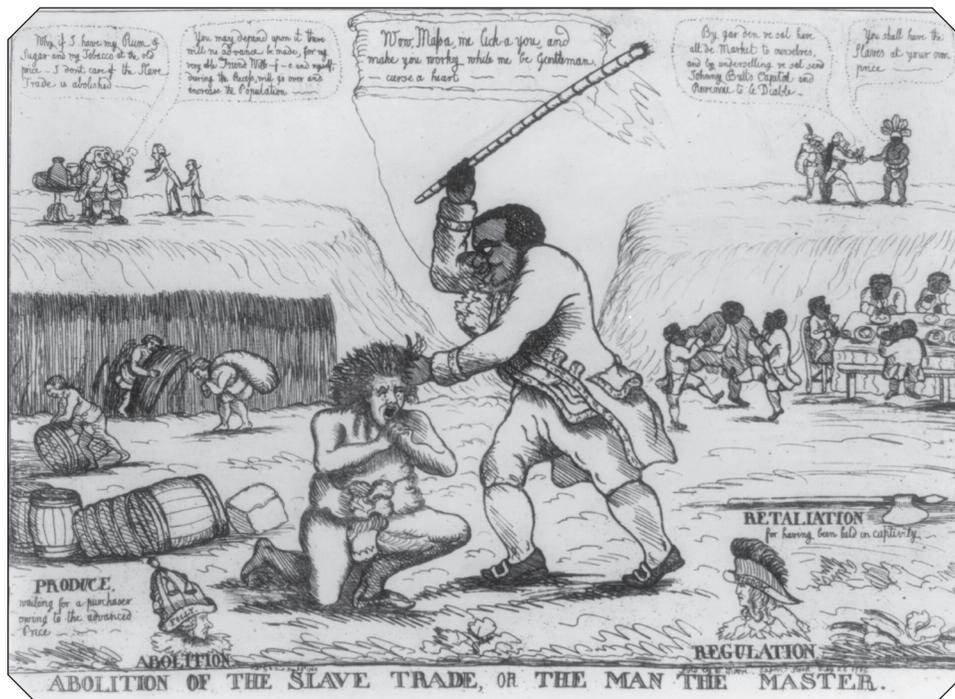
ARTICLE I, SECTION 2. Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other persons...

ARTICLE I, 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...

Document 2

Information on the source: This is a British cartoon from 1789. It has the following caption: "The Abolition of the Slave Trade, or the Man the Master." The illustration imagines how roles for slaves and slave masters will be reversed after the slave trade and slavery are ended. In this scene, a former slave is shown taking on the role of the slave master.



Document 3

Information on the source: Comments by James Madison in the Constitutional Convention, as he recorded them on June 30, 1787, in the notes he himself kept on the convention's proceedings.

[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. He was so strongly impressed with this important truth that he had been casting about in his mind for some expedient that would answer the purpose. The one which had occurred was that instead of proportioning the votes of the States in both branches, to their respective numbers of inhabitants computing the slaves in the ratio of 5 to 3, they should be represented in one branch according to the number of free inhabitants only; and in the other according to the whole number, counting the slaves as if free. By this arrangement the Southern Scale would have the advantage in one House, and the Northern in the other.

Document 4

Information on the source: On July 9, 1787, New Jersey delegate William Paterson made these comments in the Constitutional Convention. In this passage, he speaks against the idea of counting a state's slaves at all for purposes of determining that state's number of representatives in Congress. These remarks were also recorded by Madison:

Mr. PATERSON ...He could regard negro slaves in no light but as property. They are no free agents, have no personal liberty, no faculty of acquiring property, but on the contrary are themselves property, & like other property entirely at the will of the Master. Has a man in Virginia a number of votes in proportion to the number of his slaves? And if Negroes are not represented in the States to which they belong, why should they be represented in the General Government. What is the true principle of Representation? It is an expedient by which an assembly of certain individuals chosen by the people is substituted in place of the inconvenient meeting of the people themselves. If such a meeting of the people was actually to take place, would the slaves vote? They would not. Why then should they be represented.

