

# CONSOURCE



*The Constitutional Sources Project*

## CONSTITUTIONAL CONVENTION SIMULATION

### Slavery and the Constitutional Convention

#### TIME AND GRADE LEVEL

**Two** 45 or 50 minute class periods in a **Grade 9-12** US history, civics, or government course.

#### PURPOSE AND CRITICAL ENGAGEMENT QUESTIONS

History is the chronicle of choices made by actors/agents/protagonists in specific contexts. This simulation places students at the Constitutional Convention and asks them to engage in the most problematic issue the framers faced: how to deal with slavery. Although most delegates believed slavery was deplorable, it was so deeply entrenched that any attempt to abolish it would likely keep several states from approving the proposed Constitution. By confronting this issue, students will experience for themselves the influence of socio-economic factors in the political arena, and they will see how political discourse is shaped by arguments based on morality, interest, and pragmatic considerations, often intertwined. Engaging students in the debates over slavery at the Convention provides teachers with an opportunity to highlight these aspects of argumentation; students emerge with tools for understanding the fundamental dynamics of all political arguments.

#### LESSON OBJECTIVES

\*Students will be able to explain how the institution of slavery varied by region—not only differences between North and South, but also differences between the tobacco-growing Upper South and the rice-growing Lower South.

\*Students will be able to explain political obstacles to the abolition of slavery in the South and legal obstacles to the manumission of individual slaves.

\*Students will be able to explain the political interests that shaped the debate over counting slaves for purposes of representation.

\*Students will be able to state the origins of the “three-fifths compromise,” and how political positions reversed between 1783 and 1787.

\*Students will be able to elucidate the economic interests that shaped the debate over the importation of slaves—why slave-owning Virginians opposed importation while northern merchants did not.

\*Students will be able to elucidate how economic interests, combined with a felt need to create a constitution that all states could accept, kept the framers, collectively, from taking a moral stance against slavery, even though many of them, individually, would have preferred to do so.

\*Given sufficient contextual background, students will be able analyze any political argument by identifying components based on interest, morality, or pragmatic considerations.

## **OVERVIEW OF THE LESSON**

### **Prefatory homework for day one:**

Background material on slavery, both South and North, and each framer's personal relationship with the institution of slavery.

### **In class for day one:**

1. Homework review: 10-15 minutes
2. Presentation of issue #1: Should slaves be included when computing representation in Congress? 10 minutes
3. Discussion and Debate groups: Should slaves be included when computing representation in Congress? 15 minutes
4. Vote by state delegations on counting all slaves, counting no slaves, or a partial counting of slaves: 5 minutes
5. Presentation of historical outcome: 5 minutes

### **Prefatory homework for day two:**

Presidents (Washington, Jefferson, Madison, and Monroe) and their slaves

### **In class, day two:**

1. Presentation of issue #2: Should Congress be allowed to prohibit the importation of slaves? 20 minutes
2. Discussion and Debate groups: Should Congress be allowed to prohibit the importation of slaves? 10 minutes

3. Vote by state delegations on slave importation and presentation of historical outcome:  
5 minutes

4. Class discussion of economics, politics, and morality in the debates over slavery: 10-15  
minutes

Summary homework / Extended activities

## **MATERIALS**

### *Background Handouts*

- A. Slavery, South and North
- B. Slave owners and slavery's opponents among the framers
- C. Homework questions on slavery and the framers
- D. Presidents (Washington, Jefferson, Madison, and Monroe) and their slaves

### *Classroom Handouts*

- E. State demographics
- F. Should slaves be included when computing representation in Congress?
- G. Slave Importation and Ownership Distribution, Virginia and South Carolina
- H. Should Congress be allowed to prohibit the importation of slaves?
- I. Historical outcome: representation in Congress
- J. Historical outcome: importation of slaves
- K. Vocabulary List

### *Teacher Resources*

- T-A. Homework answers for slavery and the framers
- T-B. Answers for "Classification of Arguments"
- T-C. Who's who in the South Carolina delegation
- T-D. Infrastructure for the Constitutional Convention Simulation
- T-E. Timeline for the Federal Convention of 1787

### *Links*

\*[1787 United States Constitution](#) (for reference in summary homework)

\*Madison's *Notes of Debates* for [June 11](#), [July 12](#), [July 13](#), [July 16](#), [August 8](#), [August 21](#), [August 22](#).

## **PREFATORY HOMEWORK FOR DAY ONE**

Before starting this lesson, each student should be assigned to a particular state delegation. For guidelines, see handout T-D: "**Infrastructure for the Constitutional Convention Simulation.**"

Students read and Handout A, “**Slavery, South and North,**” and Handout B, “**Slave owners and slavery’s opponents among the framers.**” Students respond to these readings on Handout C, “**Homework questions on slavery and the framers.**”

## **CLASS ACTIVITIES FOR DAY ONE: 45-50 MINUTES**

### **1. HOMEWORK REVIEW: 10-15 MINUTES**

Consult Handout T-A, “**Homework answers for slavery and the framers.**” Allow some free-form discussion about the differences among framers over slavery. Students might want to comment on the situations of some well-known framers like Washington, Madison, Franklin, or Hamilton. You might also ask why nobody supported Gouverneur Morris’s position, and why even he backed off. Conclude this preliminary discussion: *Keep all this in mind as we deal with specific issues that arose at the Convention.*

### **2. PRESENTATION OF ISSUE #1: SHOULD SLAVES BE INCLUDED WHEN COMPUTING REPRESENTATION IN CONGRESS? 10 minutes**

Distribute Handout E, “**State Demographics,**” and Handout F, “**Should slaves be included when computing representation in Congress?**”

Allow a minute or two for students to look over “**State Demographics.**” Then ask students to classify the state they represent: less than 2% enslaved? 5%-10% enslaved? around 15% enslaved? over 24% enslaved? (If physical movement is appropriate, you might even have students arrange themselves according to percent enslaved.)

Ask: *What commercial activities appear to be dependent on slave labor?*

Response: tobacco, rice, indigo. (Production of naval stores, although common in the South, is not.)

Instruct students: As we proceed with our convention, be aware of whether your state’s major commercial activities depend on slave labor.

Have students read (silently or aloud) “**Should slaves be included when computing representation in Congress?**” Then review briefly with the full class the change in political positions between 1783 and 1787.

### **3. DISCUSSION AND DEBATE GROUPS: SHOULD SLAVES BE INCLUDED WHEN COMPUTING REPRESENTATION IN CONGRESS? 10-15 minutes**

Instruct students: Continue this debate in your D & D groups, being true to the interests of the state you represent as well as the nation as a whole. Consider the percentage of slaves in your state and how your state’s influence in Congress will depend on whether or not all slaves are counted for purposes of representation. Focus on the three alternatives proposed at the Convention: count all slaves, no slaves, or 3/5 of the slaves—but if you

think another solution is preferable (a different fraction or some other method of computing representation), by all means propose it and see if you can find support for your idea. At the end of this discussion, each delegate will cast a vote within his or her state delegation

#### **4. VOTE BY STATE DELEGATIONS ON COUNTING ALL SLAVES, COUNTING NO SLAVES, OR A PARTIAL COUNTING OF SLAVES: 5 minutes**

Students meet in state delegations to determine each state's vote. Vote on all alternatives coming out of the D & D groups.

#### **5. PRESENTATION OF HISTORICAL OUTCOME: 5 minutes**

Present to the class, orally or in writing: The June 11 motion to count each slave as three-fifths of a free person passed, nine states to two. On July 12 and 13, South Carolina delegates tried unsuccessfully to revisit this compromise and count slaves fully for purposes of representation, but their efforts failed. On July 16, when the "Great Compromise" provided for proportional representation in the House and equal representation in the Senate, the three-fifths clause was incorporated into the calculations of proportional representation in the House. (If you would like students to have a written version of this, distribute Handout I, "**Historical outcome: representation in Congress.**")

Students might well have some more words to say about the three-fifths compromise. Allow further discussion until time runs out. If you intend to include extended activities, assure them that they will have an opportunity to continue the matter there.

### **PREFATORY HOMEWORK FOR DAY TWO**

Distribute Handout D, "**Presidents (Washington, Jefferson, Madison, and Monroe) and their slaves.**" Instruct students to respond briefly to the questions on that handout and be prepared to discuss the material more fully in class.

### **CLASS ACTIVITIES FOR DAY TWO: 45-50 MINUTES**

#### **1. PRESENTATION OF ISSUE #2: SHOULD CONGRESS BE ALLOWED TO PROHIBIT THE IMPORTATION OF SLAVES? 20 minutes**

Tell students they will be discussing the homework later in the class.

Distribute classroom Handout G, "**Slave importation and ownership distribution, Virginia and South Carolina,**" and Handout H, "**Should Congress be allowed to prohibit the importation of slaves?**" Tell students also to have on hand Handout E, "**State Demographics,**" distributed yesterday.

