

## How the US Constitution protected slavery<sup>1</sup>

This lesson is designed for use in a classical and Christian school, 10th-11th grades.

This two-day lesson is designed to help students better understand the times of the Constitution's framing and the obvious inconsistencies apparent as "plain, honest men" grappled with slavery.

Hook: ASK What is the main precept of The Declaration of Independence? All men are created equal.

Review: ASK Why did the 13 Colonies fight against the mother country Great Britain? Liberty

Introduce new learning: There is a strong argument that the US Constitution was drafted to be a pro-slavery document. We will look at the evidence.

The words slave or slavery or involuntary servitude are not used in the Constitution. Northerners had scruples (doubts, hesitations) and preferred the word not be used. Instead we get words like: "other persons", "such persons", or a "person held to Service or Labour."

Students will be called upon to read five direct provision of the US Constitution (textbook appendix) and learn the protections for the "peculiar institution."

The teacher will explain their significance.

- Article I, Section 2, Paragraph 3      ⅔ Compromise One slave = .6 white person tax and representation. Teacher will do the math on the board.  $100,000 \times .6 = 60,000$
- Article I, Section 9, Paragraph 1      "slave trade clause" Nothing to happen before 1808
- Article I, Section 9, Paragraph 4      "capitulation" or "direct tax" Redundancy to ⅔ compromise
- Article IV, Section 2, Paragraph 3      "fugitive slave clause" Runaways must be returned
- Article V      Amendments allowed but nothing related to slavery in Article I, Section 9, Paragraphs 1 and 4

Students will be called upon to read five additional indirect provision of the US Constitution.

The teacher will explain their significance.

- Art I, Sec 8, P 15      "domestic insurrections clause" Congress can can the Militia to suppress insurrections including slave rebellions.
- Art I, Sec 9, P 5      prohibits fed taxes on exports/prevents indirect tax on slavery via the imposition of a tax on the staple products of slave labor, such as tobacco, rice and later cotton.

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<sup>1</sup> Finkelman, Paul. "Slavery in the New Nation: Human Bondage in the Land of Liberty." *Understanding and Teaching American Slavery*, by Bethany Jay and Cynthia Lynn Lyerly, The University of Wisconsin Press, 2016, pp. 59–76.

- Art I, Sec 10, P 2      States cannot tax exports or imports. There will be no indirect tax on the products of slave labor by a non-slaveholding state.
- Art II, Sec 1, P 2      Indirect election of President. Explain the electoral college and its origins with the 3/5 Compromise. This gave slave states a disproportionate influence. The electoral college has determined the Presidency winner five times (as of 2018).
- Art IV, Sec 3, P 1 mentioned)      Admission of new states (no prohibition of new slave states)
- Art IV, Sec 4      Domestic violence provision/US gov't would protect states from "domestic violence" including slave rebellions.
- Art V      3/4 majority of states to ratify any amendment-ensures slaveholding states would have a perpetual veto over any constitutional changes.<sup>2</sup>  
EXPLAIN FOOTNOTE #2

After fully explaining, distribute a handout on these bullet points. Include the bolded questions below. Have students write short answers and be prepared to discuss in class tomorrow.

**1. What is the role of the courts? What do you imagine were the legal ramifications of any challenges to slavery?**

Courts in taking up challenges against slavery, looked to the Constitution and saw that it was a protected institution.

**2. What rationale can be offered to explain the paradox of a nation conceived in liberty, protecting slavery?**

The South was the economic powerhouse of the new nation. A lot of money was made in the South forcing slave labor to harvest indigo, rice, tobacco and later cotton.

**3. What do you think happened at the Constitutional Convention when the topic of abolishing slavery came up for discussion?**

According to the notes of James Madison, whenever the topic came up, the southern delegates threatened to walk out.

**4. What is the power of voting in a bloc?**

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<sup>2</sup> Slave State: Any of the **15** states of the Union in which slavery was legal before the Civil War, including Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia. (<https://www.thefreedictionary.com/Slave+states>) Had these states stayed in the Union, they would even now, be able to prevent any amendment on this subject. In a 50-state union, **only 13 states are necessary to block an amendment**. 50 states \* 3/4 = 37.5. (50-37.5 = 12.5)

By maintaining tight discipline among your delegates, you can ultimately get what you want.

**5. Is there bloc voting today?**

Absolutely. Because of intense party polarization, we rarely see Republicans legislators voting with Democrats, and vice-versa.

**6. What is greed?**

Greed, or avarice, is an inordinate or insatiable longing for unneeded excess, especially for excess wealth, status, power, or food. As a secular psychological concept, greed is an inordinate desire to acquire or possess more than one needs.<sup>3</sup>

**7. What are the seven deadly sins? Write correct responses on the board.<sup>4</sup>**

Pride, greed, lust, envy, gluttony, wrath and sloth

**8. What does the Bible say our attitude should be toward money?**

Manage it. We are not to love it. “For the love of money is a root of all kinds of evil. Some people, eager for money, have wandered from the faith and pierced themselves with many griefs” (1 Timothy 6:10).

**9. How might the love of money trigger the other sins we are to avoid?**

It is *greed* obviously.

Promotes *pride*. (I’m better than someone else.)

It is *lust* for gain, and can lead to unbridled passions; superiority as opposed to humility.

One may develop *envy* as one compares himself to others’ ostentatious lifestyles.

More money can buy more endless food and drink (consumption): *gluttony*.

It is a false god. Interruptions/changes in the money supply can lead to *wrath*.

It leads to *sloth*. There were many who bemoaned slavery because it led to white man sloth. In other words, why work when someone else has to?

**10. Do you think Southern state representatives (perhaps) suffered from vice of greed?**

Answers may vary.

**11. Do you think Southern state representatives were simply protecting their region’s economic interests?**

Answers may vary.

**12. If your entire lifestyle and region was tied into an inhumane version of the ancient practice of slavery, would you have the fortitude to voice opposition?**

Speak up for those who cannot speak for themselves, for the rights of all who are destitute. (Prov 31:8)

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<sup>3</sup> <https://en.wikipedia.org/wiki/Greed>

<sup>4</sup> <https://www.britannica.com/topic/seven-deadly-sins>

The righteous consider the cause of the poor, but the wicked have no regard for such concerns. (Prov 29:7)

**13. Condoleeza Rice is a political scientist and former diplomat. As an African American woman she served as US Secretary of State under President George W. Bush. She is quoted as saying, "Slavery is America's birth defect."**

Agree or disagree and explain.