Document 5

Information on the source: A statement against the Constitution by someone identified as "Adelos" appeared in the Northampton, Massachusetts, *Hampshire Gazette* on February 6, 1788. Here is part of that statement, as quoted in *A Necessary Evil? Slavery and the Debate Over the Constitution*, ed. John P. Kaminski (Columbia, S.C.: Model Editions Partnership, 1999):

It is strange, I say, if Massachusetts should give countenance to this, after establishing a constitution of their own, fronted with these words, "All men are born free and equal;" and in consequence of which have emancipated many wretched Africans, and delivered them from masters more sordid to them (many of them) than they were to the brutal herd. I cannot see but the first moment we adopt the Federal Constitution as it stands, we rase [bring down] our own to the very foundation. We allow that freedom and equity are the

natural rights of every man born into the world; but if we vote this, we vote to take away those rights... Whether we go ourselves to Africa to procure slaves, or employ others to do it for us, or purchase them at any rate of others, it matters not a whit. It is an old saying and a true one, "The partaker is as bad as the thief." It is well known that this trade is carried on by violence and rapine; nay, murder is not, I presume, out of the question. Who gave mankind a right thus to play the devil with one another?

Document 6

Information on the source: This is a statement in favor of the Constitution by someone calling himself “Mark Anthony” writing in the Boston *Independent Chronicle*, January 10, 1788. “Anthony” disagrees with an earlier article by someone calling himself “Brutus.”

The acts of power, which some of the States see fit to exercise with respect to their internal concerns, may be repugnant to our notions of justice; but shall we therefore refuse to confederate with them? Brutus himself surely, could not have this in contemplation. Does Brutus wish the slaves emancipated! It is a dictate of humanity, and we need no stimulus to join with him most cordially. But even in this laudable pursuit, we ought to temper the feelings of humanity with political wisdom. Great numbers of slaves becoming citizens, might be burdensome and dangerous to the Public... This subject doubtless engaged the attention of the late respectable Convention. But, in the immensity of their object, it was not their province to establish those minute provisions, which properly belong partly to federal, partly to State Legislation. They probably went as far as policy would warrant, or practicability allow. The friends to liberty and humanity, may look forward with satisfaction to the period, when slavery shall not exist in the United States; while the enlightened patriot will approve of the system, which renders its abolition gradual.

Document 7

Information on the source: Along with Madison and Hamilton, John Jay of New York wrote parts of *The Federalist*, a series of essays arguing in favor of ratifying the new U.S. Constitution. This passage is from a letter to R. Lushington on March 15, 1786:

It is much to be wished that slavery may be abolished. The honor of the States, as well as justice and humanity, in my opinion, loudly call upon them to emancipate these unhappy people. To contend for our own liberty, and to deny that blessing to others, involves an inconsistency not to be excused...

It is pleasant, my Lord, to dream of these things, and I often enjoy that pleasure; but though, like some of our other dreams, we may wish to see them realized, yet the passions and prejudices of mankind forbid us to expect it.

Document 8

Information on the source: At the Virginia ratifying convention, James Madison and many other Federalists backed the Constitution. George Mason was among the Anti-Federalists who opposed it. Mason was a slaveowning planter, but he believed slavery was morally wrong. He wanted an end to the slave trade, yet he also felt that the slaves already here were a major form of property that the South could not do without. These two views may seem contradictory, yet both added to Mason’s doubts about the Constitution. Here are his remarks to Virginia’s ratifying convention on June 17, 1788:

The augmentation of slaves weakens the States; and such a trade is diabolical in itself, and disgraceful to mankind. Yet by this Constitution it is continued for twenty years. As much as I value an union of all the States, I would not admit the Southern States into the Union, unless they agreed to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the Union. And though this infamous traffic be continued, we have no security for the property of that kind which we have already. There is no clause in this Constitution to secure it; for they

may lay such a tax as will amount to manumission. And should the Government be amended, still this detestable kind of commerce cannot be discontinued till after the expiration of twenty years.—For the fifth article, which provides for amendments, expressly excepts this clause. I have ever looked upon this as a most disgraceful thing to America. I cannot express my detestation of it. Yet they have not secured us the property of the slaves we have already. So that “They have done what they ought not to have done, and have left undone what they ought to have done.”

Documents 9a and 9b

Information on the source: On the left, a typical slave cabin, in Florida. On the right, Gunston Hall, a distant view from the garden. Gunston Hall was the home of slaveowner George Mason of Virginia.



Document 10

Information on the source: Charles Cotesworth Pinckney was one of South Carolina's delegates to the Constitutional Convention. The South Carolina legislature debated the Constitution before calling a convention to vote on its ratification. In the legislative debate Pinckney defended the Constitution against several criticisms, including those like the ones made by George Mason in Virginia. These passages are from his statement, made on January 17, 1788. South Carolina's convention did ratify the Constitution later that year.