Instruct the class:

The politics around this slave importation were not just North versus South. To understand the strange political alignment, based on each state's economic interest, on **Handout G** consult the table, "**Forced Immigration of Africans into Virginia and South Carolina.**"

Ask: *How would you compare the historical trends?*

RESPONSE: Virginia imported fewer slaves, but South Carolina continued to import many.

*In the 1780s, which state continued to import slaves?*

RESPONSE: South Carolina

*Now consult the statistics at the bottom of that page: Did slaves in that state live on small or large plantations?*

RESPONSE: Large plantations.

*Now refer to "Major Commercial Activities" on the bottom of Handout E, "**State Demographics.**" Is tobacco or rice the principle economic product of that state?*

RESPONSE: Rice.

You can now surmise which crop required a greater importation of slaves: rice.

We are about to read excerpts from the debate over slave importation at the Convention. We have just established that rice is very labor intensive and that Virginia, which depended on tobacco, no longer had any need to import slaves. This will help you understand the comments of Oliver Ellsworth ("slaves also multiply so fast in Virginia & Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary") and Charles Cotesworth Pinckney ("S. Carolina & Georgia cannot do without slaves. As to Virginia she will gain by stopping the importations. Her slaves will rise in value, & she has more than she wants.")

*Look again at the "**State Demographics**" sheet. Which states share Virginia's economy?*

RESPONSE: Maryland and North Carolina.

*And which share South Carolina's?*

RESPONSE: Georgia.

This will help you understand the political lineup over the question of slave importation.

*Once again consult the "**State Demographics**" sheet. Which state economies would be most likely to benefit from the transportation of enslaved people from Africa to America?*

RESPONSE: New England and the middle states (Massachusetts, Rhode Island, Connecticut, New Hampshire, Pennsylvania, New York, New Jersey, Delaware)—

broadly, what we call the North. The largest ports were Boston, Massachusetts; Newport, Rhode Island; Philadelphia, Pennsylvania; and New York, New York.

*And which economies would benefit from carrying the crops that enslaved people produced from America to Europe?*

RESPONSE: Same as above.

*In conclusion, what was the ONLY region that would receive NO economic benefit from the importation of slaves?*

RESPONSE: The upper South. In fact, because of a natural increase in the number of enslaved people there, plantation owners there sold slaves to other regions, primarily the developing southwestern territories (what would become Kentucky, Tennessee, Alabama, Mississippi, and Louisiana). Keep all this in mind as you read excerpts from the debates at the Convention.

Have students take out Handout H, “**Should Congress be allowed to prohibit the importation of slaves?**” Go over the instructions at the top. Using Handout T-B, “**Answers for Classification of Arguments,**” do a few with the class. Emphasize that this is not rocket science. Students should take a stab at classifying the arguments they think they can identify. Tell them that the point here is to get them thinking about the multiple dimensions of argumentation. Allow some time, then have the class share some of their responses.

## **2. DISCUSSION AND DEBATE GROUPS: SHOULD CONGRESS BE ALLOWED TO PROHIBIT THE IMPORTATION OF SLAVES? 10 minutes.**

Students join this debate in their D & D groups. They are to represent the interests of their state, but in doing so they can use moral and practical arguments.

## **3. VOTE ON SLAVE IMPORTATION AND PRESENTATION OF THE HISTORICAL OUTCOME: 10 minutes**

Students vote by state delegations. The historical outcome is presented in Handout J, “**Historical outcome: importation of slaves.**” Teacher can present this material or students can read it.

## **4. CLASS DISCUSSION OF ECONOMICS, POLITICS, AND MORALITY IN THE DEBATES OVER SLAVERY: 10-15 minutes**

The question of slavery was highly charged in 1787 and is so today. We grapple to understand why the framers did not deal with such an obviously immoral institution. This is a chance for students to speak their minds—but as they do so, teacher can ask the class to identify whether each argument a student present is moral (slavery is wrong) or pragmatic (the union needed to unite behind a new plan of government.) Be clear that at

this point students speak for themselves; they are no longer obligated to represent the interests of their states.

Now is the time to question students on their reactions to the homework reading—Handout D, “**Presidents (Washington, Jefferson, Madison, and Monroe) and their slaves.**” In this discussion, again, bring to bear the interplay between morality and practical/pragmatic concerns.

During this time teacher might wish to present one or more of the questions posed below in Summary Homework / Extended Activities. In particular, you might wish to challenge them with question #5.

### **SUMMARY HOMEWORK / EXTENDED ACTIVITIES**

1. Delegates from the South believed that if slaves were not counted for representation, in full or at least in part, they would refuse to agree to the proposed Constitution. Do you think they would have made good on this threat?

2. Imagine that the Convention did split over the issue of slavery. Imagine, too, that the result was to form two confederacies or nations, not one. How do you see history unfolding if this happened? Do you think slavery *ever* would have ended in the South?

3. Compare and contrast how Washington, Jefferson, Madison, and Monroe interfaced with the institution of slavery in both their personal and public lives. (You can discuss any two or more of these presidents.) In your discussion, comment on how and why their views or actions might have changed over time.

4. Nowhere is the word “slavery” used in the Constitution. On [August 25](#) Gouverneur Morris, who made the Convention’s most impassioned speech against slavery and even suggested that the government could purchase all slaves in order to free them, proposed to introduce the term. Since the Convention prohibited Congress from banning slave importation, he wanted to make it clear that this was done only at the insistence of the three southernmost states. He suggested this wording: “Importation of slaves into N. Carolina, S. Carolina & Georgia shall not be prohibited.” He did not insist on this, however: “If the change of language however should be objected to by the members from those States, he should not urge it.” Morris’s suggestion did meet resistance. Even Connecticut’s Roger Sherman noted that the term slavery “had been declined by the old Congress” in 1783 when determining the three-fifths compromise for purposes of taxation; the Convention should follow suit because the word was “not pleasing to some people.” Morris withdrew his motion, and that ended the matter. Why do you think the



framers refused to use the word “slavery” in the Constitution, even though they used it often during their deliberations? Were they embarrassed by it? Did slavery’s *apologists* not want to use it, knowing the institution was unpopular and it might turn others against them? Did slavery’s *opponents* not want to use it, so as not to enshrine the institution in the law of the land? The historical record does not give a definitive answer, leaving historians debate that issue. What do you think is the most plausible explanation?

5. Imagine the time is two centuries from now and scientific predictions about climate change have proven correct. Global temperatures have changed dramatically; droughts have destroyed a good portion of the world’s arable land; major cities have had to be abandoned because of rising sea levels. Students then would wonder: Why didn’t people of the early 21<sup>st</sup> Century do something about it? Why did they take airplanes just to go on vacations? Why did they drive long distances in private cars, using fuels that contributed to climate change? Ask students: if you think scientific predictions are correct yet you do things that contribute to it, are you participating in today’s immoral institutions, much as slave owners did in the Founding Era? Then, plantation owners could free their slaves, but at a great cost to themselves; today, individuals who try to keep a low carbon footprint will find it difficult to live the way the rest of us do. What can an individual do when he/she perceives society as a whole is taking an immoral path?

## Slavery Handout A: Slavery, South and North

To understand the relationship between the framers and slavery, and why delegates to the Federal Convention failed to deal in a serious way with its immorality, we need to view these men in the context of their times. In 1787, slavery still existed in the North but several northern states had taken steps toward abolition. Slavery had been outlawed by court order in Massachusetts in 1780. Recent laws in Pennsylvania, Connecticut, and Rhode Island provided for the emancipation of slaves born after the enactment of the legislation once they had reached certain ages. Similar laws had been introduced but defeated in New York and New Jersey.

In the South, by contrast, enslaved people performed a large share of the labor. Land and slaves passed from generation to generation, conferring privileges on an elite master class. The abolition of slavery would have necessitated a radical restructuring of society and the economy. Thomas Jefferson, while calling slavery a “disease,” explained why the South could not easily be cured. “Where the disease is most deeply seated, there it will be slowest in eradication. In the northern States it was merely superficial and easily corrected. In the southern it is incorporated with the whole system and requires time, patience, and perseverance in the curative process.” But patience meant one thing to a master and another to the men, women, and children he held in bondage.

Abolition in this context was not immediately feasible. Nobody could wipe out slavery in the South with the wave of a magic wand. If a slave master felt bad about the situation, though, he could manumit, or free, his own slaves. Robert Carter III of Virginia manumitted 452 slaves—not all at once, which would have stirred great resistance from neighboring masters, but gradually. Other owners freed slaves in their wills.