As we found it necessary to give very extensive powers to the federal government both over the persons and estates of the citizens, we thought it right to draw one branch of the legislature immediately from the people, and that both wealth and numbers should be considered in the representation. We were at a loss for some time for a rule to ascertain the proportionate wealth of the states; at last we thought that the productive labor of the inhabitants was the best rule for ascertaining their wealth; in conformity to this rule, joined to a spirit of concession, we determined that representatives should be apportioned among the several states, by adding to the whole number of free persons three-fifths of the slaves.—We thus obtained a representation for our property, and I confess I did not expect that we should have been told on our return, that we had conceded too much to the Eastern States, when they allowed us a

representation for a specie of property which they have not among them...

By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared that the importation shall be then stopped; it may be continued—we have a security that the general government can never emancipate them, for no such authority is granted, and it is admitted on all hands, that the general government has no powers but what are expressly granted by the constitution; and that all rights not expressed were reserved by the several states. We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have made better if we could, but on the whole I do not think them bad.

Source Analysis: Primary Source Document 1

The three clauses in the U.S. Constitution that are most relevant to the issue of slavery

Interpreting meanings

Each of these three clauses deals with the slaves, yet none of the clauses actually uses the word “slaves.” How do they refer to the slaves in each case? Why do you think the framers went to such lengths to avoid using the word “slaves”?

Many people are offended by the use of the phrase “three fifths of all other persons.” However, it was the delegates of slave states that would have preferred five fifths, or “the whole of all other persons.” Why?

Contextualizing

The Framers of the Constitution argued a great deal about how to determine the number of representatives each state would have. That is what Article I, Section 2 does. The big battles over this were between large states and small states, as well as between slave states and free states. Can you explain why?

Source Analysis: Primary Source Document 2

A 1789 British cartoon on the abolition of the slave trade

Sourcing

This is a 1789 British cartoon about the movement in Great Britain to abolish the slave trade. Do you think a British cartoon from 1789 is useful evidence for better understanding the topic of slavery and the U.S. Constitution? Why or why not?

Interpreting meanings

In this cartoon, the key image shows a slave beating his former master. In the lower left, a head titled “abolition” wears a hat labeled “Folly,” while to the right, a head labeled “regulation” has a hat titled “Wisdom.” Above that head is an axe with the words “Retaliation—for having been held in captivity.” Other scenes suggest that prices of British sugar and tobacco will rise now and competitor nations will outsell them with cheaper produce from slave labor. Overall, what points about slavery and the effort to abolish it does this cartoon seem to be making?

Point of view

In general, is this cartoon in favor of or against abolishing the slave trade and slavery? How can you tell? What does the cartoon suggest about shifting attitudes toward slavery in the late 1700s?

Source Analysis: Primary Source Document 3

James Madison's comments in the Constitutional Convention on divisions between the states.

Sourcing

These are notes taken by Madison himself. His notes are one of the main sources we have on the discussions inside the Constitutional Convention. Why do you think the delegates kept their proceedings secret, allowing only notes such as these to be recorded?

Contextualizing

Madison says the basic split between the states was due to geography and slave ownership. He says size alone was not the major factor. Explain how each of these three factors added to divisions in the Constitutional Convention.

Interpreting meanings

Madison's plan of representation (which was not adopted) was meant to satisfy both slave states and states with few or no slaves. It would not have required a three-fifths clause. Explain how it would have worked.

Point of view

For states favoring slavery, would Madison's plan of representation been better than the one actually adopted? Why or why not?

Source Analysis: Primary Source Document 4

New Jersey delegate William Paterson's comments at the Constitutional Convention against counting slaves for purposes of representation

Contextualizing

Paterson proposed the New Jersey Plan at the convention. It provided for a legislative body with only one house. Each state would have equal representation in it. Why might New Jersey have favored such a plan?

In the end, the convention chose to create a legislature of two houses (bicameral instead of unicameral). Only half of Paterson's idea of equal representation was accepted. Can you explain?

Interpreting meanings

Paterson says of African American slaves that they are "themselves property, & like other property entirely at the will of the Master." Explain why in speaking this way, Paterson was actually opposing the slave owners and the slave states.

Point of view

Is it possible to tell from this passage what Paterson actually thought about slavery and about African Americans? Why or why not?

Source Analysis: Primary Source Document 5

A statement by “Adelos,” a Massachusetts opponent of slavery, published February 6, 1788

Sourcing

This criticism of the Constitution is from someone in Massachusetts. Why is knowing this helpful in assessing the significance of this document? How does the document itself make clear the relevance of Massachusetts to the views it expresses about slavery and the U.S. Constitution?

Contextualizing

The source focuses a great deal on the slave trade, saying “Whether we go ourselves to Africa to procure slaves, or employ others to do it for us, or purchase them at any rate of others, it matters not a whit. It is an old saying and a true one, “The partaker is as bad as the thief.” Why might an antislavery writer in Massachusetts have felt a need to condemn this aspect of American slavery especially?

Interpreting meanings

Explain how this author’s criticism of the Constitution could also be seen as a defense of states rights.

Source Analysis: Primary Source Document 6

A statement in favor of the Constitution by “Mark Anthony” published in Boston, January 10, 1788

Sourcing

The historical Mark Antony was a general and a supporter of Roman ruler Julius Caesar. Caesar was seen as a dictator by his enemies, and Brutus killed him. What does this information suggest about the writer “Brutus” here, his fears about the Constitution, and this “Mark Anthony’s” attitudes about that?

Interpreting meanings

“Mark Anthony” seems to feel that he and “Brutus” agree about slavery. Do you think they do agree?

He says that under the new Constitution, the “friends to liberty and humanity, may look forward with satisfaction to the period, when slavery shall not exist in the United States.” Why do you think he was so sure of that?

Point of view

“Mark Anthony” uses words and phrases meant to depict the Constitutional Convention favorably. List and discuss some of those words and phrases.

Source Analysis: Primary Source Document 7

John Jay's letter commenting on slavery, written to R. Lushington on March 15, 1786

Interpreting meanings

Jay clearly opposed slavery. He also was clearly a strong supporter of the Constitution. What in this letter suggests why he would support the Constitution despite the protections for slavery in it that offended other antislavery Northerners?

Sourcing

Jay was a leader in the Revolution and a strong backer of the Constitution. Later, as governor of New York, he led the effort to emancipate all of New York's slaves, which succeeded in 1799. In what way, if any, does knowing this affect your interpretation of Jay's letter here?

Corroborating sources

Documents 5, 6, and 7 (this one) are all from Northerners who opposed slavery but differed in their views about the Constitution. What similarities and differences among these three sources do you see?

Source Analysis: Primary Source Document 8

Remarks on June 17, 1787, opposing the Constitution by George Mason, a slaveowner who opposed slavery

Sourcing

Mason was a wealthy Virginia slaveowning planter. He also opposed slavery. Do these facts help in understanding his views about the Constitution, as he expresses them here?

Contextualizing

Virginia was a large state with many slaves. However, Virginians often disagreed with other Southerners about the slave trade, just as Mason does here. Can you explain why?

Interpreting meanings

Mason seems to sum up his opposition to the Constitutional Convention's work this way: "They have done what they ought not to have done, and have left undone what they ought to have done." Explain what he means.

Point of view

Do you think Mason was sincerely horrified about slavery and the slave trade, or do you think he only opposed the slave trade out self-interest? Find phrases and sentences that support both interpretations. As a group, discuss the parts of this passage you have chosen.

Source Analysis: Primary Source Documents 9a & 9b

Photos of a slave cabin and of Gunston Hall, George Mason's plantation home in Virginia

Interpreting meanings

Suppose you knew nothing at all about slavery in America except that you have been given these two photos and told they were of a slave cabin and a slaveowner's home. What could you learn about slavery from these two photos alone?

What might you not be able to learn about slavery from these photos?

Contextualizing

These photos back up a view of slavery as an system by which powerful slaveowners lived off the labor of hundreds of slaves on vast plantations. In what way is this not a complete picture of slavery in America at the time of the Constitution?

Sourcing

These photos were both taken long after the time when slavery existed (Document 9a in 1886, and Document 9b sometime after 1933). Are they still useful primary sources for that time? Why or why not?

Source Analysis: Primary Source Document 10

Part of a speech by South Carolina delegate Charles Cotesworth Pinckney defending the Constitution, January 17, 1788

Sourcing

Pinckney was a South Carolina delegate at the Constitutional Convention. Does knowing that help you better understand his responses here to Southern critics of the Constitution?

Interpreting meanings

Pinckney touches on all three of the Constitutional clauses included in Document 1 for this lesson. Summarize his points about each of these.

Pinckney says he was surprised at the reaction of some in the South to the three-fifths compromise for determining representation. Why was he surprised?

At the end of this passage, Pinckney sums up his view by saying, “we have made the best terms for the security of this species of property it was in our power to make.” Why do you think he expresses it this way?