Manumission was not easy, however. There were tight legal restrictions, for two reasons. First, whites feared that free blacks would become a burden on society, so owners had to ensure that the men and women they freed would be self-supporting. Second, whites thought that free blacks might stir dangerous longings amongst slaves who had not been freed. Until 1782, no one could free a slave in Virginia unless the state assembly gave permission. When the Assembly did free someone, it was often for good deeds; one man gained freedom because he had turned in counterfeiters.

There were other problems as well. In an agricultural society dependent on a market crop, slaves provided security. If you had inherited a plantation and a number of slaves to work it, but little cash (this was common), what could you do if untimely storms or temperatures wreaked havoc with crops? Or if tobacco or rice or indigo prices dropped, or foreign creditors raised interest rates? In a financial pinch, you could sell slaves. Or, if you wanted to keep slave so families could stay together, you could choose instead to borrow money and use slaves as collateral for the loan. But after that, even though these slaves continued to live on your plantation with their families, your creditor had a claim on the people you might wish to set free. Several well-meaning masters who hoped to manumit slaves found themselves constricted by such debts.

## **Slavery Handout B: Slave owners and slavery's opponents among the framers**

### **Slave Owners Among the Framers**

Just over half of the 55 delegates to the Convention owned slaves. These can be broken into four groups, as follows:

- Men from the South who owned plantations that were worked by large numbers of men and women they held in bondage. Large-scale owners included: Daniel Carroll, Daniel of St. Thomas Jenifer, John Francis Mercer (MD); George Mason, George Washington, Edmund Randolph, John Blair, James Madison (VA); Richard Dobbs Spaight, William Blount, William Richardson Davie, Alexander Martin (NC); Charles Pinckney, Charles Cotesworth Pinckney, John Rutledge, Pierce Butler (SC); William Houston (GA). Richard Bassett and John Dickinson (DE), each of whom owned plantations in both Maryland and Delaware, can be included in this group.
- Men from the South who owned some slaves but were not dependent on an enslaved work force. These included: Luther Martin (MD); George Wythe (VA); William Few (GA).
- Men from the North who owned, or had owned, a few slaves for “convenience,” mostly as household servants. These men, some of whom became active opponents of slavery, included: William Livingston (NJ); Thomas Fitzsimons, Benjamin Franklin (PA); George Read (DE); Doctor William Samuel Johnson (CT).
- One man from the North whose business dealings involved him in slavery. This was Robert Morris, who invested in an orange plantation along the Mississippi worked by 100 slaves. Earlier, before the Revolutionary ferment, Morris had imported slaves on his merchant ships.

### **Slavery's Opponents Among the Framers**

Some delegates to the Federal Convention worked actively to oppose slavery. Most notable was Benjamin Franklin, who in 1787 helped revitalize the Pennsylvania Society for Promoting the Abolition of Slavery. (Benjamin Rush, an important Founder but not a Convention delegate, also worked with this group.) Franklin was typical of well-to-do northerners who kept a few slaves in their households. In the 1740s, long before the Revolution, he had legal ownership of two slaves, Peter and Jemima. In preparation for a trip to England in 1757, he purchased Othello to help his wife during his absence, but at the same time he drew up a will to set Peter and Jemima free at his death. This was a common balancing act from a man who found slavery an irresistible convenience, while believing it should be abolished. Late in life, when Franklin became an active abolitionist, he did so with a practical bent, as was his style. Slaves not only needed to be freed, he said, but also educated, trained, and employed. In this context, he promoted the cause of free blacks as well as slaves. As his very last public act, Franklin sent off a

petition to the first Congress under the new Constitution, begging representatives to “promote mercy and justice toward this distressed Race.”

Alexander Hamilton was a founding member of the “New-York Society for Promoting the Manumission of Slaves, and Protecting Such of Them as Have Been, or May be Liberated.” Several members of the society, including its president John Jay, owned slaves whom they wished to manumit. The society lobbied for legislation for gradual abolition in New York, a move that failed narrowly in 1785 but finally passed in 1799. In the meantime, the Society was able to eliminate legal obstacles to private manumission. It also boycotted merchants who participated in the slave trade.

Luther Martin, who owned six slaves at the time of the Convention, helped found the Maryland Society for the Abolition of Slavery two years later. Samuel Chase, another prominent Founder not at the Convention, was also active in this group.

Rufus King of Massachusetts authored the provision in the Northwest Ordinance that outlawed slavery in the Western Territories north of the Ohio River.

On a personal level, George Washington, Benjamin Franklin, George Wythe, Luther Martin, John Dickinson, William Livingston, and Richard Bassett manumitted some or all of their slaves, some during their own lifetimes, others in their wills.

Despite a strong current of anti-slavery sentiments among the framers, only one man—Gouverneur Morris, a wealthy New Yorker representing Pennsylvania—launched an unequivocal assault on slavery at the Convention. Slavery was “a nefarious institution” and “the curse of heaven,” he said in an impassioned speech. He even suggested a scheme for immediate emancipation: buy all slaves and free them. He “would sooner submit himself to a tax for paying for all the negroes in the U. States, than saddle posterity with such a Constitution,” Morris announced to his stunned peers.

## **Slavery Handout C: Homework questions on slavery and the framers**

1. How would you characterize the strength of the institution of slavery in the North in 1787?
2. How would you characterize the strength of the institution of slavery in the South in 1787?
3. How did Jefferson explain this difference?
4. Why was abolition in the South not considered realistic?
5. If you were a Southerner who owned slaves yet wanted to manumit them, what legal obstacles would you face?
6. In addition to their forced labor, how did enslaved people contribute to the economic security of their masters?
7. Look for the delegates that represented your state in the lists of slave owners and slavery's opponents, then summarize each one's particular relationship with slavery.

## **Slavery Handout D: Presidents and their Slaves**

### **(Washington, Jefferson, Madison, and Monroe)**

Four of the first five presidents were Virginians and inherited plantations. These prominent founders stood behind the nation's foremost principles—that men are created equal, deserve life and liberty, and have the right to pursue happiness. All inspected the institution of slavery through this Revolutionary lens and condemned the practice in no uncertain terms. Evidence is there; quotations abound.

Yet no matter what they said, each man kept slaves during the Revolution and for the years that followed. Blacks they held in bondage served their households, worked their vast fields, or put down new, shining floors in their mansions, as they had done for generations. Their privileged world would disappear if slavery did. "Justice is in one scale," Jefferson stated, "and self-preservation in the other." Only one of the four men freed all the slaves that he could in a will.

### **George Washington**

Legally, George Washington became a slave owner at age 11, when he inherited a small farm and 10 slaves. With the death of his elder half-brother Lawrence a decade later, George inherited a share of a much larger plantation at Mount Vernon, along with the enslaved men and women who worked it. In 1759, when George married the rich widow Martha Custis, he gained control, but not ownership, over her 84 "dower slaves." (The wife of a deceased husband inherited one-third of the husband's estate, including slaves. If a woman remarried, her new husband managed her dower slaves, although her husband's heirs would inherit them, along with the dower slaves' children.) Joining their resources, George and Martha more than doubled the land and labor force at Mount Vernon over the next 15 years, in the years leading up to the American Revolution.

George Washington was no stranger to the institution of slavery, but left no evidence in his early years of being plagued by feelings of guilt. During this time, he set slaves to some horrendous tasks, such as clearing out a swamp for The Great Dismal Swamp Company in order to create a rice plantation. As was customary, he bought and sold people at will, had them whipped when he thought necessary, and spent no more than was required on their keep. He issued clothing once a year and food rations once a week, which slaves supplemented with produce from small slave-quarter gardens. He allowed slaves Sundays off, as well as Christmas and Easter Monday. He trained some in carpentry or blacksmithing or other trades, but set others to arduous work in the fields. Though more considerate than many masters, Washington treated the people he enslaved according to local customs and practices.

After 1772, as republican rhetoric took hold, Washington increasingly questioned slavery's morality. He wanted nothing to do with the slave trade. He set himself against selling Mount Vernon slaves, even when he found himself with an unprofitable "surplus." He was against purchasing slaves, too. On September 9, 1786, he wrote: "I never mean

(unless some particular circumstances should compel me to it) to possess another slave by purchase; it being among my first wishes to see some plan adopted, by which slavery in this country may be abolished by slow, sure, & imperceptible degrees.”

But in a slave society there were always “particular circumstances.” Only two months later, expressing “great repugnance,” Washington said he would accept payment for a debt from a man who had no money. “I will take six, or more negroes of you, if you can spare such as will answer my purpose.” Three weeks later, he added a stipulation, refusing payment-in-slaves if it would “hurt the feelings of those unhappy people by a separation of man and wife, or of families.”