Part 3: Analyzing the Secondary Sources

Note to the teacher: This next section includes passages from two secondary source accounts on the issue of slavery and the Constitution, along with two activities on these sources. We suggest you first discuss the brief comment “Analyzing Secondary Sources” just above the first of the two secondary sources. Discuss the four criteria the first activity asks students to use in analyzing each secondary source. These criteria focus students on the nature of historical accounts as 1) problem-centered, 2) based on evidence, 3) influenced by point of view and not purely neutral, and 4) tentative or aware of alternative explanations.

Specifically, this section includes the following:

- **Two secondary source passages**

Give copies of these passages to students to read, either in class or as homework. The two passages are from *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, by Paul Finkelman (M.E. Sharpe, 2001), and *Founding Brothers: The Revolutionary Generation*, by Joseph J. Ellis (New York: Vintage, 2000).

- **Two student activities**

Activity 1

Students analyze the two passage taking notes on the following questions:

- How clearly does the account focus on a problem or question?
- Does it reveal a position or express a point of view?
- How well does it base its case on primary source evidence?
- How aware is it of alternative explanations or points of view?

Activity 2

In pairs, students select two of the primary sources for the lesson that best support each author’s claims in the secondary source passages. Students discuss their choices with the class.

The Secondary Sources for the Lesson

Analyzing Secondary Sources

Historians write secondary source accounts of the past after studying primary source documents like the ones you have studied on slavery and the Constitution. However, they normally select documents from among a great many others, and they stress some aspects of the story but not others. In doing this, historians are guided by the questions they ask about the topic. Their selection of sources and their focus are also influenced by their own aims, bias, or point of view. No account of the past is perfectly neutral. In reading a secondary source, you should pay to what it includes, what it leaves out, what conclusions it reaches, and how aware it is of alternative interpretations.

* * * *

Secondary Source 1

Information on the source: The passage in the box below is an excerpt from *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, by Paul Finkelman (M.E. Sharpe, 2001), pp. 9–10. Finkelman sees the Constitution as providing great protections for slavery and therefore as being basically a proslavery document.

Besides specific clauses of the Constitution, the structure of the entire document ensured against emancipation by the new federal government. Because the Constitution created a government of limited powers, Congress lacked the power to interfere in the domestic institutions of the states. Thus, during the ratification debates only the most fearful southern antifederalists opposed the Constitution on the grounds that it threatened slavery. Most southerners, even those who opposed the Constitution for other reasons, agreed with General Charles Cotesworth Pinckney of South Carolina, who crowed to his state's house of representatives:

"We have a security that the general government can never emancipate them [slaves], for no such authority is granted and it is admitted, on all hands, that the general government has no powers but what are expressly granted by the Constitution, and that all rights not expressed were reserved by the several states."

The Constitution was not "essentially open-ended with respect to slavery," as the late Don Fehrenbacher argued. Nor is it true, as Earl Malts has argued, that "the Constitution took no

position on the basic institution of slavery." On the contrary, the Constitution provided enormous protections for the peculiar institution of the South at very little cost to that region. At the Virginia ratifying convention, Edmund Randolph denied that the Constitution posed any threat at all to slavery. He challenged opponents of the Constitution to show "Where is the part that has a tendency to the abolition of slavery?" He answered his own question by asserting, "...I might tell you that the Southern States, even South Carolina herself, conceived this property to be secure" and that "there was not a member of the Virginia delegation who had the smallest suspicion of the abolition of slavery." South Carolinians, who had already ratified the Constitution, would have agreed with Randolph. In summing up the entire Constitution, General Charles Cotesworth Pinckney, who had been one of the ablest defenders of slavery at the Convention, proudly told the South Carolina House of Representatives: "In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have made better if we could; but on the whole, I do not think them bad."

The Secondary Sources for the Lesson

Secondary Source 2

Information on the source: The passage in the box below is an excerpt from *Founding Brothers: The Revolutionary Generation*, by Joseph J. Ellis (New York: Vintage, 2000), pp. 91–93. Ellis views the Constitution as evenly balanced on the issue of slavery, both protecting it and not specifically approving of it or guaranteeing its permanent existence.

The depth and apparent intractability of the problem [slavery] became much clearer during the debates surrounding the drafting and ratification of the Constitution. Although the final draft of the document was conspicuously silent on slavery, the subject itself haunted the closed door debates. No less a source than Madison believed that slavery was the central cause of the most elemental division in the Constitutional Convention: “the states were divided into different interests not by their differences of size,” Madison observed, “but principally from their having or not having slaves... It did not lie between the large and small States: it lay between the Northern and Southern...”

Neither side got what it wanted at Philadelphia in 1787. The Constitution contained no provision that committed the newly created federal government to a policy of gradual emancipation, or in any clear sense placed slavery on the road to

ultimate extinction. On the other hand, the Constitution contained no provisions that specifically sanctioned slavery as a permanent and protected institution south of the Potomac or anywhere else. The distinguishing feature of the document when it came to slavery was its evasiveness. It was neither a “contract with abolition” nor a “covenant with death,” but rather a prudent exercise in ambiguity. The circumlocutions required to place a chronological limit on the slave trade or to count slaves as three-fifths of a person for purposes of representation in the House, all without ever using the forbidden word, capture the intentionally elusive ethos of the Constitution. The underlying reason for this calculated orchestration of non-commitment was obvious: Any clear resolution of the slavery question one way or the other rendered ratification of the Constitution virtually impossible.

The Secondary Sources: Activity 1

In this exercise, you read two short passages from much longer books about the Constitution. For each secondary source, take notes on the following four questions (you may want to underline phrases or sentences in the passages that you think back up your notes):

1. How clearly does this account focus on a problem or question. What do you think that problem or question is? Sum it up in your own words here.

Slavery and the Founders, Finkelman

Founding Brothers, Ellis

2. Does the secondary source take a position or express a point of view about slavery and the Constitution? If so, briefly state that point of view or quote an example of it.

Slavery and the Founders, Finkelman

Founding Brothers, Ellis

3. How well does the secondary source seem to base its case on primary source evidence? Take notes about any specific examples, if you can identify them.

Slavery and the Founders, Finkelman

Founding Brothers, Ellis

4. Does the secondary source seem aware of alternative explanations or points of view about this topic? Underline points in the passage where you see this.

Slavery and the Founders, Finkelman

Founding Brothers, Ellis

In pairs, discuss your notes for this activity.

The Secondary Sources: Activity 2

This activity is based on the passages from *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, by Paul Finkelman, and *Founding Brothers: The Revolutionary Generation*, by Joseph J. Ellis. From the primary sources for this lesson, choose two that you think best support each author's point of view about slavery and the Constitution. With the rest of the class, discuss the two secondary source passages and defend the choice of sources you have made.

1. From this lesson, choose two primary sources that best back up Finkelman's interpretation of slavery and the Constitution. List those sources here and briefly explain why you chose them.

2. From this lesson, choose two primary sources that best back up Ellis's interpretation of slavery and the Constitution. List those sources here and briefly explain why you chose them.

3. Does your textbook include a passage on the issue of slavery and the Constitution? If so, with which of the two secondary sources (Finkelman or Ellis) does it seem to agree most? What one or two primary sources from this lesson would you add to this textbook passage to improve it?

Discuss your choices with the rest of the class.

Part 4: Follow-Up Options

Note to the teacher: At this point, students have completed the key tasks of *The Historian's Apprentice* program. They have examined their own prior understandings and acquired background knowledge on the topic. They have analyzed and debated a set of primary sources. They have considered secondary source accounts of the topic. This section includes two suggested follow-up activities. Neither of these is a required part of the lesson. They do not have to be undertaken right away. However, we do strongly recommend that you find some way to do what these options provide for. They give students a way to write or debate in order to express their ideas and arrive at their own interpretations of the topic.

Two suggested follow-up activities are included here:

- **Document-Based Questions**

Four document-based questions are provided. Choose one and follow the guidelines provided for writing a typical DBQ essay.

- **A Structured Debate**

The aim of this debate format is not so much to teach students to win a debate, but to learn to listen and learn, as well as speak up and defend a position. The goal is a more interactive and more civil debating process.

Document-Based Questions

Document-based questions (DBQs) are essay questions you must answer by using your own background knowledge and a set of primary sources on that topic. Below are four DBQs on slavery and the Constitution. Use the sources for this lesson and everything you have learned from it to write a short essay answer to one of these questions.

Suggested DBQs

“The Constitution may have been purposefully vague, but it solidified slavery as an institution and delayed the day when it could be brought to an end.” Assess the validity of this statement (that is, explain why you do or do not agree with it).

Why do you think the Framers used such vague language when dealing with slavery in the Constitution?

“As it turned out, slavery was abolished in America less than 80 years after the Constitution went into effect. The Constitution enabled that to occur far earlier than it would have otherwise.” Assess the validity of this statement (that is, explain why you do or do not agree with it).