Washington was severely tempted to purchase a slave at another critical moment: a culinary crisis. His esteemed chef, Hercules, had served the Mount Vernon household with great flair, and Washington insisted Hercules accompany him when he became president. At the President’s House, first in New York and then in Philadelphia, Hercules ordered several assistants about a bustling kitchen and conjured up elaborate meals. When Hercules escaped, Washington was at a loss: “The running off of my cook, has been a most inconvenient thing to this family; and what renders it more disagreeable, is, that I had resolved never to become the master of another slave by purchase; but this resolution I fear I must break.” By chance, Washington was again able to hold to his beliefs. The new chef was white.

Washington’s treatment of slaves was in some ways typical, but he also showed revolutionary backbone. He died in December of 1799 and left a will that said his own slaves would go free after Martha’s death. He had no say over her dower slaves. In the will he provided for sale of parcels of his land to support the elderly people he turned free, train the children, and care and educate others. With this final act, he tried to fulfill ideals that had remained elusive during his life.

### **By the Numbers: George and Martha Washington’s Slaves**

\*36—number of the enslaved workforce at Mount Vernon before Martha Washington arrived early in 1759.

\*84—Martha’s dower slaves, upon her marriage to George.

\*135—Washington’s slaves (not including Martha’s dower slaves) in 1774, just before the Revolutionary War.

\*46—enslaved people purchased by George Washington in the 15 years before the war. (The rest of the increase was reproductive.)

\*216—enslaved people at Mount Vernon in 1786, shortly after the war ended. 103 belonged to George, while 113 were dower.

\*7—slaves taken to New York in 1789 to run Washington’s presidential household.

\*124—all of Washington’s slaves in 1799, whom he freed in his will (pending the death of Martha).

\*153—Martha’s dower slaves in 1799, whom Washington could not free.

## **Thomas Jefferson**

In 1757, when Thomas Jefferson was 14 years old, his father Peter died, bequeathing him a 5,000-acre plantation and some 40 slaves. In 1774, he inherited 135 additional slaves from his father-in-law, John Wales. By the time Jefferson died in 1826 at the age of 83, he had owned over 600 individuals, averaging about 200 at any given time. Many were born and died on his Monticello plantation.

Yet Thomas Jefferson, taking the ideals of the Revolutionary Generation seriously, detested slavery. In 1769, while serving his first term in the House of Burgesses, the 26-year-old lawyer wrote a bill that would let masters manumit slaves without getting permission from the Virginia Assembly, as was the practice. The bill was shouted down. That same year, in his private practice, Jefferson represented a mulatto who sued for freedom. “Charge no fee,” he wrote in his casebook, and in court, he argued that “Everyone comes into the world with a right to his own person.” The judge threw the case out. The following year, Jefferson refused to defend a white man accused of whipping a black woman so hard that she died.

In a draft for the new Virginia Constitution in 1776, Jefferson proposed that “no person hereafter coming into this country shall be held in slavery under any pretext whatever.” Not surprisingly, his idea never made it to the final draft. Again in 1783, in another proposal for the Virginia Constitution, he stipulated that all people born into slavery after 1800 would be set free. This sort of gradual emancipation was finding favor in the North at this time, but in Virginia it got nowhere.

In 1784, while serving on a committee of Congress, Jefferson pushed for abolishing slavery in the western territories, both North and South. The resolution failed by one vote but was later adopted for the new states north of the Ohio River (the present-day Midwest). “The voice of single individual would have prevented this abominable crime from spreading itself over the new country,” Jefferson lamented.

While Thomas Jefferson loathed slavery and wished it would come to an end, he caricatured the African people whom Americans had enslaved. As the Revolutionary War was drawing to a close, in a book he called *Notes on the State of Virginia*, he cast his allegedly scientific eye toward the many black people at Monticello, whose racial characteristics were “fixed in nature.” In reasoning abilities, blacks were “much inferior” to whites, he wrote. They had no imagination, making them “dull” and “tasteless.” Because they secreted less by the kidneys, he explained, they had “a very strong and disagreeable odour.” Because they lacked the “flowing hair,” light skin color, and



“elegant symmetry of form” of white people, they were wanting in their “share of beauty.” Knowing this themselves, they preferred whites to their own kind, much as the male “Oran-ootan” in Africa chose “the black women over those of his own species.”

Some of Jefferson’s categorical assessments were not only ludicrous but also self-serving. “Their griefs are transient,” he wrote. Their “numberless afflictions are less felt and sooner forgotten with them.” Forcing labor from these people, although not ideal, was less consequential than it might have been if they were white. Blacks also “require less sleep,” he noted, for they chose “to sit up to midnight, or later,” even though they would have to start work at dawn. (He would not acknowledge that evening was the only time enslaved workers truly belonged to themselves.) On the other hand, blacks had a marked “disposition to sleep” when “unemployed in labour.” Overseers would do well, then, to keep workers on task. It would be difficult to imagine a people better suited to slavery than the ones Jefferson conjured up in *Notes on Virginia*.

According to Jefferson, such people would never make fit companions for white Americans and, once freed, they should be removed to some other place. Even as Jefferson opposed slavery, he thought the only way to end it sensibly was for former slaves to be relocated to distant colonies. Fear played a role here—Jefferson, like other masters, trembled at what might happen if blacks gained liberty and power. The resentment that liberated slaves must feel for their former masters, combined with their alleged racial inferiority, made their removal not only desirable but necessary, in his mind. In *Notes on Virginia* he wrote: “The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other. I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever.”

In 1778, when in the House of Burgesses, Jefferson codified the slave laws of Virginia: slaves could not bear arms, testify against whites, or travel without a pass from their master. These were old customs that Jefferson merely set to paper, but he also suggested some new laws of his own. Free blacks would not be allowed to enter the state; if already there, they would have to leave within a year. A white woman who bore a black child would also have to leave. Offenders would be placed “out of the protection of the laws,” meaning they could be seized and enslaved. These new restrictions made it clear that in Jefferson’s mind, free blacks, should not live side-by-side with whites, no matter what the personal consequences. Fortunately, Jefferson’s stringent addenda to the slave laws failed to pass.

Precisely because Jefferson, like most other whites of his times, regarded blacks as inferior, he believed they required his protection, care, and attention. He would treat his slaves well, he vowed, and in many ways he did. Conscientiously and meticulously, he tended to their physical needs with a precision shown by few other masters. But ultimately, his own needs came first. When selling off slaves, he tried his best to keep families together, but only “where it can be done reasonably,” he admitted. Although he opposed miscegenation, it is very likely, according to DNA and circumstantial evidence, that he fathered offspring with a mulatto woman, Sally Hemings, he held as a slave and

who was his deceased wife's half-sister. As with so many masters, Jefferson found it difficult to lead a life that accorded with his professed ideals.

Jefferson's special care for his slaves at times reflected self-interest. He ordered his overseers not to overwork "breeding women" and to allow young mothers to spend more time with their young children. "I consider a woman who brings a child every two years as more profitable than the best man of the farm," he explained. "What she produces is an addition to capital, while his labors disappear in mere consumption." In 1819 he instructed his plantation manager:

"The loss of 5 little ones in 4 years induces me to fear that the overseers do not permit the women to devote as much time as is necessary to the care of their children: that they view their labor as the 1st object and the raising their child but as secondary. I consider the labor of a breeding woman as no object, and that a child raised every 2 years is of more profit than the crop of the best laboring man."

The increase in population served Jefferson in two ways. First, breeding slaves insured a future work force, and second, he could sell them if he needed or desired more money. Over the course of his lifetime, Jefferson purchased fewer than 20 slaves yet sold off approximately 100.

Ceding to political and military realities, Jefferson in time was less committed to the abolition of slavery. As governor of Virginia in 1780, he signed a bill that granted any white male who enlisted for the duration of the war "300 acres of land plus a healthy sound Negro between 20 and 30 years of age or 60 pounds in gold or silver." As Secretary of State in 1791, he pressured the Spanish government in Florida to return runaways. Two years later, he supported the first national Fugitive Slave Law, which committed the federal government to enforce slavery throughout the nation.

As President, Jefferson advocated the extension of slavery into the Louisiana Territory, which he had acquired from France. That great expanse offered possibilities for colonization, and permitting slavery there would make this more feasible. It would also diffuse slavery, Jefferson believed, and that would somehow lead to its demise. This was a complete reversal from his stance in 1784, when he favored outlawing slavery throughout the West. Jefferson became so devoted to the expansion of slavery that he refused to support the Missouri Compromise in 1820, which prohibited slavery in the northern portion of the new Western lands, while allowing it in the southern portions.

As Jefferson became ever more deeply in debt due to his architectural endeavors at Monticello and other extravagances, financial entanglements nearly prohibited his freeing slaves, even if he wanted to do so. During his lifetime, he commanded the labor of over 600 slaves, but manumitted only two before his death in 1826. Then, in his will, he freed five mulattoes, possibly his relations, but left more than 260 in bondage. Some 150 of these would be sold to pay his estate's debts.

## James Madison and James Monroe

The 1820 Census noted that 15 free whites and 106 slaves lived on James Madison's Montpelier plantation. Despite his personal status, Madison, like Jefferson, opposed slavery. "The magnitude of this evil among us is so deeply felt, and so universally acknowledged, that no merit could be greater than that of devising a satisfactory remedy for it." His solution was also the same as Jefferson's: colonization. In retirement, Madison became president of the American Colonization Society, which underwrote the purchase of slaves in order to free them and settle them far away from whites, in Africa or in the West.

Madison thought about manumission, but he failed to take decisive action. His will did not free slaves. Records do show, however, that a few attained freedom during his lifetime. One was Billey, who went to Philadelphia with Madison while the Continental Congress was in session and remained with him for three years. In 1783, rather than bringing Billey home at the end of their stay, Madison sold him to a Pennsylvania Quaker, knowing that Pennsylvania law would declare Billey free after seven years. Here's a good deed—but it's also calculated, for Madison realized that Billey was no longer a proper companion for plantation slaves back home. Philadelphia's free-wheeling style had "tainted" his mind, he wrote.

James Monroe also supported the American Colonization Society. Like Virginian presidents before him, he too had inherited a plantation, although a modest one. He also inherited "a Negro boy Ralph." By speculating in various lands, he built up his fortunes, and in 1789, he acquired a 3,500-acre estate in Albemarle County, where Jefferson was his neighbor. Reportedly, he treated his own slaves well, but the supervision was left to others when he lived away from home, doing the nation's business. The overseers he hired drove slaves hard as they tried to produce income on lands that never did turn much of a profit, all for the support of an owner known for his lavish lifestyle.

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Jefferson, Madison, and Monroe, with many others of their time, believed that because of past injustices and antagonisms, the outright freeing of all slaves would lead to racial violence. They believed that slavery was wrong but also that blacks and whites were inherently unequal in their abilities, although not their rights. They wished that slavery would simply go away, that blacks would disappear to some other place, and that the entire historic episode, a blemish on American virtue, would be forgotten. They shuddered when they realized it would not. The institution of slavery was the Founders' unfinished business, a problem of monumental proportions they failed to resolve.

(Adapted from Ray Raphael, *Complete Idiot's Guide to the Founding Fathers and the Birth of Our Nation*, 149-155.)

### QUESTIONS:

1. How did Washington's approach to slavery change over time?
2. How did Jefferson's approach to slavery change over time?
3. What was Madison's and Monroe's proposed solution to the problem of slavery, and why do you think they preferred that approach?

## Slavery Handout E. State Demographics

### Population: From the First Federal Census, 1790

State	Free whites	Other free*	Enslaved	Total	% Enslaved
New Hampshire	141,097	630	158	141,885	0.1%
Massachusetts	373,324	5,463	0	378,787	0.0%
Rhode Island	64,470	3,407	948	68,825	1.4%
Connecticut	232,374	2,808	2,764	237,946	1.2%
New York	314,142	4,654	21,324	340,120	6.3%
New Jersey	169,954	2,762	11,423	184,139	6.2%
Pennsylvania	424,099	6,537	3,737	434,373	0.9%
Delaware	46,310	3,899	8,887	59,096	15.0%
Maryland	208,649	8,043	103,036	319,728	32.2%
Virginia	442,117	12,866	292,627	747,610	39.1%
North Carolina	288,204	4,975	100,572	393,571	25.5%
South Carolina	140,178	1,801	107,094	249,073	43.9%
Georgia	52,886	398	29,264	82,548	35.5%

\* "All Other Free Persons, Except Indians Not Taxed." This included free African Americans and Native Americans not living on reserved lands.

SOURCE: [https://en.wikipedia.org/wiki/1790\\_United\\_States\\_Census](https://en.wikipedia.org/wiki/1790_United_States_Census)

### Major Commercial Activities

**New England** (Massachusetts, Rhode Island, Connecticut, New Hampshire): fisheries, whaling, timber, shipping and shipbuilding

**Middle Colonies** (Pennsylvania, New York, New Jersey, Delaware): wheat and flour, cattle, shipping

**Upper South** (Virginia, Maryland, and North Carolina): tobacco, naval stores

**Lower South** (South Carolina, Georgia): rice, indigo, naval stores

## Slavery Handout F: Should slaves be included when computing representation in Congress?

**From the *Journals of the Continental Congress, April 1, 1783*:** All charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a **common treasury**, which **shall be supplied by the several states in proportion to the whole number of white and other free citizens** and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, **and three-fifths of all other persons not comprehended in the foregoing description**, except Indians, not paying taxes, in each state.

**Explanation:** In 1783, when the issue was how much each state should contribute to Congress, northern states wanted to count slaves so that southern states would pay more; southern states, meanwhile, argued that slaves should not be counted. They compromised by counting 3/5 of the number of slaves.

In 1787, as you see below, the South and the North reversed positions.

**From Madison's *Notes of Debates for the Federal Convention of 1787*:**

### June 11:

**Mr. WILSON seconded by Mr. C. PINCKNEY**, [moved that] after the words "equitable ratio of representation" the words following "in proportion to the whole number of white & other free Citizens & inhabitants of every age sex & condition including those bound to servitude for a term of years and **three fifths of all other persons not comprehended in the foregoing description**, except Indians not paying taxes, in each State," this being the rule in the Act of Congress agreed to by eleven States, for apportioning quotas of revenue on the States. [See the 1783 resolution of Congress quoted above.]

### July 12:

**Mr. BUTLER & Genl. PINKNEY** [Pierce Butler and Charles Cotesworth Pinckney, SC] insisted that **blacks be included in the rule of Representation, equally with the Whites**: and for that purpose **moved that the words "three fifths" be struck out**.

**Mr. GERRY** [Elbridge Gerry, MA] thought that 3/5 of them was ... the full proportion that could be admitted.

**Mr. GHORUM** [Nathaniel Gorham, MA]. This ratio was fixed by Congs. as a rule of taxation. Then [1783] it was urged by the Delegates representing the States having slaves that the blacks were still more inferior to freemen. At present when the ratio of representation is to be established, we are assured that they are equal to freemen. The

arguments on ye. former occasion had convinced him that 3/5 was pretty near the just proportion and he should vote according to the same opinion now.

**Mr. WILLIAMSON** [Hugh Williamson, NC] reminded Mr. Ghorum that if the Southn. States contended for the inferiority of blacks to whites when taxation was in view, the Eastern States [states north and east of Maryland] on the same occasion contended for their equality. He did not however either then or now, concur in either extreme, but approved of the ratio of 3/5.

**Mr. BUTLER** insisted that the labour of a slave in S. Carola. was as productive & valuable as that of a freeman in Massts., that as wealth was the great means of defence and utility to the Nation they were equally valuable to it with freemen; and that consequently an equal representation ought to be allowed for them in a Government which was instituted principally for the protection of property, and was itself to be supported by property.

**Mr. MASON** [George Mason, VA] could not agree to the motion, notwithstanding it was favorable to Virga. because he thought it unjust. It was certain that the slaves were valuable, as they raised the value of land, increased the exports & imports, and of course the revenue, would supply the means of feeding & supporting an army, and might in cases of emergency become themselves soldiers. As in these important respects they were useful to the community at large, they ought not to be excluded from the estimate of Representation. He could not however regard them as equal to freemen and could not vote for them as such. He added as worthy of remark, that the Southern States have this peculiar species of property, over & above the other species of property common to all the States.

**Mr. WILSON** [James Wilson, PA] did not well see on what principle the admission of blacks in the proportion of three fifths could be explained. Are they admitted as Citizens? then why are they not admitted on an equality with White Citizens? are they admitted as property? then why is not other property admitted into the computation? These were difficulties however which he thought must be overruled by the necessity of compromise.

**Mr. DAVIE** [William Richardson, NC] said it was high time now to speak out. He saw that it was meant by some gentlemen to deprive the Southern States of any share of Representation for their blacks. He was sure that N. Carola. would never confederate on any terms that did not rate them at least as 3/5 . If the Eastern [Northern] States meant therefore to exclude them altogether the business was at an end.

### July 13:

**Mr. BUTLER.** The security the Southn. States want is that their negroes may not be taken from them, which some gentlemen within or without doors, have a very good mind to do.

### August 8:

**Mr. Govr. MORRIS** [Gouverneur Morris, PA]: Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them Citizens and let them vote. Are they property? Why then is no other property included? The Houses in this city [Philada.] are worth more than all the wretched slaves which cover the rice swamps of South Carolina. The admission of slaves into the Representation when fairly explained comes to this: that the inhabitant of Georgia and S. C. who goes to the Coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections & damns them to the most cruel bondages, shall have more votes in a Govt. instituted for protection of the rights of mankind, than the Citizen of Pa. or N. Jersey who views with a laudable horror, so nefarious a practice.