Compare and contrast the way proslavery Americans in the 1780s viewed the Constitution with the way antislavery Americans did. How do you explain the different views within each group toward the Constitution?

Suggested Guidelines for Writing a DBQ Essay

Planning and thinking through the essay

Consider the question carefully. Think about how to answer it so as to address each part of it. Do not ignore any detail in the question. Pay attention to the question’s form (cause-and-effect, compare-and-contrast, assess the validity, etc.). This form will often give you clues as to how best to organize each part of your essay.

Thesis statement and introductory paragraph

The thesis statement is a clear statement of what you hope to prove in your essay. It must address all parts of the DBQ, it must make a claim you can back up with the sources, and it should be specific enough to help you organize the rest of your essay.

Using evidence effectively

Use the notes on your “Source Analysis” activity sheets to organize your thoughts about these primary sources. In citing a source, use it to support key points or illustrate major themes. Do not simply list a source in order to get it into the essay somehow. If any sources do not support your thesis, you should still try to use them. Your essay may be more convincing if you qualify your thesis so as to account for these other sources.

Linking ideas explicitly

After your introduction, your internal paragraphs should make your argument in a logical or clear way. Each paragraph should be built around one key supporting idea and details that back up that idea. Use transition phrase such as “before,” “next,” “then,” or “on the one hand...but on the other hand,” to help readers follow the thread of your argument.

Wrapping it up

Don’t add new details about sources in your final paragraph. State a conclusion that refers back to your thesis statement by showing how the evidence has backed it up. If possible, look for nice turns of phrase to end on a dramatic note.

A Structured Debate

Small Group Activity: Using a version of the Structured Academic Controversy model, debate alternate interpretations of this lesson's topic. The goal of this method is not so much to win a debate as to learn to collaborate in clarifying your interpretations to one another. In doing this, your goal should be to see that it is possible for reasonable people to hold differing views, even when finding the "one right answer" is not possible.

Use all their notes from previous activities in this lesson. Here are the rules for this debate.

1. Organize a team of four or six students. Choose a debate topic based on the lesson *The Constitution and Slavery*.

(You may wish to use one of the DBQs suggested for the Document-Based Questions activity for this lesson. Or you may want to define the debate topic in a different way.)

2. Split your team into two sub-groups. Each sub-group should study the materials for this lesson and rehearse its case. One sub-group then present its case to the other. That other sub-group must repeat the case back to the first sub-group's satisfaction.
3. The two sub-groups then switch roles and repeat step 2
4. Your team either reaches a consensus which it explains to the entire class, or it explains where the key differences between the sub-groups lie

Answers to “Source Analysis” Activities

Source Analysis: Document 1

Interpreting meanings: Phrases such as “all other persons,” “persons held to service or labor,” etc. Counting the slaves as whole persons would have increased Southern representation in the House.

Contextualizing: States with larger populations wanted representation proportional to population, whereas smaller population states wanted each state represented in equal numbers.

Source Analysis: Document 2

Sourcing: Answers will vary, but the abolitionist movement in England did influence the one in the U.S.

Interpreting meanings: It appears to suggest abolition of slavery would create disorder or violence and drive up prices of British products formerly produced by slaves.

Point of view: It appears to be a sarcastic comment about the dangers of abolitionism. It does show how the movement to end slavery was growing in Great Britain.

Source Analysis: Document 3

Sourcing: The delegates supposedly feared that publicity might lead to popular pressures that would keep them from deciding wisely.

Contextualizing: Most slaves lived in the agricultural South, whereas the North was turning against slavery. Large states and small states, meanwhile, disagreed about how much representation each state should have in the legislative branch.

Interpreting meanings: All of a state’s slaves would count for representation in one house of the legislature, and none would count in the other house.

Point of view: Possibly it would have, but answers can vary and should be discussed.

Source Analysis: Document 4

Contextualizing: New Jersey was a small state unlikely to grow in population as fast as many others. It would have benefited from representation equal to those other states.

Only the Senate has equal state representation, allowing for two senators per state.

Interpreting meanings: He is saying that it is the slaveowners who regard the slaves as property, but if the slaves are property, he believes, they can’t act freely and should not be counted as if they could. To do so would only increase the power of the slaveowners.

Point of View: Answers will vary and should be discussed.

Source Analysis: Document 5

Sourcing: Massachusetts had already banned slavery, thus the author’s concern about his state’s constitution being undermined on this point by the U.S. Constitution.