## Slavery Handout G: Slave Importation and Ownership Distribution, Virginia and South Carolina

### Forced Immigration of Africans into Virginia and South Carolina

	Virginia	South Carolina
1730s	15,700	21,150
1740s	12,000	1,950
1750s	9,200	16,500
1760s	9,700	21,850
1770s	3,900	18,850
1780s	0	10,000

(Source: Philip Morgan, *Slave Counterpoint: Black Culture in the Eighteenth Century Chesapeake and Low Country*, 59)

### Percentage of enslaved people living on plantations with over 20 slaves, 1770s:

South Carolina: 82%  
Virginia: 29%

### Percentage of enslaved people living on plantations with fewer than 10 slaves, 1770s:

South Carolina: 7%  
Virginia: 35%

(Source: Morgan, *Slave Counterpoint*, 40-41)

## Slavery Handout H: Should Congress be allowed to prohibit the importation of slaves?

The issue was hotly contested in August, when the Convention took up Article VII, Section 4 of the Committee of Detail draft: “*No tax or duty shall be laid by the Legislature ... on the migration or importation of such persons as the several States shall think proper to admit; **nor shall such migration or importation be prohibited.***”

In the debates below, even within the speech of one delegate, you will see that some arguments are based on *morality* (slavery is wrong or slavery is justified by history), some on *economic interests* (the interests of southern planters or northern merchants), and some on *political practicality* or pragmatism (whether this issue will break up the Convention and possibly the Union).

**Circle or highlight passages *within each speech* that are based on moral arguments and mark them in the margin with a large “M.” Similarly, place “I” for economic interest and “PP” for political practicality. (Passages within the same speech might be marked differently.) You can also place more than one mark beside a given passage.**

**From Madison’s *Notes of Debates for the Federal Convention of 1787*:**

**August 21:**

**Mr. L. MARTIN** [Luther Martin, MD] proposed to vary the Sect: 4. art VII. so as to allow a prohibition or tax on the importation of slaves. 1. As five slaves are to be counted as 3 free men in the apportionment of Representatives; such a clause wd. leave an encouragement to this trafic. 2. Slaves weakened one part of the Union which the other parts were bound to protect: the privilege of importing them was therefore unreasonable. 3. It was inconsistent with the principles of the revolution and dishonorable to the American character to have such a feature in the Constitution.

**Mr. RUTLIDGE** [John Rutledge, SC]: Religion & humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is whether the Southn. States shall or shall not be parties to the Union. If the Northern States consult their interest, they will not oppose the increase of Slaves which will increase the commodities of which they will become the carriers.

**Mr. ELSEWORTH** [Oliver Ellsworth, CT] was for leaving the clause as it stands. let every State import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves. What enriches a part enriches the whole, and the States are the best judges of their particular interest. The old confederation had not meddled with this point, and he did not see any greater necessity for bringing it within the policy of the new one.

**Mr. PINKNEY** [Charles Pinckney, SC]. South Carolina can never receive the plan if it prohibits the slave trade. ... If the States be all left at liberty on this subject, S. Carolina may perhaps by degrees do of herself what is wished, as Virginia & Maryland have already done.

August 22:

**Col. MASON** [George Mason, VA]. Maryland & Virginia he said had already prohibited the importation of slaves expressly. N. Carolina had done the same in substance. All this would be in vain if S. Carolina & Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands, and will fill that Country with slaves if they can be got thro' S. Carolina & Georgia. ... Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next world they must be in this. By an inevitable chain of causes & effects providence punishes national sins, by national calamities. He lamented that some of our Eastern brethren had from a lust of gain embarked in this nefarious traffic. ... He held it essential in every point of view that the Genl. Govt. should have power to prevent the increase of slavery.

**Mr. ELSWORTH.** As he had never owned a slave could not judge of the effects of slavery on character: He said however that if it was to be considered in a moral light we ought to go farther and free those already in the Country. -As slaves also multiply so fast in Virginia & & Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go no farther than is urged, we shall be unjust towards S. Carolina & Georgia. Let us not intermeddle. As population increases poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our Country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts.

**Mr. PINKNEY.** If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece Rome & other antient States; the sanction given by France England, Holland & other modern States. In all ages one half of mankind have been slaves. If the S. States were let alone they will probably of themselves stop importations. He wd. himself as a Citizen of S. Carolina vote for it. An attempt to take away the right as proposed will produce serious objections to the Constitution which he wished to see adopted.

**General PINKNEY** [Charles Cotesworth Pinckney, SC] declared it to be his firm opinion that if himself & all his colleagues were to sign the Constitution & use their personal influence, it would be of no avail towards obtaining the assent of their Constituents. S. Carolina & Georgia cannot do without slaves. As to Virginia she will gain by stopping the importations. Her slaves will rise in value, & she has more than she wants. It would be unequal to require S. C. & Georgia to confederate on such unequal terms. ... He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; The more consumption also, and the more of this, the more of revenue for the common treasury.

**Mr. KING** [Rufus King, MA] thought the subject should be considered in a political light only. If two States will not agree to the Constitution as stated on one side, he could affirm with equal belief on the other, that great & equal opposition would be experienced from the other States.

**Mr. LANGDON** [John Langdon, NH] was strenuous for giving the power to the Genl. Govt. He cd. not with a good conscience leave it with the States who could then go on with the traffic.

**Mr. RUTLIDGE.** If the Convention thinks that N. C. S. C. & Georgia will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest.

## **Slavery Handout I. Historical outcome: Representation in Congress**

The [June 11](#) motion to count each slave as three-fifths of a free person passed, nine states to two. On [July 12](#) and [13](#), South Carolina delegates tried unsuccessfully to revisit this compromise and count slaves fully for purposes of representation, but their efforts failed. On [July 16](#), when the “Great Compromise” provided for proportional representation in the House and equal representation in the Senate, the three-fifths clause was incorporated into the calculations of proportional representation in the House.

## **Slavery Handout J. Historical outcome: Importation of Slaves**

On [August 22](#), unable to settle the matter of slave importation, the Convention referred it to a committee. Two days later that committee suggested that Congress could not prohibit slave importation before 1800, but after that it could. Delegates from the Deep South were able to push back the ban on prohibition to 1808. In addition, the Convention stipulated that the import duty levied on slaves could not exceed \$10 per person, and that fugitive slaves who escaped into any state were to be returned to their masters. In return for these concessions, southern delegates relinquished one of their prior demands. Because there were eight northern states and only five southern states, southern delegates worried that Congress, dominated by the North, could pass navigation laws that favored northern merchants over southern planters. To protect their interests, they wanted to require a super-majority for navigation laws. Delegates from South Carolina and Georgia agreed to give up the super-majority requirement in return for an extension on slave importation, a cap on taxation, and a fugitive slave clause. The deal also met the approval of northern delegates representing the interests of merchants, but delegates from the Upper South were furious—they had wanted both a super-majority requirement for navigation laws and a ban on slave importation but got neither. When Virginians George Mason and Edmund Randolph refused to sign the final draft, they listed the absence of a super-majority requirement as one of their main grievances.

Gouverneur Morris's condemnation of slavery, and his idea that the government should purchase all slaves in order to free them, had no effect on the proceedings. Like other delegates, Morris continued to work out the details of a Constitution that not only permitted slavery, but also offered slave states special dispensations. Delegates believed that in order to preserve the union, they had to turn a blind eye to the evils of the "nefarious institution" of slavery. An outright attack on slavery in the new plan would doom its possibilities for adoption, certainly in South Carolina and Georgia, and probably in North Carolina, Virginia, and Maryland. This would lead to two confederacies, not one "United States," delegates feared. In this manner, the new nation was held hostage by an institution few of the framers, even those who owned slaves, actually condoned.

## **Slavery and the Constitution: Vocabulary List**

1. Addenda: something added or to be added, especially as a supplement to a law or other text.
2. Apportionment: the allocation of seats in a legislature or of taxes according to a plan.
3. Bequeathing: to leave personal property to a person or other beneficiary by a will.
4. Fugitive Slave: a runaway slave in the territory of the United States prior to the abolition of slavery.
5. Importation: The act or process of bringing goods or services into a country from abroad for sale.
6. Manumission (Manumit): the act of a slave owner freeing his or her slave(s).
7. Mulatto: term for a person of mixed white and black ancestry.
8. Quotas: A limited or fixed number or amount of people or things.
9. Will: A legal document by which a person expresses his or her wishes as to how his or her property is to be distributed at death.

## Slavery T-A. Homework answers for slavery and the framers

1. *How would you characterize the strength of the institution of slavery in the North in 1787?*

RESPONSE: It still existed in many states but was on the decline.

2. *How would you characterize the strength of the institution of slavery in the South in 1787?*

RESPONSE: Very strong. It was the bulwark of the economy.

3. *How did Jefferson explain this difference?*

RESPONSE: In the South, “the whole system” depended on it.

4. *Why was abolition in the South not considered realistic?*

RESPONSE: People feared the economy would collapse. Small farms might survive, but plantations that depended on forced labor would not. Free labor would have to replace slavery, and people at the time doubted whether free whites would do the work that blacks were made to do. Society would have to be restructured, not an attractive alternative for those who lived well under the existing conditions.

5. *If you were a Southerner who owned slaves yet wanted to manumit them, what legal obstacles would you face?*

RESPONSE: You needed to insure that the slaves you freed were self-supporting. In Virginia, you needed approval from the state Assembly. In some cases, if you had offered a slave as collateral for a loan, you could not free that person.

6. *In addition to their forced labor, how did enslaved people contribute to the economic security of their masters?*

RESPONSE: If times were tough, masters could sell slaves. They could also use slaves as collateral to procure loans.

7. *Look for the delegates that represented your state in the lists of slave owners and slavery’s opponents, then summarize each one’s particular relationship with slavery.*

RESPONSES WILL VARY



## Slavery Handout T-B. Answers for “Classification of Arguments”

THESE ANSWERS ARE NOT ABSOLUTE. THE POINT OF THIS EXERCISE IS TO GET STUDENTS TO LOOK AT THE VARIOUS DIMENSIONS OF ARGUMENTATION. DISCUSSION OF STUDENTS’ CLASSIFICATION WOULD BE HELPFUL.

### August 21:

**Mr. L. MARTIN** [Luther Martin, MD] proposed to vary the Sect: 4. art VII. so as to allow a prohibition or tax on the importation of slaves. **MORALITY:** 1. As five slaves are to be counted as 3 free men in the apportionment of Representatives; such a clause wd. leave an encouragement to this trafic. **POLITICAL PRACTICALITY:** 2. Slaves weakened one part of the Union which the other parts were bound to protect: the privilege of importing them was therefore unreasonable. **MORALITY:** 3. It was inconsistent with the principles of the revolution and dishonorable to the American character to have such a feature in the Constitution.

[NOTE THAT MARTIN’S FIRST ARGUMENT IS PROBLEMATIC. I CLASSIFY IT AS BASED ON MORALITY SINCE HE GOES ON TO CONDEMN THE “TRAFIC” THAT WOULD BE THE LIKELY OUTCOME.]

**Mr. RUTLIDGE** [John Rutledge, SC]: **INTEREST:** Religion & humanity had nothing to do with this question. Interest alone is the governing principle with nations. **POLITICAL PRACTICALITY:** The true question at present is whether the Southn. States shall or shall not be parties to the Union. **INTEREST:** If the Northern States consult their interest, they will not oppose the increase of Slaves which will increase the commodities of which they will become the carriers.

**Mr. ELSEWORTH** [Oliver Ellsworth, CT] was for leaving the clause as it stands. **POLITICAL PRACTICALITY:** let every State import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves. What enriches a part enriches the whole, and the States are the best judges of their particular interest. The old confederation had not meddled with this point, and he did not see any greater necessity for bringing it within the policy of the new one.

**Mr. PINKNEY** [Charles Pinckney, SC]. **POLITICAL PRACTICALITY AND INTEREST:** South Carolina can never receive the plan if it prohibits the slave trade. ... **PPRACTICAL AND MORAL:** If the States be all left at liberty on this subject, S. Carolina may perhaps by degrees do of herself what is wished, as Virginia & Maryland have already done.

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**Col. MASON** [George Mason, VA]. **POLITICAL PRACTICALITY:** Maryland & Virginia he said had already prohibited the importation of slaves expressly. N. Carolina had done the same in substance. All this would be in vain if S. Carolina & Georgia be at

liberty to import. The Western people are already calling out for slaves for their new lands, and will fill that Country with slaves if they can be got thro' S. Carolina & Georgia. ...**MORALITY:** Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next world they must be in this. By an inevitable chain of causes & effects providence punishes national sins, by national calamities. He lamented that some of our Eastern brethren had from a lust of gain embarked in this nefarious traffic. ... He held it essential in every point of view that the Genl. Govt. should have power to prevent the increase of slavery.

**Mr. ELSWORTH.** As he had never owned a slave could not judge of the effects of slavery on character: **MORALITY:** He said however that if it was to be considered in a moral light we ought to go farther and free those already in the Country. **POLITICAL PRACTICALITY /INTEREST:** -As slaves also multiply so fast in Virginia & Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go no farther than is urged, we shall be unjust towards S. Carolina & Georgia. Let us not intermeddle. As population increases poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our Country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts.

**Mr. PINKNEY. MORALITY:** If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece Rome & other antient States; the sanction given by France England, Holland & other modern States. In all ages one half of mankind have been slaves. If the S. States were let alone they will probably of themselves stop importations. He wd. himself as a Citizen of S. Carolina vote for it. **POLITICAL PRACTICALITY:** An attempt to take away the right as proposed will produce serious objections to the Constitution which he wished to see adopted.

**General PINKNEY** [Charles Cotesworth Pinckney, SC] **POLITICAL PRACTICALITY:** declared it to be his firm opinion that if himself & all his colleagues were to sign the Constitution & use their personal influence, it would be of no avail towards obtaining the assent of their Constituents. S. Carolina & Georgia cannot do without slaves. **INTEREST:** As to Virginia she will gain by stopping the importations. Her slaves will rise in value, & she has more than she wants. It would be unequal to require S. C. & Georgia to confederate on such unequal terms. ... He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; The more consumption also, and the more of this, the more of revenue for the common treasury.

**Mr. KING** [Rufus King, MA] **POLITICAL PRACTICALITY:** thought the subject should be considered in a political light only. If two States will not agree to the Constitution as stated on one side, he could affirm with equal belief on the other, that great & equal opposition would be experienced from the other States.

**Mr. LANGDON** [John Langdon, NH] **MORALITY:** was strenuous for giving the power to the Genl. Govt. He cd. not with a good conscience leave it with the States who could then go on with the traffic.

**Mr. RUTLIDGE. POLITICAL PRACTICALITY / INTEREST:** If the Convention thinks that N. C. S. C. & Georgia will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest.

## Slavery T-C. Who's who in the South Carolina delegation

South Carolina's delegates to the Convention—John Rutledge, Pierce Butler, Charles Pinckney, and Charles Cotesworth Pinckney—came from the upper crust of their state's slave-owning, planter elite. How do we distinguish one from the other, particularly the Pinckneys? Madison called Charles Cotesworth "General," a commission he earned by defending Charleston from the British. The other Charles Pinckney was the son of General Pinckney's cousin (Colonel Charles Pinckney), making the two first cousins once removed. Had enough? We've only getting started. Charles the younger served multiple terms as the state's governor; he was preceded in office by Thomas Pinckney, the General's brother, and succeeded through history by seven of his own descendants. General Pinckney, sometimes called C. C. but often simply Charles (no matter that there was another Charles), ran as a Federalist for vice-president in 1800 and for president in 1804 and 1808, while brother Thomas was the Federalists' vice-presidential choice in 1796. Second cousin Charles, meanwhile, became disillusioned with the Federalists and campaigned against the General in 1800, possibly costing him the election. Got it? Good luck!

From Ray Raphael, *The Complete Idiot's Guide to the Founding Fathers and the Birth of Our Nation*, 144.

## **T-D. Infrastructure for the Constitutional Convention Simulation**

These eight lessons can be used individually or as a unit. In either case, here are basic rules of operation:

Assign each student to a state delegation that participated in the 1787 Federal Convention in Philadelphia. (Alternately, you could allow students to choose their states or have a lottery, but this will add an extra step.) Please note that delegates from Rhode Island did not attend.

The numbers in each state delegation will vary by class size. For classes with 24 or more students, there should be two or more in each delegation. (Add delegates in rough proportion to size of states. For instance, in a class of 25, Virginia will have three, the other states two each.) If fewer than 24, you can combine states of similar size and regional interests so each group has more than one delegate. Possible state combinations, in order of preference: DE and NJ (small and free), GA and NC (small/medium and slave), NH and CT (small and free), MA and NY (large/medium and free), VA and MD (large/medium and slave). To facilitate classroom management, students should sit with their fellow state delegates.