Contextualizing: Perhaps because Massachusetts merchants had always taken a big role in the slave trade and still were, despite the state’s ban on slavery.

Interpreting meanings: Because this writer feared the Constitution might take away the right of Massachusetts to decide its own rules for slavery and the slave trade.

Source Analysis: Document 6

Sourcing: These Roman history allusions suggest “Brutus” feared the Constitution would give too much power to a dictatorial central government, etc.

Interpreting meanings: The letter writer says they do, but answers here may still vary and should be discussed.

Answers will vary, but should deal with the context of a smaller South at the time prior to the huge expansion of cotton culture, when attitudes toward slavery were not yet as hardened as they became later in the 1800s, etc.

Point of view: He speaks of the “respectable Convention,” the “immensity” of its tasks, etc.

Source Analysis: Document 7

Interpreting meanings: He appears to think human passions and prejudices simply cannot be changes.

Sourcing: This proves his antislavery views were genuine, but it could lead to some debate about why he justified the Constitution’s compromises by taking such a pessimistic view, as he does here.

Corroborating sources: Answers will vary and should be discussed.

Source Analysis: Document 8

Sourcing: These facts about Mason are one way to explain his contradictory views in hating the slave trade but feeling slavery itself had to be protected.

Contextualizing: Virginians sold a large number of slaves to other Southern states and hence saw the overseas slave trade as competition that undercut them.

Interpreting meanings: He thinks the Constitutional Convention was wrong to maintain the slave trade for 20 years, but was also wrong not to give firm protection to the property (slaves) of slaveowners.

Point of view: Answers can vary but should deal with Mason’s very impassioned rhetoric against the slave trade.

Source Analysis: Documents 9a & 9b

Interpreting meanings: Answers will vary, but try to keep students focused only on what they can tell from the two photographs alone.

Actual slave labor patterns, how slaves and various others interacted, what slaves thought, etc.

Contextualizing: A great many slaveowners had only one or two slaves. Many slaves were used in non-agricultural work, etc.

Sourcing: Answers will vary. They could focus on the use of artifacts as well as photographic records.

Source Analysis: Document 10

Sourcing: It might explain a tone of defensiveness in the face of any criticism from his fellow South Carolinians.

Interpreting meanings: On the three-fifths rule, he sees it as the best to be expected, good in that it promoted “a spirit of concessions.” On the slave trade, he says the South gets this for 20 years and could still get Congress to extend it after that. Regarding runaway slaves, he says the Constitution gives them more help in recovering them than they were able to get before from the states.

He was surprised that some Southerners did not see the three-fifths compromise as a victory, which clearly some did not.

Perhaps he wanted them to see that they were better off in the Union than on their own, or to accept that they had to be realistic about how powerful they really were, etc. Also, he had just insisted to them that the Constitution did strictly protect their rights as states.

Evaluating Secondary Sources: Activity 1

These are not definitive answers to the questions. They are suggested points to look for in student responses.

1. How clearly does this account focus on a problem or question. What do you think that problem or question is? Sum it up in your own words here?

Finkelman is very clear in focusing on a challenge to past claims about the Constitution and the issue of slavery. In this passage, he seeks to make a clear case in defense of one answer to the question of whether or not the Constitution was designed to give strong protection to the institution of slavery.

Ellis in this passage is every bit as focused on the same question about the Constitution: Did it or did it not protect and entrench slavery as an institution?

2. Does the secondary source take a position or express a point of view about slavery and the Constitution? If so, briefly state that point of view or quote an example of it.

Finkelman insists forcefully that the Constitution was designed to help preserve slavery, or as he says, “the Constitution provided enormous protections for the peculiar institution of the South at very little cost to that region.”

Ellis does not see the Constitution as antislavery, but he does stress its “ambiguity” or “evasiveness” on the issue. Moreover, he believes this was done on purpose, referring to “the intentionally elusive ethos of the Constitution,” which he thinks left the door open for future efforts to rein in and end slavery.

3. How well does the secondary source seem to base its case on primary source evidence? Take notes about any specific examples, if you can identify them.

Finkelman quotes several Southern leaders to establish his thesis that the Constitution posed no threat to slavery.

Ellis quotes Madison and makes indirect reference to William Lloyd Garrison’s views, as well as dealing closely with some of the language in the Constitution itself.

4. Does the secondary source seem aware of alternative explanations or points of view about this topic? Underline points in the passage where you see this.

Finkelman very specifically contrasts his views with contrary claims by several other historians.

Ellis does not specifically refer to other explanations, though he does deal with them by implication.