Breakout groups, called “**discussion and debate**” (**D &D**) **groups**, will be composed of several state delegations from *diverse* regions: lower South, upper South, mid-Atlantic, New England. These should be small enough to allow each student to participate—the size of each, and therefore the number of state delegations in each, will vary by class size and teacher preference. Again, to facilitate movement, state delegations in each D & D group will sit proximate to each other. For small classes, teachers might choose to conduct all deliberations with the full class—for historical authenticity, you can call this the “**committee of the whole.**”

Each time students meet in their D & D groups, they should be reminded that these are for deliberations only. The groups do not have to come to any agreement. Students will not yet be casting their votes.

Inform students that all votes will be by state delegations—one vote for each state delegation, just as it was at the Federal Convention of 1787. When students do meet with their delegation to determine its vote, they are not to discuss the issue at length—they’ve already done that in their D & D groups. They simply vote and report the state’s preference to the committee of the whole. If delegates of any state are evenly divided on an issue, they report “divided” as their state’s vote.

If you are teaching the full unit, you might want a secretary (it can be the teacher) to keep track of class decisions. You should also stress the importance of retaining all handouts. In extended activities, students will be asked to compare their personal choices, class decisions, and historical decisions of the actual Convention and project how alternate outcomes might have altered the course of history.

If the units are used in a unit, here is the suggested order:

- 1. Reform or Revolution?** (one-day and two-day options)
- 2. Composition of Congress** (one-day and two-day options)
- 3. Creating an Executive** (one-day and two-day options)
- 4. Should Judges Judge Laws?** (one-day lesson)
- 5. Fine Tuning the Balance of Powers** (one-day and two-day options)
- 6. Slavery at the Constitutional Convention** (two-day lesson)
- 7. Amendments and Ratification** (one-day and two-day options)
- 8. To Sign or Not To Sign**
  - Option A: The Historical Constitution** (one-day lesson)
  - Option B: The Student-Generated Constitution** (one-day lesson)

Throughout these lessons, students need to understand key features of the Articles of Confederation:

\*The United States under the Articles was a “confederacy” of sovereign states.

\*There was only one branch, Congress, where each state had one vote. There were no separate executive and judicial branches.

\*Congress was not a “government” as we view it today. It engaged only with states, not citizens. It passed no laws bearing directly on citizens and had no enforcement powers.

\*Congress had no powers of taxation. It raised money by requisitioning the states, but it lacked the authority to force states to pay.

\*Amendments required unanimous approval of the states.

These are highlighted in the first lesson and will be brought into play in the appropriate lessons.

**Premise for engagement:**

History is the chronicle of choices made by actors/agents/protagonists in specific contexts. Students understand choices – they make them all the time. These lessons

involve students by placing them in the shoes of historical people and asking: “What might you do in such instances?”

For these exercises to be historical (more than affirmations of individual whims), we need to provide context: what was the issue, the problem to be solved? What were the existing realities/constraints that limited possibilities? With those in mind, what were the available options? For each option, how did people view the possibilities for a desired outcome? What were the potential dangers? When studying battles, we see how generals evaluate troop strengths, positioning, logistics, morale, and so on. In fact, all historical actors do this—not just leading political figures, but ordinary people and collective bodies. In Revolutionary times, people often made decisions in groups, both indoors (town meetings, caucuses, conventions, congresses) and “out-of-doors,” as they said at the times, informal gatherings that protested authority or enforced popular will. The Federal Convention of 1787, known today as the Constitutional Convention, provides a perfect example of historical actors making consequential decisions in a group context. When coupled with a study of ratification of the Constitution, it shows the interrelation between political decisions made “in chambers,” as they said at the time, with politics “out-of-doors.”

**Basic structure for choice-centered lessons, including but not limited to these Constitutional Convention simulations:**

(Some lessons include two or even three of the cycles outlined here; others have only a single round. For complex simulations with multiple rounds, more than one class period might be appropriate, at teacher discretion.)

1. *Formulate the problem*, the issue at hand. Define the players: who will be making the choices, deciding which path to take? Provide *context*, including any *constraints* that would limit their actions, with documents when possible. Without context, we will be operating in our world, not theirs.
  
2. Outline and discuss the *available options*, including possible outcomes of each – that, after all, is what the participants had to do. This is sometimes done as a class, sometimes in breakout groups of two or more students. The size and composition of breakout groups is left to teacher discretion.
  - 2A. After breakout groups, in some lessons, the class will reconvene to share, compare, and evaluate what they came up with. When, historically, the decision was up to a body (a congress or convention), the class will always reconvene as that body—but if no group decision was involved, once students have discussed options in groups, they can continue to the next step.

3. Individuals or bodies make and reveal their choices.
4. Presentation of the *historical outcome*: the choice actually made by the player(s) – use documents when possible.
5. Discuss with full class the *consequences* that did in fact ensue from that choice, including *further* issues raised by the outcome. Sometimes those issues, in turn, provide the “catch” for a subsequent lesson.

To summarize: the opening for each lesson—the catch—is the crossroad, the choice to be made. Then, in turn, come the *context and constraints*, *discussion of options*, *decision making*, *presentation of historical outcomes*, and *analysis of those outcomes*, including where they might lead next. In these lessons, students actually *engage* in the historical process. **By exercising individual and group decision-making skills within political contexts, they prepare for civic life. When the time comes for them to make history, they will be well rehearsed in making reasoned choices.**



## T-E. Timeline for the Federal Convention of 1787

September 11-14, 1786: Twelve delegates from 5 states, meeting at Annapolis, call for a larger convention the following year.

February 21, 1787: Congress endorses the Annapolis Convention's call for a convention, slated to meet in Philadelphia on May 14.

May 14: Delegates from only Pennsylvania and Virginia are present in Philadelphia. This did not constitute a quorum according to the standards of the Continental Congress.

May 25: With 29 delegates from 9 states present, the Convention begins. George Washington is chosen to preside.

May 29: Rule of secrecy adopted. Edmund Randolph presents the Virginia Plan.

May 30: Delegates start debating the Virginia Plan. The Delaware delegation threatens "to retire from the Convention" if all states do not have an equal vote in Congress. Convention resolves: "A *national* government ought to be established consisting of a *supreme* legislative, executive & judiciary."

June 2: Convention stipulates that the executive "be chosen by the national legislature for the term of seven years." This is rescinded on July 19 but reaffirmed on July 26.

June 4: Convention decides on a single executive, 7 states to 3.

June 15: William Paterson introduces the New Jersey Plan, which proposes only to amend the Articles of Confederation and maintains Congress as a unicameral body, each state having one vote.

June 18: Hamilton proposes that the chief executive and senators serve for life, with the executive having absolute veto power over all legislation. He receives no support.

June 19: Virginia Plan, as amended, defeats New Jersey Plan, 7-3 with one divided.

July 12: Convention finalizes the compromise on representation in the House: each slave counts as three-fifths of a person. Vote: 6-2-2.

July 16: Convention finalizes the "Great Compromise": proportional representation in the House; equal representation of states in the Senate; all money bills originate in the House. Vote: 5-4-1.

July 23: Convention resolves to send its proposed plan to Congress, with a recommendation that it be sent to "assemblies chosen by the people" in each state for ratification. Vote: 9-1.

[July 24](#): Convention appoints a five-member committee “to report a Constitution conformable to the Resolutions passed by the Convention.” (Committee of Detail.)

July 27-August 5: Convention recesses. Committee of Detail prepares the first full draft of the Constitution.

[August 6](#): Committee of Detail submits its report, which enumerates the powers of each branch. Debate on this draft commences.

[August 21](#), [22](#), [23](#), and [24](#): Convention debates whether Congress can prohibit the importation of slaves.

[August 24](#): Popular election of the president is defeated a final time. Vote: 9-2.

[August 25](#): Convention decides there can be no ban on slave importation until 1808. Vote: 7-4.

[August 30](#): Convention decides that ratification by nine states will suffice to place the Constitution into effect. Vote: 8-3.

[August 31](#): Convention appoints an eleven-member committee (one from each state delegation) to consider “such parts of the Constitution as have been postponed, and such parts of Reports as have not been acted on.” (Committee on Remaining Matters.)

[September 4](#): Committee of Remaining Matters issues its report, reversing key provisions that had already been decided: special electors, not Congress choose the president; the president, not the Senate, has treaty-making and appointive powers; a newly created vice-president presides over the Senate.

[September 8](#): Convention approves the Committee of Remaining Matters report with only minor revisions. Convention appoints a five-member committee “to revise the style of and arrange the articles which had been agreed to by the House.” (Committee of Style.)

[September 12](#): Committee of Style submits its almost-final draft of the Constitution. George Mason and Elbridge Gerry propose “a Committee to prepare a Bill of Rights.” The motion fails, 0-10.

[September 15](#): The Convention approves the Constitution, with all states present voting in favor.

[September 17](#): 39 of the 42 members present sign the Constitution. Congress sends it to Congress.

September 28: Congress sends the Constitution to the state legislatures with instructions to call conventions to consider ratification, as stipulated by the Federal Convention.

